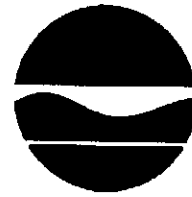


New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3054 • FAX: (845) 255-4659
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 15, 2009

ATTN: JOHN A. NELSON
RASCO MATERIALS, LLC
2241 NYS RT. 22, P.O. BOX 566
WINGDALE, NY 12594

RE: RASCO: PCS Cold Mix Asphalt Processing Facility
DEC #: 3-1320-00144-00005
PROG# SW# 14-M-07
LOC: T-Dover, Dutchess County

Permit Issuance

Dear Mr. Nelson:

Attached is an issued permit for the activity for which you applied. Although there are no changes in the type and volume of waste you requested in your application, the Department has revised and updated the permit conditions for Part 360 permits in general and for the management of Petroleum Contaminated Soils (PCS). Please note that there are a number of conditions which require action by you prior to receipt of any new waste at this facility, in particular Special Conditions #23 & #24. Additionally, we are invoking the On-site Environmental Monitor conditions #52 through #54.

Please review the issued permit and let me know, in writing, within 30 days whether you object to any of the conditions or wording in this permit. In accordance with Part 621.10(a)(2) of the Uniform Procedures Act (UPA) regulations, if I do not receive a written objection or a request for an adjudicatory hearing from you within that timeframe, your right to object to this permit ends. However, we would be glad to meet with you and your consultant(s) to explain any conditions or wording you are concerned about, before the deadline for submitting an objection.

If you have any engineering questions please contact Dave Pollock at 845-256-3138. For all other questions, please contact me at 845-256-3165.

Sincerely,

Michael D. Merriman
Deputy Regional Permit Administrator

File Name: RASCO Waste Oil cover Letter.doc

Enc.: Issued Permit (14 pages, plus three attachments)

cc: F. Peduto, PE, Spectra Engineering, Latham, NY w/enclosures
J. Parker; M. Duke; D. Pollock; S. Parisio; S. Innes; K. Grzyb; V. Wolak

DEC PERMIT NUMBER 3-1326-00144-00005
FACILITY/PROGRAM NUMBER(s) SW# 14-M-07



PERMIT
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE January 15, 2009
EXPIRATION DATE January 14, 2014

TYPE OF PERMIT (Check All Applicable Boxes)

New Renewal Modification Permit to Construct Permit to Operate

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input checked="" type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO RASCO Materials, LLC	T845PHONE NUMBER (845)832-3434		
ADDRESS OF PERMITTEE 2241 NYS Rt. 22 , P.O. Box 566, Wingdale, NY 12594			
CONTACT PERSON FOR PERMITTED WORK John A. Nelson	TELEPHONE NUMBER (845)832-3434		
NAME AND ADDRESS OF PROJECT/FACILITY RASCO Materials, LLC			
LOCATION OF PROJECT/FACILITY 2241 NYS Rt. 22 , P.O. Box 566, Wingdale, NY 12594			
COUNTY Dutchess	TOWN Dover	WATERCOURSE/WETLAND NO.	NYTM COORDINATES E: N: 4
DESCRIPTION OF AUTHORIZED ACTIVITY The permittee is authorized to accept non-hazardous Petroleum Contaminated Soil (PCS) at a maximum rate of 500 tons per day for handing in a Cold Mix Asphalt (CMA) process, in accordance with the terms and conditions listed herein.			

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

DEPUTY PERMIT ADMINISTRATOR Michael D. Merriman	ADDRESS 21 South Putt Corners Rd., New Paltz NY 12561- 1620 MDM	
AUTHORIZED SIGNATURE 	Date January 15, 2009	Page 1 of 14

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

Item B: Permittee to Require it's Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit 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 for this project.

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.

GENERAL CONDITIONS**General Condition 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 written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

--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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 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.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit.

Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) **180 days before expiration of permits** for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3

21 South Putt corners Road, New Paltz, NY 12651, Telephone: 845-256-3054

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

Permit Compliance:

1. Failure of the permittee to meet any of the terms and conditions of this permit is a violation of 6 NYCRR Part 360 Solid Waste Management Facilities Regulations and may subject the permittee to enforcement action.
2. 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.
3. Failure of the permittee to operate in accordance with the Department issued BUD attached to this permit, or as modified by the Department, is a violation of 6 NYCRR Part 360 Solid Waste Management Facilities Regulations and may subject the permittee to enforcement action.

Changes in Facility Ownership or Management:

4. 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, 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 contracts with an individual or company to become a new operator of the facility, the permittee must notify the Department 30 days prior to the change in operators and the proposed operator must submit a completed Record of Compliance (ROC) form for approval.
 - 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 30 days prior to this change and submit a completed ROC form for each officer, principal, etc. that changes.
 - 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 30 days prior to the change in stock 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.

Waste Acceptance Restrictions and Hours of Operation:

5. Waste Acceptance and Storage Limits: The following limits shall apply:
 - a) The maximum rate of waste acceptance shall be 500 tons per day.
 - b) The amount of Petroleum Contaminated Soil (PCS) located at the facility shall not exceed 1000 tons at any time. The allowable volume will depend on the moisture content and bulk density but in no case shall the stored volume exceed 1000 cubic yards.
 - c) The amount of processed PCS or Cold Mix Asphalt (CMA) product located at the facility shall not exceed 1000 tons. The allowable volume will depend on the moisture content and bulk density but in no case shall the stored volume exceed 1000 cubic yards.
 - d) If the total amount of PCS and/or the total amount of CMA located at the facility exceeds 1000 tons/cubic yards, the facility will immediately cease acceptance of waste, notify the Department in writing immediately via fax. Notification shall include the amounts of material, by category, which are on site, estimated time to bring the site into compliance. A follow up notification is required prior to



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

acceptance of new waste that includes a certifying statement of compliance. An acceptable notification form shall be submitted to the Department within 30 days of the issuance of this permit.

6. Waste Management:

a. Acceptable Waste is limited to Non-Hazardous PCS meeting the following Testing Requirements. No PCS may be accepted until an adequate number of samples have been received that contain valid test results that meet all of the acceptance criteria.

1. Testing Parameters

Parameter	Maximum Limit
Total Petroleum Hydrocarbons	12,000 mg/kg
Total Halogenated Hydrocarbons	0.1 mg/kg
Total PCB's	1.0 mg/kg
Total Benzene (Gasoline Only)	10 mg/kg
Total Arsenic	14.5 mg/kg
Total Barium	820 mg/kg
Total Cadmium	7.5 mg/kg
Total Chromium	1000 mg/kg
Total Mercury	0.73 mg/kg
Total Selenium	1.0 mg/kg
Total Silver	8.3 mg/kg
Total Lead (Gasoline Only)	300 mg/kg

2. Sampling Frequency

PCS Material received from a single site	Samples Required
Less than 150 Tons	1
151-300 Tons	2
301-750 Tons	3
Each additional 750 Tons	1 Additional Sample

b. Permittee is prohibited from accepting hazardous wastes; liquid waste; chemical or explosive wastes; MSW, Commercial/Industrial Wastes, or non PCS C&D Wastes

7. The facility may accept waste only between the following times:

Monday to Friday: 7:00 A.M. to 5:00 P.M.
Saturdays: 7:00 A.M. to 12:00 Noon



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

and may process waste (including transfer from the tipping floor to containers or trucks) between the following hours:

Monday to Saturdays: 7:00 A.M. to sunset, not to exceed 8:00 P.M.

All operations, including, but not limited to, receipt, shipment or processing of PCS are prohibited on Sundays and the following Federal Holidays:

New Years Day, Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas Day.

8. The permittee shall only accept PCS generated by sources located within municipalities which are included in a comprehensive recycling analysis (CRA) which has been approved by the department pursuant to 6 NYCRR Part 360-1.9(f) and which have implemented the recyclables recovery program determined to be feasible by the analysis.
9. No waste and/or CMA shall be stored, processed, tipped, and/or loaded outside of buildings A or B.

Required Submittals, Notifications, Approvals, Reporting and Recordkeeping

10. Unless otherwise specified, all submissions required by this permit shall be submitted as follows:

One paper copy and one digital copy on CD:

New York State Department of Environmental Conservation
Regional Solid Waste Engineer
Division of Solid and Hazardous Materials
21 South Putt Corners Rd, New Paltz, New York, 12561-1620

One paper copy and one digital copy on CD: New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
625 Broadway, 9th Floor, Albany, New York 12233-7258

All documents submitted should be in 8.5" x 11" format, Engineering drawings shall in compliance with Part 360 - 1.9(e).

11. It shall be the responsibility of the permittee to revise and submit to the Department all plans, manuals and other documents required in connection with construction, operation and maintenance of the facility as necessary to ensure that these documents remain consistent with the requirements of 6 NYCRR Part 360 regulations (including any revisions to the regulations which are promulgated during the life of the facility) and with the special conditions of this permit (including those conditions which have been revised or modified at the time that the permit is modified or renewed). Plans which are revised to reflect changes in the regulations or modification of the permit shall be submitted within 30 days of the date when such revisions or modification become effective or within 30 days after notification from the Department that the plan revisions are required. All plans, manuals, and other documents required in connection with construction, operation and maintenance of the facility shall be prepared, stamped and signed by a professional engineer licensed to practice engineering in New York State.
12. The permittee shall obtain prior approval from the Department for any new construction or any work which will result in a modification of the facility or any component of the facility, including, but not limited to utilizing rock crushing equipment above 150 Tons/hr or asphaltic heater in excess of 1 Million Btu/hr.



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

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 within 24 hours after completion of the repair or replacement work.

NOTE: Portable rock crushing equipment with a design capacity of less than 150 tons per hour (tph) currently do not need an air Pollution Control permit.

13. The permittee shall provide a copy of the approved Contingency Plan to the Dutchess County Health Department within 30 days of the effective date of this permit or the date on which a modified contingency plan is approved.
14. The permittee shall keep all facility employees familiar with the approved Contingency Plan and have it available for ready reference on the site.
15. The facility shall maintain daily logs and records of incoming, processed, and outgoing material including, but not limited to, CMA, solid waste (PCS and other), and rock; and it shall be available for Department review during operational hours. The daily logs and records must contain, at a minimum:
 - a. The type of contaminated soil, the date, quantity, description and generator information of PCS received at the facility, transporter name and Part 364 Permit #, spill ID# (if applicable) and Test Results IAW Permit Special Condition #6.
 - b. The quantity, in tons, of CMA produced and materials (Rock, Waste, etc.) segregated, and materials exported daily, as well as the daily stockpile inventory for all materials including, but not limited to, PCS, Rock, and CMA. If rock crushing activities are performed, quantities of products produced.
 - c. The quantity (in tons) and destination of processed PCS materials sent from the facility; Daily quantity shipped to each site, Name & Part 364 Permit # of the transporter, and the name and signature of the individual recording the information.
 - d. Copies of signed CMA tracking forms for each load of CMA transported from the site.
 - e. Copies of all signed End User/Property Owner Notification forms as well as project start up and completion dates.
 - f. Testing and inventory curing data for all CMA produced.
 - g. The name and signature of the individual recording the information.
 - h. Other requirements per Part 360;

These records must be available for ready reference on site. Upon notification, the Department may require submission of the daily log on a periodic basis

16. The permittee shall also submit to the Department a weekly report (via facsimile at 845-255-3414) by the close of business the Tuesday following the close of the previous week. This report shall be in a form acceptable to the Department and at a minimum include daily tonnages, both incoming and outgoing, broken down by waste type; product as well as year to date totals; and total amount of waste and product, by type and building location, located at the facility.
Any changes requested by the Department to these requirements shall be implemented within seven (7) days of notification.



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

17. The permittee shall submit a materials handling report semi-annually in July and January of each year. The July report will cover all materials received and processed from January 1, through June 30th and the January report shall cover the months July 1 through December 31st. The report shall be submitted no later than 30 days following the last day of the reporting period. Each report shall list separately:
- a. For each shipment of PCS received:
 - i. The nature of the waste, i.e., type of contamination in the soil;
 - ii. The date(s) on which the waste was received;
 - iii. The name and address of the waste generator;
 - iv. The name, address and NYSDEC ID# of the waste transporter;
 - v. The NYSDEC or other appropriate agencies spill ID#, if applicable;
 - vi. The volume and weight of petroleum contaminated soil received; and
 - vii. The concentration of total petroleum hydrocarbons in the waste as indicated by results of all analysis of samples of the waste by source.
 - b. For each shipment or pickup of CMA from the facility during the year covered by the report:
 - i. The name and address of the person receiving or picking up the product;
 - ii. The date(s) on which the product was shipped or picked up;
 - iii. The total volume and weight of the product shipped;
 - iv. The name, address and NYSDEC ID# of the Part 364 transporter, where applicable;
 - v. The use of the product as shown on the signed Property Owner/End User Acknowledgment Form;
 - vi. The estimated start-up and completion date for placement operations using the product; and
 - vii. A summary of all required testing data related this shipment per site.
 - c. In general:
 - i. Volume and weight of PCS received on a monthly basis per calendar year;
 - ii. Volume and weight of CMA Produced on an annual basis based on calendar year;
 - iii. Volume, weight and destination of cross contaminated waste material disposed of;
 - iv. Volume, weight and destination of any other Non-CMA materials exported from the site;
 - d. January Semi-annual only:
 - i. A revised closure/post-closure cost estimate;
 - ii. An updated site plan showing any modifications made during the prior year;
 - iii. A summary of unusual or emergency incidents at the facility during the calendar year.
18. Any complaints received by the permittee concerning the operation of this facility must be documented in a complaint log book. The log must contain the date and time of the complaint, nature of the complaint, 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.
19. All information and data used to support permit compliance, including but not limited to inspection logs, End User/Property Owner Acknowledgment Forms, CMA Tracking Forms, daily logs, test data, and monitoring records shall be maintained by the permittee for a period of seven years from the date of recording and be available for ready reference on the site.
20. Emergency Notifications:
- a. The permittee shall immediately notify the Department, via fax, of any emergency situations such as,



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For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

but not limited to, fires, receipt of unauthorized waste, spills, flooding, a prolonged halt to operation of 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 consist of the nature of the emergency and the description of the actions taken.

- b. Within 72 hours the permittee shall also submit, a compiled description of the emergency incident, including names and contact information for other involved parties, and the schedule for completing emergency actions. This information must be further documented in the facility's annual report.
21. Prior to performing any non-routine construction, monitoring or maintenance activity, (except for emergency repairs) the Department shall be notified in writing at least five business days in advance of such activity. These activities include, but are not limited to, sampling, construction of any building or other structure, paving, cleaning of any leachate collection components, and scheduled repairs, inspections or maintenance other than routine or emergency.
22. During the first year of operation and annually thereafter, the permittee shall conduct a noise survey to determine compliance with 6 NYCRR Part 360-1.14(p). The initial survey shall be carried out by a licensed professional engineer or other individual with expertise in noise analysis. In all subsequent years of operation, monitoring shall be carried out by an individual having expertise in noise analysis. The survey shall be carried out during leaf-off conditions. Each year a report must be submitted to the Department within 30 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, at a minimum, the following information: the raw data including any interference that may have been observed during the data collection process (i.e., cars passing by) and the operational conditions of the facility (equipment operating, number of trucks etc.). In cases where it can be demonstrated that site conditions would make noise impacts on the surrounding community unlikely, the permittee may petition the Department to waive annual monitoring after the initial noise survey has been completed. When this waiver is granted, the Department reserves the option of re-instituting the annual noise survey requirement if, at its sole discretion, it determines that conditions at the site have changed and the waiver is no longer justified.
23. Prior to operation or receipt of waste, the permittee shall submit a final draft of the approved Engineering Design Report and Plans, the Operations & Maintenance Manual as well as the Contingency and Structural Analysis Plans. These documents shall conform to the special conditions of this permit and the attached BUD and shall incorporate all modifications which were previously required in order to address Department comments as outlined in correspondence from the Department dated 11/20/06 and 5/23/07. If the Department determines that further changes are needed, such changes shall be made and the revised document submitted within 30 days after the date on which Department comments are received. In cases where the Engineering Report and/or the Operations & Maintenance Manual are found to be in conflict with this permit or 6 NYCRR Part 360 regulations, this permit and 6 NYCRR Part 360 regulations shall be complied with.
24. Prior to operation, including the receipt of waste, the permittee shall provide all of the missing documentation required in the Order on Consent executed R3-20050216-23. Missing information includes but is not limited to, end-user notification forms for each load signed by property owner, tracking forms for each load (see previous order), weigh tickets, sampling data sheets, generator profile forms for all sources, Rasco pre-qualification forms for all sources, finished product testing for all outgoing etc. The



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

respondent also did not provide data that informed the Department of where at least 200 cubic yards of product that exceeded chemical limitations were applied. The permittee shall provide a remedial investigation plan for all sites that received product which either exceeded the incoming PCS and/or product testing limits. Plan shall include proposed remediation for each site.

Construction Conditions:

25. No construction shall begin without a written approval from the Department. Engineering plans prepared by an individual licensed to practice engineering in the State of New York, must be submitted to the Department for review and approval at least ninety (90) days prior to the proposed construction start up date.
26. 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 any State law, rule, code, or regulation;
- and** to the extent that they do not conflict with(a) and(b),
- Part 360 application form signed by John A. Nelson which is part of Spectra's July 14, 2005 submission as well as any Department required modifications to said application and any subsequently approved changes;
 - Engineering Report and plans submitted by Spectra dated October 2006 as modified in response to the Department's 11/20/06 and 5/23/07 comment letters and any subsequently approved changes;
 - Structural Evaluations submitted by Spectra dated October 10, 2006 as modified in response to the Department's 11/20/06 and 5/23/07 comment letters and any subsequently approved changes;
 - Contingency Plan submitted by Spectra dated July 14, 2005 as modified in response to the Department's comment letters including but not limited to 11/20/06 and 5/23/07 and any subsequently approved changes;
27. The permittee must notify the Department in writing and five (5) days prior to commencement of any construction or phase of a construction project to provide the Department with an opportunity to inspect the construction.
28. All construction activities at the site must be supervised by a professional engineer (PE) licensed to practice engineering in the State of New York.
29. A Construction Certification Report signed and stamped by a professional engineer licensed to practice in the State of New York, must be submitted to the Department 45 days after completion of the proposed construction. The construction certification report must certify that the construction was completed in accordance with the PE certified Engineering Report and drawings 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. Operations in this new area cannot begin until the Department has reviewed an acceptable construction certification report as described above and provided written approval to the permittee.
30. A fire protection plan, approved by the local fire marshal, shall be submitted to the Department within 30 days of the effective date of the permit.



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For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

General Operating Conditions:

31. The facility shall be operated in conformance with:
- The General and Special Conditions of this permit;
 - Current 6NYCRR Part 360 Solid Waste Management Facilities regulations or any revisions hereafter promulgated and any State law, rule, code, or regulation;
- and to the extent that they do not conflict with (a) and (b),
- Department issued BUD attached to this permit
 - Part 360 application form, signed by John A. Nelson; and submitted by Spectra dated July 14, 2005 and Department approved modifications to said application and any subsequently approved changes;
 - Engineering Report and plans submitted by Spectra dated October 2006 as modified in response to the Department's 11/20/06 and 5/23/07 comment letters and any subsequently approved changes;
 - Operations and Maintenance Manual, submitted by Spectra dated October 2006 as modified in response to the Department's 11/20/06 and 5/23/07 comment letters and any subsequently approved changes;
 - Contingency Plan submitted by Spectra dated July 14, 2005 as modified in response to the Department's comment letters including but not limited to 11/20/06 and 5/23/07 and any subsequently approved changes;
 - Closure Plan submitted by Spectra Engineering dated February 2008;
 - Structural Evaluations submitted by Spectra dated October 10, 2006 as modified in response to the Department's 11/20/06 and 5/23/07 comment letters and any subsequently approved changes;
32. Prior to operation, including the acceptance of waste, and in accordance with Special Condition #29 of this permit, the permittee shall complete and certify all construction, including but not limited to, structural and other repairs (such as doors, walls etc) to the buildings and floors, installation of the emulsion tank, piping and all secondary containment structures, have all equipment on-site and operating properly. Said activities shall be certified by a professional engineer with expertise in the respective areas. The certification shall include at a minimum, a statement of certification, seal, signature, narrative of the work and photos. The certification must be approved by the Department.
33. Prior to operation, including the acceptance of waste, stockpiles, which are/were existing prior to the effective date of this permit shall be brought in compliance with the storage limits prescribed in special condition 6 of this permit. Reduction of the storage piles shall be accomplished by the following methods:
- Processing of stored PCS in accordance with this permit;
 - Beneficial use of the PCS product in accordance with a Department issued Beneficial Use Determination (BUD); or
 - Disposal of excess PCS or PCS product at an authorized solid waste management facility permitted to accept PCS.
34. Processing of PCS into CMA will occur only when the ambient air temperature is 45 degrees Fahrenheit or warmer. Distribution and placement of the finished product may occur between March 1 through December 1, providing the ambient temperature is 45 degrees Fahrenheit or warmer.



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For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

- 35. All areas or bins to be used for storage of PCS and PCS product shall be clearly delineated with markings and/or partitions and the storage capacity, in cubic yards, of each area or bin shall be marked using a permanent and durable label, and must be structurally sufficient to contain the material during the normal course of operations.
- 36. Prior to introduction of asphalt emulsion, moisture tests and gradation analysis per ASTM Method C136 must be performed at a rate of one composite sample, comprised of at least five (5) grab samples per 400 cubic yards of PCS. All CMA manufactured under this determination must conform to the gradation specification for Type I Sub-base Material, NYSDOT Item #300 series as described below:

Sieve Designation	Percent Passing by Weight
2"	100
1/4"	30-65
No. 40	5-40
No. 200	0-10

- 37. After the processed PCS has cured for at least seven days, one composite sample consisting of a minimum of five (5) discreet grab samples must be collected using the following sampling frequency: one composite sample for the first 200 tons of processed PCS, then one composite sample for every 1000 tons for the remainder of the season. These samples must be characteristic of the overall pile and must be drawn from the pile at a depth of no less than six inches beneath the surface of the pile.
- 38. Each composite sample of processed PCS must be analyzed via EPA Method 8260 (VOCs) and/or EPA Method 8270 (SVOCs), as appropriate based on the type of petroleum contaminant found in the PCS for the given batch. Analytical results must meet the guidance values listed in Table 1 or Table 2 of DEC STARS Memo#1, as appropriate. Processed PCS that does not meet the guidance values listed in STARS Memo#1 may not be marketed, sold, or distributed in any way as a CMA product.
- 39. All analyses performed as a requirement of either this determination or the Part 360 permit must be performed by a NYS Department of Health ELAP certified laboratory. All analyses must be performed in accordance with procedures outlined in the NYSDEC Analytical Services Protocol (ASP).
- 40. Processing of PCS into CMA will occur only when the ambient air temperature is 45 degrees Fahrenheit or warmer. Distribution and placement of the finished product may occur between March 1 through December 1, providing the ambient temperature is 45 degrees Fahrenheit or warmer.
- 41. Disposition of Materials: All material must be processed in accordance with the BUD or 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. All PCS and CMA must be transported to and from the site by hauler with a Part 364 permit authorizing the hauling of such wastes.



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

42. The permittee shall ensure that facility employees are familiar with the approved operation & maintenance plan and contingency plan and shall have these plans available for ready reference on the site. The facility shall have an individual/individuals on site that are sufficiently trained in the implementation of the contingency plan and are sufficiently trained in incident response. The permittee shall be responsible to have these documents available in language(s) other than English if necessary for those employees whose primary language is other than English. These documents must be available to employees no later than 60 days after the effective date of this permit and/or the start of a new employee with special language requirements.
43. Unless otherwise approved, by December 1, 2009 the permittee shall have re-used and/or removed the fines/stone stockpile located south of Building "A" down to original grade.

Waste Acceptance and Handling:

44. Pursuant to 360-1.14(e)(1), a control program must be instituted to properly recognize and handle unauthorized waste brought to the facility. 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 in special condition 17 of this permit, and in the annual report. Records of each incident shall be maintained pursuant to Part 360-1.14(i)(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 generator and or transporter of the waste; 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.

Mitigation of Impacts:

45. The permittee shall regularly inspect the condition of off-site roads which provide immediate access to and from the facility, to determine if dirt, mud or litter from the facility or from vehicles using the facility is being deposited thereon. The permittee shall take such steps as may be necessary (including, but not limited to, paving of on-site access roads) to prevent such conditions or to correct them promptly if they develop. The actual site shall also be regularly inspected and cleaned of all debris and dirt.
46. The operation of the facility must be conducted in such a manner that dust, litter, vectors, and noise do not cause a nuisance condition or pose a threat to the health and safety. Any operational changes deemed necessary, including immediate cessation of all or part of the facility's operation, by the Department to correct nuisance conditions must be implemented. No PCS or CMA may be tipped, processed or stored outside. All PCS and CMA must be tipped, stored and processed in approved and enclosed structures. Structures must be secured when the facility is not in operation.

Closure Requirements

47. Unless the facility has filed a timely and complete permit application 180 days prior to expiration, or received a renewed permit to operate, the facility must begin closure operations, at a minimum 30 days prior to permit expiration, and complete closure by the permit expiration date in accordance with approved closure plan.
48. Within 45 days of the completion of the closure, the permittee shall submit to the Department a certification, prepared and stamped by a Professional Engineer licensed to practice engineering in New York State, that



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

the facility has been closed in accordance with 6NYCRR Part 360-1.14(w); 360-6.6; and certifying that the need for further maintenance or corrective actions is minimized, 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 is prevented or remedied.

Financial Assurance

49. In accordance with 6NYCRR Part 360-1.12 and Part 373-2.8 of this title, the permittee shall submit to the Department prior to any operation, including the receipt of any waste, a form of Financial Assurance, along with an original signed duplicate Standby Trust Agreement, acceptable to the Department in the amount of **\$277,000** based on the latest submitted closure/post closure cost estimate. The amount is based on the estimated cost of closing the facility, along with any post closure monitoring requirements. Such Financial Assurance 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 its 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 be submitted to:

Regional Solid and Hazardous Materials Engineer
Division of Solid and Hazardous Materials
NYS DEC
21 South Putt Corners Road, New Paltz, New York 12561-1620

50. 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.
51. 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 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 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.

Environmental Monitor

52. Pursuant to Part 360-1.11 (a): The permittee shall fund an On-Site Environmental Monitor (OSEM) in accordance with Special Conditions #53 & #54 of the permit. Department employees shall act as OSEMs at the facility, along with any other facility owned or operated by the permittee or permittee's parent corporation. The OSEM shall be present during all aspects of facility operation and construction at times designated by the Department provided, however, that it is not the intent 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.



SPECIAL CONDITIONS

For Article 27, Title 7 (6 NYCRR 360: Solid Waste Management)

53. The permittee shall provide an office space which shall include at a minimum 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.
54. The account to fund the Environmental Monitor(s) as established under permit shall continue as follows:
- A. The permittee shall fund environmental monitoring services to be performed by the Department. These monitoring services will include, but not be limited to, the following:
Conducting environmental compliance activities related to the operation, construction, closure and post closure of permittee's facility and/or any other facility owned or operated by the permittee and/or the permittee's parent company/entity etc.
 - B. Funds necessary to support the monitoring services and requirements for the coming year shall be provided to the Department by the permittee on an annual basis. The sum to be provided is based on annual environmental monitoring service costs of the Department and is subject to annual revision. Subsequent annual payments shall be made for the duration of this permit or until the monitoring requirement no longer exists, whichever comes first.
 - C. The permittee shall be billed annually for each fiscal year beginning on April 1. If this permit is to first become effective subsequent to April 1, the initial payment may be for an amount sufficient to meet the anticipated cost of the monitoring through the end of the current fiscal year.
 - D. The Department may revise the required payment on an annual basis to include the entire Department's costs associated with the monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, increase or decrease in the amount of monitoring necessary, and increase or decrease in the number of OEM and/or OEM supervisors necessary. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis for any revision or modification. If such a revision is required, the Department will notify the permittee of such a revision **no later than 60 days** in advance of such revision.
 - E. Prior to making its annual payment, the permittee will receive, and have an opportunity to review, an annual work plan that the Department will undertake during the year.
 - F. Payments are to be in advance of the period in which they will be expended.

STATE ENVIRONMENTAL QUALITY REVIEW

Under the State Environmental Quality Review Act (SEQR), the Department has determined that this permit is an Unlisted Action and the Department of Environmental Conservation (DEC) has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance for this project.

Attachments: Beneficial Use Determination (BUD)
Property Owner/End User Acknowledgement Form
Tracking Document

Distribution:

cc: F. Peduto, PE, Spectra Engineering
ecc: R. Baldwin; S. Parisio; P. Mehta; D. Pollock; S. Innes; K. Grzyb; V. Wolak; S. Menrath, DSHM, Albany (7253)

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New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3144 • **FAX:** (845) 255-3414
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 15, 2009

Mr. John A. Nelson
Rasco Materials LLC
2241 St Route 22
PO Box 566
Wingdale, NY 12594

Re: BUD 864-3-14: RASCO Materials, LLC

Dear Mr. Nelson:

The Department has reviewed the beneficial use petition submitted by Spectra Environmental Group, Inc. for RASCO Materials, LLC (RASCO) on October 18, 2006. RASCO requests a determination that the use of non-hazardous petroleum contaminated soil (PCS) in the manufacture of cold mix asphalt (CMA) constitutes a beneficial use. The Department has concluded that use as subbase and/or shoulder material constitutes a beneficial use under the following conditions outlined below. Failure to comply with these conditions shall render this determination null and void with the effect that all PCS will require disposal at an authorized solid waste management facility.

General

1. Manufacture of the CMA and all operations related to such manufacture must be performed according to the requirements of a 6 NYCRR Part 360 permit. Revocation of the Part 360 permit and/or failure to conform to the requirements of the Part 360 permit will automatically revoke this determination.
2. This BUD is only applicable to virgin petroleum contaminated soil (PCS) that is determined to be non-hazardous as defined in 6 NYCRR 371 and 40 CFR Section 261.
3. All PCS and Cold-mix Asphalt (CMA) not used in accordance with this or another beneficial use determination must be disposed in accordance with all applicable Part 360 regulations.
4. All analyses performed as a requirement of either this determination or the Part 360 permit must be performed by a New York State Department of Health ELAP certified laboratory. All analyses must be performed in accordance with procedures outlined in the NYSDEC Analytical Services Protocol (ASP)
5. This beneficial use determination attaches at the point when the CMA is applied by the purchaser/user/property owner.
6. Delivery of CMA by RASCO to a purchaser or end use site requires a Part 364 Solid Waste Transporter permit.
7. The Department reserves the right to rescind or modify this determination at any time, should conditions warrant.

8. This determination does not exempt RASCO from any local, state, or federal requirements. The determination only applies when CMA is used within New York State. The use of this material out of state requires an approval from that state. The permittee shall provide the Department a copy of all submittals made to other states as well as any correspondence from that state including but not limited to an approval or denial letter.

Performance and Placement

9. Prior to introduction of asphalt emulsion, moisture tests and gradation analysis per ASTM Method C136 must be performed at a rate of one composite sample, comprised of at least five (5) grab samples per 400 cubic yards of PCS. All CMA manufactured under this determination must conform to the gradation specification for Type I Sub-base Material, NYSDOT Item #300 series as described below:

Sieve Designation	Percent Passing by Weight
2"	100
1/4"	30-65
No. 40	5-40
No. 200	0-10

10. After the processed PCS has cured for at least seven days, one composite sample consisting of a minimum of five (5) discreet grab samples must be collected using the following sampling frequency: one composite sample for the first 200 tons of processed PCS, then one composite sample for every 1000 tons for the remainder of the season. These samples must be characteristic of the overall pile and must be drawn from the pile at a depth of no less than six inches beneath the surface of the pile.
11. Each composite sample of processed PCS must be analyzed via EPA Method 8260 (VOCs) and/or EPA Method 8270 (SVOCs), as appropriate based on the type of petroleum contaminant found in the PCS for the given batch. Analytical results must meet the guidance values listed in Table 1 or Table 2 of DEC STARS Memo#1, as appropriate. Processed PCS that does not meet the guidance values listed in STARS Memo#1 may not be marketed, sold, or distributed in any way as a CMA product.
12. The finished CMA product must contain a minimum of 4.5% asphalt by weight.
13. CMA manufactured under this determination may be used as sub-base for roads, paved driveways, paved walkways and paved parking lots only and/or shoulder material on public roadways. For the purposes of this BUD, the width of the shoulder shall not exceed ten feet. When placed, the maximum thickness of the CMA shall not exceed one (1) foot. The CMA shall be placed in 4 to 6 inch lifts and compacted after each lift.
14. CMA manufactured under this determination may not be used as a replacement for hot-mix asphalt or in applications where hot-mix asphalt is typically utilized. CMA manufactured under this determination may not be utilized as a top-course or wearing course.
15. Processing of PCS into CMA will occur only when the ambient air temperature is 45 degrees Fahrenheit or warmer. Distribution and placement of the finished product may occur between March 1 through December 1, providing the ambient temperature is 45 degrees Fahrenheit or warmer.

16. Offsite use of the cold-mix asphalt product: The product may be stockpiled at the end use site or purchaser's site for a total period not to exceed 60 days. Stockpiles must not be placed within 50 feet of water bodies, steep slopes, property boundaries, or water supply wells. Stockpiles shall be covered at all times and have appropriate erosion control in place at all times. For storage periods greater than 60 days, RASCO and the end user/purchaser must receive written Department approval prior to initial storage.

User Notification and Reporting Requirements: Failure to provide any of the following will result in revocation of the the determination.

17. For each shipment/load of finished product leaving the facility, RASCO must obtain from the purchaser/user of the product a completed and signed "Purchaser/User Notification Form" which provides the information shown on the sample form attached. RASCO must obtain this completed form prior to delivery of the product for each load and keep the form on file at the facility until closure of the facility. If the purchaser and end user are not the same, forms must be obtained from both the purchaser and end user. Completed forms must be available to Department staff for review during facility inspections and must be supplied to the Department upon request.
18. For each shipment/load of finished product leaving the facility, RASCO must provide a tracking form (sample attached) and obtain from the purchaser/user a completed and signed form within seven days of delivery of the product. RASCO must keep the form on file at the facility until closure of the facility. Completed forms must be available to Department staff for review during facility inspections and must be supplied to the Department upon request.

Periodic Reporting Requirements:

19. An annual report must be filed within 60 days of the end of each calendar year. The annual report must include the following:
- ▶ volume of petroleum contaminated soil received, monthly basis
 - ▶ volume of CMA manufactured under this determination, monthly basis
20. The permittee shall submit a materials handling report semi-annually in July and January of each year. The July report will cover all materials received and processed from January 1, through June 30th and the January report shall cover the months July 1 through December 31st. The report shall be submitted no later than thirty (30) days following the last day of the reporting period. Each report shall list separately:
- a. For each shipment of PCS received:
 - i. The nature of the waste, i.e., type of contamination in the soil;
 - ii. The date(s) on which the waste was received;
 - iii. The name and address of the waste generator;
 - iv. The name, address and NYSDEC ID# of the waste transporter;
 - v. The NYSDEC or other appropriate agencies spill ID#, if applicable;
 - vi. The volume and weight of petroleum contaminated soil received; and
 - vii. The concentration of total petroleum hydrocarbons in the waste as indicated by results of all analysis of samples of the waste by source.

- b. For each shipment or pickup of CMA from the facility during the year covered by the report:
- i. The name and address of the person receiving or picking up the product;
 - ii. The date(s) on which the product was shipped or picked up;
 - iii. The total volume and weight of the product shipped;
 - iv. The name, address and NYSDEC ID# of the Part 364 transporter, where applicable;
 - v. The use of the product as indicated on the signed Property Owner/End User Acknowledgment Form;
 - vi. The estimated start-up and completion date for placement operations using the product; and
 - vii. A summary of all required testing data related this shipment per site.
- c. In general:
- i. Volume and weight of PCS received on a monthly basis per calendar year;
 - ii. Volume and weight of CMA Produced on an annual basis based on calendar year;
 - iii. Volume, weight and destination of cross contaminated waste material disposed of;
 - iv. Volume, weight and destination of any other Non-CMA materials exported from the site;
- d. January Semi-annual only:
- i. A revised closure/post-closure cost estimate;
 - ii. An updated site plan showing any modifications made during the prior year;
 - iii. A summary of unusual or emergency incidents at the facility during the calendar year.

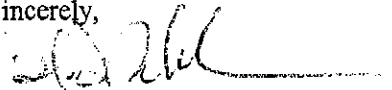
21. All submissions required under this determination should be sent to:

Tom Lynch
BSWRR
Division of Solid & Hazardous Materials
NYSDEC
625 Broadway, 9th Floor
Albany, NY 12233-7253

Rich Baldwin
Regional Engineer
Region 3
NYSDEC
21 South Putt Corners Rd.
New Paltz, NY 12561-1695

If you have any questions regarding the above, please feel free to contact me at (845) 256-3138.

Sincerely,



David G. Pollock
Environmental Engineer
Solid Waste Compliance Unit

cc: F. Peduto, Spectre
gwcc: S. Parisio
T. Lynch
M. Merriman

COLD MIX ASPHALT PROPERTY OWNER/END USER ACKNOWLEDGEMENT FORM
(to be filled out by purchaser/user and property owner)

1. Property Owner:

Name: _____
 Street: _____
 City/Village: _____
 Town: _____ County: _____

2. Project Location

Street Address: _____
 Town: _____ County: _____
 Lot/Block: _____
 Telephone No: () _____

3. Project Information (To be filled out by purchaser/user/property owner):

- a) Nature of Project (Check One): Sub-base ___ Shoulder ___
 Other _____ Specify: _____ (Requires NYSDEC Approval)
- b) Volume of cold-mix asphalt proposed / accepted (cubic yards): _____ / _____
 Area to be placed (square feet): _____ Thickness of Sub-base (Not to exceed 12 inches): _____
- c) Does site development plan require approval by municipality? Yes ___ No ___ Not Applicable ___

If yes, attach copy of approval

- d) Hauler/Installer Name: _____ Phone: _____
 Address: _____
 Signature: _____ Dates of Delivery: _____
- e) Estimated project start date: _____
 Estimated project completion date: _____

4. Information for Property Owner/End User:

- a) The cold-mix asphalt supplied by RASCO Materials, LLC was manufactured using non-hazardous petroleum contaminated soil which has been processed to produce an asphaltic product that can be used as sub-base material as described in paragraph b.
- b) This product may only be used as sub-base in construction of roads, parking lots, driveways, walkways and as public roadway shoulder material. When used in shoulder, the width of the shoulder shall not exceed ten feet. This product may not be used as fill material or for any use where a hard and compact consistency similar to conventional asphalt pavement will not be produced. Thickness of cold-mix asphalt used should correspond to the thickness specified in the approved site development plan or project specifications for asphalt paving materials and in no case exceed 1 foot. The cold mix asphalt shall be placed in 4 to 6 inch lifts and compacted after each lift.
- c) The cold-mix asphalt product should not be accepted at the project site prior to site plan approval and shall not be stockpiled prior to use in the paving project for periods exceeding 60 days. Stockpiles shall not be placed within 50' of water bodies, steep slopes, property boundaries, or water supply wells. Storage piles shall be covered at all times and shall have appropriate sediment and erosion control. For storage of periods greater than 60 days, the purchaser/user and storage facility must receive written Department approval prior to storage.
- d) Failure to use the product in accordance with the guidelines specified above may result in adverse environmental impact and may violate applicable 6 NYCRR Part 360 Solid Waste Management Facilities regulations.

5. Acknowledgement of Notification by the Property Owner:

The undersigned, having read the information provided in item 4 acknowledge notification regarding the nature and proper use of the above-described cold-mix asphalt product. I agree to use the product, as identified in item 3, and in accordance with guidelines outlined. I acknowledge that the use of this product in any manner other than that specified under item 4 is a violation of the beneficial use determination issued by the department, which allows for the reuse of this material and will constitute an illegal disposal of a Solid Waste.

Purchaser/Property Owner Acknowledgment

End User/Installer	
Signature	Date

TRACKING DOCUMENT

Please read all instructions before completing this tracking document
 Please **TYPE** or **PRINT** clearly

INSTRUCTIONS:

1. Generating Processing Facility; complete numbers 1-6, retain a copy and give three copies to the Hauler.
2. Hauler; complete numbers 7 & 8, retain a copy and give remaining copies to the Receiving Location.
3. Receiving Facility; complete numbers 9 & 10, retain a copy and return a copy to the Generating Processing Facility within two weeks.

GENERATING PROCESSING FACILITY SECTION														
1. GENERATING PROCESSING FACILITY NAME AND ADDRESS:	2. HAULER NAME & MAILING ADDRESS:													
Mailing Address	Mailing Address													
C.T,V/State/Zip	C.T,V/State/Zip													
Telephone Number ()	Telephone Number ()													
3. Part 360 Permit Number _____	5. MATERIALS TRANSPORTED (use additional sheets if necessary) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%; text-align: left;">TYPE</th> <th style="width: 40%; text-align: left;">QUANTITY (indicate tons or cubic yards)</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>		TYPE	QUANTITY (indicate tons or cubic yards)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
TYPE			QUANTITY (indicate tons or cubic yards)											
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4. DESTINATION FACILITY NAME & MAILING ADDRESS:														
Mailing Address														
C.T,V/State/Zip														
Telephone Number ()														
6. GENERATOR'S CERTIFICATION: I hereby affirm under penalty of perjury that information provided on this document and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority, as _____ (title) of _____ (Entity) to sign this tracking document pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.														
Printed/Typed Name	Signature	Mo. Day Year / / /												
HAULER SECTION														
7. HAULER SECTION (Certification of Receipt of Debris is as described in item 5.)														
Printed/Typed Name	Signature	Mo. Day Year / / /												
8. HAULER DISCREPANCY BOX (Any discrepancies in items 2, 4 or 5 should be noted here and by the item number.)														
RECEIVING FACILITY SECTION (Transfer, Recycling, Disposal)														
9. RECEIVING FACILITY SECTION (Certification of Receipt of Debris as described in item 5.)														
Printed/Typed Name	Signature	Mo. Day Year / / /												
10. RECEIVING FACILITY DISCREPANCY BOX (Any discrepancies in items 2, 4 or 5 should be noted here and by the item number.)														