



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

ENVIRONMENTAL SOIL MANAGEMENT OF
NEW YORK, LIMITED LIABILITY COMPANY
dba ESMI A Clean Earth Company
350 POPLAR CHURCH RD
CAMP HILL, PA 17011-1754

Facility:

Environmental Soil Management of New York
LLC dba ESMI A Clean Earth Company
304 Towpath Rd
Fort Edward, NY 12828

Facility Location: in FORT EDWARD in WASHINGTON COUNTY

Facility Principal Reference Point: NYTM-E: 615.78 NYTM-N: 4792.755
Latitude: 43°16'43.4" Longitude: 73°34'23.1"

Authorized Activity: Acceptance, storage within the existing soil storage building and processing in the thermal desorption unit (TDU) of up to 5,000 tons of Per- and Poly-fluoroalkyl Substances (PFAS) contaminated soil while controlling emissions. The TDU will treat PFAS contaminated soil over a two-week period. All soils received for this RD&D project will be blended to generate a feed stock of consistent PFAS mass to be treated by the TDU.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 5-5330-00038/00027

New Permit Proposed Effective Date: _____ Proposed Expiration Date: 1 year from effective

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: BETH A MAGEE, Deputy Regional Permit Administrator

Address: NYSDEC Region 5 Warrensburg Sub-Office
 232 Golf Course Rd
 Warrensburg, NY 12885

Authorized Signature: _____

Date / / _____



Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by ESMI and received by the Department on 7/23/25.
- 2. PFAS Soil Sources** The proposed sources of soil and the PFAS concentrations for this RD&D project must be submitted to the Department for approval prior to acceptance of the material at the facility. If any parameters for the project, for example the PFAS concentration in the soil being sourced, exceed those modeled in the permit application, an updated AERMOD modeling analysis demonstrating no exceedance of the Air Guideline Concentrations must be submitted and approved by the Department prior to the acceptance of the material and the test.
- 3. Testing Protocol and Notification** A detailed air emissions testing protocol and notification must be submitted to the Department for review and approval 30 days prior to the test as per 6 NYCRR 202-1.2.
- 4. Operation of Air Pollution Controls** All emissions from the Primary Treatment Unit (PTU; Rotary Kiln) must be routed through all air pollution controls including the cyclone dust separators, Secondary Treatment Unit (STU; Thermal Oxidizer), the evaporative cooling chamber, the baghouse/dust filtration unit, and the control house.
- 5. Test Monitoring** The RD&D project must include a test condition for the STU operating at 2000°F. The operating temperature and residence time of the PTU and STU must be monitored and recorded during the test and provided in the project summary report. Additionally, weather conditions during the test such as wind speed and direction and precipitation as well as the addition of lime testing must be documented and presented in the project summary report.
- 6. PFAS Soil Sampling** The PFAS contaminated soil must be composite sampled in accordance with the facility's O&M Manual Section 2.5.2. Samples must be collected and analyzed utilizing EPA Method 1633 in accordance with the Sampling, Analysis, and Assessment of Per- and Polyfluoroalkyl Substances under NYSDEC's Part 375 Remedial Programs; April 2023 guidance. Sampling must occur both before and after treatment of the PFAS contaminated soil in the TDU.
- 7. Project Summary Report** Within 90 days after expiration of this permit, the Permittee shall submit to the DEC Region 5 Materials Management Engineer a project summary report which meets the criteria of 6 NYCRR 360.18(d)(5).



8. Final Disposition of Treated Soil Treated soils resulting from this RD&D project could only be reused under a case-specific beneficial use determination. Soils which meet the unrestricted use criteria outlined in 6 NYCRR 375-6 could be utilized in residential applications and soils which meet the restricted use criteria could be utilized in commercial and industrial applications. However, treated soils resulting from this RD&D project cannot be sold, but may be given away for beneficial use at no cost. If treated soils do not meet the criteria outlined in 6 NYCRR 375-6 or cannot be given away, then they must be sent to an authorized landfill for disposal or use as alternative operating cover.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 5 Warrensburg Sub-Office
232 Golf Course Rd
Warrensburg, NY12885



4. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

5. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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