

**NEW YORK STATE 6 NYCRR PART 373 PERMIT RENEWAL
FACT SHEET
FOR
DUREZ CORPORATION
NIAGARA FALLS, NEW YORK
NIAGARA COUNTY
EPA ID. No: NYD002103216
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NOVEMBER 2012**

This fact sheet has been developed by the New York State Department of Environmental Conservation (NYSDEC) in response to an application by Durez Corporation (Durez) to renew its 6 NYCRR Part 373 Hazardous Waste Management Permit for the Durez facility in Niagara Falls, NY. The NYSDEC has made a tentative determination to issue Durez a Part 373 Permit renewal. This fact sheet was prepared in accordance with the requirements of 6 NYCRR 373-1.4(f).

A. PURPOSE OF THE PERMIT RENEWAL PROCESS

The purpose of the permit renewal process is to allow the NYSDEC, interested citizens and other governmental agencies the opportunity to evaluate the renewed draft permit and permit application as it relates to compliance with the applicable requirements promulgated under New York State Laws. The NYSDEC is required to prepare a draft permit which sets forth all applicable requirements with which the NYSDEC intends to require Durez to comply during the term of the permit. The public is being provided with forty-five (45) days to review the Durez application and draft permit prior to the NYSDEC making a final determination on the permit.

B. PUBLIC INVOLVEMENT IN THE PERMIT RENEWAL PROCESS

State regulations provide the public with the opportunity to become involved in the permit renewal process through a comment period which can be extended in response to public requests. The comment period for this specific permit renewal begins on December 19, 2012 and ends on February 3, 2013.

1. TENTATIVE DETERMINATION

The NYSDEC has determined that the Durez permit application is technically and administratively complete and has made a tentative determination to issue the permit renewal. The renewed draft permit has been prepared pursuant to the applicable regulations in 6 NYCRR Part 373-2 (Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities), as well as with all other applicable hazardous waste management laws and regulations.

2. SEQR STATUS

There is one Permit modification, as described in Section C of this Fact Sheet, which is being proposed in conjunction with this Permit renewal action pursuant to Part 617 of the New York State regulations for Article 8 [State Environmental Quality Review (SEQR) Act]. NYSDEC has determined that the proposed action, described above, is a Type II action, not subject to review under SEQR.

3. DOCUMENT AVAILABILITY

Hard copies of the renewed draft permit and the Durez application are available for inspection at the following locations:

- NYSDEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017 (contact person: Jeffrey Trad at (518) 402-9814);
- NYSDEC's Region 9 office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: Nelson Schnabel at (716) 851-7220);
- Earl W. Brydges Public Library at 1425 Main Street in Niagara Falls.

Electronic copies of Durez's application, the NYSDEC Fact Sheet, and the draft permit and other permit related documents are available through the following website:

- NYSDEC's website <http://www.dec.ny.gov/chemical/37554.html>

4. HOW TO PROVIDE YOUR COMMENTS

All persons interested in commenting (in writing) on the State Part 373 Permit should submit their comments in writing to:

Mr. David Denk
Regional Permit Administrator
NYSDEC Region 9
270 Michigan Avenue
Buffalo, NY 14203-2915

NYSDEC will consider all written comments received during the public comment period, requirements of the hazardous waste regulations including 6 NYCRR Part 370, Part 371, Part 372 Subpart 373-1, Subpart 373-2, Part 374, Part 376 and NYSDEC's permitting policies, in making a final permit decision. When the NYSDEC makes a final permit decision to either issue, deny or modify this permit, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision. If the decision is to issue a final permit, this notice will include a summary of responses to comments,

identifying the permit conditions in the final permit which are different from those in the draft permit and the reasons for the changes. The final permit would become effective immediately on the date of issuance, unless a later date is specified.

C. FACILITY DESCRIPTION

Durez currently owns and operates a commercial facility for the treatment, storage, disposal and incineration of hazardous and industrial non-hazardous wastes at a site in the City of Niagara Falls in Niagara County, New York. The facility is located at 5000 Packard Road. This commercial facility also accepts non-hazardous wastes from Durez facilities in Ft. Erie, Ontario, Canada, and Kenton, Ohio. Wastes accepted at this facility are ultimately incinerated on-site or shipped to another appropriate facility for further processing and/or disposal in accordance with the conditions presented in the current permit.

The Durez facility was previously issued a New York State 6 NYCRR Part 373 Hazardous Waste Management Permit in 2007 which it currently operates under.

This NYSDEC action is intended as a renewal of Durez's existing 6 NYCRR Part 373 Hazardous Waste Management Permit. However, it will allow Durez to continue the management of hazardous and industrial non-hazardous wastes at permitted levels. The draft permit is based on an application originally submitted by Durez in August 2011. The following is meant to summarize the units at the Durez facility which are contained in the draft permit.

1. CONTAINER STORAGE - There is one container storage area at the Durez facility which has a total capacity of 96 drums.
2. TANK STORAGE AND TREATMENT - There is one tank system area at the Durez facility comprising a total of 5 individual tanks. These tanks range in capacity from 1,710 to 24,225 gallons. Some of these tanks are used for storage and others for treatment of wastes.
3. INCINERATOR - There is one incinerator at the Durez facility with a maximum permitted firing rate of 47 lb/min.

The renewed draft permit maintains the requirements stipulated in the existing permit for Durez to provide financial assurance for closure of the facility and for post-closure care of all on-site land disposal units, as well as for ongoing corrective measures to address historic contamination. In addition, the renewed draft permit contains a proposed modification to the existing permit. The proposed permit modification was requested by Durez and is as follows:

- Modification to allow Durez to increase the incinerator automatic waste feed cutoff pressure from 10 inches of water to 12 inches of water.

D. REQUIREMENTS FOR CORRECTIVE ACTION AT THE DUREZ FACILITY

The NYSDEC modified Durez’s permit in September 26, 1995, effective September 30, 1995, to include requirements for the implementation of final corrective measures to remedy and/or control past releases of hazardous waste and/or hazardous constituents to the soil and groundwater at the Durez facility. Durez has implemented a comprehensive corrective measures program and is currently conducting site management activities.

E. PERMIT ORGANIZATION

NYSDEC has reorganized the draft 6 NYCRR Part 373 Permit as part of an overall initiative to simplify hazardous waste permits issued by the NYSDEC. The purpose of the reorganization is to generate permit documents that more clearly outline the requirements applicable to each facility, develop standardized permit modules for ease of implementation and enforcement, and incorporate NYSDEC’s current standards and protocols. Facility specific requirements are contained in a new section of the permit entitled “Schedule 1 of Module I” and the remaining permit modules are standard for all permitted facilities . The renewed draft 6 NYCRR Part 373 Permit consists of the following major sections as outlined below:

Modules:

- I General Conditions
Schedule 1 of Module I (Including Exhibits A-E)
- II Corrective Action Requirements
- III Use and Management of Containers
- IV Tank Systems
- V RESERVED
- VI RESERVED
- VII Incinerators
- VIII RESERVED
- IX RESERVED

Attachments:

- A Application Section A – Part A Application
- B Application Section B - General Facility Description
- C Application Section I – Waste Analysis Plan
- D Application Section VII – Container Management;
Application Section VIII – Storage and Treatment in Tanks;

- E Application Section IX – Incinerator Management
- F Application Section C - Corrective Action Program
- G Application Section II – Inspection Schedule
- H Application Section IV – Preparedness and Prevention
- I Application Section III – Personnel Training
- I Application Section VI – Closure Plan

Documents Incorporated By Reference:

A list of 5 Durez documents which are incorporated into the permit by reference is presented in Schedule 1 of Module I of the draft permit.

F. BASES FOR PERMIT CONDITIONS

The draft permit conditions are based on the requirements of 6 NYCRR Part 370 (Hazardous Waste Management System: General), Part 371 (Identification and Listing of Hazardous Wastes), Part 372 (Hazardous Waste Manifest System and Related Standards for Generators, Transporters, and Facilities), Subpart 373-1 (Hazardous Waste Treatment, Storage, and Disposal Facility Permitting Requirements), and Subpart 373-2 (Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), Part 374-1 (Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities), and Part 376 (Land Disposal Restrictions). Hazardous waste management activities which are not described in the Durez application are not authorized by the permit unless such activities meet the exclusions/exemptions covered by the above regulations.

G. LEGAL REFERENCES FOR THIS PROPOSAL

State permitting requirements for facilities that treat, store or dispose of hazardous waste are promulgated under the New York State Environmental Conservation Law pursuant to Article 19, Title 3; Article 23, Title 23; and Article 27, Titles 7 and 9.