Saw Realty, Co. George
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(Ellen Edwards)

TANK ABANDONMENT REPORT

SLAW REALTY CO., INC. C/O NU WAY FUEL OIL 1041 - 1051 ATLANTIC AVENUE BROOKLYN, NEW YORK 11238

GCI Project No. 2004086

Prepared for:

Slaw Realty Co., Inc.
C/O Nu Way Fuel Oil
1045 Atlantic Avenue
Brooklyn, New York 11238
and
Commerce Bank, N.A.
2059 Springdale Road
Cherry Hill, New Jersey 08003

Tank Abandonment Date: December 22, 2004

Report Date: January 24, 2005

Prepared by:

General Consolidated Industries, Inc. (GCI) 1092 Motor Parkway Hauppauge, New York 11788-5228 (631) 851-1600

EXECUTIVE SUMMARY

A Phase II Subsurface Investigation report dated August 10, 2004, was prepared for the subject site by GCI. The scope of work entailed installing three (3) soil borings around the perimeter of a 1,000 gallon underground storage tank (UST). The findings of the investigation revealed that the UST had not impacted the subsurface. Based upon the fact that the UST is no longer in use it was determined that the UST would be taken out of service and abandoned in-place. GCI was retained to abandon one (1) - 1,000 gallon UST located at the subject site.

On December 22, 2004, tank abandonment activities were initiated at the subject property. There was 795 gallons of gasoline / diesel fuel remaining in the UST. A total of 795 gallons of gasoline / diesel fuel was pumped from the UST. The liquid was transported by Enviro Waste, Inc., United States Environmental Protection Agency (US EPA) identification No. NYR000090142 and NYS DEC non-hazardous waste transporter permit No. 3A-562. The liquids were disposed of at Industrial Oil Tank Service, US EPA identification No. NYR000005298.

All piping for the UST was removed. The UST was then filled with Trypolmer Fire Guard Foam Insulation. The direct fill port was sealed at grade with cement. The vent line has been cut and removed. The required New York City Fire Department affidavit, dated January 10, 2005, has been submitted to Mr. Mike Reardon of the NYC FD.

The 1,000 gallon UST has been abandoned in-place in accordance with the guidelines specified in Section (C) and (D) of Title 3, RCNY Chapter 21-02. There is no further work recommended with regard to the 1,000 gallon UST. The abandonment activities satisfy Recommendation No. 1 as noted in the Phase II Subsurface Investigation report dated August 10, 2004, prepared by GCI.

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REPORT SPECIFICATIONS

This report contains ten (10) pages of text.

Copies and circulation of this report are as follows:

- Two (2) Bound original reports to Mr. Donald Barkin, Slaw Realty Co., Inc., C/O Nu Way Fuel Oil.
- One (1) Bound original report to Ms. Kristina A. Arwood, Environmental Administrator, Commerce Bank, N.A.
- One (1) Unbound original report to Ms. Kristina A. Arwood, Environmental Administrator, Commerce Bank, N.A.
- One (1) Original report in the confidential client file at General Consolidated Industries, Inc. (GCI).
- One (1) Original report on security protected computer disk at General Consolidated Industries, Inc. (GCI).

This report is prepared for the exclusive use of parties noted above and is considered private and strictly confidential. General Consolidated Industries, Inc. (GCI) shall not release this report or any of the findings of this report to any person or agency except with the authorization of the principal parties noted above.

1.0 INTRODUCTION

General Consolidated Industries, Inc. (GCI) has been retained to prepare a Tank Abandonment Report for the subject site: 1041 - 1045 Atlantic Avenue, Brooklyn, New York. The tank abandonment activities are predicated upon the presence of one (1) - 1,000 gallon underground storage tank (UST) which is no longer utilized. The oversight of the tank abandonment activities was conducted by Mr. Matthew Boeckel, Senior Hydrogeologist, Certified Remediation Specialist No. 77325 for GCI.

1.1 Regulatory Requirements

The tank abandonment activities were conducted in accordance with the guidelines specified in Section (C) and (D) of Title 3, RCNY Chapter 21-02.

Conclusions and recommendations are submitted based on the careful consideration of the results of the above work. Recommendations are formulated with respect for maintaining the collateral value of the property. This report is intended to assess the threat to human health or collateral value of the property.

The accuracy of presenting the findings of this tank closure was considered of paramount importance during the formulation of this report. However, the report's accuracy is limited to the information available from interviews, records, files and plans released by the property owner and/or his representatives and/or the respective regulatory agencies, their attorneys and information officers. The above mentioned parties interest in issues presented herein is unknown to GCI.

GCI expressly reserves its common law copyright and other property rights in this report. This report is not to be reproduced, changed or copied in any form or manner whatsoever, nor is it to be assigned to any third party without first obtaining the express written permission and consent of GCI.

Matthew Boeckel

Senior Hydrogeologist

Certified Remediation Specialist No. 77325

Tom P. Smyth

President

General Consolidated Industries, Inc.

2.0 SITE DESCRIPTION / SITE CHARACTERIZATION

2.1 <u>Site Description</u>

The subject site is presently improved by a one (1) story commercial building, with a partial basement and a one (1) story storage building. The building has reportedly been occupied by "Nu-Way Fuel Oil Burners", a.k.a. "Gaffney Industrial Supply", "Nu-Way Energy", "Lisa Dee Supply House", "Cod Fuel Oil" and "Gaffney Water Meter and On-Site Petroleum" since 1999. Prior to 1999, the building was reportedly vacant for one (1) year and prior to that time, the building was reportedly occupied by a nightclub. Mr. Barkin reported that the building was originally constructed fifteen (15) to seventeen (17) years ago for "Bayside Oil." It was reported that this company owned the building, although they never occupied it. Operations within Nu-Way entails sales, off-site service/repairs and installations of water and heating equipment. According to the Borough of Brooklyn Tax Assessor, the subject building was constructed in 1950.

The properties immediately adjacent to the subject property are composed of commercial, industrial and residential properties. The building, as well as the property are in relatively fair condition.

2.2 Site Topography

A majority of the site is covered by the subject building or a paved rear storage area. The remainder of the site is covered with pedestrian sidewalks on the south side of the site. The surface topography at the site is level throughout. Storm water runoff is directed to the curb side municipal storm water collection system or to the on-site storm water drains. The up-gradient drainage area within 1,000 feet of the subject site is improved with commercial/industrial buildings. The potential for flooding at the site is considered to be slight.

2.3 <u>Hydrogeologic Setting</u>

The Borough of Brooklyn is characterized by Alton stony loam (As) and Miami stony loam (Ms) and bedrock. According to groundwater contour maps provided by the United States Geologic Survey (USGS), the depth to groundwater at the subject site is estimated to be twenty (20) feet above mean sea level. Groundwater generally flows southwest. Please note that actual groundwater flow can be affected by many variables including underground utilities and other subsurface openings or obstructions such as basements, underground parking garages and subway lines, bedrock geology, etc.

Groundwater is not used as a drinking water supply in the Borough of Brooklyn. Potable (drinking) water is supplied to the subject site by the New York City Bureau of Water. The Bureau obtains-potable water from the Croton Reservoir located in Westchester County and other fresh water reservoirs in upstate New York.

Groundwater beneath the site is classified as GA, as per the New York State Department of Environmental Conservation (NYS DEC) "Water Quality Regulations - Surface Water and Groundwater Classifications and Standards". This classification is assigned to all of the groundwater of New York State. The best usage of class GA groundwater is as a source of potable water supply. Class GA groundwater are fresh groundwater.

3.0 TANK ABANDONMENT ACTIVITIES

The Tank Abandonment activities were conducted at the subject site on December 22, 2004. The following sections summarize the work conducted, the field observations and data collected, as well as any other pertinent site information which may have been obtained during the performance of the abandonment activities.

The oversight of the Tank Excavation Assessment (TEA) activities was conducted by Mr.·Matthew Boeckel, Senior Hydrogeologist, Certified Remediation Specialist No. 77325 for GCI. Photographs were taken to document the Tank Abandonment activities and are included with this report as Appendix D.

3.1 Preliminary Activities

A sample of the liquid present in the tank was obtained for waste characterization purposes. The liquid sample was immediately stored on ice and delivered to a United States Environmental Protection Agency (US EPA) certified laboratory for analysis. The laboratory chosen for this investigation was Long Island Analytical Laboratories Inc., which is located in Holbrook, Long Island, New York. The National Environmental Laboratory Approval Program (NELAP) certification number for the laboratory is NY01273.

The analytical results indicated that the composition of the liquid sample is unleaded gasoline / diesel fuel oil No. 2. A copy of the laboratory analytical report is included with this report as Appendix A.

3.2 <u>Tank Abandonment Activities</u>

On December 22, 2004, tank abandonment activities were initiated at the subject property. There was 795 gallons of gasoline / diesel fuel remaining in the UST. A total of 795 gallons of gasoline / diesel fuel was pumped from the UST. The liquid was transported and disposed of by Enviro Waste, Inc., United States Environmental Protection Agency (US EPA) identification No. NYR000090142 and NYS DEC non-hazardous waste transporter permit No. 3A-562. The liquids were disposed of at Industrial Oil Tank Service, US EPA identification No. NYR000005298. A copy of the waste disposal manifest for the liquid is included with this report as Appendix B.

All piping for the UST was removed. The UST was then filled with Trypolmer Fire Guard Foam Insulation. The direct fill port was sealed at grade with cement. The vent line has been cut and removed. The required New York City Fire Department affidavit, dated January 10, 2005, has been submitted to Mr. Mike Reardon of the NYC FD.

The tank has been abandoned in-place in accordance with the guidelines specified in Section (C) and (D) of Title 3, RCNY Chapter 21-02. There is no further work recommended with regard to the 1,000 gallon former gasoline UST. A copy of the New York City Fire Department affidavit is included with this report as Appendix C.

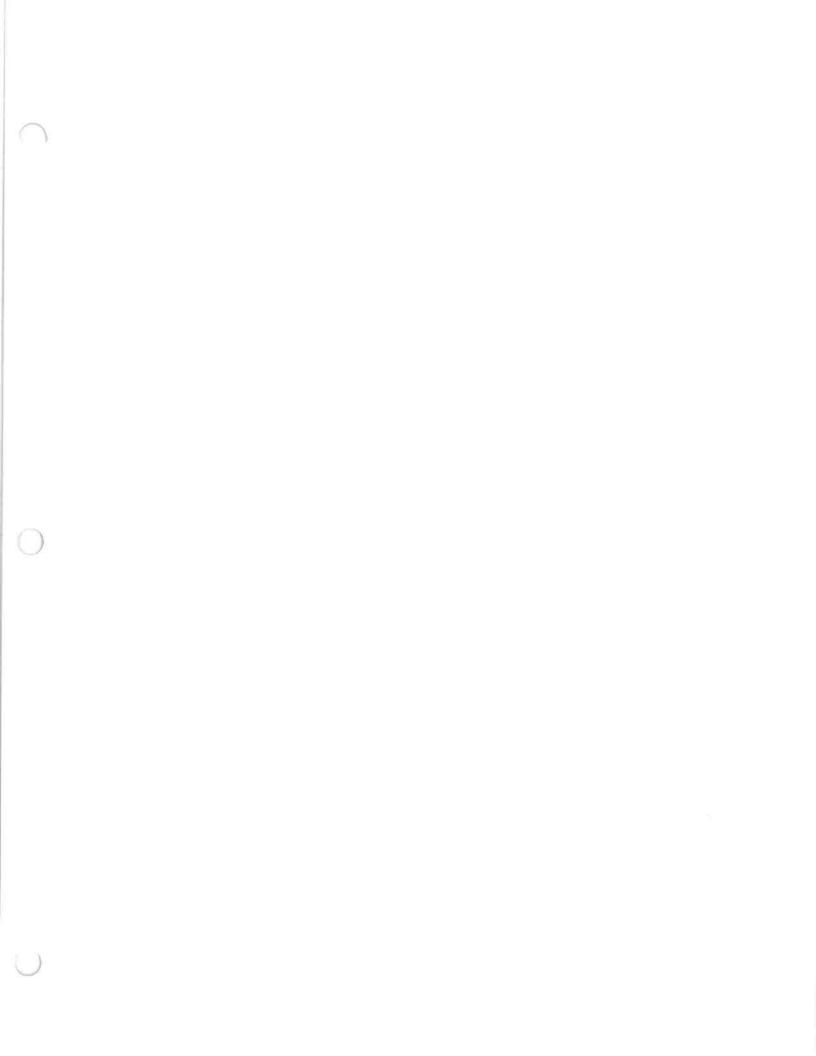
4.0 <u>CONCLUSIONS & RECOMMENDATIONS</u>

4.1 Conclusions

On December 22, 2004, tank abandonment activities were initiated at the subject property. There was 795 gallons of gasoline / diesel fuel remaining in the UST. A total of 795 gallons of gasoline / diesel fuel was pumped from the UST. The liquid was transported by Enviro Waste, Inc., United States Environmental Protection Agency (US EPA) identification No. NYR000090142 and NYS DEC non-hazardous waste transporter permit No. 3A-562. The liquids were disposed of at Industrial Oil Tank Service, US EPA identification No. NYR000005298.

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The 1,000 gallon UST has been abandoned in-place in accordance with the guidelines specified in Section (C) and (D) of Title 3, RCNY Chapter 21-02. There is no further work recommended with regard to the 1,000 gallon UST. The abandonment activities satisfy Recommendation No. 1 as noted in the Phase II Subsurface Investigation report dated August 10, 2004, prepared by GCI.



Limitations

The purpose of this investigation was to identify potential sources of contamination. The findings and conclusions set forth in this report are based upon information that was available to GCI, during its inspection of the property and after review of selected records and documents. If new information becomes available concerning the property after this date, or if the property is used in a manner other than that which is identified in this report, the findings and conclusions contained herein may have to be modified. Additionally, while this investigation was performed in accordance with good commercial and customary practice and generally accepted protocols within the consulting industry, GCI can not guarantee that the property is completely free of hazardous substances or other materials or conditions that could subject the owner and/or operator to potential liability. Future events and/or investigation could change the findings stated herein. Should additional investigations encounter differing conditions, sections of this report may require modification.

Limiting Conditions

The preceding Environmental Assessment is subject to the following conditions and to such other conditions and limiting conditions as are set forth in the report.

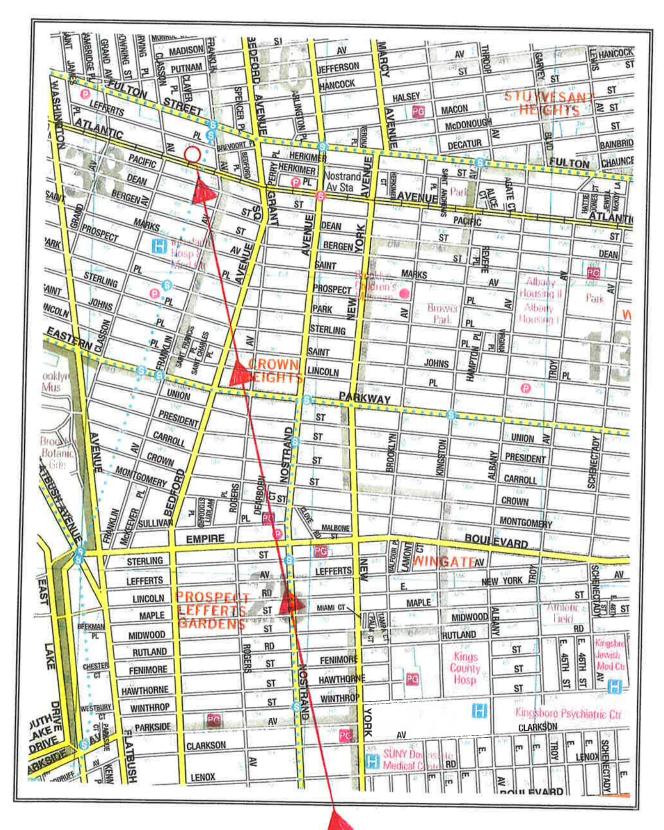
- 1. GCI assumes no responsibility for hidden or latent conditions or misrepresentation by the property owner, his/her representatives, public information officials or any authority consulted in connection with the compilation of this report.
- 2. This report is prepared for the sole and explicit purpose for assessing the potential liability with respect to the presence of hazardous materials that may pose a potential health or environmental threat and for evaluating collateral risk associated with the same. This report is not intended to have any direct bearing on the value of the property.
- 3. The Environmental Assessment is for the sole use of the principal parties. No disclosure or reproduction shall be made of the preceding report without the prior written consent of General Consolidated Industries, Inc. (GCI).
- 4. General Consolidated Industries, Inc. (GCI) or any representative of General Consolidated Industries, Inc. (GCI) is not required to give testimony with reference to the opinions expressed herein without prior written arrangement.

Disclaimer

This report is for the use by the client as a guide in determining the possible presence of toxic materials on the subject property at the time of the inspection. This report is based on the review of historic records (which may be incomplete), relating to past occupants, and upon a visual inspection of the surrounding properties at the time of inspection, and makes no determinations with respect to portions of the surrounding properties which were not inspected.

Any and all liability on the part of GCI shall be limited solely to the cost of this environmental assessment. GCI shall have no liability for any damages, whether consequential, compensatory, punitive, or special, arising out of, incidental to, or as a result of, this assessment and report. GCI shall have no liability for any cleanup and/or response costs, or any other incidental, or consequential, punitive, or special costs arising out of, incidental to, or as a result of any action against the client brought by any federal, state, or local government agency. GCI assumes no liability for the use of this assessment and report by any person or entity other than the client for whom it has been prepared.

LOCATION MAP



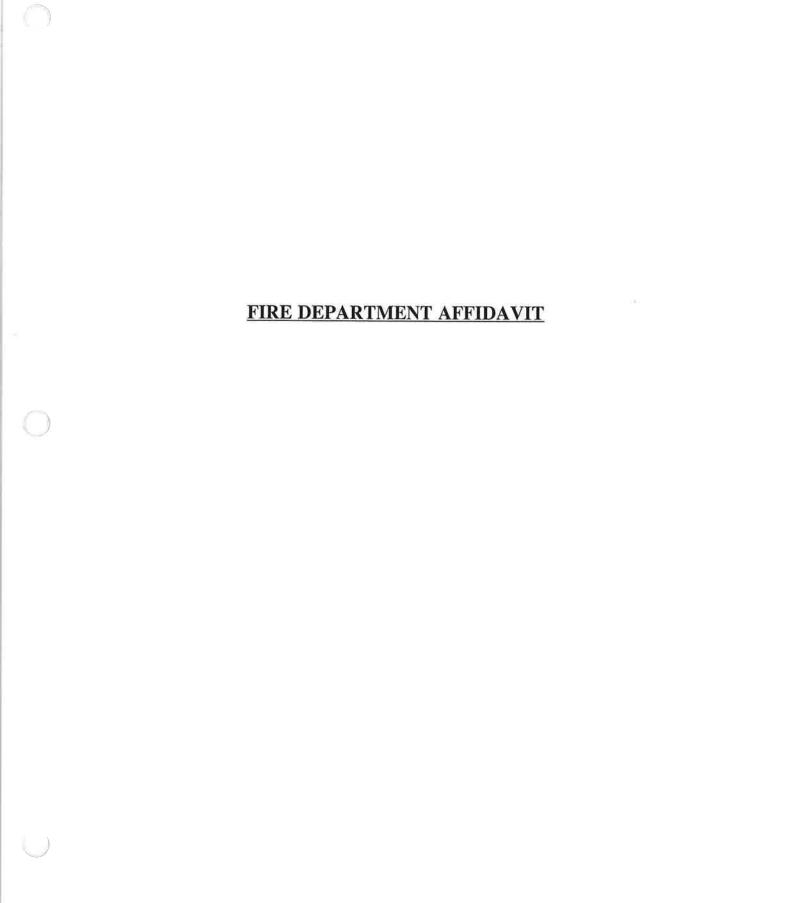
SUBJECT SITE

1041 - 1051 Atlantic Avenue Brooklyn, New York 11238 SITE PLAN

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WASTE DISPOSAL MANIFEST

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9	Cosignated Facility Name and Site Address NOUTRIAL OIL TANK	SERV.	10. US EPA ID NUMBER		C. Facility's	eo	-6080		
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DRY AS A BONE INC. D.A.A.B. INC.

69 CAPITOLIAN BLVD. ROCKVILLE CENTRE, NY. 11570 P:(516) 678-5115 F:(516) 678-9140

155-44 S. CONDUIT AVE. JAMAICA, NY. 11434 P:(718) 949-3849 F:(718) 527-6688

1/10/05

New York City Fire Department Bureau of Fire Prevention Attn: Mike Reardon 9 Metro Tech Center Room 3E-76-K Brooklyn, NY 11201-3857

REGARDING: ABANDONING (1) 1000-GALLON Diesel at NU WAY fuel oil 1041-45 Atlantic Ave Brooklyn, NY.

On , 12/22/04 Dry As A Bone, Inc. abandoned the 1000-gallon Diesell tank located at the above address. All piping was removed, including vent risers and remote fill pipes. A licensed waste oil transporter removed all contents of the tank. The emptied tank was then filled with Trypolmer Fire Guard Foam (Approval Index #: 9905062A). This is a permanent tank closure in accordance with the guidelines specified in section © and (D) of Title 3, RCNY Chapter 21-02.

If you have any questions, please do not hesitate to contact our office.

Thank You.

(Lic. #: 62365580 Type W-16 exp. 9/15/05)

SUSANA DOLACIO NO OFFICE STATE OF HEM FORE QUALIFIED IN MACHINE COUNTY

LABORATORY ANALYSIS RESULTS

"TOMORROWS ANALYTICAL SOLUTIONS TODAY"

1 of 2 pages

December 14, 2004

GCI Matt Boeckel 1092 Motor Parkway Hauppauge, New York 11788

Re:	2004086-1045 Atlantic Av	enue	

Dear Mr. Boeckel

Enclosed please find the Laboratory Analysis Report(s) for sample(s) received on December 9, 2004. Long Island Analytical Laboratories analyzed the samples on December 14, 2004 for the following:

CLIENT ID	ANALYSIS		
Fingerprint #1	Petroleum Fingerprint Analysis		

If you have any questions or require further information, please call at your convenience. Long Island Analytical Laboratories would like to thank you for the opportunity to be of service to you.

Best Regards,

Long Island Analytical Laboratories, Inc.

2 of 2 pages

Client: GCI	Client ID: 2004086-1045 Atlantic Avenue		
	(Fingerprint #1)		
Date received: 12/9/04	Laboratory ID: 1061113		
Date extracted: 12/14/04	Matrix: Oil		
Date analyzed: 12/14/04	ELAP #: 11693		

PETROLEUM FINGERPRINT ANALYSIS

Sample Contains:			
Unknown Composite	Negative	Fuel Oil #3	Negative
Aviation Gas	Negative	Fuel Oil #4	Negative
Unleaded Gasoline	Positive*	Fuel Oil #5	Negative
Mineral Spirits	Negative	Fuel Oil #6	Negative
Jet Fuel A	Negative	Kerosene	Negative
Diesel/Fuel #2	Positive*	Motor Oil	Negative
Hydraulic Type 1	Negative	SAE 10	Negative
Hydraulic Type 2	Negative	SAE 20	Negative
Hydraulic Type 3	Negative	SAE 30	Negative
Hydraulic Type 4	Negative	SAE 40	Negative

*Quality of match poor.
Total TPH 8015 842,404 mg/kg

Michael Veraldi-Laboratory Director

Mirhael Venred



101-4 Colin Drive • Holbrook, New York 11741 • Phone (631) 472-3400 • Fax (631) 472-8505 • Email: LIAL@lialinc.com

OF CONTAINERS (FOR LAB USE ONLY) LABORATORY CHAIN COMMENTS / INSTRUCTIONS PRINTED NAME PRINTED NAME FOR ANALYSIS DOCUMENT CORRECT CONTAINER(S) DATE, YES/NO (YES/NO TIME DATE TIME RECEIVED BY SAMPLE CUSTODIAN RECEIVED BY LAB (SIGNATURE) X TURNAROUND REQUIRED: STATO OSHINOSH SISA THINA NORMALIC REQUEST WHITE - OFFICE / CANARY - LAB / PINK - SAMPI F CLISTONIAN / CO. ر در TERMS & CONDITIONS: Accounts are payable in full within thirty days, outstanding balances accrue service charges of 1.5% per month. MATRIX S=SOIL; L=LIQUID; SL=SLUDGE; A=AIR; W=WIPE; P=PAINT CHIPS; B=BULK MATERIAL G=GRAB; C=COMPOSITE, SS=SPLIT SPOON PRES ICE, HCL, H2SO4, NAOH SAMPLE # -LOCATION CHAIN OF CUSTODY, PRINTED NAME. PRINTED NAME 1 1 FAX: (7) CONTACT: % T PHONE: PRES. DATE TIME TYPE RELINQUISHED BY (SIGNATURE) RELINQUISHED BY (SIGNATURE) MATRIX CLIENT NAME/ADDRESS PROJECT LOCATION: LABORATORY For Laboratory Use Only 图 # QI TYPE 10

1

SITE PHOTOGRAPHS



1. View of the rear of the subject site.



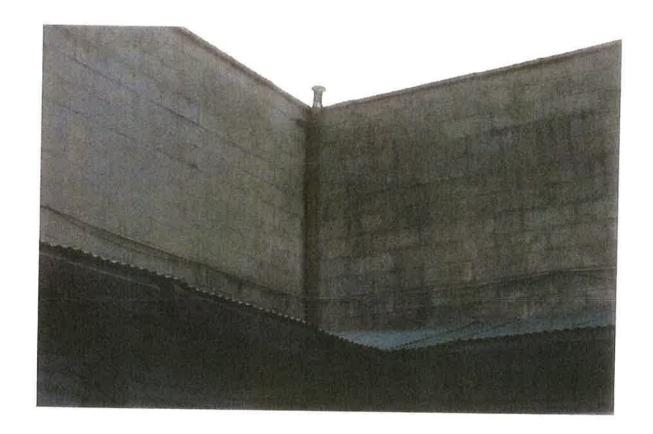
2. View of the location of the 1,000 gallon underground storage tank (UST).



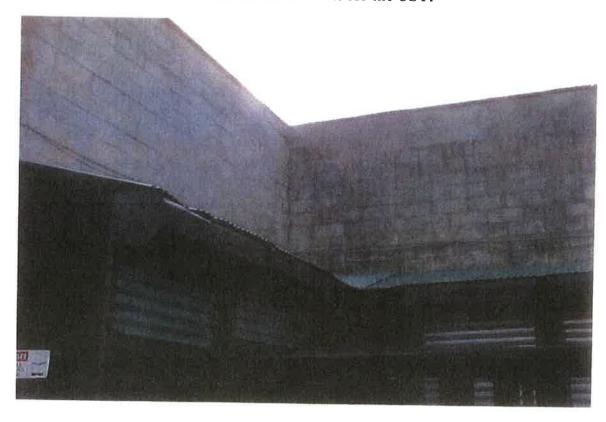
3. View of the abandonment truck and equipment.



4. View of the 1,000 gallon UST being filled with Trypolymer Fire Guard Foam.



5. View of the vent line for the UST.



6. View of the area upon removal of the vent line.



7. View of the direct fill port upon being sealed at grade with cement.

