93-20-6 (10/92) — 25c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER
1-2824-00112/00002-0

FACILITY:PROGRAM NUMBER(s)
USEPA ID
NYD 002047967

PERMIT
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE
March 25, 1992

EXPIRATION DATE
March 24, 1997

TYPE OF PERMIT (Check All Applicable Boxes)
[X] New [ ] Renewal [ ] Modification [ ] Permit to Construct [X] Permit to Operate

- [ ] Article 15, Title 5: Protection of Water
- [ ] Article 15, Title 15: Water Supply
- [ ] Article 15, Title 15: Water Transport
- [ ] Article 15, Title 15: Long Island Wells
- [ ] Article 15, Title 27: Wild, Scenic and Recreational Rivers
- [ ] 6NYCRR 608: Water Quality Certification
- [ ] Article 17, Titles 7, 8: SPDES
- [ ] Article 19: Air Pollution Control
- [ ] Article 23, Title 27: Mined Land Reclamation
- [ ] Article 24: Freshwater Wetlands
- [ ] Article 25: Tidal Wetlands
- [ ] Article 27, Title 7; 6NYCRR 360: Solid Waste Management
- [X] Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
- [ ] Article 34: Coastal Erosion Management
- [ ] Article 36: Floodplain Management
- [ ] Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
- [ ] Other: _____

PERMIT ISSUED TO
Grumman Aerospace Corporation (Operator) AND U.S.Navy (Owner)

TELEPHONE NUMBER
(516) 575-2385

ADDRESS OF PERMITTEE
South Oyster Bay Road, Mail Stop D08-GHQ, Bethpage, N.Y. 11714-3580

CONTACT PERSON FOR PERMITTED WORK
John Ohlmann, Director, Environ. Technology & Compliance

TELEPHONE NUMBER
(516) 575-2385

NAME AND ADDRESS OF PROJECT/FACILITY
Grumman-Bethpage Facility
South Oyster Bay Road

LOCATION OF PROJECT/FACILITY
Bethpage, N.Y. 11714-3580

COUNTY	TOWN/CITY/VILLAGE	WATERCOURSE/WETLAND NO.	NYTM COORDINATES
Nassau	Oyster Bay		E: 633 1 N: 510 8

DESCRIPTION OF AUTHORIZED ACTIVITY
Operation of a treatment and storage facility for hazardous wastes which are shipped out for disposal to authorized facilities by permitted transporters.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified **(See Reverse Side)** and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR
Deputy Regional
David DeRidder

ADDRESS
Regional Director
Region 1 - Bldg. 40
SUNY Stony Brook, NY 11790-2356

AUTHORIZED SIGNATURE
David DeRidder

DATE
3/25/92

SPECIAL CONDITIONS

For Article 27 (Title 9; 6NYCRR 373: Hazard. Waste Mgt.)

1. The Permittee must operate the facility in strict accordance with the modules and attachments to this permit specified below:

Module I - Standard Conditions
II - General Facility Conditions
III - Corrective Action Requirements
IV - Waste Minimization Requirements
V - Storage in Containers
VI - Groundwater Monitoring

Attachments/Sections (NYS Part 373 Applic. for Permit - Oct. 1988, Rev. July 1989)

Section I - Introduction
II - Facility Description
III - Waste Characterization
IV - Waste Analysis Plan
V - Quality Assurance
VI - Process Information
VII - Corrective Action
VIII - Security
IX - Contingency Plan
X - Personnel Training
XI - Closure Plan
XII - Financial Assurance
XIII - Other requirements
XIV - Certification of Closure
XV - Record Keeping
XVI - Certification

Appendix 1 - Revised Part A Application
2 - Grumman Aerospace Corporation - Department Operating Instructions(DOIs)
3 - Laboratory Analytical Results
5 - Land Disposal Restrictions Rule-Required Notifications
8 - Mini-Drum Marshalling Area (Sections and Details)
9 - New-Material Storage Shed (Plans,Sections and Details)
10 - Industrial Waste Treatment Facility (IWTF) at Plant 02-Detailed Process Flow Sheet
11 - Industrial Waste Treatment Facility (IWTF) at Plant 03-Detailed Process Flow Sheet
12 - Liability Insurance/Financial Assurance
15 - 1986 Waste Minimization Report

MODULE I - STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 6NYCRR Parts 370 through 374 and 621 and 624. Applicable regulations are those which are in effect on the date of issuance of this permit.

The Permittee is allowed to store hazardous waste in accordance with the conditions of this permit. Any storage of hazardous waste not authorized in this permit is prohibited unless exempt from 6NYCRR Part 373. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local laws or regulations. Compliance with the terms of this permit does not constitute a defense to any other law providing for protection of public health or the environment.

B. PERMIT ACTIONS

This permit may be modified, revoked, or suspended for cause as specified in 6NYCRR 621.14. The filing of a request for a permit modification, revocation and reissuance, or suspension; or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

D. DUTIES AND REQUIREMENTS

(1) Duty to Comply. The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ECL Article 27, Title 9 and is grounds for enforcement action; permit suspension, revocation, or modification; or denial of a permit renewal application.

(2) Duty to Reapply. If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this Permit, the permittee shall submit a complete application for a new permit at least 180 days before this permit expires and shall obtain a new permit.

(3) Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) Duty to Mitigate. The Permittee shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from noncompliance with this permit.

(5) Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate process and laboratory controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

(6) Inspection and Entry. The Permittee shall allow the Commissioner, or an authorized representative, including authorized EPA representatives, upon the presentation of credentials and other documents as may be required by law to:

(a) Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted or areas subject to corrective action pursuant to this permit, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including any and all confidential data;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the ECL, any substances or parameters at any location.

(7) Duty to Provide Information. The Permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or suspending this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

(8) Twenty-four Hour Reporting. The Permittee shall report to the Commissioner any non-compliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

(a) Information concerning the release of any hazardous waste or constituent which may cause endangerment to public drinking water supplies.

(b) Any information of a release or discharge of hazardous waste or of a fire or explosion at the facility, which could threaten the environment or human health.

(c) (i) Name, address, and telephone number of the operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident;

(iv) Name and quantity of materials involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazard to the environment and human health inside and outside the facility, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided to the Commissioner within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance (See Permit Condition D(4) of Module I). The Permittee need not comply with the five day written notice requirement if the Commissioner waives the requirement and the permittee submits a written report within 15 days of the time the permittee becomes aware of the circumstances.

The oral reports required above may be made by contacting the National Response Center 24-hour toll free number at (800) 424-8802 and the New York State 24-hour oil and hazardous material spill notification number, (800) 457-7362, or any designated telephone number which may subsequently replace the ones listed above.

(9) Unmanifested Waste Report. A report must be submitted to the Commissioner within 2 days of receipt of unmanifested waste and include the information listed in 6NYCRR 372.4(c).

(10) Manifest Discrepancy Report. If a significant discrepancy (as defined by 6NYCRR Part 372.4(b)(1)) in a manifest is discovered, the Per-mittee must attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee must submit a written report to the Commissioner. The report must include a copy of the manifest and must meet the information requirements of 6NYCRR Part 372.4(b)(5).

(11) Additional Noncompliance Reporting. The Permittee shall report all instances of noncompliance (including release of hazardous waste, fire or explosion) not required to be reported under Module I, Condition D.(8) or (17). Such noncompliance shall be reported at the time monitoring reports are submitted. The reports shall contain the information listed in Module I, Condition D. (8)(c)(i-vii).

(12) Anticipated Noncompliance. The Permittee shall give advance notice to the Commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Compliance with Permit Condition D(3) of Module I is still effective in this situation.

(13) Other Information. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, the Permittee shall immediately submit such facts or information.

(14) Compliance Schedules. The Permittee must comply with the compliance schedule (Appendix III-D of Module III). Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(15) Annual Report. The Permittee shall submit an annual report covering facility activities during the calendar year in accordance with the requirements of 6NYCRR 373-2.5(e).

(16) Monitoring and Records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The methods used to obtain a representative sample of the waste to be analysed must be the appropriate method from Appendix 19 of 6NYCRR Part 371 or an equivalent method approved by the Commissioner. Laboratory Methods must be those specified in Test Methods for Evaluating Solid Waste: Physical & Chemical Methods, EPA Publication SW-846, Third Edition, 1986 or later approved revisions, or an equivalent method, as specified in the Waste Analysis Plan (see Attachment I).

(b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, certification required by 6NYCRR Part 373-2.5(c)(2)(ix), and records of all data used to complete the application for this permit until closure certification of the facility is approved by DEC. For land disposal facilities, the monitoring data required under 6NYCRR Part 373-2.6 must be kept throughout the post-closure care period. (See also Module II, Condition L.2).

(c) Records of monitoring information shall specify:

(i) The dates, exact place, and times of sampling or measurements;

(ii) The individuals who performed the sampling or measurements;

(iii) The dates analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The sampling techniques or methods used;

(vi) The analytical techniques or methods used; and

(vii) The results of such analyses.

(d) The Permittee shall conduct a quality assurance program to ensure that the monitoring data are technically accurate and statistically valid. The quality assurance program shall be in accordance with Chapter One and applicable subsections of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, Third Edition, 1986 or later approved revisions, or equivalent methods approved by the Department.

(17) Monitoring Reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

(18) Reporting Planned Changes. The Permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. See Module I Condition I.

(19) Certification of Construction or Modification.

Not Applicable

(20) Transfer of Permits. This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 6NYCRR 373-1.6(a)(12)(iii) and 6NYCRR 373-1.7(a). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 6NYCRR Part 373.

E. SIGNATORY REQUIREMENT. All reports or other information requested by the Commissioner shall be signed and certified as required by 6NYCRR 373-1.4(a)(5).

F. CONFIDENTIAL INFORMATION. The permittee may claim confidential any information required to be submitted by this permit in accordance with 6NYCRR 370.1(b). All documentation which the Permittee believes justifies its claim of confidentiality must be submitted in accordance with 6NYCRR Part 616 with any such claim of confidentiality.

G. DOCUMENTS TO BE SUBMITTED PRIOR TO OPERATION.

Not Applicable.

H. DOCUMENTS TO BE MAINTAINED AT THE FACILITY. The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, a copy of this permit and the following documents, amendments, revisions and modifications to these documents:

(1) Waste Analysis Plan as required by 6NYCRR 373-2.2(e);

(2) Personnel training documents and records as required by 6NYCRR 373-2.2(h)(4);

(3) Contingency plan as required by 6NYCRR 373-2.4(d);

(4) Closure plan as required by 6NYCRR 373-2.7(c);

(5) Annually adjusted cost estimate for facility closure as required by 6NYCRR 373-2.8(c);

(6) Operating record as required by 6NYCRR 373-2.5(c);

(7) Inspection schedules as required by 6NYCRR 373-2.2(g)(2);

I. PERMIT MODIFICATIONS. The permit may be modified for cause as allowed under 6NYCRR 373-1.7 and 621.14. Modifications shall be requested in writing as required by 6NYCRR 621.13 and 621.14. Requests for modifications shall be submitted to the Regional Permit Administrator for approval and permit modification.

J. ALL REPORTS AND SUBMITTALS.

(1) (a) All reports and submittals required by Module III, Corrective Action Requirements to be submitted to the Commissioner shall be sent to the following addressees:

- New York State Department of Environmental Conservation
  50 Wolf Road
  Albany, New York 12233-7251

Attention: Director, Hazardous Waste Facility Management
Division of Hazardous Substances Regulation

- New York State Department of Environmental Conservation

  Region 1
  Building 40, SUNY at Stony Brook
  Stony Brook, NY 11790-2356

  Attention: Regional Hazardous Substances Engineer

(b) All reports and submittals required by Module IV, Waste Minimization Requirements to be submitted to the Commissioner shall be sent to the following addressee:

- New York State Department of Environmental Conservation
  50 Wolf Road
  Albany, New York 12233-7253

Attention: Director, Bureau of Pollution Prevention
Division of Hazardous Substances Regulation

(c) All other reports and submittals required by the permit to be submitted to the Commissioner shall be sent to the following addressees:

- New York State Department of Environmental Conservation
  50 Wolf Road
  Albany, New York 12233-7252

Attention: Director, Hazardous Waste Facility Compliance
Division of Hazardous Substances Regulation

- New York State Department of Environmental Conservation

Region 1
Building 40
SUNY at Stony Brook
Stony Brook, NY 11794

Attention: Regional Hazardous Substances Engineer

(2) All plans, reports, and schedules required by the terms of this Permit are, upon approval by the Department, incorporated by reference into this Permit. Upon incorporation, the provisions of each such document shall be binding upon Permittee and have the same legal force and effect as the requirements of this Permit.

(3) Permittee shall submit plans and reports required by this Permit to the Department for review and comment. If the Department determines that any plan or report required by this Permit is deficient (in whole or in part), Permittee shall either promptly respond to the comments or make revisions to the submission consistent with the Department's comments. Within a reasonable time frame specified by the Department, a final plan or report shall be submitted to the Department for approval. Extensions of the due date for submittals may be granted by the Department based on the Permittee's documentation that sufficient justification for the extensions exists.

K. DEFINITIONS.

For the purpose of this permit, terms used herein shall have the same meaning as those in 6NYCRR 370-374, unless this permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Release - for purposes of this permit 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 or hazardous constituent, but excluding releases otherwise permitted under law (e.g., SPDES permitted discharges).

Facility - all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments or combination of them).

Solid Waste Management Unit (SWMU) for purposes of this permit includes any discernible waste management unit from which hazardous waste or hazardous constituents have migrated or may migrate, irrespective of whether the unit was intended for the management of hazardous or solid wastes as those terms are defined in 6NYCRR Part 371. These units include, but are not limited to: landfills, surface impoundments, waste piles, land treatment units, tanks, elementary neutralization units, transfer stations, container storage areas, incinerators, injection wells, recycling units, and closed and abandoned units. Certain areas associated with production processes which have become contaminated as a result of routine, and systematic releases of wastes or hazardous constituents from wastes, are also considered SWMU's.

Hazardous Constituents - Those constituents listed in Appendix 23 to 6NYCRR 371.

Commissioner - for purposes of this Permit "Commissioner" shall mean the Commissioner of the New York State Department of Environmental Conservation (Department), his designee or authorized representative.

Hazardous Waste - A hazardous waste as defined in 6NYCRR Part 371.

Areas of Concern (AOC) - Pursuant to 6NYCRR 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 discernible as a solid waste management unit, 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 not identified as solid waste management units. Such area(s) require study and a determination of what, if any, Corrective Action may be necessary.

MODULE II - GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF FACILITY. The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface waste.

The Permittee is authorized to store, only the hazardous wastes identified in the Waste Analysis Plan (Attachment-IV) and in Module V which are generated at the Permittee's facility. The Bethpage Facility is authorized to accept wastes from Grumman Aeorospace Plants at Calverton, Great River and Woodbury which are subsidiaries of permitte's parent company.

B. REQUIRED NOTICES. Not Applicable

C. GENERAL WASTE ANALYSIS. Except as specifically provided otherwise in Module III of this permit, the Permittee shall comply with 373-2.2(e), follow the procedures described in the waste analysis plan, Attachment IV, and conduct a quality assurance program as specified in Module I, Condition D.(16)(d).

The Permittee shall verify its waste analysis as part of the quality assurance program. The quality assurance program will be in accordance with current EPA practices (Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Third Edition, 1986 or later approved revisions) or equivalent methods approved by the Department, and ensure that the Permittee maintains proper functional instruments, uses approved sampling and analytical methods, as specified in 6NYCRR Part 371, Appendices 19, 20 and 21; assures the validity of sampling and analytical procedures and performs correct calculations. Any contract laboratory used by the Permittee to perform analyses pursuant to this permit must be certified by the New York State Department of Health through the Environmental Laboratory Approval Program for the appropriate category of analysis and must be acceptable to the Department. If the Permittee uses such a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this permit.

D. SECURITY. The Permittee shall comply with the security provisions of 6NYCRR 373-2.2(f) and Attachment VIII.

E. GENERAL INSPECTION REQUIREMENTS. The Permittee shall comply with 373-2.2(g) and follow the inspection schedule, Attachment VIII. The Permittee shall remedy any deterioration or malfunction discovered by an inspection as required by 6NYCRR 373-2.2(g)(3). Records of inspections shall be kept as required by 6NYCRR 373-2.2(g)(4).

F. PERSONNEL TRAINING. The Permittee shall conduct personnel training as required by 6NYCRR 373-2.2(h)(1), (2), and (3). This training program shall follow the attached outline, Attachment X. The Permittee shall maintain training documents and records as required by 6NYCRR 373-2.2(h)(4) and (5).

G. GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste as required by 6NYCRR 373-2.2(i) and as described in Attachment VIII.

H. LOCATION STANDARDS Not Applicable.

I. PREPAREDNESS AND PREVENTION

(1) Required Equipment. At a minimum, the Permittee shall equip the facility with the equipment set forth in the contingency plan, Attachment IX and as required by 6NYCRR 373-2.3(c).

(2) Testing and Maintenance of Equipment. The Permittee shall test and maintain the equipment specified in the previous permit condition as necessary to assure its proper operation in time of emergency, as set forth in the Inspection Schedule (Attachment IX).

(3) Access to Communications or Alarm System. The Permittee shall maintain access to the communications or alarm system as required by 6NYCRR 373-2.3(e), and in accordance with Attachment IX.

(4) Required Aisle Space. At a minimum, the Permittee shall, in accordance with Attachment VII, maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility in an emergency as required by 6NYCRR 373-2.3(f) and to provide access for inspections as required by 6NYCRR 373-2.9(e). Aisle space in the container storage area shall be maintained in accordance with Attachment IX.

(5) Arrangements with Local Authorities. The Permittee shall attempt to make arrangements with State and local authorities as required by 6NYCRR 373-2.3(g). If State or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record, and a copy of all correspondence sent to State and local authorities while attempting to meet this requirement should be included in the operating record.

J. CONTINGENCY PLAN.

(1) Implementation of Plan. The Permittee shall comply with 6NYCRR 373-2.4 and follow the contingency plan, Attachment IX. The Permittee shall immediately carry out the provisions of the contingency plan, Attachment IX, and follow the emergency procedures described by 6NYCRR 373-2.4(g) whenever there is a fire, explosion, or release of hazardous waste or constituents.

(2) After any event requiring implementation of the contingency plan, the Permittee shall not resume hazardous waste management in the affected area until all equipment used during the contingency has been cleaned, recharged or replaced, as appropriate.

(3) Copies of Plan. The Permittee shall comply with the requirements of 6NYCRR 373-2.4(d).

(4) Amendments to Plan. The Permittee shall review and immediately amend, if necessary, the contingency plan as required by 6NYCRR 373-2.4(e).

(5) Emergency Coordinator. The Permittee shall comply with the requirements of 6NYCRR 373-2.4(f) concerning the emergency coordinator.

K. MANIFEST SYSTEM. The Permittee shall comply with the manifest requirements of 6NYCRR Part 372.

L. RECORDKEEPING AND REPORTING.

(1) Operating Record. The Permittee shall maintain a written operating record at the facility in accordance with the applicable portions of 6NYCRR 373-2.5(c).

(2) Availability, Retention, and Disposition of Records. All records, including plans, must be made available to the DEC in accordance with 6NYCRR 373-2.5(d)(1). The retention period for all records is extended automatically during any unresolved enforcement action regarding the facility or as requested by the Commissioner. A copy of records of waste disposal locations and quantities under 6NYCRR 373-2.5(c)(2) must be submitted to the Commissioner and local land authority upon closure of the facility as required by 6NYCRR 373-2.5(d)(3). See Module I, Condition D.16(b).

(3) Annual Report. See Permit Condition D(15) of Module I.

M. CLOSURE.

(1) Performance Standard. The Permittee shall close the facility as required by 6NYCRR 373-2.7(b) and in accordance with the closure plan, Attachment XI.

(2) Amendment to Closure Plan. The Permittee shall amend the closure plan whenever necessary in accordance with 6NYCRR 373-2.7(c)(3).

(3) Notification of Closure and Partial Closure. The Permittee shall notify the Commissioner at least 60 days prior to the date he expects to begin closure or partial closure of any hazardous waste management unit or facility, as required by 6NYCRR 373-2.7(c)(4)(i). This condition supercedes the requirement of 6NYCRR 373-2.7(c)(5).

(4) Time Allowed for Closure. Within 90 days after receiving the final volume of hazardous waste, the Permittee shall treat or remove from the site all hazardous waste and shall complete closure activities in accordance with 6NYCRR 373-2.7(d) and the schedule specified in the closure plan, Attachment XI.

(5) Disposal or Decontamination of Equipment, Structures and Soils. During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in 6NYCRR 2.11(f), 373-2.12(h), 373-2.13(h), or 373-2.14(g). By removing any hazardous waste or hazardous constituents during partial and final closure, the Permittee may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of 6NYCRR Part 372.

(6) Certification of Closure and Partial Closure. Within 60 days of completion of final closure of the facility or within 60 days of partial closure of any hazardous waste management unit, the Permittee shall submit to the Commissioner certifications by the Permittee and by an independent New York State registered professional engineer that the facility (or the hazardous waste management unit) has been closed in accordance with the specifications in the approved closure plan as required by 6NYCRR 373-2.7(f).

(7) Survey Plat. Not Applicable.

N. GENERAL POST-CLOSURE REQUIREMENTS Not Applicable.

O. COST ESTIMATE FOR FACILITY CLOSURE. The Permittee's most recent closure cost estimate, prepared in accordance with 6NYCRR 373-2.8(c)(1) specified in Attachments XI.

The Permittee must adjust the closure cost estimate for inflation within 30 days after the closure of the firm's fiscal year and before submission of updated information to the Commissioner, as specified in 6NYCRR 373-2.8(d)(5).

(2) The Permittee must revise the closure cost estimate whenever there is a change in the facility's closure plans as required by 6NYCRR 373-2.8(c)(3).

(3) The Permittee must keep at the facility the latest closure cost estimate as required by 6NYCRR 373-2.8(c)(4).

P. FINANCIAL ASSURANCE FOR FACILITY CLOSURE. The Permittee shall demonstrate continuous compliance with 6NYCRR 373-2.8(d) or, when applicable, with 6NYCRR 373-2.8(f) or (g) by providing documentation of financial assurance to the Commissioner, in accordance with the wording in 6NYCRR 373-2.8(j), in at least the amount of the cost estimates required by Module II, Condition O. Changes in financial assurance mechanisms must be approved by the Commissioner pursuant to 6NYCRR 373-2.8(d).

Q. LIABILITY REQUIREMENTS. The Permittee shall demonstrate continuous compliance with the requirements of 6NYCRR 373-2.8(h) and the documentation requirements of 6NYCRR 373-2.8(j), including requirements to have and maintain liability coverage for sudden and accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs, by providing documentation of the liability mechanisms to the Commissioner.

R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS. The Permittee shall comply with 6NYCRR 373-2.8(i) whenever necessary.

MODULE III - CORRECTIVE ACTION REQUIREMENTS
FOR SOLID WASTE MANAGEMENT UNITS AND
AREAS OF CONCERN

A. APPLICABILITY

1. Statute and Regulations. Article 27, Title 9, Section 27-0913, and 6NYCRR 373-2.6(1) 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") at a storage, treatment or disposal facility seeking a 6NYCRR Part 373 permit, regardless of the time at which waste was placed in such unit. Pursuant to 6NYCRR 373-1.6(c)(2) the Commissioner may impose permit conditions as the Commissioner determines necessary to protect human health and the environment (i.e., Areas of Concern (AOC(s))).

2. Summary of Corrective Action Process. Corrective action implementation authorized by 6NYCRR 373-2.6 includes: (a) the RCRA Facility Assessment ("RFA"); (b) the RCRA Facility Investigation ("RFI"); and (c) Corrective Measures ("CM"). The RFA is a three phase process that includes: a Preliminary Review ("PR"); a Visual Site Inspection ("VSI"); and a Sampling Visit ("SV"). The PR is a review of all available information on the individual SWMU(s) and AOC(s). During the PR, and in subsequent phases of the RFA, all of the media (i.e., soil, groundwater, surface water/sediment, air and subsurface gas) that could potentially be impacted by release(s) of hazardous waste, including hazardous constituents, are evaluated. Based on this evaluation, the SWMU(s)/AOC(s) will be characterized as to release potentials.

   Following the PR, a VSI is conducted during which all of the SWMU(s)/AOC(s) either previously or newly discovered, are observed. While performing this reconnaissance, any signs of spills or leakage, stained soil, stressed vegetation, unit deterioration, or any other conditions that may be indicative of a release are assessed. By means of these observations and the findings of the PR, the Commissioner may require the facility to conduct a Sampling Visit (SV) at the unit(s)/area(s) where the release(s) would be suspected.

   The SV can involve any or all of the previously described media at any given SWMU and or Area of Concern

(AOC). For those units/areas where releases are clearly demonstrated in the PR and/or VSI, the SV can be avoided leaving the unit(s)/area(s) to be addressed in the RFI.

The RFA includes preparing the RFA report. This report includes the findings of the various RFA activities and recommendations for further action at those units and areas with demonstrated releases of hazardous wastes, including hazardous constituents. In some cases, where an immediate threat to human health or the environment exists, interim corrective measures may be required.

If the RFA concludes that there is a need for further investigative work the Permittee shall be required to pursue phase two of corrective action, an RFI. The purpose of the RFI is to determine the nature, extent, direction and rate of migration of hazardous wastes, including hazardous constituents, in soils, groundwater, surface water/sediment, subsurface gas and/or air. From these multimedia analyses, the types and concentrations of contaminants present, the boundaries of any contamination (e.g., plumes), and the rate and direction of contaminant movement should be determined in each of the impacted media. Sufficient data shall be generated during the RFI to allow proper assessment of corrective measure alternatives. This may require bench and/or pilot studies to be implemented as part of the RFI. Once all analyses are reviewed, a RFI report is prepared that provides a summation of the data and recommendations for any needed corrective measures.

The culmination of the Corrective Action Program is Corrective Measures ("CM"). The initial stage of the corrective measures phase is the preparation of a Corrective Measures Study ("CMS"). A CMS may be required if concentrations of hazardous constituents in an aquifer, in surface water/sediment, in soils, or in air exceed their corresponding action levels. Such a study may also be required if individual concentrations of hazardous constituents are at or below their action

levels, but they still may pose a threat to human health or the environment due to site-specific exposure conditions. The CMS will address alternative corrective measure strategies that are technologically feasible and reliable and which effectively mitigate and minimize damage to, and provides adequate protection of human health and the environment. The Permittee will develop the site-specific CMS using target clean-up levels chosen by the Commissioner to be protective of human health and the environment. Where available, they may be promulgated standards. Where promulgated standards

are not available, the Commissioner may use health-based levels, based on Risk-Specific Doses ("RSD") for carcinogens and Reference Doses ("RFD") for systemic toxicants, or concentration levels protective of the environment, that have undergone scientific review. The CMS report should discuss the alternative corrective measure strategies studied, addressing technical, institutional, public health, and environmental issues, and develop the conceptual engineering for the alternative action proposed by the facility. The CMS may not require extensive evaluation of a number of remedial alternatives where a solution is straight forward or only few solutions exist. Such situations could require the Permittee to submit a highly focused CMS.

Following completion of the CMS, the Commissioner will select the corrective measure(s) from the corrective measure alternatives evaluated in the CMS. The Commissioner will then initiate a permit modification for the selected corrective measure(s). Subsequent to the permit modification, the owner or operator of the facility will be required to demonstrate financial assurance for completing the approved corrective measure(s).

Permit modification for the approved corrective measure(s) will initiate the final stage of corrective measures, Corrective Measures Implementation ("CMI"). The CMI will address the final design, construction, operation, maintenance, and monitoring of the corrective measure or measures selected.

3. Solid Waste Management Units and Areas of Concern. The conditions of this Module apply to:

   (a) All the SWMUs and AOCs listed in this Module individually or in combinations;

   (b) Any additional SWMU(s) and AOCs identified during the course of groundwater monitoring, field investigations, environmental audits or other means as described in Module Condition C. below; and

   (c) The following known SWMUs and AOCs located on-site and/or off-site:

TABLE III-1
SWMU CLASS/AREA OF CONCERN AND QUANTITY

SWMU Class	Units (Quantity)
Surface Impoundment	Sludge Drying Bed SI-1
	Sludge Drying Bed SI-2
	Sludge Drying Bed SI-3
	Sludge Drying Bed SI-4
Former Container Storage Area	CSA No. 1
	CSA No. 2
	CSA No. 3
Wastewater Treatment Unit (Cyanide Treatment Unit)	IWWT No. 1
	IWWT No. 2
	IWWT No. 3
	IWWT No. 4
	IWWT No. 5
Waste Recycling Operation	Waste Recycling Operation
Storage/Treatment Tank	S/TT Area No. 1 (15 Tanks)
	S/TT Area No. 2 (30 Tanks)
	S/TT Area No. 3 (3 Tanks)
	S/TT Area No. 4 (15 Tanks)
	S/TT Area No. 5 (1 Tank)
	S/TT Area No. 6 (1 Tank)
	Underground Photo Waste Storage Tanks (2) at Plant 14
Active Wastewater Treatment Unit	Industrial Waste Treatment Facility (2)
Active Container Storage Area	Main Drum Marshalling Area
	Mini Drum Marshalling Areas (3)

Active Container Storage Area	New Material Storage Shed
	Salvage Storage Area
Areas of Concern	
Recharge Basins	Recharge Basins (12)

B. **STANDARD CONDITIONS FOR CORRECTIVE ACTION**

1. Work Plans. All work plans submitted pursuant to this Module shall include:

   (a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;

   (b) Other plans, specifications and protocols, as applicable;

   (c) A schedule for starting specific tasks, completing the work and submitting progress and final reports; and

   (d) Plans for the treatment, storage, discharge or disposal of wastes to be generated by activities described therein.

2. Quality Assurance/Quality Control

   (a) Any laboratory to be used pursuant to such work plans required by this Module must be approved by the Commissioner prior to work plan implementation. Certification by the New York State Department of Health Environmental Laboratory Approval Program in the relevant analytical services is required.

   (b) The minimum Quality Assurance/Quality Control data and information, that shall be delivered with all sample analyses required by this Module, are tabulated in Appendix III-A of this Permit Module.

3. Health/Safety Plans. The Permittee shall develop, according to applicable Federal, State and local requirements, and submit to the Commissioner, health and safety plans that will be implemented to ensure that the health and safety of project personnel, plant personnel and the general public are protected. These plans are not subject to approval by the Commissioner.

4. Guidance Documents. When preparing the submissions

described in this Permit Module, the Permittee shall take account of applicable guidance documents issued by the U.S. Environmental protection Agency and the New York State Department of Environmental Conservation in a manner reflecting reasonable technical considerations.

5. Prior Submittals. The Permittee may have already submitted portions of information, plans, or reports required by this Permit Module and its Appendices to the Commissioner pursuant to the terms of previous applications, consent orders, or plans. For those items the Permittee contends were submitted to the Commissioner, the Permittee may cite the specific document(s) and page(s) it believes adequately addresses each of the individual items requested by this Permit Module and its Appendices. The references, by document(s) and page(s), shall be placed in the appropriate sections of the submittals that require the referenced information and data. If the Commissioner, after a file search, determines that it does not possess any of the referenced information, plans, or reports that the Permittee claims were previously submitted, the Commissioner will notify the Permittee and the Permittee shall submit the referenced documents within the time frame specified within the notification.

6. Compliance Schedule For Interim Corrective Measures.

   (a) If at any time it is determined by the Commissioner that a release or, based on site-specific circumstances, a threatened release of hazardous wastes, including hazardous constituents from a SWMU, a combination of SWMUs, or an AOC poses a threat to human health or the environment, or that such condition jeopardizes the Permittee's ability to comply with any governmental permit, a draft interim corrective measures study shall be submitted to the Commissioner for approval within thirty (30) calendar days of notice of such a determination. This study shall consider, among other relevant factors, the character, the extent, direction, the rate of release, the proximity to population, the exposure pathways, the effects of delayed action, and the evaluations of appropriate interim corrective measures. Upon approval of the study by the Commissioner, the Permittee shall implement the required interim corrective measures as specified by the Commissioner. Nothing herein shall preclude the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.

   (b) In the event the Permittee discovers, a release or,

based on site-specific circumstances, a threatened release of hazardous waste, including hazardous constituents, from a SWMU, or a combination of SWMUs, that poses a threat to human health or the environment, the Permittee shall identify interim corrective measures to mitigate this threat. The Permittee shall immediately summarize the nature and magnitude of the actual or potential threat and nature of the interim measures being considered and notify the Commissioner. Within thirty (30) calendar days of notifying the Commissioner, the Permittee shall submit to the Commissioner, for approval, an interim corrective measures work plan for the interim measures. The Permittee shall implement the measures specified by the Commissioner. Nothing herein shall preclude the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.

(c) The following factors may be considered by the Commissioner or the Permittee in determining the need for interim corrective measures:

(i) Time required to develop and implement a final corrective measure;

(ii) Actual and potential exposure of human and environmental receptors;

(iii) Actual and potential contamination of drinking water supplies and sensitive ecosystems;

(iv) The potential for further degradation of any impacted medium;

(v) Presence of hazardous waste, including hazardous constituents, in containers that may pose a threat of release;

(vi) Presence and concentration of hazardous waste, including hazardous constituents, in soils that have the potential to migrate to groundwater or surface water;

(vii) Weather conditions that may affect the current levels of contamination;

(viii) Risks of fire, explosion, or potential for exposure to hazardous wastes, including hazardous constituents, as a result of an accident or failure of container or

handling system; and

(ix) Other situations that may pose threats to human health and the environment.

7. Determination of No Further Action.

(a) Based on the results of an RFI for a particular SWMU, or combination of SWMUs, and/or AOC, and other relevant information, the Permittee may submit an application to the Commissioner for a permit modification under 6NYCRR 373-1.7(b) and 621.13 to terminate the subsequent corrective action requirements of this Module. This permit modification application must contain information demonstrating no release(s) of hazardous wastes, including hazardous constituents, from the SWMU(s) and/or AOC(s) that pose a threat to human health or the environment, as well as information required in 6NYCRR 373-1 and 621.4(n), which incorporates by reference 6NYCRR 373-1 and 373-2.

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 permit modifications, the Commissioner determines that the release(s) or the suspected release(s) investigated either are non-existent or do not pose a threat to human health or the environment, the Commissioner may grant the requested modification.

(b) A determination of no further action shall not preclude the Commissioner from implementing the following actions:

(i) Modifying this Permit at a later date to require the Permittee to perform such investigations as necessary to comply with the requirements of this Permit Module and its Appendices 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

(ii) Requiring continual or periodic monitoring of air, soil, groundwater, or 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, including hazardous constituents, are likely to occur from any SWMU(s) and/or AOC(s).

8. Compliance Schedule For Reporting.

(a) The Permittee shall submit, to the Commissioner, signed progress reports, as specified in approved work plans pursuant to this Permit, of all activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of the Corrective Action Compliance Schedules of this Permit Module, beginning no later than thirty (30) calendar days after the Permittee is first required to begin implementation of any requirement herein. These reports shall contain:

(i) A description of the work completed during the reporting periods

(ii) Summaries of all findings made during the reporting period, including summaries of laboratory data;

(iii) Summaries of all changes made during the reporting period;

(iv) Summaries of all contacts made with representatives of the local community and public interest groups during the reporting period;

(v) Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;

(vi) Changes in personnel conducting or managing the corrective action activities during the reporting period;

(vii) Projected work for the next reporting period; and

(viii) Copies of daily reports, inspection reports, laboratory/monitoring data, etc., generated during the reporting period.

(b) Upon request, copies of other relevant reports and

data not identified in Module Condition B.8.(a) shall be made available to the Commissioner.

(c) The Commissioner may require the Permittee to conduct new or more extensive assessments, investigations, or studies, based upon information provided in the progress reports referred to in Module Condition B.8(a) above, or upon other supporting information.

(d) All plans and schedules required by the conditions of this Permit Module and Appendix III-D are upon approval of the Commissioner, incorporated into this Permit by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Commissioner in accordance with the permit modification processes stipulated in Module Condition E.14. of this Permit Module.

9. 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 under this Module, the Permittee shall 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, soils, 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 that is protective of public 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.

10. Notifications.

(a) Notification of groundwater contamination. If at any time the Permittee discovers that hazardous constituents in groundwater that may have been released from a solid waste management unit or area of concern at the facility have migrated beyond the facility boundary in concentrations that exceed action levels, the Permittee shall, within fifteen (15) calendar days of discovery, provide written notice to the Commissioner and any person who owns or resides on the land which overlies the

contaminated groundwater.

(b) Notification of air contamination. If at any time the Permittee discovers that hazardous constituents in air that may have been released from a solid waste management unit or area of concern at the facility have or are migrating to areas beyond the facility boundary in concentrations that exceed action levels, and that residences or other places at which continuous, long-term exposure to such constituents might occur are located within such areas, the Permittee shall, within fifteen (15) calendar days of such discovery;

(i) Provide written notification to the Commissioner, and

(ii) Initiate any actions that may be necessary to provide notice to all individuals who have or may have been subject to such exposure.

(c) Notification of residual contamination. If hazardous wastes or hazardous constituents in solid waste management units or areas of concern, or which have been released from solid waste management units or areas of concern, will remain in or on the land, including groundwater, after the term of the permit has expired, the Commissioner may require the Permittee to record, in accordance with State law, a notation in the deed to the facility property or in some other instrument 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. The Commissioner may require such notice as part of the corrective measures selection process.

C. COMPLIANCE SCHEDULE FOR ASSESSMENT OF NEWLY IDENTIFIED SWMUS AND AOCS.

1. Notification of Assessment. The Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) not listed in this Module, which are identified during the course of groundwater monitoring, field investigations, environmental audits, or other means within fifteen (15) calendar days after discovery.

2. SWMU/AOC Assessment Report. Within thirty (30) calendar days after notifying the Commissioner, the Permittee

shall 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/areas, individually or in combination with other units/areas described in Module Condition A.3. is a significant source of contaminant release.

3. SWMU/AOC Sampling and Analysis Plan. Within thirty (30) calendar days after submittal of the SWMU/AOC Assessment Report required in Module Condition C.2., the Permittee shall submit to the Commissioner for approval a Plan in accordance with the most recent version of the NYS RCRA Quality Assurance Project Plan Guidance, for any sampling and analysis of 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 Module Condition C.3., subsequent activities for the Plan shall proceed in accordance with the following schedule:

   (a) Meeting between the Permittee, the U.S. Environmental Protection Agency (Agency) and the New York State Department of Environmental Conservation (Department) to discuss Plan comments, as appropriate; and

   (b) Submission of a revised Plan to the Commissioner 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 shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner); and

   (c) Begin implementation of the SWMU/AOC Sampling and Analysis Plan within thirty (30) calendar days following written approval from the Commissioner for the Plan.

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 shall follow reporting requirements in the approved Plan and submit a SWMU/AOC Sampling and Analysis Report to the Commissioner. The Report shall 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 Commissioner shall determine the need for further investigations at the specific unit(s) covered in the SWMU/AOC Assessment Report. If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval a RCRA Facility Investigation Work Plan in accordance with Module Condition E.5. et. seq..

D. **COMPLIANCE SCHEDULE AND NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUS AND AOCS.**

The Permittee shall notify the Commissioner, in writing, of

any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities no later than fifteen (15) calendar days after discovery. Such newly-discovered release(s) may be from the newly-identified unit(s)/area(s), from the unit(s)/area(s) for which, based on the findings of the RFA, the Commissioner had previously determined that no further investigation was necessary, or from the unit(s)/area(s) investigated as part of an RFI. Based on the information provided in the notification, the Commissioner shall determine the need for further investigation of the release(s). If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare a RCRA Facility Investigation Work Plan in accordance with Module Condition E.5. et. seq..

E. CORRECTIVE ACTION REQUIREMENTS.

1. No Action Requirement.

(a) On the basis of the RCRA Facility Assessment-Preliminary Review dated March 19 ,1991, as revised the Commissioner has determined that there is no evidence at this time of the release(s) of hazardous waste(s) and/or constituent(s) that threaten human health or the environment from the following SWMU(s) and/or AOC(s) identified in Module Condition A.3:

SWMU(s):

(i) Surface Impoundments (4) → SLUDGE DRYING UNIT
(ii) Wastewater Treatment Units (Cyanide Treatment Facility)
(iii) Storage/Treatment Tanks
(iv) Active Wastewater Treatment Units
(v) Active Container Storage Areas

(b) The Permittee need not undertake corrective action at any aforementioned SWMU(s) and/or AOC(s) identified in Module Condition E.1.(a) as long as there is no evidence of the release(s) of hazardous waste(s) or constituent(s) from the SWMU(s) and/or AOC(s) threatening human health or the environment. This permit condition does not apply to any other stipulation specified in other Modules or Conditions of this Permit.

(c) A determination of no further action shall not preclude the Commissioner from modifying this Permit at a later date to require further

investigations, studies, monitoring, or corrective measures, if new information or subsequent analysis indicates the release(s) or likelihood of release(s) from SWMU(s) and/or AOC(s) identified in Module Condition E.1.(a) that could pose a threat to human health or the environment.

2. Compliance Schedule For RCRA Facility Assessment ("RFA") Sampling Visit Work Plan .

(a) On the basis of the RCRA Facility Assessment-Preliminary Review dated March 19, 1991, as revised the Commissioner has determined that there is the potential for the release(s) of hazardous waste(s) and/or constituents to have occurred from the following SWMU(s) and/or AOC(s) identified in Module Condition A.3. that require implementation of a RFA Sampling Visit:

SWMU(s):

(i) Former Container Storage Areas (3)
(ii) Salvage Storage Area

AOC(s):

(i) Recharge Basins (3) at the Navy Property

(b) Within thirty (30) calendar days after the effective date of this Permit, the Permittee shall submit to the Commissioner for approval, a RCRA Facility Assessment-Sampling Visit ("RFA-SV") Work Plan for the SWMU(s) identified in Module Condition E.2.(a). The Permittee shall develop the RFA-SV Work Plan in accordance with the RCRA Sampling Visit Work Plan Outline specified in Appendix III-E of this Permit Module and the most recent version of the RCRA Quality Assurance Project Plan Guidance.

(c) Following submission of the RFA-SV Work Plan set forth in Module Condition E.2.(b) for the SWMU(s) and/or AOC(s) identified in Module Condition E.2.(a), subsequent activities for the Plan shall proceed in accordance with the following schedule:

(i) Meeting between the Permittee and the Department to discuss Plan comments, as appropriate; and

(ii) Submission of a revised Plan to the Commissioner 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 shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner).

3. Compliance Schedule For RFA-SV Work Plan Implementation. Begin implementation of the RFA-SV Work Plan for the SWMU(s) and/or AOC(s) identified in Module Condition E.2.(a) within thirty (30) calendar days following written approval from the Commissioner for the Plan.

4. Compliance Schedule For RFA-Sampling Visit Report.

   (a) Within thirty (30) calendar days of receipt by the Permittee of validated analytical data generated under the approved RFA-SV Work Plan, Permittee shall submit a final report to the Commissioner on the SV for the SWMU(s) and/or AOC(s) identified in Module Condition E.2.(a). The report shall follow reporting requirements in the approved work plan and describe all results obtained from the implementation of the approved Plan.

   (b) Based on the results of the RCRA Facility Assessment-Sampling Visit Report submitted pursuant to Module Condition E.4.(a), the Commissioner shall determine the need for further investigations at specific unit(s) and/or area(s) covered in the RFA-SV Report. If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval a RCRA Facility Investigation Work Plan in accordance with Module Condition E.5. et. seq..

5. Compliance Schedule For RCRA Facility Investigation ("RFI") Work Plan.

   (a) On the basis of the RCRA Facility Assessment-Preliminary Review dated March 19, 1991, as revised the Commissioner has determined that there has been a release of hazardous waste and/or constituents from the following SWMU(s), or combination of SWMU(s), and/or AOC(s) identified in Module Condition A.3. that require the implementation of an RFI:

None Identified

(b) On the basis of the RCRA Facility Assessment-Preliminary Review dated March 19, 1991, as revised the Commissioner has determined that there has been a release of hazardous waste and/or constituents from the following inaccessible SWMU(s) and/or AOC(s) identified in Module Condition A.3.:

None Identified

(c) The Permittee shall submit to the Commissioner for approval a RCRA Facility Investigation Task I Report on Current Conditions, a Task II Report on Pre-Investigation Evaluation of Corrective Measures Technologies, and a Work Plan that meets the RFI Scope of Work included in Appendix III-B for the inaccessible SWMU(s) and/or AOC(s) identified in Module Condition E.5.(b)and/or identified pursuant to Module Condition C.6. no later than one-hundred and eighty (180) calendar days prior to the date when the SWMU(s) and/or AOC(s) become accessible for such an investigation. The RFI Work Plan shall be prepared in accordance with the provisions of Module Conditions E.5.(f)(i) through (iv). Accessibility to the SWMU(s) and/or AOC(s) shall be considered achievable when the impediment to the RFI (e.g. building, utilities) is demolished, abandoned, or to be altered in a manner that would allow access to the SWMU(s) and/or AOC(s).

(d) The Permittee shall submit to the Commissioner for approval a RCRA Facility Investigation Task I Report on Current Conditions required by the RFI Scope of Work included in Appendix III-B of this Permit Module. A Task I Report shall be submitted for approval within sixty (60) calendar days after the written notification by the Commissioner that an RFI is required pursuant to Module Conditions C.6., D. and/or E.4(b).

(e) The Permittee shall submit to the Commissioner for approval a RCRA Facility Investigation Task II Report on the Pre-Investigation Evaluation of Corrective Measures Technologies required by the RFI Scope of Work included in Appendix III-B of this Permit Module. A Task II Report shall be submitted for approval within ninety (90) calendar days after the written notification by the Commissioner that an RFI is required pursuant to Module Conditions C.6, D. and/or E.4.(b).

(f) The Permittee shall submit for approval a Work Plan to the Commissioner to address those units, releases of hazardous waste, including hazardous constituents, and media of concern which require the further investigations. A RFI Work Plan shall be submitted within ninety (90) calendar days after written notification by the Commissioner that an RFI is required pursuant to Module Conditions C.6., D., and/or E.4.(b).

(i) The Work Plan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, direction, rate, movement, and concentration of releases of hazardous waste, including hazardous constituents, from specific units or groups of units and areas, and their actual or potential receptors. The Work Plan shall detail all proposed activities and procedures to be conducted at the facility and/or off-site, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

(ii) The Work Plan shall discuss sampling and data collection quality assurance and data management procedures, including formats for documenting and tracking data and other results of investigations, and health and safety procedures.

(iii) The Work Plan must, at a minimum, address all necessary activities or include descriptions to meet the requirements specified in Tasks III through V of the Scope of Work for a RCRA Facility Investigation included in Appendix III-B and its attachments to this Permit Module.

(iv) The Permittee may determine that any of the items required by Tasks III through V of the Scope of Work in Appendix III-B of this Permit Module have already been submitted or completed, and therefore, the resubmittal of those items are not necessary for completing the RFI of this Permit. The Permittee shall request,

within thirty (30) calendar days of the effective date of this Permit, and/or within thirty (30) calendar days of any notification by the Commissioner that an RFI is required that the Commissioner review for approval the Permittee's determination. At the time of the request, the Permittee must provide the following information: (1) description of the items and/or summary of findings; (2) description of investigations addressing the items, documents/reports of the investigations with dates, and summary of the findings; and (3) copies of the documents/reports.

Upon the Commissioner's approval of any previously performed items, the Permittee may delete these from the RFI Work Plan. However, upon disapproval of items, all activities necessary for the items must be included in the RFI Work Plan.

(g) Following submission of the RFI Work Plan set forth in Module Condition E.5.(f), subsequent activities for the Plan shall proceed in accordance with the following schedule:

(i) Meeting between the Permittee and the Department to discuss Plan comments, as appropriate; and

(ii) Submission of a revised Plan to the Commissioner 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 shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner).

(h) The Commissioner shall review, for approval as part of the RFI Work Plan, any plans developed pursuant to Module Condition C.6, addressing further investigations of newly-identified SWMUs and/or AOCs, or Module Condition D, addressing newly discovered releases from units and/or areas. The Commissioner shall modify the Compliance Schedule of this Permit Module according to the permit modification procedures stipulated in Module

Condition E.14. of this Permit Module to incorporate these units and areas and releases into the RFI Work Plan.

6. Compliance Schedule For RCRA Facility Investigation Work Plan Implementation No later than thirty (30) calendar days after written notification by the Commissioner approving the RFI Work Plan, the Permittee shall begin implementation of the RFI according to the schedules specified in the RFI Work Plan. The RFI shall be conducted in accordance with the approved RFI Work Plan.

7. Compliance Schedule For RCRA Facility Investigation Final Report And Summary Report

   (a) Within sixty (60) calendar days of receipt by the Permittee of validated analytical data generated under the approved RFI Work Plan, the Permittee shall submit to the Commissioner for approval the RFI Final and Summary Reports (Task VII of the Scope of Work for an RFI in Appendix III-B of this Permit Module). The RFI Final Report must contain adequate information to support further corrective action decisions at the facility and/or off-site, should such actions be necessary. The RFI Final Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and AOCs and their releases, including information on the type and extent of contamination at the facility and/or off-site, sources and migration pathways, and actual or potential receptors. It shall present all information gathered under the approved RFI Work Plan. The RFI final report will include a comparison of media specific hazardous constituents with their corresponding action levels. The Summary Report shall describe more briefly the procedures, methods, and results of the RFI.

   (b) Following submission of the Reports set forth in Module Condition E.7.(a), subsequent activities for the Report shall proceed in accordance with the following schedule:

      (i) Meeting between the Permittee and the Department to discuss Report comments, as appropriate; and

      (ii) Submission of a revised Report to the Commissioner for approval within forty-five (45) calendar days of the above-described meeting. (If the above-referenced meeting is determined not to be

necessary, the Permittee shall submit a revised Report to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Report comments from the Commissioner).

(c) After the Commissioner approves the RFI Final Report and Summary Report, the Permittee shall mail the approved Summary Report to all individuals on the facility mailing list established by the Permittee, within thirty (30) calendar days of receipt of approval.

(d) A report summarizing the testing program required by Task VI of the Scope of Work for RFI in Appendix III-B of this Permit Module shall be submitted, as a separate document, at the same time as the RFI Final Report.

8. Compliance Schedule For Current Interim Corrective Measures

Not Applicable

9. Compliance Schedule For Corrective Measures Study ("CMS") Scope of Work.

(a) Should a CMS be required, the Commissioner shall notify the Permittee in writing. This notice shall identify the hazardous constituent(s) which have exceeded the action level(s) as well as those which have been determined to threaten human health and the environment given site-specific exposure conditions or due to additive exposure risk. The notification shall specify target cleanup levels for hazardous constituents detected in each medium of concern, and may also specify corrective measure alternatives to be evaluated by the Permittee during the CMS.

(b) The Commissioner may require a Corrective Measures Study ("CMS") under the following conditions:

(i) If the concentrations of hazardous constituents in groundwater, surface water/sediment, soil, or air exceed their corresponding individual action levels; or

(ii) If the concentrations of hazardous constituents in groundwater, surface water/sediment, soil, or air do not exceed their corresponding individual action

levels, but additive exposure risk due to the presence of multiple constituents is not protective of human health; or

(iii) If the concentrations of hazardous constituent in groundwater, surface water/sediment, soil, or air do not exceed corresponding individual action levels, but still pose a threat to human health or the environment, given site-specific exposure conditions.

(c) Not Applicable

(d) The CMS will be considered complete upon completion of Tasks I through IV required by the CMS Scope of Work included in Appendix III-C of this Permit Module. Within sixty (60) calendar days after a notification required by Module Condition E.9.(a) the Permittee shall complete Task I and submit to the Commissioner a Task I report and documents, if any, relevant to other Tasks.

(e) The Permittee shall submit for approval a CMS Plan to the Commissioner within sixty (60) calendar days after a notification required by Module Condition E.9.(a).

(i) The CMS Plan shall provide:

(1) A description of the general approach to investigating and evaluating potential corrective measure;

(2) A definition of the overall objectives of the study;

(3) The specific plans for evaluating corrective measure to ensure compliance with corrective measure standards;

(4) The schedules for conducting the study; and

(5) The proposed format for the presentation of information.

(ii) The CMS Plan must address, at a minimum, all necessary activities to complete Tasks II and III required by the CMS Scope of Work included in Appendix III-C of this Permit Module.

(f) Following submission of the CMS Plan set forth in Module Condition E.9.(e), subsequent activities for the Plan shall proceed in accordance with the following schedule:

(i) Meeting between the Permittee and the Department to discuss Plan comments, as appropriate; and

(ii) Submission of a revised Plan to the Commissioner 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 shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner).

10. Compliance Schedule For Corrective Measures Study Implementation. No later than thirty (30) calendar days after the Permittee has received written approval from the Commissioner for the CMS Plan, the Permittee shall begin to implement the CMS according to the schedules specified in the CMS Plan. The CMS shall be conducted in accordance with the approved Plan submitted pursuant to Module Condition E.9..

11. Compliance Schedule For Corrective Measures Study Final Report.

(a) Within forty-five (45) calendar days after the completion of the CMS, the Permittee shall submit for approval a CMS Final Report (Task IV) to the Commissioner. The CMS Final Report shall:

(i) Summarize the results of the investigations and, if applicable, of any bench-scale or pilot tests conducted;

(ii) Provide a detailed description of the corrective measures evaluated and include an evaluation of how each corrective measure alternative meets the standards set forth in Module Condition E.12(a).

(iii) Present all information gathered under the approved CMS Plan; and

(iv) Contain any additional information to support the Commissioner in the corrective

measure selection decision-making process, described under Module Condition E.12.

(b) The CMS Final Report (Task IV) must address, at a minimum, all items necessary to demonstrate completion of Tasks II and III required by the CMS Scope of Work included in Appendix III-C of this Permit Module.

(c) Following submission of the CMS Report set forth in Module Condition E.11(a), subsequent activities for the Report shall proceed in accordance with the following schedule:

(i) Meeting between the Permittee and the Department to discuss the Report comments, as appropriate; and

(ii) Submission of a revised Report to the Commissioner 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 shall submit a revised Report to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Report comments from the Commissioner.)

(d) As specified under Module Condition E.9.(a), based on preliminary results and the CMS Final Report, the Commissioner may require the Permittee to evaluate additional corrective measures or particular elements of one or more proposed corrective measures.

12. Corrective Measure(s) Selection.

(a) Based on the results of the documents submitted under Module Condition E.7. for the RFI, under Module Condition E.11. for the CMS, and any further evaluations of additional corrective measures under this study, the Commissioner shall select the corrective measure(s) that at a minimum will meet the following standards:

(i) Be protective of human health and the environment;

(ii) Attain media cleanup standards selected by the Commissioner during the corrective measures selection process;

(iii) Control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases of hazardous waste, including hazardous constituents, that might pose a threat to human health and the environment; and

(iv) Meet all applicable waste management requirements.

(b) In selecting the corrective measure(s) which meets the standards for corrective measures established under Module Condition E.12.(a), the Commissioner shall consider the following evaluation factors, as appropriate:

(i) Long-term reliability and effectiveness. Any potential corrective measure(s) may be assessed for the long-term reliability and effectiveness it affords, along with the degree of certainty that the corrective measure(s) will prove successful. Factors that shall be considered in this evaluation include:

(1) Magnitude of residual risks in terms of amounts and concentrations of hazardous waste, including hazardous constituents, remaining following implementation of the corrective measure(s), considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents:

(2) The type and degree of long-term management required, including monitoring and operation and maintenance;

(3) Potential for exposure of humans and environmental receptors to remaining hazardous wastes, including hazardous constituents, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal or containment;

(4) Long-term reliability of the engineering and institutional

controls, including uncertainties associated with land disposal of untreated hazardous wastes, including hazardous constituents, and their residuals; and

(5) Potential need for replacement of the corrective measure(s).

(ii) Reduction of toxicity, mobility or volume. A potential corrective measure(s) may be assessed as to the degree to which it employs treatment that reduces toxicity, mobility or volume of hazardous wastes, including hazardous constituents. Factors that shall be considered in such assessments include:

(1) The treatment processes the corrective measure(s) employs and materials it would treat;

(2) The amount of hazardous wastes, including hazardous constituents, that would be destroyed or treated;

(3) The degree to which the treatment is irreversible;

(4) The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents; and

(5) All concentration levels of hazardous waste, including hazardous constituents, in each medium that the corrective measure(s) must achieve to be protective of human health and the environment.

(iii) The short-term effectiveness of a potential corrective measure(s) may be assessed considering the following:

(1) Magnitude of reduction of existing risks;

(2) Short-term risks that might be posed to the community, workers, or the environment during implementation of

such a corrective measure(s), including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment; and

(3) Time until full protection is achieved.

(iv) Implementability. The ease or difficulty of implementing a potential corrective measure(s) may be assessed by considering the following types of factors:

(1) Degree of difficulty associated with constructing the technology;

(2) Expected operational reliability of the technologies;

(3) Need to coordinate with and obtain necessary approvals and permits from other agencies;

(4) Availability of necessary equipment and specialists;

(5) Available capacity and location of needed treatment, storage and disposal services; and

(6) Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the corrective measure(s).

(v) Cost. The types of costs that may be assessed include the following:

(1) Capital costs;

(2) Operation and maintenance costs;

(3) Net present value of capital and operation and maintenance costs; and

(4) Potential future corrective measure costs.

13. Permit Modification for Corrective Measure(s).

(a) Based on information the Permittee submits in the

RFI and Summary Reports, under Module Condition E.7, the CMS Final Report under Module Condition E.11., and other information, the Commissioner will select the corrective measure(s) and initiate a permit modification to this Permit, pursuant to 6NYCRR 373-1.7(b) and 6NYCRR 621.14. The modification will specify the selected corrective measure(s) and include, at a minimum the following:

(i) Description of all technical features of the corrective measure(s) that are necessary for achieving the standards for corrective measures established under Module Condition E.12.(a), including length of time for which compliance must be demonstrated at specified points of compliance;

(ii) All media cleanup standards for hazardous constituents, selected by the Commissioner, that the corrective measure(s) must achieve to be protective of human health and the environment;

(iii) All requirements for achieving compliance with these cleanup standards;

(iv) All requirements for complying with the standards for management of wastes;

(v) Requirements for removal, decontamination, closure or post-closure of units, equipment, devices or structures that will be used to implement the corrective measure(s);

(vi) A schedule for initiating and completing all major technical features and milestones of the corrective measure(s); and

(vii) Requirements for submission of reports and other information.

(b) Within thirty (30) calendar days after this Permit has been modified, the Permittee shall demonstrate in writing to the Commissioner financial assurance for completing the approved corrective measures.

14. Modification of the Compliance Schedules.

(a) If at any time the Permittee determines that modification of any Compliance Schedule of this

Permit Module, including Appendix III-D, is necessary because such schedules cannot be met, the Permittee must:

(i) Notify the Commissioner in writing within fifteen (15) calendar days of such determination; and

(ii) Provide an explanation why the current schedule cannot be met.

(b) The Commissioner shall notify the Permittee in writing of the final decision regarding the Permittee's proposed modification to the Compliance Schedule.

(c) Modifications to the Compliance Schedule pursuant to their procedure does not constitute a reissuance of this Permit.

(d) All other modifications to this Permit Module must be made in accordance with Module I, Condition I , of this Permit.

15. Corrective Action Through Post-Closure.

Not Applicable

16. Corrective Action Through Closure

Not Applicable

17. Corrective Action Through Orders-on-Consent

(a) New York State Department of Environmental Conservation Consent Agreement Index # W1-0018-81-01 is found in Appendix III-F of this Permit Module. The Agreement stipulates the remedial program which the Permittee shall implement for releases from the following SWMU(s) and/or AOC(s) identified in Module Condition A.3:

SWMU(s):

(i) Waste Recycling Unit

AOC(s):

(ii) Recharge Basins

The geographical location of the SWMU(s) and/or AOC(s) listed above may be found in Appendix III-F of this Permit Module. Corrective Action for

releases from the SWMU(s) and/or AOC(s) shall be addressed through the remedial program covered under Consent Agreement and, therefore, Corrective Action will not be considered for releases from those unit(s) and/or area(s) under this Permit. Reference to the Consent Agreement in this Permit shall not be construed as a waiver or modification of any party's rights, duties, or obligations under their Permit, including the release(s) provided therein.

(b) Not Applicable

II. FACILITY DESCRIPTION

1. Introduction

This section of the permit application describes the location of the facility, the type of manufacturing processes, identifies hazardous waste generation areas, and presents other pertinent information regarding operational practices and procedures utilized at the Grumman Aerospace Corporation–Bethpage Facility to manage the accumulation, handling, storage, treatment and off–site disposal of specific hazardous waste streams. Overall, the permit describes the specific procedures utilized by Grumman Aerospace Corporation at the Bethpage Facility to preclude and/or minimize the release of hazardous waste or hazardous waste constituents to the environment.

As a result of the activities associated with the manufacturing of aircraft and related avionics equipment at the Grumman Aerospace Corporation–Bethpage Facility, quantities of hazardous waste are produced as defined pursuant to the federal Resource Conservation and Recovery Act of 1976 and the regulations promulgated pursuant to Article 27 6NYCRR Part 371. These hazardous wastes are required to be stored, treated and/or disposed of in an environmentally safe manner in accordance with the hazardous waste management regulations of the State of New York.

There are several operations at the facility which involve hazardous waste generation, accumulation, transfer, storage or treatment. These operations include: the storage of 55 gallon drums and other containers holding hazardous wastes at the Main Drum Marshalling Area located near Plant 03; the treatment of industrial wastewater at the Industrial Waste Treatment Facility at Plant 02; and the treatment of industrial wastewater at the Industrial Waste Treatment Facility at Plant 03. In addition, Grumman has a number of collection and staging operations to aid in the proper accumulation and handling of hazardous waste. These include: the operation of transfer tanks for temporary accumulation of concentrated industrial wastes prior to on–site industrial pretreatment or off–site disposal by a licensed vendor, the utilization of waste solvent collection stations to collect and segregate waste generated at numerous locations throughout the facility and the operation of three (3) Mini–Drum Marshalling Areas for the temporary (up to 10 days) storage of drums of hazardous waste prior to its transfer to the Main Drum Marshalling Area for storage prior to off–site shipment by licensed vendors. In addition, the New–Material Storage Shed is utilized for the temporary storage of electrical transformers containing PCBs, PCB–contaminated rags and test kits and various other electrical devices containing small quantities of PCB–contaminated oil.

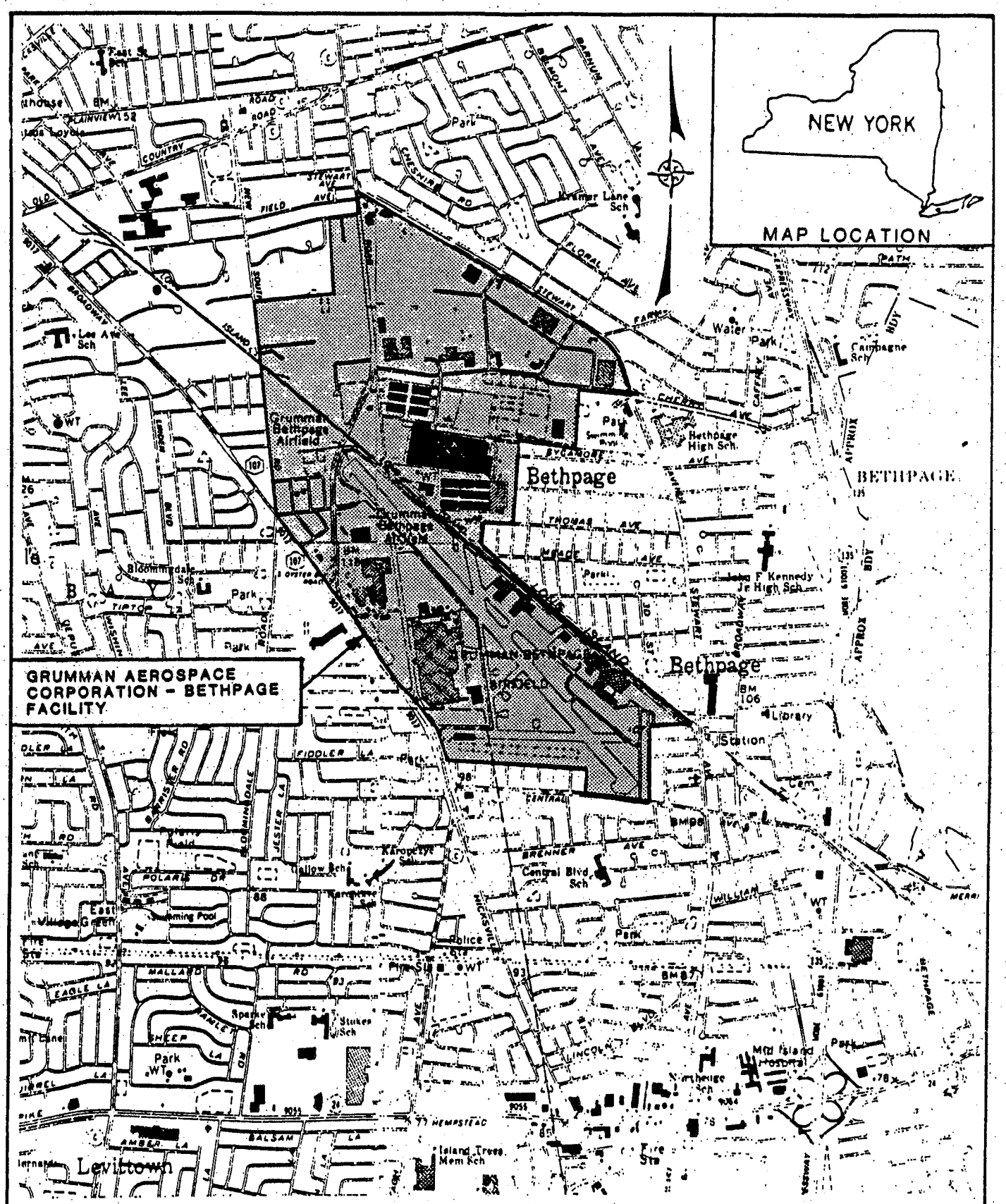
2. Facility Location and Topography

Grumman Aerospace Corporation is a major defense contractor engaged in the manufacture of aircraft parts and sub-assemblies. The facility is located in Bethpage, Nassau County, New York (see Figure No. 1) and has been in operation since 1937. The facility currently employs approximately 17,000 people, and comprises approximately 575 acres.

Figure No. 2 is a general site plan of the Grumman Aerospace Corporation-Bethpage Facility with superimposed topographic lines illustrating the locations of the principal hazardous waste management units including the industrial waste treatment facilities, drum marshalling areas and New-Material Storage Shed. The topographic lines were traced from an enlargement of a composite of four (4) United States Geologic Survey (USGS) topographic maps including the Amityville Quadrangle, Hicksville Quadrangle, Freeport Quadrangle, and the Plainview Quadrangle. The land area encompassed by the facility boundary exhibits a slope of 1% in a south-southeasterly direction. Considering the flat topography of the area, the range of contour intervals, and the degree of enlargement, only the one hundred and forty (140) foot, one hundred and twenty (120) foot, the one hundred and fifteen (115) foot, one hundred and ten (110) foot, and one hundred (100) foot contour lines were accommodated on the enlargement. Due to the large aereal extent of Grumman's Bethpage Facility (575 acres), the most feasible scale that can be utilized while maintaining a map format of 11" x 17" for the purposes of this permit application is 1" = 675'.

3. General Description/Location of Hazardous Waste Units

The Main Drum Marshalling Area is located approximately 700 feet northeast of Plant 03 and 1700 feet east-southeast of the parking area on South Oyster Bay Road near Plant 18 (see Figure No. 2). All hazardous waste generated on-site that is collected in fifty five (55) gallon drums and other containers are ultimately transferred to and stored at this facility before final disposal off-site by licensed vendors. The Industrial Waste Treatment Facility (IWTF) at Plant 02 is located 1600 feet northwest of the southern terminus of Runway 33 and 950 feet southeast of the junction of South Oyster Bay Road and Hicksville-Massapequa Road. The IWTF at Plant 02 is designed to treat industrial wastewaters generated by manufacturing processes prior to discharge to the Publicly Owned Treatment Works (POTW) located at Cedar Creek, Nassau County, New York. The IWTF at Plant 03 is located approximately 750 feet due west of the Town of Oyster Bay Recreational Area and was designed to treat industrial wastewaters generated by



SOURCE: New York State Department of Transportation

SCALE: 1"=2000'

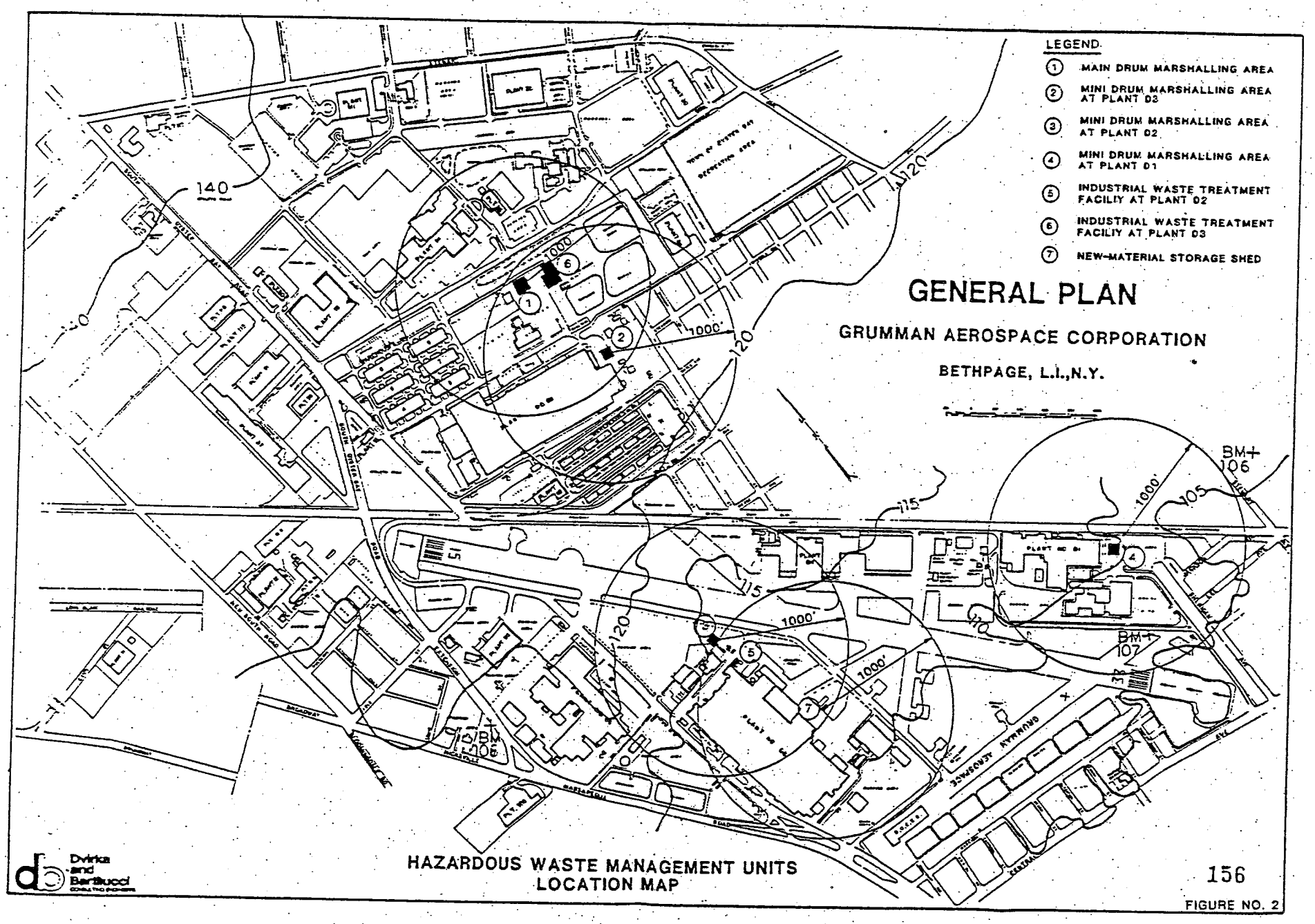
GRUMMAN AEROSPACE CORPORATION

BETHPAGE FACILITY SITE LOCATION MAP

155

Dvirka and Bartilucci CONSULTING ENGINEERS

FIGURE NO. 1



HAZARDOUS WASTE MANAGEMENT UNITS
LOCATION MAP

FIGURE NO. 2

manufacturing processes at the Bethpage Facility. Again, treated wastewater from this facility is discharged to the Cedar Creek POTW. Also, since all industrial discharges to the Cedar Creek POTW are regulated by a pretreatment permit issued pursuant to the New York State Pollution Discharge Elimination System (SPDES), the waste treatment units are exempt from permit regulation as hazardous waste units under Part 373. The location of each of the IWTFs is depicted on Figure No. 2.

As part of the overall industrial wastewater treatment processes at the Bethpage Facility, waste transfer tanks are utilized to facilitate the conveyance of waste concentrates and waste rinsewaters from the point of generation at Plants 01, 02, 03, 05, 14 and 15 to the Industrial Waste Treatment Facilities at Plants 02 and 03. Accordingly, three (3) transfer tanks are presently utilized for the temporary accumulation of hazardous waste at Plant 02. The three (3) tanks (tank nos. 371, 372, 1184), located approximately 340 feet from the southeast corner on the east side of Plant 02, are utilized to transfer miscellaneous acid waste and non-etch alkali (non-hazardous).

Fifteen (15) tanks are presently utilized at Plant 03 to temporarily accumulate hazardous waste concentrates (such as nitric acid, chromic acid, sulfuric acid, and sodium hydroxide), waste paint water wash, and Zyglo penetrant inspection solution (non-hazardous). These transfer tanks are situated at the following locations:

- o tank nos. 1092 and 1093 are located on the north side of Plant 03 approximately 900 feet from the northeast corner,
- o tank nos. 793, 815 and 1113 are located on the north side of Plant 03 approximately 750 feet from the northeast corner,
- o tank nos. 1150, 1151, and 1152 are located on the east side of Plant 03 near the northeast corner,
- o tank nos. 1131, 1132, 1133, and 1134 are located on the east side of Plant 03 approximately 120 feet from the southeast corner, and
- o tank nos. 1236, 1237, and 1238 are located on the south side of Plant 03 approximately 160 feet from the southeast corner.

One (1) tank is presently located at Plant 01 (tank no. 1111) and at Plant 05 (tank no. 1191) for the purpose of accumulating waste paint water wash and alodine waste, respectively, prior to treatment at the industrial waste treatment facility. The transfer tank at Plant 01 is located on the west side of Plant 01 inside the courtyard. The transfer tank at Plant 05 is similarly located on the west side of Plant 05 and inside the courtyard.

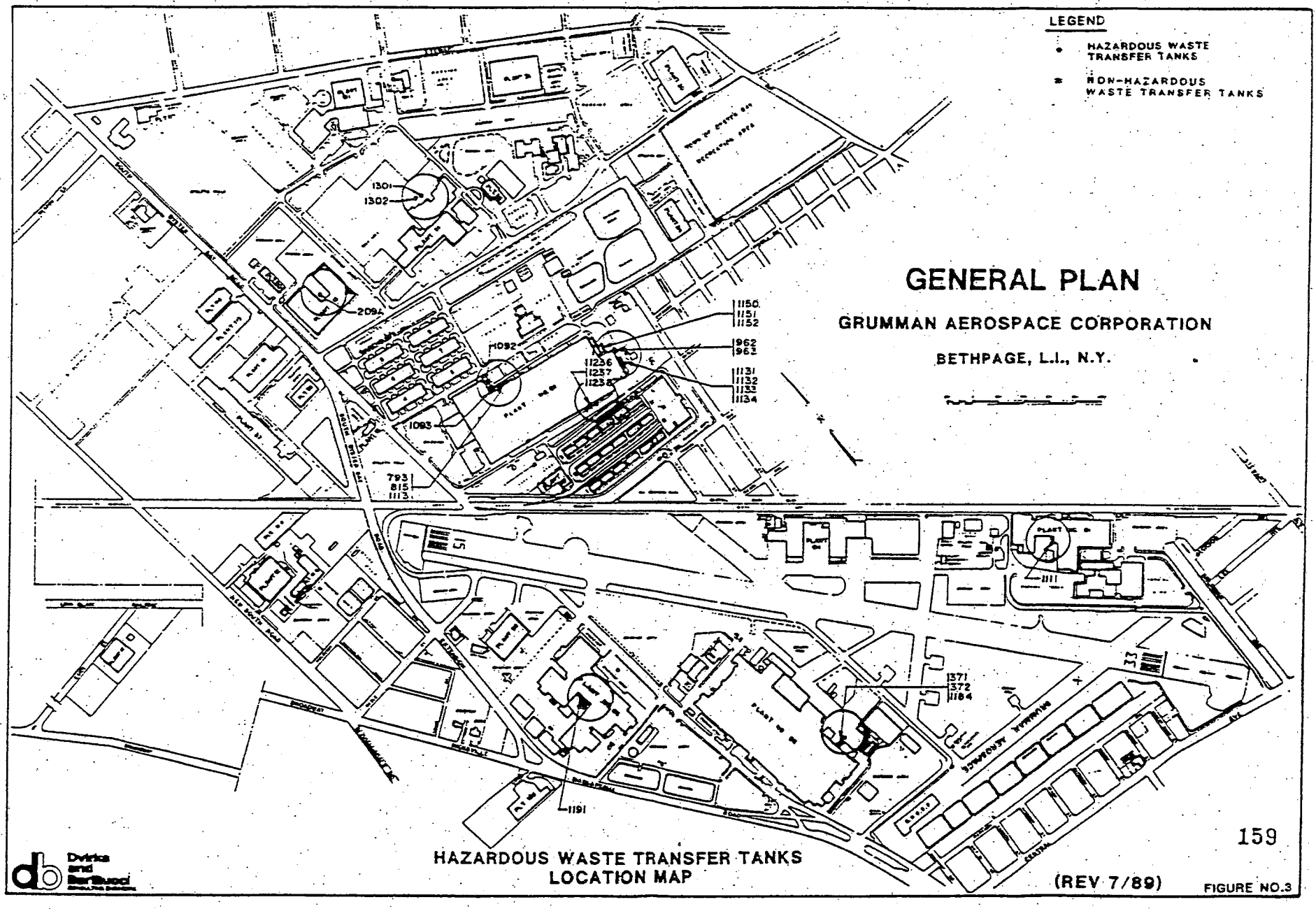
In addition, Plant 14 presently maintains two (2) underground tanks (tank nos. 1301 and 1302) and Plant 15 maintains one (1) aboveground tank (tank no. 209A) which are utilized for the accumulation and transfer of photo waste to the IWTF for treatment or off-site for final disposal. These Plant 14 transfer tanks are constructed of double-walled fiberglass and are equipped with all necessary alarms and the Plant 15 aboveground tank has secondary containment with a high level alarm.

The locations of all transfer tanks are depicted on Figure No. 3.

There are three (3) Mini-Drum Marshalling Areas at the Grumman Bethpage Facility which are utilized for the temporary accumulation of hazardous waste in containers before transfer to the Main Drum Marshalling Area prior to final off-site disposal. These Mini-Drum Marshalling Areas were constructed to handle containerized waste for up to ten (10) days prior to shipment to the Main Drum Marshalling Area for final off-site disposal. Their locations are as follows:

Mini-Drum Marshalling Area	Location
No. 1	east of Plant 01 and 100 feet south of the Long Island Rail Road tracks
No. 2	170 feet north of Plant 02 and 340 feet northwest of the athletic field
No. 3	100 feet east of Plant 03, and 270 feet south of the cemetery

Please refer to Figure No. 2 for the location of each of the three (3) Mini-Drum Marshalling Areas.

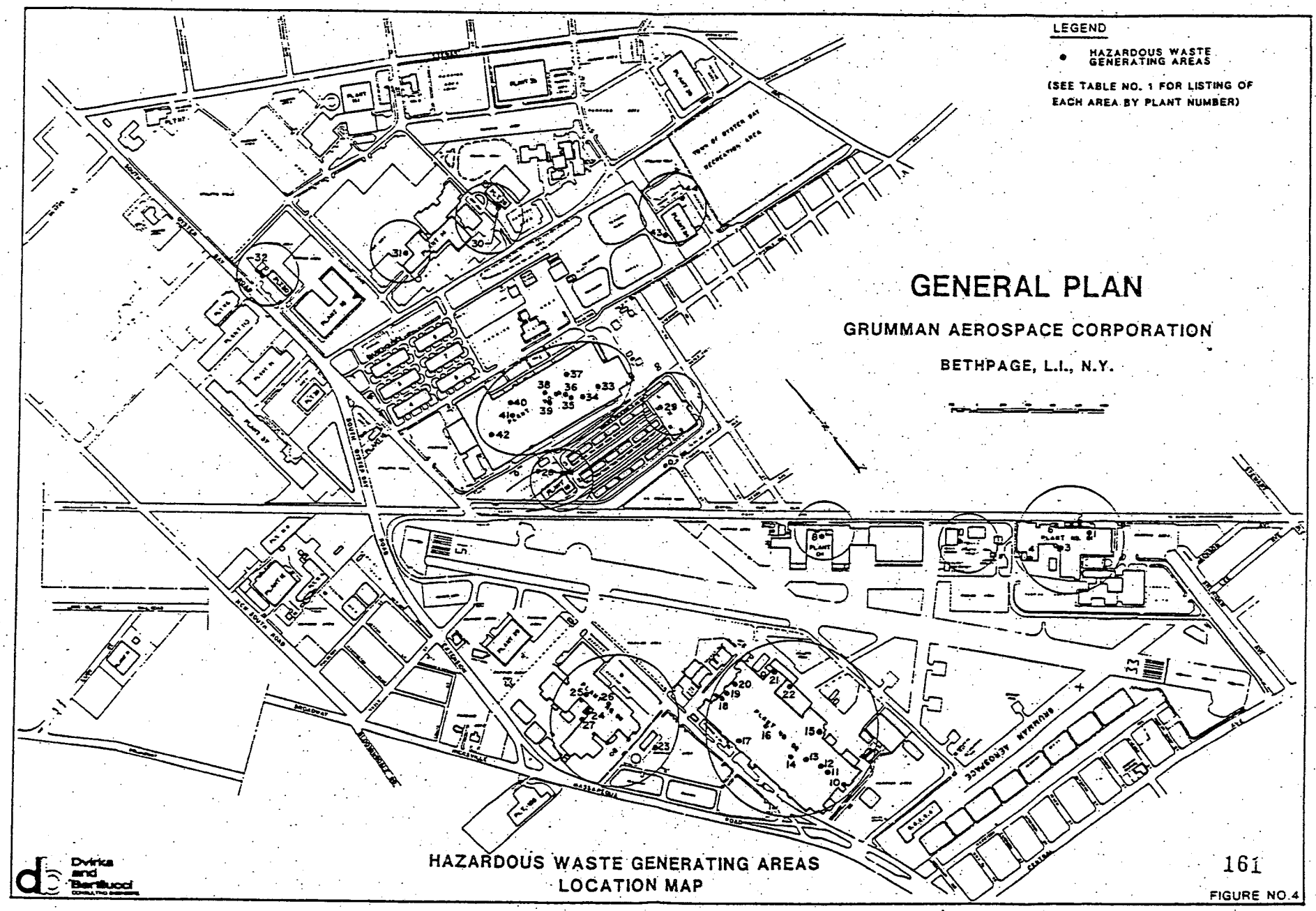

LEGEND
HAZARDOUS WASTE TRANSFER TANKS
NON-HAZARDOUS WASTE TRANSFER TANKS
GENERAL PLAN
GRUMMAN AEROSPACE CORPORATION
BETHPAGE, L.I., N.Y.
1301
1302
209A
1092
1093
1150
1151
1152
962
963
1236
1237
1238
1131
1132
1133
1134
793
815
1113
1111
1371
1372
1184
1191
159
HAZARDOUS WASTE TRANSFER TANKS
LOCATION MAP
(REV 7/89)
FIGURE NO.3

The New-Material Storage Shed is located approximately 175 feet northeast of Plant 02 and approximately 400 feet south of the athletic field adjacent to Plant 02 (see Figure No. 2). A portion of the New-Material Storage Shed is utilized to temporarily store PCB transformers (>500 ppm), PCB-contaminated transformers (>50 ppm <500 ppm) and PCB-contaminated oily rags, miscellaneous electrical devices and PCB test kits.

4. Description/Location of Hazardous Waste Generating Areas

The Grumman Aerospace Corporation-Bethpage Facility manages a number of hazardous waste generating areas. In close proximity to these waste generating areas are hazardous waste collection stations which temporarily accumulate the wastes generated in 55 gallon drums and other containers. Hazardous wastes collected at these stations are segregated according to the Grumman Aerospace Corporation Collection/Labeling System and each collection station is clearly labeled to illustrate which waste may be disposed of at that particular location. Those areas which accumulate halogenated solvents and flammable liquids are provided with "No Smoking" signs, an automatic sprinkler system and fire extinguishers to prevent the ignition and possible harmful reaction of these wastestreams at elevated temperatures. Figure No. 4 is a general site plan showing the approximate location of the hazardous waste generating areas at the facility and Table No. 1 presents a listing of the generating areas and the wastes generated at each area. Section VI - Process Information presents the details of the Grumman Aerospace Corporation Collection/Labeling System. It is important to note that due to planned variations in the levels and types of production and manufacturing at the facility, the location and use of some hazardous waste generation areas may vary or cease operation in total from time to time.

During the loading/unloading of hazardous waste containers and tanker trucks, the Grumman Aerospace Corporation Quick Response Vehicle (QRV) is available at all times. It should be noted that with regard to the transfer of any hazardous waste concentrates, it is Grumman's policy to have the QRV present at that particular station at all times for immediate response in the unlikely event of a release. The QRV is owned and operated by Grumman Aerospace Corporation and is available at the facility on a full-time basis in the unlikely event of an emergency. In the event of a sudden release of hazardous waste or hazardous waste constituents, the QRV is equipped with various spill containment materials and spill clean-up equipment to prevent any sudden release of hazardous waste from migrating into the environment. In addition, each loading/unloading area is located on a concrete base to prevent a release from migrating to the surrounding environment.



HAZARDOUS WASTE GENERATING AREAS
LOCATION MAP

FIGURE NO.4

Table No. 1

LIST OF HAZARDOUS WASTE GENERATING AREAS AND COLLECTION STATIONS

Plant No.	Station No.	Waste Type*
01	1	2,4,6
	2	1
	3	2
	4	1
	6	1
	7 (scale hanger)	3
02	10	1
	11	3
	12	3
	13	1,4
	14	4
	15	6
	16	6
	17	1
	18	1
	19	1,4
	20	6
	21	1
	22	4
03	33	4
	34	2,6
	35	cadmium
	36	2,6

* Waste type is listed in accordance with the Grumman Aerospace Corporation Waste Collection/Labeling System as described in Section VI – Process Information.

Table No. 1 (continued)

LIST OF HAZARDOUS WASTE GENERATING AREAS AND COLLECTION STATIONS

Plant No.	Station No.	Waste Type*
03 (continued)	37	2,6
	38	4
	39	1
	40	3
	41	1
	42	6
04	8	1,4
05	23 (steam plant)	1
	24	1,2,3,5
	25	6
	26	5
	27	1
10	28	1,2,3,4,5,6
14	31	1,4
17 (south warehouse)	29	1
20	32	1,6
24	43	1
	44	4
26	30	1,2,4

* Waste type is listed in accordance with the Grumman Aerospace Corporation Waste Collection/Labeling System as described in Section VI – Process Information.

5. Industrial Waste Treatment Facility (IWTF) at Plant 02

The Industrial Waste Treatment Facility (IWTF) at Plant 02 is designed to treat wastewaters generated by the manufacturing processes at Grumman Aerospace Corporation's Bethpage Facility. The wastewaters are predominantly rinse waters which are relatively low in contaminants such as chromium, miscellaneous heavy metals and phenols. The industrial wastewater generated within Plant 02 is pumped directly from various locations within the plant to the IWTF. Wastewater generated on-site from Plants 01, 02, 03, 05, 14 and 15 is collected as required from the transfer tanks discussed in detail above and delivered to the IWTF at Plant 02 or Plant 03 by tank trucks owned and operated by Grumman Aerospace Corporation. Wastewater generated off-site from Plants 43/44 (Great River), Plant 19 (Woodbury) and Plant 06 (Calverton) is also collected on an "as needed" basis and delivered directly to the IWTF at Plant 02 or Plant 03 by the aforementioned Grumman Aerospace Corporation tank trucks.

The IWTF at Plant 02 contains nine (9) batch treatment tanks, of which four (4) are 11,000 gallon capacity each and five (5) are 15,000 gallon capacity. The IWTF also includes two (2) 5,000 gallon sludge holding tanks, two (2) 3,500 gallon concentrated acid holding tanks and one (1) 1,500 gallon waste receiving tank. A containment system at the IWTF prevents any potential release or spill at the facility from entering the existing storm and sanitary sewer system as well as the environment. This system includes a six (6) inch concrete curb network around the treatment, sludge storage and receiving tanks. With the exception of the waste receiving tank and the concentrated acid holding tank, all the tanks at the facility are enclosed within the IWTF building. The exterior tank containment is relatively small and any precipitation falling within the containment curbing is drained into the IWTF building containment curb system where a sump pump transfers it to one of the batch treatment tanks. The quantity of rain water collected in this area is extremely small and does not significantly impact the treatment processes. The spill plan was designed so that the storage volume available within the containment curbing was equivalent to the storage volume of the largest treatment tank (15,000 gallons). The containment curbing as well as the natural site drainage in the area would prevent flooding of the IWTF during periods of heavy precipitation.

There is a substantial amount of truck unloading at the IWTF due to the collection of wastewater from remote, off-site Grumman facilities and on-site locations at the Bethpage facility. In order to minimize hazards resulting from the unloading operations, the truck drivers responsible for the collections are required to check with IWTF

operating personnel prior to unloading the contents of the truck. The driver provides the operator with information regarding the type of waste and the operator makes the necessary adjustments to the transfer pump system to assure the waste will be pumped to the appropriate treatment tank. After the operator receives the necessary information he directs the truck driver to unload the truck's contents into the waste receiving tank. The operators and collection truck drivers are all trained in the necessary safety procedures and are familiar with the general operations of the treatment system.

The IWTF is designed and operated in a batch treatment mode. In the event of a power failure all equipment vital to the treatment process (pumps, chemical feeders and ventilation equipment) is run on auxiliary power. The auxiliary power is provided by on-site diesel generators. In the event of a power failure, process air is provided by a dedicated, portable gas-fired compressor. During a power failure, the manufacturing process would cease and consequently so would the generation of wastewater.

Operating instructions for each method of treatment utilized at the IWTF at Plant 02 are provided on forms known as Department Operation Instructions (DOIs). These instruction forms list all the equipment required for treatment, including an extensive list of personnel safety equipment and protective clothing and a step by step procedure for treating the waste. A copy of the Department Operation Instructions is included in Volume No. 2, Appendix 2.

6. Industrial Waste Treatment Facility (IWTF) at Plant 03

The Industrial Waste Treatment Facility (IWTF) at Plant 03 is designed to treat wastewater containing chromium, miscellaneous heavy metals and phenols generated from manufacturing operations at the Grumman Aerospace Corporation Bethpage Facility. This facility is also able to treat the following waste concentrates: sulfuric acid, alodine, nitric acid rinse water, chromic anodize waste, hydrofluoric acid, oil and water waste and concentrated deoxidizers. Wastewater containing chromium and other heavy metals are pumped directly to the treatment facility into an equalization basin, and the waste concentrates are transported by tank trucks to the holding tanks located at the treatment facility. The tank trucks are owned and operated by Grumman Aerospace Corporation.

The IWTF at Plant 03 contains four (4) 16,000 gallon capacity fiberglass treatment tanks, one (1) 20,000 gallon nitric acid waste holding tank, one (1) 20,000 gallon miscellaneous waste holding tank, one (1) 11,800 gallon hydrofluoric acid waste holding

tank, one (1) 7,000 gallon hydrogen peroxide holding tank and one (1) 10,000 gallon sulfuric acid holding tank along with one (1) 8,000 gallon capacity caustic tank located outside the facility. In addition, inside the facility there are three (3) 11,000 gallon sludge holding tanks and one (1) 3,800 gallon flash-mix tank. There are also a series of concrete tanks located outside the treatment facility building including: one (1) 65,000 gallon equalization basin, one (1) 65,000 gallon reduction basin, one (1) 40,000 gallon holding tank, one (1) 600 gallon mixed sludge sump and one (1) 120,000 gallon concrete clarifier. The four (4) fiberglass treatment tanks are within the treatment facility and are situated inside a dike with sump pumps to transport any spilled material to other treatment tanks. These tanks are also equipped with high level alarms, and automatic inflow shut-off devices which discontinue waste inflow in the event of an overfill situation. The secondary containment can hold up to 400,000 gallons in the event of a spill. The six (6) outside holding tanks are all located within a concrete dike and are equipped with high level alarms.

Similar to the unloading operations described above at Plant 02, the truck drivers responsible for waste collection are required to check with IWTF operating personnel prior to unloading the contents of the truck. The driver provides the operator with information regarding the type of waste and the operator makes the necessary adjustments to the transfer pump system to assure the waste will be pumped to the appropriate treatment tank. After the operator receives the necessary information he will direct the truck driver to unload the contents of the truck into the waste receiving tank. The plant operators and truck drivers are all trained in the necessary safety procedures and are familiar with the operations of the treatment system.

The IWTF at Plant 03 is designed and operated as a "pass-through" system which continuously conveys and treats rinse wastewaters. In the event of power failure all equipment vital to the treatment process (pumps, chemical feeders and ventilation equipment) is run on auxiliary power provided by an on-site emergency generator. All processing operations which generate waste for treatment at the IWTF would cease in the event of a power failure.

7. Hazardous Waste Transfer Tanks

The waste transfer tanks at Grumman's Bethpage Facility are utilized for waste concentrated process baths. In the event of a process tank leak or the malfunction of internal tank equipment (heating coil, steam line, etc.), the transfer tanks are also used for temporary storage while the process tank is being repaired. All of the hazardous waste transfer tanks are located in containment areas. Presently, three (3) tanks at Plant 02 handle hazardous waste and are all situated in secondary containment and equipped with pumps to transport any hazardous material accumulation back into the treatment plant. Materials are accumulated in tanks for a maximum of one (1) to two (2) days, and are either transported to IWTF at Plant 02 or are hauled off-site by licensed vendors. A list of all transfer tanks is provided on Table No. 2, and the location of transfer tanks is illustrated on Figure No. 3.

Presently fifteen (15) tanks exist at Plant 03 to handle waste concentrates and waste paint. These tanks are constructed of steel or stainless steel and some are furnished with internal linings or external paint coatings. Contents of the tanks are either transported to the treatment plant at Plant 02 or 03 or are removed by a licensed vendor.

At Plant 01, one (1) 2,160 gallon capacity tank is used to temporarily store waste containing concentrations of chromium. This tank is constructed of steel with an external paint coating. The contents of this transfer tank are accumulated for a maximum of seven (7) to fourteen (14) days and are then transported to the IWTF at Plant 02.

At Plant 05, one (1) 1,800 gallon capacity tank is utilized to temporarily accumulate wastes containing concentrations of chromium. This transfer tank is constructed of stainless steel and is furnished with secondary containment. The contents are temporarily accumulated and are then transported to the IWTF at Plant 02.

High level alarms are provided on all of the tanks described above.

Plant 14 maintains two (2) underground tanks for the purpose of temporarily accumulating photo waste. Tank no. 1301 has a capacity of 3,000 gallons and tank no. 1302 has a capacity of 2,500 gallons and is used as an overflow tank. Plant 15 also maintains a 500 gallon aboveground tank (tank no. 209A) with secondary containment and high level alarms to temporarily accumulate photo waste. All of the underground tanks are constructed of double-walled fiberglass and are equipped with double-walled piping, leak detection alarms and high level alarms.

Table No. 2

HAZARDOUS WASTE TRANSFER TANKS

Plant No.	Tank No.	Contents	Capacity (gallons)	Secondary Containment Capacity (gallons)
01	1111	Paint Water Wash	2,160	2,558
02	371	Non-etch Alkali*	10,000	
	372	Nitric Acid Waste	10,000	13,461
	1184	Nitric Acid Waste	10,000	
03	1093	Zyglo Waste*	5,000	
	1092	Zyglo Waste*	5,000	
	793	Paint Water Wash	3,600	
	813**	Alodine Rinse	3,600	6,265
	1113***	Paint Rinse	5,900	
	1150	Chromic Acid, Nitric Acid	9,200	
	1151	Chromic Acid, Nitric Acid	9,200	14,000
	1152	Chromic Anodize Rinse	9,200	
	1131	Sodium Hydroxide	9,743	
	1132	Sodium Hydroxide/Chem-Mill Rinse	9,743	13,329
	1133	Nitric Acid	9,743	
	1134	Nitric Acid	9,743	
	1236	Nitric Acid, Sulfuric Acid	9,200	
	1237	Nitric Acid, Sulfuric Acid	9,200	18,789
	1238	Nitric Acid, Sulfuric Acid	9,200	
05	1191	Alodine Rinse	1,800	2,010
14	1301****	Photo Waste	3,000	
	1302****	Photo Waste (overflow tank)	2,500	
15	209A	Photo Waste	500	1,115

* Non-Hazardous.

** This tank is utilized as a component of the secondary containment system that serves this hazardous waste transfer tank area.

*** This tank is utilized as a surge tank and not as a hazardous waste transfer tank.

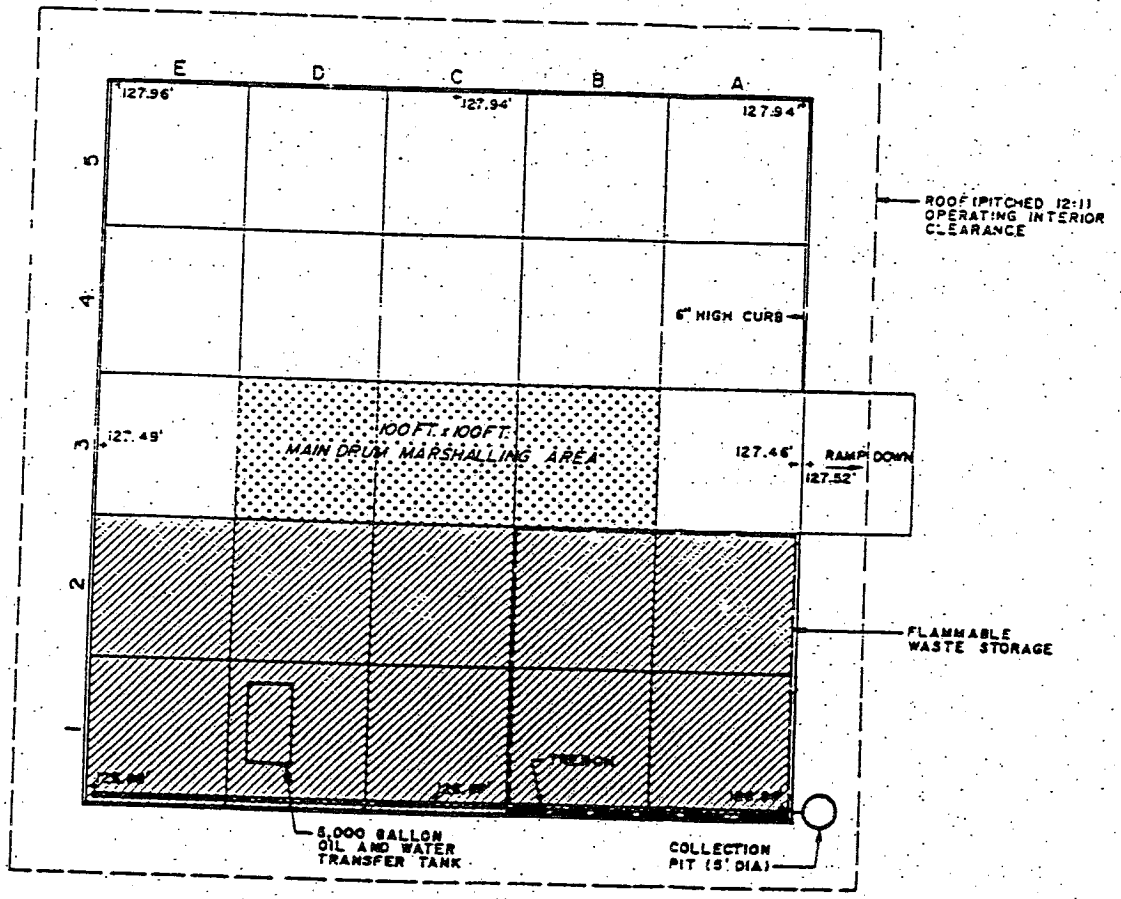
**** These tanks are double-walled fiberglass underground storage tanks equipped with double-walled piping.

8. Main Drum Marshalling Area

The Main Drum Marshalling Area is located to the north of Plant 03 (see Figure No. 2) and is used for the storage of all hazardous waste generated on-site that are contained in 55 gallon drums and other containers, as well as specified hazardous waste generated at off-site Grumman facilities and transported by Grumman personnel to the Bethpage Facility. The facility is designed for a maximum storage capacity of 1000 drums. The facility consists of a six (6) inch reinforced concrete slab on grade with a six (6) inch perimeter curb and an entrance ramp from grade up to the facility operating floor. Drums are stored on wooden pallets to keep them off the surface of the slab and facilitate handling by forklift truck. A diagram illustrating the general layout of the Main Drum Marshalling Area is presented as Figure No. 5.

Off-site waste generated at other nearby Grumman Aerospace Corporation facilities including Plants 6 (Calverton), 11, 12, 19 (Woodbury), 43/44 (Great River) are also received at the Main Drum Marshalling Area and are temporarily staged in the center aisle of the main drum marshalling area (see Figure No. 5). They are subsequently moved to the appropriate area of the pad for storage prior to shipment off-site by a licensed vendor. Off-site waste received from the Grumman Aerospace Corporation facilities mentioned above are the same types of waste generated at the Bethpage-Facility, because they are produced by the same industrial processes. This determination has been made by testing and general knowledge. Since the waste generated at the off-site facilities is similar to that generated and stored at Bethpage, the waste is classified at the facility which generates the waste prior to shipment to Bethpage for storage in the appropriate drum lot. The drums in each particular drum lot are sampled at the Bethpage Facility prior to off-site shipment. However, in the event that the contents of the drums cannot be ascertained, re-analysis is required in accordance with the Waste Analysis Plan presented in Section IV of this permit.

Storm water run-on to the Main Drum Marshalling area is prevented since the concrete floor of the facility is six (6) inches above grade and the slope of the adjacent land is away from the facility. A roof was added to the Main Drum Marshalling Area which overhangs the concrete pad by ten (10) feet on all sides. This roof effectively eliminates the accumulation of any precipitation on the pad.



NOTES:

1. AREAS ROUGHLY DELINEATED BY CONCRETE EXPANSION JOINTS APPROX. 20 FT x 20 FT

WASTE STORAGE SCHEDULE

TYPE WASTE	STORAGE GRID
NON HALOGENATED SOLVENT (FLAMMABLE)	A,B - 1,2
OILS	E,D,C - 1,2
DESCALE SALT (SOLID) AND UNKNOWNS	A,B - 4,5
HALOGENATED SOLVENTS	E,D,C - 4,5

MINIMUM AISLE SPACE = 5 FEET

CENTER AISLE (A,B,C,D,E-3) FOR OPERATIONS - NO STORAGE

SPILL CONTAINMENT AREA

MAXIMUM STORAGE = 1,000 DRUMS

OFF-SITE WASTE ACCUMULATION AREA

Dvirka and Bartilucci Consulting Engineers

GRUMMAN AEROSPACE CORPORATION

BETHPAGE FACILITY

MAIN DRUM MARSHALLING - GENERAL PLAN

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(REV 7/89)

FIGURE NO. 5

Operating procedures at the Main Drum Marshalling Area minimize the possibility of a spill of hazardous waste resulting from the movement of drums. When individual drums of hazardous waste are moved, a special drum lifting adapter is attached to the fork lift truck. All personnel involved in the operation of this facility are certified in the operation of fork lift trucks and have taken the Safety Training Program to familiarize them with the danger of the materials being handled.

All containers are closed during storage, except when it is necessary to conduct sampling or add or remove waste. All containers located at the Main Drum Marshalling Area are inspected by Grumman personnel in accordance with the procedures in Section VIII – Security for this facility. If a leaking drum is discovered during a regular inspection, the remaining contents of the drum are transferred to a Type 17E (closed top) recertified drum or an 85 gallon overpack drum and any spilled waste is removed using absorbent material. The waste absorbent materials are then collected and stored in a Type 17H recertified drum. Additional information regarding the proper handling of any spill of hazardous waste is discussed in greater detail in Section IX – Contingency Plan.

A drum crusher, located in the center aisle on the north side of the Main Drum Marshalling Area, is utilized to facilitate disposal of drums that are no longer in the proper condition to store hazardous wastes (see Figure No. 5). Prior to crushing, the drums are triple rinsed to remove any residual waste that may have remained in the drum. The triple rinse process is accomplished by spraying a small amount of water into each drum approximately three (3) times. The rinse water from each drum is emptied into a 55 gallon drum which when filled is vacuum collected into a tank truck and transported to the IWTF. Subsequent to crushing, the drums are transported to the salvage facility located 70 feet west-northwest of the Main Drum Marshalling Area.

In addition, a 5,000 gallon aboveground, waste oil storage tank is located in the southwest corner of the Main Drum Marshalling Area. The tank is filled by pumping waste oil from individual 55 gallon drums collected from various stations throughout the plant. Since the Main Drum Marshalling Area is equipped with a secondary containment system in accordance with NYSDEC regulations, and the waste oil tank is located within the Main Drum Marshalling Area, secondary containment is provided for the storage tank. The capacity of the secondary containment is 5,507 gallons, which meets the containment capacity requirement of 110% of the largest tank in accordance with Part 373-3.10(h)(3).

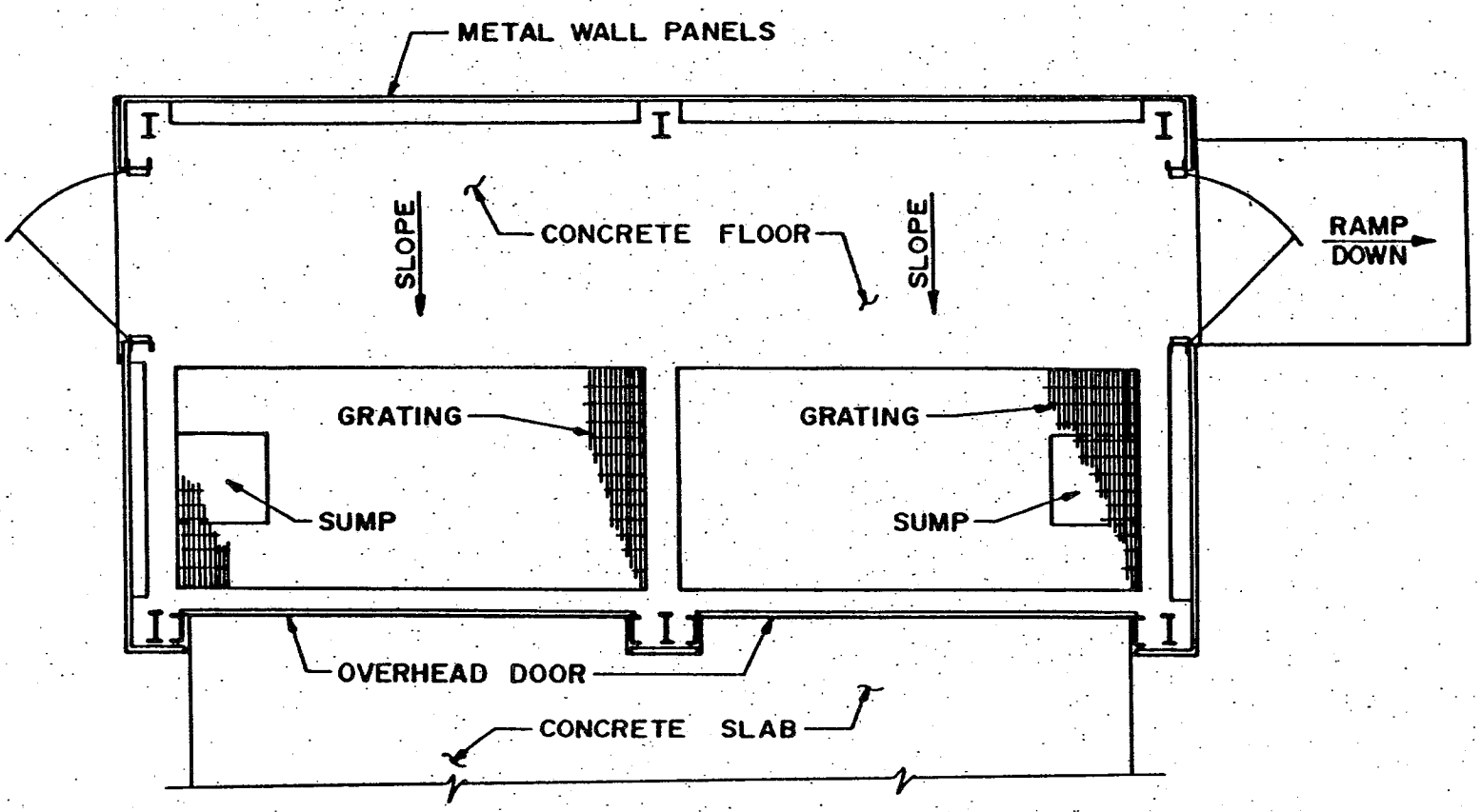
An emergency shower and a stationary eyewash for use by Grumman personnel is located adjacent to the entrance of the drum storage facility in the event of a sudden exposure to any waste at this storage facility.

9. Mini-Drum Marshalling Areas

There are three (3) Mini-Drum Marshalling Areas used for the temporary accumulation (up to 10 days) of waste collected in drums prior to transfer to the Main Drum Marshalling Area. These Mini-Drum Marshalling Areas are located near Plant 01, Plant 02, and Plant 03 (see Figure No. 2). At these locations, 55 gallon drums and other containers are temporarily placed on wooden pallets resting on a concrete pad equipped with overhead structures and collection sumps to prevent the accumulation of precipitation and any spilled material within the storage area. Each Mini-Drum Marshalling Area is designed to temporarily accumulate sixteen (16) drums or approximately 880 gallons of hazardous waste assuming that each drum is filled completely. The hazardous waste temporarily accumulated at these Mini-Drum Marshalling Areas could be comprised of any of the six (6) waste types as well as miscellaneous wastes which are described in Section 7 of this document. The volume of secondary containment provided for each Mini-Drum Marshalling Area is 204 gallons, which exceeds the minimum volume requirements stipulated at 373-2.9(f)(1)(ii). That citation requires that the capacity of the secondary containment be equal to or greater than ten (10) percent of the volume of all the containers stored at that particular unit. A diagram illustrating the general layout of the Mini-Drum Marshalling Areas is presented as Figure No. 6.

10. New-Material Storage Shed

PCB wastes are generated by removing PCB transformers from service (transformers with dielectric fluid containing PCB concentrations greater than 500 ppm) and PCB-contaminated transformers (transformers with dielectric fluids containing PCB concentrations between 50 and 500 ppm). In addition, oily rags contaminated with PCBs, PCB test kits and other electrical devices containing PCB-contaminated oil contribute to the PCB wastes generated and are stored in 55 gallon drums and other containers which are placed in a steel tray which acts as secondary containment. The dimensions of the steel tray are 4'6" x 16'6" x 6" and has a secondary containment capacity of 270 gallons. These small, pole-mounted type transformers are placed in 55 gallon covered drums and other similar type containers (such as 85 gallon overpack drums) which then are placed



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GRUMMAN AEROSPACE CORPORATION

BETHPAGE FACILITY

MINI-DRUM MARSHALLING AREA AT PLANTS 01, 02 & 03

GENERAL PLAN

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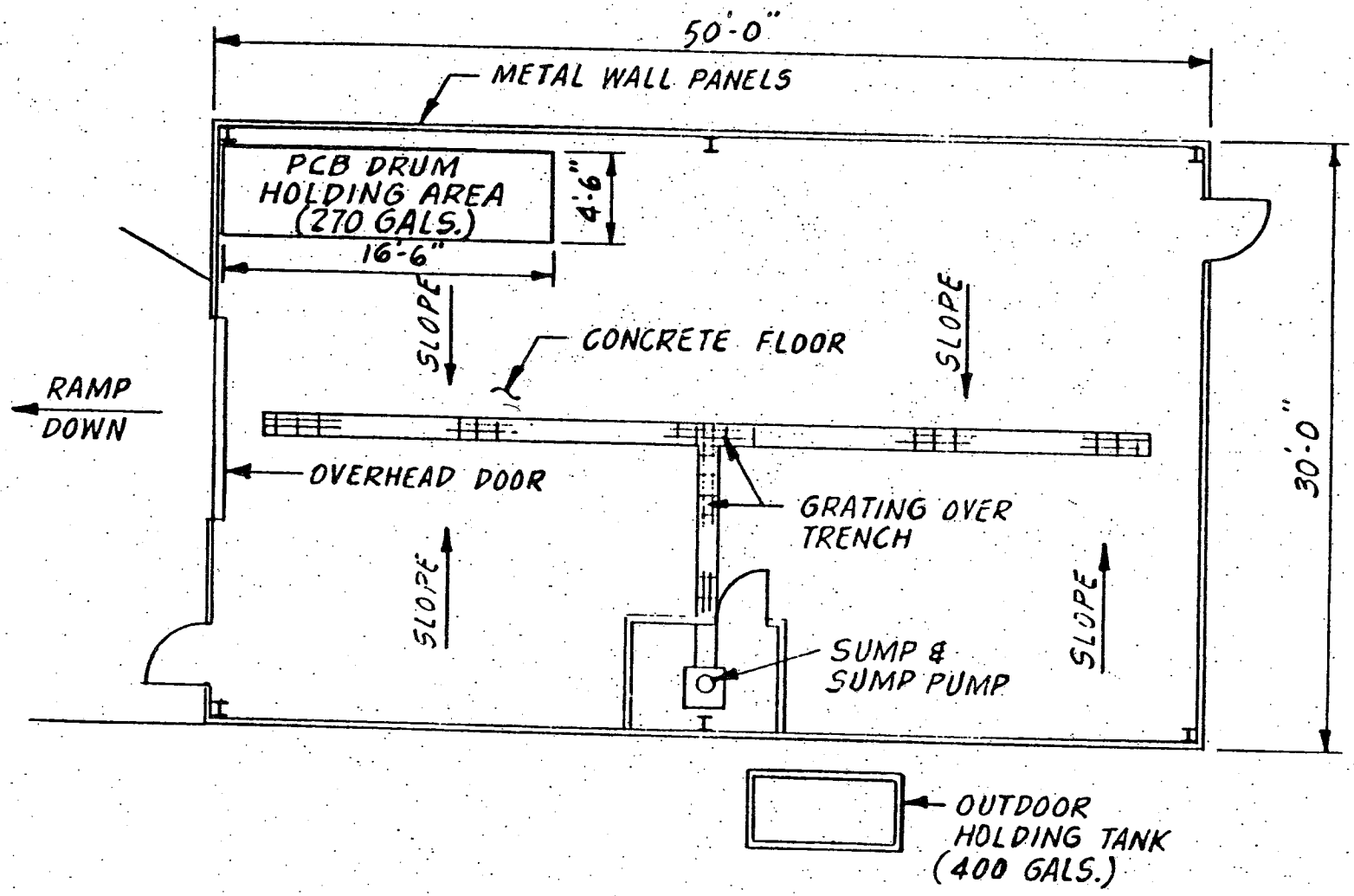

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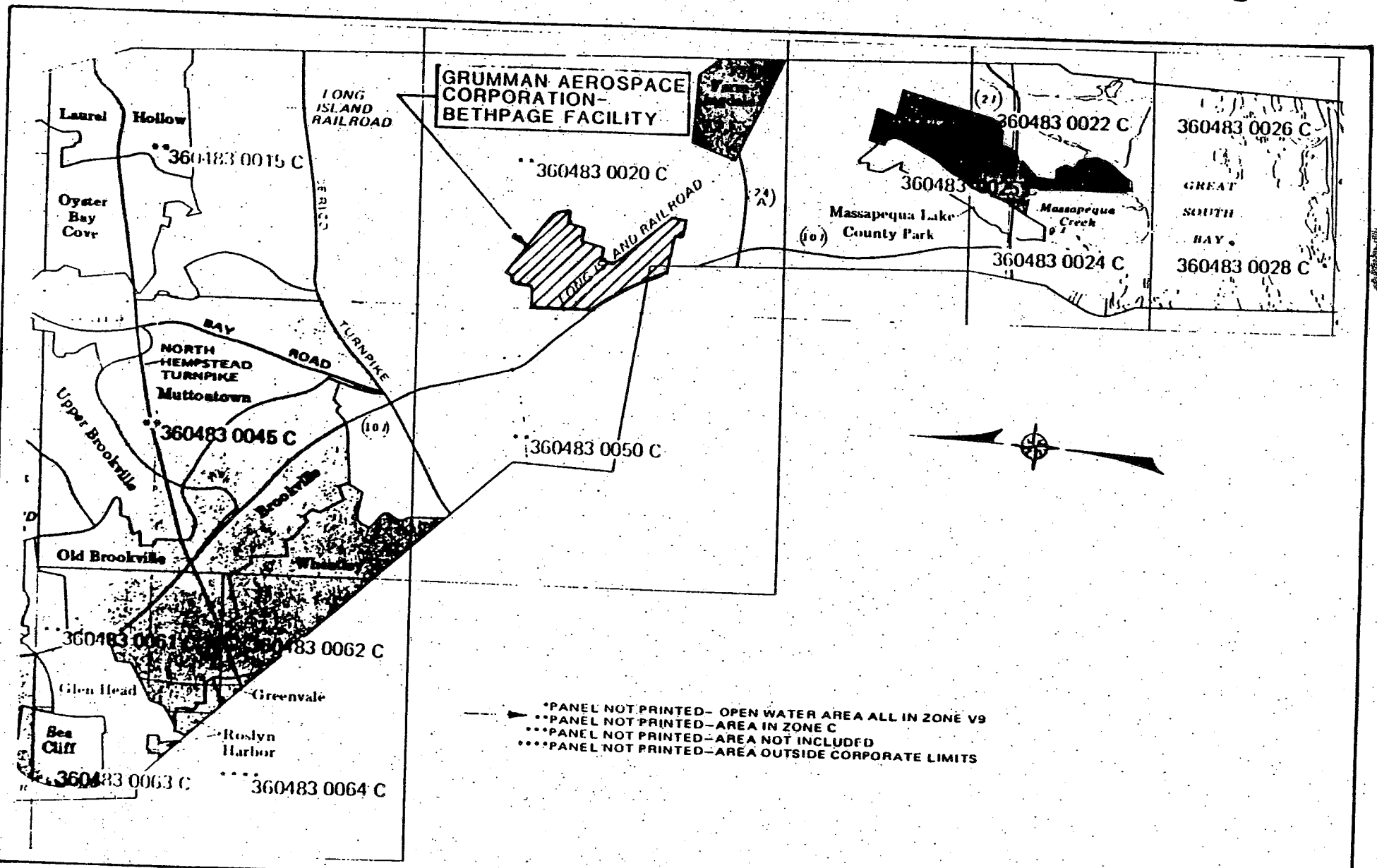
GRUMMAN AEROSPACE CORPORATION

BETHPAGE FACILITY

NEW-MATERIAL STORAGE SHED

GENERAL PLAN

Dvirka and Bartilucci



SOURCE: Federal Emergency Management Agency

GRUMMAN AEROSPACE CORPORATION

BETHPAGE FACILITY
FLOOD INSURANCE RATE MAP

Dvirka and Bartilucci

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within the steel tray along with other 55 gallon covered drums and containers storing PCB-contaminated rags and waste PCB test kits in the New-Material Storage Shed located approximately 175 feet northwest of Plant 02 and approximately 400 feet south of the athletic field near Plant 02 (see Figure No. 2). Prior to off-site disposal by a private disposal company, the transformers and the oily rags and waste test kits are packed into drums, sealed and labeled. A sign posted outside the storage shed states, "Warning - PCBs" to notify all personnel that PCBs are stored in the shed. A diagram illustrating the general layout of the New-Material Storage Shed is presented as Figure No. 7.

The maximum volume of PCB and/or PCB-contaminated oil stored within the steel tray is approximately 170-190 gallons. This estimated volume equals approximately the volume of two (2) - four (4) transformers containing free liquids (drums containing waste PCB test kits and PCB contaminated oily rags which are also stored on the tray may contain only trace quantities of free liquids, and thus are excluded from this discussion). In addition, one (1) to two (2) drums of PCB or PCB-contaminated oil may also be stored on the tray. Since the total capacity of the steel tray is 270 gallons and the total maximum storage capacity of PCB transformer oil is approximately 170-190 gallons, the capacity requirement for secondary containment is exceeded. In addition to the secondary containment volume of the steel tray described above, additional secondary containment capacity of 400 gallons is provided by the secondary containment system integrated into the design of the New-Material Storage Shed (see page 6-5).

11. Floodplain Assessment

The grade elevation at the Grumman Aerospace Corporation Bethpage Facility is from +107 feet to +140 feet which places it well above the local 100 year floodplain. The 100 year flood elevations for the north and south shores of Nassau County, Long Island are approximately +12 feet and +10 feet, respectively. The elevation and distance of the Bethpage Facility from the flood area precludes it from appearing on the Federal Insurance Administration's "Flood Insurance Rate Map" (see Figure No. 8).

12. Traffic Information

As described in detail above and illustrated in Figure Nos. 2, 3 and 4, the Grumman Aerospace Corporation – Bethpage Facility has a number of operational areas on its 575 acre site where wastes are generated, handled, accumulated, temporarily staged and stored prior to treatment and off-site disposal. In certain cases, truck transport of this material is the only economical means of conveying the waste to the treatment or storage facilities. Grumman utilizes six (6) trucks for routine waste transport activities. Truck drivers are trained in the required vehicle safety procedures as well as hazardous waste handling practices.

Table No. 3 provides technical data on the number and type of trucks currently in use at the facility for transporting industrial and hazardous waste. Included in the table is information on the type and number of trucks, purpose, capacity, gross weight, trips per day and roads traveled. Figure No. 9 is a plan of the facility showing the major roadways which are authorized for use by trucks transporting hazardous wastes. It is important to note that while Figure No. 9 depicts major transportation routes, it is imperative that some degree of flexibility be maintained at the facility with regard to the transportation of waste. For instance, in the case of transporting small quantities of waste from off-site Grumman facilities [i.e., Plant Nos. 11, 12 and 19 (Woodbury)] alternate access routes may be utilized from time to time. Table No. 4 presents engineering data on these roads including: roadway identification, construction material, surfacing material and load bearing capacity.

The trucks are in operation during the day and evening shifts (approximately twenty-four [24] hours per day). The maximum posted speed on any road at the Bethpage Facility is 25 miles per hour.

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As described in detail above and illustrated in Figure Nos. 2, 3 and 4, the Grumman Aerospace Corporation - Bethpage Facility has a number of operational areas on its 575 acre site where wastes are generated, handled, accumulated, temporarily staged and stored prior to treatment and off-site disposal. In certain cases, truck transport of this material is the only economical means of conveying the waste to the treatment or storage facilities. Grumman utilizes six (6) trucks for routine waste transport activities. Truck drivers are trained in the required vehicle safety procedures as well as hazardous waste handling practices.

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The trucks are in operation during the day and evening shifts (approximately twenty-four [24] hours per day). The maximum posted speed on any road at the Bethpage Facility is 25 miles per hour.

fixed fee, if any, shall be made to the Contractor as specified in the Schedule; provided, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

* * * * *

(b) When, pursuant to § 3.404–4, incentive revision of the fee in a cost-reimbursement type supply contract is to be provided, the clause set forth below shall be included in the contract. Additional instructions for use of the clause are in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT (MAY 1961)

* * * * *

(c) Promptly after receipt of each invoice and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment therein as approved by ----------*. Payment of fee shall be made to the Contractor as specified in the Schedule; provided, however, that after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one-hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

§ 7.402–3 Allowable cost, fixed fee, and payment.

(a) Subject to the instructions set forth in paragraph (b) of this section, insert the following clause.

* * * * *

(c) [Revoked]
(d) [Revoked]

PART 9—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

19. Revise paragraph (a) in § 9.107–4, as follows:

§ 9.107–4 Contracts relating to atomic energy.

(a) Except as provided in paragraph (b) of this section, the following paragraph shall be inserted as a part of the Patent Rights clause set forth in § 9.107–2 in all research or development contracts relating to atomic energy:

(k) With respect to any Subject Invention made by employees of the Contractor (except clerical and manual labor personnel who do not have access to technical data), and relating to the production or utilization of special nuclear material or atomic energy within the purview of the Atomic Energy Acts of 1946 (42 U.S.C. 1801–1819) and of 1954 (42 U.S.C. 2011–2296), the Contractor agrees:

(i) To furnish to the United States Atomic Energy Commission (hereinafter in this paragraph (k), referred to as "the Commission") through the Contracting Officer complete information regarding such Subject Invention, the Commission to have the sole and conclusive power to determine whether and where a patent application shall be filed, and to determine the disposition of the title to and rights under any such application or any patent that may issue thereon;

(ii) To obtain the execution of and deliver to the Commission, all documents relating to each such Subject Invention and to do all things necessary or proper to carry out any determination of the Commission, made under (k)(i) above;

(iii) Unless otherwise authorized in writing by the Commission to obtain patent agreements from all such employees to effectuate the purposes of this paragraph (k); and

(iv) Unless otherwise authorized in writing by the Commission, to insert this paragraph (k) in all subcontracts.

No claim for pecuniary award or compensation under the provisions of the Atomic Energy Acts of 1946 and 1954 shall be asserted by the Contractor or his employees with respect to any Subject Invention covered by this pargraph. (Dec. 1955.)

PART 13—GOVERNMENT PROPERTY

20. Revise the last sentence of § 13.411(a)(4); in § 13.503, revise clause heading and clause paragraph (b); in § 13.504, revise clause paragraph (i); and revise the last sentence of § 13.600, as follows:

§ 13.411 Risk of loss or damage and liability.

Each facilities contract:

(a) * * *

(4) * * * As used in this section, the term "excepted peril" shall mean any peril set forth in paragraph (f)(1)(ii) of the clause in § 13.502; and may also include additional provisions for liability in specific cases, in which case such additional provisions shall be included, or specifically referred to, in the general liability clause.

§ 13.503 Government property clause for cost-reimbursement type contracts.

* * * * *

GOVERNMENT PROPERTY (MAY 1961)

* * * * *

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

§ 13.504 Special tooling clause for fixed-price contracts.

* * * * *

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by him, within the meaning of this clause, and the date of final disposition of such items under this clause, he will take all reasonable steps necessary to maintain the identity and existing conditions of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f)(iv). The Contractor shall not be required to keep any such items in place.

§ 13.600 Scope of subpart.

* * * * *

Basic authority to permit the use of Government property on work other than for a Military Department is found in statutes authorizing the Secretaries to lease property under their control (see 10 U.S.C. 2667).

PART 15—CONTRACT COST PRINCIPLE AND PROCEDURES

21. Revise §§ 15.305(d), 15.306–2, 15.306–4, and 15.307–2; and add new paragraph (nn) to § 15.307–3, as follows:

§ 15.305 Applicable costs.

* * * * *

(d) In determining the allowability of certain items of cost, § 15.307 provides standards to be applied and also identifies certain types of expenditures which relate solely to instruction; such costs of instruction, including applicable overhead, do not enter into the costs of research agreements either as direct costs or indirect costs.

§ 15.306–2 Apportionment.

Indirect costs shall be apportioned as between instruction and research activities, and other institutional activities as defined in § 15.302–6. The apportionment shall be made as follows:

(a) General administration and general expenses, on the basis of total expenditures (exclusive of capital expenditures and use allowances), direct salaries and wages, or other bases appropriate in the circumstances.

(b) Operation and maintenance of the physical plant, if not separately costed, on the basis of total square or cubic footage of the buildings; and

(c) Other types of indirect costs normally do not require apportionment; where they do, an equitable basis for making the apportionment should be selected.

§ 15.306–4 Overhead determinations acceptable under special circumstances.

(a) Indirect costs may be claimed at a rate which is anticipated to be less than that which would otherwise be allowable with provisions made in the research agreement for adjustment if actual costs subsequently proved to be less than the claimed rate.

(b) Where the total direct cost of Government-sponsored research and development work at an institution does not exceed $250,000 in a year, the use of the following abbreviated procedure may be acceptable in the determination of allowable indirect costs. Under this abbreviated procedure, data taken directly from the institution's most recent annual financial report and immediately available supporting information will be utilized as a basis for dividing total expenditures (exclusive of expenditures for capital items and unallowable costs, as defined in § 15.307, and expenditures for student aid and for annuity payments)

authority is given in Public Law 761, Seventy-fifth Congress, known as Section 6 of the Flood Control Act of 1938.

2. *Proposed Action:* Provide for restoration of riparian habitat, increase recreation facilities, and flood protection. The U.S. Army Corps of Engineers (USACE) intends to prepare a Draft EIS to assess the environmental effects associated with the proposed VA Shly'ay Akimel project. The Environmental Impact Statement will evaluate impacts of viable alternatives along with a No Action Alternative. Resources categories that will be analyzed in the EIS are: land use, physical environment, geology, biological, agricultural, air quality, water quality, groundwater, recreational usage, aesthetics, cultural resources, transportation/communications, hazardous waste, socioeconomic and safety. The public will have the opportunity to comment on this analysis before any action is taken to implement the proposed action.

3. *Scoping Process:* The Corps will conduct a scoping meeting prior to preparing the Environmental Impact Statement to aid in determining the significant environmental issues associated with the proposed action. The public, as well as Federal, State, and local agencies are encouraged to participate in the scoping process by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the environmental analysis. Useful information includes other environmental studies, published and unpublished data, alternatives that should be addressed in the analysis, and potential mitigation measures associated with the proposed action.

A public scoping meeting will be held in conjunction with the local sponsor to discuss the project scope and invite public participation in developing alternatives for the project. Individuals and agencies may offer information or data relevant to the environmental or socioeconomic impacts by attending the public scoping meeting, or by mailing the information to the above address.

4. *Public Scoping Meeting:* A public scoping meeting will be held in November 2001. The location, date, and time of the public scoping meeting will be announced by means of letter, public announcements and news releases.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for Transfer and Reuse of the Naval Weapons Industrial Reserve Plant, Bethpage, NY

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy announces its decision to transfer the Naval Weapons Industrial Reserve Plant, at Bethpage, New York, to Nassau County, New York.

SUPPLEMENTARY INFORMATION: Pursuant to the Defense Authorization Act for Fiscal Year 1998, section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality Regulations for implementing NEPA procedures (40 CFR parts 1500–1508), the Department of the Navy (Navy) announces its decision to transfer the Naval Weapons Industrial Reserve Plant Bethpage (NWIRP) to Nassau County, New York. The conveyance and subsequent reuse of this property will be in accordance with the preferred alternative as described in the Final Environmental Impact Statement (FEIS).

Background

NWIRP Bethpage is located in the hamlet of Bethpage, town of Oyster Bay, and consists of two land parcels encompassing about 109.5 acres. The larger parcel (105 acres) contains Plant 3; Plant 10; Buildings 4–9 (north warehouses); Buildings 11–20 (south warehouses); and 30 Navy-owned ancillary buildings. The smaller parcel (4.5 acres) contains Plant 20 and one out-building. In addition to these land holdings, the transfer of NWIRP Bethpage includes Plant 5, a Navy-owned research and development building, and six other Navy-owned buildings located on land owned by the Northrop Grumman Corporation.

The Defense Authorization Act for fiscal year 1998 authorized the Secretary of the Navy to convey the property to Nassau County, NY, provided the property is used for economic redevelopment or other public uses.

Alternatives Considered—The Federal action is the conveyance of the NWIRP property outside of federal control. The EIS considered reuse of the NWIRP property an indirect effect of conveyance. The EIS analyzed the indirect effects of Nassau County's Preferred Reuse Plan, as well as the indirect effects of two other reuse plans, one that proposed a lesser intensity use and the other a greater intensity use of the site.

Nassau County's Preferred Reuse Plan proposes a mix of light industrial, warehousing, and office uses for the 105-acre parcel, and commercial uses on the 4.5-acre parcel. A total of about 1.97 million square feet of new and existing buildings would provide employment opportunities for about 5,400 workers. Full build-out of the NWIRP Bethpage property under the Preferred Reuse Plan was estimated to occur in 2010.

The EIS evaluated the development of NWIRP Bethpage under a second mixed reuse plan that proposed a less intense use than that in the Preferred Reuse Plan. Under the less intense reuse plan, about 1.7 million square feet in existing buildings and new construction would provide employment opportunities for 2,200 workers.

The EIS evaluated a third use plan that proposed a more intense use than the Preferred Reuse Plan. Under the more intense reuse plan, the NWIRP property would be redeveloped entirely for administrative use. This alternative would result in about 2.2 million square feet of office space and create job opportunities for approximately 9,900 employees.

Under the No Action Alternative, the NWIRP property would not be conveyed and would remain in U.S. Government ownership. The property would be placed in federal caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

Environmental Impact of the Preferred Alternative—The EIS analyzes direct, indirect and cumulative environmental impacts. There are no direct environmental impacts associated with Navy conveyance of the property to Nassau County because conveyance simply results in a change in ownership. There are indirect and cumulative impacts that would result from Nassau County implementing its Preferred Reuse Plan after conveyance of the property.

Redevelopment of the property will generate an estimated 5,400 new jobs, resulting in beneficial socioeconomic impacts. Annual estimated earnings of these new jobs would be about $220 million. Other employment occurring in the region as a result of the new development on the NWIRP property is estimated at 7,250 new jobs providing an additional $203 million in earnings. As the property is transitioned from county ownership to private ownership, and thereby subject to local real estate taxes, the estimated tax generated would be about $13 million.

The Reuse Plan does not provide for any new housing units on the NWIRP

site. The new workers at the NWIRP site are expected to commute from elsewhere in the region and therefore the local school system will not be significantly impacted. Even if there is worker migration into the area, local school systems have sufficient capacity to accommodate any corresponding increase in student enrollment. There will be additional demands on community support services such as police, fire, and emergency care. It is expected that this need would increase gradually over several years. The Reuse Plan provides for additional property tax revenue to support increased service costs.

Traffic generated by implementation of the Reuse Plan is expected to cause degraded levels of service at several intersections in the vicinity of the NWIRP site. State and Local governments will need to make intersection and roadway improvements to mitigate the impacts of increased traffic. With such improvements, there will be no significant traffic-related impacts.

The Clean Air Act General Conformity rule is not applicable to the transfer of the NWIRP Bethpage property, as stated in 40 CFR part 153(c), exemptions (XIV) and (XIX). While there will be an increase in carbon monoxide emissions due to the increase in traffic, the increase in CO will not be significant since the levels will remain below the National Ambient Air Quality Standards.

Noise levels will increase approximately three decibels due to additional traffic. These higher noise levels will exceed Federal Highway Administration and U.S. Department of Housing and Urban Development standards for residential property located in the surrounding area. However, existing noise levels in the area already exceed established residential noise standards, and the three-decibel increase will be barely perceptible to the general population.

Implementation of the Reuse Plan will result in the demolition of 18 of the 19 historic buildings comprising the Bethpage Naval Aircraft Production Historic District. Demolition of the historic buildings will alter the historic setting, feeling, and character of the historic district and will result in an adverse effect. The Final EIS discussed the possible use of protective covenants as mitigation for adverse impacts on the historic district in the event Nassau County and the New York State Historic Preservation Officer (SHPO) could not agree on how to mitigate those impacts. After the Final EIS was published, Nassau County and the SHPO agreed that recordation of the historic buildings as mitigation. Nassau County completed the recordation process and the SHPO accepted this recordation process as adequate mitigation for demolition of the historic structures.

There will be no significant impacts to biological resources. Nearly all of the NWIRP Bethpage property is fully developed. There is insufficient habitat at the site to support most wildlife species and there are no federally listed threatened or endangered species at NWIRP Bethpage.

There will be no significant impacts associated with existing hazardous waste sites. Transfer of Navy property must include a determination of the environmental suitability of the land for transfer to a nonfederal agency or to the public. Most areas on NWIRP Bethpage meet the requirements for transfer set out in the Comprehensive Environmental Response, Compensation and Liability Act without further environmental action. The Navy is working with Nassau County and the Grumman Master Planning Council to coordinate transfer of the parcels scheduled for reuse. The Navy intends to clean up the NWIRP site to levels approved by U.S. Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation, and the Nassau County Department of Health Bureau of Environmental Exposure Investigations.

In accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations* and *Low-Income Populations*, Navy analyzed the direct and indirect effects of the proposed conveyance and reuse on low income and minority populations. The conveyance and reuse will not cause adverse and disproportionately high environmental or economic impacts to minority or low-income populations residing in the region.

Mitigation—No mitigation is required for direct impacts associated with conveyance of the property. Reuse will result in indirect impacts that can be mitigated through measures taken directly by state and local governments or imposed on private developers through state and local permitting processes. For example, Nassau County could change traffic signal timing, realign roadways, and institute traffic regulatory measures, thereby reducing intersection delays and overall congestion. Nassau County could impose limitations on air emissions or water discharges as conditions in building permits.

Comments Received on the FEIS—The Navy received one comment letter on the FEIS. EPA requested that the Navy incorporate measures to reduce reliance on automobile travel into the deed or other conveyance documents. The Navy has no authority to impose such restrictions in a deed or other conveyance document. Measures relating to limitations on parking or traffic control measures are a function of local zoning and permitting authorities that are purely functions of state and local government police powers.

EPA also requested that Navy determine whether airborne volatile organic compounds emanating from contaminated groundwater affected indoor air. Navy gathered and analyzed indoor air samples and provided the results of the analysis to EPA and the New York Department of Environmental Conservation. The results of this indoor air analysis will be incorporated into the Navy's Finding of Suitability to Transfer (FOST).

Conclusion—Nassau County identified the Preferred Reuse Plan as the plan that best responds to local and regional economic conditions and promotes economic recovery from the closure of the NWIRP Bethpage. The Preferred Reuse Plan complies with the conditions imposed by Congress on the conveyance of the NWIRP property. Potentially significant environmental impacts associated with implementation of the Preferred Reuse Plan can be mitigated either directly by the State and Nassau County or indirectly through the regulatory authorities exercised by the State and Nassau County over private landowners and developers.

Although the "no action" alternative has less potential for adverse environmental impacts and is the environmentally preferred alternative, it would not promote local economic redevelopment and create jobs. Keeping the property in caretaker status would not be the highest and best use of the property because it would not take advantage of the property's physical characteristics and infrastructure.

Based on the analysis contained in the FEIS and associated administrative record, I have decided to convey the Naval Weapons Industrial Reserve Plant Bethpage, New York, to the County of Nassau as provided for in the Defense Authorization Act for fiscal year 1998.

Dated: October 23, 2001.

Duncan Holaday,

Deputy Assistant Secretary of the Navy (Installations and Facilities).

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