

RECORD OF COMPLIANCE-Permit Application Supplement

Please read all instructions on reverse side before completing this application

1. FULL NAME OF APPLICANT Peconic Environmental Services Corp.		
2. MAILING ADDRESS (Principal Place of Business) Street 71 Peconic Avenue City/State/Zip Code Medford, NY 11763		3. NEW YORK STATE MAILING ADDRESS (If different) Street Gershow Recycling Corp. 71 Peconic Avenue, PO Box 526 City/State/Zip Code Medford, NY 11763
4. TYPE OF ORGANIZATION <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Other		If other than individual, provide Federal Taxpayer ID Number 27-207-5438
5. Does the applicant currently hold any permit issued under the Environmental Conservation Law? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6. a. Has the applicant been denied a permit or has the applicant had a permit revoked or suspended under the Environmental Conservation Law? or b. Is the applicant currently the subject of an enforcement action under the Environmental Conservation Law? a. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
7. If any answer to questions 5, 6(a), or 6(b) is YES, provide details on a separate page and attach it to this form.		
8. Has the applicant, and if the applicant is a corporation, has any officer, director, or large stockholder (owner of 25 percent or more of not publicly-traded stock) of the corporation, within the last ten (10) years, been: a. found in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which-during the time such person was an officer, director or large stockholder-was determined in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*While a violation was issued more than 10 years ago, the resolution was within the past 10 years so it is being disclosed for full transparency. Please see the attached Consent Order</small> c. convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations, or fraud, bribery, perjury, theft or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at \$25,000 or more. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No d. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which-during the time such person was an officer, director or large stockholder-was convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations or fraud, bribery, perjury, theft, or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at \$25,000 or more. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
9. If any answer to questions 8a through 8d is YES, provide details on a separate page and attach it to this form.		
10. Does the applicant currently owe any regulatory fees pursuant to Article 72 of the Environmental Conservation Law to the Department of Environmental Conservation? <input type="checkbox"/> Yes, amount \$ <input checked="" type="checkbox"/> No Under dispute for year(s) Amount \$		
11. CERTIFICATION (By Applicant who is an Individual) I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Date: Signature: Print Name:		
ITEMS 12 THROUGH 15 TO BE COMPLETED BY AN APPLICANT OTHER THAN AN INDIVIDUAL		
12. SPECIFY UNDER WHAT LAW APPLICANT WAS ORGANIZED Corporation Laws of the State of New York		13. STATE 14. DATE OF ORGANIZATION NY 10/02/2008
15. CERTIFICATION (By an Applicant Other Than an Individual) I hereby affirm under penalty of perjury that I am <u>President</u> (title) of Peconic Environmental Services Corp. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Date: 10/02/2020 Signature: <i>Kevin Gershowitz</i> Print Name: Kevin Gershowitz		

Record of Compliance Supplement – Item 8b:

- On 01/03/13, one (1) summons # 36584 was served to Gershow Recycling of Valley Stream Inc. (Gershow Recycling) by the Inc. Village of Valley Stream, Nassau County, for [excessive dust from loading refuse onto trucks], Village Code of Valley Stream 99-3001-K. The summons was satisfied on 01/30/13. A sprinkler system for dust control was installed, tested and signed off/approved by Nassau County Fire Commission Office of Fire Marshal on 10/17/13 (Permit # 35261).

Gershow Recycling of Brooklyn, Inc. (Gershow) paid the required minimum fines for the following noncriminal violations:

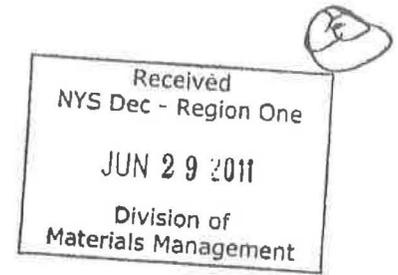
- On 10/21/09, the NYSDEC issued against Gershow three (3) summonses charging, respectively, (a) ECL § 27-2307(7) [improper storage of lead batteries – no protective covering]; (b) ECL § 17-0303(3) [no secondary containment on oil tank]; and (c) ECL § 71-3501 [operating a noisome business]. These charges were disposed of on 2/4/10. On that day, under ECL § 71-4001, the respective charges set out in those summonses were adjudicated as three (3) ECL violations, none a crime, for each of which Gershow was fined \$250; and the total fine of \$750 (plus a \$75 surcharge) was paid in full by the company on that same date.
- On 11/29/06, pursuant to an Order on Consent, DEC File No. R2-20060823-338, Gershow agreed to pay, and did pay in full the same day, a \$15 thousand civil assessment for an untimely facility permit; i.e., Gershow acknowledged that, in violation of 6 NYCRR § 201-1.1(b), it had failed to timely obtain an Air Title V Facility Permit (or an Air State Facility Permit) for the two (2) Waukesha diesel engines at its facility. The Title V application is currently undergoing review with the NYSDEC and Gershow expects a satisfactory resolution of this application with an issuance of a permit.
- On 2/24/16, pursuant to an Order on Consent, DEC File No. R2-20160210-58, Gershow submitted the signed Consent Order to the DEC, and did pay in full the same day, a \$2,500.00 civil assessment. Gershow acknowledged that, in violation of 6 NYCRR § 613-2.1(c)(4) and 613-2.3(b)(1)(i), it had failed to have overfill protection equipment and failed to properly monitor for leaks. Gershow corrected the violations and notified the DEC of such on 4/4/16. The DEC responded that no further action was required the same day.

Gershow Recycling Corporation, Medford, NY, (Gershow) paid the required minimum fines for the following noncriminal violations:

- On 6/30/11, pursuant to an Order on Consent, DEC File No. R1-20110629-63, Gershow submitted the signed Consent Order to the DEC, and did pay in full the same day, a \$5,000.00 civil assessment. Gershow acknowledged that, in violation of 6 NYCRR § 227, it had canceled an emission test scheduled for 3/18/09. Gershow performed the required test on 7/14/09 and submitted the Stack Test Report to the DEC. Gershow has also complied with the Schedule of Compliance, as modified by the DEC on 8/15/11.

**STATE OF NEW YORK:
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Violations
of Article 19 of the Environmental Conservation
Law (AECL@)



-By-

CONSENT ORDER

DEC File No. R1-20110629-63

**Gershow Recycling Corporation
71 Peconic Ave
Medford, NY 11763**

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation ("Department" or ADEC@) is responsible for the enforcement of Article 19 of the ECL, which governs the control and prevention of air pollution and provides for the adoption and implementing codes, rules and regulations.
2. Respondent(s) owns, operates and/or maintains a recycling facility which is located at 71 Peconic Ave., Medford, Suffolk County, New York.
3. The Department, on or about March 18, 2009, documented a violation of 6 NYCRR Part 227, in that a scheduled emission test for an air contamination source was canceled by Respondent.
4. Respondent(s) has waived its rights to notice and hearing and/or judicial review in this matter as provided by law and has consented to the issuing and entering of this Order.

NOW, having considered this matter and being duly advised, it is **ORDERED**:

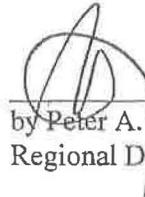
- I. Civil Penalty. Respondent(s) is assessed a civil penalty in the amount of **\$10,000** (ten thousand dollars), of which \$5,000 will be suspended provided the Respondent(s) strictly adheres to the terms and conditions of this Order. The payable portion of the penalty, **\$5,000** (five thousand dollars), is to be paid by **certified check or money order** made payable to the Commissioner of the Department of Environmental Conservation and sent simultaneously with this executed Order to the Regional Air Pollution Control Engineer, at the Region One Headquarters, Stony Brook University, 50 Circle Road, Stony Brook, N.Y. 11790-3409.

- II. Schedule of Compliance. Respondent(s) shall fully comply with the provisions of the Schedule of Compliance attached to and made a part of this Order as Appendix A.
- III. Reservation of Rights. The Department hereby reserves all its legal, administrative and equitable rights arising at common law or as granted to it pursuant to statute or regulation, including, but not limited to, any summary abatement powers the Commissioner may have pursuant to Section 71-0303 of the ECL.
- IV. Modification. No change or modification to this Order shall become effective except as specifically set forth in writing and approved by the Commissioner or a duly authorized representative.
- V. Indemnification. Respondent(s) shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims resulting from the acts and/or omissions of Respondent(s) or resulting from the compliance or attempted compliance with the provisions of this Order.
- VI. Binding Effect. The provisions, terms, and conditions of this Order shall be deemed to bind Respondent(s), its agents, servants, employees, successors and assigns.
- VII. Access. For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by Respondent(s) to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

Stony Brook, New York

June 30, 2011

Joseph J. Martens
Commissioner
New York State Department of
Environmental Conservation



by Peter A. Scully
Regional Director

CONSENT BY RESPONDENT (Business Entity)

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceeding in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof.

Respondent Business Entity: Gershow Recycling Corporation

By (signature): *Kevin G. Gershowitz*

Name (print): Kevin G. Gershowitz

Title : V.P.

an individual dually authorized by respondent to sign on behalf of the business entity named herein and whom may bind respondent to the terms and conditions contained herein.

Date: June 28, 2011

NOTE TO NOTARY: The correct acknowledgment from below MUST be utilized for signing in New York State versus outside New York State. All blanks MUST be completed.

ACKNOWLEDGMENT (Signing within New York State)

STATE OF NEW YORK)
) ss.:
COUNTY OF Suffolk)

On the 28th day of June, 2011, before me, the undersigned, personally appeared Kevin G. Gershowitz, personally known to me who, being duly sworn, did depose and say that (s)he resides at 71 Peconic Avenue, Medford, N.Y. 11763 (Full Address), that (s)he is the V.P. (Title of Authorized Signatory) of Gershow Recycling Corp. the Corporation (fill-in type of business entity) described herein and which executed the above instrument; and that (s)he signed her/his name thereto with full authority so to do.

MICHELE A. KEENAN
Notary Public, State of New York
No. 01KE5073573
Qualified in Suffolk County
Commission Expires Feb. 24, 2015

Michele A. Keenan
Notary Public, State of New York

ACKNOWLEDGMENT (Signing outside New York State)

* _____)
) ss:
_____)

On the _____ day of _____, 201____, before me, the undersigned, personally appeared _____, personally known to me who, being duly sworn, did depose and say that (s)he resides at _____ (Full Address), that (s)he is the _____ (Title of Authorized Signatory) of _____, the _____ (fill-in type of business entity) described herein and which executed the above instrument; and that (s)he signed her/his name thereto with full authority so to do and that such individual made such appearance before the undersigned in the * * *

Notary Public

* (Insert the State [& County], District of Columbia, Territory, Possession or Foreign Country the acknowledgment was taken.)

** (Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken.)

*** (Signature and office of individual taking acknowledgment)

APPENDIX A

SCHEDULE OF COMPLIANCE

Gershow Recycling Corp.

71 Peconic Avenue, Medford, NY 11763

1. All submittals required under this Schedule are subject to the review and approval of the Department.
2. At all times, Respondent(s) shall maintain and operate the facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, and in compliance with all applicable Air Pollution Control Regulations.
3. The Department acknowledges receipt of an application to modify the current Air Title V Permit. The Department shall provide Respondent(s) with review comments within ten (10) calendar days of the effective date of this Order.
4. Within forty five (45) calendar days of the effective date of this Order, Respondent(s) shall submit a revised application to modify the RACT numbers in the current ATV Permit, based on the review comments mentioned in paragraph 3 above. Any application for an economic or technical variance shall be developed in accordance with the guidelines set forth in Air Guide 20 (which is accessible at: <http://www.dec.ny.gov/regulations/25210.html>).
5. Any communication or submittals required by this Order shall be sent to the Department at the following address:

New York State Department of Environmental Conservation
Region One Headquarters
Stony Brook University
50 Circle Road
Stony Brook, N.Y. 11790-3409
Attention: Regional Air Pollution Control Engineer.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NUMBER
570872

RECEIPT

Region Number 1 Date 6-30-11
Location Stony Brook Division General Counsel
Received of Mershow Recycling Corporation
In the amount of Fine thousand dollars \$ 5000.-
For Civil penalty - R1-20110629-63

Cash Department Representative Carole Gayurki
 Check Number 393417 Title Secretary
 Money Order

ORIGINAL

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

ASTORIA FEDERAL SAVINGS LAKE SUCCESS NEW YORK 11042
Putting people first.

OFFICIAL CHECK 393417

DATE 06/27/2011

*****5,000.00

Ref. PAY TO THE ORDER OF
COMMISSIONER OF THE DEPT. OF ENVIRONMENTAL CONSERV

FIVE THOUSAND DOLLARS AND ZERO CENTS

BR:59
CDR:8549
343059
R1-20110629-63

Carole Gayurki
AUTHORIZED SIGNATURE(S)
DRAWER: ASTORIA FEDERAL SAVINGS

1-7281
2214



MEYER SUOZZI

Richard F.X. Guay

BERNARD S. MEYER (1975-1979; 1987-2005)
JOSEPH A. SUOZZI
JOHN F. ENGLISH (1960-1987)
BASIL A. PATERSON (1982-2014)
JOHN V. N. KLEIN (1980-2014) RET.
HAROLD ICKES
RICHARD G. FROMEWICK
LOIS CARTER SCHLUSSEL
BARRY J. PEEK
JACK RUBINSTEIN
RICHARD D. WINSTEN
ANDREW J. TURRO
A. THOMAS LEVIN^{1,4}
EDWARD J. GUTLEBER
DONNALYNN DARLING
PATRICIA GALTERI
RICHARD N. GILBERG¹
IRWIN BLUESTEIN
RICHARD F.X. GUAY
RICHARD S. CORENTHAL
PATRICIA MCCONNELL
KEVIN SCHLOSSER
HANAN B. KOLKO
ERICA B. GARAY
HOWARD B. KLEINBERG⁵
NATHANIEL L. CORWIN
RICHARD A. BROOK
THOMAS R. SLOME
ALAN E. MARDER
EDWARD J. LOBELLO
ROBERT MARINOVIC
CHARLES SKOP
ROBERT N. ZAUSMER
JAMES D. GARBUS
JIL MAZER-MARINO
MICHAEL J. ANTONGIOVANNI⁶
MICHAEL D. NAPOLITANO²
PAUL F. MILLIS⁶

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212.239.1311 (Fax)
rguay@msek.com

February 24, 2016

Patrick Foster, Senior Attorney
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, NY 11101-5407

Re: Gershow Recycling of Brooklyn, Inc.
Consent Order
DEC# R2-20160210-58

Counselor Foster:

On behalf of my client, Gershow Recycling of Brooklyn, Inc. ("Gershow"), I enclose (a) the original Order on Consent signed by Eric Kugler, Facility Manager, and duly notarized; and (b) an Astoria Bank cashier's check in the amount of \$2,500, made payable to the "Environmental Protection and Spill Compensation Fund," in full payment of the civil penalty assessed against Gershow under the Order on Consent.

If you have any questions in these respects, please call me directly at 212.763.7020

Very truly yours,


Richard F.X. Guay

RFXG:dmh

Enclosure a/s

KIERAN X. BASTIBLE
DEANNE M. BRAVEMAN
MARIE A. LANDSMAN⁸
MAX H. SICHERMAN
DANIEL B. RINALDI
MICHAEL A. SERPICO
MICHAEL P. REYNOLDS⁵
DANIEL P. VAILLANT
MEGANN K. MCMANUS⁶

COUNSEL

LYNN M. BROWN
JAYSON J. R. CHOI¹
SUSAN G. CURTIS
ANNE J. DEL CASINO³
RICHARD EISENBERG
ABRAHAM B. KRIEGER
CARMELA T. MONTESANO^{1,7}
LINDA E. RODD
STEPHEN P. SCARING
BARRY R. SHAPIRO
BRIAN S. STOLAR
IRA B. WARSHAWSKY

OF COUNSEL

GERMANO & CAHILL, P.C.

THE ICKES & ENRIGHT GROUP⁷

¹ ALSO ADMITTED WASHINGTON D.C.
² REGISTERED WASHINGTON D.C. LOBBYIST
³ ALSO ADMITTED FLORIDA
⁴ ALSO ADMITTED US VIRGIN ISLANDS
⁵ ALSO ADMITTED CONNECTICUT
⁶ ALSO ADMITTED NEW JERSEY
⁷ ALSO ADMITTED VIRGINIA
⁸ ALSO ADMITTED CALIFORNIA

ALBANY
One Commerce Plaza
Suite 1705
Albany New York 12260
Tel: 518.465.5581 | Fax: 518.465.2022

GARDEN CITY
990 Stewart Avenue, Suite 300
P.O. Box 9194
Garden City, New York 11530-9194
Tel: 516.741.6666 | Fax: 516.741.6700

WASHINGTON, D.C.
1300 Connecticut Avenue, N.W.
Suite 600
Washington, DC 20036
Tel: 202.462.3333 | Fax: 202.462.3333

145410

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

ASTORIA
BANK

LAKE SUCCESS
NEW YORK 11042

0947890

1-7261
2214

DATE 02/23/2016

\$*****2,500.00

Ref.

PAY
TO THE
ORDER OF

ENVIRON. PROTECT. & SPILL COMP. FUND*

TWO THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS

BR:59
CDR:8547
343059

ONLY ONE SIGNATURE REQUIRED



MP

AUTHORIZED SIGNATURE(S)
DRAWER: ASTORIA FEDERAL SAVINGS

Re: R2-20160210-58/GERSHON RECYCLING OF B'KLYN, INC.



STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

X

In the Matter of the Violations of Article 17 of the New York State Environmental Law, and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York,

ORDER ON CONSENT

NYSDEC File No.
R2-20160210-58

- by -

GERSHOW RECYCLING OF BROOKLYN INC.,

Respondent.

X

WHEREAS:

1. The New York State Department of Environmental Conservation ("NYSDEC" or "Department") has administrative jurisdiction over the abatement and prevention of pollution of the waters and air of the state, and is responsible for the enforcement of the Environmental Conservation Laws of the State of New York ("ECL"), and Title 6 of the Official Compilation of Codes, Rules and Regulation of the State of New York ("NYCRR"); and

2. The New York State Department of Environmental Conservation (Department) is responsible for the enforcement of Article 17, Title 10 of the ECL, which governs the control and prevention of water and air contamination by spills and leaks of petroleum from active and abandoned petroleum bulk storage facilities and provides for the adoption of implementing codes, rules and regulations; and

3. The Respondent, GERSHOW RECYCLING OF BROOKLYN INC., owns and operates a petroleum bulk storage ("PBS") facility located at 1885 Pitkin Avenue, Brooklyn, New York 11212, identified in Department records as PBS #2-218650 (the "Facility").

VIOLATIONS

4. Department staff inspected the Facility on January 5th, 2016 and found the following violations:

- a. Respondent violated 6 NYCRR 613-2.1(c)(4) by failing to have overfill prevention equipment -- \$1,250 penalty;
- b. Respondent violated 6 NYCRR 613-2.3(b)(1)(i) by failing to properly monitor leaks -- \$1,250 penalty;

5. ECL § 71-1929 provides for penalties of up to THIRTY SEVEN THOUSAND FIVE HUNDRED dollars (\$37,500.00) per day for each violation set forth above.

6. In settlement of the Respondent's civil liability for the aforesaid violations, the Respondent admits the violations set forth above, affirmatively waives its right to a hearing on this matter as provided by law, and consents to the issuing and entering of this Order on Consent pursuant to the provisions of Articles 17 and 71 of the ECL, and agrees to be bound by the provisions, terms, and conditions herein.

NOW, being duly advised and having considered this matter, the Commissioner of the Department of Environmental Conservation hereby **ORDERS**:

ARTICLE I. CIVIL PENALTY

A. With respect to the above violations, the Respondent is assessed a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). Respondent shall pay by certified check, cashier's check, or money order made payable to the "Environmental Protection and Spill Compensation Fund" with "R2-20160210-58/Gershow Recycling of Brooklyn" written in the memo line and deliver payment accompanied by the signed, original Order to:

Patrick Foster, Senior Attorney,
New York State Department of Environmental Conservation,
47-40 21st Street, Long Island City, New York, 11101-5407.

B. Payment of the civil penalty does not in any way alter Respondent's obligation to correct all violations immediately and comply with all ECL provisions and New York State rules and regulations governing petroleum bulk storage.

ARTICLE II. COMPLIANCE SCHEDULE

A. Within thirty (30) days of the effective date of this Order, the Respondent correct all the above-referenced violations.

B. Within forty-five (45) days of the effective date of this Order, Respondent shall submit documentation demonstrating that Respondent has corrected all of the above-referenced violations. All required documentation shall be submitted by mail, e-mail, or fax to Mr. Brian Falvey, Petroleum Bulk Storage Unit, New York State Department of Environmental Conservation, 47-40 21st Street, Long Island City, New York, 11101-5407; brian.falvey@dec.ny.gov (e-mail); (718) 482-4098 (fax).

ARTICLE III. RELEASE

A. Compliance with this Order shall be in full settlement of all claims for civil and administrative penalties that have been or could be asserted by the Department against Respondent, their trustees, officers, employees, successors and assigns for the above-referenced violations.

B. This Order shall not be construed as being in settlement of events regarding which the Department lacks knowledge or which occur after the effective date of this Order.

ARTICLE IV. RESERVATION OF RIGHTS

Except as provided for in Article III, above, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting any of the Department's legal or equitable rights (including but not limited to or exemplified by, the right to recover natural resource damages and to exercise any summary abatement powers), or claims, actions, authorities, actions, proceedings, suits, causes of action or demands whatsoever that the Department or the Commissioner may have against anyone, including Respondent, their trustees, officers, agents, servants, employees, successors and assigns.

ARTICLE V. FORCE MAJEURE

If Respondent cannot comply with a deadline or requirement of this Consent Order, because of a natural disaster, war, terrorist attack, strike, riot, insurrection, judicial injunction, contractor default or other, similar unforeseeable event that was not caused by the negligence or willful misconduct of Respondent and that could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement. Respondent shall include in such notice the measures taken by Respondent to prevent or minimize any delays. Failure to give such notice constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to a claim of non-compliance with this Order pursuant to this subparagraph.

ARTICLE VI. MODIFICATION

No change in this Order shall be made or become effective except as specifically set forth by written order of the Commissioner, being made either upon written application of the Respondent, or upon the Commissioner's own findings after notice and opportunity to be heard have been given to the Respondent. The Respondent shall have the burden of proving entitlement to any modification requested.

ARTICLE VII. FAILURE, DEFAULT AND VIOLATION OF ORDER

A. The failure of Respondent to comply with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order and shall be deemed to be a violation of both this Order and the ECL.

B. Respondent's failure to comply fully and in timely fashion with any provision, term, or condition of this Order shall constitute a default and a failure to perform an obligation under this Order and under the ECL and shall constitute sufficient grounds for revocation of any permit, license, certification, or approval issued to the Respondent by the Department.

C. The penalty assessed in this Order constitutes a debt owed to the State of New York. Failure to pay the assessed penalty, or any part thereof, in accordance with the schedule contained in this Order, may result in referral to the New York State Attorney General for collection of the entire amount owed (including the assessment of interest, and a charge to cover the cost of collecting the debt), or referral to the New York State Department of Taxation and Finance, which may offset any tax refund or other monies that may be owed to you by the State of New York by the penalty amount. Any suspended and/or stipulated penalty provided for in this Order will constitute a debt owed to the State of New York when and if such penalty becomes due.

ARTICLE VIII. INDEMNIFICATION

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by the Respondent, their trustees, officers, employees, servants, agents, successors or assigns.

ARTICLE IX. ENTIRE ORDER

The provisions of this Order constitute the complete and entire Order issued to the Respondent, concerning resolution of the violations identified in this Order. No term, condition, understanding or agreement purporting to modify or vary any term hereof shall be binding unless made in writing and subscribed by the party to be bound, pursuant to Paragraph VII of this Order. No informal oral or written advice, guidance, suggestion or comment by the Department regarding any report, proposal, plan, specification, schedule, comment or statement made or submitted by the Respondent shall be construed as relieving the Respondent of his/her obligations to obtain such formal approvals as may be required by this Order.

ARTICLE X. EFFECTIVE DATE

This Order shall take effect when it is signed by the Commissioners of the Department of Environmental Conservation or his designee.

Dated: Long Island City, New York

_____, 2016

BASIL SEGGOS
Acting Commissioner
New York State Department of
Environmental Conservation

By:

VENETIA A. LANNON
Regional Director
NYSDEC – Region 2

CONSENT BY RESPONDENT

GERSHOW RECYCLING OF BROOKLYN INC., acknowledges the authority and jurisdiction of the Commissioner of the New York State Department of Environmental Conservation to issue this Order, affirmatively waives its right to notice and hearing, and judicial review in the manner provided by law, consents to the issuance of this Order and agrees to be bound by the terms, provisions and conditions contained herein.

GERSHOW RECYCLING OF BROOKLYN INC.

By: [Signature]
Print Name: ERIC KUGLER
Title: FACILITY MANAGER

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

On the 19th day of FEBRUARY, 2016, before me personally came ERIC KUGLER to me known, who, being by me duly sworn, did depose and say that s/he resides in 1888 PITKIN AVE, BROOKLYN, NY 11212; that s/he is the

FACILITY MANAGER of the GERSHOW RECYCLING OF BROOKLYN INC., described herein and which executed the above instrument; and that s/he signed his/her name thereto on behalf of and with the authority of GERSHOW RECYCLING OF BROOKLYN INC.

[Signature]
Notary Public
RICHARD GUAY
Notary Public, State Of New York
No. 02GU1361717
Qualified In Kings County
Commission Expires Feb. 5, 2018

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4995
www.dec.ny.gov

NOTICE OF VIOLATION

01/06/2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ERIC KUGLER
FACILITIES MGR
GERSHOW RECYCLING OF BROOKLYN
1885 PITKIN AVENUE
BROOKLYN, NY 11212

Re: Petroleum Bulk Storage (PBS) Program Site
Inspection -6NYCRR Part 613
PBS# 2-218650, Inspection# 47493
GERSHOW RECYCLING OF BROOKLYN
1885 PITKIN AVENUE
BROOKLYN, NY 11212

Dear ERIC KUGLER:

On January 05, 2016 Department staff inspected the GERSHOW RECYCLING OF BROOKLYN facility to determine compliance with New York State's PBS regulations. The following violations were identified during that inspection and need your immediate attention to bring your facility into compliance. Citations to the applicable regulations are noted in brackets and pertain to the tank that is listed.

The law requires that you comply fully with the PBS regulations. You must correct all of the violations noted below.

UST TANK # 001

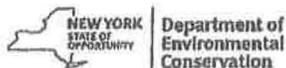
Overfill prevention equipment – [613-2.1(c)(4)]. This tank does not have overfill prevention equipment. To prevent spilling and overfilling associated with petroleum transfer to the tank system, the facility must use spill prevention equipment that will prevent the release of petroleum when the transfer hose is detached from the fill pipe (for example, a spill catch basin).

UST TANK # 001

Leak detection – [613-2.3(b)(1)(i)]. This tank is not monitored for leaks as required. The tank system must be monitored for leaks at weekly intervals using one of the methods listed in sections 613-2.3(c)(2) and (c)(4) through (c)(9).

Corrective Action and Penalties

As a result of these violations, you are subject to penalties. Pursuant to Environmental Conservation Law Section 71-1929, you may be liable for a civil penalty of up to \$37,500 per day for each of the above noted violations. The violations identified in this letter require your immediate attention. Delays in correcting the violations noted above will affect the amount of penalties for which you will be liable. In addition, under Environmental Conservation Law Section 71-1933, a person may be held criminally liable if any of the foregoing violations was the result of intentional, knowing or criminally negligent conduct.



Note that the inspection may not have disclosed all violations that exist at your site. You are responsible for ensuring that the entire facility is in compliance with applicable requirements.

An administrative settlement conference has been set for February 18, 2016 at 10:00 AM in the Region 2 Office located at 47-40 21st Street, Long Island City, New York. If you do not attend the settlement conference, Department General Counsel staff may institute a formal civil or administrative enforcement proceeding. You will be meeting with an attorney from the Department to discuss settlement and you may bring your own attorney to the settlement conference.

In order to demonstrate that the facility is in compliance, you should bring to the settlement conference proof that the violations cited above have been corrected or are being corrected. Such proof may consist of photographs, reports, invoices, letters, etc.

If you have any questions, please contact me at (718)482-7129 or brian.falvey@dec.ny.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bfalvey".

BRIAN FALVEY

NYSDEC, Region 2



BEALVEY POST/DEP
New York State Department of Environmental Conservation
47-40 21 ST
LONG ISLAND CITY NY 11101

CERTIFIED MAIL

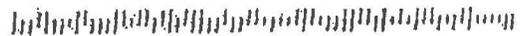


7012 3460 0001 8019 6152



ERIC KUGLER
FACILITIES MANAGER
GERSHOW RECYCLING OF BROOKLYN
1885 PITKIN AVE
BROOKLYN NY 11212

11212-7803



PLACE STICKER AT TOP OF ENVELOPE
DO NOT REMOVE FROM ENVELOPE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: ERIC KUGLER FACILITIES MANAGER GERSHOW RECYCLING OF BROOKLYN 1885 PITKIN AVE BROOKLYN NY 11212	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7012 3460 0001 8019 6152		
Domestic Return Receipt 102595-02-M-1640		



New York State Department of Environmental Conservation

Record of Compliance, Supplemental Information Form

1. Applicant name: Peconic Environmental Services Corp.

2. Facility Address: 71 Peconic Avenue, Medford, NY 11763

3. Please list all of the owners/partners of the facility that is applying for the permit: (**)

- Kevin Gershowitz
Elliot Gershowitz
Pamela Abrams
Joseph Bertuccio

4. Please list the names of all other companies that are owned or partly owned by the people listed above*. Also list the companies that own or control or are related to the applicant company, all subsidiaries, parent companies, sister companies. Also include addresses and website addresses for these companies. Also include what each listed company does (ex: "solid waste transfer" or "cement plant" or "real estate holding co").

See Attached Sheet

5. Certification by applicant: I certify that the above information is true to the best of my knowledge. I am aware that any false and/or misleading statements may be subject to prosecution under NYS Penal law.

Signature Kevin Gershowitz PDC Date 10/02/2020

Print Name Kevin Gershowitz

* if the applicant company is owned by another company, corporation, partnership, association or organization, then the companies that need to be listed are all of the companies owned or controlled by the largest parent organization involved.
** This form is applicable not only to the immediate entity but to any other corporation, partnership, association or organization in which the applicant holds or has held a substantial interest or in which it has acted as a high managerial agent or director or any other individual, corporation, partnership or organization which holds a substantial interest or the position of high managerial agent or director in the applicant.

**ADDENDUM to QUESTION # 4
RECORD OF COMPLIANCE SUPPLEMENTAL INFORMATION FORM
PECONIC ENVIROMENTAL SERVICES**

Page 1 of 2

	Company Name	Mailing Address	Site Address	Web Site	Business
1	Gershow Recycling Corporation	71 Peconic Avenue P.O. Box 526 Medford, N.Y. 11763	71 Peconic Avenue P.O. Box 526 Medford, N.Y. 11763	www.gershow.com	Recycling
2	(Additional Site)	same as above	24 Denton Avenue New Hyde Park, N.Y. 11040	same as above	Recycling
3	(Additional Site)	same as above	635 Muncy Avenue Lindenhurst, N.Y. 11757	same as above	Recycling
4	Gershow Recycling of Brooklyn Inc.	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford N.Y. 11763	1885 Pitken Avenue Brooklyn, N.Y. 11212	same as above	Recycling
5	Huntington Scrap Corporation dba: Gershow Recycling of Huntington	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford N.Y. 11763	149 West 11th Street Huntington Station, N.Y. 11746	same as above	Recycling
6	149 West 11th Street Realty, LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	149 West 11th Street Huntington Station, N.Y. 11746	NA	Real Estate for #6
7	Gershow Recycling of Freeport Inc.	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford N.Y. 11763	143 Hanse Avenue Freeport, N.Y. 11520	same as above	Transfer Station
8	143 Hanse Avenue Realty, LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	143 Hanse Avenue Freeport, N.Y. 11520	NA	Real Estate for #7
9	Gershow Recycling of Valley Stream	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	97 East Hawthorne Avenue Valley Stream, N.Y. 11580	NA	Transfer Station
10	97 East Hawthorne Realty, LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	97 East Hawthorne Avenue Valley Stream, N.Y. 11580	NA	Real Estate for #9

**ADDENDUM to QUESTION # 4
RECORD OF COMPLIANCE SUPPLEMENTAL INFORMATION FORM
PECONIC ENVIROMENTAL SERVICES**

Page 2 of 2

11	30 Wisconsin Realty, LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	30 Wisconsin Court (paper street) (property on Peconic Avenue) Medford, N.Y. 11763	NA	Real Estate investment
12	Gershow Recycling of Riverhead Inc.	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	27 Hubbard Avenue Riverhead, N.Y. 11901	NA	Recycling Junk Yard Dismantling
13	27 Hubbard Avenue Associates LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	27 Hubbard Avenue Riverhead, N.Y. 11901	NA	Real Estate for #12
14	Two Brothers Scrap Metal	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	12 Sarah Drive, Farmingdale, N.Y. 11735	www.twobrothersscrapmetal.com	Recycling Scrap Metal
15	12 Sarah Drive Realty LLC	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	12 Sarah Drive, Farmingdale, N.Y. 11735	NA	Real Estate for #14
16	139 Peconic Avenue Assoc	c/o Gershow Recycling Corporation 71 Peconic Avenue / P.O. Box 526 Medford, N.Y. 11763	139 Peconic Avenue Medford, N.Y. 11763	NA	Real Estate investment