



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER: 2-6401-00065/00001
FACILITY/PROGRAM NUMBER(S): 43007

EFFECTIVE DATE: 17 December 1997
EXPIRATION DATE(S): Pt. 360: 17 December 2000 SPDES: 1 September 2001

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

TYPE OF PERMIT: <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification <input checked="" type="checkbox"/> Permit to Construct <input checked="" type="checkbox"/> Permit to Operate
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|--|--|--|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6 NYCRR 608: Water Quality Certification  | <input checked="" type="checkbox"/> Article 27, Title 7; 6 NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply        | <input checked="" type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6 NYCRR 373: Hazardous Waste Management        |
| <input type="checkbox"/> Article 15, Title 15: Water Transport     | <input type="checkbox"/> Article 19: Air Pollution Control         | <input type="checkbox"/> Article 34: Coastal Erosion Management                              |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells   | <input type="checkbox"/> Article 24: Freshwater Wetlands           | <input type="checkbox"/> Article 36: Floodplain Management                                   |
|  | <input checked="" type="checkbox"/> Article 25: Tidal Wetlands     |  |

PERMIT ISSUED TO: Clean Water of New York, Inc.		TELEPHONE NUMBER: (718) 981 - 4600	
ADDRESS OF PERMITTEE: 3245 Richmond Terrace, Staten Island, NY 10303			
CONTACT PERSON FOR PERMITTED WORK: Thomas F. Maher, P. E., William F. Cosulich Assoc., 330 Crossways Park Drive, Woodbury, NY 11797		TELEPHONE NUMBER: (516) 364 - 9880	
PROJECT/FACILITY NAME: Clean Water of New York Waste Oil Reprocessing and Storage Facility			
PROJECT/FACILITY ADDRESS: 3245 Richmond Terrace, Staten Island, NY 10303			
COUNTY: Richmond	TOWN: New York City	WATER BODY: Kill Van Kull	NYTM COORDINATES: 570.5 East; 4498.9 North
<p><b>DESCRIPTION OF AUTHORIZED ACTIVITY:</b> Construction and operation of a waste oil reprocessing and storage facility with the following throughput limits: 1) reprocessed recovered fuel oil: 9 million gallons per year; 2) tank bottom sludge and treatment residuals: 1,000 cubic yards per year; and 3) effluent discharges from treatment of tank-cleaning and other oily wastewaters: 250 gallons per minute.</p>			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR: John J. Ferguson	ADDRESS: NYS DEC Region 2 Office, 47-40 21st Street Long Island City, NY 11101	PHONE: (718) 482-4997
AUTHORIZED SIGNATURE:	DATE: 17 December 1997	Page 1 of 8

## GENERAL CONDITIONS

### Instructions

1. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by authorized representatives of the Department of Environmental Conservation (the Department) to determine whether the Permittee is complying with the instant permit and the ECL. Such representatives may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3). A copy of the instant permit, any and all amendments thereto, and any and all documents referenced in such permit or amendments, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of such permit, such amendments, or such referenced documents upon request by a Department representative is a violation of this permit. Any permit sign provided by the Department shall be displayed in a visible facility location and protected from the elements for the life of this permit.

### Permit Changes and Renewals

2. The Department reserves the right to modify, suspend, or revoke this permit when--
  - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
  - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
  - c) new material information is discovered; or
  - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. All work authorized herein shall comply with the most current information submitted by the Permittee pursuant to its application for the instant permit. If such information conflicts with any provision of the instant permit, such provision shall obtain. The Permittee must submit a separate written application to the Department for renewal, modification, or transfer of this permit. Such application must include any forms, fees, or supplemental information the Department requires. Any renewal, modification, or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least--
  - a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC), and Solid Waste Management Facilities (SWMF); and
  - b) 30 days before expiration of all other permit types.
5. 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.

### Other Legal Obligations of Permittee

6. The Permittee has accepted expressly, by the execution of its application for the instant permit, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages, and costs of every name and description resulting from this project.
7. 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.
8. The Permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required for this project.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24,25,34,36 AND 6NYCRR PART 608**

9. That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
10. That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
11. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
12. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
13. Any material dredged in the prosecution of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
14. There shall be no unreasonable interference with navigation by the work herein authorized.
15. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
16. If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
17. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
18. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

Such approved plans were prepared by (see Special Condition No. 2 on Page 4) on \_\_\_\_\_.

**SPECIAL CONDITIONS**

Please see the numbered Special Conditions on the following page.

**SPECIAL NOTE:** In accordance with Title 19, Part 600.4 (c) of the New York Code of Rules and Regulations, the New York State Department of Environmental Conservation hereby certifies that the action described and approved in this permit, if located within the Coastal Zone, is consistent to the maximum extent practicable with the policies and purposes of the New York City Waterfront Revitalization Program.

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## SPECIAL CONDITIONS

1. All work and activities authorized by this permit shall comply with all of the applicable provisions of 6 NYCRR Part 360 (Solid Waste Management Regulations), especially Subparts 360-1, 360-6 and 360-14, unless otherwise specified herein.
2. All construction and operation activities authorized by this permit shall be in strict conformance with the application materials submitted to DEC by the permittee in support of this application, including the application materials filed on behalf of permittee by William F. Cosulich Associates, P. C., original application for Part 360 and SPDES renewal and modification dated March 1996, revised application dated September 1996 with responses to DEC comments dated 6/4/96 and 9/30/96, revised Part 360 application dated March 1997, and tidal wetlands (ECL Art. 25) application dated July 1997.
3. Within ten (10) days after the completion of any construction authorized by this permit, permittee shall have a professional engineer licensed by the State of New York submit to DEC Regional Solid and Hazardous Materials Engineer certification that the subject facility is constructed in conformance with the site plan described in Special Condition No. 2 (b) above. Permittee shall not operate the facility under the terms of this permit until after DEC has received the facility engineer's certification of completion of construction, and until after permittee receives written confirmation from DEC that DEC deems the construction to be complete and in accord with the facility plan. This condition does not apply if no new construction will be done at the facility by permittee.
4. If it has not yet done so, permittee shall, within thirty (30) days after the effective date of this permit, demonstrate to the DEC financial assurance, in the amount of Fifty Thousand Dollars [\$50,000], in the form of a letter of credit, performance bond, or similar financial instrument acceptable to DEC in accordance with 6 NYCRR § 360-1.12(a)(1). Permittee shall keep its financial assurance instrument in effect for the duration of its operation of the facility, until DEC accepts permittee's engineer's statement of facility closure under the terms of 6 NYCRR Part 360.
5. Solid waste which is not recycled shall be sent only to the approved solid waste disposal facilities documented in the application with letters of intent and all currently required, valid permits to operate.

At least three months prior to the expiration of any permit required to operate any of the disposal facilities described above, permittee shall submit a complete copy of the renewed permit or permit extension to the Regional Solid and Hazardous Materials Engineer at the Region 2 Office of DEC. If permittee fails to submit such copy, or if any disposal facility loses any governmental authorization required to operate any of the disposal facilities named above for any reason, including expiration and failure to renew permits, permit suspension, permit revocation, or facility closure, cessation of operations, or abandonment, permittee shall immediately cease sending solid waste to such facility or facilities for disposal, and shall notify the DEC Region 2 Solid and Hazardous Materials Engineer of such cessation and the reason(s) for it.

If permittee wishes to add or otherwise change the disposal facilities to which permittee is authorized to send solid waste, permittee shall submit letters of intent from such disposal facilities, and copies of all required permits to operate such disposal facilities, to the DEC Region 2 Solid and Hazardous Materials Engineer. Upon written authorization from the DEC Region 2 Solid and Hazardous Materials Engineer, permittee may send solid waste to such disposal facilities.

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**FACILITY:** 3245 Richmond Ter.

**SPECIAL CONDITIONS**

6. An account to fund an environmental monitor shall be established and maintained with the Department as follows:

a. If permittee has not already done so, the sum of \$10,000 shall be submitted to the Department within 10 days of the effective date of this permit to fund departmental environmental compliance monitoring activities for the permitted facility. This sum is based on an estimate of the first year costs and is subject to quarterly revision. Subsequent quarterly payments shall be made for the duration of this permit to maintain an account balance sufficient to meet the next nine months' anticipated expenses. Quarterly payments shall be made for the duration of this permit in accordance with the following provisions.

b. Costs covered by this fund include: i) Direct personal service costs and fringe benefits of the environmental monitor(s) and full-time monitor supervisor(s), including the costs of replacement personnel for the person regularly assigned to these positions; ii) Direct non-personal service costs, including without being limited to purchase or lease of a vehicle if necessary and its full operating costs, and any appropriate chemical sampling and analysis; iii) Inflation increases and negotiated salary increases; and iv) Indirect support or overhead costs at the Federal Indirect Cost Rate.

c. As noted, the Department may revise the required payment on a quarterly basis to include all costs of monitoring to the Department. The quarterly revision may take into account factors such as inflation, salary increases, accrued interest to be applied to the balance, changes in operating hours and procedures, and the need for additional on-site monitors and supervision of such monitors by full-time monitor supervisors. Upon written request by the permittee, the Department shall provide permittee with a written explanation for the basis of any modification.

d. Within 30 days of written notice by the Department that a payment is due, payment shall be forwarded to the Department. Payment should be sent to: NYS Department of Environmental Conservation, 50 Wolf Road, Room 593, Albany, NY 12233-1510, Attention: Director of Environmental Monitors. Payments shall be in advance of the period in which they will be expended.

e. Upon termination of this permit and payment of any outstanding costs, the unexpended balance including interest will be returned to the permittee.

f. Failure to make the required payments is a violation of this permit. The Department may take appropriate action to enforce the payment provisions, including suspension or revocation of the permit.

g. The environmental monitor shall receive from the permittee all general safety training which is normally given to new site employees. This training will be supplemental to the mandatory safety training which the NYS DEC monitors receive from the Department.

h. The permittee shall furnish each environmental monitor with the current site policy and procedures manual for health and safety issues. The permittee shall notify the Department in writing each time a change to the health and safety plan is made.

i. The environmental monitor shall, when present at the permitted site, abide by all of permittee's health and safety and operational policies; provided, however, that this subparagraph shall not be construed as limiting the monitor's powers as otherwise provided for by law and shall not result in the monitor's being less protected than the monitor would be if he or she were to abide by state and federal health and safety requirements.

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7. Allowable Waste Materials. Permittee may accept the following wastes delivered by barge, truck and drums:

Category A — The oil/water mixture and its residue from the cleaning, by the Butterworth method, of virgin oil tank barges.

Category B — The bilge/ballast water and oil mixtures, as well as the residue of such, from ships or vessels.

Category D — Used engine lubricating oil (N001), contaminated fuel oil (N002), lube/hydraulic oil (N003), transmission fluid (N004), gear oil (N005), non-PCB dielectric fluid (N006), emulsified cutting oil (N007), non-emulsified cutting oil (N008), distressed oil (N010), tank bottoms -- fuel oil (N013), tank bottoms — other (N015), vegetable oil from industrial sources (N016), mineral oil from industrial sources (N017), water contaminated with oil (N018), tar and asphalt originating from the vessel/tank cleaning operations (N098), and synthetic lube oils and castor oil (N099).

Category E — Under this category, permittee may accept oil-soaked debris (N011). If this waste material is directly related to Category A, B, or D material that is being delivered to the facility and the samewaste has undergone pre-qualification analysis, additional testing is not required. In all other cases, pre-qualification analysis testing consisting of total halogens, RCRA metals (arsenic, cadmium, chromium, lead) must be conducted prior to acceptance of the material. In addition, if the waste shipment originates from a utility, it must be screened for PCBs. Category E waste must be sent to any of the approved disposal facilities listed in Special Condition No. 15 of this permit. A record of how the hazardous waste determinations were made and who made them must be maintained for at least seven (7) years at the facility office.

Before any of the waste Categories A, B or D may be accepted, permittee must have a representative sample tested by the Clor-D-Tect Kit Test for total halogens. The same sample must also be tested by the Pensky-Martens Closed Cup Tester, Materials Standard D-93-79 or D-93-80, for flash point. Each separate chamber of every multi-compartmented truck must be sampled, tested and analyzed separately. All strata of a vertical column within each tank or compartment must be sampled into a container using a coliwasa or other acceptable method in accordance with 6 NYCRR Part 371, Appendix 19. Samples obtained from each compartment or tank must not be mixed for the purposes of determining total halogens and flash point. Mixing of samples is allowed if they are obtained from a single truck or vessel and will be used in the 5% independent analysis as specified below, unless screening tests indicate that one or more compartments has halogens in excess of 1,000 ppm or a flash point less than 100 °F. If the level of halogens is found to be in excess of 1,000 ppm, the waste must not be accepted, and permittee must follow the requirements of Special Condition No. 10 below. Permittee may choose to rebut the presumption of hazardous waste by following the procedures described in 6 NYCRR Part 374.2. If the flash point is below 100°F, the load must be rejected by permittee. In the event permittee or employees of permittee have knowledge that a waste oil load or a portion of a waste oil load originates from a utility, such load must be pre-screened for hazardous concentrations of PCBs before it may be accepted into the facility. Copies of said pre-screening test results must be maintained at the facility as part of permittee's operational records.

Because the screening or analysis for halogens for Category A, B, and D wastes will not be routinely conducted by an independent testing laboratory licensed by New York State (ELAM lab) and found acceptable by DEC, random samples must be taken, and tests made, on a minimum of five (5) percent of all incoming loads. The frequency of such testing must be as follows:

**SAMPLING & TESTING OF INCOMING LOADS BY A DEPARTMENT-ACCEPTABLE LABORATORY (ELAM)**

	TOTAL HALOGENS	FLASH POINT	TCLP METALS	PCBs
CATEGORY A	5%	5%	—	—
CATEGORY B	5%	5%	—	—
CATEGORY D	5%	5%	5% As, Pb, Cd, Cr	5%

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**SPECIAL CONDITIONS**

7. [continued] Aside from the allowable solid waste materials described in Categories A, B, D and E, permittee is strictly prohibited from accepting, storing, and processing any other types of solid waste.
8. **Record-keeping.** Permittee must maintain and have available for inspection at the facility at all times an operating record of incoming and outgoing loads of used oil and all other waste materials. This record must, at a minimum, include the name and addresses of each originating facility, vessel, and vessel owner, date of shipment, quantity shipped, and pre-screening test results. Copies of all invoices and manifests must be maintained at the facility by permittee for a minimum of seven (7) years. In addition, records of inspections by DEC or any other government agency, and records of spills or other emergencies, and remedial actions taken, must be maintained by permittee at the facility office.
- Permittee must maintain a log for each sludge storage drum at the facility recording the time and date of the filling of each drum with sludge. Permittee must also record the time, date, hauler, quantity, and final disposal facility of the sludge in each drum or other container when it is hauled away from the facility.
9. At least twice per year, random samples must be taken by permittee of sludge intended for disposal. Such sludge shall be tested by an independent testing laboratory licensed by New York State and acceptable to DEC for hazardous waste characteristics and the results sent to the DEC Region 2 Solid and Hazardous Materials Engineer.
10. **Unacceptable waste.** If, during the course of performing the screening tests or analyses, permittee finds that a load is unacceptable due to findings of less than 100°F flashpoint or greater than 1,000 ppm total halogens, or the load is determined to be a characteristic hazardous waste, permittee must make a record of that incident including at a minimum, the time and date of the incident, the screening test results, the quantity of material, location of material, and how the responsible party stated it would properly dispose of the unacceptable material. Furthermore, permittee is required to notify DEC in accordance with the procedure described in 6 NYCRR § 360-14.3(j)(3)(iii).
11. **Rebuttals.** If the level of total halogens is found to be in excess of 1,000 ppm, the waste may be accepted by permittee only if permittee performs an additional round of sampling, testing and analysis which demonstrates that there are no significant concentrations of specific halogens present, and permittee receives notification from DEC that the analytical results indicate that the waste is not considered to be hazardous.
12. **Waste off-loading.** Acceptable waste which is delivered by truck may only be off-loaded at the drum/dumpster storage area.
13. **Off-loading area.** The designated truck off-loading and sludge storage area must be continuously inspected by permittee. If any liquids are found in the designated storage and transfer/off-loading area caused by either rain or spillage, they must be collected, and the storage/transfer area cleaned during the same day such liquid is observed. Permittee must either dispose of the material recovered from the designated storage area or put such material into the facility's processing system for treatment. Permittee must keep at least ten (10) bags of absorbent within close proximity of the off-loading/storage area.
14. **Marketing of recovered used oil.** The outgoing reprocessed used fuel oil must be determined to be on-specification before it can be marketed as on-specification used fuel oil. Otherwise, permittee may only market its reprocessed oil as off-specification oil to permitted industrial users.

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**SPECIAL CONDITIONS**

15. **Sludge storage requirements.** When permittee removes sludge from waste oil tanks/barges, the sludge must be stored in covered drums or dumpsters placed at the existing container storage area. No more than sixty (60) cubic yards may be stored at the facility at any time. Within ninety (90) days of placement in the sludge storage area, sludge must be shipped to one or more of the approved disposal facilities listed below:

Clean Earth of New Castle, Inc., New Castle, Delaware  
Evergreen Landfill, Bedford, Ohio  
American Ref-Fuel Company of Hempstead, Westbury, New York  
American Landfill, Inc., Waynesburg, Ohio

16. Permittee shall utilize best management practices during cleaning and transfer operations to contain oily water and recovered product within vessels. Permittee shall install and maintain secondary containment around any machinery operated on the car float.

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