

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E

625 Broadway, 12th Floor, Albany, NY 12233-7017

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www.dec.ny.gov

May 28, 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) has completed a review of the April 28, 2015 permit modification request to remove the conditions applicable to an operating facility and to transition the permit to a Corrective Action only permit. The permit is being modified to grant this request.

This permit modification is a minor modification pursuant to 6 NYCRR 373-1.7(c)(15). The modification transitions the permit to Corrective Action only.

Enclosure 1 of this letter will replace the language found under Authorized Activities as found on Page 1 of 7 of the permit effective on November 2, 2011. Enclosure 2 of the letter will replace the Resource Conservation and Recovery Act Permit Conditions as found on pages 3, 4 and 5 of 7 of the permit. Please remove Module III of the Permit and the Sections of the Permit Application which are identified as no longer applicable in Enclosure 1 and in the revised Module 1, from your copy of the permit. Please keep Enclosure 1 and Enclosure 2 with the copy of your permit as a replacement for those sections of the Permit pages 1 to 7.

Enclosed with this letter you will find the revised sections of the permit including revised Module 1, and, revised sections of Volume 2 of the Permit Renewal Application, including, the Part A Permit Application, Section 1.0, Section 2.0, including a revised figure 2-2, and Figure 7-4. Please remove the Modules and Sections of the Permit Application identified in this paragraph and insert the revised sections enclosed.

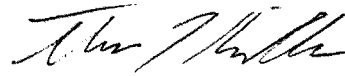
The Contingency Plan (Appendix VI) must be maintained as a stand-alone document – and is applicable to the “less than 90 days” storage areas.



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 'Tom 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. Czuharnich, Albany
D. Whitehead, Region 3
M. O'Connor, Region 3
A. Everett, EPA
W. Palomino, EPA

ENCLSORUE 1

Authorized Activity: The permit based on the modification of May 28, 2015, now authorizes the permittee to conduct ongoing corrective action activities as defined in the pages of the permit.

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
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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 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

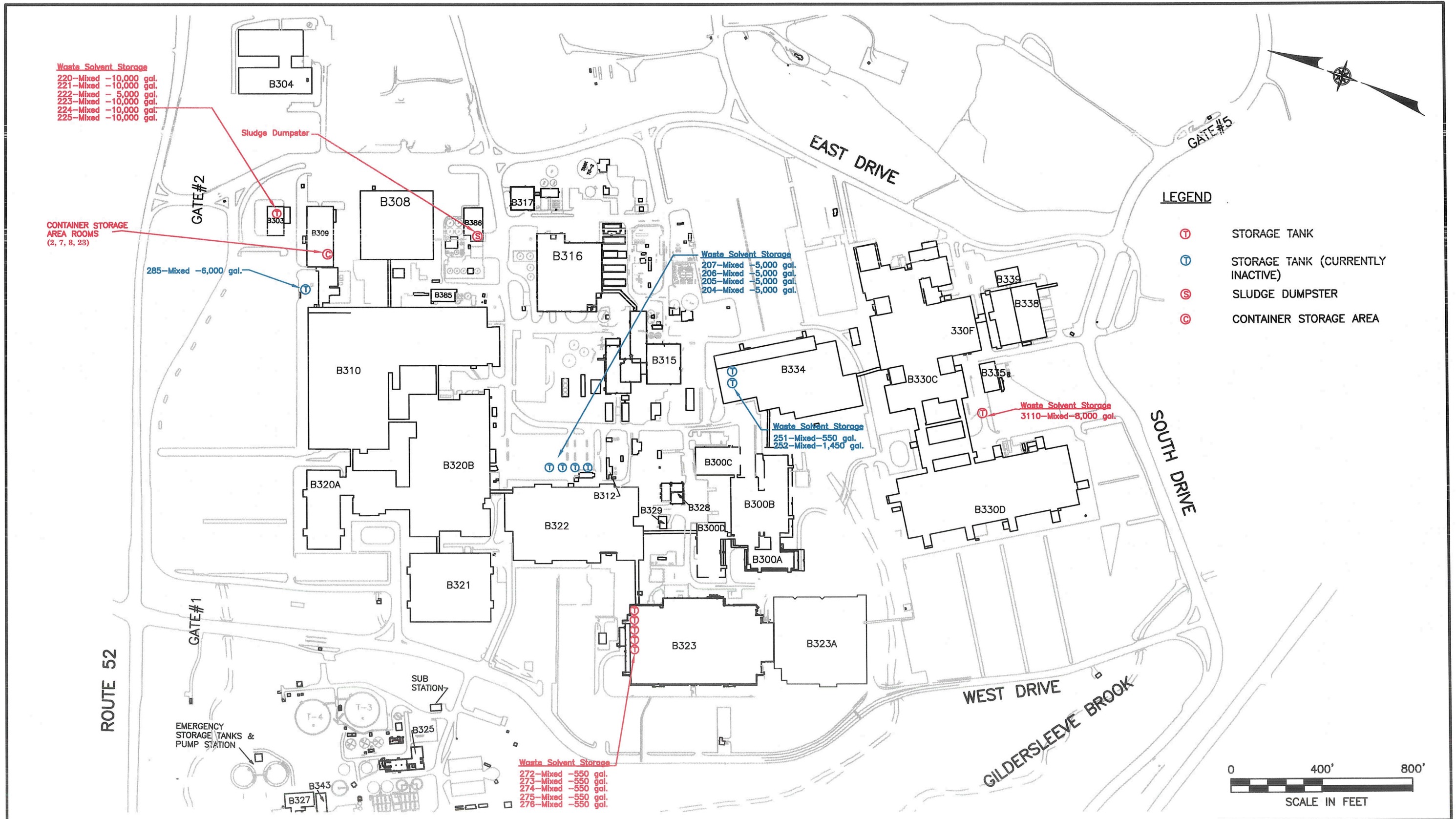
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	Exhibit 8A - Job Titles and Descriptions	
	Exhibit 8B - Examples of Hazardous Waste Training Certificates	
9.0 ²	Closure Plan and Financial Requirements	9-1 – 9-5
	Exhibit 9A - Closure Cost Estimate	
	Exhibit 9B - Documentation of Financial Assurance	
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.

F:\3063\DWG\3063-FIG 7-4.dwg, FIG7-4, 6/6/2011 5:13:54 PM, dbceadd



IBM CORPORATION
EAST FISHKILL, NEW YORK

**EAST FISHKILL FACILITY SITE PLAN
LESS THAN-90-DAY STORAGE UNIT LOCATION PLAN**

UPDATED MARCH 11, 2011
Revised 04/13/2015 - IBM



William F. Cosulich Associates, P.C.
Environmental Engineers and Scientists

FIGURE 7-4