

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.state.ny.us

SR



Denise M. Sheehan
Commissioner

December 5, 2005

Mr. Richard Rychlicki
Site Controller
Akzo Nobel Polymer Chemicals, LLC
2153 Lockport-Olcott Rd.
Burt, NY 14028

**PERMIT TRANSMITTAL LETTER
PERMIT NO. 9-2928-00001/00003**

Dear Mr. Rychlicki:

Enclosed is your permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

PLEASE REVIEW ALL PERMIT CONDITIONS CAREFULLY. IN PARTICULAR, IDENTIFY YOUR INITIAL RESPONSIBILITIES UNDER THIS PERMIT IN ORDER TO ASSURE TIMELY ACTION IF REQUIRED. SINCE FAILURE TO COMPLY PRECISELY WITH PERMIT CONDITIONS MAY BE TREATED AS A VIOLATION OF THE ENVIRONMENTAL CONSERVATION LAW, YOU ARE REQUESTED TO PROVIDE A COPY OF THE PERMIT TO THE PROJECT CONTRACTOR, FACILITY OPERATOR, AND OTHER PERSONS DIRECTLY RESPONSIBLE FOR PERMIT IMPLEMENTATION (IF ANY).

If you have any questions regarding the administrative processing of this permit or request for modification, please contact this office at the above address. Technical questions relating to specific conditions should be directed to Mr. Stanley Radon of our Division of Solid and Hazardous Materials at 716-851-7220.

Respectfully,
Steven J. Doleski
Regional Permit Administrator

CDC:jaf
enc.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER

9-2928-00001/00003

FACILITY/PROGRAM NUMBER(S)

NYD043815158



PERMIT

Under the Environmental
Conservation Law

EXPIRATION DATE

November 22, 2010

RENEWAL/MODIFICATION

TYPE OF PERMIT: Article 27, Title 9: 6NYCRR 373 Hazardous Waste Management

PERMIT ISSUED TO

Akzo Nobel Polymer Chemicals LLC

TELEPHONE NUMBER

(716) 778-8554

ADDRESS OF PERMITTEE

2153 Lockport-Olcott Road, Burt, New York 14028

CONTACT PERSON FOR PERMITTED WORK

Mr. Richard Rychlicki, Site Controller

TELEPHONE NUMBER

(716) 778- 8554 Ext. 104

NAME AND ADDRESS OF PROJECT/FACILITY

Akzo Nobel, Burt Plant, 2153 Lockport-Olcott Road, Burt, New York 14028

LOCATION OF PROJECT/FACILITY

COUNTY

Niagara

TOWN

Newfane

REGULATED SITE RESOURCE

NYTM COORDINATES

E 198.9 N 4801.9

DESCRIPTION OF AUTHORIZED ACTIVITY

Operation of corrective action measures at the Akzo Nobel facility in Burt, New York.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the N.Y.S. Environmental Conservation Law (ECL), all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR

David S. Denk

DIVISION OF ENVIRONMENTAL PERMITS, 270 MICHIGAN AVENUE

BUFFALO, NY 14203-2999, (716) 851-7165

AUTHORIZED SIGNATURE

DATE OF ISSUANCE

12/5/2005

PAGE 1 OF 3

GENERAL CONDITIONS



Inspections

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least:
 - a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
 - b) 30 days before expiration of all other permit types.
5. 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.

Other Legal Obligations of Permittee

6. The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents and assigns for all claims, suits, actions, damages and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.
7. The permittee shall require its independent contractors, employees, agents and assigns to comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violation of the Environmental Conservation Law as those prescribed for the permittee.
8. 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.
9. 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.

SPECIAL CONDITIONS

1. The permittee must operate the facility in strict accordance with the modules and attachments to this permit specified below:

Module I - Regulatory Provisions
Module II - Corrective Action Requirements
2. The permittee must comply with all terms and conditions of this permit and all applicable 6 NYCRR 370-374, and 376 Regulations.
3. 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 application regulations or permit conditions.

CDC:vm

cc: Daniel David, P.E., NYSDEC, Regional Engineer
James Strickland, P.E., NYSDEC, Region 9, Division of Solid and Hazardous Materials, Buffalo
Mr. Nelson Schnabel, NYSDEC, Region 9, Division of Solid and Hazardous Materials, Buffalo
Mr. Stanley Radon, NYSDEC, Region 9, Division of Solid and Hazardous Materials, Buffalo
Edwin Dassatti, P.E./Robert Phaneuf, P.E., NYSDEC, Division of Solid and Hazardous Materials, Albany
Mr. Matt Forcucci, NYSDOH, Buffalo
Mr. James Reidy, U.S. Environmental Protection Agency, Region II, New York City
James Devald, P.E., Niagara County Health Department
Honorable Eric P. Krueger, Supervisor, Town of Newfane

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS**

MODULE I

**Regulatory Provisions
Akzo Nobel Polymer Chemical LLC**

A. EFFECT OF PART 373 PERMIT

The Permittee must comply with all terms and conditions of this Permit and all applicable 6 NYCRR 370-374, and 376 regulations. This Permit consists of the conditions contained herein; sections of the Completed Permit Application referenced herein, including any subsequent Department approved changes to the referenced sections of that Application; and the applicable regulations cited herein. Pursuant to 6 NYCRR 373-1.6(c)(4), the applicable regulations or requirements are those which are in effect prior to final issuance of this Permit.

The Permittee is allowed to perform post-closure care and corrective action in accordance with the conditions of this Permit. Any storage, treatment, or disposal of hazardous waste not authorized in this Permit is prohibited unless exempt from 6 NYCRR 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.

Should the Permittee cease post-closure care activities prior to the expiration of this Permit, then, pursuant to 6 NYCRR Subpart 373-1.6(d), the Permittee must continue to comply with the applicable corrective action conditions and requirements for other Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) stipulated in this Permit. 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 at the other SWMUs and AOCs have been completed. In the alternative, the Permittee may execute an order on consent pursuant to Environmental Conservation Law (ECL) Section 71-2727(3) with the Commissioner at least one hundred and eighty (180) days prior to the expiration of this Permit for any remaining corrective action at such units and areas.

All approved 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 incorporation, the provisions of each such document shall be binding upon the Permittee and have the same legal force and effect as the

requirements of this Permit.

B. PERMIT APPLICATION

Certain documents in the administrative record, approved by the Department, constitute the permit application and have been incorporated by reference into this Permit. Upon incorporation, these approved documents shall be binding upon the Permittee and shall have the same legal force and effect as the requirements of this Permit.

C. GENERAL PERMITTING REQUIREMENTS FOR THIS PART 373 PERMIT

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

1. General (373-1.1)

- a) 6 NYCRR Subpart 373-1.1(b)-Applicability;
- b) 6 NYCRR Subpart 373-1.1(c)-Safeguarding Information;
- c) 6 NYCRR Subpart 373-1.1(f)-Uniform Procedures;
- d) 6 NYCRR Subpart 373-1.1(g)-Enforcement;
- e) 6 NYCRR Subpart 373-1.1(h)-Severability; and
- f) 6 NYCRR Subpart 373-1.1 (l)-Terms Used In This Permit are Defined in Part 370 of this Title.

2. Permit Application Requirements (373-1.4)

- a) 6 NYCRR Subpart 373-1.4(a)(5)(ii)-Reports;
- b) 6 NYCRR Subpart 373-1.4(a)(5)(iii)-Changes to Authorization;
- c) 6 NYCRR Subpart 373-1.4(a)(5)(iv)-Certification; and
- d) 6 NYCRR Subpart 373-1.4(g)-Record keeping.

3. Record keeping 6 NYCRR 373-1.4 (g)

4. Permit Conditions (373-1.6)

- a) 6 NYCRR Subpart 373-1.6(a)-Conditions Applicable To All Permits;
- b) 6 NYCRR Subpart 373-1.6(a)(1)-Duty To Comply;
- c) 6 NYCRR Subpart 373-1.6(a)(2)-Duty To Reapply;
- d) 6 NYCRR Subpart 373-1.6(a)(3)-Duty To Halt Or Reduce Activity Not A Defense;
- e) 6 NYCRR Subpart 373-1.6(a)(4)-Duty To Mitigate;
- f) 6 NYCRR Subpart 373-1.6(a)(5)-Proper Operation and Maintenance;
- g) 6 NYCRR Subpart 373-1.6(a)(6)-Permit Actions;
- h) 6 NYCRR Subpart 373-1.6(a)(7)-Property Rights;
- i) 6 NYCRR Subpart 373-1.6(a)(8)-Duty To Provide Information;
- j) 6 NYCRR Subpart 373-1.6(a)(9)(i) through (iv)-Inspection and Entry;
- k) 6 NYCRR Subpart 373-1.6(a)(10)(i) through (iii)-Monitoring and Records;
- l) 6 NYCRR Subpart 373-1.6(a)(11)-Signatory Requirements;
- m) 6 NYCRR Subpart 373-1.6(a)(12)(i) through (xi)-Reporting Requirements; and
- n) 6 NYCRR Subpart 373-1.6(d)(2)(i) - (iv)-Alternative 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.

5. 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. The Permittee shall comply with all requirements for recording and reporting of monitoring results as determined by the Corrective Action requirements of Module II.

6. Permit Modifications (373-1.7)

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

7. Expiration and Continuation of Permits (373-1.8)

The permit shall be in effect for a fixed term not to exceed five (5) 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 to the addresses in Module I, Section H. 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 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 to § 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, pursuant to 6 NYCRR Subpart 373-1.6(d), the Permittee must continue to comply with the applicable corrective action conditions and requirements stipulated in this Permit (refer to Module II Corrective Action Appendix D). 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.

D. FINAL STATUS STANDARDS FOR THIS PART 373 PERMIT

The Permittee must comply with 6 NYCRR Subpart 373-2 as follows:

Note: This does not provide any exception to any part of 6 NYCRR Subpart 373.

1. General (373-2.1)

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

2. General Facility Standards (373-2.2)

- a) 6 NYCRR Subpart 373-2.2(a)-Applicability;
- b) 6 NYCRR Subpart 373-2.2(b)-Facility Ownership Transfer;
- c) 6 NYCRR Subpart 373-2.2(c)-Identification Number;
- d) 6 NYCRR Subpart 373-2.2(d)-Required Notices;
- e) 6 NYCRR Subpart 373-2.2(e)-General Waste Analysis;
- f) 6 NYCRR Subpart 373-2.2(f)-Security;
- g) 6 NYCRR Subpart 373-2.2(g)-General Inspection Requirements;
- h) 6 NYCRR Subpart 373-2.2(h)-Personal Training;
- i) 6 NYCRR 272-2.29(i)-General Requirements for Ignitable, Reactive, or Incompatible Wastes (Attachment IV of the Permit Application);

Note: The owner or operator of a facility that treats, stores or disposes of ignitable or reactive waste, or mixes incompatible wastes or incompatible wastes and other materials, must take precautions to prevent reactions when handling or storing incompatible wastes and other materials, where "other material" includes but is not limited to finished products, intermediates and raw materials. This is applicable to

container storage and handling facilities, tank systems and Containment building operations; i.e.: 6 NYCRR Part 373-2.9(h)(3), 6 NYCRR Part 373-2.10(j), and 6 NYCRR Part 373-2.30(d)(1)(iii).

j) 6 NYCRR 373-2.2(j)- Location Standards

3. Preparedness and Prevention (373-2.3)

- a) 6 NYCRR Subpart 373-2.3(a)-Applicability;
- b) 6 NYCRR Subpart 373-2.3(b)-Design And Operation Of Facility;
- c) 6 NYCRR Subpart 373-2.3(c)-Required Equipment;
- d) 6 NYCRR Subpart 373-2.3(d)-Testing And Maintenance Of Equipment;
- e) 6 NYCRR Subpart 373-2.3(e)-Access To Communications Or Alarm System; and
- f) 6 NYCRR Subpart 373-2.3(f)-Required Aisle Space;
- g) 6 NYCRR Subpart 373-2.3(g)-Arrangements With Local Authorities.

4. Contingency Plan and Emergency Procedures (373-2.4)

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

5. Manifest System, Record keeping and Reporting (373-2.5)

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

The Permittee must retain for inspection by the Department: (1) referenced documents that are made part of this Permit; (2) all subsequent Department approved changes to the content of those documents; (3) an up to date and complete copy of the permit and (3) all Department approved final design plans and engineering reports.

The Permittee must maintain a log of all Department approved modifications made to documents that are incorporated by reference in this Permit. The log shall contain at a minimum the following information regarding an approved modification: (1) the name of the specific document being modified (e.g., contingency plan, security requirements, hazardous waste unit operations, etc.); (2) the approval date which will correspond with the date on the approval letter from the Department; (3) the pertinent page(s), section(s), and/or attachments(s) of the referenced permit documents subject to the approved

modification(s); (4) the revision date of the modification(s); and (5) a brief statement regarding the nature of the modification(s). The Permittee should place the log at the beginning of this Permit.

6. Releases from Solid Waste Management Units (373-2.6)

The Permittee: (1) must comply with all applicable provisions stipulated in 6 NYCRR Subpart 373-2.6(a) through (k) for the "regulated unit" subject to post-closure care; (2) must comply with the groundwater monitoring plan(s) approved by the Department, including any subsequent revisions approved by the Department, and the general groundwater permit conditions stipulated in Module II; and (3) must comply with permit conditions stipulated in Module II, titled Corrective Action Requirements for Solid Waste Management Units and Areas of Concern, developed pursuant to 6 NYCRR 373-2.6(l) for releases from SWMUs and to the "omnibus authority" of 6 NYCRR 373-1.6(c)(2) for releases from AOCs.

E. ORAL REPORTS

The oral reports required by 6 NYCRR Subparts 373-1.6(a)(12)(vi) and 373-2.4(g)(4)(ii) may be made by contacting the National Response Center 24-hour toll free number at (800) 424-8802 and the New York State 24-hour oil and hazardous material spill notification number, (800) 457-7362, or any designated telephone number which may subsequently replace the ones listed above.

F. WASTE ANALYSIS

The methods used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix 19 and Appendix 35 of 6 NYCRR Part 371 and 376 respectively or an equivalent method approved by the Commissioner. Laboratory Methods must be those specified in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods", EPA Publication SW-846, Third Edition, First Update 1990 or later approved revisions, or an equivalent method approved by the Department.

G. QUALITY ASSURANCE

The Permittee shall conduct a quality assurance program to ensure that the monitoring data are technically accurate and statistically valid. The quality assurance program shall be in accordance with Chapter One and applicable subsections of "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods", EPA Publication SW-846, Third Edition, First Update, 1990 or later approved revisions, or equivalent methods approved by the Department.

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

1. All submittals required by the Permit must be submitted to the Commissioner at the

address list below.

One (1) copy to:

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
625 Broadway
Albany, New York 12233-7252
Attn: Chief, Bureau of Radiation and Hazardous Site Management

One (1) copy to:

New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999
Attn: Regional Hazardous Materials Engineer.

2. Permittee shall submit plans, reports, specifications, schedules and any subsequent amendment 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. 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 in 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 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 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 the 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 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.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS**

MODULE II

**CORRECTIVE ACTION REQUIREMENTS
FOR SOLID WASTE MANAGEMENT UNITS AND
AREAS OF CONCERN**

AKZO NOBEL POLYMER CHEMICALS LLC

A. APPLICABILITY

1. Statute and Regulations. Article 27, Title 9, Section 27-0913, and 6 NYCRR 373-2.6(l) requires Corrective Action, including Corrective Action beyond the facility boundary where necessary to protect human health and the environment, for all releases of hazardous wastes, including hazardous constituents, from any Solid Waste Management Unit ("SWMU") at a storage, treatment or disposal facility seeking a 6 NYCRR Part 373 Permit, regardless of the time at which waste was placed in such unit. Pursuant to 6 NYCRR 373-1.6(c)(2) the Commissioner may impose permit conditions as the Commissioner determines necessary to protect human health and the environment (i.e., Areas of Concern (AOC(s))).
2. Solid Waste Management Units and Areas of Concern. The conditions of this Module apply to:
 - (a) All the SWMUs and AOCs listed in this Module individually or in combinations;
 - (b) Any additional SWMU(s) and AOCs identified during the course of groundwater monitoring, field investigations, environmental audits or other means as described in Module Condition D. below; and
 - (c) The following identified SWMUs and AOCs located on-site and/or off-site (see figure 1):
 - (1) SWMU 1 - Hazardous Waste Storage Pad - Area 1
 - (2) SWMU 2 - Hazardous Waste Storage Pad - Area 2
 - (3) SWMU 3 - Process Sewer

- (4) SWMU 4 - Destruction Tank
- (5) SWMU 5 - East Influent Well
- (6) SWMU 6 - West Influent Well
- (7) SWMU 7 - Holding Tank
- (8) SWMU 8 - Equalization Basin
- (9) SWMU 9 - Settling Channel
- (10) SWMU 10 - Filter Carts
- (11) SWMU 11 - Primary Clarifier
- (12) SWMU 12 - East Sludge Tank
- (13) SWMU 13 - West Sludge Tank
- (14) SWMU 14 - Process Reactor
- (15) SWMU 15 - Building 2 Sump
- (16) SWMU 16 - Building 2B Separator
- (17) SWMU 17 - Former UST No. 2 Area
- (18) SWMU 18 - Former UST No. 9 Area
- (19) SWMU 19 - Sewer Pre-Treatment Pit
- (20) SWMU 20 - Inside Building 2B Accumulation Area
- (21) SWMU 21 - Outside Building 2B Accumulation Area
- (22) SWMU 22 - QC Laboratory Accumulation Area
- (23) SWMU 23 - Burning Cage
- (24) SWMU 24 - Landfill Site No.1
- (25) SWMU 25 - Landfill Site No. 2
- (26) SWMU 26 - Landfill Site No. 3
- (27) SWMU 27 - Former Clay Pad Storage Area
- (28) SWMU 28 - Dimethyl Phthalate Meter Leak
- (29) SWMU 29 - Venturi Scrubber
- (30) SWMU 30 - Fume Scrubber
- (31) SWMU 31 - Building 16 Drum Storage Area
- (32) SWMU 32 - Debris Pile
- (33) SWMU 33 - Former Waste Sulfuric Acid Tank Area
- (34) SWMU 34 - Empty Drum Storage Area No. 1
- (35) SWMU 35 - Empty Drum Storage Area No. 2
- (36) SWMU 36 - Empty Drum Storage Area No. 3
- (37) SWMU 37 - Truck Trailer Storage Area
- (38) AOC A - Dimethyl Phthalate Spill Area
- (39) AOC B - Building 32 Fuel Line Leak
- (40) AOC C - Former Underground Storage Tank No. 11 Area
- (41) AOC D - Former Underground Storage Tank No. 12 Area
- (42) AOC E - Former Underground Storage Tank No. 20 Area

B. STANDARD CONDITIONS FOR CORRECTIVE ACTION

1. Work Plans. All work plans submitted pursuant to this Module shall include:

- (a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;
 - (b) Other plans, specifications and protocols, as applicable;
 - (c) A schedule for starting specific tasks, completing the work and submitting progress and final reports; and
 - (d) Plans for the treatment, storage, discharge or disposal of wastes to be generated by activities described therein.
- 2. Health/Safety Plans. The Permittee shall develop, according to applicable Federal, State and local requirements, and submit to the Commissioner, health and safety plans that will be implemented to ensure that the health and safety of project personnel, plant personnel and the general public are protected. These plans are not subject to approval by the Commissioner.
- 3. Guidance Documents. When preparing the submissions described in this Permit Module, the Permittee shall take account of applicable guidance documents issued by the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation (NYSDEC or "Department") in a manner reflecting reasonable technical considerations.
- 4. Compliance with Governmental Requirements. During investigative activities, interim corrective measures, and final corrective measures, (including, but not limited to, equipment decommissioning, excavation and unit demolition) required under this Module, the Permittee shall ensure that the transportation, treatment, storage, discharge, and disposal of all contaminated materials generated as a result of such activities (including, but not limited to, soils, sediments, liquids, tanks, pipes, pumps, rubble, debris, and structural materials) are performed in an environmentally sound manner pursuant to all applicable Federal, State and local requirements and that is protective of public health and the environment. Nothing in this Module shall be construed to require the Permittee to proceed in a manner which is in violation of any such requirements.
- 5. Notifications.
 - (a) Notification of groundwater contamination. If at any time the Permittee discovers that hazardous constituents in groundwater that may have been released from a solid waste management unit or area of concern at the facility have migrated beyond the facility boundary in concentrations that exceed action levels, the Permittee shall, within fifteen (15) calendar days of discovery, provide written notice to the Commissioner and any person who owns or resides

on the land which overlies the contaminated groundwater.

- (b) Notification of air contamination. If at any time the Permittee discovers that hazardous constituents in air that may have been released from a solid waste management unit or area of concern at the facility have or are migrating to areas beyond the facility boundary in concentrations that exceed action levels, and that residences or other places at which continuous, long-term exposure to such constituents might occur are located within such areas, the Permittee shall, within fifteen (15) calendar days of such discovery;
 - (i) Provide written notification to the Commissioner, and
 - (ii) Initiate any actions that may be necessary to provide notice to all individuals who have or may have been subject to such exposure.
- (c) Notification of residual contamination. If hazardous wastes or hazardous constituents in solid waste management units or areas of concern, or which have been released from solid waste management units or areas of concern, will remain in or on the land, including groundwater, after the term of the permit has expired, the Commissioner may require the Permittee to record, in accordance with State law, a notation in the deed to the facility property or in some other instrument which is normally examined during title search that will, in perpetuity, notify any potential purchaser of the property of the types, concentrations, and locations of such hazardous wastes or hazardous constituents. The Commissioner may require such notice as part of the corrective measures selection process. *

C. CORRECTIVE MEASURES REQUIREMENTS

Introduction

This section of Module II begins with a brief summary of the nature and extent of the releases of hazardous waste constituents which have been identified at the Akzo Nobel Polymer Chemicals (ANC) facility in Burt, New York. It establishes the "Remedial Goals " which the Department has designated to address those releases; describes the "remedial criteria" which shall be used to ensure that the remedial goals will be obtained; and requires the development and implementation of a corrective measures program to achieve the remedial criteria.

Background

The RCRA Facility Investigation (RFI) for ANC was initially documented in a April 1997 report along with several addendums to supplement the initial RFI. A RCRA Report Addendum (October 1998) and a Phase II RFI Report (December 2000) were completed to address Agency comments and data gaps. The RFI report was approved by the NYSDEC in a letter dated October 25, 2002. The investigations have shown contamination of the soil and groundwater at the ANC site. In response to those findings, ANC conducted a Corrective Measures Study (CMS), to identify potential risks to human health and the environment and to evaluate various remedial alternatives to address site conditions. The CMS report was submitted in May 2003 and approved in March 2004.

The field investigations at ANC focused on assessing the SWMUs and identifying the subsurface conditions that would control contaminant migration. The investigations included soil vapor screening analysis at 470 locations, 247 groundwater screening samples, the installation of 15 groundwater wells, the installation of three piezometers, and numerous soil borings and soil samples across the site.

Soil sampling was conducted as part of the RCRA Facility Assessment (RFA) and RFI field efforts. Approximately 161 soil samples were collected and tested from various depths. Soil gas samples were also used as a guide to locate highly contaminated areas. Test methods included conventional laboratory analysis as well as laboratory screening methods designed to help identify highly contaminated soils. Grain size and total organic carbon testing were also conducted on selected samples. Table 1 shows a summary of contaminants detected in soils that were found at concentrations exceeding reference values from NYSDEC Technical Administrative Guidance memorandum (TAGM) # 4046 Soil Cleanup Objectives guidance document. Exceedances were noted primarily for organic compounds and semi-volatile compounds. Additional information concerning testing can be found in the RFI Report, RFI Phase II Report, and the RFI Addendum Report.

Groundwater in the central area of the ANC facility is contaminated above New York State comparison values. The potential risk posed by the groundwater depends to a large degree on the ultimate discharge of the groundwater and/or consumption of groundwater. Groundwater can also pose a potential threat to residential and/or buildings on site via indoor air quality.

The groundwater data gathered during 1999 - 2002 indicate the combined effects of abiotic and biotic attenuation appear to limit the extent of contaminants in groundwater to a finite area of the overburden within the property boundary and within the limited industrialized section of the ANC facility. Contaminants have not been detected in excess of groundwater standards in down gradient overburden groundwater at wells MW-3, MW-4 and bedrock groundwater at wells MW-3B and MW-4B. Evaluation of contaminant plume sequence maps illustrate a relatively stable contaminant plume condition in the overburden groundwater, with some contaminant plumes disappearing over the course of study.

As a result of the groundwater monitoring, the data indicates that there are no off-site impacts or receptors and the contaminated groundwater remains within the boundaries of the site. All residents and workers are supplied by municipal water.

Results of the quantitative risk assessment indicated that, under current site conditions no non-carcinogenic risks to public health were identified. Regarding the potential for indoor air risk from contaminants associated with the groundwater, the assessment of potential vapor intrusion exposures to current administrative workers and future site residents outside the industrialized portion of the facility posed by the groundwater indicated that the pathway is incomplete.

Table I identifies the hazardous constituents which have exceeded action levels as well as those which have been determined to threaten human health and the environment at the ANC facility for soil and groundwater.

TABLE I

Contaminant	Media with exceedance	Threshold action level	
		Soil (mg/kg)	Groundwater (ug/l)
Acetone	Soil, GW	0.2	50
Acetophenone	Soil	50	50
Benzene	GW	0.06	0.7
Benzo(a)Pyrene	Soil	0.061	0.002
2-Butanone	Soil, GW	0.3	50
Butylbenzylphthalate	Soil	50	50
Chlorobenzene	GW	1.7	5
1,2-Dichlorobenzene	GW	7.9	5
1,3-Dichlorobenzene	GW	1.6	5
1,4-Dichlorobenzene	GW	8.5	5
1,1-Dichloroethane	GW	0.2	5
1,2-Dichloroethane	GW	0.1	5
1,2-Dichloroethene	GW	0.25	5
Dimethylphthalate	Soil	2.0	50
Di-n-Butylphthalate	Soil	8.1	50
Styrene	GW	N/A	5
Ethylbenzene	GW	5.5	5
Toluene	GW	1.5	5
1,1,1-Trichloroethane	GW	1.5	5
Trichloroethene	GW	0.7	5
Vinyl Chloride	GW	0.2	2
Xylenes (Total)	GW	1.2	5
Napthalene	GW	13	10

Soil values obtained from NYSDEC TAGM #4046 - Determination of Soil Cleanup Objectives and Cleanup Levels

Groundwater values obtained from 6 NYCRR 703.5 Standards

Determination

The Department has determined that the presence of contaminants in the soil and groundwater represents a potential threat to human health and the environment. Corrective Measures are required to mitigate that threat. Based upon the review of the RFI, and the CMS for the SWMUs identified, the Department has determined that development and implementation of the following Corrective Measures are appropriate and protective of human health and the environment:

Remedial Goals

1. Eliminate the future risk to human health posed by the contaminated soil and remaining source materials present within the industrialized area of the facility.
2. Eliminate the future risk to human health posed by the contaminated overburden groundwater present beneath the industrialized area of the facility.
3. Control migration of the contaminated groundwater.

Remedial Criteria

1. Maintain a long term groundwater monitoring program to ensure that the concentration of contaminants continues to decline in the central area of the facility.
2. Continue groundwater monitoring in the perimeter wells to ensure that there is no off-site contaminant migration.

1. Corrective Measures Implementation

The Corrective Measures process will be implemented immediately upon the issuance of this Permit. ANC shall develop an Site-Wide Groundwater Monitoring Plan (GWMP) that ensures that all remedial goals and criteria are addressed. The Site-Wide GWMP shall include procedures for collecting groundwater levels and sampling at all perimeter, interior, and background wells. The Site-Wide Groundwater Monitoring Plan shall be submitted to the Department within thirty (30) days of the issuance date of

this Permit. The GWMP shall also include procedures and parameters to ensure that the natural attenuation process is effective in achieving the remedial goals outlined above. After Departmental approval of the GWMP, ANC shall implement the GWMP within thirty(30) days.

a) Corrective Measures Implementation

Corrective measures shall be implemented upon issuance of this permit. The corrective measures program shall be operated, maintained, and if necessary, modified to achieve and maintain the "Remedial Criteria" set forth above.

(i) Analytical Reporting Requirements

All analytical data must be obtained using the procedures outlined in Appendix A. Modification of these protocols requires written authorization from the Department. ANC shall include sampling procedures in the Site-Wide Groundwater Monitoring Plan.

(ii) Modification of the Remedial System

If after review of the performance data, the Department determines that the design of the Site-Wide GWMP is not sufficient to achieve the remedial criteria, the Department may require ANC to modify the groundwater monitoring system so as to achieve the remedial criteria.

If after review of the performance data, the Department determines that the data indicates the presence of contamination above 6 NYCRR 703.5 Standards in the perimeter wells, or that interior wells indicate that the level of contamination is increasing, the Department will require ANC to develop and implement an Interim Corrective Measures (ICM) Study to address the groundwater contamination. The ICM Study shall be submitted to the Department within sixty (60) days of ANC obtaining the data indicating the exceedance of 6 NYCRR 703.5 Standards in perimeter wells.

(iii) Termination of Groundwater Monitoring

ANC must petition the Department for approval to cease the groundwater monitoring program. Termination of groundwater monitoring program will be permissible when "Termination Criteria" (a) and (b) described herein are met in the area and aquifer(s) associated with the well(s).

(1) Termination Criteria

- A. All Groundwater Protection Standards set forth in Table 1 have been achieved; or,
- B. The total concentration of all organic compounds found in Table 1 is no

greater than 100 parts per billion (ppb), and no single organic compound concentration exceeds 50 ppb.

Termination of the entire system may not take place until ANC submits, and the Department approves, an assessment which indicates that the residual groundwater contamination does not pose an unacceptable risk to human health and the environment.

(2) Termination Monitoring

ANC will initiate Termination Monitoring whenever it determines cleanup in all or part of the area/aquifer is achieving the Termination Criteria. Eight consecutive sampling episodes are required to demonstrate groundwater quality meets the termination criteria. At least 60 days prior to commencing Termination Monitoring, ANC shall submit for Department review and approval a Termination Monitoring Plan. That Plan will describe the area (or wells) for which Termination Monitoring is proposed, and the monitoring program, including wells, which will be used to determine whether the Termination Criteria have been achieved.

The basis for determining whether the termination criteria have been met for a particular monitoring well shall be determined by the following methodology:

Analyze samples taken from designated groundwater monitoring wells within the central area of the plume and evaluate the data to determine the mean concentration for each constituent. The mean concentration for a constituent is determined for eight consecutive samples using the arithmetic mean.

Constituents that can be demonstrated as not attributable to releases from the ANC site may be excluded from the data evaluation used to determine whether the termination criteria have been met. ANC shall notify and have the burden to demonstrate to the Department the justification for excluding data on that basis.

(3) Alternative Termination Criteria

In the event the groundwater protection standards set forth in Table 1 are not met, the only other basis for the termination of a groundwater recovery system/well is by meeting Alternative Termination Criteria. Once the alternative criteria are met, ANC may petition the Department to shut down a groundwater monitoring system and/or well as provided below:

A groundwater monitoring well may be shut down if:

- A. The chemical concentration of hazardous waste constituents in the monitoring wells indicate the "Zero Slope Condition" defined below can be attained during Termination Monitoring.
and

- B. The chemical concentration of hazardous waste constituents in the monitoring wells are such that after shut down of the recovery system/well, the concentration of hazardous waste constituents in the wells downgradient of the recovery system/well remain below the groundwater protection standard

or in lieu of (B) above

ANC submits, and the Department approves, an analysis which indicates the residual groundwater contamination would not result in an unacceptable risk to human health and the environment.

- C. "Zero Slope Condition" - The zero slope condition is defined as follows: when the slope of the plot of the sum of concentration of hazardous waste constituents in a well versus time is deemed zero according to the procedures described herein. The determination of said condition shall be made on a well-by-well basis at all specified groundwater monitoring wells. The determination of whether there is a zero slope shall be made as follows:

(1) The sum of concentration of hazardous waste constituents resulting from eight consecutive events will be plotted versus time.

(2) If the curve which best fits these data points is linear, then a straight line using a least squares regression model will be fitted to the data and the slope of the fitted curve will be computed and designed as the estimated slope.

(3) If the data points fit a non-linear form, then an exponential curve using a least square regression model will be fitted to the data. The estimated slope will be the first derivative of the curve at a value of time half-way between the last two sampling points.

(4) The estimated slope shall be deemed zero if:

The slope is less than or equal to zero, (i.e. the concentration is stable) or the yearly decrease of the total concentration of hazardous waste constituents is less than the average overall precision of analytical methods used. ANC and the Department will develop a methodology of calculating the average overall precision prior to implementation of Termination Monitoring.

(5) In addition, the spatial and temporal distributions of the concentrations of compounds will be assessed to provide additional information regarding trends.

(4) Post Termination Monitoring and System Reactivation

Whenever ANC petitions the Department to shut down the Remedial System, the petition must include a proposal for a "Post Termination Monitoring Program ". The purpose of the program shall be to continue to demonstrate the Remedial Criteria have been achieved. Post Termination Monitoring shall be performed semi-annually for three years after termination of the system.

Upon receipt of Department approval to shut down the monitoring system, ANC must initiate the Post Termination Monitoring Program. During Post Termination Monitoring, ANC must keep the remedial system in place and be prepared to place it back into service, if required, within a reasonable period of time.

In the event one of the following events occurs during Post Termination Monitoring, ANC shall notify the Department and the Department in its discretion may require the ANC to restart the associated groundwater monitoring system:

(1) Two consecutive quarterly results from any well exceed the Termination Criteria by an amount greater than the average overall precision of the analytical methods used. ANC and the Department will develop a methodology for calculating the overall precision prior to implementation of Termination Monitoring.

(2) The yearly average results from any well exceed the termination criteria.

Notwithstanding the above, in the event that total of all organic compounds or the concentration of any given compound at a well exceeds the termination criteria by a factor of 10, the Department will be notified, and the well will be re-sampled within 30 days to verify the analysis. If the original analysis has been verified, the associated groundwater recovery system shall be restarted by ANC as soon as practicable unless ANC receives authorization from the Department to delay reactivation.

(iv) Institutional Controls

ANC shall submit all legal documents, deed restrictions, or covenants related to the contamination on-site to the Department within thirty (30) days of filling. All notifications sent to property owners shall also be submitted to the Department prior to the mailing.

D. COMPLIANCE SCHEDULE FOR ASSESSMENT OF NEWLY IDENTIFIED SWMUs AND AOCs.

1. Notification of Assessment. The Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) not listed in this Module, which are identified during the course of groundwater monitoring, field investigations, environmental audits, or other means within fifteen (15) calendar days after discovery.
2. SWMU/AOC Assessment Report. Within thirty (30) calendar days after notifying the Commissioner, the Permittee shall submit a SWMU/AOC Assessment Report. This Report must provide, at a minimum, the following information for each newly identified SWMU/AOC:
 - (a) Type of unit/area;
 - (b) Location of each unit/area on a topographic map of appropriate scale;
 - (c) Dimensions, capacities, and structural descriptions of the unit/area (supply available engineering drawings);
 - (d) Function of unit/area;
 - (e) Dates that the unit/area was operated;
 - (f) Description of the wastes that were placed or spilled at the unit/area;
 - (g) Description of any known releases from the unit/area (to include groundwater data, soil analyses, air monitoring data, and/or surface water/sediment data);
 - (h) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit/area; and
 - (i) Whether this unit/areas, individually or in combination with other units/areas described in Module Condition A.2. is a significant source of contaminant release.
3. SWMU/AOC Sampling and Analysis Plan. Within thirty (30) calendar days after submittal of the SWMU/AOC Assessment Report required in Module Condition D.2., the Permittee shall submit to the Commissioner for approval a Plan in accordance with the most recent version of the NYS

RCRA Quality Assurance Project Plan Guidance, for any sampling and analysis of groundwater, land surface and subsurface strata, surface water/sediment or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) and/or area(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU/AOC Sampling and Analysis Plan must demonstrate that the sampling and analyses program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) and/or AOC(s) to the environment.

4. Subsequent Assessment Actions. Following submission of the SWMU/AOC Assessment Sampling and Analysis Plan set forth in Module Condition D.3., subsequent activities for the Plan shall proceed in accordance with the following schedule:
 - (a) Meeting between the Permittee, the U.S. Environmental Protection Agency (Agency) and the Department to discuss Plan comments, as appropriate; and
 - (b) Submission of a revised Plan to the Commissioner for approval within thirty (30) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary, the Permittee shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner); and
 - (c) Begin implementation of the SWMU/AOC Sampling and Analysis Plan within thirty (30) calendar days following written approval from the Commissioner for the Plan.
5. SWMU/AOC Sampling and Analysis Report. Within thirty (30) calendar days of receipt by the Permittee of validated analytical data generated under the approved SWMU/AOC Sampling and Analysis Plan, the Permittee shall follow reporting requirements in the approved Plan and submit a SWMU/AOC Sampling and Analysis Report to the Commissioner. The Report shall describe all results obtained from the implementation of the approved Plan.
6. Assessment Conclusions. Based on the results of the SWMU/AOC Sampling and Analysis Report, the Commissioner shall determine the need for further investigations at the specific unit(s) covered in the SWMU/AOC Assessment Report. If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval a RCRA Facility

Investigation Work Plan.

E. COMPLIANCE SCHEDULE AND NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMUs AND AOCs.

The Permittee shall notify the Commissioner, in writing, of any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities no later than fifteen (15) calendar days after discovery. Such newly-discovered release(s) may be from the newly-identified unit(s)/area(s), from the unit(s)/area(s) for which, based on the findings of the RFA, the Commissioner had previously determined that no further investigation was necessary, or from the unit(s)/area(s) investigated as part of an RFI. Based on the information provided in the notification, the Commissioner shall determine the need for further investigation of the release(s). If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare a RCRA Facility Investigation Work Plan.

F. INSTITUTIONAL CONTROLS

The Permittee shall maintain institutional controls notifying workers and visitors of areas where hazardous waste or hazardous constituents remain. If applicable, if any contaminated property is transferred to a new owner, a deed restriction shall be recorded to notify that hazardous waste and hazardous constituents remain. A copy of the recorded deed restriction shall be supplied to the Department within thirty (30) days of the recorded date.

G. Financial Assurance

Within thirty (30) days after the effective date of this Permit Modification, Akzo Nobel Polymer Chemicals LLC, shall submit to the NYSDEC the necessary documentation to demonstrate financial responsibility for monitoring and maintenance. The estimate and the mechanism used to demonstrate financial responsibility must conform with the requirements set forth in 6 NYCRR Part 373-2.8.

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COMPONENTS REQUIRED FOR RCRA ANALYTICAL DATA SUBMITTED TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

AKZO NOBEL POLYMER CHEMICALS

A Report Narrative should accompany each submission, summarizing the contents, data and QA/QC results and all relevant circumstances of the work.

- A. Parameter requested.
- B. Sample Number or Numbers, Matrix, and:
 - 1. Date and time collected;
 - 2. Date extracted and/or digested;
 - 3. Date and time analyzed; and
 - 4. Chain of custody report and/or form, including confirmation of unbroken chain of custody, intact sample packaging and container seals and adequate temperature and/or other preservation.
- C. Results ^{b,e,f}
 - 1. Sample Results;
 - 2. Duplicate;
 - 3. Blanks^a;
 - 4. Matrix Spike; matrix spike duplicate; blank spike; and
 - 5. Surrogate recoveries, if applicable.
- D. Supporting QA/QC^b
 - 1. Methodology;
 - 2. Method detection limits, instrument detection limits^c;
 - 3. Linear curves^d;
 - 4. Percent solids for soils, sludges, sediments, and where otherwise applicable;
 - 5. Calculations^d;
 - 6. Cleanup procedures;
 - 7. Data validation procedures, results, and completed data validation checklists; and
 - 8. Documentation which illustrates how blank water is determined to be

analyte-free.

In addition to submitting the above, all sample data and its QA/QC data as specified in SW-846, latest edition, Chapter 1, must be maintained accessible to NYSDEC either in hard copy or on magnetic tape or disk (computer data files). The data, if requested by NYSDEC, should be formatted as described in SW-846, latest edition, Chapter 1. This requirement may be changed in the future to mandate computer data files, accessible to NYSDEC on request.

This does not obviate the requirement to do the QA/QC specified in each individual EPA-approved method.

Components for RCRA submissions for non-contract Lab Protocols.
If CLP, then CLP deliverables are required, unless otherwise stated in the approved plan.

- a The data should include all blanks (trip, equipment rinse, method and instrument blanks) as specified in the sampling and analysis plan, guidance and regulation.
- b Supporting QA/QC should be specific to the RCRA samples analyzed.
- c Every effort practicable must be made to achieve detection limits below regulatory limits and comparable to or better than the Practical Quantification Limits specified in the EPA-approved methods. In no case, will reporting limits above the specified PQL's be accepted without extensive and complete documentation to the Department.
- d These may not need to be submitted if adequate QA/QC summaries validating the data, including calibration control charts, correlation coefficients, etc., are submitted. The Report Narrative should describe the data validation and explain discrepancies. The supporting data should be provided to NYSDEC upon request, without restriction. Calibration data must include date and time of analysis.
- e Frequencies of blanks, duplicates, spikes, surrogates, calibrations, standard reference materials, etc., should be as stated in the approved sampling and analysis plan, the approved analytical methods and the SW-846 latest edition, Chapter 1, requirements. If there are any perceived conflicts, these should be resolved with NYSDEC in advance of sampling.
- f Spiking for metals, organics or other parameters must be done before sample preparation (i.e. before digestions, extractions etc.) unless otherwise stated in the approved plan. Furnace analysis for metals will still require post-digestion spikes on all samples analyzed by this technique.