LICENSE #2681A
1341

METROPOLITAN HEAT & POWER CO., INC.

Heating Engineers
Industrial & Domestic

October 10, 2005

New York City Fire Department
Bureau of Fire Prevention
9 Metrotech Center - 3rd Floor
Brooklyn, N.Y. 11201

RE: 27-10 Hunter Point Avenue, Long Island City NY

I hereby certify that I am an Oil-Burning Equipment Installer with License #2689A and Install Test Repair Buried Tanks License# 61830378.

I further certify that the fuel oil storage system at the above premises has been legally abandoned and the piping capped or sealed on 10/5/05.

1. All contents of the storage system have been removed by A.B.C. TANK REPAIR & LINING INC and the system rendered free of flammable or combustible vapors.

2. All waste was removed from the storage system and has been disposed of in accordance with the applicable city, state and federal requirements.

3. (1) 7500 gallon buried oil tank has been legally abandoned in place by filling with a slurry mix.

4. All connecting lines have been disconnected and sealed. All fill lines have been discontinued, the fill line connection has been sealed with concrete so as to prevent use of fill line and vent line has been left open.

I further certify that the storage system has been legally abandoned in compliance with the Administrative Code of the City of New York and section 21-02 of the NYC Fire Department Rules.

Henry W. Traktman

State of New York}
County of Kings :} ss:
Sworn to before me this 10th day of October 2005

Notary Public

ROBERT B. TRAKTMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 24-4506935
QUALIFIED IN KINGS COUNTY
MY COMMISSION EXPIRES MAR. 30, 20[illegible]

820 CONEY ISLAND AVENUE BROOKLYN, N.Y. 11218 TEL: (718) 941-7600 FAX: (718) 941-7606

FREUDENTHAL & ELKOWITZ CONSULTING GROUP, INC.

Theresa Elkowitz, President

368 Veterans Memorial Highway, Suite 3
Commack, New York 11725
Tel: (631) 499-2222
Fax: (631) 499-5928
fecg@fecg.us

November 9, 2005

VIA OVERNIGHT MAIL

Mr. Derek Chou
Black Bear Company, Inc.
2710 Hunters Point Avenue
Long Island City, New York 11101

Re: Affidavit of Underground Storage Tank Abandonment
27-10 Hunters Point Avenue
Long Island City, New York

Dear Mr. Chou:

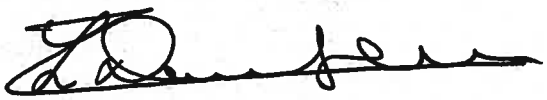
I am pleased to forward to you a copy of the tank abandonment affidavit prepared for the subject 7,500-gallon No. 2 fuel oil underground storage tank (the "subject UST") present at your facility. The original affidavit was forwarded to the New York City Fire Department (see Attachment A).

In addition, a Petroleum Bulk Storage Application form was completed to inform the New York State Department of Environmental Conservation of the permanent closure of the subject UST (see Attachment B).

This completes our abandonment services for the subject UST. Please do not hesitate to contact me with any questions or concerns. I look forward to working with you in the future.

Sincerely,

FREUDENTHAL & ELKOWITZ
CONSULTING GROUP, INC.



Luc Derrendinger, Ph.D.
Project Manager

LD/lm

Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Section A

(See enclosed instructions and please be sure to complete Sections A & B)

Please Type or Print Clearly and Complete All Items

Region 2 — NYSDEC - PBS Unit
One Hunters Pt Plaza, 1st Fl
47-40 21st Street
L.I. City, NY 11101-5407
(718) 482-6454

Expiration Date: 8/23/08

PBS Number
2-452335

DEC CBS Number: (If applicable)

DEC SPDES Number: (If applicable)

Transaction Type
(Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee

- [ ] 1) Initial/ New Facility
- [ ] 2) Change of Ownership
- [X] 3) Substantial Tank Modification
- [ ] 4) Information Correction
- [ ] 5) Renewal

FACILITY

Facility Name: Black Bear Company

Location (Not P.O. Boxes): 27-10 Hunters Point Boulevard

Location (cont.):

City: Long Island City | State: NY | Zip Code: 11101

County: Black Bear | Township or City: (718) 784-7330

Name of Operator at Facility: Black Bear | Facility Telephone Number: (718) 326-2465

Emergency Contact Name: Mr. Lenny Trubia | Emergency Telephone Number: (718) 326-2465

OWNER

Owner Name: Kinloch Company, Inc.

Address (Street and/or P.O.): 27-10 Hunters Point Boulevard

City: Long Island City | State: NY | Zip Code: 11101

Federal Tax ID Number: | Owner Telephone Number: (718) 784-7330

Type of Owner: (check only one)
1 [ ] Private Resident
2 [ ] State Government
3 [ ] Local Government
4 [ ] Federal Government
5 [X] Corporate/Commercial

TYPE OF PETROLEUM FACILITY (Check only one)

- [ ] 01=Storage Terminal/Petroleum Distributor
- [ ] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [X] 04=Manufacturing (Other than chemical)
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 14=Refinery
- [ ] 15=Railroad
- [ ] 16=Vessel/Barge
- [ ] 99=Other (Specify): _____

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: Luc Derrendinger | Amount Enclosed: $ -0-

Title: Project Manager

Signature: [signature] | Date: 10/14/05

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact puposes)

Attention: Mr. Derek Chou

Name of Company: Black Bear Company, Inc.

Address: 27-10 Hunters Point Boulevard

Address:

City/State/Zip Code: Long Island City, New York 11101

Telephone Number: (718) 784-7330

OFFICIAL USE ONLY

Page ____ of ____

Date Received __/__/__

Date Processed __/__/__

Amount Received $ _____

Reviewed by _____



A NAME AND A REPUTATION MEAN A LOT

TANKS A LOT®

Division of A.B.C. Tank Repair & Lining Inc.

280 EAST 88TH STREET, BROOKLYN, N.Y. 11236

(718) 387-8300 (718) 272-2800 (718) OIL TANK

JOB TICKET / SHIPPING PAPERS

№ 14693

TANK SIZE 7500

Date 5-6-05

Job Site 27-10 HUNTER'S POINT AVE

Boro: QUEENS

INCLUDE TRAVEL TIME

DRIVER: STEVE HELPER: FELIX TRUCK NO.

TIME STARTED TIME FINISHED

HELPERS

TIME STARTED TIME FINISHED

TOTAL TOLLS:

The service mentioned below.

1 ☐ DIG UP FUEL STORAGE TANK 2 ☐ CUT MANWAY

3 ☑ PUMP OUT AND SQUEEGEE CLEAN ..... GAL. FUEL STORAGE TANK BY A VACUUM METHOD.

4 ☐ NEW GASKET — RUBBER ☐ FELT ☐

5 ☐ NEW NUTS AND BOLTS

6 ☐ BACK FILL DIRT

7 ☐ PUMP OUT ..... GAL. TANK BY A STICK LINE METHOD

8 ☐ STEAM CLEAN SUCTION AND RETURN LINES

9 ☐ SPILL CLEAN-UP

10 ☐ OTHER WORK DONE TANK CLEAN FILLED PIPING 1500 GAL. TO PUTTEM ADDED

11 ☑ R.D. ☐ NO R.D. AMT. R.D. 1520 SLUDGE

12 ☑ IF PRODUCT IS DELIVERED TO ANOTHER BUILDING ADDRESS

ADDRESS

AMOUNT DELIVERED SUPT. SIGNATURE

ADDRESS

AMOUNT DELIVERED SUPT. SIGNATURE

Ship bill to

Attn.

Tel.

Job ok by

P.O. #

INCHES IN TANK BEFORE CLEANING 32 IN GALLONS 2625

INCHES IN TANK AFTER CLEANING GALLONS 0

FUEL OIL # 2 **NA 1993 FLAMMABLE LIQUID**

WATER ☑

OTHER 4 IN WATER 130

AMOUNT OF SLUDGE REMOVED 695 **GALS.**

GALS. OF GOOD OIL PUT BACK IN TANK 0 **GALS.**

DIAMETER OF TANK IN INCHES 54 IN.

DOES TANK HAVE LINING: YES ☑ NO ☐

IS THE TANK GAUGE WORKING: YES ☑ NO ☐

IS THE TANK GAUGE ACCURATE: YES ☑ NO ☐

The signature below should be signed only by the owner, super. engineer. of the building, or by the employee of the above mentioned Oil Company

This signature will indicate that the tank, or the work that has been done, has been inspected, (and manhole, if worked on) and properly secured, and been left in a complete safe condition

This ticket should only be signed if the work area is completely satisfactory and also, that the product is accurately accounted for

ON HOURLY RATES GIVEN TRAVELING TIME WILL BE INCLUDED.

RECEIVED AND READ BY X Jennifer Tracy

PHONE NO. OF PERSON ABOVE 718-767-7230

THE PERSON WHO SIGNS ABOVE HAS THE OPTION OF INSPECTING VACUUM TRUCK AND PRODUCT IN VACUUM TRUCK BEFORE IT LEAVES PREMISES.

TERMS: Net 10 days, maximum rate of interest allowable by law will be charged after this date In the event this order is not paid in accordance to the terms of sale, and collection action becomes necessary, this order is subject to an Additional 25% collection fee on the unpaid balance.

REMARKS OR MATERIAL USED

ALL WASTE PRODUCT WILL BE DELIVERED TO PROPER DISPOSAL SITE NAMED ON 364 PERMIT.



A NAME AND A REPUTATION MEAN A LOT

TANKS A LOT®

Division of A.B.C. Tank Repair & Lining Inc.
280 EAST 88TH STREET, BROOKLYN, N.Y. 11236
(718) 387-8300 (718) 272-2800 (718) OIL TANK

TANK SIZE 7500

Date 5-6-05

Job Site 27-10 HUNTERS POINT AVE

Boro: QUEENS

The service mentioned below.

1 ☐ DIG UP FUEL STORAGE TANK 2 ☐ CUT MANWAY

3 ☑ PUMP OUT AND SQUEEGEE CLEAN ..... GAL. FUEL STORAGE TANK BY A VACUUM METHOD.

4 ☐ NEW GASKET — RUBBER ☐ FELT ☐

5 ☐ NEW NUTS AND BOLTS

6 ☐ BACK FILL DIRT

7 ☐ PUMP OUT ..... GAL. TANK BY A STICK LINE METHOD

8 ☐ STEAM CLEAN SUCTION AND RETURN LINES

9 ☐ SPILL CLEAN-UP

10 ☐ OTHER WORK DONE TANK CLEAN REDEFUELING 1500 GAL. TO BOTTOM ADDRESS

11 ☑ R.D. ☐ NO R.D. AMT. R.D. 1800 SLUDGE

12 ☑ IF PRODUCT IS DELIVERED TO ANOTHER BUILDING ADDRESS

[illegible] 35-32 [illegible]

ADDRESS

1800 J

AMOUNT DELIVERED SUPT. SIGNATURE

ADDRESS

AMOUNT DELIVERED SUPT. SIGNATURE

Ship bill to

Attn.

Tel.

Job ok by

P.O. #

JOB TICKET / SHIPPING PAPERS

№ 14693

INCLUDE TRAVEL TIME

STEVE FLTD

DRIVER HELPER TRUCK NO.

TIME STARTED TIME FINISHED

HELPERS

TIME STARTED TIME FINISHED

TOTAL TOLLS:

32 IN

INCHES IN TANK BEFORE CLEANING 2625 GALLONS

INCHES IN TANK AFTER CLEANING 0 GALLONS

FUEL OIL # 2 **NA 1993 FLAMMABLE LIQUID**

WATER ☑

OTHER 4 IN WATER 130

AMOUNT OF SLUDGE REMOVED 695 **GALS.**

GALS. OF GOOD OIL PUT BACK IN TANK 0 **GALS.**

DIAMETER OF TANK IN INCHES 84 IN.

DOES TANK HAVE LINING: YES ☑ NO ☐

IS THE TANK GAUGE WORKING: YES ☑ NO ☐

IS THE TANK GAUGE ACCURATE: YES ☑ NO ☐

The signature below should be signed only by the owner, super, engineer of the building, or by the employee of the above mentioned Oil Company

This signature will indicate that the tank, or the work that has been done, has been inspected, (and manhole, if worked on) and properly secured, and been left in a complete safe condition

This ticket should only be signed if the work area is completely satisfactory and also, that the product is accurately accounted for

ON HOURLY RATES GIVEN TRAVELING TIME WILL BE INCLUDED.

RECEIVED AND READ BY X Jennifer Truba

PHONE NO. OF PERSON ABOVE 718-784-7330

THE PERSON WHO SIGNS ABOVE HAS THE OPTION OF INSPECTING VACUUM TRUCK AND PRODUCT IN VACUUM TRUCK BEFORE IT LEAVES PREMISES.

TERMS: Net 10 days, maximum rate of interest allowable by law will be charged after this date. In the event this order is not paid in accordance to the terms of sale, and collection action becomes necessary, this order is subject to an Additional 25% collection fee on the unpaid balance.

REMARKS OR MATERIAL USED

ALL WASTE PRODUCT WILL BE DELIVERED TO PROPER DISPOSAL SITE NAMED ON 364 PERMIT.

§374-2.1 - Definitions

(a) Definitions. Terms that are defined in Sections 370.2 and 371.1 of this Title, as incorporated by reference in subdivision 370.1(e) of this Title, have the same meanings when used in this Subpart, unless otherwise defined in this Subpart.-

(1) **"Aboveground used oil tank"** means a tank used to store or process used oil that is not an underground used oil tank.

(2) **"Adjacent towns or cities"** means towns and cities that share a common border with each other.

(3) **"Container"** means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(4) **"Contract"**means a promissory agreement between two or more persons to perform or not perform a particular act.

(5) **"Do-it-yourselfer used oil collection center"**, or **"DIY used oil collection center"**, means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

(6) **"Existing tank"**means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to January 14, 1995. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either: (1) a continuous on-site installation program has begun; or 2) the owner or operator has entered into contractual obligations - which cannot be canceled or modified without substantial loss - for installation of the tank to be completed within a reasonable time.

(7) **"Household do-it-yourselfer used oil"**, or **"DIY used oil"**, means oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal vehicles.

(8) **"Household do-it-yourselfer used oil generator"**, or **"DIY used oil generator"**means an individual who generates household do-it-yourselfer used oil.

(9) **"New tank"** means a tank that will be used to store or process used oil and for which installation has commenced after January 14, 1995.

(10) **"On-premises oil changing operation"** means any commercial operation that drains or collects used lubricating oil and replaces it with new or re-refined lubricating oil.

(11) **"Petroleum refining facility"** means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

(12) **"Processing"** means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

(13) **"Re-refining distillation bottoms"** means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

(14) **"Retail"** means the sale of lubricating oil to consumers in containers of five gallons or less for direct use by the consumer and not offered for resale.

(15) **"Retail establishment"** means every vendor that sells lubricating oil at retail in quantities in excess of 1,000 gallons per year.

(16) **"Service establishment"** means any automobile service station, including gas only outlets, or any other retail outlet and

boat marina, selling at least 500 gallons of lubricating oil annually and having an on-premises oil changing operation.

(17) **"Tank"** means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

(18) **"Total halogens"** means the total of organic and inorganic halides (fluorine, F; chlorine, Cl; bromine, Br; iodine, I), expressed as chloride present in a used oil, in parts per million (ppm) by weight.

(19) **"Underground used oil tank"** means any one or combination of tanks (including any piping connected thereto) that is used to contain an accumulation of used oil, and is entirely covered by earth or other material. This term does not include any storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

(20) **"Used oil"** means any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use, is contaminated by physical or chemical impurities.

(21) **"Used oil aggregation point"** means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

(22) **"Used oil burner"** means a facility where used oil not meeting the specification requirements in paragraph 374-2.2(b)(1) of this Subpart is burned for energy recovery in devices identified in subdivision 374-2.7(b) of this Subpart.

(23) **"Used oil collection center"** means any site or facility that is recognized by this department pursuant to paragraph 374-2.4(b)(2) of this Title, to manage used oil, and

accepts/aggregates and stores used oil collected from used oil generators regulated under section 374-2.3 of this Title, who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of subdivision 374-2.3(e) of this Title. Used oil collection centers may also accept used oil from household do-it-yourselfers.

(24) **"Used oil fuel marketer"** means any person who conducts either of the following activities:

(i) directs a shipment of off-specification used oil from their facility to a used oil burner; or

(ii) first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in paragraph 374-2.2(b)(1) of this Subpart.

(25) **"Used oil generator"** means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

(26) **"Used oil processor/re-refiner"** means a facility that processes or re-refines used oil.

(27) **"Used oil tank system"** means any one or combination of aboveground or underground used oil tanks, including any piping connected thereto, and other associated fixtures or equipment.

(28) **"Used oil transfer facility"** means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to subparagraph 374-2.3(a)(2)(ii) of this Subpart. Transfer facilities that store used oil for more than 35 days are subject to regulation under section 374-2.6 of this Subpart. A used oil transfer facility is also subject to regulation under Subpart 360-14 of this Title, unless exempt pursuant to the terms of subdivision 360-14.1(b) of this Title.

(29) **"Used oil transporter"** means any person who transports

used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

§374-2.2 - Applicability

(a) Applicability. This subdivision identifies those materials which are subject to regulation as used oil under this Subpart and Subpart 360-14 of this Title. This subdivision also identifies some materials that are not subject to regulation as used oil under this Subpart, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 370 through 374-1, 374-3, and 376 of this Title.

The storage in tanks of materials which are not subject to regulation as hazardous waste and which are identified in this section as petroleum product, used oil fuels, or as fuels or lubricants derived, re-refined, or re-processed from used oil, may be subject to the requirements and standards of Parts 612, 613, and 614 of this Title.

In addition to the requirements of this Subpart, used oil generators, collection centers, DIY collection centers, aggregation points, transporters, transfer, storage, re-refining or processing facilities, burners and marketers must meet all applicable requirements of Parts 201, 225, 364, and Subparts 360-1 and 360-14 of this Title that are broader in scope or more stringent than the requirements of this Subpart.

(1)) Used oil. The department presumes that used oil is to be recycled or burned for energy recovery unless a used oil handler disposes of used oil, or sends used oil for disposal.

Except as provided in subdivision 374-2.2(b) of this section, the regulations of this Subpart apply to used oil and to materials identified in this subdivision as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in section 371.3 of this Title.

(2) Mixtures of used oil and hazardous waste.

(i) Listed hazardous waste.

('a') Mixtures of hazardous waste, listed in section 371.4 of this Title, and of used oil are subject to regulation as hazardous waste under Parts 370 through 374-1, 374-3, and 376 of this Title, rather than as used oil under this Subpart.

('b') Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in section 371.4 of this Title. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, as incorporated by reference in paragraph 370.1 (e)(8) of this Title, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix 23 of this Title).

('1') Laboratory analyses completed for purposes of rebuttable presumption must be performed by a laboratory currently certified under the appropriate approval categories by the New York State Department of Health's Environmental Laboratory Approval Program (ELAP).

('2') The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement, as described in paragraph 374-2.3(e)(3) of this Subpart, to reclaim metalworking oils/fluids. The presumption does

apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

('3') The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(ii) Characteristic hazardous waste. Mixtures of used oil and of hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in section 371.3 of this Title, and mixtures of used oil and of hazardous waste that is listed in section 371.4 of this Title solely because it exhibits one or more of the characteristics of hazardous waste identified in section 371.3 of this Title are subject to:

('a') except as provided in clause (2)(ii)('c') of this subdivision, regulation as hazardous waste under Parts 370 through 374-1, 374-3, and 376 of this Title rather than as used oil under this Subpart, if the resultant mixture exhibits any characteristics of hazardous waste identified in section 371.3 of this Title; or

('b') except as specified in clause (2)(ii)('c') of this subdivision, regulation as used oil under this Subpart, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under section 371.3 of this Title.

('c') regulation as used oil under this Subpart, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under subdivision 371.3(b) of this Title.

(iii) Conditionally exempt small quantity generator hazardous waste. Mixtures of used oil and conditionally exempt small

quantity generator hazardous waste regulated under paragraph 371.1(f)(10) of this Title are subject to regulation as used oil under this Subpart.

(3) Materials containing or otherwise contaminated with used oil.

(i) Except as provided in subparagraph (3)(ii) of this paragraph, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

('a') are not used oil and thus not subject to this Subpart; and

('b') if applicable are subject to the hazardous waste regulations of Parts 370 through 374-1, 374-3, and 376 of this Title.

(ii) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this Subpart.

(iii) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Subpart.

(4) Mixtures of used oil with products.

(i) Except as provided in subparagraph (4)(ii) of this paragraph, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Subpart.

(ii) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Subpart once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of section 374-2.3 of this Subpart.

(5) Materials derived from used oil.

(i) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

('a') not used oil and thus are not subject to this Subpart; and

('b') not solid wastes and are thus not subject to the hazardous waste regulations of Parts 370 through 374-1, 374-3, and 376 of this Title as provided in clause 371.1(d)(3)(ii)('a') of this Title.

(ii) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Subpart and Part 225 of this Title.

(iii) Except as provided in subparagraph (5)(iv) of this paragraph, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

('a') not used oil and thus are not subject to this Subpart; and

('b') are solid wastes regulated under Part 360 of this Title, unless they are subject to the hazardous waste regulations of Parts 370 through 374-1, 374-3, and 376 of this Title if the materials are listed or identified as hazardous waste.

(iv) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Subpart.

(6) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Federal Clean Water Act, as incorporated by reference in subdivision 370.1(e) of this Title (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with "de minimis" quantities of used oil are not subject to the requirements of this Subpart. For purposes of this paragraph, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes,

and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

(7) Used oil introduced into crude oil pipelines or a petroleum refining facility.

(i) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Subpart. The used oil is subject to the requirements of this Subpart prior to the mixing of used oil with crude oil or natural gas liquids.

(ii) Mixtures of used oil and crude oil or natural gas liquids containing less than one percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Subpart.

(iii) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Subpart provided that the used oil constitutes less than one percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Subpart.

(iv) Except as provided in subparagraph (7)(v) of this paragraph, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Subpart only if the used oil meets the specifications of paragraph 374-2.2 (b)(1) of this section. Prior to insertion into the petroleum refining facility process, the used oil is subject to the

requirements of this Subpart.

(v) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Subpart. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

(vi) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Subpart.

(8) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Subpart until it is transported ashore.

(9) Used oil containing PCBs. Used oil containing 50 ppm by weight, or greater, of polychlorinated biphenyls (PCBs) is a hazardous waste as defined in subdivision 371.4(e) of this Title. In addition to the requirements of this Subpart, used oil containing any quantifiable level of PCBs may be subject to the requirements found in 40 CFR 761.20(e), as incorporated by reference in subdivision 370.1(e) of this Title.

(b) Used oil specifications.

(1) Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Subpart unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with subdivisions 374-2.8(c) and (d), and paragraph 374-2.8(e)(2) of this Subpart, the used oil is no longer subject to this Subpart.

(i) Laboratory analyses completed for purposes of

specification determination must be performed by a laboratory currently certified under the appropriate approval categories by the New York State Department of Health's Environmental Laboratory Approval Program (ELAP).

Table 1 - Used Oil Not Exceeding Any Specification Level Is Not Subject to This Subpart When Burned for Energy Recovery[1]	
Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
PCBs	2 ppm maximum[2]
Flash point	100 degrees F minimum.
Total halogens	4,000 ppm maximum.[3]

FOOTNOTE: [1]The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see paragraph 374-2.2(a)(2) of this section).

FOOTNOTE: [2]Used oil containing 50 ppm by weight, or greater, of PCBs is a hazardous waste, excluding oil derived from small capacitors, as defined in subparagraph 371.4(e)(3)(ii) of this Title, as the sole PCB contamination source. Applicable standards for the burning of used oil containing PCBs are imposed by Parts 370 through 374-1 and 376 of this Title and 40 CFR 761.20(e), as incorporated by reference in subdivision 370.1(e) of this Title.

FOOTNOTE: [3]Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under subparagraph 374-2.2(a)(2)(i) of this section. Such used oil is subject to section 374-1.8 of Subpart 374-1 of this Title rather than this Subpart when burned for energy recovery, unless the presumption of mixing can be successfully rebutted.

(2) All used oil, whether in transit or in storage at a facility, must be considered off-specification used oil, unless analysis or

other information documents that the used oil is on-specification.

(c) Prohibitions.

(1) Surface impoundment prohibition. Used oil must not be managed in surface impoundments, waste piles, pits, ponds or lagoons.

(2) Use as a dust suppressant. The use of used oil as a dust suppressant, for land application, or for disposal directly on the land, is prohibited.

(3) Burning in particular units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:

(i) industrial furnaces identified in subdivision 370.2(b) of this Title;

(ii) boilers, as defined in subdivision 370.2(b) of this Title, that are identified as follows:

('a') industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

('b') utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

('c') used oil-fired space heaters provided that the burner meets the provisions of subdivision 374-2.3(d) of this Subpart.

(iii) hazardous waste incinerators subject to regulation under sections 373-2.15 and 373-3.15 of this Title.

(4) Absorbents. Used oil which is recyclable or reusable must not be disposed of through the use of absorbent materials, other than for purposes of spill cleanup.

§374-2.3 - Standards for Used Oil Generators

(a) Applicability.

(1) General. Except as provided in subparagraphs (i) through (iv) of this paragraph, this section applies to all used oil generators. A used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

(i) Household "do-it-yourselfer" used oil generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under this Subpart.

(ii) Vessels. Vessels at sea or at port are not subject to this section. For purposes of this section, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person(s) removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this section once the used oil is transported ashore. While among themselves, the co-generators may decide among them which party will fulfill the requirements of this section. In the event of a violation of this section, the co-generators' obligation to comply with the requirements of this section are joint and several.

(iii) Diesel fuel. Mixtures of used oil and diesel fuel mixed on site by the generator of the used oil for use in the generator's own vehicles are not subject to this Subpart once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this section.

(iv) Farmers. Farmers who generate an average of 25 gallons or less per month of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Subpart, if the used oil is used in normal farming operations. Normal farming operations do not include land application or land disposal of

used oil.

(2) Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of this Subpart as indicated in subparagraphs (2)(i) through (2)(v) of this paragraph:

(i) Generators who transport used oil, except under the self-transport provisions of paragraphs 374-2.3(e)(1) and (2) of this section, must also comply with section 374-2.5 of this Subpart.

(ii) Generator processing.

('a') Except as provided in clause ('b') of this subparagraph, generators who process or re-refine used oil must also comply with section 374-2.6 of this Subpart.

('b') Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on-specification or off-specification used oil fuel:

('1') filtering, cleaning or otherwise reconditioning used oil before returning it for reuse by the generator;

('2') separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or section 307(b) of the Federal Clean Water Act, as incorporated by reference in subdivision 370.1(e) of this Title, or other applicable federal or state regulations governing the management or discharge of wastewaters;

('3') using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;

('4') draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to paragraph 374-2.2(a)(3) of this

Subpart; or

('5') filtering, separating or otherwise reconditioning used oil before burning it in a space heater pursuant to subdivision 374-2.3(d) of this section.

(iii) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of subdivision 374-2.3(d) of this section, must also comply with section 374-2.7 of this Subpart.

(iv) Generators who direct shipments of off-specification used oil from their facility to a used oil burner, or who are the first to claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications, set forth in paragraph 374-2.2(b)(1) of this Subpart, must also comply with section 374-2.8 of this Subpart.

(v) Generators who dispose of used oil must also comply with section 374-2.9 of this Subpart.

(b) Hazardous waste mixing.

(1) Mixtures of used oil and hazardous waste must be managed in accordance with paragraph 374-2.2(a)(2) of this Subpart.

(2) The rebuttable presumption for used oil as provided in clause 374-2.2(a)(2)(i)('b') of this Subpart applies to used oil managed by generators. Under the rebuttable presumption for used oil, used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units.

(c) Used oil storage. Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112, as incorporated by reference in subdivision 370.1(e) of this Title), in addition to the requirements of this section. Used oil generators are also subject to the Underground Storage Tank (40 CFR Part 280, as incorporated

by reference in subdivision 370.1(e) of this Title) standards for used oil stored in underground used oil tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this section.

(1) Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under Subparts 373-2 and 373-3 of this Title. In addition, all storage units must be designed, constructed and operated in accordance with the following requirements in effect for the municipality in which the generator facility is located:

(i) local building and fire codes, if any; and

(ii) the New York State Uniform Fire Prevention and Building Code, 19 NYCRR Chapter XXXIII, Subchapter A, including the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA-30)(as incorporated by reference in subdivision 370.1(e) of this Title).

(2) Used Oil Tanks: Compliance with Petroleum Bulk Storage Regulations.

(i) All aboveground and underground used oil tank systems, regardless of tank size, must comply with sections 612.2 through 612.4, 613.2 through 613.9, 614.6 and 614.12 of this Title, except that:

('a') aboveground used oil tanks with 10 percent or more volume beneath the surface of the ground must also meet the applicable requirements contained in 40 CFR Part 280 (as incorporated by reference in subdivision 370.1(e) of this Title), whether or not the used oil exhibits any characteristics of hazardous waste.

('b') used oil tanks at a facility licensed under Part 610 of this Title do not require registration under Part 612 of this Title.

(ii) New aboveground and new underground used oil tank systems must be installed in accordance with section 613.2, paragraphs 613.3(c)(3) through (6), and sections 614.2

through 614.14 of this Title.

(iii) Requirements of this subdivision shall apply on January 14, 1995, except as follows:

('a') used oil tanks, regardless of their size, must be registered pursuant to section 612.2 of this Title by July 14, 1995.

('b') existing generator facilities must be in compliance with the applicable requirements of subdivisions 613.3(c) and 613.6(b) of this Title by January 14, 1997.

(3) through (6) Reserved

(7) Condition of units. Containers and aboveground used oil tanks used to store used oil at generator facilities must be:

(i) in good condition (no severe rusting, apparent structural defects or deterioration); and

(ii) not leaking (no visible leaks).

(8) Labels.

(i) Containers and aboveground used oil tanks used to store used oil at generator facilities must be clearly labeled or marked with the design capacity and working capacity of the tank and with the words "Used Oil".

(ii) Fill pipes used to transfer used oil into underground used oil tanks at generator facilities must be clearly labeled or marked with the capacity of the tank and with the words "Used Oil".

(9) Response to releases.

(i) Any spill, discharge, or release of used oil shall be subject to all applicable provisions of Article 12 of the Navigation Law (NL Sections 170 through 197) and its implementing rules and regulations, 17 NYCRR Parts 32 - 33 and Part 611 of this Title, regarding, but not limited to, notification, cleanup, and liability, and are also subject to applicable provisions of Article 17, Titles 10 and 17, of the Environmental

Conservation Law, and section 613.8 of this title.

(ii) Upon detection of a release of used oil to the environment that is not subject to the requirements of Subpart F of 40 CFR Part 280, as incorporated by reference in subdivision 370.1(e) of this Title, a generator must perform the following cleanup steps:

('a') stop the release;

('b') contain the released used oil;

('c') clean up and manage properly the released used oil and other materials;

('d') if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(iii) Within two hours of detecting a spill, discharge, or release of used oil, the generator must notify the department Spill Hotline at (800) 457-7362, or, if calling from out of state, (518) 457-7362.

(d) On-site burning in space heaters. Generators may burn used oil in used oil-fired space heaters provided that:

(1) the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourselfer used oil generators;

(2) the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(3) the combustion gases from the heater are vented to the outside ambient air.

(e) Off-site shipments. Except as provided in paragraphs (1) through (3) of this subdivision, generators must ensure that their used oil is transported only by transporters who have obtained an EPA identification number and are authorized under Part 364 of this Title to transport used oil, if applicable.

(1) Self-transportation of small amounts to approved collection

centers. Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:

(i) the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

(ii) the generator transports no more than 55 gallons of used oil at any time; and

(iii) the generator transports the used oil to a used oil collection center that is permitted pursuant to subparagraph 374-2.4(b)(2)(ii) of this Subpart.

(2) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that:

(i) the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

(ii) the generator transports no more than 55 gallons of used oil at any time; and

(iii) the generator transports the used oil to an aggregation point that is owned and/or operated by the same generator.

(3) Tolling arrangements. Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement"), must indicate:

(i) the type of used oil and the frequency of shipments;

(ii) that the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner; and

(iii) that reclaimed oil will be returned to the generator.

(f) Service and Retail Establishments. A "service establishment" is any automobile service station, including gas only outlets, or any other retail outlet and boat marina, selling at least 500 gallons of lubricating oil annually and having an on-premises oil changing operation. A "retail establishment" is every vendor that sells lubricating oil at retail in quantities in excess of 1,000 gallons per year. Generators who are service establishments or retail establishments must also comply with the following requirements:

(1) Service establishments.

(i) An owner or an employee of every service establishment who is present on the premises must accept, at no charge, used petroleum-based or synthetic lubricating oil in quantities not to exceed five gallons per day from any household do-it-yourselfer, in accordance with the following requirements:

('a') the service establishment must maintain a tank or container with sufficient capacity to provide adequate service to individuals, for the temporary storage of used oil;

('b') the service establishment may refuse to accept used oil if the used oil tank or container is temporarily filled to capacity. If filled to capacity, the service establishment must proceed expeditiously to have the used oil emptied by a used oil transporter authorized under Part 364 of this Title, and must inform individuals when used oil can be brought back to the establishment for collection.

('c') the service establishment must accept used oil only during the normal business hours of the establishment;

('d') the service establishment may require used oil to be dropped off in rigid screw-top closed containers;

('e') the service establishment may refuse to accept used oil if it has been contaminated through other than ordinary and normal use; and

('f') the service establishment may not impose a separate charge or fee upon any individual for acceptance or disposal of used oil, whether or not the individual is a customer for service.

('g') the service establishment must conspicuously post a sign in a location which is always open to public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE". Such establishment may additionally state, on the same sign or an additional sign, that used oil is accepted only during normal business hours and may state such hours. The information on any sign must be legible from a distance of at least 25 feet from the outside of the establishment's building, with lettering a minimum of one inch in height;

(2) Retail establishments. Retail establishments may either directly accept used petroleum-based or synthetic lubricating oil from household do-it-yourselfers, or contract with another retail establishment, service establishment or municipality, for the collection of used oil brought to it for acceptance.

(i) Retail establishments which elect to provide for the direct collection of used oil must accept, at no charge, used petroleum-based or synthetic lubricating oil in quantities not to exceed five gallons per day from any household do-it-yourselfer, in accordance with the following requirements:

('a') the retail establishment must maintain a tank or container with sufficient capacity to provide adequate service to individuals, for the temporary storage of used oil;

('b') the retail establishment may refuse to accept used oil if the used oil tank or container is temporarily filled to capacity. If filled to capacity, the retail establishment must proceed expeditiously to have the used oil emptied by a used oil transporter permitted under Part 364 of this Title to transport used oil, and must inform individuals when used oil can be brought back to the establishment for collection;

('c') the retail establishment must accept used oil only

during the normal business hours of the establishment;

('d') the retail establishment may require used oil to be dropped off in rigid screw-top closed containers;

('e') the retail establishment may refuse to accept used oil if it has been contaminated through other than ordinary and normal use; and

('f') the retail establishment must conspicuously post a sign in a location which is always open to public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE." Such establishment may additionally state, on the same sign or an additional sign, that used oil is accepted only during normal business hours and may state such hours. The information on any sign must be legible from a distance of at least 25 feet from the outside of the establishment's building, with lettering a minimum of one inch in height.

(ii) Retail establishments which elect not to provide for direct collection of used oil must either:

('a') enter into a contract with another retail establishment, service establishment or municipality, which maintains a tank or container for the temporary storage of used oil. The retail establishment which contracts with another retail establishment, service establishment or municipality, for the provision of collection services must conspicuously post a sign in a location which is always open to public view, stating: "USED OIL FOR RECYCLING WILL BE ACCEPTED BY (name of contracted establishment or municipality) AT (address of contracted establishment or municipality) AT NO CHARGE". The information on this sign must be legible from a distance of at least 25 feet from the outside of the establishment's building and have lettering a minimum of one inch in height.

('1') in counties or cities with a population of one million or more, the distance between the contracting retail establishment and the contractor shall not exceed eight

miles; and

('2') in all other areas, the contracting retail establishment and the contractor must be within the same town or city or within adjacent towns or cities; or

('b') obtain a hardship waiver from the department for inability to comply with this subdivision due to prohibition by local codes, ordinances, or State or federal statute or regulation, or due to the impossibility of installing a used oil tank or container because of physical constraints. The retail establishment must submit a request for a hardship waiver to the Director, Division of Solid & Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250, which includes the following information:

('1') the name and location, including street address, of the retail establishment;

('2') the approximate gallons of lubricating oil sold annually by the retail establishment;

('3') a discussion which includes the statutory, regulatory or physical constraints prohibiting the placement of a tank or container for temporarily storing used oil, a description of specific efforts being made by the retail establishment to overcome those constraints, a street scale map of the geographic range established in subclauses ('b')('1') and ('b')('2') of this clause indicating the location of the retail establishment requesting the waiver, and the locations of other retail establishments, municipalities, and service establishments located within that geographic range.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Nick Lombardo
NYSDEC - PBS Unit
one Hunters Point Plaza
1st Floor
47-40 21st Street
L.I.C., NY 11101-5407

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X CB ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery 10/18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1160 0002 6311 7493

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

KINLOCH CO. INC.
27-10 HUNTERS POINT AVE.
LONG ISLAND CITY, NY 11101-4408

JPMORGAN CHASE BANK
LONG ISLAND CITY, NY 11101
1-2/210

1742

11/3/2005

PAY TO THE ORDER OF FREUDENTHAL&ELKOWITZ CONSULTING GROUP, INC. $*3,000.00

Three Thousand Only********** DOLLARS

FREUDENTHAL&ELKOWITZ CONSULTIN
368 VETERANS MEMORIAL HIGHWAY
COMMACK, NY 11725

MEMO 2nd Paym't:As per Richard Baldwin's 6/24/05

Barnett T. Schleicher

⑈001742⑈ ⑆021000021⑆087008394⑈

Freudenthal & Elkowitz Consulting Group, Inc.
368 Veterans Memorial Highway
Commack, New York 11725
(631) 499-2222

Invoice

DATE	INVOICE NO.
10/5/2005	10294

BILL TO
Black Bear Company, Inc. 2710 Hunters Point Avenue Long Island City, NY 11101 Att: Derek Chou

TERMS	PROJECT
	BLA-05-174 2710 Hut...

DESCRIPTION	HOURS	RATE	AMOUNT
2710 Hunters Point Avenue Long Island City, New York			
Period 9/1 through 9/30/05			
Subcontractor fees for UST evaluation.			
Associated Env. Services LTD		1,792.31	1,792.31
ABC Tank Repair		5,202.00	5,202.00
		Total	$6,994.31

ATTN: LUC

5926

Invoice

Associated Environmental Services, Ltd.
P.O. Box 695
Shoreham, NY 11786

Date	Invoice #
9/5/2005	1013

Bill To
FREUDENTHAL & ELKOWITZ CONSULTING GROUP 368 VETERANS MEMORIAL HIGHWAY COMMACK, NY 11725

Terms	Due Date	Rep	Project Location
Net 30	10/5/2005		Hunters Ave

Item	Description	Qty	Rate	Amount
Geoprobe Services	Hunters ave, Queens		1,650.00	1,650.00

Subtotal	$1,650.00
Sales Tax (8.625%)	$142.31
Balance Due	$1,792.31

OK to pay
Job # BLA-05-174
LD 9/30/05

ABC TANK CLEANING & REPAIR, INC.

280 East 88th Street
BROOKLYN, NY 11236
(718) 272-2800
Fax (718) 272-3147

CUSTOMER'S ORDER NO.	PHONE	DATE
		10.6.05

NAME

ADDRESS 27-10 Hunters Point Ave QNS

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	MDSE. RETD	PAID OUT	

QTY.	DESCRIPTION	PRICE	AMOUNT
	Fill tank with Cement Slurry.		
	Cement fill line.		
	(Job complete)		
	37½ yards		
	Fitz & Anthony		
		TAX	
		TOTAL	

RECEIVED BY Jennifer Fuster

All claims and returned goods MUST be accompanied by this bill.

20509

To Reorder:
800-225-6380 or nebs.com

Thank You

ABC TANK CLEANING & REPAIR, INC.

280 East 88th Street
BROOKLYN, NY 11236
(718) 272-2800
Fax (718) 272-3147

CUSTOMER'S ORDER NO.	PHONE	DATE
		10.6.05

NAME

ADDRESS 27-10 Hunters Point Ave QNS

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	

QTY.	DESCRIPTION	PRICE	AMOUNT
	Fill tank with Cement Slurry.		
	Cement fill line.		
	(Job complete)		
	37½ yards		
	Fitz & Anthony		
		TAX	
		TOTAL	

RECEIVED BY Jennifer Tuton

All claims and returned goods MUST be accompanied by this bill.

20509

NEBS To Reorder:
800-225-6380 or nebs.com

Thank You