BROOKHAVEN NATIONAL LABORATORY

UPTON, NEW YORK 11973-5000

EPA ID NO: NYD890008975
DEC PERMIT NO: 1-4722-00032/00102

6 NYCRR PART 373
FINAL PERMIT & SPECIAL CONDITIONS

2006
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER: 1-4722-00032/00102
FACILITY/PROGRAM NUMBER(S) EPA.Handler ID No: NY7890008975

EFFECTIVE DATE: November 20, 2006
EXPIRATION DATE(S): November 19, 2016

6 NYCRR PART 373 PERMIT
Under the Environmental Conservation Law

TYPE OF PERMIT □ New □ Renewal □ Modification □ Permit to Construct ★ Permit to Operate

□ Article 15, Title 5: Protection of Waters
□ Article 15, Title 15: Water Supply
□ Article 15, Title 15: Water Transport
□ Article 15, Title 15: Long Island Wells
□ Article 15, Title 27: Wild, Scenic and Recreational Rivers

□ 6NYCRR 608: Water Quality Certification
□ Article 17, Titles 7, 8: SPDES
□ Article 19: Air Pollution Control
□ Article 23, Title 27: Mined Land Reclamation
□ Article 24: Freshwater Wetlands
□ Article 25: Tidal Wetlands

□ Article 27, Title 7; 6NYCRR 360: Solid Waste Management
★ Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
□ Article 34: Coastal Erosion Management
□ Article 36: Floodplain Management
□ Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control

□ Other:

PERMIT ISSUED TO:
Legal Owner - U.S. Department of Energy, Brookhaven Site Office
Operator - Brookhaven Science Associates, LLC

TELEPHONE NUMBER
(631) 344-3424

ADDRESS OF PERMITTEE:
U.S. Department of Energy, 53 Bell Avenue, Upton, NY 11973-5000

CONTACT PERSON FOR PERMITTED WORK:
Michael Holland, Site Manager

TELEPHONE NUMBER
(631) 344-3424

ADDRESS OF PROJECT/FACILITY:
Brookhaven National Laboratory, 120 E. Fifth Street, Upton, NY 11973-5000

NAME AND ADDRESS OF PROJECT/FACILITY:
120 E. Fifth Street, Upton, NY 11973-5000

LOCATION OF PROJECT/FACILITY:

COUNTY:
Suffolk

TOWN:
Upton

WATERCOURSE:
Carmans River (about 5 miles)

NYTm COORDINATES:
E: 678.572
N: 4526.181

DESCRIPTION OF AUTHORIZED ACTIVITY:
Operation of a hazardous waste storage facility for the storage of hazardous wastes and mixed wastes that are generated onsite as described in Modules I and III, Attachment I and Attachment VII of this permit. The maximum storage capacity is limited to 21,550 gallons.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2), and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR:
Roger Evans

ADDRESS: NYSDEC, Division of Environmental Permits, Region 1,
Building 40 - SUNY, Stony Brook, NY 11790-2356

AUTHORIZED SIGNATURE
Roger Evans

DATE
November 15, 2006

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NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee’s undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

Item B: Permittee to Require its Contractors to Comply with Permit
The permittee shall require its independent contractors, employees, agents and assigns comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department
The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department’s representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals or Modifications
The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and

b) 30 days before expiration of all other permit types

Submission of applications for permit renewal or modification are to be submitted to the addresses listed in Module I, Section J, of the Permit and to:

Regional Permit Administrator, Region 1, NYSDEC, Building 40 - SUNY, Stony Brook, NY 11790-2356

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department
The Department reserves the right to modify, suspend or revoke this permit when:

a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;

b) the permit was obtained by misrepresentation or failure to disclose relevant facts;

c) new material information is discovered; or

d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (TITLE 9-6 NYCRR PART 373 HAZARDOUS WASTE MANAGEMENT PERMIT)

All activities authorized by this permit must be in strict conformance with the permit renewal application submitted by the applicant or his agent. Such permit application was submitted by the Permittee, U.S. Department of Energy, Brookhaven National Laboratory (herein after referred to as Brookhaven), on January 2005 (See Below Item I).

SPECIAL CONDITIONS

1. The permit is based on the information included in the permit renewal application submitted by Brookhaven on January 2005 and subsequent updates through July 2005. The permit is based on the assumption that the information provided by Brookhaven in the above documents is complete and accurate and the facility will be operated as specified in the above application. Any inaccuracies or incompleteness found in the information may be grounds for the termination or modification of this permit and potential enforcement action.

2. Brookhaven must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 6 NYCRR (Parts 370 through 374, 376, 621 and 624). Brookhaven must inform NYSDEC of any deviation from or changes in the information contained in the application which would affect Brookhaven's ability to comply with the regulations or permit conditions.

3. All ignitable wastes and reactive wastes and ignitable substances must be stored only in areas provided with a fire suppression system, located 50 feet from the property line.

4. PCBs and ignitable wastes must not be stored in the same location of the container storage areas.

5. Laboratory chemicals stored in each tray must be compatible with each other and all the containers placed in each tray. Labpacks must be grouped in such a way that only compatible materials are packed in each drum.

6. All drums must be stored inside a permitted bermed secondary containment.

7. Bays 1, 2, 3 and 4 in the RCRA Waste Building must not be used for storage since NYSDEC approved the closure of these bays. This decreases the maximum storage volume to 21,550 gallons.

8. The Permittee must operate the facility in strict accordance with the modules and attachments to this permit as specified below:

   Module I General Provisions
   Module II Corrective Action Requirements (Section E & Appendix E in application)
   Module III Storage in Containers

   Attachments

   Attachment I Waste Analysis Plan (Section C & Appendix C in application)
   Attachment II Inspection Plan (Appendix F in application - WMD-SOP-760)
   Attachment III Personnel Training (Section H & Appendix H in application - WMD-005)
   Attachment IV Security Procedures (Section F in application)
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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SPECIAL CONDITIONS (CONTINUED)

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<tr>
<th>Attachment V</th>
<th>Preparedness &amp; Prevention Procedures (Section F in application)</th>
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<tr>
<td>Attachment VI</td>
<td>Contingency Plan (Section G &amp; Appendix G in application)</td>
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<td>Attachment VII</td>
<td>Closure Plan (Section I &amp; Appendix I in application - WM-SOP-425 &amp; -510)</td>
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<td>Attachment VIII</td>
<td>Container Management (Section D &amp; Appendix D in application)</td>
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<td>Attachment IX</td>
<td>Air Emission Standards (standard text)</td>
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<td>Attachment X</td>
<td>Engineering Drawings, Part A Application, Facility Description and Supporting Documents (Section B &amp; Appendix B: As-Built Drawings in application)</td>
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<td>Attachment M</td>
<td>Permit Modifications Log</td>
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<td>Attachment XI</td>
<td>CD, 6 NYCRR part 370 to 374 &amp; 376, Effective 09-05-06; contains the applicable regulations [6 NYCRR (Parts 370 through 373-2, 376]. The applicable regulations are those in effect on the date of final issuance of this Permit.</td>
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9. Brookhaven is responsible for verifying that the Quality Control/Assurance Program (QA/QC) followed by laboratories used by Brookhaven to carry out analysis of the waste streams, conform to the QA/QC procedures approved in the permit, and thus ensure the validity of the analytical data provided by the laboratories.

10. As required by ECL. 03-0119, any laboratory (Permittee or contract) used by Brookhaven to perform analysis pursuant to this Permit must be certified by the New York State Department of Health Environmental Laboratory Approval Program (ELAP) in the appropriate categories of analysis, if ELAP issues certifications in such categories. If the Brookhaven uses an ELAP certified contract laboratory to perform analysis required by this Permit, then the Brookhaven shall inform the laboratory in writing that it must operate under the waste analysis and quality assurance provisions of this Permit.

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