

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a Remedial Program for  
**Flushing Industrial Park (Western), Parcel 2,**  
College Point Avenue and 40<sup>th</sup> Road, Queens,  
under Article 27, Title 14 of the Environmental  
Conservation Law by Volunteer,  
**C.E. Flushing, LLC.**

AMENDED  
BROWNFIELD SITE  
CLEANUP AGREEMENT

Index No.: W2-1028-04-10  
Site No.: C241078

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**WHEREAS**, C.E. Flushing, LLC, with offices located at 118-35 Queens Boulevard, Forest Hills, New York, 11375, is currently participating in the Brownfield Cleanup Program relative to 13.48 acres of real property located at NW Corner of College Point Avenue and 40th Road, Flushing, Queens County, 11354, at latitude 40.7574E and longitude -73.8337E, and designated Tax Block 5066, Lots 1, 79, and 91 (the "Property"); and

**WHEREAS**, the Property will be developed as four parcels, as designated on the attached Exhibit "A-1" as Parcels "1", "2", "3", and "4"; and

**WHEREAS**, there is a separate Brownfield Cleanup Agreement ("BCA" or "Agreement") for each of the four parcels of the Property, with this BCA being applicable to Parcel 2 of the Property (Index No. W2-1028-04-10) (the "Site"); and

**WHEREAS**, a certified application was submitted to the Department in February 2005 to add the following parties as additional Volunteers to this BCA, specifically: C.E. Flushing Parking, LLC and C.E. Flushing Commercial West, LLC (the "Additional Applicants"), and such application having been made available for public review and comment; and

**WHEREAS**, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon consideration of the application to add the Additional Applicants, that such Additional Applicants are eligible to participate in the BCP as a Volunteers as defined in ECL 27-1405(1)(b),

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

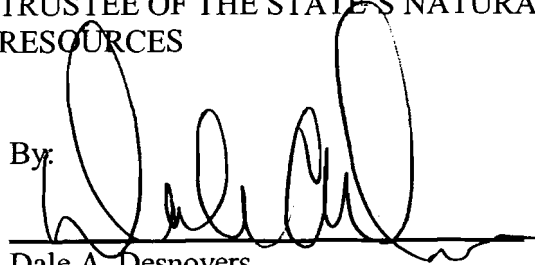
1. C.E. Flushing Parking, LLC and C.E. Flushing Commercial West, LLC are added as Volunteers to the BCA.
2. The Agreement and the Amendment to the Agreement shall constitute the entire Agreement between the parties with all the terms and conditions of the Agreement, except as provided herein, remaining in full force and effect.

3. The effective date of the Amended Brownfield Site Cleanup Agreement shall be the date it is executed by the Commissioner or the Commissioner's designee.

DATED: JUN 14 2005

DENISE M. SHEEHAN, ACTING COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION AND  
TRUSTEE OF THE STATE'S NATURAL  
RESOURCES

By:

A handwritten signature in black ink, appearing to read 'Dale A. Desnoyers', written over a horizontal line.

Dale A. Desnoyers

Director

Division of Environmental Remediation

CONSENT BY VOLUNTEER

Volunteer, **C.E. Flushing, LLC**, hereby consents to the issuing and entering of this Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

**C.E. Flushing, LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF *Queens*        )

On the 2 day of June, in the year 2005, before me, the undersigned, personally appeared Josua J. Munoz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*Diana Niemes*  
Signature and Office of individual  
taking acknowledgment

DIANA NIEMES  
Notary Public, State of New York  
No. 01NI6125278  
Qualified In Queens County  
Commission Expires April 11, 2009

CONSENT BY VOLUNTEER

Volunteer, **C.E. Flushing Parking, LLC**, hereby consents to the issuing and entering of this Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

**C.E. Flushing Parking, LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF Queens ) ss.:  
)

On the 2nd day of June, in the year 2005, before me, the undersigned, personally appeared Joshua J. Munn, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Diana Niemes  
Signature and Office of individual taking acknowledgment

DIANA NIEMES  
Notary Public, State of New York  
No. 01NI6125276  
Qualified in Queens County  
Commission Expires April 11, 2009

CONSENT BY VOLUNTEER

Volunteer, **C.E. Flushing Commercial West, LLC**, hereby consents to the issuing and entering of this Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

**C.E. Flushing Commercial West, LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF Queens        )

On the 2<sup>nd</sup> day of June, in the year 2005, before me, the undersigned, personally appeared Joshua L. Muss, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Diana Niemes  
Signature and Office of individual  
taking acknowledgment

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