



Norlite Enforcement History

DEC's administrative enforcement history with Norlite over the past 30+ years has resulted in the assessment of penalties and the imposition of requirements such as funding of environmental benefit projects; the submission, implementation, and revision of numerous plans, including the best management practices plan and a fugitive dust control plan; and funding of a full-time on-site environmental monitor. The following is a summary of DEC's formal environmental enforcement against Norlite over the past 30 years:

- **DEC Order on Consent (R4-0768-90-01), dated June 21, 1990**, assessing a penalty of \$38,000 for a series of SPDES Permit violations and directing Norlite to undertake several actions relating to the submission of plans for the construction of a landfill, dredging of a settling pond, air pollution control system blowdown control, leachate collection, and a best management practices plan to prevent or minimize the potential for release of kiln dust and shale fines to waters of the state.
- **DEC Order on Consent (R4-1445-93-01), dated January 2, 1994**, assessing a penalty of \$29,000 and addressing lead and zinc exceedances in the low-grade fuel burned at the kilns, mass feed rates exceedances for antimony and lime, shale feed rate exceedances, pH level exceedances for the scrubber recirculation tank for Kiln No. 1, and failure of the automatic cut-off at Kiln No. 1 to control for maximum back end temperature in violation of Module VII of the RCRA Permit.
- **DEC Order on Consent (R4-1680-94-05), dated June 17, 1994**, addressing violations of interim effluent limitations and monitoring requirements under the SPDES Permit, including relief from water quality-based effluent limits for discharge to the Salt Kill while the Facility designed and constructed a permanent wastewater treatment system for discharge to the Mohawk River.
- **DEC Order on Consent (R4-1712-94-07), dated July 13, 1994**, addressing placement of incompatible waste in storage tanks in violation of Module VI of the RCRA Permit and requiring Norlite to immediately convert to natural gas or oil if the waste feed cut-off is activated.
- **DEC Order on Consent (R4-1734-94-08), dated December 28, 1994**, assessing a penalty of \$200,000 and modifying three prior Orders (R4-1445-93-01, R4-1680-94-05, and R4-1712-94-07), in response to 226 exceedances of pH, arsenic, copper, mercury, lead, and zinc between June and October 1994 in violation of the SPDES Permit, a leaking secondary containment structure of the scrubber recirculation tank for Kiln No. 2 in violation of Module VI of the RCRA Permit, failure to cut off the use of low-grade fuels to the kilns during 404 discrete exceedances of the hourly rolling average of carbon monoxide limit of 100 parts per million in violation of Module VII of the RCRA Permit, and several air violations, including failure to properly operate the soda ash silo baghouse and storing finished product in piles near the south entrance to the Facility without continuously watering the piles in violation of the approved fugitive dust plan and best management plan.
- **DEC Stipulation (Spill No. 95-12972), dated January 25, 1996**, authorizing Norlite to temporarily discharge 75,000 gallons of contaminated water from the truck staging area to the Salt Kill over a three-day period.
- **DEC Order on Consent (R4-1983-97-07), dated September 18, 1997**, assessing a penalty of \$7,500

and addressing several violations of Part 200.7 observed during inspections in May 1997, including improper baghouse operation, missing conveyor cover, and water spray cut-off, and failure to properly label a drum of hazardous waste at the truck off-loading pad in violation of Part 373-2.9(d)(3).

- **DEC Order on Consent (R4-2036-98-03), dated May 27, 1998**, assessing a penalty of \$25,000 following an implosion of tank 200A as a result of Norlite's use of a vacuum pump to transfer wastes from containers to tank 200A in violation of Module I of the RCRA Permit, modification of its secondary containment system without first receiving a permit modification from DEC in violation of RCRA Permit General Condition 3, and modification of the system while continuing to use the permitted container storage area in violation of Module V of the RCRA Permit and DEC regulations.
- **DEC Order on Consent (R4-2000-0420-27), dated July 13, 2000**, assessing a penalty of \$3,000 and addressing DEC sample results showing that clinker, fines, and block mix material originated from the Facility and migrated to off-site snow banks and automobiles in violation of Part 211 and requiring the submission of an engineering plan to prevent off-site dust, including areas of concern at the finish mill, block mix handling, moving of clinker piles, fines pile storage, portable crusher, road watering, and placement of wind screens.
- **DEC Order on Consent (R4-2000-0814-108), dated January 16, 2001**, assessing a penalty of \$87,500 following Norlite's acceptance of a shipment of waste on July 26, 2000, and blending it with other waste before burning it over a period of several hours on July 27, 2000. At an unspecified time on the same day, July 27, 2000, Adirondack Environmental Labs notified Norlite that the PCB concentration level of the incoming material was 83 parts per million, in excess of the limit of 25 parts per million set forth in Module VII of the RCRA Permit. Northeast Environmental verified Adirondack's results on July 28, 2000. The resulting mixture of low-grade fuel that Norlite burned on July 27, 2000 contained a PCB concentration of 43 parts per million. Norlite did not notify DEC until July 31, 2000, in excess of the required 24 hours following noncompliance that may endanger human health or the environment.
- **DEC Order on Consent (R4-2001-0102-2), dated July 24, 2001**, assessing a penalty of \$7,500 and addressing Norlite's failure to perform hydrofluoric acid digestion of shale during metals analysis and failure to calibrate the re-circulation tank pH meter on a daily basis in violation of Module VII of the RCRA Permit, failure to properly close and move a 55-gallon container of hazardous waste at the tanker unloading station and failure to maintain current transporter permits or other written confirmation on file from at least three transporters in violation of Module II of the RCRA Permit, accumulation of waste in a roll-off yard for more than 90 days in violation of DEC regulation at Part 372.2(a)(8)(ii), and failure to properly submit an evaluation of its implementation of the Fugitive Dust Control Plan as required under prior DEC Order on Consent (R4-2000-0420-27).
- **DEC Order on Consent (R4-2002-1015-122, CO-4-20020501-63), dated June 16, 2003**, assessing a penalty of \$45,000 and addressing a series of violations of the RCRA Permit, including reporting deficiencies, mislabeling of hazardous waste containers at the Facility, failure to properly test for low-grade fuel cut-off, failure to maintain a spill prevention report, failure to conduct or record annual inspections of aboveground hazardous substance bulk storage tanks, failure to conduct or record a structural evaluation every 5 years for aboveground tanks TK-4609 and TK-4620, and failure to monitor the interstitial space of tank #9 for traces of petroleum at least on a monthly basis. In addition, the Order addressed that Norlite made certain changes to the wastewater treatment plant without a SPDES Permit modification and without prior DEC approval.
- **DEC Order on Consent (R4-2009-0610-101), dated May 17, 2010**, assessing a penalty of \$90,000 and

requiring an environmental benefit project of \$35,000 to address eight violations of DEC regulations and the RCRA Permit observed by DEC staff during five inspections from March 2009 to July 2009, including Norlite's failure to timely submit at least 25 automatic waste feed cut-offs in a calendar month, failure to maintain tags on all equipment regulated under Part 373.3.28, failure to record findings of its investigation of the cause of each automated waste feed cut-off between March 2008 and June 2009, failure to take immediate action to replace a missing leaf seal on Kiln No. 2, failure to include contributions from shale in the calculation of emission estimates in the annual reports for calendar years 2007, 2008, and 2009, use of solid low grade fuel with sediment content in excess of permit limit, and Norlite's pumping of turbid water into the Salt Kill without proper treatment following heavy rains. The Order contained a substantial Schedule of Compliance regarding alarm recordkeeping, continuous emission monitoring, amendment to the fugitive dust control plan, installation and testing protocol of a double-walled fugitive emission containment system, imposition of certain pressure conditions for Kiln No. 2, and submission of an examination of Norlite's fuel blending practices and tank system management with recommendations for improvement. The Order required Norlite to begin its CPT within 60 days after installing the fugitive emission containment system and to submit a report to DEC within 90 days of completing the CPT, failing which Norlite would have been prohibited from burning low-grade fuel at the Facility.

- **DEC Order on Consent (R4-2014-0017-6), dated September 2, 2014**, assessing a penalty of \$29,600 and imposing an environmental benefit project in the amount of \$64,000, in response to a series of multi-media violations, including the Facility's release of methyl methacrylate vapor to the atmosphere and interference with the comfortable enjoyment of City residents in violation of Part 211, failure to maintain proper hazardous waste signage at tank 200B in violation of Part 373, failure to consistently record information regarding fuel farm inspections, failure to update the BMP Plan in violation of the RCRA Permit, failure to update the Fugitive Dust Control Plan to reflect that Norlite was storing shale fines in outdoor piles that had been formerly stored in silos, failure to properly maintain required information on Norlite's public website, failure to properly maintain containers, and failure to properly cap the pump 4 sampling port.
- **DEC Order on Consent (R4-2016-0718-127), dated November 14, 2016**, assessing a penalty of \$31,500 following Norlite's failure to provide records of daily observations of visible emissions from each emission unit for a series of dates in March and May 2016, failure to conduct daily observations of visible emissions from the primary plant rock crusher, failure to cut off hazardous waste to Kiln No. 2 over a period of seven hours over three days while the flue gas flow rate exceeded the permit limit, and failure to include training to control room operators on responses to malfunctions or conditions that may lead to malfunctions, in violation of Conditions 25, 32, 41, and 53 of the ATV Permit.
- **DEC Order on Consent (R4-2016-1028-148), dated December 6, 2016**, assessing a penalty of \$12,000 to address 10 violations of DEC's Part 373 regulations observed during DEC staff inspection, including an aerosol can in the garbage pile of the maintenance garage containing product, incomplete transport manifests, an outdated list of emergency coordinators in the Facility's contingency plan, inadequate aisle space for fire protection personnel and equipment, improper storage of waste lamps, failure to timely submit a report of local fire department inspection, incomplete drawings of equipment and lines covered by the RCRA Permit, and inadequate surface coating of an aboveground storage tank.
- **DEC Order on Consent (R4-2019-0731-48), dated November 22, 2019**, assessing a penalty of \$154,700 following a series of effluent exceedances under the SPDES Permit between November 1, 2017, and August 31, 2019, including chlorine, chromium, copper, flow rate, iron, lead, mercury,

selenium, silver, total suspended solids, temperature, titanium, acute toxicity, and zinc, and Norlite's failure to properly implement its recordkeeping and reporting requirements for its Baghouse Leak Detection Alarm between September 2018 and June 2019 (consisting of 189 hours out of 5,123.50 operational hours at Kiln No. 1 and 216 hours out of 5,320.38 operational hours at Kiln No. 2) in violation of the ATV Permit.