



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SUSTAINABLE BIOPOWER LLC
50 PUBLIC SQ STE 1060
CLEVELAND, OH 44113
(216) 416-3801

Facility:
TRAV-CO FARMS STORAGE TANK
2095 EASTWOOD RD
MARILLA, NY 14052

Facility Location: in MARILLA in ERIE COUNTY

Facility Principal Reference Point: NYTM-E: 214.351 NYTM-N: 4747.732
Latitude: 42°49'43.8" Longitude: 78°29'40.9"

Authorized Activity: The Trav-Co storage tank at the Stanley Travis farm at 2095 Eastwood Road in the Town of Marilla will be used for storage of effluent from the Buffalo BioEnergy and Niagara BioEnergy anaerobic digestion facilities. Due to weather and planting season conditions, land application is not always feasible. In these instances, the digestate (effluent from the digesters) will be trucked to this tank for storage. The storage tank was constructed in 2002 and has a capacity of approximately 1 million gallons.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-1454-00080/00001

New Permit

Effective Date: 3/7/2014

Expiration Date: 3/6/2019

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: LISA PORTER, Deputy Regional Permit Administrator
Address: NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

Authorized Signature: Lisa M. Porter

Date 3/7/14



Distribution List

DENNIS WEISS
SALLY ROWLAND
Bruce Bailey, Quasar Energy Group
Earl Gingerich, Supervisor, Town of Marilla

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

1. Emergency Reporting In the event of an emergency, including but not limited to fires, explosion or on-site spills, the Regional Materials Management Engineer (RMME) shall be notified of the emergency within 24 hours of discovery. Oral reports due on weekends or holidays shall be made on the next business day. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the event.

2. Permit Conflicts If any condition of this permit conflicts with the approved documents and plans identified in Solid Waste Management Permit Condition 4 and 5 of this permit, the Solid Waste Management Permit condition(s) shall prevail unless specific written approval for such change is obtained from the RMME prior to implementation. where there are conflicts between elements of the approved documents and plans, the most recently dated element shall prevail with respect to the conflicting material.

APPROVED DOCUMENTS AND WASTES

3. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by (see Solid Waste Management Permit Condition 4 and 5 of this permit) on (see Solid Waste Management Permit Condition 4 and 5 of this permit).

4. Approved Documents All activities conducted under this permit shall be in accordance with the applicable requirements in 6 NYCRR Part 360 (current edition and subsequently modified) Solid Waste Management Facilities Regulations, the special conditions cited herein, and the following approved reports and documents for this facility:

- Letter and attachments dated October 26, 2012 from Quasar Energy Group (Bruce Bailey) to NYSDEC (Efrat Scharf Forgette, P.E.) regarding Part 360 permit application for a storage facility.



- Letter and attachments dated January 7, 2013 from Quasar Energy Group (Bruce Bailey) to NYSDEC (Bruno DiBella) regarding response to DEC comments.
- Letter and attachments dated April 12, 2013 from Quasar Energy Group (Bruce Bailey) to NYSDEC (Efrat Scharf Forgette, P.E.) regarding TRAV-CO Tank Responses.
- Letter and attachments dated April 26, 2013 from Quasar Energy Group (Alan Johnson) to NYSDEC (Efrat Forgette) regarding Engineering Certification.
- E-mail dated May 1, 2013 from Quasar Energy Group (Bruce Bailey) to NYSDEC (Efrat Forgette) regarding response to DEC comments.
- Standard Operating Procedure Trav-Co Storage Tank
- Standard Operating Procedure Public Complaint for Odor, Noise and Spills Procedure
- Standard Operating Procedure Trav-Co Storage Tank Closure Plan

5. Approved Plans The approved plan sheets for this facility include:

- Plan sheets entitled "Travis Storage Tank" prepared by Quasar Energy Group and stamped April 12, 2013. They including the following:

<u>Sheet #</u>	<u>Title</u>	<u>Date</u>
S-1	Structural Drawing	10/25/12
S-2	Collection Tank Structural Drawing	10/25/12
S-3	Collection Tank Cross Sections	10/25/12
S-4	Collection Tank Additional Storage Capacity	10/25/12
SD-1	Plan View	10/25/12
SD-2	Cross Sections	10/25/12

6. Approved Wastes The facility may only receive effluent (digestate) from both the Buffalo BioEnergy, 4852 North American Drive in West Seneca, and Niagara BioEnergy, 2150 Liberty Drive in Wheatfield anaerobic digestion facilities.

7. Unauthorized Waste Biosolids from Wastewater Treatment Plants may **NOT** be brought to this storage facility without first going through the anaerobic digestion process at either the Buffalo BioEnergy or Niagara BioEnergy digestion facilities.

In the event that any hazardous waste, medical waste, or other regulated waste not allowed under this Permit is received at this facility, the unauthorized waste shall be contained and properly secured immediately.

8. CRA Approved Documents The permittee shall not receive at the facility solid waste which was generated within a municipality that has either not completed a comprehensive recycling analysis (CRA) or is not included in another municipality's CRA satisfying the requirements of 6 NYCRR Part 360-1.9(f) which has been approved by the Department and implemented the recyclables recovery program determined to be feasible by the analysis.

OPERATIONS

9. Access Control Access to and use of the facility must be strictly and continuously controlled by fencing, gates, signs, natural barriers or other suitable means.



10. Transport Only vehicles licensed with a 6 NYCRR Part 364 waste transporter permit may transport waste to and from this facility.

11. Hours of Operation Trucks may deliver digestate to or from the facility between the hours of **7am - 5pm**. Prior approval from the Department is needed to deliver outside these hours.

12. Loading of Vehicle Any spills must be contained and pumped back into the storage tank. Should any overfilling occur, the truck must be washed prior to leaving the site. Mud and waste can not be allowed to drag-out onto public roads.

13. Unloading Area The concrete pad for the collection system must be kept free of weeds and other debris. In addition, to prevent any spilled material from leaving the unloading area, an earthen berm must be constructed and maintained around the concrete pad.

14. Complaints Any complaints received by the permittee about the operation of this facility must be documented in a log book, with a description of action taken to alleviate the concern and the results of the action. Documentation must be available for review at the Department's request. Any operational changes deemed necessary by the Department to correct nuisance conditions must be implemented.

15. Freeboard A minimum of two feet of freeboard must be maintained in the storage tank. A line must be painted inside the tank so this two foot measurement can be easily identified.

16. Vector Control The facility must be maintained so as to prevent or control on-site populations of vectors using techniques appropriate for protection of human health and the environment and prevent the facility from being a vector breeding area.

17. Dust Control Dust must be effectively controlled so that it does not constitute a nuisance or hazard to health, safety, or property. The facility owner or operator must undertake any and all measures as required by the Department to maintain and control dust at and emanating from the facility.

18. Odor Control Activities must be conducted to minimize odors in accordance with the facility's Standard Operating Procedure. The Department may require additional controls as deemed necessary.

19. Sampling The storage tank must be mixed for no less than two hours before each sampling event. Digestate will be collected from at least seven places in the storage tank. A sample for fecal coliform will be collected at each location and a single composite sample of material from all seven locations will be collected for metals, nutrients and % TS analysis. At least one sample must be taken per land application event and submitted to a laboratory certified under the New York State Department of Health's Environmental Laboratory Approval Program.

20. Clean & Inspect Annually According to 6 NYCRR Part 360-4.10(f), the storage facility must be completely emptied, cleaned, and inspected at least once every 12 months. The Department must be notified at least one week before the cleaning operation is complete to afford the Department the opportunity to inspect the facility before additional material is placed in the facility. Any damage or deterioration revealed by the inspection must be repaired and a report must be submitted to the Department before the facility again receives waste.



21. Emergency An emergency life ring should be available and easily accessible from outside the storage tank.

22. Monitoring Due to the lower concentration of pollutants expected in the digestate compared to biosolids, groundwater monitoring around the storage facility is not required.

REPORTING

23. Annual Report The permittee must submit an annual report to the Department by March 1st of each year on forms provided by the Department or electronically, as specified by the Department, and must contain the following:

- All required analyses
- Source and quantities of waste and delivery dates
- Quantities of waste removed and dates removed
- Results of annual inspections
- Descriptions of any operating problems and corrective actions taken

24. Report Submission All annual reports shall be submitted to the following:

NYSDEC

Division of Materials Management

Bureau of Waste Reduction and Recycling

Organic Recycling & Beneficial Use Section

625 Broadway, 9th Floor

Albany, New York 12233-7253

NYSDEC

Regional Materials Management Engineer

270 Michigan Avenue

Buffalo, New York 14203-2915

CLOSURE

25. Closure of Facility All solid waste shall be removed from the facility and properly disposed of within 60 days of closure of the facility. The RMME shall be notified in writing within five business days of closure of the facility and subsequently notified of completion of cleanup activities. The Department will perform a final inspection to ensure the facility has closed in an environmentally acceptable manner.

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 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY14203 -2915

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. 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.

6. 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.