



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

SEP 30 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Cardozo
Corporation Counsel
The City of New York
100 Church Street
New York, New York 10007

Seth Pinskey
President
The New York City Economic Development Corporation
110 William Street, Floor 6
New York, New York 10038

Re: In the Matter of The City of New York and The New York City Economic
Development Corporation, Docket No. TSCA-02-2009-9204

Dear Messrs. Cardozo and Pinskey:

Enclosed is the Complaint and Notice of Opportunity For Hearing, and supporting documents in the above-referenced proceeding. This Complaint alleges violations of the Toxic Substances Control (TSCA) and regulations promulgated pursuant to TSCA set forth at 40 C.F.R. Part 761.

You have the right to a formal hearing to contest any of the allegations in the Complaint and/or to contest the penalty proposed in the Complaint.

If you wish to contest the allegations or the penalty proposed in the Complaint, you must file an Answer within **thirty (30)** days of your receipt of the enclosed Complaint to the Environmental Protection Agency's ("EPA") Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint and have not obtained a formal extension for filing an Answer from the Regional Judicial Officer, a default order may be entered against you and the entire proposed penalty may be assessed without further proceedings.

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2009 OCT 14 AM 8:22
REGIONAL HEARING
CLERK


Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss any issue relating to the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement and to have an informal conference with EPA. However, a request for an informal conference **does not** substitute for a written Answer, affect what you may choose to say in an Answer, or extend the thirty (30) days by which you must file an Answer requesting a hearing.

Enclosed are copies of the "Consolidated Rules of Practice," which govern this proceeding. For your general information and use, I also enclose both an "Information Sheet for U.S. EPA Small Business Resources" and a "Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings," which may or may not apply to you.

EPA encourages the use of Supplemental Environmental Projects, where appropriate, as part of any settlement. I am enclosing a brochure on "EPA's Supplemental Environmental Projects Policy." Please note that these are only available as part of a negotiated settlement and are not available if this case has to be resolved by a formal adjudication.

If you have any questions or wish to schedule an informal settlement conference, please contact the attorney whose name is listed in the Complaint.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Karen Maples, Regional Hearing Clerk (w/o enclosures)

**U.S. Environmental Protection Agency
Region 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 OCT 14 AM 8:22
REGIONAL HEARING
CLERK

----- x
:
In the Matter of :
:
The City of New York : COMPLAINT AND NOTICE OF
and : OPPORTUNITY FOR HEARING
The New York City Economic Development Corporation, :
: Docket No. TSCA-02-2009-9204
Respondents. :
:
Proceeding under Section 16(a) of :
the Toxic Substances Control Act. :
----- x

COMPLAINT

Complainant, as and for her Complaint against Respondents, hereby alleges upon information and belief:

1. This is a civil administrative action instituted pursuant to Section 16(a), 15 U.S.C. § 2615(a), of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2601 et seq.
2. The Complainant is the Director, Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency ("EPA"), Region 2, who has been duly delegated the authority to institute this action.
3. This Complaint serves notice of Complainant's preliminary determination that Respondents have violated the federal regulations concerning polychlorinated biphenyls ("PCBs") promulgated pursuant to the authority granted by Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761, and that Respondents have thereby violated Section 15 of TSCA, 15 U.S.C. § 2614.
4. Respondents are the City of New York ("City") and New York City Economic Development Corporation ("NYCEDC").
5. The City is a municipality existing under the laws of the State of New York.
6. NYCEDC's offices are located in or about 110 William Street, Floor 6, New York, New York 10038.
7. Each Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
8. NYCEDC operates, maintains, manages, and/or controls the facility in and around

the Arthur Kill Railroad Lift Bridge between Elizabeth, New Jersey and Staten Island, New York. (hereinafter the "facility").

9. From about 1994, NYCEDC has operated, maintained, managed, and/or controlled the facility.

10. From about 1994, the City has owned the facility.

11. Respondents have owned, used and maintained, or stored for reuse or disposal "PCBs" and "PCB Items", as those terms are defined at 40 C.F.R. § 761.3, at Respondents' facility.

12. Respondents are subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

13. There is one PCB Transformer located in the upper level of the West Tower Mechanical Room at Respondents' facility

14. The PCB Transformer described in paragraph 13, above, is a Westinghouse 500 KVA, 60 cycle transformer containing 309 gallons of dielectric fluid.

15. In February 2007, NYCEDC provided its consultant with laboratory analytical data indicating that the oil within the transformer described in paragraphs 13 and 14 above, contained PCBs at a concentration of 36,000 milligrams per kilogram ("mg/kg").

16. A plate is attached to the PCB Transformer described in paragraphs 13-15, above, that identifies it as an "Inerteen" transformer.

17. Transformers containing the oil Inerteen are known to be trade name PCB transformers.

18. The transformer described in paragraphs 13-17, above, is a trade name PCB transformer.

19. On or about February 2007, NYCEDC, discovered that the transformer, described in paragraphs 13-18, above, was leaking from the following three areas:

- a. The rear gauge cluster cover on the east side of the transformer,
- b. The vacuum inducer valve located on the cooling tubes on the west side of the transformer, and
- c. The bushing between the transformer and the 480V cabinet.

20. PCB oil dripped from the containment structure underneath the leaking transformer onto the electrical equipment and concrete surfaces located below such structure.

21. On or about March 2007, a second sample of the transformer oil was tested and the analytical findings indicated a PCB concentration of 26,000 mg/kg.
22. On or about March 2007, two wipe samples of PCB oil-stained areas were tested and determined to have PCB concentrations of 4,100 micrograms per 100cm² ("µg/100cm²") and 2,600 µg/100cm².
23. The PCB Transformer described in paragraphs 13 through 19, above was registered with EPA on May 25, 2007.
24. NYCEDC submitted on July 10, 2008, a Self-Implementing Cleanup Plan (the "SIP") to EPA, Region 2.
25. The SIP specifically addressed the historic releases from the PCB Transformer.

COUNT 1

Unauthorized Use of PCB Transformer

26. Paragraphs 1 through 25, above, are incorporated and realleged, as if fully set forth herein.
27. Pursuant to 40 C.F.R. § 761.30(a)(1)(vi)(D), a transformer owner must comply with all requirements of subsection (a)(1)(vi)(A) to continue the PCB Transformer's authorization for use.
28. Pursuant to 40 C.F.R. § 761.30(a)(1)(vi)(A), no later than December 28, 1998, all owners of PCB Transformers must register any of their transformer(s) with the EPA and further must provide EPA with the information specified in 40 C.F.R. § 761.30(a)(1)(vi)(B).
29. During the years 1994-2008, Respondents were using or storing the PCB Transformer described in paragraphs 13-19 and 23, above, at the facility.
30. The transformer described in paragraphs 13-19 and 23, above, constitutes a "PCB Transformer", and consequently a "PCB Item," as those terms are defined at 40 C.F.R. § 761.3.
31. Respondents failed to register their PCB Transformer with EPA by December 28, 1998.
32. Respondents' continued use of their PCB Transformer after December 28, 1998 constitutes an unauthorized use of the PCB Transformer described in paragraphs 13-19 and 23, above, at their facility.

33. Respondents' unauthorized use of their PCB Transformer, as alleged in paragraph 32, above, constitutes a failure or refusal to comply with 40 C.F.R. § 761.30(a)(1)(vi)(D), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

COUNT 2

Disposal of PCBs

34. Paragraphs 1 through 25, above, are incorporated and realleged as if fully set forth herein

35. Pursuant to 40 C.F.R. § 761.60(a), it is required that PCB liquids over 50 parts per million, except liquids between 50 and 500 parts per million, be disposed of in an incinerator that complies with 40 C.F.R. § 761.70.

36. Pursuant to the regulations at 40 C.F.R. § 761.50(a)(4), spills and other uncontrolled discharges of PCBs at concentrations of 50 parts per million (ppm) or greater constitute the disposal of PCBs.

37. In 2007, Respondents' transformer located at the facility, described in paragraphs 13-19 and 23, above, was leaking PCB contaminated oil.

38. Respondents' transformer, described in paragraphs 13-19 and 23, above, contains PCB liquids in a concentration greater than 50 parts per million.

39. The transformer described in paragraphs 13-19 and 23, above, constitutes a "PCB Transformer" as that term is defined at 40 C.F.R. § 761.3.

40. The leak of PCBs from Respondents' PCB Transformer referenced in paragraphs 19-22 and 37, above, constitutes the disposal of liquid PCBs in a manner not authorized by 40 C.F.R. § 761.60(a).

41. Respondents' disposal of PCB liquids in a manner not authorized by 40 C.F.R. § 761.60(a), as alleged in paragraph 40 above, constitutes a failure or refusal to comply with 40 C.F.R. § 761.60(a), which is a violation of Section 15 (1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

PROPOSED CIVIL PENALTY

The proposed civil penalty has been determined in accordance with Section 16 of TSCA, 15 U.S.C. § 2615, which authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of TSCA and the regulations promulgated pursuant thereto. Pursuant to the Civil Monetary Penalty Inflation Adjustment Final Rule dated February 13, 2004, effective March 15, 2004 (69 Fed. Reg. 7121), a penalty of up to \$32,500 may be assessed per day for each violation

of TSCA occurring after that effective date.

For purposes of determining the amount of any penalty to be assessed, Section 16 of TSCA requires EPA to take into account the nature, circumstances, extent and gravity of the violations. Section 16 of TSCA also requires EPA to take into account the following with respect to the violator: ability to pay, effect of the penalty on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

To develop the proposed penalty in this Complaint, Complainant has taken into account the particular facts and circumstances of this case, to the extent known at this time, with specific reference to EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act," which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770), and EPA's April 9, 1990 "PCB Penalty Policy". Copies of these are available upon request. These policies provide rational, consistent and equitable calculation methodologies for applying the statutory penalty factors enumerated above to particular cases.

The Complainant proposes, subject to receipt and evaluation of further relevant information, that Respondents be assessed the following civil penalties for the violations alleged in the Complaint:

COUNT 1: Use of PCBs	
Circumstance Level - 2	
major use category	
Extent Category - significant	
between 220 and 1,100 gallons	
Multiple Violation	
Years Assessed: 2008, 2007, 2006, 2005, 2004	
Proposed Penalty Assessment for	
each violation: \$ 16,764	
Total Proposed Assessment for	
this Count: 5 violations x \$ 16,764:	\$ 83,820
COUNT 2: Disposal of PCBs	
Circumstance Level - 1	
major disposal category	
Extent Category - significant	
between 20 and 100 square feet porous surface	
Proposed Assessment for this Count:	\$ 21,922
Total:	\$105,742

In accordance with Agency policies regarding modifications to the relevant penalty policies, the total gravity-based penalty amount is rounded to the nearest unit of 100 dollars.

Total Proposed Penalty (rounded off per EPA policy): \$ 105,700

PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation have been set forth in 64 Fed. Reg. 40138 (July 23, 1999), entitled, "Consolidated Rules of Practice Governing the Administrative Assessments of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination, or Suspension of Permits", and are codified at 40 C.F.R. Part 22. A copy of these rules accompanies this "Complaint and Notice of Opportunity for Hearing" (hereinafter referred to as the "Complaint").

A. Answering The Complaint

Where Respondents intend to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondents are entitled to judgment as a matter of law, Respondents must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written answer to the Complaint, and such Answer must be filed within 30 days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Respondents shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a).

Respondents' Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondents have any knowledge. 40 C.F.R. § 22.15(b). Where Respondents lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondents dispute (and thus intends to place at issue in the proceeding) and (3) whether Respondents request a hearing. 40 C.F.R. § 22.15(b).

Respondents' failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of their defense may preclude Respondents, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity To Request A Hearing

If requested by Respondents in their Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondents do not

request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

If Respondents fail to request a hearing, such failure may operate to preclude Respondents from obtaining judicial review of an adverse EPA final order. See 15 U.S.C. § 2615(a)(3), which states, in part: “Any person who requested in accordance with paragraph (2)(A) [15 U.S.C. § 2615(a)(2)(A)] a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business”.

C. Failure To Answer

If Respondents fail in their Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondents fail to file a timely [i.e. in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)] Answer to the Complaint, Respondents may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondents constitute, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondents’ right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondents for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondents without further proceedings 30 days after the default order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such final order of default against Respondents, and to collect the assessed penalty amount, in federal court.

D. Exhaustion Of Administrative Remedies

Where Respondents fail to appeal an adverse initial decision to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondents waive their right to judicial review. 40 C.F.R. § 22.27(d).

In order to appeal an initial decision to the Agency’s Environmental Appeals Board [EAB; see 40 C.F.R. § 1.25(e)], Respondents must do so “within thirty (30) days after the initial decision is served”. 40 C.F.R. § 22.30(a). Pursuant to 40 C.F.R. § 22.7(c), where service is effected by mail, “5 days shall be added to the time allowed by these [rules] for the filing of a responsive document”. Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) [discussing when an initial decision becomes a final order] does not pertain to or extend the time

period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondents may comment on the charges made in this Complaint, and Respondents may also provide whatever additional information that they believe is relevant to the disposition of this matter, including: (1) actions Respondents have taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondents' ability to continue in business and/or (4) any other special facts or circumstances Respondents wish to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondents or any relevant information previously not known to Complainant, or to dismiss any or all of the charges if Respondents can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondents are referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondents may have regarding this Complaint should be directed to the EPA Assistant Regional Counsel listed below:

Jeannie M. Yu
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
(212) 637-3205

The parties may engage in settlement discussions irrespective of whether Respondents have requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondents requesting a formal hearing do not prevent them from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondents's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written consent agreement. 40 C.F.R. § 22.18(b)(2). In accepting the consent

agreement, Respondents waives their right to contest the allegations in the Complaint and waives their right to appeal the final order that is to accompany the consent agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a final order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondents entering into a settlement through the signing of such Consent Agreement and their complying with the terms and conditions set forth in the Consent Agreement terminate this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondents entering into a settlement do not extinguish, waive, satisfy or otherwise affect their obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondents may resolve this proceeding by paying the specific penalty proposed in the Complaint within 30 days after receipt of the Complaint, provided that Respondents file with the Regional Hearing Clerk, Region 2 (at the New York address noted above) a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this Complaint to the following addressee:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. A copy of the check or other instrument of payment should be provided to the EPA Assistant Regional Counsel identified on the previous page.

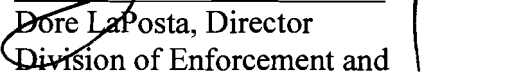
Alternatively, payment may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondents shall provide the following information to their remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"
- 6) Names of Respondents
- 7) Docket Number

A copy of the check or other instrument of payment shall be filed with the Regional Hearing Clerk, Region 2 (at the New York address noted above) and a copy provided to the EPA Assistant Regional Counsel identified previously.

Pursuant to 40 C.F.R. § 22.18(a)(3), upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a final order. Issuance of this final order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondents shall constitute a waiver of Respondents' right both to contest the allegations made in the Complaint and to appeal said final order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondents' obligation and responsibility to comply with all applicable regulations and requirements, and to maintain such compliance.

Dated: SEPTEMBER 30, 2009


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection Agency -
Region 2
290 Broadway
New York, NY 10007

TO: Michael Cardozo
Corporation Counsel
The City of New York
100 Church Street
New York, New York 10007

Seth Pinsky
President
The New York City Economic Development Corporation
110 William Street, Floor 6
New York, NY 10038

CERTIFICATE OF SERVICE

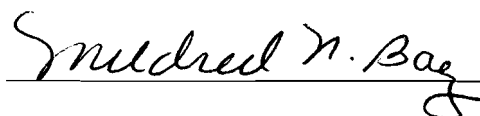
This is to certify that on this day set forth below, I caused to be mailed a true and correct copy of the foregoing "COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING," captioned *In the Matter of City of New York and The New York City Economic Development Corporation*, and bearing Docket Number TSCA-02-2009-9204 (hereinafter referred to as the "Complaint"), together with a copy of the "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION COMPLIANCE ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS," 40 C.F.R. Part 22, by certified mail, return receipt requested, to each of the addressees listed below. I also on said date hand carried the original and a copy of the Complaint to the Office of the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2.

Michael Cardozo
Corporation Counsel
The City of New York
100 Church Street
New York, New York 10007

and

Seth Pinskey
President
New York City Economic Development Corporation
110 William Street, Floor 6
New York, NY 10038

Dated: OCT 13 , 2009



New York, New York