

**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL
CONSERVATION NOTICE OF
PUBLIC COMMENT HEARING
and NOTICE OF PUBLIC
COMMENT PERIOD**

Applicant/Permittee: Environmental Soil Management of New York, LLC, dba ESMI A Clean Earth Company, 350 Poplar Church Road, Camp Hill, Pennsylvania 17011.

Project Location: Environmental Soil Management of New York, LLC, dba ESMI A Clean Earth Company, 304 Towpath Road, Fort Edward, New York 12828.

Permit/Application ID No.: DEC ID# 5-5330-00038/00027.

Permit Applied for: Environmental Conservation Law (ECL) Article 27, Title 7 (Solid Waste Management), and Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) 360.18 (Research, Development, and Demonstration Registrations and Permits).

Project Description and Permits Requested: Environmental Soil Management of New York, LLC, dba ESMI of New York, has applied for a Solid Waste Management Research, Development and Demonstration (RD&D) permit to test the effectiveness of its existing soil treatment process and air pollution controls for the treatment of per- and poly-fluoroalkyl substances (PFAS) contaminated soil at its existing facility in Fort Edward, Washington County. The facility currently accepts and treats petroleum- and PCB-contaminated soil. Operations rely on a thermal desorption unit (TDU) to desorb pollutants from contaminated soils, as well as air pollution controls including particulate cyclones, a thermal oxidizer, and a baghouse, to treat pollutants to meet State air pollution control standards. The facility currently operates under both an Air State Facility permit, and a solid waste management facility permit issued by the Department.

Department staff has reviewed the application and prepared a draft RD&D permit to accept and store soil within the existing storage building, and to process up to 5,000 tons of PFAS contaminated soil in the TDU at the existing facility. Emissions from the TDU will be controlled during the two-week testing period using the existing emissions control systems.

Although RD&D permits are minor permits for purposes of the Uniform Procedures Act and do not require either public notice or the opportunity for comment, the Department is exercising its discretion under 6 NYCRR 621.3(b) (3) to require public notification of this application that would temporarily alter the characteristics of waste processed at this

existing facility.

SEQRA Status: The environmental review of the RD&D permit application is a Type II Action pursuant to 6 NYCRR 617.5(c)(24) because the purpose of the proposal is to investigate a remediation technology and collect related data. No SEQRA Lead Agency was designated.

How to review the application materials and draft permit: A copy of the application materials and related documents, as well as the Department's draft permit are available at the following URL: <https://pages.cleanearthinc.com/new-york-ppp>.

In addition, these materials are available for inspection during normal business hours at the Department's Region 5 Offices. To ensure timely service at the time of inspection, it is recommended that an appointment be made with Beth Magee, NYS DEC, 232 Golf Course Rd., Warrensburg, New York 12885. Telephone: 518-623-1283.

Notice of Complete Application: Department staff issued a Notice of Complete Application dated December 11, 2025. The notice was published in the Department's Environmental Notice Bulletin on December 17, 2025, and in the Glens Falls Post Star on December 18, 2025. The notice and a subsequent extension provided for a written comment period until February 17, 2026. The official record of the public comment hearing will incorporate all comments received during the comment period concerning the Notice of Complete Application.

Public Comment Hearing Sessions: Pursuant to 6 NYCRR 621.8 (Uniform Procedures), two public comment hearing sessions to receive unsworn comments about the Solid Waste Management permit application and the draft RD&D permit will be held. Please note that Department staff will not be responding to questions from the public during these hearing sessions. One public comment hearing session will be held in-person and the other will be held virtually. Dates, times, and instructions for these public comment hearing sessions are as follows:

The in-person public comment hearing session will be held before Administrative Law Judge Daniel P. O'Connell at 6:00 p.m. on Monday, June 8, 2026, in the auditorium at the Hudson Falls High School located at 80 East Labarge Street, Hudson Falls, New York 12839. This location is fully accessible to persons with mobility impairment. The ALJ may limit the time available for oral comments to 3 minutes per person, as necessary, to afford all participants an opportunity to be heard.

The virtual public comment hearing session will be conducted electronically using the Webex Events platform. It will be held before Administrative Law Judge Daniel P. O'Connell at 6:00 p.m. on Tuesday, June 16, 2026.

To Register Electronically for the Virtual Public Comment Hearing Session: Fill in the requested information at the following address:

<https://meetny-gov.webex.com/webex/register/r3cd50cbc09990ec-531cf29739d74d28a>

To join by phone :

+1-929-251-9612 United States Toll (New York City)

+1-415-527-5035 United States Toll

Access code: 2831 805 8884

Webinar password: Welcome1 (93526631 when dialing from a phone or video system)

You will be asked whether you wish to make a public statement. After completing the on-line registration form, you will receive an email confirmation with information about how to join the virtual public comment hearing session on June 16, 2026.

To Register by Telephone: Any person who is not able to login electronically may participate at the virtual public comment hearing session by telephone. Call-in participants must register to speak in advance by calling the Office of Hearings and Mediation Services at 518-402-9003 no later than 1:00 p.m. on Monday June 15, 2026. Please reference the Environmental Soil Management public comment hearing, and provide your first and last name, address, email address if any, and telephone number.

All participants will be muted upon entry into the virtual public comment hearing session. The ALJ will call each person who has registered to speak, and will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. The ALJ may limit the time available for oral comments to 3 minutes per person, as necessary, to afford all participants an opportunity to be heard. Speakers should summarize lengthy comments for oral presentation and submit their detailed comments in writing as provided below. The hearing will be stenographically recorded for inclusion in the record.

Equal weight will be given to both oral and written statements made during both sessions. Written comments submitted to the Department during this comment period and oral comments given at public comment hearing sessions are considered part of the official record.

Language interpretation services shall be made available to persons with limited English proficiency, including American Sign Language, at no cost. Requests must be received 10 calendar days before the public comment hearing sessions, but DEC will make every effort to fulfill requests received closer to the hearing date. Requests can be directed to NYSDEC by mail at NYSDEC, 625 Broadway, Albany, New York 12233-1010; email at language@dec.ny.gov; or phone 518-485-7358.

Written Comments: Must be post-marked by Wednesday, June 17, 2026 and mailed to Beth Magee, NYS DEC, 232 Golf Course Rd, Warrensburg, New York 12885. Comments may be sent by email

to dec.sm.ESMI@dec.ny.gov; they must be received by 4:45 p.m. on Wednesday, June 17, 2026.

Statutory and Regulatory Provisions:

This proceeding is being conducted according to ECL Article 3, Title 3 (General Functions); ECL Article 27, Title 7 (Solid Waste); and ECL Article 70 (Uniform Procedures), as well as 6 NYCRR 201-1.16 (Research and Development Activities); 6 NYCRR 360.18 (Research, Development, and Demonstration Registrations and Permits); and Part 621 (Uniform Procedures).
Daniel P. O'Connell
Administrative Law Judge
April 27, 2026
ALBANY, NEW YORK
PUB: MAY 5, 2026
COL-NY-4358