18-20-1 (2/90)—9a

New York State
Department of Environmental Conservation

MAJOR PETROLEUM FACILITY LICENSE

FACILITY:

BROOKHAVEN NATIONAL LABORATORY
40 BROOKHAVEN AVENUE
UPTON, NY 11973

OWNER:

DEPARTMENT OF ENERGY (DOE)
BROOKHAVEN GROUP
UPTON, NY 11973

The facility named above has been duly licensed, pursuant to Article 12 of the Navigation Law. Any conditions placed on this license are marked on the attached Special Conditions Check List.

MAILING CORRESPONDENCE:

ATTN: MICHAEL HOLLAND AREA MANA
DEPARTMENT OF ENERGY (DOE)
53 BELL AVENUE
BROOKHAVEN GROUP
UPTON, NY 11973

LICENSE NUMBER: 1-1700

DATE ISSUED: MAR 08 2002

EXPIRATION DATE: MAR 31 2007

Commissioner of Environmental Conservation

By Ray E Cowen

Title Regional Director

THIS LICENSE IS NON-TRANSFERABLE

18-20-1a (2/90)—9a

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MAJOR PETROLEUM FACILITY LICENSE

Tank Listing For License Number: 1-1700

TANK NUMBER	DATE INSTALLED (Month/Year)	TANK LOCATION	TANK TYPE	CAPACITY (Gallons)	PRODUCT STORED
9	08/89	Aboveground	Steel/Carbon Steel	400,000	Nos. 5 or 6 Fuel Oil
10	08/89	Aboveground	Steel/Carbon Steel	600,000	Nos. 5 or 6 Fuel Oil
12	01/82	Aboveground on rack	Steel/Carbon Steel	59,976	Nos. 1,2, or 4 Fuel Oil
(611C)3	01/64	Aboveground	Steel/Carbon Steel	300,006	Nos. 5 or 6 Fuel Oil
(611D)4	01/74	Aboveground	Steel/Carbon Steel	400,008	Nos. 5 or 6 Fuel Oil
(611E) 5	01/83	Aboveground	Steel/Carbon Steel	300,006	Nos. 1,2, or 4 Fuel Oil
(611F) 6	01/83	Aboveground	Steel/Carbon Steel	300,006	Nos. 1,2, or 4 Fuel Oil

GENERAL CONDITIONS FOR MAJOR PETROLEUM FACILITY LICENSE

1. No chemical dispersants may be employed in the clean-up of a spill or discharge without approval. If a Spill Prevention and Containment Plan or spill clean-up plan contains a list of chemical or biological agents that are to be used in clean-up operations, the use of such chemicals is subject to prior approval from the Department.

2. The use of sorbents shall be limited to the cleanup of small spills and the final cleanup of large spills.

3. Disposal of all recovered petroleum products and oil-soaked debris shall be in accordance with 6 NYCRR Section 611.6.

4. The owner or operator shall maintain all equipment, including spill clean-up equipment, in good repair.

5. Major additions, changes or rehabilitation in the structures or equipment of the onshore major facility, which would materially affect the potential for a petroleum discharge must be approved in advance by the Department. Any amendments or changes to any plans submitted with or referred to in the license application shall be promptly furnished to the Regional Offices.

6. The Department shall be notified of all leaks or spills immediately, but in no case later than 2 hours after the spill. Notification must be made by calling the DEC Spill Hotline at (800) or (518) 457-7362.

7. Any person transporting and/or disposing of recovered oil and/or oily debris must be registered by the Department, as a "REGISTERED WASTE HAULER" pursuant to 6 NYCRR Part 364 and must transport the material to a disposal facility shown on the Part 364 registration.

8. License fees must be paid by the licensee as required by 17 NYCRR Section 30.9, "Oil Spill Prevention and Control, Licensing of Major Facilities".

9. The owner or operator of the facility shall provide access to the facility to representatives of the Department during normal business hours for the purpose of determining compliance with State and federal regulations and all general, standard and special conditions of this license.

10. Department Initiated Modifications, Suspensions or Revocations and Licensee Initiated Modifications:

Department Initiated Modifications, Suspensions or Revocations

(a) The Department may modify, suspend or revoke this license at any time based on the grounds including, but not limited to, the following:

(1) materially false or inaccurate statements in the license application or supporting documentation;

(2) failure by the licensee to comply with any terms or conditions of the license;

MAJOR OIL STORAGE FACILITY LICENSE
SPECIAL CONDITIONS CHECK-LIST

Instructions: If an "X" appears in the column labeled "Condition", the specified condition applies to the license issued to the facility. The details of each condition and compliance dates are included in the section titled, "Special Conditions for Major Oil Storage Facilities". In addition, please refer to the "Addendum to Special Conditions" on page MOSF-LP-13.

Condition	Section Number	Compliance Date	Section Title
			Installation of Monitoring Wells
_____	1(a)	_____	Initial Installation of Monitoring Wells
_____	1(b)	_____	Additional Monitoring Wells
			Sampling and Testing of Monitoring Wells
_____	2(a)	_____	Initial Testing of Monitoring Wells
X	2(b)	See pg. 8	Semiannual Testing of Monitoring Wells
_____	2(c)	_____	Yearly Testing of Monitoring Wells
_____	2(d)	_____	Monthly Monitoring of Wells
			Spill Prevention and Containment Plan
X	3(a)	12/15/03	P.E. Certification/Management Review of Plan
_____	3(b)	_____	Description of Secondary Containment System
_____	3(c)	_____	Testing of Secondary Containment System
_____	3(d)	_____	Engineering Plan for Upgrading Secondary Containment System
_____	3(e)	_____	Implementation of Engineering Plan
_____	3(f)	_____	Site Map
_____	3(g)	_____	Description of Previous Spills
_____	3(h)	_____	Compliance Report
_____	3(i)	_____	Updated SPCC Plan and Facility Response Plan
X	3(j)	06/30/06	Inspection Certification of Secondary Containment Systems
			Investigation and Remediation Plan
_____	4(a)	_____	Submit Subsurface Investigation Plan
_____	4(b)	_____	Submit Subsurface Remediation Plan

(f) Where the Department proposed to modify a license and the licensee requests a hearing on the proposed modification, the original license conditions remain in effect until there has been a decision issued by the Commissioner as provided herein. At such time the modified license conditions will take effect.

(g) Nothing in these license conditions shall preclude or affect the Commissioner's authority to issue summary abatement orders under ECL 71-0301 or take emergency action summarily suspending a license under section 401(3) of the State Administrative Procedure Act.

Licensee Initiated Modifications

Applications for modification of a license must include a statement of necessity or reasons for the modification, as well as a description of the requested modification. The Department shall notify the licensee of its decision, by mail, within fifteen days of receipt of such application. An application for modification may be denied for failure to meet any of the standards or criteria applicable under the Navigation Law and regulations adopted thereunder, Article 8 of the Environmental Conservation Law or for any of the reasons set forth in paragraphs (a) (1) - (6) above.

The Department may determine that an application for modification shall be treated as a new application for a license if:

(1) the application represents a material change in existing license conditions or in the scope of permitted activities; or

(2) there is newly discovered material information or there has been a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing license;

Until the Department grants a request for modification requested by a licensee, the original license conditions remain in effect.

(3) exceeding the scope of the project as described in the license application;

(4) failure to pay monthly license fees and/or submit monthly license reports;

(5) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing license: or

(6) noncompliance with previously issued license conditions, orders of the Commissioner, any provision of the Navigation Law or Environmental Conservation Law or the regulations adopted pursuant to such laws related to the licensed activity.

(b) The Department shall send a notice of intent to modify, suspend or revoke a license to the licensee by mail or personal service. The notice shall state the alleged facts or conduct which appear to warrant the intended action.

(c) Within 15 days of the date of such notice of intent, the licensee may submit a written statement to the Department, giving reasons why the permit should not be modified, suspended or revoked, or requesting a hearing, or both. Failure by the licensee to submit a timely statement shall result in the Department's action becoming effective on the date specified in the notice of intent.

(d) Within 30 days of receipt of the licensee's statement, the Department shall either:

(1) if a statement without a request for a hearing is submitted, rescind or confirm the notice of intent based on a review of the information provided by the licensee; or

(2) if a statement with a request for a hearing has been submitted, notify the licensee of a date and place for a hearing, to be commenced not later than 60 days from this notification.

(e) In the event such a hearing is held, the Commissioner shall, within 30 days of receipt of the complete record, issue a decision which:

(1) continues the license in effect as originally issued;

(2) modifies the license, or suspends it for a stated period of time or upon stated conditions; or

(3) revokes the license, including where order by the Commissioner, removal or modification of all or any portion of a project, whether completed or not.

Notice of the decision, stating the findings and reasons therefor, shall be mailed to the licensee.