

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 17, 19 and 27
of the Environmental
Conservation Law of the State of
New York and Title 6 of the Official
Compilation of the Codes, Rules and
Regulations of the State of New York

DEC CASE NO.
R4-2009-0610-101

ORDER ON CONSENT

NORLITE CORPORATION

Respondent.

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency with jurisdiction over the environmental law and policy of the State pursuant to § 3-0301 of the Environmental Conservation Law (ECL). In particular, DEC is and has been responsible for the protection of the water resources of the State, pursuant to ECL Article 17 and the rules and regulations promulgated thereunder; air resources of the State pursuant to ECL Article 19 and the rules and regulations promulgated thereunder; and for the enforcement of the transportation, storage and disposal of hazardous waste pursuant to ECL Article 27 and the rules and regulations promulgated thereunder.
2. Respondent, Norlite Corporation, is a Corporation of the Commonwealth of Massachusetts that owns and operates a hazardous waste management facility and light weight aggregate plant at 628 South Saratoga St., City of Cohoes, County of Albany, New York ("facility").
3. Respondent operates the facility pursuant to the following permits:
 - 6 NYCRR Part 373 permit that contains special conditions ("RCRA permit");
 - 6 NYCRR Part 421 permit ("Mined Land Reclamation");
 - 6 NYCRR Part 201 permit that contains special conditions ("Title V permit"); and
 - 6 NYCRR Part 750 permit that contains special conditions ("SPDES permit").
4. On March 27, 2009, March 30, 2009, April 1, 2009, April 10, 2009 and July 10, 2009, Department staff conducted inspections of the facility. The Department subsequently received extensive additional information from Respondent.

FIRST CAUSE OF ACTION

5. RCRA permit Module V, Section D. Condition 8, Paragraph 1 (Module V: page 9 of 17) provides that Respondent shall "notify the Department (NYSDEC) within 72 hours if the automatic waste feed cutoff (AWFCO) system (including AWFCOs initiated prior to reaching the conditions set forth in Condition D (1) of this Module and AWFCOs initiated for parameters not in Condition D (1) of this Module) has been activated 25 times or more in any calendar month period. AWFCOs caused by power outages shall not be included in this total.

6. Department staff inspected Respondent's records and determined that as of September 9, 2008, November 6, 2008 and December 9, 2008 Respondent experienced 25 or more AWFCOs in a calendar month and Respondent's required notification of such events were not received by the Department within 72 hours, in violation of RCRA permit Module V, Section D. Condition 8, Paragraph 1 (Module V: page 9 of 17).

SECOND CAUSE OF ACTION

7. Regulation at 6 NYCRR 373-3.28(a)(3) requires owners and operators of each piece of equipment covered under 6 NYCRR 373-3.28 to mark said equipment in such a manner that it can be distinguished readily from other pieces of equipment.

8. Over time, the tags used to mark equipment can become damaged or can fall off because of wind or other conditions. Toward the end of 2008, Respondent initiated a program to replace all of its tags with new printed and laminated number tags. Respondent had over 16,000 tags to manage and it alleges it was working in sections to replace the tags at the time Department staff inspected the facility on March 27, 2009.

9. Department staff observed during the March 27, 2009 inspection that various fittings weren't tagged in the LGF Storage Tank building, at the above-ground covered tanks, and in the lower pump house.

10. Respondent violated 6 NYCRR 373-3.28(a)(3) by failing to maintain the tags on all equipment regulated under 6 NYCRR 373-3.28 as of the date of the inspection.

THIRD CAUSE OF ACTION

11. Under RCRA permit Module V: Light Weight Aggregate Kilns (LWAKs): D. Operating Conditions; Provision 7 - of ECL Permit #4-0103-00016/00016, Module V: page 14 of 17, the Respondent is required to "investigate the cause of each AWFCOs and take appropriate corrective measures to minimize future AWFCOs and record the findings in the operating records and report in the monthly report required by Condition D(9) below."

12. Respondent reported AWFCOs to the Department between March 2008 and June 2009.

13. Respondent violated RCRA permit Module V: Light Weight Aggregate Kilns (LWAKs): D. Operating Conditions; Provision 7 - of ECL Permit #4-0103-00016/00016, Module V: page 14 of

17 by failing to record its findings in the operating records and the monthly report.

FOURTH CAUSE OF ACTION

14. Permit Module V, Section D, Condition 2 (Module V: page 9 of 17) provides that the Respondent shall control fugitive emissions from the combustion zone and the back end of the LWAK by continuously maintaining a negative kiln pressure at the hood of the kiln and maintaining the baghouse pressure drop below the maximum operating limit as specified in Condition D.3 of this module. If the hood pressure operating limit specified in condition V.D.1 is exceeded, hazardous waste feed to the kiln must be immediately and automatically cut off. Immediately after such cutoff, the Respondent shall visually inspect the kilns for fugitive emissions. If the visual inspection reveals fugitive emissions, the Respondent shall immediately cease burning other liquid feed streams (other than the virgin fuels and on-specification used oil) and take appropriate corrective measures to control the fugitive emissions. Such fugitive emission incidences shall be reported in the monthly report in accordance with Condition V.D.9.

15. Respondent asserts that on March 26, 2009, it issued a shutdown schedule which called for, among other things, replacement of missing leaf seals. The kilns are equipped with approximately 200 leaf seals each.

16. Respondent asserts that the absence of one leaf out of 200 is equal to a 0.5 % loss in protection and that the loss in protection is likely made up for by the negative pressure created by the velocity of the gas. Respondent decided that the leaf seal could be repaired at the next scheduled shutdown.

17. Department staff saw fugitives coming from the missing leaf seal on the back end of kiln 2 on March 27, 2009, one day after Respondent scheduled the shutdown of kiln 2 to, among other things, replace the missing leaf seal. Respondent briefly cut off its hazardous waste feed on March 27, 2009 but restarted using hazardous waste hours later.

18. Respondent replaced the missing leaf seal on or about March 29, 2009 or March 30, 2009.

19. Respondent's failure to take immediate action to replace the missing leaf seal on kiln 2 violated Module V, Section D, Condition 2 (Module V: page 9 of 17).

FIFTH CAUSE OF ACTION

20. Permit Module V, footnote 7 (page 13 of 17) provides, in general, that the permittee shall retain all the instantaneous and one minute average readings of all the parameters listed in condition D(3) for at least two hours.

21. On March 27, 2009, Department staff requested information generated by the PLC for the two previous hours and Respondent was unable to produce each 15 second CO reading because the PLC data system only maintained the highest CO reading within each minute rather than each individual 15 second reading.

22. Respondent violated Permit Module V, footnote 7 (page 13 of 17) by failing to maintain each individual CO 15 second reading for the two previous hours.

SIXTH CAUSE OF ACTION

23. Regulations at 6 NYCRR 202-2.3(a) require Respondent to submit an annual report with emission estimates.

24. Respondent included shale data in the annual reports submitted for the years 2007, 2008 and 2009 but did not include contributions from shale in the calculation of its emission estimates. Upon revising the calculations to include the shale data, the emissions for the metals increased two to seven pounds each year.

25. Respondent's failure to account for shale in their three most recent annual reports violated 6 NYCRR 202-2.3(a).

SEVENTH CAUSE OF ACTION

26. Permit Module V, Condition C. 7. provides that: "No material (except raw shale) fed to the kilns shall be in solid form. The physical form of the feed streams listed in Condition C(1) shall be a pumpable liquid with a viscosity not exceeding 3000 SUS at 80°F and % sediment not to exceed 8.3 % when measured by ASTM D1796-97. The Permittee shall not feed Solid LGF (i.e. SLGF) or SLGF blended with LLGF. The permittee may feed tank bottom & filter sludge which contains free liquid as per SW 846 Method 9095A."

27. On October 27, 2009, Respondent sampled the LGF feeding at the time. Respondent's analysis showed a sediment content of 12%.

28. On March 17, 2009, Respondent sampled the LGF feeding at the time. Respondent's analysis showed a sediment content of 15%.

29. On January 26, 2010, Respondent sampled the LGF feeding at the time. Respondent's analysis showed a sediment content of 30%.

30. Respondent's repeated uses of feed exceeding 8.3% sediment violated Permit Module V, Condition C. 7.

EIGHTH CAUSE OF ACTION

31. Respondent's facility experienced a major flood resulting from heavy rain in July 2009. Due to the flood, impacts to the Salt Kill, a Class D water body, were documented by Department staff.

32. On July 10, 2009, as part of the response to the flood, Department staff observed Respondent pumping turbid water into the Salt Kill without proper treatment.

33. The stormwater discharged from the site caused a substantial visible contrast in the Salt Kill.

34. ECL § 17-0501 provides that: "it shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into such waters organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the Department pursuant to section 17-0301."

35. Regulations at 6 NYCRR 703.2 provide a turbidity standard for protected waters: "No increase that will cause a substantial visible contrast to natural conditions."

36. Respondent's discharge of turbid water from the site caused a substantial visible contrast in the Salt Kill in violation of 6 NYCRR 703.2 and ECL § 17-0501.

Actions Taken By Norlite Prior to Effective Date of this Order

37. Respondent retained a New York State professional licensed engineer who conducted an audit of the Norlite continuous emission monitoring system (CEMS)/PLC and prepared an engineering report. The report evaluates the CEMS at Respondent's facility with respect to emission monitoring and reporting requirements outlined in the hazardous waste combustion maximum achievable control technology (MACT) standard (40 CFR Part 63.1200 and subpart EEE appendix) and confirmed operation of the CEMS data acquisition system and Respondent's data acquisition system as it pertains to the CEMS. The report, which has been submitted to the Department, confirmed that Respondent's CEMS is operating in a manner consistent with good air pollution control practices and applicable Department and federal regulations, including 40 CFR Part 63 Subpart EEE and applicable provisions of 40 CFR Part 63, Subpart A.

38. Respondent provided the Department with three years of CO and low grade fuel down time data to determine whether any MACT CO violations occurred. The information reviewed and concurred upon by the Department, shows that no violations of the CO standards occurred during the review period from 2007 through 2009 due to low grade fuel usage because either the low grade fuel valve was cut off at 75 ppm or because low grade fuel was not being burned. Respondent has agreed in the Schedule of Compliance to various measures designed to simplify and expedite the Department's process for assessing compliance with the CO emission limit of 100 ppm.

39. Respondent retained a New York State professional licensed engineer who conducted an elapsed time study to determine the time interval from the kiln exhaust hood for each kiln to the CO probe downstream of the baghouse for each system. The elapsed time was calculated to be 12.19 seconds for kiln #1 and 10.30 seconds for kiln # 2.

40. The Respondent alleges that it has completed as of the effective date of this Order marking 16,000 fittings and other required equipment at the facility as required by 6 NYCRR 373-3.28(a)(3).

41. Respondent has retained a company to complete the work required under Paragraph 15 of the Compliance Schedule and has submitted the report required there under.
42. Respondent has filed amended annual reports of their air emissions that include emissions from the shale.
43. Respondent submitted a March 31, 2010 100-year floodplain zone report demonstrating that no activities were being conducted within the flood plain.

CIVIL PENALTIES

44. ECL Section 71-2103 provides that any person who violates any provision of Article 19 or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the Commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than three hundred seventy-five dollars nor more than fifteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed twenty-two thousand five hundred dollars for said violation and an additional penalty not to exceed twenty-two thousand five hundred dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.
45. ECL Section 71-2705(1) provides for a maximum civil penalty of \$37,500 for the first day of a violation and each day thereafter of a regulation promulgated under Title 13 of ECL Article 27.
46. ECL Section 71-1929 provides for a civil penalty of up to \$37,500 per day for a violation of any provision of Titles 1 through 11 inclusive and Title 19 of Article 17, or the rules, regulations, orders or determinations of the Commissioner promulgated thereto or the terms of a permit issued thereunder. Injunctive relief is also available.

WAIVER OF HEARING

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

NOW, having considered this matter and being duly advised, it is ORDERED THAT:

I. Civil Penalty

Respondent is hereby assessed a civil penalty in the amount of NINETY THOUSAND DOLLARS (\$90,000). The civil penalty shall be paid to the Department of Environmental Conservation by certified check with the return of the signed Order.

II. Environmental Benefit Project

Respondent shall pay THIRTY FIVE THOUSAND DOLLARS (\$35,000) towards Environmental Benefit Project(s) (EBP) primarily for the benefit of the local area. The specific project to be implemented shall be determined by the Department. The Department shall provide the Respondent with the name(s) and address(es) of the EBP recipient(s) and the amount to be paid. Respondent shall provide the EBP recipient with a certified check within 10 business days of the Department's notification to the Respondent of the intended EBP recipient. The Department retains the sole authority to designate the recipient of an EBP. Respondent shall not use the cost of the EBP to reduce its tax liability. Within 30 days of the effective date of the Order, Respondent shall establish an escrow account in the amount of \$35,000 to cover the EBP ("EBP account"). The EBP account shall be established for the sole purpose of administering the EBP funds.

III. Settlement

Timely payment of the civil penalty and the EBP called for above and full compliance with the terms and conditions of this Order and Schedule of Compliance is accepted as full settlement of the violations described above.

IV. Schedule of Compliance

The attached Schedule of Compliance is incorporated into the Order on Consent.

V. Communications

All communications required herein shall be made to: Department -- DEC Region 4 , 1130 North Westcott Road, Schenectady, NY 12306, Attn: Regional Engineer; and Respondent -- Timothy Lachell, Norlite Corporation, 628 South Saratoga Street, P.O. Box 694, Cohoes, New York 12047.

VI. Access

Respondent shall allow duly authorized representatives of DEC access to the facility referred to in this Order without prior notice, at such times as may be desirable or necessary in order for DEC to inspect and determine the status of Respondent's compliance with this Order or the ECL. The Department monitor and/or inspector shall have, at his discretion, full and unrestricted access to Respondent's records, and employees to discuss or inquire about all state, federal and Order on Consent compliance matters, and complaints. The Department monitor and/or inspector have been advised of safety standards established for site inspectors and viewed the standard site safety training video.

VII. Summary Abatement

This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as

granted pursuant to statute or regulation.

VIII. Indemnification

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

IX. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

X. Document Reviews

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

2. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.

3. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

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

c. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data

generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

XI. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

XII. Termination Date

This Order shall terminate upon the Respondent's compliance with the requirements of this Order.

DATED: Rotterdam, New York
May 17, 2010

Alexander P. Grannis
Commissioner
New York State Department of
Environmental Conservation

BY:



Eugene J. Kelly
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order on Consent, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: D. J. Carabotta
TITLE: President
DATE: 5/11/10

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

On the 11th day of MAY April 11, 2010, before me, the undersigned,
personally appeared Dave Carabotta,
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at
14 West Main Street, Meriden, CT 06450-0902
(Full mailing address)

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

of the United Oil Recovery, Inc. Corporation
(Full legal name of corporation)

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

Kevin M. Young
Notary Public, State of New York

KEVIN M. YOUNG
Notary Public, State of New York
Qualified in Albany County
No. 02YO6037963
Commission Expires February 28, 2011

SCHEDULE OF COMPLIANCE

1. Within 45 days of the effective date of this Order, Respondent shall submit to Department for review and approval, an engineering report prepared and certified by an independent New York State registered professional engineer that addresses whether the alarm log accurately records the date and time: (1) when the low grade fuel (LGF) valve is open and closed; (2) when the LGF flow is on ; (3) when the LGF flow is off ; (4) when the off-specification oil valve is open and closed; (5) when the off-spec oil flow is on and (6) when the off-spec oil flow is off.

2. Within 30 days after the Department approves the report required in Paragraph 1, Respondent shall start using the certified alarm log as the means for determining LGF downtime which is reported in the RCRA monthly report. To avoid two different report formats, Respondent shall start reporting the new LGF downtime format in the RCRA monthly report once a complete reporting calendar month has been completed using the new format.

3. Within 90 days of the effective date of this Order, Respondent shall modify its continuous emission monitors (CEMS) data recording system so that the time and date stamps for the system and the server holding these data are synchronized with the time and date stamp on Respondent's other servers and control room computers.

4. Within 60 days of the effective date of this Order, Respondent shall submit to the Department for review and approval an amendment to its fugitive dust control plan (with an expeditious as practicable implementation schedule for new measures, if any) to address changed circumstances at the Elm Street Access and the Southern Overburden Storage areas.

5. Within 120 days of the effective date of this Order, Respondent shall complete the installation of the double-walled fugitive emission containment system for kiln 2 and submit an engineering report prepared by an independent New York State licensed professional engineer verifying that the system was installed in accordance with the submitted September 23, 2009 protocol. Once the system is installed, the emissions capturing system (interstitial chamber) pressure will be kept at or below -0.08" w.c. on an hourly rolling average basis with an AWFCO should the HRA exceed -0.08" w.c.). The following additional operational conditions shall apply:

- The front end pressure shall remain at or below -0.05" w.c. If the front end instantaneous pressure continuously exceeds -0.05" for more than 3.0 seconds, an AWFCO shall occur immediately.¹
- If the front end instantaneous pressure continuously exceeds 0.00" w.c. for more than 1.0 second, then an AWFCO shall occur immediately.²

¹ Measurements must be made continuously without interruption and with no integration (no averaging period) and an AWFCO shall occur immediately if any continuous readings exceed three seconds.

² Measurements must be made continuously without interruption and with no integration (no averaging period) and an AWFCO shall occur immediately if any continuous readings exceed one second.

- If the emissions capturing system (interstitial chamber) instantaneous pressure reaches or exceeds 0.00" w.c. continuously for more than 1.0 second, then an AWFCO shall occur immediately.³
- If at any time the instantaneous front end pressure and the emissions capturing system pressure reach or exceed 0.00" w.c. at the same time, then an AWFCO shall occur immediately.

6. Within 30 days of the effective date of this Order, Respondent shall submit for Department review and approval, a testing protocol for the double-walled fugitive containment system. This testing protocol shall determine the effectiveness of the double-walled fugitive containment system and its ability to prevent the release of fugitive emissions. This testing protocol should include some type of tracers (visual and/or olfactory).

7. Within 60 days after the double-walled fugitive containment system is installed on kiln 2, the Respondent shall evaluate the system effectiveness in accordance with the Department-approved testing protocol identified in Paragraph 6 above, and submit an engineering report prepared by an independent New York State licensed professional engineer to the Department detailing the results of this evaluation.

7 a. If the report submitted under Paragraph 7 concludes that the system didn't reduce the potential for the discharge of fugitive emissions from kiln 2, Respondent shall within 30 days of the submittal of that report, submit to the Department for review and approval an engineering report prepared by an independent New York State licensed professional engineer evaluating whether violations of the CO limit in the permit are attributable to changes in kiln pressure. The evaluation shall identify any recommended changes to equipment or procedures to continuously maintain compliance with the CO emission limit. The engineering report shall include a proposed expeditious schedule to construct a new system or repair the existing equipment based on the results of the evaluation. The Department will then issue approval to proceed, or identify required/requested changes.

8. Within 90 days after Respondent receives written approval from the Department of the evaluation report required under Paragraph 7, the Respondent shall complete the installation of the Department-approved double-walled fugitive containment system for kiln 1 and submit an engineering report prepared by an independent New York State licensed professional engineer verifying that the system was installed in accordance with the Department-approved proposal. Within 30 days after system installation, the Respondent shall evaluate the system in accordance with the Department-approved testing protocol and submit a report to the Department detailing the results of that evaluation.

9. Compliance with this Order shall not be a defense to any violations of 40 CFR 63.1221(a)(5)(i) CO emission limit while burning hazardous waste.

³ Measurements must be made continuously without interruption and with no integration (no averaging period) and an AWFCO shall occur immediately if any continuous readings exceed one second.

10. Within 60 days of installing the double-walled fugitive containment system on kiln 2, Respondent shall begin its Comprehensive Performance Test (CPT) in accordance with the Department-approved protocol and 40 CFR 63 Subpart EEE. The Department acknowledges that completion of the CPT in accordance with this deadline is contingent on Respondent receiving written approval from the Department of its CPT plan.

11. Within 90 days of completing the CPT, Respondent shall submit a report to the Department as required in 40 CFR 63 Subpart EEE. Respondent shall cease burning low grade fuel if it does not submit the CPT report within the time frame required herein.

12. Within 60 days of the effective date of this Order, Respondent shall submit to the Department for review and approval an engineering report prepared by a qualified expert that is an independent New York State registered professional engineer that examines the feeds to the kiln, as well as Respondent's blending practices, tank system management (including all associated equipment), and inspection and cleaning procedures to determine if any of the above items associated with feeding material to the kilns could impair continuous compliance with the provisions of the hazardous waste permit. The engineering report shall include recommendations for improving operations as well as an expeditious schedule to implement them.

13. Within 30 days of the effective date of the order, Respondent shall take the steps necessary to provide the Department with electronic access to permitted parameter data as detailed in Module V, Section D(3) of the RCRA Part 373 permit. Such parameters relating to kiln operation, shall include: corrected CO emission data (recorded on a minute-by-minute basis), oxygen content data (recorded on a minute-by-minute basis), flow rates, feed rates, pH, pressures, temperatures and fuel use data. Front end kiln pressure (and once installed and operational, kiln seal interstitial chamber pressure) shall be reported on a minute basis with both the grab sample and the highest value measured for that minute displayed. In addition to access to current operating conditions of the LWAKs and associated feed and APCE systems, there shall also be electronic access to historical MRA and HRA data for the previous 24 hours. The current and historical data will be provided from a dedicated computer at Respondent's facility to a dedicated computer at the Department's Main Office. The requirement to provide this access shall be incorporated into Respondent's Title V and Part 373 permits and this requirement as part of this Order shall cease when the permit is so modified.

14. Within 90 days of the effective date of this Order, Respondent shall retain its continuous CO emission data for a minimum of two hours (as well as for all of the parameters specified in Module V, Condition D.3 Table, Footnote #7) and make this data readily available to Department staff. The data to be retained shall be the grab sample data points taken every 15 seconds (or, in the case of CEMS data points, 10-second grab samples) that are used to create the minute averages, which are then used to determine the hourly rolling average. The Department acknowledges that compliance with this item constitutes compliance with Permit Module V, Condition D.3 Table, Footnote #7 and that, if necessary, the parties agree to work together to include language confirming this obligation in Permit Module V, Condition D.3 Table, Footnote #7.

15. Within 60 days of the effective date of this Order, Respondent shall complete a structural integrity test of the site retaining walls located under the access road and at the effluent structure located adjacent to South Saratoga Street, and submit a report to the Department with the results of the tests and an expeditious schedule, if necessary, setting forth any required repairs. The Department will require that related work be completed in 2010.

16. Within 60 days of the effective date of this Order, Respondent shall complete a review of its SPDES permit Best Management Practices (BMP) and SWPPP. As part of that review, Respondent will review the flood events that occurred in July 2009 and the results of the floodplain review conducted and identify any changes to the BMP plan needed to address issues raised by the review. This review shall include an assessment of production and product storage areas, waste drum handling and storage, and fuel/chemical handling and storage. Any changes deemed necessary must be reflected in a revised version of the BMP and all revised practices must be implemented by Norlite in 2010. Norlite shall also prepare a contingency plan by July 1, 2010 which details the procedures to be implemented in response to heavy rain/thaw events. This plan shall continue to be implemented by Norlite until such time that proper stormwater retention capacity is provided at the site.

17. By July 1, 2010, Respondent shall develop and submit a plan and schedule for implementation of storm water practices in the area proximate to Outfall No. 007. The plan shall assess the generation of storm water and identify the engineering controls required to meet the stormwater treatment standard in the current SPDES permit (no visible contrast to receiving water) and any other related requirements (Department water quality and stormwater regulations).

18. Respondent shall complete implementation of the stormwater management plan and all required physical improvements referenced in paragraph 17 by December 31, 2012. If the Department revises the SPDES permit limits applicable to Outfall 007 after the measures identified in the plan have been implemented, Respondent will review the measures then in place to confirm that the outfall can meet the revised SPDES limits and/or provide a schedule to the Department within 120 days of the permit revision for implementation of additional measures to achieve the effluent limit.

19. As of the effective date of this Order and for a period of one year from the effective date of this Order, Respondent shall sample the feed on at least a weekly basis and analyze for the % sediment content for compliance with Permit Module V, Condition C. 7. The timing for the sampling event will be determined by the Department's monitor (in consultation with Respondent's on-site management) and Respondent will provide the analytical results to the Department. Respondent shall provide split samples to the Department when requested. The Department reserves its right to conduct its own % sediment content sampling and will provide the Respondent with splits when requested. At the end of one year, the Department will evaluate the need to continue the weekly sampling.