

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of Remedial Programs for
Former Manufactured Gas Plants and
Gas Holder Locations under
Article 27, Title 13 of the
Environmental Conservation Law
by

Consolidated Edison Company of New York, Inc.

Volunteer.

**MODIFICATION
TO
VOLUNTARY
CLEANUP
AGREEMENT**

Index # D2-0003-02-08

Additional Site

WHEREAS:

1. The New York State Department of Environmental Conservation (“Department”) is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law (“ECL”) and Part 375 of Title 6 of the Official Compilation of Codes Rules and Regulations (“6 NYCRR”) with authority to enter into agreements consistent with the authority granted to the Commissioner.

2. The Department is responsible for carrying out the policy of the State of New York to conserve, improve and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 3, Title 3 of the ECL.

3. Consolidated Edison Company of New York, Inc. (“Volunteer” or Con Edison”) is subject to a Voluntary Cleanup Agreement that was effective August 25, 2002, DEC Index No. D2-0003-02-08, as modified on August 26, 2005 (together, the “August 25, 2002 Agreement”) pertaining to former manufactured gas plant (“MGP”) sites and holder sites (collectively, the “Sites”) at which coal tar and associated hazardous substances (“MGP wastes”) were, or may have been, disposed at various times in the past by Volunteer or its predecessors or affiliates.

4. On August 15, 2007, Con Edison filed a request with the Commissioner to modify the August 25, 2002 Agreement to include the former Hastings on Hudson Gas Works (“Site”). Along with the request, Con Edison filed a *Draft Manufactured Gas Plant History Report* (March 5, 2007) prepared by GEI Consultants, Inc. with regard to the Site.

5. The Department and the Volunteer now desire a modification pursuant to Paragraph XIV.H of the August 25, 2002 Agreement. The purpose of this modification to the August 25, 2002 Agreement (“Modification”) is to add the following Site to Exhibit “A” and Appendix “A” of the August 25, 2002 Agreement at which, *inter alia*, MGP Wastes were or may have been disposed at various times in the past: former Hastings on Hudson Gas Works located at the northeastern corner of the intersection of Washington Avenue and Ridge Street in the Village of Hastings on Hudson, Town of Greenburgh, Westchester County, NY. This Site is not listed on the *Registry of Inactive Hazardous Waste Disposal Sites in New York* (“Registry”) as a Class 2 site; and

6. The Department and Volunteer recognize that the Site listed in Paragraph 5 above has the potential to release MGP Wastes. The Department and Volunteer recognize that implementation of this Modification will expedite the investigation and, if necessary, remediation, of the Site. The Department and Volunteer further agree that addition of this Site to the August 25, 2002 Agreement will avoid potentially prolonged and complicated litigation, and that this modification is mutually acceptable, fair, reasonable, and in the public interest.

7. Volunteer hereby waives any right to a hearing as may be provided for by law with respect to this matter, consents to the issuance of this Modification to the August 25, 2002 Order, and agrees to be bound by the terms, provisions and conditions contained herein.

NOW, THEREFORE, having considered this matter and being duly advised,

IT IS ORDERED THAT:

ARTICLE I. Exhibit “A” of the August 25, 2002 Agreement is hereby and henceforth revised to add the former Hastings on Hudson Gas Works. Details for this Site are attached hereto as Addendum to Exhibit “A”. A map of the Site is attached hereto as Addendum to Appendix “A”.

ARTICLE II. Volunteer shall submit to the Department a Records Search Report for the Site listed in Article I above in accordance with Exhibit “B” attached hereto within thirty (30) Days after the effective date of this Modification.

The Records Search Report can be limited if the Department notifies Volunteer that prior submissions satisfy specific items required for the Records Search Report. Such Records Search Reports shall be submitted in a format acceptable to the Department.

ARTICLE III. The first Work Plan for the Site listed in Article I above shall be a Site Characterization Work Plan to be submitted to the Department within sixty (60) days of the effective date of this Modification.

ARTICLE IV. Except for the Modification set forth herein, the August 25, 2002 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 applicable provisions of this Modification. The terms of the August 25, 2002 Agreement, including all appendices and modifications, are not otherwise modified or expanded in any way.

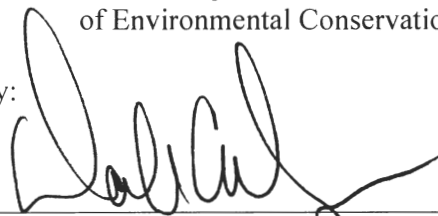
ARTICLE V. The terms hereof shall constitute this complete and entire Modification of the August 25, 2002 Agreement. No other term, condition, understanding or agreement purporting to modify the terms of the August 25, 2002 Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the August 25, 2002 Agreement.

ARTICLE VI. The effective date of this Modification to the August 25, 2002 Agreement Order shall be the date signed by the Commissioner or his designee.

DATED: SEP 10 2007

ALEXANDER B. GRANNIS,
COMMISSIONER
New York State Department
of Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

CONSENT BY VOLUNTEER

Consolidated Edison Company of New York, Inc. hereby consents to the issuing and entering of this Order on Consent and Administrative Settlement, waives its right to a hearing herein as provided by law, and agrees to be bound by this Modification.

**CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.**

By: Randolph Price

Title: Vice President, EH&S

Date: August 30, 2007

STATE OF NEW YORK)
) s.s.:
COUNTY OF NEW YORK)

On the 30th day of AUGUST, in the year 2007, before me, the undersigned, personally appeared RANDOLPH S. PRICE, 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.

Audrey Lilloo Fraser
Signature and Office of individual
taking acknowledgment

AUDREY LILLOO FRASER
Notary Public, State of New York
No. 41-4993984
Qualified in Queens County
Commission Expires March 30, 2010

ADDENDUM TO EXHIBIT "A"

Site Description and Contemplated Use

ADDENDUM TO EXHIBIT "A"

List of Sites and Contemplated Uses

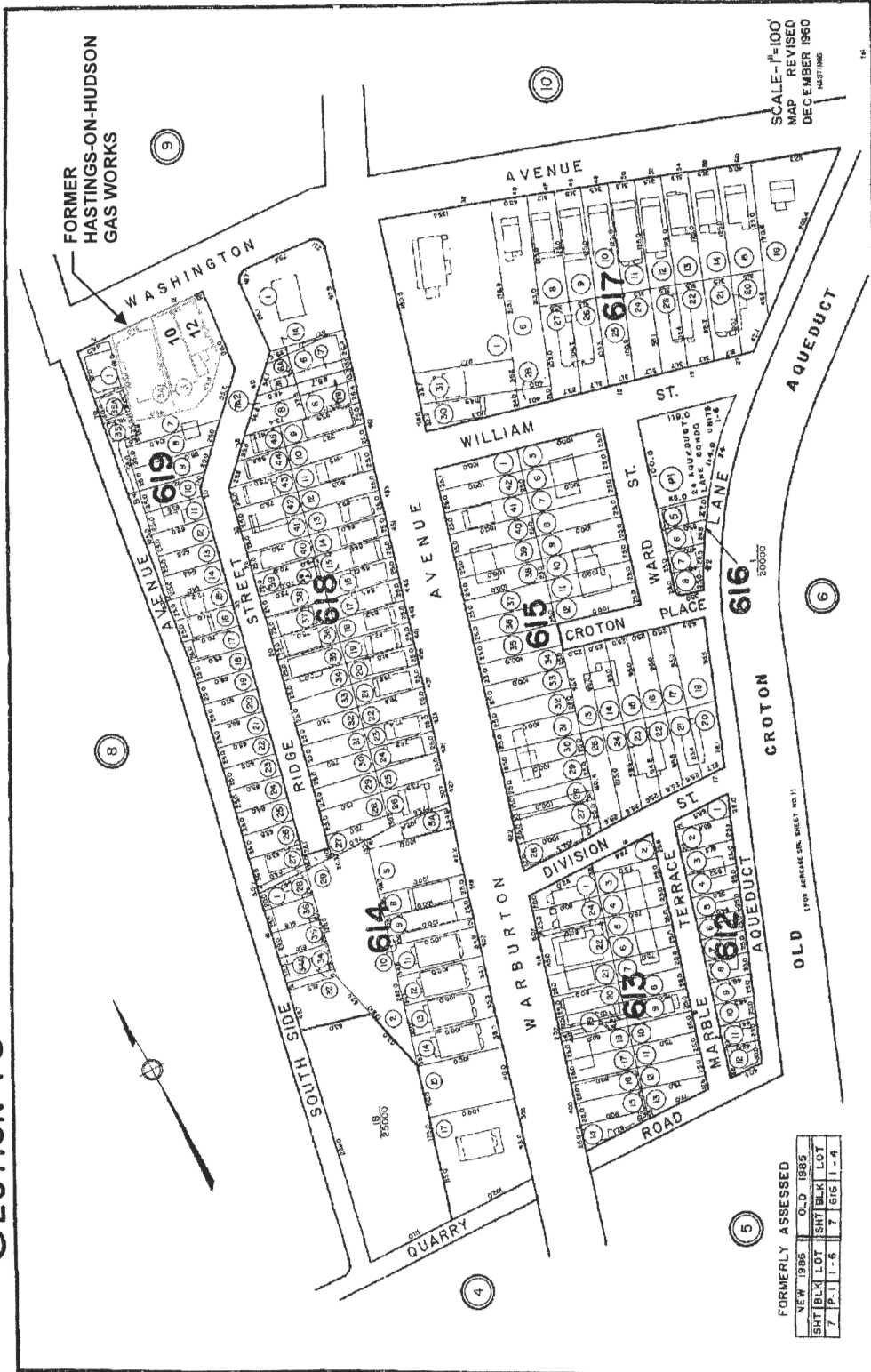
Site Name	Municipality	Street Address	Tax Map Block/ Lot Number	Current and Contemplated Use	Owner of Record	Owner's Address
Hastings on Hudson Gas Works	Hastings on Hudson	6-8 Washington Avenue	Section 3 Block 619/Lot 3A	Residential Apartment Building	14 Bayley Associates, LLC	1250 Central Park Avenue Yonkers, NY
		10 Washington Avenue	Section 3 Block 619/Lot 3	Commercial	John A. Wazeter	12 Washington Avenue Hastings on Hudson, NY
		12 Washington Avenue	Section 3 Block 619/Lot 3	Commercial/ Residential	John A. Wazeter	12 Washington Avenue Hastings on Hudson, NY

ADDENDUM TO APPENDIX "A"

Maps of the Former Hastings on Hudson MGP Works Site

SECTION 10

7



FORMERLY ASSESSED	
NEW 1985	OLD 1985
SAT BLK LOT	SAT BLK LOT
7 P. 1 1-6	7 616 1-4

DRAFT

REFERENCE: Town of Greenburgh Tax Assessor's Map.

HASTINGS-ON-HUDSON
FORMER MGP SITE
NEW YORK

CONSOLIDATED EDISON CO. OF NEW YORK, INC.



Project 070250-1000

CURRENT SITE
LAYOUT

March 2007

Figure 2

**INSURANCE MAP OF
HASTINGS ON HUDSON N.Y.
NOVEMBER 1889**

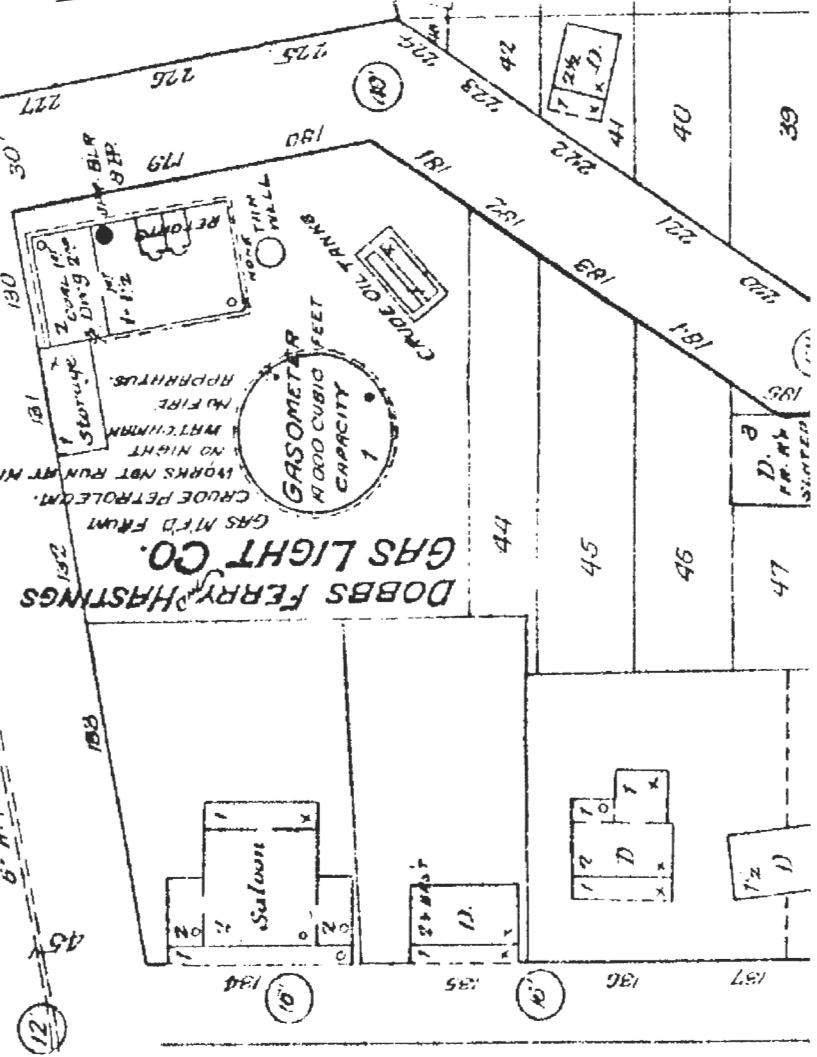
SURVEYED, PUBLISHED AND COPYRIGHTED 1889, BY
J. E. CHAFFORD, ROOM 2, P.O. BUILDING, YORKERS, N.Y.
SCALE 50 FEET TO AN INCH.

SHEET

WASHINGTON

**DOBBS FERRY, HASTINGS
GAS LIGHT CO.**

**GASOMETER
10,000 CUBIC
FEET
CAPACITY**



MANY HOUSE

DRAFT

HASTINGS-ON-HUDSON
FORMER MGP SITE
NEW YORK



1889 INSURANCE MAP

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Project 070250-1000

March 2007

Figure 7

EXHIBIT "B"

RECORDS SEARCH REPORT

1. Detail all environmental data and information within Volunteer's or Volunteer's agents' or consultants' possession or control regarding environmental conditions at or emanating from the Site.

2. A comprehensive list of all existing relevant reports with titles, authors, and subject matter, as well as a description of the results of all previous investigations of the Site and of areas immediately surrounding the Site which are or might be affected by contamination at the Site, including all available topographic and property surveys, engineering studies, and aerial photographs.

3. A concise summary of information held by Volunteer and Volunteer's attorneys and consultants with respect to:

(I) a history and description of the Site, including the nature of operations;

(ii) the types, quantities, physical state, locations, methods, and dates of disposal or release of hazardous waste at or emanating from the Site;

(iii) a description of current Site security (i.e. fencing, posting, etc.); and

(iv) the names and addresses of all persons responsible for disposal of hazardous waste, including the dates of such disposal and any proof linking each such person responsible with the hazardous wastes identified.