



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

**Permittee and Facility Information**

**Permit Issued To:**  
ANELLOTECH INC

401 N MIDDLETOWN RD BLDG 170A  
PEARL RIVER, NY 10965  
(914) 645-1143

**Facility:**

ANELLOTECH BUILDING 123 (ANELLOTECH  
RESEARCH AND DEVELOPMENT FACILITY)  
401 N MIDDLETOWN RD BLDG 123  
PEARL RIVER, NY 10965

**Facility Location:** in ORANGETOWN in ROCKLAND COUNTY

**Facility Principal Reference Point:** NYTM-E: 582.269 NYTM-N: 4547.962

Latitude: 41°04'43.5" Longitude: 74°01'14.3"

**Authorized Activity:** Acceptance of wood flour in order to operate a pilot scale research, development and demonstration facility to further develop the permittee's patented one step Catalytic Fast Pyrolysis technology for converting clean cellulosic biomass product to high commodity benzene, toluene, and xylene (BTX).

**Facility ID:** 44-P-01

**Permit Authorizations**

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

Permit ID 3-3924-00471/00001

New Permit

Effective Date: 7/8/2015

Expiration Date: 7/7/2016

**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: R SCOTT BALLARD, Deputy Regional Permit Administrator

Address: NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

Authorized Signature: \_\_\_\_\_

Date 7/8/15



**Distribution List**

DAVID G POLLOCK  
RICHARD E CLARKSON  
DANIEL T WHITEHEAD  
TOWN OF ORANGETOWN  
ROCKLAND COUNTY HEALTH DEPARTMENT

**Permit Components**

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**SOLID WASTE MANAGEMENT PERMIT CONDITIONS**

**1. Failure to Meet Permit Conditions** The facility must operate in conformance and compliance with 6 NYCRR Part 360 Solid Waste Management Facilities Regulations (Part 360) or any revisions hereafter promulgated and any State law, rule, code, or regulation; and, the special and general conditions of this permit.

Failure of the permittee to meet any of the terms and conditions of this permit is a violation of Part 360 and may subject the permittee to enforcement action.

**2. Facility Inspections and Compliance Audits** Initial issuance or renewal of this permit shall not be construed as a determination by the Department that the facility is in compliance with applicable regulations or with the permit conditions. That determination will be made by the Department by means of periodic facility inspections and compliance audits.

Pursuant to Part 360-1.13(c)(4), the commissioner, without affording the permittee a prior opportunity for a hearing, may order an immediate termination of all operations at the facility at any time the commissioner determines that termination is necessary to protect human health and the environment, provided that the permittee is provided an opportunity for a hearing on the termination issue no later than 10 days after the issuance of the order and a decision is rendered no more than 20 days after the close of the hearing record. Nothing in this Part shall preclude or affect the commissioner's authority to issue summary abatement orders under section 71-0301 of the ECL or to take emergency actions summarily suspending a permit under section 401.3 of the State Administrative Procedure Act.



**3. Submit Operations and Maintenance Manual (O&MM)** Prior to the receipt of biomass and the start-up of the facility, the permittee shall submit an updated Operations and Maintenance Manual (O&MM) that includes the following additional information:

- a. The revised O&MM must be certified by a professional engineer licensed in the state of New York. This certification must include a statement of certification, stamp or seal, signature and date.
- b. Detail on worker safety training.
- c. Revised Section 2.18.7. The application and any supporting documentation must be kept for the life of the permit. All data and records developed to demonstrate compliance with the permit shall be kept a minimum of 7 years.
- d. Spill response procedures that will be followed for both hazardous and non-hazardous liquids, ash and spent catalyst. If a spill were to occur, how will it be prevented from exiting the building (barrier or slope)?
- e. Emergency contact information to include the following information.  
New York State Department of Environmental Conservation and (845) 256-3138.

**4. Submit Ash Sampling Plan** Prior to the receipt of waste (biomass) and the start-up of the facility, the permittee shall submit to the Department for review and approval, an ash sampling plan with a proposed sampling schedule.

**5. Submit Biomass Specification** Prior to the receipt of waste (biomass) and the start-up of the facility, the permittee shall submit the biomass specifications.

**6. Submit Certified Drawings** Within 30 calendar days of the issuance of this permit, the permittee shall submit a copy of the drawings dated June 25, 2015 with a PE certification.

#### APPROVED DOCUMENTS AND WASTES

**7. Approved or Relevant Documents** The facility shall be operated in conformance with the following approved or relevant plans and documents, to the extent they do not conflict with 6 NYCRR Part 360 Solid Waste Management Facilities Regulations and this permit:

- a) Solid Waste Permit application dated April 20, 2015 certified by Rachel Barese and revisions dated June 30, 2015.
- b) Report of *Supplemental Information for Part 360 Research, Development, and Demonstration (RD&D) Permit Application* including the operations and maintenance manual, contingency plan and closure plan and its revision as required under Solid Waste Management Conditions # 3-5.

The above documents supersede all previously approved plans for the facility.

**8. Acceptable Wastes** The permittee is authorized to receive wood flour, and upon prior written notice to the Regional Materials Management Engineer (RMME), corn stover and sugar bagasse, provided it is adequately controlled so as to prevent litter, odor and vector problems.

**9. Tonnage Limits** The permittee is authorized to store a maximum of 6 (< 10,000 lbs) Super Sacks of biomass feedstock.



**10. Unacceptable Wastes** The permittee is prohibited from accepting municipal solid waste, commercial waste, or industrial wastes except as authorized in Solid Waste Management Permit Condition # 8 above. The permittee is also prohibited from accepting construction and demolition debris, hazardous waste; liquid waste; sewage sludge or septage; chemical or explosive wastes; or industrial wastes as defined in 6 NYCRR 360 and/or Part 371; infectious or medical wastes as defined in Public Health Law 1389-aa and Environmental Conservation Law Article 27 Section 1501; waste tires; yard wastes; or asbestos waste; unless authorized in writing by the RMME.

#### OPERATIONS

**11. Operating Hours** The facility may RECEIVE waste (biomass) only during the following periods:  
MONDAY through SATURDAY: between 7:00 A.M. and 7:00 P.M.

The facility may PROCESS waste 24 hours a day/7 days a week as necessary.

All receipt and deliveries of feed stock are prohibited on all Sundays and the following New York State Holidays: New Year's Day, Memorial Day, Independence Day (4th of July), Labor Day, Thanksgiving, and Christmas, unless otherwise authorized by the Department.

**12. Ultimate Disposal and Management of Waste** All solid waste passing through the facility must be ultimately treated or disposed of at a facility authorized by the Department if located in New York State, or by the appropriate governmental agency or agencies if in other states, territories, or nations.

The Permittee shall remain in compliance with all applicable New York State Hazardous Waste Regulations (6 NYCRR Parts 370 - 374 and 376).

#### WASTE ACCEPTANCE/CONTROL

**13. Control Program** Pursuant to Part 360-1.14(e)(1), a control program, which must include an employee training program, must be instituted to recognize and properly handle unauthorized waste brought to the facility. An employee who has been trained in accordance with the Department-approved training program must be present as loads of incoming solid waste (biomass) are received to inspect each load for unauthorized waste.

Unauthorized waste received at the facility shall be removed from the facility within 24 hours of receipt. The Department must be notified of each incident as specified elsewhere in this permit, and in the annual report. Records of each incident shall be maintained pursuant to Part 360-1.14(j)(1) and made available for Department review at the facility. At a minimum, the record of the incident shall contain the date the waste was received, the type of waste received, the date of disposal, the disposal method, and the location of disposal. Any unauthorized waste accepted at the facility must be managed in accordance with applicable Federal or State laws and regulations.

**14. Vehicles** All loaded incoming and outgoing vehicles must be appropriately covered, enclosed, or otherwise secured, so as to prevent dust and blowing litter. The permittee shall deny entry to any vehicle that does not comply with this condition.



15. **Leachate Collection** Leachate must be collected and properly disposed of including from all waste containment devices. In the event of an overflow of the containment devices or other release, operations will cease until they are pumped out, washed down, cleared of debris, or otherwise repaired.

Reports of the weekly inspections and the quantities of leachate removed, as well as the final destination for leachate disposal, must be maintained at the facility for at least seven years and be available for Department review at the facility.

16. **Weekly Inspections** A properly trained employee will conduct weekly inspection of the facility to ensure that equipment, floors and materials within the facility are properly maintained and do not pose a threat to the environment or human health. The employee shall document, sign and date the report and include recommendations to address any concerns found. The permittee will take whatever measures are necessary to prevent the release of contaminants (including leachate) into the environment, including but not limited to cessation of waste handling and processing in the affected areas.

17. **Walls** The receiving facility building walls and ceiling shall be cleaned a minimum of once a year.

#### MITIGATION

18. **Nuisance Condition** The operation of the facility must be conducted in such a manner that dust, litter, vectors, noise, and odors do not cause a nuisance condition or pose a threat to the health and safety. Any operational changes deemed necessary by the Department to correct nuisance conditions must be implemented, including immediate cessation of all or part of the facility's operation.

19. **Noise** At least once a year, the permittee shall conduct a noise survey to determine compliance with 6 NYCRR Part 360-1.14(p). The survey shall be carried out by an individual with expertise in noise analysis. The report must be submitted to the Department within thirty days of when the data has been obtained. In addition to what is required in Part 360 and the Department's noise guidance document, this report shall also contain the raw data, including any interference that may have been observed during the data collection process (for example, cars passing by) and the operational conditions of the facility (equipment, trucks, etc.).

If it is demonstrated that site conditions make noise impacts on the surrounding community unlikely, the permittee may petition the Department to waive annual monitoring. If a waiver is granted, the noise survey must be conducted upon renewal of the permit. The Department reserves the option to reinstitute the annual noise survey requirement if, at its sole discretion, the Department determines that conditions at the site have changed and the waiver is no longer justified.

#### CONSTRUCTION REQUIREMENTS

20. **New Construction** At least ninety (90) days prior to commencement of any new construction, including subsequent phases, the permittee shall submit to the Department for its review and approval, engineering plans prepared by an individual who is licensed to practice engineering in the State of New York. Except for emergency repairs, no construction shall commence until written approval is received from the Department. All construction activities at this site must be supervised by an individual licensed to practice engineering in the State of New York.



All construction shall be in strict conformance with the provisions of the special conditions of this permit: 6 NYCRR Part 360 regulations and any revisions hereafter promulgated; and, to the extent that they do not conflict with this permit and Part 360, the following:

a) Solid Waste Permit application dated April 20, 2015 certified by Rachel Barese and revisions dated June 30, 2015.

**21. Plans and Specifications** All construction shall be in strict conformance with engineering plans and specifications prepared by a professional engineer (PE) licensed to practice in New York State, and any revisions to those plans and reports which are approved in writing by the Department.

**22. Notifications** The permittee must notify the Department in writing and five (5) days prior to commencement of any construction, including subsequent phases of a construction project, to provide the Department with an opportunity to observe and inspect the construction.

**23. Certification** A Construction Certification Report signed, stamped and certified by a professional engineer (PE) licensed to practice in the State of New York, must be submitted to the Department within forty-five (45) days after completion of any construction. The construction certification report must certify that the construction was completed in accordance with the PE certified plans and/or reports and in compliance with all applicable 6 NYCRR Part 360 regulations. As-built drawings of the new construction and the entire facility, as well as photographs, shall be submitted to the Department as part of the Report. Operation of the portion of the facility subject to the certification report cannot begin until the Department has reviewed an acceptable construction certification report as described above and has provided written approval to the permittee.

#### MONITORING

**24. Assignment** Pursuant to part 360-1.11(a), upon written notification by the Department, the permittee shall fund an on-site environmental monitor (OSEM). Department employees shall act as OSEMs at the facility. The OSEM shall be present during all aspects of facility operation and construction at times designated by the department. It is not the intention of this condition to prevent the permittee from conducting such activities as are otherwise authorized by this permit if the OSEM is unable to be present at any particular time.

**25. Facilities** The permittee shall provide office space which shall at a minimum include a desk, chair, phone, internet connection, and any other appropriate office equipment required by the OSEM to undertake normal duties. This office space and equipment must be acceptable to the Department.

**26. Monitor Account** Upon written notification, the account to fund the environmental monitor(s), if established under permit, shall be as follows:

- A. Upon written notification, 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, an annual environmental monitoring 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.
- H. The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.
- I. The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor receives from the Department.



- J. Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.
- K. The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. Copies of the data or images collected from areas where confidentiality is a concern shall be provided to the Permittee upon their request. The Permittee may request the data and images be considered confidential information if appropriate.
- L. It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.

#### REPORTING AND RECORD KEEPING

**27. Permit and Plans** A copy of this permit, along with all documents mentioned in the special conditions and documents required by 6 NYCRR Part 360, must be available for inspection by NYSDEC, or the Rockland County Health Department, during operational hours at the project site.

The permittee shall make all facility employees familiar with the approved Operations & Maintenance Manual and Contingency Plan and have them available for ready reference on the site. The permittee shall provide copies of the approved plans to the Rockland County Health Department.

The facility shall have an individual(s) on site that is (are) sufficiently trained in the implementation of the Contingency Plan and is/are sufficiently trained in incident response. The permittee shall be responsible for making these documents available for non-English speaking employees whose primary language is other than English. These documents must be available to employees no later than sixty (60) days after the effective date of this permit and/or the start of a new employee with special language requirements.

**28. Updates** All reports, plans and manuals, unless otherwise specified in the permit application or special conditions, must be updated no less frequently than renewal of the permit to operate. The permittee must submit revised plans and reports at any time that such revisions are necessary to comply with revised 6 NYCRR Part 360 regulations and/or whenever the permittee is notified by the Department that revisions are necessary to comply with applicable 6 NYCRR Part 360 regulations, regardless of whether or not such plans or reports have been previously approved. All updated plans, manuals, and reports must be prepared, stamped and signed by a Professional Engineer licensed to practice engineering in the State of New York.

**29. Annual Report** An annual report shall be submitted no later than March 1 of each calendar year while this permit is in effect. The annual report must be prepared in accordance with Part 360-1.4(c). The annual report must include a revised closure/post-closure cost estimate in accordance with Part 360. If closure costs have changed, an updated financial assurance mechanism including the stand by trust agreement (if required) shall be provided to the Department.





**30. Logs and Inspections** A daily log for receipt and transport of incoming solid waste (biomass) and outgoing solid and hazardous waste 6 NYCRR Part 360-1.14(i) and be available for Department review. The daily log must contain, at a minimum: the date; name and signature of the individual recording the information; the quantity, description, and origin and destination of all wastes sent for disposal by major category.

Any complaint received by the permittee about the operation of this facility must be documented in a complaint log book, with a description of action taken to alleviate the concern and the results of the action. Documentation must be available for review at the Department's request. The log must contain the date and time of the complaint, nature of the complaint, name of person (whether Department staff, resident, employees, etc.) reporting the complaint, weather conditions at time of complaint, the action taken to alleviate the condition, and the effectiveness of the actions taken.

All incoming waste (biomass) received at the facility must be inspected prior to acceptance for unacceptable and/or unauthorized wastes. Inspections must be recorded on a daily basis and must contain the date of the inspection; the signature of the individual recording the information; a description of the unauthorized wastes if found (if applicable); and the final disposition of the unauthorized waste. Such records must be maintained at the site and be available for Department review.

All inspection logs, records and monitoring records shall be maintained on-site by the permittee for a period of seven years from the date of recording.

#### FINANCIAL SURETY

**31. Instrument** Upon written notification and in accordance with 6NYCRR Part 360-1.12 and Part 373-2.8 of this title, the permittee shall maintain with the Department a form of Financial Assurance and amount acceptable to the Department for closure and post-closure monitoring of this facility. Such financial document shall clearly state any expiration date assigned by the financial institution or permittee. Neither the provision of the Financial Assurance, nor any act of the Department in drawing upon the financial funding shall relieve the permittee of their obligation to comply with this permit and the requirements to close the facility properly. The surety shall be in a form acceptable to the Department, and submitted to:

Regional Materials Management Engineer  
Division of Materials Management – Region 3  
New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561-1620

The financial assurance instrument must be in place and in effect prior to operation of the facility.

**32. Adjustment** The Department reserves the right to adjust the amount of the Financial Assurance to account for changing closure costs and for non-compliance with any conditions of this permit or any requirement of Part 360.



**33. Termination** In the event that the financial institution or permittee proposes to terminate the Financial Assurance at any time, the permittee shall, no less than thirty (30) days prior to the effective date of such termination, provide a substitute Financial Assurance in the same amount and form, or other form acceptable to DEC. If an acceptable substitute has not been provided by thirty (30) days prior to the termination date, DEC may draw upon the Financial Assurance for its amount and hold the amount drawn as a cash collateral guarantee until such time as an acceptable substitute is provided or if necessary during the time prior to the provision of a substitute Financial Assurance, may expend such sums as may be required in the event of the permittee's default of its obligations regarding compliance with this permit, the Permit to Operate this facility or its closure.

#### **FACILITY CLOSURE**

**34. Closure** Unless this permit is renewed, the permittee shall close the site prior to the expiration date of this permit or prior to the expiration of any renewals of this permit in accordance with the closure requirements in 6 NYCRR Part 360-1.13 and 1.14, and any approved closure plan.

Within forty-five 45 days of the completion of the closure activities, the permittee shall submit to the RMME a certification, prepared and stamped by a Professional Engineer licensed to practice engineering in New York State, that the facility has been closed in accordance with 6 NYCRR Part 360; and certifying that the need for further maintenance or corrective actions is minimized and that adverse environmental or health impacts such as, but not limited to, contravention of surface water and groundwater quality standards, gas migration, odors and vectors are prevented or remedied.

#### **GENERAL REQUIREMENTS**

**35. Submissions** Unless otherwise specified, all submissions required by this permit shall be made as follows:

One paper copy and one digital copy on CD to:

Regional Materials Management Engineer  
Division of Materials Management – Region 3  
New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York, 12561-1620

One paper copy and one digital copy on CD to:

Bureau of Permitting and Planning  
Division of Materials Management  
New York State Department of Environmental Conservation  
625 Broadway, 9th Floor  
Albany, New York 12233-7258

**36. Approvals** All approvals required by this permit shall be obtained in writing from either the RMME or the Regional Permit Administrator (RPA), or their designees.



The permittee shall obtain prior approval from the Department for any new construction or work which will result in a modification of the facility or any component of the facility.

Prior approval is not required for the repair or replacement of a facility component provided that such repair or replacement does not result in a modification of the facility or any component of the facility and provided that the Department is notified in writing five (5) days prior to commencement of the repair or replacement work to allow Department oversight of the work.

Emergency or other repairs to facility components which result in a modification, as defined above, are undertaken at the risk of the permittee, unless prior approval is granted by the Department. The permittee shall restore the facility to its previously approved configuration, if directed to do so by the Department.

**37. Notifications** The permittee shall notify the Regional On-Site Environmental Monitors Coordinator by telephone (845-256-3138) or e-mail (David.Pollock@dec.ny.gov) **immediately** of any emergency situations, including fires, receipt of unauthorized waste, spills, a non-routine cessation of operation at the facility, liquid detected in any secondary containment system, or if any structure or component becomes damaged or malfunctions in any way. The notification shall describe the nature of the emergency, emergency actions taken or proposed, and the schedule for implementation of the emergency actions. These emergency incidents must be further documented in the facility's annual report.

Prior to performing any non-routine construction, monitoring, or maintenance activity, (except for emergency repairs), the permittee shall notify via email at least five (5) business days in advance of such activity to David.Pollock@dec.ny.gov.

**38. Transfer Process** Pursuant to 6 NYCRR Part 621, prior to a change in the owner(s) or the operator(s) of the facility, the permittee is required to submit for approval, on Department-approved forms, information needed by the Department to determine the fitness of the individual or company who will assume operation or ownership of the facility. The following requirements apply:

- a. If the permittee intends to contract with an individual or company to become a new operator of the facility, the permittee must notify the Department (Regional Materials Management Engineer) in writing at least thirty (30) days prior to the proposed change in operator and the proposed operator must submit a completed Record of Compliance (ROC) form.
- b. For a corporate permittee, whose stock is privately held, if there is any change in officers, principals, directors or stockholders of the permitted company, the permittee must notify the Department (Regional Materials Management Engineer, or RMME) at least thirty (30) days prior to this change and submit a completed ROC form for each officer, principal, etc. that is proposed to change.
- c. If an individual or another company acquires any or all of the stock of the permitted company, the stock buyer must notify the Department at least thirty (30) days prior to the proposed change in stock ownership and submit a completed ROC form. If the stock buyer is a non-publicly traded company, then any officer, principal, director or stockholder of the company acquiring the stock, as well as the company itself, must submit a completed ROC form. If the new stockholder is a publicly traded company, any stockholder of it who owns (or increases their stock ownership to) at least 25% of the publicly traded stock must submit a "30-day prior notification" and a completed ROC form to the Department.



**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 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY12561

**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.

**Item E: SEQR Unlisted Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with Orangetown Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.