

**PERMIT**  
**Under the Environmental Conservation Law (ECL)**  
**Permittee and Facility Information**

**Permit Issued To:**  
NORLITE LLC  
PO BOX 694  
COHOES, NY 12047-0694  
(518) 235-0401

**Facility:**  
NORLITE LLC  
628 S SARATOGA ST  
COHOES, NY 12047

**Facility Location:** in COHOES in ALBANY COUNTY

**Facility Principal Reference Point:** NYTM-E: 606.075      NYTM-N: 4734.426  
Latitude: 42°45'18.1" Longitude: 73°42'13.5"

**Authorized Activity:** This permit authorizes the withdrawal of water at the Norlite, LLC facility for dewatering of the Cohoes Quarry, dust suppression, and non-contact cooling in accordance with the terms and conditions of this permit.

2019 MOD 1: Modification of the existing permit for implementation of facility-wide upgrades called "Project Delta" which will require a change in withdrawal of water. The on-site Quarry Pond is the primary water source (#12,404) with City of Cohoes potable water as the back-up source (#723). The maximum permitted supply of water is 576,000 GPD. All operations are to be in accordance with the approved plans and permit conditions contained herein.

**Permit Authorizations**

**Water Withdrawal Non-public - Under Article 15, Title 15**

Permit ID 4-0103-00016/00051

New Permit

Effective Date: 8/3/2018

Expiration Date: 10/31/2022

Modification # 1

Effective Date: 10/7/2019

Expiration Date: 10/31/2022

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: KATE KORNAK, Deputy Permit Administrator  
Address:                   NYSDEC Region 4 Headquarters  
                                  1130 N Westcott Rd  
                                  Schenectady, NY 12306

Authorized Signature: \_\_\_\_\_ Date 10 / 4 / 2019

## Permit Components

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

#### 1. Source Approval Table

This table summarizes all system source approvals

Well Field or Source of Water Supply	Status	WWA Number	Individual Source	Maximum Permitted Supply of Water
Quarry Pond	Current – Primary	12,404	Pond	576,000 GPD
City of Cohoes	Current – Backup	723	Potable	Not Specified
<b>Total Approved</b>				<b>576,000 GPD</b>

**2. Approval of Completed Works from NYS P.E.** Any new works constructed or modified pursuant to this water withdrawal permit shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with the issued permit.

**3. Transfer of Ownership of Water Withdrawal Systems** Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.

**4. Permit Expiration and Renewal** Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration.

**5. Cooling Water Withdrawals Regulated by SPDES** Nothing in this water withdrawal permit shall supercede the need to, where necessary, obtain an appropriate SPDES permit that allows for the operation of a cooling water intake structure and the discharge of the amounts of water approved by this water withdrawal permit. If any modifications to the location, or capacity of the intake structure are required by the permittee's SPDES permit, permittee must also apply for a modification of this water withdrawal permit to reflect such changes.

- 6. Meter All Sources** The permittee must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The permittee must maintain records of water withdrawn and consumptive use for each calendar year.
- 7. Source Meter Calibration** All source meters or measuring devices shall be calibrated for accuracy at least once each year.
- 8. Permittee Must Maintain Records** The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request. Records are to be retained for a period no less than 5-years.
- 9. Conduct Water Audits** At least once annually, the permittee must conduct a system-wide water audit that utilizes metered water production and consumption data to determine unaccounted-for water.
- 10. Leak Detection and Repair** The permittee must develop and implement a leak detection and repair program using visual inspection of above ground piping and fittings and sonic detection equipment, meter-to-meter readings reconciliation or other methods acceptable to the Department for the inspection of the facility's underground piping in a systematic fashion. Leaking pipes and fittings shall be repaired in a timely manner.
- 11. Annual Water Withdrawal Reports** The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.

### **GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**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, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit 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. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 4 Headquarters  
1130 N Westcott Rd  
Schenectady, NY12306

**4. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. 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.

**5. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, 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.