

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov

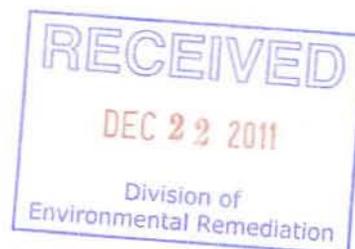
Sent Via Email Only



Joe Martens
Commissioner

December 20, 2011

Randolph S. Price (pricer@coned.com)
Vice President
Environment, Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place, 15th Floor NE
New York, NY 10003-3598



Re: Voluntary Cleanup Agreement
Site Name: Maspeth Substation Site
Site No.: V00326
Index No.: D2-0001-02-01
Modification

Dear Mr. Price:

The New York State Department of Environmental Conservation (the "Department") is in receipt of your letter dated December 8, 2011, including a revised "survey map and metes and bounds description" for a portion of the property located at 55-77 Rust Street, Maspeth, Queens County, New York and identified on the Queens County Tax Map as Tax Lot 1, Block 2676 (the "Property"). Your letter was submitted on behalf of Consolidated Edison Company of New York, Inc. ("Con-Edison") requesting that the Department "amend the Site description to "include only those areas of the site where investigation and remediation has been conducted". This letter is forwarded to your attention as a modification to the fully executed Voluntary Cleanup Agreement, Index No.: D2-0001-02-01, dated May 17, 2002 (the "Agreement") in order to modify the description of the remedial site and replace Exhibit "A" of the Agreement, a map showing the general location of the remedial site, with the above mentioned "survey map and metes and bounds description dated June 23, 2011 ("survey map").

The Agreement referred to the remedial site as "that parcel of real property located at 57-77 Rust Street in the Maspeth section of the Borough and County of Queens in the City and State of New York, and designated as Tax Lot 1 in Block 2676 in the Tax Map of the City of New York, Queens County." The remedial investigation and remedial action performed pursuant to the Agreement is now complete and the survey map submitted to the Department delineates the portion of the Property that should be subject to the Agreement (the "Site"). Based on the survey map the Site is approximately 0.2480 acres in size and is a portion of the Property. In response to your request dated December 8, 2011 and in furtherance of discussions regarding this matter between the Department's staff and Con Edison's representatives to date, Subparagraph I(C) of the Agreement is modified to read as follows:

"Site": a portion of real property comprising the outdoor stone gravel open area of the parcel of real property located at 55-77 Rust Street in the Maspeth section of the Borough and County of Queens in the City and State of New York, and designated as Tax Lot 1 in Block 2676 on the Tax



Map of the City of New York, Queens County, which outdoor area is more particularly described in the survey map and metes and bounds survey map dated June 23, 2011 attached to this Agreement as Exhibit "A" of the Agreement showing its general location.

This Modification 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 Respondent to 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 authorized representative counter-sign this letter to acknowledge acceptance of the modifications, and send the original back to my attention, and a copy back to the Project Attorney, Alali Tamuno at the following addresses:

New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
Albany, New York 12233-7011
Attention: Division Director

New York State Department of Environmental Conservation
Office of General Counsel
100 Hillside Avenue, Suite 1W
White Plains, New York 10603-2860
Attention: Alali Tamuno

Please keep a copy of this letter as proof of the Agreement Modification. The counter-signed letter will be appended to the Agreement to reflect the modifications.

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 assistance in this matter.

Sincerely,



Dale A. Desnoyers, Director
Division of Environmental Remediation

The Respondent, Consolidated Edison Company of New York, Inc., in signing this letter, hereby acknowledges and accepts the Modification to the Agreement as set forth above.

Randolph Price 12/20/11
Randolph Price Date

ec: Michael Caruso
Robert Cozzy
Jane O'Connell
Alali Tamuno
Yuk Yin Wong
Barry Cohen - ConEdison, (cohenba@coned.com)
Carolyn Jaffe, Esq. - ConEdison, (jaffec@coned.com)

Exhibit "A"
Map of the Site



Consolidated Edison Company
of New York, Inc.
31-01 20th Avenue
Long Island City NY 11105-2048
www.conEd.com

December 21, 2011

New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, New York 12233-7011
Attention: Division Director

**Re: Modification of Voluntary Cleanup Agreement (Index No. D2-0001-02-01)
for the Maspeth Substation Site (No. V00326-2)**

Dear Sir Madam:

In response to Dale Desnoyers' December 20, 2011 letter to Con Edison's. Randolph S. Price indicating the Department's approval of Con Edison's December 8, 2011 request for modification of the above-referenced Voluntary Cleanup Agreement, I have enclosed a copy of Mr. Desnoyers' letter with Mr. Price's signature acknowledging and accepting such modification.

If you have any questions or need any additional information, please contact me at 718-204-4252, cohenba@coned.com or at the above address.

Sincerely yours,

Barry Cohen, Section Manager
Remediation Programs
Environment, Health & Safety

Cc: Alali Tamuno, Esq.