

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violation of
Title 6 of the Official Compilation of
the Codes, Rules and Regulations of the
State of New York (6 NYCRR) Part 372 by

ORDER
ON
CONSENT

CROSSMAN CORPORATION
Routes 5 and 20
East Bloomfield, NY 14443

BU-020-94

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Part 372 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York ("6 NYCRR").

2. Crossman Corporation (the "Respondent") is a corporation doing business in the State of New York and is located at the above address.

3. 6 NYCRR Part 372.2(a)(2) requires generators of solid wastes to determine if such wastes are hazardous wastes as defined by 6 NYCRR Part 371.

4. Respondent relinquished between 9/26/90 and 4/29/91 four loads of waste oil in amounts ranging from 2,150 gallons to 6,600 gallons which contained chlorinated chemicals to Safety-Kleen Oil Services, Inc. transporters. For each of those shipments, the Department asserts that Respondent failed in violation of 6 NYCRR Part 372.2(a)(2) to make a hazardous waste determination.

5. Respondent waives its rights to the service of a Notice of Hearing and Complaint and further waives its right to a hearing in this matter as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by

the terms hereof. Respondent has agreed to enter into this Order for purposes of settlement and does not admit that it failed in violation of 6 NYCRR Part 372.2(a)(2) to make a hazardous waste determination.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Respondent shall pay to the Department a sum of Five Thousand Dollars (\$5,000.00).

II. Respondent shall pay said amount to the Department by certified check or money order, made payable to the Commissioner of the Department of Environmental Conservation, and mail it along with this Order on Consent to:

New York State Department of
Environmental Conservation
Div. of Environmental Enforcement
Attention: James Charles, Esq.
270 Michigan Avenue
Buffalo, New York 14203

III. Respondent's consent to this Order does not constitute, and shall not be construed as an adjudication of any issue of fact or law or as an admission that Respondent has violated any law or regulation.

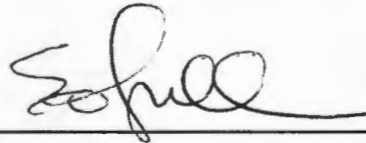
IV. In consideration of Respondent's agreement to pay the Five Thousand Dollars (\$5,000.00), the Department agrees this Order resolves all the claims, except any potential state or federal superfund or natural resource damages claims, which the Department has or may have against Respondent arising out of Respondent's disposal or relinquishment of waste oil to Safety-Kleen Oil Services, Inc. transporters of which the Department has knowledge prior to the effective date of this Order. The Respondent, its corporate predecessors, and its corporate parent and their present, and former directors, officers and employees

are released from any and all civil or criminal liability from any source as a result of the disposal or relinquishment of waste oil to Safety-Kleen Oil Services, Inc. transporters of which the Department has knowledge prior to the effective date of this Order.

V. The effective date of this Order shall be the date on which it is signed by the Commissioner of the Department of Environmental Conservation, or his designated agent.

DATED: 11-14-94

EDWARD O. SULLIVAN
Deputy Commissioner
New York State Department of
Environmental Conservation



CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

10/26/94
CROSSMAN CORPORATION

By:

James R Jereckos

James R Jereckos

(Type Name of Signer)

Title: Sr V.P. of Operations

Date: 10-26-94

STATE OF NEW YORK)

) s.s.:

COUNTY OF ONTARIO)

On this 26 day of October, 1994, before me personally came James R. Jereckos, to me known, who being duly sworn, did depose and say that he resides in New York; that he is the Sr. V.P. of Operations of Crossman Corporation, the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

JULIE DEWEY WOODHAMS
Notary Public State of New York
Ontario County No. 4835219
Commission Expires July 31, 1995

Julie Dewey Woodhams
NOTARY PUBLIC