

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7  
615 Erie Boulevard West, Syracuse, NY 13204-2400  
P: (315) 426-7438 | F: (315) 426-7425  
www.dec.ny.gov

September 2, 2020

Travis Pinnock  
Safety-Kleen Systems Inc  
6741 VIP Pkwy  
Syracuse, NY 13211

RE: Renewal Part 360 Solid Waste Permit  
NYS DEC ID7-3126-00134/00007

Dear Mr. Pinnock:

Enclosed please find the above referenced Renewal Permit for a Solid Waste Management Facility. Please read and adhere to all permit conditions listed on the permit. A copy of this permit and conditions shall be shown to anyone upon request.

The effective date of the permit is September 1, 2020 and the expiration date is August 31, 2030.

Be advised, the Uniform Procedures Regulations (6NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

If there are any questions, please feel free to contact me at the phone number above.

Sincerely,



Elizabeth A. Tracy  
Regional Permit Administrator

cc: DMM - Region 7  
DMM – Albany  
File



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

**Permittee and Facility Information**

**Permit Issued To:**

SAFETY-KLEEN SYSTEMS INC

2600 N CENTRAL EXPWY STE 400  
RICHARDSON, TX 75080  
(972) 265-2000

**Facility:**

SAFETY-KLEEN SYSTEMS INC - DEWITT  
FACILITY  
6741 VIP PKWY  
DEWITT, NY 13211

**Facility Location:** in DEWITT in ONONDAGA COUNTY

**Facility Principal Reference Point:** NYTM-E: 409.347      NYTM-N: 4772.44

Latitude: 43°05'57.3" Longitude: 76°06'50.3"

**Authorized Activity:** Renewal of permit to authorize this facility to accept used oil, oily water and non-hazardous used anti-freeze from any authorized transporter with a valid 6NYCRR Part 364 Waste Transporter Permit. The used oil shall be stored in two tanks with a total storage capacity of 35,000 gallons and the used anti-freeze shall be stored in the 5,000 gallon compartment of the split 20,000 gallon storage tank.

**Permit Authorizations**

**Solid Waste Management - Under Article 27, Title 7**

Permit ID 7-3126-00134/00007

(Solid Waste ID 34QP0058)

Renewal

Effective Date: 9/1/2020

Expiration Date: 8/31/2030

**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: ELIZABETH A TRACY, Regional Permit Administrator

Address:                      NYSDEC Region 7 Headquarters  
615 Erie Boulevard W  
Syracuse, NY 13204 -2400

Authorized Signature: \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_



## Permit Components

### SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

## SOLID 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 Safety-Kleen Systems, Inc. on April 2020 and all their revisions. The facility must operate in conformance with all applicable requirements of 6NYCRR Part 360 and Part 374.
- 2. Design, Construction and Operation** The facility must be designed, constructed and operated in accordance with 19 NYCRR, Chapter XXXIII, Subchapter A, including National Fire Protection Association Flammable and Combustible Liquids Code(NFPA-30) and local Town of Dewitt building and fire codes.
- 3. Separation from the Part 373 Facility** All used oil storage tanks, piping and appurtenances, processing equipment and transfer points must be structurally separate from the Part 373 Facility.
- 4. Acceptable Materials from Permitted Transporters** Only used oils, oily water and anti-freeze from authorized transporters with a valid Part 364 permit shall be received at this facility.
- 5. Amount of Permissible Storage** The facility is approved to store up to 35,000 gallons of non-hazardous used oil in accordance with the capacities of the 20,000 gallon storage tank and the 15,000 gallon portion of the compartmented storage tanks identified as used oil storage tanks. The facility is approved to store up to 5,000 gallons of used anti-freeze in the 5,000 gallon portion of the compartmented storage.
- 6. Registration of Tanks** The two units storing used oil, the 20,000 gallon tank and the 15,000 gallon portion of the compartmented tank, must be registered with the Petroleum Bulk Storage program of the Division of Environmental Remediation. The 5,000 gallon portion of the compartmented tank, utilized for storing used antifreeze, must be registered with that Division's Chemical Bulk Storage program.
- 7. Storage Tank Requirements**
  - a. All above ground used oil tanks, regardless of size, must comply with 6NYCRR Part 613.
  - b. The above ground antifreeze tank must comply with 6NYCRR Part 360.19(n).
  - c. All used oil tanks must display a label which indicates both the design capacity and the working capacity of the tank and clearly state "USED OIL" in accordance with 6NYCRR 374-2.5(f)(6)(i).



d. The used antifreeze tank must display a label which indicates the capacity of the tank and clearly states "USED ANTIFREEZE." No antifreeze waste may be added to used oil tanks and no mixed used antifreeze-used oil truck compartments may be offloaded at the facility.

**8. Testing for Total Halogen for Used Oil Loads** All incoming loads of used oil, upon arrival at the facility, must be tested for total halogen content. In accordance with 374-2.6(d)(1)(i), if testing is not conducted at an ELAP certified laboratory, then 5% of all tests must be split-sampled and taken to an ELAP certified laboratory and analyzed for confirmation of total halogen content utilizing an analytical method (i.e., not a field screening method) from EPA Publication SW-846.Edition III. Any loads testing equal to or greater than 1,000 ppm by weight in total halogen content, is presumed by the Department to be a hazardous waste due to mixing used oil with listed hazardous waste, unless the presumption can be rebutted by demonstrating that no such mixing occurred. In the absence of a successful rebuttal, the applicant must reject the load and notify the Regional Materials Management Engineer within two hours by phone and three days by letter, in accordance with 374-2.6(f)(3)(iii):

NYSDEC, Region 7  
Regional Materials Management Engineer  
615 Erie Blvd. West  
Syracuse, NY 13204-2400  
(315) 426-7419

NYSDEC, Division of Solid and Hazardous Materials  
Bureau of Solid Waste Management  
Waste Determination & Analytical Section  
625 Broadway, 9<sup>th</sup> floor  
Albany, NY 12233-7251

**9. Biannual Testing of Antifreeze for Lead** Once every six months, from the effective date of this permit, a representative sample of incoming used antifreeze loads shall be collected and analyzed for Toxicity Characterization Leaching Procedure(TCLP) lead. On or about every six months, from the effective date of this permit, a representative sample of the used antifreeze shall be collected from the used antifreeze storage tank prior to shipping off site. A brief workplan must be provided describing the sampling procedure to be used to ensure the sample is representative of the entire volume of the tank. The samples shall be sent to an ELAP certified laboratory where they will be analyzed for TCLP lead. None of the samples may be composited. The Department's Regional Materials Management Engineer shall be notified 2 weeks in advance of the date of sample collection for the purpose of observation and/or collection of split samples. Within 30 days after the date of sampling, a copy of the analytical results and a written summary of the results shall be forwarded to NYSDEC Region 7, Regional Solid and Hazardous Materials Engineer (See Solid Waste Management Permit Conditions(SWMPC) No.8 for address).

**10. Locking of Facility** Entrances to the facility shall be locked at all times except during authorized operating hours.

**11. Hours of Operation** The facility may only operate between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday unless circumstances arise, such as emergencies or other instances, where the operation beyond the defined times is necessary.

**12. Tank Inspection** The storage tanks shall be inspected daily by Safety Kleen staff. The tanks shall



be inspected for malfunctions, deteriorations, operator errors and discharges which may cause a release to the environment or a threat to human health. Staff will promptly remedy any deterioration or malfunction of equipment or structure or any other problems revealed by the inspection. Inspections and any remedies shall be recorded on the Inspection Log Sheet.

**13. Spill Notification** Within two hours of discovery, the Permittee shall notify the Department of any spills or discharges by calling the spill Hotline at (800) 457-7362 and contacting the DEC Regional Materials Management Engineer by calling (315) 426-7419.

**14. Maintenance of Logs On-Site** A log of the daily and weekly inspection of the facility and storage tanks shall be maintained on-site for inspection by Department personnel.

**15. Spill Prevention Control and Countermeasures Plan and Contingency Plan** A copy of both the most updated Spill Prevention Control and Countermeasures (SPCC) Plan and Contingency Plan must be kept available in the actual work area. The SPCC Plan must be reviewed annually and updated when changes occur. A copy of the revised SPCC Plan must be sent to NYSDEC Region 7, Regional Materials Management Engineer (See SWMPC No.8 for address).

**16. Annual Report** By March 1<sup>st</sup> of each year, Permittee shall submit an annual report to the Department in accordance with Paragraph 360.19(k)(3). At a minimum the report must include the requirements listed in 374-2.6(h)(2) for managing used antifreeze and used oil. Copies of the report shall be sent to: NYSDEC Region 7, Regional Materials Management Engineer, and NYSDEC, Division of Materials Management in Albany (See SWMPC No.8 for addresses).

**17. Financial Assurance** Financial Assurance in the amount of \$110,700 must be submitted to the NYSDEC Region 7, Regional Materials Management Engineer (See SWMPC No.8 for address) within 45 days of the effective date of this permit. The Permittee shall update annually, the financial surety estimate for closing the facility. The update shall account for such changes as inflation, available markets, and increased disposal costs. Within 30 days of receiving written notice that the estimate is acceptable, the Permittee shall update the financial surety instrument to an amount sufficient to cover all anticipated closure and post closure costs, as determined by the Department.

<b>GENERAL CONDITIONS - Apply to ALL Authorized Permits:</b>
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**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 7 Headquarters  
615 Erie Boulevard W  
Syracuse, NY13204 -2400

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid 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.