

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 4, 2176 GUILDERLAND AVE.
SCHENECTADY, NEW YORK 12306**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278**

**NOTICE OF AVAILABILITY OF DRAFT PERMITS
NOTICE OF PUBLIC COMMENT PERIOD
NOTICE OF JOINT LEGISLATIVE PUBLIC COMMENT HEARING
ON DRAFT PERMITS
NOTICE OF PUBLIC INFORMATION SESSION
DEC NO. 4-0103-16/16-0
EPA I.D. NO. NYD080469935**

APPLICANT: Norlite Corporation, 628 South Saratoga Street, Cohoes, New York 12047
(Contact Person: Mr. William Vossell, Director of Compliance, (518) 235-0401).

PROJECT DESCRIPTION: The Applicant has filed a Part 373 hazardous waste management and associated Part 201 Air Pollution Control (APC) permit applications with the New York State Department of Environmental Conservation (NYSDEC) to: 1) renew prior DEC authorizations in order to continue to operate a hazardous waste storage, treatment and incineration facility in Cohoes, Albany County, 2) install improved environmental control facilities and 3) add new hazardous waste streams to be incinerated. The Applicant is a manufacturer of light weight aggregate which accepts ignitable and listed hazardous wastes (primarily liquid organic wastes) in bulk tankers from various generators and hazardous waste fuel marketers for use as a fuel in two rotary aggregate kilns.

1) Continuing Operations: Current operations include the on-site storage of liquid hazardous wastes in 6 tanks with a nominal total capacity of 24,000 gallons (total 144,000 gallons) prior to being burned for energy recovery in two rotary kiln industrial furnaces. Two of these tanks are not in use and have been removed pending their replacement in-kind with equivalent capacity tanks having secondary containment. Kiln 1 is not currently in operation pending completion of an upgrade to its Air Pollution Control system pursuant to a 1989 DEC enforcement Order on Consent (R4-0684-89-08), (this upgrade was accomplished on Kiln 2 in 1990). The maximum

PERKILN.

permitted incineration capacity is 600 gallons per hour. Natural gas or low sulfur fuel oil is used to fuel the kilns for startup, maintenance of proper flame temperature as needed and during those times hazardous waste is not burned. Tank sludge from cleaning operations and filtered debris are also stored in containers (no more than 214 55 gallon drums) prior to being shipped off-site for proper disposal.

2) Upgraded Facilities: Several facilities are required to be upgraded to meet regulatory standards and improve environmental controls. They include: the installation of secondary containment on the two storage tanks which do not have them (they have recently been removed pending approval to replace them) and the replacement of underground hazardous waste piping with above ground piping having secondary containment; the upgrading of Air Pollution Control (APC) equipment required under a 1989 DEC Order on Consent (Kiln 2 was upgraded in 1990 and subjected to a Trial Burn Stack test and will have its stack raised this year to a height consistent with Good Engineering Practices to further reduce air emissions impacts, Kiln 1 is shut down until upgrading is completed this year); the installation of a wastewater treatment plant (its tanks will eventually be covered by the 373 HW permit) is required to comply with a 1990 DEC Order on Consent (R4-0768-90-1) and was incorporated into the facility's SPDES wastewater discharge permit and completion of the installation of fugitive dust and noise control measures required under the 1990 Consent Order. The applicant has recently submitted revised plans which propose alternate designs for the two replacement hazardous waste storage tanks (which includes a new LGF building, six 7,300 gallon storage tanks and four 1,000 gallon equalization tanks as well as improved liquid HW processing) and a design for the above ground piping, adding to APC baghouse dust storage capacity, a plan depicting the proposed location of the wastewater treatment facilities, the addition of a 25,000 gallon fuel oil storage tank, and revisions to the closure plan.

3) Hazardous Waste Fuel Changes: Proposed waste stream changes from what is currently permitted include an increase in the concentrations of 7 metals (Arsenic, Chromium, Copper, Mercury, Nickel, Selenium and Zinc) in the hazardous waste fuel (which is also referred to as LGF). Recently the applicant submitted a request to add as hazardous waste fuel sources: 1) two hazardous waste streams generated by the production of certain chlorinated aliphatic hydrocarbons - F024 (liquid organic wastes) and F025 (liquid organic wastes which can include spent filters and spent desiccant wastes); 2) the storage tank solids/sludges currently drummed and shipped for off-site disposal. (This will also require the construction of a tank solids processing building with a 300 gallon mixing tank.) None of these changes propose to increase the maximum allowable quantity of hazardous waste burned or stored on-site.

PERMITS: Permits sought are a New York State 6NYCRR Part 373 permit to continue to operate a Hazardous Waste Management Facility which includes air pollution control under Article 19, ECL; and a Federal Hazardous and Solid Waste Amendments Act (HSWA) permit. The federal permit will include requirements imposed by HSWA that

New York State does not yet have the authorization to implement. These permits can be issued for a term not to exceed five years. The hazardous waste storage, handling and incineration portion of this facility currently operates under Hazardous Waste Facility Interim Status Authorization granted by regulation in 1982, Solid/Hazardous Waste Permits To Operate issued in 1981 (expired in 1986, now extended under the State Administrative Procedures Act pending a final agency decision on this permit application) and Air Pollution Control Permits To Operate originally issued in 1979 and 1981 which have been previously renewed as recently as 1988 and modified in 1990, 1991 and 1992.

TENTATIVE SEQR AND PERMIT DETERMINATIONS:

NEW YORK STATE DEC:

The Department has made the following determinations in each of the above listed permit actions:

1) Continuing Operations: The Department has determined the application materials covering the renewal and continuance of the existing facility operation to be complete. Further, a tentative determination has been made that this renewal is approvable subject to the permit conditions contained in a draft 373 Hazardous Waste/Air Pollution Control permit prepared by the Department. This permit would continue the operation of a hazardous waste storage, treatment and incineration facility pursuant to the regulations in 6NYCRR 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/air pollution control laws and regulations. The application includes the results of the successful hazardous waste incineration trial burn which was conducted on Kiln No. 2 after new air pollution control equipment representing Best Available Control Technology (BACT) was installed as required by the 1989 Order-on-Consent with the Department.

The draft permit incorporates additional measures, as needed, based upon recently promulgated federal regulations on Burning of Hazardous Wastes in Boilers and Industrial Furnaces. These measures are being implemented pursuant to 6 NYCRR 1-6.(c).

The draft permit also requires the Applicant to identify releases or potential releases requiring further investigation; 2. fully characterize the extent of known releases; and 3. determine the need for and extent of corrective measures including the selection and implementation of these measures, if applicable.

This is a Type II action under the State Environmental Quality Review Act (SEQR) by virtue of its being a renewal without material (or substantial) change from what was previously authorized.

2) Upgraded Facilities: The 1989 DEC Order on Consent requiring the BACT upgrading of the APC equipment on both kilns is being incorporated into the draft permit. Kiln 2 which as described above was upgraded in 1990 will have its stack raised before the end of this year to a height consistent with Good Engineering Practices to further lessen emissions impact. Also by the middle of this year Kiln 1 must have BACT equipment installed on it. Kiln 1 must then successfully pass a Trial Burn stack test to demonstrate that the unit meets conditions in the draft permit in order to be allowed to operate. A trial burn plan for Kiln 1 has been submitted to the Department for review and approval. as part of the requirements of the above mentioned Order-on-Consent. The upgrading plans have been previously approved while additional changes on the Trial Burn are still needed. The addition of a tank for the recirculating Air Pollution Control scrubber water and storage facilities for the Air Pollution Control system baghouse dust is part of this system upgrade.

The draft permit also incorporates requirements from the 1990 DEC Order on Consent (R4-0768-90-10) requiring Norlite to develop a system to assure treatment of wastewater to comply with their SPDES wastewater discharge permit and install fugitive dust and noise control measures. (The wastewater treatment plant-WWTP-tanks will be covered by the 373 Hazardous Waste Permit when its final design is approved).

A tentative determination to approve the HW storage tank replacement designs submitted previously is reflected in the draft permit. The Department has completed a preliminary review of the revised replacement hazardous waste storage tank and above ground piping plans and has found the designs in concept to be acceptable along with the improved hazardous waste liquids processing system, the closure plan revisions and the location of the WWTP. Once final, approvable plans and specifications are received, they would be incorporated into the 373 HW permit.

These facilities represent no increase in present operations, emissions, discharges, storage capacities or wastes generated but are necessary for Norlite to meet regulatory standards for both air emissions and hazardous waste storage/handling. The necessity to implement these improved environmental controls expeditiously have been deemed important enough that the Department has previously approved those facilities subject to consent order. If the draft permit has not been issued by the time final plans and specifications have been received and approved by the Department, then approval will be given to proceed for the added APC baghouse dust storage under the 1989 consent order and the replacement hazardous waste storage tanks and piping as a modification of the currently in force Air Pollution Control and 360 Hazardous Waste permits and interim status authorization governing this facility in order to implement these improved environmental controls as expeditiously as possible.

The actions authorized under the DEC Orders on Consent (WWTP, fugitive dust and noise controls and APC upgrading which includes the baghouse dust storage) are exempt from SEQR under the provisions exempting enforcement actions. The other facilities to be upgraded constitute in-kind replacements. In neither case will these actions result in an increase in emissions or discharges to the environment nor in wastes generated or disposed of over what is currently permitted. The fuel oil tank is new and is covered under the Negative Declaration.

3) Hazardous Waste Fuel Changes: The draft permit reflects the Department's tentative determination to approve the increase in the metals concentrations in the hazardous waste fuel. It further reflects the completeness of the application materials submitted to support this request. Emissions, discharges and wastes generated are projected to remain within acceptable limits.

The application to add the hazardous waste storage tank sludges and waste stream F024 are preliminarily deemed complete and acceptable as these wastes are close in composition to the existing liquid organic wastes currently permitted to be burned and will be added to the permit. Retesting will be required on the baghouse dust to verify that it will continue to meet the treatment standards found in the land disposal regulations (40 CFR 260) when it is used in an aggregate product which will come in contact with soil, i.e. aggregate block mix. Waste stream F025 cannot be added until it is used in a Trial Burn (Kiln 1 this year) and successfully demonstrates the draft permit air emission limits and 373 Performance Standards will be complied with as this material can contain solid filter material which could affect the facility's ability to meet permitted emission limits.

These actions are subject to SEQR and the Department as lead agency has prepared a Negative Declaration based upon a determination that all regulated air emissions will continue to be within prescribed limits and there will be no adverse effect upon human health and the environment nor upon the ability of this facility to comply with all other applicable regulatory requirements and no increases in discharges or wastes generated or disposed of from what is currently permitted. The APC baghouse dust in particular is projected to continue to be acceptable for recycling as aggregate product. The HW fuel metals increases are not authorized unless the required wastewater treatment plant is in operation (this plant is required to assure SPDES discharge limits are met), interim treatment is provided or Norlite can demonstrate to the satisfaction of the Department there will be no deleterious impact on the wastewater discharge to the Salt Kill. Specific reasons are covered in the Negative Declaration.

The State Historic Preservation Act (SHPA) does not apply to any of these actions by virtue of extensive prior disturbance of the site which would have eliminated any archaeological resources on the site or the proposed activities will not affect the one historic resource on the site: the remains of an Erie Canal lock.

USEPA:

The United States Environmental Protection Agency has made a tentative determination to issue a HSWA permit which requires the Applicant to:

- a. Identify and address any contamination at all solid waste management units as required by Section 3004(u) of HSWA;
- b. Certify to waste minimization requirements, as required by HSWA, 40 CFR §264.73(b)(9).
- c. Comply with land disposal restrictions, as required by 40 CFR Part 268.
- d. Comply with Organic Air Emission Standards for Process Vents and Equipment Leaks.
- e. Comply with Storage/Treatment Standards for Toxicity Characteristic Wastes, as required by 40 CFR Part 264.

More specific information is provided in the FACT SHEET prepared for the project and available at locations specified below.

PUBLIC INFORMATION SESSION: The Department has scheduled an information session on Wednesday, April 8, 1992, 7:00 PM at the Cohoes City Hall, Common Council Chamber. The purpose of this session is for NYSDEC and USEPA staff to answer questions that the public may have on the technical, environmental and procedural aspects of the State DEC and Federal EPA draft permits. The applicant, Norlite Corp., will also be present to answer questions regarding their proposals for this facility. It is not necessary to file in advance to attend this Public Information Session.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD: All persons, organizations, corporations or government agencies which may be affected by the proposed project are invited to comment on the application and the Draft Permits. A Legislative Public Comment Hearing on the application and the Draft Permits, will be held to receive unsworn statements from the public on ~~Thursday~~ **WEDNESDAY**, APRIL 23, 1992, 7:00 PM at the Cohoes City Hall, Common Council Chamber.

It is not necessary to file a written request in advance to speak at the legislative hearing. Written statements are encouraged and any statements and comments on the Part 373 permit may be filed prior to, at the hearing and until the comment due date with William J. Clarke, Regional Permit Administrator, NYSDEC Region 4, 2176 Guilderland Ave.,

Schenectady, New York 12306. Any comments on the Federal HSWA permit are to be submitted to Mr. Andrew Bellina, Chief, Hazardous Waste Facility Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, NY 10278. The PUBLIC COMMENT PERIOD ENDS ON FRIDAY MAY 8, 1992 unless extended by the Regional Permit Administrator. At their option, persons filing written statements as well as all oral statements made at the hearing will be given equal weight and will become part of the official record. A time limit may be imposed on oral statements.

This hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services shall also be made available to deaf persons, at no charge, upon written request to the Regional Permit Administrator named below within a reasonable time prior to the hearing pursuant to SAPA §202(1).

All persons having an interest in this Project are urged to attend or be represented either individually or collectively.

Following the hearing the Department will make a determination on whether substantive or significant issues have been raised as defined in 6NYCRR621 Uniform Procedures and an Adjudicatory Hearing Issues Conference should be scheduled before an Administrative Law Judge. In order to raise substantive and significant issues written comments expressing objection to or opposition to the application must explain the basis of that opposition and identify the specific grounds which could lead the Department to deny or impose significant permit conditions on the project.

DOCUMENT AVAILABILITY: The complete application documents are available for review at (1) the New York State Department of Environmental Conservation, Region 4 Office, 2176 Guiderland Avenue, Schenectady, New York 12306 (contact person: William J. Clarke, Regional Permit Administrator, 518-382-0680), (2) the Division of Hazardous Substances Regulation, Room 228, (contact person: Sanjay Saraiya, 518-457-9254); and (3) the Cohoes Public Library, 169 Mohawk Street, Cohoes. The draft HSWA permit and supporting documentation are available for review at the above locations and U.S. Environmental Protection Agency, Permits Administration Branch, 26 Federal Plaza, New York, NY 10278 (contact person: Andrew Bellina, 212-264-0505). A copy of the FACT SHEET summarizing the permitting process, including descriptions of the application and draft permits, may be obtained by contacting the aforementioned Department contact persons located in Albany and Schenectady.

STATUTORY AND REGULATORY PROVISIONS: This application was filed and processed pursuant to Environmental Conservation Law ("ECL") Article 3 Title 3 (General Functions), Article 8 (State Environmental Quality Review), Article 19 (Air Pollution Control), Article 27 Title 9 (Industrial Hazardous Waste Management), and Article 70 (Uniform Procedures); and pursuant to Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6NYCRR") Part 617 (State

Environmental Quality Review), Part 621 (Uniform Procedures), Part 373 (Hazardous Waste Management Facilities) and Part 376 (Land Disposal Restrictions).

The applicable Federal Statute is the Resource Conservation and Recovery Act ("RCRA") with the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C.

Section 6901 et. seq.; and the applicable Federal regulations are at 40 CFR Parts 260 through 264, 266, 268, 270 and 124.

3/18/92

Date

William J. Clarke

William J. Clarke
Regional Permit Administrator
Region 4

NORPN.DOC