



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SHARPS COMPLIANCE INC OF TEXAS
9220 KIRBY DR STE 500
HOUSTON, TX 77054
(713) 443-3539

Facility:
SHARPS COMPLIANCE INC OF TEXAS
893 Shepherd Ave
Brooklyn, NY 11208

Facility Location: in KINGS COUNTY **Village:** Brooklyn
Facility Principal Reference Point: NYTM-E: 595.069870209973 NYTM-N:
4501.93310431227

Latitude: 40°39'46.1" Longitude: 73°52'31.1"

Project Location: 893 Shepherd Avenue

Authorized Activity: Operation of a Regulated Medical Waste transfer station authorized to accept regulated medical waste, hereinafter referred to as RMW; Sharps Compliance, Inc., is authorized to operate a RMW transfer facility located at 893 Shepherd Avenue, Brooklyn, New York. Operations will be conducted within a fully enclosed facility where sealed RMW containers are collected from local healthcare facilities, using company owned small trucks, which would then be temporarily stored, consolidated and then transferred to out-of-state treatment facilities using company owned long-haul vehicles. The authorized throughput is 48 tons per day which is not to exceed 12,500 tons per year. The maximum waste storage area will consist of containers stacked no higher than 3 layers and will be based on 4,098 containers for Area 1 and 1,920 containers for Area 2, but the total number of combined containers may not exceed 5,760 containers at any one time. Alternatively, the maximum storage volumes for these areas are 574 CY's for Area 1 and 269 CY's for Area 2 for which the total combined storage volume of both areas may not exceed 806 CY's at any one time. The authorized facility storage capacity shall be limited by the total number of containers or the total volume of RMW whichever is more restrictive at any given time. The facility is authorized to operate seven (7) days per week, twenty-four (24) hours per day.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 2-6105-00889/00001

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: STEPHEN A WATTS, Regional Permit Administrator
Address: NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

Authorized Signature: _____ Date ____/____/____

Permit Components

- SOLID WASTE MANAGEMENT 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 Hong Sima, Ph.D., P.E. on various dates (see permit condition Conformance of Plans - Addenda).
- 2. Conformance with Plans - Addenda** All activities associated with the subject facility must conform to the following documents (including all attachments and appendices) labeled as: "Sharps Compliance, Inc. Engineering Report for Regulated Medical Waste Transfer Station, 893 Shepherd Avenue Brooklyn, NY 11208", dated revised May 8, 2020 and correspondence dated September 29, 2020 as prepared by Hong Sima, PH.D., P.E. However, if any portion of such documents conflicts with any permit provision, that contrary portion shall not supersede the permit provision.
- 3. Permit Modifications** (a) Except as provided in subparagraph (b) and (c) of this Special Condition, any proposed change, including but not limited to one that would: (i) affect the hours of facility operation; or (ii) increase the volume(s) or vary the type(s) of any waste accepted at the facility; or (iii) increase the parking or queuing of vehicles associated with the subject facility; or (iv) increase the physical extent of the facility; or (v) increase the transportation, noise, odor, dust, or other impact of the facility, requires prior written authorization from the Department in the form of a new permit or modification of the existing permit. No such change is to be initiated unless and until first obtaining such permit or permit modification.



(b) Any proposal for a change that would be a minor alteration of the facility's physical plant or its operation may be submitted to the Department in accordance with the procedure in 3c. below. All proposals are subject to Department approval before their initiation.

(c) No less than 30 days before the Permittee's proposed initiation of any minor physical or operational change(s) to the subject facility, the Permittee must provide written notice, in duplicate, to the Regional Solid Materials Engineer (the DEC Engineer) and the Regional Permit Administrator. Such notice must include the following: (i) a revised facility site plan, process flow diagram, or other detailed drawing(s), as appropriate, specifically illustrating such change(s) and (ii) a letter which (a) details such change(s); (b) amends the Permittee's Engineering Report or other material, as appropriate; and (c) identifies the Permittee's proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to obtaining written approval from the Department. Notwithstanding the foregoing, the Department reserves the right to deny or modify the Permittee's requested change or to require that it be subjected to a full permit application or permit modification process.

4. Maintenance of Surety Before any activity under this permit is conducted and for the duration of the active permit, the Permittee must provide and maintain a financial assurance for \$579,200 with the Department along with annual cost estimate adjustments, in accordance with 6 NYCRR Part 360.22.

5. Facility Operator Change The Permittee must not change facility operator unless and until the Permittee: (a) submits a request to the Department; (b) submits any additional information requested by the Department as it pertains to the proposed new operator; and (c) receives the Department's written approval of such change.

6. Operations The facility's operations shall be consistent with existing NYC zoning laws and ordinances, including, but not limited to, any approvals or permits required and issued by the NYC Department of Buildings (DOB) and the NYC Fire Department (FDNY). If the DOB and/or FDNY or other City agency revokes its approvals and permits for the site covered by this permit, and such revocation is upheld after all possible legal challenges to that decision; or the time for making any such challenges has expired, this permit shall no longer authorize the operation of a regulated medical waste transfer station at the site.

7. Off-Site Litter The Permittee daily shall inspect the grounds and streets adjacent to the facility, the facility truck staging area and truck access route for debris. Such material shall be removed when detected and properly disposed of.

8. Truck Traffic All truck traffic entering and leaving the site shall use only authorized NYCDOT truck traffic routes, and conform to the Transportation plans noted in Permit Condition - Conformance with Plans - Addenda.

9. Truck Queuing There must be no on-street queuing associated with the operation of the subject facility.

10. Closed Door Policy Each exterior door and gate of the facility must remain closed except to allow vehicles, equipment, or personnel to enter or exit such facility.



11. Control Site Access Access to and use of the facility shall be controlled by fencing, gates, and signs. A sign posted at all access points shall state the hours of operation and the types of waste accepted by the facility.

12. Unauthorized Waste Immediately after the discovery that unauthorized solid waste has been off loaded at the facility, such waste shall be isolated and secured in the unauthorized storage area shown on plans and in the Engineering Report made a part of this permit and identified in Permit Condition - Conformance with Plans. If unauthorized waste is liquid, hazardous, friable asbestos, or otherwise cannot be safely secured in the unauthorized waste storage area, such unauthorized waste must be secured on the tipping floor. Within 72 hours of the discovery of any unauthorized waste in the facility, such unauthorized waste will be removed from the subject facility by a licensed hauler, which shall transport unauthorized waste to an appropriately permitted facility.

If the unauthorized waste is not removed within 72 hours of discovery, the Permittee shall, within the 72 hour period, notify the DEC Engineer by phone or via email detailing: a) the date and time such unauthorized waste was discovered; b) the location where the unauthorized waste is stored; c) a description of how such waste is secured; d) the amount of such waste; e) the identification of such waste, (if known); f) why such waste cannot be removed from the facility within the 72-hour deadline, and g) when and how such waste shall be so removed from the facility. A record of each incident, containing at a minimum the information described in Part 360.19(c)(4)(i), must be available for Department review.

13. Waste Disposal Locations The Permittee must send waste material only to the solid waste disposal facilities identified in the documents cited under Permit Condition - Conformance with Plans - and that are approved by this Department.

(a) Prior to the expiration of any permit required to operate any such disposal facility, the Permittee must submit to the DEC Engineer, in duplicate, a complete copy of the renewal or extension of such permit. If the Permittee fails to submit such a copy, or if any such disposal facility loses any governmental authorization required for its operation (for any reason, including expiration and failure to renew permit, permit suspension, permit revocation, facility closure, cessation of operations, or facility abandonment), the Permittee must immediately cease sending solid waste to such facility, and must notify the DEC Engineer of such cessation and the reason(s) for it.

(b) For additional disposal facility, to which the Permittee seeks to send RMW, the Permittee must submit the following data to the DEC Engineer: (a) a complete copy of each state authorization required to operate each such disposal facility, and (b) a letter from the operator of such disposal facility stating the amount and type of solid waste it shall accept from the subject transfer station, including any conditions it places on such acceptance. The Permittee may add to the disposal facilities to which it sends solid waste only after the DEC Engineer approves such addition in writing.

14. Handling Restriction The Permittee must not open the RMW containers.

15. Radiation Monitoring Radiation monitoring at the subject facility must meet the following criteria:

a. All RMW entering the subject facility must pass through a fixed geometry portal radiation detection system equipped with scintillation detectors that are at least 2" deep and 2" in diameter. Each portal must be equipped with at least two radiation detectors, one at each of two opposite sides of the



portal. Each detector must have an alarm set point that is at least two times but no greater than five times the local background radiation level. The dwell time for each RMW container within the portal must be at least 3.5 seconds. Portable or hand-held radiation detectors must not be used instead of such fixed geometry portal radiation detection system. An equivalent, back-up radiation detector must be available in the event of a failure of one of the two primary radiation detectors. Such back-up detector must not be a portable or hand-held radiation detector.

- b. The operation of the subject facility must include the establishment and maintenance of a radiation detection system quality assurance program that includes, but is not necessarily limited to, employee training in system operation, routine system performance checks and maintenance, overall system calibration at appropriate intervals, and instrument calibration based on appropriate radionuclides.
- c. The radiation survey instruments shall be calibrated:
 - i. at energies appropriate to the Permittee's use;
 - ii. at intervals not to exceed 12 months (or sooner if hours of instrument operation warrant) and after each instrument servicing other than battery replacement; and
 - iii. to demonstrate an accuracy within plus or minus 20 percent using reference sources identified by the Department.
 - iv. Records of calibration must be maintained on-site for at least seven years.
- d. Immediately upon the Permittee's receipt of RMW that it identifies as being radioactive the Permittee must notify (i) the DEC Engineer at the Department's Long Island City office and (ii) the Director of the Bureau of Solid Waste Management at the Department's Division of Materials Management, and the Director of the Bureau of Hazardous Waste and Radiation Management both located at 625 Broadway, Albany, NY 12233 and follow the instructions of the Department. Unless otherwise instructed by the Department, any RMW measured to exhibit 2.0 millirem per hour or greater on the surface of the container must be packaged and labeled in accordance with the requirements of 49 CFR Part 172 (US Department of Transportation (USDOT) placarding) and subsequently hauled (by a transporter permitted under 6 NYCRR Part 381) to the generator of such radioactive waste. The Permittee must not store such radioactive material for more than five days.
- e. The Permittee must store all radioactive material (i) separately from other wastes and (ii) in an area that is appropriately, labeled; secured; and shielded from employees, visitors, vermin, and the environment.

The Permittee must maintain a record of the following data regarding each container of RMW identified by the Permittee as being radioactive the date the container was received; the generator of the RMW in the container; the hauler transporting the container to the Permittee; the level of radiation exhibited on the surface of container, as measured by the Permittee; how the container was handled at the Sharps 893 Shepherd Avenue site; the date and manner of the disposition of the container; and the hauler transporting the container from the Permittee. The Permittee must maintain such records on-site for at least seven years.



16. Radiation Equipment Testing A radioactive coin or similar device must be present at the facility and accessible at all times to facilitate NYSDEC inspectors testing of the radiation equipment.

17. Emergency Event Notifications In the case of each of the following events: (i) a fatality or injury on-site; (ii) a fire, explosion, or other significant event which affects facility operation; (iii) the activation of the facility's alarm system; or (iv) an unscheduled closure of the subject facility exceeding 24 hours, the Permittee must take the following steps, as appropriate. If the event occurs on a non-holiday weekday, from 9am-4pm, the Permittee must, within one hour following such event, send the DEC Engineer a telephone message (at 718/482-4996) and an e-mail message with the following information:

(a) the name and address of the facility where the event occurred; (b) the date, time, and nature of the event; and (c) the name and phone number of a facility staff person the Department can contact regarding such event. (If the event occurs at a time other than a non-holiday weekday, from 9am-4pm, the Permittee must, within one hour following the event, leave such information in e-mail and voicemail messages for the Regional Solid Materials Engineer).

Regardless of the time of the event, before noon on the first business day following the event, the Permittee must, in addition, e-mail a statement to the Regional Solid Materials Engineer with the following information: (a) the name and address of the facility where the event occurred, (b) the date, time, and specific location of the event; (c) the circumstances leading up to the event, (d) an adequately detailed description of the subject event; (e) an explanation of how the event was handled; (f) an explanation of the steps that the Permittee shall take to avoid and/or better handle such an event; and (g) the name and phone number of a facility staff person the Department can contact regarding such event.

18. Daily Records In addition to the requirements of 6 NYCRR Part 361-1.6 the Permittee must maintain, at the facility, a log recording all: (i) customers from whom material was collected; and (ii) facilities to which material was sent. Such log must meet the following requirements:

For each truckload brought to the facility, this log must record the date and time of the delivery, a list of who generated the load, and the nature and quantity of material received.

Log entries for outgoing material must include the type of material, the quantity of material, the destination of the material and the date and time of shipment from the facility.

19. Record Availability Records of incoming waste, outgoing waste and self-inspection logbooks must be readily available at the facility at all times for inspection by the DEC.

20. Annual Reports

An annual report shall be submitted no later than March 1st of each year of operation. In addition to the requirements of 6 NYCRR Part 361-1.6 each annual report shall include the following:

(a) description of all spills or emergencies that occurred at the facility and corrective actions taken.

(b) A list of all shipments of unauthorized waste that were rejected or inadvertently accepted by the facility, including but not limited to the following information regarding each such shipment: the date and time that the shipment was rejected or inadvertently accepted; a description of the unacceptable



waste rejected or inadvertently accepted; the quantity of material rejected or inadvertently accepted; the generator of the material; a description of how the shipment was handled and disposed; and the date the shipment was removed from the Permittee's facility .

(c) A description of all accomplished or proposed changes to the facility's physical plant, operations, or processes as described in the documents cited in Permit Condition - Conformance with Plans - Addenda.

(d) Submission of the annual report should also include an electronic version as per Permit Condition - Submission Format.

21. Reporting All reports and written submittals required by this permit and the 6 NYCRR Part 360 series must be submitted to the following:

Regional Solid Materials Engineer, NYSDEC Region 2, 47-40 21st Street, Long Island City, NY 11101, and a copy to:

NYSDEC Division of Materials Management, Bureau of Permitting and Planning, 625 Broadway, Albany, NY 12233-7260.

22. Notice of Intent to Commence Operations At least ten (10) business days prior to the date that the Permittee proposes to commence the herein-authorized construction, the Permittee must deliver two (2) completed copies of the attached "Notice of Intent to Commence Work." One copy to be delivered to the Regional Permit Administrator and one copy to the DEC Engineer.

23. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

24. Construction Hazard Prevention During any proposed construction, and any proposed excavation in particular, adequate dust suppression and other appropriate health and safety measures must be deployed and maintained. A person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them, must be present throughout project construction and must witness all proposed excavation work. The instructions of such person must be followed.

25. Final Construction Record Drawings Within ten (10) days following the completion of the herein-authorized construction, the Permittee must have a professional engineer licensed by the State of New York, deliver to the DEC Engineer, in duplicate, certification that the subject facility is constructed in conformance with the documents cited under Permit Condition "Conformance with Plans". Record drawings must be appended to such certification. If the Department requests a revision or addendum to such record drawings, the Permittee must deliver same, in duplicate, to the DEC Engineer, within 30 days following the issuance of each such request. Unless and until stated otherwise by the Department, the subject work must conform to the record drawings accepted by the Department. The Permittee shall not operate the facility until: (i) the Department receives such certification and record drawings, and (ii) the Permittee receives written confirmation of the Department's acceptance of the construction authorized herein.



26. Separate Submission Renewal applications shall be submitted separately from permit modification applications. The Permittee must submit a renewal application at least 180 days before permit expiration for Solid Waste Management Facilities

27. Submission Format Unless otherwise accepted by the DEC Engineer, the Permittee's submission to the Department must conform to 6 NYCRR Part 360.6(a) and to the following requirements. Each submission must be an original "hard copy" and in duplicate. Each submission must be accompanied by an exact electronic version of the documents in a searchable PDF format. Application reports must include a sleeve containing a searchable PDF file (electronic file) copy of the report and related documents on a CD or similar media.

The CD or similar media must contain an electronic file for each separately bound volume of the report, each large-format drawing, cover letter and related documents. The total number of characters of any electronic file located on the CD or similar media, including the characters of all folders and subfolder names, must not exceed 100 characters. For those documents prepared by a professional engineer, appropriate portions of the documents must display the engineer's seal and signature (e.g., the report's cover and the report's large-format drawings, etc.) and the engineer's seal and signature must also be contained in the applicable electronic files. Each electronic file must be named to reflect its content (e.g., "Facility Name"- Engineering Report, "Drawing"- Site Plan, Cover Letter, etc.).

28. Monitor Condition

- a. The Permittee must fund the environmental monitoring services performed by the Department related to the operation of the subject facility. These monitoring services and associated requirements include, but are not limited to inspections, compliance monitoring, enforcement, preparation for and attendance at meetings, preparation and analysis of documents, and the equipment and supplies used to support these monitoring services.
- b. Funds necessary to support the subject monitoring services must be provided to the Department by the Permittee on an annual basis. The sum to be provided must be based on the cost of the Department's annual environmental monitoring services of the subject facility and this sum is subject to annual revision. Said annual payments must be made by the Permittee as long as the subject facility is being constructed or operated under the terms of this permit, or until the monitoring requirement no longer exists, whichever comes first.
- c. The Permittee shall be billed for the subject environmental monitoring services annually, each fiscal year, beginning on April 1. If this permit is effective subsequent to April 1, the Permittee may be billed for an amount sufficient to meet the anticipated cost of monitoring the subject facility through the end of the current fiscal year.
- d. The Department may revise the subject required payment on an annual basis to include all of the Department's costs associated with monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, and an increase or decrease in the amount of monitoring necessary. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any such revision. If such a revision is required, the Department will notify the Permittee of the pending revision no less than 60 days in advance of the effective date of the revision.



- e. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review, an annual work plan of the monitoring services that the Department will undertake during the following year.
- f. Payments must be in advance of the period in which they will be expended and must be made within 30 days of receiving a bill from the Department. Payments shall be addressed to: NYS DEC, Bureau of Revenue Accounting (10th Floor), 625 Broadway, Albany, NY 12233 5012, Attn: Bureau Chief of Revenue Accounting.
- g. Failure to make the required payments shall be a violation of this Permit. The State reserves all rights to take appropriate action to enforce the above-described payment provisions.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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 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 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 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 2 Headquarters
47-40 21st St
Long Island City, NY11101 -5401

4. Submission of Renewal Application 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 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 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.