

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E
625 Broadway, 12th Floor, Albany, NY 12233-7017
P: (518) 402-9813 | F: (518) 402-9819
www.dec.ny.gov

June 18, 2015

Mr. Gary Marone
Manager of Environmental Engineering
International Business Machines Corporation
East Fishkill Facility, Hudson Valley Research Park
2070 Route 52
Hopewell Junction, NY 12533

Re: IBM East Fishkill Facility, Hudson Valley Research Park
NYSDEC Permit No. 3-1328-00025/00249
EPA ID No. NYD000707901

Minor Permit Modification Request

Dear Mr. Marone,

The New York State Department of Environmental Conservation (Department) issued a permit modification on May 28, 2015. Subsequent to that permit modification, IBM has identified a number of errors contained within the modified documents. The following sections of the permit from that May 28, 2015 document are hereby being replaced or removed with corrected versions as listed below.

- Enclosure 2 of the May 28, 2015 letter is updated to include reference to Attachment II-H.
- Permit Module I is updated to reflect the inclusion of section I on Confidential Information and to correct the referenced Division in the Module title.
- Figure 7-4, had directions within the modification to replace that figure from the permit, however this was not correct, as this figure was part of Section 7.0 of Volume 2 of the permit which is no longer in effect. This figure is not to be replaced within the permit.

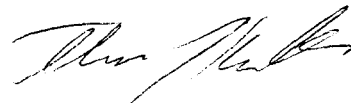
Enclosed with this letter you will find the revised sections of the permit including the corrected Module 1, and the corrected enclosure 2 from the May 28, 2015 permit modification letter.



Department of
Environmental
Conservation

If you have any questions, please contact me (518) 402-9013 or at
thomas.killeen@dec.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Killeen', written in a cursive style.

Thomas J. Killeen, P.E.
Chief, RCRA Permitting Section

ecc: R. Duggan, IBM East Fishkill
S. Danskin, IBM East Fishkill
H. Wilkie, Albany
A. Czuhanich, Albany
D. Whitehead, Region 3
M. O'Connor, Region 3
A. Everett, EPA
W. Palomino, EPA

ENCLOSURE 2
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. Reserved

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. Reserved

8. Reserved

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

ENCLOSURE 2
RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

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, II-G, and II-H
III ¹	Storage in Containers, page 1
IX	General Groundwater Monitoring Conditions, pages 1-6

Permit Application

Section	Title	Pages
Part A	Permit Application	1-1
1.0	Introduction	2-1 - 2-10
2.0	Facility Description Exhibit 2A - Topographic Map Exhibit 2B - Flood Insurance Rate Maps Exhibit 2C - Traffic Information Map	
3.0 ¹	Waste Characteristics Exhibit 3A - Waste Analysis Plan	3-1 – 3-2
4.0 ¹	Process Information 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	4-1 – 4-9
5.0	Corrective Action Program	5-1
6.0 ¹	Procedures to Prevent Hazardous Exhibit 6A - Example Facility Inspection Checklists	6-1 – 6-16
7.0 ¹	Hazardous Waste Contingency Plan Exhibit 7 A - Spill Emergency Equipment and Materials Exhibit 7B - Coordination Agreements	7-1
8.0 ¹	Personnel Training	8-1 – 8-7

ENCLOSURE 2
RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

	Exhibit 8A - Job Titles and Descriptions	
	Exhibit 8B - Examples of Hazardous Waste Training Certificates	
9.0 ²	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

Notes:

- ¹ The Modules and Permit noted above are no longer in effect.
- ² Only Exhibit 9B of Section 9.0, Documentation of Financial Assurance remains in effect, the documents listed in Exhibit 9B, of the permit, or the latest Department approved financial assurance mechanisms will be in effect.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
6 NYCRR PART 373 PERMIT MODULE I -
GENERAL PROVISIONS**

IBM Corporation East Fishkill
Facility Hudson Valley Research Park
2070 Route 52
Hopewell Junction, New York
12533 EPA ID# NYD 000 707 901

This permit authorizes only the hazardous waste units identified in this permit as permitted units.
This permit does not authorize other units to operate.

If this Permit conflicts with Regulations which are in effect on the date of final issuance of this Permit, the more stringent requirement applies.

A. EFFECT OF PART 373 PERMIT

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of: the conditions contained herein, the attachments to this Permit, sections of the Permit Application referenced herein, any subsequent Department approved changes to the attachments and referenced sections of that Application, and the applicable regulations contained in 6NYCRR Parts 370 through 374, 376, 621 and 624 that are referenced herein. The applicable regulations or requirements are those which are in effect on the date of final issuance of this Permit, except for those requirements not included in the permit which:

- (1) Become effective by statute, including amendments thereto;
- (2) Are promulgated under 6NYCRR Part 376, as modified (Land Disposal Restrictions);
- (3) Are promulgated under 6NYCRR 373-3.27, 373-3.28, and 373-3.29, as modified (air emission standards); and
- (4) Are other requirements promulgated under 6NYCRR 373-1.6(e).

The Permittee is required to conduct corrective action in accordance with the conditions of this Permit. Any storage, treatment, or disposal of hazardous waste is prohibited unless exempt from 6NYCRR Part 373. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, State or local laws or regulations

The hazardous waste activities which are authorized by this Permit are listed in the Modules

referenced below:

IBM is currently conducting a Corrective Measures Program to monitor, collect, and treat contaminated groundwater at the East Fishkill Facility. The current Corrective Measures Program is addressing remedial work in the following Areas of Concern (AOCs): Area A, Area B, Area D, Area C Landfill Area, Building 322 (B/322) Area, Building 330 (B/330) Area, the Southeast Quadrant (SEQ) and the deeper bedrock.

All plans, reports, specifications and schedules required by the terms of this Permit and all subsequent amendments to those documents are incorporated by reference into this Permit, upon approval, when required, or acceptance by the Department, unless the Department specifically specifies otherwise in writing. Upon incorporation, the provisions of each such document will be binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

B. PERMIT APPLICATION

The Permittee's Hazardous Waste **Part A** Permit Application is attached to and incorporated by reference into this Permit. The Permit Application documents listed below are also incorporated by reference into this Permit. These documents are made part of this Permit, are binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

DOCUMENTS INCORPORATED BY REFERENCE
New York State Department of Environmental Conservation 6 NYCRR Part 373 Permit Renewal Application – Volume 1 – Permit Modules
New York State Department of Environmental Conservation 6 NYCRR Part 373 Permit Renewal Application – Volume 2 – Permit Renewal Application

Section	New York State Department of Environmental Conservation 6 NYCRR Part 373 Permit Renewal Application - Volume 2 - Permit Renewal Application	
0	MAJOR/MINOR MODIFICATIONS	
	Part A Permit Application	
1	Introduction	
2	Facility Description	
3	Waste Characteristics	No longer in effect ¹
4	Process Information	No longer in effect ¹
5	Corrective Action Program	
6	Procedures to Prevent Hazards	No longer in effect ¹
7	Hazardous Waste Contingency Plan	No longer in effect ¹
8	Personnel Training	No longer in effect ¹
9	Closure Plan and Financial Requirements ²	
10	Other State and Federal Laws	
11	Certification	

¹ Where subsequent sections of the permit modules refer to these sections of the permit application, those provisions of the permit modules are no longer in effect.

² Only Exhibit 9B of Section 9.0, Documentation of Financial Assurance remains in effect, the documents listed in Exhibit 9B, of the permit, or the latest Department approved financial assurance mechanisms will be in effect.

Future modifications to this Permit, including modifications to the Permit Application documents incorporated into this Permit, shall be addressed according to 6 NYCRR 373-1.7. The Permittee must submit copies to the Regional Permit Administrator and as required in Section H of this Module, of the replacement: pages, sections, and/or attachments to the permit application along with the application request for a permit modification. The Permittee shall place a revision date on all pages submitted as part of the proposed permit modification application.

The Permittee must provide and maintain a log of all modifications made to this Permit, including modifications made to the Permit Application documents that are made part of this Permit. The log shall contain at a minimum the following information regarding an approved modification: (1) the name of the specific documents being modified (e.g., contingency plan, security requirements, hazardous waste unit operations, etc.); (2) the pertinent page, section, and/or attachment of this Permit and Permit Application documents subject to modification; (3) the revision date of the modifications; (4) a brief statement regarding the nature of the modifications; and (5) the effective date of the modification to this Permit. The Permittee shall place the log at the beginning of this Permit along with a copy of the Department's approval letters, when applicable.

Upon receipt of a permit modification issued by the Department, the Permittee must update the log and replace the pages, sections, and/or attachments in the Permit and Permit Application with the modified pages, sections, and/or attachments in the permit copy maintained by the Permittee.

C. GENERAL REQUIREMENTS FOR THIS PART 373 PERMIT

The Permittee must comply with 6 NYCRR Subpart 373-1 as follows:

1. General 6 NYCRR 373-1.1

- a) 6 NYCRR 373-1.1(b) - Applicability;
- b) 6 NYCRR 373-1.1(c) - Safeguarding Information;
- c) 6 NYCRR 373-1.1(f) - Uniform Procedures;
- d) 6 NYCRR 373-1.1(g) - Enforcement;
- e) 6 NYCRR 373-1.1(h) - Severability; and
- f) 6 NYCRR 373-1.1(i) - Terms Used.

2. Requirement for Permit 6 NYCRR 373-1.2

6 NYCRR 373-1.2(d) requires owners and operators of hazardous waste management facilities to have a Part 373 permit during the active life of a unit(s), including the closure period and during the post-closure care period, with few exceptions. See Section D.7. of this permit below.

3. Signatories to Permit Applications and Reports 6 NYCRR 373-1.4(a)(5)

- a) 6 NYCRR 373-1.4(a)(5)(i) - Applications;
- b) 6 NYCRR 373-1.4(a)(5)(ii) - Reports;

- c) 6 NYCRR 373-1.4(a)(5)(iii) - Changes to Authorization; and
 - d) 6 NYCRR 373-1.4(a)(5)(iv) - Certification.
4. Recordkeeping 6 NYCRR 373-1.4(g)
5. Permit Conditions 6 NYCRR 373-1.6
- a) 6 NYCRR 373-1.6(a) - Conditions Applicable to All Permits;
 - b) 6 NYCRR 373-1.6(a)(1) - Duty to Comply;
 - c) 6 NYCRR 373-1.6(a)(2) - Duty to Reapply;
 - d) 6 NYCRR 373-1.6(a)(3) - Need to Halt or Reduce Activity not a Defense;
 - e) 6 NYCRR 373-1.6(a)(4) - Duty to Mitigate;
 - f) 6 NYCRR 373-1.6(a)(5) - Proper Operation and Maintenance;
 - g) 6 NYCRR 373-1.6(a)(6) - Permit Actions;
 - h) 6 NYCRR 373-1.6(a)(7) - Property Rights;
 - i) 6 NYCRR 373-1.6(a)(8) - Duty to Provide Information;
 - j) 6 NYCRR 373-1.6(a)(9)(i) through (iv) - Inspection and Entry;
 - k) 6 NYCRR 373-1.6(a)(10)(i) through (iii) - Monitoring and Records;
 - l) 6 NYCRR 373-1.6(a)(11) - Signatory Requirements;
 - m) 6 NYCRR 373-1.6(a)(12)(i) through (xi) - Reporting Requirements;
 - n) 6 NYCRR 373-1.6(a)(13) - Information repository (also see section C.9.a)(3) of this Permit below);
 - o) 6 NYCRR 373-1.6(c) - Establishing Permit conditions;
 - p) 6 NYCRR 373-1.6(d)(1)(i) through (iii) - Schedules of Compliance;
The Permittee must comply with the compliance schedules listed in Module - II Corrective Action Requirements and the special conditions of this permit.
 - q) 6 NYCRR 373-1.6(d)(2)(i) through (iv) - Alternative Schedules of Compliance.
6. Requirements for Recording and Reporting of Monitoring Results 6 NYCRR 373-1.6(b)

The Permittee must comply with the recording, reporting and monitoring requirements listed in this permit.

The Permittee must use, maintain and install monitoring equipment and methods and report monitoring results as specified in this Permit (including the permit application) and 6 NYCRR Subpart 373-2. The Permittee must conduct required monitoring with the type, intervals and frequency sufficient to yield data which are representative of the monitoring activity including, when appropriate, continuous monitoring.

7. Permit Modifications 6 NYCRR 373-1.7

- a) 6 NYCRR 373-1.7(a) - Transfer of Permits;
- b) 6 NYCRR 373-1.7(b) - Modification of Permits;
- c) 6 NYCRR 373-1.7(c) - Minor Modifications of RCRA Delegated Permits;
- d) 6 NYCRR 373-1.7(d) - Major Modifications;
- e) 6 NYCRR 373-1.7(e) - Announcement of Determinations;
- f) 6 NYCRR 373-1.7(f) - Temporary Authorizations; and
- g) 6 NYCRR 373-1.7(g) - Newly Regulated Wastes and Units.

8. Expiration and Continuation of Permits 6 NYCRR 373-1.8

The permit shall be in effect for a fixed term not to exceed ten years. Complete applications for permit renewal must be submitted at least 180 days before the expiration date of this Permit pursuant to 6 NYCRR 373-1.8(b). Renewal applications with a significant change (as defined in paragraph 373-1.10(a)(1) of this Subpart) are subject to 373-1.10 of this Subpart.

Prior to processing the renewal application the Department will determine whether the application is complete. In order for the renewal application to be complete the Permittee must:

- a) Satisfy the general requirements for a complete application contained in 6 NYCRR Part 621 (Uniform Procedure Regulations)
- b) Include all information required, both general and specific to the type of the facility in accordance with the laws, regulations and analytical requirements in effect at the time.

At any time during the review of the renewal application the Department may request in writing any additional information which is necessary for determining the completeness of the application. Failure to provide such information by the date specified in the request may be grounds for denial of the application and the extension allowed pursuant Section 401.2. of the **State Administrative Procedures Act**.

Should the Permittee cease the hazardous waste management activities allowed by this Permit prior to the expiration of this Permit, then, the Permittee must continue to comply with the

applicable corrective action conditions and requirements stipulated in this Permit (**refer to Module II Corrective Action**). In addition, the Permittee shall submit a renewal application pursuant to 6 NYCRR Subpart 373-1.8(b) prior to this Permit's expiration unless and until all the Permittee's corrective action obligations have been completed. In the alternative, the Permittee may execute an order on consent for corrective action pursuant to Environmental Conservation Law (ECL) Section 71-2727(3) with the Commissioner at least 180 days prior to the expiration date of this Permit.

9. Public Participation (including 6NYCRR 373-1.10)

a) Expanded Public Participation (6NYCRR 373-1.10)

- (1) 6NYCRR 373-1.10(b) Public Notice Requirements at the Application Stage
- (2) 6NYCRR 373-1.10(c) Information Repository.

East Fishkill Public Library
Attn: Steven Cook
380 Route 376
Hopewell Junction, New York 12533

The permittee shall establish and maintain an Information Repository at the East Fishkill Public Library. The permittee will continue to maintain the information repository for the life of the Permit or until otherwise notified by the Department.

The repository shall contain a copy of the final approved Part 373 Permit application, approved documents such as plans, reports, risk assessments, etc., this Part 373 Permit Fact Sheet, public notices pertaining to the Part 373 Permit, copies of correspondence including enclosures and attachments from the effective date of the Permit between the Department and the permittee pertaining to the Permit or to compliance.

The permittee shall provide a written notice of the availability of the information repository to all individuals on the facility mailing list within one month from the effective date of this Permit (except to those previously notified within one year prior to the effective date of the Permit) and to all individuals on the facility mailing list one year before the expiration date of this Permit.

b) Other public participation activities to consider to maintain good community relations:

- (1) Public Meetings

(2) Citizens Advisory Group Meetings

D. FINAL STATUS STANDARDS FOR THIS PART 373 PERMIT

The Permittee must comply with 6 NYCRR Subpart 373-2, and the referenced sections of the Permit Application, as follows:

1. General 6 NYCRR 373-2.1

- a) 6 NYCRR 373-2.1(a) - Purpose, Scope and Applicability; and
- b) 6 NYCRR 373-2.1(c) - Imminent Hazard Action.

2. General Facility Standards 6 NYCRR 373-2.2

- a) 6 NYCRR 373-2.2(a) - Applicability;
- b) 6 NYCRR 373-2.2(b) - Facility Ownership Transfer;
- c) 6 NYCRR 373-2.2(d) - Required Notices;
- d) 6 NYCRR 373-2.2(e) - General Waste Analysis (Section 3.0 of the Permit Application);
- e) 6 NYCRR 373-2.2(f) - Security (Section 6.1 of the Permit Application);
- f) 6 NYCRR 373-2.2(g) - General Inspection Requirements (Section 6.2 of the Permit Application);
- g) 6 NYCRR 373-2.2(h) - Personnel Training (Section 8.0 of the Permit Application);
- h) 6 NYCRR 373-2.2(i) - General Requirements for Ignitable, Reactive, or Incompatible Wastes (Section 6.5 of the Permit Application);

3. Preparedness and Prevention 6 NYCRR 373-2.3

The Permittee must comply with Section 6.3 of the Permit Application and 6 NYCRR 373-2.3 as follows:

- a) 6 NYCRR 373-2.3(a) - Applicability;
- b) 6 NYCRR 373-2.3(b) - Design and Operation of Facility;
- c) 6 NYCRR 373-2.3(c) - Required Equipment;
- d) 6 NYCRR 373-2.3(d) - Testing and Maintenance of Equipment;

- e) 6 NYCRR 373-2.3(e) - Access to Communications or Alarm System;
- f) 6 NYCRR 373-2.3(f) - Required Aisle Space; and
- g) 6 NYCRR 373-2.3(g) - Arrangements with Local Authorities.

4. Contingency Plan and Emergency Procedures 6 NYCRR 373-2.4

The Permittee must comply with Section 7.0 of the Permit Application and 6 NYCRR 373-2.4 as follows:

- a) 6 NYCRR 373-2.4(a) - Applicability;
- b) 6 NYCRR 373-2.4(b) - Purpose and Implementation of Contingency Plan;
- c) 6 NYCRR 373-2.4(c) - Content of Contingency Plan;
- d) 6 NYCRR 373-2.4(d) - Copies of Contingency Plan;
- e) 6 NYCRR 373-2.4(e) - Amendment of Contingency Plan;
- f) 6 NYCRR 373-2.4(f) - Emergency Coordinator; and
- g) 6 NYCRR 373-2.4(g) - Emergency Procedures.

5. Manifest System, Recordkeeping and Reporting 6 NYCRR 373-2.5

- a) 6 NYCRR 373-2.5(a) - Applicability;
- b) 6 NYCRR 373-2.5(b) - Manifest Requirements;
- c) 6 NYCRR 373-2.5(c) - Operating Record;
- d) 6 NYCRR 373-2.5(d) - Availability, Retention, and Disposition of Records;
- e) 6 NYCRR 373-2.5(e) - Annual Report;
- f) 6 NYCRR 373-2.5(f) - Unmanifested Waste Report; and
- g) 6 NYCRR 373-2.5(g) - Additional Reports.

The Permittee must retain for inspection by the Department the permit modification log required by Section B, the operating record, documentation to demonstrate compliance with the financial requirements of this Permit, the referenced sections of the Permit Application that are made part of this Permit, and any subsequent Department approved changes to the contents of that Application.

These documents include, but are not limited to, the most recent Department approved: waste analysis plan; contingency plan; closure plan(s); groundwater monitoring plan(s); security, inspection, and personnel training requirements; and final engineering documents for all hazardous waste treatment, storage, and disposal units subject to this Permit and for all ongoing corrective action remedies pertinent to solid waste management units and areas of concern either remediated or being remediated pursuant to this Permit.

6. Releases from Solid Waste Management Units 6 NYCRR 373-2.6

The Permittee must comply with all the applicable provisions stipulated in 6 NYCRR 373-2.6(a) through (k) for regulated units and with 6 NYCRR 373-2.6 (l) for corrective action at solid waste management units; comply with the conditions stipulated in **Module II - Corrective Action Requirements for Solid Waste Management Units and Areas of Concern**; and comply with the groundwater monitoring plan approved by the Department, including all subsequent revisions approved by the Department that address the means to implement and achieve compliance with the aforementioned conditions for site-wide contaminated groundwater.

7. Closure and Post-Closure 6 NYCRR 373-2.7

The Permittee must comply with Section 9.0 of the Permit Application and 6 NYCRR 373-2.7 for the closure and post-closure care of the hazardous waste management unit(s) (i.e., container storage), as follows:

- a) 6 NYCRR 373-2.7(a) - Applicability;
- b) 6 NYCRR 373-2.7(b) - Closure Performance Standard;
- c) 6 NYCRR 373-2.7(c) - Closure Plan; Amendment to Plan;
- d) 6 NYCRR 373-2.7(d) - Closure; Time Allowed for Closure;
- e) 6 NYCRR 373-2.7(e) - Disposal or Decontamination of Equipment, Structures and Soils;
- f) 6 NYCRR 373-2.7(f) - Certification of Closure and Survey Plat;
- g) 6 NYCRR 373-2.7(g) - Post-Closure Care and Use of Property;
- h) 6 NYCRR 373-2.7(h) - Post-Closure Plan; Amendment of Plan;
- i) 6 NYCRR 373-2.7(i) - Post-Closure Notices; and
- j) 6 NYCRR 373-2.7(j) - Certification of Completion of Post-Closure Care.

The final and specific choice of sampling points, number of samples, type of sampling to be performed and analysis for verification of the effectiveness of decontamination will be determined at the time of closure by NYSDEC. These determinations will be based upon the past history of operating practices and types of wastes handled at the facility. The operating record, the record of spills, the types of waste released, location of spills in the facility and the condition of secondary containment systems will also provide data to be used in these determinations. The flexibility afforded by this approach will allow compliance with closure regulations and requirements that will be in effect at the time of closure.

Different sampling procedures may be considered at closure and the locations and the total number of samples required will be determined based on the information gathered at the time of closure. The verification of decontamination will be based on NYSDEC's regulatory clean up standards at the time of closure.

8. Financial Requirements 6 NYCRR 373-2.8

The Permittee must comply with Section 9.0 of the Permit Application and 6 NYCRR Subpart 373-2.8 for meeting the financial requirements for the hazardous waste management unit(s) (i.e., container storage) and for corrective action when required, as follows:

- a) 6 NYCRR 373-2.8(a) - Applicability;
- b) 6 NYCRR 373-2.8(b) - Definition of Terms as Used in this Section;
- c) 6 NYCRR 373-2.8(c) - Cost estimates for closure;
- d) 6 NYCRR 373-2.8(d) - Financial assurance for closure;
- e) 6 NYCRR 373-2.8(e) - Cost Estimate for post-closure care;
- f) 6 NYCRR 373-2.8(f) - Financial assurance for post-closure care,
- g) 6 NYCRR 373-2.8(g) - Use of a mechanism for financial assurance of both closure and post-closure care;
- h) 6 NYCRR 373-2.8(h) - Liability requirements;
- i) 6 NYCRR 373-2.8(i) - Incapacity of owners or operators, guarantors, or financial institutions;
- j) 6 NYCRR 373-2.8(j) - Wording of the instruments;

The Permittee must obtain approval in writing from the Department prior to the change, for any changes to the instruments and/or mechanisms; e.g., type of instruments and/or mechanisms, the issuing company/institutions and/or a reduction in the dollar amounts.

Whenever the cost estimate increases the Permittee must obtain financial assurance to cover the increase.

- k) 6 NYCRR 373-2.6(l) - Corrective action for solid waste management units;

The Permittee must update cost estimates annually, update financial assurance for same, record the changes in the operating record and submit to the Department to the addresses listed in Section H of this Permit module a written a summary of the changes on or before the anniversary date of this Permit or per the required actions of Part 373-2.8(c)(2), which

reads in part: For owners and operators using the financial test or corporate guarantee., the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the commissioner as specified in section 373-2.8(d)(5)(iii) of this Part.

9. Air Emission Standards 6 NYCRR 373-2.27, 373-2.28 and 373-2.29

The Permittee must comply with Section 4.0 of the Permit Application and all applicable requirements of 6 NYCRR 373-2.27, 373-2.28 and 373-2.29 as follows:

- a) 6 NYCRR 373-2.27 Air Emission Standards for Process Vents; and
- b) 6 NYCRR 373-2.28 Air Emission Standards for Equipment Leaks.
- c) 6 NYCRR 373-2.29 Air Emission Standards for Tanks, Surface Impoundments, and Containers.

E. LAND DISPOSAL RESTRICTIONS

The Permittee must comply with all applicable provisions in the current 6 NYCRR Part 376 for the land disposal of hazardous waste except for hazardous waste generated by remediation or corrective action activities for placement in an on-site corrective action management unit (CAMU) approved by the Commissioner.

F. WASTE ANALYSIS AND QUALITY ASSURANCE

The Permittee must obtain representative samples of wastes and other materials to be analyzed pursuant to this Permit. The Permittee must perform the sampling and analysis required by this Permit in accordance with Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995) and III (December 1996) and later approved revisions, hereinafter referred to as SW-846; Appendix 19 of 6 NYCRR Part 371; or an equivalent method approved by the Department.

The Permittee shall conduct a quality assurance program to ensure that the sampling, analysis and monitoring data are technically accurate and statistically valid. The quality assurance program must be in accordance with Chapter One and the requirements of applicable method(s) of SW-846, or an equivalent method approved by the Department.

As required by ECL 03-0119, any laboratory used by the Permittee to perform analysis pursuant

to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If the Permittee uses a contract laboratory to perform analysis required by this Permit, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

G. ORAL REPORTS

The oral reports required by 6 NYCRR 373-1.6(a)(12)(vi) and 373-2.4(g)(4)(ii) must be made to both the Department using the New York State 24-hour oil and hazardous material spill notification number (800) 457-7362 and the National Response Center using its 24-hour number (800) 424-8802, or any designated telephone numbers which may subsequently replace those listed above.

H. PLANS, REPORTS, SPECIFICATIONS, IMPLEMENTATION SCHEDULES AND OTHER SUBMITTALS

1. All submittals required by the Permit must be submitted to the addresses listed below.

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

Regional Remediation Engineer
New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561

Chief, RCRA Programs Branch
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region II
290 Broadway [22nd floor]
New York, NY 10007-1866

and

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

- b) Two (2) copies of all submittals *pertaining to the waste reduction requirements of Section I* to:

Director, Bureau of Waste Reduction and Recycling
Division of Materials Management
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7253

- c) One (1) hard copy and one (1) electronic copy of all submittals including corrective action documents and groundwater monitoring plans to:

Director, Remedial Bureau E
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7014

- d) One copy of Application to renew or modify this Permit must be submitted to the following, in addition to the above addresses:

Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561

2. The Permittee shall submit plans, reports, specifications, implementation schedules and any subsequent amendments required by this Permit to the Department for review and comment. If the Department determines that any plan, report, specification, schedule or respective amendment required by this Permit is deficient either in whole or in part, the 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, report, specification, schedule or respective amendment shall be submitted to the Department for approval. An extension of the due date for any submittal may be granted by the Department based on the Permittee's documentation that sufficient justification for the extension exists.

I. CONFIDENTIAL INFORMATION

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

J. WASTE REDUCTION REQUIREMENTS

The Permittee shall comply with the requirements of Article 27, Title 9, Section 27-0908 of the New York State Environmental Conservation Law (ECL). All reports and submittals required by Section 27-0908 to be submitted to the Commissioner shall be sent to the addresses specified in Section H above.

K. DEFINITIONS

For the purpose of this Permit, terms used herein shall have the same meaning as those in 6 NYCRR 370 through 374 and 376 and the terms defined in this Permit, 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.

1. Action Levels. For purposes of this Permit, action levels are hazardous constituent concentrations for a specific environmental medium which if exceeded indicate a potential threat to human health or the environment. The exceedance of action levels may trigger further investigations, studies, and corrective measures. Where available, action levels are based on appropriate promulgated standards established for a specific environmental medium. When promulgated standards are not available, action levels can be media-specific hazardous constituent concentrations derived from non-promulgated human health risk data or environmental risk data with the latter levels being protective of aquatic life or wildlife. An action level may be set at the background level for a hazardous constituent for which data are inadequate to set a human health or environmental health-based level.

2. Areas of Concern (AOC). Pursuant to the authority granted by 6 NYCRR 373-1.6(c)(2), an area of concern has been defined for purposes of this Permit to mean an area at the facility, or an off-site area, which is not at this time known to be a solid waste management unit (SWMU), where hazardous waste and/or hazardous constituents are present, or are suspected to be present, as a result of a release from the facility. The term shall include areas of potential or suspected contamination as well as actual contamination. Such area(s) may require study and a determination of what, if any, corrective action may be necessary. All permit references to and conditions for SWMUs shall apply to areas of concern.
3. Environment. Pursuant to ECL Article 27, Title 9, Section 27-0901, environment means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources.
4. Release. For purposes of this Permit, release includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous waste, including hazardous constituents, unless expressly authorized under the terms of this Permit or otherwise permitted under law (e.g., SPDES permitted discharges).
5. Solid Waste Management Unit (SWMU). For purposes of this Permit, SWMU includes any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of hazardous or solid wastes. Such units include any area at the facility at which solid wastes have been routinely and systematically released.