



Brian Kent
Plant Manager
100 Energy Blvd, Niagara Falls, NY 14304
Tel 716 278 8500 / Fax 716 284 2961
bkent@covanta.com

April 18, 2017

Mr. Michael Hinton, P.E.
Project Manager
NYS Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2915
and via email michael.hinton@dec.ny.gov

Site Management Periodic Review Report and IC/EC Certification Submittal
Covanta Niagara Rail-to-Truck Intermodal Facility (RTIF)
Site No. C932160, 139 47th Street Rear, Niagara Falls, NY 14304

Dear Mr. Hinton,

Please find attached Covanta's Periodic Review Report for the RTIF during reporting period December 23, 2015 through March 24, 2017.

Per Enclosure 2, Question 4, please see the attached:

1. NYSDEC Part 360 Permit 9-29-11-00113/00023, Modification #3, effective 2/13/2015,
2. NYSDEC Part 360 SAPA Extension Letter, dated April 21, 2015,
3. Niagara Falls Water Board Significant Industrial User Wastewater Discharge Permit, effective October 1, 2015,
4. City of Niagara Falls Petroleum License for calendar years 2015, 2016, and 2017, and
5. NYSDEC Petroleum Bulk Storage Certificate, issued 6/25/2013.

If you have any questions, or require any further information please contact me or Chris Schifferli at 716-278-8500.

Thank you.

Regards,

Anthony Poupalos, NYSDEC, anthony.poupalos@dec.ny.gov
Kevin O'Neil, Covanta, KONEil@covanta.com
Dennis Tubridy, Covanta, dtubridy@covanta.com
Chris Schifferli, Covanta, cschifferli@covanta.com



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site No. C932160

Site Details

Box 1

Site Name Covanta Niagara Rail-to-Truck Intermodal Facility

Site Address: 139 47th Street Rear Zip Code: 14304
City/Town: Niagara Falls
County: Niagara
Site Acreage: 15.0

Reporting Period: December 23, 2015 to March 24, 2017

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | ☒ | ☐ |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | ☐ | ☒ |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | ☐ | ☒ |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | ☐ | ☐ |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | ☐ | ☒ |

Box 2

- | | YES | NO |
|---|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Industrial | ☒ | ☐ |
| 7. Are all ICs/ECs in place and functioning as designed? | ☒ | ☐ |

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

YES NO

☐ ☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒ ☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C932160**Box 3****Description of Institutional Controls**Parcel

160.09-1-21

Owner

Covanta Niagara 1 LLC

Institutional Control

Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Box 4**Description of Engineering Controls**Parcel

160.09-1-21

Engineering Control

Cover System
Fencing/Access Control
Cover System
Fencing/Access Control

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C932160

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Brian Kent at 139 47th Street Rear, Niagara Falls, NY
print name print business address 14304
am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

B/K
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

4/18/2017
Date

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I OWEN J. KARICKHOFF at GHD, 2055 Niagara Falls Blvd., Niagara Falls, NY 14304
print name print business address

am certifying as a Professional Engineer for the Covanta Niagara LP
(Owner or Remedial Party)

Owen J. Karickhoff

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification



Stamp
(Required for PE)

Date

4/18/2017



December 1, 2016

Reference No. 11119645

Mr. Chris Schifferli, P.E.
Covanta Niagara LP
100 Energy Boulevard
Niagara Falls, NY 14304

Dear Mr. Schifferli:

**Re: Rail-to-Truck Intermodal Facility Inspection
Covanta Niagara LP, Niagara Falls, NY (Permit No. 9-2911-00113/00023)**

GHD is pleased to submit the following letter report to Covanta Niagara LP (Covanta) discussing the results of the recent Rail-to-Truck Intermodal Facility Inspection at the Covanta Plant located in Niagara Falls, NY (Facility or Site). Relevant Site records and a tour of the Covanta facility were provided by Mr. Chris Schifferli (Covanta).

Mr. Steven Wilsey and Mr. Bryan Szalda of GHD conducted an inspection of the Rail-to-Truck Intermodal Facility on October 18, 2016. GHD utilized the form provided in Appendix E of the December 2015 Site Management Plan (SMP) during conduction of the inspection. Per the SMP, the Rail-to-Truck Intermodal Facility is to be inspected a minimum of once per year. The results of the inspection are presented as Attachment 1. Pictures were taken by GHD during the inspection and are provided as Attachment 2.

The purpose of the inspection is to inspect the following:

1. Compliance with all Institutional Controls (ICs), including site usage
2. An evaluation of the condition and continued effectiveness of the Engineering Controls (ECs)
3. General site conditions at the time of inspection
4. The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection
5. Compliance with permits and schedules
6. Confirmation that site records are up to date

No deficiencies were observed with the exception of the following:

- During inspection of the Monitoring Station pad, it was determined that the Accuron cartridge meter display was not functioning properly. Covanta should document that this piece of equipment has been repaired.



GHD appreciates the opportunity to provide these services to Covanta. Should you have any questions, or require additional information or clarification, please do not hesitate to contact the undersigned.

Sincerely,

GHD

A handwritten signature in blue ink that reads "Steven D. Wilsey".

Steven D. Wilsey, CHMM

BPS/SDW/cs/2

Encl.

A handwritten signature in blue ink that reads "Owen J. Karickhoff".

Owen J. Karickhoff, P.E.



Attachments

Attachment 1

Results of the Inspection

Site-wide inspections will be performed on a regular schedule at a minimum of once a year. Site-wide inspections will also be performed after all severe weather conditions that may affect Engineering Controls (ECs). During these inspections, this form will be completed. The form will compile sufficient information to assess the following:

1. Compliance with all Institutional Controls (ICs), including site usage.
2. An evaluation of the condition and continued effectiveness of ECs.
3. General site conditions at the time of the inspection.
4. The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection.
5. Compliance with permits and schedules.
6. Confirmation that site records are up to date.

The following pages contain observations recorded during this annual inspection.

Completed by: Bryan Szalda & Steve Wilsey (GHD)

Date: October 18, 2016

I. Compliance with all ICs, including site usage:

Date: October 18, 2016

SITE USAGE: Use of the Site is limited to Industrial Uses. Indicate if any other type of use is occurring at the Site.

Only industrial activities are taking place at the Site.

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

There is no groundwater collection or treatment taking place at the Site.

VEGETABLE GARDENS & FARMING: Vegetable gardens and farming are prohibited at the Site. Indicate if gardening or farming is occurring at the Site.

There is no gardening or farming occurring at the Site.

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Waste arrives into rail yard on a container. A reach stacker places container onto truck and the truck proceeds to the tipping floor. All engineering and institutional controls are in compliance with the SMP.

2. An evaluation of the condition and continued effectiveness of the ECs:

Date: October 18, 2016

Location	Condition (Good, Fair, Poor)	Effectiveness (As Intended vs. Needs Repair)
Concrete Slabs		
Reach Stacker Pad	Good	As Intended
Container Storage Pad	Good	As Intended
RTIF Building Floor Slabs	Good	As Intended
RTIF Building Exterior Aprons	Good	As Intended
Truck Scale Foundations	Good	As Intended
Diesel Fueling Station Pad	Good	As Intended
Monitoring Station Pad	Fair	Accuron catridge meter display needs repair; otherwise As Intended
South Truck Turn-Around Pad	Good	As Intended
Asphalt Pavement		
	Good	As Intended
Clean Stone Cover		
Storm Water Overflow Basin	Good	As Intended
Rail Yard	Good	As Intended
Clean Soil Cover		
Earthen Berms	Good	As Intended
Perimeter Green Space	Good	As Intended

3. General site conditions at the time of the inspection:

Date: October 18, 2016

FENCING/SITE CONTROL

Good; gate open for rail entrance

PAVEMENT-PARKING & INTERIOR ROADS

Good

CONCRETE PADS

Some minor puddles observed; otherwise good

BUILDINGS

Good

BERMS/GRASS AREAS

Good; intact; no erosion

DRAINAGE

Stormwater collection to sanitary sewer outflow; stormwater overflow used for big rainfall events

RAIL YARD

Waste into rail yard on container, reach stacker places onto truck and truck goes to tipping floor

STONE SERVICE ROADS

Idle, good condition

STORM WATER OVERFLOW BASIN

No water, empty

4. The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection: Date: October 18, 2016

Nature & Extent
No Site management activities occurring during time of inspection.
Contractor(s)
Not Applicable (NA)
Compliance with Excavation Work Plan
NYSDEC Notification Date: NA
NYSDEC Notification Package
NA
Soil & Fill Screening Measures
NA
Stockpiles
NA
Off-Site Disposal Facility: NA
On-Site Re-use Criteria:
NA
Fluid Management
NA

Compliance with Excavation Work Plan (Continued)
Cover System Restoration
NA
SWPP
NA
CAMP
NA
Dust Control
NA
Odor Control
NA
Confirmatory Sampling
Field Methods (COC)
NA
Lab Methods
NA
HASP Compliance
PPE
NA

Date: October 18, 2016

Solid Waste Management Part 360 Permit Renewal issued 4/1/2005

Solid Waste Management Part 360 Permit Modification #1 issued 4/20/2005

Solid Waste Management Part 360 Permit Modification #2 issued 6/22/2011

Solid Waste Management Part 360 Permit Modification #3 issued 2/13/2015

Title V Air Permit issued 5/2/2014

SCHEDULE REQUIREMENTS

Annual Site Inspection (annually)

Periodic Review Report (annually)

Date: October 18, 2016

[illegible]

Attachment 2

Pictures of the Inspection





















New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

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

Website: www.dec.ny.gov



Joe Martens
Commissioner

February 13, 2015

Chris Schifferli, P.E.
Covanta Niagara LP
100 Energy Boulevard
Niagara Falls, New York 14304

Dear Mr. Schifferli:

**PART 360 RTIF PERMIT MOD TRANSMITTAL LETTER
COVANTA NIAGARA LP
CITY OF NIAGARA FALLS, NIAGARA COUNTY
PERMIT NO. 9-2911-00113/00023**

Enclosed is your modified 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.

The DEC permit number and Program ID number, if applicable, should be retained for your records and should be referenced on all future correspondence and applications related to the permit. 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 note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste and Air Pollution Control Permits, renewals must be made at least 180 days prior to the expiration date.

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, please contact this office at the above address.

Respectfully,
David S. Denk
Regional Permit Administrator

Enclosure

ecc: Dennis Weiss, P.E., RMME, NYSDEC, Division of Materials Management, Attn: Kevin Hintz, P.E.
James Strickland, P.E., RE, NYSDEC
Alfred Carlacci, P.E., RAPCE, NYSDEC, Division of Air Resources, Attn: Donna Kiersz, P.E.
Anthony Poupalos, NYSDEC, Division of Air Resources
David R. Lasher, P.E., NYSDEC, Division of Materials Management, CO
C. Ted Williams, P.E., NYSDEC, Division of Materials Management, CO
Richard Clarkson, P.E., NYSDEC, Division of Materials Management, CO
Gregory Sutton, P.E., NYSDEC, Division of Environmental Remediation
Leon Brasowski, P.E., Covanta Energy Corporation
Hon. Paul Dyster, Mayor, City of Niagara Falls



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
COVANTA NIAGARA LP
100 ENERGY BLVD
NIAGARA FALLS, NY 14304

Facility:
COVANTA NIAGARA LP
100 ENERGY BLVD AT 56TH ST
NIAGARA FALLS, NY 14304

Facility Location: in NIAGARA FALLS in NIAGARA COUNTY

Facility Principal Reference Point: NYTM-E: 173.767 NYTM-N: 4777.853
Latitude: 43°04'59.5" Longitude: 79°00'27.5"

Authorized Activity:

- Delivery, unloading, processing and combustion of solid waste;
- Loading and transshipment of ash residue, recovered materials and bypass waste;
- Operation of the alternate fuel-fired furnace/boiler;
- Operation of the permanent storage tank facility for the liquid injection system; and
- Construction and operation of the Rail-to-Truck Intermodal Facility (RTIF) to deliver and off-load containerized solid waste transported via railcars.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-2911-00113/00023

Renewal	Effective Date: <u>4/1/2005</u>	Expiration Date: <u>3/31/2015</u>
Modification # 1	Effective Date: <u>4/20/2005</u>	Expiration Date: <u>3/31/2015</u>
Modification # 2	Effective Date: <u>6/22/2011</u>	Expiration Date: <u>3/31/2015</u>
Modification # 3	Effective Date: <u>2/13/2015</u>	Expiration Date: <u>3/31/2015</u>

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: LISA M CZECHOWICZ, Deputy Regional Permit Administrator
Address: NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

Authorized Signature: _____

Lisa M. Czechowicz

Date 2/13/15



Distribution List

DENNIS WEISS
KEVIN HINTZ
DAVID R LASHER
C TED WILLIAMS
RICHARD E CLARKSON
GREGORY P SUTTON
ALFRED CARLACCI
DONNA F KIERSZ
ANTHONY N POUPALOS
Leon Brasowski, Covanta Energy
Chris Schifferli, Covanta Niagara
Hon. Paul Dyster, City of Niagara Falls

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. Permit Conflicts If any condition of this permit conflicts with the approved report and plans identified in Solid Waste Management Permit Condition 5 of this permit, the permit condition shall prevail over the report and plans unless specific written approval for such change is obtained from the New York State Department of Environmental Conservation (Department) Region 9 Materials Management Engineer (RMME) prior to implementation. Where there are conflicts between elements of the approved reports and plans, the most recently dated element shall prevail with respect to the conflicting material.

2. Emergency Reporting In the event of an emergency effecting plant operations, including but not limited to fires, explosion or on-site spills, the RMME, or the Department monitor (Monitor), shall be notified of the emergency within 24 hours of discovery. Oral reports due on weekends or holidays shall be made on the next business day. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the event.

3. Permit Applicability This permit supersedes all previously issued Solid Waste Management Facility permits and permit modifications issued by the Department for this facility.



APPROVED DOCUMENTS AND WASTES

4. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by (see Solid Waste Management Permit Condition 5 of this permit).

5. Approved Reports and Documents Unless expressly authorized in writing or unless modified by conditions of any permit issued by this Department, construction and operation of this facility shall be in accordance with the applicable requirements of 6 NYCRR Part 360 (current edition and as subsequently modified) and the following documents:

- Operations & Maintenance Manual Administrative Plan dated June 2004 and prepared by American Ref-Fuel Company of Niagara.
- Letter dated May 27, 2010 from Covanta Niagara, L.P. (William T. Gleason) to the Department (Mark J. Hans) regarding Solid Waste Permit Modification.
- Letter dated November 9, 2010 from Covanta Niagara L.P. (William T. Gleason) to the Department (Mark J. Hans) regarding Solid Waste Permit Modification Liquid Waste Storage Facility - Tanks.
- Letter dated December 15, 2010 from Covanta Niagara L.P. (William T. Gleason) to the Department (Mark J. Hans) regarding Solid Waste Permit Modification Liquid Waste Storage Facility - Tanks.
- Letter dated April 26, 2011 from Covanta Niagara L.P. (William T. Gleason) to the Department (Mark J. Hans) regarding Solid Waste Permit Modification Liquid Waste Storage Facility - Tanks.
- Letter dated July 21, 2014 from Covanta Niagara L.P. (Leon Brasowski) to the Department (David Denk) including New Application to Modify the NYS DEC Part 360 Permit to Operate for the Covanta Niagara Facility Rail-to-Truck Intermodal Facility Project.
- Solid Waste Management Facility Operations and Maintenance Manual Administration Plan, dated July 2014 and prepared by Covanta Niagara L.P.

6. Approved Wastes The facility may receive, process and combust only household waste, nonhazardous industrial/commercial waste, construction and demolition (C&D) debris and sewage sludges. Treated regulated medical waste (RMW) and treated RMW sharps, accompanied by a NYS Department of Health approved certificate of treatment form that evidences such treatment and is signed by an authorized person at the generating facility, may also be received for combustion at the facility. All industrial waste, regulated medical waste and sewage sludges are to be received only upon written acceptance from the RMME or the Monitor. All requests for approval to accept these waste streams shall be submitted on the 47-19-7 Application Form (Application for Treatment or Disposal of an Industrial Waste Stream), along with all supporting information.

Alternate fuels, approved by the Department, may be combusted in EFW Boiler #2.

7. Unacceptable Waste Hazardous waste (as defined in 6 NYCRR Part 371, which is subject to regulation under 6 NYCRR Parts 370 through 374) and radioactive waste (as defined and regulated in 6 NYCRR Part 380) may **not** be accepted at this facility.

The Permittee shall seek to prohibit all wastes that cannot be burned due to physical/technical limitations and environmental reasons. This includes, but is not limited to, yard wastes (leaves, brush, grass, and stump/tree sections), batteries, electronic wastes, and white goods.



8. Approved Design Capacity The design capacity of the facility is 801,600 tons of solid waste per year, based on a referenced heating value of the solid waste of 4,940 BTU/pound. The maximum annual solid waste throughput shall be 821,250 tons of solid waste. In addition, a maximum of 200,000 tons per year of alternate fuels may be burned in EFW Boiler #2.

9. Comprehensive Recycling Analysis The permitted facility shall not receive any solid waste which was generated within a municipality that has either not completed a Department approved Comprehensive Recycling Analysis (CRA) or is not included in another municipality's CRA which implemented the recyclables recovery program determined to be feasible by the analysis, satisfying the requirements of 6NYCRR Part 360-1.9(f).

VARIANCES/EQUIVALENT DESIGNS

10. Variance from Testing Requirements The Permittee's request for a variance from the requirements of 6 NYCRR Part 360-3.5(c)(2)(ii) is approved. The Permittee shall sample the ash in accordance with the Ash Sampling and Analysis Plan (Section 3) of the approved Operations and Maintenance Manual (see Solid Waste Management Permit Condition 5 of this permit).

COMPLIANCE SCHEDULE

11. Operation and Maintenance Manual Update Ninety days prior to commencement of operations, the Permittee must submit one hard copy and one CD copy of the Final Operations and Maintenance Manual (O&MM) to the Regional Materials Management Engineer (RMME) and one copy to the Regional Permit Administrator for review and approval. Written approval of the O&MM by the RMME is required prior to full scale operation of the facility.

12. Shake-Down Operations After substantial completion of construction and prior to NYSDEC authorization for the full scale operation of the RTIF, a period of shake-down operations may be conducted at the RTIF. During shake-down operations, Permittee will accept, over a defined period of time up to a maximum of 90 days, a specified amount of solid waste to determine if equipment is operating, as specified, and the operational procedures in the O&MM for the equipment are being performed appropriately and are adequate. Prior to commencement of a shake-down period, the O&MM must be updated to include a detailed description of the purpose, duration, tonnage limits, operating hours, and the schedule for waste delivery during shake-down operations. Also, a Professional Engineer Certification Statement of Substantial Completion of Construction and the shake-down operations update of the O&MM must be submitted to and approved by NYSDEC.

13. Construction Certification and Full Scale Operation of RTIF At least 30 days before NYSDEC authorization for the Permittee to commence full scale operation of the RTIF, the Permittee must submit a Construction Certification Report (CCR), sealed and signed by a professional engineer licensed by the State of New York, that certifies that the construction was completed in accordance with the terms of the permit, tested in accordance with generally accepted engineering practices, and constructed in conformance with the NYSDEC-Approved Engineering Drawings. Also, a complete set of Record Drawings, based on the original NYSDEC-Approved Engineering Drawings noting all changes/deviations from the original Engineering Drawings, the Final O&MM, and a Summary Report of the Shake-Down Procedures conducted, must be submitted for NYSDEC review and approval.

Full Scale Operation of the RTIF shall not begin until the Permittee receives the written approval of each of the required documents.



OPERATIONS

14. Modifications to Operations Whenever the Operations & Maintenance Manual Administrative Plan is revised, the revised plan must be given to and reviewed with the Monitor.

15. Refuse Storage All refuse shall be confined to the refuse bunker, except during boiler malfunctions and unforeseen circumstances. During these times, storage of refuse on the tipping floor will be allowed for up to 72 hours. The Monitor shall be notified when storage of refuse on the tipping floor begins. The 72 hour storage period can be extended to seven (7) days. However, prior to such an extension, the Permittee must provide the RMME, within two (2) business days, a written explanation why additional storage time is needed. The start and end times of the tipping floor storage periods must be recorded by the facility and the records shall be available for Department review. The Department reserves the right to restrict the number of periods refuse is stored on the tipping floor, should this be found to be excessive. Non-burnable waste may be stored on the tipping floor. No putrescible waste shall be stored in other areas of the facility at any time.

16. Containerized Solid Waste Storage Incidental storage of full intermodal containers may occur in the designated temporary storage area as indicated on the Overall Site and Staging Plan (Drawing C-001) contained in the permit modification application document (see Solid Waste Management Permit Condition 5 of this permit). Temporary storage of full intermodal containers in the designated area is allowed for a maximum of 48 hrs. from the time of receipt of the waste onsite. The containers may not be opened in the temporary storage area.

All containerized solid waste shall be offloaded and processed within 48 hours of arrival to the RTIF facility site. Incidental extended storage of loaded containers may occur for a period of two (2) additional days to accommodate extended weekends, mechanical or operational anomalies. Loaded containers may only be opened on the tipping floor within the Tipping Building. The permittee must notify the DEC Monitor and/or the RMME in advance when such incidental extended storage time is needed.

17. Unscheduled Shutdown The Permittee must notify the RMME or the Monitor if an unscheduled facility shutdown occurs for more than 24 hours, or when more than 720 tons of Approved Waste received by the facility must be bypassed by the facility.

18. Sampling Notification The Permittee shall notify the RMME or the Monitor at least 72 hours prior to commencement of any sampling which is conducted for the purpose of assuring compliance with this permit.

19. Ash Loading Loading of transportation containers or vehicles with ash residue must only be done inside an enclosed structure. Ash stored outside must be contained in leakproof and covered containers.

20. Waste Disposal All bypass waste, as well as any ash and non-burnables, disposed of in New York State, must be disposed in Department approved facilities. All bypass waste, as well as any ash and non-burnables, disposed of out of New York State must be disposed of in facilities approved by the respective State regulatory agencies.



21. Complaints Any complaints received by the permittee about the operation of this facility must be documented in a log book, with a description of action taken to alleviate the concern and the results of the action. Documentation must be available for review upon request by the Department. Any operational changes deemed necessary by the Department to correct nuisance conditions must be implemented.

22. Control of Litter Grounds and perimeter of the facility, along with any potentially impacted offsite areas must be inspected daily for wind blown papers and/or litter. All such waste must be picked up and properly disposed.

23. Odor Control Odors must be effectively controlled so that nuisance or hazards to health, safety and property are not generated offsite. The permittee may be required by the RMME to incorporate additional odor control measures, such as but not limited to, the use of deodorizers, if nuisance odor conditions occur.

24. Vector Control The permittee shall implement a pest management program for the control of vectors at the facility. The management program must be regularly maintained and shall remain in effect until such time that the Department provides the permittee with a written notice that it may cease.

25. Noise Control Noise levels resulting from equipment and operations at the facility must be controlled to prevent transmission of sound levels which exceed the levels listed as "urban" in 6 NYCRR Part 360-1.14(p) beyond the property line at locations zoned or otherwise authorized for residential purposes. The permittee may be required by the RMME to perform noise monitoring and report the Leq Energy equivalent Sound Levels.

CLOSURE

26. Site Closure The permittee shall close the site prior to the expiration date of this permit or prior to the expiration of any renewals of this permit in accordance with the closure requirements in 6 NYCRR Part 360 and the approved closure plan.

REPORTING

27. Quarterly Reports A quarterly report must be prepared by the facility which provides information on activities occurring during the quarter in question (January 1 - March 31; April 1 - June 30; July 1 - September 30; October 1 - December 31). All quarterly reports must be submitted on forms provided by or acceptable to the Department (see attached) or electronically, as specified by the Department. Quarterly reports must be submitted no later than 60 days after the quarter in question. The quarterly reports shall include:

- A weekly summary of operational information.
- A breakdown of the recyclables recovered at the facility.
- The quantity of waste material that has been rejected by the facility.



28. Annual Report An annual report must be prepared on activities occurring during the calendar year and must be submitted no later than March 1 of the following year. The annual report must be submitted on forms provided by or acceptable to the Department (see attached) or electronically, as specified by the Department. The annual report shall include all of the information required on the form and the following:

- A list of all municipalities which dispose of waste at the facility. The list must include the scheduled termination date of each municipality's service contract with the Permittee.

29. Report Submission All annual reports shall be submitted to the following:

NYSDEC
Division of Materials Management
Bureau of Permitting & Planning
9th Floor
625 Broadway
Albany, New York 12233-7258

NYSDEC
270 Michigan Avenue
Buffalo, New York 14203-2915
Attn: Regional Materials Management Engineer

MONITORING

30. Environmental Monitor The account to fund the Monitor for the permittee's facility, as established under previously issued permits, shall continue. The Monitor will monitor the permittee's facility for compliance with its Solid Waste Management Facility Permit, 6 NYCRR Part 360 and, other Department permits and regulations applicable to the facility. As required, the Monitor will assist in any legal enforcement activities resulting from the monitoring activities. The Monitor will also review permit applications, engineering reports, construction certifications and applications for waste stream approval.

- a. Funds, as required to support the monitoring requirements, shall be provided to the Department for funding of environmental compliance activities related to the operation of the permittee's facility. This sum is based on annual Monitor service costs and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The permittee shall be billed annually for each fiscal year beginning April 1. The permittee shall make payment 30 days in advance of April 1.
- b. The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Monitors and supervision of such Monitors by full-time Monitor supervisors. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis of any modification. If such a revision is required, the Department will notify the permittee of such revision no later than 60 days in advance of such revision.
- c. Prior to making its annual payment, the permittee will receive and have an opportunity to review the annual work plan that the Department will undertake during the year.



- d. Payments are to be in advance of the period in which they will be expended.
- e. Upon termination (expiration, surrender, transfer) of this permit and closure of the facility and payment of any outstanding costs, the unexpended balance including interest, will be returned to the Permittee.
- f. Failure to make the required payments shall be a violation of this Permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- g. The Monitor shall, when present at any Permittee facility, abide by all of the Permittee's health and safety and operational requirements and policies; provided, however, that this subparagraph shall not be construed as limiting the Monitor's powers as otherwise provided for by law and shall not result in the Monitor's being less protected than the Monitor would be if he or she were to abide by Departmental health and safety requirements.
- h. The Monitor shall receive from the Permittee all general safety training which is normally given to new site employees. This training will be a supplement to the mandatory safety training that Monitors receive from the Department.
- i. The Permittee shall furnish to the Monitor a current site policy and procedures manual for health and safety issues. Within ten (10) days of any revision to the health and safety plan, the Permittee shall notify the Department, in writing, of such modification.
- j. The Permittee shall provide to the Department a Hazard Assessment for the workplace which complies with OSHA rule 29 CFR 1910.132. Based on that assessment, the appropriate Personal Protective Equipment (PPE) will be provided to the monitor.
- k. The permittee shall provide, to the RMME's satisfaction, secured office space, utilities and telephone for on-site monitoring staff.

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: 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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

April 21, 2015

Mr. Chris Schifferli
Covanta Niagara LP
100 Energy Boulevard
Niagara Falls, New York 14304

Dear Mr. Schifferli:

**SAPA EXTENSION LETTER
PART 360 SOLID WASTE MANAGEMENT
PERMIT RENEWAL
COVANTA NIAGARA LP
DEC NO. 9-2911-00113/00023
CITY OF NIAGARA FALLS, NIAGARA COUNTY**

This is to confirm our receipt of your Part 360 Solid Waste Management Facility renewal application. Because of staff limitations and other priority commitments, we are unable to process your application in accordance with this Department's Uniform Procedures Regulations (Part 621 or 6NYCRR). Therefore, I am requesting your concurrence to indefinitely suspend, until further notice, the Uniform Procedure timetable while the Department continues its review of your renewal application. Please be advised that your existing permit, including all terms and conditions therein, will continue in effect pursuant to Section 401 of the State Administration Procedures Act (SAPA). Accordingly, please sign Page 2 of this letter and return it (or a copy) to this office by May 15, 2015.

When the Department has concluded its review of your application, you will be notified by mail of any further procedures or requirements. At that point, normal Uniform Procedures time frames will be followed.

If you have any further questions, regarding this application, please contact this office and refer to the DEC permit number above in all correspondence. Thank you.

Respectfully,



Lisa M. Czechowicz
Deputy Regional Permit Administrator

Ecc: Mr. Dennis Weiss, NYSDEC, Division of Materials Management
Mr. Anthony Poupalos, NYSDEC, Division of Air Resources
Mr. Leon Brasowski, Covanta Energy



Department of
Environmental
Conservation

Mr. Chris Schifferli
April 21, 2015
Page 2 of 2

I have read this letter and agree to allow the Department of Environmental Conservation to indefinitely suspend Uniform Procedures timeframes for processing of my renewal application DEC No. 9-2911-00113/00023. My present concurrence is based on the fact that my existing permit will continue in full effect (unless otherwise advised in writing by the Department) in accordance with Section 401 of the State Administration Procedures Act.

Applicant Signature: Chris Schifferli

Date: 4/21/15

Title: Environmental Engineer



PAGE 1 OF 13
PERMIT NO. 32

NIAGARA FALLS WATER BOARD

SIGNIFICANT INDUSTRIAL USER

WASTEWATER DISCHARGE PERMIT

PERMIT NO. 32 COVANTA NIAGARA L.P.

In accordance with all terms and conditions of Niagara Falls Water Board Wastewater Regulations Part 1960 and also with all applicable provisions of Federal and State Law or regulation:

Permission is Hereby Granted To: COVANTA NIAGARA L.P.

Located at: 100 ENERGY BOULEVARD, NIAGARA FALLS, NY 14304

Classified by SIC No(s): 4939

For the contribution of wastewater into the Niagara Falls Water Board Publicly-Owned Treatment Works (POTW).

Effective this 1st day of OCTOBER, 2015

To expire this 1st day of OCTOBER, 2020

For

A handwritten signature in blue ink, which appears to read "Joel R. Paradise", is written over a light blue rectangular background.

Paul J. Drof
Executive Director, Niagara Falls Water Board

Signed this 29th day of September, 2015

DISCHARGE IDENTIFICATION

OUTFALL	DESCRIPTION	LOCATION	RECEIVING
MS # 1	Monitoring Station No. 1	47th Street	All storm and sanitary wastewater
MS # 2	Monitoring Station No. 2	John Avenue	Storm, sanitary, ground water and floor drains from RTIF facility, internal truck container washes

WASTEWATER DISCHARGE PERMIT REQUIREMENTS FOR:	ACTION REQUIRED	REQUIRED DATE OF SUBMISSION
A. <u>Discharges to the Niagara Falls Water Board (NFWB) Sewer</u>		
1. Identification of all discharges to the NFWB Sewer System on a current plant sewer map certified by a New York State licensed professional engineer.	NONE	SUBMISSION RECEIVED 6/16/15
2. Identification of each contributing waste stream to each discharge to the NFWB Sewer System clearly marked on, or referenced to, a current plant sewer map certified by a New York State licensed professional engineer.	NONE	SUBMISSION RECEIVED 06/16/15
3. Elimination of all uncontaminated discharges to the NFWB Sewer System. All uncontaminated flows should be clearly identified on a current sewer map certified by a New York State licensed professional engineer.	NONE	
4. Establishment of a control manhole that is continuously and immediately accessible for each discharge to the NFWB Sewer System.	NONE	
B. <u>Wastewater Discharge Management Practices</u>		
1. Identification of a responsible person(s) (day to day and in emergencies).	NONE	

WASTEWATER DISCHARGE PERMIT REQUIREMENTS FOR:

C. Slug Control Plan**

Pursuant to Section 40 CFR 403.12 (v) of the Federal Pretreatment Standards the Niagara Falls Water Board will evaluate the permittee, a minimum of once every two years for the need for a "Slug Control Plan." If a plan is required by the Niagara Falls Water Board, then the plan will contain, at a minimum, the following elements:

- a) Description of discharge practices, including non-routine batch discharges;
- b) Description of stored chemicals;
- c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within five days;
- d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

**This section applies to all pollutants limited by the Niagara Falls Water Board SPDES Permit and all prohibited wastewater discharges (See Section 1960.5 of the Niagara Falls Water Board Wastewater Regulations).

D. General Wastewater Discharge Permit Conditions

1. Flow monitoring should be performed concurrently with any Wastewater Discharge Permit sampling and should be reported at the same time as analytical results. If it is not feasible to perform flow monitoring, an estimate of flow (method of estimated flow preapproved by the Niagara Falls Water Board) should be submitted with the analytical results.
2. All sampling for billing and pretreatment compliance purposes will be coordinated through the Niagara Falls Water Board Industrial Monitoring Coordinator.
3. All analysis must be performed by a State certified laboratory using analytical methods promulgated and consistent with 40 CFR 136 and amendments thereto. The permittee will request their contract laboratory to report both Practical Quantification Limit (PQL) and Method Detection Limit (MDL). The PQL and MDL are defined in the NYSDEC Technical Guidance Series 1.3.7.

The permittee should report results that are less than the MDL or PQL on the NFWB Self Monitoring Report, as non-detect (ND), by placing a less than sign (<) followed by the analytical result. Every effort should be made to attain results down to the MDL. If this is not possible, then results less than PQL but greater than MDL must also be additionally flagged with the qualifier "J" on the Self Monitoring Report. For example, a result less than 5 PQL would be reported <5 (J). In either case the calculated load in lbs per day would be zero.

Monitoring results which are lower than the PQL must be reported but will not be used to determine compliance with the permit limit.

4. An estimate of relative production levels for wastewater contributing processes at the time of any pretreatment compliance sampling will be submitted upon request of the Director of Niagara Falls Water Board - Wastewater Facilities.
5. All samples will be handled in accordance with EPA approved methods. Chain of Custody records will be submitted with all sampling results.
6. All conditions, standards and numeric limitations of Niagara Falls Water Board Wastewater Regulations are hereby incorporated into this permit by reference. These conditions, standards and numeric limitations must be complied with. Failure to comply with any part of said regulations constitutes a violation and is subject to enforcement actions(s) described in Section 1960.9 of said Regulations, and in the Niagara Falls Water Board Pretreatment Administrative Procedure Number Five (5) - "Enforcement Response Guide." Violators are subject to all applicable *Civil* and *Criminal* penalties. In the event of a violation, including slug discharges or spills, the Niagara Falls Water Board must be notified immediately by phone and confirmed by letter within five (5) working days.

Any person adjudicated of violating any provision in the Niagara Falls Water Board Wastewater Regulations shall be assessed a fine in the amount of up to \$10,000. This amount is available for each violation, and each day of a violation is a separate incident for which penalties may be sought.

D. General Wastewater Discharge Permit Conditions (Cont'd)

6. The person violating any of the provisions of the Niagara Falls Water Board Wastewater Regulations will be liable for any expense, loss, or damage occasioned by reason of such violation. The expense, loss or damage will be taken to be to the extent determined by the Director.

In addition, any person who knowingly makes any false statements; representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the Niagara Falls Water Board Wastewater Regulations, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Niagara Falls Water Board Wastewater Regulations will, upon conviction be punished by a fine up to \$10,000. Furthermore, the Niagara Falls Water Board may recover reasonable attorney's fees, court costs, court reporting fees, and other expenses of litigation by appropriate suit at law against the person found to have violated applicable laws, orders, rules and permits required by the Niagara Falls Water Board Wastewater Regulations.

7. In accordance with Federal Regulation CFR 40, Part 403.12(g), any exceedance of a numeric limitation noted by the SIU must be re-sampled, analyzed and resubmitted to the Niagara Falls Water Board - Wastewater Facilities within 30 days.

Specifically, if any limit that is listed in Section F of this permit is exceeded, then the permittee will undertake a short term monitoring program for that pollutant. Samples will be collected identical to those required for routine monitoring purposes and will be collected on each of at least two (2) operating days and analyzed. Results will be reported in both concentration and mass, and will be submitted within 30 days of becoming aware of the exceedance.

8. Sampling frequency for any permitted compounds may be increased beyond the requirements set forth in Section F and G of this permit. If the permittee monitors (sample and analysis) more frequent than required under this permit, all results of this monitoring must be reported.
9. As noted in Section 1960.5g of the Niagara Falls Water Board Wastewater Regulations, "Personnel as designated by the Director will be permitted at any time for reasonable cause to enter upon all properties served by the Niagara Falls Water Board – Wastewater Facilities for the purpose of, and to carry out, inspection of the premises, observation, measurement, sampling and testing, in accordance with provisions of the Regulations."
10. As noted in Section 1960.5c of the Niagara Falls Water Board Wastewater Regulations, significant changes in discharge characteristics or volume must be reported immediately to the Niagara Falls Water Board - Wastewater Facilities.
11. As noted in Section 1960.6b of the Niagara Falls Water Board Wastewater Regulations, samples required to be collected via a 24-hour composite sampler must be retained refrigerated for an additional 24 hour plus unrefrigerated an additional 48 hours (total 72 hours).
12. As noted in Section 1960.5d of the Niagara Falls Water Board Wastewater Regulations, all "SIU's will keep on file for a minimum of three years, all records, flow charts, laboratory calculations or any other pertinent data on their discharge to the Niagara Falls Water Board - Wastewater Facilities."

D. General Wastewater Discharge Permit Conditions (Cont'd)

13. As noted in Section 1960.6g of the Niagara Falls Water Board Wastewater Regulations, "Permits are issued to a specific user for a specific monitoring station. A permit will not be reassigned or transferred without the approval of the Director which approval will not be unreasonably withheld. Any succeeding owner or user to which a permit has been transferred and approved will also comply with all the terms and conditions of the existing permit."
14. The Annual Average Limitation is equivalent to the specific SIU allocation, and will be defined as the permissible long term average discharge of a particular pollutant. These limitations are listed in Section F of this permit. The computation of the Annual Average will be as follows; for each compound listed in Section G of this permit, the Annual Average will be the average of the present monitoring quarter and three previous quarters' data.
15. The Daily Maximum Limitation will be defined as the maximum allowable discharge on anyone day. The Daily Maximum Limitation will allow for periodic short term discharge fluctuations. These specific limitations are listed in Section F of this permit.
16. Enforcement of the Annual Average Limitation will be based on the reported average of the last four quarters data vs. the Annual Average Limited listed in Section F of this permit. Enforcement of the Daily Maximum Limitation will be based on individual analysis results vs. the Daily Maximum Limit listed in Section F of this permit. These results may be obtained from self monitoring (Section G), Niagara Falls Water Board Verification, incident investigation or billing samples.
17. The Niagara Falls Water Board Administrative Procedure Number 6 "Procedure for Determination and Use of Local Limits" lists all pollutants noted in the Niagara Falls Water Board – Wastewater Facilities SPDES Permit. The limits defined in the procedure are values which are based on the quantity of substances discharged which can be easily related to the Treatment Plant's removal capacity.

The pollutants listed in this procedure which are not specifically listed in Section F and G of this permit may be present in the permittee's wastewater discharge, but at levels which do not require specific permit limitations. Consequently, if any of the limits listed in this procedure, for pollutants not identified in Section F and G of this permit, are exceeded then the permittee will undertake a short-term, high intensity monitoring program for that pollutant. Samples identical to those required for routine monitoring purposes will be collected on each of at least three operating days and analyzed. Results will be expressed in terms of both concentration and mass, and will be submitted no later than the end of the third month following the month when the limit was first exceeded.

If levels higher than the limit are confirmed, the permit may be reopened by the Niagara Falls Water Board for consideration of revised permit limits.

E. Specific Wastewater Discharge Permit Conditions

1. Billing Agreement:

- a) Quantities of flow, TSS and SOC shall be made at the NFWB expense and shall be based on five (5) representative 24 hour flow proportion composite samples from both monitoring stations.
- b) Substances of Concern charges shall be based on the SIU Self Monitoring Report submitted quarterly.

2. Sample Collection:

The permittee shall continue to collect a 72 hour composite sample for the weekend at each monitoring station. The samples shall cover the period Friday A.M. to Monday A.M.

3. Slug Control Plan:

Pursuant to the regulations contained in the Federal Industrial Pretreatment Program, 40CFR 403.8(f)(2), the NFWB is obligated to periodically review users for the need for a Slug Control Plan. This permittee has been reviewed and is required to develop and implement such a plan.

This plan entitled "Spill Prevention Plan" must be implemented and all sections pertaining to sewer discharges to the NFWB are *enforceable under this permit*. All future revisions to this plan are also enforceable. Revised plans must be submitted to the Niagara Falls Water Board.

4. Rail to Truck Intermodal Facility (RTIF):

- a) A new monitoring station #2 has been added to measure flow and collect samples for this offload facility. Because the facility is new the precise pollutant load to the sewer system has not been determined. Interim limits have been assigned and will be reassessed when more data is developed.
- b) This approval includes the following wastewaters: surface storm runoff, human sanitary waste, rail bed groundwater, floor drains, internal truck container washes and maintenance facility water pretreated by an oil/water separator.
- c) Truck container (internal) wash water must be sampled and analyzed for the pollutant parameters noted in Attachment A. The analyses results must be submitted to the NFWB staff and obtain approval prior to release of this wastewater.
- d) During the RTIF site construction phase, construction water must be sampled and analyzed for the pollutants in Attachment A on a quarterly basis.

F. Discharge Limitations & Monitoring Requirements

During the Period beginning the effective date of this Permit and lasting until the expiration date, discharge from the permitted facility outfall(s) will be limited and monitored by the permittee as specified below.

OUTFALL NUMBER / EFFLUENT PARAMETER	DISCHARGE LIMITATIONS		UNITS	MINIMUM MONITORING REQUIREMENTS	
	ANNUAL AVERAGE	DAILY MAXIMUM		MEASUREMENT FREQUENCY	SAMPLE TYPE
MS # 1 Flow	1.50	3.75	MGD	Continuous	N/ A
MS # 1 Total Suspended Solids	1,500	3,750	lbs/day	5/Quarter	7
MS # 1 Soluble Organic Carbon	80	130	lbs/day	5/Quarter	7
MS # 1 Benzene	0.4	1.0	lbs/day	1/Quarter	2
MS # 1 Monochlorotoluene	0.40	1.0	lbs/day	1/Quarter	2
MS # 1 Dichlorobenzene	0.08	0.20	lbs/day	1/Quarter	2
MS # 1 Total Phosphorus	7.00	9.00	lbs/day	1/Quarter	3
MS # 1 Cadmium	0.18	0.25	lbs/day	1/Quarter	3
MS # 1 Chromium	0.07	0.16	lbs/day	1/Quarter	3

F. Discharge Limitations & Monitoring Requirements (Cont'd)

During the Period beginning the effective date of this Permit and lasting until the expiration date, discharge from the permitted facility outfall(s) will be limited and monitored by the permittee as specified below.

OUTFALL NUMBER/ EFFLUENT PARAMETER	DISCHARGE LIMITATIONS		UNITS	MINIMUM MONITORING REQUIREMENTS	
	ANNUAL AVERAGE	DAILY MAXIMUM		MEASUREMENT FREQUENCY	SAMPLE TYPE
MS #1 T. Mercury	0.007	0.015	lbs/day	1/Quarter	3
MS # 1 T. Lead	1.98	2.55	lbs/day	1/Quarter	3
MS # 1 T. Zinc	4.0	9.0	lbs/day	1/Quarter	3
MS # 1 Iron		Monitor only	lbs/day	1/Quarter	3
MS # 1 Aluminum		Monitor only	lbs/day	1/Quarter	3
MS #2 Flow	0.75	0.90	MGD	Continuous	N/A
MS #2 Total Suspended Solids		Monitor only	lbs/day	5/Quarter	7
MS #2 Soluble Organic Carbon		Monitor only	lbs/day	5/Quarter	7
MS # 2 Iron		Monitor only	lbs/day	1/Quarter	3
MS # 2 Aluminum		Monitor only	lbs/day	1/Quarter	3
MS # 2 Attachment A Truck container (internal) wash water		Monitor only	lbs/day	1/Discharge	grab
MS # 2 Attachment A Construction water		Monitor only	lbs/day	Quarterly	grab

F. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS CONTINUED

SAMPLE TYPE FOOTNOTES

- (1) Each sample will consist of four (4) grabs collected spaced throughout the **batch** discharge, such that they are representative of the effluent being discharged pursuant to 40CFR 403.12.b5iii. The four (4) grabs will be **composited in the laboratory** and analyzed as one sample.
- (2) Each sample will consist of four (4) grabs collected spaced over the 24-hour period, such that they are representative of the effluent being discharged pursuant to 40CFR 403.12.b5iii. The four (4) grabs will be **composited in the laboratory** and analyzed as one sample.
- (3) Each sample will consist of a 24-hour, **flow proportioned** composite sample collected from the monitoring point.
- (4) Flow will be monitored continuously with the use of a water meter or another acceptable flow metering device.
- (5) Each sample will consist of a 24-hour, **time proportioned** composite sample collected from the monitoring point.
- (6) Reserved
- (7) Same as (3), however, five (5) samples will be collected per quarter from the monitoring point and analyzed by and at the Niagara Falls Water Board expense.
- (8) Four (4) grab samples will be collected spaced over the 24-hour period, such that they are representative of the effluent being discharged pursuant to 40CFR 403.12.b5iii. Each grab will be **analyzed and reported separately**.
- (9) A grab sample is defined as an aliquot collected over a period of not more than 15 minutes.

G. Discharge Monitoring Reporting Requirements

During the period beginning the effective date of this permit and lasting until its expiration date, discharge monitoring results will be summarized and reported by the permittee; Monthly - 14 days after monitoring period, Quarterly - by the last day of the monitoring period = February 28, May 31, August 31, November 30. Semiannual reports will be submitted on the last day of the monitoring period = February 28, August 31. The annual average for each parameter listed in Section F, will be computed and reported quarterly. The individual sample analysis for present quarter will also be reported quarterly unless directed otherwise in this permit.

OUTFALL NO	PARAMETER	REPORTING FREQUENCY
MS # 1	Flow	Monthly
MS # 1	Benzene	Quarterly
MS # 1	Monochlorotoluene	Quarterly
MS # 1	Dichlorobenzenes	Quarterly
MS # 1	Total Phosphorous	Quarterly
MS # 1	T. Cadmium	Quarterly
MS # 1	T. Chromium	Quarterly
MS # 1	T. Mercury	Quarterly
MS # 1	T. Lead	Quarterly
MS # 1	T. Zinc	Quarterly
MS # 1	Iron	Quarterly
MS # 1	Aluminum	Quarterly
MS #2	Flow	Monthly
MS #2	Iron	Quarterly
MS #2	Aluminum	Quarterly
MS #2	Pollutant List Attachment A for each truck (internal) container wash	Quarterly
MS #2	Pollutant List Attachment A for batch discharges of construction water	Quarterly

H. Comments/Revisions

I:\Admin\winword\Zaepfel\SIU\Permits\Covanta

Attachment A

Modified: 7/25/14

Covanta RTIF Internal Truck Container Wash Water – Parameter List					
Sample dates				10/25/2013	
		ug/L	Lbs/Day	Local Limit Lbs/Day	Permit Lim. Lbs/Day
<u>A.VOLATILE COMPOUNDS</u>					
VINYL CHLORIDE				0.03	
1,1 DICHLOROETHYLENE				0.065	
METHYLENE CHLORIDE				0.15	
1,2 DICHLOROETHYLENE				0.065	
CHLOROFORM				0.055	
1,1,1 TRICHLOROETHANE				0.02	
CARBON TETRACHLORIDE				0.046	
BENZENE				0.062	
DICHLOROPROPYLENES				NONE	
TRICHLOROETHYLENE				0.088	
DICHLOROBROMOMETHANE				0.011	
TOLUENE				0.344	
1,1,2-TRICHLOROETHANE				0.02	
TETRACHLOROETHYLENE				0.114	
DIBROMOCHLOROMETHANE				0.015	
MONOCHLOROBENZENE				0.2	
MONOCHLOROBENZOTRIFLUORIDES				0.2	
ETHYLBENZENE				0.047	
BROMOFORM				0.2	
1,1,2,2-TETRACHLOROETHANE				0.027	
MONOCHLOROTOLUENES				1.4	
XYLENES(M,P,O)				0.344	
<u>B.ACID COMPOUNDS</u>					
MONOCHLOROPHENOLS				0.063	
DICHLOROPHENOLS				0.038	
MONOCHLOROCRESOLS				0.036	
TRICHLOROPHENOLS				0.102	
PENTACHLOROPHENOL				0.038	

Page 2 of 3					
C.BASE/NEUTRAL COMPOUNDS		ug/L	Lbs/Day	Local Limit Lbs/Day	Permit Lim. Lbs/Day
DICHLOROBENZENES				0.016	
TRICHLOROBENZENE				0.076	
DICHLOROTOLUENE				0.016	
NAPHTHALENE				0.022	
HEXACHLOROBUTADIENE				0.009	
HEXACHLOROCYCLOPENTADIENE				0.088	
TETRACHLOROBENZENES				0.076	
TRICHLOROTOLUENES				0.076	
HEXACHLOROBENZENE				0.00016	
DICHLOROBENZOTRIFLUORIDES				0.20	
ACENAPHTHENE				0.024	
PHENANTHRENE				0.017	
FLUORANTHENE				0.009	
PYRENE				0.009	
CHRYSENE				0.009	
BENZO(A)ANTHRACENE				0.009	
DIMETHYLPHTHALATE				0.052	
BUTYLBENZYLPHTHALATE				0.102	
DI-N-BUTYLPHTHALATE				0.052	
DIETHYLPHTHALATE				0.204	
DI-N-OCTYLPHTHALATE				0.052	
NITROSODIPHENYLAMINE				0.025	
D.PESTICIDES/PCBs					
HEXACHLOROCYCLOHEXANES				0.0013	
PCB's(AROCHLOR 1248)				0.00024	
ENDOSULFAN I + II + ENDOSULFAN SULFATE				0.0012	
MIREX				0.00032	
DECHLORANE PLUS				0.006	
HEPTICHLOR + HEPTICHLOR EPOXIDE				0.00002	
CONVENTIONALS, METALS, CYANIDE		mg/L	Lbs/Day	Local Limit Lbs/Day	Permit Lim. Lbs/Day
ALUMINUM				19.4	
CADMIUM				0.008	
CHROMIUM				0.04	
COPPER				0.965	
LEAD				0.32	
MERCURY				0.00064	
NICKEL				0.4	

Page 3 of 3					
<u>CONVENTIONALS, METALS, CYANIDE</u>		mg/L	Lbs/Day	Local limit LBS/Day	Permit Lim. Lbs/Day
ZINC				1.38	
PHENOLICS				0.474	
TSS				200	
TOTAL ORGANIC CARBON (DOC)				48.8	
TOTAL PHOSPHOROUS				2	
SOC				48.8	
TOTAL CYANIDE				0.155	
<u>RADIOACTIVITY</u>					
Ra					
Th					
U					
FLOW			MGD	0.025	

City of Niagara Falls

PETROLEUM LICENSE

FLAMMABLE LIQUIDS- STORAGE

License # : 20150015

Amount Paid : \$ 60.00

Is hereby granted to COVANTA NIAGARA,
100 Energy Blvd. Niagara Falls, NY 14304

in the City of Niagara Falls, NY until the **31st** day of **December, 2015** pursuant
to Chapter **345** of the Ordinances of the City of Niagara Falls unless sooner
revoked by the Council of said City.

THIS LICENSE is subject to all of the Ordinances and Regulations of the City,
and also to all the provisions of the City Charter, and to all laws of the State
relating thereto.

Dated, Niagara Falls, N.Y.,
12/31/2014



Carol A. Antonucci

Carol A. Antonucci
City Clerk

City of Niagara Falls

PETROLEUM LICENSE

FLAMMABLE LIQUIDS- STORAGE

License # : 20160017

Amount Paid : \$ 60.00

Is hereby granted to COVANTA NIAGARA,
100 Energy Blvd. Niagara Falls, NY 14304

in the City of Niagara Falls, NY until the **31st** day of **December, 2016** pursuant
to Chapter **345** of the Ordinances of the City of Niagara Falls unless sooner
revoked by the Council of said City.

THIS LICENSE is subject to all of the Ordinances and Regulations of the City,
and also to all the provisions of the City Charter, and to all laws of the State
relating thereto.

Dated, Niagara Falls, N.Y.,
12/28/2015



Carol A. Antonucci
City Clerk



City of Niagara Falls

PETROLEUM LICENSE

FLAMMABLE LIQUIDS- STORAGE

License # : 20170009

Amount Paid : \$ 60.00

Is hereby granted to Covanta Energy,
100 Energy Blvd Niagara Falls, NY 14304

in the City of Niagara Falls, NY until the **31st** day of **December, 2017**
pursuant

to Chapter **345** of the Ordinances of the City of Niagara Falls unless sooner
revoked by the Council of said City.

THIS LICENSE is subject to all of the Ordinances and Regulations of the City,
and also to all the provisions of the City Charter, and to all laws of the State
relating thereto.

Dated, Niagara Falls, N.Y.,
12/08/2016



Carol A. Antonucci

Carol A. Antonucci
City Clerk

	PBS Number 9-221279	New York State Department of Environmental Conservation PETROLEUM BULK STORAGE CERTIFICATE 625 Broadway, 11th Floor, Albany, NY 12233-7020 Phone: 518-402-9553			Region 9 NYSDEC - PBS Unit 270 Michigan Avenue Buffalo, NY 14203-2999 (716) 851-7220	
TANK NUMBER	TANK LOCATION	DATE INSTALLED	TANK TYPE	PRODUCT STORED	CAPACITY (GALLONS)	
E13	Aboveground - in contact with impervious barrier	03/01/1979	Steel/Carbon Steel/Iron	diesel	250	*
E14	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	10/22/2015	Steel/Carbon Steel/Iron	diesel	10,000	*
E2	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	01/01/1984	Steel/Carbon Steel/Iron	diesel	1,275	*
E3	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	07/01/1993	Steel/Carbon Steel/Iron	gasoline	300	*
E4	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	06/01/1993	Steel/Carbon Steel/Iron	diesel	500	*
E5	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	06/01/1993	Steel/Carbon Steel/Iron	diesel	500	*
E6	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	06/01/1993	Steel/Carbon Steel/Iron	diesel	500	*

FACILITY NAME AND ADDRESS : COVANTA NIAGARA, I, LLC 100 ENERGY BOULEVARD @ 56TH STREET NIAGARA FALLS, NY 14304	FACILITY (PROPERTY) OWNER: COVANTA NIAGARA, L.P. 100 ENERGY BOULEVARD @ 56TH STREET NIAGARA FALLS, NY 14304	As the owner of this facility and/or the tanks at this facility, the receipt, posting, and use of this certificate is an acknowledgement that I am responsible to the extent required by law for ensuring that this facility is in compliance with all regulations for the bulk storage of petroleum including those regarding equipment requirements, inspections, handling procedures, recordkeeping, registration requirements, providing advanced notice to the Department of major changes to a tank system, spill reporting, and all other applicable requirements. Violations may be punishable as a criminal offense and/or a civil violation in accordance with applicable state and federal law. This registration certificate must be kept current and conspicuously posted at this facility at all times. Posting must be at the tank, at the entrance of the facility, or the main office where the storage tanks are located. Spills must be reported to the DEC within two hours (1-800-457-7362).  Signature of Facility Owner/Authorized Representative 12/28/2015 Date BRIAN KENT FACILITY MANAGER Printed Name and Title of Facility Owner/Authorized Representative
Class B (Daily On-Site) Operator: BRIAN KENT Class A (Primary) Operator: BRIAN KENT Emergency Contact Name: CHRISTOPHER SCHIFFERLI Emergency Contact Phone Number: (716) 278-8524	Facility Phone Number (716) 278-8500 MAILING CORRESPONDENCE: CHRISTOPHER SCHIFFERLI COVANTA NIAGARA I, LLC 100 ENERGY BOULEVARD AT 56TH STREET NIAGARA FALLS, NY 14304	
ISSUED BY: Acting Commissioner Basil Seggos PBS NUMBER: 9-221279 DATE ISSUED: 06/25/2013 EXPIRATION DATE : 06/01/2018 FEE PAID: \$500.00		

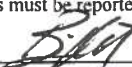
Print Date: 12/21/2015

THIS REGISTRATION CERTIFICATE IS NON -TRANSFERABLE

Page 1 of 2

	PBS Number 9-221279	New York State Department of Environmental Conservation PETROLEUM BULK STORAGE CERTIFICATE 625 Broadway, 11th Floor, Albany, NY 12233-7020 Phone: 518-402-9553			Region 9 NYSDEC - PBS Unit 270 Michigan Avenue Buffalo, NY 14203-2999 (716) 851-7220	
TANK NUMBER	TANK LOCATION	DATE INSTALLED	TANK TYPE	PRODUCT STORED	CAPACITY (GALLONS)	
E7	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	05/01/2005	Steel/Carbon Steel/Iron	kerosene [#1 fuel oil] (on-site consumption)	500	*
E8	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	02/01/2007	Steel/Carbon Steel/Iron	diesel	1,500	*
E9	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	04/15/2008	Steel/Carbon Steel/Iron	diesel	500	*

* Aboveground tanks require monthly visual inspections and may need documented internal inspections as described in 6 NYCRR Section 613-4.3

FACILITY NAME AND ADDRESS : COVANTA NIAGARA, I, LLC 100 ENERGY BOULEVARD @ 56TH STREET NIAGARA FALLS, NY 14304	FACILITY (PROPERTY) OWNER: COVANTA NIAGARA, L.P. 100 ENERGY BOULEVARD @ 56TH STREET NIAGARA FALLS, NY 14304	As the owner of this facility and/or the tanks at this facility, the receipt, posting, and use of this certificate is an acknowledgement that I am responsible to the extent required by law for ensuring that this facility is in compliance with all regulations for the bulk storage of petroleum including those regarding equipment requirements, inspections, handling procedures, recordkeeping, registration requirements, providing advanced notice to the Department of major changes to a tank system, spill reporting, and all other applicable requirements. Violations may be punishable as a criminal offense and/or a civil violation in accordance with applicable state and federal law. This registration certificate must be kept current and conspicuously posted at this facility at all times. Posting must be at the tank, at the entrance of the facility, or the main office where the storage tanks are located. Spills must be reported to the DEC within two hours (1-800-457-7362).  Signature of Facility Owner/Authorized Representative 12/28/2015 Date BRIAN KENT FACILITY MANAGER Printed Name and Title of Facility Owner/Authorized Representative
Class B (Daily On-Site) Operator: BRIAN KENT Class A (Primary) Operator: BRIAN KENT Emergency Contact Name: CHRISTOPHER SCHIFFERLI Emergency Contact Phone Number: (716) 278-8524	Facility Phone Number (716) 278-8500 MAILING CORRESPONDENCE: CHRISTOPHER SCHIFFERLI COVANTA NIAGARA I, LLC 100 ENERGY BOULEVARD AT 56TH STREET NIAGARA FALLS, NY 14304	
ISSUED BY: Acting Commissioner Basil Seggos PBS NUMBER: 9-221279 DATE ISSUED: 06/25/2013 EXPIRATION DATE : 06/01/2018 FEE PAID: \$500.00		

Print Date: 12/21/2015

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