

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
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www.dec.ny.gov

August 9, 2017

Mr. Michael Mahar, Senior District Manager  
Waste Management of New York LLC  
10860 Olean Road  
Chaffee, New York 14030-9799

## PERMIT TRANSMITTAL LETTER CHAFFEE LANDFILL – PERMIT RENEWAL PERMIT NO. 9-1462-00001/00006

Enclosed is your renewed 6 NYCRR Part 360 permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized.

The DEC permit number and Program ID number, if applicable, should be retained for your records and should be referenced on all future correspondence and applications related to the permit. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

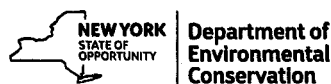
**PLEASE REVIEW ALL PERMIT CONDITIONS CAREFULLY. IN PARTICULAR, IDENTIFY YOUR INITIAL RESPONSIBILITIES UNDER THIS PERMIT IN ORDER TO ASSURE TIMELY ACTION IF REQUIRED. SINCE FAILURE TO COMPLY PRECISELY WITH PERMIT CONDITIONS MAY BE TREATED AS A VIOLATION OF THE ENVIRONMENTAL CONSERVATION LAW, YOU ARE REQUESTED TO PROVIDE A COPY OF THE PERMIT TO THE PROJECT CONTRACTOR, FACILITY OPERATOR, AND OTHER PERSONS DIRECTLY RESPONSIBLE FOR PERMIT IMPLEMENTATION (IF ANY).**

If you have any questions, please contact this office at the above address.

Respectfully,  
David S. Denk  
Regional Permit Administrator

Enclosure

Ecc: Peter Grasso, NYSDEC, Division of Materials Management, R9, Attn: James Sacco  
Andrew Nichols, P.E., McMahon & Mann Consulting Engineers





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

**Permittee and Facility Information**

<b>Permit Issued To:</b> WASTE MANAGEMENT OF NEW YORK LLC 1001 FANNIN STE 4000 HOUSTON, TX 77002 (713) 512-6200	<b>Facility:</b> CHAFFEE LANDFILL 10860 OLEAN RD CHAFFEE, NY 14030-9799
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**Facility Location:** in SARDINIA in ERIE COUNTY  
**Facility Principal Reference Point:** NYTM-E: 212.6      NYTM-N: 4720.3  
Latitude: 42°34'53.7" Longitude: 78°30'07.8"

- Authorized Activity:** Activities authorized under this permit include:
- Construction of Cells 1 and 2 of the Western Expansion Landfill
  - Construction and Operation of the Valley Fill Landfill Expansion - Overliner Cells 1 and 2
  - Operation of the Western Expansion Landfill
  - Operation of the Landfill Gas Collection System
  - Operation of the Soil Borrow Area
  - Operation of the Liquid Solidification Process
  - Post-Closure monitoring and maintenance of the closed 50 acre landfill

**Permit Authorizations**

**Solid Waste Management - Under Article 27, Title 7**  
Permit ID 9-1462-00001/00006  
Renewal      Effective Date: 8/9/2017      Expiration Date: 8/8/2027

**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: LISA M CZECHOWICZ, Deputy Regional Permit Administrator  
Address:                NYSDEC Region 9 Headquarters  
                              270 Michigan Ave  
                              Buffalo, NY 14203 -2915

Authorized Signature: Lisa M. Czechowicz      Date 8/9/17



## 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. 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 requiring implementation of the Contingency Plan (see Solid Waste Management Permit Condition 6 of this permit), or other conditions that may affect operations under this permit, the Department's Region 9 Materials Management Engineer (RMME) or the DEC 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 fact that records, including the limits of the landfill waste within the property, a statement of 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 shall also be noted in the deed. This deed shall be filed with the Erie County Clerk's Office.
- 4. Permit Conflicts** If any condition of this permit conflicts with the approved reports and plans identified in Solid Waste Management Permit Condition 6 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.

### APPROVED DOCUMENTS AND WASTES

- 5. 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 6 of this permit) on (see Solid Waste Management Permit Condition 6 of this permit).



**6. Approved Reports and Plans** Unless expressly authorized by this permit or unless modified by conditions of any permit issued by this Department, construction and operation of the Western Landfill Expansion and the Valley Fill Landfill expansion and related facilities shall be carried out in conformance with the applicable requirements of 6 NYCRR Part 360 (current edition and as subsequently modified) and the following documents:

- "Site Analytical Plan" dated November 1, 1999 (last revised February 4, 2000) and prepared by Severn Trent Laboratories.
- "Preconstruction (Air) Permit Application for Waste Management of New York Chaffee Landfill Western Expansion" dated November 18, 2004 and prepared by Earth Tech.
- "Waste Management of New York, Chaffee Facility, Western Expansion Landfill, 6 NYCRR Part 360 Solid Waste Management Permit Modification Application" dated February 2005 and prepared by McMahon and Mann Consulting Engineers, P.C. This application includes the following:
  - Part I Introduction
  - Part II Administration Information
  - Part III Hydrogeologic Report
  - Part IV Engineering Report
  - Part VII Mined Land Use Plan (revised October 2005)

- Plan sheets for "Chaffee Landfill Western Expansion" prepared by McMahon & Mann Consulting Engineer P.C. The list of the approved plan sheets is provided in the following table:

Sheet #	CAD File Drawing #	Title	Date	Last Revised Date
1	00016-089	Title Page	February 2005	
2	00016-093	Regional and Vicinity Maps	February 2005	
3	00016-150	Existing Conditions	February 2005	
4	00016-151	Existing Conditions w/Final Cover	February 2005	
5	00016-147a	Subgrade Development Plan - Sht 1	February 2005	
6	00016-161	Subgrade Development Plan - Sht 2	February 2005	
7	00016-153	Conceptual Cover Grading Plan	February 2005	
8	00016-147b	Landfill Sections	February 2005	
9	00016-167	Clay Till Thickness Plan	February 2005	
10	00016-088	Clay Till Thickness Chart	February 2005	



11	00016-228	Clay Till Groundwater Separation Plan	February 2005
12	00016-073	Perimeter Berm Section Details	February 2005
13	00016-074	Floor Intercell Berm Sections and Details	February 2005
14	00016-075	Floor to Overliner Sections	February 2005
15	00016-160	Liner System Section and Details	February 2005
16	00016-094	Leachate Collection and Transmission Plan	February 2005
17	00016-076	Leachate Sump and Riser Plan - Sht 1	February 2005
18	00016-216	Leachate Sump and Riser Plan - Sht 2	February 2005
19	00016-085	Leachate Sump and Riser Sections - Sht 1	February 2005
20	00016-082	Leachate Sump and Riser Sections - Sht 2	February 2005
21	00016-217	Leachate Sump & Riser Sections - Sht 3	February 2005
22	00016-086	Leachate Collection System Details	February 2005
23	00016-092	Leachate Storage Plan, Sections and Elevations	February 2005
24	00016-254	Leachate Control Vault Sections	February 2005
25	00016-255	Leachate Loadout Building Plan, Sections and Details	February 2005
26	00016-256	Leachate Storage Tank #3/#4 Modifications and Misc. Details	February 2005
27	00016-090	Stormwater Drainage Plan	February 2005
28	00016-084	Stormwater Drainage Sections and Details - Sht 1	February 2005
29	00016-268	Stormwater Drainage Sections and Details - Sht 2	February 2005
29a	00016-279	Stormwater Drainage Sections and Details - Sht 3	February 2005
30	00016-080	Erosion and Sediment Control Details	February 2005
31	00016-087	Conceptual Closure and Stormwater Sections	February 2005



32	00016-259	Phased Operation Plan - Cells 5 & 6 Construction	February 2005	
33	00016-260	Phased Operation Plan - Cell 4 Construction	February 2005	
34	00016-261	Phased Operation Plan - Cell 3 Construction	February 2005	
35	00016-262	Phased Operation Plan - Cell 2 Construction	February 2005	
36	00016-264	Phased Operation Plan - Cell 1 Construction	February 2005	
37	00016-183	Landscape Plan	February 2005	3/31/06

- "Chaffee Landfill Gas Power Production Plant 6 NYCRR Part 360 Solid Waste Management Permit Modification Application Operation and Maintenance Manual" last revised May 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.
- "6 NYCRR Part 360 Solid Waste Management Permit Modification Application Borrow Area Use Plan" dated March 2009 and prepared by McMahon & Mann Consulting Engineers, P.C.
- Letter dated July 2, 2009 from McMahon & Mann Consulting Engineers, P.C. (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to NYSDEC (David Denk) regarding comments and responses for the Borrow Area Use Plan.
- "Borrow Area Use Plan" figures prepared by McMahon & Mann Consulting Engineer. The list of the approved figures is provided in the following table:

Figure #	Title	Date	Last Revised Date
1	Site Location Map		
2	Site Plan	March 2009	7/2/09
3	Existing Conditions & Cross Sections	March 2009	7/2/09
4	Reclamation Plans and Cross Sections	March 2009	7/2/09
5	West Area Basin and Sections	March 2009	7/2/09
6	East Area Basin and Sections	November 2008	7/2/09
7	Sections and Details	November 2008	7/2/09

- Letter dated September 17, 2009 from McMahon & Mann Consulting Engineers, P.C. (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to Town of Sardinia (Town Board) regarding Town of Sardinia special use permit application (includes a revised Figure 1 attached to the letter).



- "Waste Management of New York, Chaffee Facility, Valley Fill Landfill Expansion, 6 NYCRR Part 360 Solid Waste Management Permit Modification Application" dated December 2012 and prepared by McMahon and Mann Consulting Engineers P.C. This application includes the following:

- Part I Introduction
- Part II Administration Support Information
- Part III Engineering Report
- Part IV Contingency Plan
- Part V Operation & Maintenance Plan (revised October 2015)
- Part VI Environmental Monitoring Plan
- Part VII Stormwater Pollution Prevention Plan for Stormwater

Discharges Associated with Industrial Activities

- Plan sheets for "Chaffee Facility Valley Fill Expansion" prepared by McMahon & Mann Consulting Engineers, P.C. The list of the approved plan sheets is provided in the following table:

Sheet #	CAD File	Drawing #	Title	Date
1		00016-510	Title Page	December 2012
2		00016-511	Regional and Vicinity Maps	December 2012
3		00016-512	Current Facility Site Plan	December 2012
4		00016-513	Currently Permitted Final Cover Grading System	December 2012
5		00016-514	Permitted and Proposed Subgrade Plan	December 2012
6		00016-515	Proposed Subgrade Plan	December 2012
7		00016-515	Proposed Final Grading Plan	December 2012
8		00016-519a	Liner System Sections and Details - Sht 1	December 2012
9		00016-519b	Liner System Sections and Details - Sht 2	December 2012
10		00016-519c	Liner System Sections and Details - Sht 3	December 2012
11		00016-519d	Liner System Sections and Details - Sht 4	December 2012
12		00016-519e	Liner System Sections and Details - Sht 5	December 2012
13		00016-518	Permitted and Proposed Leachate Collection and Transmission Plan	December 2012
14		00016-520a	Leachate Sump and Riser Plan	December 2012
15		00016-520b	Leachate Sump and Riser Sections - Sht 1	December 2012
16		00016-520c	Leachate Sump and Riser Sections - Sht 2	December 2012
17		00016-520d	Leachate Sump and Riser Sections - Sht 3	December 2012



18	00016-526	Existing Leachate Sump #5 Plan, Detail and Sections	December 2012
19	00016-527a	Leachate Sump #5 Modification Plan, Details and Sections	December 2012
20	00016-527b	Leachate Sump #5 Modification Details and Sections	December 2012
21	00016-521a	Leachate Collection System Details - Sht 1	December 2012
22	00016-521b	Leachate Collection System Details - Sht 2	December 2012
23	00016-517a	Existing Gas Collection System Modification Plans	December 2012
24	00016-517b	Existing Gas Collection System Modification Sections and Details	December 2012
25	00016-528	Permitted and Proposed Gas Collection System Plan	December 2012
26	00016-529a	Gas Collection System Sections and Details	December 2012
27	00016-529b	Horizontal Gas Collection System Sections and Details	December 2012
28	00016-525	Permitted and Proposed Stormwater Drainage System	December 2012
29	00016-524	Stormwater Drainage Sections and Details	December 2012
30	00016-522	Erosion and Sediment Control Sections and Details	December 2012
31	00016-523	Conceptual Closure Sections	December 2012
32	00016-534	Phased Operation Plan - Cells 2 Baseliner Construction	December 2012
33	00016-535	Phased Operation Plan - Cells 1 Baseliner Construction	December 2012
34	00016-536	Phased Operation Plan - Cell 2 Overliner Construction	December 2012
35	00016-537	Phased Operation Plan - Cell 2 Overline Construction	December 2012

- Letter dated April 18, 2016 with enclosed plans from McMahon & Mann Consulting Engineers, P.C (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to NYSDEC James Sacco, P.E. requesting the revision of the Cell 1 Subgrade.

Letter dated May 2, 2016 with enclosed plans (Sheet 2 of Attachment D to the May 2, 2016 letter was subsequently revised on May 23, 2016) from McMahon & Mann Consulting Engineers, P.C (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to NYSDEC James Sacco, P.E. regarding comments and responses for revision of the Cell 1 Subgrade.





**7. Permitted Waste** The only wastes permitted for disposal shall be municipal solid waste, asbestos waste, nonhazardous industrial and commercial solid wastes, construction and demolition (C&D) debris, contaminated soil waste, sludge waste, as well as liquids including waste containing free liquids, and waste with a solid content less than 20% may be received for solidification and disposal in the landfill provided that the following precautions and practices are observed:

- a. All non-hazardous industrial waste, friable asbestos waste, contaminated soil waste, sludge waste, and solid waste incinerator ash may be received by the permittee upon review and written approval of the permittee, provided the permittee maintains verification that the wastes are nonhazardous and meet all landfill disposal criteria, and
- b. All liquids, waste containing free liquids, and waste with a solid content less than 20% received for solidification and disposal in the landfill and all applications for disposal of a waste quantity more than one thousand (1,000) tons are to be received only upon written acceptance from the RMME or Monitor, and
- c. 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, and
- d. A summary of all approved waste stream applications must be submitted to the RMME within 7 days of such approval with a copy of the waste stream approvals being submitted in a format deemed acceptable to the RMME on a monthly basis, and
- e. All Waste Approvals Issued by the RMME, the Monitor and/or the Permittee shall be for a time period not to exceed 3 years.

**8. Unacceptable Waste** No hazardous waste (as defined in 6 NYCRR Part 371, which is subject to regulation under 6 NYCRR Part 370 through 374) and no radioactive waste (as defined and regulated in 6 NYCRR Part 380) may be received at this facility. Liquids, wastes containing free liquids and waste with a solid content of less than 20% shall not be received at the landfill, unless the liquid is approved for solidification pursuant the requirements of Permit Condition (7) .

**9. Approved Design Capacity** The approved design capacity for this landfill is 2,770 tons per day. The approved design capacity is not a limit. The maximum waste receipts at the landfill during any quarter shall not exceed 180,000 tons. Annual waste receipts at the landfill shall not exceed 600,000 tons.

**10. 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.

#### COMPLIANCE SCHEDULE

**11. Surety Notification** Within 60 days of the effective date of this permit, the permittee shall notify the sureties (Evergreen National Indemnity Company - Bond number 556300 and Bank of America - Letter of Credit number 7403932) of this permit modification and obtain written notification from the sureties that the Surety Bond and Letter of Credit are still valid. The RMME must receive a copy of



both letters.

**12. Cell 1 and Cell 2 Overliner Design** Prior to finalizing the design of Overliner Cells 1 and 2, the permittee shall submit, to the RMME for review and approval, an evaluation of settlement data and observations of the closed cap to determine if any modifications are needed to the overliner design.

**13. Gas Collection System Construction** Thirty days prior to installing any portion of the horizontal or vertical gas collection system, and/or associated appurtenances, the permittee must submit to the RMME, for review and approval, final design construction documents including drawings, specifications and CQA Plan. The final design documents must, at a minimum, include all requirements outlined in the approved 'conceptual' design (drawings C1, C2, C3, D1 and D2) submitted as part of the Preconstruction Air Permit Application (Solid Waste Management Permit Condition 6 of this permit)

**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 before the start of construction of that phase.

**16. 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.

**17. 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 16 of this permit.

**18. New Cell Operation** Prior to the operation of any new cell or portion thereof, the permittee shall receive the RMME's acceptance of the record drawings and Construction Certification Report (CCR) (see Solid Waste Management Permit Condition 28 of this permit).

**19. Partial Closure** Prior to closure of any portion of the Western Expansion Landfill or the Valley Fill Expansion Landfill, the permittee shall submit closure plans, specifications and a CQA/CQC Plan for the area to be closed. In addition, if any design changes are proposed to the Conceptual Closure Plan (see Solid Waste Management Permit Condition 6 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 anticipated beginning of construction.

**20. Closure Site Investigation** Prior to final closure of the facility (all permitted landfills are full or waste can no longer be received at 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 at least 180 days before receipt of the last waste, at least 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.



**21. 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 at least 60 days before receipt of the last waste, at least 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

**22. Borrow Area Mining** If sand/silt lenses are found during the excavation of the north wall of the West Borrow Area, the sand/silt shall be removed and be replaced with clay.

If a natural gas well, or evidence thereof, is discovered during the course of mining operations, all excavation activities shall be suspended and the RMME and the Region 9 Division of Mineral Resources shall be notified immediately. A plan for either avoiding any discovered well or otherwise mitigating its presence must be developed by the permittee and approved by the Department before mining operations within 100 feet of the well may resume.

**23. Gas Monitoring Probes** The perimeter landfill gas migration monitoring probes must be installed prior to beginning waste placement in a particular cell. Also, at least one round of monitoring must be completed at each gas migration monitoring probe location prior to placing waste in the adjacent cell. This information will be used to determine if naturally existing methane is present at the probe location, prior to placing waste in the adjacent cell.

**24. Horizontal/Vertical Gas Collectors** The horizontal portion of the gas collection system must be constructed in phases, as waste is placed within the landfill. Vertical gas collection wells must be installed within 1-year after achieving final grade in the areas where the well is to be installed. All horizontal and vertical gas collection wells must be connected to the active gas collection system promptly after installation. The wells and horizontal collectors must be placed under vacuum as soon as practical, provided operation of the wells and horizontal collectors will not adversely impact operation of the flare and/or create potential hazards (fires, etc). The Department may require the permittee to modify, upgrade or expand gas collection capabilities within the landfill if off-site landfill gas odors are determined to be an offsite nuisance by the Department.

**25. Interim Final Cover:** The approved interim final cover must be installed on all areas of the landfill that have reached final grade and on all areas of the landfill where waste has not or will not be placed within one year. The interim cover for the Western Landfill Expansion and the Valley Fill Expansion Landfill shall meet the requirements outlined in Section 9.1.4 of the approved Operation and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit). For each phase of the Interim Final Cover construction, when the Interim Final Cover - Geosynthetic Option is used, the permittee shall submit to the RMME construction drawings, specifications, and a CQA/CQC Plan. These items shall be submitted at least 60 days prior to installation of an exposed cover system for Department review and approval.



**26. 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.

**27. 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 Condition 28 of this permit) shall include the Field Change Log for the respective construction/final closure phase.

**28. 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 60 days of construction completion. The permittee's CQA/CQC Engineer shall certify in writing that the construction of the landfill cell, the final cap, 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 and stamped by a New York State Licensed Professional Engineer.

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

## OPERATIONS

**30. Hours of Operation** In regard to the hours of operation, the permittee shall abide by the existing court order of Judge Joselin granted March 15, 1982, except as modified by the consent of the Town of Sardinia or further order of the Court.

**31. Waste Receipts** Landfill personnel shall be on duty at all times when the facility is receiving waste to ensure that only Department approved wastes are deposited in the landfill. In the event that unauthorized wastes are received at the landfill, landfill personnel shall refuse to accept these wastes for disposal in the landfill and shall notify the Monitor and/or the RMME of the incident within four hours of discovery on a business day or on the next business day following a weekend or holiday, providing 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. If the waste has been dumped and cannot be reloaded, 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 Department with the Quarterly Report required by Solid Waste Management Condition 55 of this permit.



**32. Alternate Daily Cover (ADC)** In addition to soil, the Department 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. Use of ADCs must be pre-approved by the RMME as outlined in 6 NYCRR Part 360-2.17(c) and Sections 9.1.1 and 9.1.2 of the approved Operations and Maintenance Manual ( Solid Waste Management Permit Condition 6 of this permit) and meet the following conditions:

- (a) Should the permittee receive additional ADC that is more than the amount (tonnage) that was part of the approved Waste Profile, the permittee can approve and receive this additional ADC with notification to the Department afterwards provided that:
  - (i) The Permittee can confirm the analysis that was part of the original waste approval represents this additional material received, and
  - (ii) the amount of additional material received is less than 10% of the tonnage originally approved, and
  - (iii) the total tonnage approved (that which was approved as a part of the original waste profile and this additional tonnage) does not exceed 1000 tons.

(b) 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 in excess of the 20% amount must be counted as waste, even if it is utilized as daily cover.

**33. 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. Pre-determined BUD materials as listed in 360-1.15(b)(3), 360-1.15(b)(5) and 360-1.15(b)(11) are not subject to these storage requirements, however the storage and handling of these materials must not create any nuisance conditions as determined 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. On an annual basis, the amount of approved waste used as BUD material cannot exceed 10% of the annual waste receipts unless otherwise approved by the Department. Any BUD material in excess of the 10% amount must be counted as waste, even if utilized as BUD material.

**34. 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 8 of the Gas Power Production Plant Operation and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit).

**35. Liquid Solidification Process** The liquid solidification process shall be operated in accordance with the Operations and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit).





**36. Borrow Area Operations** Operation of the Borrow Area shall be in accordance with the Borrow Area Use Plan (see Solid Waste Management Permit Condition 6 of this permit).

**37. Borrow Area C** The use of proposed Borrow Area C, located on the north side of Hand Road, is not authorized as part of this permit.

#### **LEACHATE COLLECTION, STORAGE AND DISPOSAL**

**38. 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 two lifts (15 feet) of waste, the integrity of the pipes shall be re-verified by passing a cleaning device through them. The Monitor shall be notified at least five days in advance of the verification activities. The results of the primary leachate pipe cleaning activities shall be forwarded to the RMME, in writing, within 30 days.

**39. Video Inspection** Once a minimum of 15 feet of waste has been placed across the cell floor, the primary leachate collection lines must be videoed to verify their integrity. The Monitor shall be notified at least five days in advance of the video 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.

**40. Leachate Line Cleaning:** All primary leachate collection pipes within the Western Expansion landfill shall be cleaned at least once annually. The cleaning shall include high pressure flushing of the full length of each collection pipe, with sufficient pressure to remove accumulated sediment and biological growth. All leachate collection pipes within the approximately 51 acre closed landfill (Existing Landfill) that are accessible, or were originally constructed to be accessible, for cleaning shall be cleaned twice annually and be completed on approximately 6 month intervals. The Monitor shall be notified a minimum of 5 days prior to beginning the cleaning. A written summary of the leachate collection system cleaning shall be submitted to the RMME within 30 days following completion of the cleaning.

**41. Leachate Lines Video Inspection** The interior of the expansion landfills primary leachate collection and transfer piping, shall be videoed at least once every two years. This includes the primary leachate collection sumps. The video inspection shall be recorded and maintained on file at the landfill. A written summary of the inspection shall be submitted to this Department within 30 days following completion of the video inspection. Routine video taping of the leachate collection and transfer pipes associated with the existing landfill is not required. However, in the event that a video inspection is deemed necessary, the permittee will video tape all or portions of the interior of the existing landfill's leachate collection and transfer piping, as requested by this Department. The Monitor shall be notified a minimum of 5 days prior to beginning the video inspection.

**42. Leachate Facilities Cleaning** Annually, all of the leachate transfer, storage, and load-out facilities must be emptied for cleaning and maintenance. These facilities include, but are not limited to, leachate storage tanks, sumps, manholes, the vault, load-out pads, etc. These leachate transfer, storage and load-out facilities must be emptied, cleaned and inspected for deterioration as outlined in the appropriate sections of the approved Operations and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit). At a minimum, all accumulated sediment/debris must be removed and all deterioration that may adversely effect the operation of the facility must be repaired. A written



summary of all cleaning and remedial activities must be forwarded to the RMME within 30 days of completing the cleaning event. The Monitor shall be notified a minimum of 5 days prior to beginning the cleaning.

#### LANDFILL MONITORING

**43. Analytical Work** All analytical work conducted under the permittee's approved Environmental Monitoring Plan (EMP - see Solid Waste Management Permit Condition 6 of this permit) must be performed by a laboratory certified by the New York State Department of Health for the analysis to be performed.

**44. Predisposal Sampling** Prior to the deposition of waste in any of the landfill cells in the expansion area, the downgradient monitoring wells associated with the cell must be sampled for a minimum of 6 rounds of analyses, as specified in the approved EMP (see Solid Waste Management Permit Condition 6 of this permit).

**45. Leak Detection Locations** If fluid is found in any of the leak detection locations, it shall be analyzed for routine leachate indicator parameters [6 NYCRR Part 360-2.11(d)(6)] within 5 business days unless otherwise approved by the Department. This does not include liquids from the secondary leachate collection system which shall be tested in accordance with the approved EMP (see Solid Waste Management Permit Condition 6 of this permit).

**46. Reporting of Monitoring Data** Water quality monitoring data must be reported to the addresses listed in Solid Waste Management Permit Condition 58 of this permit, as required by Part 360-2.11(c)(5)(iv) within 90 days of the sampling date, unless more rapid reporting is required to address an imminent environmental or public health concern.

**47. Contingency Monitoring** The facility must implement the contingency monitoring set forth in the approved EMP (see Solid Waste Management Permit Condition 6 of this permit) under the provisions of 6 NYCRR Part 360-2.11(c)(5)(ii) if any organic or inorganic parameter is found in the groundwater or surface water at a significant increase from existing water quality data as set forth in the EMP, and it cannot be demonstrated that the contamination is derived from a source other than the facility. The RMME may also require a greater frequency of monitoring, expanded range of constituents, increased number of monitoring points or other measures.

**48. Damage to Monitoring Point** In the event of damage to or inability to sample any monitoring point, the RMME shall be notified in writing within 10 working days of the attempted sampling. The notification must include the facility's plans for repair or replacement of the monitoring point and a schedule for performance of the necessary work. Unless otherwise approved, all work must be completed within 120 days of the date of notification. In the case of a replacement well, the well must be initially sampled for baseline parameters. In addition, the Department will require 10 working days notice prior to installation, repair, or replacement of any monitoring wells at the facility. When wells are installed, replaced, or repaired, a report detailing the work performed must be submitted to the RMME within 45 days after completion of the work. For new well installations, the reports must include the information listed in Appendix D of the EMP (see Solid Waste Management Permit Condition 6 of this permit).

**49. Monitoring Well Modifications** Any proposals to extend or reduce the height of monitoring wells due to construction must be approved by the RMME prior to implementation.



**50. Porewater Drain** If, during excavation of any cell, excessive seepage is encountered in the till soils which does not cease after a reasonable period of time, a porewater drain system may be required if the seepage is within 5 feet of the subgrade and/or would create difficulties installing the liner system. If porewater systems are constructed, they must be incorporated into the quarterly monitoring program.

**51. Sampling Notification** The RMME shall be notified a minimum of 10 working days in advance of when the quarterly groundwater sampling will be conducted.

**52. Sedimentation Basins** If there is any indication that surface runoff which is being directed to the sedimentation basins may be contaminated due to a leachate breakout, spill, or other event, the facility must direct the surface runoff immediately into the contingency surface water runoff basin, so that it may be held and tested, as detailed in the Contingency Plan (see Solid Waste Management Permit Condition 6 of this permit), prior to determining whether to release it or dispose of it at a wastewater treatment plant.

**53. Gas Collection System Monitoring** The permittee shall monitor the active gas collection and control system in accordance with 40 CFR Part 60 Subpart WWW. Reporting to the Department shall be in accordance with 40 CFR Part 60 Subpart WWW.

## CLOSURE

**54. 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 21 of this permit. The height of the finished landfill is limited to a maximum elevation of 1,658 feet. The final topography shall not exceed those elevations shown on sheet 7 of the plans entitled "Chaffee Facility Valley Fill Expansion" (see Solid Waste Management Permit Condition 6 of this permit).

## POST-CLOSURE

**55. Monitoring and Maintenance** 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 21 of this permit. The period of post-closure care shall continue for a minimum of 30 years after facility final closure.

## QUARTERLY/ANNUAL REPORTS

**56. Quarterly Report** Each quarterly monitoring report must provide information 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. Quarterly reports shall contain the information identified in Section 19.2.1 of the approved Operation and Maintenance Manual (see Solid Waste Management Condition 6 of this permit).





**57. Annual Report** An annual report must be submitted no later than 60 days after January 1 of each year on forms provided by the Department (see attached) or electronically, as specified by the Department. The annual report shall contain the information identified in Section 19.2.2 of the approved Operation and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit).

**58. 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

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

**60. Updated Surety** Within 60 days of Department approval of the annual revised closure and post-closure estimates provided with the annual report (see Solid Waste Management Permit condition 57 of this permit) a revised financial surety(s) shall be submitted (if needed) to the RMME.

### MONITORING

**61. Environmental Monitor** a. The Permittee shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this Permit.

b. The Permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit or until the environmental monitoring services are no longer necessary, whichever comes first.

c. The Permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this Permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.

d. The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors.



Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any revisions.

e. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review and request adjustment to, an annual environmental monitoring work plan that the Department will undertake during the year. The Department will provide a final annual work plan that the Department will undertake during the year.

f. Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.

g. 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.

h. The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.

i. The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor routinely receives from the Department.

j. Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.

k. The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. If the data or images are collected from areas where confidentiality is a concern to the Permittee, the Permittee may request that the data or images be considered confidential information. The Department will consider any confidentiality requests and, if determined by the Department to be appropriate, copies of the data or images collected from areas where confidentiality has been determined by the Department to be a concern shall be provided to the Permittee.

l. It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.



62. **Hazard Assessment:** 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 Headquarters  
270 Michigan Ave  
Buffalo, NY14203 -2915

**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.