

New York State Department of Environmental Conservation

Division of Environmental Remediation

625 Broadway, 12th Floor, Albany, New York 12233-7011

Phone: (518) 402-9706 FAX: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner



April 5, 2013

25 MPR, LLC
445 Broadhollow Road
Suite 430
Melville, NY 11747

BP Moby Holdings, LLC
% Phillips International Holding Corp.
295 Madison Avenue, 2nd Floor
New York, NY 10017

Re: VCA Amendment
25 Melville Park Road (Site)
Site No.: V00128
VCA Index # W1-0778-96-11
Property County: Suffolk
Amendment #1

Dear Volunteer:

This letter is forwarded to your attention in response to the December 3, 2012 letter request submitted to amend the Voluntary Cleanup Agreement ("VCA" or "Agreement"). The letter requested that the above-referenced VCA be amended to add an additional party, namely: BP Moby Holdings, LLC, with an address % Phillips International Holding Corp., 295 Madison Avenue, 2nd Floor, New York, NY 10017.

The above request is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. This Amendment is made in accordance with and subject to the VCA 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 parties to the Agreement.

Please have the authorized representative(s) counter sign this letter to acknowledge acceptance of this Amendment, and send the original back to the Department at:

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

Please keep a copy of the countersigned letter as proof of the VCA Amendment.

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,



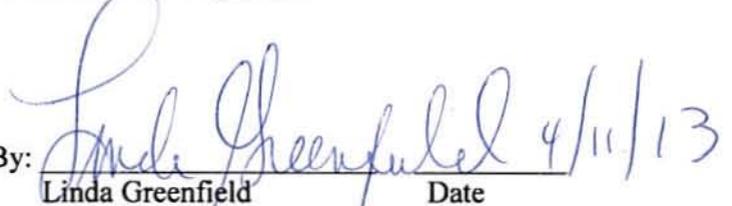
Robert W. Schick, P.E.
Acting Director
Division of Environmental Remediation

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendment to the VCA as set forth above.

25 MPR, LLC
By: 25 MPR Management, LLC

By: _____
Lawrence A. Levine Date
Title: Managing Member

BP Moby Holdings, LLC

By:  4/11/13
Linda Greenfield Date
Title: Secretary

- ec: Ben Conlon
- Michael Caruso
- Rosalie K. Rusinko
- Jim Harrington
- John Swartwout
- Brian Jankauskas
- Laura Zeppetelli
- Elissa Armater
- Kelly Lewandowski
- Giuseppe Franzella (franzella@larypc.com)
- Scott E. Furman (Furman@thsh.com)
- Stephen Weissman (Stephen.Weissman@rivkin.com)

BP MOBY HOLDINGS LLC
295 Madison Avenue
New York, New York 10017

April 3, 2013

VIA ELECTRONIC MAIL

Rosalie Rusinko, Esq.
Senior Attorney
NYSDEC
Office of General Counsel
100 Hillside Avenue
Suite 1W
White Plains, New York 10603
rkrusink@gw.dec.state.ny.us

Re: In the Matter of the Implementation of a Remedial Response Program for the 25 Melville Park Road Site (the "Site") by WHCS Melville, L.L.C.
Index No.: W1-0778-96-11

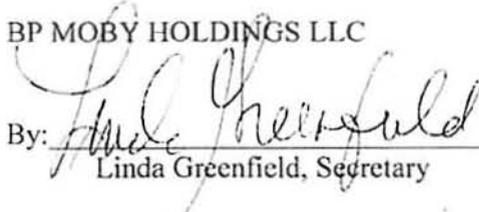
Dear Ms. Rusinko:

As per your discussion with Giuseppe Franzella, Esq., counsel for BP Moby Holdings LLC ("BP Moby"), BP Moby hereby states that neither it nor its officers, directors or members, have had or continue to have any affiliation, involvement or dealings with either New York Twist Drill Corporation or DRICO Corporation with respect to the Site or otherwise.

Additionally, as per your request, enclosed please find a corporate resolution authorizing the undersigned as a signatory on behalf of BP Moby.

Very truly yours,

BP MOBY HOLDINGS LLC

By: 
Linda Greenfield, Secretary

Enclosure

CERTIFICATE OF LIMITED LIABILITY COMPANY RESOLUTIONS

I, the undersigned managing member of Melville Opportunity LLC, a limited liability company organized and existing under the laws of the State of Delaware (the "**Managing Member**"), the managing member of BP Moby Holdings LLC, a limited liability company organized and existing under the laws of the State of Missouri (the "**Company**"), on behalf of the Company, **DO HEREBY CERTIFY** that, the Managing Member of the Company adopts the following resolutions and that the said resolutions have been entered within the records of the Company, are in accordance with its Operating Agreement and are now in full force and effect, to-wit:

RESOLVED, that the following individuals shall have full power and authority to act on behalf of the Company, including, but not limited to, the power and authority to execute any and all documents or instruments in such capacity or capacities, for all purposes authorized under the Operating Agreement of the Company, as listed below next to such individual's name:

Philip Pilevsky	President
Sheila Chess	Vice President
Michael Pilevsky	Vice President
Seth Pilevsky	Vice President
Diana Marrone	Assistant Vice President
Linda Greenfield	Secretary

RESOLVED, that any and all actions taken by any of the above listed individuals on behalf of the Company are hereby ratified and approved.

RESOLVED, that Chris Dunn is appointed a Vice President of the Company, provided, however, that his power and authority to act on behalf of the Company shall be limited solely to the execution of one or more affidavits, filings or similar papers approved by Managing Member for execution in connection with a foreclosure action filed on June 21, 2012 bearing Index Number 12-18947. For the avoidance of doubt, absent specific authorization of the Managing Member, Chris Dunn shall have no authority to bind the Company.

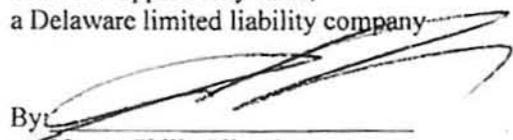
RESOLVED, that the foregoing Resolutions supersede any and all prior resolutions appointing signatories of, or on behalf of, the Company.

I FURTHER CERTIFY that the foregoing resolutions are fully in accord with and pursuant to the Operating Agreement of the Company.

[remainder of page intentionally left blank; signature page follows]

IN WITNESS WHEREOF, this certificate has been executed by and on behalf of the Managing Member as of this 28th day of June, 2012.

Melville Opportunity LLC,
a Delaware limited liability company

By: 

Name: Philip Pilevsky

Title: Managing Member

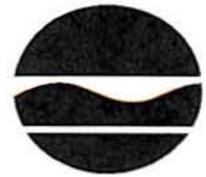
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Joe Martens
Commissioner

April 5, 2013

25 MPR, LLC
445 Broadhollow Road
Suite 430
Melville, NY 11747

BP Moby Holdings, LLC
% Phillips International Holding Corp.
295 Madison Avenue, 2nd Floor
New York, NY 10017



Re: VCA Amendment
25 Melville Park Road (Site)
Site No.: V00128
VCA Index # W1-0778-96-11
Property County: Suffolk
Amendment #1

Dear Volunteer:

This letter is forwarded to your attention in response to the December 3, 2012 letter request submitted to amend the Voluntary Cleanup Agreement ("VCA" or "Agreement"). The letter requested that the above-referenced VCA be amended to add an additional party, namely: BP Moby Holdings, LLC, with an address % Phillips International Holding Corp., 295 Madison Avenue, 2nd Floor, New York, NY 10017.

The above request is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. This Amendment is made in accordance with and subject to the VCA 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 parties to the Agreement.

Please have the authorized representative(s) counter sign this letter to acknowledge acceptance of this Amendment, and send the original back to the Department at:

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

Please keep a copy of the countersigned letter as proof of the VCA Amendment.

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.

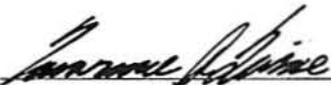
Sincerely,



Robert W. Schick, P.E.
Acting Director
Division of Environmental Remediation

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendment to the VCA as set forth above.

25 MPR, LLC
By: 25 MPR Management, LLC

By: 
Lawrence A. Levine
Title: Managing Member
Date: 5/23/13

BP Moby Holdings, LLC

By: _____
Linda Greenfield
Title: Secretary
Date: _____

- ec: Ben Conlon
- Michael Caruso
- Rosalie K. Rusinko
- Jim Harrington
- John Swartwout
- Brian Jankauskas
- Laura Zeppetelli
- Elissa Armater
- Kelly Lewandowski
- Giuseppe Franzella (franzella@larypc.com)
- Scott E. Furman (Furman@thsh.com)
- Stephen Weissman (Stephen.Weissman@rivkin.com)

STEPHEN WEISSMAN
PARTNER
(516) 357-3105
stephen.weissman@rivkin.com



May 28, 2013

VIA FEDERAL EXPRESS

Robert W. Schick, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7011

Re: VCA Amendment 25 Melville Park Road (Site)
Site No.: V00128
VCA Index # W1-0778-96-11
Property County: Suffolk
Amendment #1
RR File No.: 700763/ 7

Dear Mr. Schick:

We enclose a copy of the letter you sent to 25 MPR, LLC and BP Moby Holdings, LLC on April 5, 2013 originally signed by 25 MPR, LLC.

Very truly yours,

RIVKIN RADLER LLP



Stephen B. Weissman

SBW/cb
Encl.

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