

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5  
232 Golf Course Road, Warrensburg, NY 12885  
P: (518) 623-1282 | F: (518) 623-3603  
www.dec.ny.gov

July 22, 2015

Mr. Peter Hansen  
Environmental Soil Management of New York, LLC  
304 Towpath Road  
Fort Edward, NY 12828

Re: Permit Renewal  
ESMI of NY  
Facility ID 58Z01  
DEC ID 5-5330-00038/00019

Dear Mr. Hansen:

Enclosed is your permit renewal authorizing the receipt and treatment of soils containing up to 45ppm of non-TSCA PCBs. This is a renewal and extension of your existing permit (set to expire August 24, 2015) and as such is intended to replace that permit upon receipt. Aside from the expiration date, the only modification is a reference at permit condition 3 to your facility's updated Operating and Maintenance Manual.

Please read and follow the conditions attached to the permit. Failure to comply will be regarded as a violation of Environmental Conservation Law. Should you have any questions regarding the permit, please contact, Mr. Kevin Wood, DEC, at (518) 623-1238.

As always, thank you for your cooperation.

Sincerely,



Kevin R. Bliss  
Deputy Regional Permit Administrator

cc: Sally Rowland, Materials Management  
Kevin Wood, Materials Management



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

**Permittee and Facility Information**

**Permit Issued To:**

ENVIRONMENTAL SOIL MANAGEMENT OF  
NY LLC  
304 TOWPATH RD  
FORT EDWARD, NY 12828-1754

**Facility:**

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

**Facility Location:** in FORT EDWARD in WASHINGTON COUNTY

**Facility Principal Reference Point:** NYTM-E: 615.78      NYTM-N: 4792.755  
Latitude: 43°16'43.4" Longitude: 73°34'23.1"

**Project Location:** 304 Towpath Lane

**Authorized Activity:** Operation of a low temperature thermal desorption solid waste management facility that will treat no more than 425,000 tons per year of uncontaminated papermill sludge from Department approved sources and non-hazardous, non-Toxic Substance Control Act ("TSCA") media. Facility operation will be in accordance with 6 NYCRR Part 360 and the attached general and special conditions.

**Permit Authorizations**

**Solid Waste Management - Under Article 27, Title 7**

Permit ID 5-5330-00038/00019

Renewal

Effective Date: 8/1/2015

Expiration Date: 7/31/2025

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: KEVIN R BLISS, Deputy Regional Permit Administrator

Address:                    NYSDEC Region 5 Warrensburg Sub-Office  
232 Golf Course Rd  
Warrensburg, NY 12885

Authorized Signature:

Kevin R. Bliss

Date 7/22/15



**Permit Components**

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**SOLID WASTE MANAGEMENT PERMIT CONDITIONS**

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by ESMI of New York, LLC and received by the DEC on May 7, 2014.

**2. Submittals** Unless otherwise specified, all submissions required by these special solid waste management conditions shall be made in duplicate to the Region 5 office of the Department of Environmental Conservation (232 Golf Course Road, Warrensburg, NY 12885), to the attention of the Division of Materials Management. The Department encourages electronic submittals.

**3. Operational Conformance** Operation of the facility shall be in strict conformance with the provisions of this permit and 6 NYCRR Part 360 (effective 3/10/03), and the Operating and Maintenance (O&M) Manual dated 03/10/15. [In any instances where the O&M Manual/Waste Analysis Plan differs from Part 360 or these Permit Conditions, Part 360 and these conditions take precedence.]

For the purposes of this permit, the term *media* is defined as: inert, predominately non-combustible, non-volatile solids such as: soil, stone, mine tailings, concrete, brick, lime, dredged material, iron oxide and other such mineral-based materials. Media shall NOT include materials which themselves become fuel in the primary treatment unit of the thermal desorption process, or which are otherwise prohibited under the Permittee's Air State Facility Permit.

**4. Acceptable Waste Streams** The Permittee shall only accept uncontaminated papermill sludge from Department approved sources and NON-HAZARDOUS, NON-TSCA media contaminated with the following:

- Fuels: gasoline, diesel fuel, kerosene, jet fuel (JP-1, 2, 4, 5, and 8), fuel oils (1-6, 1-D, 2-D), Bunker C
- White Oil: Seal oil, white oil
- Lubricating Oils: hydraulic oil, bearing oil, gear oil, penetrating oil, spindle oil, spray oil



- Metalworking Oils: Cutting oil, cooling oil
- Electrical Oil: Non-TSCA transformer oil, cooling oil, mineral oil
- Petroleum Greases
- Petroleum Solvents: Butyl Alcohol\*, Ethyl Alcohol, Hexane, Naptha, Toluene\*, Mineral Oil, Cyclohexane, Ethyl Benzene\*, Methyl Alcohol\*, Propyl Alcohol, Xylene\*, Petroleum Distillate, Stoddard Solvent, Petroleum Naptha, Mineral Spirits, Petroleum thinner, Tetrachloroethylene\*, Trichloroethylene\*, 1,1,1 trichloroethane\*, Methylene chloride\* (\*non-hazardous waste only)
- Natural Waxes: Animal (beeswax, lanolin, shellac wax), Vegetable (carnauba, candelilla, bayberry, sugar cane), Mineral (oxocerite, ceresin, montain), Petroleum (paraffin, microcrystalline)
- Synthetic Waxes and Plasticizers: Polyethylene wax, Ethylene Copolymer Wax, Carbowaxes, Gersthofen Waxes, Polyhydric alcohol Esters, Waxy Ketones, Fatty Acid Amides, Imide Waxes, Polyol Ether Esters, Cellose Esters, Phthalates, Ethylene Glycol, Castor Oil, Camphor
- Animal Oils: Neatsfoot, Beef Tallow, Cod-liver Oil, Butterfat Oil, Herring Oil, Lard Oil, Tanners Oil
- Vegetable Oils: Oiticica Oil, Castor Oil, Coconut Oil, Cottonut Oil, Groundnut Oil, Linseed Oil, Olive Oil, Palm Kernel, Palm Oil, Perilla Oil, Poppyseed Oil, Rapeseed Oil, Resin Oil, Safflower Oil, Sesame Oil, Soybean Oil, Sunflower Oil, Peanut Oil, Tucum Oil, Tung Oil, Esters and Fatty Acids, Turbine Oil, Corn Syrup, Carnauba Wax, Molasses, Croton Oil, Almond Oil, Tall Oil
- Industrial Oils: Absorption Oil, Range Oil, Railroad Diesel, Marine Oil, Natural Gas Engine Oil
- Petrolatum: VaselineTM, Stanolene, Petroleum Jelly, Vasolint, Filtrolatum, Filtrosoft, Kremoline, Pureline, Sherolatum, Stanolind, Saxoline, Cosmoline
- Urban Fill: Historic Fill, Coal/wood ash fill
- Coal: Bituminous, Anthracite, Lignite
- Coal Tar: Coal Tar, Coal Tar Residues, Roofing Tar, Asphalt, Pitch
- Total PCBs: Less than 45 parts per million (ppm) or milligrams per kilogram (mg/kg) in soil, dry weight basis

**5. Acceptance Restrictions** The Permittee shall NOT accept for treatment the following materials at the facility:



- Media that were previously characteristic hazardous wastes
- B007 hazardous waste (PCB-containing environmental media pursuant to 6 NYCRR 371.4(e)(1))
- Casting/Foundry Sands
- Hazardous Wastes
- Infectious Wastes
- Free Liquids
- Radioactive Wastes
- Sorbents (except those combined with soil as part of a spill clean-up)
- Processed C&D Debris
- Putrescible Waste, except Department approved papermill sludges

**6. Pre-Acceptance** No contaminated media shall be accepted without the Permittee first securing a Beneficial Use Determination (BUD) or other Department authorization for the disposition of the resultant treated media.

Prior to accepting any contaminated media, Permittee must receive from the generator results from analyses performed in accordance with the Department approved Waste Analysis Plan (O&M Manual, Section 2.0).

Media contaminated by listed organic hazardous waste and having received a "contained-in determination" by NYSDEC at the generator's site may be transported to ESMI for thermal treatment. After treatment the soil must not exceed the organic constituent limits on Table 2-4 of the O&M Manual.

Pre-acceptance testing in accordance with the Waste Analysis Plan is not required for quantities of media less than 100 cubic yards (150 tons) which are removed from residential properties and are contaminated with virgin petroleum products (e.g., heating oil) only. These materials shall be analyzed in the facility's on site laboratory (gas chromatography scan or equivalent analytical method as approved in writing by the Department for use at ESMI) or at an offsite laboratory prior to treatment. Prior to the material being accepted at the facility, the Permittee shall require a written certification from the property owner indicating the origin of the material and that the product spilled was a virgin petroleum product.

Pre-acceptance testing in accordance with the Waste Analysis Plan may be waived for media from a remediation site that are certified by NYSDEC Spill Response staff to be contaminated with a virgin petroleum product. The Permittee shall maintain written correspondence, signed by NYSDEC personnel, stating that analytical requirements have been waived and that the material is contaminated with only a virgin petroleum product.

**7. Dredge Materials** Prior to acceptance by Permittee, dredged material shall be dried or mixed with on-site soils destined for remediation at the point of generation or media approved for acceptance in accordance with this permit. Prior to transport the mix must contain no free liquids. All pre-acceptance analytical testing must occur prior to mixing or drying the dredged material.

**8. Acceptance Limit - PCBs** Unless otherwise approved in writing by the Department, the Permittee shall not accept contaminated media which is a B007 hazardous waste pursuant to 6 NYCRR 371.4(e)(1) and which contains more than 45 ppm of total PCBs on a dry weight



basis.

**9. Storage of Contaminated Media** Storage of unprocessed contaminated media shall be within the designated storage buildings only and is limited to 15,000 tons. No untreated contaminated media may be stored outside the facility.

**10. Blending** Contaminated media may be blended only when necessary to facilitate treatment. Post-treatment blending of soils to lower metals concentrations for non-residential use may be performed only as stated in the Beneficial Use Determination (BUD) # 610-5-58, Condition 6.

**11. Storage of Treated Media and Treated Papermill Sludge** Storage of treated media, prior to and following analyses, shall be in accordance with the Department-approved O&M Manual, Section 2.5.1. Storage of successfully treated media that meets beneficial use criteria is limited to 67,000 cubic yards as of December 31 of each calendar year.

Storage of treated papermill sludge will be in accordance with BUD #1116-5-58.

**12. Testing of Treated Media and Treated Papermill Sludge** Analytical testing of treated media and treated papermill sludge shall be in accordance with the Department approved Waste Analysis Plan (O&M Manual, Section 2.0).

**13. Reuse of Treated Media and Papermill Sludge** Treated soil may be beneficially used in accordance with BUD #610-5-58 or with another pertinent BUD granted pursuant to 6 NYCRR Part 360. Treated soils from incoming soils containing more than 1.0 ppm total PCBs shall not be reused for residential applications nor blended with soils destined for residential reuse as presently provided for in BUD No. 610-5-58.

Treated papermill sludge may be beneficially used as animal bedding in accordance with BUD #1116-5-58.

**14. Complaint Log** The Permittee shall keep a log of the date and time of all complaints received by any employees regarding the operation of the facility. The log shall also indicate the complainant's name, address and phone number; a description of the problem(s) that generated the complaint; weather conditions at the time of the problem (if possible); and actions taken by the permittee to investigate and remediate problem(s). The log must be available for review by Department staff during normal business hours.

**15. Water Quality Monitoring** The Permittee shall annually collect a sample from the detention pond. Samples shall be analyzed for volatile and semivolatile organic compounds (full 8260 and 8270), and the other routine parameters shown in the Water Quality Analysis Table of 6NYCRR Part 360-2.11(d)(6). Sampling and analysis must be performed by a New York State Department of Health ELAP-certified laboratory.

**16. Contingency Plan** The Contingency Plan (O&M Manual, Appendix A) must be evaluated annually and revised as necessary. Two copies of any revised Contingency Plan shall be provided to the DEC Region 5 Office pursuant to Special Condition 1.



**17. Financial Assurance** The Permittee must maintain an acceptable form of financial assurance in an amount sufficient to cover third-party costs associated with properly closing the facility. The financial assurance instrument shall conform to the provisions of Section 360-1.12. A revised closure cost estimate must be submitted annually as part of the annual report. If the closure cost changes, the financial assurance instrument must be adjusted accordingly and documentation demonstrating such must be included with the annual report.

**18. Reporting, Record Keeping** a. An annual report must be submitted no later than 60 days after the first day of January for the prior calendar year's operation, on forms acceptable to the Department. This report must contain:

- amount of contaminated media received by weight or volume (compiled by waste type)
- total quantity of contaminated media received during each quarter
- origin of the contaminated media
- a description of any operational changes that have occurred in the previous year
- weight or volume of any material bypassed to an alternate solid waste management facility
- origin and generator of any material rejected, and reason for rejection. This must be separated into material rejected at the gate, and material that was rejected following the receipt and review of completed "Preacceptance Project Information" and "Materials Acceptance Decision" forms.
- volume of treated media in storage at the end of the calendar year.

b. All water quality monitoring results must be submitted to the Department within ninety (90) days after each sampling event.

c. Quarterly Reports: The Permittee shall submit quarterly reports within 30 days of the end of each calendar quarter detailing the amount of contaminated media received by weight or volume (compiled by waste type); and a summary of all post-treatment verification sampling results.

d. The following operational records shall be maintained on site:

- summary of waste treatment verification sample results;
- operating logs including shutdown events; and
- documentation on the retreatment or disposal of failed batches.



**19. Closure Plan** Upon termination of use, the Permittee must close the facility in accordance with 6 NYCRR Part 360 and Section 3.7 of the O&M Manual. Closure must include the reuse or disposal of all treated material remaining on site.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 5 Warrensburg Sub-Office  
232 Golf Course Rd  
Warrensburg, NY12885

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

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;





- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.