

ONGOING NORLITE FACILITY OVERSIGHT

Updates: New DEC Enforcement Actions, New Off-Site Dust Study Results, and Permitting Process

DEC Divisions of Materials Management, Air Resources, Mineral Resources, Water, Environmental Justice, and Environmental Permits

WHO TO CONTACT: 

Comments and questions are always welcome and should be directed as follows:

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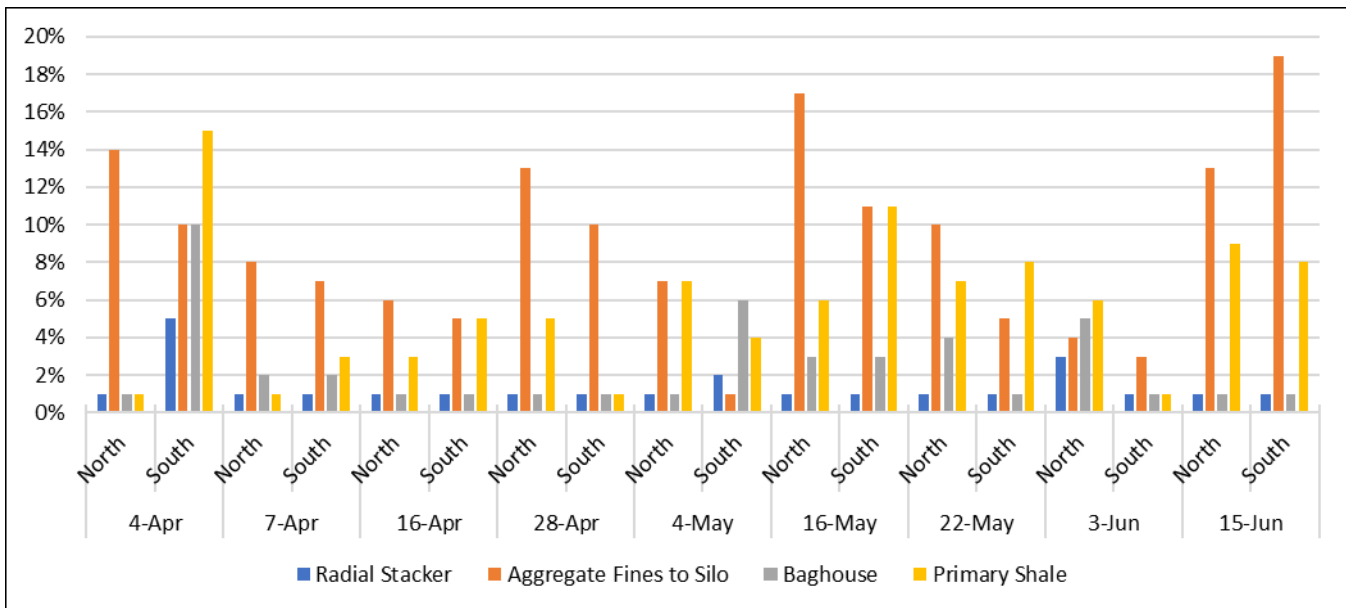
The State Department of Environmental Conservation (DEC) and its state and local partners are committed to protecting the public health and the environment of the City of Cohoes and surrounding area. This community update provides an overview of DEC’s recent actions and the steps we are taking to address public concerns arising from Norlite’s operations.

COMPREHENSIVE OFF-SITE DUST STUDY

In Spring 2021, DEC initiated a comprehensive study of off-site dust following concerns expressed by residents of the Saratoga Sites apartment complex and other Norlite facility neighbors. The study was designed to characterize the larger particle sizes found in the Saratoga Sites community by sampling at two locations for particulate matter 10 microns or less in size (PM₁₀) and PM₁₀ crystalline silica, perform microscopic analysis of suspended particles, and conduct one-hour monitoring of particles 2.5 microns or less in size (PM_{2.5}). To collect additional time-of-day information about dust events, a continuous PM₁₀ analyzer was added in August 2021 to the south monitoring location at Saratoga Sites.

Results of the interim study show that dust particles larger than PM_{2.5} from the Norlite facility are migrating to the Saratoga Sites property. The data show that dust particle plume events usually occur in short, one- to four-hour intervals at levels higher than observed by DEC air monitors in downtown Albany during the same hours and demonstrate Norlite has been violating DEC’s stringent air pollution control regulations and permit conditions.

DEC’s comprehensive analysis shows positive matches to Norlite source material for every filter that underwent microscopic analysis to date. Twenty-four-hour PM₁₀ data also shows that readings at the south part of Norlite’s property, adjacent to Saratoga Sites and where shale processing and storage takes place, are significantly higher than on the north side of the property, further reinforcing DEC’s determination that Norlite’s aggregate processing is a source of the dust.



Particles collected at the North and South monitoring locations matched to Norlite source material

DEC's full Fugitive Dust Monitoring Interim Report is available at DEC's Norlite website at: <https://www.dec.ny.gov/chemical/121118.html>

DEC and the New York State Department of Health (DOH) remain available to answer any questions from the public about the Fugitive Dust Monitoring Interim Report and other concerns about Norlite's operations. Additional opportunities for public input will be scheduled in the future.

ENFORCEMENT ACTIONS

On Feb. 7, 2022, DEC issued the latest Notice of Violation to Norlite for fugitive dust demonstrably leaving the Norlite property and the air contaminants, including silica, that are blowing off-site and onto neighboring residential properties.

DEC is requiring Norlite to immediately cease and desist from any activity resulting in fugitive dust leaving the Norlite property, including but not limited to dust from aggregate and product piles. DEC is also requiring Norlite to develop a comprehensive plan to contain dust sources to prevent it from leaving the site.

Penalties for the violations identified in this Notice of Violation may range up to \$22,500 for each day the violations continue, exclusive of penalties for potential additional violations that DEC continues to investigate.

Norlite is required to:

- Submit a plan to DEC within 60 days for the construction and operation of enclosure structures or similar protection for areas where aggregate and shale storage, processing, and conveying takes place, and sealing additional equipment to prevent potential dust releases;
- Install and operate new off-site air monitoring equipment along the eastern property line of the Norlite property pursuant to DEC and DOH specifications;
- Increase recording, reporting, and training requirements for employees regarding fugitive dust; and
- Install weather equipment and conduct daily observations for any particulate impacts at Saratoga Sites. If any impact is observed, the facility will be required to undertake additional corrective action.

Next Steps

DEC continues to work with DOH to assess potential community impacts. In addition, DEC continues to work with the Office of the Attorney General to investigate these violations and related concerns.

PERMIT STATUS

Norlite's permits are currently extended under State law, specifically the State Administrative Procedure Act. The facility's permit renewals were submitted to DEC more than 180 days prior to their expiration and the applications satisfied certain minimum regulatory requirements. However, DEC has advised Norlite that its permit applications are not complete for purposes of the Uniform Procedures Act and requested additional information from the facility. New York State law provides that the existing permit remains in effect while DEC considers a renewal application.

DEC has not yet received a complete response to the most recent Notice of Incomplete Application from the facility. It is due by Feb. 28, 2022. If DEC determines the applications to be complete, DEC will require opportunities for public notice and comment prior to making any decision.

Environmental Justice Meetings

DEC has designated certain communities near the Norlite facility as an Environmental Justice area, requiring robust public outreach for Norlite's permits. On June 18, 2020, DEC notified Norlite that the renewal applications for the facility's Air Title V and Hazardous Waste Management Facility permits will be considered new applications requiring expanded Environmental Justice outreach to provide the community with the opportunity to comment on the overall operations - not just the renewal - and the facility's potential environmental impacts.

DEC is reviewing the required Public Participation Plan from the facility in accordance with the agency's Environmental Justice policy. When the plan is approved, Norlite will hold the first Environmental Justice meeting before a completeness determination is made and the public will be encouraged to attend and submit questions to the facility.

WATCH FOR ADDITIONAL COMMUNITY UPDATES FROM DEC



Have site information such as this Community Update sent right to your email inbox. DEC invites you to sign up with one or more county email listservs available at the following web page: <https://www.dec.ny.gov/chemical/61092.html>

It's quick, it's free, and it will help keep you better informed. As a listserv member, you will periodically receive site-related information/announcements for all sites in the counties you select.



REPORT ODOR AND DUST COMPLAINTS

Residents are encouraged to immediately call both Norlite and the DEC Spill Hotline to report significant odors, dust, or other concerns related to the Norlite facility. Calling in complaints as they happen is key to immediately alerting appropriate DEC staff to respond on-site and take appropriate action and it creates a record of the complaint with the facility.

Norlite Phone Line (24-hour): 518-235-0401

NYS Spill Hotline (24-hour): 1-800-457-7362

DEC encourages residents to submit any additional information, including photos, videos, or other supplemental data to assist in investigations, to our email address:

norlite.reporting@dec.ny.gov

WHERE TO FIND MORE INFORMATION

Additional information on DEC's past enforcement actions, the ongoing permit process for Norlite's facility, the soil and water sampling initiative, past community updates, and other State actions can be found on DEC's website at: <https://www.dec.ny.gov/chemical/121118.html>