

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 4

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Mr. David Maguffin
Plant Manager
Norlite, LLC
628 South Saratoga Street
Cohoes, NY 12047
David.Maguffin@tradebe.com

Mr. Prince Knight
Environmental & Regulatory Compliance Manager
Tradebe Environmental Services, LLC
234 Hobart Street
Meriden, CT 06450
Prince.Knight@tradebe.com

Re: PFAS Incineration

Dear Messrs. Maguffin and Knight:

For the past several years, the New York State Department of Environmental Conservation (DEC) and its partners in federal, state, and municipal government have been working to address concerns and mitigate risks regarding the potential environmental and public health impacts of per- or polyfluoroalkyl substances (PFAS), including but not limited to perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). Among these efforts, DEC has prioritized the removal and appropriate treatment and disposal of Class B firefighting foam such as aqueous film-forming foam (AFFF) containing PFAS compounds in order to avoid potential impacts to groundwater, surface waters, and drinking water supplies. The State of New York has recently enacted a ban against the use of AFFF that contains PFOA or PFOS and has spent tens of millions of dollars to date on remediation projects across the state involving the improper disposal of legacy AFFF in order to ensure the protection of public health and the environment from the actual and potential threats posed by PFOA or PFOS.

Significant community concerns have arisen with respect to the past incineration of AFFF at Norlite, LLC's manufacturing facility at 628 South Saratoga Street in the City of Cohoes (the Facility) and the perceived risks and potential health and environmental impacts from the disposal of AFFF at the Facility. As you are aware, the City of Cohoes has passed a year-long moratorium on incineration of AFFF based on these concerns and additional scrutiny is needed to ensure the residents of the Environmental Justice area surrounding the Facility and other members of the local community are not at risk.

To address the national knowledge-gap regarding the potential for thermal destruction of PFAS compounds, DEC has commenced a joint initiative with the U.S. Environmental Protection Agency's (EPA) Office of Research and Development (ORD) to develop performance testing protocols and advance a detailed analysis of ongoing and proposed thermal treatment research in other parts of the country. We recognize that in light of this joint research initiative, Norlite has committed to DEC that it will not resume its processing of AFFF materials until additional research is conducted and DEC is convinced that thermal destruction is the safest and most effective method of AFFF disposal. We also recognize that the contract with the United States Defense Logistics Agency for the disposal of AFFF has been terminated.

However, irrespective of Norlite's prior commitment and its terminated contract, Norlite's current Air Title V Permit and Part 373 Hazardous Waste Permit were issued without addressing PFOA, PFOS, or other emerging contaminants. Consequently, neither DEC nor the community has had an opportunity to properly assess the impacts of introducing the treatment and disposal of PFAS or other emerging contaminants into the Facility's operations. Therefore, DEC has made the following determinations:

1. DEC is directing Norlite, LLC to continue to not conduct any further thermal treatment or disposal of AFFF containing PFAS at the Facility;
2. DEC also recognizes the necessity of providing the community with the opportunity to comment on the overall operations of the Facility and its potential environmental impacts, and in this respect DEC intends to treat Norlite's upcoming renewals as a new application pursuant to 6 N.Y.C.R.R. Part 621.11(h)(3). To this end, DEC intends to require Norlite to expand its environmental justice engagement pursuant to Commissioner Policy 29 so that all concerns of the community residents near the Facility are fully heard and addressed; and
3. If Norlite proposes to thermally treat or dispose of any substances including emerging contaminants that were not previously addressed in their existing permits at the Facility in the future, Norlite must first submit to DEC a sufficient application for permit modification in order to address such expansion of the scope of the Facility's operations.¹

Thank you for your attention to these determinations and our ongoing oversight of the Facility. Please contact Tony Luisi at 518-357-2090 should you have any questions regarding this correspondence.

Sincerely,



Keith Goertz
Regional Director

¹ See 6 N.Y.C.R.R. Part 621.13(3).