

2005.01.03 HW Permit

File

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4**

1150 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • **FAX:** (518) 357-2460

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

January 3, 2005

Thomas Sullivan
Environmental Manager
Norlite Corp.
PO Box 694, 628 South Saratoga Street
Cohoes, New York 12047

Re: DEC # 4- 0103-16/16-0
Norlite Corp.
HW/APC 373 Permit Modification
Department Initiated Modification
Light Weight Aggregate/Low Grade Fuel
City of Cohoes, Albany County

Dear Mr. Sullivan,

As a result of the agreement resolving Norlite's request for a hearing objecting to a prior Department initiated permit modification please find enclosed a modified HW/APC 373 permit. This modified permit reflects the changes agreed to in Special Condition 6 regarding Norlite's funding of the Department's Environmental Monitoring program for the Norlite facility.

Should you object to the permit as issued and are unable to resolve such objections with this office, you may, within 30 calendar days of this transmittal, send a written request for a hearing to the attention of the Regional Permit Administrator pursuant to 6NU+YCRR621.14. Should no response be received by that date then this permit modification shall be considered effective as of 1/3/05.

If you have any questions regarding this permit modification please feel free to contact either Howard Brezner or myself.

Sincerely Yours,


William J. Clarke
Regional Permit Administrator
Region 4

norlitepermitmodTL1305.wpd

cc: H. Brezner

P. Amin

S. Hamilton

L. Korona

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 4-0103-16/16-0	EPA I.D. # NYD080469935
FACILITY/PROGRAM NUMBER(S)	
PERMIT	
Under the Environmental Conservation Law (ECL)	
EFFECTIVE DATE 6/1/92 (Modification: 1/3/05)	EXPIRATION DATE(S) 6/1/97

TYPE OF PERMIT (Check All Appropriate Boxes)

☐ NEW ☐ RENEWAL ☒ MODIFICATION ☐ PERMIT TO CONSTRUCT ☒ PERMIT TO OPERATE

<input type="checkbox"/> ARTICLE 15, TITLE 5: PROTECTION OF WATER	<input type="checkbox"/> SPDES	<input checked="" type="checkbox"/> ARTICLE 17, TITLES 7, 8:
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER SUPPLY	<input checked="" type="checkbox"/> ARTICLE 19: AIR POLLUTION CONTROL	<input type="checkbox"/> ARTICLE 23, TITLE 27: MINED LAND RECLAMATION
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER TRANSPORT	<input type="checkbox"/> ARTICLE 24: FRESHWATER WETLANDS	<input type="checkbox"/> ARTICLE 25: TIDAL WETLANDS
<input type="checkbox"/> ARTICLE 15, TITLE 15: LONG ISLAND WELLS	<input type="checkbox"/> ARTICLE 27, TITLE 7: 6NYCRR 360: SOLID WASTE MANAGEMENT	<input type="checkbox"/> OTHER:
<input type="checkbox"/> ARTICLE 15, TITLE 27: WILD, SCENIC & RECREATIONAL RIVERS		<input type="checkbox"/> WASTE TRANSPORTER
<input type="checkbox"/> 6NYCRR 608: WATER QUALITY CERTIFICATION		<input type="checkbox"/> ARTICLE 27, TITLE 3: 6NYCRR 364: WASTE TRANSPORTER

PERMIT ISSUED TO Norlite Corporation	TELEPHONE NUMBER (518) 235-0401
ADDRESS OF PERMITTEE P.O. Box 694, 628 South Saratoga Street Cohoes, New York 12047	
CONTACT PERSON FOR PERMITTED WORK Thomas Sullivan, Environmental Manager	
NAME AND ADDRESS OF PROJECT/FACILITY	
LOCATION OF PROJECT/FACILITY 628 South Saratoga Street (State Route 32)	
COUNTY Albany	TOWN/CITY/VILLAGE Cohoes
WATERCOURSE/WETLAND NO.	Salt Kill
NYTM COORDINATES E: 606.3 N: 4 734.2	

DESCRIPTION OF AUTHORIZED ACTIVITY: Modification of the current authorization to operate a hazardous waste management facility for the storage of specified hazardous waste in 214, 55 gallon containers up to 11,770 gallons (conditionally increased to 267, 55 gallon drums up to 14,700 gallons), storage/treatment in fifteen tanks with a total capacity of 144,100 gallons and incineration as a fuel in two rotary kiln industrial furnaces producing lightweight aggregate. This permit modification amends the permittee's financial obligations for funding the DEC Environmental Monitor.

(Prior permit modifications: 6/7/95, 7/20/95, 8/15/95, 10/26/95, 11/30/95, 2/9/96, 6/6/96, 1/8/97, 5/26/98, 7/30/98, 8/25/98, 10/20/98, 12/10/98, 6/21/01, 7/30/04, 8/6/04)

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

PERMIT ADMINISTRATOR: William J. Clarke	ADDRESS NYS DEC, Region 4 Headquarters 1150 North Westcott Road, Schenectady, NY 12306
AUTHORIZED SIGNATURE <i>William J. Clarke</i>	DATE January 3, 2004
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**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee 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.

GENERAL CONDITIONS**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 or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 4
1150 North Westcott Road, Schenectady, NY 12306
(for: Albany, Columbia, Greene, Rensselaer,
Montgomery, & Schenectady Counties)

NYSDEC Deputy Regional Permit Administrator, Region 4
Stamford Field Office, Rte. 10, Stamford, NY 12167
(for: Delaware, Otsego, & Schoharie Counties)

4. Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. 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.



Special Conditions
FOR ARTICLE 27, Title 9, 6 NYCRR Part 373
Hazardous Waste Management Permit

1 This permit is based on the assumption that the information submitted in the permit application submitted 4/4/86, and revised as indicated below (hereafter referred to as the application) is complete and accurate and that the facility will be operated as specified in the application. Any inaccuracies or incompleteness found in the information may be grounds for the termination or modification of this permit and potential enforcement action.

Complete Application Documents

1. 6 NYCRR Part 373 Permit Application dated May, 1992 (Vol I - III), and subsequent revisions as updated May 25, 1995. Revisions 11/21,22/95).
2. Trial Burn Report submitted December 1992, and revisions up to May 25, 1995.
3. Allowable Metals Concentration Report dated December 1991, and subsequent Air Modeling Analysis addendums up to June 1993. Revisions to 5/95.
4. Human Health Risk Assessment Report submitted December, 1991, and subsequent addendums up to June 1993. Revisions to 5/95
5. Environmental Assessment Form 11/93, revised 11/95.

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

Module I:	Standard Conditions
Module II:	General Facility Conditions
Module III:	Corrective Action Requirements
Module IV:	Waste Minimization Requirements
Module V:	Storage in Containers, Management of tanker and drum transport trucks
Module VI:	Storage/Treatment in Tanks
Module VII:	Incineration and Energy Recovery
Module VIII:	Land Disposal Restrictions
Module IX:	Air Emission Standards for Organic Air Emissions
Attachment A:	Waste Analysis Plan
Attachment B:	Security, Inspection and Preparedness/Prevention, Procedures
Attachment C:	Personnel Training
Attachment D:	Contingency Plan

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Attachment E:	Container Management
Attachment F:	Tank Management
Attachment G:	Incinerator/Energy Recovery Operation
Attachment H:	Closure Plan
Attachment I:	Engineering Drawings
Attachment J:	Best Management Practices Plan
Attachment K:	Fugitive Dust Plan and Addendum
Attachment L:	Noise Control Plan
Attachment M:	Major/Minor Permit Modifications Summary

3. Pursuant to the Environmental Conservation Law, Article 3-0119, all the analyses performed to comply with the analysis requirements of this permit shall be performed by laboratories certified in the appropriate categories by the New York State Department of Health, Environmental Laboratory Approval Program (ELAP), if ELAP issues certifications in such categories. The permittee shall also: a) assure any vendor laboratory used will use the permittee's sample control numbers, 2) assure the vendor laboratory and its own have a comprehensive quality assurance and control program to address testing procedures and chain of custody of samples and 3) take full responsibility for the results it obtains and uses from vendor and its own laboratories.
4. The Permittee shall inform the Department within 24 hours of analytical results that indicate a PCB concentration of greater than 10 ppm in any individual load. The Permittee shall identify the supplier or generator of the waste load.
5. Any modification to the permit or regulated activities, as well as permit renewals, must be submitted in triplicate for prior approval to the Regional Permit Administrator at NYSDEC, Region 4, 1150 North Westcott Road, Schenectady, New York 12306, with two copies to NYSDEC, Bureau of Material Storage, Combustion & Regulation, 50 Wolf Road, Albany, New York 12233 and USEPA Region II, Hazardous Waste Permits Branch, 290 Broadway, New York, New York 10278. Any submittals of plans, reports, etc. made in order to comply with the permit conditions shall be sent as per Page I-10 of this permit.

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6. An account to fund the Department's monitoring of the Permittee's compliance with the terms hereof shall be established with the Department as follows:
- (a) Beginning January 1, 2005, 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 Permittee's Facility. This sum is based on annual Environmental Monitor service costs of: one (1) full-time environmental monitor; indirect and direct non-personal service costs; and equipment; and the laboratory costs outlined in subparagraph (c). These costs are subject to revision as stated in subparagraphs (b) and (c). Until the Department determines that the Environmental Monitor is no longer required, subsequent annual payments shall be made to maintain an account balance sufficient to meet the next year's anticipated expenses. Payment shall be made as follows:
- (1) For the fiscal year January 1, 2005 through March 31, 2005, the Permittee shall make payments in support of the monitoring requirements by paying the Department \$68,135 by January 11, 2005 (calculated as \$116,000/2 plus \$40,540/4).
- (2) Subsequent to January 1, 2005, the Permittee shall be billed annually for each fiscal year beginning April 1, 2005. The Permittee's payments shall be due within 30 days of receiving a bill from the Department. Each annual bill will be in an amount sufficient to fund environmental monitoring activities for the entire fiscal year.
- (a) The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department based on annual Environmental Monitor service costs of one (1) full-time environmental monitor. The annual revision may take into account the following factors: salary increases/decreases; changes in fringe or travel costs; and indirect and direct non-personal service costs increases/decreases. Upon written request by the Permittee, the Department shall provide that entity with a written explanation of the basis for any modification. If such a revision is required, the Department will notify the Permittee of such a revision no later than 60 days in advance of any such revision. Such annual revisions do not constitute permit modifications.

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(c) The costs set forth in subparagraph (a) shall include laboratory sampling and analytical costs and fees. These costs and fees will be fixed at an annual maximum cost of \$40,540 per year, for 3 years. Payment of these fees shall be included in the annual bill issued pursuant to subparagraph (a) above. After the initial 3-year period, the amount of sampling and analytical costs and fees to be paid per year, for each subsequent three-year period thereafter, shall be set forth in a separate Memorandum of Understanding ("MOU"). If Norlite and the Department can not agree on the amount for this MOU by the date that Norlite must pay the next annual payment, the cost for that year will be equal to the amount paid in the previous year plus an inflation adjustment and the dispute shall be resolved pursuant to a permit modification hearing. This adjustment shall be calculated by multiplying the amount paid during the previous year and quotient obtained by dividing of the most recent Implicit Price Deflator for Gross National Product established by the U.S. Department of Commerce in its Survey of Current Business by the deflator for the previous year.

(d) These funds required under subparagraph (c) shall not be used to pay for any off-site sampling costs or for analyzing sampling taken off-site.

(e) Upon a determination by the Department that the Environmental Monitor is no longer required as well as a determination that all outstanding costs have been paid, the unexpended balance of the fund will be returned to Norlite.

(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.

7. The Permittee shall comply with the recommended control measures found in the approved Noise Impact Analysis, Technical Report AA-1790 (dated 9/24/90). Within 45 days of the effective date of Order On Consent #R4-2001-0102-2, the Permittee shall submit a revised dust control plan for review and approval by the Department as required by Paragraph I of the July 13, 2000 Order on Consent (R4-2000-0420-27)'s Schedule of Compliance and in accordance with the comments provided in the January 24, 2001 letter from Ricky Leone to Timothy Lachell. This paragraph does not modify the substantive requirements of Paragraph 1, 2, and 3 of the July 13, 2000 Order on Consent (R4-2000-0420-27)'s Schedule of Compliance.

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8. The Permittee shall prepare and submit a Compliance Report on 4/1 of every year describing the facility's record in complying with all DEC permits and the conditions contained therein for the previous twelve months including complaints received and how responded to. It shall also include a projection of key compliance elements and milestones in the forthcoming twelve months.
9. The permittee shall maintain available for inspection at the facility a list and description of all complaints received at this facility and the evaluation of the complaints and actions taken on such complaints.
10. The permittee shall adhere to the truck traffic routing and maximum truck trip numbers identified in the Environmental Assessment Form (EAF) dated 11/93 and most recently revised 11/95. If complaints regarding truck traffic operating during off hours are received which are of a continuing nature and are substantiated by the Department then the Department at its discretion may impose restrictions on the hours which the permittee may allow trucks to enter or exit the facility. Such operating hour restrictions shall be no more stringent than:
 - No trucking operations on Sundays or the following holidays: New Years, Labor Day, Independence Day, Memorial Day, Thanksgiving Day and Christmas Day.
 - Monday through Friday trucking operations limited to 6:30 AM to 6 PM. Saturday trucking operations limited to 8 AM to 4 PM.*

*These restrictions shall not apply to emergency fuel/LGF deliveries. Late truck arrivals due to circumstances beyond the operator's control (e.g. weather, traffic and breakdowns) shall be permitted to enter and park in the authorized truck staging or unloading areas.

 - Monday through Friday trucking operations limited to 6:30 AM to 6 PM. Saturday trucking operations limited to 8 AM to 4 PM.*

*These restrictions shall not apply to emergency fuel/LGF deliveries. Late truck arrivals due to circumstances beyond the operator's control (e.g. weather, traffic and breakdowns) shall be permitted to enter and park in the authorized truck staging or unloading areas.

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