



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 5-5330-00038/00021  
Mod 0 Effective Date: 07/24/2013 Expiration Date: 07/23/2023  
Mod 1 Effective Date: 11/03/2014 Expiration Date: 07/23/2023  
Mod 2 Effective Date: 03/28/2016 Expiration Date: 07/23/2023  
Mod 3 Effective Date: 06/05/2018 Expiration Date: 07/23/2023

Permit Issued To: ENVIRONMENTAL SOIL MANAGEMENT OF NY LLC  
304 TOWPATH LN  
FORT EDWARD, NY 12828-1754

Contact: PETER HANSEN  
ESMI OF NEW YORK  
304 TOWPATH ROAD  
FORT EDWARD, NY 12828  
(518) 747-5500

Facility: ENVIRONMENTAL SOIL MANAGEMENT OF N Y  
304 TOWPATH RD  
FORT EDWARD, NY 12828

Description:

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: KEVIN R BLISS  
NYSDEC - WARRENSBURG SUBOFFICE  
232 GOLF COURSE RD  
WARRENSBURG, NY 12885-1172

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
  - Applications for permit renewals, modifications and transfers
  - 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 5 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 2-1: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 2-1.1:**

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

**Item 2-1.3:**

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 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 3-1: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3-1.1:**

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 3-1.2:**

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

**Item 3-1.3**

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 5 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 5 Headquarters  
Division of Environmental Permits  
Route 86, PO Box 296  
Ray Brook, NY 12977-0296  
(518) 897-1234



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: ENVIRONMENTAL SOIL MANAGEMENT OF NY LLC  
304 TOWPATH LN  
FORT EDWARD, NY 12828-1754

Facility: ENVIRONMENTAL SOIL MANAGEMENT OF N Y  
304 TOWPATH RD  
FORT EDWARD, NY 12828

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

Mod 0 Permit Effective Date: 07/24/2013	Permit Expiration Date: 07/23/2023
Mod 1 Permit Effective Date: 11/03/2014	Permit Expiration Date: 07/23/2023
Mod 2 Permit Effective Date: 03/28/2016	Permit Expiration Date: 07/23/2023
Mod 3 Permit Effective Date: 06/05/2018	Permit Expiration Date: 07/23/2023



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 2 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*2-1 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- \*3-1 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- \*3-2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- \*3-3 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 2-4 6 NYCRR Subpart 202-1: Compliance Demonstration
- 2-5 6 NYCRR 202-1.2: Notification
- 9 6 NYCRR 211.1: Air pollution prohibited
- 10 6 NYCRR 212.4 (c): Compliance Demonstration
- 1-3 6 NYCRR 212.6 (a): Compliance Demonstration
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- 1-16 6 NYCRR 225-1.2 (i): Compliance Demonstration
- 13 6 NYCRR 225-2.3 (b) (1) (ii): Compliance Demonstration
- 1-17 6 NYCRR 225-2.4 (b): Compliance Demonstration
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- 1-19 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 1-20 6 NYCRR 225-2.4 (b): Compliance Demonstration

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#### Facility Level

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- 15 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 16 6 NYCRR Subpart 201-5: Emission Unit Definition
- 17 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 18 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 19 6 NYCRR 211.2: Visible Emissions Limited
- 3-4 6 NYCRR 212-2.3 (b): Compliance Demonstration
- 3-5 6 NYCRR 212-2.3 (b): Compliance Demonstration
- 2-6 6 NYCRR 212-2.3 (b): Compliance Demonstration
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#### Emission Unit Level

- 20 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 21 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.





**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: 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 F: 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 G: 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 H: 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 I: 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 J: 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 K: 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 L: 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 2: Facility Permissible Emissions**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 2.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

per year CAS No: 007446-09-5 (From Mod 3) PTE: 198,000 pounds

Name: SULFUR DIOXIDE

per year CAS No: 007647-01-0 (From Mod 3) PTE: 19,400 pounds

Name: HYDROGEN CHLORIDE

**Condition 2-1: Capping Monitoring Condition**  
**Effective between the dates of 03/28/2016 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 2-1.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 2-1.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

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Facility DEC ID: 5533000038



**Item 2-1.3:**

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.

**Item 2-1.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2-1.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2-1.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007647-01-0      HYDROGEN CHLORIDE

**Item 2-1.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Actual chlorinated compound concentrations in feed soils are used to calculate emissions. All chlorine is assumed to convert to HCl.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: SOIL

Parameter Monitored: CHLORINE

Upper Permit Limit: 9.70 tons per year

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

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

**Condition 3-1:      Capping Monitoring Condition**  
**Effective between the dates of 06/05/2018 and 07/23/2023**



**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Replaces Condition(s) 2-3**

**Item 3-1.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 3-1.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-1.3:**

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.

**Item 3-1.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-1.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-1.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0      VOC

**Item 3-1.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Allowable annual emissions of VOC from Emission Unit 00001 is not to exceed 40 tons per year in order to assure total facility wide emissions remain below 50 tpy.

Emissions are to be calculated based upon Actual VOCs fed to the kiln multiplied time (1- the most recent %DRE/100)

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+ the total VOC content of the bio-solids fed to the pug mill.

At this time, the most recent %DREs are 99.9996% for the stationary treatment unit and 99.72% for the portable treatment unit.

The VOC content of the biosolids (lb/ton) will be determined during the RD&D test.

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

**Condition 3-2: Capping Monitoring Condition**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable Federal Requirement: 6 NYCRR Subpart 201-7**

**Replaces Condition(s) 1-1**

**Item 3-2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 3-2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-2.3:**

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.

**Item 3-2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-2.5:**

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The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-2.6:**

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

Emission Unit: U-00001

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

**Item 3-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Coal Tar contaminated soils must be blended with low sulfur contaminated soils in accordance with the O&M Manual and SW Permit to bring the %S in the hydrocarbon portion of the soil fed to the remediation units to less than 1.0%S.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 3-3:      Capping Monitoring Condition**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Replaces Condition(s) 2-2**

**Item 3-3.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 3-3.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-3.3:**

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.



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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.

**Item 3-3.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-3.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 3-3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility will limit emissions of sulfur dioxide from all sources to less than 198,000 pounds or less per 12-month period. Emissions will be calculated based upon the percent sulfur in the hydrocarbon portion of the soil remediated, to be determined utilizing one of the following methods: regulatory standard (State or Federal) for contaminant, analytical methodology in accordance with NYSDEC Permit No. 5-5330-00038/00019, or fuel source specification, and the regulated sulfur content of the waste fuel and/or oil burned in the treatment units.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

**Condition 2-4: Compliance Demonstration**

**Effective between the dates of 03/28/2016 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR Subpart 202-1**

**New York State Department of Environmental Conservation**

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**Item 2-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN
CAS No: 0NY998-00-0	VOC
CAS No: 001336-36-3	POLYCHLORINATED BIPHENYL

**Item 2-4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NYSDEC and ESMI worked to identify reasonable criteria by which a contaminated media with the primary contaminant being PCB's would trigger the completion of a Proof of Performance (PoP) test. Through this effort, conditions which would invoke the requirement for the completion of a PCB PoP test were identified. This testing shall demonstrate the overall destruction and removal efficiency (DRE) for PCB and the formation of D/F on a pounds D/F emitted per pound of PCB input basis. The conditions are as follows:

- The primary contaminant, the reason the media is being thermally treated, is PCBs with a concentration greater than 1ppm, and
- The total mass of PCBs to be fed to the TDU during the PoP test is greater than 0.825 pounds

This does not include soils containing an average of 1.0 ppm or less total PCBs that, once treated, may be beneficially used in accordance with BUD #610-5-58 or with another pertinent BUD granted pursuant to 6 NYCRR Part 360.

Example: Manufactured Gas Plant (MGP) contaminated soil with a 1.1 ppm PCB hit in one sample set but the average concentration in the incoming soil is < 1 ppm.

Upon media receipt at ESMI, confirmation sampling would be completed to confirm the concentration of PCBs exists in the media to meet the greater than 1ppm and the mass of 0.825 pounds.



- If the PCB concentration in the media averages less than 5ppm for the initial PoP test, ESMI would be required to perform a subsequent test, in the future, if annual feed of PCBs exceeds 500 pounds on a 12 month rolling basis. This testing is to be performed with soils having an average PCB concentration between 5 and 45 ppm. This testing would again have to demonstrate the overall DRE for PCB and the formation of D/F on a pounds D/F emitted per pound of PCB input basis.
- The testing, as described above, plus that for overall DRE of VOC, shall be required once per permit term (once every ten years).
- If PCB average concentrations in the test media exceeds 5ppm in the initial PoP test, ESMI would not be required to complete the subsequent testing described above.
- Test scheduling will be coordinated with the NYSDEC and the testing contractor as expeditiously as possible once ESMI has verified the above criteria for testing has been met.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 2-5: Notification**  
**Effective between the dates of 03/28/2016 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 202-1.2**

**Item 2-5.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 9: Air pollution prohibited**



Effective between the dates of 07/24/2013 and 07/23/2023

Applicable Federal Requirement:6 NYCRR 211.1

**Item 9.1:**

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 10: Compliance Demonstration**

Effective between the dates of 07/24/2013 and 07/23/2023

Applicable Federal Requirement:6 NYCRR 212.4 (c)

**Item 10.1:**

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

Emission Unit: U-00001  
Process: 001

Emission Unit: U-00001  
Process: 003

Emission Unit: U-00002  
Process: 002

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

**Item 10.2:**

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 gas basis. Compliance testing will be conducted at the discretion of the Department.

Upper Permit Limit: 0.05 grains per dscf

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 1-3: Compliance Demonstration**  
Effective between the dates of 11/03/2014 and 07/23/2023

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

**Item 1-3.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-3.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent 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.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at any time there are visible stack emission which have the potential to exceed 20%. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed 20% continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating

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the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-11: Compliance Demonstration**

**Effective between the dates of 11/03/2014 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 212.9**

**Item 1-11.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 1-11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Carbon bed monitoring shall be performed once per month with a PID. When the PID meter indicates VOC breakthrough, maintenance shall be performed. Maintenance includes cleaning, adjusting or changing-out the activated carbon.. After maintenance, carbon beds must operate at 99% control efficiency or better. VOC readings less than the accuracy of the PID (considered 2 ppm or 10% of recorded value which ever is greater) will not be considered breakthrough.

Reference Test Method: Method 21

Monitoring Frequency: MONTHLY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 12: Compliance Demonstration**

**Effective between the dates of 07/24/2013 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 212.9 (d)**

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**Item 12.1:**

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

Emission Unit: U-00001  
Process: 004

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

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:

Emissions of solid particulates are limited to less than 0.030 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing will be conducted at the discretion of the Department.

Upper Permit Limit: 0.03 grains per dscf  
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 1-14: Compliance Demonstration**  
**Effective between the dates of 11/03/2014 and 07/23/2023**

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

**Item 1-14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and

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must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 HEATING 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 1-15: Compliance Demonstration**  
**Effective between the dates of 11/03/2014 and 07/23/2023**

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

**Item 1-15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

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 1-16: Compliance Demonstration**  
Effective between the dates of 11/03/2014 and 07/23/2023

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

**Item 1-16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires waste oil on or after July 1, 2014 are limited to the firing of waste oil with 0.75 percent sulfur by weight or less.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.75 percent by weight  
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE  
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 07/24/2013 and 07/23/2023

**Applicable Federal Requirement:6 NYCRR 225-2.3 (b) (1) (ii)**

**Item 13.1:**

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

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Emission Unit: U-00001  
Process: 001

Emission Source: 00001

Emission Unit: U-00001  
Process: 003

Emission Source: 00010

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Each piece of equipment which fires Waste Fuel A shall demonstrate, at a minimum, 99% combustion efficiency within 60 days of its first use on site.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99.0 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-17: Compliance Demonstration**

**Effective between the dates of 11/03/2014 and 07/23/2023**

**Applicable Federal Requirement: 6 NYCRR 225-2.4 (b)**

**Item 1-17.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

**Item 1-17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The minimum fuel heat content of the waste oil shall be at least 125,000 BTU/gallon on fuel.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: HEAT CONTENT

Lower Permit Limit: 125000.0 British thermal units per gallon



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Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED  
VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-18: Compliance Demonstration**  
**Effective between the dates of 11/03/2014 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 1-18.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

**Item 1-18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The total halogen limit per Part 360-14.2(x),(1) is 4000  
ppm maximum. The more restrictive limit under part  
225-2.4(b) is 1000 ppm maximum.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 1000 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-19: Compliance Demonstration**  
**Effective between the dates of 11/03/2014 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 1-19.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

**Item 1-19.2:**

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The more restrictive limitation for Total PCBs, per Part 360-14.2(x),(1) is < 2 ppm maximum. The limit under Part 225-2.4(b) is < 50 ppm maximum.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 50 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-20: Compliance Demonstration**  
**Effective between the dates of 11/03/2014 and 07/23/2023**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 1-20.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 007439-92-1 LEAD

**Item 1-20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The more restrictive fuel contaminant limitation for lead under Part 360-14.2(x),(1) is 100 ppm maximum. The Division of Air restrictions under Part 225-2.4(b) are 250.0 ppm.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 250.0 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)



Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;

(3) During the period of the emergency the facility owner 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 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 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 B: 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 C: 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 14: Contaminant List**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

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

**Item 14.1:**

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

CAS No: 001336-36-3  
Name: POLYCHLORINATED BIPHENYL

CAS No: 001746-01-6  
Name: 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN

CAS No: 007439-92-1  
Name: LEAD

CAS No: 007446-09-5



Name: SULFUR DIOXIDE

CAS No: 007647-01-0

Name: HYDROGEN CHLORIDE

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY998-00-0

Name: VOC

**Condition 15: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

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

**Item 15.1:**

(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.



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**Condition 16: Emission Unit Definition**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

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

**Item 16.1(From Mod 3):**

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

Emission Unit: U-00001

Emission Unit Description:

This emission unit includes two Low Temperature Thermal Desorption Units (LTTDUs) used primarily to treat petroleum and nonpetroleum contaminated soils. Each LTTDU consists of a rotary kiln (primary treatment unit), thermal oxidizer (secondary treatment unit), evaporative cooling chamber, optional multiple cyclones, and baghouses.

Building(s): 00001

**Item 16.2(From Mod 3):**

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

Emission Unit: U-00002

Emission Unit Description:

The ventilation from the contaminated soil storage building has carbon bed filters with particulate pre-filters for control of particulate and VOC emissions.

Building(s): 00001

**Condition 17: Renewal deadlines for state facility permits**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

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

**Item 17.1:**

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 18: Compliance Demonstration**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

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

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

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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 5  
232 Golf Course Rd.  
Warrensburg, NY 12885

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 19: Visible Emissions Limited**  
**Effective between the dates of 07/24/2013 and 07/23/2023**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 19.1:**

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.

**Condition 3-4: Compliance Demonstration**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable State Requirement:6 NYCRR 212-2.3 (b)**

**Item 3-4.1:**

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

Emission Unit: U-00001

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

**Item 3-4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Coal Tar contaminated soils must be blended with low sulfur contaminated soils to bring the %S in the hydrocarbon portion of the soil fed to the remediation unit to less than 1.0%



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Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: SOIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 1.0 percent by weight  
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 3-5: Compliance Demonstration**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable State Requirement: 6 NYCRR 212-2.3 (b)**

**Replaces Condition(s) 2-8**

**Item 3-5.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

**Item 3-5.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Pursuant to the requirements of 6 NYCRR 212-2.3(b), the annual emissions of PCBs (a Part 212 "A" rated contaminant) from this facility are limited to 4,308 lbs. At this rating, modeled PCB annual ambient impacts are approximately 5% of the annual guideline concentrations.

PCB annual emissions will be calculated based upon the 2016 PCB Proof of Performance Test showing 99.9996% destruction removal efficiency (DRE).

Work Practice Type: PROCESS MATERIAL THRUPUT  
Process Material: PCB CONTAMINATED SOIL  
Upper Permit Limit: 4.308 pounds per year  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2019.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-6: Compliance Demonstration**  
**Effective between the dates of 03/28/2016 and 07/23/2023**



**Applicable State Requirement:6 NYCRR 212-2.3 (b)**

**Item 2-6.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY998-00-0    VOC

**Item 2-6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The total volatile & semi-volatile content of PCS after blending which goes to the soil remediation units for treatment is not to exceed 810 lb/hr per rotary kiln. Soil is tested before acceptance for concentration. Based on analyses & the latest demonstrated destruction and removal efficiency, monthly VOC emission calculations are made.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: SOIL

Parameter Monitored: VOC CONTENT

Upper Permit Limit: 810 pounds per hour

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

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

**Condition 3-6:    Compliance Demonstration**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable State Requirement:6 NYCRR 212-2.3 (b)**

**Replaces Condition(s) 2-7**

**Item 3-6.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 001746-01-6    2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN  
CAS No: 0NY998-00-0    VOC  
CAS No: 001336-36-3    POLYCHLORINATED BIPHENYL

**Item 3-6.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In order to assure they are maintaining the control efficiencies needed to demonstrate that emissions are in compliance with 6 NYCRR 212-2.3(b), the thermal oxidizer must maintain temperatures at or above those demonstrated on average during the last PoP test for the principal contaminant of concern (VOC, PCB or Coal Tar) for the respective units (on-site or mobile). These contaminants are "A" rated under Part 212. The minimum temperatures at the time of issuance of the permit modification are:

On-site thermal oxidizer for;

PCB - 1512 deg F  
VOC - 1500 deg F  
Coal Tar - 1500 deg F

Mobile thermal oxidizer for;

PCB - 1650 deg F  
VOC - 1590 deg F  
Coal Tar - 1710 deg F

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

**Condition 3-7: Compliance Demonstration**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable State Requirement:6 NYCRR 212-2.3 (b)**

**Replaces Condition(s) 2-10**

**Item 3-7.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

**Item 3-7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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Pursuant to the requirements of 6 NYCRR 212-2.3(b) and to match the limit contained in the permittee's Part 360 permit (5-5330-00038/00019), the maximum concentration of PCB (a Part 212 "A" rated contaminant) per batch of media to be treated must not exceed 45 ppm. This primarily assures that they are not treating Hazardous Waste of 50 ppm or greater and is part of the overall scheme in limiting PCB emissions under Part 212.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: PCB CONTAMINATED SOIL  
Parameter Monitored: CONCENTRATION  
Upper Permit Limit: 45 parts per million by weight  
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE  
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2019.  
Subsequent reports are due every 12 calendar month(s).

**Condition 3-8: Compliance Demonstration**  
**Effective between the dates of 06/05/2018 and 07/23/2023**

**Applicable State Requirement: 6 NYCRR 212-2.3 (b)**

**Replaces Condition(s) 2-9**

**Item 3-8.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 001746-01-6 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN

**Item 3-8.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Pursuant to the requirements of 6 NYCRR 212-2.3(b), the annual emissions of D/F (a Part 212 "A" rated contaminant) from this facility are limited to 0.000007223 lbs.

Emissions are to be calculated as 2.65 E-10 lb/lb of PCB feed to the PTU. This is based upon the 2016 Proof of Performance Testing.

Work Practice Type: PROCESS MATERIAL THRUPUT  
Process Material: PCB CONTAMINATED SOIL  
Upper Permit Limit: 0.000007223 pounds per year

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

**Condition 2-11: Compliance Demonstration**  
**Effective between the dates of 03/28/2016 and 07/23/2023**

**Applicable State Requirement: 6 NYCRR 212-2.3 (b)**

**Item 2-11.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

**Item 2-11.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The feed rate to the primary treatment unit (PTU) for PCB contaminated media is limited to no more than 45 tons per hour. This will limit emissions of PCBs (a Part 212 A-rated contaminant) to acceptable levels, per 6 NYCRR 212-2.3(b). For purposes of this condition, PCB contaminated media does not include soils containing 1.0 ppm or less total PCBs that, once treated, may be beneficially used in accordance with BUD #610-5-58 or with another pertinent BUD granted pursuant to 6 NYCRR Part 360. Those soils, while not subject to the 45 ton per hour limit on media feed to the PTU, are subject to the 810 pound per hour feed limit on total volatile and semi-volatile content of petroleum contaminated soil to the thermal desorption unit found elsewhere in this permit.

Work Practice Type: PROCESS MATERIAL THROUGHPUT

Process Material: PCB CONTAMINATED SOIL

Upper Permit Limit: 45 tons per hour

Monitoring Frequency: CONTINUOUS

Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

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



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

**Condition 20: Emission Point Definition By Emission Unit**  
Effective between the dates of 07/24/2013 and 07/23/2023

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

**Item 20.1(From Mod 3):**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 55 Diameter (in.): 44  
NYTMN (km.): 4792.78 NYTME (km.): 615.847 Building: 00001

Emission Point: 00003

Height (ft.): 39 Length (in.): 80 Width (in.): 32  
NYTMN (km.): 4792.754 NYTME (km.): 615.854

**Item 20.2(From Mod 3):**

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 55 Diameter (in.): 26  
NYTMN (km.): 4792.739 NYTME (km.): 615.813 Building: 00001

**Condition 21: Process Definition By Emission Unit**  
Effective between the dates of 07/24/2013 and 07/23/2023

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

**Item 21.1(From Mod 3):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001

Process: 001 Source Classification Code: 5-04-105-30

Process Description:

This process is the thermal desorption of contaminated media in the primary treatment units followed by thermal oxidation of effluent gasses in the secondary treatment units. The treatment units may be fueled by No. 2, No. 4, or No. 6 fuel oil, non-residential waste oil A, natural gas, or liquid petroleum gas. Each unit is equipped with an optional multiple cyclone and baghouse for emissions control. Emissions testing in 1998 demonstrated the ability to operate without multiple cyclones and meet applicable particulate matter emissions limitations.



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Biosolids/papersludge is managed in the pugmill at an approximate rate of 10-tons per hour.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 50 million Btu per hour

Emission Source/Control: 00003 - Combustion  
Design Capacity: 40.5 million Btu per hour

Emission Source/Control: 00004 - Control  
Control Type: MULTIPLE CYCLONE W/O FLY ASH INJECTION

Emission Source/Control: 00005 - Control  
Control Type: FABRIC FILTER

**Item 21.2(From Mod 3):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001  
Process: 003 Source Classification Code: 5-04-105-30  
Process Description:

Mobile Remediation Unit - This process is the thermal desorption of contaminated soils in the primary treatment units followed by thermal oxidation of effluent gases in the secondary treatment units. The treatment units are fueled by No. 2 fuel oil, No. 4 fuel oil, non-residual Waste Oil A, natural gas, or liquidified petroleum gas. Each unit is equipped with a baghouse for emissions control. Emissions testing during processing of coal-tar contaminated materials in 1998 demonstrates the ability to operate without the multiple cyclones and meet applicable particulate emission limitations.

Emission Source/Control: 00010 - Combustion  
Design Capacity: 42 million Btu per hour

Emission Source/Control: 00011 - Combustion  
Design Capacity: 42 million BTUs per hour

Emission Source/Control: 00012 - Control  
Control Type: MULTIPLE CYCLONE W/O FLY ASH INJECTION

Emission Source/Control: 00013 - Control  
Control Type: FABRIC FILTER

**Item 21.3(From Mod 3):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001  
Process: 004 Source Classification Code: 3-05-020-12  
Process Description:

The drying of aggregate and mine tailings in either of

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the primary treatment units Emission Source 00001 or 00010. Gasses (water vapor & particulates) pass through the respective thermal oxidation (secondary treatment) units without any combustion. Each unit is equipped with an optional multiple cyclone and a baghouse for emissions control. Emissions testing during processing of coal-tar contaminated materials in 1998 demonstrates the ability to operate without the multiple cyclones and meet applicable particulate emission limitations.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 50 million Btu per hour

Emission Source/Control: 00003 - Combustion  
Design Capacity: 40.5 million Btu per hour

Emission Source/Control: 00010 - Combustion  
Design Capacity: 42 million Btu per hour

Emission Source/Control: 00011 - Combustion  
Design Capacity: 42 million BTUs per hour

Emission Source/Control: 00004 - Control  
Control Type: MULTIPLE CYCLONE W/O FLY ASH INJECTION

Emission Source/Control: 00005 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: 00012 - Control  
Control Type: MULTIPLE CYCLONE W/O FLY ASH INJECTION

Emission Source/Control: 00013 - Control  
Control Type: FABRIC FILTER

**Item 21.4(From Mod 3):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00002  
Process: 002 Source Classification Code: 5-03-008-99

Process Description:  
Building exhaust contains fugitive VOC from contaminated media storage, particulate from crushing, screening, and soil handling, and fugitive ammonia from biosolids storage.

Emission Source/Control: 00002 - Control  
Control Type: ACTIVATED CARBON ADSORPTION

Emission Source/Control: 00009 - Control  
Control Type: MAT OR PANEL FILTER

Emission Source/Control: 00006 - Process



Emission Source/Control: 00007 - Process

Emission Source/Control: 00008 - Process