

Public Information Session Frequently Asked Questions

The New York State Departments of Environmental Conservation (DEC) held virtual public information sessions on issues related to the Norlite facility in Cohoes on October 21 and December 9, 2020. These are the questions frequently asked during the information sessions. Recordings of the full information sessions are available on DEC’s website (<https://www.dec.ny.gov/chemical/121118.html>).

How often does DEC inspect the Norlite facility? Does DEC always alert the facility that they are coming?

The Norlite facility is inspected regularly by DEC’s Divisions of Materials Management, Air Resources, Mineral Resources, and Water.

Division of Materials Management has a fulltime onsite monitor at the Norlite Facility. Additionally, Materials Management conducts hazardous waste management full compliance inspections twice per year.

Division of Air (DAR) performs a full compliance evaluation every two years. DAR also conducts inspections in response to complaints and for stack testing, which occur announced and unannounced at random throughout the year as needed. Due to COVID procedures this year, DAR announced the inspections a few days ahead of the inspection. Complaint response is not announced. All stack testing is scheduled due to a third-party vendor performing the test.

Division of Mineral Resources typically conducts a routine compliance inspection at each permitted mine site each year. When complaints related to mining are received by program staff, appropriate actions are taken, including additional inspections. Mineral Resources staff typically notifies Norlite of inspections 24 hours in advance to ensure facility staff are available to accompany DEC staff for safety purposes.

Division of Water conducts comprehensive inspections of the Norlite facility’s SPDES permit on average once every other year.

How does DEC respond to complaints from the public regarding the Norlite facility?

DEC responds to complaints as quickly as possible during normal business hours. After hours, DEC Spill Response staff or an Environmental Conservation Police Officer (ECO) is dispatched to investigate (1-800-457-7362).

What does Environmental Justice mean?

Environmental Justice means incorporating measures into DEC’s Permit process to ensure that there is

fair treatment and meaningful involvement of all people regardless of race, color, or income in the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences from facilities or federal, state, local and tribal programs and policies. The 2000 U.S. Census block group that includes Cohoes qualifies as Potential [Environmental Justice](#) Areas (PEJAs) based on having met one or more of the DEC criteria.

What are the Environmental Justice requirements?

An applicant for a permit in or near a designated Environmental Justice area must comply with Commissioner Policy 29 (Environmental Justice). This requires that the applicant prepare a Public Participation Plan for DEC approval. The Plan includes local and online repositories where documents can be reviewed, a list of potential stakeholders or interested community groups, elected officials and media outlets, project summary, and a plan for inviting community input and participation as the review progresses. The applicant is required to host periodic community meetings either in person or via internet platforms to inform the public and seek community input. The applicant must submit periodic reports to DEC outlining efforts to date and submit a final report at the completion of the public participation plan.

The project review documents must include an identification of potential Environmental Justice areas, and an evaluation of any additional burdens or significant adverse environmental impacts on the EJ community. These potential impacts must be avoided or minimized to the greatest extent practicable.

MINERAL RESOURCES

What can be done about the strength of the blasting at Norlite?

Norlite has the same permit conditions limiting ground vibrations and airblast that are in every mining permit in New York State that authorizes blasting. Norlite's permit requires monitoring of every blast with a seismograph at the nearest residential receptor and any locations determined by the DEC. The ground vibration and airblast permit limits are intended to prevent cosmetic damage to lath and plaster, or sheet rock. The vibration limits to prevent cosmetic damage are not intended to preclude human perception of blast vibrations. If blasting is causing off-site issues, DEC encourages residents to immediately report the blasting to Region 4 Mineral Resources at (518) 357-2254.

ENFORCEMENT

How many fines has DEC levied against Norlite for improper operations over the years? Why is a company with repeated violations allowed to continue operate/apply for permits?

Over the past 30+ years, DEC has issued several Orders to Norlite to address various historical violations of environmental statutes and regulations, the penalties for which have totaled hundreds of thousands of dollars and the imposition of various corrective actions and other requirements, including the funding of environmental benefit projects for the City of Cohoes. For a list of actions, go to: <https://www.dec.ny.gov/chemical/121815.html>

What are the consequences for Norlite when they violate their permit(s) and what steps can be taken to stop them from burning things they shouldn't in the future?

When violations are discovered, DEC informs the facility of the violation and the action(s) necessary to return to compliance. Significant violations may also require payment of penalties, compliance schedules and/or environmental benefit projects.

As DEC reviews the hazardous waste management renewal application, DEC is also reviewing the existing permit conditions related to Norlite's prior acceptance of PFAS related wastes, and working on permit condition language to eliminate the ability to accept certain additional waste streams including any waste stream containing an emerging contaminant, unless specifically approved in writing by DEC.

When there is an environmental law violation how does DEC fines determine the fine amount?

DEC strongly believes in holding polluters responsible and ensuring the protection of public health and environment if violations of laws and regulations occur. When hazardous waste violations result in fines/penalties, DEC uses the USEPA Civil Penalty Policy as the basis to calculate penalties. Division of Air calculates penalties based on the Clean Air Act Stationary Source Civil Penalty Policy. Other DEC programs have similar penalty policies they implement. Not all violations result in fines/penalties, such as minor violations which can be immediately resolved.

In the past 5 years, has DEC found a problem and directed Norlite to change anything to address the concerns?

A list of DEC enforcement actions and steps taken to address violations can be found at <https://www.dec.ny.gov/chemical/121815.html>.

What is DEC doing to review the previous violations identified at the facility?

DEC has a long track record of overseeing this facility's operations and exercising enforcement authority when violations are observed.

DEC has concerns with this facility's operational record, which is why we are treating the permit renewals as new applications to fully examine the current permits and the impacts of Norlite's entire scope of operations on this community. DEC is also giving the community a strong voice in that process, to ensure that any future operations are fully protective of the local community and in complete compliance with all applicable legal requirements.

ENVIRONMENTAL SAMPLING PROGRAM

What is DEC sampling for? How many PFAS compounds will be tested for?

DEC is sampling soils and surface water in the vicinity of Norlite and analyzing all samples for 21 PFAS compounds including PFOA and PFOS. In addition, soil samples will be analyzed for metals.

Where will the samples be taken? Is the DEC planning to sample in Rensselaer County?

Soil samples are being collected in the areas expected to have the greatest potential for impacts from Kiln emissions. These areas are immediately to the North of the Kilns and to the East. Additional samples are being taken from upwind locations to the West and to the South. The current sampling effort does not include sample locations in Rensselaer County at this time, but the results of the initial

sampling will inform future sampling needs in other areas surrounding the facility.

To understand PFAS levels in surface water outside of industrial zones, will DEC select a creek in a protected area? Why do the sampling program when Bennington College already came out with a study?

Samples taken from the Patroon Creek as well as from the Schuyler Creek will add to the body of knowledge available regarding PFAS levels in urban areas and rural areas. DEC will make use of data collected in this sampling effort as well as data obtained as part of other sampling efforts to help determine any impacts.

DEC's review of previous sampling conducted by Bennington College found it to be flawed and incomplete, and data from Bennington's testing did not find a pattern of AFFF-related contamination from Norlite in the community. DEC's sampling plan will take a comprehensive and fact-based approach to ensure results are scientifically sound and consistent with New York State's other nation-leading efforts to investigate and address AFFF and emerging contaminants statewide.

When will the summary report to be released?

After receiving, analyzing, and evaluating the data from the sampling, DEC anticipates having a report available in early 2021.

Can we have a complete copy of the soil and surface water sampling results by site for all PFAS and heavy metals?

Lab results are currently being validated by DEC chemists. Results will be made available to the public once the data is shown to be valid and a summary report is prepared.

AQUEOUS FILM-FORMING FOAM (AFFF) BURNING

When did DEC learn that Norlite was burning AFFF? Was Norlite in violation of their permit when they burned AFFF in 2018 and 2019?

Norlite's representatives first approached DEC regional management staff about a proposal for the Facility to accept AFFF in April 2019, which triggered the start of DEC's investigation into the legal and regulatory authorities regarding this issue. As a preliminary matter, DEC staff notified Norlite that sampling would need to be performed on any air emissions and water discharges during the incineration of AFFF in order to verify that the total destruction of any PFAS chemicals contained in the foam would be accomplished.

Currently, PFOA and PFOS are regulated as hazardous substances in New York and are not listed as hazardous wastes or hazardous air pollutants under federal or state laws. The Facility's Waste Analysis Plan, required under its Resource Conservation and Recovery Act (RCRA) hazardous waste permit, and the Feedstream Analysis Plan, required under its Air Title V permit, allow for the treatment and disposal without prior approval from, or notification to, DEC of both hazardous wastes and non-hazardous wastes, including new non-hazardous waste streams, provided that certain recordkeeping and certification conditions set forth in the permits are satisfied. The burning of AFFF foam was not a violation of their permit. Accordingly, while the on-site monitor was aware of Norlite's interest in determining disposal options for AFFF at the facility before 2019, our investigation to date has not shown that any DEC representatives were informed of any particular shipments of materials containing

AFFF that were delivered to or incinerated at the Facility. Our investigation into this issue continues.

DEC directed Norlite to cease thermal treatment and disposal of AFFF containing PFAS compounds after the facility temporarily suspended its operations at the end of 2019 and then informed Norlite in June 2020 that future incineration of any substances, including emerging contaminants, not previously addressed in their permits will trigger a requirement to seek a permit modification prior to processing in the facility.

If DEC's test burn on PFOAs only achieved a 95% effective rate (compared to the target of 99.99%), does this mean that 100,000 pounds of the 2 million pounds of AFFF that Norlite burned contaminated the community?

The question is based on hypothetical information and is not actually indicative of operations at Norlite, therefore, the following answer is based on relevant information regarding Norlite facility and actual operations.

DEC or EPA did not perform a test burn on PFOAs at Norlite prior to directing the facility to cease processing of these compounds. During the October 21st public meeting, one commenter referenced a test obtaining 95% control, but the test referenced actually obtained the 99.99% \geq 99.99981 control efficiency target. DEC has reviewed the results of this testing, which are also available on the North Carolina Department of Environmental Quality public website, and used this information to advance our understanding of thermal treatment of PFAS compounds.

Assuming the 2 million pounds being referred to is actually rinsate/(AFFF containing material), which is the substances processed by Norlite, the math in the question is inaccurate and should not be used to draw conclusions or comparisons. The rinsate contained less than 6% AFFF, so 2 million pounds of AFFF material collected by Norlite and manifested was not pure AFFF. Without a stack test to determine the actual concentrations associated with emissions when processing PFAS compounds, DEC is using the data collected in the environmental sampling program to determine if any releases to the environment of PFAS materials have occurred.

If AFFF is still present at Norlite, how is it stored?

No AFFF is currently being stored at Norlite.

What alternatives to incineration has DEC considered for PFAS disposal?

DEC is investigating alternative methods for disposal of PFAS wastes, as is U.S. EPA and other entities. While PFAS waste is not considered a hazardous waste under federal or state regulations at this time, solid waste landfills are prohibited from accepting bulk liquids for disposal.

Why weren't test burns done with AFFF or PFAS during the CPT?

DEC directed Norlite to cease all incineration of firefighting foam at the facility, first after the facility temporarily shut down its operations in 2019 for planned facility upgrades, and again in writing in June 2020. [DEC's June letter put Norlite formally on notice](#) that it is not allowed to conduct any further thermal treatment or disposal of firefighting foam without prior approvals from DEC, and that DEC will also require a new, comprehensive review process, with opportunities for public review and comment, before considering any proposed future thermal treatment or disposal of materials containing PFAS chemicals or other emerging contaminants. These actions are in addition to the local ordinance and state legislation enacted this year to prohibit the burning of AFFF containing PFAS in Cohoes.

To advance the needed science to improve understanding of the potential for thermal destruction of PFAS compounds, DEC continues to work with the U.S. Environmental Protection Agency's Office of Research and Development and DOH to develop performance testing protocols and advance a detailed analysis of ongoing and proposed thermal treatment research in other parts of the country. No testing will take place at the Norlite facility.

HEALTH

When will the DOH conduct biological testing?

Biomonitoring can help scientists learn about a person's total exposure to a substance, but it doesn't identify the source of exposure. Because we know that people can be exposed to PFAS compounds from numerous sources, including consumer products and occupations, biomonitoring is most meaningful when there is an established exposure pathway for the target substance. DEC is conducting an environmental sampling initiative to assess exposure potential in the community surrounding Norlite. DOH will consider next steps in relation to this question and other potential data and evaluation needs once the results of the soil and water sampling being conducted by DEC are known.

Is inhalation a significant source of PFAS exposure?

Because of the widespread use of PFAS compounds and their environmental persistence, the public may be exposed to PFAS compounds found in the outdoor and indoor air, in soil and indoor dust, in food and water, and in some consumer products. According to the US Agency for Toxic Substances and Disease Registry, the main sources of environmental exposure to PFAS are usually from eating food and drinking water that contains these chemicals. If PFAS are released into the air surrounding an emission source direct inhalation will occur amidst a variety of other exposure pathways including contact with PFAS deposited onto soil and surface water and migrating into groundwater. Due to PFAS environmental fate properties contact with soil, surface and groundwater are expected to be the predominant pathways of exposure. The DOH/DEC sampling of Cohoes and Green Island public water supplies in spring 2020 (no increase relative to 2017 and no increase relative to MCLs) and the current DEC sampling effort will address these exposure pathways and provide key information about whether there were PFAS releases from Norlite of public health concern.

Have you tested the drinking water for the City of Troy?

Troy's Public Water System has been tested 16 times for perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) during 2019-2020. Both analytes were tested at two different points, in the raw water and at the entry point to the distribution system. All the samples results were below the analytical detection limit (at or below 2 parts-per-trillion (ppt)).

Does the burning of AFFF impact vegetable gardens in yards near the Norlite Facility?

DOH is not aware of any published studies that estimate or measure levels of AFFF combustion by-products in home grown vegetables near incineration facilities.

Currently, there is insufficient data on PFAS in soils nearby the Norlite facility. DEC's environmental sampling initiative will provide additional data to help inform the homegrown garden exposure pathway.

In general, people can be exposed to chemicals through gardening activities by incidental ingestion

of soil, consumption of garden produce, inhalation of dust and dermal contact. It is always a good idea to wash hands after contact with soil from any location and wash produce before consumption and to follow additional healthy gardening practices. For more information about these practices, please visit: <http://www.health.ny.gov/publications/1301/>

MATERIALS MANAGEMENT

What is the role of DEC's onsite monitor at Norlite?

DEC's full-time monitor is on-site at Norlite during regular business hours on weekdays to ensure compliance with all appropriate laws and regulations applicable to the activities of the facility. As a practical matter, the monitor does not inspect every shipment of material to the facility prior to treatment or disposal, but routinely accesses and reviews the Facility's records to verify compliance.

How long has the current DEC staff on-site monitor been at Norlite? Who pays his salary?

The current new monitor started on a full-time basis beginning on 12/7/20. The monitor is a DEC employee whose salary is paid by DEC. The funding is reimbursed to the DEC by the facility.

DEC's monitor is an environmental professional fully committed to the mission of protecting the environment and public health in accordance with applicable law and the best available science. They receive training specific to the duties of the assignment and work closely with the other DEC staff responsible for the oversight and inspection of the facility to ensure compliance.

Will the amount of hazardous waste burned at Norlite increase with the new permit?

No, the renewal application requested the same gallon-per-hour burn rate for which Norlite is currently permitted.

What percentage of materials burned are hazardous waste and how much hazardous waste does Norlite burn in a year?

Based on Norlite's 2019 Annual Hazardous Waste Report, approximately 26,000 tons of hazardous waste were received from off-site.

Does toxic waste burned at Norlite also arrive by train?

Materials are brought to the facility by trucks only.

What alternatives to incineration is the DEC considering for PFAS disposal?

As with all hazardous substances and hazardous wastes, DEC continues to drive the science on evaluating effective disposal options that remove these compounds from the environment and must base its decision-making on the best science available in order to meet that goal. With AFFF, more research is needed regarding high temperature incineration and its ability to remove these contaminants from waste streams, in addition to evaluating other disposal options to reduce the risk of releasing these compounds into the environment. But to be clear, that research is NOT happening at Norlite or in the city of Cohoes.

How and at what frequency are DEC waste inspectors evaluated for competency, knowledge and attitude about human exposure to toxins within various waste streams?

Hazardous waste inspectors must successfully complete a training program that often includes a year of on-the-job training working with an experienced inspector. Once they successfully complete this training, their competence is reviewed by experienced staff through oversight of a certification inspection performed by the trainee. Successful completion of the certification inspection results in the inspector becoming certified. Once certified, the inspector must conduct a minimum of 5 inspections per year in order to maintain that certification. Inspectors are also required to complete an initial 40-hour training regarding field operations and human health protection and then are required to complete 8-hour courses annually to maintain that knowledge. Inspectors are also required to take part in an annual inspector training workshop in order to maintain and expand their knowledge of the program.

Will DEC take into consideration the usage and zoning of any adjoining properties and the population density when reviewing these applications? Examples include, schools, medical facilities, long-term-care facilities and adult homes, vulnerable and environmental justice populations.

These considerations are already considered as facility siting criteria and are part of the review for applications for new industrial hazardous waste management facilities pursuant to Part 377 of DEC's regulations. For new non-hazardous (solid) waste landfills and other new non-hazardous solid waste management facilities, DEC applies the siting requirements under Part 363-5.1 of DEC's regulations. However, all of the siting requirements apply only to new facilities, not previously permitted existing facilities. The Environmental Justice public participation process is designed to allow an opportunity for these types of community concerns to be raised and considered during the permit review process. DEC continually reviews its regulations for potential improvement and clarification.

WATER

How is stormwater run-off from the Norlite facility controlled?

DEC regulates stormwater discharges from the Norlite facility through their State Pollutant Discharge Elimination System (SPDES) Permit. Norlite has several on-site stormwater structures that control stormwater run-off from the facility which they are required to monitor and maintain. The stormwater control structures at the facility include the raingarden near the office, the Upper Stormwater Pond (which collects from the western portion of the site and discharges to the Quarry), and the Lower Stormwater Basin (which collects from the area near the plant entrance and Maintenance shop and discharges to the Quarry). DEC's conducts regular comprehensive inspections at Norlite to evaluate permit compliance.

Is there monitoring / testing done on the water discharged to the Salt Kill - if so, what tests and what is the frequency?

Norlite's State Pollutant Discharge Elimination System (SPDES) permit authorizes discharges to the Salt Kill Creek through two outfalls. These outfalls are designated as Outfall 003 and Outfall 004. Monitoring is required as follows:

Outfall 003:

pH – Daily

Flow – Daily

Total Residual Chlorine – Weekly

Total Suspended Solids – Weekly

Settleable Solids – Weekly

Outfall 004:

pH – Daily

Temperature – Daily

Flow – Daily

Total Residual Chlorine – Daily

Total Copper – Daily

Total Suspended Solids – Daily

Total Zinc – Daily

Whole Effluent Toxicity Testing – Quarterly

AIR

Is Norlite allowed to emit soot?

Norlite must meet the particulate standard during the stack test and then operate the system in the approved manner demonstrated during the test moving forward. Norlite is required to monitor the stack for visible emissions. Previous investigations of the particle fallout from Norlite in the surrounding neighborhood have identified expanded shale from the on-site stockpiles of processed shale as the particles that are being deposited, not soot. This is why Norlite had to develop and comply with fugitive dust management plan to help prevent off-site impacts.

What will be burned during the Comprehensive Performance Test (CPT) test burn? Will AFFF materials be part of the CPT test burn?

AFFF will not be incinerated. Hazardous Waste will be burned during the test in accordance with feed rates listed in the stack testing protocol and meet the state's stringent emissions requirements.

Is there fluorine monitoring in the CPT?

Hydrogen fluoride (HF) emissions have been measured during previous trial burns used to prepare the Human Health Risk Assessment completed in 2002. They were not measured during the current comprehensive performance testing since there are no HF emission standards contained in the current 40 CFR Part 63 Subpart EEE National Emission Standards for Hazardous Air Pollutants. However, HF emissions from the operations of Norlite were modeled as part of the Project Delta project as required by current New York State regulations. A Toxic Impact Assessment was submitted for Project Delta. Air dispersion modeling for HF emissions were based on a worst-case fuel and raw material halogen introduced into the furnace. A mass balance approach was taken assuming all the organic compounds containing chlorine and fluorine entering the kiln were emitted as hydrogen chloride and HF. The acid gas air pollution controls, reduce these emissions by 97.7%, which results in an emission rate of 1.58 tons per year of HF. This annual emission rate was used to model the emissions of HF from the facility to predict the one-hour and annual concentrations of HF in the surrounding community. These model predictions were compared to the short-term and annual

guideline concentrations (SGCs/AGCs) for inorganic gaseous fluoride. Our SGC and AGC are based on the 12 hour and one-month ambient air quality standard for inorganic gaseous fluoride contained in 6NYCRR Part 257-4 New York State Ambient Air Quality Standards for Fluorides. The modeling conducted for the project did not identify any exceedances of the current New York Ambient Air Quality Standards for Fluorides. In response to the commenters concerns, DEC has addressed and evaluated the impacts of fluorine emissions from Norlite as part of the Project Delta review.

Regarding test burns: is the goal the standard 99.99 % incineration level? Or is it something lower, like 95%?

A destruction and removal efficiency standard of 99.99% must be met during the comprehensive performance test.

Does DEC require continuous emissions monitoring at Norlite?

Continuous emission monitoring of carbon monoxide and O2 are required at Norlite.

Do you have any information about the smells that emanate from the Norlite Facility?

Odor complaints are responded to in a timely manner. The response begins at the address where the complainant states the odor was present. There are several potential sources of odor from Norlite and the entire surrounding area. If Norlite is causing an odor we can investigate each odor complaint on its own merit. Several odor related complaints sent to the Department end up coming from unexpected sources. DEC encourages anyone with concerns about smells coming from the facility to contact DEC at (518) 357-2045 during regular business hours, and 1-800-457-7362 on nights, weekends and holidays.

Has Norlite been in compliance with their Air Title V permit limits in the past ten years?

A list of DEC enforcement actions and steps taken to address violations can be found at <https://www.dec.ny.gov/chemical/121815.html>.

Any deviation from Air Title V permit limits that has been determined to be a violation is included in that history.

Is Norlite allowed to burn materials for which there are no emission standards?

Norlite can only combust fuel that complies with its permits, including its feed analysis plan and waste analysis plan. The currently approved plans can be found on the Norlite website. DEC is reviewing and will require any appropriate updates to the plans.

Was the 2020 CPT stricter than previous test burns?

The CPT is subject to and performed in accordance with applicable federal requirements under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hazardous Waste Combustion Facilities at 40 CFR 63 Subpart EEE.

Is Norlite required to do their periodic testing for dioxins and heavy metals when they burn halogenated or lead-containing hazardous wastes?

Yes. 40 CFR 63 Subpart EEE requires periodic testing that includes dioxin and metals testing while burning halogenated waste.

Who sets the emissions limits? How can the community feel confident that these limits are safe?

The emission limits for Norlite were established by the USEPA in the NESHAPs for Hazardous Waste Combustion Facilities at 40 CFR Part 63. EPA conducted a national risk assessment that was a multi-media, multi-pathway analysis addressing both human health risk and ecological risk. Based on the national assessment, EPA determined that sources in compliance with the NESHAP generally are not anticipated to pose unacceptable risk to human health and the environment under the Resource Conservation and Recovery Act (RCRA).

DEC and DOH required Norlite to conduct a site-specific multi-media, multi-pathway human health risk assessment which was completed in 2002. The findings of this assessment indicated the risk of non-cancer and cancer effects were not elevated as a result of permitted emissions. As part of the pending permit review process, DEC and DOH are requiring Norlite to prepare and submit another multi-media, multi-pathway human health risk and ecological risk assessment before DEC makes any final decision on the permit application.

How likely are the dry scrubbers to reduce particulate concentrations?

The air pollution controls at the Norlite facility consist not only of dry scrubbers but also a baghouse to further reduce particulate emissions to a level below the allowable standards. Results of the CPT will demonstrate the exact concentration of particulate exiting the stacks.

Many of the piles that are on the property are close to where people live and are dry and not being wet. Is there a law in place to say where they can store their material?

The facility is required to meet the conditions of a fugitive dust control plan at all times. This plan is enforceable and was written to minimize dust from the handling and storage of the processed shale and other mining operations. DEC is reviewing and will require any appropriate updates to the fugitive dust control plan to ensure dust is properly controlled.

Norlite upgraded its scrubber system this year. Test burns were to be conducted last month. Will the results of the test burns be made public? If yes, when.

Yes, the results will be a matter of public record when received by DEC. The Norlite results are required by federal regulation to be submitted to DEC within 90 days after the performance testing and are expected to be received in early 2021.

Please provide the exact test burn dates from August 1, 2020 through December 4, 2020.

November 10, 2020 through November 18, 2020. The original plan was to test both kilns concurrently but the amount of monitoring and measuring that was required made it logistically unfeasible, so each kiln was tested separately based upon the exact same testing parameters and requirements. This change did not result in additional hours of burning or additional waste being burned. DEC staff actively monitored the process at all times during the testing.

Were any precautions or health advisories provided to persons living at Saratoga Sites or in neighboring dwellings and businesses prior to the test burns?

Public notice of the comprehensive performance testing was published in accordance with all applicable

requirements.

What dust control measures are taken and what level of particulate matter discharge is acceptable from Norlite?

The facility is required to continually implement and maintain a fugitive dust control plan to protect nearby residents from any off-site dust. In the event of any off-site dust incident, DEC encourages the public to immediately notify DEC so that a timely inspection and investigation can be conducted. As noted above, DEC is reviewing and will require any appropriate updates to the fugitive dust control plan to ensure dust is properly controlled.

What do DEC meteorologists or air division staff consider prevailing winds from Cohoes, NY

The winds predominately flow from the south to the north along the Hudson River Valley, with a smaller secondary wind from the northwest. This statement is based on DEC meteorologists' working knowledge of local wind patterns and evaluation of annual meteorological data from Albany Airport and the Port of Albany. Prevailing wind is determined by the Albany Airport station.

Are the aggregate kilns capable of operating on natural gas alone as a fuel source?

Yes.

DEC maintains a series of air pollution monitors throughout the state. What air monitor is closest to Norlite and what compounds does it monitor for?

There is an active air monitor off Albany Shaker Road, in Albany, which monitors particulate matter (PM), Ozone, and nitrogen oxide (NOx). Another active monitor at Pearl Street, in Albany, monitors PM. Historically, the closest monitor to Norlite was in Troy and it measured a number of volatile organic compounds (VOCs), referred to as air toxics. This station was sited in proximity to Norlite in July 1983 and closed in December 2010. It never measured anything that would indicate an increase of these VOCs as result of Norlite's operations. Currently, DEC is continuing to operate an air toxics monitor in South Albany which remains as result of the Albany South End Community Air Quality Study.

Will Norlite be allowed to pass their permit reviews without scrutiny of their fluorine-based emissions?

Hydrogen fluoride (HF) emissions from the operations of Norlite were modeled as part of the Project Delta project as required by current New York State regulations. The modeled emission rate for HF was based on a worst-case fuel and raw material halogen introduced into the furnace. A mass balance approach was taken assuming all of the chlorine and fluorine atoms entering the kiln were emitted as Hydrogen Chloride and HF. The current Toxic Impact Assessment for the facility includes 97.7% percent of control from the acid gas air pollution controls, which results in an emission rate of 1.58 tons per year of HF. This annual emission rate was used to model the emissions of HF from the facility to predict the one-hour and annual concentrations of HF. These model predictions were compared to the short-term and annual guideline concentrations (SGCs/AGCs) for fluoride. DEC's SGC and AGC are based on the 12 hour and one month ambient air quality standard for inorganic gaseous fluoride contained in 6NYCRR Part 257-4 New York State Ambient Air Quality Standards for Fluorides. The modeling conducted did not identify any exceedances of the current New York Ambient Air Quality Standards for Fluorides. HF emissions have also been measured during previous trial burns used to prepare the Human Health Risk Assessment completed in 2002.

Someone inquired about the role of scrubbers in removing toxins from the emissions stream - In the new semi-dry scrubbers, what happens to the toxicity-bearing damp lime sludge?

There is no sludge from this process. All water and moisture in the system is evaporated. Dust and particulates are collected from the pollution control system. The dust is monitored, analyzed, and stored in silos until it can be used in a block mix.

Is Norlite now burning 24/7 again?

The facility can burn liquid low grade fuel and natural gas at all times during operating hours. The facility is limited in allowable hours of burning hazardous waste until the Notice of Compliance resulting from the recent CPT is submitted to DEC.

Why does the snow turn black in the winter?

DEC remains committed to responding to complaints of snow turning black. DEC encourages anyone with concerns about dust coming from the facility to contact DEC at (518) 357-2045 during regular business hours, and 1-800-457-7362 on nights, weekends and holidays. If black snow is observed during a complaint response effort, DEC will evaluate and identify the source of the discoloration. Once the source can be identified, DEC can then begin to remediate the cause.

ENVIRONMENTAL PERMITS

How was Norlite issued a permit for burning hazardous waste so close to residential areas? Are there any federal or state laws with requirements for distance to an incinerator or kiln from a residential community/consider adjacent properties?

Norlite's current hazardous waste management permit meets state regulatory requirements regarding distance that storage areas must be from property lines.

How is DEC able to allow Norlite to operate after their permit expires?

On the condition that Norlite timely provides the information requested in DEC's Notice of Incomplete Application dated August 28, 2020, the New York State Administrative Procedures Act will deem the permits to be extended beyond their current expiration dates until there is a final decision on the pending applications or until order by any reviewing court.

How can we work towards a just transition that does not place environmental justice and union jobs that pay a dignified, living wage at odds with one another?

The Department's Environmental Justice Policy strives to create fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The Environmental Justice process functions alongside working members of the public, regardless of union membership, to make sure all have a voice in the decision-making process that goes into the Department's regulations, policies, and permits. The process is intended to protect the rights and interests of all parties with emphasis on those at risk of being disadvantaged by a facility, environmental law, or action.

The DEC has said it will treat Norlite’s permit renewal as a new application. Norlite began primarily as an aggregate manufacturer. Would anyone be permitted to start a hazardous waste facility in such a densely populated area today? What specifically does “treating Norlite’s permit renewal as a new application” mean?

Treating the renewal as a new application means requiring an expanded level of public participation commensurate with what would be required for a new hazardous waste management facility and Air Title V permit and a closer review of all facility operations relating to the two permits under application. If an applicant today were to apply to DEC for a permit to operate a new industrial hazardous waste management facility, the siting requirements under Part 377 of DEC’s regulations would apply and the State would constitute a facility siting board for the purposes of conducting a hearing and making a decision on the application.

What is the DEC’s process to engage the public in the permit process?

The Hazardous Waste and Air Title V permits are considered major under the Uniform Procedures Act (6 NYCRR Part 621), and would therefore be subject to a public comment period. However, since the facility is located near an Environmental Justice area, DEC has required compliance with Commissioner Policy 29, which requires the preparation and execution of a Public Participation Plan. This Plan will ensure that community meetings will be widely advertised and held on a routine basis to inform the public and seek comments. Once the applications have been reviewed and deemed ready for public comment, there will be a formal public comment period, also widely publicized, for the public to submit more formal comments on the applications. DEC staff are available to answer questions and provide more information throughout the process.

What are the next steps in the DEC process and at what steps are you seeking input/assistance from the community?

The applications are currently under review by DEC. We expect a Public Participation Plan to be submitted in the coming weeks for review. Once the Plan is approved, community informational meetings can begin and will occur routinely as our review progresses, providing updated information as it becomes available. It is expected that several meetings will occur prior to the formal public comment period discussed above.

Where can I find more information?

To help keep the public informed and connected to the ongoing permit process for Norlite’s facility, the soil and water sampling initiative, and other State actions, DEC launched a new webpage. Visit <https://www.dec.ny.gov/chemical/121118.html>.