



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

Saratoga Biochar Solutions LLC  
26 F Congress St # 346  
Saratoga Springs, NY 12866  
(518) 391-0566

**Facility:**

Saratoga Biochar Solutions LLC  
55 Farnan Rd  
Moreau, NY 12828

**Facility Location:** in MOREAU in SARATOGA COUNTY

**Facility Principal Reference Point:** NYTM-E: 613.224      NYTM-N: 4793.254  
Latitude: 43°17'01.0" Longitude: 73°36'16.1"

**Authorized Activity:** This permit authorizes construction and operation of Phase 1 of a solid waste management facility that processes biosolids and wood waste through low-temperature drying and pyrolysis to produce a Class A carbon fertilizer. This permit authorizes operation of Phase 1 only (i.e., one processing line), as depicted in the permit application documents. Authorization of additional phases (i.e., additional processing lines) will require modification of this permit. The facility is maintained under negative pressure to mitigate fugitive odor emissions. All exhaust air is treated through engineered air pollution control devices.

**Permit Authorizations**

**Solid Waste Management - Under Article 27, Title 7**

Permit ID 5-4144-00187/00001

New Permit      Proposed Effective Date: \_\_\_\_\_ Proposed Expiration Date: No Exp. Date

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: ERIN L BURNS, Regional Permit Administrator

Address:                    NYSDEC Region 5 Headquarters  
1115 NYS ROUTE 86  
PO BOX 296  
RAY BROOK, NY 12977 -0296

Authorized Signature: \_\_\_\_\_

Date \_\_\_/\_\_\_/\_\_\_



## Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

AIR STATE FACILITY PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

## SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by Sterling Environmental Engineering, P.C. on October 29, 2021 and including the Facility Manual dated October 28, 2021 (revised March 31, 2022), 6 NYCRR Part 360, applicable provisions of 6 NYCRR Subparts 361-3 and 362-1, and the provisions of this permit..
- 2. Submittals** Unless otherwise specified, all submissions required by this permit must be made to the Region 5 office of the Department of Environmental Conservation (232 Golf Course Rd, Warrensburg, NY 12885), to the attention of the Division of Materials Management. The Department encourages electronic submittals.
- 3. Regulations** All references to the 6 NYCRR Part 360 series of regulations in this permit refer to the regulations effective July 22, 2023.
- 4. Construction Requirements** A) The Permittee must provide written notification to the Department at least 10 business days prior to commencing any construction authorized by this permit.  
B) Supervision of construction and construction certification must be provided in accordance with 6 NYCRR Part 360.16(j).  
C) Operation may not commence prior to receipt of written authorization from the Department.
- 5. Biosolids Sources** Prior to accepting biosolids from any new source, permittee must receive written approval from the Department. The request must include the information and analytical data required in 6 NYCRR Part 361-3.6(d)(6), except that in addition to the required parameters for analysis, the permittee must include analytical data for all the PFAS compounds provided by EPA Method 1633. Biosolids sources exhibiting individual PFOA or PFOS concentrations greater than 20 ppb, dry weight, will not be authorized for acceptance at the facility.
- 6. Pathogen Reduction** As stated in the Facility Manual, the Facility will achieve pathogen reduction through Class A – Alternative 1. In accordance with 6 NYCRR Part 361-3.7(a)(1)(i)(b), in order to use Alternative 1 by heat drying, the feedstock of biosolids and wood waste must be processed at a temperature above 80°C to reduce the moisture content of the waste to 10 percent or lower. At the time



of product use or disposal, either the density of fecal coliform in the product is less than 1,000 most probable number per gram total solids (dry weight basis) or the density of salmonella sp. bacteria is less than 3 most probable number per 4 grams of total solids (dry weight basis).

**7. Biosolids and Finished Product Monitoring** During operation, each biosolids source, as well as the finished product, must be analyzed in accordance with 6 NYCRR Part 361-3.6(e). In addition to the required parameters for analysis, the permittee must monitor for PFOA and PFOS using EPA Method 1633 and compare the results to the Interim Guideline Values in DMM-7. If an exceedance of a Pollutant Limit or Interim Guideline Value is identified during the biosolids and finished product monitoring, the Permittee must notify the Department within 48 hours of receiving the laboratory data and must initiate the corrective actions required under 361-3.6 and DMM-7, as applicable.

**8. Financial Assurance** The Permittee shall maintain a form of financial assurance, acceptable to the Department, in an amount sufficient to complete third-party closure of the facility. A revised closure cost estimate must be provided annually as part of the annual report. A revised form of financial assurance shall be submitted within 30 days of Department approval of any revised estimates. The Department approved financial assurance instrument must be effective prior to commencement of facility operation.

**9. Annual Report** An annual report, prepared in accordance with 360.19(k)(3), must be submitted to the Region 5 office no later than March 1 of each year for the prior calendar year's operation. Quarterly reports are not required at this time. Permittee shall use forms provided by the Department.

**10. Design Capacity** The total amount of biosolids accepted at the facility shall not exceed 235,200 wet tons per year and the total amount of wood waste shall not exceed 35,280 tons per year. Total daily biosolids receipts shall not exceed 720 wet tons on any single day. The average daily biosolids receipts shall not exceed 240 wet tons per day, on a 90-day rolling average basis. Compliance with these limits shall be documented by scale weight. Phase 1 will process up to 10 wet tons per hour of biosolids and up to 1.5 tons per hour of wood waste.

**11. Storage Limitations** Storage of incoming biosolids shall be limited to the designated, indoor Biosolids Receiving Area in the Carbon Manufacturing Building, as depicted on the approved plans incorporated by reference in this permit. Absolutely no outdoor storage of raw biosolids shall be permitted. At no time shall storage of incoming biosolids exceed 2,555 cubic yards. All finished product must be stored in the vertical fertilizer silos as depicted on the approved plans incorporated by reference in this permit. At no time shall storage of finished product exceed 1,230 cubic yards. Storage of finished product is limited to 24 months. The Permittee must maintain sufficient inventory records to document compliance with these limits.

**12. Beneficial Use** All biochar product manufactured at the facility shall be beneficially used in accordance with BUD # 1504-5-46. Any off-specification biochar product must be disposed of at an authorized solid waste management facility, in accordance with the Facility Manual.



**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department ECL 19-0305** 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 requested by the Department.

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 or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations ECL 3-0301 (2) (m)** 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.

**3. Applications For Permit Renewals, Modifications or Transfers 6 NYCRR 621.11** The permittee must submit a separate written application to the Department for permit 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. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 5 Headquarters  
1115 NYS ROUTE 86  
PO BOX 296  
RAY BROOK, NY 12977 -0296

**4. Submission of Renewal Application 6 NYCRR 621.11** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

**5. Permit Modifications, Suspensions and Revocations by the Department 6 NYCRR 621.13** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;



- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer 6 NYCRR 621.11** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, 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.