



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NORLITE LLC
PO BOX 694
COHOES, NY 12047-0694
(518) 235-0401

Facility:
NORLITE LLC
628 S SARATOGA ST
COHOES, NY 12047

Facility Location: in COHOES in ALBANY COUNTY

Facility Principal Reference Point: NYTM-E: 606.075 NYTM-N: 4734.426
Latitude: 42°45'18.1" Longitude: 73°42'13.5"

Project Location: 628 South Saratoga Street

Authorized Activity: Renewal of an existing Part 373 Hazardous Waste Management permit, in accordance with the approved plans, conditions of this permit, and Part 373 regulations governing Hazardous Waste Management.

Permit Authorizations

Resource Conservation and Recovery Act - Under Article 27, Title 9

Permit ID 4-0103-00016/00016

Renewal Proposed Effective Date: _____ Proposed Expiration Date: _____

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: NANCY M BAKER, Deputy Regional Permit Administrator

Address: NYSDEC REGION 4 HEADQUARTERS
 1130 NORTH WESTCOTT RD
 SCHENECTADY, NY 12306 -

Authorized Signature: _____ Date ____/____/____



Permit Components

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

1. Approved Plans The facility must be operated in accordance with the approved plans (application), entitled "6 NYCRR Part 373 Permit Application", prepared by Norlite Corporation dated January, 2012, as last revised on _____. Any inaccuracies in the approved plans or deviation from the approved plans may be grounds for termination or modification of this permit and potential enforcement action. The permittee must notify the NYS DEC of any deviation from (or changes to) the approved plans which could affect the Permittee's ability to comply with applicable regulations or permit conditions.

2. Compliance The Permittee shall require its independent contractors, employees, agents and assigns to comply with this Permit, including Schedule 1 of Module 1 and all special conditions. Such persons shall be subject to the same sanctions for violation of the Environmental Conservation Law as those prescribed for the Permittee.

3. Department Access The Permittee must provide proper and safe conditions for Department access for inspections. Inspections, tests, photography or observations by the Department, the Department's Engineer or third parties may be performed to provide information to the Department regarding compliance with this Permit. The information collected is not intended to fulfill the Permittee's obligations under this permit.

4. Conflicting Requirements In the event of a discrepancy between this Permit and any regulation, order on consent, or any other permit, the more stringent requirement applies, as determined by the Department.

5. Applicable Regulations and Permit Conditions The permittee must comply with all terms and conditions of this Permit, which consists of the conditions contained herein (including all Modules, Attachments and documents incorporated by reference as specified in Schedule 1 of Module 1), and the applicable regulations contained in 6 NYCRR Parts 370 - 376, 621 and 624, as specified in this Permit. Applicable regulations are those which are in effect on the date of issuance of this Permit, except as provided in Condition A.5 of Module 1.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 4 HEADQUARTERS
1130 NORTH WESTCOTT RD
SCHENECTADY, NY12306 -

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Resource Conservation and Recovery Act.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;



- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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Attachments

- A. RESERVED
- B. Engineering Drawings – “Norlite, LLC, Cohoes, New York; NYSDEC Part 373 Hazardous Waste Permit Application, Section M (January 2012, Revised September 2012, Revised X)
- C. Closure Plan, Post-Closure Plan and Financial Assurance - “Norlite, LLC, Cohoes, New York; NYSDEC Part 373 Hazardous Waste Permit Application, Section I (January 2012, Revised September 2012, Revised XXXX)
- D. Permit Modification Log
- E. Executive Summary

Documents Incorporated by Reference

1. Norlite Operations Plan (January 2014)
2. Norlite Integrated Contingency Plan (January 2014)
3. Norlite Closure Plan (January 2014)
4. Norlite Personnel Training Plan (January 2014)
5. Norlite Waste Analysis Plan (January 2014)
6. Norlite Security and Inspection Plan (January 2014)
7. Order on Consent, DEC Case No. R4-2009-0610-101, between New York State and Norlite Corporation. (May 11, 2010)¹
8. MACT Comprehensive Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 and 2 (October 2008, revised June 2009, revised August 2010).¹
9. MACT Comprehensive Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 and 2. (April 2011)¹.
10. Norlite Corporation, Cohoes, New York, NYSDEC Part 373 Hazardous Waste Permit Application, Sections A, B, C, D, E, F, G, H, J, K, and L. (January 2012, Revised September 2012, Revised XXX).
11. Amended and Restated Trust Agreement for Closure and/or Post Closure with RBS Citizens Bank, N.A. (January 1, 2013)
12. 6 NYCRR Part 373 Permit Application. (December 1996 and subsequent revisions to date)
13. Trial Burn Report. (August 1999 and subsequent revisions)
14. Risk Burn Phase II. (September 2001)
15. Human Health & Ecological Risk Assessment Reports. April 2002.

16. ATSDR Public Health Assessment for Norlite Corporation, December 2, 2005
17. Environmental Assessment Form (EAF) (November 1993, Revised November 1995).
18. Noise Impact Analysis, Technical Report AA-1790 (September 24, 1990)
19. Fugitive Dust Control Plan by Sci-Tech (October 1995, Revised December 14, 2001).
20. Norlite Best Management Practices Plan Revision 1 (April 30, 1992, Revised October 26, 1995)
21. Startup, Shutdown and Malfunction Plan Pursuant to the HWC MACT Regulations, Revision 1 (September 24, 2004)
22. Norlite Statement of Basis (April 2014)

Footnotes:

1. Each document referenced by this footnote includes the above dated original submission and any subsequent Department approved document revisions.

ACRONYMS

Acronyms for Part 373 Permit

A

AOC - Areas of Concern
ACFM - Actual Cubic Feet per Minute
APCE - Air Pollution Control Equipment
APS - Acid Polar Solvents
AWFCO - Automatic Waste Feed Cutoff

B

BTU - British Thermal Unit

C

CAS - Chemical Abstract Services Registry
CCS - Counter Current Scrubber
CE - Calibration Error
CEMS - Continuous Emissions Monitoring System
CFM - Cubic Feet per Minute
CFS - Cross Flow Scrubber
CMI - Corrective Measures Implementation
CMS - Continuous Monitoring System
CO - Carbon Monoxide
CSA - Container Storage Area
CSM - Conceptual Site Model

D

DEC - Department of Environmental Conservation
DUSR - Data Usability Summary Report

E

EC - Emergency Coordinator
ECL - Environmental Conservation Law
EDS - Electronic Document Standards
ELAP - Environmental Laboratory Approval Program

F

FBI - Fixed Box Incinerator
FER - Final Engineering Report

G

GPM - Gallons per Minute

H

HCl - Hydrogen Chloride

HMDZ - Hexamethyldisilazane

HRA - Hourly Rolling Average

HWC-MACT - Hazardous Waste Combustors Maximum Achievable Control Technology

I

I & C - Instrumentation and Control

ICM - Interim Corrective Measures

INST - Instantaneous

IWS - Ionizing Wet Scrubber

K

kW - Kilowatts

L

LDR - Land Disposal Restrictions

LVM - Low Volatile Metal

M

MACT - Maximum Achievable Control Technology

MCL - Maximum Contaminant Level

MM BTU - Million British Thermal Units

N

NESHAPS - National Emissions Standards for Hazardous Air Pollutants

NFPA - National Fire Protection Association

NIC - Notification of Intent to Comply

NOC - Notification of Compliance

NPS - Non Polar Solvents

NYCRR - New York State Codes, Rules & Regulations

NYSDEC - New York State Department of Environmental Conservation

NYSDOH - New York State Department of Health

O

OMA – One Minute Average
O&M - Operation & Maintenance
OSHA - Occupation Safety & Health Administration

P

PCBs - Polychlorinated Biphenyls
PDF - Portable Data Format
P&ID - Process and Instrumentation Drawing/Diagram
PIC - Product of Incomplete Combustion
POHC - Principal Organic Hazardous Constituent
PRR - Periodic Review Report
PPM - Parts per Million
PPMV - Parts per Million by Volume
PR - Preliminary Review
PSIG - Pounds per Square Inch Gauge

Q

QA/QC - Quality Assurance/Quality Control

R

RATA - Relative Accuracy Test Audit
RCRA - Resource Conservation & Recovery Act
RD/RA - Remedial Design/Remedial Action
RFI - RCRA Facility Investigation
RKI - Rotary Kiln Incinerator
RSO - Remedial System Optimization

S

SAPA - State Administrative Procedures Act
SCC - Secondary Combustion Chamber
SEQR - State Environmental Quality Review
SiO₂ - Silica
SMP - Site Management Plan
SOB - Statement of Basis
SSMP - Startup, Shutdown and Malfunction Plan
SPDES - State Pollutant Discharge Elimination System
SWMU - Solid Waste Management Unit
SV - Sampling Visit
SVM - Semi-Volatile Metal

T

TSDF - Treatment, Storage & Disposal Facility

U

UL - Underwriters Laboratories

USDOT - United States Department of Transportation

USEPA - United States Environmental Protection Agency

UV - Ultraviolet

V

VSI - Visual Site Inspection

W

WAP - Waste Analysis Plan

MODULE I

General Conditions

PART 373 PERMIT

MODULE I – GENERAL CONDITIONS

The Permittee is hereby authorized to operate only the hazardous waste units identified in Schedule 1 of Module I of this Permit. This Permit does not authorize the use of any other units to operate other than those identified in Schedule 1 of Module I. If this Permit conflicts with any regulations which are in effect on the date of final issuance of this Permit, the more stringent requirement applies.

A. EFFECT OF PART 373 PERMIT

1. This Permit consists of the general and special conditions contained in this and the attached Modules, including **Schedule 1 of Module I**; the Department-approved Permit Application, including the Attachments and documents incorporated by reference; and the applicable requirements of the New York State Environmental Conservation Law (ECL) Article 27, Title 9, Section 27-0900 et seq., and the following regulations:
 - 6 NYCRR 370 - Hazardous Waste Management System-General;
 - 6 NYCRR 371 - Identification and Listing of Hazardous Wastes;
 - 6 NYCRR 372 - Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities;
 - 6 NYCRR 373 - Hazardous Waste Management Facilities;
 - 6 NYCRR 374 - Management of Specific Hazardous Waste;
 - 6 NYCRR 376 - Land Disposal Restrictions;
 - 6 NYCRR 621 - Uniform Procedures; and,
 - 6 NYCRR 624 - Permit Hearing Procedures.
2. The Permittee must comply with the applicable Remediation Guidance and Policy Documents found at <http://www.dec.ny.gov/regulations/2393.html>.
3. The Permittee must comply with the applicable Commissioner Policies found at <http://www.dec.ny.gov/regulations/64558.html>.
4. The applicable regulations or requirements are those which are in effect on the date of final issuance of this Permit. However, the Permittee must also comply with the following requirements:
 - a. requirements which become effective by statute, including amendments thereto;
 - b. requirements of 6 NYCRR 376, as modified (land disposal restrictions);

- c. requirements of 6 NYCRR 373-3.27, 373-3.28, and 373-3.29, as modified (air emission standards); and,
 - d. other requirements specified in 6 NYCRR 373-1.6(e) (permit conditions).
5. The Permittee is authorized to manage hazardous waste in the permitted units identified in **Schedule 1 of Module I** in accordance with the conditions of this Permit. Any storage, treatment or disposal of hazardous waste not authorized by this Permit is prohibited unless exempt under 6 NYCRR Part 373-1.1(d). Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, State or local laws or regulations.
 6. All plans, reports, specifications and schedules required by the terms of this Permit and all subsequent amendments to those documents are incorporated by reference into this Permit when specifically noted in any written approval issued by the Department pursuant to 6 NYCRR 621.13. Upon incorporation, the provisions of each such document will be binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.
 7. The Permittee must submit plans, reports, specifications, implementation schedules and any subsequent amendments to those documents required by this Permit to the Department for review and comment. Following its review of a document, if the document requires formal Department approval (as determined by the Department), the Department may either approve the document as submitted or issue comments on the submittal. If the Department issues comments on the document, subsequent activities for the document must proceed in accordance with the following schedule:
 - a. Meeting between the Permittee and the Department to discuss the document comments, if requested by the Permittee or deemed necessary by the Department; and,
 - b. Submission of a revised document to the Department for approval within thirty (30) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary, the Permittee must submit a revised document for Department approval, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days of the Permittee's receipt of comments from the Department).
 - c. If the submission is not revised to the Department's satisfaction, the Department may revise the document and send the Permittee a notice of intent to modify the Permit to incorporate the revised document into the Permit, pursuant to 6 NYCRR 621.13.
 8. The documents listed in **Condition B of Schedule 1 of Module I** are made part of this Permit, are binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

9. Informal advice, guidance, suggestion, or comment by the Department must not be construed as relieving the Permittee of the Permittee's obligation to obtain such formal approvals as may be required by this Permit. In the event of a conflict between the requirements within this Permit or between the terms of this Permit and any plans, reports, specifications and schedules submitted pursuant to this Permit, the more stringent requirement shall always control. The Permittee consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Permit.
10. The Permittee must also comply with the following:
 - 6 NYCRR 373-1.1(f) – Uniform Procedures
 - 6 NYCRR 373-1.1(g) – Enforcement
 - 6 NYCRR 373-1.1(h) – Severability
11. The Permittee must maintain a current and complete paper copy of this Permit, including all Modules, Attachments and documents incorporated by reference, in at least one location at the Facility for review by the Department upon request.
12. For any Environmental Monitor(s) assigned to the Facility, the Permittee must maintain a complete set of paper copies of all submittals required by this Permit in the office of the Environmental Monitor or as otherwise directed by the Environmental Monitor(s).

B. DEFINITIONS

1. For the purposes of this Permit, the terms used herein shall have the same meanings as those provided in 6 NYCRR 370 through 376, and the terms defined in **Condition B.2** of this Module, unless this Permit specifically states otherwise. Where the terms are not otherwise defined, the meanings associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industry meaning of the term.
2. The following additional terms used in this Permit are defined as such:
 - a. Action Levels. For the purposes of this Permit, “action levels” are hazardous constituent concentrations for a specific environmental medium which if exceeded indicate a potential threat to human health or the environment. The exceedence of action levels may trigger further investigations, studies and corrective measures. Where available, action levels are based on appropriate promulgated standards established for a specific environmental medium. When promulgated standards are not available, action levels can be media-specific hazardous constituent concentrations derived from non-promulgated human health risk data or environmental risk data with the latter levels being protective of aquatic life or wildlife. An action level may be set at the background level for a hazardous constituent for which data are inadequate to set a human health or

environmental health-based level. The action levels for groundwater are the more stringent of the following for each compound or constituent: 6 NYCRR 703.5, New York State Department of Health's Drinking Water Standards and the United States Environmental Protection Agency's Maximum Contaminant Levels (MCLs).

- b. Areas of Concern (AOC). Pursuant to the authority granted by 6 NYCRR 373-1.6(c)(2), an "area of concern" has been defined for purposes of this Permit to mean an area at the facility, or an off-site area, which is not at this time known to be a solid waste management unit (SWMU), where hazardous waste and/or hazardous constituents are present, or are suspected to be present, as a result of a release from the facility. The term shall include areas of potential or suspected contamination as well as actual contamination. Such area(s) may require study and a determination of what, if any, corrective action may be necessary. All Permit references to and conditions for SWMUs shall apply to areas of concern.
- c. Corrective Action. For the purposes of this Permit, "corrective action" is a process that includes all activities related to the investigation, characterization and cleanup of a release of hazardous/mixed wastes or hazardous constituents from a solid waste management unit (SWMU) at a permitted or interim status treatment, storage and disposal facility (TSDF) to any environmental medium, including groundwater. Module II of this Permit contains a more detailed discussion of the corrective action process.
- d. Environment. Pursuant to ECL Article 27, Title 9 Section 27-0901, "environment" means any water, water vapor, land including land surface or subsurface, air, and fish, wildlife, other biota, and all other natural resources.
- e. Hazardous Constituents. For the purposes of this Permit, "hazardous constituents" are those constituents listed in Appendix 23 of 6 NYCRR 371 or any constituent listed in Appendix 33 of 6 NYCRR 373-2.
- f. Permittee. For the purposes of this Permit, "Permittee" herein refers to the party(ies) subject to this Permit. In addition, refer to **Conditions R.2 and R.3** of this Module.
- g. Priority Pollutant. Pursuant to 6 NYCRR 750 1.2(a)(67), "priority pollutant" means those pollutants listed in 40 CFR 122, Appendix D (see 6 NYCRR 750-1.24) as Organic Toxic Pollutants (volatiles, acid compounds, base/neutral compounds and pesticides), Metals, Cyanide and Total Phenols.
- h. Release. For purposes of this Permit, "release" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous waste, including hazardous constituents, unless expressly authorized under the terms of this Permit or otherwise permitted under law (e.g., SPDES permitted discharges).

- i. Solid Waste Management Unit (SWMU). For purposes of this Permit, a “solid waste management unit” includes any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of hazardous or solid wastes. Such units include any area at the facility at which solid wastes have been routinely and systematically released. These units include certain areas associated with production processes that have become contaminated as a result of routine and systematic releases.

C. GENERAL PERMIT CONDITIONS [6 NYCRR 373-1.6]

1. 6 NYCRR 373-1.6 provides conditions applicable to all Part 373 Permits which are therefore incorporated into this Permit. The provisions are incorporated into, and made enforceable under this Permit.
2. Oral Reports: The Permittee must orally report any noncompliance that may endanger health or the environment immediately from the time the Permittee becomes aware of the circumstances. The oral reports must be made to the Department using the New York State 24-hour oil and hazardous material spill notification number (800) 457-7362 and the National Response Center using its 24-hour number (800) 424-8802, or any designated telephone numbers which may subsequently replace those listed above. The Permittee must also provide such oral reports to Department staff that are on-site at the time of, or subsequent to, a reportable incident. The information reported must include that listed at 6 NYCRR 373-2.4(g)(4)(ii).
3. Entry Upon Facility:
 - a. The Permittee must allow, pursuant to 6 NYCRR 373-1.6(a)(9), entry upon the Facility (or areas in the vicinity of the Facility which may be under the control of the Permittee) at reasonable times by any duly designated officer or employee of the United States Environmental Protection Agency (USEPA), the Department or any State agency having jurisdiction with respect to matters addressed pursuant to this Permit, and by any agent, consultant, contractor or other person so authorized by the Department, upon presenting identification, for inspecting, sampling, copying records that must be maintained by this Permit, testing, and any other activities necessary to evaluate the Permittee’s compliance with this Permit.
 - b. Upon request, the Permittee must: (i) provide the Department with suitable work space at the Facility, including access to a telephone, to the extent available; and, (ii) allow the Department full access to all records relating to matters addressed by this Permit. Raw data must be provided to the Department upon request.
 - c. In the event the Permittee is not the owner of the Facility property and is unable to obtain any authorization from third-party property owners necessary to provide access, the Permittee must immediately notify the Department and provide any requested assistance in obtaining such authorizations.
 - d. The Department shall have the right to take its own photographs, samples and scientific measurements and to obtain split samples, duplicate samples or both.

The Department shall make the results available to the Permittee in accordance with Department policy.

D. PERMIT MODIFICATION AND PERMIT TRANSFER [6 NYCRR 373-1.7 and 621]

1. Proposed modifications to this Permit, including modifications to the Attachments and documents incorporated by reference into this Permit, must be addressed in accordance with 6 NYCRR 373-1.7 and 621.
2. The Permittee must contact the Department (or its representative) with respect to any and all proposed permit modifications requested by the Permittee. The Department shall make the determination as to whether a proposed permit modification is a minor or major modification in accordance with 6 NYCRR 373-1.7. For the purposes of this Permit, as described in **Condition D.2.a** of this Module, the Department will entertain proposed administrative modifications to this Permit that would not otherwise be required to follow the requirements of **Conditions D.2.b and/or D.2.c** of this Module. Administrative changes generally include in-kind replacements or minor updates to plans attached to this Permit or incorporated by reference. **However, the Department must determine whether any and all changes are administrative modifications to this Permit.**
 - a. For modifications determined by the Department to be administrative, the Permittee shall make the change in the Permittee's copy of all affected Attachment(s) and/or document(s) incorporated by reference. Submittal to the Department of a change that the Department has determined is administrative in nature is not necessary. However, at the time of Permit renewal, the Permittee must incorporate all administrative changes into this Permit. The Permittee must record all administrative changes in the Permit Modification Log provided as Attachment D of this Permit in accordance with **Condition D.3** of this Module. Note: The Department reserves the right to have its project manager, environmental monitor and/or permit writer request proposed administrative changes in writing by the Permittee's submission of a cover letter, written description of the proposed administrative modification and a clean copy of the modified affected pages for the Department's review and approval.
 - b. For modifications determined by the Department to be minor pursuant to 6 NYCRR 373-1.7(c) and 40 CFR 270.42(a), the Permittee must receive written approval from the Department before implementing the modification into this Permit, and subsequently follow the requirements of 6 NYCRR 373-1.7(e) and Department guidance for minor modifications.
 - c. For modifications determined by the Department to be major, the Permittee must treat the modification as a new application in accordance with 6 NYCRR 621.11 and follow the applicable requirements of 6 NYCRR 621.
3. The Permittee must maintain a log of all modifications requested and made to this Permit, including modifications made to the Attachments and documents incorporated

by reference into this Permit. The log must conform to the Department-approved format presented in Attachment D of this Permit and must be submitted with each modification request. The log must be filled out in its entirety, except for the issuance date. Upon issuance of each Permit modification, the Permittee must place the updated log in Attachment D of this Permit along with a copy of the Department's approval letters, when applicable, and replace all affected pages in the Modules, Attachments and/or documents incorporated by reference with the modified pages.

4. The Department may at any time, at its discretion, modify this Permit under the terms of 6 NYCRR 621.13 in accordance with the requirements contained therein.
5. Permit Transfer: The Permittee must process all changes in Facility ownership and/or operational control in accordance with the requirements of 6 NYCRR 373-1.7(a), including the timeframes specified therein. Prior to undertaking a change in Facility ownership and/or operational control, the Permittee must provide written notification to the Department and receive written approval from the Department to allow transfer of this Permit. The Permittee must demonstrate to the Department's satisfaction that the prospective transferee will be able to comply with all applicable laws and regulations, Permit conditions, financial assurance and other requirements to which the Permittee is subject. The written notification must include the identity of the transferee and of the nature and proposed date of the conveyance, and must notify the transferee in writing, with a copy to the Department, of the applicability of this Permit including the corrective action program, as appropriate. The Department will determine whether transfer of this Permit is acceptable and will require either a minor or major modification.

E. EXPIRATION AND CONTINUATION OF PERMITS [6 NYCRR 373-1.8]

1. Requests for continuation of this Permit must be submitted in accordance with 6 NYCRR 373-1.8 and 621.11.
2. No sooner than one (1) year and no later than 180 days before the expiration of this Permit, the Permittee must provide the Department with a report regarding the matters identified in ECL 27-0913(3) occurring within two years of the date of the report. The report must include any such matters involving the permitted Facility, all other facilities owned or operated by the Permittee and any duly incorporated parent or subsidiary managing hazardous wastes within the United States. The Permittee must supply such documents and pertinent details regarding the matters in the report as may be requested by the Department.
3. The Permittee must schedule a "Pre-Application" meeting with the Department at least 270 days prior to the expiration date of this Permit. Renewal applications with a significant change (as defined at 6 NYCRR 373-1.10(a)(1)) are subject to the requirements of 6 NYCRR 373-1.10.
4. Complete applications for permit renewal must be submitted at least 180 days before the expiration date of this Permit pursuant to 6 NYCRR 373-1.8(b).

5. At any time during the review of the renewal application, the Department may request that the Permittee submit any additional information in writing which is necessary for determining the completeness of the application. Failure to provide such information by the date specified in the request may be grounds for denial of the application and the extension allowed pursuant to Section 401(2) of the State Administrative Procedures Act.

F. TERMINATION OF PERMIT ACTIVITIES

1. Should the Permittee cease the hazardous waste management activities allowed by this Permit prior to the expiration of this Permit, then, pursuant to 6 NYCRR 373-1.6(d), the Permittee must continue to comply with the applicable closure, post-closure and corrective action conditions and requirements stipulated in this Permit.
2. If the Permittee certifies closure of all hazardous waste management units at the Facility, and the Department accepts these closure certifications during the term of this Permit, and post-closure care or corrective action is determined to be necessary by the Department, the Department will make a determination whether a permit or other enforceable commitment document is appropriate, pursuant to Environmental Conservation Law (ECL) Section 71-2727(3). Based on that determination, the Permittee must enter into the appropriate enforceable commitment prior to the expiration of this Permit.

G. FACILITY OPERATION

1. In accordance with 6 NYCRR 373-2.3(b), the facility must be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste(s) or hazardous waste constituents to air, soil, surface water or groundwater that could threaten human health or the environment.
2. The Permittee must at all times construct, operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee as designed in accordance with this Permit including **Schedule 1 of Module I**.
3. The Permittee must inspect the Facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of hazardous waste(s) or hazardous waste constituents to the environment, or a threat to human health pursuant to 6 NYCRR 373-2.2(g).

H. COMPLIANCE SCHEDULE

1. The Permittee must complete any activities referenced in **Condition C of Schedule 1 of Module I** within the timeframes set forth therein and in accordance with 6 NYCRR 373-1.6(d).

2. The Permittee must submit reports in a Department-approved format no later than 14 days following each interim and the final compliance date that summarize the status of each of the activities listed in **Condition C of Schedule 1 of Module I**.

I. WASTE ANALYSIS [6 NYCRR 373-2.2(e)]

1. The Permittee must perform general waste analysis in accordance with the requirements of 6 NYCRR 373-2.2(e) and this Permit, including the Department-approved Waste Analysis Plan as incorporated by reference into this Permit.
2. All laboratories utilized for the analysis of any closure, post-closure and/or corrective action samples must be certified under the New York State Department of Health's Environmental Laboratory Approval Program (ELAP). Any laboratory tests or sample analyses for which the commissioner of the New York State Department of Health (NYSDOH) issues certificates of approval must be performed by a laboratory certified to perform such tests or analyses pursuant to the NYSDOH Environmental Laboratory Approval Program.

J. PERSONNEL TRAINING PROGRAM [6 NYCRR 373-2.2(h)]

1. The Permittee must conduct personnel training in accordance with 6 NYCRR 373-2.2(h)(1), (2) and (3), and this Permit, including the Department-approved Personnel Training Program Plan as incorporated by reference into this Permit.
2. The Permittee must maintain training documents in accordance with 6 NYCRR 373-2.2(h)(4) and (5), and this Permit, including the Department-approved Personnel Training Program Plan provided s incorporated by reference into this Permit.

K. PREPAREDNESS AND PREVENTION, CONTINGENCY PLAN AND EMERGENCY PROCEDURES [6 NYCRR 373-2.3 and 2.4]

1. The Permittee must comply with the preparedness and prevention requirements in accordance with 6 NYCRR 373-2.3 and this Permit.
2. The Permittee must comply with contingency plan and emergency procedure requirements in accordance with 6 NYCRR 373-2.4 and this Permit, including the Department-approved Contingency Plan provided as s incorporated by reference into this Permit.

L. WASTE REDUCTION REQUIREMENTS

1. The Permittee must comply with the requirements of Article 27, Title 9, Section 27-0908 of the ECL and 6 NYCRR 373-2.5(c)(ix) relative to waste reduction requirements.

M. REQUIREMENTS FOR RECORDING AND REPORTING OF MONITORING RESULTS [6 NYCRR 373-1.6(b)]

1. The Permittee must comply with the recording, reporting and monitoring requirements listed in this Permit.
2. The Permittee must install, use and maintain monitoring equipment, utilize the approved methods, and report monitoring results as specified in this Permit, including **Schedule 1 of Module I** and 6 NYCRR 373-2.

N. DATA AND DOCUMENT STANDARDS

1. All analytical data required by this Permit, as well as all analytical data requested by the Department, must be submitted to the Department in the standardized format in accordance with the Department's Electronic Data Deliverable guidance within 30 days of receipt from the laboratory (see <http://www.dec.ny.gov/chemical/62440.html>). The Permittee must have all closure, post-closure and corrective action data validated by a third party prior to submission to the Department. The individual performing the third-party validation must prepare a Data Usability Summary Report (DUSR) in accordance with the requirements of the Department's DER-10. The DUSR must be submitted with the report containing the data in accordance with **Condition N.2** of this Module. The data deliverable submitted to the Department must include the results of the data validation.
2. The Permittee must deliver to the Department preliminary or final reports, specifications or drawings prepared pursuant to this Permit in an electronic format that complies with the Department's Electronic Document Standards (EDS) or as otherwise directed by the Department. All final documents are to be submitted in an electronic format that complies with the most recent DER EDS. Until such time as the Department establishes an EDS, final documents are to be submitted as a PDF document (see <http://www.dec.ny.gov/regulations/2586.html>). Also, the Permittee must, at the request of the Department, provide electronic versions of technical documents in MS Word and/or MS Excel, and plan drawings and/or other site drawings in AutoCAD, or other format suitable to the Department.
3. In addition to electronic copies, the Permittee must provide paper copies of any document (e.g., reports, plans, data, specifications, drawings, etc.) requested by the Department in paper format or as may be specified in paper format in **Schedule 1 of Module I**.

O. FINANCIAL ASSURANCE

1. The Permittee must comply with all of the applicable requirements of 6 NYCRR 373-2.8 and this Permit. The definitions contained in 6 NYCRR 373-2.8(b) are applicable to the financial requirements within this Permit.
2. The Permittee must comply with this Permit and 6 NYCRR 373-2.6(l) for meeting the financial assurance requirements for corrective action for releases from any solid

waste management unit located at the Facility, regardless of the time the waste was placed in the unit.

3. The Permittee must adjust for inflation all cost estimates required by 6 NYCRR 373-2.6(1), 373-2.8 and this Permit annually, and provide additional financial assurance for this adjustment in accordance with 6 NYCRR 373-2.8. These adjustments must be independent of any requests to decrease cost estimates, unless the Department has previously approved such a decrease (i.e., the inflationary adjustment must be made separately from any unapproved request for a decrease in the cost estimate). In addition, the total amount of any post-closure cost estimate must be established and maintained throughout the life of this Permit in at least the amount derived by multiplying the annual post-closure cost estimate by a minimum of 30 years unless the Department has approved a decrease in the post-closure care period for a unit or the Facility in accordance with 6 NYCRR 373-2.7(g)(1)(ii).
4. The Department-approved closure, post-closure and corrective action cost estimates are incorporated by reference into this Permit by **Condition B of Schedule 1 of Module I** of this Permit. These cost estimates must be adjusted annually for inflation in accordance with **Condition O.3** of this Module.
5. The Permittee must obtain approval in writing from the Department prior to any reduction in the approved cost estimates and for any changes to the instrument(s) and/or mechanism(s) (e.g., type of instrument(s) and/or mechanism(s), the issuing company(ies)/institution(s) and/or a reduction in the dollar amount(s)).
6. Corrective Action Cost Estimates: For any and all corrective actions required under the authority of this Permit for any newly identified Solid Waste Management Units, both final and interim, the Permittee must submit for the Department's approval, written estimates, in current dollars, which reflect all costs involved in implementing corrective action through Department-approved completion. Such estimates must reflect the cost of hiring a third party to perform the corrective action in accordance with 6 NYCRR 373-2.8(e)(1)(i). For the final corrective measure(s), the Permittee must provide such estimates with the submission of the Corrective Measures Implementation (CMI) work plan. For Interim Corrective Measures (ICM) requiring work plans, the Permittee must provide such estimates with the submission of each ICM work plan required by this Permit.
7. Short-Term Corrective Measures: For financial assurance of final or interim corrective measures for any newly identified Solid Waste Management Units required by Department-approved work plans where the implementation schedule in the approved work plan(s) indicates anticipated completion of said action(s) within one (1) year, the Permittee must provide the Department with a letter certifying that the Permittee has sufficient liquid financial resources to perform and complete the approved corrective measure(s) based on the Department-approved cost estimate(s) required by **Condition O.6** of this Module. This letter must include a certification in accordance with 6 NYCRR 373-1.4(a)(5) and must be provided for the Department's acceptance with the Permittee's submission of a final or interim corrective measures

work plan(s). If the Department notifies the Permittee that the certification is not acceptable, the Permittee must establish financial assurance for corrective measures in accordance with the requirements of financial assurance for Long-Term Corrective Measures as specified in **Condition O.8** of this Module within sixty (60) days of said notification. If the corrective action(s) are not completed within one year of the initial certification, the Permittee may request and the Department, at its discretion, may approve up to a one (1) year extension of the certification. If the corrective action(s) has not been completed to the Department's satisfaction at the end of the first year or a Department-approved extension, the Permittee must, within sixty (60) days, provide financial assurance in accordance with the requirements of financial assurance for Long-Term Corrective Measures as specified in **Condition O.8** of this Module.

8. Long-Term Corrective Measures: For final or interim corrective measures required for any newly identified Solid Waste Management Units by a Department-approved work plan(s) where the implementation schedule in the approved work plan(s) indicates that the anticipated completion of the final or interim corrective action(s) will take longer than one (1) year, the Permittee must establish and maintain a Department-approved financial assurance instrument(s) in accordance with 6 NYCRR 373-2.8(f). This financial assurance must be equal to the current dollar amount of the most recent Department-approved final or interim corrective measures cost estimate(s) required by **Condition O.6** of this Module. The Department-approved financial assurance must be one, or a combination, of the financial assurance instruments, specified in 6 NYCRR 373-2.8(f)(1) through (4) and these instruments must be issued by an entity, or entities, that are legally and fiscally separate and distinct from the Permittee and any parent or subsidiary thereof. If the Permittee chooses to use either 6 NYCRR 373-2.8(f)(2) or (3) (or a combination thereof), the Permittee must revise or establish a Standby Trust Fund in accordance with said regulations. The Permittee must submit the instrument(s), for the Department's approval, no later than sixty (60) days after the Department's approval of corrective measures work plan(s), or as required by the requirements of financial assurance for Short-Term Corrective Measures as specified in **Condition O.7** of this Module .
9. For any Permit modification request pertaining to the Closure Plan or Post-Closure Plan provided as Attachment C of this Permit involving an increase in the cost of closure or post-closure, the Permittee must also submit a revised cost estimate, in current dollars, which includes the increase in these costs with appropriate third party justification. For any new or modified corrective measure required by this Permit and submitted by the Permittee subsequent to the issuance of this Permit which involves an increase in the cost of corrective action, the Permittee must also submit for Department approval, a revised cost estimate, in current dollars, which includes the cost increase associated with implementing the corrective measure with appropriate third party justification.
10. Within sixty (60) days of a modification of this Permit or Department approval of a new or modified corrective measure involving an increase in a cost estimate, the Permittee must establish additional financial assurance to cover the amount of the

increase in the cost estimate in accordance with the requirements of 6 NYCRR 373-2.8.

11. The Permittee must maintain the Department-approved financial assurance instruments for closure, post-closure and corrective action, which shall be those provided as Attachment C of this Permit, and any Department-approved revisions thereof, or Department-approved replacements for these financial instruments selected by the Permittee from the instrument types previously specified in this condition. Changes in existing financial assurance instruments or replacement of existing financial assurance instruments must be approved by the Department. The Permittee must provide annual evidence to the Department within thirty (30) days prior to the anniversary on which the initial approved financial assurance instrument was established, that all instrument provided as Attachment C of this Permit including any approved revisions or replacements thereof, have been maintained and not allowed to lapse.
12. Within sixty (60) days after any increase in the approved cost estimate, the Permittee must, in accordance with 6 NYCRR 373-2.8, either:
 - a. Revise one or more of the Department approved financial assurance instrument(s) for closure to increase the instrument(s) amount by at least the amount of the increase in the approved cost estimate and submit the revised instrument(s) for Department approval; or
 - b. Submit an additional financial assurance instrument, or instruments from the instrument types specified in 6 NYCRR 373-2.8 with an amount equal to at least the amount of the increase in the approved cost estimate and submit the additional instrument(s) for Department approval.
13. If the Permittee elects to replace any of the instruments provided as Attachment C of this Permit for financial assurance, with new financial assurance instrument(s) as specified by 6 NYCRR 373-2.8, the new instruments must be issued by an entity, or entities, that are legally and fiscally separate and distinct from the Permittee and any parent or subsidiary thereof. Also, if applicable, any replacement instruments pertaining to post-closure and corrective action must be worded in accordance with 6 NYCRR 373-2.8(j) except that the words “post-closure and corrective action” must be substituted for the words “post-closure” in any such replacement instrument.

P. COMMUNICATIONS

1. The Permittee must transmit all communications pursuant to this Permit to the Department via electronic delivery to the recipients specified in **Schedule 1 of Module I** of this Permit. All deliverables must be transmitted in a Department-approved format as specified in **Condition N** of this Module.
2. If requested by the Department in lieu of or in addition to an electronic deliverable, the Permittee must transmit the requested written communications pursuant to this

Permit to the Department by United States Postal Service, by private courier service or by hand delivery to the following address:

Chief, RCRA Permitting Section
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7017

3. The Permittee must submit additional copies of the specific deliverables identified in **Schedule 1 of Module I** to the addresses and agencies listed therein.

Q. PENALTIES

1. Permittee's Obligations

- a. The Permittee's failure to comply with any term of this Permit constitutes a violation of this Permit and the ECL. Nothing herein abridges the Permittee's right to contest any allegation that it has failed to comply with this Permit.
- b. Payment of any penalties must not in any way alter the Permittee's obligations under this Permit.

R. MISCELLANEOUS

1. The paragraph headings set forth in this Permit are included for convenience of reference only and must be disregarded in the construction and interpretation of any provisions of this Permit.
2. If there are multiple parties subject to this Permit, the term "Permittee" must be read in the plural, the obligations of each such party under this Permit are joint and several, and the insolvency of or failure by any Permittee to implement any obligations under this Permit must not affect the obligations of the remaining Permittee(s) under this Permit.
3. If the Permittee is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Permit are joint and several and the insolvency or failure of any general partner to implement any obligations under this Permit must not affect the obligations of the remaining partner(s) under this Permit.
4. In any administrative or judicial action to enforce a condition of this Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Permit.
5. Whenever materials or equipment are specified or described in this Permit using the name of a proprietary item or the name of a particular supplier, the naming of the item is intended to establish the type, function, quality, performance and design

- criteria required. In all cases, unless the name is followed by words indicating that “no ‘or equal’ or substitution is allowed” or similar language, materials or equipment of other suppliers may be accepted by the Department if sufficient information is submitted by the Permittee to allow the Department to determine that the material or equipment proposed is equivalent or equal to that named. Requests for review of “or equal” or substitute items of material and equipment will not be accepted by the Department from anyone other than the Permittee. If the Permittee wishes to furnish or use an “or equal” or substitute item of material or equipment, the Permittee must make written application to the Department for acceptance thereof, certifying that the proposed “or equal” or substitute will perform the same functions and achieve the same results called for by the general design, be similar and of equal substance and quality to that specified, and be suited to the same use as that specified.
6. The Permittee may submit a written request to the Department for a clarification on compliance with any condition in this Permit. Any such request must be submitted at least 30 days prior to the date on which the Permittee must comply with the condition identified in the clarification request. In response, the Department will provide the Permittee with a written clarification, detailing what constitutes compliance with the identified Permit condition. This clarification process shall in no way relieve the Permittee from the obligation to comply with all the terms and conditions of this Permit.
 7. Special Conditions Concerning Future State and/or Federal Laws or Regulations
 - a. In the event that any State statutory or regulatory requirements are enacted, adopted or promulgated which are applicable to the Permittee’s Facility and address the need for and/or the nature and extent of post-closure care and/or corrective action, and such statutory or regulatory requirements are deemed by the Department to be more stringent than the post-closure care and/or corrective action requirements stipulated in this Permit, such statutory and regulatory requirements shall supersede the pertinent requirements of this Permit.
 - b. In the event that any federal statutory or regulatory requirements are enacted, adopted or promulgated which are applicable to the Permittee’s Facility and address the need for and/or the nature and extent of post-closure care and/or corrective action, such statutory or regulatory requirements shall supersede the pertinent requirements of this Permit to the extent that it is determined by the Department that such statutory or regulatory requirements afford equal or greater protection to continuing post-closure care and/or corrective action as is afforded by this Permit.

PART 373 PERMIT

SCHEDULE 1 OF MODULE I
FACILITY-SPECIFIC CONDITIONS

DEC Facility Name: Norlite Corporation
DER Facility No.: 401041
EPA RCRA ID No.: NYD 080 469 935

Facility Address: 628 South Saratoga Street
Cohoes, NY 12047

Hereinafter referred to as “Facility” or “Site”

A. PERMITTED ACTIVITIES

Table I-1: Waste Handling Activities

Unit ¹	Activity Type	Waste Type and Codes ^{2,3}	Quantity and Rate ⁴
Low Grade Fuel (LGF) and Solids Processing Building	1 - Storage in 5, 15, 30, 55 and 85 gallon drums. 2- Emptying drums to Tank 200A. 3- Operating SP100 dispersion tank.	Liquid Waste	Specified Containers - Total 9,900 gallons or 180 Drums SP100 tank - 527 gallons
Truck Unloading Area #1	1 – Storage in 5, 15, 30, 55 and 85 gallon drums	Liquid Waste	Specified Containers - 4,785 gallons.
Low Grade Fuel Building	1 – Storage and blending in tanks 100A, 100B, 100C, 200A, 200B, and 200C	Liquid Waste	Tanks – Total 52,336 gallons

Covered Tanks	1- Storage and blending in tanks 300, 400, 500, and 600	Liquid Waste	Tanks – Total 98,020 gallons
Equalization Tanks	1- Storage and blending in tanks 101A, 101B, 102A and 102B	Liquid Waste	Tanks – Total 4,696 gallons
Light Weight Aggregate Kilns (LWAKs)	1 – Incinerating hazardous waste in Kiln #1 and Kiln #2 to manufacture light weight aggregate in Kiln #1 and Kiln #2.	Liquid Waste	10.5 gallons/minute/kiln of hazardous waste (LLGF) feed rate to kiln and 22.8 tons/hour/kiln of raw shale feed rate to the kiln.

1. Refer to Drawing No. NY003-3731 Site Plan Attachment B.
2. Unit codes are as described in the Part A Application.
3. Specific waste types and waste codes are presented in, Exhibit C (containers), and Exhibit D (tanks) of this Schedule and The WAP incorporated by reference into this Permit.
4. This represents the maximum permitted storage quantity. The Permittee must comply with additional requirements limiting storage capacity in accordance with **Condition D.3 of Module III** and **Condition C Item 8** of this Schedule.

PERMIT DOCUMENTS

The following Modules, Attachments and documents incorporated by reference are considered part of this Permit:

Modules

- I General Conditions
Schedule 1 of Module I
- II Corrective Action Requirements
- III Use and Management of Containers
- IV Tank Systems
- V RESERVED
- VI RESERVED
- VII Incinerators
- VIII RESERVED
- IX RESERVED

Attachments

- A. RESERVED
- B. Engineering Drawings – “Norlite, LLC, Cohoes, New York; NYSDEC Part 373 Hazardous Waste Permit Application, (January 2012, Revised J June 2014))
- C. Closure Plan, Post-Closure Plan and Financial Assurance - “Norlite, LLC, Cohoes, New York; NYSDEC Part 373 Hazardous Waste Permit Application, Including Trust Agreement (January 2012, , Revised June 2014)
- D. Permit Modification Log
- E. Executive Summary (June 2014)

Documents Incorporated by Reference

1. Norlite Operations Plan (June 2014)
2. Norlite Integrated Contingency Plan (June 2014)

3. Norlite Personnel Training Plan (June 2014)
4. Norlite Waste Analysis Plan (June 2014)
5. Norlite Security and Inspection Plan (June 2014)
6. Order on Consent, DEC Case No. R4-2009-0610-101, between New York State and Norlite Corporation. (May 11, 2010)¹
7. MACT Comprehensive Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 and 2. (April 2011)¹.
8. Final Confirmatory Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 and 2. (August 2013)
9. Norlite Corporation, Cohoes, New York, NYSDEC Part 373 Hazardous Waste Permit Application,. (January 2012, Revised June 2014).
10. Human Health & Ecological Risk Assessment Reports. April 2002.
11. ATSDR Public Health Assessment for Norlite Corporation, December 2, 2005
12. Environmental Assessment Form (EAF) (November 1993, Revised June 2014)).
13. Noise Impact Analysis, Technical Report AA-1790 (September 24, 1990)
14. Fugitive Dust Control Plan by Sci-Tech (October 1995, Revised December 14, 2001).
15. Norlite Best Management Practices Plan Revision 1(April 30, 1992, Revised October 26, 1995)

16. Startup, Shutdown and Malfunction Plan Pursuant to the HWC MACT Regulations, Revision 1 (September 24, 2004)

17. Norlite Statement of Basis (April 2014)

Footnotes:

1. Each document referenced by this footnote includes the above dated original submission and any subsequent Department approved document revisions.

B. COMPLIANCE SCHEDULE

The Permittee must complete the following compliance activities within the timeframes indicated on the following table:

Item No.	Title	Description	Compliance Date
1	Risk Assessment	Prepare an assessment of risk to human health and the environment using the latest USEPA guidance and modeling methodologies	Within 120 days of completion of CPT or 30 days after approval of protocol, whichever is later
2	Security and Inspection Plan: RCRA Weekly and Fuel Farm Daily Inspection reports	Revise RCRA Weekly and Fuel Farm Daily Inspection Report procedures and inspection forms to include information regarding the date of any maintenance issue first reported, the date that the issues is assessed and/or addressed with date(s) of repairs, any subsequent testing, and any other actions taken to remedy the maintenance issue(s). The daily and weekly inspection records shall include certifications that all information contained therein is based on true and accurate information, and secondary certification (i.e. sign-offs) should be made by personnel not involved with either the daily or weekly physical inspections.	Submit draft proposal within 30 days of the effective date of this Permit, Submit final procedures and forms within 30 days of NYSDEC approval of draft proposal, Implement within 30 days of NYSDEC approval of final procedures and forms.

Item No.	Title	Description	Compliance Date
3	Determination of Bottom, Sediment and Water (currently SOP #04-049)	<p>Submit a revised Standard Operating Procedure for the Department's review and approval and shall update the WAP for the method for Determination of Bottom, Sediment and Water (currently SOP #04-049) which shall be renamed Determination of Bottom, Percent Solid and Water and shall be revised to:</p> <ul style="list-style-type: none"> a) Specify a consistent centrifugal force (e.g., 600 g +/- 100 g); b) Indicate that the temperature of the waste sample to be analyzed will be at 20° C(+/- 5° C) prior to analysis; and c) Include duplicate analyses performed 1 duplicate per day and per 20 samples. <p>Permittee shall report viscosity and percent rag layer of waste feed samples in addition to percent solids for all LLGF blended. The summation for the percent sediments of the LLGF and rag layers shall henceforth be referred to as 'percent solids' The sediment and rag results will be summed and reported (both individually and as a summation) on the WAP-2 (and wherever else sediment is reported, including in the monthly RCRA Compliance and Operations report)</p>	<p>Submit draft SOP within 30 days of the effective date of this Permit,</p> <p>Submit final SOP within 30 days of NYSDEC approval of draft proposal,</p> <p>Implement within 30 days of NYSDEC issuance of a permit modification to incorporate a percent solids limit based on a Comprehensive Performance Test performed by the Permittee.</p>

Item No.	Title	Description	Compliance Date
4	Permittee's Website	<p>Update Website to include the following:</p> <ul style="list-style-type: none"> a. Fuel Delivery piping modifications; b. location and description of storm water-related site improvements and anticipated benefits (to the site, and to the City of Cohoes and Town of Colonie), and current status until this work is completed, where it will then remain; c. Sanitary Sewer lateral re-location(s) and the current status until this work is completed, where it also will then remain; d. Process water discharge re-location current status until this work is completed. Also include a narrative which details the history of this issue; all of which will remain after completion; e. Discussion of status of Environmental Benefit project from the last Permit including the status of both the Saratoga Sites Storm Door replacements (and other upgrades) and the City of Cohoes Recycling program. <p>A complete copy of the current permit, including attachments and documents incorporated by reference.</p>	Within 60 days of the effective date of this Permit

Item No.	Title	Description	Compliance Date
5	Tanker Staging Area	<p>Submit a Tanker Staging Area Report, providing the volume of the staging area, a way to continuously measure standing water volume, and procedures to maintain sufficient free capacity to contain any release. The report shall include a drawing as a base plan, with topographic grade information and an identification of the lowest spot in the Containment Area by call-out or label. The report must include calculations for the total containment volume remaining after a 24-hour/25-year storm event. This Report is to be certified correct and accurate by a N.Y.S. licensed Professional Engineer.</p> <p>Upon approval of this report, Permittee will include weekly volume totals of containerized wastes and liquids on the ground in the Tanker Staging Area, individually and as a sum total, in their RCRA Weekly Inspection Report and in the Monthly RCRA Compliance and Operations Report</p>	<p>Submit draft report within 30 days of the effective date of this Permit,</p> <p>Submit final report within 30 days of NYSDEC approval of draft report,</p> <p>Implement in weekly and monthly reporting within 30 days of NYSDEC approval of final report.</p>

Item No.	Title	Description	Compliance Date
6	Personnel Training Plan	<p>Submit a revised training program for the LWAK Operators and Supervisors that shall include:</p> <ul style="list-style-type: none"> a. Principles and use of the new fuel delivery systems recently installed; b. Principles and the use of the recirculation loop of the fuel feed piping (not to be confused with the supply and return fuel delivery piping loop) after AWFCOs without proposed automated valve systems c. Principles and the use of recirculation loop of the fuel feed piping after AWFCOs with Variable Speed Pumps (this second portion will be due within 90 days of the effective date of this permit or within 30 days of the variable speed pump installation, whichever is later); d. LWAK Operator Attentiveness and Awareness, with specific listing of responsibilities and priorities of each positions; <p>For shift and LWAK supervisors, the proper collection of representative samples of waste feeds (LLGF) at the LWAK Fuel Feed Sampling Ports, and also proper completion of Chain-of-Custody forms for these collected samples;</p>	<p>Submit draft program within 90 days of the effective date of this Permit,</p> <p>Submit final program within 30 days of NYSDEC approval of draft proposal,</p> <p>Evaluate the need to update the plan annually no later than March 31st, and notify the Department of findings in writing, or provide updated plan</p>

Item No.	Title	Description	Compliance Date
7	Operator Training	LWAK Operators shall be trained no later than 30 days after acceptance of the revised Training Plan by the Department, by which time Permittee's Plant Manager will provide the Department with a certification that all LWAK Operators have satisfactorily received this training. Refresher training shall occur on an annual basis. The records of this sampling training and annual refresher shall be maintained with other training records at the facility, and available for Department review upon request.	30 days after acceptance of the revised Personnel Training Program by the Department
8	Startup, Shutdown and Malfunction Plan (SSMP)	Submit a revised Startup, Shutdown and Malfunction Plan (SSMP), including all attachments and additions as necessary to reflect all current operational conditions and equipment at Norlite. This revision shall address preventive maintenance procedures to minimize malfunctions including shutdowns and cutoffs which are due to preventable causes (i.e., plugged flow lines, unstable or poor quality or incompletely mixed fuel feed materials, APCE blockages, clinker balls, or other preventive maintenance items)	<p>Submit a revised SSMP within 90 days of the effective date of this Permit,</p> <p>Submit final SSMP within 30 days of NYSDEC approval of draft SSMP,</p> <p>Implement within 30 days of NYSDEC approval of final SSMP.</p> <p>Evaluate the need to update the plan annually no later than March 31st, and notify the Department of findings in writing, or provide updated plan</p>

Item No.	Title	Description	Compliance Date
9	Fugitive Dust Plan	<p>Submit revised Fugitive Dust Plan that shall include a comprehensive index/Table of Contents and past updates for DEC review and approval . The Fugitive Dust Plan shall be prepared by an independent NYS registered Professional Engineer with documented expertise in development and implementation of fugitive dust suppression methods for similar facilities or activities. The revised plan shall incorporate data collected from the Department’s Mobile Air Monitor that was stationed on its eastern border with Saratoga Sites in 2008 and include any necessary corrective measures to address documented fugitive emissions. The revised plan shall specifically evaluate and make recommendations to address the need for replacement of two Silos (Finish Plant Fines Silo and Shale Feed Silo)</p>	<p>Submit revised plan within 90 days after the effective date of this Permit,</p> <p>Submit final plan within 30 days of NYSDEC approval of draft plan,</p> <p>Implement within 30 days of NYSDEC approval of final plan.</p> <p>Evaluate the need to update the plan annually no later than March 31st and notify the Department of findings in writing, or provide updated plan</p>

Item No.	Title	Description	Compliance Date
10	Best Management Practices Plan	<p>Submit a revised Best Management Practices Plan for DEC review and approval to include:</p> <ul style="list-style-type: none"> a) Narratives and best management practices for all new areas of work and operations, including those related to the storm water management facilities, structures and equipment and related operations, and flood control measures and emergency actions; b) Best management practices related to the operations of the Sanitary Sewer Laterals relocation and the Process Water Discharge Lines re-routing projects; c) A Chart/Table/Matrix of Action Depths as correlated with Stop-Log heights at the Salt Kill Bypass and related best management practices; These Action Depths will be correlated and referenced to depth of water at the headwall structures of all related downstream Inlet features, including those at the headwall structure north of the kilns where the Salt Kill daylight on site, and those at Route 32/Saratoga Street, railroad overpass and those at the DOT Box Culvert at the end of Tibbetts Place; d) The procedures for measuring and reporting standing water and waste volumes developed pursuant to paragraph 8 above, and e) Procedures to maintain in good working order the windsock on the LLGF building roof. <p>DER Facility Name: Norlite</p>	<p>Submit revised plan within 90 days after the effective date of this Permit,</p> <p>Submit final plan within 30 days of NYSDEC approval of draft plan,</p> <p>Implement within 30 days of NYSDEC approval of final plan.</p>

Item No.	Title	Description	Compliance Date
11	Liquid Low Grade Fuel Percent Solids	<p>Submit a Liquid Low Grade Fuel Percent Solids Report evaluating past operational issues associated with sediment/solids in LLGF and proposed steps to eliminate such problems. This report shall include a proposed implementation schedule. (In contrast to the Fuel Delivery Pump and Piping System Study currently being conducted, pursuant to Consent Order (#R4-2009-0610-101), this report shall focus on the LLGF properties and the effects of these properties (Percent Solids/Sediment, Viscosity, etc.) on pumps (stators, diaphragms and seals), valves (bodies, internal mechanicals and seals) and piping (maintenance of effective diameters, fittings, etc). The report shall be prepared by an independent New York State Licensed Professional Engineer with documented expertise in pump, piping and fuel delivery system designs and installations.</p>	<p>Submit draft report within 180 days after the effective date of this Permit,</p> <p>Submit final report within 30 days of NYSDEC approval of draft report,</p> <p>Implement in accordance with NYSDEC approval of final implementation schedule, but no later than within 30 days of NYSDEC issuance of a permit modification to incorporate a percent solids limit based on a Comprehensive Performance Test performed by the Permittee.</p>

Item No.	Title	Description	Compliance Date
12.	Tank Blending - Audit Tank Blending Verification	<p>Conduct an audit of the tank blending calculations and feeds with respect to actual blended tank sampling vs. compliance with permit limits related to the light weight aggregate kilns. Submit Audit Report to the NYSDEC for review and approval, providing recommendations for improvements.</p> <p>Submit a Proposal to implement improvements, including implementation schedule, to NYSDEC for review and approval.</p> <p>Implement Proposal in accordance with approved schedule.</p>	<p>Within 6 months of the effective date of this Permit</p> <p>Submit Proposal within 45 days of Department approval of Audit Report</p> <p>Implement withing 120 days of NYSDEC approval of Proposal, unless an extension is granted by the Department</p>

Footnotes For Item 12 Only:

1. All work plans prepared pursuant to this Schedule of Deliverables must be certified in accordance with 6 NYCRR 373 1.4(a)(5), and by a third party professional experienced in the blending and combustion of hazardous materials as the Department may find acceptable .
- 2.The audit shall at a minimum include the sampling of each and every tank for a period of 30 days for total halogens with a corresponding evaluation of the results impact on feed to the LWAKs. Also, the Permittee will provide historical analytical data which compares actual sampling results to calculated sampling results for past instances when blended tank sampling corresponds to the sampling of one tanker.
- 3.The recommendations for improvements will include an evaluation of the monthly report to provide a snapshot of data related to actual feeds to the LWAKs.
4. If the DEC determines that an adjustment in procedures for calculating blended feeds is warranted, the DEC will notify the Permittee in writing and require the Permittee to revise the procedures. The Permittee must submit, for Department approval, the revised procedures within thirty (30) days of the Permittee’s receipt of the above indicated written notification by the DEC that an adjustment is necessary.

C. SCHEDULE OF DELIVERABLES

The Permittee must complete the following compliance activities within the time frames indicated on the following table:

D. REQUIREMENTS FOR AN ON-SITE ENVIRONMENTAL MONITOR

Number of Environmental Monitors assigned to Facility: One (1)

- a. The Permittee shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this permit.
- b. The Permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit or until the environmental monitoring services are no longer necessary, whichever comes first.
- c. The Permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this Permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.
- d. The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any revisions.
- e. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review, an annual environmental monitoring work plan that the Department will undertake during the year.
- f. Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.
- g. Failure to make the required payments shall be a violation of this Permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.

- h. The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.
- i. The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor receives from the Department.
- j. Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.
- k. The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. Copies of the data or images collected from areas where confidentiality is a concern shall be provided to the Permittee upon their request. The Permittee may request the data and images be considered confidential information if appropriate.
- l. It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.
- m. Monitor's trailer is to be kept in good operating condition, including watertightness, exterior night lighting, proper anchoring/foundation, appropriate heating and cooling, and prompt snow removal to include access paths to Facility's offices.

E. REQUIREMENTS FOR ENVIRONMENTAL SAMPLING

- a. The costs set forth in D.1.a above shall include laboratory sampling and analytical costs and fees. These costs and fees will be fixed at an annual maximum cost of \$40,540 per year, for 3 years. Payment of these fees shall be included in the annual bill issued pursuant to D.1.a above. After the initial 3-year period, the amount of sampling and analytical costs and fees to be paid per year, for each

subsequent three-year period thereafter, shall be set forth in a separate Memorandum of Understanding ("MOU"). If Norlite and the Department cannot agree on the amount for this MOU by the date that Norlite must pay the next annual payment, the cost for that year will be equal to the amount paid in the previous year plus an inflation adjustment and the dispute shall be resolved pursuant to a permit modification hearing. This adjustment shall be calculated by multiplying the amount paid during the previous year and quotient obtained by dividing of the most recent Implicit Price Deflator for Gross National Product established by the U.S. Department of Commerce in its Survey of Current Business by the deflator for the previous year.

- b. These funds required under subparagraph (a) shall not be used to pay for any off-site sampling costs or for analyzing sampling taken off-site.

F. ROUTINE REPORTING AND COMPLIANCE ACTIVITIES

The Permittee must submit the following routine reports to the Department by the indicated due date in accordance with the requirements of this Permit (Note: the list presented below does not include non-routine reporting to the Department.):

Report	Frequency	Due Date	Requirement
Local Fire Company Inspection	Semiannually	Within 7 days of inspection	Condition A.4 of Exhibit A
Copies of Hazardous Waste Manifests to NYSDEC	Ongoing	Within 10 days of signature	6 NYCRR 372.2(b)(3)(iii)
Annual Report	Annually	March 1 st	6 NYCRR 373-2.5(e)
Hazardous Waste Export Report	Annually	March 1 st	6 NYCRR 372.5(f)
Hazardous Waste Reduction Report - Annual Status Reports and Biennial Updates	Annually	July 1 st	ECL 27-0908 and Module I, Condition L

Report	Frequency	Due Date	Requirement
Summary of Green Remediation Metrics ¹	Annually	March 31 st	Exhibit B – Condition C
Containers Secondary Containment Assessment Report	Annually	Complete assessments by August 31 st ; submit report by November 30 th	Module III, Condition K.1; Condition B.2 of Exhibit C
Tank System Assessment Report	Every 2 years	Within 60 days of inspection	Exhibit D, Condition C.3
Tank Secondary Containment Assessment Report	Annually	Complete assessments by August 31 st ; submit report by November 30 th	Module IV, Condition K.4
Closure Cost Estimate Adjusted For Inflation	Annually	60 days prior to anniversary date of establishment of financial instrument	6 NYCRR 373-2.8(c)(2) and Module I, Condition O
Financial Assurance	Annually	April 1 st	6 NYCRR 373-2.8
Evidence that Financial Assurance Instruments have been Maintained and not Lapsed	Annual	30 days prior to anniversary of initial approval	Module I, Condition O.11
Annual AWFCO Report	Annual	March 31 st	Exhibit E – Condition E.4

Report	Frequency	Due Date	Requirement
Complaint Log	Monthly	Within three weeks following the end of the month. (Submit with RCRA Compliance and Operations report)	Exhibit A – Condition C.2
Annual Relative Accuracy Test Audit (RATA)	Annual	March 31 st	Exhibit E.
Noise Control Measures Plan or Notice of No Change	Annual	March 31 st	Exhibit A – Condition C.5
Best Management Plan or Notice of No Change	Annual	March 31 st	Exhibit A – Condition C.5
Fugitive Dust Control Plan or Notice of No Change	Annual	March 31 st	Exhibit A – Condition C.5
RCRA Inspection Report	Available upon request	To be completed close of business the following Wednesday	Security and Inspection Plan
RCRA Fuel Farm Inspection Report	Available upon request	By noon the following day	Security and Inspection Plan
Monthly RCRA Compliance and Operations Report	Monthly	Within three weeks following the end of the month.	Exhibit E, paragraph E, 3.

1- Summary must be recorded on most recent form provided by the Department.

G. FACILITY-SPECIFIC REQUIREMENTS THAT SUPPLEMENT THE STANDARD MODULES

- Exhibit A Supplement to Module I – General Provisions
 - A General Conditions
 - B Plans, Reports, Specifications, Implementation Schedules and Other Submittals
 - C Special Conditions

- Exhibit B Supplement to Module II – Corrective Action
 - A Applicability
 - B Corrective Action Program

- Exhibit C Supplement to Module III- Use and Management of Containers
 - A Authorized Storage Area, Waste Types and Storage Volume
 - B Special Conditions for Containers (General)
 - C Special Conditions for Containers (Specific)

- Exhibit D Supplement to Module IV – Tank Systems
 - A Authorized Storage Tank, Waste Types and Storage Volume
 - B Special Conditions for Tank Systems (General)
 - C Special Conditions for Tank Systems (Specific)

- Exhibit E Supplement to Module VII – Incinerators
 - A Authorized Incineration Units
 - B Transition to HWC MACT Standards
 - C Limitations on Feeds
 - D Operating Conditions
 - E Monitoring, Inspections, Calibrating and Reporting

EXHIBIT A

SUPPLEMENT TO MODULE I – GENERAL PROVISIONS

**EXHIBIT A
SUPPLEMENT TO
MODULE I - GENERAL PROVISIONS**

The following conditions supplement those conditions contained within Module I of this Permit:

A. General Conditions

1. The Permittee must request in writing semi-annual inspections of the Facility by local fire companies or departments and submit a copy to the Department. During such inspection the Permittee shall solicit recommendations from the fire company or department concerning minimum suggested inventories for firefighting and safety equipment to be maintained at the facility. A report of any inspection, including any and all recommendations made by fire company or department inspectors and the Permittee's plans for addressing these recommendations, must be submitted to the Department by the Permittee within seven (7) days of receiving each inspection report.
2. The Permittee must provide a copy of the Emergency Response Plan containing an inventory sheet listing the amount and location of all emergency equipment available on-site, to all employees involved in emergency response.
3. Upon notification by the Permittee of any partial closure of a unit or portion thereof, or of final closure of the Facility, the Department will determine at the time of said closures whether additional samples, sampling points, sampling techniques/methods and/or sample analysis (i.e., in addition to Closure Plan requirements in Attachment C of this Permit) will be necessary to verify the effectiveness of decontamination or removal of components, equipment, structures and contaminated soils. These determinations will be based upon the past history of operating practices and types of wastes handled at the unit/Facility and on the closure regulations and other requirements in effect at the time of closure of the unit/Facility. The operating record, the record of spills, the types of waste released, location of spills and the condition of any secondary containment systems will also provide data to be used in these determinations. Also, at the time of said closures, the Department will determine whether more restrictive and/or additional criteria (i.e., more restrictive than, or in addition to Closure Plan criteria in Attachment C of this Permit) will be necessary to verify the effectiveness of decontamination or removal of components, equipment, structures and contaminated soils, based on the Department's regulatory cleanup standards in effect at the time of said closures.

4. If the Department determines that additional sampling and analysis or more restrictive and/or additional criteria are necessary at the time of unit/Facility closure, the Department shall send the Permittee a notice of intent to modify this Permit in accordance with 6 NYCRR 621 to incorporate these requirements into the Permit. In the event the Department issues such a notice of intent, the Permittee will be restricted from issuing a certification of closure for the unit/facility in accordance with 6 NYCRR 373-2.7(f), until the associated 6 NYCRR 621 Permit modification process is completed and any associated closure requirement(s) that might result from this modification process are satisfied.

B. Plans, Reports, Specifications, Implementation Schedules and Other Submittals

1. Submittals required by the Permit must be provided to the Department and other identified Agencies as listed below. The list below identifies the Department/Agencies staff by title that must receive submissions and indicates the types of submissions each must receive. At anytime during the life of this Permit, the Department may designate alternate titles or addresses to receive submissions (different than those indicated below), and direct the Permittee to make submissions to the alternate title or address. The list below also indicates whether the submission must be a paper or electronic copy. Where electronic copies are indicated, the submission must be in a form as required by Condition N of Module I of this Permit. Submissions of electronic copies may be made by e-mail or other methods acceptable to the Department.

- a. One (1) electronic copy of all submittals to:

Regional Remediation Engineer
jaquinn@gw.dec.state.ny.us
New York State Department of Environmental Conservation
Region 4 Office
1130 North Westcott Rd.
Schenectady, NY 12306

- b. One (1) electronic copy of all submittals except for those specific only to waste reduction to:

Director, Remedial Bureau E
mjcruden@gw.dec.state.ny.us
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7017

- c. One (1) paper and one (1) electronic copy of all financial assurance instruments to:

RCRA C Financial Assurance Coordinator
amchieco@gw.dec.state.ny.us
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7251

- d. One (1) electronic copy of all waste reduction documents to:

Chief, Bureau of Waste Reduction & Recycling
mmmorouk@gw.dec.state.ny.us
Division of Materials Management
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7253

- e. One (1) paper and one (1) electronic copy of all modification requests pertaining to this Permit to:

Regional Permit Administrator
wjclarke@gw.dec.state.ny.us
Division of Environmental Permits
New York State Department of Environmental Conservation
Region 4 Office
1130 North Westcott Rd.
Schenectady, NY 12306

An electronic copy of all reports, plans, schedules, correspondence or other documents sent to the Department in accordance with this Permit, must be simultaneously sent to the Albany County Health Department (ACHD) unless otherwise authorized by this agency. Copies of any enclosures or attachments must be provided to the ACHD at its request.

2. SOPs related to Part 373 Permit operations are subject to Department review and approval.

SOP Revisions (release without Department review and approval)

When submitting changes to existing SOPs, the Permittee shall submit a new SOP revision for Department review and approval (in redline/strikeout form). The Permittee may also implement the release of the SOP at the same time. If the

Permittee chooses to release the SOP at the same time as submitting the SOP for Department review, then one of the following conditions applies:

- a) If the Department fails to respond within sixty (60) days of its receipt, the SOP changes shall automatically be approved, and remain effective.
- b) If the changes are not approved by the Department, the Department will notify the Permittee and request changes be made to the SOP. The Permittee has seven (7) days to submit a new SOP revision (in redline/strikeout form) with all of the changes requested by the Department.
- c) If the Permittee does not agree with the changes requested by the Department then the most recent SOP approved by the Department must be submitted, with a new revision number, and that will be the SOP the Permittee is approved to use.

New SOPs and SOP Revisions (release upon Department approval)

The Permittee shall submit new SOPs or revisions to existing SOPs prior to implementing the same in draft form for Department review and approval. If the Department fails to respond within thirty (30) days of its receipt, the SOP will automatically become effective. If the Department provides comments, the Permittee has seven (7) days to submit a revised SOP (in redline/strikeout form) for review and approval.

In lieu of Permit modifications, the Permittee will submit an update to the list of the Department-approved SOPs (with revision number) with each new SOP or SOP revision which will become effective upon the Department's approval.

C. Special Conditions

1. The Permittee shall inform the Department within 24 hours of receipt of analytical results that indicate a total PCB concentration of greater than 10 PPM in any

- individual load. The Permittee shall identify in this report the supplier or generator of the waste load.
2. The Permittee will not accept or incinerate wastes containing over 25 ppm of total PCBs. The Permittee shall report the Department within 24 hours of a rejection of a load with greater than 25 ppm total PCBs . The Permittee shall identify in this report the supplier or generator of the waste load.
 3. Norlite will not accept waste containing PCBs that are regulated under 40 CFR Part 761 or are defined as PCB waste under 6 NYCRR 371, regardless of the PCB concentration.
 4. The Permittee is to log all complaints from the public including actions taken to address these concerns and submit them to the Department on a monthly basis as part of the Monthly RCRA Compliance and Operations Report.
 5. The Permittee is to report all leaking trucks to the Department's on-site monitor and in their absence to the NYSDEC Region 4 office immediately on arrival, impound them, take all necessary measures to stop the leak, and clean up any spilled material on site.
 6. The Permittee shall adhere to the truck traffic routing and maximum truck trip numbers identified in the Environmental Assessment Form (EAF) dated 11/93 and most recently revised 11/95. If complaints regarding truck traffic operating during off hours are received which are of a continuing nature and are substantiated by the Department then the Department at its discretion may impose additional restrictions on the hours which the Permittee may allow trucks to enter or exit the facility. Such operating hour restrictions shall be no more stringent than:
 - (a) No trucking or unloading operations on Sundays or the following holidays: New Years, Labor Day, Independence Day, Memorial Day, Thanksgiving Day and Christmas Day.*
 - (b) Monday through Friday trucking operations limited to 6:30 AM to 6 PM.
Saturday trucking operations limited to 8 AM to 4 PM.*

* These restrictions shall not apply to emergency fuel/LGF deliveries. Late truck arrivals due to circumstances beyond the operator's control (e.g. weather, traffic and breakdowns) shall be permitted to enter and park in the authorized truck staging or unloading areas, however, the prohibition remains for subsequent routine operations for/on such vehicle exceptions.
 7. Permittee shall revise & implement Traffic control provisions of EAF annually and submit it to the Department by March 31 of each year.

8. The Permittee shall comply with the recommended control measures found in the most recently approved Noise Impact Analysis, Technical Report AA-1790 and Fugitive Dust Control Plan. Once implemented, the Permittee shall maintain all fugitive dust control measures in compliance with the plan. In addition, the Permittee is also responsible for maintaining compliance with the Norlite Best Management Practices Plan (Revision 1 dated 4.30/92 and as revised 10/26/95). The Permittee shall submit the Noise Impact Analysis referenced above with 15 days of the effective date of this permit. The Permittee shall evaluate the need to revise the Noise Control Measures, Best Management Plan and Fugitive Dust Control Plan annually after the effective date of this permit; revise these plans if appropriate; submit the revisions or a notice of no change to the Department by March 31st of each year and implement the plans including any revisions.

In addition, the Permittee shall not perform the following activities before 8:00 am or after 11:00 pm:

- Cleaning the Kilns
- Starting up loud machines and conveyors
- Using equipment to load product or move raw material.

D. SPECIAL FINANCIAL ASSURANCE CONDITION

The financial assurance agreed to by the DEC in the amount of \$1,852,904 for corrective action, closure and post closure care costs is conditional on the Permittee's completion of the items included in B. Compliance Schedule and C. Schedule of Deliverables within the timeframes included therein unless an appropriate time extension is approved by the DEC. In the event that the Permittee fails to timely complete any item(s) included in B. Compliance Schedule and C. Schedule of Deliverables, the DEC will evaluate the cost of corrective action, closure and/or post closure care.

If the DEC determines that an adjustment in the cost of corrective action, closure and/or post closure care is warranted, the DEC will notify the Permittee in writing and require the Permittee to revise the cost estimates to cover the increase. The Permittee must submit, for Department approval, the revised cost estimates within thirty (30) days of the Permittee's receipt of the above indicated written notification by the DEC that an increase in the cost estimate is necessary. Subsequent to Department approval of the revised cost estimate, the Permittee must establish additional financial assurance to cover the amount of the increase in the cost estimates in accordance with **Condition O of Module I**.

EXHIBIT B

SUPPLEMENT TO MODULE II – CORRECTIVE ACTION

**EXHIBIT B
SUPPLEMENT TO
MODULE II - CORRECTIVE ACTION**

The following conditions supplement those conditions contained within Module II of this Permit:

A. Applicability

1. The conditions of this Exhibit and Module II apply to:

- a. the Solid Waste Management Units (SWMUs) and Areas of Concerns (AOCs) listed below; and

<i>Number</i>	<i>SWMU(s) or AOC(s)</i>	<i>Status¹</i>
1	Tank Storage (LLGF, SLGF processing building, In-ground Storage and Equalization Tanks)	SM
2	Kiln Supply Pump House	NFA
3	Incinerator/Energy Recovery Units	NFA
4	Surface Impoundments (Settling Pond and Adjacent De-Watering Area), including discharge area to the Salt Kill (south end)	NFA
5	Waste Piles Areas 1, 3, 4 and 5	NFA
6	Filter/Tank Sludge Storage Areas	NFA
7	Tanker/Truck Roll Off Staging Area	NFA
8	Employee Parking Lot, Discharge Area and Floor Drain	NFA
9	Shale Fine Land Fill	NFA

<i>Number</i>	<i>SWMU(s) or AOC(s)</i>	<i>Status¹</i>
10	Shale Fine Leachate Pond	NFA
11	Interim Waste Water Treatment/Sludge Container Staging Area	NFA
12(a)	Scrap Yard (aka Bone Yard) Area Soils	NFA
12(b)	Transformer Pad Vicinity	SM
13	Salt Kill Creek	NFA
14	North and East Site Perimeter Fence Area	NFA
15	Maintenance Garage	NFA
16	Quarry Pond	NFA
17	Industrial Sewers/Hazardous Waste Feed Pipelines	NFA

1. *The Statement of Basis 2014 discusses these requirements in greater detail and is a document incorporated by reference.*

2. *SM- Site Management*

3. *NFA – No Further Action*

- b. any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits or by other means.

B. Green Remediation

1. The Permittee must make best efforts to implement green remediation practices in the performance of the requirements of the Work, including but not limited to performance of a RCRA Facility Investigation, Corrective Measures Study, Interim Corrective Measure, Corrective Measures Implementation and Post-

Closure/Effectiveness Evaluations to maximize to the extent practicable, sustainability, reduce energy and water usage, promote carbon neutrality, promote materials reuse and recycling, and protect and preserve land resources.

2. The Permittee must make best efforts to utilize concepts and techniques presented in the New York State Department of Environmental Conservation – DEC Program Policy DER-31/Green Remediation, most recent edition.
3. The Permittee must report Green Remediation metrics as required by **Condition F of Schedule 1 of Module I.**

EXHIBIT C

SUPPLEMENT TO MODULE III - USE AND MANAGEMENT OF CONTAINERS

**EXHIBIT C
SUPPLEMENT TO
MODULE III - USE AND MANAGEMENT OF CONTAINERS**

The following conditions supplement those conditions contained within Module III of this Permit:

A. Authorized Storage Areas, Waste Types and Storage Volumes:

1. The Permittee is authorized to operate the following container storage areas (CSAs) at the Facility and store wastes (as listed) in containers in these areas up to the maximum quantities authorized by this permit.

STORAGE AREA /DRAWING NO.	WASTE TYPE	WASTE CODES	CONTAINER SPECIFICATIONS ^{1,2}	QUANTITY
Truck Unloading Area #1/NY003-3308 and NY003-2475-1 (Attachment B)	Solid and Liquid Waste	Listed in the WAP Section 1.2	5, 15, 30 or 55 gallon plastic or fiber containers meeting U.S. Department of Transportation Specifications.	Total Capacity – 4,785 gallons. Maximum 87 55-gallon drum equivalents
LLGF & Solids Processing Bldg./ NY003-3308 and NY003-2475-1 (Attachment B)	Solid and Liquid Waste	Listed in the WAP Section 1.2	5, 15, 30 or 55 gallon plastic or fiber containers meeting U.S. Department of Transportation Specifications.	Total Capacity – 9,900 gallons. Maximum 180 55-gallon drum equivalents

1. *Up to 85 gallon over packs may be used to secure leaking/damaged drums.*
2. *Only dry solid hazardous waste will be stored in fiber drums.*

B. Special Conditions For Containers (General)

1. The special conditions for containers presented below are applicable to all CSAs listed in **Condition A** of this Exhibit, unless otherwise specified.
2. Secondary Containment Concrete Sealant Maintenance
 - a. For CSAs where a coating has been applied and damage to the coating (e.g., gouges, chips, obvious wear, etc.) is identified through routine inspections of the applicable CSAs, the Permittee must, at a minimum, re-apply the coating to repair the damaged area in accordance with the inspection procedures included in the

approved Operations and Closure Plans and **Condition E of Module III** of this Permit.

4. Waste containers that must be opened for waste sampling, waste addition, volume reduction, and/or repackaging must be staged within a CSA secondary containment system for sampling, addition, reduction and/or repackaging.
5. The Permittee must use containers conforming to USDOT packaging specifications.
6. The Permittee may use containers that are smaller than 55-gallons in size but these containers must not be stacked more than two containers high on a pallet.
7. The Permittee may not stack a pallet on top of another pallet holding containers smaller than 55-gallons in size.
8. Permittee may only stack 55 gallon drums two-high, and only on full pallets of four drums, refer to drum stacking plan.

C. Special Conditions For Containers (Specific)

1. All trucks are limited to a 48 hour stay at the Tanker Staging area (as shown in Drawing NY003-3732 Attachment B) of the facility not including holidays, Saturdays, and Sundays. The Permittee shall park no more than 13 trucks, tankers or roll offs or combinations thereof in the Tanker Staging Area. No hazardous waste transfer of either bulk or drummed waste is permitted in the Tanker Staging Area any/all such operations shall be performed in one of the Truck Unloading Areas
2. The Permittee may empty drums only in the LLGF building and only when the vapor collection system is in full operation.
3. The Permittee may only open drums in the Truck Unloading Areas for sampling and then must be resealed.
4. Truck Unloading Area #1 is permitted when only one (1) truck is parked in the area. These containers shall be stored at the storage location shown in Drawing NY003-2475-1 Revision 11.
5. Loading and/or unloading of hazardous waste drums shall be performed only in the Truck Unloading Areas or the LLFG or Drum Processing Building. Emptying of hazardous waste drums into permitted tanks shall be done only in the LLGF building.

6. All wastes and raw materials stored in an area designated for hazardous waste are subject to all terms and conditions of this permit.

EXHIBIT D

SUPPLEMENT TO MODULE IV – TANK SYSTEMS

**EXHIBIT D
SUPPLEMENT TO
MODULE IV – TANK SYSTEMS**

The following conditions supplement those conditions contained within Module IV of this Permit:

A. Authorized Storage Tank and Storage Volume

The Permittee is authorized to use tank systems as detailed in the approved Operations and Waste Analysis Plans for the storage and/or treatment of the following wastes subject to the terms of this Permit. All tanks used for the storage of hazardous waste (LLGF) are listed in the table below. Each tank is authorized to store all hazardous waste (LLGF) identified as acceptable in the facility’s waste analysis plan. The following table provides the permitted working and total capacity of the tank systems.

Location/Identification Number	Working Capacity (gallons)	Total Capacity (gallons)
300	26,682	27,903
400	26,682	27,903
500	26,682	27,903
600	17,974	18,940
100A	8,613	9,491
100B	8,613	9,491
100C	8,613	9,491
200A	9,271	10,663
200B	8,613	9,491
200C	8,613	9,491
101A	1,174	1,266
101B	1,174	1,266
102A	1,174	1,266
102B	1,174	1,266

B. SPECIAL CONDITIONS FOR TANK SYSTEMS (GENERAL)

1. The special conditions for tank systems presented below are applicable to all Tank Systems listed in **Condition A** of this Exhibit, unless otherwise specified.
2. The Permittee must operate and maintain the Tank Systems in accordance with Operations and Maintenance Plan incorporated by reference into of this Permit and **Module IV** of this Permit.
3. The Permittee must perform a pressure test or alternate test approved by the Department on all newly installed conveyance lines between secondary containment systems prior to placing into service. The Permittee must also test existing secondary containment conveyance lines or conveyance line sections upon repair, replacement or alteration, prior to placing back in service. The Permittee must test both the inner carrier pipe and outer containment pipe of double-walled transfer lines. The Permittee must perform this testing in strict accordance with the procedures developed in accordance with **Condition C, Item 9 of Schedule 1 of Module I** of this Permit. The Permittee must record the results of this testing in the operating record required by 6 NYCRR 373-2.5(c). Any underground hazardous waste transfer line, or portion thereof, that fails its specified test, must be repaired or replaced in accordance with **Module IV Condition E** of this Permit and re-tested prior to its use.

C. SPECIAL CONDITIONS FOR TANK SYSTEMS (SPECIFIC) –

1. High level automatic feed cutoffs system in each of the tanks (except dispersion tank) must correspond to a volume equal to or less than the maximum permitted storage capacities shown in Table D-1 in **Condition A** of this Exhibit.
2. When loading and offloading hazardous waste tanker trucks or trailers in the Truck/Unloading Area # 1 and 2, the Permittee shall operate the vent collection system.
3. A least on a biennial basis, the Permittee shall empty, clean and inspect all permitted tanks in **Condition A** of this Exhibit for leaks, bulges, buckles, pitting & corrosion and measure shell thickness (only for the above ground tanks) to determine the remaining

service life of the tank system. The assessment shall be performed by an independent professional engineer registered in New York State and experienced in this type of work. The assessment report shall be submitted to the Department with 30 days of its date. The Permittee shall commence implementing the remedies/recommendations in the engineer's report within 30 days of the assessment.

EXHIBIT E

SUPPLEMENT TO MODULE VII – INCINERATORS

**EXHIBIT E
SUPPLEMENT TO
MODULE VII- LIGHT WEIGHT AGGREGATE KILNS**

The following conditions supplement those conditions contained within Module VII of this Permit and apply to each Light-Weight Aggregate Kiln (LWAK):

A. AUTHORIZED INDUSTRIAL FURNACES

The Permittee is authorized to operate the following industrial furnaces (or also referred to as LWAK or kiln) for the destruction of hazardous wastes consistent with the waste type/physical form and design thermal capacity listed in Table E-1 below subject to the terms of this Permit:

Table E-1 - Permitted Industrial Furnaces

Permitted Units	Waste Type / Physical Form	Design Thermal Capacity
<u>Light Weight Aggregate Kilns 1 & 2 (LWAKS 1 & 2)</u> – Rotary Kiln	Liquid Waste [The physical form of the feed streams shall be pumpable liquid with a viscosity not exceeding 3000 SUS at 80°F]	62MM BTU hr/Kiln

B. TRANSITION TO HWC-MACT STANDARDS

1. The industrial furnace(s) authorized by this Permit are subject to the regulatory requirements prescribed at 6 NYCRR 374-1.8 and the Hazardous Waste Combustors Maximum Achievable Control Technology (HWC-MACT) standards found at 40 CFR Part 63 Subpart EEE and incorporated by reference into the New York State Department of Environmental Conservation regulations in accordance with 6 NYCRR 200.10. The HWC-MACT rule was promulgated at the federal level on October 12, 2005 with a compliance date of October 12, 2008. New York State is in the process of obtaining authorization from the U.S. Environmental Protection Agency for these regulations that will allow for regulation of emissions of hazardous air pollutants from hazardous waste combustors to transition from the state’s hazardous waste management program to the air resources program. Once this authorization process is completed by New York State and the Permittee submits its HWC-MACT Notification of Compliance (NOC) and receives a written finding of compliance pursuant to 40 C.F.R. 63.6(f)(3) from the Department, Module VII of this Permit, with the exception of Condition J, is void.
2. Although the emission standards and operating conditions of Module VII will no longer apply after the transition to HWC-MACT, the industrial furnace(s) will remain hazardous waste treatment unit(s) subject to the closure requirements found at 6 NYCRR 374-1.8, and the facility will remain subject to all other applicable RCRA requirements. In addition, the Department retains its authority under 6 NYCRR 373-1.6(c) to require

permit terms and conditions beyond those stipulated under the HWC-MACT standards, as necessary to protect human health and the environment.

C. LIMITATIONS ON FEEDS

1. Limitations on Wastes

- a) The Permittee may only incinerate the LGF hazardous waste streams in the liquid form (LLGF) and with the designated hazardous waste codes as presented on Table E-2. The Permittee shall not feed other waste streams to these industrial furnaces.

Table E-2 – Authorized Waste Codes

Hazardous Waste Codes
D001 – D011, D018, D019, D021 – D030, D032 – D043
F001 – F005, F032, F034, F035, F037 – F039
K001 – K011, K013 – K020, K022 – K030, K046, K048 – K052, K060 – K062, K083 – K087, K093 – K096, K100 – K105, K111 – K118, K136, K141 – K145, K147 – K152, K156 – K159, K161
P002, P003, P005, P007, P010 – P014, P016 – P018, P021 – P023, P026 – P030, P034, P036, P038, P041, P042, P046, P048, P049, P054, P060, P062, P064, P067 – P069, P074, P077, P082, P084, P093, P099, P101, P103 – P105, P110, P113, P114, P116, P118 – P121, P188, P190, P191, P204
U001 – U010, U012, U015 – U022, U024, U025, U027, U028, U030, U031, U034, U035, U037, U039, U041 – U053, U055 – U057, U059, U063, U064, U068 – U083, U085–U099, U101-U103, U105-U128, U131, U133 - U135, U137, U138, U140, U141, U143, U144, U146, U147, U149, U150, U152 – U174, U176 – U183, U186 – U188, U190, U191, U193, U194, U196, U197, U201 – U203, U206 – U211, U213, U214, U218 – U223, U225 – U228, U235, U236, U238, U239, U243, U244, U246, U277, U328, U353, U359, U375 – U379, U381 – U387, U390 – U396, U400 – U404, U407, U410

- b) Hazardous wastes (i.e., LLGF) may be fed to the LWAKs for a maximum period of 30 minutes prior to introducing shale to the kilns, provided that all other operating conditions specified in Table E-5 below are met prior to feeding hazardous wastes (i.e., LLGF). If a cessation of shale feed results during operation, the Permittee shall, within 30 minutes, stop the hazardous waste (i.e.,

LLGF) feed to the kilns if the shale feed has not been restored within 30 minutes of its stoppage.

2. Limitations on Feeds

- a. The Permittee may only feed mined raw shale to the LWAKs to produce light weight aggregate (LWA), and only from the back-end. The Permittee may feed (from the front-end of the kiln):
- natural gas,
 - no. 2, 4, 6 fuel oil,
 - diesel & kerosene (virgin or re-refined),
 - On-specification used oil (as defined in 6 NYCRR Part 374-2),
 - Off-specification used oil (as defined in 6 NYCRR Part 374-2),
 - Waste Fuel A (as defined in 6 NYCRR Part 225-2.2(b)(9)),
 - Waste Fuel B (except B-2) (as defined in 6 NYCRR Part 225-2.2(b)(10)), and
 - Comparable fuels (as defined in and meeting the requirements of 6NYCRR Part 371.4(i)).

The Permittee may burn LLGF (i.e., liquid hazardous waste as described in this Exhibit and the approved Waste Analysis Plan) in conjunction with one or more of the streams listed above.

- b. No LLGF or combination of LLGF & other feeds (except raw shale) listed in Condition C.2.a above, as fed to the LWAKs, shall exceed the design thermal capacity of 62M BTU/hr per kiln on an hourly rolling average basis.

Used Oil Fuel Specification

<u>Parameter</u>	<u>Limitation</u>
Arsenic	< 5 ppm
Cadmium	< 2 ppm
Chromium	< 10 ppm
Lead	< 100 ppm
Flash Point	> 100°F

Total Halogens	< 4,000 ppm*
PCBs	< 2 ppm.

*any used oil containing greater than or equal to 1,000 ppm total halogens is considered a hazardous waste because it is presumed to be mixed with listed hazardous waste. This presumption may be rebutted by demonstrating that the used oil does not contain listed hazardous waste constituents pursuant to 40 CFR 279.10(b)(ii) and 6 NYCRR 374-2.2(a)(2)(i).

Waste Fuel A Specification

<u>Parameter</u>	<u>Limitation</u>
Polychlorinated Biphenyls (PCB)	Less than 50 ppm ⁽¹⁾⁽²⁾
Total Halogens	1,000 ppm ⁽¹⁾ maximum
Sulfur	See Subpart 225-1 for fuel sulfur limitations
Lead	250 ppm ⁽¹⁾ maximum
Gross Heat Content	125,000 (Btu/gal) minimum

⁽¹⁾ Parts per million (ppm) by weight (water free basis) of fuel

ACCEPTANCE AND OPERATING LIMITS

STREAM⁽¹⁾	PARAMETER	PERMIT LIMITS	ACCEPTANCE LIMITS
LLGF, OSUOF, WFA	Viscosity	3000 SUS @ 80°F	must be pumpable
LLGF, OSUOF, WFA, SUOF	Total Halogens	119.2 lb/hr	<100,000 mg/kg
OSUOF, WFA, SUOF	Total Halogens		<1,000 mg/kg ⁽²⁾
LLGF, CF	Sediments	8.3 %	
LLGF	Compatibility		5 Degree C Temp Rise
LLGF, OSUOF, WFA, CF, SUOF	PCB	25 ppm total as sum of Aroclors	25 ppm total as sum of Aroclors
LLGF, OSUOF, WFA, SUOF	Antimony	0.22 lb/hr	<4500 mg/kg
	Barium	0.97 lb/hr	<20,000 mg/kg

	Copper	8.92 lb/hr	<100,000 mg/kg
	Mercury	0.0124 lb/hr	<130 mg/kg
	Nickel	6.66 lb/hr	<100,000 mg/kg
	Selenium	0.12 lb/hr	<2400 mg/kg
	Silver	0.13 lb/hr	<2700 mg/kg
	Thallium	0.26 lb/hr	<5300 mg/kg
	Zinc	9.39 lb/hr	<150,000 mg/kg
	SVM (Lead & Cadmium)	7.74 lb/hr	<90,000 mg/kg
	LVM (Arsenic, Beryllium & Chromium)	3.72 lb/hr	<18,000 mg/kg
LLGF	Pesticides	must be absent	must be absent
	PCDD/PCDF	Verify Absence at EPA 8290 detection limits	Verify Absence at EPA 8290 detection limits
Raw Shale	Antimony	0.31 lb/hr*	
	Barium	12.17 lb/hr*	
	Copper	12.42 lb/hr*	
	Mercury	0.0141 lb/hr*	
	Nickel	8.93 lb/hr*	
	Selenium	0.17 lb/hr*	
	Silver	0.18 lb/hr*	
	Thallium	0.35 lb/hr*	
	Zinc	23.66 lb/hr*	
	SVM (Lead & Cadmium)	8.52 lb/hr*	
	LVM (Arsenic, Beryllium & Chromium)	8.4 lb/hr*	
	Total Halogen	119.2 lb/hr *	
Clinker	Metals	6 NYCRR 376.4	
	Volatile Organics	6 NYCRR 376.4	
	Semivolatile Organics	6 NYCRR 376.4	
Multiclone Dust, Baghouse Dust, FilterCake	Metals	6 NYCRR 374-1.8(m)	
	Volatile Organics	6 NYCRR 374-1.8(m)	
	Semivolatile Organics	6 NYCRR 374-1.8(m)	

(1) LLGF = Liquid Low Grade Fuel; OSUOF = off-specification used oil fuel; SUOF = specification used oil fuel; WFA = Waste Fuel A; CF = Comparable Fuels

(2) Total Halogens greater than or equal to 1,000 mg/kg are allowed if the halogens are not from a listed hazardous waste source

* minus LLGF, OSUOF, Waste Fuel A contribution

3. Feed Restrictions

The Permittee shall demonstrate compliance with the BTU, chlorine, ash and metals feed rate limits by monitoring the mass feed rate (lbs./hr.) of waste (and other feeds) at least

once per minute. Based on the constituent content of each feed:

- BTU/lb.
- (lb. of [organic and inorganic] chlorine)/(lb. of feed)
- (lb. of metals/lb. of feed)

calculate a one-minute average (OMA) feed rate measurement of waste constituent content (e.g., (lb. of metals)/(lb. of feed)). The rolling average feed rate for the 12-hour rolling average is composed of the most recent 720 OMA, and shall be updated each minute to discard the least recent OMA and include the latest OMA feed rate calculation.

The liquid feed streams shall be sampled and analyzed as per the approved Waste Analysis Plan. Date and time of sampling, along with results, are to be part of the facility's operating record and also recorded on the appropriate WAP sheets, including percent sediments.

- a. The Permittee shall ensure that the total feed restrictions to the industrial furnace do not exceed the feed rates provided in Table E-3.
- b. The Permittee shall ensure that the feed rate to any industrial furnace does not exceed 10.5 gallons/minute/kiln of LLGF and 22.8 tons/hour/kiln of raw shale.
- c. The Permittee shall limit the thermal capacity fed to the incinerator to 62M BTU/hour/kiln. The thermal capacity shall be calculated by totaling the contribution from each source being fed to the incinerator. The Permittee shall not feed waste, or combination of wastes and fuel, to the industrial furnace that exceeds the design thermal capacity of the unit.
- d. The total chlorine (both organic & inorganic) fed to the LWAKs through LLGF or combination of LLGF & other feeds listed in Condition C.2 above shall not exceed 119.2 lb/hr per kiln on a 12 hour rolling average basis.
- e. The Permittee shall not incinerate feeds listed in Condition C.2 above containing over 25 ppm total PCBs (defined as the sum of the quantified Arochlors using Method 8082).
- f. The Permittee shall not accept and incinerate any feeds listed in Condition C.2 above (other than raw shale) in solid form generated from any on-site or off-site remedial or corrective action activities.
- g. The Permittee shall not feed contaminated shale or soil to the kilns to manufacture light weight aggregate.

- h. No material (except raw shale) fed to the kilns shall be in solid form. The physical form of the feed streams listed in C.2 shall be a pumpable liquid with a viscosity not exceeding 3000 SUS at 80°F and percent sediments content not to exceed 8.3 % when measured by SOP 04-049. The Permittee shall not feed Solid LGF (i.e., SLGF) or SLGF blended with LLGF. The Permittee may feed tank bottom & filter sludge which contains free liquid as per SW 846 Method 9095A.
- i. The liquid feed streams shall be sampled and analyzed as per the approved SOP #04-049. . The results are to be part of the facility’s operating record and also recorded on the appropriate Waste Analysis Plan sheets.

As the sediments level interferes with overall steady state operation, including contributing to automatic waste feed cutoffs (AWFCOs), Norlite shall feed LLGF with a sediments content $\leq 8.3\%$, and only if the total number of the following AWFCOs (OPCOs + OPLs) from the previous calendar month are *25 or less* in total:

- Maximum LLGF Feed
- Combustion Gas Temperature
- Maximum Kiln Draft Pressure
- Maximum Back End Pressure
- Minimum LLGF Line Pressure
- Maximum CO Concentration
- High Baghouse Differential Pressure
- Maximum Stack Gas Flow Rate
- Scrubber Recirculation Rate
- Scrubber Blowdown Rate

If the total number of these AWFCOs is greater than 25 in a calendar month, then Norlite must within one hour of the 26th cutoff cease the feeding of any LLGF with a percent sediments content greater than 5.0%. When during a subsequent calendar month the total number of such AWFCOs is ten or less in total, then beginning on or after the first day of the following month, the facility may again resume the feeding of LLGF with a sediments content $> 5.0\%$, but $\leq 8.3\%$.

Norlite must notify the Department in writing within 72 hours of the 26th cutoff.

Table E-3 – Feed Restrictions

Parameter	Restriction (per LWAK)
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Total LLGF Feed Rate	10.5 gals./minute
Thermal Capacity	62 MMBTU/hr.
Chlorine (as HCl) (lb./12-hr.)	119.2 lb/hr
Sediments	8.3% / (5.0%)

- j. Permittee shall ensure that the following waste streams or materials are not fed to the industrial furnaces and shall not accept or burn the following:
- i. Listed hazardous waste containing pesticides and/or herbicides or characteristics hazardous waste codes D012 to D017, D020 and D031.
 - ii. Materials or wastes with total PCBs (defined as the sum of the quantified Arochlors using Method 8082) greater than 25 ppm or any regulated PCB wastes as defined in 6NYCRR 371 and 40 CFR Part 761. The Permittee shall provide written notice to the Department of any LLGF, Waste Fuel A or Off-Specification used oil fuel shipment received with total PCBs greater than 10 ppm within 24 hours of receipt of the analytical results.
 - iii. Hazardous Wastes, On-specification used oil, Off-specification used oil, Waste Fuel A, B and non-hazardous wastes containing polychlorodibenzo-p-dioxins (PCDD), polychlorodibenzo-p-furans (PCDF) or hazardous wastes with the following waste codes: F020, F021, F022, F023, F026, F027 and F028.
 - iv. Hazardous waste prohibited from thermal treatment pursuant to 6 NYCRR 376.1(c)(3) and this permit.
 - v. Waste Fuel B-2 as defined in 6NYCRR Part 225-2.2(b)(10).
 - vi. Radioactive mixed waste.

4. Metals Feed Rate Limits

- a. The Permittee shall control emissions of the metals from the industrial furnace by limiting the total feed rate of metals (from all feeds to the LWAK) as specified in Condition C.2 and Table E-4 of this Section.
- b. The emission rates of metals from the LWAKs through LLGF or combination of LLGF & other feeds listed in Condition C.2 above shall not exceed the limits specified in Table E-4.

- c. The Permittee shall ensure that the total rate of metals fed to the industrial furnace does not exceed the feed rates provided in Table E-4. When more than one stream is fed to the industrial furnace, the Permittee shall calculate the contribution of metals from all sources being fed. The values used to calculate the metals contribution from each source shall be supported by analytical data, using the Department-approved testing methods in the Waste Analysis Plan (WAP) and mass balance calculations.

Table E-4 – Metals Feed Rate Limits

Metals ^{A&B}	Maximum permitted emission rate per kiln (lb/hr)	Maximum Total Metals Feed Rate per LWAK (lb/hr) ^C	Maximum Metals Liquid Feed Rate per LWAK (lb/hr) ^D
Antimony	3.89×10^{-5}	0.31	0.22
Barium	8.77×10^{-5}	12.17	0.97
Copper	3.31×10^{-4}	12.42	8.92
Mercury	2.48×10^{-3}	0.0141	0.0124
Nickel	1.23×10^{-3}	8.93	6.66
Selenium	1.32×10^{-5}	0.17	0.12
Silver	2.09×10^{-5}	0.18	0.13
Thallium	4.86×10^{-5}	0.35	0.26
Zinc	2.12×10^{-3}	23.66	9.39
SVM (Lead & Cadmium)	3.94×10^{-3}	8.52	7.74
LVM (Arsenic, Beryllium & Chromium)	2.66×10^{-3}	8.4	3.72

- A Sampling, analysis and feed planning prior to feeding streams listed in C.2 shall be performed in accordance with the approved Waste Analysis Plan.
- B Permittee shall feed LLGF to the kiln only from the tanks which are continuously mechanically agitated. Permittee shall not feed streams listed in C.2 to the kiln directly from portable containers, drums, loader, dump truck or truck tanker etc.
- C Maximum permitted Total (i.e., metals fed through all feeds listed in C.2) Metals Feed Rate per kiln (lb/hr- 12 hour rolling average basis)
- D Maximum permitted Metals feed rate (per kiln) through all feeds listed in C.2 except raw shale (only liquid feeds) (lb/hr-12 hour rolling average basis)

5. Oils & Mixtures of Oils

The following cannot be accepted unless analyzed prior to acceptance and off-loading in accordance with 6 NYCRR 374-2 and/or 6 NYCRR 225-2 as well as the Permittee's approved waste analysis plan:

- Off-specification used oil
- Waste Fuel A
- mixtures of used oil with Waste Fuel A
- mixtures of any of the above with virgin oils

For these oils (or mixtures) to be stored, burned and/or sold, the Permittee shall meet the requirements of 6 NYCRR 374-2 and/or 6 NYCRR 225-2, as applicable, and must ensure that the following additional criteria are also met:

- a. Such oil
 - i. is not a hazardous waste as defined by 6 NYCRR 371 and the criteria found in this permit.
 - ii. has a PCB concentration of 25 ppm or less.
 - iii. is not an admixture of listed hazardous waste as defined in 6 NYCRR 371.4 (and in accordance with 6 NYCRR 374-2.2(a)(2)).
 - iv. is not an admixture of comparable fuels as defined in 6 NYCRR 371.4(i).

- b. Mixtures of used oil and/or Waste Fuel A with a characteristic hazardous waste:
 - i. Mixtures of such oil are allowed to be burned (as used oil or Waste Fuel A, as appropriate) provided the resulting mixtures no longer exhibit any characteristic, but such mixing is allowed by the used oil generator only. The Permittee is prohibited from blending used oil or Waste Fuel A with any hazardous waste for any purpose.
 - ii. Mixtures of such oil are subject to 6 NYCRR 370 through 374-1 and 376 provided the resulting mixtures exhibit any characteristics identified in 6 NYCRR 371.3.
 - iii. Mixtures of such oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (as defined in 6 NYCRR 371.3(b)) must meet the requirements of 6 NYCRR 374-2 provided that the resulting mixture does not exhibit the characteristic of ignitability pursuant to 6 NYCRR 374-2.2(a)(2)(ii)(c). Such mixing is allowed by the used oil generator only.

- c. Storage of such oil in tanks previously used for storage of hazardous wastes is not allowed unless such tanks have been cleaned and decontaminated as per 6 NYCRR 373 and this permit prior to their use for used oil storage.

- d. The halogen content of all incoming loads of used oil must be determined upon arrival at the facility in accordance with 374-2.7(d). Such oil containing more than or equal to 1000 ppm of total halogens is presumed to be hazardous waste (Rebuttable Presumption) and must be burned as hazardous waste complying with all the operating requirements in Module VII.D of this permit unless the presumption of mixing with hazardous waste can be rebutted by demonstrating that the oil/mixture does not contain hazardous waste (for example by using an analytical method from the most updated SW-846 to show that the concentrations of individual halogenated solvents listed under waste codes F001 and F002 are less than 100 ppm). Records of analysis conducted to rebut the presumption of mixing with hazardous wastes, must be retained at the facility for at least three years. Rebuttable presumption must be applied at the time of acceptance from the permitted transporter.
- e. The storage of such oil (except unadulterated on-specification used oil) must be in compliance with 6 NYCRR 374-2.7(e) and applicable portions of Parts 612-614.
- f. If such oil meets the definition of used oil of 6 NYCRR 374-2 and is intended to be burned and/or sold, the Permittee must meet 6 NYCRR 374-2 requirements.
- g. If such oil meets the definition of Waste Fuel A (as defined in 6 NYCRR 225-2.2) and is intended to be stored, burned and/or sold, the Permittee must meet the requirements of 6 NYCRR 225-2.
- h. The Permittee must not feed LLGF and other materials and/or fuels in contravention to Table E-8.

D. OPERATING CONDITIONS

- 1. The Permittee shall comply at all times with the requirements of this Permit, including Module VII and this Exhibit when burning hazardous wastes in the authorized industrial furnace. LLGF shall not be fed into the industrial furnace until and unless all operating parameters are within the limits specified in Table E-5.
 - a. The Permittee shall control the emission of products of incomplete combustion (PICs) from the LWAKs. Accordingly, the carbon monoxide (CO) level in the stack gas shall not exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period) continuously corrected to 7% oxygen, dry gas basis. CO and Oxygen (O₂) shall be continuously monitored and recorded by continuous emission monitors (CEMs) in conformance with “Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for

Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste” in Appendix 49 of 6 NYCRR 374-1. The Permittee shall install and maintain an interlock system that will prevent feeding or burning liquid hazardous waste when the hourly rolling average Carbon Monoxide levels register >100 ppm.

- b. In situations of noncompliance, the Permittee shall take all actions feasible to mitigate harm to human health and the environment.
 - i. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances – including the PLC and CEMS) which are installed or used by the Permittee to achieve compliance with the conditions of this permit.
 - ii. The Permittee shall give advance notice to the Department of any planned physical alterations, additions or activity to the permitted facility which may result in non-compliance with permit requirements; Permittee is instructed to err on the side of conservativeness when determining what MAY result in non-compliance.
2. The Permittee shall operate all equipment associated with the industrial furnace and all air pollution control equipment (APCE) systems in accordance with 6 NYCRR 374-1.8 and the manufacturer’s design and operating specifications. The Permittee shall cease operation of the industrial furnace when changes in waste feed, incinerator design or operating conditions result in any contravention of the limits designated in this Permit.
 - a. The Permittee shall operate and maintain an automatic waste feed cutoff (AWFCO) system in a manner to activate the alarm and automatically stop the flow of wastes when the operating conditions are not within the limits as specified in Table E-5. The Permittee shall not feed LLGF to the industrial furnace(s) unless the AWFCO system and associated alarms are operating properly and within appropriate limits. If any process monitoring instrument (including CO & O₂ monitors) malfunctions or any component of the automatic waste feed cutoff system fails, the Permittee shall immediately cease the feeding of any of the following:
 - LLGF
 - Off-Specification used oil
 - Waste Fuel A

- b. The AWFCO system shall not be bypassed while feeding LLGF. Any instances where the automatic waste feed cut-off system is by-passed shall be reported in the facility's monthly report as required by Condition E.3 of this Exhibit.
- c. The Permittee shall resume feeding waste manually, not automatically, after each AWFCO while monitoring and recording the parameters listed in Table E-5.
- d. The Permittee shall investigate the cause of each AWFCO, take appropriate corrective measures and make reasonable efforts to minimize and reduce the number of future AWFCOs. These findings shall be recorded in the operating record as well as the monthly report required by Condition E.3. Permittee shall record results of Fugitive Emissions Inspections after each AWFCO on appropriate shift reports (including at a minimum, date & time, operator, inspector, areas inspected) and include such results in the monthly RCRA Compliance and Operating Reports, as well.
- e. The alarms and the automatic waste feed cutoff (AWFCO) system shall be tested to ensure that, for each interlocked parameter, deviations from the allowed operating limits will result in a pre-cutoff alarm activation and/or an automatic cutoff of LLGF & Off-Specification used oil/Waste Fuel A, as applicable. The Permittee shall perform testing of the automatic waste feed cut off systems and all associated alarms (alarms associated with these AWFCOs and other alarms associated with permitted parameters that do not require a cutoff) for all the parameters specified in Table E-5 of Condition D of this Exhibit by simulating upset conditions for each parameter, as required by 6NYCRR 374-1.8(c)(5). The automatic waste feed cutoff system and alarm levels shall be tested at least monthly for all system parameters providing there is continuing testing performed on at least one system parameter on a random basis at least once every 7 days to verify proper operation of the control valves. If the Permittee experiences an automatic WFCO or OPCO (i.e., automatic WFCOs initiated prior to reaching the cutoff limits set forth in Table E-5 of this Exhibit) during the preceding six days, the Permittee may document this event as the required test. If the testing data shows significant deviations, the Department reserves the right to require more frequent testing.
- f. The Permittee shall also follow calibration and automatic waste feed cutoff check procedures specified in this Exhibit and the approved Operations Plan. Records of all testing and calibrations must be documented in the operating record in accordance with 6 NYCRR 373-2.5(c).

3. Operating Conditions

- a. The Permittee shall ensure that the following operating conditions are met when wastes are fed to the industrial furnace(s):
 - i. The Permittee shall comply with the terms of this Permit at all times while feeding LLGF to the industrial furnace(s).
 - ii. During start-up, shut-down and malfunction of the industrial furnace(s), LLGF shall not be introduced into the incinerator unless the incinerator is operating within the parameters specified in Condition D of this Exhibit.
 - (a) During the start-up of the industrial furnace(s), and at other times when the combustion chamber temperature falls below the minimum temperature limits specified in Table E-5, the Permittee shall not feed LLGF into the industrial furnace(s) until it has reached the required minimum temperature and all other operating parameters and emission limits are as specified in Table E-5.
 - (b) During shut-down, if LLGF remains in the combustion chamber of the industrial furnace(s), the Permittee shall maintain the minimum temperature and residence time as required under Condition D.3.a.iii below and shall meet the other parameters listed in Table E-5 for the duration of the remaining residence time (D.3.a.iv), as specified in Condition D.3.a.i.
 - iii. The Permittee shall ensure that the temperature of the combustion chamber of the industrial furnace(s) is maintained at a minimum back end temperature of 895 °F but does not exceed 990 °F. Both limits shall be monitored on a rolling hour average basis and at the back end of the chamber. The Permittee shall maintain the minimum back end temperature limit specified in Table E-5 while hazardous waste or hazardous waste residues remain in the combustion chamber.
 - iv. The Permittee shall ensure adequate residence time for waste destruction in the industrial furnace(s) by restricting the stack gas flow rate to no more than 45,625 wet scfm. This limit shall be monitored on a rolling hour average basis.
 - v. In addition to the above, the Permittee shall also adhere to the operating conditions in Table E-5: 'Summary of Operating Parameters and Limits'.

- vi. The Permittee shall continuously operate all three bag house modules while burning hazardous waste (i.e., LLGF).

Table E-5 - Summary of Operating Parameters and Limits

Operating Parameter	Permit Limit^{1, 2}	Basis^{3, 4}	Permit Condition
Minimum Hourly Rolling Average Combustion Gas Temperature	895 °F	HRA	AWFCO
Maximum Hourly Rolling Average Combustion Gas Temperature	990 °F	HRA	AWFCO
Maximum LLGF Feed	10.5 gpm	HRA	AWFCO
Off- Specification used Oil, Waste Fuel A, B feed rate (when co-fired with HW), gpm	HRA Limit shall be set for each certified tank to comply with the feed rate limits of total chlorine, metals & BTU in Condition C above		
Maximum Shale Feed	22.8 Tons/hr	HRA	AWFCO
Maximum Kiln Draft Pressure (Front)	-0.05" H ₂ O	Instantaneous (w/ 3.0 sec delay)	AWFCO
	0.00" H ₂ O	Instantaneous (w/ 1.0 sec delay)	
Maximum Interstitial Pressure (Back)	-0.08" H ₂ O	HRA	AWFCO
	0.00" H ₂ O	Instantaneous (w/ 1.0 sec delay)	
Maximum Front & Back End Pressures	0.00" H ₂ O	Instantaneous (simultaneous front & back pressure ≥ 0.00" H ₂ O)	AWFCO
Maximum Heat Exchanger Temperature _{Outlet}	436 °F	HRA	AWFCO
Lime Feed Rate	270 lb/hr	HRA	AWFCO
Maximum Baghouse Temperature _{Inlet}	383 °F	HRA	AWFCO
Minimum Baghouse Differential Pressure	5.1" H ₂ O	HRA	AWFCO

Operating Parameter	Permit Limit 1,2	Basis ^{3,4}	Permit Condition
Maximum Stack Gas Flow Rate	45,625 wet scfm	HRA	AWFCO
Minimum Venturi Differential Pressure	6.1" H ₂ O	HRA	AWFCO
Maximum Ducon Differential Pressure	3.7" H ₂ O	HRA	AWFCO
Minimum Scrubber Water Recycle Rate	171 gpm	HRA	AWFCO
Minimum Re-circulation Tank pH	8.0 pH	HRA	AWFCO
Minimum Scrubber Blowdown Rate	14.1 gpm	HRA	AWFCO
Minimum LLGF Line Pressure	35 psig	HRA	AWFCO
Minimum LLGF Atomization Pressure	36 psig	HRA	AWFCO
Maximum CO Concentration @ 7% O ₂ ^{5,6}	100 ppm 500 ppm	HRA	AWFCO

- 1 Automatic waste feed cutoffs shall be automatically activated (without any time delay) at the limits specified in this column and/or when a monitoring system malfunction is detected.
- 2 Continuous means that the given parameter be measured at least every 15 seconds, except for parameters listed as 'Instantaneous', which shall be measured at least every second.
- 3 One-minute average (OMA) means instantaneous readings taken at least every 15 seconds in a minute, and then averaged to get a OMA.
- 4 Hourly rolling average (HRA) means the average of the preceding 60 consecutive minute OMA values. However, the periods of time when one-minute readings are not available for calculating the hourly rolling averages (intermittent operations) shall be ignored and when one-minute values are available again, the first one-minute value is added to the previous 59 one-minute values to calculate the hourly rolling average.
- 5 Corrected instantaneous CO (carbon monoxide) readings shall be used to calculate OMA and HRA. The Permittee shall correct instantaneous CO readings to 7% O₂ using the following formula:
- $$\text{CO}_{\text{corrected}} \text{ ppmv (dry) @ 7\% O}_2 = \text{CO} (14/21.0 - \text{O}_2)$$
- Where:
- CO_{corrected} = CO corrected for stack gas oxygen at 7 %
- CO = Instantaneous CO ppmv (dry) reading
- O₂ = Instantaneous O₂ % (dry) reading corresponding to instantaneous CO reading
- 6 100 ppm CO limit while burning LLGF. 500 ppm CO limit only while burning Waste Fuel A of off-specification used oil in the absence of LLGF (see condition D.5)

4. Fugitive Emissions

- a. The Permittee shall at all times ensure that there are no fugitive emissions from the combustion zone of the industrial furnaces. The Permittee shall control fugitive emissions by the use of physical barriers and maintaining the combustion chamber pressure less than atmospheric, as well as by conducting daily visual inspections and proper maintenance. Further, the Permittee shall duct combustion gases through the entire APCE at all times when the industrial furnace(s) is operating.
- b. The Permittee shall control fugitive emissions from the combustion zone and the back end of the LWAK by continuously maintaining a negative kiln pressure at the hood of the kiln and maintaining the baghouse pressure drop below the maximum operating limit as specified in Table E-5 of this Exhibit. If the hood pressure operating limit specified in the table below is exceeded, the Permittee shall immediately & automatically cutoff hazardous waste (i.e., LLGF) feed to the kiln. Immediately after such cutoff, the Permittee shall visually inspect the kilns for fugitive emissions. If the visual inspection reveals fugitive emissions, Permittee shall immediately cease burning other liquid feed streams (other than the virgin fuels & on-specification used oil) and take appropriate corrective measures to control the fugitive emissions. The Permittee shall resume feeding LLGF and other liquid streams after the fugitive emissions are stopped. Such fugitive emission incidences shall be reported in the monthly report in accordance with Condition E.3.
- c. To minimize fugitive emissions, the back end of the LWAK is equipped with and shall operate a double-walled (double seal) fugitive emission containment system. This double-walled interstitial space will be maintained at $\leq -0.08''$ w.c. on an hourly rolling average basis, with an AWFCO occurring should the interstitial pressure exceed $-0.08''$ w.c. HRA. In addition:
 - i. The front end pressure shall remain at or below $-0.05''$ w.c. If the front end instantaneous pressure continuously exceeds $-0.05''$ for more than 3.0 seconds, an AWFCO shall occur immediately.
 - ii. If the front end instantaneous pressure continuously exceeds $0.00''$ w.c. for more than 1.0 second, then an AWFCO shall occur immediately.
 - iii. If the emissions capturing system (interstitial chamber) instantaneous pressure reaches or exceeds $0.00''$ w.c. continuously for more than 1.0 second, then an AWFCO shall occur immediately.

- iv. If at any time the instantaneous front end pressure and the emissions capturing system pressure reach or exceed 0.00" w.c. at the same time, then an AWFCO shall occur immediately.

Measurements must be made continuously without interruption and with no integration (no averaging period) and an AWFCO shall occur immediately if any continuous readings exceed 3.0 seconds (Item (i) above) or 1.0 seconds (Items (ii) or (iii) above), as appropriate.

5. Oil & Fuel Feeds

During operation of the LWAKs:

- hazardous wastes (LLGF),
- non-hazardous wastes,
- Comparable fuels (as defined in 371.4(I)) if fed through LLGF tanks, or
- Waste fuel B (as defined in 6NYCRR 225-2).

shall not be fed into nor burned in the LWAKs unless the LWAKs meet the operating conditions set forth in Module VII and Conditions C & D of this Exhibit. By definition, startup & shutdown and waste feed cutoffs do not meet these operating conditions and therefore do not allow the feed into and burning of these materials in the LWAKs with the exception that after a waste feed cutoff the feed into and burning in the LWAKs of Waste Fuel A and/or off-specification used oil (as defined 6NYCRR 374-2.2) is permitted.

When all of the above materials are not being fed into and burned in the LWAKs, the Permittee is restricted to feeding into and burning in the LWAKS:

- natural gas,
- no. 2, 4, or 6 fuel oil,
- diesel or kerosene (virgin or re-refined),
- comparable fuel if fed through other than LLGF tanks and/or
- On-specification used oil (as defined in 6NYCRR 374-2 and Condition C above).

subject to the applicable provisions of 6NYCRR Part 374-2 and the requirements and emission limits found in the applicable NYS air emissions regulations. Waste Fuel A and Off-specification used oil are also allowed during normal (non-startup or shutdown modes) operation in the absence of hazardous waste (LLGF), non-hazardous waste & Waste Fuel B in accordance with 6 NYCRR 225-2 and 374-2 respectively as well as the conditions in this permit.

The burning of Waste Fuel A or Off-specification used oil shall cease immediately any time the hourly rolling average carbon monoxide levels in the stack are at or above 500 parts per million at 7% Oxygen, dry as measured under D.3.

6. Performance Standards

- a. SO₂ stack emissions shall not exceed 30 lbs/hr/kiln.
- b. Stack emissions of nitrogen oxides measured as NO₂ shall not exceed 61 lbs/hr/kiln.

E. MONITORING, INSPECTIONS, CALIBRATIONS & REPORTING

1. Monitoring and Inspections

- a. The Permittee shall monitor the authorized industrial furnaces for compliance with Conditions C and D of this Exhibit as indicated below:
 - i. Condition C of this Exhibit shall be monitored as specified by the approved Waste Analysis Plan (WAP) .
 - ii. The Permittee shall continuously monitor and record Condition D of this Exhibit in accordance with the specifications and locations provided on Table E-6. Parameters to be monitored and recorded continuously shall be read at least once per second and shall be recorded at least every 15 seconds. Instantaneous data, such as kiln draft pressure, shall be monitored and recorded at least once per second.
- b. The Permittee shall install, maintain, calibrate, and operate monitoring equipment which continuously records parameters specified in Conditions C and D of this Exhibit. The monitoring equipment shall be monitored and inspected in accordance with Condition G of Module VII and shall be calibrated as specified by Table E-6 in accordance with the procedures in the Department approved Continuous Monitoring Systems (CMS) Plan incorporated by reference.
- c. Operators in the control rooms shall not be engaged in activities unrelated to operation and the use of cell phones shall be restricted to occasional or emergency use only during periods of operation while feeding LLGF to the kilns.
- d. The Kiln operators are to remain in or near the kiln control room while feeding LLGF to the LWAK(s). Each LWAK being operated with LLGF feed is to have a dedicated operator at or nearby the controls at all times. Control rooms may not be unattended for extended periods of time during the feeding of LLGF, and operators may not be engaged in other activities elsewhere on-site such as running vehicles, etc.

- e. The Permittee shall install, maintain, calibrate, monitor and record from the systems in Table E-5 to automatically activate the alarm and cut off the LLGF feed to the industrial furnace(s) when the operating conditions deviate from the limits established in Condition D of this Exhibit. These cutoffs shall be activated immediately after the interlocked parameter exceeds the cutoff limit unless otherwise specified.
- f. The Permittee shall inspect and calibrate the instruments used for monitoring Conditions C and D of this Exhibit as specified by Table E-6 in accordance with the procedures included in the CMS Plan incorporated by reference into this Permit and the approved Operations Plan.
- g. The instruments used for monitoring the parameters in Conditions C and D of this Exhibit shall be calibrated at the frequencies and in accordance with the procedures that are specified by Table E-6.
- h. The Permittee shall inspect, calibrate, and test the instruments, AWFCOs, system parameters and other monitoring parameters after any maintenance or repair to the industrial furnaces and their associated equipment, including but not limited to replacement of the stack fan or installation of any new components of the incineration system including the air pollution control equipment. In addition, a brief description of what work was done is to be included in the monthly report provided to the Department.
- i. If the industrial furnace is not used for a period in excess of one month, the Permittee shall, prior to feeding waste to the unit, conduct the following:
 - i. thoroughly inspect the unit as required in Condition G of Module VII;
 - ii. calibrate all instruments listed on Table E-6 in accordance with the Continuous Monitoring Systems (CMS) Plan incorporated by Reference to this Permit;
 - iii. test the AWFCO system per Condition D.2 of this Exhibit; and
 - iv. check all monitoring parameters listed in Table E-5 to ensure that all parameters are within the operating limits of the Permit.
- j. The CO and O₂ CEMS shall be inspected and calibrated in accordance with requirements of 40 CFR 266 Appendix IX, Table E-7 and the Department approved testing procedures.

The Permittee shall perform a daily calibration check of each CO and O₂ monitor. The Permittee shall audit the CEMS system daily. The audit shall include a review of the calibration check data, an inspection of the recording system, an inspection

of the control panel warning lights, and an inspection of the sample transport and interface system (e.g., flow meters, filters), as appropriate. In addition, instances where the acceptable drift was exceeded and any corrective actions taken shall be included in the monthly report.

- i. The Permittee shall perform quarterly Calibration Error testing of each CO and O₂ monitor.
 - ii. The Permittee shall perform an annual Relative Accuracy Test Audit (RATA) for each CO and O₂ monitor as specified by the RATA Protocol for the facility and in accordance with 6 NYCRR 374-1, Appendix 49.
 - iii. The Permittee shall have certified CEMS on-line whenever they burn LLGF.
- k. Upon request by the Department, the Permittee shall conduct testing required by 6 NYCRR 374-1.8(c)(5)(viii). These performance tests shall be conducted in accordance with Condition I of Module VII. Should the Permittee wish to conduct additional trial burns or tests, Permittee may request such in writing to the Department, with appropriate justification and rationale, and stated expectations of such tests.

2. Conditions for Monitoring, Inspections and Calibrations

- a. The incinerator and associated equipment (pumps, valves, fans, pipes, etc.) shall be visually inspected, at least daily for leaks, spills, fugitive emissions, and signs of tampering or malfunctions (unusual noise, vibration, erratic readings or display, etc.) as required by 6 NYCRR Subpart 374-1.8(c)(5)(viii) and approved Security and Inspection Plan. Inspections shall be accurate, and the results documented in shift reports and recorded in the operating record.
- b. Permittee shall ensure the Department's remote computer access remains in proper working order with proper data access at all times. See also Condition E.4.d below.
- c. The Permittee shall monitor the industrial furnace(s) for all of the parameters of Conditions C and D of this Exhibit as indicated on Tables E-6 & E-7 below:

Table E-6 – Monitoring Systems: Locations and Calibrations

CMS (CONTINUOUS MONITORING SYSTEM)	Equipment	Tag # Kiln 1 Kiln 2	Span / Accuracy
Combustion Gas Temperature	Rosemount 3044C	TT-4303 TT-2105	0 - 1400 °F ± 0.18 °F
Kiln Draft Pressure (Front)	Rosemount 1151 DP	DPT-5203 DPT-2104	-2.0 to +1.0 " H ₂ O ± 0.1 " H ₂ O
Interstitial Pressure (Back)	Rosemount 1151 DP	DPT	-2.0 to +1.0 " H ₂ O ± 0.1 " H ₂ O
LLGF Flow Rate	Micromotion DL 100	MM-4301 MM-2401	0 – 20 gpm ± 0.2%
Used Oil feed rate	Micromotion DS 101	MM-4303 MM-2402	0 – 20 gpm ± 0.2%
Shale Feed	AccuRate MPC200	AR-4301 AR-2401	0 – 40 tph ± 0.25 – 1.0 %
Heat Exchanger Temperature _{Out}	Rosemount 3044C	TT-4301 TT-2403	350 – 550 °F ± 0.18 °F
Lime Feed Rate	AccuRate 602M	Lime Feed	0 -500 lb/hr ± 2.0%
Baghouse Temperature _{Inlet}	Rosemount 3044C	TT-4302 TT-2404	0 – 700 °F ± 0.18 °F
Baghouse Differential Pressure	Rosemount 1151 DP	DPT-4303 DPT-2405	0 -15 " H ₂ O ± 0.1 " H ₂ O
Venturi Differential Pressure	Rosemount 1151 DP	DPT-4401 DPT-2303	0 - 10 " H ₂ O ± 0.1 " H ₂ O
Ducon Differential Pressure	Rosemount 1151 DP	DPT-4402 DPT-2508	0 – 10 " H ₂ O ± 0.1 " H ₂ O
Scrubber Water Recycle Rate	Fischer Porter 10D1475	FT-4403 A/B FT-2507 A/B	0 -250 gpm ± 0.5%
Re-circulation Tank pH	Rosemount 2018 pH	4401 A/B 2509 A/B	0 – 14 pH ± 0.02 pH
Scrubber Blowdown	Fischer Porter 10D1475	FT-1508 FT-2508	0 -50 gpm ± 0.5%
LLGF Line Pressure	Rosemount 1151 DP	PT-9106 PT-2302	0 – 110 psi ± 0.1 psi
LLGF Atomization Pressure	Rosemount 1151 DP	PT-9104 PT-2305	0 – 200 psi ± 0.1 psi
Stack Gas Flow Rate	FCI GF90	FT-5555	0 – 86,000 scfm

CMS (CONTINUOUS MONITORING SYSTEM)	Equipment	Tag # <i>Kiln 1</i> <i>Kiln 2</i>	Span / Accuracy
- All calibrations as per CMS Plan and the approved Operations Plan. All calibrations are done monthly except for pH, which is done daily.			

3. Monthly Reports

The Permittee shall report all process deviations from allowed operating limits listed in the permit and a summary of operations in a monthly report. This report must be filed within three weeks of the end of the month with the offices of NYSDEC identified in Exhibit A, paragraph B, 1 a and b.

The report shall be in a format and associated content as approved by NYSDEC and shall include an introduction, operating summary for the kiln(s), metals feed summary, fugitive emissions summary, summary of special conditions from Exhibit A - paragraph C and other information as determined by NYSDEC. Appendices shall be provided for process downtime and/or operation on non-hazardous waste, continuous monitoring systems, feed rate summary for LLGF only and LLGF with on/off spec used oil/natural gas including shale feed summary, feed rate summary for off spec used oil waste fuel A (in the absence of LLGF), summary of fugitive emissions, title V reporting summary, special conditions and other information as determined by NYSDEC.

At a minimum, the report must address the following items:

- a. Process Operating Summary for each of the kilns
 - i. start & end time and hours the unit was operated with hazardous waste (LLGF)
 - ii. brief explanation of the reasons for downtime and maintenance items conducted
 - iii. brief description of maintenance or repairs to authorized industrial furnaces and associated equipment
 - iv. a discussion of operational issues, including proposed corrective actions as required

- b. Continuous Monitor Operating Summary for each of the kilns
- i. for each parameter during the calendar month exceeding the Automatic Waste Feed Cutoff (AWFCO) limit set forth in Condition D.3 and/or Operational cutoffs (i.e., OPCOs- cutoffs initiated prior to reaching AWFCO limit) and MACT AWFCOs initiated for parameters not in Condition D, list the following:
 - a) parameter
 - b) whether the cutoff resulted from activation of AWFCO or OPCO system
 - c) AWFCO and/or OPCO limit, as applicable
 - d) number of AWFCOs and/or OPCOs, as applicable
 - e) number of AWFCOs and/or OPCOs, for the calendar year to date
 - f) cause of each AWFCO and/or OPCO
 - g) corrective action taken for each AWFCO and/or OPCO duration, start and end time and date of each AWFCOs and/or OPCOs
 - h) the maximum or minimum value that the operating parameter reached outside of the operating conditions (only for CO, combustion chamber temperature and combustion chamber pressure) and the duration those operating conditions were exceeded
 - ii. for the CO and O₂ monitors found to exceed the acceptable drift range during an audit or a daily span check, or other monitoring instruments found to exceed the acceptable drift (acceptable drift values are specified in the CMS plan incorporated by reference to this Permit), list the following:
 - a) parameter
 - b) date
 - c) indicated drift
 - d) corrective action performed
- c. Feed Rate Summary while burning LLGF only & LLGF with
- On & Off-Specification Used oil,
 - Waste Fuel A,
 - Comparable fuel,
 - natural gas,
 - diesel,

- kerosene, and/or
- Fuel Oil # 2, 4 & 6

for each of the kilns.

- i. For each batch of raw shale, hazardous waste (i.e., LLGF), and oils (Off-Specification Used oil & Waste Fuel A) fed to each of the LWAKs provide:
 - a) amount of each feed mentioned above burned in the kilns
 - b) flow rates of the feed mentioned above,
 - c) start and end time of each feed,
 - d) concentrations of metals (listed in Condition C.4) & total halogens,
 - e) heat content of each feed stream (except raw shale),
 - f) specific gravity (for feeds whose flow rates are measured in volume),
 - g) total mass feed rate of Table E-4 metals (individually as well as LVM & SVM) and total halogen (in lb/hr) fed to the kiln,
 - h) total thermal input (in MMBtu/hr), and
 - i) monthly total of LLGF burned and year-to-date total.
 - ii. For each batch of On-Specification Used oil, Comparable fuel, natural gas, diesel, kerosene, Fuel Oil # 2, 4 & 6 fed to each of the LWAKs provide:
 - a) start and end time of each feed,
 - b) specific gravity (for feeds whose flow rates are measured in volume),
 - c) heat content of each feed stream,
 - d) total thermal input (in MMBtu/hr),
 - e) total mass feed rate of metals (listed in Condition C.4) and total halogen (in lb/hr) fed to the kiln, if the total mass feed rates from each of the these streams is greater than 1.0% of the permitted feed rates listed in the 3rd column of Table E-4 & Condition C.3, respectively.
 - iii. provide any instances of exceedances of the allowable feed rates for mass, metals, percent sediments or chlorine
- d. for Off-Specification Used oil/Waste Fuel A (while burning in the absence of LLGF) burned in each of the kilns provide:
- i. Date, starting and ending times that Off-specification Used Oil and/or Waste Fuel A was burned
 - ii. BTU, specific gravity, metals & total halogen concentration
- e. For each of the kilns provide the following information on fugitive emissions:

- i. Date & Time of fugitive emissions observed
- ii. Location of emissions
- iii. Corrective action taken
- iv. Date & Time of corrective action taken

4. Additional Reporting Requirements

- a. As per 6NYCRR 374-1.8(c)(vii)(‘b’), The Permittee shall submit a detailed written report to the USEPA and the Department before January 31st which summarizes automatic waste feed cutoff (AWFCO) system activations in each calendar month period during the previous calendar year, identifying the problem(s) causing the AWFCOs, analyzing trends and describing proposed corrective action(s) to remedy any problems. AWFCOs caused by power outages shall not be included in this total. When an AWFCO is registered by the instruments for exceedance of conditions set forth in Condition D.3, following another AWFCO which has been initiated prior to reaching the conditions set forth in Condition D.3 of this Exhibit, these two cutoffs will be counted as one AWFCO provided all liquid waste feeds to the incinerator have been cut off by the first AWFCO to occur. Each automatic waste feed cutoff after each startup (or re-start) shall be counted as one, irrespective of the duration of operation between each startup (or re-start) and cutoff. The Permittee shall include an explanation of the cause of the AWFCOs and a description of corrective measures taken to prevent future occurrences. This report shall be prepared and certified by an independent New York State registered Professional Engineer knowledgeable in hazardous waste incineration. Permittee shall notify the Department within 72 hours if the AWFCO system activations increase by 100 percent or more in any given month and include an explanation as to the cause(s) of the increase and a description of corrective measures taken.
- b. The Permittee shall provide to the Department remote electronic access to permitted parameter data as required by Condition D of this Exhibit. Such parameters relating to incinerator operation shall include but are not limited to the following:
 - i. corrected carbon monoxide (CO) emission data (recorded on a one-minute basis);
 - ii. oxygen content data (recorded on a minute-by-minute basis);
 - iii. water flow rates;
 - iv. waste feed rates;
 - v. pH;
 - vi. pressures;

- vii. temperatures;
- viii. fuel use data; and
- ix. thermal capacity feed rates.

Front end kiln pressure and kiln seal interstitial chamber pressure shall be reported on a minute basis with both the grab sample and the highest value measured for that minute displayed.

- e. In addition to access to the current operating conditions of the industrial furnace, associated feed and APCE systems, there shall also be electronic access to historical one-minute and hourly rolling average data for the previous 72 hours. The current and historical data shall be provided from a dedicated computer at Permittee's facility to a dedicated computer at the Department's Main Office.
- f. The Permittee shall submit a copy of the NESHAPs for Hazardous Waste Combustors Semi-Annual Report to the Department's Division of Environmental Remediation when submitting this report to NYSDEC Division of Air Resources. The report shall also include the waste quantity incinerated during that semi-annual period.
- g. The Permittee shall record each waste stream, quantity of waste incinerated and the time period during which the waste was incinerated in the operating record. The monitoring data recorded as required in Condition E and Table E-5 shall be stored uncompressed on digital media but shall be made available to the Department in printed form or electronically as requested by the Department.
 - i. The Permittee shall store one-minute average (OMA) values for all hourly rolling average (HRA) parameters. HRA values for CO shall be archived until the closure of the facility.
 - ii. The Permittee shall retain continuous CO emission data for a minimum of two hours (as well as for all of the parameters specified in Conditions C and D) and make this data readily available to Department staff. The retained data shall document the grab sample data points collected at least every 15 seconds that are used to create the one-minute averages which are used to determine the hourly rolling average.
 - iii. The Permittee shall retain all the instantaneous and one minute average readings of all parameters (except for hood pressure & feed flow rates) listed above for at least two hours.

- iv. The Permittee shall retain instantaneous readings of the kiln front and interstitial pressures for at least two hours. The highest value measured for each minute shall be recorded.
- v. The Permittee shall retain all the instantaneous and one minute average readings of feed flow rates listed above for at least thirteen hours. All readings recorded as per Table E-5 shall be retained until the closure of the facility.
- h. Any release to the environment from direct transfer equipment (a device used to distribute, meter, or control the flow of hazardous waste to the incinerator) except a leak or spill of hazardous waste that is less than or equal to a quantity of one (1) pound and immediately contained and recovered shall be reported to the Department within 24 hours of detection via Department's spill hot-line with notification to the On-site monitor as well.
- i. "Permittee shall provide documentation of modifications or deviations from DEC approved analytical procedures with the monthly report"
- j. "Results for the monthly QA sample from both the independent lab and Norlite's on-site lab shall be submitted with the monthly report"

F. Additional

- 1. The Permittee shall conduct training for all kiln burner operators according to the most updated Incinerator Operator Training and Certification program.
- 2. The Air Pollution Control dust (i.e., multiclone & baghouse residues and waste water filter press cake) must meet the requirements listed under 6 NYCRR Part 374-1.8(m) and this permit.
- 3. The product (i.e., clinker) shall meet the requirements of 6 NYCRR 374-1.3 and this permit.

Table E-7 – Stack Monitoring Instrumentation

MONITORING SYSTEM	Equipment	Serial #	Measurement Instrument #	Operation	Range	Calibration Frequency
Kiln 1 A - CO Concentration	Siemens/CISCO Ultramat	N1-AN-764	B7-889	NDIR	0 – 200 ppm 0-3000 ppm	Daily Quarterly Annually
Kiln 1 B - CO Concentration	Siemens/CISCO Ultramat	N1-AN-767	B7-890	NDIR	0 – 200 ppm 0-3000 ppm	
Kiln 1 A - O ₂ Concentration	Siemens/CISCO Oxymat 6	N1-AN-764	B7-066	Paramagnetic	0 – 25%	
Kiln 1 B - O ₂ Concentration	Siemens/CISCO Oxymat 6	N1-AN-767	B7-067	Paramagnetic	0 – 25%	
Kiln 1 Stack Gas Flow Rate	FCI GF90	246163	FT-5555	Pressure	0-86,000 scfm	Annual
Kiln 2 A - CO Concentration	Siemens/CISCO Ultramat	N1-AN-766	XO7-400	NDIR	0 – 200 ppm 0-3000 ppm	Daily Quarterly Annually
Kiln 2 B - CO Concentration	Siemens/CISCO Ultramat	N1-AN-765	F6-187	NDIR	0 – 200 ppm 0-3000 ppm	
Kiln 2 A - O ₂ Concentration	Siemens/CISCO Oxymat 6	N1-AN-766	AO2-611	Paramagnetic	0 – 25%	
Kiln 2 B - O ₂ Concentration	Siemens/CISCO Oxymat 6	N1-AN-765	F6-279	Paramagnetic	0 – 25%	
Kiln 2 Stack Gas Flow Rate	FCI GF90	247854	FT-5555	Pressure	0-86,000 scfm	Annual
<p>- CEMS calibrations as per the approved Operations Plan AND Daily Span Check. Quarterly Calibration Error (CE) test. Annual Performance Specification Test (PST) which includes Calibration Drift (CD), CE, Response Time and Relative Accuracy (RA) tests as per Appendix 49 of 6 NYCRR Subpart 374-1.</p> <p>- Calibrations for stack gas flow rate as per CMS Plan and the approved Operations Plan and Annual Relative Accuracy (RA) tests as per 40 CFR Part 60, Performance Specification 6.</p>						

Table E-8

No.	Feed Description	LWAK Normal Operation	Operation immediately after HW AWFCO	Startup & Shut Down of LWAKs
1	a) Hazardous waste (HW i.e., LLGF) with or without any of the feed streams described in this table b) Non-Hazardous waste & any stream handled through the HW tank system c) Waste Fuel B	The Permittee shall comply with conditions set forth in Module VII and Conditions C & D of this Exhibit.	The Permittee is prohibited from feeding & burning these feed streams.	
2	Waste Fuel A and/or Off-Specification Used oil	If fed in absences of LLGF, the Permittee shall comply with CO limit specified in Condition D.3.	The Permittee shall comply with the CO limit specified in Condition D.3.	The Permittee is prohibited from feeding & burning Waste Fuel A and/or Off-Specification used oil.
3	Comparable fuels when fed through HW storage/blending tanks	The Permittee shall comply with Module VII and Exhibit E.	The Permittee is prohibited from feeding & burning comparable fuel.	
4	Comparable fuels when fed through its dedicated storage tanks system	The Permittee shall meet provisions of 6 NYCRR 371-4(i) and applicable NYS Air emissions regulations.		
5	On-Specification Used oil, Virgin Fuels and natural gas	The Permittee shall meet applicable NYS Air emissions regulations.		

PART 373 PERMIT

MODULE II – CORRECTIVE ACTION REQUIREMENTS

A. APPLICABILITY

1. Statute and Regulations: Article 27, Title 9, Section 27-0913, and 6 NYCRR 373-2.6(l) requires corrective action, including corrective action beyond the Facility boundary where necessary to protect human health and the environment, for all releases of hazardous wastes, including hazardous constituents, from any solid waste management unit (SWMU) regardless of the time at which waste was placed in such unit. Pursuant to 6 NYCRR 373-1.6(c)(2), the Department may impose Permit conditions as the Department determines necessary to protect human health and the environment (such as areas of concern (AOCs) as defined in **Module I** of this Permit).
2. Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs): The Permittee must initiate and complete the corrective action process for all SWMUs and AOCs at the Facility. The conditions of this Module apply to:
 - a. All known SWMUs and AOCs as identified in **Schedule 1 of Module I** that have not completed the corrective action process; and
 - b. Any newly-identified SWMUs and AOCs identified during the course of groundwater monitoring, field investigations, environmental audits or other means including, but not necessarily limited to, those identified pursuant to **Condition C** of this Module.

B. STANDARD CONDITIONS FOR CORRECTIVE ACTION

1. The Permittee must perform any and all corrective action specified by **Condition A.2** of this Module.
2. The Permittee must follow the requirements for Groundwater Protection as specified in **Schedule 1 of Module 1** his Permit, including any groundwater sampling and analysis plan which may be required therein.
3. The Permittee and its consultants/contractors performing corrective action activities must demonstrate completion of appropriate training in accordance with the Department-approved Personnel Training Program Plan incorporated by reference into this Permit and follow all applicable health and safety plans.
4. Compliance with Governmental Requirements: During investigative activities, interim corrective measures and final corrective measures (including, but not limited to, equipment decommissioning, excavation and unit demolition) required by this Module, the Permittee must ensure that the transportation, treatment, storage, discharge, and disposal of all contaminated materials generated as a result of such

activities (including, but not limited to, soil, sediments, liquids, tanks, pipes, pumps, rubble, debris and structural materials) are performed in an environmentally sound manner pursuant to all applicable federal, State and local requirements, and in a way that is protective of human health and the environment. Nothing in this Module shall be construed to require the Permittee to proceed in a manner which is in violation of any such requirements.

5. Notifications:

- a. Groundwater Contamination: If at any time the Permittee discovers that hazardous constituents in groundwater released from the Facility have migrated beyond the Facility boundary in concentrations that exceed an action level, the Permittee must, within fifteen (15) calendar days of discovery, provide written notice to the Department.
- b. Air Contamination: If at any time the Permittee discovers that hazardous constituents in air have been released from a SWMU or AOC at the Facility, and have or are migrating to areas beyond the Facility boundary in concentrations that exceed action levels in the Department's DAR-1 ("Guidelines for the Control of Toxic Ambient Air Contaminants"), and that residences or other places at which continuous, long-term human exposure to such constituents might occur are located within such areas, the Permittee must immediately initiate all appropriate actions necessary to mitigate the release to concentrations below the action levels or cease operation immediately. In addition, the Permittee must:
 - i. Provide written notification to the Department within fifteen (15) calendar days of such discovery; and
 - ii. Immediately initiate any actions that might be necessary to provide notice to all individuals who have been or may become exposed to the released constituents.
- c. Residual Contamination: If hazardous wastes or hazardous constituents are located within or have been released from SWMUs or AOCs and will remain in or on the land, including groundwater, after the term of this Permit has expired, the Permittee must record, in accordance with State law, a notation in the deed to the Facility property or in some other instrument acceptable to the Department which is normally examined during title search that will, in perpetuity, notify any potential purchaser of the property, of the types, concentrations and locations of such hazardous wastes or hazardous constituents.
- d. Newly Discovered SWMUs and AOCs: The Permittee must notify the Department, in writing, of any additional SWMUs and AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits or other means within fifteen (15) days of discovery. Thereafter, the Permittee must proceed with the assessment, investigation, evaluation and remediation of the SWMU and/or AOC as set forth in **Condition C** of this Module.

- e. Newly Discovered Releases: The Permittee must notify the Department, in writing, of any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigations, environmental audits, or other activities no later than fifteen (15) calendar days of discovery. Such newly-discovered release(s) may be from newly-identified unit(s)/area(s), from unit(s)/area(s) for which, based on the findings of the RCRA Facility Assessment (RFA), the Department had previously determined that no further investigation was necessary, or from unit(s)/area(s) investigated as part of a RCRA Facility Investigation (RFI). Based on the information provided in the notification, the Department shall determine the need for further investigation of the release(s). If the Department determines that such investigations are needed, the Department shall, by written notification, require the Permittee to prepare an RFI Work Plan in accordance with **Condition D** of this Module. The Department may, at its discretion, also require the Permittee to prepare an Interim Corrective Measures (ICM) Work Plan.

6. Determination of No Further Action

- a. Based on the results of a RFA or a RFI for a particular SWMU or AOC, or combination of SWMUs and/or AOCs, and any other relevant information, the Permittee may submit an application to the Department for a permit modification under 6 NYCRR 373-1.7(b) and 621.13 to terminate the subsequent corrective action requirements of this Module and **Schedule 1 of Module I** for the subject SWMU(s) or AOC(s). The permit modification application must contain information demonstrating that no release(s) of hazardous wastes, including hazardous constituents, have occurred from the subject SWMU(s) and/or AOC(s), or that such releases do not and will not pose a threat to human health or the environment. The permit modification application must also include the information required in 6 NYCRR 373-1, 373-2 and 621.4(n).
- b. If, based upon review of the Permittee's request for a permit modification, the results of the RFI, and other information, including comments received during the forty-five (45) calendar day public comment period required for major permit modifications, the Department determines that the release(s) or the suspected release(s) investigated are either non-existent or do not pose a threat to human health or the environment, the Department may grant the requested modification.
- c. A determination of no further action shall not preclude the Department from modifying this Permit in accordance with 6 NYCRR 621.13 in order to implement the following actions:
 - i. Require the Permittee to perform such investigations as necessary to comply with the requirements of this Module and **Schedule 1 of Module I** if new information or subsequent analysis indicates that there are, or are likely to be, releases from SWMUs/AOCs that may pose a threat to human health or the environment; and/or,

- ii. Require continual or periodic monitoring of air, soil, groundwater, surface water, sediment or subsurface gas, if necessary, to protect human health and the environment, when site-specific circumstances indicate the release(s) of hazardous waste(s), including hazardous constituents, are likely to occur from any SWMU(s) and/or AOC(s).

C. SCHEDULE FOR ASSESSMENT OF NEWLY IDENTIFIED SWMUs AND AOCs

1. Notification of Assessment: The Permittee must notify the Department, in writing, of any additional SWMU(s) and/or AOC(s) not listed in **Schedule 1 of Module I**, which are identified during the course of groundwater monitoring, field investigations, environmental audits, or other means within fifteen (15) calendar days of discovery.
2. SWMU/AOC Assessment Report: Within thirty (30) calendar days of notifying the Department, the Permittee must submit a SWMU/AOC Assessment Report. This report must provide, at a minimum, the following information for each newly identified SWMU/AOC:
 - a. Type of unit/area;
 - b. Location of each unit/area on a topographic map of appropriate scale;
 - c. Dimensions, capacities, and structural descriptions of the unit/area (supply available engineering drawings);
 - d. Function of unit/area;
 - e. Dates that the unit/area was operated;
 - f. Description of the wastes that were placed or spilled at the unit/area;
 - g. Description of any known releases from the unit/area (to include groundwater data, soil analyses, air monitoring data, and/or surface water/sediment data);
 - h. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit/area; and
 - i. Whether this unit/area, individually or in combination with other units/areas described in **Schedule 1 of Module I**, is a significant source of contaminant release.
3. SWMU/AOC Sampling and Analysis Plan: If prior to or after submission of the SWMU/AOC Assessment Report required in **Condition C.2** of this Module the Department determines and notifies the Permittee that sampling and analysis is required, the Permittee must, within thirty (30) calendar days of such notification, submit to the Department for approval a plan prepared in accordance with **Condition D** of this Module, for sampling and analysis of specific environmental

media including, but not limited to, groundwater, land surface and subsurface strata, surface water/sediment or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) and/or area(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU/AOC Sampling and Analysis Plan must demonstrate that the sampling and analyses program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) and/or AOC(s) to the environment.

4. Subsequent Assessment Actions: Following submission of the SWMU/AOC Assessment Sampling and Analysis Plan set forth in **Condition C.3** of this Module, the Department may either approve the Plan as submitted or issue comments on the Plan. If approved, the Permittee must implement sampling in accordance with the Plan within thirty (30) calendar days of receipt of the Department's approval. If the Department issues comments on the Plan, subsequent activities for the Plan must proceed in accordance with **Condition A.7 of Module I** of this Permit.
5. SWMU/AOC Sampling and Analysis Report: Within thirty (30) calendar days of receipt by the Permittee of validated analytical data generated under the approved SWMU/AOC Sampling and Analysis Plan, the Permittee must follow reporting requirements in the approved Plan and submit a SWMU/AOC Sampling and Analysis Report to the Department. The Report must describe all results obtained from the implementation of the approved Plan.
6. Assessment Conclusions: Based on the results of the SWMU/AOC Sampling and Analysis Report, the Department shall determine the need for further investigations at the specific unit(s) covered in the SWMU/AOC Assessment Report. If the Department determines that such investigations are needed, the Department shall, by written notification, require the Permittee to prepare and submit for approval a RFI Work Plan. In addition, the Department may, at its discretion, require the Permittee to submit an Interim Corrective Measures (ICM) Work Plan if an ICM is deemed necessary by the Department to safeguard human health and the environment. Any additional activities required by the Department must be undertaken in accordance with **Condition D** of this Module.

D. DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION PROGRAM

For the purposes of this Permit, the technical and administrative requirements of "DER-10 – Technical Guidance for Site Investigation and Remediation" are applicable where corrective action has been determined by the Department to be necessary. Since DER-10 uses State Superfund nomenclature, the following table provides a cross-reference between Resource Conservation and Recovery Act (RCRA) and State Superfund nomenclature when using "DER-10 – Technical Guidance for Site Investigation and Remediation":

<u>RCRA Program Element</u>	<u>Equivalent Superfund Program Element</u>
RCRA Facility Assessment (RFA) (including Preliminary Review [PR], Visual Site Inspection [VSI] and Sampling Visit [SV])	Site Characterization (SC)
RCRA Facility Investigation (RFI)	Remedial Investigation (RI)
Corrective Measures Study (CMS)	Feasibility Study (FS)
Interim Corrective Measure (ICM)	Interim Remedial Measure (IRM)
Statement of Basis (SOB)	Record of Decision (ROD)
Corrective Measures Implementation (CMI) (design)	Remedial Design (RD)
CMI (construction)	Remedial Action (RA)
Post-Closure / Effectiveness Evaluations	Site Management (SM)

Accordingly, when the Department, as part of this Permit, requires the Permittee to prepare any component (e.g., work plan, report, study, design, remedy, etc.) of a specific RCRA Program element identified in the above table, the Permittee must utilize DER-10 - Technical Guidance for Site Investigation and Remediation for the preparation of the appropriate analog RCRA Program element component. The required component shall be captioned with the appropriate RCRA program element title. This is the required approach unless specific alternative direction is otherwise provided by the Department in writing.

1. Work Plan Development

- a. The Permittee must submit a corrective action work plan to the Department within thirty (30) days of notification by the Department that such work plan is necessary.
- b. All corrective action activities at the Facility must be conducted pursuant to one or more Department-approved work plans. The work plan(s) prepared pursuant to this Permit must address both on-site and off-site contamination consistent with the provisions of Department guidance entitled “DER-10 - Technical Guidance for Site Investigation and Remediation.”
- c. All work plans must be developed consistent with Department guidance entitled “DER-10 - Technical Guidance for Site Investigation and Remediation.” Work plans prepared to address corrective action at active units or units under post-closure care must also incorporate the applicable requirements of 6 NYCRR 373-2.6 and 373-2.7.

- d. All Department-approved work plans will be incorporated into this Permit when specifically noted in such approvals, pursuant to 6 NYCRR 621.13, and become enforceable under this Permit.
- e. The Department may, at its discretion, direct the Permittee to prepare “supplemental” work plans, studies and/or designs as it determines necessary to ensure protection of human health and the environment.
- f. The Permittee may opt to propose one or more supplemental work plans (including one or more IRM Work Plans) at any time, which the Department shall review for appropriateness and technical sufficiency.
- g. Any proposed work plan must be submitted for the Department’s review and approval, and must include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that work plan. The requirements for submittal review are specified in **Condition D.4** of this Module.
- h. Within twenty (20) days of the Department’s request for a work plan, the Permittee must submit for review and approval a written citizen participation plan prepared in accordance with applicable Department guidance. Upon approval, the citizen participation plan shall be incorporated by reference into this Permit.
- i. All work plans prepared pursuant to this Module must be certified in accordance with 6 NYCRR 373-1.4(a)(5), and by a Professional Engineer or other qualified environmental professional as the Department may find acceptable using the language provided in DER-10.

2. Work Plan Implementation

- a. Upon approval of a work plan by the Department, the Permittee must implement such work plan in accordance with the schedule contained therein.
- b. The Department must be notified at least 7 days in advance of, and be allowed to attend, any field activities to be conducted under a Department-approved work plan, as well as any pre-bid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.
- c. During all field activities conducted under a Department-approved work plan, the Permittee must have, on-site, a representative who is qualified to supervise the activities undertaken. Such representative may be an employee or a consultant retained to perform such supervision.
- d. The Permittee must follow the notification requirements of **Condition B.5** of this Module during work plan implementation.
- e. All corrective action activities must be conducted in accordance with **Condition B.4** of this Module.

- f. In accordance with the schedule contained in a Department-approved work plan, the Permittee must submit a final report (e.g., RFI report, etc.) that meets the requirements set forth in “DER-10 - Technical Guidance for Site Investigation and Remediation”, summarizes all data generated during implementation of the work plan, and includes a complete description of all assessments and evaluations required by the work plan.
- g. Any final report or final engineering report that includes construction activities must include “as built” drawings showing any changes made to the remedial design or the IRM.
- h. All final reports and final engineering reports must be submitted for the Department’s review and approval. The requirements for submittal review are specified in **Condition D.4** of this Module.
- i. All final reports and final engineering reports must be certified in accordance with 6 NYCRR 373-1.4(a)(5), and by a Professional Engineer or other qualified environmental professional as the Department may find acceptable using the language provided in DER-10.

3. Remedy Selection

- a. The Department shall select a proposed remedy in accordance with DER-10 following receipt of the Corrective Measures Study (CMS) or Feasibility Study (FS). The proposed remedy shall be set forth in a draft Statement of Basis (SOB) prepared by the Department for the Facility. The selected remedy in the final SOB shall be incorporated by reference into this Permit by modification pursuant to 6 NYCRR 621.13.
- b. Once the SOB has been incorporated into this Permit, the Permittee must submit a Corrective Measures Implementation (CMI) Work Plan or Remedial Design/Remedial Action (RD/RA) Work Plan that provides for the development and implementation of final plans and specifications for implementing the remedial alternative set forth in this Permit (i.e., in the SOB). This work plan must, unless otherwise provided in writing by the Department, be submitted within one hundred twenty (120) days of the effective date of the Permit modification. The Permittee must commence implementation of the CMI Work Plan or RD/RA Work Plan within thirty (30) days of the Department’s approval of such work plan.
- c. The Permittee must submit a Site Management Plan (SMP) or an update to an existing SMP, as necessary, in accordance with the schedule set forth in the approved CMI Work Plan or RD/RA Work Plan or in accordance with a request from the Department. The Permittee must commence implementation of the Site Management Plan within thirty (30) days of the Department’s approval of such plan.

- d. The Permittee must submit an initial periodic review report (PRR) in accordance with the schedule in the SMP and thereafter annually, unless the Department approves an alternate frequency in writing. The periodic review report must include the information specified in DER-10 and other applicable NYSDEC guidance, and must also include, but not be limited to, documentation of the performance of any required groundwater compliance inspections, operation and maintenance inspections, groundwater comprehensive monitoring evaluations, and any required corrective measures effectiveness evaluations related to the remedy(ies) in place at the Facility, as well as a description and results summary for any investigation or corrective action activity that occurred at the Facility during the period. The PRR must be certified in accordance with 6 NYCRR 373-1.4(a)(5), and by a Professional Engineer or other qualified environmental professional as the Department may find acceptable using the language provided in DER-10.
- e. As part of the periodic review report submission, the Permittee must provide an annual certification of institutional and engineering controls until such time that the Department notifies the Permittee in writing that this certification is no longer needed. Therefore, the PRR must: (a) contain certification that the institutional controls and engineering controls put in place are still in place and are either unchanged from the previous certification or are compliant with Department-approved modifications; (b) allow the Department access to the site; and, (c) state that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the SMP unless otherwise approved by the Department. The Permittee must submit a written certification in accordance with 6 NYCRR 373-1.4(a)(5) and DER-10 - Technical Guidance for Site Investigation and Remediation.
- f. The Permittee must continue operation of the selected remedy until such time that the remedial objectives have been achieved and the Department determines that continued operation is technically impracticable or not feasible.

4. Review of Submittals

- a. The Department shall review and respond in writing to each submittal (e.g., plans, studies, reports, schedules, written submittals, etc.) the Permittee makes pursuant to this Permit, unless the Department determines that a response is not necessary. The Department's response shall include an approval, modification request, or disapproval of the submittal, in whole or in part. Failure of the Permittee to act in accordance with the requirements of this Condition is a violation of this Permit.
- b. Following its review of a submittal, the Department may either approve the submittal or issue comments. If approved, the Permittee must implement the submittal or initiate the next step in the program in accordance with the schedule contained in the submittal or the Department's approval letter. If the Department issues comments on the submittal, subsequent activities for the submittal must proceed in accordance with **Condition A.7 of Module I** of this Permit.

- c. In the event the Department provides conditional approval of a submittal, within thirty (30) days of the Department's conditional approval the Permittee must modify the submittal in accordance with any Department comments and resubmit the document, including all required supporting data and documents in an electronic format acceptable to the Department in accordance with the requirements of **Condition N of Module I**. All resubmissions must be certified in accordance with 6 NYCRR 373-1.4(a)(5), and by a Professional Engineer or other qualified environmental professional as the Department may find acceptable using the language provided in DER-10.
- d. Upon approval, the submittal will be incorporated into this Permit when specifically noted by the Department in such approval, pursuant to 6 NYCRR 621.13. If directed by the Department, the Permittee must place the submittal within the Facility's document repository within fifteen (15) days of receipt of the Department's approval.
- e. In the event that the Permittee and the Department cannot resolve the Department's comments, the Department shall, pursuant to 6 NYCRR 621.13 and within 45 days of notice of disapproval or required modifications, send to the Permittee a notice of intent to modify this Permit with regard to all unresolved issues in order to safeguard human health and the environment.

E. OTHER REQUIREMENTS

1. Reservation of Rights

- a. Nothing contained in this Permit shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights or authorities, including, but not limited to, the right to require performance of further investigations and/or response action(s), and/or to exercise any summary abatement powers with respect to any person, including the Permittee.
- b. Except as otherwise provided in this Permit, the Permittee specifically reserves all rights and defenses under applicable law, and further reserves all rights respecting the enforcement of this Permit, including the rights to notice, to be heard, to appeal, and to any other due process. The existence of this Permit or the Permittee's compliance with it shall not be construed as an admission of liability, fault, wrongdoing, or breach of standard of care by the Permittee, and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party.

2. Environmental Easement

- a. If a Statement of Basis (SOB), or other approved work plan, for the Facility relies upon one or more institutional and/or engineering controls, the Permittee (or the owner of the Facility) must submit to the Department for approval an environmental easement and/or restrictive covenant to run with the land in favor of the State which must be:

- i. created and recorded pursuant to ECL Article 71, Title 36;
 - ii. in a form and manner as prescribed by the Department;
 - iii. in compliance with General Obligations Law (GOL) 5-703(1) and ECL 71-3605(2); and,
 - iv. recordable pursuant to Real Property Law (RPL) 291.
- b. Upon acceptance of the environmental easement and/or restrictive covenant by the State, the Permittee must comply with the requirements of **Condition E.2** of this Module.
 - c. Agents, employees or other representatives of the State may enter and inspect the property burdened by an environmental easement with reasonable prior notice to the property owner, to assure compliance with the restrictions identified by the environmental easement.
 - d. If the SOB provides for no action other than implementation of one or more institutional controls, the Permittee must cause an environmental easement to be recorded under the provisions of **Condition E.2.a** of this Module.
 - e. If the Permittee does not cause such environmental easement to be recorded in accordance with **Condition E.2.a** of this Module, the Department may file an Environmental Notice on the Facility.

3. Progress Reports

- a. The Permittee must submit a written progress report of its actions under this Permit to the parties identified in **Schedule 1 of Module I** by the 10th day of each month commencing with the month subsequent to the approval of the first work plan and ending with the completion of a work item requiring reporting as specified in this Permit or a Department-approved work plan.

4. Dispute Resolution

- a. The Permittee must submit any dispute related to the Department's comments to the designated individual in writing no more than 15 days after it knew or should have known of the facts which are the basis of the dispute. The designated individual shall render a written decision and furnish a copy thereof to the Permittee, which shall be the final Department determination, unless the Permittee files a written appeal of that decision with the designated appeal individual within 20 days of receipt of that decision.
 - i. Upon receipt of the written appeal pursuant to **Condition E.4.a** of this Module, the designated appeal individual, will review the record and decision. The designated appeal individual will take one of the following actions, with written notice to the Permittee:

- ‘a’) remand the matter to the program staff for further negotiation or information if it is determined that the matter is not ripe for review;
 - ‘b’) determine that there is no need for further action, and that the determination of the designated individual is confirmed; or,
 - ‘c’) make a determination on the record as it exists.
- ii. The decision of the designated appeal individual shall be the final Department decision unless, within 20 days of receipt of the decision, the Permittee requests that the Department proceed in accordance with **Condition E.4.b** of this Module.
- iii. The designated individual to:
 - ‘a’) hear disputes is a bureau director in the Department’s Division of Environmental Remediation; and,
 - ‘b’) to review dispute decisions is the assistant director of the Department’s Division of Environmental Remediation.
- b. In the event that the Department issues comments that cannot be resolved with the Permittee, the Department shall, pursuant to 6 NYCRR 621.13, send to the Permittee a notice of intent to modify this Permit with regard to all unresolved issues in order to safeguard human health and the environment.
- c. Upon receipt of a notice of intent from the Department, the Permittee must act in accordance with 6 NYCRR 621.13(d) or the Department’s action will become effective on the date specified in the notice of intent. In the event that the Permittee acts in accordance with 6 NYCRR 621.13(d) within the specified timeframe, the procedure for dispute resolution will continue in accordance with 6 NYCRR 621.13.

F. MISCELLANEOUS

1. Required Authorizations

- a. The Permittee must use best efforts to obtain all Facility access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform the Permittee’s obligations under this Permit, including all Department-approved work plans and the schedules contained therein. If, despite the Permittee’s best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, the Permittee must promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist the Permittee in obtaining same.

- b. If an interest in property is needed to implement an institutional control required by a work plan and such interest cannot be obtained, the Department may require the Permittee to modify the work plan to reflect changes necessitated by the Permittee's inability to obtain such interest. Within 15 days of receipt of such notice, the Permittee must elect in writing to either: a) modify the work plan as requested by the Department, or accept a Department modified work plan, within 30 days of receipt of the written notice; or, b) invoke dispute resolution in accordance with **Condition E.4** of this Module.

PART 373 PERMIT

MODULE III – USE AND MANAGEMENT OF CONTAINERS

A. AUTHORIZED STORAGE AREA, WASTE TYPES AND STORAGE VOLUME

1. The Permittee is authorized to manage and/or store hazardous wastes subject to the terms of this Permit as described in **Schedule 1 of Module I**. **Schedule 1 of Module I** provides information regarding the number, location, configuration and type of hazardous wastes in containers that may be stored in each permitted container storage area. The Permittee must not manage and/or store any hazardous wastes in excess of the maximum capacities for each individual area identified in **Schedule 1 of Module I** of this Permit. This Permit is applicable to containerized hazardous wastes in accordance with 6 NYCRR 373-2.9(a), with exceptions noted in, and in compliance with, 6 NYCRR 371.1(h), 371.4 (d)(3), 373-1.1(d)(1)(iii), 373-1.1(d)(1)(xiv) and 373-2.1(a).

B. CONDITION OF CONTAINERS [6 NYCRR 373-2.9(b)]

1. The Permittee must manage and maintain any and all containers holding hazardous wastes authorized by this Permit in accordance with the requirements of 6 NYCRR 373-2.9(b) and this Permit.

C. COMPATIBILITY OF WASTE WITH CONTAINERS [6 NYCRR 373-2.9(c)]

1. The Permittee must use a container made of, or lined with, materials which will not react with, and is otherwise compatible with, the hazardous wastes authorized by this Permit to be stored, so that the ability of the container to contain the waste is not impaired in accordance with 6 NYCRR 373-2.9(c) and this Permit.

D. MANAGEMENT OF CONTAINERS [6 NYCRR 373-2.9(d)]

1. The Permittee must manage containers holding hazardous waste authorized by this Permit in accordance with 6 NYCRR 373-2.9(d) and this Permit including **Schedule 1 of Module I**.
2. Any containers with nonhazardous wastes and other materials stored in an area designated for hazardous waste containers will be subject to all the terms and conditions of this Permit and by 6 NYCRR 360-1.1(b). Any other materials stored in these designated areas must be compatible with the waste in accordance with **Condition H** of this Module.
3. The Permittee must maintain aisle space in accordance with 6 NYCRR 373-2.3(f) and this Permit including **Schedule 1 of Module I**. Drums must be stored in rows no greater than 2 drums wide. The aisle space between the rows must be a minimum of 2 feet wide or wider as required by **Schedule 1 of Module I** of this Permit. Drums must not be stacked greater than 2 high or as required by **Schedule 1 of Module I** of

this Permit. For aisle space and stacking requirements for other container types, refer to **Schedule 1 of Module I** of this Permit. All container storage areas must comply with the applicable sections of the New York State Fire Code and the National Fire Protection Association (NFPA) 30 - "Flammable and Combustible Liquids Code." The Permittee must demonstrate compliance with the applicable portions of the New York State Fire Code and the NFPA 30 to the satisfaction of the Department.

E. INSPECTIONS [6 NYCRR 373-2.9(e)] AND REPAIR/REMEDIAL ACTION [6 NYCRR 373-2.2(g)(3)]

1. The Permittee must inspect areas where containers are stored as authorized by this Permit in accordance with 6 NYCRR 373-2.2(g), 373-2.9(e) and this Permit including the Department-approved Security and Facility Inspection Plan incorporated by reference into this Permit.
2. Loading and unloading areas must be inspected daily when in use in accordance with 6 NYCRR 373-2.2(g)(2)(iv) and this Permit.
3. For each occurrence where hazardous wastes are stored in a container that is not in good condition or that is leaking, or if defects are identified in the secondary containment for containers, the Permittee must record the occurrence in the inspection log and maintain the log as part of the operating record required by 6 NYCRR 373-2.5(c). The Permittee must indicate in the facility's operating record the date the defect was identified, the date repairs were completed and a brief description of said repairs.
4. If any leaking container threatens human health or the environment the Permittee must immediately report the situation as specified in **Condition C.2 of Module I** (i.e., Oral Reports) and as necessary implement the Department-approved Contingency Plan provided as incorporated by reference into this Permit as necessary.
5. For any container of hazardous wastes that is found to be not in good condition (e.g., severe rust, apparent structural deformity, etc.) or leaking, the Permittee must take immediate action to stop or prevent the leak, take steps in accordance with 6 NYCRR 373-2.9(b) and clean up any leaked or spilled material as required by 6 NYCRR 373-2.9(f)(1)(v) in accordance with the procedures contained in the Department-approved Contingency Plan provided as incorporated by reference into this Permit.
6. The Permittee must repair all defects or other deficiencies identified with the secondary containment system for containers during the Permittee's regular inspections or as a result of independent assessments in accordance with 6 NYCRR 373-2.2(g)(3) and **Condition E.8** of this Module. The Permittee must maintain the secondary containment system for containers free of cracks or gaps and sufficiently impervious to contain leaks, spills and accumulated precipitation.
7. If the secondary containment system for containers is found to be breached or in such a deteriorated condition that it is obviously incapable of containing a release, the Permittee must: a) take immediate action to stop or prevent any release from the area;

b) take steps in accordance with 6 NYCRR 373-2.9(f)(1)(v) and the Department-approved Contingency Plan provided as incorporated by reference into this Permit to clean up any leaked or spilled material; and, c) immediately cease operation of the area and relocate any containers located therein until the defect is repaired to the satisfaction of the Department.

8. For any identified deterioration or malfunction of equipment or structures associated with a hazardous waste management unit which does not result in a release or create the potential for a release of hazardous wastes from the unit's primary containment (i.e., defects other than those described in **Condition E.5** of this Module), except for specific defects where other Permit conditions or the regulations require repairs within other specified time periods, the Permittee must either:
 - a. Schedule and complete repairs to the defect within thirty (30) days from the date the defect was first identified;
 - b. Submit a proposed schedule for Department approval within seven (7) days from the date the defect was first identified, if it is anticipated that it will take longer than 30 days to complete repairs. The proposed schedule must include the date for completing the repairs which must be within six (6) months from the date when the defect was identified; or
 - c. The Permittee may request, and the Department may approve, extensions to the schedule provided the Permittee has adequately demonstrated that the extension is needed due to unforeseen circumstances or circumstances beyond the Permittee's control and that the delay will not lead to an environmental or human health hazard.

F. CONTAINMENT [6 NYCRR 373-2.9(f)]

1. Container storage areas authorized by this Permit for the storage of containerized liquids must have a containment system that is designed and operated in accordance with 6 NYCRR 373-2.9(f)(1) and this Permit including **Schedule 1 of Module I**. Container storage areas authorized by this Permit for only the storage of containerized solids with no free liquids must, at a minimum, meet the requirements of 6 NYCRR 373-2.9(f)(2) and this Permit including **Schedule 1 of Module I**.

G. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE [6 NYCRR 373-2.9(g)]

1. The Permittee must manage all ignitable or reactive waste placed in containers and authorized by this Permit in accordance with 6 NYCRR 373-2.9(g) and this Permit.

H. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE [6 NYCRR 373-2.9(h)]

1. The Permittee must adhere to the special requirements for the management of incompatible wastes in containers authorized by this Permit in accordance with 6 NYCRR 373-2.9(h) and this Permit.

2. The Permittee must demonstrate the compatibility of all hazardous wastes authorized by this Permit with other wastes and materials, and with the containers utilized to store the waste in accordance with this Permit including **Schedule 1 of Module I** and the Department-approved Waste Analysis Plan as incorporated by reference into this Permit.

I. CLOSURE [6 NYCRR 373-2.9(i)]

1. At closure, the Permittee must comply with the closure requirements in accordance with 6 NYCRR 373-2.9(i), 6 NYCRR 373-2.7 and this Permit, including the Department-approved Closure Plan provided as Attachment C of this Permit.

J. AIR EMISSION STANDARDS [6 NYCRR 373-2.9(j)]

1. The Permittee must manage all hazardous wastes in containers authorized by this Permit in accordance with 6 NYCRR 373-2.27, 373-2.28 and 373-2.29 as applicable and **Schedule 1 of Module I** of this Permit.

K. OTHER REQUIREMENTS

1. Independent Secondary Containment Assessment of Container Storage Areas: For container storage areas that require secondary containment pursuant to this Permit, the Permittee must conduct an independent assessment of each secondary containment area. The independent secondary containment assessment must be conducted triennially for indoor areas not exposed to the weather and annually for all other areas, unless otherwise specified in **Schedule 1 of Module I**. The assessment must identify any deficiencies in each containment area including, but not limited to, cracks, gaps, sealant/coating defects or other defects that would inhibit the ability of the containment system to contain leaks or spills of containerized liquids, in accordance with the requirements of 6 NYCRR 373-2.9(f)(1). The assessment must be performed by an independent, qualified Professional Engineer licensed in New York State or a qualified inspector working under the Professional Engineer. All containers, equipment and miscellaneous debris must be removed so that all surfaces of the containment system are completely exposed for inspection. Any defects identified during the assessment must be documented in an assessment report. Once any defects have been repaired, the secondary containment area(s) must be re-inspected by the engineer/inspector to evaluate the adequacy of the repairs and to confirm that the secondary containment area(s) meets the requirements of 6 NYCRR 373-2.9(f)(1)(i) and **Condition F** of this Module. The assessment report must document the results of such re-inspections and confirm that the secondary containment area(s) meets the cited requirements. Copies of each assessment report must be retained by the Permittee in accordance with 6 NYCRR 373-1.6(a)(10) and made available for review upon Department request. The Permittee may also be required to submit the assessment report to the Department if so specified in **Schedule 1 of Module I**.

2. Precautions in Flammable & Oxidizer Waste Storage Areas: Machinery and equipment must not be permitted in flammable and oxidizer waste storage areas or any process area where a flammable atmosphere may exist unless it has been fitted with appropriate safeguard devices approved by Underwriters Laboratories (UL) to render the machinery/equipment intrinsically safe. Only non-sparking tools shall be used in these storage areas.
3. The Permittee must remove all liquid precipitation and other accumulated liquids from any hazardous waste secondary containment structure within 24 hours.

PART 373 PERMIT

MODULE IV - TANK SYSTEMS

A. AUTHORIZED TANK SYSTEMS AND WASTES

1. The Permittee is authorized to use the tank systems for the storage and/or treatment of hazardous wastes subject to the terms of this Permit as described in **Schedule 1 of Module I**. **Schedule 1 of Module I** provides information regarding the location, capacity and type of waste stored for each permitted tank system. This Permit is applicable to wastes stored or treated in accordance with 6 NYCRR 373-2.10(a), with exceptions noted in, and in compliance with, 6 NYCRR 373-1.1(d)(1)(iii) and 373-2.1(a).
2. The Permittee must operate and maintain the tank systems in accordance with this Permit and with 6 NYCRR 373-2.10.
3. For tank systems used to store or treat materials that are newly defined as hazardous waste in the future, the Permittee must comply with 6 NYCRR 373-2.10 and 373-1.7(g).

B. DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS
[6 NYCRR 373-2.10(c)]

1. For new hazardous waste tank systems or components (such as the secondary containment system) not authorized by this Permit, which the Permittee proposes to construct in the future, the Permittee must, prior to construction, submit to the Department an application to modify this Permit including design plans, specifications and a written assessment of the tank systems' structural integrity, as required by 6 NYCRR 373-2.10(c) and obtain a permit modification.
2. The term "new hazardous waste tank system(s)" includes replacement tank system(s), repurposed tank system(s) and modified tank system(s).
3. Upon completion of construction and prior to commencing operation, the Permittee must obtain and keep on file certifications of construction in accordance with 6 NYCRR 373-2.10(c)(7).
4. The Permittee may not use any tank until:
 - a. The Permittee has submitted to the Department by Certified Mail or hand delivery a letter signed by the Permittee and a New York registered Professional Engineer stating that the tank has been constructed or modified in compliance with this Permit;
 - b. A Department representative has inspected the newly constructed or modified tank and has found it is in compliance with the conditions of this Permit; or

- c. If, within 15 days of the date of submission of the letter specified in **Condition B.4.a** of this Module the Permittee has not received notice from the Department of its intent to inspect, the inspection requirement specified in **Condition B.4.b** of this Module is waived and the Permittee may use the tank, per 6 NYCRR 373-1.6(a)(12)(ii)(‘b’)(‘2’).

C. CONTAINMENT AND DETECTION OF RELEASES [6 NYCRR 373-2.10(d)]

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, tank system(s) secondary containment must be provided and operated in a manner that meets the requirements of 6 NYCRR 373-2.10(d) and this Permit, including **Schedule 1 of Module I**, except for ancillary equipment meeting the requirements of 6 NYCRR 373-2.10(d)(6).

D. GENERAL OPERATING REQUIREMENTS [6 NYCRR 373-2.10(e)]

1. The Permittee must operate hazardous waste tank systems and components authorized by this Permit in accordance with 6 NYCRR 373-2.10(e) and this Permit including **Schedule 1 of Module I**.

E. INSPECTIONS [6 NYCRR 373-2.10(f)] AND REPAIR/REMEDIAL ACTION [6 NYCRR 373-2.2(g)(3)]

1. The Permittee must inspect tank systems and components authorized by this Permit in accordance with 6 NYCRR 373-2.2(g), 373-2.10(f) and this Permit, including the Department-approved Security and Facility Inspection Plan incorporated by reference into this Permit and **Schedule 1 of Module I**.
2. Loading and unloading areas must be inspected daily when in use in accordance with 6 NYCRR 373-2.2(g)(2)(iv) and this Permit.
3. For any leak, overflow, defect, deterioration, malfunction or other problem found as a result of the inspection or assessment of any tank system, including secondary containment and ancillary equipment, the Permittee must record the occurrence in the inspection log and maintain the log as part of the operating record required by 6 NYCRR 373-2.5(c). The Permittee must indicate in the facility’s operating record the date the defect was identified, the date repairs were completed and a brief description of said repairs.
4. If leaks (except minor drips) or overflows are discovered associated with any tank system (including ancillary equipment), the Permittee must immediately report the situation as specified in **Condition C.2 of Module I** (i.e., Oral Reports) and implement the Department-approved Contingency Plan incorporated by reference into this Permit.
5. For any identified leak (including minor drips) or defect which creates the potential for leakage from a tank or from a tank’s ancillary equipment (e.g., piping, pump, valve, etc.) containing hazardous waste, the Permittee must take immediate action to

stop or prevent the leak, take steps in accordance with 6 NYCRR 373-2.10(g) and clean up any leaked or spilled material as required by 6 NYCRR 373-2.10(g)(2) in accordance with the procedures contained in the Department-approved Contingency Plan incorporated by reference into this Permit.

6. The Permittee must take action in response to any of the aforementioned tank system deficiencies in accordance with 6 NYCRR 373-2.2(g)(3), **Condition E.8** of this Module and, if applicable, **Condition F** of this Module. The Permittee must maintain the secondary containment system for tanks free of cracks or gaps and sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed. All precipitation accumulated within any secondary containment structure must be removed within 24 hours.
7. If a tank system secondary containment is found to be breached or in such a deteriorated condition that it is obviously incapable of containing a release, the Permittee must: a) take immediate action to stop or prevent any release from the system; b) take steps in accordance with the Department-approved Contingency Plan incorporated by reference into this Permit to clean up any leaked or spilled material; and, c) immediately cease operation of the system and relocate any material stored within the system until the defect is repaired to the satisfaction of the Department.
8. For any identified deterioration or malfunction of equipment or structures associated with a hazardous waste management unit which do not result in a release or create the potential for a release of hazardous waste from the unit's primary containment (i.e., defects other than those described in **Condition E.5** of this Module) or for situations where the waste has been removed from the primary containment unit in accordance with **Conditions E.7 or F** of this Module, except for specific defects where other Permit conditions or the regulations require repairs within other specified time periods, the Permittee must either:
 - a. Schedule and complete repairs to the defect within thirty (30) days from the date the defect was first identified;
 - b. Submit a proposed schedule for Department approval within seven (7) days from the date the defect was first identified, if it is anticipated that it will take longer than 30 days to complete repairs. The proposed schedule must include the date for completing the repairs which must be within six (6) months from the date when the defect was identified; or
 - c. The Permittee may request, and the Department may approve, extensions to the schedule provided the Permittee has adequately demonstrated that the extension is needed due to unforeseen circumstances or circumstances beyond the Permittee's control and that the delay will not lead to an environmental or human health hazard.

F. RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS [6 NYCRR 373-2.10(g)]

1. A tank system or secondary containment system authorized by this Permit from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately and the Permittee must take all action required in accordance with 6 NYCRR 373-2.10(g) and this Permit.
2. With respect to notifications of releases to the environment, reporting must be in accordance with 6 NYCRR 373-2.10(g)(4) and **Module I** of this Permit.

G. CLOSURE AND POST-CLOSURE CARE [6 NYCRR 373-2.10(h)]

1. At closure of a tank system authorized by this Permit, the Permittee must comply with the closure requirements in accordance with 6 NYCRR 373-2.10(h), 6 NYCRR 373-2.7 and this Permit, including the Department-approved Closure Plan provided as Attachment C of this Permit. For tank systems where the Department accepts the Permittee's demonstration in accordance with 6 NYCRR 373-2.10(h)(2), the Permittee must meet the closure and post-closure requirements of 6 NYCRR 373-2.14(g), 6 NYCRR 373-2.7(g) through (j), and this Permit, including the Department-approved Closure Plan and Post-Closure Plan provided as Attachment C of this Permit.

H. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES [6 NYCRR 373-2.10(i)]

1. The Permittee must manage all ignitable or reactive waste placed in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.10(i) and this Permit.

I. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES [6 NYCRR 373-2.10(j)]

1. The Permittee must adhere to the special requirements for the management of incompatible waste in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.10(j) and this Permit.

J. AIR EMISSION STANDARDS [6 NYCRR 373-2.10(k)]

1. The Permittee must manage all hazardous wastes placed in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.27, 373-2.28 and 373-2.29, as applicable and this Permit.

K. OTHER REQUIREMENTS

1. Tank System Process and Instrumentation Diagrams: The Permittee must operate and maintain all tank systems in accordance with the Department-approved Process & Instrumentation Diagrams (PIDs) provided in Attachment B of this Permit. The Permittee may replace tank system ancillary equipment (e.g., pipes, pumps, valves,

etc.) without modification of this Permit or the above referenced PIDs, provided that the materials/components used are identical to the materials/components depicted on the referenced PIDs (e.g., 4-inch HDPE pipe to be replaced with 4-inch HDPE pipe, etc.). To replace tank system ancillary equipment with materials/components that are not identical to the materials/components depicted on the referenced PIDs (e.g., 4-inch HDPE pipe to be replaced with 4-inch steel pipe, etc.), the Permittee must submit the revised PID(s) along with information to support the equivalency of the replacement materials/components, and obtain Department approval of the revisions prior to implementing the replacement. At its discretion, the Department may review the revised PID(s) and grant verbal approval for such proposed replacements to allow implementation, which will be followed by a written approval. Revisions to PIDs that only involve replacement of existing tank system ancillary equipment, do not require modification of this Permit, unless the Department determines that a Permit modification is needed due to the nature and/or extent of the revisions. For revisions to PIDs that involve new, modified or replacement tanks or new additional ancillary equipment not depicted on the referenced PIDs, the Permittee must comply with all requirements specified by **Condition B** of this Module.

2. Electronically Operated Ancillary Equipment: The Permittee must perform annual testing of any electronically operated tank system interconnection and overflow prevention controls, and leak detection equipment, including but not limited to the following:
 - tank high level sensors and alarms;
 - interconnected tank valves and alarms;
 - pump disabling switches tied to tank high level sensors;
 - pump disabling switches tied to interconnected tank valves; and
 - leak detection sensors and alarms.

The testing must be conducted by manually simulating the condition each device is designed to detect, and observing to see if the designed reaction occurs. The Permittee must record the results of this testing in the operating record required by 6 NYCRR 373-2.5(c). If any device or its associated electronic system fails to function as designed, the Permittee must make all necessary repairs in accordance with 6 NYCRR 373-2.2(g)(3) and **Condition E** of this Module, and re-test the repaired system.

3. Independent Assessment of Tank Systems
 - a. In addition to the inspections required by **Condition E** of this Module, the Permittee must have each tank system assessed by an independent, qualified, Professional Engineer registered in New York, or alternatively, by an independent, qualified inspector working under a registered New York State Professional Engineer. Each tank system must be independently assessed at a minimum of once every five (5) years as measured from the end of the calendar year of the tank system's last assessment unless a more frequent inspection is

recommended in the most recent tank assessment report, or as otherwise specified in **Schedule 1 of Module I** of this Permit.

- b. Each tank system assessment must entail an inspection of all visible tank system components including but not necessarily limited to the tank exterior, tank supports, piping, pumps, valves and any overflow prevention controls (tank system secondary containment must be inspected in accordance with **Condition E** and **K.4** of this Module). The tank system assessment may also require a visual inspection of the tank's interior for any tank(s) identified in **Schedule 1 of Module I** as requiring such additional assessment. Any tank(s) requiring an internal inspection must be completely emptied and cleaned to expose all internal tank surfaces for examination by the engineer/inspector. The engineer/inspector must identify and record all observed cracks, leaks, corrosion, interior coating defects (where applicable) and any other areas of deterioration that could affect the integrity of the tank system. For steel tanks, the engineer/inspector must also obtain ultrasonic thickness measurements of all accessible tank surfaces to determine the integrity of the tank shell.
 - c. After each assessment, the engineer/inspector must report to the Permittee as specified in the schedule provided in **Schedule 1 of Module I** of this Permit any and all tank system defects identified during the assessment along with repair recommendations. The Permittee must repair all identified defects in accordance with the engineer's/inspector's recommendations and have the engineer/inspector verify the adequacy of the repairs. Any tank system that is found to be leaking or unfit for use by the engineer/inspector must be immediately removed from service and must not be returned to service until the Permittee obtains a certification of major repairs in accordance with 6 NYCRR 373-2.10(g) and this Permit.
 - d. The engineer/inspector must prepare a detailed report for all tank systems that are assessed. For each tank system, the report must include a description of observations made during the visual inspection, the result of any ultrasonic thickness measurements taken of the tank shell and the engineer's/inspector's evaluation of these measurements, a description of any defects identified, and an evaluation of all repairs made by the Permittee. Each report must also include a statement from the engineer/inspector which certifies that all repairs were made in accordance with the engineer's/inspector's recommendations and that all in-service tank systems assessed are capable of handling hazardous wastes without release for the intended life of the system. This report must be submitted to the Department within 90 days of the assessment, unless the Department approves an extension of no greater than 30 days or as otherwise specified in **Schedule 1 of Module I**.
4. Independent Assessment of Tank Systems Secondary Containment
- a. For the tank systems authorized by this Permit with secondary containment designed in accordance with 6 NYCRR 373-2.10(d)(4)(i) or (ii), independent assessments must be conducted triennially for indoor containment areas not

exposed to the weather and annually for all other containment areas, unless otherwise specified in **Schedule 1 of Module I**. The assessment must identify any deficiencies in each containment area, including but not limited to cracks, gaps or defects in the impermeable surface coatings or other defects that would inhibit the ability of the containment system to contain leaks or overflows in accordance with the requirements of 6 NYCRR 373-2.10(d). The assessment must be performed by an independent, qualified Professional Engineer licensed in New York State or a qualified inspector working under the Professional Engineer. Any equipment and miscellaneous debris must be removed from the containment system so that all surfaces are completely exposed for inspection. Any defects identified during the assessment must be documented by the engineer/inspector in an assessment report. Once any defects have been repaired, the secondary containment area(s) must be re-inspected by the engineer/inspector to evaluate the adequacy of the repairs and to confirm that the secondary containment area(s) meets the requirements of 6 NYCRR 373-2.10(d) and **Condition C** of this Module. The assessment report must document the results of such re-inspections and confirm that the secondary containment area(s) meets the cited requirements. Copies of each assessment report must be retained by the Permittee in accordance with 6 NYCRR 373-1.6(a)(10) and made available for review upon Department request. The Permittee may also be required to submit the assessment report to the Department if so specified in **Schedule 1 of Module I**.

5. Precautions in Flammable & Oxidizer Waste Storage Areas: Machinery and equipment must not be permitted in flammable and oxidizer waste storage areas or any process area where a flammable atmosphere may exist unless it has been fitted with appropriate safeguard devices approved by Underwriters Laboratories (UL) to render the machinery/equipment intrinsically safe. Only non-sparking tools shall be used in these storage areas.

PART 373 PERMIT

MODULE VII - INCINERATORS

A. GENERAL

1. The Permittee is authorized to operate the incineration unit(s) included in **Schedule 1 of Module I** of this Permit for the treatment and destruction of hazardous wastes. **Schedule 1 of Module I** of this Permit provides information regarding the type of hazardous wastes that may be incinerated and the operating parameters for each incineration unit authorized under this Permit.
2. The Permittee must operate and maintain each authorized incineration unit and ancillary equipment including, but not limited to, air pollution control equipment (APCE), waste feed systems, and process control and monitoring systems in accordance with, as applicable, 6 NYCRR 373-2.15, 373-3.28, 373-3.29 and 374-1.8 and this Permit, including **Schedule 1 of Module I**.
3. In the event that the facility has multiple incineration units, the provisions of this Permit apply individually to each unit.
4. The Department may, based on a site-specific Risk Assessment, add terms and conditions to this Permit if it is determined that the standards found at 6 NYCRR 373-2.15 or 374-1.8 are not sufficient to protect human health or the environment. These site-specific conditions, if applicable, are included in **Schedule 1 of Module I** of this Permit.
5. Any modification to the authorized incineration unit(s) or ancillary equipment shall be treated as a permit modification and must be processed as specified in 6 NYCRR 373-1.7, 6 NYCRR 621.13 and this Permit, including **Condition D of Module I** and **Schedule 1 of Module I**.

B. WASTE ANALYSIS [6 NYCRR 373-2.15(b) and 374-1.8(c)(2)]

1. In accordance with 6 NYCRR 373-2.15(b) and 374-1.8(c)(2), the Permittee must, as part of a Trial Burn required pursuant to 6 NYCRR 373-1.9 and **Condition I** of this Module, analyze any proposed waste feed to the incineration unit(s) authorized by this Permit to demonstrate compliance with the standards found at 6 NYCRR 373-2.15(d) or 374-1.8(c)(5), as applicable, and **Schedule 1 of Module I** of this Permit.
2. For the purposes of this Module, the term “wastes” shall include both hazardous wastes and nonhazardous wastes.
3. Any wastes or combination of wastes and fuel fed to the incineration unit(s) authorized under this Permit must not exceed the design thermal capacity of the

incineration unit(s) or cause an explosion, process upset or damage to the incineration unit(s).

4. The wastes fed to the incineration unit(s) authorized under this Permit must conform to that approved by the Department as presented in the facility's Waste Analysis Plan incorporated by reference into this Permit. No other materials may be fed into the incineration unit(s) authorized by this Permit, except as noted at 6 NYCRR 373-2.15(e)(1).
5. The waste streams (including fuel) fed to the incineration unit(s) authorized by this Permit must be sampled and analyzed per the facility's Waste Analysis Plan incorporated by reference into this Permit.
6. The Permittee must ensure that each waste stream that is fed to the incineration unit(s) authorized by this Permit meets the requirements of 6 NYCRR 376.1(c)(3) at the point of generation.

C. PRINCIPAL ORGANIC HAZARDOUS CONSTITUENTS [6 NYCRR 373-2.15(c)]

1. Principal Organic Hazardous Constituents (POHCs) in the waste feed must be treated to the extent required to meet the performance standards found at 6 NYCRR 373-2.15(d) and this Permit, including **Schedule 1 of Module I**.

D. PERFORMANCE STANDARDS [6 NYCRR 373-2.15(d) and 374-1.8(c)(5)]

1. The Permittee must design, construct and maintain the incineration unit(s) authorized by this Permit so that when operated in accordance with **Condition F** of this Module, the unit(s) comply with the performance standards found at 6 NYCRR 373-2.15(d) or 374-1.8(c)(5) and this Permit, including **Schedule 1 of Module I**.
2. Any unburned hazardous or nonhazardous wastes or residues that accumulate within the combustion chamber of the incinerator unit(s) authorized by this Permit shall be a contravention of the performance standards of **Condition D** of this Module and shall be considered to be noncompliant with this Permit. It is the responsibility of the Permittee to design and implement whatever measures are necessary, including but not limited to, establishing proper alarm set points and waste feed cutoff limits to prevent any and all violations of this Permit and to achieve compliance with **Condition D** of this Module and **Schedule 1 of Module I** of this Permit.
3. Compliance with the operating and waste feed limitations established by the Department, as presented in **Schedule 1 of Module I** of this Permit, will be regarded as compliance with the performance standards referenced in **Condition D.1** of this Module. Evidence that these Permit conditions are insufficient to ensure compliance with the performance standards will be justification to support modification, suspension, retesting and/or reissuance of this Permit pursuant to 6 NYCRR 621.13.

E. HAZARDOUS WASTE PERMITS [6 NYCRR 373-2.15(e) and 374-1.8(c)(4)]

1. The Permittee is authorized to burn only the wastes specified in this Permit in the incineration unit(s) authorized by this Permit. The Permittee must comply with the operating conditions specified for those wastes in accordance with **Condition F** of this Module and this Permit, including **Schedule 1 of Module I**, except during Department approved Trial Burns or if the Department approves other exemptions under 6 NYCRR 373-2.15(a)(3).

F. OPERATING REQUIREMENTS [6 NYCRR 373-2.15(f) and 374-1.8(c)(5)]

1. The Permittee must operate the incineration unit(s) authorized by this Permit in accordance with 6 NYCRR 373-2.15(f) or 374-1.8(c)(5) and this Permit, including **Schedule 1 of Module I**. The Permittee must cease operation of the incineration unit(s) whenever changes in waste feed, incinerator design or operating conditions exceed the limits designated in 6 NYCRR 373-2.15 or **Schedule 1 of Module I** of this Permit.
2. If the physical integrity of the incinerator unit(s) and ancillary equipment authorized by this Permit is compromised by any defects including but not limited to holes, cracks or breaches, the Regional and Central Offices of the Department must be notified within 24 hours of discovery, and the defect must be repaired within 5 days, unless an alternate timeframe is approved in writing by the Department. Repairs must be documented in writing and placed in the operating record. A written report may also be required to be prepared by the Permittee and submitted to the Department.

G. MONITORING AND INSPECTION [6 NYCRR 373-2.15(g) and 374-1.8(c)(5)(viii)]

1. The Permittee must monitor and inspect the incineration unit(s) authorized under this Permit in accordance with 6 NYCRR 373-2.15(g) or 374-1.8(c)(5)(viii) and this Permit, including **Schedule 1 of Module I**.

H. RECORDKEEPING AND REPORTING

1. The Permittee must maintain records and provide required reports associated with the incineration unit(s) authorized under this Permit as stipulated in this Permit, including **Schedule 1 of Module I**.
2. The Permittee must record all monitoring, inspection and calibration data. These records must be maintained in the facility's operating record as required by 6 NYCRR 373-2.5(c).
3. The Permittee must record any replacement, maintenance or repair to the incineration unit(s) authorized by this Permit and associated equipment. The record must be maintained in the facility's operating record as required by 6 NYCRR 373-2.5(c).

I. TRIAL BURN/COMPREHENSIVE PERFORMANCE TEST (CPT) AND RISK ASSESSMENT (RA)

1. Based on direction from the Department, and until such time as the regulatory transition from RCRA to HWC-MACT is completed in New York State, any Trial Burn Plans and Comprehensive Performance Test Plans are to be provided to the Department as one document in an effort to achieve compliance with 6 NYCRR 373-1.9(a), 374-1.8 and 40 CFR 63.1207(f).
2. A Trial Burn/CPT Plan and a RA protocol are to be prepared in accordance with relevant State and federal guidance and standards. The RA protocol is to be based on the most recent EPA methodology, using the most recent meteorological dispersion modeling program (currently AERMOD), and is due to the Department for review and approval within 30 days of the Trial Burn/CPT Plan submission.
3. Once the Department approves the Trial Burn/CPT Plan and RA protocol, the Permittee shall conduct the Trial Burn/CPT and prepare the RA (using emission rates derived from the Trial Burn/CPT). The Permittee is solely responsible for failing a Trial Burn/CPT and any failure may be grounds for denial or revocation of this Permit.
4. The Permittee must perform the Trial Burn/CPT and prepare the RA according to the timeframes presented in the Department-approved CPT Plan. The Permittee is solely responsible if the Trial Burn/CPT results fail to demonstrate compliance with the applicable standards and such failure may be grounds for denial or revocation of this Permit.
5. The Trial Burn/CPT and RA reports must demonstrate that the proposed operating limits will comply with applicable performance and health risk standards. The Trial Burn/CPT report shall propose applicable default concentrations, feed rates, waste feed cutoff conditions, operating parameters, continuous emissions monitoring, continuous process monitoring, special operating conditions and other applicable limits for the Department's review and approval.
6. The Trial Burn/CPT Plan, RA protocol and Trial Burn/CPT/RA reports must include sufficient supporting information as determined by the Department. Failure to provide any requested information in a timely manner which is reasonably necessary for the Department to make required findings or determinations may be grounds for denial or revocation of this Permit.
7. All updates to the Department-approved Trial Burn/CPT Plan and the RA Protocol incorporated by reference into this Permit must be performed in accordance with all applicable State or federal regulations, guidance and standards.
8. All analytical work must be performed by a New York State Department of Health Environmental Laboratory Accreditation Program (ELAP) certified laboratory.

9. All test protocols (e.g., air modeling) must utilize current State or federal methods, unless alternative protocols are approved by the Department.

J. CLOSURE [6 NYCRR 373-2.15(h), 374-1.8(c)(5)(xi) and 6 NYCRR 373-2.7]

1. The Permittee must close the incineration unit(s) authorized by this Permit and all associated equipment in accordance with 6 NYCRR 373-2.15(h) or 374-1.8(c)(5)(xi), 6 NYCRR 373-2.7, and this Permit, including the Department-approved Closure Plan and/or Post-Closure Plan provided as Attachment C of this Permit.
2. The Permittee must notify the commissioner at least 45 days prior to the date the Permittee expects to begin closure or partial closure of the incinerator unit(s) authorized by this Permit, as required by 6 NYCRR 373-2.7(c)(4)(i) and this Permit.
3. Within 90 days after receiving the final volume of hazardous wastes, the Permittee must treat and dispose of all hazardous wastes and waste residues generated by the incineration unit(s) authorized by this Permit, including but not limited to, ash, scrubber water and scrubber sludge and complete the closure activities in accordance with 6 NYCRR 373-2.7(d) and this Permit, including **Schedule 1 of Module I**.
4. Unless the Permittee can demonstrate, in accordance with 6 NYCRR 371.1(d)(4) that the residue removed from the incineration unit(s) and ancillary equipment is not a hazardous waste, the Permittee becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 6 NYCRR Parts 372 through 374 and 376.