

**NEW YORK STATE 6 NYCRR PART 373 PERMIT RENEWAL  
FACT SHEET  
FOR  
REVERE SMELTING & REFINING (RSR) CORPORATION AND  
ECO-BAT NEW YORK, L.L.C.  
MIDDLETOWN, NEW YORK  
ORANGE COUNTY  
EPA ID. No: NYD030485288  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
FEBRUARY 2017**

This fact sheet has been developed by the New York State Department of Environmental Conservation (NYSDEC) in response to an application by Revere Smelting & Refining Corporation and Eco-Bat New York, L.L.C. (hereafter referred to as "RSR/Eco-Bat") to renew the 6 NYCRR Part 373 Hazardous Waste Management Permit for the RSR/Eco-Bat facility in the Town of Wallkill, NY. The NYSDEC has made a tentative determination to issue RSR/Eco-Bat a Part 373 Permit renewal. This fact sheet was prepared in accordance with the requirements of 6 NYCRR 373-1.4(f).

**A. PURPOSE OF THE PERMIT RENEWAL PROCESS**

The purpose of the permit renewal process is to allow the NYSDEC, interested citizens and other governmental agencies the opportunity to evaluate the renewed draft permit and permit application as it relates to compliance with the applicable requirements promulgated under New York State Laws. The NYSDEC is required to prepare a draft permit which sets forth all applicable requirements with which the NYSDEC intends to require RSR/Eco-Bat to comply during the term of the permit. The public is being provided with sixty (60) days to review the RSR/Eco-Bat application and draft permit prior to the NYSDEC making a final determination on the permit.

**B. PUBLIC INVOLVEMENT IN THE PERMIT RENEWAL PROCESS**

State regulations provide the public with the opportunity to become involved in the permit renewal process through a comment period which can be extended in response to public requests. The comment period for this specific permit renewal begins on February 15, 2017 and ends on April 17, 2017 which is longer than the minimum forty-five (45) days required by State regulations. In addition, the NYSDEC has scheduled a Legislative Public Hearing to provide an additional opportunity for the public to comment on the application and draft permit, and a Public Meeting to present information and to respond to public questions on corrective actions required by this draft permit with respect to past facility releases to the environment.

**1. TENTATIVE DETERMINATION**

The NYSDEC has determined that the RSR/Eco-Bat permit application is technically and administratively complete and has made a tentative determination

to issue the permit renewal. The renewed draft permit has been prepared pursuant to the applicable regulations in 6 NYCRR Part 373-2 (Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities), as well as with all other applicable hazardous waste management laws and regulations.

2. SEQR STATUS

There are a number of Permit modifications, as described in Section C of this Fact Sheet, which are being proposed in conjunction with this Permit renewal. As a result, the NYSDEC has evaluated these Permit modifications pursuant to Part 617 of the New York State regulations for Article 8 [State Environmental Quality Review (SEQR) Act]. NYSDEC has classified the proposed permit modifications as a Type II activity per 617.5(c)(29). This determination was made on the basis that the proposed permit conditions are specifically required to be undertaken by RSR/ECO-Bat pursuant to a February 2011 Order On Consent issued by NYSDEC.

3. DOCUMENT AVAILABILITY

Hard copies of the renewed draft permit and RSR's/Eco-Bat's application are available for inspection at the following locations:

- NYSDEC, Division of Environmental Remediation, 625 Broadway, 12<sup>th</sup> Floor, Albany, NY 12233-7017 (contact person: Matt Mortefolio at (518) 402-9814);
- NYSDEC's Region 3 office, 21 South Putt Corners Road, New Paltz, NY 12561 (contact person: Wendy Rosenbach at (845) 256-3154); and
- Middletown Thrall Library, 11-19 Depot Street, Middletown, NY.

Electronic copies of part of the draft permit (modules and some attachments) are available through the following web site:

- NYSDEC's website <http://www.dec.ny.gov/chemical/108863.html>

Electronic copies of RSR's/Eco-Bat's application, some draft permit attachments and RSR/Eco-Bat documents that are incorporated into the draft permit by reference, are available through NYSDEC by contacting Mr. Matt Mortefolio at (518) 402-9814.

4. HOW TO PROVIDE YOUR COMMENTS

All persons interested in commenting (in writing) on the State Part 373 Permit should submit their comments in writing to:

Mr. Daniel Whitehead  
Regional Permit Administrator  
NYSDEC Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561  
E-mail: dep.r3@dec.ny.gov

NYSDEC will consider all written comments received during the public comment period, oral or written statements received during the legislative public hearing, requirements of the hazardous waste regulations including 6 NYCRR Part 370, Part 371, Part 372 Subpart 373-1, Subpart 373-2, Part 374, Part 376 and NYSDEC's permitting policies, in making a final permit decision. When the NYSDEC makes a final permit decision to either issue, deny or modify this permit, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision. If the decision is to issue a final permit, this notice will include a summary of responses to comments, identifying the permit conditions in the final permit which are different from those in the draft permit and the reasons for the changes. The final permit would become effective immediately on the date of issuance, unless a later date is specified.

5. LEGISLATIVE PUBLIC HEARING & PUBLIC MEETING

The NYSDEC has scheduled a legislative public hearing to be conducted on March 29, 2017 at Wallkill Town Hall, Building A located at 99 Tower Drive in Middletown, New York. The hearing will begin at 7:00 pm. It is not necessary to file in advance to speak at this hearing. Lengthy comments, however, should be submitted in writing. Equal weight will be given to both oral and written statements. The Administrative Law Judge (ALJ) may limit the time available for oral comments to 5 minutes per person to insure that all persons have an opportunity to be heard.

In addition, the NYSDEC will conduct a public meeting on March 29, 2017 from 4:00 pm to 6:00 pm at the same location as the legislative public hearing. The purpose of this meeting will be for NYSDEC staff to present information and respond to questions that the public may have on the corrective actions for past environmental releases from the RSR/Eco-Bat facility as required by the draft permit (see Section D below for details).

In the event that the Wallkill Town Hall is closed for the day or closes early due to inclement weather on March 29, 2017, the hearing and public meeting will be held on March 30, 2017 at the same times.

C. FACILITY DESCRIPTION

RSR/Eco-Bat currently owns and operates a commercial facility for the treatment and storage of hazardous and industrial non-hazardous wastes on an approximately 155 acre site in the Town of Wallkill in Orange County, New York. The facility is located on the east side of Ballard Road about 0.2 miles south of its intersection with State Route 211 (see attached figure). This commercial facility accepts wastes which primarily consist of used lead acid batteries from both in-state and out-of-state generators. Battery wastes accepted at this facility undergo a process by which the batteries are crushed and materials such as plastic battery cases are removed for off-site shipping to plastic recyclers. Battery electrolyte liquid is collected and subjected to a pH adjustment process. The remaining metal portion of the battery is mixed with other materials, dried in a rotary dryer and then fed into an on-site, natural gas fired reverberatory furnace. The furnace oxidizes impurities in the waste to produce a low impurity lead material product which is made into ingots for sale to off-site customers. The furnace also yields a slag by-product waste which is stored on-site prior to shipment for off-site disposal.

The RSR/Eco-Bat facility was previously issued a New York State 6 NYCRR Part 373 Hazardous Waste Management Permit in July 1995. It allows RSR/Eco-Bat to operate a Containment Building and a Container Storage Area to store specific types of hazardous and non-hazardous wastes. This existing original Permit was due to expire in July 2005, but has been extended to the present in accordance with the New York State Administrative Procedures Act (SAPA) in response to RSR's/Eco-Bat's original submission of a Permit renewal application in January 2005.

This NYSDEC action is intended as a renewal of RSR's/Eco-Bat's existing 6 NYCRR Part 373 Hazardous Waste Management Permit. It will allow RSR/Eco-Bat to continue the management of hazardous and industrial non-hazardous wastes at permitted levels. The draft permit is based on RSR's/Eco-Bat's renewal application originally submitted in January 2005 with subsequent revisions submitted up through and including the December 2016 revision. The following describes the hazardous waste management units at the RSR/Eco-Bat facility which are contained in the draft permit.

1. CONTAINMENT BUILDING – The Containment Building is used to store up to 11,625 cubic yards of battery wrecker material waste, scrap metal and other solid hazardous wastes which are awaiting or resulting from processing in the facility's reverberatory furnace. These wastes are stored directly on containment pans within the building. Construction of the present containment pan floor system was completed in 2015 in response to a February 2011 Order-on-Consent. It is designed and operated to comply with regulatory requirements for Containment Buildings (6 NYCRR 373-2.30) and includes a leak detection system underneath the elevated pans.

2. CONTAINER STORAGE AREA – The single Container Storage Area, known as the Battery Storage Area, is used to store up to 108,864 gallons of solid/liquid hazardous and non-hazardous wastes in containers, including up to 24,624 gallons of liquid associated with the overall volume of used batteries and other hazardous wastes, in compliance with regulatory requirements for Container Storage (6 NYCRR 373-2.9). This outdoor storage area is constructed with a secondary containment for accidental leaks/spills (sloped base and walls) which consists of 6-inches of concrete with PVC waterstops between expansion joints and slab/wall joints. The concrete is overlain by an asphalt layer upon which an asphalt sealant has been applied to help resist degradation by leaks/spills of acid/caustic wastes.

The renewed draft permit maintains requirements for operation, inspection and future closure of the above units. It requires RSR/Eco-Bat to provide financial assurance for operational liability coverage and for closure of the above units, as well as for corrective measures with respect to past facility releases to the environment. It also requires RSR/Eco-Bat to continue to provide funding to NYSDEC for a part-time on-site NYSDEC monitor. In addition, the renewed draft permit contains a number of proposed modifications to the existing permit. These proposed permit modifications generally fall into three (3) categories: 1) modifications which entail ministerial types of corrections, updating of information and a re-ordering of permit conditions to separate standard and facility-specific requirements; 2) modifications to maintain or increase environmental protections related to facility operation; and 3) modifications related to some facility design and operational changes. Some of the more significant proposed modifications to the permit are as follows:

- Inclusion of the Containment Building's newly constructed containment pan floor system in the Permit and the addition of operational requirements for the leak detection system underlying the pan floor.
- The addition as Permit Attachment E of a Statement of Basis which stipulates the selected corrective measures to be implemented for historic releases to the environment associated with Operable Unit – Four (OU-4) on the facility property (see Section D below for details).
- A requirement for RSR/Eco-Bat to increase the amount of financial assurance it maintains for closure and corrective action from approximately \$6 million to \$13.2 million. This increase is mainly due to the imposition of corrective measures associated with OU-4.
- Imposition of operational requirements associated with the Facility's Trailer Parking Area.

D. REQUIREMENTS FOR CORRECTIVE ACTION AT THE RSR/ECO-BAT FACILITY

The historic use of Operable Unit 4 (OU-4) (geographically outlined on attached figure) has resulted in contamination of soil and groundwater in OU-4 with primarily lead and arsenic. A remedial facility investigation (RFI) and corrective measures study (CMS) were undertaken by RSR/Eco-Bat to determine the nature and extent of contamination in OU-4 and determine a proposed corrective measure for OU-4. The proposed corrective measure is presented in the December 2016 Statement of Basis, Corrective Measures Selection, in Attachment E of the draft Permit. The Statement of Basis will be subject to a 30-day public comment period which will run concurrent with the comment period for the draft permit renewal.

The proposed corrective measure includes implementation of near-term actions and future actions. Future actions will be implemented at the end of the use of the RSR/Eco-Bat property as active facility. Near term actions include the continued operation of a groundwater containment, extraction, and treatment system, the placement of an institutional control in the form of an environmental easement on OU-4, and the implementation of a Site Management Plan for OU-4. Future actions include a remedial design program, the excavation and off-site disposal of soils exceeding NYSDEC restricted-residential and protection of groundwater Soil Cleanup Objectives (SCOs), treatment of excavated soils, on-site consolidation of treated soil in a containment cell located in the OU-1 area, up to the remaining capacity of the cell, and off-site disposal of remaining treated soil once the containment cell has reached capacity.

The estimated cost for closure and implementation of the proposed corrective measure is \$13,200,000. Although the draft Permit makes RSR/Eco-Bat responsible for closure and implementing this corrective measure, it also requires that they provide financial assurance to guarantee funds will be available when needed. RSR/Eco-Bat will be required to make annual inflationary adjustments to the above estimated amount and increase their financial assurance accordingly.

E. PERMIT ORGANIZATION

NYSDEC has reorganized the draft 6 NYCRR Part 373 Permit as part of an overall initiative to simplify hazardous waste permits issued by the NYSDEC. The purpose of the reorganization is to generate permit documents that more clearly outline the requirements applicable to each facility, develop standardized permit modules for ease of implementation and enforcement, and incorporate NYSDEC's current standards and protocols. Facility specific requirements are contained in a new section of the permit entitled "Schedule 1 of Module I" and the remaining permit modules are, for the most part, standard for all permitted facilities. The renewed draft 6 NYCRR Part 373 Permit consists of the following major sections as outlined below:

Modules:

- I General Conditions  
Schedule 1 of Module I
- II Corrective Action Requirements
- III Use and Management of Containers
- IV RESERVED
- V RESERVED
- VI RESERVED
- VII RESERVED
- VIII RESERVED
- IX Containment Buildings
- X RESERVED

Attachments:

- A Part A Application
- B Revere Containment Building Floor System As-Built Drawings
- C Closure Plan and Cost Estimate for Closure & Corrective Action
- D Permit Modification Log
- E Statement of Basis – Corrective Measures Selection

Documents Incorporated By Reference:

A list of nine (9) RSR/Eco-Bat documents which are incorporated into the permit by reference is presented in Schedule 1 of Module I of the draft permit.

F. BASES FOR PERMIT CONDITIONS

The draft permit conditions are based on the requirements of 6 NYCRR Part 370 (Hazardous Waste Management System: General), Part 371 (Identification and Listing of Hazardous Wastes), Part 372 (Hazardous Waste Manifest System and Related Standards for Generators, Transporters, and Facilities), Subpart 373-1 (Hazardous Waste Treatment, Storage, and Disposal Facility Permitting Requirements), and Subpart 373-2 (Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), Part 374-1 (Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities), and Part 376 (Land Disposal Restrictions). Hazardous waste management activities which are not described in the RSR/Eco-Bat application are not authorized by the permit unless such activities meet the exclusions/exemptions covered by the above regulations.

G. LEGAL REFERENCES FOR THIS PROPOSAL

State permitting requirements for facilities that treat, store or dispose of hazardous waste are promulgated under the New York State Environmental Conservation Law pursuant to Article 27, Titles 7 and 9.



OU1  
(APPROXIMATE LIMITS)

NORTH



NOT TO SCALE



**ENTACT**

3129 Ross Pro Drive  
Grapevine, Texas 76051  
P: 872-580-1323

FIGURE 3

OPERABLE UNITS

PROJECT NAME & LOCATION  
REVERE SMELTING & REFINING CORPORATION  
MIDDLETOWN, NY

DRAWN BY	D. MONTO	APPROVED BY	A. SELF	REV	A
DATE	12-18-18	DATE	12-18-18	SHEET NO.	1 OF 1
DRAWING NO.		FIGURE NO.	4	PROJECT NO.	

P:\Projects\Projects\MSR Middletown OUP\Drawings\wr-05.dwg (Fig. 3)