

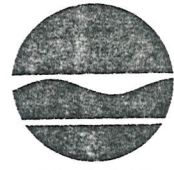
IBM East Fishkill, R3

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1696

Phone: (914) 256-3000 FAX: (914) 255-3042



John P. Cahill  
Commissioner

December 16, 1998

MR SALVATORE J TRANCHINA  
ENVIRONMENTAL ENGINEERING & OPERATIONS  
IBM EAST FISHKILL FACILITY  
1580 ROUTE 52  
HOPEWELL JUNCTION NY 12533-6531

TERRI TRIFAN VP LOANS & GRANTS  
EMPIRE STATE DEVELOPMENT CORP  
633 THIRD AVE  
NEW YORK NY 10017

Dear Mr. Tranchina & Ms. Trifan:

In accordance with your requests of November 6, 1998 and December 2, 1998, the Department has approved the transfer of environmental permits for the IBM East Fishkill facility (East Complex & West Complex) and five Hudson Valley Research Park tenants from IBM to Empire State Development Corporation. This approval is effective as of the date of the closing, expected to be December 30, 1998 and conditioned upon receipt of verification that the transfer of ownership took place.

Enclosed please find executed permit transfer forms and attachments referencing the permits affected by this transfer. Each affected Division within the Department (Air Resources, Environmental Remediation, and Water) will update its applicable permit records after verification of property transfer has been provided to the Department.

Also enclosed is a draft modified page one of the Part 373 Hazardous Waste Management Permit which will be finalized upon closing.

If you have any questions, please contact me at (914) 256-3059.

Sincerely,

*Margaret E. Duke*

Margaret E. Duke  
Regional Permit Administrator  
Region 3

MED/dv

cc: M. Moran  
R. Stanton (w/enc.)  
P. Doshna (w/enc.)  
V. Gallo  
R. Aldrich (w/enc.)  
P. Countermand (w/enc.)  
T/E Fishkill - Supervisor  
EPA, J. Reidy (w/enc.)  
E. Erase - ESDC (w/enc.)  
J. Marcogliese (w/enc.)

RECEIVED

DEC 21 1998

ENVIRONMENTAL WASTE  
RECEIVED  
REGIONAL PERMIT ADMINISTRATOR  
REGION 3

DEC PERMIT NUMBER  
3-1328-00025/00249-0

FACILITY/PROGRAM NUMBER(s)  
NYD 000 707901



**PERMIT**  
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE  
September 29, 1995

EXPIRATION DATE  
September 29, 2005

Modified: **DRAFT**

TYPE OF PERMIT (Check All Applicable Boxes)

☐ New ☐ Renewal ☒ Modification ☐ Permit to Construct ☐ Permit to Operate

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

PERMIT ISSUED TO <u>NYS Urban Development Corp. dba Empire State Development Corp. (owner)</u>		TELEPHONE NUMBER (212) 803-3100
ADDRESS OF PERMITTEE <u>International Business Machines Corporation (operator)</u> 633 3rd Avenue, New York NY 10007 Route 52, Hopewell Junction NY 12533-0999		
CONTACT PERSON FOR PERMITTED WORK Salvatore Tranchina (IBM)		TELEPHONE NUMBER (914) 892-1629
NAME AND ADDRESS OF PROJECT/FACILITY IBM, East Fishkill Facility, Route 52, Hopewell Junction NY 12533-0999		
LOCATION OF PROJECT/FACILITY		
COUNTY Dutchess	TOWN East Fishkill	WATERCOURSE/WETLAND NO. N/A
DESCRIPTION OF AUTHORIZED ACTIVITY Operation of a hazardous waste storage facility, located in the Chemical Storage Building (Building 309). There are five rooms in the Chemical Storage Building utilized for container storage of hazardous waste. The rooms are 2, 7, 8, 9 and 23. Room 2 has a total capacity of 1000 drums (55 gal.), Room 7 has a total capacity of 1,352 drums (55/20/5 gal.), Room 8 has a capacity of 388 drums (55 gal.), Room 9 has a capacity of 224 drums (55 gal.) and Room 23 has a capacity of 150 drums (55 gal.).		NYTM COORDINATES E: N: 4

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 and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR Margaret E. Duke	ADDRESS 21 South Putt Corners Rd., New Paltz NY 12561	med
AUTHORIZED SIGNATURE	Date	Page 1 of 5

**DRAFT**



## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**APPLICATION FOR PERMIT TRANSFER**  
 (In Accordance with Uniform Procedures, Part 621.13)

Please read ALL instructions on back before completing this application. Please TYPE or PRINT clearly in ink.

**PART 1—TRANSFEEE (NEW OWNER/OPERATOR/LESSEE) COMPLETES:**

1. LIST PERMIT NUMBER(S) AND THEIR EFFECTIVE AND EXPIRATION DATES.

See Attachment A (IBM Corporation)

2. NAME OF TRANSFEEE New York State Urban Development Corp.  
d/b/a Empire State Development CorporationIf other than an individual, provide Taxpayer ID  
Number 13-2624287STREET  
633 Third AvenueTELEPHONE NUMBER  
(212) 803-3100CITY  
New YorkSTATE  
NY ZIP CODE  
100173. TRANSFEEE IS A/AN: ☒ Owner ☐ Operator ☐ Lessee See Attachment A4. NAME OF FACILITY/PROJECT  
IBM East Fishkill FacilitySTREET  
1580 Route 52CITY  
Hopewell JunctionSTATE  
NY ZIP CODE  
12533COUNTY  
DutchessTOWN  
East Fishkill

5. HAS WORK BEGUN ON THE PROJECT? not applicable

☐ Yes ☐ No If no, proposed starting date: \_\_\_\_\_ Approximate completion date: \_\_\_\_\_  
 If there will be any modifications to the current operation, the transferee must attach a statement specifying the details.

6. CERTIFICATION: This certifies that the transferee is the current owner/operator/lessee of the named facility, has a copy of the permit, understands and will comply with all conditions in the referenced permit. Facility operations/project scope/discharges/emissions will remain the same. Further, I hereby affirm that under penalty of perjury that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature and Title See Attachment A

Date \_\_\_\_\_

**PART 2—TRANSFEROR (FORMER OWNER/OPERATOR/LESSEE) COMPLETES:**1. NAME OF TRANSFEROR  
IBM CorporationIf other than an individual, provide Taxpayer ID  
Number 13-0371985.03STREET  
1580 Route 52TELEPHONE NUMBER  
(914) 892-1629CITY  
Hopewell JunctionSTATE  
NY ZIP CODE  
125332. NAME OF FACILITY/PROJECT, IF DIFFERENT FROM NAME IN PART 1:  
IBM East Fishkill Facility East and West Complex

3. CERTIFICATION: This certifies that the facility referenced in Part 1 of this form will be/was transferred to the party identified as the new transferee

(owner/operator/lessee) on 02/15/99 (date). See Attachment A

Signature and Title *Margaret E. Duke*  
General Manager, Interconnect Products

Date 12/2/98

**PART 3—PERMIT TRANSFER VALIDATION SECTION—DEPARTMENT OF ENVIRONMENTAL CONSERVATION COMPLETES:**☐ Transfer of permit approved. Transferee subject to conditions of permit, without exception.☒ Transfer of permit approved, with the following modifications: ☐ See attached revised permit page(s)

This transfer is effective the date of the closing for the transfer of property, expected to be on or about Dec. 30, 1998.

Written verification of the property transfer must be submitted to the Department's Region 3 Regional Permit Administrator.

☐ New application required. Please complete the enclosed permit application and return it to the undersigned Regional Permit Administrator, Division of Regulatory Services, at the appropriate office of the Department (see map on reverse).
Signature *Margaret E. Duke*  
Regional Permit Administrator

Date \_\_\_\_\_

**Part 1. (Transferee (New Owner/Operator/Lessee) Completes**

**1. LIST PERMIT NUMBER(S) AND THEIR EFFECTIVE AND EXPIRATION DATES.**

<b>Table 1: Summary of Environmental Permits</b>			
<b>Permit Type (a)</b>	<b>Permit Number</b>	<b>Effective Date</b>	<b>Expiration Date</b>
Air Emissions	See Table 2		
Chemical Bulk Storage Registration	3-000116	07/08/97 (b)	06/27/99
Petroleum Bulk Storage Registration	3-601202	03/09/98	03/09/03
Major Oil Facility	03-1160	03/31/93	03/31/98 (e)
Wastewater Discharge Permit (SPDES)	3-1328-00025/00002	03/20/98 (c)	05/01/03
Hazardous Waste Management Permit (Part 373)	3-1328-00025/00249-0	09/29/95 (d)	09/29/05

(a) IBM East Fishkill will retain sole ownership / responsibility for the following freshwater wetlands permits:

- 3-1328-00025/01025, RR Spur Wells (Phase 2), effective 10/06/97, expires 12/31/98.
- 3-1328-00025/01026, IBM/CHG&E Natural Gas Line, effective 12/02/97, expires 12/31/99.
- 3-1328-00025/01029, B/323 Natural Gas Line, effective 05/07/98, expires 12/31/99.
- 3-1328-00025/01035, B/322 Groundwater Remediation Project, effective 07/23/98, expires 12/31/99.

(b) Latest modification date is 07/29/98.

(c) Latest permit modification date is 06/25/98. A permit modification is pending. As part of the Chip Fab '98 Project, a revised permit application will be submitted.

(d) Per NYSDEC regulations at 6 NYCRR 373-1.7(a)(2), a separate hazardous waste permit modification application will be submitted to transfer ownership of the permit.

(e) Renewal application was submitted to NYSDEC 12/18/97.

**Table 2: Air Emission Permits (a)**

(a) IBM East Fishkill has submitted a Title V permit application dated 12/9/97. As part of the Chip Fab '98 Project, a revised permit application will be submitted. Target Date - 11/98.  
 (b) Effective date is the date of the last modification.  
 (c) Permits to Construct submitted 10/29/98.

EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
Building 300		
KBLDG	09/20/95	N/A
KT59B	07/28/93	N/A
Building 303		
DC8	08/30/94	N/A
Building 304		
DEF1	06/09/98	N/A
Building 309		
SGWT1	09/16/93	N/A
VBLDG	02/29/96	N/A
Building 310		
CAC12	09/20/95	N/A
CB19	09/20/95	N/A
CU4	09/20/95	N/A
CAA8	04/14/95	N/A
CAB4	05/25/95	N/A
CAB8	09/20/95	N/A
CD16	02/29/96	N/A
CD22	04/14/95	N/A
CD24A	07/20/94	N/A
CD28	02/15/98	N/A
CE6	09/20/95	N/A
CF19	10/09/92	N/A
CG5	09/20/95	N/A
CG17	09/20/95	N/A
CG25	07/28/93	N/A
CG28	07/20/94	N/A
CH4	09/20/95	N/A
CH5	08/30/94	N/A
CH20	09/20/95	N/A
CJ5	08/30/94	N/A
CK3	11/25/92	N/A
CR7	08/30/94	N/A
CR10	08/30/94	N/A
CX9	07/20/94	N/A
CY10	02/29/96	N/A

EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
Building 315		
GTWT4	04/30/93	N/A
GH904	06/26/92	N/A
Building 321		
YT212	07/28/93	N/A
Building 323		
ZT1ABVOC	01/29/98	N/A
ZT2NABACD	01/29/98	N/A
ZT3BAACD	01/29/98	N/A
ZT3AABCAS	01/29/98	N/A
ZT4NABTOX	01/29/98	N/A
ZT5NABOIL	01/29/98	N/A
ZT6PFC	01/29/98	N/A
Building 325		
RSP1	09/20/95	N/A
RSP14	09/20/95	N/A
Building 384		
SGWT3	06/26/92	N/A
Building 386		
PE4	07/20/94	N/A
PG3	07/20/94	N/A
PN3	07/20/94	N/A
PTWT2	06/26/92	N/A
PTWT3	06/26/92	N/A
Building 330C		
ANNEX	(c)	N/A
HRMP	(c)	N/A
HAB25	09/20/95	N/A
HX30	02/15/95	N/A
AN27A	04/30/93	N/A
AN27B	04/30/93	N/A
HAS27A	07/28/93	N/A
HA23	04/30/93	N/A
HA34A	07/28/93	N/A

EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
HAR273	07/28/93	N/A
HEF1	(c)	N/A
HAD24	04/30/93	N/A
HB292	09/20/95	N/A
HB31	07/28/93	N/A
HB32	06/30/93	N/A
HC25	06/01/94	N/A
HC27	05/25/95	N/A
HC31	09/20/95	N/A
HC33	12/30/97	N/A
HC285	05/25/95	N/A
HD31	07/31/97	N/A
HD31A	07/31/97	N/A
HE26	09/20/95	N/A
HE33	12/30/97	N/A
HF27	05/25/95	N/A
HF29	05/25/95	N/A
HG30	03/01/98	N/A
HH30	04/30/93	N/A
HJ25	09/20/95	N/A
HJ26	04/30/93	N/A
HJ32	03/01/98	N/A
HJ41	02/15/95	N/A
HK31	05/25/95	N/A
HL25	05/25/95	N/A
HL31	09/20/95	N/A
HL32	02/29/96	N/A
HL37	08/30/94	N/A
HM25	09/20/95	N/A
HM31	06/26/92	N/A
HM32	09/20/95	N/A
HM33	04/30/93	N/A
HN26	05/25/95	N/A
HN48	05/25/95	N/A
HOMF	02/29/96	N/A
HPER3	06/01/94	N/A
HQ26	04/30/93	N/A
HQ32	04/30/93	N/A
HQ36	09/20/95	N/A
HS27	04/30/93	N/A
HS32	09/20/95	N/A
HS37	09/20/95	N/A
HS47	09/20/95	N/A
HT33	07/28/93	N/A
HX27	07/28/93	N/A
HAB31	02/15/95	N/A
HAC33	02/29/96	N/A

EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
HZ33	06/30/93	N/A
HZ33A	06/30/93	N/A
HZX24	02/29/96	N/A
HCAS1	09/20/95	N/A
HCAS3	09/20/95	N/A
HCAS4	09/20/95	N/A
Building 330D		
JOX	(c)	N/A
JAP32	05/25/95	N/A
JAY29	04/30/93	N/A
JAY30	01/20/93	N/A
JAY36	08/25/92	N/A
JAZ30	04/30/93	N/A
JAZ31	03/01/94	N/A
JAZ34	04/14/95	N/A
JAZ42	04/30/93	N/A
JBA33	12/23/94	N/A
JBA42	06/01/94	N/A
JBA45	04/14/95	N/A
JBB38	05/25/95	N/A
JBB40	05/25/95	N/A
JBB44	05/25/95	N/A
JBC23	06/30/93	N/A
JBC24	05/25/95	N/A
JBC28	08/30/94	N/A
JBC33	06/01/94	N/A
JBC36	04/14/95	N/A
JBD28	06/30/93	N/A
JBD34	12/19/94	N/A
JBD36	07/31/97	N/A
JBD40	07/28/93	N/A
JBD43	09/20/95	N/A
JBE39	04/14/95	N/A
JBE41	05/25/95	N/A
JBE44	05/25/95	N/A
JBF23	07/28/93	N/A
JBF44G	02/29/96	N/A
JBG22	04/30/93	N/A
JBG23	05/25/95	N/A
JBG24	07/20/94	N/A
JBG26	06/30/93	N/A
JBG38	02/22/96	N/A
JBH26	04/30/93	N/A
JEF3	(c)	N/A



EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
Building 334		
LB2	07/20/94	N/A
LB10	07/28/93	N/A
LC5	08/06/96	N/A
LC6N	07/20/94	N/A
LC7	05/23/96	N/A
LC9	04/14/95	N/A
LC10	05/25/95	N/A
LC13	11/25/92	N/A
Building 338		
HQ432	07/28/93	N/A
HQ433	07/28/93	N/A
Building 650		
WEF17	08/06/96	N/A
WEF18	08/06/96	N/A
WA006	04/30/93	N/A
WEF19	02/29/96	N/A
WJ5	05/25/95	N/A
WL5	06/30/93	N/A
WM5	06/30/93	N/A
WM7	05/25/95	N/A
WM9	09/20/95	N/A
WP1	07/28/93	N/A
WP2	07/28/93	N/A
WQ2	07/28/93	N/A
WS1	07/28/93	N/A
Building 690		
WEF20	04/30/93	N/A
W1	05/25/95	N/A
W2	05/25/95	N/A
W3	05/25/95	N/A
W109		N/A
W110		N/A
W5005	06/30/93	N/A
Building 694		
WEF47	09/20/95	N/A
TANKS		
999 TANK	01/03/95	N/A
334 T251	09/20/95	N/A
330GT3121	09/20/95	N/A
303 TANK	05/25/95	N/A

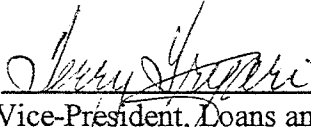
EMISSION POINTS	EFFECTIVE DATE (b)	EXPIRATION DATE
320BT157C	07/28/93	N/A
330CTH168	01/28/94	N/A
316 T283	04/30/93	N/A
316 T284	04/30/93	N/A
309 TV285	07/28/93	N/A
316 T518	04/30/93	N/A
330CT1911	05/25/95	N/A
330DT1935	08/25/92	N/A
330DT1936	08/25/92	N/A
330DT1937	08/25/92	N/A
325 T3026	04/30/93	N/A
325 T3027	04/30/93	N/A
325 T3028	04/30/93	N/A
330CT3110	04/30/93	N/A
316 T3119	04/30/93	N/A
316 T3228	04/30/93	N/A
315 T3230	04/30/93	N/A
315 T3231	04/30/93	N/A
315 T3232	04/30/93	N/A
316 T3233	04/30/93	N/A
316 T3234	04/30/93	N/A
316 T3290	04/30/93	N/A
310 T3158	08/30/94	N/A
690 T5004	04/30/93	N/A
315 T596	04/30/93	N/A
GENERATORS		
GENST	08/27/96	N/A
Building 315 BOILERS		
1	09/20/95	N/A
2	09/20/95	N/A
3	09/20/95	N/A
4	09/20/95	N/A
5	09/20/95	N/A
6	09/20/95	N/A
7	09/20/95	N/A

3. TRANSFEREE IS A/AN: ☒ Owner ☐ Operator ☐ Lessee

The permit transfers associated with this application are resultant from the title transfer of the IBM East Fishkill facility to the Empire State Development Corporation (ESDC). The ESDC will become the owner of the IBM East Fishkill facility (East Complex and West Complex), while IBM will continue as the operator of the facility pursuant to the environmental permits identified above.

6. CERTIFICATION

This certifies that the transferee expects to be the current owner of the named facility on the date referenced in Part 2 item 3 of this form, has a copy of the permit, understands and will comply with all conditions in the referenced permit. Facility operations/project scope/discharges/emissions will remain the same. Further, I hereby affirm that under penalty of perjury that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature and Title:  Date: 11/16/98  
Vice-President, Loans and Grants  
New York State Urban Development Corporation  
d/b/a Empire State Development Corporation

**Part 2. Transferor (Former Owner/Operator/Lessee) Completes**

3. CERTIFICATION

The scheduled date for title transfer is February 15, 1999. Title transfer may occur sooner if all issues are resolved and there are no objections from the involved parties.