

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

August 24, 2016



Bayville Village Cleaners, Inc.
c/o Mr. Thomas C. Ryan
19 Todd Drive
Glen Head, NY 11545

Re: Site Name: Bayville Village Cleaners
Site No. V00220
Voluntary Cleanup Agreement Amendment No. 2
Changing the Contemplated Use

Dear Mr. Ryan:

This letter is forwarded to your attention to conform the Voluntary Cleanup Agreement ("VCA" or "Agreement") for the property located at 290 Bayville Avenue, Village of Bayville, Town of Oyster Bay, Nassau County, New York (the "Site"), Index No. W1-0848-9903 dated November 23, 1999 as modified on June 20, 2013 (Index No. W1-0848-13-04, to approved work under the Agreement.

Based on its review of the December 9, 2008 Site Investigation Report, the August 3, 2009 Site Investigation Report Addendum, the April 2011 Remedial Action Work Plan for the Site, and other relevant documents regarding the Site, the New York State Department of Environmental Conservation (the "Department" or "DEC") determined that the remedial actions performed on the Site will allow for a commercial use as defined in 6 NYCRR Section 375-1.8(g) at the Site.

In reliance upon, and in furtherance of the Agreement and discussions and/or communications regarding this matter between Department staff and Bayville Village Cleaners, Inc.'s (the "Volunteer") representative to date, the "Contemplated Use" described in the Specific Definitions Paragraph I.E.1 of the Agreement is modified to read as follows:

Contemplated Use: commercial use as defined in 6 NYCRR Section 375-1.8(g)(2)(iii), which allows for Industrial use as described in 6 NYCRR Part 375-1.8(g)(2)(iv).

This modification to the Agreement is made in accordance with and subject to all of the terms and conditions of the Agreement and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the Volunteer under the Agreement.

As such, the modification is hereby incorporated into and is enforceable pursuant to the subject Agreement. The correction is retroactive to the effective date of the Agreement.

Please have the Volunteer's duly authorized representative print, and counter-sign this letter Amendment to acknowledge acceptance of this Amendment. The original document with signature must be sent back to the Department at:

New York State Department of Environmental Conservation
Attention: Robert W. Schick, P.E. - Director
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the Amendment to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Please contact me if you have any questions in this regard. Thank you for your attention to this matter.

Sincerely,



Robert W. Schick, P.E.
Director
Division of Environmental Remediation

The following Volunteer, in signing this letter, hereby acknowledges and accepts the modification to the Agreement as set forth above.

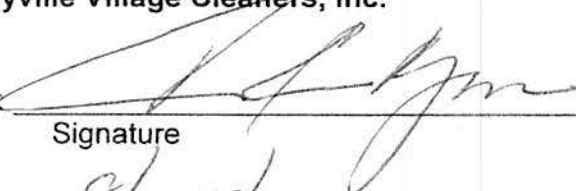
Bayville Village Cleaners, Inc.

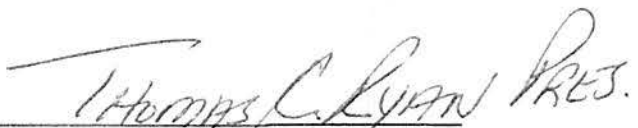
By

Signature

Name and Title (please print)

Date


8/25/16


THOMAS C. LYAN PRES.