New York State Department of Environmental Conservation
Division of Environmental Permits, Region 1
50 Circle Road, Stony Brook, NY 11790-3409
Phone: (631) 444-0365 • **Fax:** (631) 444-0360
Website: www.dec.ny.gov

April 8, 2015

Patricia Werner-Els
Advanced Waste & Water Technology
209 Route 109, Suite 101
Farmingdale, NY 11735

Re: Permit #1-4720-00204/00007

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your transferred permit identified above. Be advised, a permit condition requiring an Environmental Monitoring for the site consistent with a recent Consent Order, has been added to the permit. Please carefully read all permit conditions and the schedule contained in the permit carefully to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

This permit must be kept available on the premises of the facility at all times.

Sincerely,

Mark Carrara
Deputy Permit Administrator

cc: K. Murphy, NYSDEC
File

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ADVANCED WASTE & WATER
TECHNOLOGY INC
208 RTE 109 STE 101
FARMINGDALE, NY 11735
(917) 324-0166

Facility:
ADVANCED WASTE & WATER
TECHNOLOGY FACILITY
208 ST RTE 109
FARMINGDALE, NY 11735

Facility Location: in BABYLON in SUFFOLK COUNTY
Facility Principal Reference Point: NYTM-E: 634.9 NYTM-N: 4509.2
Latitude: 40°43'21.7" Longitude: 73°24'09.7"
Authorized Activity: Collection and storage of petroleum contaminated waste water and railroad wash water; and storage and transfer of non-hazardous drummed solid waste.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7
Permit ID 1-4720-00204/00007

Renewal	Effective Date: 12/1/2010	Expiration Date: 11/30/2015
Modification # 1	Effective Date: 11/21/2012	Expiration Date: 11/30/2015
Modification # 2	Effective Date: 4/8/2015	Expiration Date: 11/30/2015

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: MARK CARRARA, Deputy Regional Permit Administrator
Address: NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY 11790 -3409

Authorized Signature: _____ Date 4 / 8 / 2015

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. Operations Facility shall operate in accordance with all applicable Sections of 6 NYCRR Part 360 and permit application dated September 2002 as revised on September 14, 2004 and renewal application dated August 17, 2009, subsequent revisions dated February 16, 2010 and August 2, 2010, **and modification request dated August 7, 2012.**

2. Environmental Monitor Requirement Environmental Monitor The environmental monitor shall be funded in accordance with the following:

a. The permittee shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this permit.

b. The permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this permit or until the environmental monitoring services are no longer necessary, whichever comes first.

c. The permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.

d. The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis for any revisions.

e. Prior to making its annual payment, the permittee will receive, and have an opportunity to review and

request adjustment to, an annual environmental monitoring work plan that the Department will undertake during the year. The Department will provide a final annual work plan that the Department will undertake during the year.

f. Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.

g. Failure to make the required payments shall be a violation of this permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.

3. Approved Waste Wastes to be accepted and stored at the facility in tanks are limited to waters contaminated with the following petroleum products: gasoline, diesel, jet fuel, kerosene, and heating oils #2, #4 and #6 from the pumping of virgin tanks, water from Verizon manholes which may be contaminated with petroleum products from runoff, **and wastewater from LIRR railcar wash operations at the Ronkonkoma Train Wash Facility.** A maximum of 2,160,000 gallons of petroleum contaminated water may be accepted annually.

4. Gasoline Contaminated Waters All gasoline contaminated waters accepted must contain recoverable quantities of gasoline and the recovered quantity included in the operating record in accordance with condition #**6** below.

5. Acceptance of Railroad Washwater For LIRR railcar washwaters, all such wastewaters shall be delivered by United Cesspool, Permit #1A-932. Prior to United Cesspool departing to the LIRR railcar wash, EWT will conduct a physical inspection of the United Cesspool vehicle at EWT to ensure all prior liquids have been removed and the tanker cleaned.

6. Railroad Washwater Sampling For LIRR railcar washwaters, prior to offloading any washwaters, a sample must be collected from the tanker and analyzed for pH. Any analysis less than or equal to 2.0 SU or greater than or equal to 12.5 SU must be rejected and the Department notified within 24 hours.

7. Record Keeping The facility must keep an operating record for all incoming and outgoing loads of petroleum/water mixtures. This record must include the following information:

For incoming wastes: name and address of generator
name and permit number of transporter
volume and identification of petroleum/water mixtures
volume of gasoline and volume of water for each load of gasoline/water mixture
date received at facility

For outgoing wastes: quantity and date of shipment
name of transporter
name and address of destination facility

proposed use of petroleum

This record must be available on site at all times and to the Department upon request.

8. Randon Sampling Requirement Random influent samples must be taken from the 15,000 gallon compartment of the 30,000 gallon holding tank (prior to new tank installation, from the 12,000 gallon holding tank) quarterly and analyzed for volatile organic compounds (VOC) using EPA Method 8260B, TCLP metals using EPA Method 1311/6010B and 7470A, pH, and Flashpoint using EPA Method 1010. EWT must provide five (5) business days notification to the Department prior to performing the quarterly sampling. Results must be maintained on site and submitted to the Department within fifteen (15) days of receipt.

9. Approved Drum Storage Substances Wastes to be accepted and stored at the facility in drums is limited to soils, sludges, sorbents, waters and oils contaminated with the following petroleum products: diesel fuel, kerosene, jet fuel, heating oil #2, #4 and #6 oils and hydraulic oils. Any media containing gasoline must be sampled and analyzed for benzene at an ELAP certified laboratory, and shown to be non-hazardous (benzene <0.5 mg/l) prior to acceptance.

10. Control Access to Facility Access to the facility shall be strictly controlled to prevent unauthorized entry.

11. Post Hours of Operation The Permittee shall post sign(s) showing hours and days of operation, and the types of solid waste being accepted at the facility. The sign(s) shall be posted in such a way that they are visible to any vehicle approaching the facility entrance.

12. Dust, Noise & Odor Control The Permittee shall effectively control all dust, noise, odors and vectors so that they do not constitute nuisances or hazards to health, safety or property. Off site noise levels generated during operating hours shall not exceed limits set by 6 NYCRR Part 360. The Permittee shall immediately implement any controls required by DEC.

13. Approved Storage Areas All storage onsite of wastes accepted under this permit must be stored in either the underground storage tanks listed below or in drums within the drum storage shed.

14. Storage Limits No more than 12,000 gallons may be stored in underground storage tank until the new tank is installed then no more than 30,000 gallons may be stored within the underground petroleum/water holding tank as follows:

Compartment #1 - 8,000 gallon recovered gasoline tank
Compartment #2 - 15,000 gallon petroleum contaminated waters
Compartment #3 - 7,000 gallon diesel fuel, kerosene, jet fuel, #2 heating oil, #4 and #6 oils

Other storage limits as follows:

380 gallon oil/water separator tank
1,500 gallon Reactor Vessel #1
4,500 gallon Reactor Vessel #2
6,000 gallon effluent tank

15. Non-Hazardous Waste Storage Shed All non-hazardous waste drums accepted from off-site must be stored in the storage shed. This shed must be locked, unless being loaded or unloaded, or under the direct control of personnel, when not in use.

16. Drum Storage Logs Upon placing of drums in the storage shed, each drum must be entered into the storage shed log. This log must include: a) an individual drum number for each drum: b) generator name and address; c) transporter name and permit number; d) date of pick up; e) date of entry into shed; f) quantity and contents of each drum; g) and NYSDEC Spill Number, if applicable.

Prior to offsite transport, the location of analytical data for each drum must be added to the log. This log must be kept current and on site at all times and be available to DEC employees upon request.

17. Hazardous Waste Prohibition No hazardous wastes may be accepted or stored at the facility other than hazardous wastes temporarily stored in accordance with the exemption provided in 6 NYCRR 372.3(a)(7) or under written Emergency Authorization by the Department.

18. Storage Time Limit The storage of non-hazardous drum waste is limited to 30 days from date of receipt at the facility.

19. Drum Storage Drums must be stored on pallets. Aisle space must be maintained between each row of 2 drums to allow for the movement of personnel, inspectors and equipment required for the entry and removal of drums and any required emergency equipment and services.

20. Transfer of Drums All transfer of drums must be done on an impervious pad. Any washing of the transfer area must be directed to the facilities on-site wastewater treatment plant.

21. Emergency Equipment All emergency equipment and materials listed in the Contingency Plan must be available on site at all times and maintained to assure proper operation. The Inspection Log Sheets for Weekly Inspection of Storage Tank System and Security Devices and Miscellaneous Equipment (as provided in Appendix F) must be completed weekly and be available during normal business hours.

22. Contingency Plan Contingency Plan must be kept current. Any changes in emergency coordinators, emergency equipment, telephone numbers or other significant information must be reported to the Department by replacing the existing application page with the new infomation, within ten (10) days of the change.

23. Training All training must be conducted in accordance with the approved Personnel Training Program. All new employees must be trained within one month of hire and an Annual Refresher of the initial training must be held. Additions or deletions of personnel directly related to operation of the facility must be provided to the Department within ten (10) days of the change.

24. Maintain Insurance General Liability and Pollution Liability insurance, and Workers Compensation must remain in force throughout the duration of this permit. Current Certificates of Insurance must be provided to the Department's Region 1 office with the Region 1 Headquarters named as the Certificate Holder prior to the expiration date of the policy.

25. Financial Assurance Financial assurance must be maintained during the life of this permit. The owner or operator must adjust the closure cost estimate for inflation within 60 days of the anniversary date of the establishment of the financial instruments. The adjustment may be made by recalculating the maximum cost of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. Subsequent adjustments are made by multiplying the latest closure cost estimate by the latest inflation factor.

26. Record Keeping All daily and weekly inspection logs of storage tank systems, security devices, miscellaneous equipment, **and the Tank Inspection Log for LIRR railcar washwaters** must be kept current and available for inspection on site.

27. Waste Profiler Report A Waste Profile Report (as provided in Appendix F) must be provided for each customer.

28. Annual Report An Annual Report must be submitted to the Department no later than 60 days following the first of January containing all information included in 6 NYCRR 360-11.4(j).

29. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by various parties on dated September 2002 as revised on September 14, 2004 and renewal application dated August 17, 2009, subsequent revisions dated February 16, 2010 and August 2, 2010, and modification request dated August 7, 2012..

30. Records Retention All records required under this permit must be retained for a period of seven (7) years.

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 1 HEADQUARTERS
SUNY @ STONY BROOK|50 CIRCLE RD
STONY BROOK, NY11790 -3409

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.