

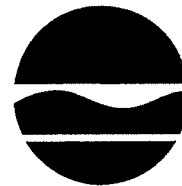
New York State Department of Environmental Conservation

Office of Environmental Quality, Region 4

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Denise M. Sheehan
Commissioner

June 20, 2006

Mr. William Morris
Vice President, Environmental Affairs
Norlite Corporations
628 South Saratoga Street
P.O. Box 694
Cohoes, NY 12047

**RE: DEC #4-0103-16/20-0
SPDES NY 000 4880
Tanker Truck Staging Area**

Dear Mr. Morris:

This office is in receipt of your letter dated May 23rd regarding the SPDES application for the treatment and discharge of stormwater runoff from the Tanker Truck Staging Area and Used Oil/Fuel Oil Storage Area.

The plea agreement between the State of New York Office of the Attorney General and Norlite identified the installation of a permanent treatment system subject to the DEC permit requirements pursuant to Article 17 of the Environmental Conservation Law. The Environmental Conservation Law (17-0701) requires a SPDES permit be granted prior to the construction or operation of a disposal system for the discharge of an industrial waste. As granting of a SPDES permit is the first step required for installation of the treatment system, withdrawal of your application has made it impossible for you to comply with the terms and conditions of the plea agreement unless an alternate plan is approved by the Department of Environmental Conservation

On June 6, 2006, the Department received a revised page of the BMP plan which stated that all water in the LGF Truck Staging Area will either be left to evaporate during the summer months or will be removed and either incinerated on-site or sent off-site to a wastewater treatment facility. This proposal except for letting the liquid evaporate by itself is conceptually acceptable. However, in order for the latter two options of your proposal to be considered approveable, you must submit a written plan that addresses, at a minimum, the following provisions:

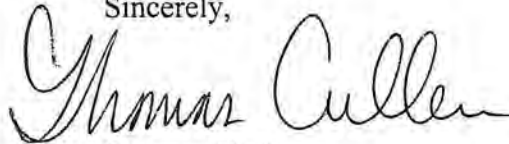
- 1] Specify the minimum depth or level of accumulate liquid needed to enable pumping. Pump accumulated liquid within 24 hours once the specified minimum depth/level is reached.
- 2] Installation of a means of measuring the amount/level of water in truck staging area.
- 3] Daily recording of the amount/level of water in the truck staging area.
- 4] A Standard Operating Procedure (SOP) to be followed whenever the stormwater will be incinerated on-site. The SOP must include:
 - Provisions for sampling and analyses of the stormwater for organics, metals, BTU value, ash, and chlorine.
 - The proposed analytical methods.
 - Proposed limits on the minimum BTU value of the LGF/water mixture.
- 5] Maintenance of a monthly log that records: (1) the daily measurements; (2) whether any releases had occurred; (3) the quantity of material removed/disposed; (4) the means of disposal (incinerated on-site or hauled off-site); (5) the name of the person taking these measurements, and (6) the date and time that each measurement is taken. If the water is hauled off site, the log must also record the name, address and location of the disposal facility and a reference number for the manifest and/or bill of lading.
- 6] A copy of the monthly log shall be submitted with the Discharge Monitoring Report for the respective monthly monitoring period.
- 7] If the water is incinerated on-site, a copy of the monthly log and records of all analyses of the water incinerated on-site during the month shall be submitted monthly with the Hazardous Waste Report.
- 8] All records shall be maintained on-site in accordance with the record keeping requirements contained in 6NYCRR Part 750.
- 9] Daily, inspect the containment area for leaks, corrosion and erosion. Record the results of the inspection along with date, time and name of the inspector.
- 10] Every 12 months, have an independent, New York registered professional engineer conduct an integrity assessment of the area's liner.
- 11] Apply for a modification of the Part 373 permit to deal with the water from the truck staging area. The permit modification application shall also include plan and cross sectional drawings of the tanker staging area. Norlite must modify the Waste Analysis Section by including a description of the water; how Norlite will

analyze it; and what sampling and analytical methods will be used. Norlite must also describe how the water will be managed.

These are considered to be the minimum requirements for an approvable plan for management of stormwater from the truck staging area as proposed in the revised BMP page. As an alternate, Norlite may elect to submit a plan that prevents stormwater contact with the truck staging area by construction of a cover and diversion of stormwater away from this area. In this case, the plan must include a schedule that, upon approval of the plan, will become enforceable under the plea agreement. Please note that any point source discharge associated with industrial activity (as defined in 40CFR Part 122.26) to waters of the United States must be specifically listed on the SPDES permit. If diversion of stormwater that is associated with industrial activity creates a point source discharge, an application to modify the SPDES permit would be required.

Please submit a plan as described in this letter by July 14, 2006. If you have any questions or need further information, please contact Howard Brezner.

Sincerely,



Thomas Cullen
Regional Engineer
Region 4

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ec: H. Brezner ✓
W. Clarke ✓
J. Hadersbeck
S. Mitchell/J. Harrington
R. Ostrov
F. Sievers/C. Lamb-LaFay
C. Van Guilder

cc: M. Meyers, Attorney General's Office

