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**Transmitted Via Email and U.S. Mail**

January 29, 2016

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Division of Environmental Remediation, Remedial Bureau B  
New York State Department of Environmental Conservation  
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Albany, NY 12233-7016

Re: FMC Corporation, Middleport, NY  
AOC Docket No. II-RCRA-90-3008(h)-0209  
EPA ID No. NYD002126845  
DER Site No. 932014  
Application No. 9-2936-00017/02004  
*Amended Part 373 Permit Application*

Dear Ms. Gardell and Ms. Dewes:

By letter dated March 18, 2015, the New York State Department of Environmental Conservation (NYSDEC) requested that FMC Corporation (FMC) update its May 1986 Hazardous Waste Management Facility Permit Application for FMC's facility in Middleport, New York (Facility) to reflect current conditions. Currently, hazardous waste is not treated, stored or disposed at the Facility in units subject to 6 NYCRR Part 373 permitting requirements. Hazardous wastes generated at the Facility are accumulated in containers or tanks prior to off-site disposal within 90 days of generation or are managed in water treatment units exempt from permitting requirements pursuant to Paragraph 373-1.1(d)(1)(xii). Thus, this permit is not required and not necessary. Nonetheless, NYSDEC requested this Amended Application and FMC submitted it accordingly on May 18, 2015.

By letter dated July 17, 2015, the NYSDEC provided comments on the Amended Application. Following correspondence and discussion between FMC and the NYSDEC, by letter dated September 16, 2015, FMC provided the NYSDEC with a draft schedule to complete revisions to the Amended Application. By letter dated November 6, 2015, the NYSDEC provided FMC with an updated schedule, revised to reflect FMC submittals and NYSDEC responses that had been provided to date. The November 6, 2015 schedule identifies the following items for submittal by January 29, 2016, all of which are enclosed with this letter:

1. FMC's responses to the NYSDEC's comments, provided by letter dated July 17, 2015, on FMC's Amended Application submittal dated May 18, 2015



2. Revised Amended Application text and figures
3. Draft checklist table cross-referencing regulatory requirements to the Amended Application
4. Revised Amended Application Part A

Between October and December 2015, the NYSDEC provided FMC with comments on specific Amended Application components, and requested submittal of revised components and additional documents to complete the Amended Application. During a teleconference between FMC and the NYSDEC on January 13, 2016, FMC agreed to provide the NYSDEC with a revised draft schedule for addressing NYSDEC's comments and/or submittal of revised components and additional documents associated with the Amended Application, with the goal of completing the application by January 2017. Enclosed is a draft revised schedule for NYSDEC review.

If you have questions or would like additional information, please contact me directly by telephone at (215) 299-6554 or by email at [shawn.tollin@fmc.com](mailto:shawn.tollin@fmc.com).

Sincerely,



Shawn J. Tollin  
Manager, Environmental Remediation

Enclosures

cc: (e-mail only)  
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G. Sullivan, FMC Middleport  
C. Kaba, Esq., FMC Philadelphia  
R. Kennedy, Esq., Hodgson Russ  
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D. Wright, Arcadis



**FMC's Responses to the  
NYSDEC's 07.17.2015  
Comments**



**FMC Responses to NYSDEC July 17, 2015 Comments  
on the May 18, 2015 Amended Part 373 Permit Application  
FMC Corporation – Middleport, New York  
January 29, 2016**

By letter dated March 18, 2015, the New York State Department of Environmental Conservation (NYSDEC) requested that FMC Corporation (FMC) submit an amended Hazardous Waste Management Permit Application under 6 NYCRR Part 373 for its facility in Middleport, New York. FMC submitted an amended application on May 18, 2015 (Application) and the NYSDEC provided general comments and/or omissions by letter dated July 17, 2015. FMC and the NYSDEC discussed the NYSDEC's comments during a conference call held on August 26, 2015. Based on the August 26<sup>th</sup> discussions and subsequent discussions and email exchanges regarding the May 2015 Application, FMC's responses to the NYSDEC's July 17, 2015 comments are provided below.

**NYSDEC Comment 1:** *A completed Short Environmental Assessment Form should be included as part of your response. This can be found on the Department website at <http://www.dec.ny.gov/permits/6191.html>.*

**FMC Response:** A completed Short Environmental Assessment Form was submitted to the NYSDEC on October 14, 2015, as specified in FMC's September 16, 2015 proposed schedule.

**NYSDEC Comment 2:** *Please correct the Part A Application to include the surface impoundments. In 1985 the US Environmental Protection Agency (EPA) informed FMC that the Western Surface Impoundment (WSI), Central Surface Impoundment (CSI), and Eastern Surface Impoundment (ESI) were all considered to be RCRA-regulated units for the purposes of permitting and groundwater monitoring. That determination has not changed.*

**FMC Response:** FMC's Part A Application acknowledges the WSI, CSI, and ESI are RCRA-regulated units and describes the current status of the impoundments. As specified in FMC's September 16, 2015 proposed schedule, the USEPA Hazardous Waste Permit Information Form (Sections 7, 8, and 13), included in Part A, has been modified regarding the description of the impoundments and is submitted concurrently with these responses.

**NYSDEC Comment 3:** *FMC must submit a Post-Closure Plan that addresses all three surface impoundments. Part 373-2.7(h)(1) states, "The owner or operator of a hazardous waste disposal unit must have a written post-closure plan... The plan must be submitted with the permit application, in accordance with section 373-1.5(a)(2)(xiii) of this Part, and approved by the commissioner as part of the permit issuance." Part 373-2.11(f)2 states, "If some waste residues or contaminated materials are left in place at final closure, the owner or operator must comply with all post-closure requirements contained in subdivisions 373-2.7(g) through (j) of this Subpart, including maintenance and monitoring throughout the post-closure care period."*

**FMC Response:** A draft Post-Closure Plan for the impoundments (Attachment Q of the Application) was submitted to the NYSDEC on November 13, 2015, as specified in FMC's September 16, 2015 proposed schedule. NYSDEC provided comments on the draft Post-Closure Plan on December 28, 2015. FMC is currently reviewing the NYSDEC's comments.



**NYSDEC Comment 4:** *373-1.5(a)(1) Certain technical data, such as design drawings and specifications, and engineering studies and reports must be certified by a professional engineer registered in New York State. The location of property boundaries must be certified by a person or firm registered to practice land surveying in the State of New York. Please note that all plans and relevant documents will have to be certified in accordance with DER-10, NYSDEC Technical Guidance for Site Investigation and Remediation.*

**FMC Response:** The Facility Topographic Map (Attachment P of the Application) was prepared by a New York State licensed surveyor (John E. McIntosh III of McIntosh & McIntosh, P.C.). A hard copy bearing his stamp was submitted to the NYSDEC on October 14, 2015, as specified in FMC's September 16, 2015 proposed schedule. FMC will include professional engineer (PE) certifications in accordance with DER-10 in the final revisions of the Application documents.

**NYSDEC Comment 5:** *The executive summary included in the permit will include engineering drawings of the main components associated with the 373 permit. Please include engineering drawings for the WSI, CSI, ESI, north site cap, and SWMUS including the WWTP. The executive summary of the permit will indicate that more detailed drawings will be included in various attached plans and reports.*

**FMC Response:** FMC received a template of the Executive Summary from the NYSDEC by email dated October 21, 2015, and will provide appropriate drawings for use in the Executive Summary when drafted by the NYSDEC.

**NYSDEC Comment 6:** *The financial assurance cost calculations as submitted are not adequate. Please submit a detailed estimate of required costs for the facility. The costs should be broken down into closure costs for the western and eastern surface impoundments, post-closure costs for the three surface impoundments (which are likely to be consistent in scope with the current on-going OMM activities at the site), closure costs for the long term operation and maintenance of the interim corrective measures, and corrective action cost estimates for those areas where a remedy has been selected, i.e., OU2, OU4, and OU5. The costs must be broken down for each individual unit. Closure costs and post closure cost calculations can be submitted after DEC has reviewed the closure plans and post closure plans.*

**FMC Response:** FMC submitted revised cost estimates (Attachment O of the Application) for post-closure activities and corrective actions on December 15, 2015, as specified in FMC's September 16, 2015 proposed schedule.

**NYSDEC Comment 7:** *Page 20 of FMC's letter states, "... NYSDEC issued a Final Statement of Basis in May 2013 to select a remedy for the other three OUs [OU2, 4, and 5]... however, the selected remedy for these OUs is in dispute and FMC commenced litigation challenging the selected remedy. Therefore, a cost estimate for corrective action cannot be determined at this time." The DEC disagrees with this statement. The cost of the selected remedy was presented by FMC in the Corrective Measures Study. This cost estimate is adequate for the financial assurance calculation required in the permit (updated for inflation). Unless implementation of the remedy for OUs 2/4 and 5 is completed (excluding Site Management) within 60 months of the date of issuance of the final Statement of Basis (May 2017), FMC shall post financial assurance using one or more of the financial instruments in 6 NYCRR 373-2.8, in the amount of the cost projection for the remainder of the remedy selected in this Final Statement of Basis. Financial assurance must include all properties within these operable units that (i) have not been investigated or (ii) those determined to need remediation that have not been remediated or have not received a no-further-action letter within the 60 month period.*



**FMC Response:** The remedy selected by the NYSDEC in the May 2013 Final Statement of Basis was not described or evaluated in the Draft May 2011 Corrective Measures Study (CMS) Report. Corrective Measures Alternative 9 was developed and selected independently by the NYSDEC. Consequently, the cost of the selected remedy was *not* presented by FMC in the CMS Report.

The remedy selected in the CMS Report in accordance with the Administrative Order on Consent (“AOC”) is CMA 3. The estimated total cost (capital and OM&M) for CMA 3 as presented in the CMS Report is \$23.6M assuming a CAMU is constructed and \$27.4M if remediation material must be disposed in a commercial landfill. This cost estimate (Attachment O of the Application) was submitted to the NYSDEC on December 15, 2015, as specified in FMC’s September 16, 2015 proposed schedule.

**NYSDEC Comment 8:** *Please submit a separate Security and Facility Inspection Plan for review and inclusion in the permit. Where security and facility inspections are discussed in the application, the application can be revised to just reference the separate plan.*

**FMC Response:** FMC will submit a separate Security and Facility Inspection Plan, to the extent applicable to the application, as specified in the draft revised schedule submitted concurrently with these responses.

**NYSDEC Comment 9:** *Please submit a Personal Training Program Plan. Where security and facility inspections are discussed in the application, the application can be revised to just reference the separate plan.*

**FMC Response:** FMC will submit a separate Personnel Training Program Plan, to the extent applicable to the application, as specified in the draft revised schedule submitted concurrently with these responses.

**NYSDEC Comment 10:** *Please submit a Preparedness and Prevention Plan as required by 373-1.5(a)(2)(vi). Where security and facility inspections are discussed in the application, the application can be revised to just reference the separate plan.*

**FMC Response:** The requirements specified in 373-1.5(a)(2)(vi) are addressed in the Facility’s RCRA Contingency Plan (Attachment B of the Application), which is currently under review by the NYSDEC.

**NYSDEC Comment 11:** *Page 4 of application states that the soil placed in the ESI Fill Area is not hazardous waste. That is incorrect. Soil placed there as part of the 1987-1988 North Railroad interim remedial measure (IRM) was hazardous. This language must be corrected.*

**FMC Response:** The last paragraph on Page 4 of the Application text has been revised to address this comment and is submitted concurrently with these responses.

**NYSDEC Comment 12:** *373-1.5 (a)(2) Please provide chemical and physical analyses of the hazardous waste and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with Subpart 373-2 of this Part. (This information is not included in Attachment B Contingency Plan as stated in FMC’s letter).*



**FMC Response:** FMC will submit a separate Waste Analysis Plan, to the extent applicable to the application, as specified in the draft revised schedule submitted concurrently with these responses.

**NYSDEC Comment 13:** *FMC's letter states that there is a waste analysis plan included as part of the WSI Operations Plan. This was not included. Please submit.*

**FMC Response:** FMC will submit a separate Waste Analysis Plan, to the extent applicable to the application, as specified in the draft revised schedule submitted concurrently with these responses.

**NYSDEC Comment 14:** *Page 10. Non-sudden release insurance is required. Part 373-2.8(h) covers insurance and liability requirements for a RCRA facility. The insurance must be in place now.*

**FMC Response:** FMC has revised Section B.17 of the Application text to address this comment and is submitted concurrently with these responses.

**NYSDEC Comment 15:** *Page 19 states, "6 NYCRR Subdivisions 373-1.5(e) through (n) require specific information for the following hazardous waste units and equipment: Waste piles, incinerators, land treatment facilities, landfills... Since the Facility does not currently treat, store, or dispose of hazardous wastes in these units subject to Part 373 permitting, the information requested in 373-1.5(e) through (n) are not applicable." This is incorrect. The CSI was closed as a landfill; section 1.5(h) applies. Please provide all the information requested in this section.*

**FMC Response:** FMC does not believe that Section 373-1.5(h) is applicable to the FMC facility. The CSI was not designed or used as a landfill or landfill cell. The CSI was closed by removal and is subject to post-closure requirements. As discussed in the NYSDEC approved *Final Construction Report, Closure of the Central Surface Impoundment, FMC Middleport Plant Site, Middleport, New York* (Conestoga-Rovers & Associates, October 1989), soil and sediment within the CSI limits were removed prior to installation of the final cover. NYSDEC approved the closure of the CSI in a letter dated March 22, 1990. Section F of the Application text has been revised to summarize the approved and completed CSI closure activities, and is submitted concurrently with these responses.



**Revised Amended Application  
Text and Figures**





**FMC Corporation  
Middleport, New York**

**AMENDED APPLICATION  
HAZARDOUS WASTE  
MANAGEMENT FACILITY PERMIT  
(6 NYCRR PART 373)**

**USEPA ID # NYD002126845  
NYSDEC DER Site # 932014**

**Application No. 9-2936-00017/02004**

**Amended May 18, 2015**

**Revised January 29, 2016**



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- C. Western Surface Impoundment (WSI) Operations Plan
- D. North Site Cover Operations and Maintenance Plan
- E. Groundwater Extraction System Operations and Maintenance Plan
- F. Operation, Maintenance and Monitoring Plan for the North Railroad Property Phase 1 Interim Corrective Measures (ICM)
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- N. Quality Assurance Project Plan (QAPP)
- O. Closure and Post-Closure Cost Estimates and Financial Assurance
- P. Topographic Map
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- R. Waste Analysis Plan
- S. Security and Facility Inspection Plan
- T. Personnel Training Program Plan
- U. Site Management Plan

**Appendix (provided on CD)**

- A. References



## **Acronyms and Abbreviations**

AOC	Administrative Order on Consent
AOCn	Area of Concern
CAMU	Corrective Action Management Unit
CFR	Code of Federal Regulations
CMS	Corrective Measures Study
CSI	Central Surface Impoundment
DCQAP	Data Collection Quality Assurance Plan
ESI	Eastern Surface Impoundment
FMC	FMC Corporation
GMP	Groundwater Monitoring Program
HASP	Health and Safety Plan
ICM	Interim Corrective Measure
LQG	Large Quantity Generator
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
O&M	Operations and Maintenance
OMM	Operation, Maintenance, and Monitoring
OU	Operable Unit
RCRA	Resource Conservation and Recovery Act
RFI	RCRA Facility Investigation
SPDES	State Pollutant Discharge Elimination System
SSPL	Site-Specific Parameter List
SWMU	Solid Waste Management Unit
USEPA	United States Environmental Protection Agency
WSI	Western Surface Impoundment
WTP	Water Treatment Plant



**Application Certification**

Certification of the *Amended Application – Hazardous Waste Management Facility Permit*, as required by Paragraph 373-1.4(a)(5)(iv):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



Gregory B. Sullivan  
Middleport Plant Manager  
FMC Corporation – Agricultural Solutions

01/29/2016

Date Signed



## **Introduction**

In May 1986, FMC Corporation (FMC) submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for a hazardous waste management facility permit (under Title 6 of the New York Codes, Rules and Regulations [6 NYCRR] Part 373) for its Agricultural Products Group facility located in the Village of Middleport and Town of Royalton, New York ("Facility" or "Site"). After that application was submitted, NYSDEC designated the Facility as being in "interim status" under Part 373 and Title 40 of the Code of Federal Regulations [40 CFR] Part 270. FMC agreed in June 1987 to suspend the time limits imposed on NYSDEC by 6 NYCRR Part 621 regarding review and processing of the application for a final Part 373 permit.

At the time of the 1986 application, FMC managed hazardous wastes in five container storage areas and managed contaminated stormwater as hazardous waste in three surface impoundments (Western, Central, and Eastern Surface Impoundments). FMC closed the five regulated container storage areas by 1996 and the Central Surface Impoundment (CSI) in 1989. FMC partially closed the Western Surface Impoundment (WSI) in 1988. Since then, the WSI has been used to manage non-hazardous stormwater runoff, operating as part of an interim corrective measure (ICM) under an Administrative Order on Consent (AOC: Docket No. II RCRA-90-3008(h)-0209) entered into between FMC, NYSDEC, and the United States Environmental Protection Agency (USEPA) (NYSDEC and USEPA together "the Agencies") in July 1991. FMC ceased receiving contaminated stormwater in the Eastern Surface Impoundment (ESI) as of 1988; the ESI no longer serves as a surface impoundment. With NYSDEC's approval, soil generated from off-site interim corrective actions has been placed in the footprint of the former ESI.

The WSI and ESI are subject to the AOC, which specifies that final closure of the WSI and ESI is subject to the results of the RCRA Facility Investigation and Corrective Measures Study (RFI/CMS) for the Facility. FMC has been conducting the RFI since 1991 to: 1) characterize the nature and extent of Site-related constituents in the environment at the Facility and in off-Site areas affected by releases of hazardous waste or hazardous constituents from regulated units, Solid Waste Management Units (SWMUs), and other potential sources at the Facility; and 2) gather data to support a CMS. FMC is addressing constituents in soil and other environmental media at the Facility and in off-site areas in a phased approach in which separate study areas and/or environmental media have been organized by the NYSDEC and the USEPA into operable units (OUs).

Currently, hazardous waste is not treated, stored or disposed at the Facility in units subject to Part 373 permitting requirements. Hazardous wastes generated at the Facility are accumulated in containers or tanks prior to off-site disposal within 90 days of generation or are managed in water treatment units exempt from RCRA permitting requirements pursuant to Paragraph 373-1.1(d)(1)(xii). Thus, this permit is not required and not necessary. Nonetheless, NYSDEC requested this amended application on March 18, 2015, and FMC submits it accordingly.



**A. Application Part A 373-1.5(a)(1)**

The permit application includes an updated Part A application, which includes the two-part Form #8700-23 of the USEPA RCRA Hazardous Waste Part A Permit Application, as follows:

1. RCRA Subtitle C Site Identification Form
2. Hazardous Waste Permit Information Form

The updated forms included in this amended application reflect changes in hazardous waste management in regulated units at the Facility subsequent to the 1986 application. The forms are provided in Attachment A, along with supporting graphics listed below, as required by 40 CFR 270.13 concerning completion of Part A.

- Figure A-1 Location Map
- Figure A-2 Facility Features
- Figure A-3 Solid Waste Management Units (SWMUs)
- Table A-1 Description of SWMUs



**B. General Information 373-1.5(a)(2)**

Information required by each of Paragraphs 373-1.5(a)(2)(i) through (xxi) is provided in the following Sections B.1 through B.21, respectively.

**B.1 General Facility Description 373-1.5(a)(2)(i)**

The following provides a summary description of the Facility; a comprehensive description is provided in *RCRA Facility Investigation (RFI) Report Volume I – Background and Related Information* (RFI Volume I) (2009).

The location of the Facility is identified on Figure B-1 and a site plan is provided on Figure B-2. The Facility comprises approximately 103 acres, including:

<u>Portion</u>	<u>Year FMC Acquired</u>	<u>Approximate Area (Acres)</u>
1. Main Plant property (all buildings)	1946	67.1
2. Eastern Parcel	1965	24.3
3. Overhead electric lines corridor	1987	4.0
4. North Railroad Property (along railroad tracks)	2002	8.0

The Plant security fence encloses approximately 83 acres, including all operations facilities.

The Facility is bounded (clockwise, beginning to the southwest) by: 1) vacant commercial land (FMC's Former Research and Development Property) to the southwest; 2) residential properties and South Vernon Street to the west; 3) a commercial business, vacant commercial/industrial land (including the "Wooded Parcel"), Alfred Street, the Royalton-Hartland school district property, agricultural land, and railroad tracks to the north; 4) agricultural land to the east; 5) an electrical substation and commercial businesses to the southeast; and 6) State Route 31 to the south. A drive-in theater, a church, a park, commercial businesses, and residential properties are located south of Route 31.

The Facility has been used for the manufacturing and/or formulation of pesticide products since the 1920s, when Niagara Sprayer Company began operations, producing primarily sulfur-, lime-, arsenic-, and lead-based pesticides. FMC purchased the Facility in 1946 and continued operations, with primary manufacturing also including dintrocresol, karbutilate, carbofuran, and dithiocarbamate pesticides. FMC ceased pesticide manufacturing operations at the Facility in 1985, and since that time has conducted only formulating (i.e., mixing and blending) and packaging operations at the Facility. Major crop protection products currently formulated or packaged at the Facility include Furadan® (carbofuran), Talstar® (bifenthrin), and Command® (clomazone).



The Facility operates as a large quantity generator (LQG) of hazardous waste; a description of routine hazardous wastes generated and how the wastes are managed is provided in the Facility's *RCRA Contingency Plan* (Contingency Plan) (Attachment B). Currently, hazardous waste is not treated, stored or disposed at the Facility in units subject to Part 373 permitting requirements. Hazardous wastes generated at the Facility are accumulated in containers or tanks prior to off-site disposal within 90 days of generation, or are managed in water treatment units exempt from permitting requirements pursuant to Paragraph 373-1.1(d)(1)(xii).

A comprehensive review of chemicals used and/or produced historically at the Facility, as well as degradation products and impurities, was conducted in 1985-1988 and resulted in the Site-Specific Parameter List (SSPL) for use in conducting environmental studies relative to the Facility. Development of the SSPL is presented in the *Master Compound List and Various Related Lists for Environmental Studies, FMC Corporation, Middleport, New York* (1988), which is provided in Appendix 2A of RFI Volume I. The SSPL has been used in conducting RFI activities for the Facility and off-site areas, which include a total of 11 OUs, organized by geography and environmental media (i.e., soil, sediment, surface water and groundwater). The current status of the RFI/CMS process in each OU is identified in FMC's March 23, 2015 letter to the Agencies.

The majority of the northern portion of the Facility is covered with buildings and a low-permeability surficial cover (North Site Cover), made of either asphalt or clay overlain with a vegetative layer, which is designed to cover potentially impacted surface areas on the northern portion of the Facility. The North Site Cover was installed in 1987-1988 as part of pre-closure activities for the three surface impoundments (WSI, CSI, and ESI), along with installation of underdrains/sumps to intercept shallow groundwater that might otherwise exfiltrate to surface water, and a series of asphalt-lined swales to direct surface water runoff from the northern portion of the Facility to the WSI. In addition to the underdrains, groundwater on the northern portion of the Facility is collected in a series of blast-fractured bedrock recovery trenches. Surface water collected in the WSI and groundwater collected in the underdrain sumps and bedrock recovery trenches is treated at the Facility's water treatment plant (WTP) and discharged to Tributary One of Jeddo Creek in accordance with the Facility's State Pollutant Discharge Elimination System (SPDES) permit. Operation and maintenance of the North Site Cover, underdrains/sumps, and bedrock recovery trenches are conducted as Interim Corrective Measures (ICMs) under the AOC.

In addition to the on-going ICMs at the Facility (see Section C.5), FMC previously completed a series of interim corrective actions under the AOC, excavating a total of approximately 99,450 cubic yards of soil from the North Railroad Property and 35 off-site properties between 1996 and 2011. The soil was placed in the ESI Fill Area (SWMU #54) in the footprint of the former ESI; final disposition of the soil is subject to remedy selection for the Eastern Parcel (OU-11).

## **B.2 Chemical and Physical Analyses 373-1.5(a)(2)(ii)**

A Waste Analysis Plan is provided in Attachment R.



**B.3 Waste Analysis Plan 373-1.5(a)(2)(iii)**

A Waste Analysis Plan is provided in Attachment R.

**B.4 Security Procedures and Equipment 373-1.5(a)(2)(iv)**

A Security and Facility Inspection Plan is provided in Attachment S.

**B.5 Inspection Schedule 373-1.5(a)(2)(v)**

A Security and Facility Inspection Plan is provided in Attachment S. Inspections of ICM components are specified in the following:

No.	Plan Title	Components/Items Inspected	Attachment
1	<i>Western Surface Impoundment (WSI) Operations Plan</i> (WSI Operations Plan)	WSI liner, WSI underdrain sump and pump	C
2	<i>North Site Cover Operations and Maintenance Plan</i> (North Site Cover O&M Plan)	North Site Cover (vegetated and asphalt covers), underdrain sumps and pumps	D
3	<i>Groundwater Extraction System Operations and Maintenance Plan</i> (Groundwater Extraction O&M Plan)	Groundwater recovery trenches, pumps, and force mains	E
4	<i>Operation, Maintenance and Monitoring Plan for the North Railroad Property Phase 1 Interim Corrective Measures</i> (NRR Property Phase 1 OMM Plan)	Surface cover on the North Railroad Property Phase 1 ICM area	F
5	<i>Operation, Maintenance and Monitoring Plan for the North Railroad Property Phase 2 Interim Corrective Measures</i> (NRR Property Phase 1 OMM Plan)	Surface cover and catch basin on the North Railroad Property Phase 2 ICM area	G
6	<i>North Commercial/Industrial Area Wooded Parcel Site Management Plan Relative to 2007 Early Action Remedial Work</i> (Wooded Parcel SMP)	Surface cover, catch basin, and Culvert 105 inlet on the Wooded Parcel	H
7	<i>Culvert 105 Sediment Chamber MH-N9 at Margaret Droman Park – 2007 Early Actions Monitoring and Maintenance Plan Relative to Remedial Work</i> (Culvert 105 MHN9 Plan)	Culvert 105 Sediment Chamber MH-N9 and Manhole MH-N8B	I



**B.6 Request for Waiver of Preparedness and Prevention Requirements 373-1.5(a)(2)(vi)**

A waiver of preparedness and prevention requirements set forth in Subdivision 373-2.3 is not requested or needed. Facility preparedness and prevention requirements are discussed in the Contingency Plan (Attachment B).

**B.7 Contingency Plan 373-1.5(a)(2)(vii)**

The contingency plan requirements set forth in 373-2.4 and 373-2.11(e), as applicable, are described in the Facility RCRA Contingency Plan (Attachment B) and/or in the WSI Operations Plan (Attachment C).

**B.8 Hazard Prevention 373-1.5(a)(2)(viii)**

The Facility does not treat, store, or dispose of hazardous wastes in units subject to Part 373 permitting. The objectives of Paragraph 373-1.5(a)(2)(viii) are met through adherence to other environmental regulations (e.g., Spill Prevention Control and Countermeasures Plan, New York State Chemical Bulk Storage regulations, SPDES Permit, etc.) and as specified in various plans and documents required under those applicable environmental regulations.

Storage tanks, transformers, and compressed gas cylinders stored in exterior areas of the Facility are located in areas of low vehicular traffic and/or are protected from vehicular traffic by the presence of containment dikes, traffic barriers, fencing or other physical feature. Lighting levels at the Facility are adequate to visually detect unintentional releases of hazardous substances or materials and to deter acts of vandalism. Exterior areas where hazardous wastes are stored (i.e., storage tanks) are illuminated at low-light times (i.e., at night) with safety lighting. Interior areas where hazardous wastes are stored (i.e., tanks, drums) are illuminated with motion-activated safety lighting.

Any ground-invasive activities performed on the northern portion of the Facility for construction, maintenance, or repair follow the procedures presented in the North Site Cover O&M Manual (Attachment D) and the *Health and Safety Plan* (HASP) (Attachment J). Procedures in these plans include issuing a Plant excavation work permit (an FMC internal permit), management of any excavated soils to minimize and control possible migration by wind or surface water runoff, community air monitoring, and health and safety requirements (e.g., appropriate personal protective equipment).

**B.9 Prevention of Accidental Ignition or Reaction 373-1.5(a)(2)(ix)**

The Facility currently does not generate reactive wastes. Ignitable hazardous wastes generated at the Facility include spent laboratory solvents in Buildings 48, 65, and 82 and waste paints in Building 65. The ignitable wastes are stored in metal one-gallon containers or 55-gallon drums and protected from ignition



sources. Potentially incompatible wastes are stored separately. As a LQG, the Facility complies with the special requirements for ignitable, reactive, or incompatible waste specified in 373-3.9 and 373-3.10.

**B.10 Traffic Pattern 373-1.5(a)(2)(x)**

No hazardous wastes from other sites are delivered to the Facility for commercial treatment, storage or disposal in units subject to Part 373 permitting. Access to the Facility for transportation of hazardous wastes from the Facility to off-site disposal/treatment facilities is through the Delivery Gate on Route 31 (Figure B-2), with trucks following paved driveways within the Facility. When soil remediation activities are conducted, designated haul routes and traffic control plans are developed as part of the associated remedial work plan.

**B.11 Floodplain 373-1.5(a)(2)(xi)**

The Facility is not located within a 100-year floodplain, as identified on Federal Emergency Management Agency National Flood Insurance Program Flood Insurance Rate Maps #36063C0278E and #36063C0279E, effective September 2010. The nearest 100-year floodplain begins several hundred feet to the west, along Tributary One of Jeddo Creek (Figure B-3).

**B.12 Training 373-1.5(a)(2)(xii)**

A Personnel Training Program Plan is provided in Attachment T.

**B.13 Closure and Post-Closure Plans 373-1.5(a)(2)(xiii)**

**B.13.1 Closure Plans**

At the time of the 1986 application, FMC managed hazardous wastes in five container storage areas and contaminated stormwater in the three surface impoundments (WSI, CSI, and ESI) subject to Part 373 permitting requirements. The five former regulated hazardous waste container storage areas were certified clean closed in 2001, with NYSDEC approval provided by letter dated August 24, 2001. In March 1988, FMC submitted the *Plan of Closure: Surface Impoundments, FMC Corporation, Middleport, New York, Plant Site* (Conestoga-Rovers & Associates [CRA], 1988) which identified the elements necessary to close the three surface impoundments. By letters dated May 27, 1988 and July 14, 1988, NYSDEC conditionally approved the 1988 closure plan, with comments subsequently addressed in the August 1988 version of the plan. The CSI was certified closed in 1989, with NYSDEC approval provided by letter dated March 22, 1990.

FMC conducted partial closure activities for the WSI in 1988. Since then, the WSI has been used to manage non-hazardous surface water runoff, operating as part of an ICM under the AOC. A revised Closure Plan for the WSI is provided in Attachment K.



FMC ceased receiving or managing contaminated stormwater in the ESI as of 1988; the ESI no longer serves as an impoundment. With NYSDEC's approval, the footprint of the former ESI was used to place soil generated from off-site interim corrective actions between 1996 and 2011. A revised Closure Plan for the ESI is provided in Attachment L.

**B.13.2 Post-Closure Plans for WSI and ESI**

A revised Post-Closure Plan for the surface impoundments is provided in Attachment Q.

**B.14 Closed Hazardous Waste Disposal Units 373-1.5(a)(2)(xiv)**

See the revised Post-Closure Plan for the surface impoundments (Attachment Q) regarding the CSI closure documentation.

**B.15 Closure Cost Estimate 373-1.5(a)(2)(xv)**

FMC has been providing financial assurance for the closure (and post closure costs) of the surface impoundments since 1989, based on the 1988 cost estimates, in accordance with the interim status requirements. Financial assurance has been renewed annually and provided to NYSDEC. Revised closure cost estimates for the WSI and ESI are identified in the revised WSI and ESI Closure Plans, respectively.

**B.16 Post-Closure Cost Estimate 373-1.5(a)(2)(xvi)**

The revised post-closure cost estimate is provided in Attachment O. Documentation required to demonstrate corresponding financial assurance under 373.2.8(f) will be provided upon issuance of a final Part 373 permit.

**B.17 Insurance 373-1.5(a)(2)(xvii)**

FMC maintains sudden and non-sudden accidental occurrences liability insurance for the Facility as described in 373-2.8(h) and provides documentation to NYSDEC under the interim status requirements.

**B.18 Reserved 373-1.5(a)(2)(xviii)**

No response required.

**B.19 Topographic Map 373-1.5(a)(2)(xix)**

The information requested in Paragraph 373-1.5(a)(2)(xix) is provided on the following attachments:



1. Figure B-3      Topography for areas within 1,000 feet of the Facility, at a scale of 1 inch equals 200 feet, showing surrounding land use and the 100-year flood plain.
2. Figure B-4      Wind Rose diagram, based on wind patterns at the Niagara Falls, New York weather station as requested by the Agencies in a letter dated May 6, 1996.
3. Attachment P    Topographic map of the Facility, at a scale of 1 inch equals 40 feet (on two sheets), prepared by McIntosh & McIntosh, based on a survey conducted in April-May 2015, showing property lines and dimensions, buildings, structures, tanks, the WSI and former locations of the CSI and ESI, monitoring/recovery wells, and fences/gates.

**B.20    Extension for Land Disposal Facilities 373-1.5(a)(2)(xx)**

An extension for land disposal facilities has not been approved and is not requested for the Facility under Subdivision 376.1(e) or (f).

**B.21    Pre-Application Meeting Summary 373-1.5(a)(2)(xxi)**

A pre-application meeting was not held between FMC and the NYSDEC for this amended application.



### **C. Information Regarding Protection of Groundwater 373-1.5(a)(3)**

The activities, monitoring, prior data, and corrective action plan are identified below.

#### **C.1 Groundwater Monitoring Data 373-1.5(a)(3)(i)**

Groundwater monitoring data collected under the AOC from 1991 to date are documented in various reports submitted to the Agencies, including the Quarterly Progress Reports for the Facility.

#### **C.2 Hydrogeology 373-1.5(a)(3)(ii)**

A description of the aquifers at the Facility and of the hydrogeology is provided in Sections 3.2 and 5.5 of RFI Volume I and in Section 2.1 of the GMP (Attachment M). A brief description of the hydrogeology is summarized as follows:

- Overburden groundwater flow in the Middleport area is controlled by the fine grained nature of soils. Depths to groundwater are typically less than 15 feet in the overburden materials.
- Overburden and shallow bedrock groundwater beneath the Facility flow toward groundwater collection underdrains, blast-fractured trenches and extraction wells installed at the Facility. Separate from the influences of the groundwater extraction system, groundwater flow is generally from south to north.
- There are two bedrock groundwater flow regimes at the Facility – shallow and deep bedrock. A shale layer (known as Cambria Shale Formation) exists between the shallow and deep bedrock zones that is of lower hydraulic conductivity relative to the other bedrock materials, and acts to restrict flow between the zones.
- Both the shallow and deep bedrock zones are characterized by low hydraulic conductivity.

#### **C.3 Topographic Map 373-1.5(a)(3)(iii)**

The topographic map of the Facility provided in Attachment P shows the Facility property boundary and groundwater monitoring well locations, as well as the locations of the WSI and the former CSI and ESI. The other features required under this Subpart are provided in the following documents:

- SWMU locations are shown on Figure A-3 and described in Table A-1, which are provided in Attachment A of the Permit Application, Part A.
- The point of compliance for the groundwater monitoring program is addressed in the GMP (Attachment M). As detailed therein, the groundwater monitoring and ICM performance objectives include minimizing off-Site migration of Site-derived contaminants in groundwater within the overburden and shallow bedrock zones.



#### **C.4 Groundwater Monitoring Program 373-1.5(a)(3)(iv-vi)**

The groundwater monitoring program is detailed in the GMP (Attachment M). The GMP has been designed to monitor the ongoing performance of groundwater remedial systems at the Facility being operated as ICMs under the AOC.

Extensive characterization of the nature and extent of Site-related constituents in groundwater has been conducted by FMC. In the late 1980s through early 1990's, FMC characterized the nature and extent of chemical presence associated with the Facility utilizing a comprehensive list of chemicals historically used or produced at the Facility and a subset of this list known as the Groundwater Indicator Parameter List (GIPL). The GIPL included volatile organic compounds, semi-volatile organic compounds, chlorinated pesticides and herbicides, organophosphorous pesticides, metals, dithiocarbamate pesticides, methyl carbamate pesticides, ethylene thiourea (ETU) and ammonia. In 1994, FMC revised the GIPL and identified the primary groundwater contaminants of concern to be four indicator parameters: methylene chloride, arsenic, ETU and ammonia. Since 1994, the updated GIPL has been monitored at a lesser frequency than the four indicator parameters. Most of the potentially Site-derived chemical presence is limited to the overburden and shallow bedrock zones.

Details regarding the GMP and associated documents are identified in:

- RFI Volume I (2009) which summarizes the groundwater investigations and identifies the associated reports.
- FMC's Quarterly Progress Reports issued to NYSDEC pursuant to the AOC and the GMP since 1991. The reports present groundwater data and associated evaluations, including graphics showing plume delineation and identifying associated constituent concentrations.

By letter dated May 15, 2007 (NYSDEC, 2007), based on monitoring of ICM performance and supplemental investigations, the Agencies provided the Facility with a positive Environmental Indicator (EI) Determination (RCRA Code CA750) for Groundwater Migration Under Control. Specifically, this determination means that groundwater contamination is under control and that monitoring will confirm that contaminated groundwater remains in the "existing area of contaminated groundwater."

#### **C.5 Corrective Action 373-1.5(a)(3)(vii-viii)**

Groundwater remedial systems at the Facility are being operated as ICMs under the AOC. The ICMs were constructed for hydraulic containment and recovery of impacted groundwater at the Site. The ICMs include:

1. An engineered asphalt and clay cover installed over the northern portion of the Site to minimize infiltration (North Site Cover).
2. Extraction of overburden groundwater from a sanitary sewer underdrain collection system to control off-Site migration of contaminated groundwater along the sewer bedding.



3. Extraction of overburden groundwater from underdrains and sumps that run along the north-central boundary of the Facility and other sumps and drains to collect overburden groundwater from beneath the Site and to minimize migration of subsurface contamination to surface water runoff at the Site.
4. Extraction of overburden and shallow bedrock groundwater from underdrains and a sump system under the WSI to intercept and control off-Site groundwater migration along the Site's northwestern property boundary.
5. Extraction of shallow bedrock groundwater from seven (7) blast-fractured bedrock trenches (Trenches A through G) to intercept shallow bedrock groundwater and control off-Site migration along the eastern (Trench A) and northern (Trenches B, C and D) property boundaries and reduce concentrations within potential source areas in the interior of the Site (Trenches E and F).
6. Extraction of Deep Bedrock Zone groundwater from conventional extraction well (BC-752X) for additional recovery of impacted groundwater at a potential source area.

All extracted groundwater is collected and treated at the Facility's water treatment plant and discharged under the terms and conditions of the Facility's SPDES permit. The data from this program are summarized in FMC's quarterly progress reports submitted to NYSDEC pursuant to the AOC.

The ICMs for groundwater remediation are shown on Figures 2-1, 2-2 and 2-3 of the GMP (Attachment M). The groundwater ICMs are monitored, inspected, operated and/or maintained as specified in the respective operations and maintenance plans for the groundwater remedial systems, WSI and the North Site Cover provided in Attachments E, C, and D, respectively.

To maintain the integrity of the North Site Cover, any ground-invasive activities performed on the northern half of the Facility follow the procedures presented in the North Site Cover O&M Plan (Attachment D). These procedures include (but are not limited to) the following: obtaining a plant excavation permit (an FMC internal permit), managing any excavated soils and excavation areas to minimize and control possible surface water runoff, and following other health and safety requirements (e.g., appropriate personal protective equipment).

In addition to the ICMs for groundwater remediation, the closure activities conducted by FMC for the three surface impoundments (WSI, CSI and ESI) have also mitigated potential environmental concerns. By the late 1980's, FMC conducted partial closure activities for the WSI, completed closure activities for the CSI, and ceased receiving or managing hazardous wastes in the ESI. After completing partial closure activities in 1988, the WSI has been used to manage non-hazardous surface water runoff, operating as part of an ICM. Since 1988, the ESI no longer serves as an impoundment and the only water entering the ESI is direct precipitation. The WSI and ESI are subject to the terms and conditions of the AOC, which specifies that final closure is subject to the results of the RCRA RFI/CMS for the Facility.

The status of the ICMs for groundwater remediation is documented by letter, dated May 15, 2007 (NYSDEC 2007). As noted above in Section C.4, based on monitoring of ICM performance and supplemental



investigations, the Agencies provided the Facility with a positive *Environmental Indicator (EI) Determination (RCRA Code CA750) for Groundwater Migration Under Control*. Specifically, this determination means groundwater contamination is controlled and monitoring will confirm contaminated groundwater remains in the “existing area of contaminated groundwater.”



#### **D. Information Regarding Solid Waste Management Units 373-1.5(a)(4)**

SWMU locations are shown on Figure A-3 and described in Table A-1, provided in Attachment A of the Permit Application, Part A. Information regarding these SWMUs is detailed in RFI Volume I (2009), and summarized below.

In August 1985, FMC submitted a Continuing Release Statement Related to Solid Waste Management Units to the USEPA that identified 57 SWMUs (FMC 1985). During the performance of the RCRA Facility Assessment (RFA) in 1987-1988, the Agencies identified 53 SWMUs at the Facility based on FMC's August 1985 submittal and Site visits. Complete descriptions of each unit, including a description of the unit, the location, the status, the period of operation, the types of waste(s) managed in the SWMU, constituents found in the SWMU, media of concern, and a list of references from which the SWMU information was obtained are presented in the RCRA Facility Assessment, Preliminary Review prepared and revised by NYSDEC in January 1988 and on October 7, 1988, respectively, with FMC comments added on May 1, 1989 (NYSDEC 1988) (known herein as the 1989 Modified RFA Report). By letter dated September 8, 1989, the NYSDEC acknowledged FMC's 1989 Modified RFA Report and stated that the NYSDEC's 1988 RFA Report and the 1989 Modified RFA Report would be considered in the RFI process.

Changes to the SWMUs listing since the completion of the 1989 Modified RFA Report include the addition of a SWMU and the designation of former SWMU #51 as an Area of Concern<sup>1</sup> (AOCn). A summary of the changes to the SWMU listing is as follows:

- The former raw material tank for carbon disulfide was designated as SWMU #51 by the NYSDEC in the RFA Report. The Agencies subsequently advised that they consider the former carbon disulfide tank/area to be an AOCn and have re-designated the former Carbon Disulfide Tank area as AOCn #1 (Agencies 1998).
- Since 1988, one additional SWMU (designated SWMU #54-ESI Soil Deposition Area or ESI Fill Area) was created within and adjacent to the ESI and within the area occupied by the former Eastern Process Wastewater Retention Basin at the eastern portion of the Facility (SWMU #3). Non-hazardous soils excavated as part of six IRMs and ICMs performed with approval of the Agencies from 1996 through 2011 have been placed in the ESI Soil Deposition Area, and temporarily covered with a 6-inch thick clean soil cover. FMC's three surface water impoundments (SWMUs #4, #49, and #50 - WSI, CSI, and ESI, respectively) were determined by the Agencies to be RCRA units subject to interim status requirements under 6 NYCRR Subpart

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<sup>1</sup> Area of Concern (as defined in the Agencies' March 26, 1998 letter to FMC) "includes areas of potential or suspected contamination as well as actual contamination."



373-3 and 40 CFR Part 265. FMC conducted partial closure activities for the WSI, completed closure activities for the CSI, and ceased receiving or managing hazardous wastes in the ESI. After completing partial closure activities in 1988, the WSI has been used to manage non-hazardous surface water runoff, operating as part of an ICM. Since 1988, the ESI no longer serves as an impoundment and the only water entering the ESI is direct precipitation. The WSI and ESI are covered by the AOC, which specifies that final closure is subject to the results of the RCRA RFI/CMS for the Facility. FMC ceased use of the CSI in 1988, and closed this unit under an approved closure plan in 1989.

- FMC clean closed five RCRA-regulated hazardous waste container storage areas at the Facility, which had been operated as Interim Status Units pursuant to 6 NYCRR Subpart 373-3 of the New York State hazardous waste regulations. These five container storage areas are identified as SWMU #21 - Filter Cake Luggers (Area #11), SWMU #26 – Formulations Waste Storage Area (Area #16), SWMU #28 - Specialty Products Storage (Area #18), SWMU #32 - Carbofuran Storage Area (Area #23), and SWMU #40 - Warehouse Storage Area (Area #26). The closure report for these areas was approved by NYSDEC on August 24, 2001.



**E. Specific Information – Containers and Tanks 373-1.5(b) and (c)**

6 NYCRR Subdivisions 373-1.5(b) and (c) require specific information for container and tank systems. These requirements are not applicable to this amended application because: 1) FMC completed closure activities for the five container storage areas in 1996 (closure report submitted to the NYSDEC on April 3, 1997 and approved on August 24, 2001); and 2) there are no remaining containers or tank systems at the Facility subject to these Part 373 permitting regulations.



**F. Specific Information – Surface Impoundments 373-1.5(d)**

6 NYCRR Subdivision 373-1.5(d) requires specific information for surface impoundments. The Facility does not currently treat, store, or dispose of hazardous wastes in units subject to Part 373 permitting. FMC ceased receiving or managing hazardous wastes in surface impoundments and began closure activities in 1988-1989.

FMC completed closure activities for the CSI in 1989, with NYSDEC approval by letter dated March 22, 1990. Hazardous waste soil and sediment within the limits of the CSI were removed prior to installation of the cover. The CSI closure activities are documented in the *Final Construction Report – Closure of the Central Surface Impoundment* (October 1989). Post-closure activities are described in Attachment Q.

FMC conducted partial closure activities for the WSI in 1988 by removing the existing liner and associated sediments/ballast. A new liner was installed and the WSI since has been used to manage non-hazardous surface water runoff from the facility, operating as part of an ICM under the AOC and the WSI Operations Plan. The WSI partial closure activities are documented in the *Final Construction Report – Interim Closure of the Western Surface Impoundment* (March 1989).

FMC ceased receiving stormwater managed as a hazardous waste in the ESI as of 1988. The ESI no longer serves as a surface impoundment. With the NYSDEC's approval, the footprint of the former ESI has been used for the placement of non-hazardous remedial soil generated from off-site interim corrective actions between 1996 and 2011. The ESI activities are documented in RFI Report Volume I – Background and Related Information and in Draft RFI Report Volume IX.b – Eastern Parcel.



**G. Specific Information 373-1.5(e) through (n)**

6 NYCRR Subdivisions 373-1.5(e) through (n) require specific information for the following hazardous waste units and equipment:

- Waste piles, incinerators, land treatment facilities, landfills, boilers and industrial furnaces, miscellaneous units (373-1.5(e) through (j), respectively).
- Process vents, equipment to which the air emission standards for equipment leaks applies (373-2.28) and drip pads (373-1.5(k) through (m), respectively).

Since the Facility does not currently treat, store, or dispose of hazardous wastes in these units subject to Part 373 permitting, the information requested in 373-1.5(e) through (n) are not applicable.



#### **H. Other Off-Site Corrective Actions**

The RFI/CMS process is on-going for 8 of 11 OUs (see March 23, 2015 letter for current status of each OU). NYSDEC issued a Final Statement of Basis in May 2013 to select a remedy for the other three OUs:

- OU2 – Air Deposition Area #1
- OU4 – Royalton-Hartland School Property
- OU5 – Culvert 105 and Flood Zone

However, the selected remedy for these OUs is in dispute and FMC commenced litigation challenging the selected remedy.



## **I. References**

***(select references listed below provided in Appendix A for informational purposes)***

Agencies. 1998. Letter and attachments to Mr. Jim Bodamer, FMC Corporation, from Ms. Denise Radtke, NYSDEC and Mr. Raymond Basso, USEPA containing comments on FMC's Draft RFI Report, dated November 1997. March 26, 1998.

Arcadis. 2009. *RCRA Facility Investigation (RFI) Report Volume I – Background and Related Information* (RFI Volume I). September.

Arcadis. 2014. *Draft RCRA Facility Investigation (RFI) Report Volume IX.b – Eastern Parcel* (RFI Volume IX.b). March..

CRA. 1988. *Plan of Closure: Surface Impoundments, FMC Corporation, Middleport, New York, Plant Site* (Conestoga-Rovers & Associates [CRA]. August.

CRA. 1989. *Final Construction Report – Interim Closure of the Western Surface Impoundment*. March.

CRA. 1989. *Final Construction Report – Closure of the Central Surface Impoundment*. October.

FMC. 1985. Continuing Release Statement Related to Solid Waste Management Units. August 1985.

FMC. 2015. Letter and attachments to Ms. Sally Dewes, NYSDEC, and Mr. Michael Infurna, USEPA, from Mr. Shawn Tollin, FMC Corporation, regarding RFI/CMS Status. March 23, 2015.

NYSDEC. 1988. Letter to Mr. Robert Forbes, FMC Corporation, from Mr. Paul Counterman, NYSDEC, regarding conditional approval of March 1988 Plan of Closure: Surface Impoundments. May 27, 1988.

NYSDEC. 1988. Letter to Mr. Robert Forbes, FMC Corporation, from Mr. Roger Murphy, NYSDEC, regarding conditional approval of March 1988 Plan of Closure: Surface Impoundments. July 14, 1988.

NYSDEC. 1988. RCRA Facility Assessment, Preliminary Review, prepared by New York State Department of Environmental Conservation in January 1988 and revised October 7, 1988, with FMC comments added May 1, 1989.

NYSDEC. 1990. Letter to Mr. Mark Diamond, FMC Corporation, from Mr. Paul Counterman, NYSDEC, approving CSI closure. March 22, 1990.

NYSDEC. 2001. Letter to Mr. Robert Wojcik, FMC Corporation, from Mr. James Strickland, NYSDEC, approving closure of five container storage areas. August 24, 2001.



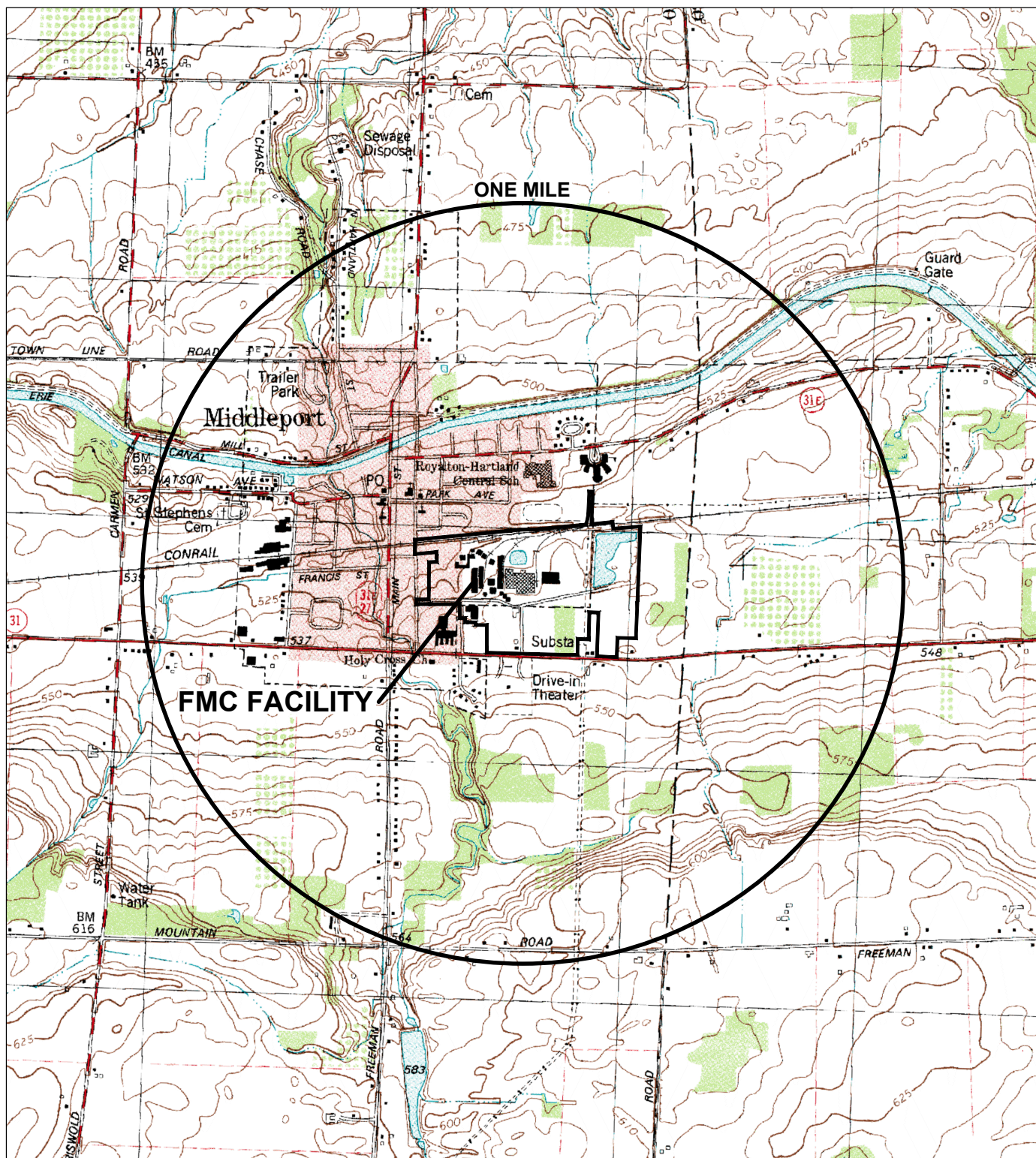
**Amended Application  
Hazardous Waste Management  
Facility Permit (6 NYCRR Part 373)**  
FMC Corporation  
Middleport, New York

NYSDEC. 2007. Letter to Mr. James Reidy of the USEPA from Ms. Denise Radtke of the NYSDEC with completed CA750 Environmental Indicator form that states that migration of contaminated groundwater at the FMC Middleport facility is under control. May 15, 2007.

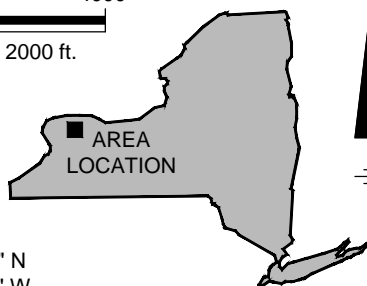
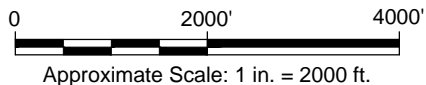
USEPA, NYSDEC, and FMC.1991. Administrative Order on Consent [Docket No. II RCRA-90-3008(h)-0209] entered into by FMC, NYSDEC and USEPA, effective July 2, 1991.



CITY: SYRACUSE, NY DIV: GROUP: INDIVIDUAL: DBLD: L. POSENAUER, PM: D. WRIGHT LYN: OMNION: OFF: REF: G:\ENV\CAD\STRACUSE\ACT\1503778603730000\ID\GIPART\373\PA3778604.dwg LAYOUT: B-1 SAVED: 5/15/2015 12:54 PM ACADVER: 19.1S (LMS TECH) PAGES: 19 PLOTTED: 5/15/2015 12:55 PM BY: POSENAUER, LISA



REFERENCE: BASE MAP USGS 7.5. MIN. TOPO. QUAD., MEDINA, NY, 1980.



FACILITY LOCATION:  
 LATITUDE 43° 12' 27" N  
 LONGITUDE 78° 28' 16" W

NEW YORK

FMC CORPORATION  
 MIDDLEPORT, NEW YORK  
**AMENDED APPLICATION 6NYCRR  
 PART 373 PERMIT**

**LOCATION MAP**

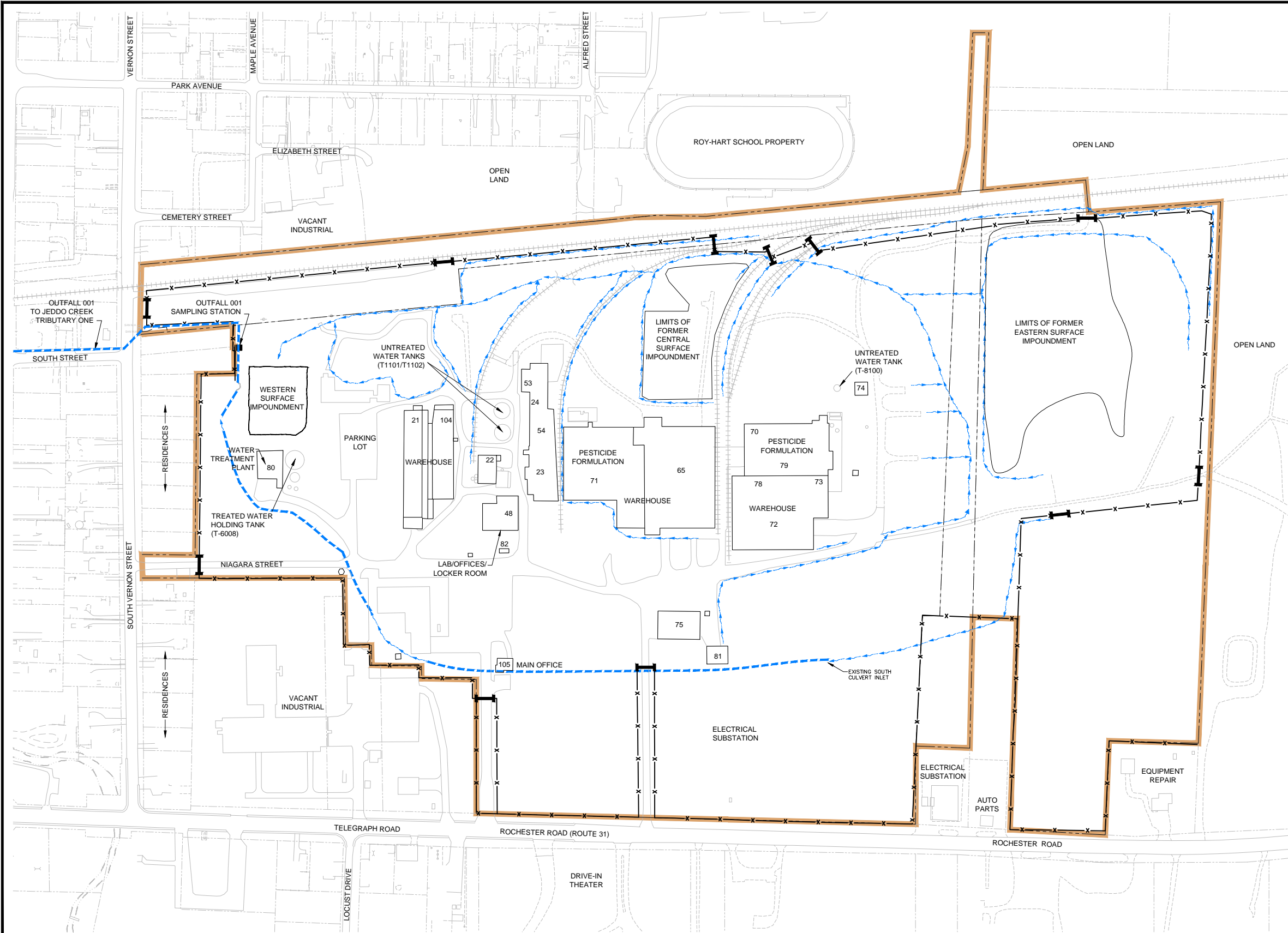


FIGURE  
**B-1**



CITY: SYRACUSE, NY DIV/GROUP: IND/ICAD DBLD: L POSENAUER PM: D WRIGHT LYN: OPION+\*OFF=REF- G:\ENVCAD\SYRACUSE\ACT\B003786\2015\00001\DWG\PART373\PA373786B02.dwg LAYOUT: B-2 SAVED: 5/4/2015 4:11 PM ACADVER: 19.1S (LMS TECH) PAGES: 19 PLOTTED: 5/4/2015 4:16 PM BY: POSENAUER, USA

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No.	Building
21	Warehouse
22	Boiler House (Former)
23	Herbicide Formulation
24	Facet DF Formulation
48	Locker Room, QC Lab, Offices
53	Lube and Carpenter Shops
54	Warehouse/Pesticide Formulation
65	Warehouse
70	Carbofuran and Pesticide Formulation
71	Pesticide Formulation
72	Warehouse
73	Furan Export
74	Remediation Air Stripper
75	Maintenance Shop
78	Warehouse
79	Pesticide Formulation
80	Water Treatment Plant
81	Maintenance Shed
82	Laboratory Solvent Storage Shed
104	Warehouse
105	Main Office

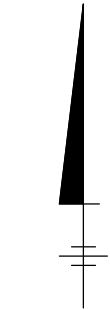
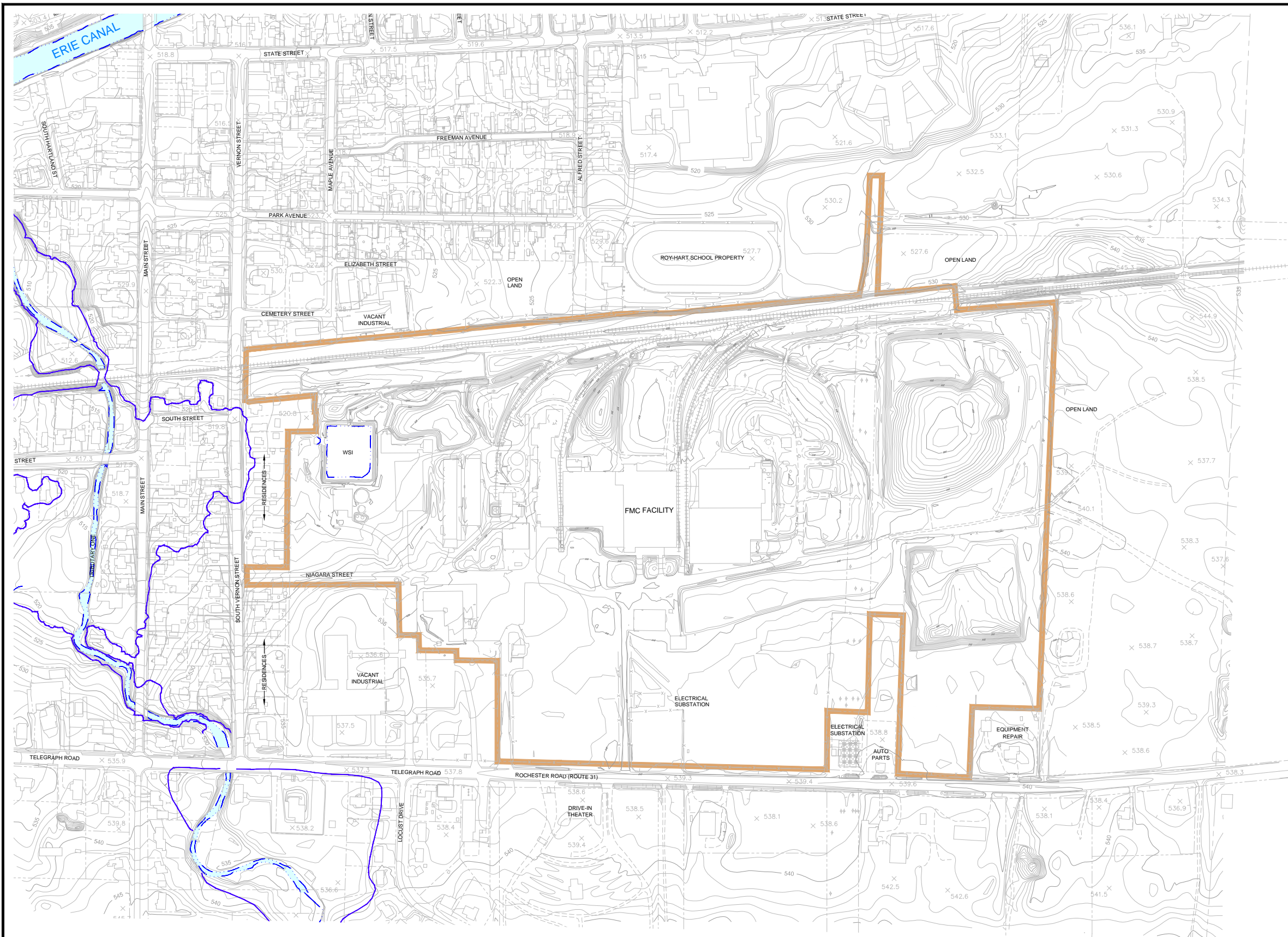
FMC CORPORATION  
MIDDLEPORT, NEW YORK  
AMENDED APPLICATION 6NYCRR  
PART 373 PERMIT

SITE LAYOUT



FIGURE  
B-2





LEGEND:

- FACILITY PROPERTY BOUNDARY
- APPROXIMATE FEMA 100-YEAR FLOODPLAIN BOUNDARY

NOTE:

1. BASE MAP FROM "STUDY AREA TOPOGRAPHIC SURVEY MAP", CR DRAWING NUMBER 02788-90(098)GN-NF001, DATED JUNE 2003, AT A SCALE OF 1"=300', WHICH IS BASED ON ABRAMS AERIAL SURVEY-DATE OF PHOTOGRAPHY APRIL 16, 2002 AND NIAGARA COUNTY REAL PROPERTY SERVICES, TAX MAP DIVISION, MARCH 2002.
2. FLOODPLAIN BOUNDARIES APPROXIMATED USING FEMA FLOOD INSURANCE RATE MAP 36063C0278E (EFFECTIVE DATE: SEPTEMBER 17, 2010).
3. TOPOGRAPHY WITHIN FACILITY PROPERTY BASED ON SURVEY MAP BY McINTOSH & McINTOSH, MAY 2015.



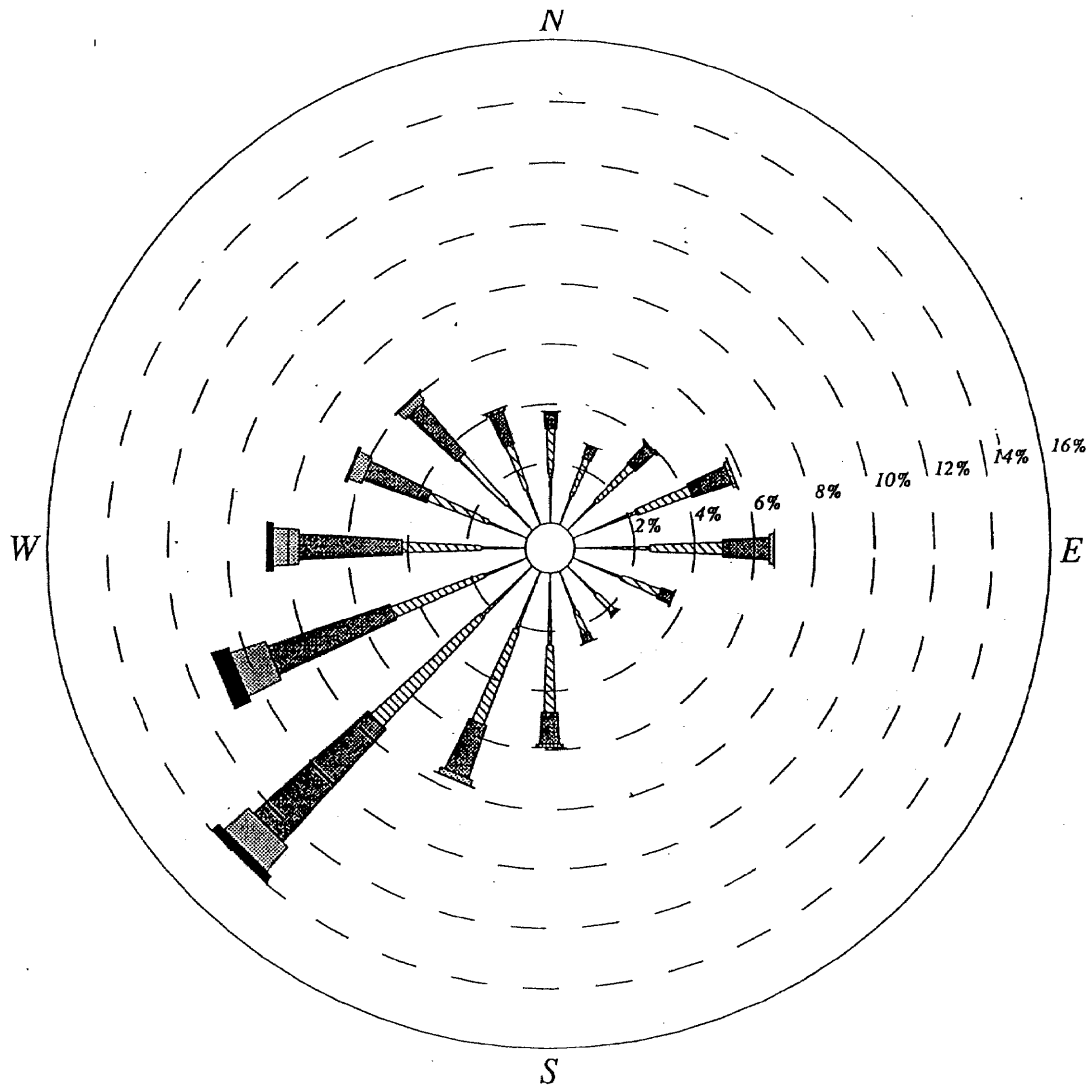
FMC CORPORATION  
MIDDLEPORT, NEW YORK  
AMENDED APPLICATION 6NYCRR  
PART 373 PERMIT

TOPOGRAPHY AND FLOOD PLAIN



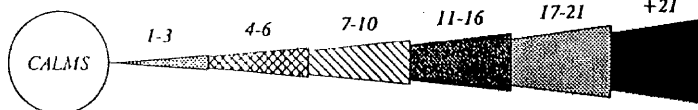


NIAGARA FALLS 82-86  
JANUARY 1 – DECEMBER 31  
MIDNIGHT – 11 PM



CALM WINDS 4.10%

WIND SPEED (KNOTS)



NOTES:

1. THIS FIGURE WAS PREPARED FROM A DRAWING BY CRA, ENTITLED "WIND ROSE DIAGRAM", FIGURE 3.2, DRAWING NO. 2788 (55) MAY 29/97(NF) REV.0 (P526), NO SCALE.
2. PERCENTAGE SPOKES INDICATE FROM WHICH DIRECTION PREVAILING WIND IS BLOWING. FOR THIS LOCATION THE DIRECTION FROM WHICH THE PREVAILING WIND IS BLOWING IS GENERALLY SOUTHWEST.

FMC CORPORATION  
MIDDLEPORT, NEW YORK  
**AMENDED APPLICATION 6NYCRR  
PART 373 PERMIT**

**WIND ROSE DIAGRAM**



FIGURE  
**B-4**



**Draft Permit Application  
Completion Checklist**



## 6 NYCRR PART 373 PERMIT APPLICATION TECHNICAL COMPLETENESS CHECKLIST FOR APPLICATION PARTS REQUIRING COMPLETION

**Facility Name:** FMC Corporation

**Date Checklist Completed:** 1/29/2016

**Address:** 100 Niagara Street, Middleport NY 14105

**EPA. I.D. Number:** NYD002126845

**Contact Name:** Gregory Sullivan, Plant Manager

**Contact Phone Number:** (716) 735-6325

### 373 PERMIT APPLICATION COMPLETION CHECKLIST

PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
1	<b>PART A APPLICATION:</b> consists of RCRA Subtitle C Site Identification Form and Hazardous Waste Permit Information Form.	373-1.3(d) 373-1.4(a)(3) <b>373-1.5(a)(1)</b>	Text Section A and Attachment A	FMC revised text 01.29.2016
2	<b>CERTIFICATION:</b> Application must be certified by the owner/operator of the facility.	373-1.4(a)(3) & (5), <b>373-1.5(a)(1)</b>	Text (after Table of Contents)	FMC revised text 01.29.2016
3	<u>General Description</u> A general description of the facility.	<b>373-1.5(a)(2)(i)</b>	Text Section B.1	FMC revised text 01.29.2016
4	<u>Chemical and Physical Analyses</u>	<b>373-1.5(a)(2)(ii)</b>	Text Sections B.2 and B.3 and Attachment R, which also refers to Attachments B, C, and N	FMC revised text 01.29.2016; Attachment R to be submitted per 01.29.2016 schedule
5	<u>Waste Analysis Plan</u>	<b>373-1.5(a)(2)(iii)</b> 373-2.2(e)(2)	Text Sections B.2 and B.3 and Attachment R, which also refers to Attachments B, C, and N	FMC revised text 01.29.2016; Attachment R to be submitted per 01.29.2016 schedule



PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
6	<u>Quality Assurance/Quality Control (QA/QC) Plan</u>	373-2.2(e)(2) 373-1.6(a)(5)	Attachment N	Attachment N to be submitted per 01.29.2016 schedule
7	<u>Security Procedures and Equipment Description</u>	<b>373-1.5(a)(2)(iv)</b> 373-2.2(f)	Text Section B.4 Attachment S	FMC revised text 01.29.2016; Attachment S to be submitted per 01.29.2016 schedule
8	<u>Security Procedures and Equipment Waiver</u>	373-2.2(f)	Not applicable	
9	<u>24-Hour Surveillance System</u>	373-2.2(f)(2)(i)	Not applicable	
10	<u>Barrier and Means to Control Entry</u>	373-2.2(f)(2)(ii)	Attachment S	Attachment S to be submitted per 01.29.2016 schedule
11	<u>Warning Signs</u>	373-2.2(f)(3)	Attachment S	Attachment S to be submitted per 01.29.2016 schedule
12	<u>General Inspection Schedule</u>	<b>373-1.5(a)(2)(v)</b> 373-2.2(g)	Text Section B.5 and Attachments C and S	Attachments C and S to be submitted per 01.29.2016 schedule
13	<u>Preparedness and Prevention Requirements Waiver</u>	<b>373-1.5(a)(2)(vi)</b> 373-2.3(b)	Text Section B.6 (waiver not requested)	FMC revised text 01.29.2016
14	<u>Contingency Plan</u>	<b>373-1.5(a)(2)(vii)</b> 373-2.3 373-2.4	Text Section B.6 and Attachments B and C.	FMC revised text 01.29.2016;  NYSDEC to comment on May 2015 Attachment B (RCRA Contingency Plan), and in particular whether WSI Contingency Plan needs to be added to the RCRA Contingency Plan



PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
15	<u>Contingency Plan</u> : General information <ul style="list-style-type: none"> <li>- Facility name and location and owner or operator name</li> <li>- Site plan</li> <li>- Description of facility operations</li> <li>- Description of plan amendment</li> </ul>	373-2.4(c) 373-2.4(e)	Attachment B	NYSDEC to comment on May 2015 Attachment B
16	<u>Contingency Plan</u> : Implementation	373-2.4(b) 373-2.4(c)(1)	Attachments B and C.	NYSDEC to comment on May 2015 Attachment B
17	<u>Contingency Plan</u> : Coordination Agreements	373-2.4(c)(3) 373-2.4(d)(2) 373-2.3(g)	Attachment B	NYSDEC to comment on May 2015 Attachment B
18	<u>Contingency Plan</u> : Emergency Coordinators	373-2.4(c)(4) 373-2.4(f)	Attachment B	NYSDEC to comment on May 2015 Attachment B
19	<u>Contingency Plan</u> : Emergency Equipment, Required Equipment, Testing and Maintenance of Equipment, Access to Communications or Alarm System	373-2.4(c)(5) 373-2.3(c) 373-2.3(d) 373-2.3(e)	Attachment B	NYSDEC to comment on May 2015 Attachment B
20	<u>Contingency Plan</u> : Aisle Space Requirement	373-2.3(f)	Attachment B	NYSDEC to comment on May 2015 Attachment B
21	<u>Contingency Plan</u> : Evacuation Plan	373-2.4(c)(6)	Attachment B	NYSDEC to comment on May 2015 Attachment B
22	<u>Contingency Plan</u> : Emergency Procedures	373-2.4(g)	Attachments B and C.	NYSDEC to comment on May 2015 Attachment B (RCRA Contingency Plan), and in particular whether WSI Contingency Plan needs to be added to the RCRA Contingency Plan



PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
23	<u>Hazard Prevention</u> : Procedures, Structures, or Equipment used at the facility	373-1.5(a)(2)(vii)	Text Section B.8	FMC revised text 01.29.2016
24	<u>General Precautions for Handling Ignitable or Reactive Waste and Mixing of Incompatible Waste</u>	373-1.5(a)(2)(ix) 373-2.2(i)	Text Section B.9	FMC revised text 01.29.2016
25	<u>Traffic Pattern, Estimated Volume, and Controls</u>	373-1.5(a)(2)(x)	Text Section B.10	FMC revised text 01.29.2016
26	<u>Facility Location Information: 100-Year Floodplain Documentation</u>	373-1.5(a)(2)(xi)	Text Section B.11 Figure B-3 (Facility is not located within a 100-year flood plain)	FMC revised text and figures 01.29.2016
27	<u>Personnel Training Program</u>	373-1.5(a)(2)(xii) 373-2.2(h)	Attachment T	Attachment T to be submitted per 01.29.2016 schedule
28	<u>Surface Impoundment Closure and Post-Closure Plans</u>	373-1.5(a)(2)(xiii) 373-2.7 373-2.11(f)	Attachments K, L, and Q	Attachments K, L, and Q to be submitted per 01.29.2016 schedule
29	<u>Closed Hazardous Waste Disposal Units Documentation</u>	373-1.5(a)(2)(xiv)	Text Section B14, Attachment Q	Attachment Q to be submitted per 01.29.2016 schedule
30	<u>Most Recent Closure Cost Estimate</u>	373-1.5(a)(2)(xv) 373-2.8(c)	Attachments K, L, and O	NYSDEC to comment on Attachment O;  Attachments K and L to be submitted per 01.29.2016 schedule



PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
31	<u>Most Recent Post-Closure Cost Estimate</u>	373-1.5(a)(2)(xvi) 373-2.8(e)	Attachments O and Q	NYSDEC to comment on Attachment O  Attachment Q to be submitted per 01.29.2016 schedule
32	<u>Documentation of Liability Requirements</u>	373-1.5(a)(2)(xvii) 373-2.8(h)	Text Section B.17 and Attachment O	FMC revised text 01.29.2016
33	<u>Reserved</u>	373-1.5(a)(2)(xviii)	No response required	Not Applicable
34	<u>Topographic Map: Certified/Stamped</u>	373-1.5(a)(2)(xix) 373-1.5(a)(1) 373-1.5(a)(3)(iii)	Text Sections B.19 and C.3; Text Figures B1, B-2, B-3 and B-4; and Attachment P	FMC revised text 01.29.2016  NYSDEC to comment on Attachment P
35	<u>Extension for Land Disposal Facilities</u>	373-1.5(a)(2)(xx)	Text Section B.20	Not Applicable
36	<u>Pre-Application Public Meeting Summary</u>	373-1.5(a)(2)(xxi)	Text Section B.21	FMC revised text 01.29.2016
37	<u>Interim Status Groundwater Monitoring Data Summary</u>	373-1.5(a)(3)(i)	Text Section C.1	FMC revised text 01.29.2016
38	<u>Hydrogeology</u> : Identification of aquifers, including groundwater flow direction and rate	373-1.5(a)(3)(ii)	Text Section C.2	FMC revised text 01.29.2016
39	<u>Topographic Map and Groundwater Related Mapping</u>	373-1.5(a)(3)(iii)	Text Section C.3; Attachments M and P; Part A Figure A-3 and Table A-1	FMC revised text 01.29.2016




PART 373 APPLICATION REQUIREMENT		APPLICABLE 373 REFERENCE	LOCATION IN APPLICATION	01.29.2016 STATUS & COMMENTS
40	<u>Groundwater Monitoring and Corrective Action</u> <ul style="list-style-type: none"> <li>- Description of any plume of contamination that has entered the groundwater from a regulated unit</li> <li>- Description of alternate groundwater monitoring program and corrective action</li> </ul>	373-1.5(a)(3)(iv)-(viii) 373-2.6(a)(6)	Text Sections C.4 and C.5, Attachment M	FMC revised text 01.29.2016 Attachment M to be submitted per 01.29.2016 schedule
41	<u>Solid Waste Management Units Information</u>	373-1.5(a)(4) 373-2.6(l)	Text Sections D and H.	FMC revised text 01.29.2016
42	<u>Specific Information for Containers</u>	373-1.5(b)	Text Section E.	Not applicable.
43	<u>Specific Information for Tank Systems</u>	373-1.5(c)	Text Section E.	Not applicable.
44	<u>Specific Information for Surface Impoundments</u>	373-1.5(d)	Text Section F. Attachments C, K and L	FMC revised text 01.29.2016 Attachments C, K and L to be submitted per 01.29.2016 schedule
45	<u>Specific Information for Other Units</u>	373-1.5(e) through (n)	Text Section G.	Not applicable.



**Revised Amended Application  
Part A**



<b>SEND COMPLETED FORM TO:</b> The Appropriate State or Regional Office.	United States Environmental Protection Agency <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>		
<b>1. Reason for Submittal</b>  MARK ALL BOX(ES) THAT APPLY	<b>Reason for Submittal:</b> <input type="checkbox"/> To provide an Initial Notification (first time submitting site identification information / to obtain an EPA ID number for this location) <input checked="" type="checkbox"/> To provide a Subsequent Notification (to update site identification information for this location) <input type="checkbox"/> As a component of a First RCRA Hazardous Waste Part A Permit Application <input checked="" type="checkbox"/> As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # <u>1</u> ) <input type="checkbox"/> As a component of the Hazardous Waste Report (If marked, see sub-bullet below) <input type="checkbox"/> Site was a TSD facility and/or generator of >1,000 kg of hazardous waste, >1 kg of acute hazardous waste, or >100 kg of acute hazardous waste spill cleanup in one or more months of the report year (or State equivalent LQG regulations)		
<b>2. Site EPA ID Number</b>	<b>EPA ID Number</b> <u>N</u> <u>Y</u> <u>D</u> <u>0</u> <u>0</u> <u>2</u> <u>1</u> <u>2</u> <u>6</u> <u>8</u> <u>4</u> <u>5</u>		
<b>3. Site Name</b>	<b>Name:</b> FMC Corporation		
<b>4. Site Location Information</b>	<b>Street Address:</b> 100 Niagara Street		
	<b>City, Town, or Village:</b> Middleport		<b>County:</b> Niagara
	<b>State:</b> New York	<b>Country:</b> U.S.A.	<b>Zip Code:</b> 14105
<b>5. Site Land Type</b>	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
<b>6. NAICS Code(s) for the Site (at least 5-digit codes)</b>	<b>A.</b> <u>3</u> <u>2</u> <u>5</u> <u>3</u> <u>2</u> <u>0</u>		<b>C.</b> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>
	<b>B.</b> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>		<b>D.</b> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u> <u> </u>
<b>7. Site Mailing Address</b>	<b>Street or P.O. Box:</b> 100 Niagara Street		
	<b>City, Town, or Village:</b> Middleport		
	<b>State:</b> New York	<b>Country:</b> U.S.A.	<b>Zip Code:</b> 14105
<b>8. Site Contact Person</b>	<b>First Name:</b> Gregory		<b>MI:</b> B.
	<b>Last:</b> Sullivan		
	<b>Title:</b> Plant Manager		
	<b>Street or P.O. Box:</b> 100 Niagara Street		
	<b>City, Town or Village:</b> Middleport		
	<b>State:</b> New York	<b>Country:</b> U.S.A.	<b>Zip Code:</b> 14105
	<b>Email:</b> gregory.sullivan@fmc.com		
<b>9. Legal Owner and Operator of the Site</b>	<b>A. Name of Site's Legal Owner:</b> FMC Corporation		<b>Date Became Owner:</b> 1/1/1946
	<b>Owner Type:</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
	<b>Street or P.O. Box:</b> 1735 Market Street		
	<b>City, Town, or Village:</b> Philadelphia		<b>Phone:</b> 215.299.6000
	<b>State:</b> Pennsylvania	<b>Country:</b> U.S.A.	<b>Zip Code:</b> 19103
	<b>B. Name of Site's Operator:</b> FMC Corporation		<b>Date Became Operator:</b> 1/1/1946
	<b>Operator Type:</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		



**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities; Complete all parts 1-10.**Y ☒ N ☐**1. Generator of Hazardous Waste**

If "Yes," mark only one of the following – a, b, or c.

- ☒ a. LQG: Generates, in any calendar month, 1,000 kg/mo (2,200 lbs/mo.) or more of hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lbs/mo) of acute hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 100 kg/mo (220 lbs/mo) of acute hazardous spill cleanup material.

- ☐ b. SQG: 100 to 1,000 kg/mo (220 – 2,200 lbs/mo) of non-acute hazardous waste.

- ☐ c. CESQG: Less than 100 kg/mo (220 lbs/mo) of non-acute hazardous waste.

If "Yes" above, indicate other generator activities in 2-10.

Y ☐ N ☒

- 2. Short-Term Generator** (generate from a short-term or one-time event and not from on-going processes). If "Yes," provide an explanation in the Comments section.

Y ☐ N ☒

- 3. United States Importer of Hazardous Waste**

Y ☐ N ☒

- 4. Mixed Waste (hazardous and radioactive) Generator**

Y ☐ N ☒

- 5. Transporter of Hazardous Waste**  
If "Yes," mark all that apply.

☐ a. Transporter☐ b. Transfer Facility (at your site)Y ☐ N ☒

- 6. Treater, Storer, or Disposer of Hazardous Waste** Note: A hazardous waste Part B permit is required for these activities.

Y ☐ N ☒

- 7. Recycler of Hazardous Waste**

Y ☐ N ☒

- 8. Exempt Boiler and/or Industrial Furnace**  
If "Yes," mark all that apply.

☐ a. Small Quantity On-site Burner Exemption☐ b. Smelting, Melting, and Refining Furnace ExemptionY ☐ N ☒

- 9. Underground Injection Control**

Y ☐ N ☒

- 10. Receives Hazardous Waste from Off-site**

**B. Universal Waste Activities; Complete all parts 1-2.**Y ☐ N ☒

- 1. Large Quantity Handler of Universal Waste** (you accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste managed at your site. If "Yes," mark all that apply.

a. Batteries ☐b. Pesticides ☐c. Mercury containing equipment ☐d. Lamps ☐e. Other (specify) \_\_\_\_\_ ☐f. Other (specify) \_\_\_\_\_ ☐g. Other (specify) \_\_\_\_\_ ☐Y ☐ N ☒

- 2. Destination Facility for Universal Waste**

Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities; Complete all parts 1-4.**Y ☐ N ☒

- 1. Used Oil Transporter**  
If "Yes," mark all that apply.

☐ a. Transporter☐ b. Transfer Facility (at your site)Y ☐ N ☒

- 2. Used Oil Processor and/or Re-refiner**  
If "Yes," mark all that apply.

☐ a. Processor☐ b. Re-refinerY ☐ N ☒

- 3. Off-Specification Used Oil Burner**

Y ☐ N ☒

- 4. Used Oil Fuel Marketer**  
If "Yes," mark all that apply.

☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner☐ b. Marketer Who First Claims the Used Oil Meets the Specifications



**D. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262 Subpart K**

❖ You can ONLY Opt into Subpart K if:

- you are at least one of the following: a college or university; a teaching hospital that is owned by or has a formal affiliation agreement with a college or university; or a non-profit research institute that is owned by or has a formal affiliation agreement with a college or university; AND
- you have checked with your State to determine if 40 CFR Part 262 Subpart K is effective in your state

Y ☐ N ☒ 1. Opting into or currently operating under 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories  
**See the item-by-item instructions for definitions of types of eligible academic entities. Mark all that apply:**☐ a. College or University☐ b. Teaching Hospital that is owned by or has a formal written affiliation agreement with a college or university☐ c. Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or universityY ☐ N ☒ 2. Withdrawing from 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories**11. Description of Hazardous Waste****A. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001	D002	D004	D008	D009	D022	D028
D035	F002	F003	F005	F039	P127	P189
U080						

**B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes.** Please list the waste codes of the State-Regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.



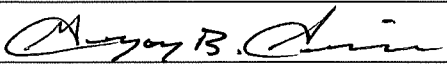

**12. Notification of Hazardous Secondary Material (HSM) Activity**

Y ☐ N ☒ Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 261.2(a)(2)(iii), 40 CFR 261.4(a)(23), (24), or (25)?

If "Yes," you must fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material.

**13. Comments**

**14. Certification.** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all owner(s) and operator(s) must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Gregory B. Sullivan	01 / 29 / 2016
	Middleport Plant Manager	
	FMC Corp. - Agricultural Solutions	



United States Environmental Protection Agency															
HAZARDOUS WASTE PERMIT INFORMATION FORM															
1. Facility Permit Contact	First Name:Gregory								MI:B.		Last Name:Sullivan				
	Contact Title:Plant Manager														
	Phone:(315) 735-6325						Ext.:			Email:gregory.sullivan@fmc.com					
2. Facility Permit Contact Mailing Address	Street or P.O. Box:100 Niagara Street														
	City, Town, or Village:Middleport														
	State:New York														
	Country:U.S.A.								Zip Code:14105						
3. Operator Mailing Address and Telephone Number	Street or P.O. Box:100 Niagara Street														
	City, Town, or Village:Middleport														
	State:New York								Phone:(716) 735-6325						
	Country:U.S.A.								Zip Code:14105						
4. Facility Existence Date	Facility Existence Date (mm/dd/yyyy):01/01/1946														
5. Other Environmental Permits															
A. Facility Type (Enter code)		B. Permit Number										C. Description			
N		N	Y	0	0	0	0	3	4	5				NYSDEC SPDES Permit	
P		9	2	9	3	6	0	0	0	1	7			NYSDEC State Air Facility Permit	
E		C	B	S	#	9	-	0	0	0	0	9	5	NYSDEC Chemical Bulk Storage Registration Certificate	
E		P	B	S	#	9	-	2	2	2	1	9	4	NYSDEC Petroleum Bulk Storage Registration Certificate	
E														Village of Middleport Sanitary Sewer Use Permit	
6. Nature of Business: The FMC Agricultural Products Group facility located in Middleport, NY mixes, blends, and packages pesticides (insecticides, fungicides, and herbicides) as liquids or powders for agricultural use.															



**7. Process Codes and Design Capacities – Enter information in the Section on Form Page 3**

- A. PROCESS CODE** – Enter the code from the list of process codes below that best describes each process to be used at the facility. If more lines are needed, attach a separate sheet of paper with the additional information. For “other” processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item 8.
- B. PROCESS DESIGN CAPACITY** – For each code entered in Item 7.A; enter the capacity of the process.
- 1. AMOUNT** – Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
  - 2. UNIT OF MEASURE** – For each amount entered in Item 7.B(1), enter the code in Item 7.B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.
- C. PROCESS TOTAL NUMBER OF UNITS** – Enter the total number of units for each corresponding process code.

Process Code	Process	Appropriate Unit of Measure for Process Design Capacity	Process Code	Process	Appropriate Unit of Measure for Process Design Capacity
<b>Disposal</b>			<b>Treatment (Continued) (for T81 – T94)</b>		
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day	T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; Liters Per Hour; Kilograms Per Hour; or Million BTU Per Hour
D80	Landfill	Acre-feet; Hectares-meter; Acres; Cubic Meters; Hectares; Cubic Yards	T82	Lime Kiln	
D81	Land Treatment	Acres or Hectares	T83	Aggregate Kiln	
D82	Ocean Disposal	Gallons Per Day or Liters Per Day	T84	Phosphate Kiln	
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards	T85	Coke Oven	
D99	Other Disposal	Any Unit of Measure Listed Below	T86	Blast Furnace	
<b>Storage</b>			T87	Smelting, Melting, or Refining Furnace	
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards	T88	Titanium Dioxide Chloride Oxidation Reactor	
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	T89	Methane Reforming Furnace	
S03	Waste Pile	Cubic Yards or Cubic Meters	T90	Pulping Liquor Recovery Furnace	
S04	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards	T91	Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid	
S05	Drip Pad	Gallons; Liters; Cubic Meters; Hectares; or Cubic Yards	T92	Halogen Acid Furnaces	
S06	Containment Building Storage	Cubic Yards or Cubic Meters	T93	Other Industrial Furnaces Listed in 40 CFR 260.10	
S99	Other Storage	Any Unit of Measure Listed Below	T94	Containment Building Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTU Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million BTU Per Hour
<b>Treatment</b>			<b>Miscellaneous (Subpart X)</b>		
T01	Tank Treatment	Gallons Per Day; Liters Per Day	X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
T02	Surface Impoundment	Gallons Per Day; Liters Per Day	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTUs Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; or Million BTU Per Hour	X99	Other Subpart X	Any Unit of Measure Listed Below
<b>Unit of Measure</b>		<b>Unit of Measure Code</b>	<b>Unit of Measure</b>		<b>Unit of Measure Code</b>
Gallons .....		G	Short Tons Per Hour .....		D
Gallons Per Hour.....		E	Short Tons Per Day .....		N
Gallons Per Day .....		U	Metric Tons Per Hour .....		W
Liters.....		L	Metric Tons Per Day .....		S
Liters Per Hour .....		H	Pounds Per Hour .....		J
Liters Per Day.....		V	Kilograms Per Hour.....		X
			Million BTU Per Hour.....		X
			<b>Unit of Measure</b>		<b>Unit of Measure Code</b>
			Cubic Yards .....		Y
			Cubic Meters.....		C
			Acres .....		B
			Acre-feet .....		A
			Hectares .....		Q
			Hectare-meter .....		F
			BTU Per Hour.....		I



**EXAMPLE FOR COMPLETING Item 7 (shown in line number X-1 below):** A facility has a storage tank, which can hold 533.788 gallons.

**Note:** If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the line sequentially, taking into account any lines that will be used for "other" process (i.e., D99, S99, T04, and X99) in Item 8.

## Page 3 of 6



**9. Description of Hazardous Wastes - Enter Information in the Sections on Form Page 5**

- A. EPA HAZARDOUS WASTE NUMBER** – Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR Part 261, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.
- B. ESTIMATED ANNUAL QUANTITY** – For each listed waste entered in Item 9.A, estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in Item 9.A, estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.
- C. UNIT OF MEASURE** – For each quantity entered in Item 9.B, enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure, taking into account the appropriate density or specific gravity of the waste.

**D. PROCESSES****1. PROCESS CODES:**

**For listed hazardous waste:** For each listed hazardous waste entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all listed hazardous wastes.

**For non-listed waste:** For each characteristic or toxic contaminant entered in Item 9.A, select the code(s) from the list of process codes contained in Items 7.A and 8.A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

**NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:**

- Enter the first two as described above.
  - Enter "000" in the extreme right box of Item 9.D(1).
  - Use additional sheet, enter line number from previous sheet, and enter additional code(s) in Item 9.E.
- 2. PROCESS DESCRIPTION:** If code is not listed for a process that will be used, describe the process in Item 9.D(2) or in Item 9.E(2).

**NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER** – Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

- Select one of the EPA Hazardous Waste Numbers and enter it in Item 9.A. On the same line complete Items 9.B, 9.C, and 9.D by estimating the total annual quantity of the waste and describing all the processes to be used to store, treat, and/or dispose of the waste.
- In Item 9.A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In Item 9.D.2 on that line enter "included with above" and make no other entries on that line.
- Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

**EXAMPLE FOR COMPLETING Item 9** (shown in line numbers X-1, X-2, X-3, and X-4 below) – A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operations. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES									
								(1) PROCESS CODES (Enter Code)							(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))		
X	1	K	0	5	4	900	P	T	0	3	D	8	0				
X	2	D	0	0	2	400	P	T	0	3	D	8	0				
X	3	D	0	0	1	100	P	T	0	3	D	8	0				
X	4	D	0	0	2												Included With Above



**9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)**

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES												
								(1) PROCESS CODES (Enter Code)								(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))				
	1					zero											see Item 13 - Comments			
	2																			
	3																			
	4																			
	5																			
	6																			
	7																			
	8																			
	9																			
1	0																			
1	1																			
1	2																			
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2	6																			
2	7																			
2	8																			
2	9																			
3	0																			
3	1																			
3	2																			
3	3																			
3	4																			
3	5																			
3	6																			



**10. Map**

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

**11. Facility Drawing**

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

**12. Photographs**

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas (see instructions for more detail).

**13. Comments**

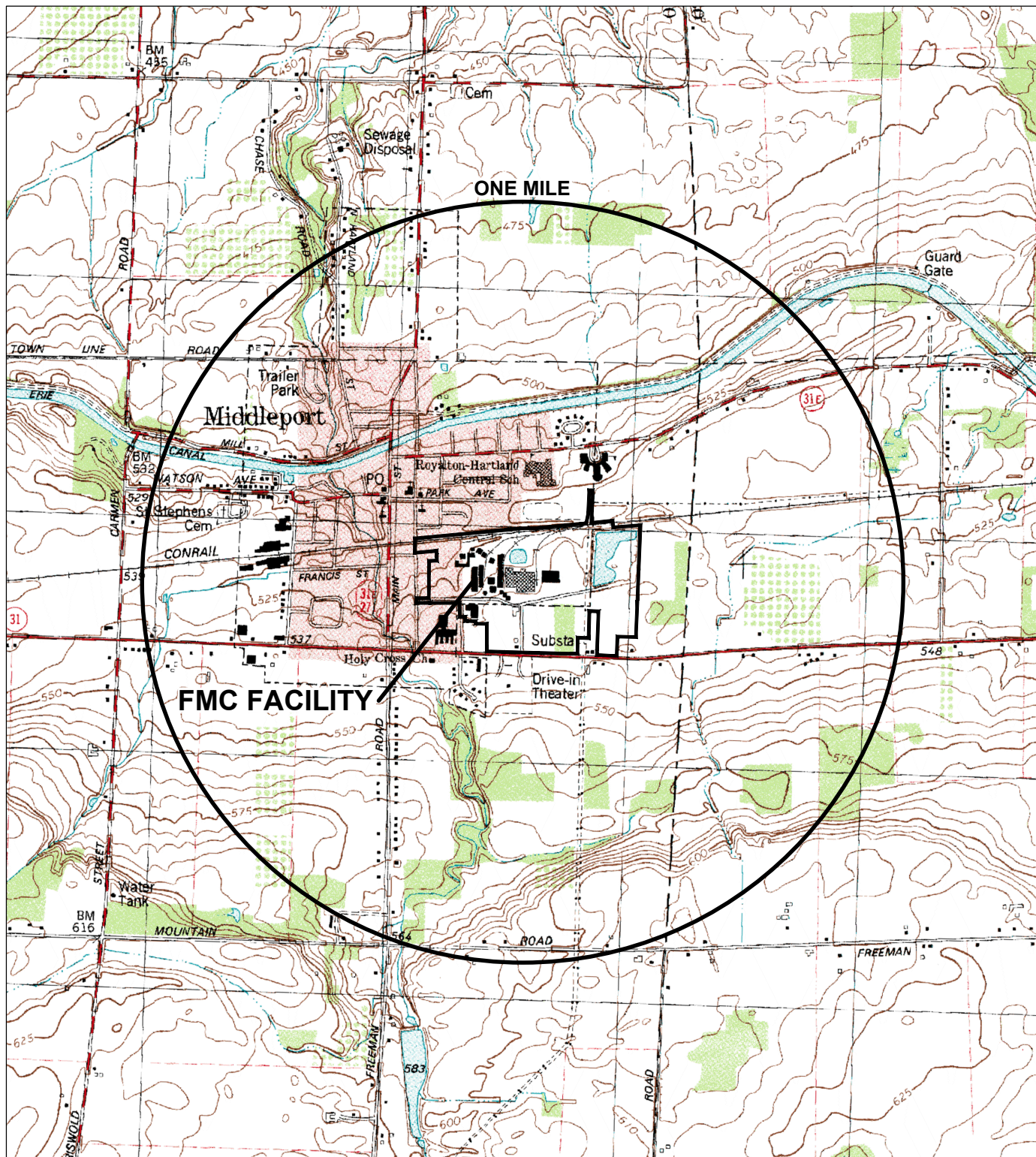
For Items 7 and 9:

1. Hazardous waste is not currently treated, stored or disposed at the facility in units subject to 6 NYCRR Part 373 permitting requirements. All hazardous wastes generated at the facility are exempt from Part 373 permitting requirements because the wastes are either disposed off-site within 90 days of generation or are treated in the facility's water treatment units that are exempt from permitting pursuant to Part 373-1.1(d)(1)(xii).
2. This application is submitted, at the request of NYSDEC letter dated March 18, 2015, to amend FMC's 1986 application, which included the following regulated hazardous waste units: five container storage areas and three surface impoundments.
3. The five former regulated hazardous waste container storage areas were certified clean closed in 1997, with NYSDEC approval by letter dated August 24, 2001, and post-closure care not needed.
4. One former regulated hazardous waste surface impoundment (Central Surface Impoundment; CSI) was certified closed in 1989, with NYSDEC approval by letter dated March 22, 1990. Hazardous waste soil and sediment within the limits of the CSI were removed prior to installation of the cover. The CSI closure is subject to post-closure care.
5. Two former regulated hazardous waste surface impoundments (Western and Eastern Surface Impoundments; WSI and ESI) ceased receiving or managing hazardous waste in 1988. The WSI was partially closed in 1989 by removing the existing liner and associated sediments/ballast. A new liner was installed and the WSI since has been used to manage non-hazardous surface water runoff from the facility, operating as part of an interim corrective measure (ICM). The ESI no longer serves as an impoundment. In 1988, the ESI was isolated so that it ceased to receive any hazardous waste and was drained. With the NYSDEC's approval, the footprint of the former ESI has been used for the placement of non-hazardous remedial soil generated from off-site interim corrective actions between 1996 and 2011. The WSI and ESI and RCRA corrective action activities are subject to an Administrative Order on Consent (AOC: Docket No. II RCRA-90-3008(h)-0209) entered into between FMC, NYSDEC, and the USEPA in July 1991. The 1991 AOC specifies that final closure of the WSI and ESI is subject to the results of the RCRA Facility Investigation and Corrective Measures Study (RFI/CMS) process for the facility.
6. The location of the facility is identified on Figure A-1. The locations of the property line, facility buildings and key features, and of the three impoundments are identified on Figure A-2. Solid waste management units (SWMUs) are identified on Figure A-3 and Table A-1.

Attachments:

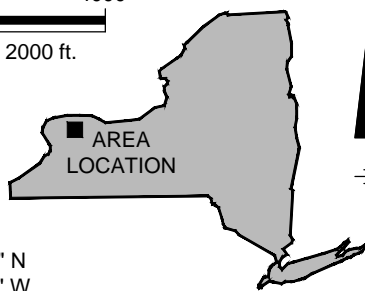
- Figure A-1 Location Map (USGS topographic map)
- Figure A-2 Facility Features (annotated aerial photograph)
- Figure A-3 Solid Waste Management Unit (SWMU) Locations
- Table A-1 Identification of Former SWMUs





REFERENCE: BASE MAP USGS 7.5. MIN. TOPO. QUAD., MEDINA, NY, 1980.

0 2000' 4000'  
Approximate Scale: 1 in. = 2000 ft.



FACILITY LOCATION:  
LATITUDE 43° 12' 27" N  
LONGITUDE 78° 28' 16" W

NEW YORK

FMC CORPORATION  
MIDDLEPORT, NEW YORK  
**AMENDED APPLICATION 6NYCRR  
PART 373 PERMIT**

**LOCATION MAP**



FIGURE  
**A-1**







CITY: SYRACUSE, NY DIV/GROUP: IND/ICAD DBLD: L POSENAUER PM: D WRIGHT LTR/OPION: OFF=REF  
G:\ENVCAD\SYRACUSE\ACT180\03786\03786\0001\DWG\PART373\PA37386G01.dwg LAYOUT: A-3 SAVED: 5/18/2015 9:26 AM ACADVER: 19.1S (LMS TECH) PAGESETUP: PLOTSTYLETABLE: PLOTTED: 5/18/2015 9:26 AM BY: POSENAUER, LISA



LEGEND:

- FACILITY PROPERTY BOUNDARY
- SWMU NUMBER — SEE TABLE A-1
- SWMU GROUP N
- SWMU GROUP O
- ALL OTHER SWMU GROUPS

NOTE:

1. BASED ON FIGURE 12.11 OF RCRA FACILITY INVESTIGATION (RFI) REPORT VOLUME I.

FMC CORPORATION  
MIDDLEPORT, NEW YORK  
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PART 373 PERMIT

FORMER SOLID WASTE MANAGEMENT  
UNIT (SWMU) LOCATIONS



FIGURE  
A-3



**TABLE A-1 - IDENTIFICATION OF SOLID WASTE MANAGEMENT UNITS (SWMUs)**  
**AMENDED APPLICATION - 6 NYCRR PART 373 PERMIT**  
**FMC CORPORATION - MIDDLEPORT, NEW YORK**

SWMU <sup>(1)</sup>	Name	Description
1	Arsenic Acid Area	Spillage arsenic acid production tanks and drums.
2	Old Landfill Area	Burial of various pesticide wastes.
3	Former Wastewater Basin	Eastern carbofuran and dithiocarbamate waste water impoundment.
4	Western Surface Impoundment (WSI)	Lined stormwater impoundment, processes closed with respect to hazardous wastes by removal in 1988 and retrofitted as a non-hazardous stormwater basin.
5	Stormwater Retention Impoundment	Unlined arsenical surfacewater settling lagoon.
6	Stormwater Retention Impoundment	Unlined arsenical surfacewater settling lagoon.
7	Process Wastewater Basin	Unlined dithiocarbamate process waste water retention basin.
8	Dinitroresol (Phenolic) Surface Impoundment	Unlined lagoon.
9	Dithiocarbamate Wastewater Tank	Aboveground storage tank (AST).
10	Dithiocarbamate Wastewater Tank	AST
11	Dithiocarbamate Wastewater Tank (Indoor)	AST
12	Dithiocarbamate Wastewater Tank (Indoor)	AST
13	Dithiocarbamate Wastewater Tank (Indoor)	AST
14	Compressor Blowdown Sump	Concrete-lined indoor sump for oily water.
15	Flowable Wastewater Sump	Concrete-lined indoor sump for carbofuran wastewater.
16	Evaporator Sump	Concrete-lined sump closed and filled with concrete.
17	Dithiocarbamate Tank Sump	Concrete-lined outdoor sump.
18	Kidwell Sump	Concrete-lined partially outdoor sump.
19	Contaminated Scrap Metal Waste Lugger	Scrap metal waste lugger located at end of access road, east of Building #23.
20	R&D Soil Lugger Area	Waste lugger located on a containment pad.
21	Filter Cake Luggers	Waste lugger located on a containment pad.
22	Metabolism Lab Generation Waste Area	Indoor waste drum storage.
23	Formulations Generation Waste Area	Outdoor waste drum generation area.
24	Formulations Waste Storage Area	Outdoor waste drum storage area.
25	Product Formulations Waste Area	Indoor drum storage area.
26	Formulations Waste Storage Area	Indoor drum storage area.
27	Research Solvent Storage Area	Outdoor drum storage area.
28	Specialty Products Storage Area	Indoor drum storage area.
29	Dithiocarbamate Waste Area	Indoor drum storage area.
30	Laboratory Solvent Waste Area	Indoor drum storage/generation area.
31	Storage Area	Outdoor drum storage area.
32	Carbofuran Storage Area	Indoor drum storage area.
33	Empty Drum Storage Area	Indoor empty drum storage area.
34	Carbofuran Storage Area	Indoor container storage area.
35	Sulfur Shed Storage Area	Indoor drum storage area.
36	Spent Oil Waste Area	Indoor drum storage area.
37	R&D Waste Area	Indoor drum storage area.
38	Carbofuran Trash Area	Indoor trash and empty container storage area.
39	Dithiocarbamate Trash Area	Indoor trash and empty container storage area.
40	Warehouse Storage	Indoor container storage area.
41	North Tandex Dust House	Aboveground dust house/collector.
42	South Tandex Dust House	Aboveground dust house/collector.
43	R&D Waste Area (East) Dust House	Aboveground dust house/collector.
44	R&D Waste Area (West) Dust House	Aboveground dust house/collector.
45	Fairfield Dust House	Aboveground dust house/collector.
46	Kidwell (East) Dust House	Aboveground dust house/collector.
47	Kidwell (West) Dust House	Aboveground dust house/collector.
48	West Miscellaneous Dust House	Aboveground dust house/collector.
49	Central Surface Impoundment (CSI)	Unlined stormwater impoundment closed in 1988 by removal of sediments, capping.
50	Eastern Surface Impoundment (ESI)	Unlined stormwater impoundment removed from service and isolated in 1988, with closure deferred pending completion of RFI/CMS. After 1988, the area has been used for the placement of non-hazardous waste (primarily soil) - see SWMU #54.
AOCn #1 <sup>(2)</sup>	Carbon Disulfide Storage Tank Area	AST
52	Xylene Storage Area	ASTs
53	Contaminated Soil Storage Area	Temporary lined storage unit for soils excavated from the off-site Northern Ditches.
54	ESI Soil Deposition Area or ESI Fill Area	Placement of non-hazardous soils and debris generated from several off-site remediation projects 1996-2011.

**Notes:**

- (1) Solid Waste Management Units (SWMU) as identified in the NYSDEC's 1988 RCRA Facility Assessment (RFA) and in FMC's revised version, titled "RCRA Facility Assessment, Preliminary Review," (May 1, 1989); the 1989 Modified RFA Report has not been approved or accepted by the NYSDEC.
- (2) Formerly designated as SWMU #51; designated as Area of Concern (AOCn) #1 as requested by the NYSDEC in 1998.



**Draft Revised Schedule**



**DRAFT SCHEDULE - 01.29.2016**  
**AMENDED PART 373 PERMIT APPLICATION**  
**FMC CORPORATION - MIDDLEPORT, NEW YORK**

[illegible]

 = FMC activity to either submit a new document or revise a document based on NYSDEC comments received

= Estimated duration for NYSDEC to comment on FMC 11.11.2015 email regarding NYSDEC 10.29.2015 comments on the HASP, and FMC's submittal of GIPL data figures in support of proposed modifications to the GMP.

**Notes:**

1. It is expected that at least one additional round of FMC revision and submittal will likely be required for most documents; however, the revision timing is subject to receipt of NYSDEC comments, and the revision duration will be a function of the nature of comments.
2. The target date for completion of the Application is January 2017.