

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. C734134-06-28**

Oil City/Carousel Center Site 6

DEC Site No.: C734134
Located at: 401 Hiawatha Blvd. West
Onondaga County
Syracuse, NY 13204

Hereinafter referred to as "Site"

by:

Destiny USA Land Company, LLC

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 entered into settlement discussions regarding the above-referenced Site, have agreed on the appropriate statutory and regulatory status of the Site and now seek to amend the existing BCP agreement for the Site.

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

I. Tax Credit Status

The Site will be subject to Generation 1 of the BCP for tax credit purposes, that is, it will be treated as if the Site was accepted into the program prior to June 2008.

II. Deadline for receipt of Certificate of Completion (COC)

The Site will be subject to the Generation 2 deadline in the BCP, that is, the Applicant will need to perform and complete all required investigation and remediation of the site and receive a COC by December 31, 2019.

III. Miscellaneous

A. Except for the modifications set forth herein, the July 18, 2011 Agreement,

as amended December 23, 2011, 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 July 2011 Agreement, as Amended December 23, 2011, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

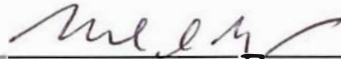
B. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

APR 19 2018

DATED:

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

