



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 3-3348-00150/00013  
Effective Date: 09/21/2015 Expiration Date: 09/20/2025

Permit Issued To: CYCLE CHEM INC  
201 S FIRST ST  
ELIZABETHPORT, NJ 07206

Facility: DEEP GREEN OF NEW YORK SOIL RECYCLING FACILITY  
1106 RIVER RD  
NEW WINDSOR, NY 12553

Contact: MICHAEL K PERSICO  
1106 RIVER RD  
NEW WINDSOR, NY 12553  
(845) 562-8778

**Description:**

Deep Green of New York Inc. operates a thermal treatment facility, located in the Town of New Windsor, for the recycling of non-hazardous petroleum contaminated soils and media. Contaminants are removed and treated by thermal desorption, a technology that destroys hydrocarbons. This process consists of heating contaminated material in a rotary dryer at temperatures between 350 and 1,000 °F. Particulate emissions from the rotary dryer are controlled by the operation of a pulse type baghouse collector. Volatile organic compound (VOC) contaminants, which are separated from the soil media by volatilization, are controlled by a thermal oxidizer. Natural gas is the primary fuel used in both the dryer and thermal oxidizer. The facility must comply with all elements of a 6 NYCRR Part 360 permit issued by NYSDEC which includes pre and post treatment analytical analysis.

Materials are received and temporarily stockpiled within the yard building. Because each load of soil has different characteristics, material preparation plays a vital role in system performance. Raw materials commonly encountered may contain high percentages of moisture, clay, debris, and/or contaminants. Debris such as large rocks, wood debris, metal and miscellaneous solid wastes are removed from the soil. In order to achieve uniform soil feed and efficient operation, differing materials (jobs) may be blended together prior to treatment. Materials that meet the following definitions can be treated and recycled at the facility providing they are not a State or Federal hazardous wastes.



"Media" can include natural soils, clay sorbent materials and sand filtration media.

"Contaminants" include but are not limited to petroleum hydrocarbons such as fuels and lubricating oils.

Emissions resulting from the thermal treatment process are subject to: 6 NYCRR Part 212 requirements for opacity, grain loading and degree of control for volatile organic compounds.

Fuels used to fire the rotary dryer and thermal oxidizer are subject to: 6 NYCRR Part 225 requirements for sulfur in fuel content and waste fuel specifications.

The facility operation is limited to 21 hours per day Monday through Saturday. Soil shipments are limited to the period of 6:00 AM to 6:00 PM.

The acceptance and treatment of contaminated soil cannot exceed 25 tons per hour. The acceptance and treatment of soils contaminated with waste oil/non-virgin petroleum products or soil from industrial or agricultural sites cannot exceed 65,000 tons per year.

The maximum petroleum content of soil fed to the thermal treatment unit cannot exceed 10,000 ppm.

The maximum total Polychlorinated Biphenyls (PCBs) content of soil fed to the thermal treatment unit cannot exceed 1.0 ppm.

The maximum total Benzene content of soil fed to the thermal treatment unit cannot exceed 10.0 ppm.

The maximum total Lead content of soil fed to the thermal treatment unit cannot exceed 400.0 ppm.

The maximum Total Organic Halogen Compound (TOX) concentration of soil fed to the thermal treatment unit cannot exceed 500 ppm with an annual average maximum concentration of 100 ppm.

Carbon Monoxide emissions shall not exceed 100 ppm by volume, dry basis, corrected to 7% oxygen. Carbon Monoxide concentration must be measured and recorded at least once every two hours.



The thermal oxidizer operating temperature must be maintained at a minimum of 1550 °F, resulting in at least a 99% destruction efficiency of VOCs and benzene.

Field aeration at the facility to decontaminate the soil prior to or during remediation is prohibited. This does not apply to routine screening, blending, and handling of the soil inside the building.

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 and any Special Conditions included as part of this permit.

Permit Administrator:       GEORGE A SWEIKERT  
                                      NYSDEC - REGION 3  
                                      21 S PUTT CORNERS RD  
                                      NEW PALTZ, NY 12561-1696

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State 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 compliance 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 any 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.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR 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.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054



**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY  
PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: CYCLE CHEM INC  
201 S FIRST ST  
ELIZABETHPORT, NJ 07206

Facility: DEEP GREEN OF NEW YORK SOIL RECYCLING FACILITY  
1106 RIVER RD  
NEW WINDSOR, NY 12553

Authorized Activity By Standard Industrial Classification Code:  
4953 - REFUSE SYSTEMS

Permit Effective Date: 09/21/2015

Permit Expiration Date: 09/20/2025



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR 211.1: Air pollution prohibited
- 2 6 NYCRR 212.4 (c): Compliance Demonstration
- 3 6 NYCRR 212.6 (a): Compliance Demonstration
- 4 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 5 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 6 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 7 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 8 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 9 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 10 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 11 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 12 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 13 6 NYCRR 212.11 (b) (5): Compliance Demonstration
- 14 6 NYCRR 225-1.2 (f): Compliance Demonstration
- 15 6 NYCRR 225-1.2 (h): Compliance Demonstration
- 16 6 NYCRR 225-2.7: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 17 ECL 19-0301: Contaminant List
- 18 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 19 6 NYCRR Subpart 201-5: Emission Unit Definition
- 20 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 21 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 22 6 NYCRR 211.2: Visible Emissions Limited

#### Emission Unit Level

- 23 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit



**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6 NYCRR 201-1.2**

If an existing emission source was subject to the permitting requirements of 6 NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6 NYCRR 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.



(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item F: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Required Emission Tests - 6 NYCRR 202-1.1**



An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item K: Open Fires Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item M: Federally Enforceable Requirements - 40 CFR 70.6 (b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Air pollution prohibited**



Effective between the dates of 09/21/2015 and 09/20/2025

Applicable Federal Requirement:6 NYCRR 211.1

**Item 1.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 2: Compliance Demonstration**  
Effective between the dates of 09/21/2015 and 09/20/2025

Applicable Federal Requirement:6 NYCRR 212.4 (c)

**Item 2.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00001

Regulated Contaminant(s):  
CAS No: 0NY075-00-0 PARTICULATES

**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.050 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry basis. Water spray must be used for suppressing dust from remediated soil. Compliance testing shall be conducted as requested by the Department.

Upper Permit Limit: 0.05 grains per standard cubic foot

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 3: Compliance Demonstration**  
Effective between the dates of 09/21/2015 and 09/20/2025



**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Deep Green shall not cause or allow emissions having an average opacity during any six consecutive minutes of 20% or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 4: Compliance Demonstration  
Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-92-1 LEAD

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

Soil acceptance is limited to a Lead level of 400 ppm for all soils except where the source is a residential property and the volume is less than 100 cubic yards.

Sampling procedure and analytical methods for pre and post treated materials shall comply with 6 NYCRR Part 360

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permit 3-3348-00150-00001 issued March 18, 2011. Records shall be maintained on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: SOIL

Parameter Monitored: LEAD

Upper Permit Limit: 400 parts per million by weight

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The acceptance and treatment of soil contaminated with waste oil/non-virgin petroleum products or soil from industrial or agricultural sites cannot exceed 65,000 tons per year, rolled monthly. These records must be reported to the Department annually.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: SOIL

Upper Permit Limit: 65,000 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

Subsequent reports are due every 12 calendar month(s).

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**



**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 000071-43-2 BENZENE

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Soil acceptance is limited to a Benzene level of 10 ppm for all soils contaminated with gasoline, except where the source is a residential property and the volume is less than 100 cubic yards.

Sampling procedure and analytical methods for pre and post treated materials shall comply with 6 NYCRR Part 360 permit 3-3348-00150-00001 issued March 18, 2011. Analysis records for each delivery shall be maintained on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: SOIL

Parameter Monitored: BENZENE

Upper Permit Limit: 10 parts per million by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 7: Compliance Demonstration  
Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The maximum soil charging rate must not exceed 25 tons per hour. The charging rate must be monitored, displayed and recorded at least every 15 minutes during operation. Soil

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temperatures in the dryer must be recorded a least once every hour. Records shall be maintained on site and made available to the Department upon request.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: SOIL

Upper Permit Limit: 25 tons per hour

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The thermal oxidizer must operate at a minimum temperature of 1,550 °F and achieve a VOC and benzene destruction efficiency of at least 99% when processing petroleum contaminated soil. Emission control equipment must be in use whenever the dryer is in operation. These temperatures must be recorded at least once every hour. An alarm shall alert the operator if the temperature falls below 1,550 °F. Records shall be maintained by the facility and made available to the Department upon request.

The Department reserves the right to require performance testing to verify the destruction efficiency of the thermal oxidizer.

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1,550 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**Condition 9: Compliance Demonstration**  
Effective between the dates of 09/21/2015 and 09/20/2025

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

Petroleum concentration within soil fed to the treatment unit is limited to less than 10,000 ppm. Soil contaminated at higher levels shall be blended onsite to achieve the maximum concentration of 10,000 ppm.

Sampling procedure and analytical methods for pre and post treated materials shall comply with 6 NYCRR Part 360 permit 3-3348-00150-00001 issued March 18, 2011. Analysis records for each delivery shall be maintained on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: SOIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 10,000 parts per million by weight

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 10: Compliance Demonstration**  
Effective between the dates of 09/21/2015 and 09/20/2025

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 10.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

**Item 10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS



Monitoring Description:

Soil acceptance is limited to a PCB value of 1.0 ppm for the 65,000 tons per year of soils categorized as contaminated with waste oil/non-virgin petroleum products or soil from industrial or agricultural sites.

Sampling procedure and analytical methods for pre and post treated materials shall comply with 6 NYCRR Part 360 permit 3-3348-00150-00001 issued March 18, 2011. Records shall be maintained on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: SOIL  
Parameter Monitored: POLYCHLORINATED BIPHENYL  
Upper Permit Limit: 1.0 parts per million by weight  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 11: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement: 6 NYCRR 212.11 (b) (5)**

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 00E966-24-2 HALOGEN, TOTAL ORGANIC

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The soil acceptance limit for Total Organic Halogen Compounds (TOX) is an annual average of 100 ppm, with a maximum concentration of 500 ppm for the 65,000 tons per year of soils categorized as soils contaminated with oil/virgin petroleum products from industrial or agricultural sites.

Sampling procedure and analytical methods for pre and post treated materials shall comply with 6 NYCRR Part 360 permit 3-3348-00150-00001 issued March 18, 2011. Analysis records for each delivery shall be maintained on site and



made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: SOIL  
Parameter Monitored: HALOGEN, TOTAL ORGANIC  
Upper Permit Limit: 100 parts per million by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 12: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00001

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:

Carbon Monoxide emissions exiting the thermal oxidizer are limited to 100 ppm by volume, dry basis, corrected to 7% oxygen. Emissions must be recorded every two hours of operation and can be obtained using direct measurement with hand held instrumentation. Records shall be maintained on site and made available to the Department upon request.

Upper Permit Limit: 100 parts per million by volume  
(dry, corrected to 7% O<sub>2</sub>)  
Reference Test Method: EPA Approved Method  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement:6 NYCRR 212.11 (b) (5)**



**Item 13.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A sufficient number of replacement bags will be maintained on site to replace 25% of the baghouse capacity. These bags will be manufactured of material which meet the baghouse manufacturer's specifications. Baghouse differential pressure shall be continuously monitored and recorded at least once every hour. These records shall be maintained on site and made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 14: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement: 6 NYCRR 225-1.2 (f)**

**Item 14.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001  
Process: NO2

Regulated Contaminant(s):  
CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not purchase distillate fuel containing sulfur exceeding 0.0015% by weight, as per the sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that name the oil supplier and certify sulfur in fuel content is in compliance for every delivery. These records shall be maintained on site and made available for Department review upon request.



Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable Federal Requirement: 6 NYCRR 225-1.2 (h)**

**Item 15.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00001  
Process: NO2

Regulated Contaminant(s):  
CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The facility shall not fire distillate fuel containing sulfur exceeding 0.0015% by weight, after July 1, 2016, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that name the oil supplier and certify sulfur in fuel content is in compliance for every delivery. These records shall be maintained on site and made available for Department review upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**



**Applicable Federal Requirement:6 NYCRR 225-2.7**

**Item 16.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00001  
Process: WOL

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The facility must maintain analytical sampling results for waste fuel received and burned in accordance with 6 NYCRR Part 225-2. The following parameters and allowable limits apply:

Polychlorinated Biphenyls (PCB)	< 50 ppm
Total Halogen	1,000 ppm maximum
Sulfur	0.75 % by weight
Lead	250 ppm maximum
Heat Content	125,000 BTU/gal minimum

Sampling shall be conducted per 7,000 gallon delivery.  
Records shall be maintained on site and made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**  
**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 17: Contaminant List**  
**Effective between the dates of 09/21/2015 and 09/20/2025**



**Applicable State Requirement:ECL 19-0301**

**Item 17.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000071-43-2

Name: BENZENE

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 001336-36-3

Name: POLYCHLORINATED BIPHENYL

CAS No: 007439-92-1

Name: LEAD

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

CAS No: 00E966-24-2

Name: HALOGEN, TOTAL ORGANIC

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY998-00-0

Name: VOC

**Condition 18: Malfunctions and start-up/shutdown activities  
Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable State Requirement:6 NYCRR 201-1.4**

**Item 18.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, maintenance, or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not



submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 19: Emission Unit Definition**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 19.1:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: U-00001

Emission Unit Description:

Operation of a low temperature thermal desorption unit used to treat non-hazardous petroleum contaminated soils.

The unit consists of a rotary dryer, baghouse collector and thermal oxidizer.

Non-hazardous petroleum soil shall include contaminants from products including:

Gasoline

Distillate fuel oils (diesel, jet fuel, No. 2 fuel oil and kerosene)

Residual Oils (No. 4 and No. 6 fuel oils, lubricating oils and waste oils)

Building(s): Main

**Condition 20: Renewal deadlines for state facility permits**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**New York State Department of Environmental Conservation**

Permit ID: 3-3348-00150/00013

Facility DEC ID: 3334800150



**Item 20.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 21: Compliance Demonstration**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 21.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 3  
21 South Putt Corners Rd.  
New Paltz, NY 12561

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

Subsequent reports are due every 12 calendar month(s).

**Condition 22: Visible Emissions Limited**  
**Effective between the dates of 09/21/2015 and 09/20/2025**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 22.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 23: Emission Point Definition By Emission Unit**  
**Effective between the dates of 09/21/2015 and 09/20/2025**



**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 23.1:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 42

Length (in.): 68

Width (in.): 28

NYTMN (km.): 4592.024

NYTME (km.): 582.412

