



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

**Permittee and Facility Information**

**Permit Issued To:**  
HYLAND FACILITY ASSOCIATES  
25 GREENS HILL LN  
RUTLAND, VT 05702

**Facility:**  
HYLAND LANDFILL  
6653 HERDMAN RD  
ANGELICA, NY 14709

**Facility Location:** in ANGELICA in ALLEGANY COUNTY

**Facility Principal Reference Point:** NYTM-E: 252      NYTM-N: 4686  
Latitude: 42°17'12.4" Longitude: 78°00'28.6"

**Authorized Activity:** Construction of Hyland Landfill cells 4 and 5 and ancillary facilities including leachate collection, gas collection, storm water control, soil borrow area, etc.

Operation of cells 1, 2, 3, 4, and 5; leachate collection system; leachate storage facilities; storm water control facilities; soil borrow area; landfill gas collection system; landfill gas destruction unit and landfill gas power production plant.

Construction of the facility resulting in the loss of federally jurisdictional wetlands and for related compensatory mitigation and also impact on a total of 2,160 liner feet on two unnamed streams.

(Mod. #4 - Changes the approved design capacity for this landfill to 1,790 tons per day. The maximum waste receipts at the landfill during any quarter will not exceed 139,500 tons and annual waste receipts at the landfill will not exceed 465,000 tons.)

**Permit Authorizations**

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

Permit ID 9-0232-00003/00002

(Solid Waste ID 02S17)

New Permit	Effective Date: <u>1/1/2007</u>	Expiration Date: <u>5/1/2015</u>
Modification # 1	Effective Date: <u>10/10/2007</u>	Expiration Date: <u>5/1/2015</u>
Modification # 3	Effective Date: <u>12/13/2011</u>	Expiration Date: <u>5/1/2015</u>
Modification # 4	Proposed Effective Date: _____	Proposed Expiration Date: <u>5/1/2015</u>



**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: CHARLES D CRANSTON, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 9 ALLEGANY SUB-OFFICE  
182 EAST UNION - STE 3  
ALLEGANY, NY 14706 -1328

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Distribution List**

- Mr. James Strickland, Regional Engineer, Buffalo
- Mr. Mark Hans, Division of Materials Management, Buffalo
- Mr. Jeffrey Konsella, Division of Water, Buffalo
- Mr. Alfred Carlacci, Division of Air Resources, Buffalo
- Mr. David Stever, Office of General Counsel, Buffalo
- Mr. Richard Clarkson, Division of Materials Management, Albany
- US Department of the Army, Corps of Engineers
- The Honorable Robert Jones, Supervisor, Town of Angelica

**Permit Components**

- SOLID WASTE MANAGEMENT PERMIT CONDITIONS
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**Permit Attachments**

Solid Waste Annual Report Form



## SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Previous Permits** This permit supersedes all previously issued Solid Waste Management Facility permits and permit modifications issued by the New York State Department of Environmental Conservation (Department) for this facility.
- 2. Emergency Notification** In the event of an emergency, including but not limited to fires, explosions, waste spills on-site or known waste spills on route to the landfill, the Department's Region 9 Solid Materials Management Engineer (RMME) or the NYSDEC Environmental Monitor (Monitor) shall be notified of the emergency within four hours of discovery on a business day or on the next business day following a weekend or holiday. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the incident.
- 3. Transfer of Ownership** Upon transfer of ownership of this facility, provisions shall be included in the property deed stating the period of time during which the property was used as a landfill and a description of the wastes contained therein. The deed shall note that that records, including the limits of the landfill waste within the property, the length of time the property was used as a landfill and a description of wastes disposed on-site, are on file with this Department. This deed shall be filed with the Allegany County Clerk's Office.
- 4. Permit Conflicts** If any condition of this permit conflicts with the approved reports, plans and documents identified in Solid Waste Management Permit Condition 7 of this permit, the permit condition(s) shall prevail over the reports and plans unless specific written approval for such change is obtained from the RMME prior to implementation. Where there are conflicts between elements of the approved reports and plans, the most recently dated element shall prevail with respect to the conflicting material.
- 5. Visual Assessment** The landfill owner/operator, both present and future, must comply with the terms and conditions of the visual assessment agreement found in the Draft Supplemental Environmental Impact Statement (see Solid Waste Management Permit Condition 7 of this permit).

### APPROVED DOCUMENTS AND WASTES

- 6. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by (see Solid Waste Management Permit Condition 7 of this permit) on (see Solid Waste Management Permit Condition 7 of this permit).
- 7. Approved Reports, Plans and Documents** Unless expressly authorized in writing or unless modified by the special conditions of this permit issued by the Department, construction of Cells 4 and 5 and operation of Cells 1 through 5 shall be in accordance with 6 NYCRR Part 360 (current edition and as subsequently modified) and the reports, plans and documents consisting of:
  - "Interim Ambient Air Sampling Program Hylands Ash Monofill Angelica, New York" dated September 1997 and prepared by Martin Leonard, P.E.
  - Letter dated June 17, 2003 from NYSDEC (Chad Staniszewski) to Hyland Facility Associates (Joseph Boyles) regarding generic approvals.



- "Landfill Expansion 6NYCRR Part 360 Permit Application Engineering Report Appendix G - Landfill Gas Collection System Design Report" dated August 2005 and prepared by Barton & Loguidice, P.C.
- Plan sheets for "Hyland Facility Associates Landfill Expansion Landfill Gas Collection System" prepared by Barton & Loguidice, P.C. A list of the approved plan sheets is attached to this permit.
- "Hyland Facility Associates Landfill Expansion Project Hydrogeologic Report - Volumes 1 and 2" dated February 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.
- "Hyland Facility Associates Landfill Expansion Operation and Maintenance Manual Appendix B - Environmental Monitoring Plan" dated February 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.
- "Hyland Facility Associates Landfill Expansion Project Application Submittal Solid Waste Facility Permit Modification" dated March 2006 and prepared by Sanborn, Head Engineering, P.C. This application includes the following documents:
  - Landfill Siting Report
  - Engineering Report (including Appendix A - F and H - I)
  - Construction Quality Assurance/Quality Control Plan (CQA)CQC) and Technical Specifications
  - Operation and Maintenance Manual (including Leachate Management Plan and Contingency Plan)
- Plan sheets for "Hyland Facility Associates Landfill Expansion" prepared by Sanborn, Head Engineering, P.C. A list of the approved plan sheets is attached to this permit.
- "Hyland Facility Associates Site Analytical Plan" dated May 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.
- "Hyland Facility Associates Landfill Expansion Project Draft Supplemental Environmental Impact Statement" dated June 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.
- "Landfill Gas to Energy Plant Permit Modification Application Operation and Maintenance Plan" dated May 2007 and prepared by McMahon & Mann Consulting Engineers, P.C.
- Letter (including attachments) dated October 23, 2007 from Hyland Facility Associates (Joseph R. Boyles) to NYSDEC (Steven R. Doleski) regarding Permit Modification Increase in Approved Design Capacity.
- Letter dated September 16, 2008 from Casella Waste Services (Joseph R. Boyles) to NYSDEC (Richard Stroh) regarding Leachate Recirculation/Conceptual Proposal.
- Letter dated February 16, 2009 from Casella Waste Services (Joseph R. Boyles) to NYSDEC (Mark Hans, P.E.) regarding Leachate Recirculation/Response to Comment Letter.
- Letter dated July 6, 2010 from McMahon and Mann Consulting Engineers, P.C. (Michael J. Mann, P.E.) to Hyland Facility Associates (Joseph Boyles) regarding Permit Modification Proposed Increase in Approved Design Capacity.
- Letter dated February 10, 2011 from NYSDEC (Mary E. McIntosh, C.P.G.) to On-Site Technical Services, Inc. (Jonathan E. Brandes, P.G.) regarding modifications to groundwater monitoring program.
- Letter dated June 28, 2011 from Hyland Facility Associates (Joseph R. Boyles) to NYSDEC (Mark Hans) regarding disposal of friable asbestos containing material.
- Letter dated October 18, 2011 (including attachment) from Hyland Facility Associates (Joseph R. Boyles) to NYSDEC (Mary E. Hohmann) regarding liquid solidification process permitting.
- Letter dated October 20, 2011 from Hyland Facility Associates (Joseph R. Boyles) to NYSDEC (Mark J. Hans, P.E.) regarding response to NYSDEC comments on request to dispose friable asbestos containing material.



**8. Permitted Waste** The only waste permitted for disposal shall be municipal solid waste incinerator ash (i.e. fly ash, bottom ash and combined ash), municipal solid waste, asbestos waste, nonhazardous industrial and commercial solid wastes, construction and demolition (C&D) debris, contaminated soil waste and sludge waste. In addition, liquids, waste containing free liquids and waste with a solid content of less than 20% may be received for solidification and disposal in the landfill. All nonhazardous industrial waste, friable asbestos containing material, contaminated soil waste, sludge waste, liquids, waste containing free liquids, waste with a solid content of less than 20%, drilling waste and solid waste incinerator ash may only be received upon written acceptance from the RMME. All requests for acceptance shall be submitted on form 47-19-7, Application for Disposal of an Industrial Waste Stream or other equivalent waste profile form approved by the RMME. The permittee may self approve virgin petroleum contaminated wastes in accordance with the Department's letter of June 17, 2003 to Joseph Boyles, Staff Engineer, from Chad Staniszewski, Environmental Engineer I (see Solid Waste Management Permit Condition 7 of this permit).

**9. Unacceptable Waste** Hazardous waste (as defined in 6 NYCRR Part 371, which is subject to regulation under 6 NYCRR Part 370 through 374) and radioactive waste (as defined and regulated in 6 NYCRR Part 380) **shall not be received** at this facility.

**10. Approved Design Capacity** The approved design capacity for this landfill is 1,790 tons per day. The approved design capacity is not a limit. The maximum waste receipts at the landfill during any quarter shall not exceed 139,500 tons. Annual waste receipts at the landfill shall not exceed 465,000 tons.

**11. Comprehensive Recycling Analysis** The permittee is prohibited from accepting wastes from customers in a municipality which has either not completed a Comprehensive Recycling Analysis (CRA) or is not included in another municipality's CRA satisfying the requirements of 6NYCRR Part 360-1.9(f) which has been approved by the Department and implemented the recyclables recovery program determined to be feasible by the analysis.

#### VARIANCES/EQUIVALENT DESIGNS

**12. Equivalent Designs** The following equivalent designs are approved as noted:

- 6 NYCRR Part 360-2.13(p) - A geosynthetic gas venting layer may be used in lieu of a 12 inch thick granular soil venting layer.
- 6 NYCRR Part 360-2.13(l)(2)(i) - 16 inches of tire chips may be substituted for the upper 12 inches of drainage material in the primary drainage layer.

#### COMPLIANCE SCHEDULE

**13. Surety Notification** Within 60 days of the effective date of this permit, the permittee shall notify the surety (Evergreen National Indemnity Company - Bond number 850066) of this permit modification and obtain written notification from the surety that the Surety Bond is still valid. The RMME must receive a copy of both letters.

**14. Updated Plans and Specifications** For each phase of landfill construction, the permittee shall submit to the RMME updated specifications, an updated CQA/CQC Plan and drawings for construction of the next phase. These items shall be submitted at least 90 days prior to beginning of construction for Department review and approval.



- 15. Construction Schedule** A construction schedule for any phase of landfill construction or closure shall be submitted to the RMME at least 30 days before the start of construction of that phase.
- 16. Resumes** Resumes of the CQA/CQC Engineer, the CQA Manager and the field technicians shall be submitted to the RMME at least 30 days prior to beginning any phase of construction or closure.
- 17. Additional Groundwater Monitoring** Prior to operation of Cell 4 or 5, the results of the additional groundwater monitoring of the wells associated with the monitoring program for that cell, and the accompanying statistical analysis, must be submitted to the RMME in accordance with the approved Environmental Monitoring Plan (see Solid Waste Management Permit Condition 7 of this permit).
- 18. Revised Closure and Post-Closure Cost Estimate** Prior to operation of any new cell, the permittee shall submit to the RMME a revised closure and post-closure cost estimate that includes the new cell to be operated.
- 19. Revised Surety** Prior to operation of any new cell, the permittee shall submit to the RMME a revised financial surety instrument (if needed) to provide surety for the revised closure and post-closure cost estimates provided in accordance with Solid Waste Management Permit Condition 18 of this permit.
- 20. New Cell Operation** Prior to the operation of any new cell or portion thereof, the permittee shall receive the RMME acceptance of the record drawings and Construction Certification Report (CCR - see Solid Waste Management Permit Condition 37 of this permit).
- 21. Leachate Tank Decommissioning** A plan for decommissioning the existing leachate tanks, loadout platform, vault, spill tank and all piping, including the forcemain between the side riser building and the vault, shall be submitted to the RMME at least 60 days in advance of any decommissioning or removal work. This plan must be approved by the Department before any of this work is started.
- 22. Acceptance of Incinerator Ash** Prior to accepting municipal solid waste incinerator ash, the permittee shall obtain a certification from the generator that the ash has been tested in accordance with appropriate laboratory analytical methods and frequency protocols and it is non hazardous waste as defined under 6 NYCRR Part 371.2 through 4 and regulated under 6 NYCRR Part 372, 374-2.15 and any other applicable subpart. Additionally, as long as the ash is being accepted at the landfill, the permittee must require the generator to provide copies of the analysis used to confirm the certification. Copies of the certification and analyses shall be maintained at the landfill for the duration of the landfill's operation and post-closure period, as defined in 6 NYCRR Part 360-2.15(k).
- 23. Ambient Air Sampling** Prior to accepting municipal solid waste incinerator ash, the permittee shall implement the ambient air sampling program identified in Solid Waste Management Permit Condition 7 of this permit.
- 24. Partial Closure** Prior to closure of any portion of the landfill, the permittee shall submit to the RMME, for approval, closure plans, specifications and a CQA/CQC Plan for the areas to be closed. In addition, if any design changes are proposed to the Conceptual Closure Plan (see Solid Waste Management Permit Condition 7 of this permit), the appropriate design calculations shall be presented to justify the changes. This closure plan information shall be submitted to the RMME, for review and approval, at least 60 days prior to the anticipated beginning of construction.



**25. Closure Site Investigation** Prior to final closure of the facility, a Closure Site Investigation (CSI) shall be completed, as needed, and a report prepared in accordance with 6 NYCRR Part 360-2.15(a). The CSI Report shall be submitted to the RMME within 180 days before receipt of the last waste, within 180 days before the last day of the operating permit, or in accordance with any permit conditions or schedule of an Order on Consent, whichever is sooner.

**26. Final Closure Plan** Prior to the final closure of the facility (all permitted landfills are full or waste can no longer be received at the facility), a Final Closure Plan and Post-Closure Monitoring and Maintenance Plan, including all design calculations, as well as a CQA/CQC Plan and specifications, must be prepared in accordance with 6 NYCRR Part 360-2.15(c). The Final Closure Plan and Post-Closure Monitoring and Maintenance Plan shall be submitted to the RMME within 60 days before receipt of the last waste, within 60 days before the last day of the operating permit, or in accordance with any permit condition or schedule of an Order on Consent, whichever is sooner.

### CONSTRUCTION REQUIREMENTS

**27. Blasting Stipulation** In accordance with the Blasting Stipulation, all forms of blasting are prohibited on the landfill property. Any request to modify this prohibition must be accompanied by a Blasting Plan and necessary analysis and be sent to all parties listed on the Service List for the Hylands Landfill Ash Monofill Facility and as updated by the Department. The Blasting Plan and necessary analysis shall be prepared using a New York state licensed blaster, who would be responsible for the actual blasting. The plan/analysis shall specify the blast design(s) and provide its' (their) underlying rationale and computations. Air blast, ground monitoring and test detonation provisions shall be identified. The Blasting Plan and necessary analysis shall be considered a Supplement to the Hylands Ash Monofill Environmental Impact Statement and shall be subject to a public notice, a thirty day public comment period and scheduling of an adjudicatory hearing.

**28. Rock Removal** In accordance with the Blasting Stipulation, if rock is encountered and a hydraulic hammer or similar hydraulic RAM equipment is used to break the rock, such equipment shall only be operated between 9:00 AM and 5:00 PM, Monday through Friday.

**29. Cells 4 and 5 Excavation** If during excavation of Cells 4 and 5 flowing groundwater is observed, an investigation shall be conducted to determine, if possible, the source of the seepage and to confirm the minimum thickness of the overburden beneath the subgrade. If it is necessary to construct a trench or other means of conveyance to direct this flow to the groundwater collection system, these modifications to the design shall not compromise the approved separation distance to bedrock. The new design detail shall be prepared by a Professional Engineer licensed in New York State and be submitted to the RMME for review and approval prior to installation.

**30. Subgrade Excavation** During subgrade excavation in all former agricultural areas where the excavation to subgrade is less than 2.5 feet, overburden soils shall be excavated to a depth of at least 2.5 feet and recompacted to subgrade elevation, unless the upper 2.5 feet of soil has already been removed. In the valley area of Cell 5 where excavation to subgrade is less than 20 feet, as identified in the approved plans sheets (see Solid Waste Management Permit Condition 7 of this permit), soils shall be overexcavated to a depth of 3 feet below subgrade and the area shall be backfilled with embankment material.



**31. Separation to Bedrock** The base of the landfill shall be constructed to the grades shown of sheet 3 of the plan sheets entitled "Hyland Facility Associates Landfill Expansion" (see Solid Waste Management Permit Condition 7 of this permit). For those areas where it is determined (through an on-site investigation) that the bedrock is higher than shown on sheet 3, a minimum of 20 feet of vertical separation shall be maintained between the bottom of the landfill liner and the top of bedrock.

**32. Porewater Drainage Layer Testing** The permittee shall test the geocomposite drainage layer to be used in the groundwater suppression system of Cells 4 through 5 for apparent opening size (AOS). If the AOS for the geocomposite drainage layer proposed for construction is greater than the AOS of the geocomposite drainage layer used in the 2005 Hydraulic Conductivity Ratio testing (the No. 70 sieve, 0.212 millimeters), then the permittee shall complete one Hydraulic Conductivity Ratio test on the geocomposite drainage layer proposed for construction to ensure that it will perform (as designed) as a porewater drainage layer.

**33. Geosynthetics Testing** All geotextiles, geonets, geosynthetic drainage composites, geosynthetic clay liners and geomembranes shall be tested to ensure that the appropriate design standards (including but not limited to friction angle, cohesion, transmissivity, permittivity and tensile strength) are met. The testing shall be done to simulate actual landfill conditions using the appropriate adjacent materials and expected loadings that would be found in the landfill. All testing must be completed prior to installation of the appropriate materials. The results of the testing shall be included in the CCR (see Solid Waste Management Permit Condition 37).

**34. Tire Chip/Shred Stockpiles** Stockpiles of tire chips/shreds shall be accessible on all sides for fire protection equipment. The runoff from these piles shall be contained for inspection and possible sampling before discharge. In the event that a tire chip/shred stockpile exceeds 12 feet in height, two temperature probes shall be placed in the pile. These probes shall be checked each working day for temperature.

**35. Construction Inspection** Per the requirement of 6 NYCRR Part 360-1.4(b), the Department reserves the right to inspect landfill construction and final cover installation at any time. The RMME or the Monitor shall be notified at least 24 hours before any scheduled final inspection of the final lift of clay and the geomembrane liner so appropriate Department staff have the ability to accompany the permittee or his designated representative(s) performing the Construction Quality Assurance inspections prior to installation of the next overlying layer.

**36. Field Change Log** A log shall be maintained on-site during each landfill construction and final closure phase to record all proposed field changes. Changes materially altering the permitted design and/or approved specifications must be approved in writing by the RMME before they are implemented. The CCR (see Solid Waste Management Permit Condition 37 of this permit) shall incorporate the Field Change Log for the respective construction/final closure phase.

**37. Construction Certification Report** A CCR for any landfill cell construction, gas removal system construction, and final cover construction shall be submitted to the RMME within 45 days of work completion. The permittee's CQA/CQC Engineer shall certify in writing that the construction of the landfill cell, the final cover, and/or the gas removal system was in accordance with this permit and tested in accordance with generally accepted engineering practice. The CCR shall also include record drawings and a report documenting the results of all testing. The CCR shall be signed by a New York State Licensed Professional Engineer.



**38. Surface Water Pumping** The permittee shall initiate pumping of surface water from constructed but inactive cells on the next business day after the water level reaches 12" above the floor of the lowest part of the liner. In the event that manual operation of the system results in an exceedance of this requirement, an automated system will be required without the need to modify this permit.

**39. Secondary Leachate Flow Data** A minimum of 30 days of flow data shall be collected from the secondary leachate collection system of a new cell or subcell. This data shall be submitted to the RMME for review and approval prior to operation of the cell or subcell.

**40. Mining/Soil Borrow Area Reclamation** In the mining/soil borrow area, the slopes and floor shall be reclaimed/stabilized once the final grade is reached or when no further excavation will be conducted within 12 months. The mine/borrow area shall be excavated/operated in a manner so that reclamation is progressive.

**41. Interim Final Cover** In those areas where solid waste will not be deposited within one year, or where final grades have been reached, the permittee shall place an interim final cover consisting of 24" of low permeability soil ( $<1 \times 10^{-6}$  cm/sec) and 3" of topsoil. Immediately following placement of the interim final cover:

- silt screen barriers shall be installed and maintained until a substantive vegetative growth is established, to intercept sediment laden runoff and prevent significant soil movement.
- seeding for grass shall occur to minimize erosion and protect the soil. If seeding is impracticable due to the time of the year, seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth. In the interim, temporary seeding, including winter varieties shall be applied. Active seeding shall continue until a suitable protective vegetative cover is established.

## OPERATIONS

**42. Hours of Operation** Operation of the landfill and landfill related activities shall be in accordance with the following:

- a. Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:

Monday through Saturday

6:30 AM

Begin stripping soils for waste placement

Start equipment to warm up

Scale in and stage trucks

7:00 AM to 8:00 PM

Place waste in landfill

7:00 AM to 9:00 PM

Place daily cover



b. Construction activities shall be limited to the following:

Monday through Saturday 6:30 AM	Start equipment to warm up
7:00 AM to 8:00 PM	Conduct cell construction activities
No hour restrictions	Construction activities not requiring noise-generating equipment (such as welding liner, fusing pipe, placing liner)

c. There shall be no hourly restrictions on the following:

- Activities that do not require the operation of equipment. These activities shall include equipment maintenance, facility maintenance (such as electrical or phone repair), office personnel, etc.
- Emergency repairs to stormwater system, liner, etc.
- Spill clean-up.
- Mechanized snow removal operations.
- Hauling of leachate to WWTP for disposal.

d. The permittee shall notify the RSME, in writing, of operating hours for special projects before beginning the project.

**43. Waste Receipts** Landfill personnel shall be on duty at all times when the facility is receiving waste to ensure that only approved wastes are deposited in the landfill. In the event that unacceptable wastes are received at the landfill, the permittee's personnel shall refuse to accept these wastes for disposal in the landfill and shall notify the Monitor and/or the RMME. The permittee shall provide the hauler's name and (if possible) license plate of the vehicle, the type of waste thought to have been transported and the generator of the waste. In the event that the waste has been dumped and the transporter has left the site, the waste shall be segregated from the working face. Proper disposal of the waste shall be arranged for within 30 days. A written report summarizing the incident shall be submitted to the RMME with the quarterly report required by Solid Waste Management Permit Condition 92 of this permit.

**44. Travel in Landfill** When traveling within the landfill or over the landfill berms, waste transport vehicles shall be confined to gravel covered or Department approved non-waste material surfaces (i.e., wood chips, bark, other approved BUD materials, etc.). All material used for that purpose shall be disposed of within the landfill cells. Vehicle travel on alternative daily covers (ADC) is not allowed and BUD material must not be tracked outside of the landfill footprint.



**45. Select Waste Lift** The first layer of refuse placed above the primary leachate collection layer must be a minimum of five (5) feet in compacted thickness, and be of a select nature containing no large, rigid or sharp objects or other wastes which could penetrate the liner system. During placement of this select lift, landfill personnel must be stationed on the liner system to continuously observe the select waste as it is being placed. All unacceptable material shall be removed. The top of this five foot layer shall be covered with an approved daily cover. The leading face of the five foot layer may remain uncovered for up to 24 hours. Otherwise it must be covered with a DEC approved cover material. Sludges, construction and demolition debris, nonhazardous industrial waste, or other wastes which could blind or restrict the function of the drainage layer shall not be placed within ten (10) feet of the top of the drainage layer.

**46. Maximum Lift Height** Except as noted in Solid Waste Management Permit Condition 45 of this permit, all wastes shall be placed in two foot layers, with a maximum lift height of ten (10) feet and be compacted, with a minimum of three passes. The waste shall be placed at no greater than a 1 (V) to 3 (H) slope. A minimum of six (6) inches of compacted soil or a Department approved thickness (at least 6" but less than 12") of an ADC, shall be placed at the completion of each day's operation on the top surface of the waste. At least twelve (12) inches of compacted soil suitable for an interim cover shall be placed over all areas that will not receive wastes within 30 days. Before additional waste filling occurs in an area which has received daily or interim cover, the soil shall be scraped off and stockpiled for continued use as daily cover material. When the amount of waste contaminating the soil prohibits its use as cover, the soil shall be disposed in the landfill.

**47. Fill Elevations** Fill elevations shall not exceed those shown on Drawings INT-1 through INT-4 of the "Hyland Facility Associates Landfill Expansion Plans" (see Solid Waste Management Permit Condition 7 of this permit) without the written approval of the RMME.

**48. High Winds** Truck dumping and disposal of municipal solid waste/non-hazardous industrial waste (not containing any municipal waste incinerator ash) will cease at the landfill if wind gusts exceed 60 MPH and will not restart until wind speeds have remained below 60 MPH for 30 minutes. The measures outlined in the "Best Management Practices for Fugitive Dust Control" shall govern the disposal of all truck loads containing any municipal solid waste incinerator ash. These measures are triggered by one minute average wind speeds of 22 MPH.

**49. Drummed Waste** No drummed waste shall be placed in the landfill without prior written approval from the RMME.

**50. Waste Excavation** The permittee shall not excavate waste (except for fire control, horizontal gas pipe placement, friable asbestos waste disposal and in events where waste is removed to allow stormwater/leachate to drain into the leachate collection system) without prior written approval from the RMME.

**51. Alternate Daily Cover (ADC)** In addition to soil, the RMME may approve, on a case-by-case basis, the use of wastes and contaminated soils for ADC. All ADCs that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Requests for use of ADCs shall be submitted in writing to the RMME. In the event that a nuisance condition(s) develops from the use of ADCs, the RMME can rescind this approval without the need to modify this permit. The reuse of ADCs is prohibited. Vehicle traffic on ADCs is not allowed. Any storage of ADCs is limited to areas where runoff can be collected as leachate and where windblown materials will not land on intermediate



and final cover areas. On an annual basis, the amount of approved waste used for ADC cannot exceed 20% of the annual waste receipts unless otherwise approved by the Department. Any ADC used as daily cover material will not count against the annual waste receipt limit for the facility except that any ADC used in excess of the 20% amount must be counted as waste, even if it is utilized as daily cover.

**52. BUD Material** The RMME may approve, on a case-by-case basis, the use of wastes for beneficial use (BUD) inside of the landfill. This BUD material may be approved for interior road construction and other similar uses. All BUD material that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Requests for use of BUD material shall be submitted in writing to the RMME. In the event that a nuisance condition(s) develops from the use of BUD material, the RMME can rescind this approval without the need to modify this permit. Any storage of BUD materials is limited to areas where runoff can be collected as leachate and where windblown materials will not land on intermediate and final cover areas. On an annual basis, the amount of approved waste used for BUD material cannot exceed 10% of the annual waste receipts unless otherwise approved by the Department. Any BUD material used in accordance with the DEC approval will not count against the annual waste receipt limit for the facility except that any BUD material in excess of the 10% amount must be counted as waste, even if it is utilized as authorized.

**53. Standing Water** The permittee shall prevent standing water from accumulating in the active landfill area. An active landfill area is any area which does not have an intermediate, interim final or final cover. All runoff from active areas and/or areas with daily cover must be handled as leachate.

**54. Waste Tracking** The facility must prevent the tracking of waste, BUD materials and/or cover material off-site. All landfill waste shall be removed from the exterior of all vehicles via washing, brushing, vacuuming, blowing and/or any other means necessary, prior to vehicles leaving the landfill cell. In addition, a tire wash cleaning facility must remain operational at the facility to remove soil/waste from the tires of waste trucks leaving the landfill. All waste trucks leaving the landfill cells must pass through the tire cleaning facility before leaving the site when wet, muddy or other conditions exist that could lead to soil/waste tracking on off-site roads. The tire cleaning facility shall be operational during all hours when the landfill is receiving waste and the temperature is above freezing, unless otherwise approved by the Department. Failure to adequately control the off-site tracking of soil/waste will require the permittee to immediately correct the problem and/or upgrade the tire cleaning facility.

**55. Ash Screening** Ash shall not be screened at the facility.

**56. Litter Fencing** Proper fencing shall be erected in the appropriate locations to minimize windblown litter leaving the landfill proper. Portable fences shall be utilized near the working face to control litter as well.

**57. Leachate Recirculation** Leachate recirculation shall be in accordance with the Casella Waste Services letters dated September 16, 2008 and February 16, 2009 (see Solid Waste Management Permit Condition 7 of this permit).

**58. Landfill Gas Recovery System** The landfill gas recovery system shall be operated in accordance with the requirements of 6 NYCRR Part 360-2.16(e). Annual condensate sampling and analysis shall be performed and reported in accordance with section 7 of the Landfill Gas to Energy Project Permit Modification Application Operation and Maintenance Plan (see Solid Waste Management Permit Condition 7 of this permit).



**59. Liquid Solidification Process** The liquid solidification process shall be operated in accordance with the Operation and Maintenance Manual (revised pages) included with the October 18, 2011 letter from Hyland Facility Associates to NYSDEC (see Solid Waste Management Permit Condition 7 of this permit).

#### LANDFILL MONITORING

**60. Precipitation Monitor** An automatic precipitation monitor and a remote alarm system shall be operational during non-operating hours. If precipitation exceeds a total of 3/4 inches (water equivalent) during a non-operating period, an alarm shall be remotely communicated to the Emergency Coordinator or the Alternate Emergency Coordinator. Within thirty minutes, said personnel shall be at the landfill facility conducting an inspection. The inspection shall determine and record the functioning and condition of the stormwater conveyance and detention systems, leachate pumping and storage systems and landfill cover and cell drainage systems. Contingency Plan (see Solid Waste Management Permit Condition 7 of this permit) measures shall be initiated as necessary.

**61. Random Inspections** Random weekly inspections of incoming waste loads for unacceptable waste shall be conducted at the working face. The results of this inspection shall be logged and maintained on file at the landfill. Additional random inspections shall be performed as requested by the Monitor.

**62. Weekly Inspection** Self inspections of the landfill and operations shall be performed on a weekly basis. The results of the inspection shall be recorded, as well as any remediation necessary to correct the problem. All reports of inspections and remedial efforts shall be maintained on file at the landfill.

**63. Incinerator Ash Testing** If MSW incinerator ash is received at the facility, the permittee shall implement an on-site testing program of random loads to confirm that the moisture content of the incoming ash meets the required nineteen percent (by weight) minimum to reduce the possibility of transport of fine particle ash from the landfill by the wind. For each facility, at least one (unaltered) load a week shall be sampled through its entire depth and analyzed in accordance with procedures for "Residue-Total-Gravimetric" (Method 106.3) published in "Methods for Chemical Analysis of Water and Wastes" USEPA-600/4-79-20 March, 1979, revised March, 1983. Within 24 hours of a sample's failure to meet the moisture content requirement, the permittee shall:

- notify the Monitor and the RMME;
- initiate sampling and analysis for moisture content of all loads (unaltered) from the facility, and;
- implement contingency watering of loads from that facility.

These items shall continue until otherwise advised in writing by the Monitor or the RMME.

#### LEACHATE COLLECTION, STORAGE AND DISPOSAL

**64. Primary Leachate Line Verification** Prior to operation of any subcell, the integrity of the primary leachate collection pipes in the landfill must be verified by passing a cleaning device through them. After placement of five feet of select waste as a first lift and placement of a second lift, no more than 10 feet in height over the first lift, the integrity of the pipes shall be re-verified by passing a cleaning device through them. These results shall be forwarded to the RMME, in writing, within 30 days. The Monitor shall be notified at least five days in advance of the verification activities.



**65. Video Inspection** Once a minimum of 15 feet of waste has been placed across the cell floor, a video inspection of the primary collection lines must be completed to verify their integrity. The Monitor shall be notified at least five days in advance of the verification activities. The video inspection shall be recorded and kept on file at the landfill. A written summary of the video inspection shall be provided to the RMME within 30 days of completion of the video inspection.

**66. Spare Pumps** Spare pumps shall be available at the facility to replace any pump which fails in the leachate and groundwater management systems.

**67. Pump Elevations** The pump on and off elevations for the pumps in the leachate sumps shall be posted on the readout panels located in the electrical utility sheds at each sideriser.

**68. Action Leakage Rate** If the quantity of fluid collected in the landfill secondary collection system exceeds the allowable primary liner system leakage rate threshold of 20 gallons per acre per day (30-day average), the procedures described in 6 NYCRR Part 360-2.10(b)(2), as well as the permittees Contingency Plan (see Solid Waste Management Permit Condition 7 of this permit), shall be complied with. In addition, the permittee shall collect a sample from the secondary collection system within 7 days for analysis. This sample shall be analyzed at a New York State Health Department ASP certified laboratory for 6 NYCRR Part 360 baseline parameters. If the excessive flow is determined to be leachate, additional sampling of the groundwater suppression system for that cell for baseline parameters shall be conducted in conformance with the facility's Contingency Plan. The Department may require additional testing of the secondary and ground water suppression systems, as well as sampling of downgradient monitoring points, depending on the results of the initial testing, as specified in the Contingency Plan. The Department reserves the right to require, if warranted by the analytical results, that the groundwater suppression system be directly monitored by the use of in-place devices within the suppression system or at the outfalls to the sedimentation ponds. Surface water samples shall be collected from the sedimentation ponds. If the analytical data indicates that leachate has entered the groundwater suppression system, the Department may require installation and sampling of additional downgradient monitoring wells in the overburden and upper bedrock. The locations and number of wells must be approved by the Department prior to installation.

**69. Leachate Storage Basin** If, during operation of the leachate storage basin, flow in the secondary collection system of either bay of the leachate storage basin exceeds 5 gallons per day based on a 7 day average, the facility shall obtain a sample of the fluid within the secondary system of that bay within 7 days of this determination and immediately submit this sample to a New York State Health Department ASP certified laboratory for analysis of 6 NYCRR Part 360 baseline parameters. In addition, all fluid shall be removed from the bay where the excess leakage occurred, and no further liquid shall be directed to that bay until the source of the leakage has been determined and repairs have been made.

**70. Leachate Testing** To comply with 6 NYCRR Part 360-2.11(c)(3)(ii), analysis of leachate in the primary and secondary collection and removal systems must be performed semiannually for expanded parameters [Part 360-1.2(b)(60)/Part 360-2.11(d)(6)].

**71. Secondary Leachate Monitoring** The fluid flow into the secondary leachate collection system of each landfill cell and each basin of the leachate storage ponds shall be quantitatively monitored and recorded each working day. The quantity of fluid collected shall be reported to the RMME on a quarterly basis. A sample of the fluid collected shall be analyzed as detailed in the Environmental Monitoring Plan (see Solid Waste Management Permit Condition 7 of this permit).



**72. Leachate Management** Leachate shall be managed in accordance with the Leachate Management Plan contained in the Operation and Maintenance Manual (see Solid Waste Management Permit Condition 7 of this permit). The pump stations and leachate storage ponds shall be inspected and the leachate level recorded each working day. All sumps/manholes shall be equipped with lightweight covers for easy access.

**73. Leachate Line Cleaning** The leachate collection pipes in the primary drainage layer shall be cleaned twice annually. Upon cleaning and removal of obstructing debris from the pipes, each pipe shall be flushed with a minimum of 1,000 gallons of water. The pipes shall be cleaned from the uppermost portions of the cells to the bottom, in order that cleaning and flushing will move all solids to the leachate side risers. Additionally, the pipes shall be cleaned as many times as deemed necessary by Department staff to maintain the pipe in a clean and efficient operating condition. Written documentation of the cleaning shall be submitted to the RMME within 30 days of completion of the cleaning. The Monitor shall be notified at least five days prior to the cleaning.

**74. Leachate Facilities Cleaning** Annually, all of the leachate transfer pipes (between the landfill and the leachate storage facility), storage and load-out facilities must be emptied for inspection (for deterioration), cleaning and maintenance. These facilities include, but are not limited to, leachate storage tanks, the spill tank, all leachate manholes, siderisers and sumps and the concrete leachate load-out platform. All deterioration that may adversely affect the operation of the facility must be repaired. Accumulated sediment in these structures must be removed. Written documentation of the cleaning shall be submitted to the RMME within 30 days of completion of the cleaning. The Monitor shall be notified at least 5 days prior to the cleaning.

**75. Leachate Basin Inspection** Annually, each leachate storage basin shall be emptied and inspected for solids build up. If necessary to ensure proper operation of the basin, the solids shall be removed. Written documentation of the inspection shall be submitted to the RMME within 30 days of completion of the inspection. The Monitor shall be notified at least 5 days prior to the inspection.

**76. Leachate Lines Video Inspection** The interior of the landfill primary leachate collection piping, shall be inspected via video camera once every two years. This includes the primary leachate collection sumps. The Monitor shall be notified a minimum of 5 days prior to beginning the video inspection. The video inspection shall be recorded and maintained on file at the landfill. A written summary of the inspection shall be submitted to the RMME within 30 days following completion of the video inspection.

## **WATER QUALITY**

**77. Monitoring Program** The monitoring program for Cells 1 through 5 shall be in accordance with the documents referenced in Solid Waste Management Permit Condition 7 of this permit.

**78. Monitoring Schedule** The water quality monitoring schedule shall be baseline analysis, then four routine analyses in a row, then baseline again, in order to effectively rotate the baseline analysis from quarter to quarter. Part 360-2.11(c)(5)(ii)(a) requires that at least one baseline parameter analysis be performed during each calendar year. Since this rotation method will sometimes result in one calendar year without a baseline analysis, an extra baseline analysis must be performed in these instances.



**79. Water Quality Data** Water quality monitoring data must be submitted to the RMME as required by Part 360-2.11(c)(5)(iv) within 90 days of the sampling date to the parties listed in Solid Waste Management Permit Condition 94 of this permit.

**80. Surface Water Sampling** Surface water from the sedimentation ponds and perimeter ditch and groundwater shall be analyzed quarterly for the parameters listed in the Environmental Monitoring Plan (see Solid Waste Management Permit Condition 7 of this permit).

**81. Surface Water** If potential contamination of surface water is suspected during facility operation due to leachate breakouts, severe erosion of intermediate/final cover, leaking of leachate from vehicles, presence of waste exterior to the landfill cells, or other physical evidence of waste release, the surface water shall be contained and shall be sampled for the Routine Parameters listed in 6 NYCRR Part 360-2.11(d)(6). Prior arrangements with a laboratory(ies), etc. shall be made to assure the availability of test results within 7 days. If the results exceed surface water quality standards of 6 NYCRR Part 703, the surface water shall be considered "contaminated" and handled in accordance with the Contingency Plan (see Solid Waste Management Permit Condition 7 of this permit). These measures are in addition to surface water monitoring requirements of the Environmental Monitoring Plan (see Solid Waste Management Permit Condition 7 of this permit). If testing shows an exceedance of groundwater effluent standards of 6NYCRR Part 703.6 in the surface waters capable of entering the Cuba Formation (i.e waters from the perimeter drainage ditch over or directly upstream of the underlying Cuba Formation), then contingency water quality monitoring pursuant to 6NYCRR Part 360-2.11(c)(5)(iii) shall be initiated in the Cuba Formation.

**82. Groundwater Suppression System** Within 6 months of confirming the entry of contaminants (as determined by Solid Waste Management Permit Condition 68 of this permit) into the groundwater suppression system, additional groundwater monitoring wells shall be constructed to supplement existing monitoring of both the downgradient overburden deposits and the upper bedrock. The locations and number of wells shall be accepted by the RMME prior to their construction.

**83. Significant Increase** If any organic or inorganic parameter is found in the groundwater at a significant increase from existing water quality as set forth in Part 360-2.11(c)(5)(ii)(d)(2) and in the Environmental Monitoring Plan (see Solid Waste management Permit Condition 7 of this permit), and it cannot be demonstrated that the contamination is derived from a source other than the facility, then a Contingency Water Quality Monitoring Plan shall be implemented in accordance with Part 360-2.11(c)(5)(iii).

**84. Statistical Trigger Level** If waste constituents are consistently present in the groundwater monitoring wells described in this permit below the statistical "trigger" levels, the Department may require the permittee to perform additional sampling and install additional wells to determine whether the constituents originate in the landfill.

**85. Modification of Monitoring Program** If the permittee or the RMME determines that the groundwater monitoring program required by this permit no longer satisfies the requirements of 6 NYCRR Part 360, the permittee must, within 90 days, submit an application for a permit modification which describes the change(s) that will be necessary to maintain regulatory compliance at the site.



**86. Residential Well Sampling** The permittee shall conduct monitoring of hydraulically downgradient, residential water supplies within one mile of the project site upon request of the property owner.

#### **CLOSURE**

**87. Landfill Closure** The landfill shall be properly closed in accordance with 6 NYCRR Part 360-2.15 and the approved Final Closure Plan to be submitted in accordance with Solid Waste Management Permit Condition 26 of this permit. The height of the finished landfill is limited to a maximum elevation of 2,083 feet based on the USGS datum (1929 survey). The final topography shall conform to those elevations shown on sheet 8 of the plans entitled "Hyland Facility Associates Landfill Expansion" (see Solid Waste Management Condition 7 of this permit).

#### **POST-CLOSURE**

**88. Monitoring and Maintenance** After final closure, the facility shall be monitored and maintained in accordance with 6 NYCRR Part 360-2.15(k) and the approved Post-Closure Plan to be submitted with the Closure Plan in accordance with Solid Waste Management Permit Condition 26 of this permit. The period of post-closure care shall continue until at least 30 years have elapsed since the last landfill cell used for disposal of solid waste was closed in accordance with NYSDEC requirements.

**89. Sampling of Monitoring Points** All facility and environmental monitoring points must be maintained and sampled during the post-closure period for a minimum of 30 years. Annual summary reports must be submitted to the RMME. Annual baseline and quarterly routine sampling must be performed at all monitoring points listed in the EMP for a minimum of five years. The requirements for subsequent analyses will be determined by the Department at the end of the five-year period.

**90. Porewater Drain Systems** All porewater drain systems shall continue to be maintained and operated throughout the life of the facility and the post-closure period unless otherwise approved by the Department.

**91. Cell 5 Secondary System** Upon closure of Cell 5, the two secondary collection systems for this cell shall continue to be operated separately (not combined).

#### **QUARTERLY/ANNUAL REPORTS**

**92. Quarterly Report** A Quarterly Report shall be prepared on activities occurring during the quarter in question (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) and must be submitted no later than 60 days after the last day of the quarter in question. All Quarterly Reports must be submitted on the forms provided by the Department (see attached) or electronically, as specified by the Department and shall also contain the following:

- Amounts of waste [mixed municipal waste, water and wastewater sludges, nonhazardous industrial waste and sludges, ash(es), construction and demolition debris, asbestos, compost, yard waste and contaminated soil] received from each New York State county on a county by county basis, from the United States on a state by state basis and from outside the country on a nation by nation basis.
- Report on receipt of unauthorized wastes received during the quarter (see Solid Waste Management Permit Condition 43 of this permit).



- The amount of leachate collected and hauled off-site on a daily basis and the disposal location. The daily logs of leachate level in the leachate storage tank shall be provided as well.
- The amounts of liquid collected from the secondary collection system on a daily basis.
- The monthly Leakage Rate for the secondary collection system of each cell or subcell of the landfill.
- The date when liquid is detected in any leak detection location, including the amount of liquid removed from each location. This includes all leak detection locations including but not limited to those identified on the most recent approved weekly leachate inspection log.
- The amount of ADC received during the quarter (on a monthly basis) and the amount of ADC stockpiled on-site at the end of the quarter.
- Results from the monitoring of the gas migration monitoring wells around the perimeter of the landfill.
- The analytical results for any condensate samples collected during the quarter being reported.
- The amount of condensate collected, the disposal location and the number of gas extraction wells/laterals in operation.
- The amount of groundwater removed from each groundwater suppression system on a weekly basis. After Cell 5 is constructed, a flow rate shall be determined once per week. Weekly measurements shall occur during the operational life of the landfill and not during post-closure.
- The amount of BUD material (drainage/road) received during the quarter (on a monthly basis) and the amount of BUD material (drainage/road) stockpiled on-site at the end of the quarter.

**93. Annual Report** An Annual Report must be prepared on activities occurring during the calendar year and must be submitted no later than March 1 of the following year. The annual report must be submitted on forms provided by the Department (see attached) or electronically, as specified by the Department. The Annual Report shall contain all the information required in Part 360-2.17(t) and the following:

- Amounts of waste [mixed municipal waste, water and wastewater sludges, nonhazardous industrial waste and sludges, ash(es), construction and demolition debris, asbestos, compost, yard waste and contaminated soil] received from each New York State county, on a county by county basis, from the United States, on a state by state basis and from outside the country, on a nation by nation basis.
- Copies of current and up-to-date contracts with a minimum of 2 wastewater treatment facilities for the disposal of leachate for the up-coming year. In addition, copies of current and up-to-date contracts with the back-up hauler for the upcoming year shall be provided.
- Any changes to the Fill Progression Plan or modifications to the landfill.
- An updated cost estimate for closure/post-closure activities to reflect inflation and/or any changes that may impact closure or post-closure.
- An updated topographic map (based on Fall conditions) of the site. Included with the topographic map shall be a discussion on the amount of waste received, the remaining volume/life of the site and a soil balance for the site. The soil balance shall include: the amount of soil required for cover, closure and other activities; the amount of soil remaining in the permitted borrow area; and the amount of soil that needs to be imported.
- Unusual events or accidents at the landfill and responses taken by landfill personnel.
- Any changes in water quality which have occurred throughout the report year and a summary of the water quality information.
- Any changes from the approved plans, reports and specifications or permit, along with a justification for the change.
- Summary report for the active landfill gas collection system including the amount of gas burned and condensate collected.



- A detailed plan covering the next three years of operation and construction activities. The plan shall indicate which areas will be constructed, operated and/or closed. A schedule for all activities shall be included.

**94. Report Submission** Quarterly and Annual Reports shall be submitted to the following:

NYSDEC  
Division of Materials Management  
9th Floor  
625 Broadway  
Albany, NY 12233-7253

NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
Attn: Regional Materials Management Engineer

**FINANCIAL SURETY**

**95. Surety Instrument** In accordance with 6 NYCRR Part 360-1.12 and Part 360-2.19, the permittee shall maintain a financial surety acceptable to the RMME for closure and for a minimum of 30 years of post-closure monitoring and maintenance.

**96. Updated Surety** Within 60 days of Department approval of the annual revised closure and post-closure estimates provided in accordance with Solid Waste Management Permit Condition 93 of this permit, a revised financial surety(ies) shall be submitted (if needed) to the RMME.

**MONITORING**

**97. Environmental Monitor** The account to fund the Environmental Monitor for the permittee's facility, as established under previously issued permits, shall continue. The Environmental Monitor will monitor the permittee's facility for compliance with Permits to construct and operate, 6 NYCRR Part 360 and, as required, will assist in any legal enforcement activities resulting from the monitoring activities. The monitor will also review permit applications, engineering reports, construction certifications and applications for waste stream approval.

- a. Funds, as required to support the monitoring requirements, shall be provided to the Department for funding of environmental compliance activities related to the operation of the permittee's facility. This sum is based on annual Environmental Monitor service costs and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The permittee shall be billed annually for each fiscal year beginning April 1. The permittee shall make payment 30 days in advance of April 1.
- b. The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Environmental Monitors and supervision of such Environmental Monitors by full-time Environmental Monitor supervisors. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis of any modification. If such a revision is required, the Department will notify the permittee of such revision no later than 60 days in advance of such revision.



- c. Prior to making its annual payment, the permittee will receive and have an opportunity to review the annual work plan that the Department will undertake during the year.
- d. Payments are to be in advance of the period in which they will be expended.
- e. Upon termination (expiration, surrender, transfer) of this permit and closure of the facility and payment of any outstanding costs, the unexpended balance including interest, will be returned to the Permittee.
- f. Failure to make the required payments shall be a violation of this Permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- g. The Monitor shall, when present at any Permittee facility, abide by all of the Permittee's health and safety and operational requirements and policies; provided, however, that this subparagraph shall not be construed as limiting the Monitor's powers as otherwise provided for by law and shall not result in the Monitor being less protected than the Monitor would be if he or she were to abide by Departmental health and safety requirements.
- h. The NYSDEC Monitor shall receive from the Permittee all general safety training which is normally given to new site employees. This training will be a supplement to the mandatory safety training that Environmental Monitors receive from the Department.
- i. The Permittee shall furnish to the Environmental Monitor a current site policy and procedures manual for health and safety issues. Within ten (10) days of any revision to the health and safety plan, the Permittee shall notify the Department, in writing, of such modification.
- j. The Permittee shall provide to the Department a Hazard Assessment for the workplace which complies with OSHA rule 29 CFR 1910.132. Based on that assessment, the appropriate Personal Protective Equipment (PPE) will be provided to the monitor.

**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 9 ALLEGANY SUB-OFFICE  
182 EAST UNION - STE 3  
ALLEGANY, NY14706 -1328

**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.