

**New York State Department of Environmental Conservation**

**Office of General Counsel, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2048 • Fax: (518) 357-2087

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7012 3050 0000 4246 2545

October 20, 2014

Thomas Masterson  
General Counsel  
P.O. Box 1046  
2750 Balltown Road  
Schenectady, NY 12301  
[Thomas.Masterson@siigroup.com](mailto:Thomas.Masterson@siigroup.com)

Kevin M. Bernstein, Esq.  
Bond, Schoeneck & King  
110 West Fayette Street  
One Lincoln Center  
Syracuse, New York 13202  
[Kbernstein@bsk.com](mailto:Kbernstein@bsk.com)

Re: Order of Consent  
SI Group, Inc.  
R4-2014-0131-17M

Dear Messrs. Masterson and Bernstein:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$400,000 the civil penalty pursuant to Paragraph I.

Sincerely,

Richard Ostrov  
Regional Attorney  
Region 4

Enclosure

ec: K. Goertz  
S. Crisafulli  
R. Leone

D. Spencer  
F. Riedy  
B. Potter  
A. Dzierwa  
J. Malcolm  
J. Quinn  
A. Elliot  
L. Winterberger

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the Violations of Articles 19  
27 and 40 of the Environmental  
Conservation Law of the State of  
New York and Title 6 of the Official  
Compilation of the Codes, Rules and  
Regulations of the State of New York

DEC CASE NO.  
R4-2014-0131-17  
MODIFICATION OF  
ORDER ON CONSENT  
("MODIFICATION")

SI Group, Inc.  
1000 Main Street  
Rotterdam Junction, New York

Respondent

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Jurisdiction

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency responsible for the enforcement of air quality, transportation, storage and disposal of hazardous waste, and storage of hazardous substances pursuant to regulations promulgated under ECL Articles 19, 27, and 40, respectively.

Respondent

2. Respondent, SI Group, Inc. owns and operates a manufacturing facility for synthetic phenolic resins and alkyl phenols at 1000 Main Street, Rotterdam Junction ("facility").

3. Respondent's facility is subject to: (1) the federal Resource Conservation and Recovery Act ("RCRA"), and 6 NYCRR Part 373 (Hazardous Waste Management Facilities) permitting requirements as set forth in permit number (4-4228-00056/00012); (2) the federal Clean Air Act, and 6 NYCRR Part 201 Title V permitting requirements as set forth in permit number (4-4228-00056/00469); and (3) Hazardous Substances Bulk Storage regulations at 6 NYCRR 595 *et seq.*

4. Respondent is subject to Order on Consent, R4-2014-0131-17 (March 20, 2014) that contains a Schedule of Compliance. The Modification's Schedule of Compliance doesn't supersede the Order on Consent's Schedule of Compliance requirements.

## Clean Air Act Violations

### Failure to Operate F-432 Scrubber Emission Control Equipment Effectively and Reintroduction of Collected Air Contaminants

5. On July 16, 2013 and July 17, 2013, staff from the Department and the United States Environmental Protection Agency (“EPA”) inspected the facility and the P-300 process. Staffs observed alkyl phenol compounds on equipment and structures surrounding the F-432 scrubber. According to Respondent’s then environmental manager a valve was left open on the F-432 scrubber causing the scrubber level water to rise causing collected contaminants to be exhausted with the steam.

6. Department staff observed during weekly inspections subsequent to the July 2013 inspections that the alkyl phenol compounds were continuing to accumulate on surrounding equipment and structures.

7. The purpose of the steam jets is to pull vacuum across the distillation columns. During this process, material processing through the distillation columns is entrained in the steam. The purpose of the scrubber is to condense and remove resin material that has become entrained in the steam due to the steam jet process.

8. Condition 3 of the Title V air permit and 6 NYCRR 200.7 provide that:

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

Regulations at 6 NYCRR 201-1.8 provides that:

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

9. Respondent’s failure to operate its F-432 scrubber, emission control device effectively is a violation 6 NYCRR 200-1.8 and the resulting reintroduction of collected air contaminants is a violation of 6 NYCRR 200-1.8.

Failure to Operate the Flaking Belt 2 Scrubber Emission Control Equipment Effectively and  
Reintroduction of Collected Air Contaminants

10. On August 8, 2013, Department staff was performing a routine inspection of the facility and while walking they felt moisture on their skin being discharged from the top of Building 8, the batch processing building. They walked around Building 8 and observed a stream of liquid running off the Building 8 roof (“roof”). This liquid flowed from the roof to a gutter placed half way down the wall of the building. The gutter was directed to one of the facility’s industrial sewer drains. Staff inspected the roof and observed the liquid exiting emission point 00011. EP 00011 exhausts the flaking belt 2 scrubber air emissions. Liquid from the scrubber had escaped and was being emitted out of EP 00011. Department staff directed Respondent’s employee to immediately address the unpermitted water discharges and to sample the liquid.

11. On August 9, 2013, Respondent submitted a written report to the Department identifying the cause of the liquid emissions as the valve calibration controlling the circulation of the water within the scrubber as being set too high causing more water than necessary to re-circulate in the scrubber resulting in the liquid being emitted from EP 00011. The report identified several hazardous substances with their concentrations as being constituents of the liquid. Five of the identified constituents are listed hazardous air pollutants in Section 112(b) (1) of the Clean Air Act.

12. Respondent’s failure to operate its flaking belt scrubber emission control device effectively is a violation 6 NYCRR 200-1.8 and the resulting reintroduction of collected air contaminants is a violation of 6 NYCRR 200-1.8.

Violation of Permit or RACT Analysis Requirement for Control Equipment

13. Regulations at 6 NYCRR 227- 2.3(b) provide that:

*By January 1, 2012, a facility must submit to the department either a complete application for a permit or a RACT analysis that explains why the control technology the facility currently employs should still be considered RACT for that source. Any permit application must include any new requirements (for example, emission limits, monitoring, and record keeping requirements) and a RACT analysis that explains how the facility intends to comply with the provisions of this Subpart. Facilities that submit a complete application but are unable to meet their specific RACT compliance date may request an extension (up to but not exceeding one year) of their RACT compliance*

*date from the department. This request must set forth the reason(s) why the source will be unable to meet their RACT compliance date and suggest an alternative RACT compliance date. This request is subject to department review and approval and must be submitted to the administrator for approval as a separate State Implementation Plan (SIP) revision.*

14. On June 27, 2014, the Department received from Respondent a permit application to apply a NO<sub>x</sub> cap for its emissions.

15. Respondent's failure to submit either a permit application or RACT analysis to the Department for its air pollution control equipment by no later than January 1, 2012 is a violation of 6 NYCRR 227- 2.3(b).

#### Failure to Perform RACT Analysis

16. On September 16, 2014, Department staff inspected thinning tank 1.

17. Thinning Tank 1 is used to store and process recycled di-isobutylene ("hereinafter DIB") to serve building 8/9 and building 39 resin manufacturing. Exhaust piping was traced to the emission point locations. Thinning Tank 1 consists of rupture disc directly exiting the building through piping (EP-00212). Thinning Tank 1 is also served by a condenser/ heat exchanger (EP-00121) and a combined tank liquid/di-isobutylene separator.

18. Department staff subsequently reviewed the RACT records for Thinning Tank 1 emission points. No VOC RACT analysis was performed for Thinning Tank 1 emissions points. Each of these points has a potential to emit ("hereinafter PTE") of 11.99 pounds per hour.

19. Respondent was required to perform a RACT analysis under 6 NYCRR Part 212, and its failure to perform a RACT analysis for the thinning tank 1 emission points are violations of 6 NYCRR 212.

#### Failure to Report Accurate Emission

20. On September 16, 2014, Department staff determined that Thinning Tank 1 and its associated equipment were not connected to Building 6/36 RTO or any other air pollution control equipment. Department staff further reviewed Respondent's Process 012 emission data and calculations. In its emission statements, Respondent reported to the Department the last several years that Process 012 emissions, including Thinning Tank 1, were less than 300 pounds annually.

21. Department staff applying Respondent's equations and estimates to the Thinning Tank 1 emission point, alone, found that approximately 4935 pounds per year of DIB were emitted.

22. Respondent's report of less than 300 pounds per year of VOC from Process 012 emissions is far less than the 4953 pounds of VOC emissions from only Thinning Tank emission point 1.

23. Respondent violated 6 NYCRR 202-2 by failing to accurately report the total VOC emissions from Process 012.

#### RCRA Violations

24. On October 11, 2013, Department staff conducted a RCRA inspection of the facility pursuant to the Department's delegation agreement with the United States Environmental Protection Agency ("EPA") ("inspection").

25. On December 4, 2013, Department staff sent a Notice of Violation to the Respondent setting forth the violations observed during the inspection and Respondent submitted a reply to the NOV on December 31, 2013. Department staff reviewed the reply and the following paragraphs recite the outstanding violations observed during the inspection.

26. Regulations at 6 NYCRR 372.2(a) (8) (i) (a) allows a generator to accumulate up to 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit provided the generator keeps all containers closed except if they are in use. The latch on the funnel of a drum of W005 in Bldg.39 Area #3 was not latched which is a violation of 6 NYCRR 372.2(a) (8) (i) (a).

27. Regulations at 6 NYCRR 372.2(a) (8) (i) (a) allows a generator to accumulate up to 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit provided the generator marks his containers with the words "Hazardous Waste" and with other words that identify the contents of the containers. Glassware was being stored on top of a W039 drum in Bldg. 9 Area # 11 (1 piece) and in Bldg. 1 Areas #19/20 on the lab bench (8 pieces). This glassware is considered a listed hazardous waste and must be labeled as "Hazardous Waste" or placed in a larger container labeled as "Hazardous Waste." None of the glassware was labeled as "Hazardous Waste" in violation of 6 NYCRR 372.2(a) (8) (i) (a).

28. Regulations at 6 NYCRR 373-3.3(b) requires the facility is maintained and operated to minimize the possibility of a fire or explosion, or any unplanned or sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. The truck unloading area containment surface had become damaged from high pressure washing a few months earlier. The high pressure water jet cut through the surface coating in several locations rendering the surface insufficiently impervious to contain a spill a violation of 6 NYCRR 373-3.3(b).

29. Regulations at 6 NYCRR 372.2(b)(2)(ii) requires that the generator, for each hazardous waste listed in Box 9 of the manifest, to confirm with the designated facility what the ultimate disposal method will be for that waste. If the receiving facility does not provide a hazardous waste management code in Box 19 of the manifest that reflects the ultimate disposal method for the hazardous waste, the generator must provide a State waste code in Box 13 of the manifest to designate the ultimate disposal method of the hazardous waste using one of following state codes:

- L = Landfill
- B = Incineration, heat recovery, burning
- T = Chemical, physical, or biological treatment
- R = Material recovery of more than 75 percent of the total material

Department staff reviewed the state's manifest record system for the last three years and found 33 instances where the Respondent failed to properly code Box 13 as "B" when Box 19 was coded as "H141" in violation of 6 NYCRR 372.2(b)(2)(ii).

30. Regulations at 6 NYCRR 373-3.4(c) requires the following content in a Contingency Plan: -if the owner or operator has already prepared a Spill Prevention, Control, and Counter measure (SPCC) Plan as defined in 6NYCRR subdivision 610.2(j) and 40 CFR 300 (see 6NYCRR subdivision 370.1(e)), or some other Emergency or Contingency Plan, he need only amend that Plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Subpart. Respondent uses both the 6 NYCRR Part 373 Permit Contingency Plan and an Emergency Action Plan (EAP) to address emergencies related to hazardous waste. Respondent is in violation of 6 NYCRR 373-3.4(c) because the plans fail to meet that minimum content requirement of the regulations.

31. Regulations at 6 NYCRR 376.5(a) (1) (i) allows the generator to store restricted wastes in tanks or containers on-site provided it is solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and provided the generator complies with all storage requirements of Part 372, Subpart 373-1, Subpart 373-2 and Subpart 373-3 of this Title. At the time of the October 11, 2013 inspection, Department staff determined that Respondent violated regulations at 6 NYCRR §376.5(a) (1) (i) based on Respondent's non-compliance with applicable container storage requirements.

32. Regulations at 6 NYCRR 373-3.10(d)(5)(i) requires that external liner systems which are part of a tank's secondary containment be provided with an impermeable interior coating that is compatible with the stored waste and that will prevent migration of waste into the concrete. Respondent violated 6 NYCRR 373-3.10(d)(5)(i) by allowing areas of impermeable interior coating to be damaged (not intact) and not capable of preventing waste from contact with the concrete underneath.

33. Regulations at 6 NYCRR 373-3.10(f) (3) requires that the owner or operator must document in the operating record of the facility the inspections required for the tank system required under 373-3.10(f) (1) (i) through (iv), including secondary containment structures. Respondent violated 6 NYCRR 373-3.10(f) (3) by failing to note the deterioration of the coating in the tank containment system for Tanks T-99 and T-94 in its daily inspections of the area that was observed by DEC personnel.

34. Regulations at 6 NYCRR 373-3.10(m) requires the owner or operator to manage all hazardous wastes placed in a tank to comply with the equipment leak standards (Subpart BB) and air emission standards (Subpart CC).

35. Regulations at 6 NYCRR 373-3.28(o) (1) (ii) requires each owner or operator to comply with the recordkeeping requirements of Section 373-3.28(o). Respondent violated 6 NYCRR 373-3.28(o)(1)(ii) by failing to provide the Department with specific records required under Subpart BB (e.g., original master list of equipment with equipment designated as unsafe to monitor and equipment designated as difficult to monitor, the type of equipment, the method of compliance, and the monitoring schedule.)

36. Regulations at 6 NYCRR Part 3.28(o) (12) requires that records of the equipment leak information required by 373-3.28 be kept for three years. Respondent violated 6 NYCRR Part 3.28(o) (12) by not producing all records associated with 373-3.28(o) such as the results of monitoring events for the past three years. Only the results of the most recent monitoring event were available for review.

37. Regulations at 6 NYCRR 373-3.29(j)(2) requires that the owner or operator of a tank subject to the air emission controls under Subpart CC shall develop and implement a written plan and schedule to perform the inspections and monitoring. Respondent violated 6 NYCRR 373-3.29 (j) (2) by failing to have a written plan to conduct annual inspections of the subject to Subpart CC.

38. Regulations at 6 NYCRR 372.2(b)(2)(i) requires that the generator must confirm by written communication from the designated treatment, storage or disposal facility and alternate treatment, storage or disposal facility that it is authorized to handle the particular hazardous waste described on the manifest. Respondent violated 6 NYCRR 372.2(b) (2) (i) by not having a written communication from Chemtron.

#### CBS –Failure to Replace Rupture Disks

39. Respondent owns and operates █████ tanks subject to state Hazardous Substances Bulk Storage regulations.

40. Regulations at 6 NYCRR 598.9(f) provides that: “All rupture disks must be replaced with new ones at least every three (3) years, or in accordance with any other frequency recommended by the disk manufacturer, or justified on the basis of operating experience in the spill prevention report.”

41. On June 10 and 11, 2014, Department staff reviewed the facility records which showed that rupture disks were not reported as being replaced with new ones for the following tanks at least once every three years [REDACTED]

42. Respondent’s failure to replace CBS tank rupture disks every three years are violations of 6 NYCRR 598.9(f).

#### Civil Penalties

43. ECL Section 71-2103 provides that any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than five hundred dollars nor more than eighteen thousand dollars for said violation... In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

44. ECL Section 71-2705(1) provides for a maximum civil penalty of \$37,500 for the first day of a violation and each day thereafter of a regulation promulgated under Title 9 of ECL Article 27... and, in addition thereto, such person may by similar process be enjoined from continuing such violation.

#### Waiver of Hearing

45. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law and has consented to the issuing and entering of this Modification and agrees to be bound by the terms, provisions and conditions contained therein.

NOW, being duly advised and having considered this matter, **IT IS HEREBY ORDERED THAT:**

#### I. Civil Penalty

In respect of the aforesaid violations, Respondent is assessed a civil penalty in the amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000). The civil penalty shall be paid by check made payable to the Department of Environmental Conservation and due with the return of the signed and notarized Modification to the Department.

II. Summary Abatement

Pursuant to ECL Section 71-0301, the Commissioner specifically reserves the right to exercise summary abatement authority.

III. Binding Effect

This Modification is binding upon the Respondent, its agents, employees, successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. Modifications

No change or modification to this Modification shall be made or be effective except as may be specifically set forth in writing by the Commissioner or Regional Director. Such application shall be made to the Regional Director.

V. Access

For the purpose of insuring compliance with this Modification, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

VI. Effective Date of Modification

The effective date of this Modification shall be the date upon which it is signed on behalf of the Department.

VII. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, his employees, his servants, his agents, his successors or his assigns.

VIII. Reservations

Except as specifically provided in this Modification, nothing contained in this Modification shall be construed as barring, diminishing, adjudicating or in any way affecting:

- A. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against Respondent for any other violations of the ECL, rules or regulations promulgated there under or permits issued there under;
- B. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against anyone other than Respondent, his agents, his servants, his employees, his successors and his assigns;
- C. Whatever right the Department has to bring any action or proceeding against Respondent and/or any of Respondent's' employees, servants, agents, successors, and assigns with respect to claims for natural resource damages; and
- D. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State or the Department provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes of action, defenses or demands whatsoever that it may have to a judicial review of the validity and binding effect of this Modification and whether or not this Modification has been entered into voluntarily by Respondent.

IX. Review of Documents

All documents which Respondent must submit pursuant to this Modification are subject to Department approval.

1. The Department shall review each of the submittals Respondent makes pursuant to this Modification to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Modification and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Modification; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.
2. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

3. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accepts such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Modification. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Modification.

4. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Modification or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards and the ECL and applicable regulations.

X. Communications

All communications to the Department shall be mailed to:

DEC Region 4  
Attn: Regional Engineer and Regional Attorney  
1130 North Westcott Road  
Schenectady, NY 12306

All communications to Respondent shall be mailed to:

SI Group, Inc.  
Attn: Margaret Corey  
1000 Main Street  
Rotterdam Junction, New York 12150

Kevin Bernstein, Esq.  
Bond, Schoeneck & King  
One Lincoln Center  
Syracuse, New York 13202

XI. Civil Settlement

Compliance with the terms and conditions of this Modification shall be in full civil settlement of the violations cited in this Modification.

XII. Third Parties

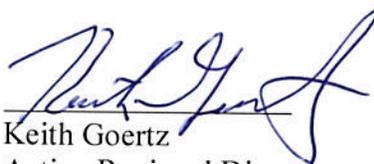
This Modification shall not create any presumption of law or fact which shall inure to the benefit of any person other than the Department or Respondent.

XIII. Order on Consent

Respondent is subject to Order on Consent, R4-2014-0117-17 (March 20, 2014) that contains a Schedule of Compliance. The Modification's Schedule of Compliance doesn't supersede the Order on Consent's Schedule of Compliance requirements.

DATED: October 20, 2014  
Rotterdam, New York

Joe Martens  
Commissioner  
New York State Department of  
Environmental Conservation

BY:   
Keith Goertz  
Acting Regional Director  
Region 4

BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Modification, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

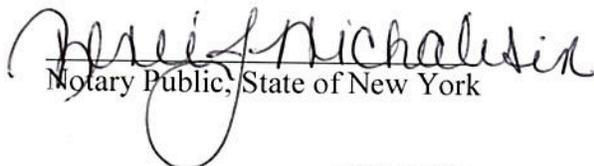
By:   
Title: SVP North America  
Date: 10/16/14

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF Schenectady

On the 16<sup>th</sup> day of October       2014, before me, the undersigned,  
personally appeared Daniel Paul Tilley, (Full name)  
personally known to me who, being duly sworn, did depose and say that he/she/they reside at  
38 Timberwick Clifton Park, New York 12065  
(Full mailing address)

and that he/she/they is (are) the  
Sr VP North America  
(President or other officer or director or attorney in fact  
duly appointed)

of the SI Group, Inc., the corporation described in and which executed the above instrument;  
and that he/she/they signed his/her/their name(s) thereto by the authority of the board of  
directors of said corporation.

  
Notary Public, State of New York

RENEE J MICHALISIN  
Notary Public, State of New York  
No. 01MI6216591  
Qualified in Schenectady County  
Commission Expires January 19, 2018

## SCHEDULE OF COMPLIANCE

### RCRA

- I. Within 30 days of the effective date of the Modification, Respondent shall address the following with regard to the *Emergency Action Plan/Fire Prevention Plan* (EAP/FPP, RM10410):
  - a. Revise the EAP/FPP so that the Table of Contents matches the contents of the plan and submit the revised copy to the Department.
  - b. Revise the EAP/FPP to comply with the requirements for a Hazardous Waste Contingency Plan under Part 373-3.4, including but not limited to the actions facility personnel must take to (i) minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water; and (ii) respond to imminent or actual emergency situations resulting from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- II. Within 30 days of the effective date of this Modification, Respondent shall complete repairs to the secondary containment system for tanks T-94 and T-99.
- III. Within 45 days of the effective date of this Modification, Respondent shall complete the following items for the hazardous waste tanks:
  - a. Submit a description of the overfill protection systems in place for each hazardous waste tank.
  - b. Describe how the operator conducts inspections of the overfill protection systems as required by Part 373-3.10(f) (1) (i). Where more than one type of inspection (i.e. running a PI data historian report, operators monitoring the controls, and physical inspection) is used to determine whether the system is operating as it is designed, describe how each type of inspection is conducted.
  - c. Submit a description of how the inspections are documented and include the forms used to document the inspections.
  - d. Submit the results of the high level alarm checks for tanks T-228 and F-424 conducted in calendar years 2013 and 2014.

- e. To facilitate the Department's understanding of (1) the changes to SIG's operation of former hazardous waste tank T-95, (2) T-95's relationship to the shared piping with the other hazardous waste tanks, and (3) how the daily hazardous waste tank inspection program covers the piping, provide a flow diagram which shows the flow between production and the tanks (T-228, T-94, T-95, T-99, and F-424).
  - f. Describe how tank T-95 is utilized for recycling.
  - g. Clearly label, in the field, the piping that is associated with the inspections covered by the following inspection checklists, so that such piping is clearly identifiable in the field
    - 1. *Building 6, Daily Cumulative Visual Inspection for Hazardous Waste Lines to T-228* (RF06058);
    - 2. *Building 9, Daily Cumulative Visual Inspection for Hazardous Waste Lines to T-228* (RF06059);
    - 3. *Hazardous Waste/Pipe Rack Inspection Form* (RF06160); and,
    - 4. *Emissions/Hazardous Waste Inspection Form* (RF05470).
- IV. Within 45 days of the effective date of this Modification, Respondent shall complete the following items:
- a. Provide a key for the abbreviations used on the various reports prepared by Team Industrial Services; and
  - b. Add frequency of monitoring to the Master component list, update the list and submit it to the Department in accordance with 373-3.28(1) (2) (i) and (4) as required.
- V. Within 45 days of the effective date of this Modification, Respondent shall address the following items and make any changes necessitated by applicable state and federal RCRA regulations
- a. Reconcile the R809 Inspection Rule History Reports and the Master List of Components. The Master List identifies 15 valves in light liquid (LL) service and 14 valves in gas vapor (GV) service. The R809 reports identifies 3 valves in GV service for July 2011 and July and October 2012; 11 added in November 2012 and listed again in December 2012; and 14 listed in January 2013 and only 11 in April and July 2013;
  - b. Describe the characteristics of Pump D0348 "DMS" and regulatory basis for listing as exempt on the R809 reports; and
  - c. Described the procedures for determining if there has been a pressure release from the rupture disks for tank F-424 (tags 2862 and 2863).

## Air

- VI. Within 30 days from the effective date of this Modification, Respondent shall revise and implement standard operating procedures (“SOP”) that prevent the scrubber liquid from escaping. The Respondent shall submit the revised SOP to the Department.
- VII. Within 30 days of the effective date of the Modification, Respondent shall develop and submit to the Department a spill cleanup and notification plan for any future scrubber water discharges as a modification to its existing BMP plan.
- VIII. Respondent has submitted to the Department all lab analysis results for the scrubber effluent water during the past two years.
- IX. Within 30 days from the effective date of this Modification, Respondent shall submit to the Department all current emission calculations relating to the loading and exhaust of emission point of the F-432 scrubber. Emission calculations shall include all data and explanations needed in determining the emissions profile. Emissions calculations shall demonstrate emissions profiles for each recipe processed through P-300. Each recipe shall be clearly identified. Calculations shall include total VOC, speciated VOC, total HAP, speciated HAP, NO<sub>x</sub>, CO, Particulate, PM-10, and PM-2.5. The stack test protocol required in Paragraph X shall incorporate emissions testing for the recipe with the highest calculated emissions.
- X. Before December 1, 2014, Respondent shall submit to the Department stack testing protocols for approval. These stack tests shall quantify emissions of total VOC, speciated VOC, total HAP, speciated HAP, NO<sub>x</sub>, CO, Particulate, PM-10, PM-2.5 for both the F-432 and Flaking belt #2 scrubbers. The protocols shall address the testing of both inlet and outlet emissions of the control devices in order to determine control efficiency of each device.
- XI. Within 90 days after approval of each stack testing protocol, Respondent shall perform and submit results of the stack test to the Department.
- XII. If the results of the Stack Test determine that additional controls are necessary in order to comply with Respondent’s permit, within 90 days thereafter the Respondent shall submit an evaluation to the Department of the alternatives available to come into compliance, including the potential for process modifications or adding or modifying emissions control equipment. The evaluation shall include a schedule for making such process modifications or installing such additional or modified equipment. The schedule shall include the timeframe by which Respondent submits to the Department a Title V permit modification application that reflects the results of the evaluation conducted by Respondent in response to the stack test results.

- XIII. As of the effective date of the Modification, Respondent agrees to cap its NO<sub>x</sub> emissions in accordance with its June 27 2014 permit modification application submitted to the Department. The NO<sub>x</sub> cap agreement in this paragraph will be incorporated by the agreement of the parties as a modification of Respondent's Title V permit. This requirement shall terminate upon permit containing the same cap requirements becoming effective and enforceable against Respondent and the Respondent is authorized to operate boilers subject to the NO<sub>x</sub> cap.
- XIV. Within 90 days from the effective date of this Modification, Respondent shall submit plans for installation of the Thinning Tank 1 control equipment that meets 81% control efficiency.
- XV. Within 180 days after receiving a Title V permit modification, Respondent shall install and operate control equipment on Thinning Tank 1.
- XVI. Within 30 days of the effective date of this Modification, Respondent shall submit emission calculations for all sources in process 12.
- XVII. Within 30 days of the effective date of this Modification, Respondent shall evaluate and amend emission statement calculations to reflect current operating conditions for sources related to process 12 of the Title V permit.

Third Party Air Emission Evaluation for Facility

- XVIII. Within 60 days from the effective date of this Modification, Respondent shall retain a third party engineering consultant ("hereinafter third party") to evaluate and determine representative and accurate emissions calculations for each process, emission source, and emission point at the facility. This facility wide evaluation shall be performed under the supervision of, or by, a New York State licensed professional engineer. The facility emission evaluation shall be performed independently by the third party with the assistance of the Respondent. Plant parameters and conditions affecting emissions shall be individually determined and verified by the third party in determining emission profiles for each process, source, and emission point. The third party shall individually determine and approve methods and calculations in developing emission profiles from each process, source, and emission point.
- XIX. Within 90 days from the effective date of this Modification, Respondent shall submit the third party detailed plan ("hereinafter plan") with a timeline for evaluating facility emissions to the Department for review and approval. Timeline shall identify the order of evaluation for each process, source, and emission point. The timeline in the plan shall not extend beyond two calendar years from the effective date of this Order. The Department's approval time shall be added to the end date for completion of the evaluation.

- XX. Within 15 days of the Department's approval of the plan, the third party shall commence the facility wide emissions evaluation and conduct monthly status update meetings with the Department. At these meetings the third party should be prepared to discuss and validate approaches used in determining representative and accurate emissions calculations.
- XXI. Respondent and/or third party shall immediately disclose to the Department any violations of state or federal laws or regulations.
- XXII. Within 30 days of the completion of the emissions evaluation, the third party shall submit a certified (i.e., stamped by a New York State licensed professional engineer) report ("hereinafter report") directly to the Department for review and approval that includes all findings, calculations, and emission rates. The report shall include a detailed description of how annual emission statement amounts are to be calculated. Respondent agrees to be bound by the findings of the Department approved report subject to any modifications made by the third party in response to Department comments per the Review of Documents process set forth in Paragraph X of the Order. The Department's review and approval process shall be binding on Respondent.
- XXIII. Within 30 days of the report being approved by the Department, Respondent shall have the third party (or another third party engineering consultant) submit a modeling protocol for the Department's review and approval. Respondent agrees to be bound by the findings of the Department approved protocol.
- XXIV. Within 90 days of the Department's approval of the modeling protocol, Respondent shall have the third party (or another third party engineering consultant) conduct an ambient air quality modeling analysis in accordance with DEC Air Guide 10 (DAR-10) guidelines using the emissions information in the report, and submit the results of the modeling analysis to the Department for review and approval

### Water

XXV. Within 30 days from the receipt of a written request from the Department, Respondent shall submit to the Department requested information for the following documents required by the CPE:

a) Emergency GAC Contingency Plan

The plan shall be revised to have backup carbon treatment on-site and operational within 7 days of deeming a contingency plan is needed.

b) Flow and Load Study

A complete flow and load study must be submitted including a schedule for implementation. The time period for a response under this Paragraph may be extended by 30 days upon a written request by the Respondent.

XXVI. Within 60 days from the effective date of this Modification, Respondent shall complete all work required to prevent any future releases from the Neutralization Tank Feed pump area. This shall consist of a permanent installation (storage tank and piping) for collecting wastewater on the same floor as the Neutralization Feed Tank area for discharge to the IEQ tanks and SBR.

### Chemical Bulk Storage

XXVII. Respondent shall replace the CBS tank rupture disks for the tanks identified in Paragraph 41 of the Order by no later than November 15, 2014.