

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

-----  
In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. C130178-08-14**

**1101 Prospect Avenue**

DEC Site No: C130178

Located at: 1101 Prospect Avenue, Westbury, Nassau County, NY 11590

Hereinafter referred to as "Site"

by:

Oerlikon Metco (US) Inc.

1101 Prospect Avenue, Westbury, NY 11590-0201

Hereinafter referred to as "Applicant"

-----

**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:**

I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

II. Miscellaneous

A. Except for the modifications set forth herein, the original Agreement shall remain in full force and effect and the terms thereof and the obligations therein are

incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

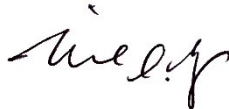
D. This Amendment may be signed in counterparts.

DATED:

September 4, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



---

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



SECRETARY'S CERTIFICATE  
OERLIKON METCO (US) INC.

A Delaware corporation

I, Robert S. Green, a qualified and duly appointed Corporate Secretary of Oerlikon Metco (US) Inc., a Delaware corporation, DO HEREBY CERTIFY that:

1. I am familiar with the facts herein certified and duly authorized to certify the same.
2. Mr. Michael J. Tobin is President of Oerlikon Metco (US) Inc. and attest that he has the authority to enter Oerlikon Metco (US) Inc. into the Brownfield Cleanup Agreement, Generation 3.

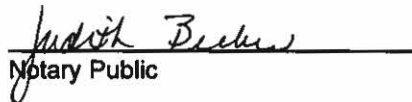
IN WITNESS WHEREOF, I have signed this certificate the 3 day of September 2020.



ROBERT S. GREEN  
Corporate Secretary

State of New York     )  
  ) ss.:  
County of Nassau     )

On the 3rd day of September in the year 2020 before me, the undersigned, personally appeared Robert S. Green, 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 executed the same in his capacity, and that by his signature on the instrument, the individual executed the instrument.



Notary Public

(seal)

