

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

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www.dec.ny.gov

January 9, 2018

Mr. Prince Knight
Laboratory, Environmental & Compliance Manager
Norlite, LLC
628 S. Saratoga Street
Cohoes, NY 12047

RE: Notice of Intent to Modify Permit, Administrative Changes
RCRA 6 NYCRR Part 373 Hazardous Waste Permit
Permit ID: 4-0103-00016/00016
RCRA ID: NYD080469935

Dear Mr. Knight,

The New York State Department of Environmental Conservation (Department) has identified issues in the RCRA 6 NYCRR Part 373 Hazardous Waste Permit which are either inconsistencies or information which requires updating. The Department is hereby providing this notice of intent to modify Norlite's Part 373 Permit (effective date: 1/1/2016) pursuant to 6 NYCRR 373-1.7(c)(1)(i) and 6 NYCRR 373-1.7(c)(1)(ii). Below is a list of the changes being made:

1. The contact information for submissions to Department staff under Condition B of Exhibit A in Schedule 1 of Module I is now updated. See pages A-2 and A-3 attached to this letter.
2. The subconditions in Module IV are inconsistently labelled. Regulatory content of the subconditions has not been changed, but the labels are now corrected to standardized numbering instead of letters. See pages IV-1 through IV-7 attached to this letter.

As an attachment to this letter, the Department has included the specific pages that are being replaced in the permit. Please replace these pages in Norlite's copy of the permit. As a requirement of this modification, please also record these changes in Attachment D permit modification log as required by Module I Condition D.2.a and D.3, and submit a copy to the Department within 15 days of this letter.

This letter and the attached pages are to be considered an official amendment to Norlite's Part 373 Permit and, as such, are to be incorporated therein. This official amendment will become effective on January 24, 2018, unless Norlite submits a written statement within 15 days of this letter's receipt in accordance with 6 NYCRR Part 621.13(d) of the regulations.

Under 6 NYCRR Part 373-1.7(e), Norlite is required to notify all persons on the facility mailing list of this modification.



Department of
Environmental
Conservation

If you have any questions, please contact Howard Brezner at (518) 357-2347 or myself at (518) 357-2459. Thank you.

Sincerely,

Kate Kornak

Kate Kornak
Environmental Analyst

att: Updated permit pages A-2, A-3, Module IV

ecc:	H. Brezner, NYSDEC	R. Mustico, NYSDEC
	T. Killeen, NYSDEC	A. Elliott, NYSDEC
	J. Hadersbeck, NYSDEC	D. Monk, Norlite



Department of
Environmental
Conservation

4. If the Department determines that additional sampling and analysis or more restrictive and/or additional criteria are necessary at the time of unit/Facility closure, the Department shall send the Permittee a notice of intent to modify this Permit in accordance with 6 NYCRR 621 to incorporate these requirements into the Permit. In the event the Department issues such a notice of intent, the Permittee will be restricted from issuing a certification of closure for the unit/facility in accordance with 6 NYCRR 373-2.7(f), until the associated 6 NYCRR 621 Permit modification process is completed and any associated closure requirement(s) that might result from this modification process are satisfied.

B. Plans, Reports, Specifications, Implementation Schedules and Other Submittals

1. Submittals required by the Permit must be provided to the Department and other identified Agencies as listed below. The list below identifies the Department/Agencies staff by title that must receive submissions and indicates the types of submissions each must receive. At anytime during the life of this Permit, the Department may designate alternate titles or addresses to receive submissions (different than those indicated below), and direct the Permittee to make submissions to the alternate title or address. The list below also indicates whether the submission must be a paper or electronic copy. Where electronic copies are indicated, the submission must be in a form as required by Condition N of Module I of this Permit. Submissions of electronic copies may be made by e-mail or other methods acceptable to the Department.

- a. One (1) electronic copy of all submittals to:

Regional Remediation Engineer
New York State Department of Environmental Conservation
Region 4 Office
1130 North Westcott Rd.
Schenectady, NY 12306

- b. One (1) electronic copy of all submittals except for those specific only to waste reduction to:

Director, Remedial Bureau E
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7017

Chief, RCRA Permitting Section
Remedial Bureau E, Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7017

- c. One (1) paper and one (1) electronic copy of all financial assurance instruments to:

RCRA C Financial Assurance Coordinator
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7251

- d. One (1) electronic copy of all waste reduction documents to:

Pollution Prevention Unit
Division of Materials Management
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7253

- e. One (1) paper and one (1) electronic copy of all modification requests pertaining to this Permit to:

Regional Permit Administrator
Division of Environmental Permits
New York State Department of Environmental Conservation
Region 4 Office
1130 North Westcott Rd.
Schenectady, NY 12306

Chief, RCRA Programs Branch
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

An electronic copy of all reports, plans, schedules, correspondence or other documents sent to the Department in accordance with this Permit, must be simultaneously sent to the Albany County Health Department (ACHD) at its request.

2. SOPs related to Part 373 Permit operations are subject to Department review and approval.

SOP Revisions (release without Department review and approval)

When submitting changes to existing SOPs, the Permittee shall submit a new SOP revision for Department review and approval (in redline/strikeout form). The Permittee may also implement the release of the SOP at the same time. If the

PART 373 PERMIT

MODULE IV - TANK SYSTEMS

A. AUTHORIZED TANK SYSTEMS AND WASTES

1. The Permittee is authorized to use the tank systems for the storage and/or treatment of hazardous wastes subject to the terms of this Permit as described in **Schedule 1 of Module I. Schedule 1 of Module I** provides information regarding the location, capacity and type of waste stored for each permitted tank system. This Permit is applicable to wastes stored or treated in accordance with 6 NYCRR 373-2.10(a), with exceptions noted in, and in compliance with, 6 NYCRR 373-1.1(d)(1)(iii) and 373-2.1(a).
2. The Permittee must operate and maintain the tank systems in accordance with this Permit and with 6 NYCRR 373-2.10.
3. For tank systems used to store or treat materials that are newly defined as hazardous waste in the future, the Permittee must comply with 6 NYCRR 373-2.10 and 373-1.7(g).

B. DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS [6 NYCRR 373-2.10(c)]

1. For new hazardous waste tank systems or components (such as the secondary containment system) not authorized by this Permit, which the Permittee proposes to construct in the future, the Permittee must, prior to construction for a new or replacement tank system and prior to operation of a repurposed or modified tank system, submit to the Department an application to modify this Permit including design plans, specifications and a written assessment of the tank systems' structural integrity, as required by 6 NYCRR 373-2.10(c) and obtain a permit modification.
2. The term "new hazardous waste tank system(s)" includes new tank system(s), replacement tank system(s), repurposed tank system(s) and modified tank system(s).
3. Upon completion of construction and prior to commencing operation, the Permittee must obtain and keep on file certifications of construction in accordance with 6 NYCRR 373-2.10(c)(7).
4. The Permittee may not use any tank until:
 - a. The Permittee has submitted to the Department by Certified Mail or hand delivery a letter signed by the Permittee and a New York registered Professional Engineer stating that the tank has been constructed or modified in compliance with this Permit;

- b. A Department representative has inspected the newly constructed or modified tank and has found it is in compliance with the conditions of this Permit; or
- c. If, within 15 days of the date of submission of the letter specified in **Condition B.4.a** of this Module the Permittee has not received notice from the Department of its intent to inspect, the inspection requirement specified in **Condition B.4.b** of this Module is waived and the Permittee may use the tank, per 6 NYCRR 373-1.6(a)(12)(ii)('b')('2').

C. CONTAINMENT AND DETECTION OF RELEASES [6 NYCRR 373-2.10(d)]

1. In order to prevent the release of hazardous waste or hazardous constituents to the environment, tank system(s) secondary containment must be provided and operated in a manner that meets the requirements of 6 NYCRR 373-2.10(d) and this Permit, including **Schedule 1 of Module I**, except for ancillary equipment meeting the requirements of 6 NYCRR 373-2.10(d)(6).

D. GENERAL OPERATING REQUIREMENTS [6 NYCRR 373-2.10(e)]

1. The Permittee must operate hazardous waste tank systems and components authorized by this Permit in accordance with 6 NYCRR 373-2.10(e) and this Permit including **Schedule 1 of Module I**.

E. INSPECTIONS [6 NYCRR 373-2.10(f)] AND REPAIR/REMEDIAL ACTION [6 NYCRR 373-2.2(g)(3)]

1. The Permittee must inspect tank systems and components authorized by this Permit in accordance with 6 NYCRR 373-2.2(g), 373-2.10(f) and this Permit, including the Department-approved Security and Facility Inspection Plan incorporated by reference into this Permit and **Schedule 1 of Module I**.
2. Loading and unloading areas must be inspected daily when in use in accordance with 6 NYCRR 373-2.2(g)(2)(iv) and this Permit.
3. For any leak, overflow, defect, deterioration, malfunction or other problem found as a result of the inspection or assessment of any tank system, including secondary containment and ancillary equipment, the Permittee must record the occurrence in the inspection log and maintain the log as part of the operating record required by 6 NYCRR 373-2.5(c). The Permittee must indicate in the facility's operating record the date the defect was identified, the date repairs were completed and a brief description of said repairs.
4. If leaks (except minor drips) or overflows are discovered associated with any hazardous waste tank system (including ancillary equipment), the Permittee must immediately report the situation as specified in **Condition C.2 of Module I** (i.e., Oral Reports) and implement the Department-approved Contingency Plan incorporated by reference into this Permit as necessary.

5. For any identified leak (including minor drips) or defect which creates the potential for leakage from a tank or from a tank's ancillary equipment (e.g., piping, pump, valve, etc.) containing hazardous waste, the Permittee must take immediate action to stop or prevent the leak, take steps in accordance with 6 NYCRR 373-2.10(g) and clean up any leaked or spilled material as required by 6 NYCRR 373-2.10(g)(2) in accordance with the procedures contained in the Department-approved Contingency Plan incorporated by reference into this Permit.
6. The Permittee must take action in response to any of the aforementioned tank system deficiencies in accordance with 6 NYCRR 373-2.2(g)(3), **Condition E.8** of this Module and, if applicable, **Condition F** of this Module. The Permittee must maintain the secondary containment system for tanks free of cracks or gaps and sufficiently impervious to contain leaks, spills and accumulated precipitation. The Permittee must remove all liquid precipitation and other accumulated liquids from any hazardous waste secondary containment structure within 24 hours.
7. If a tank system secondary containment is found to be breached or in such a deteriorated condition that it is obviously incapable of containing a release, the Permittee must:
 - a) take immediate action to stop or prevent any release from the system; b) take steps in accordance with the Department-approved Contingency Plan incorporated by reference into this Permit to clean up any leaked or spilled material; and, c) immediately cease operation of the system and relocate any material stored within the system until the defect is repaired to the satisfaction of the Department.
8. For any identified deterioration or malfunction of equipment or structures associated with a hazardous waste management unit which do not result in a release or create the potential for a release of hazardous waste from the unit's primary containment (i.e., defects other than those described in **Condition E.5** of this Module) or for situations where the waste has been removed from the primary containment unit in accordance with **Conditions E.7 or F** of this Module, except for specific defects where other Permit conditions or the regulations require repairs within other specified time periods, the Permittee must unless otherwise addressed in an alternate schedule approved by the Department, either:
 - a. Schedule and complete repairs to the defect within thirty (30) days from the date the defect was first identified;
 - b. Submit a proposed schedule for Department approval within seven (7) days from the date the defect was first identified, if it is anticipated that it will take longer than 30 days to complete repairs. The proposed schedule must include the date for completing the repairs which must be within six (6) months from the date when the defect was identified; or
 - c. The Permittee may request, and the Department may approve, extensions to the schedule provided the Permittee has adequately demonstrated that the extension is needed due to unforeseen circumstances or circumstances beyond the Permittee's control and that the delay will not lead to an environmental or human health hazard.

F. RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE HAZARDOUS WASTE TANK SYSTEMS [6 NYCRR 373-2.10(g)]

1. A tank system or secondary containment system authorized by this Permit from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately and the Permittee must take all action required in accordance with 6 NYCRR 373-2.10(g) and this Permit.
2. With respect to notifications of releases to the environment, reporting must be in accordance with 6 NYCRR 373-2.10(g)(4) and **Module I** of this Permit.

G. CLOSURE AND POST-CLOSURE CARE [6 NYCRR 373-2.10(h)]

1. At closure of a tank system authorized by this Permit, the Permittee must comply with the closure requirements in accordance with 6 NYCRR 373-2.10(h), 6 NYCRR 373-2.7 and this Permit, including the Department-approved Closure Plan provided as Attachment I of this Permit. For tank systems where the Department accepts the Permittee's demonstration in accordance with 6 NYCRR 373-2.10(h)(2), the Permittee must meet the closure and post-closure requirements of 6 NYCRR 373-2.14(g), 6 NYCRR 373-2.7(g) through (j), and this Permit, including a Department-approved modified Closure Plan and new or modified Post-Closure Plan provided as Attachment I of this Permit.

H. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES [6 NYCRR 373-2.10(i)]

1. The Permittee must manage all ignitable or reactive waste placed in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.10(i) and this Permit.

I. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES [6 NYCRR 373-2.10(j)]

1. The Permittee must adhere to the special requirements for the management of incompatible waste in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.10(j) and this Permit.

J. AIR EMISSION STANDARDS [6 NYCRR 373-2.10(k)]

1. The Permittee must manage all hazardous wastes placed in tank systems authorized by this Permit in accordance with 6 NYCRR 373-2.27, 373-2.28 and 373-2.29 as applicable and this Permit.

K. OTHER REQUIREMENTS

1. Tank System Process and Instrumentation Diagrams: The Permittee must operate and maintain all tank systems in accordance with the Department-approved Process & Instrumentation Diagrams (PIDs) provided in Attachment D2 of this Permit. The Permittee may replace tank system ancillary equipment (e.g., pipes, pumps, valves, etc.) without modification of this Permit or the above referenced PIDs, provided that

the materials/components used are identical to the materials/components depicted on the referenced PIDs (e.g., 4-inch HDPE pipe to be replaced with 4-inch HDPE pipe, etc.). To replace tank system ancillary equipment with materials/components that are not identical to the materials/components depicted on the referenced PIDs (e.g., 4-inch HDPE pipe to be replaced with 4-inch steel pipe, etc.), the Permittee must submit the revised PID(s) along with information to support the equivalency of the replacement materials/components, and obtain Department approval of the revisions prior to implementing the replacement. At its discretion, the Department may review the revised PID(s) and grant verbal approval for such proposed replacements to allow implementation, which will be followed by a written approval. Revisions to PIDs that only involve replacement of existing tank system ancillary equipment, do not require modification of this Permit, unless the Department determines that a Permit modification is needed due to the nature and/or extent of the revisions. For revisions to PIDs that involve new, modified or replacement tanks or new additional ancillary equipment not depicted on the referenced PIDs, the Permittee must comply with all requirements specified by **Condition B** of this Module.

2. Electronically Operated Ancillary Equipment: The Permittee must perform annual testing of any electronically operated tank system interconnection and overflow prevention controls, and leak detection equipment, including but not limited to the following:
 - tank high level sensors and alarms;
 - interconnected tank valves and alarms;
 - pump disabling switches tied to tank high level sensors;
 - pump disabling switches tied to interconnected tank valves; and
 - leak detection sensors and alarms.

The testing must be conducted by manually simulating the condition each device is designed to detect, and observing to see if the designed reaction occurs. The Permittee must record the results of this testing in the operating record required by 6 NYCRR 373-2.5(c). If any device or its associated electronic system fails to function as designed, the Permittee must make all necessary repairs in accordance with 6 NYCRR 373-2.2(g)(3) and **Condition E** of this Module, and re-test the repaired system.

3. Independent Assessment of Tank Systems
 - a. In addition to the inspections required by **Condition E** of this Module, the Permittee must have each tank system assessed by an independent, qualified, Professional Engineer registered in New York, or alternatively, by an independent, qualified inspector working under a registered New York State Professional Engineer. Each tank system must be independently assessed at a minimum of once every five (5) years as measured from the end of the calendar year of the tank system's most recent assessment, or as otherwise specified in **Schedule 1 of Module I** of this Permit. Each time a tank system is assessed, its next assessment

shall be required to occur within five (5) calendar years of its most recent assessment.

- b. Each tank system assessment must entail an inspection of all visible tank system components including but not necessarily limited to the tank exterior, tank supports, piping, pumps, valves and any overfill prevention controls (tank system secondary containment must be inspected in accordance with **Condition E and K.4** of this Module). The tank system assessment also requires a visual inspection of the tank's interior for any tank(s) identified in **Schedule 1 of Module I** as requiring such additional assessment. Any tank(s) requiring an internal inspection must be completely emptied and cleaned to expose all internal tank surfaces for examination by the engineer/inspector. The engineer/inspector must identify and record all observed cracks, leaks, corrosion, interior coating defects (where applicable) and any other areas of deterioration that could affect the integrity of the tank system. For steel tanks, the engineer/inspector must also obtain ultrasonic thickness measurements of all accessible tank surfaces to determine the integrity of the tank shell.
 - c. After each assessment, the engineer/inspector must report to the Permittee as specified in the schedule provided in **Schedule 1 of Module I** of this Permit any and all tank system defects identified during the assessment along with repair recommendations. The Permittee must repair all identified defects in accordance with the engineer's/inspector's recommendations and have the engineer/inspector verify the adequacy of the repairs. Any tank system that is found to be leaking or unfit for use by the engineer/inspector must be immediately removed from service and must not be returned to service until the Permittee obtains a certification of major repairs in accordance with 6 NYCRR 373-2.10(g) and this Permit.
 - d. The engineer/inspector must prepare a detailed report for all tank systems that are assessed. For each tank system, the report must include a description of observations made during the visual inspection, the result of any ultrasonic thickness measurements taken of the tank shell and the engineer's/inspector's evaluation of these measurements, a description of any defects identified, and an evaluation of all repairs made by the Permittee. The annual report must also include a statement from the engineer/inspector which certifies that all repairs were made in accordance with the engineer's/inspector's recommendations and that all in-service tank systems assessed are capable of handling hazardous wastes without release for the intended life of the system. This report must be submitted to the Department within 90 days of the assessment, unless the Department approves an extension of no greater than 30 days or as otherwise specified in **Schedule 1 of Module I**.
4. Independent Assessment of Tank Systems Secondary Containment
- a. For the tank systems authorized by this Permit with secondary containment designed in accordance with 6 NYCRR 373-2.10(d)(4)(iii), assessments must be conducted in accordance with the schedule and conditions specified in

Condition B of Exhibit D in Schedule 1 of Module I.

5. Precautions in Flammable & Oxidizer Waste Storage Areas: Machinery and equipment must not be permitted in flammable and oxidizer waste storage areas or any process area where a flammable atmosphere may exist unless it has been fitted with appropriate safeguard devices approved by Underwriters Laboratories (UL) to render the machinery/equipment intrinsically safe. Only non-sparking tools shall be used in these storage areas.