

July 31, 2007 Version

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER: 2-6301-00006/00002
FACILITY/PROGRAM NUMBER(S): EPA ID No. NYD 980593636



6 NYCRR PART 373 PERMIT
Under the Environmental
Conservation Law

EFFECTIVE DATE:
EXPIRATION DATE(S): 10 years from effective date

TYPE OF PERMIT <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Modification <input type="checkbox"/> Permit to Construct <input checked="" type="checkbox"/> Permit to Operate

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|---|---|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input checked="" type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Article 25: Tidal Wetlands | |

PERMIT ISSUED TO: Legal Owner & Operator - Consolidated Edison Company of New York, Inc.		TELEPHONE NUMBER: (718) 204-4433	
ADDRESS OF PERMITEE: 31-01 20 th Avenue, Long Island City, NY, 11105			
CONTACT PERSON FOR PERMITTED WORK: Robert Ciullo, Section Manager of Environmental Operations		TELEPHONE NUMBER: (718) 204-4433	
NAME AND ADDRESS OF PROJECT/FACILITY: Consolidated Edison Company of New York, Inc., Astoria Complex, 31-01 20 th Avenue, Long Island City, NY, 11105			
LOCATION OF PROJECT/FACILITY: 31-01 20 th Avenue, Long Island City, NY, 11105			
COUNTY: Queens	TOWN: Long Island City	WATERCOURSE: East River (about 270 feet due west)	NYTM COORDINATES: E: 592,000 N: 4,515.300
DESCRIPTION OF AUTHORIZED ACTIVITY : The Astoria Hazardous Waste Storage Facility is engaged in receipt and phase separation of oil/water mixtures. They also receive and store PCB and RCRA liquid and non-liquid wastes in tanks and containers.			

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 (see page 2), and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR: John Cryan	ADDRESS: NYSDEC, Region 2, Division of Environmental Permits, 1 Hunters Point Plaza, 47-40 21 st Street, Long Island City, NY, 11101-5407		
AUTHORIZED SIGNATURE:	DATE:	PAGE 1 of 4	

NOTIFICATION OF OTHER 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, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

Item B: Permittee to Require its Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns comply with this permit, including all special conditions, 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.

GENERAL CONDITIONS

General Condition 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 written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

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

General Condition 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.

General Condition 3: Applications for Permit Renewals or Modifications

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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types

Submission of applications for permit renewal or modification are to be submitted to the addresses listed in Module I, Section J, of the Permit and to: Regional Permit Administrator, Region 2, NYSDEC, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY, 11101-5407

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

<p>DEC PERMIT NUMBER: 2-6301-00006/00002</p>	<p>REGIONAL PERMIT ADMINISTRATOR: John Cryan</p>	<p>PAGE 2 OF 4</p>
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ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (TITLE 9-6 NYCRR PART 373 HAZARDOUS WASTE MANAGEMENT PERMIT)

All activities authorized by this permit must be in strict conformance with the permit renewal application submitted by the applicant or his agent. Such permit application was submitted by the Permittee, Consolidated Edison Company of New York, Inc. (herein after referred to as Con Edison), on August 2005 (See Below Item 1).

SPECIAL CONDITIONS

1. The permit is based on the information included in the permit renewal application submitted by Con Edison on August 2005 and subsequent updates through January 2007. The permit is based on the assumption that the information provided by Con Edison in the above documents is complete and accurate and the facility will be operated as specified in the above application. Any inaccuracies or incompleteness found in the information may be grounds for the termination or modification of this permit and potential enforcement action.
2. Con Edison must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 6 NYCRR (Parts 370 through 376, 621 and 624). Con Edison must inform NYSDEC of any deviation from or changes in the information contained in the application which would affect Con Edison's ability to comply with the regulations or permit conditions.
3. Con Edison must comply with all terms and conditions for financial assurance, in accordance with 6 NYCRR 373-2.8, including necessary updates for changes and/or additions to the Astoria Hazardous Waste Storage Facility when the permit is modified.
4. At the Astoria Hazardous Waste Storage Facility, the following three areas will change from less-than-30-day storage areas to RCRA permitted storage areas: (1) Area 10 (Non-liquid PCB Waste Drum Storage Area); (2) Area 11 (Non-liquid PCB Waste Roll-off Container Storage Area); and (3) Area 13 (Drained PCB Equipment Storage Area).
5. The details for the Proposed PCB Canopy Area will remain in the permit, but Con Edison must provide details of all operational changes through a permit modification, in order to facilitate corrective action remedies.
6. In accordance with Part 6 NYCRR 372.1(e)(9), PCB hazardous waste containers transported to the Astoria Hazardous Waste Storage Facility by vehicles owned or operated by Con Edison do not have to display the hazardous waste label or use an incoming hazardous waste manifest. The Hazardous Waste Storage Facility will be considered the generator of this waste and will label the containers with the words "Hazardous Waste". However, this rule does not apply to any RCRA waste generated at Con Edison field locations.
7. The Permittee must operate the facility in strict accordance with the modules and attachments to this permit as specified below:

Module I	General Provisions
Module II	Corrective Action Requirements
Module III	Storage in Containers and Tanks

Attachments

Attachment I	Facility Description
Attachment II	Waste Characteristics

DEC PERMIT NO: 2-6301-00006/00002	REGIONAL PERMIT ADMINISTRATOR: John Cryan	PAGE 3 OF 4
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (TITLE 9-6 NYCRR PART 373
HAZARDOUS WASTE MANAGEMENT PERMIT)**

All activities authorized by this permit must be in strict conformance with the permit renewal application submitted by the applicant or his agent. Such permit application was submitted by the Permittee, Consolidated Edison Company of New York (herein after referred to as Con Edison) on August 2005.

SPECIAL CONDITIONS (CONTINUED)

Attachment IIA	Waste Analysis Plan
Attachment III	Inspection Plan
Attachment IV	Personnel Training
Attachment V	Security Procedures
Attachment VI	Preparedness & Prevention Procedures
Attachment VII	Contingency Plan
Attachment VIII	Manifest System, Recordkeeping & Reporting
Attachment IX	Closure Plan
Attachment X	Container Management
Attachment XI	Air Emission Standards
Attachment XII	Part A Application & Engineering Drawings
Attachment M	Permit Modifications Log
Attachment XIII	CD, 6 NYCRR part 370 to 374 & 376, effective 09-05-06. The applicable regulations are those in effect on the date of final issuance of this Permit.

8. Con Edison is responsible for verifying that the Quality Control/Assurance Program(QA/QC) followed by laboratories used by Con Edison to carry out analysis of the waste streams, conform to the QA/QC procedures approved in the permit, and thus ensure the validity of the analytical data provided by the laboratories.
9. As required by ECL 03-0119, any laboratory (Permittee or contract) used by Con Edison to perform analysis pursuant to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If Con Edison uses an ELAP certified contract laboratory to perform analysis required by this Permit, then Con Edison shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

DEC PERMIT NO. 2-6301-00006/00002	REGIONAL PERMIT ADMINISTRATOR: John Cryan	PAGE 4 OF 4
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PART 373 PERMIT
MODULE I - GENERAL PROVISIONS

Consolidated Edison Company of New York, Inc.
USEPA ID No. NYD980593636

This permit authorizes only the hazardous waste units identified in this permit as permitted units. **This permit does not authorize any other units to operate.** If this Permit conflicts with Regulations which are in effect on the date of final issuance of this Permit, the more stringent requirement applies.

A. EFFECT OF PART 373 PERMIT

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein, the attachments to this permit, including any subsequent Department approved changes to the attachments, and the applicable regulations contained in 6NYCRR Parts 370 through 374, 376, 621 and 624. If this permit conflicts with the regulations, the more stringent requirement applies. The applicable regulations or requirements are those which are in effect on the date of final issuance of this Permit. However, the Permittee must also comply with the following requirements:

1. requirements which become effective by statute, including amendments thereto;
2. are promulgated under requirements of 6 NYCRR part 376, as modified (Land Disposal Restrictions);
3. are promulgated under requirements of 6 NYCRR 373-3.27, 373-3.28 and 373-3.29, as modified (air emission standards); and
4. other requirements as required in 6 NYCRR 373-1.6(e).

The Permittee is authorized to store hazardous waste in containers and tanks in accordance with the conditions of this permit. Any storage, treatment, or disposal of hazardous waste not authorized in this Permit is prohibited unless exempt from 6NYCRR Part 373. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, State or local laws or regulations.

The following hazardous waste storage areas, quantities of hazardous wastes, and types of wastes are authorized by this Permit:

<u>Location</u>	<u>Storage Capacity (Gallons)</u>	<u>Waste Type</u>
PCB Storage Building (Area 9)	7,920 (144, 55-gallon drums)	B001, B002, B003, B004, B005, B006, B007
Non-Liquid PCB Waste Drum Storage (Area 10)	3,960 (72, 55-gallon drums)	B007, D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
Non-Liquid Waste Roll-Off Container Storage (Area 11)	18,178 (3, 30 yd ³ containers)	<u>TSCA Roll-off</u> B007 <u>RCRA/TSCA Roll-off</u> B007, D004, D005, D006, D007, D008, D010, D011, D018, D022, D023, D024, D025, D039, D040, U051 <u>RCRA Roll-off</u> D004, D005, D006, D007, D008, D010, D011, D018, D022, D023, D024, D025, D035, D039, D040, F001, F002, F003, F005, U051
Drained PCB Equipment Storage (Area 13)	5,386 (26.67 yd ³)	B005, B006
PCB Waste Oil Storage Tank (Area 14)	8,500	B001, B002, B003
Less-than-50 PPM Waste Oil Storage Tank (Area 15)	10,000	N/A

<u>Location</u>	<u>Storage Capacity (Gallons)</u>	<u>Waste Type</u>
RCRA/PCB Liquid Waste Storage Cabinets (Area 16)	3,520 (64, 55-gallon drums)	B002, B003, D001, D002, D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, F007, P030, P098, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
Non-Liquid RCRA Waste Drum Storage (Area 17)	8,800 (160, 55-gallon drums)	D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
TOTAL CAPACITY	66,264 Gallons	

All plans, reports, specifications and schedules required by the terms of this Permit and all subsequent amendments to those documents are incorporated by reference into this Permit, upon approval, when required, or acceptance by the Department. Upon incorporation, the provisions of each such document will be binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

B. PERMIT APPLICATION

The Permittee's Hazardous Waste Part A Permit Application is attached to and incorporated by reference into this Permit. The Permit Application documents listed below are also attached and incorporated by reference into this Permit. These documents are made part of this Permit, are binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

<u>Attachment</u>	<u>Application Attachment</u>
I	Facility Description
II	Waste Characteristics

IIA	Waste Analysis Plan
III	Inspection Plan
IV	Personnel Training
V	Security Procedures
VI	Preparedness & Prevention Procedures
VII	Contingency Plan
VIII	Manifest System, Recordkeeping and Reporting
IX	Closure Plan
X	Container and Tank Management
XI	Air Emission Standards
XII	Part A Application & Engineering Drawings
M	Permit Modifications Log
XIII	CD, 6 NYCRR part 370 to 374 & 376, effective 09-05-2006

Future modifications to this Permit, including modifications to the Permit Application documents incorporated into this Permit, shall be addressed according to 6 NYCRR 373-1.7. The Permittee must submit copies of the replacement pages, sections, and/or attachments to the permit application along with the application for a permit modification to the Regional Permit Administrator as required in Item H of this module. The Permittee shall place a revision date on all pages submitted as part of the proposed permit modification application.

In Attachment M of this permit, Permittee must provide and maintain a log of all modifications made to this Permit, including modifications made to the Permit Application documents that are made part of this Permit. The log shall contain at a minimum the following information regarding an approved modification: (1) the name of the specific document being modified (e.g. contingency plan, security requirements, hazardous waste unit operations, etc.); (2) the pertinent pages, sections, and/or attachments of this Permit and Permit Application documents subject to modification; (3) the revision date of the modifications; (4) a brief statement regarding the nature of the modifications; and (5) the effective date of the modification to this Permit. The Permittee shall also include in Attachment M a copy of the Department's approval letters, when applicable.

Upon receipt of a permit modification issued by the Department, the Permittee must update Attachment M and replace the pages, sections, and/or attachments in the Permit and Permit Application with the modified pages, sections, and/or attachments in the permit copy and application maintained by the Permittee.

C. GENERAL REQUIREMENTS FOR THIS PART 373 PERMIT

The Permittee must comply with 6NYCRR Subpart 373-1 as follows:

1. General 6NYCRR 373-1.1

- a) 6NYCRR 373-1.1(b) - Applicability;
- b) 6NYCRR 373-1.1(c) - Safeguarding Information;
- c) 6NYCRR 373-1.1(f) - Uniform Procedures;
- d) 6NYCRR 373-1.1(g) - Enforcement;
- e) 6NYCRR 373-1.1(h) - Severability; and
- f) 6NYCRR 373-1.1(i) - Terms Used.

2. Requirement for Permit 6 NYCRR 373-1.2

6 NYCRR 373-1.2(d) requires owners and operators of hazardous waste management facilities to have a Part 373 permit during the active life of a unit/s, including the closure period and during the post closure care period, with few exceptions (see section D.7 of this permit below).

3. Signatories to Permit Applications and Reports 6NYCRR 373-1.4(a)(5)

- a) 6NYCRR 373-1.4(a)(5)(i) - Applications;
- b) 6NYCRR 373-1.4(a)(5)(ii) - Reports;
- c) 6NYCRR 373-1.4(a)(5)(iii) - Changes to Authorization; and
- d) 6NYCRR 373-1.4(a)(5)(iv) - Certification.

4. Recordkeeping 6NYCRR 373-1.4(g)

5. Permit Conditions 6NYCRR 373-1.6

- a) 6NYCRR 373-1.6(a) - Conditions Applicable to All Permits;
- b) 6NYCRR 373-1.6(a)(1) - Duty to Comply;
- c) 6NYCRR 373-1.6(a)(2) - Duty to Reapply;
- d) 6NYCRR 373-1.6(a)(3) - Need to Halt or Reduce Activity not a Defense;
- e) 6NYCRR 373-1.6(a)(4) - Duty to Mitigate;
- f) 6NYCRR 373-1.6(a)(5) - Proper Operation and Maintenance;

- g) 6NYCRR 373-1.6(a)(6) - Permit Actions;
- h) 6NYCRR 373-1.6(a)(7) - Property Rights;
- i) 6NYCRR 373-1.6(a)(8) - Duty to Provide Information;
- j) 6NYCRR 373-1.6(a)(9)(i) through (iv) - Inspection and Entry;
- k) 6NYCRR 373-1.6(a)(10)(i) through (iii) - Monitoring and Records;
- l) 6NYCRR 373-1.6(a)(11) - Signatory Requirements;
- m) 6NYCRR 373-1.6(a)(12)(i) through (xi) - Reporting Requirements;
- n) 6NYCRR 373-1.6(a)(13) Information Repository (Module I - Condition C.9(a)(3) of this Module;
- o) 6NYCRR 373-1.6(c) - Any conditions of this permit established pursuant to 6NYCRR 373-1.6(c);
- p) 6NYCRR 373-1.6(d)(1)(i) through (iii) - Schedules of Compliance; the Permittee shall comply with the compliance schedules of this permit including those listed in Special Conditions of this Permit; and
- q) 6NYCRR 373-1.6(d)(2)(i) through (iv) - Alternative Schedules of Compliance.

6. Requirements for Recording and Reporting of Monitoring Results 6NYCRR 373-1.6(b)

The Permittee must comply with the recording, reporting and monitoring requirements listed in this permit.

The Permittee must use, maintain and install monitoring equipment and methods and report monitoring results as specified in this Permit (including the permit application) and 6NYCRR Subpart 373-2. The Permittee must conduct required monitoring with the type, intervals and frequency sufficient to yield data which are representative of the monitoring activity including, when appropriate, continuous monitoring.

7. Permit Modifications 6NYCRR 373-1.7

- a) 6NYCRR 373-1.7(a) - Transfer of Permits;
- b) 6NYCRR 373-1.7(b) - Modification of Permits;
- c) 6NYCRR 373-1.7(c) - Minor Modifications of RCRA Delegated Permits;
- d) 6NYCRR 373-1.7(d) - Major Modifications;
- e) 6NYCRR 373-1.7(e) - Announcement of Determinations;
- f) 6NYCRR 373-1.7(f) - Temporary Authorizations; and
- g) 6NYCRR 373-1.7(g) - Newly Regulated Wastes and Units.

8. Expiration and Continuation of Permits 6NYCRR 373-1.8

The permit shall be in effect for a fixed term not to exceed ten years. A complete application for permit renewal must be submitted at least 180 days before the expiration date of this Permit pursuant to 6NYCRR 373-1.8(b). A renewal application which proposes a significant change is subject to 6 NYCRR 373-1.10(a) [see Condition I.C.8(a) of this Module].

Prior to processing the renewal application the Department will determine whether the application is complete. In order for the renewal application to be complete the Permittee must:

- a) Satisfy the general requirements for complete application contained in 6 NYCRR Part 621 (Uniform Procedure Regulations); and
- b) Include all information required, both general and specific to the type of the facility in accordance with the laws, regulations and analytical requirements in effect at the time.

At any time during the review of the renewal application the Department may request in writing any additional information which is necessary for determining the completeness of the application. Failure to provide such information by the date specified in the request may be grounds for denial of the permit and the extension allowed pursuant to section 401(2) of the State Administrative Procedures Act.

Should the Permittee cease the hazardous waste management activities allowed by this Permit prior to the expiration of this Permit, then, pursuant to 6NYCRR Subpart 373-1.6(d), the Permittee must continue to comply with the applicable corrective action conditions and requirements stipulated in this Permit (refer to Module II, Corrective Action). In addition, the Permittee shall submit a renewal application pursuant to 6NYCRR Subpart 373-1.8(b) prior to this Permit's expiration unless and until all the Permittee's corrective action obligations have been completed. In the alternative, the Permittee may execute an order on consent for corrective action pursuant to Environmental Conservation Law (ECL) Section 71-2727(3) with the Commissioner at least 180 days prior to the expiration date of this Permit.

9. Public Participation (including requirements in 6NYCRR 373-1.10)

- a) Expanded Public Participation (6NYCRR 373-1.10)
 - (1) 6NYCRR 373-1.10(a) Pre-application Public Meeting and Notice. The Permittee is required to have a pre-application public meeting and notice for any Part 373 Permit application for a new unit or for

a permit renewal application which proposes a significant change in operations.

- (2) 6NYCRR 373-1.10(b) Public Notice Requirements at the Application Stage; and
- (3) 6NYCRR 373-1.10(c) Information Repository. See also Condition I.C.5(n) of the permit.

D. FINAL STATUS STANDARDS FOR THIS PART 373 PERMIT

The Permittee must comply with 6 NYCRR Subpart 373-2, and the referenced sections of the Permit Application, as follows:

1. General 6NYCRR 373-2.1

- a) 6NYCRR 373-2.1(a) - Purpose, Scope and Applicability; and
- b) 6NYCRR 373-2.1(c) - Imminent Hazard Action.

2. General Facility Standards 6NYCRR 373-2.2

- a) 6NYCRR 373-2.2(a) - Applicability;
- b) 6NYCRR 373-2.2(b) - Facility Ownership Transfer;
- c) 6NYCRR 373-2.2(d) - Required Notices;
- d) 6NYCRR 373-2.2(e) - General Waste Analysis (Attachment IIA of the permit);
- e) 6NYCRR 373-2.2(f) - Security (Attachment V of the permit);
- f) 6NYCRR 373-2.2(g) - General Inspection Requirements (Attachment III of the permit);
- g) 6NYCRR 373-2.2(h) - Personnel Training (Attachment IV of the Permit); and
- h) 6NYCRR 373-2.2(i) - General Requirements for Ignitable, Reactive, or Incompatible Wastes (Attachment VI of the Permit).

3. Preparedness and Prevention 6NYCRR 373-2.3

The Permittee must comply with Attachment VI of the Permit and 6NYCRR 373-2.3 as follows:

- a) 6NYCRR 373-2.3(a) - Applicability;
- b) 6NYCRR 373-2.3(b) - Design and Operation of Facility;
- c) 6NYCRR 373-2.3(c) - Required Equipment;

- d) 6NYCRR 373-2.3(d) - Testing and Maintenance of Equipment;
- e) 6NYCRR 373-2.3(e) - Access to Communications or Alarm System;
- f) 6NYCRR 373-2.3(f) - Required Aisle Space; and
- g) 6NYCRR 373-2.3(g) - Arrangements with Local Authorities.

4. Contingency Plan and Emergency Procedures 6NYCRR 373-2.4

The Permittee must comply with Attachment VII of the Permit and 6NYCRR 373-2.4 as follows:

- a) 6NYCRR 373-2.4(a) - Applicability;
- b) 6NYCRR 373-2.4(b) - Purpose and Implementation of Contingency Plan;
- c) 6NYCRR 373-2.4(c) - Content of Contingency Plan;
- d) 6NYCRR 373-2.4(d) - Copies of Contingency Plan;
- e) 6NYCRR 373-2.4(e) - Amendment of Contingency Plan;
- f) 6NYCRR 373-2.4(f) - Emergency Coordinator; and
- g) 6NYCRR 373-2.4(g) - Emergency Procedures.

5. Manifest System, Recordkeeping and Reporting 6NYCRR 373-2.5

The Permittee must comply with Attachment VIII of the Permit and 6NYCRR 373-2.5 as follows:

- a) 6NYCRR 373-2.5(a) - Applicability;
- b) 6NYCRR 373-2.5(b) - Manifest Requirements;
- c) 6NYCRR 373-2.5(c) - Operating Record;
- d) 6NYCRR 373-2.5(d) - Availability, Retention, and Disposition of Records;
- e) 6NYCRR 373-2.5(e) - Annual Report;
- f) 6NYCRR 373-2.5(f) - Unmanifested Waste Report; and
- g) 6NYCRR 373-2.5(g) - Additional Reports.

The Permittee must retain for inspection by the Department the permit modification log in Attachment M required by Section B of this Module I, the operating record, documentation to demonstrate compliance with the financial requirements of this Permit, the referenced sections of the Permit Application that are made part of this Permit, and any subsequent Department approved changes to the contents of that Application.

These documents include, but are not limited to, the most recent Department approved: waste analysis plan; contingency plan; closure plan(s); security, inspection, and personnel training requirements; and final engineering documents

for all hazardous waste storage units subject to this Permit and for all ongoing corrective action remedies pertinent to solid waste management units and areas of concern either remediated or being remediated pursuant to this Permit.

6. Releases from Solid Waste Management Units 6NYCRR 373-2.6

The Permittee must comply with all the applicable provisions stipulated in 6NYCRR 373-2.6(a) through (k) for “regulated units” and with 6NYCRR 373-2.6 (l) for corrective action at solid waste management units and comply with the conditions stipulated in Module II - Corrective Action Requirements for Solid Waste Management Units and Areas of Concern.

7. Closure 6NYCRR 373-2.7

The Permittee must comply with Attachment IX of this permit and 6NYCRR 373-2.7 for the closure of the hazardous waste management unit(s) as follows:

- a) 6NYCRR 373-2.7(a) - Applicability;
- b) 6NYCRR 373-2.7(b) - Closure Performance Standard;
- c) 6NYCRR 373-2.7(c) - Closure Plan; Amendment to Plan;
- d) 6NYCRR 373-2.7(d) - Closure; Time Allowed for Closure;
- e) 6NYCRR 373-2.7(e) - Disposal or Decontamination of Equipment, Structures and Soils;
- f) 6 NYCRR 373-2.7(f) - Certification of Closure and, if applicable, Survey Plat.

If required at the time of closure:

- g) 6NYCRR 373-2.7(g) - Post-Closure Care and Use of Property;
- h) 6NYCRR 373-2.7(h) - Post-Closure Plan; Amendment of Plan;
- i) 6NYCRR 373-2.7(i) - Post-Closure Notices; and
- j) 6NYCRR 373-2.7(j) - Certification of Completion of Post-Closure Care.

The permittee must notify the Department in writing at least 45 days prior to the date on which it expects to begin partial closure of any permitted unit or final closure of the facility. Within 60 days of completion of final closure of a facility or within 60 days of partial closure of any hazardous waste management unit, the permittee must submit to the Department, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent professional engineer registered in New York. Documentation supporting the independent

registered professional engineer's certification must be furnished to the Department upon request.

The final and specific choice of sampling points, number of sampling, type of sampling performed and analysis for verification of the effectiveness of decontamination will be determined at the time of closure by NYSDEC. These determinations will be based upon the past history of operating practices and types of wastes handled at the facility. The operating record, the records of spills, the types of waste released, location of spills in the facility and the condition of secondary containment systems (e.g., stains, cracks, etc.) will also provide data used in these determinations. The flexibility afforded by this approach will allow compliance with closure regulations and requirements that will be in effect at the time of closure. Different sampling procedures may be considered at closure and the locations and the total number of sampling required will be determined based on the information gathered at the time of closure. The verification of decontamination will be based on the Department's regulatory clean up standards at the time of closure.

8. Financial Requirements 6NYCRR 373-2.8

The Permittee must comply with all the applicable provisions stipulated in 6NYCRR373-2.8.

9. Air Emission Standards 6NYCRR 373-2.27, 373-2.28 and 373-2.29

The Permittee must comply with the applicable provisions of Air Emission Standards and Attachment XI of the permit as follows:

- a) 6NYCRR 373-2.27 Air Emission Standards for Process Vents;
- b) 6NYCRR 373-2.28 Air Emission Standards for Equipment Leaks; and
- c) 6NYCRR 373-2.29 Air Emission Standards for Tanks, Surface Impoundments, and Containers.

E. LAND DISPOSAL RESTRICTIONS

The Permittee must comply with all applicable provisions in the current 6NYCRR Part 376 for the land disposal of hazardous waste except for hazardous waste generated by remediation or corrective action activities for placement in an on-site corrective action management unit (CAMU) approved by the Commissioner. The Permittee must not commingle or bulk unlike wastes subject to land disposal restrictions.

F. WASTE ANALYSIS AND QUALITY ASSURANCE

The Permittee must obtain representative samples of wastes and other materials to be analyzed pursuant to this Permit. The Permittee must perform the sampling and analysis required by this Permit in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998), and later approved revisions), hereinafter referred to as "SW-846"; Appendix 19 of 6NYCRR Part 371; or an equivalent method approved by the Department.

The Permittee shall conduct a quality assurance program to ensure that the sampling, analysis and monitoring data are technically accurate and statistically valid. The quality assurance program must be in accordance with Chapter One and applicable methods of SW-846, or an equivalent method approved by the Department.

As required by ECL 03-0119, any laboratory (Permittee or contract) used by the Permittee to perform analysis pursuant to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If the Permittee uses a contract laboratory to perform analysis required by this Permit, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

G. REPORTING OF NONCOMPLIANCE, RELEASE, FIRE OR EXPLOSION AND ORAL REPORTS

The oral reports required by 6NYCRR 373-1.6(a)(12)(vi) and 373-2.4(g)(4)(ii) must be made to both the NYSDEC and the National Response Center. Notify the NYSDEC using the New York State 24-hour oil and hazardous material spill notification number (800) 457-7362, and notify the National Response Center using their 24-hour toll-free number (800) 424-8802 (or any designated telephone numbers which subsequently replace these referenced phone numbers).

H. PLANS, REPORTS, SPECIFICATIONS, IMPLEMENTATION SCHEDULES, PERMIT RENEWAL AND MODIFICATION APPLICATIONS AND OTHER SUBMITTALS

1. All submittals required by the Permit must be submitted to the addresses listed below.

a) One (1) copy of all submittals to both:

Regional Solid & Hazardous Materials Engineer

New York State Department of Environmental Conservation
Region 2
1 Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

and

Chief, RCRA Programs Branch
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region II
290 Broadway [22nd floor]
New York, NY 10007-1866

- b) Two (2) copies to:

Director, Bureau of Hazardous Waste & Radiation Management
Division of Solid & Hazardous Materials
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7258

This includes all submittals pertaining to the permitted hazardous waste management units and all corrective action documents and groundwater monitoring plans, if applicable.

- c) One (1) copy of all submittals pertaining to the waste reduction requirements of Section I must be submitted to:

Director, Bureau of Hazardous Waste Regulations
Division of Solid & Hazardous Materials
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7251

- d) One (1) copy of Application to renew or modify this Permit must be submitted to the following, in addition to the above addresses:

Regional Permit Administrator
New York State Department of Environmental Conservation
Region 2 Office
1 Hunters Point Plaza

47-40 21st Street
Long Island City, NY 11101-5407

2. The Permittee shall submit plans, reports, specifications, implementation schedules and any subsequent amendments required by this Permit to the Department for review and comment. If the Department determines that any plan, report, specification, schedule or respective amendment required by this Permit is deficient either in whole or in part, the Permittee shall either promptly respond to the comments or make revisions to the submission consistent with the Department's comments. Within a reasonable time frame specified by the Department, a final plan, report, specification, schedule or respective amendment shall be submitted to the Department for approval. An extension of the due date for any submittal may be granted by the Department based on the Permittee's documentation that sufficient justification for the extension exists.

I. WASTE REDUCTION REQUIREMENTS

The Permittee shall comply with the requirements of Article 27, Title 9, Section 27-0908 of the New York State Environmental Conservation Law (ECL). All reports and submittals required by Section 27-0908 to be submitted to the Commissioner shall be sent to the addresses specified in Section H above.

J. DEFINITIONS

For the purpose of this permit, terms used herein shall have the same meaning as those in 6 NYCRR 370 through 374 and 376 and the terms defined in this Permit, unless this permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Action Levels. For purposes of this Permit, action levels are hazardous constituent concentrations for a specific environmental medium which if exceeded indicate a potential threat to human health or the environment. The exceedance of action levels may trigger further investigations, studies, and corrective measures. Where available, action levels are based on appropriate promulgated standards established for a specific environmental medium. When promulgated standards are not available, action levels can be media-specific hazardous constituent concentrations derived from non-promulgated human health risk data or environmental risk data with the latter levels being protective of aquatic life or wildlife. An action level may be set at the background level for a hazardous constituent for which data are inadequate to set a human health or environmental health-based level.

2. Areas of Concern (AOC). Pursuant to the authority granted by 6NYCRR 373-1.6(c)(2), an area of concern has been defined for purposes of this Permit to mean an area at the facility, or an off-site area, which is not at this time known to be a solid waste management unit (SWMU), where hazardous waste and/or hazardous constituents are present, or are suspected to be present, as a result of a release from the facility. The term shall include areas of potential or suspected contamination as well as actual contamination. Such area(s) may require study and a determination of what, if any, corrective action may be necessary. All permit references to and conditions for SWMUs shall apply to areas of concern.
3. Environment. Pursuant to ECL Article 27, Title 9, Section 27.0901, environment means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all the natural resources.
4. Release. For purposes of this Permit, release includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous waste, including hazardous constituents, unless expressly authorized under the terms of this Permit or otherwise permitted under law (e.g., SPDES permitted discharges).
5. Solid Waste Management Unit (SWMU). For purposes of this Permit, SWMU includes any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of hazardous or solid wastes. Such units include any area at the facility at which solid wastes have been routinely and systematically released.
6. Spill. This means accidental leaking, pumping, emitting, emptying or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes, into or on dry land or water.
7. Annual or Yearly. This means within 12 months of the date of the previous occurrence.

Semi-annual, biannual, or every 6 months. This means within six months from the date of the previous occurrence.

Monthly. This means within 30 days from the date of the previous occurrence.

Weekly. This means within 7 days of the previous occurrence.

Typically, normally, usually, in general or commonly. This means with very few

justifiable exceptions.

Occasionally. This means now and then, on occasion or rarely.

K. FORCE MAJEURE

Permittee shall neither suffer any penalty under this permit nor be subject to any proceeding or action, and shall not be deemed to be in violation of this permit, if it cannot comply with any requirement of this permit because of the action of a national, state, or local government body or court, an act of God, war, strike, catastrophe, fire, terrorist activity, or any other fact or circumstances beyond Permittee's reasonable control.

Permittee shall, within five business days of when it obtains knowledge that a force majeure event has occurred, notify the NYSDEC in writing. Failure to give such notice within the five-day business period constitutes a waiver of any claim that Permittee's failure to comply is attributable to a force majeure event. Written notification shall be sent to the Region 2 Solid and Hazardous Materials Engineer and to the Director, Bureau of Hazardous Waste and Radiation Management, at the respective addresses provided in Section H.1. of this Module. Permittee shall include in such notice, to the extent known at the time, the measures taken and to be taken by Permittee to prevent or minimize any delays and shall request an appropriate extension or modification of this permit.

Permittee shall have the burden of providing by a preponderance of evidence that a force majeure event occurred and, consequently, is a defense to compliance with this permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
 PART 373 PERMIT
**MODULE II - CORRECTIVE ACTION REQUIREMENTS FOR SOLID WASTE
 MANAGEMENT UNITS AND AREAS OF CONCERN**

Consolidated Edison Company of New York, Inc.
 USEPA ID No. NYD980593636

A. APPLICABILITY

1. Statute and Regulations. Article 27, Title 9, Section 27-0913, and 6NYCRR 373-2.6(l) requires corrective action, including Corrective Action beyond the facility boundary where necessary to protect human health and the environment, for all releases of hazardous wastes, including hazardous constituents, from any solid waste management unit ("SWMU") at a storage, treatment or disposal facility seeking a 6NYCRR Part 373 permit, regardless of the time at which waste was placed in such unit. Pursuant to 6NYCRR 373-1.6(c)(2) the Commissioner may impose permit conditions as the Commissioner determines necessary to protect human health and the environment (e.g., Areas of Concern (AOC(s))).

2. Solid Waste Management Units and Areas of Concern. The conditions of this Module apply to:
 - a) All the SWMUs and AOCs listed in this Module individually or in combinations;
 - b) Any additional SWMU(s) and AOC(s) identified during the course of groundwater monitoring, field investigations, environmental audits or other means as described in Module Condition C, below;
 - c) SWMUs and AOCs located on-site and/or off-site are identified in Table II-1 below:

Table II-1

SWMUs/AOCs	Status
Chem. Lab Waste Oil UST	NFA
Embankment Behind Bldg. 82	ICM Completed
Astoria Central WWTP Sludge Removal	ICM Completed
Eastern Parcel Area including Outfall G	RFI Report under NYSDEC review
North Storage Yard SWMU	ICM under EPA TSCA review

SWMUs/AOCs	Status
LNAPL Recovery - Former Pond, East of Gas Turbines, Purge Oil Pump House and LNG Facility	ICM on-going
East Yard SWMU	Phase IID RFI
Pipe Yard SWMU, including: <ul style="list-style-type: none"> • Former 25,000 gallon PCB Waste Oil Tanks • Former Gas Condensate Tank • Former Fire Fighting School • Coal Tar Seeps 	Phase IID RFI
Purge Oil Pump House Spill Area	Phase IID RFI
Trans. Dept. Former Waste Oil USTs A&B SWMU	Phase IID RFI
Spill No. 73	Phase IID RFI
Astoria Central WWTF SWMU	Phase IID RFI
Tunnel Head House AOC	Phase IID RFI
Astoria East S.S. Spill Area	Phase IID RFI
Astoria West S.S. AOC	Phase IID RFI
Spill No. 59	Phase IID RFI
Spill No. 60	Phase IID RFI
Spill No. 89 C/D/E	Phase IID RFI
Spill No. 91	Phase IID RFI
Spill No. 92	Phase IID RFI
Spare Transformer Storage Yard AOC	Phase IID RFI
Cable Storage Yard AOC	Phase IID RFI
Triangle Area AOC	Phase IID RFI
AOC West of Main Gate	Phase IID RFI

SWMUs/AOCs	Status
AOC South of Trans. Shop	Phase IID RFI
Former Corp. Trans. USTs SWMU	Phase IID RFI
Former MGP AOC	Phase IID RFI
Facility-wide Groundwater	Phase IID RFI
Blue Dog Lake	Phase IID RFI
Former Pond Area	Phase IID RFI
North Queens Substation Spill Area	Phase IID RFI
Building 139 Septic System SWMU	Phase IID RFI
A-10 Dock Area	Phase IID RFI
A-11 Dock Fire Pump House AOC	Phase IID RFI
Spill No. 70	Phase IID RFI
Auction Yard	Phase IID RFI

- d) The Permittee need not undertake corrective action at any aforementioned SWMU(s) and/or AOC(s) identified in Table II-1 as No Further Action.
- e) A determination of No Further Action shall not preclude the Commissioner from modifying this Permit at a later date to require further investigations, studies, monitoring, or corrective measures, if new information or subsequent analysis indicates the release(s) or likelihood of release(s) that could pose a threat to human health or the environment.

B. STANDARD CONDITIONS FOR CORRECTIVE ACTION

- 1. Work Plans. All work plans submitted pursuant to this Module shall include:
 - a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;
 - b) Other plans, specifications and protocols, as applicable;
 - c) A schedule for starting specific tasks, completing the work and submitting progress and final reports; and
 - d) Plans for the treatment, storage, discharge or disposal of wastes to be generated by activities described therein.

2. Quality Assurance/Quality Control.
 - a) Any laboratory to be used pursuant to such work plans required by this Module must be approved by the Commissioner prior to work plan implementation. Certification by the New York State Department of Health Environmental Laboratory Approval Program in the relevant analytical services is required.
 - b) The minimum Quality Assurance/Quality Control data and information, that shall be delivered with all sample analyses required by this Module, are tabulated in Attachment A of this Permit Module.
3. Health/Safety Plans. The Permittee shall develop, according to applicable Federal, State and local requirements, and submit to the Commissioner, health and safety plans that will be implemented to ensure that the health and safety of project personnel, plant personnel and the general public are protected. These plans are not subject to approval by the Commissioner.
4. Guidance Documents. When preparing the submissions described in this Permit Module, the Permittee shall take account of applicable guidance documents issued by the U.S. Environmental protection Agency and the New York State Department of Environmental Conservation in a manner reflecting reasonable technical considerations.
5. Prior Submissions. The Permittee may have already submitted portions of information, plans, or reports required by this Permit Module and its Appendices to the Commissioner pursuant to the terms of previous applications, consent orders, or plans. For those items the Permittee contends were submitted to the Commissioner, the Permittee may cite the specific document(s) it believes adequately addresses each of the individual items requested by this Permit Module and its Appendices. The references, by document(s) shall be placed in the appropriate sections of the submissions that require the referenced information and data. If the Commissioner, determines that it does not possess any of the referenced information, plans, or reports that the Permittee claims were previously submitted, the Commissioner will notify the Permittee and the Permittee shall submit the referenced documents within the time frame specified within the notification.
6. Compliance Schedule For Interim Corrective Measures (ICMs).
 - a) If at any time it is determined by the Commissioner that a release or, based on site-specific circumstances, a threatened release of hazardous wastes, including hazardous constituents from a SWMU, an AOC or a combination of SWMUs and/or AOCs poses a threat to human health or the environment, or that such condition jeopardizes the Permittee's ability

to comply with any governmental permit, a focused interim corrective measures study shall be submitted to the Commissioner for approval within sixty (60) calendar days of notice of such a determination. This study shall consider, among other relevant factors, the character, the extent, direction, the rate of release, the proximity to population, the exposure pathways, the effects of delayed action, and the evaluations of appropriate ICM(s) or the selection of a pragmatic and presumptive ICM.. Upon approval of the study by the Commissioner, the Permittee shall implement the required ICM as specified by the Commissioner. Should a selected ICM involve an engineered action; e.g., pump and treat, then its design, implementation schedule and subsequent construction completion certification shall require approvals by the Commissioner. Nothing herein precludes the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.

- b) In the event the Permittee discovers, a release or, based on site-specific circumstances, a threatened release of hazardous waste, including hazardous constituents, from a SWMU, an AOC, or a combination of SWMUs and/or AOCs , that poses a threat to human health or the environment, the Permittee shall identify interim corrective measures to mitigate this threat. The Permittee shall immediately summarize the nature and magnitude of the actual or potential threat and nature of the ICM being considered and notify the Commissioner. Within sixty (60) calendar days of notifying the Commissioner, the Permittee shall submit to the Commissioner, for approval, a focused CMS and follow the progression of events identified in Module Condition B. 6(a) above.
- c) The following factors may be considered by the Commissioner or the Permittee in determining the need for interim corrective measures:
 - (i) Time required to develop and implement a final corrective measure;
 - (ii) Actual and potential exposure of human and environmental receptors;
 - (iii) Actual and potential contamination of groundwater and sensitive ecosystems;
 - (iv) Concentration of hazardous constituents, in soils that have the potential to migrate to the air, groundwater or surface water; and
 - (v) Other situations that may pose threats to human health and the environment.

7. Determination of No Further Action.

- a) Based on the results of an RFI for a particular SWMU, an AOC, or combination of SWMUs, and/or AOCs, and other relevant information, the Permittee may submit an application to the Commissioner for a major

permit modification in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit to terminate the subsequent corrective action requirements of this Module. This permit modification application must contain information demonstrating no release(s) of hazardous wastes, including hazardous constituents, from the SWMU(s) and/or AOC(s) pose a threat to human health or the environment.

- b) If, based upon review of the Permittee's request for a permit modification, the results of the RFI, and other information, including comments received during the forty-five (45) calendar day public comment period required for permit modifications, the Commissioner determines that the release(s) or the suspected release(s) investigated either are non-existent or do not pose a threat to human health or the environment, the Commissioner shall grant the requested modification.
- c) A determination of no further action shall not preclude the Commissioner from implementing the following actions:
 - (i) Modifying this Permit at a later date to require the Permittee to perform such investigations as necessary to comply with the requirements of this Permit Module and its Appendices if new information or subsequent analysis indicates that there are, or are likely to be, releases from SWMUs/AOCs that may pose a threat to human health or the environment; and
 - (ii) Requiring continual or periodic monitoring of air, soil, groundwater, or surface water/sediment or subsurface gas, if necessary, to protect human health and the environment, when site-specific circumstances indicate the release(s) of hazardous waste, including hazardous constituents, are likely to occur from any SWMU(s) and/or AOC(s).

8. Compliance Schedule For Reporting And Submissions.

- a) The Permittee shall submit, to the Commissioner, signed progress reports, as specified in approved work plans pursuant to this Permit, of all activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of the Corrective Action Compliance Schedules of this Permit Module, beginning no later than sixty (60) calendar days after the Permittee is first required to begin implementation of any requirement herein. These reports shall contain:
 - (i) A description of the work completed during the reporting periods;
 - (ii) Summaries of all findings made during the reporting period;
 - (iii) Summaries of all changes made during the reporting period;
 - (iv) Summaries of all contacts made with representatives of the local

- (v) community and public interest groups during the reporting period;
 - (v) Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
 - (vi) Changes in personnel conducting or managing the corrective action activities during the reporting period;
 - (vii) Projected work for the next reporting period; and
 - (viii) Copies of daily reports, inspection reports, laboratory/monitoring data, etc., generated during the reporting period.
- b) Within seven business days after requested, copies of other relevant reports and data not identified in Module Condition B.8.(a) shall be made available to the Commissioner.
 - c) The Commissioner may require the Permittee to conduct new or more extensive assessments, investigations, or studies, based upon information provided in the progress reports referred to in Module Condition B.8(a) above, or upon other supporting information.
 - d) All work plans, reports, studies, designs and schedules required by the conditions of this Permit Module and Attachment B are upon approval of the Commissioner, incorporated into this Permit by reference and become an enforceable part of this Permit. Any noncompliance with such approved work plans, reports, studies, designs and schedules shall constitute noncompliance with this Permit. Extensions of the specified final compliance dates for submissions may be granted by the Commissioner in accordance with the major permit modification procedures stipulated in Module I of this Permit.
9. Compliance with Governmental Requirements. During investigative activities, interim corrective measures, and final corrective measures, (including, but not limited to, equipment decommissioning, excavation and unit demolition) required under this Module, the Permittee shall ensure that the transportation, treatment, storage, discharge, and disposal of all contaminated materials generated as a result of such activities (including, but not limited to, soils, sediments, liquids, tanks, pipes, pumps, rubble, debris, and structural materials) are performed in an environmentally sound manner pursuant to all applicable Federal, State and local requirements and that is protective of public health and the environment. Nothing in this Module shall be construed to require the Permittee to proceed in a manner which is in violation of any such requirements.
10. Notifications.
- a) Notification of groundwater contamination. If at any time the Permittee discovers that hazardous constituents in groundwater that may have been released from a SWMU or AOC at the facility have migrated beyond the facility boundary in concentrations that exceed action levels, the Permittee

shall, within fifteen (15) calendar days of discovery, provide written notice to the Commissioner and any person who owns or resides on the land which overlies the contaminated groundwater.

- b) Notification of air contamination. If at any time the Permittee discovers that hazardous constituents in air that may have been released from a SWMU or AOC at the facility have or are migrating to areas beyond the facility boundary in concentrations that pose a threat to human health, and that residences or other places at which continuous, long-term exposure to such constituents might occur are located within such areas, the Permittee shall, within fifteen (15) calendar days of such discovery:
 - (i) Provide written notification to the Commissioner; and
 - (ii) Initiate any actions that may be necessary to provide notice to all individuals who have or may have been subject to such exposure.
- c) Notification of residual contamination. If hazardous wastes or hazardous constituents in solid waste management units or areas of concern, or which have been released from a SWMU or AOC, will remain in or on the land, including groundwater, after the term of the permit has expired, the Commissioner may require the Permittee to record a notation in the deed to the facility property or in some other instrument which is normally examined during title search that will, in perpetuity, notify any potential purchaser of the property of the types, concentrations, and locations of such hazardous wastes or hazardous constituents. The Commissioner may require such notice as part of the corrective measures selection process.

C. COMPLIANCE SCHEDULE FOR ASSESSMENT OF NEWLY IDENTIFIED SWMU'S AND AOC'S

- 1. Notification of Assessment. The Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) not listed in this Module, which are identified during the course of groundwater monitoring, field investigations, environmental audits, or other means within fifteen (15) calendar days after discovery.
- 2. SWMU/AOC Assessment Report. Within sixty (60) calendar days after notifying the Commissioner, the Permittee shall submit a SWMU/AOC Assessment Report. This Report must provide, at a minimum, the following information for each newly identified SWMU/AOC:
 - a) Type and function of unit/area;
 - b) Location of each unit/area on a topographic map of appropriate scale;
 - c) Dimensions, capacities, and structural descriptions of the unit/area (supply available engineering drawings);
 - d) Dates that the unit/area was operated;

- e) Description of the wastes that were placed or spilled at the unit/area;
 - f) Description of any known releases from the unit/area (to include groundwater data, soil analyses, air monitoring data, and/or surface water/sediment data);
 - g) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit/area; and
 - h) Whether this unit/areas, individually or in combination with other units/areas described in Module Condition A.2. is a significant source of contaminant release.
3. SWMU/AOC Sampling and Analysis Plan. Within sixty (60) calendar days after submittal of the SWMU/AOC Assessment Report required in Module Condition C.2., the Permittee shall submit to the Commissioner for approval a Plan in accordance with the most recent version of the NYS RCRA Quality Assurance Project Plan Guidance, for any sampling and analysis of groundwater, land surface and subsurface strata, surface water/sediment or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) and/or area(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU/AOC Sampling and Analysis Plan must demonstrate that the sampling and analyses program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) and/or AOC(s) to the environment.
4. Subsequent Assessment Actions. Following submission of the SWMU/AOC Assessment Sampling and Analysis Plan set forth in Module Condition C.3., subsequent activities for the Plan shall proceed in accordance with the following schedule:
- a) Meeting between the Permittee, and the New York State Department of Environmental Conservation (Department) to discuss Plan comments, as appropriate;
 - b) Submission of a revised Plan to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary, the Permittee shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner); and
 - c) Begin implementation of the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days following written approval from the Commissioner for the Plan.

5. SWMU/AOC Sampling and Analysis Report. Within sixty (60) calendar days of receipt by the Permittee of validated analytical data generated under the approved SWMU/AOC Sampling and Analysis Plan, the Permittee shall follow reporting requirements in the approved Plan and submit a SWMU/AOC Sampling and Analysis Report to the Commissioner. The Report shall describe all results obtained from the implementation of the approved Plan.
6. Assessment Conclusions. Based on the results of the SWMU/AOC Sampling and Analysis Report, the Commissioner shall determine the need for further investigations at the specific unit(s) covered in the SWMU/AOC Assessment Report. If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval a RCRA Facility Investigation Work Plan, including an implementation schedule. Following the implementation of the RFI Work Plan the Permittee shall submit for approval the RFI Report. If the Commissioner after reviewing the RFI Report determines that a Corrective Measures Study (CMS) or an Interim Corrective Measures (ICM) is required the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval the CMS and/or ICM, including implementation schedules. All approved submissions submitted pursuant to this Permit condition shall be made part of this Permit.

D. COMPLIANCE SCHEDULE AND NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMU'S AND AOC'S

The Permittee shall notify the Commissioner, in writing, of any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities no later than fifteen (15) calendar days after discovery. Such newly-discovered release(s) may be from the newly-identified unit(s)/area(s), from the unit(s)/area(s) for which, based on the findings of the RFA, the Commissioner had previously determined that no further investigation was necessary, or from the unit(s)/area(s) investigated as part of an RFI. Based on the information provided in the notification, the Commissioner shall determine the need for further investigation of the release(s). If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare a RCRA Facility Investigation Work Plan, including an implementation schedule. Following the implementation schedule of the RFI Work Plan, the Permittee shall submit for approval the RFI Report. If the Commissioner after reviewing the RFI Report determines that a Corrective Measures Study (CMS) or an Interim Corrective Measures (ICM) is required the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval the CMS and/or ICM, including implementation schedules. All approved submissions submitted pursuant

to this Permit condition shall be made part of this Permit.

E. CORRECTIVE ACTION REQUIREMENTS

1. Compliance Schedule For RCRA Facility Investigation (RFI) Work Plan At Accessible SWMUs and AOCs.

- a) On the basis of the findings in the Draft North Storage Yard RFI Report, Revised Draft Data Summary/SWMU/AOC/Spills Evaluation Report Volumes I & II, Phase IIB RFI Report, Draft Phase IIC RFI Report, IRM Evaluation Report for Former Pond and Purge Oil Pump House, Data Summary Report - Eastern Parcel RFI, North Storage Yard ICM Study, Final Sludge Report - ACWTF, Eastern Parcel Phase II RFI - Interim Summary of Findings Following Round I Field Program, North Storage Yard Interim Corrective Measure Study Proposal, Phase IID RFI Work Plan, North Storage Yard ICM Study Excavation Plan to NYSDEC, North Storage Yard ICM Proposal to EPA, Eastern Parcel - Phase II RFI Report, and ACWTF East and West Tanks Cleanout and Inspection Report, the Commissioner has determined that there has been a release or potential release of hazardous waste and/or constituents from the following SWMU(s), or combination of SWMU(s), and/or AOC(s) identified in Module Condition A.2. that require the implementation of an RFI: All SWMUs and AOCs identified in Table II-1 that do not have the status NFA or ICM Completed or RFI Report Submitted. These SWMUs and AOCs are currently being investigated under Phase IID RFI..
- b) Not applicable.
- c) Not applicable.

2. Compliance Schedule For RCRA Facility Investigation (RFI) Work Plan Implementation, RFI Report And Summary Report Submissions.

- a) Not Applicable.
- b) Within one hundred twenty (120) calendar days of receipt by the Permittee of validated analytical data generated under the approved RFI Work Plan, the Permittee shall submit to the Commissioner for approval the RFI Final Report and Summary Report. The RFI Final Report must contain adequate information to support further corrective action decisions at the facility and/or off-site, should such actions be necessary. The RFI Final Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and AOCs and their releases, including information on the type and extent of contamination at the facility and/or off-site, sources and migration pathways, and actual or potential receptors. It shall present all information gathered under the approved RFI Work Plan.

- c) Following submission of the RFI Report and Summary Report set forth in Module Condition E.2.(b), subsequent activities for the Reports shall proceed in accordance with the following schedule:
 - (i) Meeting between the Permittee and the Department to discuss Report comments, as appropriate; and
 - (ii) Submission of a revised Reports to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above-referenced meeting is determined not to be necessary, the Permittee shall submit revised Reports to the Commissioner, according to a schedule specified by the Department, not to exceed sixty (60) calendar days after Permittee's receipt of Report comments from the Commissioner).
- d) After the Commissioner approves the RFI Final Report the Permittee shall mail the approved Summary Report to all individuals on the facility mailing list established by the Permittee, within sixty (60) calendar days of receipt of approval.

3. Requirements For A Corrective Measures Study (CMS).

- a) Should a CMS that evaluates alternative remedies be required, the Commissioner shall notify the Permittee in writing when the CMS will be submitted. The submission time will take into consideration the extent of the remediation that needs to be implemented. This notice shall identify the hazardous constituent(s) which have exceeded target cleanup level(s) that are considered a threat to human health and the environment given site specific exposure conditions or due to additive exposure risk. The notification shall specify the target cleanup levels for hazardous constituents detected in each medium of concern, and may also specify corrective measure alternatives to be evaluated by the Permittee during the CMS. The CMS shall:
 - (i) Summarize the results of the investigations and, if applicable, of any bench-scale or pilot tests conducted;
 - (ii) Provide a detailed description of the corrective measures evaluated and include an evaluation of how each corrective measure alternative meets the standards set forth in Module Condition E5.(a); and
 - (iii) Contain any additional information to support the Commissioner in the corrective measure selection decision-making process, described under Module Condition E.5.
- b) The Permittee will not need to prepare and submit for approval a CMS that evaluates remedial alternatives when the Department and the Permittee agree upon a pragmatic and presumptive remedy. The Permittee shall instead submit a focused CMS that includes a conceptual design for this

presumptive remedy and explain how it meets the pertinent requirements of Condition E.5., within ninety (90) calendar days following notification by the Department.

4. Compliance Schedule For Corrective Measures Study (CMS).

- a) Following submission of a CMS subsequent activities for the CMS shall proceed in accordance with the following schedule:
 - (i) Meeting between the Permittee and the Department to discuss the CMS comments, as appropriate; and
 - (ii) Submission of a revised CMS to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary the Permittee shall submit a revised CMS to the Commissioner, according to a schedule specified by the Department, not to exceed sixty (60) calendar days after Permittee's receipt of CMS comments from the Commissioner.

5. Corrective Measure(s) Selection.

- a) Based on the information presented in the CMS, and any further evaluations of additional corrective measures under this study, the Commissioner shall select the corrective measure(s) that at a minimum will meet the following standards:
 - (i) Be protective of human health and the environment;
 - (ii) Attain media target cleanup levels selected by the Commissioner during the corrective measures selection process;
 - (iii) Control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases of hazardous waste, including hazardous constituents, that pose a threat to human health and the environment; and
 - (iv) Meet all applicable waste management requirements.
- b) In selecting the corrective measure(s) which meets the standards for corrective measures established under Module Condition E.5.(a), the Commissioner shall consider the following evaluation factors, as appropriate:
 - (i) Long-term reliability and effectiveness. Any potential corrective measure(s) may be assessed for the long-term reliability and effectiveness it affords, along with the degree of certainty that the corrective measure(s) will prove successful. Factors that shall be considered in this evaluation include:
 - (1) Magnitude of residual risks in terms of amounts and concentrations of hazardous waste, including hazardous constituents, remaining following implementation of the

- corrective measure(s), considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents:
- (2) The type and degree of long-term management required, including monitoring and operation and maintenance;
 - (3) Potential for exposure of humans and environmental receptors to remaining hazardous wastes, including hazardous constituents, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal or containment;
 - (4) Long-term reliability of the engineering and institutional controls, including uncertainties associated with land disposal of untreated hazardous wastes, including hazardous constituents, and their residuals; and
 - (5) Potential need for replacement of the corrective measure(s).
- (ii) Reduction of toxicity, mobility or volume. A potential corrective measure(s) may be assessed as to the degree to which it employs treatment that reduces toxicity, mobility or volume of hazardous wastes, including hazardous constituents. Factors that shall be considered in such assessments include:
- (1) The treatment processes the corrective measure(s) employs and materials it would treat;
 - (2) The amount of hazardous wastes, including hazardous constituents, that would be destroyed or treated;
 - (3) The degree to which the treatment is irreversible;
 - (4) The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents; and
 - (5) All concentration levels of hazardous waste, including hazardous constituents, in each medium that the corrective measure(s) must achieve to be protective of human health and the environment.
- (iii) The short-term effectiveness of a potential corrective measure(s) may be assessed considering the following:
- (1) Magnitude of reduction of existing risks;
 - (2) Short-term risks that might be posed to the community, workers, or the environment during implementation of such a corrective measure(s), including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment; and

- (3) Time until full protection is achieved.
- (iv) Implementability. The ease or difficulty of implementing a potential corrective measure(s) may be assessed by considering the following types of factors:
 - (1) Degree of difficulty associated with constructing the technology;
 - (2) Expected operational reliability of the technologies;
 - (3) Need to coordinate with and obtain necessary approvals and permits from other agencies;
 - (4) Availability of necessary equipment and specialists;
 - (5) Available capacity and location of needed treatment, storage and disposal services; and
 - (6) Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the corrective measure(s).
- (v) Cost. The types of costs that may be assessed include the following:
 - (1) Capital costs;
 - (2) Operation and maintenance costs;
 - (3) Net present value of capital and operation and maintenance costs; and
 - (4) Potential future corrective measure costs.

6. Permit Modification for Corrective Measure(s).

- a) Based on information the Permittee submits in the RFI Report, the CMS and other information, the Commissioner will propose the final corrective measure(s) and public notice a major permit modification in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit. The major permit modification and a Statement of Basis (SB) discussing the proposed final corrective measure(s) will be public noticed together.
- b) Within sixty (60) calendar days after this Permit modification becomes effective, the Permittee shall demonstrate in writing to the Commissioner financial assurance for completing the approved final corrective measure(s).

7. Modification of the Compliance Schedules.

- a) If at any time the Permittee determines that modification of any Compliance Schedule of this Permit Module, including Attachment B, is necessary because such schedules cannot be met, the Permittee must:
 - (i) Notify the Commissioner in writing within fifteen (15) calendar days of such determination; and

- (ii) Provide an explanation why the current schedule cannot be met.
- b) The Commissioner shall notify the Permittee in writing of the final decision regarding the Permittee's proposed modification to the Compliance Schedule.
- c) Modifications to the Compliance Schedule for non-specific final compliance dates pursuant to this procedure does not constitute a re-issuance of this Permit. However, any modification to extend a specific final compliance date will be considered a major permit modification and will be processed in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit.
- d) All other modifications to this Permit Module must be made in accordance with Module I of this Permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
 PART 373 PERMIT
MODULE III - STORAGE IN CONTAINERS AND TANKS

Consolidated Edison Company of New York, Inc.
 USEPA ID No. NYD980593636

A. AUTHORIZED STORAGE AREA, WASTE TYPES AND STORAGE VOLUME.

The Permittee is authorized to operate the following container and tank storage areas at the facility and store the following wastes in containers and tanks in these areas up to the volumes listed, subject to the terms of this Permit.

Containers

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB oils, fluids, articles, transformers and other PCB wastes; cresol; creosote; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	7,920	Area 9	3,009	38
Non-liquid PCB articles, transformers and other PCB wastes; cresol; creosote; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	3,960	Area 10	N/A	N/A
Non-liquid PCB articles, transformers and other PCB wastes	18,178	Area 11	N/A	N/A
Drained PCB equipment and articles	5,386	Area 13	N/A	N/A

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB oils, fluids, articles, transformers and other PCB wastes; ignitables; corrosives; cadmium; chromium; lead; mercury; silver; benzene; cresol; methyl ethyl ketone; tetrachloroethylene; trichloroethylene; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	3,520	Area 16	646	18
Non-liquid PCB articles, transformers and other PCB wastes; arsenic; barium; chromium; lead; mercury; selenium; silver; benzene; cresol; trichloroethylene; creosote; spent halogenated solvents; spent non-halogenated solvents	8,800	Area 17	N/A	N/A

N/A - not applicable

Tanks

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB fluids	8,500	Area 14	12,716	150
PCB fluids	10,000	Area 15	15,080	150

B. CONTAINMENT 6NYCRR 373-2.9(f)

Container storage areas must have a containment system that is designed, constructed and operated as specified in Attachment X of the Permit Application and as follows.

1. A base must underlay the containers which is free of cracks or gaps and coated with an impervious coating to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquid resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
3. The containment system must have sufficient capacity to contain the volume of the largest container or 10 percent of the total volume of containers, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.
4. Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in B.(3) above to contain any run-on which might enter the system.
5. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area within 24 hours or as timely a manner as is necessary to prevent overflow of the collection system.

C. CONDITION OF CONTAINERS 6NYCRR 373-2.9(b)

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects, deterioration of liner) or if it begins to leak, the Permittee must transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. Each such occurrence must be recorded in the inspection log and maintained as part of the operating record required by Module I, Condition D.5.(c); Subpart 373-2.5(c). If any leaking container threatens human health or the environment, the Permittee must immediately report the situation as specified in Module I, Condition G, (i.e., Oral Reports).

D. COMPATIBILITY OF WASTE WITH CONTAINERS 6NYCRR 373-2.9(c)

The Permittee must use a container made of or lined with materials which will not react with, and is otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired and in accordance with the Permit Application.

E. MANAGEMENT OF CONTAINERS 6NYCRR 373-2.9(d)

1. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

2. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
3. Containers holding hazardous waste must be marked with the words "Hazardous Waste" and with other words identifying their contents. Such containers must be stored in a clearly designated area separate from nonhazardous wastes and other materials.

F. INSPECTIONS OF CONTAINERS 6NYCRR 373-2.9(e)

The Permittee must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and/or the containment system caused by corrosion or other factors in accordance with the Inspection Plan/schedule in the Permit Attachment III. Loading and unloading areas must be inspected daily when in use (373-2.2(g)(2)(iv)). The Permittee must maintain aisle space as specified in Attachment X between rows of containers, to allow for the unencumbered movement of containers, the personnel performing inspections or emergency responders.

G. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE IN CONTAINERS 6NYCRR 373-2.9(g)

Containers holding ignitable or reactive waste must be located at least 50 feet from the facility's property line.

H. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE IN CONTAINERS 6NYCRR 373-2.9(h)

1. The Permittee must not place incompatible wastes or incompatible wastes and materials in the same container.
2. The Permittee must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
3. A container holding a hazardous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from those other materials or protected from them by means of a dike, berm, wall, or other device.

I. CLOSURE OF CONTAINMENT SYSTEM 6NYCRR 373-2.9(i)

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or

contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. The Permittee must comply with the Closure Plan incorporated into this Permit pursuant to Attachment IX.

J. TANK SYSTEMS 6NYCRR 373-2.10(d)

In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment systems must meet the applicable requirements of 6NYCRR373-2.10(d)(2) through (9).

K. DESIGN AND INSTALLATION OF NEW TANK SYSTEMS 6NYCRR 373-2.10(c)

For new tank systems or components, the Permittee must submit with the Part 373 permit application a written assessment, reviewed and certified by an independent, qualified, professional engineer registered in New York, attesting that the tank system has sufficient structural integrity and is acceptable for storing and treating of hazardous waste. The certification must be consistent with the applicable provisions of 6NYCRR373-1.4(a)(5)(iv). The Assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture or fail. This assessment must include, at a minimum, the information found in 6NYCRR373-2.10(c)(1)(i) through (v).

1. The Permittee must also comply with the applicable requirements of 6NYCRR373-2.10(c)(2) through (6).
2. The Permittee must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system. These written statements must also include the certification statement.

L. OPERATING REQUIREMENTS FOR TANK SYSTEMS 6NYCRR 373-2.10(e)

1. The Permittee must use appropriate controls and practices to prevent spills and overflows from the tank systems.
2. The Permittee must mark all tanks with the words "Hazardous Waste" and with other words that identify the contents of the tanks.

M. INSPECTIONS OF TANK SYSTEMS 6NYCRR373-2.10(f)

1. The Permittee must develop and follow a schedule and procedure for inspecting overfill controls.
2. The Permittee must inspect at least once each operating day:
 - a) aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 - b) data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
 - c) the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
3. The Permittee must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
 - a) the proper operation of the cathodic protection system must be confirmed on an annual basis; and
 - b) all sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e. every other month).
4. The Permittee must document in the operating record of the facility an inspection of those items in 1. through 3. above.

N. RESPONSE TO LEAKS AND SPILLS FOR TANK SYSTEMS 6NYCRR 373-2.10(g)

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the Permittee must satisfy the applicable requirements of 6NYCRR373-2.10(g)(1) through (6).

O. CLOSURE AND POST-CLOSURE CARE 6NYCRR373-2.10(h)

1. At closure of a tank system, the Permittee must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 6NYCRR371.1(d)(4) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in 6NYCRR373-2.7 and 6NYCRR373-2.8.
2. If not all contaminated soils can be practicably removed or decontaminated as required in paragraph (1.) above, then the Permittee must close the tank system

and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see 6NYCRR373-2.14(g)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the Permittee must meet all of the requirements for landfills specified in 6NYCRR373-2.7 and 6NYCRR373-2.8.

P. AIR EMISSION STANDARDS 6NYCRR 373-2.9(j) and 6NYCRR373-2.10(k)

The Permittee must manage all hazardous waste placed in a container or tank system in accordance with the Attachment XI of this permit and applicable requirements of sections 373-2.27, 373-2.28 and 373-2.29 of this Subpart, with special attention to paragraphs (a), (c), (d), (e), and (g) through (k) of 373-2.29.

ATTACHMENT B

CORRECTIVE ACTION COMPLIANCE SCHEDULE

Consolidated Edison Company of New York, Inc.
USEPA ID No. NYD980593636

I. Compliance Schedule For Interim Corrective Measures

- A. Pursuant to Condition B.6.(a), Permittee shall submit for approval a focused CMS within sixty (60) calendar days following the date of the notification by the Commissioner requiring implementation of interim corrective measures.
- B. Pursuant to Condition B.6.(b), Permittee shall submit for approval a CMS within sixty (60) calendar days after notifying the Commissioner of the actual or potential threat to human health or the environment.

II. Compliance Schedule For Reporting

- A. Pursuant to Condition B.8.(a), Permittee shall submit signed progress reports as specified in approved work plans of all activities conducted in accordance with the provisions of this Permit, beginning no later than sixty (60) calendar days after the Permittee is first required to begin implementation of any such requirement.

III. Compliance Schedule for Notification

- A. Pursuant to Condition B.10.(a), Permittee within fifteen (15) calendar days; after discovering facility releases of hazardous constituents in groundwater have migrated off-site, shall notify the Commissioner and off-site owners or residents on land overlying such contamination.
- B. Pursuant to Condition B.10.(b), Permittee within fifteen (15) calendar days; after discovering facility releases of hazardous constituents in air have or are migrated off-site, exceeding action levels, shall notify the Commissioner and off-site individuals subject to such long-term exposure.

IV. Compliance Schedule For Assessment of Newly Identified SWMUs and AOCs

- A. Pursuant to Condition C.1., Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) within fifteen (15) calendar days after discovery.

- B. Pursuant to Condition C.2., Permittee shall submit a SWMU/AOC Assessment Report within sixty (60) calendar days after notifying the Commissioner of any additional SWMU(s) and/or AOC(s).
 - C. Pursuant to Condition C.3., Permittee shall submit for approval a SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days after submittal of the SWMU/AOC Assessment Report.
 - D. Pursuant to Condition C.4.(b)., Permittee shall submit for approval revisions of the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days after meeting with the Department to discuss Plan comments or within forty-five (45) calendar days after Permittee's receipt of Plan comments when no meeting is scheduled.
 - E. Pursuant to Condition C.4.(c)., Permittee shall begin to implement the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days following written approval of the Plan.
 - F. Pursuant to Condition C.5., Permittee shall submit a SWMU/AOC Sampling and Analysis Report within sixty (60) calendar days of receipt by the Permittee of validated analytical data generated under in the approved SWMU/AOC Sampling and Analysis Plan.
- V. Compliance Schedule And Notification Requirements For Newly-Discovered Releases At SWMUs and AOCs
- A. Pursuant to Condition D., Permittee shall notify the Commissioner, in writing, of any newly-discovered releases at SWMUs and/or AOCs, no later than fifteen (15) calendar days after such discovery.
- VI. Compliance Schedule For RFI Final Report And Summary.
- A. Pursuant to Condition E.2.(b)., Permittee shall submit for approval the RFI Final Report and Summary Report within one hundred twenty (120) calendar days after receipt by the Permittee of validated analytical data generated under the approved work plan.
 - B. Pursuant to Condition E.2.(c)., Permittee shall submit for approval revisions to the RFI Final Report and Summary Report within sixty (60) calendar days after meeting with the Department to discuss Report comments, or within sixty (60) calendar days when no meeting is scheduled.
 - C. Pursuant to Condition E.3.(d)., Permittee shall mail the approved RFI Summary to

all individuals on the facility mailing list within sixty (60) calendar days of receipt of RFI Report approval.

VII.. Compliance Schedule For A Focused Corrective Measures Study ("CMS")

- A. Pursuant to Condition E.3.(b), Permittee shall submit for approval a focused CMS within ninety (90) calendar days after the written notification by the Commissioner regarding implementation of a pragmatic and presumptive remedy.

VIII. Compliance Schedule For Corrective Measures Study ("CMS").

- A. Not Applicable
- B. Pursuant to Condition E.4.(a)(ii), Permittee shall submit for approval revisions to the CMS within sixty (60) calendar days after meeting with the Department to discuss CMS comments, or within sixty (60) calendar days when no meeting is scheduled.

ATTACHMENT A

COMPONENTS REQUIRED FOR RCRA ANALYTICAL DATA SUBMITTED TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Consolidated Edison Company of New York, Inc.
USEPA ID No. NYD980593636

A Report Narrative should accompany each submission, summarizing the contents, data and QA/QC results and all relevant circumstances of the work.

- A. Parameter requested.

- B. Sample Number or Numbers, Matrix, and:
 - 1. Date and time collected;
 - 2. Date extracted and/or digested;
 - 3. Date and time analyzed;
 - 4. Chain of custody report and/or form, including confirmation of unbroken chain of custody, intact sample packaging and container seals and adequate temperature and/or other preservation; and
 - 5. Field Sampling log.

- C. Results ^{b,e,f}
 - 1. Sample Results;
 - 2. Duplicate;
 - 3. Blanks^a;
 - 4. Matrix Spike; matrix spike duplicate; blank spike;
 - 5. Surrogate recoveries, if applicable;
 - 6. Standard reference materials results; and
 - 7. Low level matrix spike recoveries, to confirm method detection limit (MDL) in the matrix.

- D. Supporting QA/QC ^{b,d}
 - 1. Sample preparation and analysis methods, and sample cleanup procedures;
 - 2. Sample preparation and sample cleanup logs;
 - 3. Analysis run logs;
 - 4. Method detection limits, instrument detection limits^c, method used to determine MDL in the matrix;
 - 5. Calibration data (correlation coefficient or percent relative standard deviation and calibration check sample results);
 - 6. Percent solids for soils, sludges, sediments, and where otherwise applicable;

7. Example calculations;
8. Data validation procedures, results, and completed data validation checklists; and
9. Documentation which illustrates how blank water is determined to be analyte-free.

In addition to submitting the above, all sample data and its QA/QC data as specified in the approved methods and SW-846, 3rd edition (or more current edition), must be maintained accessible to NYSDEC either in hard copy or on magnetic tape or disk (computer data files). The data, if requested by NYSDEC, should be formatted as described in SW-846, 3rd edition, Chapter 1, where applicable. This requirement may be changed in the future to mandate computer data files, accessible to NYSDEC on request.

- ★ If CLP protocols are performed, then CLP deliverables are required, but all of the items listed in “Raw Data Deliverables” must be submitted unless otherwise stated in the approved plan.
- ^a The data should include all blanks (trip, equipment rinse, method and instrument blanks) as specified in the sampling and analysis plan, guidance and regulation.
- ^b Supporting QA/QC should be specific to the RCRA samples analyzed.
- ^c Every effort practicable must be made to achieve detection limits below regulatory limits and comparable to or better than the Practical Quantification Limits specified in the EPA-approved methods. In no case, will reporting limits above the specified PQL's be accepted without extensive and complete documentation to the Department.
- ^d The supporting data should be provided to NYSDEC upon request, without restriction. Calibration data must include data and time of analysis.
- ^e Frequencies of blanks, duplicates, spikes, surrogates, calibrations, standard reference materials, etc., should be as stated in the approved sampling and analysis plan, the approved analytical methods and the SW-846, 3rd edition, Chapter 1, requirements. If there are any perceived conflicts, these should be resolved with NYSDEC in advance of sampling.
- ^f Spiking for metals, organics or other parameters must be done before sample preparation (i.e. before digestions, extractions etc.) unless otherwise stated in the approved plan. Furnace analysis for metals will still require post-digestion spikes on all samples analyzed by this technique.

RAW DATA DELIVERABLES

Con Edison Astoria Hazardous Waste Storage Facility
EPA ID No. NYD980593636

For the purpose of this data validation or confirming the data validation, the Department may select a number of samples for which raw data deliverables may be required in addition to the main data and the QA/QC requirements enumerated in “Components Required for RCRA Analytical Data Submitted to NYSDEC”. This selection may be determined before the initial data report is received by the Department or after review of the initial data report. Raw data deliverables may also be stated to be required in the approved sampling and analysis plan for any or all of the samples. If requested by the Department, at a minimum, the following supporting information and raw data must be submitted for the selection of samples:

1. The Report Narrative pertaining to the selection of data, including a detailed description of any problems associated with the data and how the problems were resolved.
2. The Chain-of-Custody forms for the selected samples.
3. The laboratory I.D. numbers corresponding to the field sample numbers.
4. Sample preparation logs, analytical run logs, GPC and other sample cleanup logs and related chromatograms, fully labeled; documentation of sample changes or reactions during preparation; documentation of sample pH where applicable.
5. Key explaining notations on the data sheets that are relevant to the usage of the data; and explanation of data corrections other anomalies, including all data voided.
6. Standards information sheets documenting the composition and concentrations of standards used in the analysis.
7. Standards preparation logs.
8. Organics reconstructed ion chromatograms (RICs), as described in the NYSDEC ASP.
9. Quantitation reports.
10. Copies of organics raw spectra and copies of background-subtracted mass spectra of detected target compounds and non-target compounds (TICs), labeled, as

described in the NYSDEC ASP, and the corresponding standard mass spectra (or best-match spectra in the case of TICs).

11. Organics extracted ion current profiles (EICPs) for samples and their related standards, fully labeled.
12. The standards raw data corresponding to the sample data for initial and continuing calibration, with sources and preparation dates.
13. All the sample raw data and QC raw data pertaining to the samples, such as the data from instrument tunings, blanks, spikes (of matrices and blanks), detection limit determinations in water and in the matrices, low-level spiking of matrices to confirm PQLs, interference check samples, ICP serial dilutions, CRDL standards, LCSs, post-digestion spikes, MSAs, linear ranges analyses, etc.
14. Calculations showing how final results are obtained from values printed on the quantitation reports, copies of formulas used (even by software packages), and values for all terms in the formulas.
15. Chromatograms and data system printouts for all standards (individual and multi-component) for the PCB and pesticides analyses.
16. All direct real-time instrument readouts, fully labeled.

The raw data submission should contain all the information needed to confirm, recalculate and validate the reported results for the selected samples.

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

FINAL PERMIT

TABLE OF CONTENTS

1	FINAL PERMIT	FINAL PERMIT & SPECIAL CONDITIONS
2	MODULE I	GENERAL PROVISIONS
3	MODULE II	CORRECTIVE ACTION REQUIREMENTS FOR SOLID WASTE MANAGEMENT UNITS & AREAS OF CONCERN (INCLUDING ATTACHMENTS A & B)
4	MODULE III	STORAGE IN CONTAINERS AND TANKS
5	ATTACHMENT I	FACILITY DESCRIPTION - Section 2.0 of the Permit Application
6	ATTACHMENT II	WASTE CHARACTERISTICS - Section 3.0 of the Permit Application
7	ATTACHMENT IIA	WASTE ANALYSIS PLAN - Section 3.0, Exhibit 3A of the Permit Application
8	ATTACHMENT III	INSPECTION PLAN - Section 6.2 of the Permit Application
9	ATTACHMENT IV	PERSONNEL TRAINING - Section 8.0 of the Permit Application
10	ATTACHMENT V	SECURITY PROCEDURES - Section 6.1 of the Permit Application
11	ATTACHMENT VI	PREPAREDNESS & PREVENTION PROCEDURES - Sections 6.3, 6.4 and 6.5 of the Permit Application
12	ATTACHMENT VII	CONTINGENCY PLAN - Section 7.0 of the Permit Application
13	ATTACHMENT VIII	MANIFEST SYSTEM, RECORDKEEPING & REPORTING - Section 10.0 of the Permit Application
14	ATTACHMENT IX	CLOSURE PLAN - Section 9.0 of the Permit Application
15	ATTACHMENT X	CONTAINER MANAGEMENT - Section 4.0 of the Permit Application
16	ATTACHMENT XI	AIR EMISSION STANDARDS - Sections 3.1.4, 3.1.5, 4.4 and 4.5 of the Permit Application
17	ATTACHMENT XII	PART A APPLICATION & ENGINEERING DRAWINGS - Volume 1, Part A section and Volume 2 of the Permit Application
18	ATTACHMENT M	PERMIT MODIFICATIONS LOG
19	ATTACHMENT XIII	CD, 6 NYCRR PART 370 to 374 & 376

ATTACHMENT XI

AIR EMISSIONS STANDARDS FOR CONTAINERS AND TANKS

ABSTRACT

Purpose: To ensure compliance with relevant sections of NYSDEC Hazardous Waste Regulations, 6 NYCRR373-2.29, air emission standards for containers and tanks. The purpose of this attachment is to describe how the facility will undertake these efforts.

ATTACHMENT XI -
AIR EMISSIONS STANDARDS FOR CONTAINERS AND TANKS

CONTAINERS 6NYCRR373-2.29(g)

The Permittee will use Container Level 1 controls to control air pollutant emissions from containers subject to these regulations, based on the largest container in use. The Permittee must comply with the applicable provisions of 6NYCRR 373-2.29, with special attention to 373-2.29(g).

1. All containers used at Con Edison are managed in accordance with the applicable DOT regulations on packaging hazardous materials for transportation specified in 49 CFR part 107, subpart B -Exemptions; 49 CFR part 172 - Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and training requirements; 49 CFR part 173–Shippers – General Requirements for Shipments and Packages; and 49 CFR part 180 – Continuing Qualification and Maintenance of packaging as incorporated by reference in 370.1(e).
2. For the purpose of complying with this requirement, no exceptions to the 49 CFR part 178 or part 179 regulations are claimed except for labpacks managed in accordance with the requirements of 49 CFR part 178 complying with the exceptions for combination packaging specified in 49 CFR 173.12(b).
3. All containers are equipped with a cover and closure device that forms a continuous barrier over the container openings such that when the cover and closure device are secured in the closed position there is no visible holes or other opening spaces into the interior of the container.
4. A container closure device or cover may be opened or closed as allowed by the applicable regulations in 6NYCRR373-2.29(g)(3)(iii).
5. The non-bulk, DOT-specification containers of VOC-containing liquid wastes are inspected upon acceptance of the containers at the facility and weekly thereafter. If defects are detected in the cover or closure device, it must be rectified within 24 hours. If repair of the defect cannot be completed in 24 hours, the contents in the drum will be removed and transferred to another container and closed properly, or the container and its contents will be placed in a DOT-approved overpack container.
6. The Permittee must maintain at the facility a copy of the procedure used to determine that containers with a capacity of 0.46 cubic meters or greater, which do not meet applicable DOT regulations, are not managed at the facility.

TANKS 6NYCRR373-2.29(e)

The Permittee must comply with the applicable provisions of 6NYCRR 373-2.29, with special attention to 373-2.29(e).

ATTACHMENT B

CORRECTIVE ACTION COMPLIANCE SCHEDULE

Consolidated Edison Company of New York, Inc.
USEPA ID No. NYD980593636

I. Compliance Schedule For Interim Corrective Measures

- A. Pursuant to Condition B.6.(a), Permittee shall submit for approval a focused CMS within sixty (60) calendar days following the date of the notification by the Commissioner requiring implementation of interim corrective measures.
- B. Pursuant to Condition B.6.(b), Permittee shall submit for approval a CMS within sixty (60) calendar days after notifying the Commissioner of the actual or potential threat to human health or the environment.

II. Compliance Schedule For Reporting

- A. Pursuant to Condition B.8.(a), Permittee shall submit signed progress reports as specified in approved work plans of all activities conducted in accordance with the provisions of this Permit, beginning no later than sixty (60) calendar days after the Permittee is first required to begin implementation of any such requirement.

III. Compliance Schedule for Notification

- A. Pursuant to Condition B.10.(a), Permittee within fifteen (15) calendar days; after discovering facility releases of hazardous constituents in groundwater have migrated off-site, shall notify the Commissioner and off-site owners or residents on land overlying such contamination.
- B. Pursuant to Condition B.10.(b), Permittee within fifteen (15) calendar days; after discovering facility releases of hazardous constituents in air have or are migrated off-site, exceeding action levels, shall notify the Commissioner and off-site individuals subject to such long-term exposure.

IV. Compliance Schedule For Assessment of Newly Identified SWMUs and AOCs

- A. Pursuant to Condition C.1., Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) within fifteen (15) calendar days after discovery.

- B. Pursuant to Condition C.2., Permittee shall submit a SWMU/AOC Assessment Report within sixty (60) calendar days after notifying the Commissioner of any additional SWMU(s) and/or AOC(s).
 - C. Pursuant to Condition C.3., Permittee shall submit for approval a SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days after submittal of the SWMU/AOC Assessment Report.
 - D. Pursuant to Condition C.4.(b), Permittee shall submit for approval revisions of the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days after meeting with the Department to discuss Plan comments or within forty-five (45) calendar days after Permittee's receipt of Plan comments when no meeting is scheduled.
 - E. Pursuant to Condition C.4.(c), Permittee shall begin to implement the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days following written approval of the Plan.
 - F. Pursuant to Condition C.5., Permittee shall submit a SWMU/AOC Sampling and Analysis Report within sixty (60) calendar days of receipt by the Permittee of validated analytical data generated under in the approved SWMU/AOC Sampling and Analysis Plan.
- V. Compliance Schedule And Notification Requirements For Newly-Discovered Releases At SWMUs and AOCs
- A. Pursuant to Condition D., Permittee shall notify the Commissioner, in writing, of any newly-discovered releases at SWMUs and/or AOCs, no later than fifteen (15) calendar days after such discovery.
- VI. Compliance Schedule For RFI Final Report And Summary.
- A. Pursuant to Condition E.2.(b)., Permittee shall ~~submit~~ for approval the RFI Final Report and Summary Report within ~~ninety (90)~~ calendar days after receipt by the Permittee of validated analytical data generated under the approved work plan. *change to 120 days*
 - B. Pursuant to Condition E.2.(c)., Permittee shall submit for approval revisions to the RFI Final Report and Summary Report within ~~forty-five (45)~~ calendar days after meeting with the Department to discuss Report comments, or within ~~forty-five (45)~~ ⁶⁰ calendar days when no meeting is scheduled. *60*
 - C. Pursuant to Condition E.3.(d), Permittee shall mail the approved RFI Summary to all individuals on the facility mailing list within sixty (60) calendar days of receipt. *60*

of RFI Report approval.

VII. Compliance Schedule For A Focused Corrective Measures Study ("CMS")

- A. Pursuant to Condition ⁹⁰ E.3.(b), Permittee shall submit for approval a focused CMS within ~~sixty (60)~~ calendar days after the written notification by the Commissioner regarding implementation of a pragmatic and presumptive remedy.

VIII. Compliance Schedule For Corrective Measures Study ("CMS").

- A. Not Applicable
- B. Pursuant to Condition ^{E.4(a)(ii)} E.4.(c), Permittee shall submit for approval revisions to the CMS within ~~forty-five (45)~~ calendar days after meeting with the Department to discuss CMS comments, or within forty-five (45) calendar days when no meeting is scheduled. ₆₀

Monday

Review other permit
module changes

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
 PART 373 PERMIT
**MODULE II - CORRECTIVE ACTION REQUIREMENTS FOR SOLID WASTE
 MANAGEMENT UNITS AND AREAS OF CONCERN**

Consolidated Edison Company of New York, Inc.
 USEPA ID No. NYD980593636

A. APPLICABILITY

1. Statute and Regulations. Article 27, Title 9, Section 27-0913, and 6NYCRR 373-2.6(l) requires corrective action, including Corrective Action beyond the facility boundary where necessary to protect human health and the environment, for all releases of hazardous wastes, including hazardous constituents, from any solid waste management unit ("SWMU") at a storage, treatment or disposal facility seeking a 6NYCRR Part 373 permit, regardless of the time at which waste was placed in such unit. Pursuant to 6NYCRR 373-1.6(c)(2) the Commissioner may impose permit conditions as the Commissioner determines necessary to protect human health and the environment (e.g., Areas of Concern (AOC(s))).

2. Solid Waste Management Units and Areas of Concern. The conditions of this Module apply to:
 - a) All the SWMUs and AOCs listed in this Module individually or in combinations;
 - b) Any additional SWMU(s) and AOC(s) identified during the course of groundwater monitoring, field investigations, environmental audits or other means as described in Module Condition C. below;
 - c) SWMUs and AOCs located on-site and/or off-site are identified in Table II-1 below:

Table II-1

SWMUs/AOCs	Status
Chem. Lab Waste Oil UST	NFA
Embankment Behind Bldg. 82	ICM Completed
Astoria Central WWTP Sludge Removal	ICM Completed
Eastern Parcel Area including Outfall G	RFI Report under NYSDEC review
North Storage Yard SWMU	ICM under EPA TSCA review

SWMUs/AOCs	Status
LNAPL Recovery - Former Pond, East of Gas Turbines, Purge Oil Pump House and LNG Facility	ICM on-going
East Yard SWMU	Phase IID RFI
Pipe Yard SWMU, including: <ul style="list-style-type: none"> • Former 25,000 gallon PCB Waste Oil Tanks • Former Gas Condensate Tank • Former Fire Fighting School • Coal Tar Seeps 	Phase IID RFI
Purge Oil Pump House Spill Area	Phase IID RFI
Trans. Dept. Former Waste Oil USTs A&B SWMU	Phase IID RFI
Spill No. 73	Phase IID RFI
Astoria Central WWTF SWMU	Phase IID RFI
Tunnel Head House AOC	Phase IID RFI
Astoria East S.S. Spill Area	Phase IID RFI
Astoria West S.S. AOC	Phase IID RFI
Spill No. 59	Phase IID RFI
Spill No. 60	Phase IID RFI
Spill No. 89 C/D/E	Phase IID RFI
Spill No. 91	Phase IID RFI
Spill No. 92	Phase IID RFI
Spare Transformer Storage Yard AOC	Phase IID RFI
Cable Storage Yard AOC	Phase IID RFI
Triangle Area AOC	Phase IID RFI
AOC West of Main Gate	Phase IID RFI

SWMUs/AOCs	Status
AOC South of Trans. Shop	Phase IID RFI
Former Corp. Trans. USTs SWMU	Phase IID RFI
Former MGP AOC	Phase IID RFI
Facility-wide Groundwater	Phase IID RFI
Blue Dog Lake	Phase IID RFI
Former Pond Area	Phase IID RFI
North Queens Substation Spill Area	Phase IID RFI
Building 139 Septic System SWMU	Phase IID RFI
A-10 Dock Area	Phase IID RFI
A-11 Dock Fire Pump House AOC	Phase IID RFI
Spill No. 70	Phase IID RFI
Auction Yard	Phase IID RFI

- d) The Permittee need not undertake corrective action at any aforementioned SWMU(s) and/or AOC(s) identified in Table II-1 as No Further Action.
- e) A determination of No Further Action shall not preclude the Commissioner from modifying this Permit at a later date to require further investigations, studies, monitoring, or corrective measures, if new information or subsequent analysis indicates the release(s) or likelihood of release(s) that could pose a threat to human health or the environment.

B. STANDARD CONDITIONS FOR CORRECTIVE ACTION

- 1. Work Plans. All work plans submitted pursuant to this Module shall include:
 - a) Quality Assurance/Quality Control protocols to ensure that data generated is valid and supported by documented procedures;
 - b) Other plans, specifications and protocols, as applicable;
 - c) A schedule for starting specific tasks, completing the work and submitting progress and final reports; and
 - d) Plans for the treatment, storage, discharge or disposal of wastes to be generated by activities described therein.

2. Quality Assurance/Quality Control.
 - a) Any laboratory to be used pursuant to such work plans required by this Module must be approved by the Commissioner prior to work plan implementation. Certification by the New York State Department of Health Environmental Laboratory Approval Program in the relevant analytical services is required.
 - b) The minimum Quality Assurance/Quality Control data and information, that shall be delivered with all sample analyses required by this Module, are tabulated in Attachment A of this Permit Module.

3. Health/Safety Plans. The Permittee shall develop, according to applicable Federal, State and local requirements, and submit to the Commissioner, health and safety plans that will be implemented to ensure that the health and safety of project personnel, plant personnel and the general public are protected. These plans are not subject to approval by the Commissioner.

4. Guidance Documents. When preparing the submissions described in this Permit Module, the Permittee shall take account of applicable guidance documents issued by the U.S. Environmental protection Agency and the New York State Department of Environmental Conservation in a manner reflecting reasonable technical considerations.

5. Prior Submissions. The Permittee may have already submitted portions of information, plans, or reports required by this Permit Module and its Appendices to the Commissioner pursuant to the terms of previous applications, consent orders, or plans. For those items the Permittee contends were submitted to the Commissioner, the Permittee may cite the specific document(s) it believes adequately addresses each of the individual items requested by this Permit Module and its Appendices. The references, by document(s) shall be placed in the appropriate sections of the submissions that require the referenced information and data. If the Commissioner, determines that it does not possess any of the referenced information, plans, or reports that the Permittee claims were previously submitted, the Commissioner will notify the Permittee and the Permittee shall submit the referenced documents within the time frame specified within the notification.

6. Compliance Schedule For Interim Corrective Measures (ICMs).
 - a) If at any time it is determined by the Commissioner that a release or, based on site-specific circumstances, a threatened release of hazardous wastes, including hazardous constituents from a SWMU, an AOC or a combination of SWMUs and/or AOCs poses a threat to human health or the environment, or that such condition jeopardizes the Permittee's ability

to comply with any governmental permit, a focused interim corrective measures study shall be submitted to the Commissioner for approval within sixty (60) calendar days of notice of such a determination. This study shall consider, among other relevant factors, the character, the extent, direction, the rate of release, the proximity to population, the exposure pathways, the effects of delayed action, and the evaluations of appropriate ICM(s) or the selection of a pragmatic and presumptive ICM. Upon approval of the study by the Commissioner, the Permittee shall implement the required ICM as specified by the Commissioner. Should a selected ICM involve an engineered action; e.g., pump and treat, then its design, implementation schedule and subsequent construction completion certification shall require approvals by the Commissioner. Nothing herein precludes the Permittee from taking immediate action to address the conditions described herein and promptly notifying the Commissioner.

- b) In the event the Permittee discovers, a release or, based on site-specific circumstances, a threatened release of hazardous waste, including hazardous constituents, from a SWMU, an AOC, or a combination of SWMUs and/or AOCs, that poses a threat to human health or the environment, the Permittee shall identify interim corrective measures to mitigate this threat. The Permittee shall immediately summarize the nature and magnitude of the actual or potential threat and nature of the ICM being considered and notify the Commissioner. Within sixty (60) calendar days of notifying the Commissioner, the Permittee shall submit to the Commissioner, for approval, a focused CMS and follow the progression of events identified in Module Condition B. 6(a) above.
- c) The following factors may be considered by the Commissioner or the Permittee in determining the need for interim corrective measures:
 - (i) Time required to develop and implement a final corrective measure;
 - (ii) Actual and potential exposure of human and environmental receptors;
 - (iii) Actual and potential contamination of groundwater and sensitive ecosystems;
 - (iv) Concentration of hazardous constituents, in soils that have the potential to migrate to the air, groundwater or surface water; and
 - (v) Other situations that may pose threats to human health and the environment.

7. Determination of No Further Action.

- a) Based on the results of an RFI for a particular SWMU, an AOC, or combination of SWMUs, and/or AOCs, and other relevant information, the Permittee may submit an application to the Commissioner for a major

permit modification in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit to terminate the subsequent corrective action requirements of this Module. This permit modification application must contain information demonstrating no release(s) of hazardous wastes, including hazardous constituents, from the SWMU(s) and/or AOC(s) pose a threat to human health or the environment.

- b) If, based upon review of the Permittee's request for a permit modification, the results of the RFI, and other information, including comments received during the forty-five (45) calendar day public comment period required for permit modifications, the Commissioner determines that the release(s) or the suspected release(s) investigated either are non-existent or do not pose a threat to human health or the environment, the Commissioner shall grant the requested modification.
- c) A determination of no further action shall not preclude the Commissioner from implementing the following actions:
 - (i) Modifying this Permit at a later date to require the Permittee to perform such investigations as necessary to comply with the requirements of this Permit Module and its Appendices if new information or subsequent analysis indicates that there are, or are likely to be, releases from SWMUs/AOCs that may pose a threat to human health or the environment; and
 - (ii) Requiring continual or periodic monitoring of air, soil, groundwater, or surface water/sediment or subsurface gas, if necessary, to protect human health and the environment, when site-specific circumstances indicate the release(s) of hazardous waste, including hazardous constituents, are likely to occur from any SWMU(s) and/or AOC(s).

8. Compliance Schedule For Reporting And Submissions.

- a) The Permittee shall submit, to the Commissioner, signed progress reports, as specified in approved work plans pursuant to this Permit, of all activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of the Corrective Action Compliance Schedules of this Permit Module, beginning no later than sixty (60) calendar days after the Permittee is first required to begin implementation of any requirement herein. These reports shall contain:
 - (i) A description of the work completed during the reporting periods;
 - (ii) Summaries of all findings made during the reporting period;
 - (iii) Summaries of all changes made during the reporting period;
 - (iv) Summaries of all contacts made with representatives of the local

- (v) community and public interest groups during the reporting period;
 - (v) Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
 - (vi) Changes in personnel conducting or managing the corrective action activities during the reporting period;
 - (vii) Projected work for the next reporting period; and
 - (viii) Copies of daily reports, inspection reports, laboratory/monitoring data, etc., generated during the reporting period.
- b) Within seven business days after requested, copies of other relevant reports and data not identified in Module Condition B.8.(a) shall be made available to the Commissioner.
 - c) The Commissioner may require the Permittee to conduct new or more extensive assessments, investigations, or studies, based upon information provided in the progress reports referred to in Module Condition B.8(a) above, or upon other supporting information.
 - d) All work plans, reports, studies, designs and schedules required by the conditions of this Permit Module and Attachment B are upon approval of the Commissioner, incorporated into this Permit by reference and become an enforceable part of this Permit. Any noncompliance with such approved work plans, reports, studies, designs and schedules shall constitute noncompliance with this Permit. Extensions of the specified final compliance dates for submissions may be granted by the Commissioner in accordance with the major permit modification procedures stipulated in Module I of this Permit.
9. Compliance with Governmental Requirements. During investigative activities, interim corrective measures, and final corrective measures, (including, but not limited to, equipment decommissioning, excavation and unit demolition) required under this Module, the Permittee shall ensure that the transportation, treatment, storage, discharge, and disposal of all contaminated materials generated as a result of such activities (including, but not limited to, soils, sediments, liquids, tanks, pipes, pumps, rubble, debris, and structural materials) are performed in an environmentally sound manner pursuant to all applicable Federal, State and local requirements and that is protective of public health and the environment. Nothing in this Module shall be construed to require the Permittee to proceed in a manner which is in violation of any such requirements.
10. Notifications.
- a) Notification of groundwater contamination. If at any time the Permittee discovers that hazardous constituents in groundwater that may have been released from a SWMU or AOC at the facility have migrated beyond the facility boundary in concentrations that exceed action levels, the Permittee

shall, within fifteen (15) calendar days of discovery, provide written notice to the Commissioner and any person who owns or resides on the land which overlies the contaminated groundwater.

- b) Notification of air contamination. If at any time the Permittee discovers that hazardous constituents in air that may have been released from a SWMU or AOC at the facility have or are migrating to areas beyond the facility boundary in concentrations that pose a threat to human health, and that residences or other places at which continuous, long-term exposure to such constituents might occur are located within such areas, the Permittee shall, within fifteen (15) calendar days of such discovery:
 - (i) Provide written notification to the Commissioner; and
 - (ii) Initiate any actions that may be necessary to provide notice to all individuals who have or may have been subject to such exposure.
- c) Notification of residual contamination. If hazardous wastes or hazardous constituents in solid waste management units or areas of concern, or which have been released from a SWMU or AOC, will remain in or on the land, including groundwater, after the term of the permit has expired, the Commissioner may require the Permittee to record a notation in the deed to the facility property or in some other instrument which is normally examined during title search that will, in perpetuity, notify any potential purchaser of the property of the types, concentrations, and locations of such hazardous wastes or hazardous constituents. The Commissioner may require such notice as part of the corrective measures selection process.

C. COMPLIANCE SCHEDULE FOR ASSESSMENT OF NEWLY IDENTIFIED SWMU'S AND AOC'S

- 1. Notification of Assessment. The Permittee shall notify the Commissioner, in writing, of any additional SWMU(s) and/or AOC(s) not listed in this Module, which are identified during the course of groundwater monitoring, field investigations, environmental audits, or other means within fifteen (15) calendar days after discovery.
- 2. SWMU/AOC Assessment Report. Within sixty (60) calendar days after notifying the Commissioner, the Permittee shall submit a SWMU/AOC Assessment Report. This Report must provide, at a minimum, the following information for each newly identified SWMU/AOC:
 - a) Type and function of unit/area;
 - b) Location of each unit/area on a topographic map of appropriate scale;
 - c) Dimensions, capacities, and structural descriptions of the unit/area (supply available engineering drawings);
 - d) Dates that the unit/area was operated;

- e) Description of the wastes that were placed or spilled at the unit/area;
 - f) Description of any known releases from the unit/area (to include groundwater data, soil analyses, air monitoring data, and/or surface water/sediment data);
 - g) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit/area; and
 - h) Whether this unit/areas, individually or in combination with other units/areas described in Module Condition A.2. is a significant source of contaminant release.
3. SWMU/AOC Sampling and Analysis Plan. Within sixty (60) calendar days after submittal of the SWMU/AOC Assessment Report required in Module Condition C.2., the Permittee shall submit to the Commissioner for approval a Plan in accordance with the most recent version of the NYS RCRA Quality Assurance Project Plan Guidance, for any sampling and analysis of groundwater, land surface and subsurface strata, surface water/sediment or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) and/or area(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU/AOC Sampling and Analysis Plan must demonstrate that the sampling and analyses program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) and/or AOC(s) to the environment.
4. Subsequent Assessment Actions. Following submission of the SWMU/AOC Assessment Sampling and Analysis Plan set forth in Module Condition C.3., subsequent activities for the Plan shall proceed in accordance with the following schedule:
- a) Meeting between the Permittee, and the New York State Department of Environmental Conservation (Department) to discuss Plan comments, as appropriate;
 - b) Submission of a revised Plan to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary, the Permittee shall submit a revised Plan to the Commissioner, according to a schedule specified by the Department, not to exceed forty-five (45) calendar days after Permittee's receipt of Plan comments from the Commissioner); and
 - c) Begin implementation of the SWMU/AOC Sampling and Analysis Plan within sixty (60) calendar days following written approval from the Commissioner for the Plan.

5. SWMU/AOC Sampling and Analysis Report. Within sixty (60) calendar days of receipt by the Permittee of validated analytical data generated under the approved SWMU/AOC Sampling and Analysis Plan, the Permittee shall follow reporting requirements in the approved Plan and submit a SWMU/AOC Sampling and Analysis Report to the Commissioner. The Report shall describe all results obtained from the implementation of the approved Plan.
6. Assessment Conclusions. Based on the results of the SWMU/AOC Sampling and Analysis Report, the Commissioner shall determine the need for further investigations at the specific unit(s) covered in the SWMU/AOC Assessment Report. If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval a RCRA Facility Investigation Work Plan, including an implementation schedule. Following the implementation of the RFI Work Plan the Permittee shall submit for approval the RFI Report. If the Commissioner after reviewing the RFI Report determines that a Corrective Measures Study (CMS) or an Interim Corrective Measures (ICM) is required the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval the CMS and/or ICM, including implementation schedules. All approved submissions submitted pursuant to this Permit condition shall be made part of this Permit.

D. COMPLIANCE SCHEDULE AND NOTIFICATION REQUIREMENTS FOR NEWLY-DISCOVERED RELEASES AT SWMU'S AND AOC'S

The Permittee shall notify the Commissioner, in writing, of any release(s) of hazardous wastes, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities no later than fifteen (15) calendar days after discovery. Such newly-discovered release(s) may be from the newly-identified unit(s)/area(s), from the unit(s)/area(s) for which, based on the findings of the RFA, the Commissioner had previously determined that no further investigation was necessary, or from the unit(s)/area(s) investigated as part of an RFI. Based on the information provided in the notification, the Commissioner shall determine the need for further investigation of the release(s). If the Commissioner determines that such investigations are needed, the Commissioner shall, by written notification, require the Permittee to prepare a RCRA Facility Investigation Work Plan, including an implementation ^{schedule}. Following the implementation schedule of the RFI Work Plan, the Permittee shall submit for approval the RFI Report. If the Commissioner after reviewing the RFI Report determines that a Corrective Measures Study (CMS) or an Interim Corrective Measures (ICM) is required the Commissioner shall, by written notification, require the Permittee to prepare and submit for approval the CMS and/or ICM, including implementation schedules. All approved submissions submitted pursuant to this Permit

condition shall be made part of this Permit.

E. CORRECTIVE ACTION REQUIREMENTS

1. Compliance Schedule For RCRA Facility Investigation (RFI) Work Plan At Accessible SWMUs and AOCs.
 - a) On the basis of the findings in the Draft North Storage Yard RFI Report, Revised Draft Data Summary/SWMU/AOC/Spills Evaluation Report Volumes I & II, Phase IIB RFI Report, Draft Phase IIC RFI Report, IRM Evaluation Report for Former Pond and Purge Oil Pump House, Data Summary Report - Eastern Parcel RFI, North Storage Yard ICM Study, Final Sludge Report - ACWTF, Eastern Parcel Phase II RFI - Interim Summary of Findings Following Round I Field Program, North Storage Yard Interim Corrective Measure Study Proposal, Phase IID RFI Work Plan, North Storage Yard ICM Study Excavation Plan to NYSDEC, North Storage Yard ICM Proposal to EPA, Eastern Parcel - Phase II RFI Report, and ACWTF East and West Tanks Cleanout and Inspection Report, the Commissioner has determined that there has been a release or potential release of hazardous waste and/or constituents from the following SWMU(s), or combination of SWMU(s), and/or AOC(s) identified in Module Condition A.2. that require the implementation of an RFI: All SWMUs and AOCs identified in Table II-1 that do not have the status NFA or ICM Completed or RFI Report Submitted. These SWMUs and AOCs are currently being investigated under Phase IID RFI.
 - b) Not applicable.
 - c) Not applicable.

2. Compliance Schedule For RCRA Facility Investigation (RFI) Work Plan Implementation, RFI Report And Summary Report Submissions.
 - a) Not Applicable.
 - b) Within one hundred twenty (120) calendar days of receipt by the Permittee of validated analytical data generated under the approved RFI Work Plan, the Permittee shall submit to the Commissioner for approval the RFI Final Report and Summary Report. The RFI Final Report must contain adequate information to support further corrective action decisions at the facility and/or off-site, should such actions be necessary. The RFI Final Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and AOCs and their releases, including information on the type and extent of contamination at the facility and/or off-site, sources and migration pathways, and actual or potential receptors. It shall present all information gathered under the approved RFI Work Plan.

- c) Following submission of the RFI Report and Summary Report set forth in Module Condition E.2.(b), subsequent activities for the Reports shall proceed in accordance with the following schedule:
 - (i) Meeting between the Permittee and the Department to discuss Report comments, as appropriate; and
 - (ii) Submission of a revised Reports to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above-referenced meeting is determined not to be necessary, the Permittee shall submit revised Reports to the Commissioner, according to a schedule specified by the Department, not to exceed sixty (60) calendar days after Permittee's receipt of Report comments from the Commissioner).
- d) After the Commissioner approves the RFI Final Report the Permittee shall mail the approved Summary Report to all individuals on the facility mailing list established by the Permittee, within sixty (60) calendar days of receipt of approval.

3. Requirements For A Corrective Measures Study (CMS).

- a) Should a CMS that evaluates alternative remedies be required, the Commissioner shall notify the Permittee in writing when the CMS will be submitted. The submission time will take into consideration the extent of the remediation that needs to be implemented. This notice shall identify the hazardous constituent(s) which have exceeded target cleanup level(s) that are considered a threat to human health and the environment given site specific exposure conditions or due to additive exposure risk. The notification shall specify the target cleanup levels for hazardous constituents detected in each medium of concern, and may also specify corrective measure alternatives to be evaluated by the Permittee during the CMS. The CMS shall:
 - (i) Summarize the results of the investigations and, if applicable, of any bench-scale or pilot tests conducted;
 - (ii) Provide a detailed description of the corrective measures evaluated and include an evaluation of how each corrective measure alternative meets the standards set forth in Module Condition E5.(a); and
 - (iii) Contain any additional information to support the Commissioner in the corrective measure selection decision-making process, described under Module Condition E.5.
- b) The Permittee will not need to prepare and submit for approval a CMS that evaluates remedial alternatives when the Department and the Permittee agree upon a pragmatic and presumptive remedy. The Permittee shall instead submit a focused CMS that includes a conceptional design for this

presumptive remedy and explain how it meets the pertinent requirements of Condition E.5., within ninety (90) calendar days following notification by the Department.

4. Compliance Schedule For Corrective Measures Study (CMS).

- a) Following submission of a CMS subsequent activities for the CMS shall proceed in accordance with the following schedule:
 - (i) Meeting between the Permittee and the Department to discuss the CMS comments, as appropriate; and
 - (ii) Submission of a revised CMS to the Commissioner for approval within sixty (60) calendar days of the above-described meeting. (If the above referenced meeting is determined not to be necessary the Permittee shall submit a revised CMS to the Commissioner, according to a schedule specified by the Department, not to exceed sixty (60) calendar days after Permittee's receipt of CMS comments from the Commissioner.

5. Corrective Measure(s) Selection.

- a) Based on the information presented in the CMS, and any further evaluations of additional corrective measures under this study, the Commissioner shall select the corrective measure(s) that at a minimum will meet the following standards:
 - (i) Be protective of human health and the environment;
 - (ii) Attain media target cleanup levels selected by the Commissioner during the corrective measures selection process;
 - (iii) Control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases of hazardous waste, including hazardous constituents, that pose a threat to human health and the environment; and
 - (iv) Meet all applicable waste management requirements.
- b) In selecting the corrective measure(s) which meets the standards for corrective measures established under Module Condition E.5.(a), the Commissioner shall consider the following evaluation factors, as appropriate:
 - (i) Long-term reliability and effectiveness. Any potential corrective measure(s) may be assessed for the long-term reliability and effectiveness it affords, along with the degree of certainty that the corrective measure(s) will prove successful. Factors that shall be considered in this evaluation include:
 - (1) Magnitude of residual risks in terms of amounts and concentrations of hazardous waste, including hazardous constituents, remaining following implementation of the

- corrective measure(s), considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents:
- (2) The type and degree of long-term management required, including monitoring and operation and maintenance;
 - (3) Potential for exposure of humans and environmental receptors to remaining hazardous wastes, including hazardous constituents, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal or containment;
 - (4) Long-term reliability of the engineering and institutional controls, including uncertainties associated with land disposal of untreated hazardous wastes, including hazardous constituents, and their residuals; and
 - (5) Potential need for replacement of the corrective measure(s).
- (ii) Reduction of toxicity, mobility or volume. A potential corrective measure(s) may be assessed as to the degree to which it employs treatment that reduces toxicity, mobility or volume of hazardous wastes, including hazardous constituents. Factors that shall be considered in such assessments include:
- (1) The treatment processes the corrective measure(s) employs and materials it would treat;
 - (2) The amount of hazardous wastes, including hazardous constituents, that would be destroyed or treated;
 - (3) The degree to which the treatment is irreversible;
 - (4) The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes, including hazardous constituents; and
 - (5) All concentration levels of hazardous waste, including hazardous constituents, in each medium that the corrective measure(s) must achieve to be protective of human health and the environment.
- (iii) The short-term effectiveness of a potential corrective measure(s) may be assessed considering the following:
- (1) Magnitude of reduction of existing risks;
 - (2) Short-term risks that might be posed to the community, workers, or the environment during implementation of such a corrective measure(s), including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment; and

- (3) Time until full protection is achieved.
- (iv) Implementability. The ease or difficulty of implementing a potential corrective measure(s) may be assessed by considering the following types of factors:
 - (1) Degree of difficulty associated with constructing the technology;
 - (2) Expected operational reliability of the technologies;
 - (3) Need to coordinate with and obtain necessary approvals and permits from other agencies;
 - (4) Availability of necessary equipment and specialists;
 - (5) Available capacity and location of needed treatment, storage and disposal services; and
 - (6) Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the corrective measure(s).
- (v) Cost. The types of costs that may be assessed include the following:
 - (1) Capital costs;
 - (2) Operation and maintenance costs;
 - (3) Net present value of capital and operation and maintenance costs; and
 - (4) Potential future corrective measure costs.

6. Permit Modification for Corrective Measure(s).

- a) Based on information the Permittee submits in the RFI Report, the CMS and other information, the Commissioner will propose the final corrective measure(s) and public notice a major permit modification in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit. The major permit modification and a Statement of Basis (SB) discussing the proposed final corrective measure(s) will be public noticed together.
- b) Within sixty (60) calendar days after this Permit modification becomes effective, the Permittee shall demonstrate in writing to the Commissioner financial assurance for completing the approved final corrective measure(s).

7. Modification of the Compliance Schedules.

- a) If at any time the Permittee determines that modification of any Compliance Schedule of this Permit Module, including Attachment B, is necessary because such schedules cannot be met, the Permittee must:
 - (i) Notify the Commissioner in writing within fifteen (15) calendar days of such determination; and

- (ii) Provide an explanation why the current schedule cannot be met.
- b) The Commissioner shall notify the Permittee in writing of the final decision regarding the Permittee's proposed modification to the Compliance Schedule.
- c) Modifications to the Compliance Schedule for non-specific final compliance dates pursuant to this procedure does not constitute a re-issuance of this Permit. However, any modification to extend a specific final compliance date will be considered a major permit modification and will be processed in accordance with 6 NYCRR Part 373 permit modification regulations identified in Module I of this Permit.
- d) All other modifications to this Permit Module must be made in accordance with Module I of this Permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PART 373 PERMIT
MODULE I - GENERAL PROVISIONS

Consolidated Edison Company of New York, Inc.
USEPA ID No. NYD980593636

This permit authorizes only the hazardous waste units identified in this permit as permitted units. **This permit does not authorize any other units to operate.** If this Permit conflicts with Regulations which are in effect on the date of final issuance of this Permit, the more stringent requirement applies.

A. EFFECT OF PART 373 PERMIT

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein, the attachments to this permit, including any subsequent Department approved changes to the attachments, and the applicable regulations contained in 6NYCRR Parts 370 through 374, 376, 621 and 624. If this permit conflicts with the regulations, the more stringent requirement applies. The applicable regulations or requirements are those which are in effect on the date of final issuance of this Permit. However, the Permittee must also comply with the following requirements:

1. requirements which become effective by statute, including amendments thereto;
2. are promulgated under requirements of 6 NYCRR part 376, as modified (Land Disposal Restrictions);
3. are promulgated under requirements of 6 NYCRR 373-3.27, 373-3.28 and 373-3.29, as modified (air emission standards); and
4. other requirements as required in 6 NYCRR 373-1.6(e).

The Permittee is authorized to store hazardous waste in containers and tanks in accordance with the conditions of this permit. Any storage, treatment, or disposal of hazardous waste not authorized in this Permit is prohibited unless exempt from 6NYCRR Part 373. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, State or local laws or regulations.

The following hazardous waste storage areas, quantities of hazardous wastes, and types of wastes are authorized by this Permit:

<u>Location</u>	<u>Storage Capacity (Gallons)</u>	<u>Waste Type</u>
PCB Storage Building (Area 9)	7,920 (144, 55-gallon drums)	B001, B002, B003, B004, B005, B006, B007
Non-Liquid PCB Waste Drum Storage (Area 10)	3,960 (72, 55-gallon drums)	B007, D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
Non-Liquid Waste Roll-Off Container Storage (Area 11)	18,178 (3, 30 yd ³ containers)	<u>TSCA Roll-off</u> B007 <u>RCRA/TSCA Roll-off</u> B007, D004, D005, D006, D007, D008, D010, D011, D018, D022, D023, D024, D025, D039, D040, U051 <u>RCRA Roff-off</u> D004, D005, D006, D007, D008, D010, D011, D018, D022, D023, D024, D025, D035, D039, D040, F001, F002, F003, F005, U051
Drained PCB Equipment Storage (Area 13)	5,386 (26.67 yd ³)	B005, B006
PCB Waste Oil Storage Tank (Area 14)	8,500	B001, B002, B003
Less-than-50 PPM Waste Oil Storage Tank (Area 15)	10,000	N/A

<u>Location</u>	<u>Storage Capacity (Gallons)</u>	<u>Waste Type</u>
RCRA/PCB Liquid Waste Storage Cabinets (Area 16)	3,520 (64, 55-gallon drums)	B002, B003, D001, D002, D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, F007, P030, P098, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
Non-Liquid RCRA Waste Drum Storage (Area 17)	8,800 (160, 55-gallon drums)	D004, D005, D006, D007, D008, D009, D010, D011, D018, D022, D023, D024, D025, D035, D037, D039, D040, F001, F002, F003, F005, U002, U007, U051, U052, U056, U151, U154, U159, U165, U220, U226, U239
TOTAL CAPACITY	66,264 Gallons	

All plans, reports, specifications and schedules required by the terms of this Permit and all subsequent amendments to those documents are incorporated by reference into this Permit, upon approval, when required, or acceptance by the Department. Upon incorporation, the provisions of each such document will be binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

B. PERMIT APPLICATION

The Permittee's Hazardous Waste Part A Permit Application is attached to and incorporated by reference into this Permit. The Permit Application documents listed below are also attached and incorporated by reference into this Permit. These documents are made part of this Permit, are binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

<u>Attachment</u>	<u>Application Attachment</u>
I	Facility Description
II	Waste Characteristics

IIA	Waste Analysis Plan
III	Inspection Plan
IV	Personnel Training
V	Security Procedures
VI	Preparedness & Prevention Procedures
VII	Contingency Plan
VIII	Manifest System, Recordkeeping and Reporting
IX	Closure Plan
X	Container and Tank Management
XI	Air Emission Standards
XII	Part A Application & Engineering Drawings
M	Permit Modifications Log
XIII	CD, 6 NYCRR part 370 to 374 & 376, effective 09-05-2006

Future modifications to this Permit, including modifications to the Permit Application documents incorporated into this Permit, shall be addressed according to 6 NYCRR 373-1.7. The Permittee must submit copies of the replacement pages, sections, and/or attachments to the permit application along with the application for a permit modification to the Regional Permit Administrator as required in Item H of this module. The Permittee shall place a revision date on all pages submitted as part of the proposed permit modification application.

In Attachment M of this permit, Permittee must provide and maintain a log of all modifications made to this Permit, including modifications made to the Permit Application documents that are made part of this Permit. The log shall contain at a minimum the following information regarding an approved modification: (1) the name of the specific document being modified (e.g. contingency plan, security requirements, hazardous waste unit operations, etc.); (2) the pertinent pages, sections, and/or attachments of this Permit and Permit Application documents subject to modification; (3) the revision date of the modifications; (4) a brief statement regarding the nature of the modifications; and (5) the effective date of the modification to this Permit. The Permittee shall also include in Attachment M a copy of the Department's approval letters, when applicable.

Upon receipt of a permit modification issued by the Department, the Permittee must update Attachment M and replace the pages, sections, and/or attachments in the Permit and Permit Application with the modified pages, sections, and/or attachments in the permit copy and application maintained by the Permittee.

C. GENERAL REQUIREMENTS FOR THIS PART 373 PERMIT

The Permittee must comply with 6NYCRR Subpart 373-1 as follows:

1. General 6NYCRR 373-1.1

- a) 6NYCRR 373-1.1(b) - Applicability;
- b) 6NYCRR 373-1.1(c) - Safeguarding Information;
- c) 6NYCRR 373-1.1(f) - Uniform Procedures;
- d) 6NYCRR 373-1.1(g) - Enforcement;
- e) 6NYCRR 373-1.1(h) - Severability; and
- f) 6NYCRR 373-1.1(i) - Terms Used.

2. Requirement for Permit 6 NYCRR 373-1.2

6 NYCRR 373-1.2(d) requires owners and operators of hazardous waste management facilities to have a Part 373 permit during the active life of a unit/s, including the closure period and during the post closure care period, with few exceptions (see section D.7 of this permit below).

3. Signatories to Permit Applications and Reports 6NYCRR 373-1.4(a)(5)

- a) 6NYCRR 373-1.4(a)(5)(i) - Applications;
- b) 6NYCRR 373-1.4(a)(5)(ii) - Reports;
- c) 6NYCRR 373-1.4(a)(5)(iii) - Changes to Authorization; and
- d) 6NYCRR 373-1.4(a)(5)(iv) - Certification.

4. Recordkeeping 6NYCRR 373-1.4(g)

5. Permit Conditions 6NYCRR 373-1.6

- a) 6NYCRR 373-1.6(a) - Conditions Applicable to All Permits;
- b) 6NYCRR 373-1.6(a)(1) - Duty to Comply;
- c) 6NYCRR 373-1.6(a)(2) - Duty to Reapply;
- d) 6NYCRR 373-1.6(a)(3) - Need to Halt or Reduce Activity not a Defense;
- e) 6NYCRR 373-1.6(a)(4) - Duty to Mitigate;
- f) 6NYCRR 373-1.6(a)(5) - Proper Operation and Maintenance;

- g) 6NYCRR 373-1.6(a)(6) - Permit Actions;
- h) 6NYCRR 373-1.6(a)(7) - Property Rights;
- i) 6NYCRR 373-1.6(a)(8) - Duty to Provide Information;
- j) 6NYCRR 373-1.6(a)(9)(i) through (iv) - Inspection and Entry;
- k) 6NYCRR 373-1.6(a)(10)(i) through (iii) - Monitoring and Records;
- l) 6NYCRR 373-1.6(a)(11) - Signatory Requirements;
- m) 6NYCRR 373-1.6(a)(12)(i) through (xi) - Reporting Requirements;
- n) 6NYCRR 373-1.6(a)(13) Information Repository (Module I - Condition C.9(a)(3) of this Module;
- o) 6NYCRR 373-1.6(c) - Any conditions of this permit established pursuant to 6NYCRR 373-1.6(c);
- p) 6NYCRR 373-1.6(d)(1)(i) through (iii) - Schedules of Compliance; the Permittee shall comply with the compliance schedules of this permit including those listed in Special Conditions of this Permit; and
- q) 6NYCRR 373-1.6(d)(2)(i) through (iv) - Alternative Schedules of Compliance.

6. Requirements for Recording and Reporting of Monitoring Results 6NYCRR 373-1.6(b)

The Permittee must comply with the recording, reporting and monitoring requirements listed in this permit.

The Permittee must use, maintain and install monitoring equipment and methods and report monitoring results as specified in this Permit (including the permit application) and 6NYCRR Subpart 373-2. The Permittee must conduct required monitoring with the type, intervals and frequency sufficient to yield data which are representative of the monitoring activity including, when appropriate, continuous monitoring.

7. Permit Modifications 6NYCRR 373-1.7

- a) 6NYCRR 373-1.7(a) - Transfer of Permits;
- b) 6NYCRR 373-1.7(b) - Modification of Permits;
- c) 6NYCRR 373-1.7(c) - Minor Modifications of RCRA Delegated Permits;
- d) 6NYCRR 373-1.7(d) - Major Modifications;
- e) 6NYCRR 373-1.7(e) - Announcement of Determinations;
- f) 6NYCRR 373-1.7(f) - Temporary Authorizations; and
- g) 6NYCRR 373-1.7(g) - Newly Regulated Wastes and Units.

8. Expiration and Continuation of Permits 6NYCRR 373-1.8

The permit shall be in effect for a fixed term not to exceed ten years. A complete application for permit renewal must be submitted at least 180 days before the expiration date of this Permit pursuant to 6NYCRR 373-1.8(b). A renewal application which proposes a significant change is subject to 6 NYCRR 373-1.10(a) [see Condition I.C.8(a) of this Module].

Prior to processing the renewal application the Department will determine whether the application is complete. In order for the renewal application to be complete the Permittee must:

- a) Satisfy the general requirements for complete application contained in 6 NYCRR Part 621 (Uniform Procedure Regulations); and
- b) Include all information required, both general and specific to the type of the facility in accordance with the laws, regulations and analytical requirements in effect at the time.

At any time during the review of the renewal application the Department may request in writing any additional information which is necessary for determining the completeness of the application. Failure to provide such information by the date specified in the request may be grounds for denial of the permit and the extension allowed pursuant to section 401(2) of the State Administrative Procedures Act.

Should the Permittee cease the hazardous waste management activities allowed by this Permit prior to the expiration of this Permit, then, pursuant to 6NYCRR Subpart 373-1.6(d), the Permittee must continue to comply with the applicable corrective action conditions and requirements stipulated in this Permit (refer to Module II, Corrective Action). In addition, the Permittee shall submit a renewal application pursuant to 6NYCRR Subpart 373-1.8(b) prior to this Permit's expiration unless and until all the Permittee's corrective action obligations have been completed. In the alternative, the Permittee may execute an order on consent for corrective action pursuant to Environmental Conservation Law (ECL) Section 71-2727(3) with the Commissioner at least 180 days prior to the expiration date of this Permit.

9. Public Participation (including requirements in 6NYCRR 373-1.10)

- a) Expanded Public Participation (6NYCRR 373-1.10)
 - (1) 6NYCRR 373-1.10(a) Pre-application Public Meeting and Notice. The Permittee is required to have a pre-application public meeting and notice for any Part 373 Permit application for a new unit or for

a permit renewal application which proposes a significant change in operations.

- (2) 6NYCRR 373-1.10(b) Public Notice Requirements at the Application Stage; and
- (3) 6NYCRR 373-1.10(c) Information Repository. See also Condition I.C.5(n) of the permit.

D. FINAL STATUS STANDARDS FOR THIS PART 373 PERMIT

The Permittee must comply with 6 NYCRR Subpart 373-2, and the referenced sections of the Permit Application, as follows:

1. General 6NYCRR 373-2.1

- a) 6NYCRR 373-2.1(a) - Purpose, Scope and Applicability; and
- b) 6NYCRR 373-2.1(c) - Imminent Hazard Action.

2. General Facility Standards 6NYCRR 373-2.2

- a) 6NYCRR 373-2.2(a) - Applicability;
- b) 6NYCRR 373-2.2(b) - Facility Ownership Transfer;
- c) 6NYCRR 373-2.2(d) - Required Notices;
- d) 6NYCRR 373-2.2(e) - General Waste Analysis (Attachment IIA of the permit);
- e) 6NYCRR 373-2.2(f) - Security (Attachment V of the permit);
- f) 6NYCRR 373-2.2(g) - General Inspection Requirements (Attachment III of the permit);
- g) 6NYCRR 373-2.2(h) - Personnel Training (Attachment IV of the Permit); and
- h) 6NYCRR 373-2.2(i) - General Requirements for Ignitable, Reactive, or Incompatible Wastes (Attachment VI of the Permit).

3. Preparedness and Prevention 6NYCRR 373-2.3

The Permittee must comply with Attachment VI of the Permit and 6NYCRR 373-2.3 as follows:

- a) 6NYCRR 373-2.3(a) - Applicability;
- b) 6NYCRR 373-2.3(b) - Design and Operation of Facility;
- c) 6NYCRR 373-2.3(c) - Required Equipment;

- d) 6NYCRR 373-2.3(d) - Testing and Maintenance of Equipment;
- e) 6NYCRR 373-2.3(e) - Access to Communications or Alarm System;
- f) 6NYCRR 373-2.3(f) - Required Aisle Space; and
- g) 6NYCRR 373-2.3(g) - Arrangements with Local Authorities.

4. Contingency Plan and Emergency Procedures 6NYCRR 373-2.4

The Permittee must comply with Attachment VII of the Permit and 6NYCRR 373-2.4 as follows:

- a) 6NYCRR 373-2.4(a) - Applicability;
- b) 6NYCRR 373-2.4(b) - Purpose and Implementation of Contingency Plan;
- c) 6NYCRR 373-2.4(c) - Content of Contingency Plan;
- d) 6NYCRR 373-2.4(d) - Copies of Contingency Plan;
- e) 6NYCRR 373-2.4(e) - Amendment of Contingency Plan;
- f) 6NYCRR 373-2.4(f) - Emergency Coordinator; and
- g) 6NYCRR 373-2.4(g) - Emergency Procedures.

5. Manifest System, Recordkeeping and Reporting 6NYCRR 373-2.5

The Permittee must comply with Attachment VIII of the Permit and 6NYCRR 373-2.5 as follows:

- a) 6NYCRR 373-2.5(a) - Applicability;
- b) 6NYCRR 373-2.5(b) - Manifest Requirements;
- c) 6NYCRR 373-2.5(c) - Operating Record;
- d) 6NYCRR 373-2.5(d) - Availability, Retention, and Disposition of Records;
- e) 6NYCRR 373-2.5(e) - Annual Report;
- f) 6NYCRR 373-2.5(f) - Unmanifested Waste Report; and
- g) 6NYCRR 373-2.5(g) - Additional Reports.

The Permittee must retain for inspection by the Department the permit modification log in Attachment M required by Section B of this Module I, the operating record, documentation to demonstrate compliance with the financial requirements of this Permit, the referenced sections of the Permit Application that are made part of this Permit, and any subsequent Department approved changes to the contents of that Application.

These documents include, but are not limited to, the most recent Department approved: waste analysis plan; contingency plan; closure plan(s); security, inspection, and personnel training requirements; and final engineering documents

for all hazardous waste storage units subject to this Permit and for all ongoing corrective action remedies pertinent to solid waste management units and areas of concern either remediated or being remediated pursuant to this Permit.

6. Releases from Solid Waste Management Units 6NYCRR 373-2.6

The Permittee must comply with all the applicable provisions stipulated in 6NYCRR 373-2.6(a) through (k) for “regulated units” and with 6NYCRR 373-2.6 (l) for corrective action at solid waste management units and comply with the conditions stipulated in Module II - Corrective Action Requirements for Solid Waste Management Units and Areas of Concern.

7. Closure 6NYCRR 373-2.7

The Permittee must comply with Attachment IX of this permit and 6NYCRR 373-2.7 for the closure of the hazardous waste management unit(s) as follows:

- a) 6NYCRR 373-2.7(a) - Applicability;
- b) 6NYCRR 373-2.7(b) - Closure Performance Standard;
- c) 6NYCRR 373-2.7(c) - Closure Plan; Amendment to Plan;
- d) 6NYCRR 373-2.7(d) - Closure; Time Allowed for Closure;
- e) 6NYCRR 373-2.7(e) - Disposal or Decontamination of Equipment, Structures and Soils;
- f) 6NYCRR 373-2.7(f) - Certification of Closure and, if applicable, Survey Plat.

If required at the time of closure:

- g) 6NYCRR 373-2.7(g) - Post-Closure Care and Use of Property;
- h) 6NYCRR 373-2.7(h) - Post-Closure Plan; Amendment of Plan;
- i) 6NYCRR 373-2.7(i) - Post-Closure Notices; and
- j) 6NYCRR 373-2.7(j) - Certification of Completion of Post-Closure Care.

The permittee must notify the Department in writing at least 45 days prior to the date on which it expects to begin partial closure of any permitted unit or final closure of the facility. Within 60 days of completion of final closure of a facility or within 60 days of partial closure of any hazardous waste management unit, the permittee must submit to the Department, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent professional engineer registered in New York. Documentation supporting the independent

registered professional engineer's certification must be furnished to the Department upon request.

The final and specific choice of sampling points, number of sampling, type of sampling performed and analysis for verification of the effectiveness of decontamination will be determined at the time of closure by NYSDEC. These determinations will be based upon the past history of operating practices and types of wastes handled at the facility. The operating record, the records of spills, the types of waste released, location of spills in the facility and the condition of secondary containment systems (e.g., stains, cracks, etc.) will also provide data used in these determinations. The flexibility afforded by this approach will allow compliance with closure regulations and requirements that will be in effect at the time of closure. Different sampling procedures may be considered at closure and the locations and the total number of sampling required will be determined based on the information gathered at the time of closure. The verification of decontamination will be based on the Department's regulatory clean up standards at the time of closure.

8. Financial Requirements 6NYCRR 373-2.8

The Permittee must comply with all the applicable provisions stipulated in 6NYCRR373-2.8.

9. Air Emission Standards 6NYCRR 373-2.27, 373-2.28 and 373-2.29

The Permittee must comply with the applicable provisions of Air Emission Standards and Attachment XI of the permit as follows:

- a) 6NYCRR 373-2.27 Air Emission Standards for Process Vents;
- b) 6NYCRR 373-2.28 Air Emission Standards for Equipment Leaks; and
- c) 6NYCRR 373-2.29 Air Emission Standards for Tanks, Surface Impoundments, and Containers.

E. LAND DISPOSAL RESTRICTIONS

The Permittee must comply with all applicable provisions in the current 6NYCRR Part 376 for the land disposal of hazardous waste except for hazardous waste generated by remediation or corrective action activities for placement in an on-site corrective action management unit (CAMU) approved by the Commissioner. The Permittee must not commingle or bulk unlike wastes subject to land disposal restrictions.

F. WASTE ANALYSIS AND QUALITY ASSURANCE

The Permittee must obtain representative samples of wastes and other materials to be analyzed pursuant to this Permit. The Permittee must perform the sampling and analysis required by this Permit in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998), and later approved revisions), hereinafter referred to as "SW-846"; Appendix 19 of 6NYCRR Part 371; or an equivalent method approved by the Department.

The Permittee shall conduct a quality assurance program to ensure that the sampling, analysis and monitoring data are technically accurate and statistically valid. The quality assurance program must be in accordance with Chapter One and applicable methods of SW-846, or an equivalent method approved by the Department.

As required by ECL 03-0119, any laboratory (Permittee or contract) used by the Permittee to perform analysis pursuant to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If the Permittee uses a contract laboratory to perform analysis required by this Permit, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

G. REPORTING OF NONCOMPLIANCE, RELEASE, FIRE OR EXPLOSION AND ORAL REPORTS

The oral reports required by 6NYCRR 373-1.6(a)(12)(vi) and 373-2.4(g)(4)(ii) must be made to both the NYSDEC and the National Response Center. Notify the NYSDEC using the New York State 24-hour oil and hazardous material spill notification number (800) 457-7362, and notify the National Response Center using their 24-hour toll-free number (800) 424-8802 (or any designated telephone numbers which subsequently replace these referenced phone numbers).

H. PLANS, REPORTS, SPECIFICATIONS, IMPLEMENTATION SCHEDULES, PERMIT RENEWAL AND MODIFICATION APPLICATIONS AND OTHER SUBMITTALS

1. All submittals required by the Permit must be submitted to the addresses listed below.

a) One (1) copy of all submittals to both:

Regional Solid & Hazardous Materials Engineer

New York State Department of Environmental Conservation
Region 2
1 Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

and

Chief, RCRA Programs Branch
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region II
290 Broadway [22nd floor]
New York, NY 10007-1866

- b) Two (2) copies to:

Director, Bureau of Hazardous Waste & Radiation Management
Division of Solid & Hazardous Materials
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7258

This includes all submittals pertaining to the permitted hazardous waste management units and all corrective action documents and groundwater monitoring plans, if applicable.

- c) One (1) copy of all submittals pertaining to the waste reduction requirements of Section I must be submitted to:

Director, Bureau of Hazardous Waste Regulations
Division of Solid & Hazardous Materials
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7251

- d) One (1) copy of Application to renew or modify this Permit must be submitted to the following, in addition to the above addresses:

Regional Permit Administrator
New York State Department of Environmental Conservation
Region 2 Office
1 Hunters Point Plaza

47-40 21st Street
Long Island City, NY 11101-5407

2. The Permittee shall submit plans, reports, specifications, implementation schedules and any subsequent amendments required by this Permit to the Department for review and comment. If the Department determines that any plan, report, specification, schedule or respective amendment required by this Permit is deficient either in whole or in part, the Permittee shall either promptly respond to the comments or make revisions to the submission consistent with the Department's comments. Within a reasonable time frame specified by the Department, a final plan, report, specification, schedule or respective amendment shall be submitted to the Department for approval. An extension of the due date for any submittal may be granted by the Department based on the Permittee's documentation that sufficient justification for the extension exists.

I. WASTE REDUCTION REQUIREMENTS

The Permittee shall comply with the requirements of Article 27, Title 9, Section 27-0908 of the New York State Environmental Conservation Law (ECL). All reports and submittals required by Section 27-0908 to be submitted to the Commissioner shall be sent to the addresses specified in Section H above.

J. DEFINITIONS

For the purpose of this permit, terms used herein shall have the same meaning as those in 6 NYCRR 370 through 374 and 376 and the terms defined in this Permit, unless this permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Action Levels. For purposes of this Permit, action levels are hazardous constituent concentrations for a specific environmental medium which if exceeded indicate a potential threat to human health or the environment. The exceedance of action levels may trigger further investigations, studies, and corrective measures. Where available, action levels are based on appropriate promulgated standards established for a specific environmental medium. When promulgated standards are not available, action levels can be media-specific hazardous constituent concentrations derived from non-promulgated human health risk data or environmental risk data with the latter levels being protective of aquatic life or wildlife. An action level may be set at the background level for a hazardous constituent for which data are inadequate to set a human health or environmental health-based level.

2. Areas of Concern (AOC). Pursuant to the authority granted by 6NYCRR 373-1.6(c)(2), an area of concern has been defined for purposes of this Permit to mean an area at the facility, or an off-site area, which is not at this time known to be a solid waste management unit (SWMU), where hazardous waste and/or hazardous constituents are present, or are suspected to be present, as a result of a release from the facility. The term shall include areas of potential or suspected contamination as well as actual contamination. Such area(s) may require study and a determination of what, if any, corrective action may be necessary. All permit references to and conditions for SWMUs shall apply to areas of concern.
3. Environment. Pursuant to ECL Article 27, Title 9, Section 27.0901, environment means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all the natural resources.
4. Release. For purposes of this Permit, release includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous waste, including hazardous constituents, unless expressly authorized under the terms of this Permit or otherwise permitted under law (e.g., SPDES permitted discharges).
5. Solid Waste Management Unit (SWMU). For purposes of this Permit, SWMU includes any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of hazardous or solid wastes. Such units include any area at the facility at which solid wastes have been routinely and systematically released.
6. Spill. This means accidental leaking, pumping, emitting, emptying or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes, into or on dry land or water.
7. Annual or Yearly. This means within 12 months of the date of the previous occurrence.

Semi-annual, biannual, or every 6 months. This means within six months from the date of the previous occurrence.

Monthly. This means within 30 days from the date of the previous occurrence.

Weekly. This means within 7 days of the previous occurrence.

Typically, normally, usually, in general or commonly. This means with very few

justifiable exceptions.

Occasionally. This means now and then, on occasion or rarely.

K. FORCE MAJEURE

tab → Permittee shall neither suffer any penalty under this permit nor be subject to any proceeding or action, and shall not be deemed to be in violation of this permit, if it cannot comply with any requirement of this permit because of the action of a national, state, or local government body or count, an act of God, war, strike, catastrophe, fire, terrorist activity, or any other fact or circumstances beyond Permittee's reasonable control. Permittee shall, within five business days of when it obtains knowledge that a force majeure event has occurred, notify the NYSDEC in writing. Failure to give such notice within the five-day business period constitutes a waiver of any claim that Permittee's failure to comply is attributable to a force majeure event. Written notification shall be sent to the Region 2 Solid and Hazardous Materials Engineer and to the Director, Bureau of Hazardous Waste and Radiation Management, at the respective addresses provided in Section H.1. of this Module. Permittee shall include in such notice, to the extent known at the time, the measures taken and to be taken by Permittee to prevent or minimize any delays and shall request an appropriate extension or modification of this permit. Permittee shall have the burden of providing by a preponderance of evidence that a force majeure event occurred and, consequently, is a defense to compliance with this permit.

From: "Roche, David P" <ROCHED@coned.com>
To: "Harold Dickey" <hjdickey@gw.dec.state.ny.us>, "Alicia Barraza" <aabarraz@gw.dec.state.ny.us>
Date: 6/15/2007 2:08:07 PM
Subject: Corrections for draft permit Con Edison Astoria Hazardous Waste Storage

Thank you again for the opportunity to review a draft of the subject permit before going to public notice. Con Edison has identified some errors in the draft, as listed below, and is also requesting that some terms and conditions in the draft be restored to those in the current permit and regulations. Con Edison also requests clarification on two corrective action questions. We would be happy to meet with you to explain these requested changes.

1. Substitute the attached Table of Contents to cross-reference sections of the permit application to the permit attachments. *OK*
2. Special Condition 5: Change "correction" to "corrective". *OK*
3. Special Conditions 9 and 10: Re-number to 8 and 9. *OK*
4. Substitute the attached Module 1A Table to correct waste codes for Areas 9, 10, and 11.
5. Module I, Section C.5: Subsection n refers to a Condition C.9 (a) (3), which does not exist. *OK*
6. Module 1 Section E: Change the last sentence to "The Permittee must not commingle or bulk unlike wastes subject to land disposal restrictions". *OK*
7. Module 1 Section G: Reporting of non-compliance, release, fire, or explosion is conducted in accordance with 6 NYCRR 373-1.6(a)(12). In the first paragraph, add "hazardous waste" before "release" in the first sentence and before "spill" in the last sentence. A definition is needed for spill. We suggest spill means any escape of hazardous waste from the containers employed in the normal course of storage, transfer, processing or use. Reword the second paragraph as "Under 373-2.4(g)(4)(ii), the emergency coordinator must immediately notify both the Department, using the spill notification number (518) 457-7362, and the National Response Center, using their 24-hour toll-free number (800) 424-8802 (or any designated telephone numbers which subsequently replace these referenced phone numbers), of a hazardous waste release, fire, or explosion that could threaten human health, or the environment outside the facility, irrespective of the quantity released". In the third paragraph, change the first sentence to "For any release, irrespective of quantity released, that requires implementing the contingency plan, the Permittee must submit a written report to NYSDEC pertaining to such release within 15 days of the release".
8. Module 1: Restore Section K force majeure wording in the current permit.
9. Module 2 Section A.2, Table II-1: substitute the attached corrected listing of SWMUs / AOCs.
- ✓ 10. Module 2, Section A.2d: Corrective action is not required at the SWMUs / AOCs in Table II-1 provided there is no evidence of the release of hazardous wastes / constituents threatening human health or the environment. The NYSDEC Commissioner would make that determination as indicated in paragraph A.2.e. Delete the last part of Section A.2.d because it is addressed in A.2.e.
11. Change from 30 days to 60 days, to be consistent with the durations specified in the current permit, in the following Module 2 Sections: B.6a, B.6.b, B.8, C.2, C.3, C.4.b, C.4.c, C.5, and E.6.b.
 ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓

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12. Module 2 Section B.6.a: In the next to the last sentence, add "unless waived by the Commissioner in writing".
13. Module 2 Section B.6.c: The fourth bullet refers to hazardous constituents in soils that have the potential to migrate to air, groundwater, or surface water. Change to "The extent by which concentrations of hazardous constituents in soils have the potential---", to account for the extent of any migration. Otherwise, this could be understood to address all soil contamination because there would be a potential for some finite amount of migration in almost all cases.
14. Module 2 B.7.b: In the next to the last line, change "may" to "shall" grant the requested modification when the Commissioner determines there was no release or that any release does not pose a threat to human health or the environment.
15. Module 2 B.8.b: At the beginning, change "upon request" to "within reasonable time frames after requested by the Commissioner", to be consistent with the current permit.
16. Module 2 Section D: add "schedule" after "implementation" in the fourth sentence. *not done*
17. Module 2 Section E.1.a: add "or potential release" after the word "release", because there is not a known release from every SWMU / AOC identified in Table II-1.
18. Module 2 E.2: Provide the scope required of the Summary report. In E.2.b, change the time for submittal from 90 to 120 days for submittal of the RFI and Summary after receipt of all validated data. *ok* This time is necessary due to the extensive scope of the RFIs that have been performed in phases since 1994. In E.2.c(ii), change the time from 45 to 60 days for submittal of revised reports after receipt of DEC comments, also to reflect the extensive scope of the RFI. *ok*
19. Module 2 Section E.3.b: Delete "pragmatic and presumptive" because a CMS should not be required if Con Edison and DEC agree on a remedy regardless of whether it is pragmatic and presumptive. Change the 60-day deadline for submitting a conceptual design to 90 days to reflect the complexities of developing this design.
20. Module 2 Section E.5.a (iii): Change "might pose a threat to human health and the environment" to "pose a threat to human health and the environment" (delete the word "might").
21. Module 2 Section E.6.b: Change to "after this permit modification becomes effective".
22. Module 2 Section K: Correct the typo to give the correct citation 6NYCRR373-2.10 (c) (1)(i).
23. Attachment XI Item 5: Change to inspect non-bulk, DOT-specification containers of VOC-containing liquid wastes weekly for closure, rather than daily, per 6 NYCRR 373-2.29(g)(3)(iv).

Con Edison did not receive Module 2 Attachments A and B for review.

Please provide clarification for the following in Module 2:

1. Module 2, E.3.a: please explain how the referenced target cleanup levels will be established and how they relate to action levels.
2. Module 2, E.7.c: please explain the distinction between "non-specific final compliance dates and "specific compliance dates".

Permit storage area waste codes.doc>>
Astoria RCRA Permit_Revised.doc>>

<<Updated AOC-SWMU List for

Sincerely,

David P. Roche
Senior Scientist
Environmental & Chemical Management
Consolidated Edison of New York
212-460-2100

CC: "Sam Arakhan" <skarakha@gw.dec.state.ny.us>

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER: 2-6301-00006/00002
FACILITY/PROGRAM NUMBER(S): EPA ID No. NYD 980593636



6 NYCRR PART 373 PERMIT
Under the Environmental
Conservation Law

EFFECTIVE DATE:
EXPIRATION DATE(S): 10 years from effective date

TYPE OF PERMIT <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Modification <input type="checkbox"/> Permit to Construct <input checked="" type="checkbox"/> Permit to Operate

- | | | |
|---|---|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input checked="" type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Article 25: Tidal Wetlands | |

PERMIT ISSUED TO: Legal Owner & Operator - Consolidated Edison Company of New York, Inc.		TELEPHONE NUMBER: (718) 204-4433	
ADDRESS OF PERMITTEE: 31-01 20 th Avenue, Long Island City, NY, 11105			
CONTACT PERSON FOR PERMITTED WORK: Robert Ciullo, Section Manager of Environmental Operations		TELEPHONE NUMBER: (718) 204-4433	
NAME AND ADDRESS OF PROJECT/FACILITY: Consolidated Edison Company of New York, Inc., Astoria Complex, 31-01 20 th Avenue, Long Island City, NY, 11105			
LOCATION OF PROJECT/FACILITY: 31-01 20 th Avenue, Long Island City, NY, 11105 <i>move ← to next line</i>			
COUNTY: Queens	TOWN: Long Island City	WATERCOURSE: East River (about 270 feet due west)	NYTM COORDINATES: E: 592,000 N: 4,515,300
DESCRIPTION OF AUTHORIZED ACTIVITY : The Astoria Hazardous Waste Storage Facility is engaged in receipt and phase separation of oil/water mixtures. They also store PCB and RCRA liquid and non-liquid wastes in tanks and containers. <i>receive and</i>			

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 (see page 2), and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR: John Cryan	ADDRESS: NYSDEC, Region 2, Division of Environmental Permits, 1 Hunters Point Plaza, 47-40 21 st Street, Long Island City, NY, 11101-5407		
AUTHORIZED SIGNATURE:	DATE:	PAGE 1 of 4	

NOTIFICATION OF OTHER 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, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

Item B: Permittee to Require its Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns comply with this permit, including all special conditions, 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.

GENERAL CONDITIONS

General Condition 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 written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

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

General Condition 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.

General Condition 3: Applications for Permit Renewals or Modifications

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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types

Submission of applications for permit renewal or modification are to be submitted to the addresses listed in Module I, Section J, of the Permit and to: Regional Permit Administrator, Region 2, NYSDEC, 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY, 11101-5407

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

DEC PERMIT NUMBER:

XXYV

REGIONAL PERMIT ADMINISTRATOR:

John Cryan

PAGE 2 OF 4

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (TITLE 9-6 NYCRR PART 373 HAZARDOUS WASTE MANAGEMENT PERMIT)

All activities authorized by this permit must be in strict conformance with the permit renewal application submitted by the applicant or his agent. Such permit application was submitted by the Permittee, Consolidated Edison Company of New York, Inc. (herein after referred to as Con Edison), on August 2005 (See Below Item 1).

SPECIAL CONDITIONS

1. The permit is based on the information included in the permit renewal application submitted by Con Edison on August 2005 and subsequent updates through January 2007. The permit is based on the assumption that the information provided by Con Edison in the above documents is complete and accurate and the facility will be operated as specified in the above application. Any inaccuracies or incompleteness found in the information may be grounds for the termination or modification of this permit and potential enforcement action.
2. Con Edison must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 6 NYCRR (Parts 370 through 376, 621 and 624). Con Edison must inform NYSDEC of any deviation from or changes in the information contained in the application which would affect Con Edison's ability to comply with the regulations or permit conditions.
3. Con Edison must comply with all terms and conditions for financial assurance, in accordance with 6 NYCRR 373-2.8, including necessary updates for changes and/or additions to the Astoria Hazardous Waste Storage Facility when the permit is modified.
4. At the Astoria Hazardous Waste Storage Facility, the following three areas will change from less-than-30-day storage areas to RCRA permitted storage areas: (1) Area 10 (Non-liquid PCB Waste Drum Storage Area); (2) Area 11 (Non-liquid PCB Waste Roll-off Container Storage Area); and (3) Area 13 (Drained PCB Equipment Storage Area).
5. The details for the Proposed PCB Canopy Area will remain in the permit, but Con Edison must provide details of all operational changes through a permit modification, in order to facilitate corrective action remedies.
6. In accordance with Part 6 NYCRR 372.1(e)(9), PCB hazardous waste containers transported to the Astoria Hazardous Waste Storage Facility by vehicles owned or operated by Con Edison do not have to display the hazardous waste label or use an incoming hazardous waste manifest. The Hazardous Waste Storage Facility will be considered the generator of this waste and will label the containers with the words "Hazardous Waste". However, this rule does not apply to any RCRA waste generated at Con Edison field locations.
7. The Permittee must operate the facility in strict accordance with the modules and attachments to this permit as specified below:

Module I	General Provisions
Module II	Corrective Action Requirements
Module III	Storage in Containers and Tanks

Attachments

Attachment I	Facility Description
Attachment II	Waste Characteristics

DEC PERMIT NO: 2-6301-00006/00002	REGIONAL PERMIT ADMINISTRATOR: John Cryan	PAGE 3 OF 4
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (TITLE 9-6 NYCRR PART 373
HAZARDOUS WASTE MANAGEMENT PERMIT)**

All activities authorized by this permit must be in strict conformance with the permit renewal application submitted by the applicant or his agent. Such permit application was submitted by the Permittee, Consolidated Edison Company of New York (herein after referred to as Con Edison) on August 2005.

SPECIAL CONDITIONS (CONTINUED)

Attachment IIA	Waste Analysis Plan
Attachment III	Inspection Plan
Attachment IV	Personnel Training
Attachment V	Security Procedures
Attachment VI	Preparedness & Prevention Procedures
Attachment VII	Contingency Plan
Attachment VIII	Manifest System, Recordkeeping & Reporting
Attachment IX	Closure Plan
Attachment X	Container Management
Attachment XI	Air Emission Standards
Attachment XII	Part A Application & Engineering Drawings
Attachment M	Permit Modifications Log
Attachment XIII	CD, 6 NYCRR part 370 to 374 & 376, effective 09-05-06. The applicable regulations are those in effect on the date of final issuance of this Permit.

8. Con Edison is responsible for verifying that the Quality Control/Assurance Program(QA/QC) followed by laboratories used by Con Edison to carry out analysis of the waste streams, conform to the QA/QC procedures approved in the permit, and thus ensure the validity of the analytical data provided by the laboratories.
9. As required by ECL 03-0119, any laboratory (Permittee or contract) used by Con Edison to perform analysis pursuant to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If Con Edison uses an ELAP certified contract laboratory to perform analysis required by this Permit, then Con Edison shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

DEC PERMIT NO. 2-6301-00006/00002	REGIONAL PERMIT ADMINISTRATOR: John Cryan	PAGE 4 OF 4
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CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**FINAL PERMIT****TABLE OF CONTENTS**

1	FINAL PERMIT	FINAL PERMIT & SPECIAL CONDITIONS
2	MODULE I	GENERAL PROVISIONS
3	MODULE II	CORRECTIVE ACTION REQUIREMENTS FOR SOLID WASTE MANAGEMENT UNITS & AREAS OF CONCERN (INCLUDING ATTACHMENTS A & B)
4	MODULE III	STORAGE IN CONTAINERS AND TANKS
5	ATTACHMENT I	FACILITY DESCRIPTION - Section 2.0 of the Permit Application
6	ATTACHMENT II	WASTE CHARACTERISTICS - Section 3.0 of the Permit Application
7	ATTACHMENT IIA	WASTE ANALYSIS PLAN - Section 3.0, Exhibit 3A of the Permit Application
8	ATTACHMENT III	INSPECTION PLAN - Section 6.2 of the Permit Application
9	ATTACHMENT IV	PERSONNEL TRAINING - Section 8.0 of the Permit Application
10	ATTACHMENT V	SECURITY PROCEDURES - Section 6.1 of the Permit Application
11	ATTACHMENT VI	PREPAREDNESS & PREVENTION PROCEDURES - Sections 6.3, 6.4 and 6.5 of the Permit Application
12	ATTACHMENT VII	CONTINGENCY PLAN - Section 7.0 of the Permit Application
13	ATTACHMENT VIII	MANIFEST SYSTEM, RECORDKEEPING & REPORTING - Section 10.0 of the Permit Application
14	ATTACHMENT IX	CLOSURE PLAN - Section 9.0 of the Permit Application
15	ATTACHMENT X	CONTAINER MANAGEMENT - Section 4.0 of the Permit Application
16	ATTACHMENT XI	AIR EMISSION STANDARDS - Sections 3.1.4, 3.1.5, 4.4 and 4.5 of the Permit Application
17	ATTACHMENT XII	PART A APPLICATION & ENGINEERING DRAWINGS - Volume 1, Part A section and Volume 2 of the Permit Application
18	ATTACHMENT M	PERMIT MODIFICATIONS LOG
19	ATTACHMENT XIII	CD, 6 NYCRR PART 370 to 374 & 376

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
 PART 373 PERMIT
MODULE III - STORAGE IN CONTAINERS AND TANKS

Consolidated Edison Company of New York, Inc.
 USEPA ID No. NYD980593636

A. AUTHORIZED STORAGE AREA, WASTE TYPES AND STORAGE VOLUME.

The Permittee is authorized to operate the following container and tank storage areas at the facility and store the following wastes in containers and tanks in these areas up to the volumes listed, subject to the terms of this Permit.

Containers

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB oils, fluids, articles, transformers and other PCB wastes; cresol; creosote; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	7,920	Area 9	3,009	38
Non-liquid PCB articles, transformers and other PCB wastes; cresol; creosote; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	3,960	Area 10	N/A	N/A
Non-liquid PCB articles, transformers and other PCB wastes	18,178	Area 11	N/A	N/A
Drained PCB equipment and articles	5,386	Area 13	N/A	N/A

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB oils, fluids, articles, transformers and other PCB wastes; ignitables; corrosives; cadmium; chromium; lead; mercury; silver; benzene; cresol; methyl ethyl ketone; tetrachloroethylene; trichloroethylene; spent halogenated solvents; spent non-halogenated solvents; spent cyanide	3,520	Area 16	646	18
Non-liquid PCB articles, transformers and other PCB wastes; arsenic; barium; chromium; lead; mercury; selenium; silver; benzene; cresol; trichloroethylene; creosote; spent halogenated solvents; spent non-halogenated solvents	8,800	Area 17	N/A	N/A

N/A - not applicable

Tanks

Waste Type	Max. Volume (gal)	Storage Location	Containment Capacity (gal)	Containment Provided (%)
PCB fluids	8,500	Area 14	12,716	150
PCB fluids	10,000	Area 15	15,080	150

B. CONTAINMENT 6NYCRR 373-2.9(f)

Container storage areas must have a containment system that is designed, constructed and operated as specified in Attachment X of the Permit Application and as follows.

1. A base must underlay the containers which is free of cracks or gaps and coated with an impervious coating to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquid resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
3. The containment system must have sufficient capacity to contain the volume of the largest container or 10 percent of the total volume of containers, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.
4. Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in B.(3) above to contain any run-on which might enter the system.
5. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area within 24 hours or as timely a manner as is necessary to prevent overflow of the collection system.

C. CONDITION OF CONTAINERS 6NYCRR 373-2.9(b)

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects, deterioration of liner) or if it begins to leak, the Permittee must transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. Each such occurrence must be recorded in the inspection log and maintained as part of the operating record required by Module I, Condition D.5.(c); Subpart 373-2.5(c). If any leaking container threatens human health or the environment, the Permittee must immediately report the situation as specified in Module I, Condition G, (i.e., Oral Reports).

D. COMPATIBILITY OF WASTE WITH CONTAINERS 6NYCRR 373-2.9(c)

The Permittee must use a container made of or lined with materials which will not react with, and is otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired and in accordance with the Permit Application.

E. MANAGEMENT OF CONTAINERS 6NYCRR 373-2.9(d)

1. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

2. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
3. Containers holding hazardous waste must be marked with the words "Hazardous Waste" and with other words identifying their contents. Such containers must be stored in a clearly designated area separate from nonhazardous wastes and other materials.

F. INSPECTIONS OF CONTAINERS 6NYCRR 373-2.9(e)

The Permittee must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and/or the containment system caused by corrosion or other factors in accordance with the Inspection Plan/schedule in the Permit Attachment III. Loading and unloading areas must be inspected daily when in use (373-2.2(g)(2)(iv)). The Permittee must maintain aisle space as specified in Attachment X between rows of containers, to allow for the unencumbered movement of containers, the personnel performing inspections or emergency responders.

G. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE IN CONTAINERS 6NYCRR 373-2.9(g)

Containers holding ignitable or reactive waste must be located at least 50 feet from the facility's property line.

H. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE IN CONTAINERS 6NYCRR 373-2.9(h)

1. The Permittee must not place incompatible wastes or incompatible wastes and materials in the same container.
2. The Permittee must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
3. A container holding a hazardous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from those other materials or protected from them by means of a dike, berm, wall, or other device.

I. CLOSURE OF CONTAINMENT SYSTEM 6NYCRR 373-2.9(i)

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or

contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. The Permittee must comply with the Closure Plan incorporated into this Permit pursuant to Attachment IX.

J. TANK SYSTEMS 6NYCRR 373-2.10(d)

In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment systems must meet the applicable requirements of 6NYCRR373-2.10(d)(2) through (9).

K. DESIGN AND INSTALLATION OF NEW TANK SYSTEMS 6NYCRR 373-2.10(c)

For new tank systems or components, the Permittee must submit with the Part 373 permit application a written assessment, reviewed and certified by an independent, qualified, professional engineer registered in New York, attesting that the tank system has sufficient structural integrity and is acceptable for storing and treating of hazardous waste. The certification must be consistent with the applicable provisions of 6NYCRR373-1.4(a)(5)(iv). The Assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture or fail. This assessment must include, at a minimum, the information found in 6NYCRR373-2.10(c)(1)(i) through (v).

1. The Permittee must also comply with the applicable requirements of 6NYCRR373-2.10(c)(2) through (6).
2. The Permittee must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system. These written statements must also include the certification statement.

L. OPERATING REQUIREMENTS FOR TANK SYSTEMS 6NYCRR 373-2.10(e)

1. The Permittee must use appropriate controls and practices to prevent spills and overflows from the tank systems.
2. The Permittee must mark all tanks with the words "Hazardous Waste" and with other words that identify the contents of the tanks.

M. INSPECTIONS OF TANK SYSTEMS 6NYCRR373-2.10(f)

1. The Permittee must develop and follow a schedule and procedure for inspecting overfill controls.
2. The Permittee must inspect at least once each operating day:
 - a) aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 - b) data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and
 - c) the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
3. The Permittee must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
 - a) the proper operation of the cathodic protection system must be confirmed on an annual basis; and
 - b) all sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e. every other month).
4. The Permittee must document in the operating record of the facility an inspection of those items in 1. through 3. above.

N. RESPONSE TO LEAKS AND SPILLS FOR TANK SYSTEMS 6NYCRR 373-2.10(g)

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the Permittee must satisfy the applicable requirements of 6NYCRR373-2.10(g)(1) through (6).

O. CLOSURE AND POST-CLOSURE CARE 6NYCRR373-2.10(h)

1. At closure of a tank system, the Permittee must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 6NYCRR371.1(d)(4) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in 6NYCRR373-2.7 and 6NYCRR373-2.8.
2. If not all contaminated soils can be practicably removed or decontaminated as required in paragraph (1.) above, then the Permittee must close the tank system

and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see 6NYCRR373-2.14(g)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the Permittee must meet all of the requirements for landfills specified in 6NYCRR373-2.7 and 6NYCRR373-2.8.

P. AIR EMISSION STANDARDS 6NYCRR 373-2.9(j) and 6NYCRR373-2.10(k)

The Permittee must manage all hazardous waste placed in a container or tank system in accordance with the Attachment XI of this permit and applicable requirements of sections 373-2.27, 373-2.28 and 373-2.29 of this Subpart, with special attention to paragraphs (a), (c), (d), (e), and (g) through (k) of 373-2.29.