PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
INTERNATIONAL BUSINESS MACHINES CORPORATION
NEW ORCHARD RD
ARMONK, NY 10504

EMPIRE STATE DEVELOPMENT CORPORATION
30 SOUTH PEARL ST
ALBANY, NY 12245
(800) 782-8369

Facility:
IBM EAST FISHKILL FACILITY, HUDSON VALLEY RESEARCH PARK
2070 ST RTE 52
HOPEWELL JUNCTION, NY 12533

Facility Application Contact:
STEVEN HAWKINS
IBM EAST FISHKILL, HUDSON VALLEY RESEARCH PARK
2070 ST RTE 52
HOPEWELL JUNCTION, NY 12533-3507
(845) 894-1039

Facility Permit Contact:
RACHAEL SHATZ
EMPIRE STATE DEVELOPMENT CORP

633 THIRD AVE
NEW YORK, NY 10017

Facility Location: in EAST FISHKILL in DUTCHESS COUNTY
Facility Principal Reference Point: NYTM-E: 598.191 NYTM-N: 4599.739
Latitude: 41°32'35.8" Longitude: 73°49'21.9"
Authorized Activity: Permit renewal for the operation of a hazardous waste storage facility, with a total capacity of 150,700 gallons kept in drums in Building 309, rooms are 2, 7 and 8, as specified in Module III of this permit. Room 2 has a maximum of 1000 in 55-gallon drums; Room 7 has a maximum 1,352 in 55-, 20-, and 5-gallon drums; and Room 8 has a maximum of 388 in 55-gallon drums.

* 11/14/2011: Correction made to Condition 5 - Change the reference to 'Module III' to 'Module II.' - /s/ S. M. Fox Steven M. Fox

Permit Authorizations

Resource Conservation and Recovery Act - Under Article 27, Title 9
Permit ID 3-1328-00025/00249 (RCRA ID NYD000707901)
Renewal Effective Date: 11/2/2011 Expiration Date: 11/1/2021
Non-RCRA Hazardous Waste Management - Under Article 27, Title 9
Permit ID 3-1328-00025/00248
Renewal Effective Date: 11/2/2011 Expiration Date: 11/1/2021

NYSDEC Approval

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

Permit Administrator: STUART M FOX, Deputy Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: Stuart M. Fox Date 11/ 2 /11

Distribution List

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Permit Components

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

NON-RCRA HAZARDOUS WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

1. **Conformance With Application** This permit is based on the June 2011 application submission (herein referred to as the application) and that the facility will be operated as specified in the application. Any inaccuracies or incompleteness found in this information may be grounds for the suspension, revocation or modification of this permit and potential enforcement action. The Permittee must inform DEC of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

2. **Comply With Permit** The permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including this and any attachments) and the applicable regulations contained in 6NYCRR (parts 370 through 373-2, 376 and 621 and 624).

The Permittee must comply with all State Regulations which pertain to the management of Toxicity Characteristic (TC) wastes as specified in Part 371.

3. **Quality Control/Assurance Program** The Permittee is responsible to verify that the Quality Control/Assurance Program (QA/QC) used by laboratories contracted by the Permittee to carry out analysis of the waste streams conform to the QA/QC procedures approved in this permit and thus, ensure the validity of the analytical data provided by these contract laboratories.

Only laboratories which are certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) must be used for analysis performed by outside laboratories.

4. **Waste Management** The Permittee must manage the environmental support operations (i.e., waste removal, treatment, storage and off-site disposal) of all IBM tenants during the entire term of the lease.

The Permittee is authorized to accept and manage hazardous wastes from on-site IBM operations, and from on-site non-IBM tenant operations which the Permittee chooses to accept from.

The Permittee must have adequate knowledge and control of waste generation/management by all the tenants of the Hudson Valley Research Park in order to maintain regulatory compliance and environmental protection, including the prevention of future groundwater contamination.

The Permittee (IBM) is responsible for the appropriate controls at the Hudson Valley Research Park to ensure that the wastes generated by the tenants are properly characterized, managed, and disposed.

5. **Site-Wide Groundwater Corrective Action** Modules II and IX of this permit require the Permittee to undertake the site investigation and corrective action required by the Order on Consent dated April 27, 1981, captioned In the Matter of Compliance with Section 27-1313 of the Environmental Conservation Law ("ECL") by: International Business Machines Corporation (IBM). Therefore, as of and on the effective date of this permit, all Permittee's obligations arising under the Order on Consent are terminated and superseded by this permit.

6. **Hazardous Waste Manifests** The Permittee is responsible for completion of all required hazardous waste manifest documentation including the tenants.

7. **Transportation of Containerized Waste** The Permittee is responsible for the transportation of all the containerized hazardous waste generated by the Permittee and the tenants from the manufacturing building to the site waste container storage area (Building 309).

8. **Proper Storage of Waste** The containerized wastes must be placed into the appropriate storage room based on the waste characteristics, and the appropriate information must be entered in the Operating Record.

9. **Groundwater Remediation** The Permittee is responsible for the groundwater remediation programs at the Hudson Valley Research Park.

10. **Hazardous Waste Reduction Plan** The Permittee is responsible for the submission of a Hazardous Waste Reduction Plan (HWRP) including tenant operations. Each tenant is responsible for implementation of the HWRP for its projects, in accordance with applicable requirements. The Permittee will not be authorized to manage tenant wastes for any tenants which fail to comply with HWRP requirements.

11. **Annual Hazardous Waste Report** The Permittee is responsible for the Annual Hazardous Waste Report identifying IBM, the Permittee, as the generator of the hazardous waste (per manifest requirements) for the Hudson Valley Research Park.

12. **Specified Modules and Attachments** The permittee must operate the facility in strict accordance with the modules and attachments of this permit as specified below:

Modules

I	General Provisions, pages 1-14
II	Corrective Action Requirements, pages 1-56; and Appendixes II-A, II-B, II-C, II-D, II-E, II-F, AND II-G
III	Storage in Containers, page 1
IX	General Groundwater Monitoring Conditions, pages 1-6

Permit Application

Section	Title	Pages
Part A	Permit Application	
1.0	Introduction	1-1
2.0	Facility Description	2-1 – 2-10
	Exhibit 2A - Topographic Map	
	Exhibit 2B - Flood Insurance Rate Maps	
	Exhibit 2C - Traffic Information Map	
3.0	Waste Characteristics	3-1 – 3-2
	Exhibit 3A - Waste Analysis Plan	
4.0	Process Information	4-1 - 4-9
	Exhibit 4A – Secondary Containment Certification	
	Exhibit 4B – As-Built Drawings	
	Exhibit 4C – Building 309 Certification of Containment Curbs	
	Exhibit 4D – Floor Coating Specification	
	Exhibit 4E – Automatic Doorway Spill Barrier Data Sheet	
	Exhibit 4F – Secondary Containment Capacity Calculations	

5.0	Corrective Action Program	5-1
6.0	Procedures to Prevent Hazardous	6-1 – 6-16
	Exhibit 6A - Example Facility Inspection Checklists	
7.0	Hazardous Waste Contingency Plan	7-1
	Exhibit 7A - Spill Emergency Equipment and Materials	
	Exhibit 7B - Coordination Agreements	
8.0	Personnel Training	8-1 – 8-7
	Exhibit 8A - Job Titles and Descriptions	
	Exhibit 8B - Examples of Hazardous Waste Training Certificates	
9.0	Closure Plan and Financial Requirements	9-1 – 9-5
	Exhibit 9A - Closure Cost Estimate	
	Exhibit 9B - Documentation of Financial Assurance	
10.0	Other State and Federal Laws	10-1 – 10-3
11.0	Certification	11-1

NON-RCRA HAZARDOUS WASTE MANAGEMENT PERMIT CONDITIONS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by the permittee on June 2011; and with all of the above Resource Conservation and Recovery Act Permit Conditions.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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

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

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

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

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this

permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY12561 -1620

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

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

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

under federal or state laws.

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

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.