NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM AND NAVIGATION LAW

In the Matter of the Implementation of Investigation Programs and, if necessary, Remediation Programs for Certain Former Manufactured Gas Plant and Gas Holder Station Locations by:

Amendment to Order on Consent and Administrative Settlement

Consolidated Edison Company of New York, Inc.,

Index No. CO 0-20180516-519

Respondent

Multiple Sites

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1. Consolidated Edison Company of New York, Inc., ("Respondent") consented to the issuance of Order on Consent and Administrative Settlement Index No. CO 0-20180516-519 (the "Order"), which was signed by a representative of the New York State Department of Environmental Conservation ("Department") on July 13, 2018.

2. The Order was entered into for the purpose of ensuring the completion of Respondent's investigation and remediation, as necessary, of MGP-Site Contamination at the sites or portions of sites identified in Exhibit "A" of the Order. The sites that are included in the Order were previously being addressed under the Department's Voluntary Cleanup Program under Voluntary Cleanup Agreement Index No. D2-0003-02-08 ("VCA"). The Voluntary Cleanup Program ended statewide in 2018.

3. The Department and Respondent desire to amend the Order to provide a mechanism for the sites identified in the Order, all of which were previously included in the VCA, to transition into the Brownfield Cleanup Program to encourage the coordinated remediation of MGP and non-MGP-Site Contamination at such sites and to promote redevelopment.

4. Respondent consents to the issuance of this Amendment without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, agreement, regulation, permit, order (including without limitation the Order), requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from any site; and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from any site constitutes a significant threat to the public health or environment.

5. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Amendment,

and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Amendment, and agrees not to contest the validity of this Amendment or its terms or the validity of data submitted to the Department by Respondent pursuant to this Amendment.

6. All capitalized terms in this Amendment shall have the same meaning as defined in the Order, unless specified otherwise in this Amendment.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT**:

I. The Order shall be amended as indicated herein on the date this Amendment is signed by the Commissioner of the Department of Environmental Conservation or his designee.

II. Transition of Sites to the Brownfield Cleanup Program

A new paragraph X will be added to the Order entitled "Transition of Sites to the Brownfield Cleanup Program" which will include the following language:

X. Transition of Sites to the Brownfield Cleanup Program

1. Respondent may, at any time, propose to transition a Site or a portion thereof (hereafter, the "Property") into the Brownfield Cleanup Program ("BCP") for the purpose of facilitating the implementation and completion of remedial investigations or actions at one or more discrete areas. The Department shall accept such a proposal upon a finding that:

A. The Property was previously in the Voluntary Cleanup Program and is not classified as a Class 2 site on the New York State Registry of Inactive Hazardous Waste Disposal Sites;
B. Respondent is not currently engaged in remedial design or remedial action for the Property to fulfill the requirements of a Record of Decision or Decision Document; and
C. The implementation of the remedial program through the BCP will further the effectiveness of the remedial program, will result in a coordinated remediation that will address both MGP Site contamination and non-MGP-Site Contamination that may exist on the Property (if applicable), will ensure the protection of the public health and the environment, and will encourage the redevelopment and reuse of the Property.

Notwithstanding the foregoing, with respect to Item B, the Department and Respondent may consider and agree that transition of a Property into the BCP may be appropriate based on the specific facts and circumstances (including, without limitation, that the transition into the BCP would further the goals of Item C).

2. Upon the approval of the transition of a Property to the BCP pursuant to paragraph X.1., the Property will be reclassified (if the Property constitutes the entire Site) or excluded from the Site boundary (if it constitutes a portion of the Site) and deferred by the Department to "inactive

status" under this Order, and for the time frame that the Property is participating in the BCP. The effective date of the reclassification to "inactive status" shall be the date that the Brownfield Cleanup Agreement ("BCA") for the Property is fully executed. While the Property is in "inactive status", Respondent shall have no active obligations relative to the Property under the Order. Respondent shall remain obligated to complete the remedial program for any MGP contamination emanating from a Property that is "off-site" of the Property and for other portions of the Site that Respondent has not proposed to transition to the BCP.

3. Upon completion of the remediation at a Property, the BCP applicant(s) will be issued a Certificate of Completion ("COC") under the BCP. Respondent will not be issued a COC or a release and covenant not to sue for a Property under this Order, unless and until the remedial program for the entire Site subject to this Order and associated with the Property is completed to the satisfaction of the Department, including any necessary remediation of off-site MGP contamination.

4. The Department's reclassification of a Property to "inactive status" under this Order is without prejudice to the Department or Respondent. The parties have reserved their respective rights under this Order to have the Property reclassified to "active status" under the Order, to the extent that the Property is withdrawn from the BCP, if the Department terminates the BCA for cause, or if a COC issued to the Property pursuant to the BCP is rescinded. The reclassification of the Property to "active status" will reinstate Respondent's obligation to complete the remedial program for the Property's MGP contamination under this Order. The Department shall notify Respondent in the event the Property is withdrawn or terminated from the BCP, or if a COC issued for the Property pursuant to the BCP is revoked.

III. All other provisions of the Order remain unchanged, in full force and effect and shall be binding on Respondent.

DATED: August 19, 2021

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

Consolidated Edison Company of New York, Inc.

By: Venetia Lannon

Title: Vice President

Date: 7.29.21

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 29 day of July in the year 2021, before me, the undersigned, personally appeared Venetia Lannon *(full name)* personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Eleni Haloulakos
Notary Public, State of New York

ELENI HALOULAKOS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6062866
Qualified in Nassau County
Commission Expires Aug 20, 2021