CONDITIONS FOR USE OF SOIL SEMENT (REGISTERED TRADEMARK OF MIDWEST INDUSTRIAL SUPPLY, INC) WITH DETERMINATION OF ENVIRONMENTAL COMPATIBILITY BY NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN CONSULTATION WITH THE NEW YORK STATE DEPARTMENT OF HEALTH, FOR APPROVED MATERIALS LIST (UNTREATED RUNOFF)

May 17, 1990

1. To prevent the movement of uncured SOIL SEMENT into the environment via precipitation, no application shall be conducted when the National Weather Service (or other forecaster with demonstrated 24 hour forecast accuracy of at least 85%) forecasts rain or sleet in the application area to occur with the following time periods after the planned application:

   1. 15 hours when the surface air temperature during the time of curing is forecast to be equal to or less than 50ºF;
   
   2. 8 hours when the surface air temperature during the time of curing is forecast to be equal to or less than 50ºF throughout the period.

2. Applications shall only be made on dry* surfaces.

3. The dilution ratio shall be nine parts water to one part SOIL SEMENT.

4. The maximum application rate (for slopes) shall be ten gallons of the diluted product per 40 ft.².

5. To minimize the potential for ammonia contamination of ground water resources at the time of application: At least 30 days prior to proposed application, the applicator shall notify the DEC Regional Water Engineer (RWE), in writing, to ascertain whether the proposed area is a ground water recharge area. If so, the soil type and depth of the aquifer in that area will need to be ascertained. If it is determined that ammonia will not reach the aquifer, application shall be allowed pursuant to the conditions contained herein. The applicator should provide all relevant information to the RWE to assist in the determination.

If the use of SOIL SEMENT is considered urgent, the applicator may phone the RWE prior to application, followed with a letter of explanation (after application, if necessary). That letter shall justify the use and explain the urgency. If the RWE is not available and the urgency is extreme, the applicator may phone the DEC Spill Hotline at 1-800-457-7362 (toll-free in state) or 1-518-457-7362 (from out-of-state) to relay all pertinent information, followed by the letter of explanation to the RWE.

This condition may be eliminated in the future if the company can prove to the DEC Central
Office that no constituents of the product (particularly ammonia) will penetrate more than two feet of gravel or sand.

The DOT definition of “dry” is as follows:

- Fine grain soil (such as clay) is dry if it does not significantly change shape during application of manual pressure.

- Course grain soil (such as sand or gravel) is dry if individual particles run easily when poured.