



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
AKZO NOBEL CHEMICAL INC
300 S RIVERSIDE
CHICAGO, IL 60606-6613

Facility:
AKZO CHEMICALS BURT PLANT
2153 LOCKPORT OLCOTT RD
BURT, NY 14028

Facility Location: in NEWFANE in NIAGARA COUNTY

Facility Principal Reference Point: NYTM-E: 199.059 NYTM-N: 4802.197
Latitude: 43°18'44.6" Longitude: 78°42'39.1"

Authorized Activity: Operation of corrective measures at the Akzo Nobel facility in Burt, New York.

Permit Authorizations

Resource Conservation and Recovery Act - Under Article 27, Title 9

Permit ID 9-2928-00001/00003

Renewal

Effective Date: 8/10/2011

Expiration Date: 8/9/2021

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: DOUGLAS E BORSCHER, Deputy Regional Permit Administrator
Address: NYSDEC REGION 9 HEADQUARTERS
 270 MICHIGAN AVE
 BUFFALO, NY 14203 -2915

Authorized Signature:

A handwritten signature in cursive script that reads "Douglas E. Borscher".

Date 8/10/2011

Distribution List

James Strickland, P.E., NYSDEC, Regional Engineer
Mr. Stanley Radon, NYSDEC, Region 9
Mr. Nelson Schnabel, NYSDEC, Region 9
TOWN OF NEWFANE



Permit Components

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT CONDITIONS

1. Facility Operation The permittee must operate the facility in strict accordance with the module(s) and attachments to this permit specified below:

Module I - Regulatory Provisions

Module II - Corrective Action Requirements

2. Compliance with Regulations and Permit Conditions 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.

3. Comply with Permit Conditions & All Regulations The permittee must comply with all the terms and conditions of this permit and all applicable 6 NYCRR Part 370-374, and 376 Regulations.

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 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

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.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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.