

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

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

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 16, 2008

William Morris
Norlite Corp.
628 South Saratoga Street
PO Box 694
Cohoes, New York 12047

RE: DEC # 4-0103-16/16
Norlite Corp
373 HW/APC Permit
Objection to Issued Permit/Request For
Hearing
Cohoes(C), Albany County

Dear Mr. Morris,

As a conclusion to our discussions regarding Norlite's objections to the 373 HW/APC permit originally issued to take effect 7/12/2007 the permit is hereby modified in the enclosed agreed to revised permit pages including a new effective date of 1/18/2008. This satisfies the objections raised. Please confirm this resolution in writing withdrawing the hearing request.

If you have any questions please feel free to contact me.

Sincerely Yours,

William J. Clarke
Regional Permit Administrator
Region 4

NorliteHWIrgReqRes001.wpd
CC: H. Brezner
S. Chetty/P. Amin
T. Lachell

DEC PERMIT NUMBER
4-0103-00016/00016

FACILITY/PROGRAM NUMBER(S)

F I.D. # NYD080469935



PERMIT

Under the Environmental
Conservation Law (ECL)

EFFECTIVE DATE

Original Issuance Date: 7/12/20007

Modified: January 18, 2008

EXPIRATION DATE(S)

July 12, 2012

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"/> ARTICLE 17, TITLES 7, 8: SPDES	<input checked="" type="checkbox"/> ARTICLE 27, TITLE 9; 6NYCRR 373: HAZARDOUS WASTE MGMT.
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER SUPPLY	<input checked="" type="checkbox"/> ARTICLE 19: AIR POLLUTION CONTROL	<input type="checkbox"/> ARTICLE 34: COASTAL EROSION MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER TRANSPORT	<input type="checkbox"/> ARTICLE 23, TITLE 27: MINED LAND RECLAMATION	<input type="checkbox"/> ARTICLE 36: FLOODPLAIN MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: LONG ISLAND WELLS	<input type="checkbox"/> ARTICLE 24: FRESHWATER WETLANDS	<input type="checkbox"/> ARTICLES 1, 3, 17, 19, 27, 37; 6NYCRR 380: RADIATION CONTROL
<input type="checkbox"/> ARTICLE 15, TITLE 27: WILD, SCENIC & RECREATIONAL RIVERS	<input type="checkbox"/> ARTICLE 25: TIDAL WETLANDS	<input type="checkbox"/> ARTICLE 27, TITLE 3, 6NYCRR 364: WASTE TRANSPORTER
<input type="checkbox"/> 6NYCRR 608: WATER QUALITY CERTIFICATION	<input type="checkbox"/> ARTICLE 27, TITLE 7: 6NYCRR 360: SOLID WASTE MANAGEMENT	<input type="checkbox"/> OTHER:

PERMIT ISSUED TO

Norlite Corporation

TELEPHONE NUMBER

(518) 235-0401

ADDRESS OF PERMITTEE

P.O. Box 694, Cohoes, New York

CONTACT PERSON FOR PERMITTED WORK

William Morris, Vice President of Environmental Affairs

TELEPHONE NUMBER

(518) 235-0401

NAME AND ADDRESS OF PROJECT/FACILITY

Norlite Corporation, P.O. Box 694, Cohoes, New York, 12047

LOCATION OF PROJECT/FACILITY

628 South Saratoga Street (State Route 32)

COUNTY Albany	TOWN/CITY/VILLAGE Cohoes	WATERCOURSE/WETLAND NO. Salt Kill Creek	NYTM COORDINATES E: 606.3 N: 4 734.2
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DESCRIPTION OF AUTHORIZED ACTIVITY: Authorization to operate a hazardous waste management facility for storage of specified hazardous wastes in 5 to 85 gallon capacity containers with a total capacity of 14,685 gallons, storage/treatment in fifteen tanks with a total capacity of 155,579 gallons and incineration as a fuel in two rotary kiln industrial furnaces producing lightweight aggregate at a maximum firing rate of 10.3 gpm each.

Permit page modified : 1/18/2008

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 this permit.

REGIONAL PERMIT ADMINISTRATOR:
William J. ClarkeADDRESS NYS DEC, Region 4 Headquarters
1130 North Westcott Road, Schenectady, NY 12306

AUTHORIZED SIGNATURE

DATE

1/16/2008

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GENERAL CONDITIONS

Inspections

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. 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, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. 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 the expiration of all other permit types.
5. 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.

Other Legal Obligations of Permittee

6. The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
7. The 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.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.



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 in the permit application submitted on December 1, 1996 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

- a. 6 NYCRR Part 373 Permit Application dated December 1, 1996 and subsequent revisions submitted to date.
b. Trial Burn Report submitted in August 1999 and Risk Burn Phase II report of September 2001 with their subsequent revisions.
c. Human Health & Ecological Risk Assessment Reports submitted in April 2002 with their subsequent revisions.
2. The Permittee must operate the facility in strict accordance with the modules and attachments to this permit specified below:

Module I:	General Provisions
Module II:	Corrective Action Requirements
Module III:	Storage in Containers
Module IV:	Storage in Tanks
Module V:	Light Weight Aggregate Kilns (LWAKs) Requirements

Attachment A	Part A Application
Attachment B:	Facility Information
Attachment C:	Waste Characteristics
Attachment D:	Process Information
Attachment E:	Ground Water Monitoring
Attachment F:	Procedures to prevent hazards
Attachment G:	Contingency Plan
Attachment H:	Training Requirements
Attachment I:	Closure plan & Financial Requirements
Attachment J:	Waste Minimization
Attachment K	Certification
Attachment L	Standard Operating Procedures
Attachment M:	Drawings
Attachment N:	Best Management Practice Plan
Attachment O:	Fugitive Dust Plan
Attachment P:	Noise Control Plan

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

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(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 receipt of analytical results that indicate a total PCB concentration of greater than 10 ppm in any individual load. The Permittee shall identify in this report 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 duplicate for prior approval to the Regional Permit Administrator at NYSDEC, Region 4, 1130 North Westcott Road, Schenectady, New York 12306, with one copy to NYSDEC, Bureau of Hazardous Waste Regulation, Combustion Permitting Section, 625 Broadway, Albany, New York 12233-7251 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 condition H of Module I of this permit.
6. The Permittee shall install fence on the south end of the facility from the south gate to the quarry by no later than 60 days from the effective date of this permit.
7. Permittee should log all complaints from the public including actions taken to address these concerns and submit them to the Department on a monthly basis.
8. Permittee should report all leaking trucks to DEC's on-site monitor and in his absence to Region 4 office immediately on arrival, impound them, take all necessary measures to stop the leak, and clean up any spilled material on site.
9. The Permittee shall comply with the recommended control measures found in the approved Noise Impact Analysts, Technical Report AA-1790 (dated 9/24/90) and the Fugitive Dust Control Plan by Sci-Tech (dated 10/95 and updated 12/14/01). Once Implemented, the Permittee shall maintain all fugitive dust control measures in compliance with the plan. In addition, the Permittee is also responsible for maintaining compliance with the Norlite Best Management Practices Plan (Revision 1 dated 4/30/92 and as revised 10/26/95).

The Permittee shall do the following to control noise generated by the entire Norlite facility including equipment and operations:

- For all vehicles operated by the Permittee, backup alarms shall consist of strobe lights after dark and proximity during daylight.
- Operate the Finishing Plant in accordance with the following limitations which are taken from the above-referenced Fugitive Dust Control Plan:

"In the past, Norlite operated the Finishing Plant during the night so maintenance could be performed during the daytime when a full maintenance crew was available. to ensure better control over the Finishing Plant operations, Norlite voluntarily curtailed nighttime operations. Effective January 16, 1995, the Finishing Plant began operating on a 7:30 AM to 11:30 PM, Monday through Friday schedule. Norlite has agreed to make all reasonable efforts to abide by this routine schedule; however, Norlite reserves the right to extend operations beyond these hours,

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or to Include weekends, on those infrequent occasions when it is faced with unusual demand, or when routine operations have been disturbed by weather conditions or maintenance."

The word "infrequent shall be defined per The American Heritage College Dictionary as: "1. Not occurring regularly; occasional or rare; *an infrequent guest*. 2. Situated or placed at rather wide intervals, as in time or space."

By March 31, 2008 the Permittee shall submit for the Department's review and approval a protocol and schedule for conducting, completing and submitting a new Noise Impact Analysis by October 1, 2008. This protocol shall include taking ambient noise readings at Norlite property line locations adjacent to the nearest residential properties in all directions from the Norlite facility during two or more continuous 24 hour time periods during warm weather conditions (i.e. residential windows likely to be open) under full operating conditions of the entire Norlite facility. The results shall include tabular noise readings with noise frequency breakdowns, one hour Leqs, geographic depictions of noise readings, ambient noise readings with and without Norlite generated noise including high frequency sounds from Norlite as well as any needed noise mitigation measures. The noise operating standards found in 6NYCRR360-1.14(p) shall be applied to the entire Norlite facility only after submission of the noise study and review by the Department, discussion of the results with Norlite and a written non adjudicable determination by the Department to apply these standards.

The Permittee shall evaluate the need to revise the Noise Control Measures, Best Management Plan and Fugitive Dust Control Plan annually after the effective date of the permit; revise these plans; as recommended in these reports, submit the revisions or a notice of no change to the Department by March 31st of each year and implement the plans Including any revisions within 30 days of the Department's approval of the plans.

10. All drop & hook trucks are limited to a 48 hours stay at the Tanker Staging area (as shown in Drawing # NY003-3732) of the facility not including holidays, Saturdays & Sundays. Permittee shall park no more than 13 trucks, tankers or rollofs or combinations of them in Tanker Staging Area. No hazardous waste transfer of either bulk or drummed waste is permitted in Tanker Staging Area.
11. 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.

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.

- (b) 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.

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If such a revision is required, the Department will notify the Permittee of such a revision and a written explanation of the basis for any modification either with the annual bill or upon written request by the Permittee. Such annual revisions do not constitute permit modifications.

- (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 samples 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) Payments are to be in advance of the period in which they will be expended. 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) Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
12. The Permittee shall prepare and submit a Compliance Report on or before April 1st of every year describing the facility's record in complying with all DEC permits and the conditions contained therein for the previous calendar year including complaints received and how responded to. It shall also include a projection of key compliance elements and milestones in the forthcoming calendar year.
13. 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.

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Permittee shall revise & implement Traffic control provisions of EAF annually and submit it to the Department by March 31 of each year.

14. Within 90 days of the effective date of this permit the Permittee shall submit to the Department a report providing recommendations to reduce the frequency of automatic waste feed cutoffs (including cutoffs initiated prior to reaching the permit limit set forth in condition D(1) of Module V of this permit) resulting from the inadequate hood pressure in the light weight aggregate kilns #1 & #2. This report shall include an engineering evaluation of the kilns operation and their automatic control systems and shall be prepared by a qualified independent NYS professional engineer. Upon the Department's acceptance, the Permittee shall implement its recommendations within 90 days of its receipt.
15. The Permittee shall install, operate, and maintain on-site wind speed and wind direction continuous recording equipment. The installation, operation, and maintenance of the monitoring equipment shall be done in accordance with NYSDEC program policy DAR-2, "Oversight of Private Air Monitoring Networks". The Permittee shall follow the DAR-2 guidance for informational networks. In accordance with DAR-2, NYSDEC Division of Air Resources will, as appropriate, provide oversight of the following elements: design and installation, operation, data transmission and receipt, QA/QC, data review, and data reporting. Within 75 days after the effective date of the permit, and in accordance with DAR-2, the Permittee shall submit a detailed written plan containing all the technical specifics of the monitoring program and a schedule for installation and operation of the monitoring equipment.
16. The Permittee shall sample and analyze clinker (i.e. expanded shale) for metals and Organics on monthly & annual basis respectively to ensure that it meets the non-waste water standards of 6 NYCRR Part 376.4(j). Additionally, at the Department's request, the Permittee shall sample and analyze clinker for metals & Organics six & two times per year respectively. The Permittee may cease to perform the Department requested organic analysis after two years of the effective date of this permit, provided that, no organic is detected in the clinker samples analyzed during those two years. The sampling & analysis required by this condition shall be performed as per Attachment C of this permit.
17. The Permittee shall construct and maintain the secondary containment system for Truck Unloading Area 2, and to the extent it is not subject to 6NYCRR373-2.9(f) Truck Unloading Area 1 in compliance with the following provisions:
 - (a) Transfer of hazardous substances must take place within a transfer station which is equipped with a permanently installed secondary containment system.
 - (b) This containment system must:
 - (i) be capable of collecting leaks and spills which are likely to occur during the transfer including leaks or spills from connections, couplings, vents, pumps and valves, hose failure or overturning of a container. Open-ended fill lines must be located within the secondary containment system;
 - (ii) be designed and constructed with a permeability rate to the substance(s) transferred of less than 1×10^{-6} cm/sec. Properly designed concrete which has water stops on all seams and is compatible with the substance(s) stored or other equivalent or superior material satisfies this requirement;
 - (iii) be designed, installed, and operated to prevent any migration of hazardous substances, components of hazardous substances or degraded products, out of the system to the soil, groundwater, or surface waters before cleanup occurs. The system does not have to be designed to contain the gaseous component of a spill;

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- (iv) be constructed, coated, or lined with materials that are compatible with the substances to be transferred and the environment. The system must have sufficient strength and thickness to withstand wear, hydrostatic forces, frost heaving and weathering. It must support without failure, any vehicle brought into the transfer station, and must have a foundation which prevents failure due to settlement, compression, or uplift;
 - (v) be equipped with a sump and either a manually controlled pump or siphon, manually controlled dike valve, or any other manually controlled drainage system to permit the drainage of liquids resulting from leaks, spills, and precipitation. Control of the pump, siphon or valve must be possible from outside of the diked area. All drainage systems must be locked in a closed position when a transfer of a hazardous substance is in progress. Spilled or leaked substances must be removed from the containment system within twenty-four (24) hours; and
 - (vi) contain the volume of any leak or spill likely to occur at the transfer station.
- (c) Stormwater must be pumped from this area and associated sump to allow for the containment of the volume required by Special Condition 17.

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Changes (1/18/2008 Permit Modification)

Description of Changes

Permit Effective Date

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Effective date for this permit changed to 1/18/2008. The permittee's 8/9/2007 hearing request objecting to this permit (issued on 7/12/2007) stayed its original effective date. Therefore, the permittee was governed by the prior SAPA extended permit provisions until this permit modification which resolves the objections and hearing request. In addition the Department has determined not to make the provisions of this permit retroactive to 7/12/2007.

Special Condition 9

pp. 4, 5 of 9

This condition was replaced with language: 1) mirroring nighttime finishing plant operating hour restrictions in the Fugitive Dust Control Plan, 2) requiring a new Noise Impact Analysis and 3) the noise operating standards found in 6NYCRR360-1.14(p) shall be applied to the entire Norlite facility only after submission of the noise study and review by the Department, discussion of the results with Norlite and a written non-adjudicable determination by the Department to apply these standards.

Special Condition 11(d)

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Correction of a typographical error. Changed "sampling" to "samples".

Special Condition 17

pp. 7, 8 of 9

The opening paragraph was changed to clarify that this condition applies to Unloading/Loading Area 2 and Area 1 to the extent Area 1 is not subject to 6NYCRR373-2.9(f) secondary containment requirements. Also, the last paragraph was changed to require that storm water must be removed from the area and associated sump to allow for the containment volume meeting the provisions in Special Condition 17. Changed "with" to "within" in the last sentence of Special Condition 17.b.i to make the sentence read more clearly.

Condition A(1) in Module III

p. 1 of 4

This condition was changed to clarify that unloading and loading operation that occur in permitted container storage areas shall have secondary containment meeting the requirements in Special Condition III.B.

Condition C(10)(A) in Module V

p. 4 of 17

This condition was changed to clarify that the condition applies to used oil mixed with Waste Fuel A and/or virgin oil.

Condition C(10)(B) in Module V

P. 5 of 17

This condition was changed to clarify that the condition applies to used oil mixed with Waste Fuel A and/or virgin oil.

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This page was added to describe the changes made in this permit modification..

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