

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

April 5, 2012

Mr. Larry Lackey  
Casella Waste Management of N.Y., Inc.  
25 Green Hill Lane  
Rutland, VT 05707

**RE: Permit Issuance**  
Minor Permit Modification  
C&D Wastes (Containing Liquids) Solidification Process  
DEC# 8-4630-00010/00001  
Hakes C&D Facility  
Campbell (T), Steuben (C)

Dear Mr. Lackey:

Enclosed is your modified Part 360 Solid Waste Management Facility Permit. Please note the modification date, the effective date, and the expiration date. The modification includes the authorization of a solidification process for C&D wastes which contains liquids. The enclosed permit should replace the previous permit in its entirety.

The modified permit includes the following changes:

- Special Condition 1(g) has been added to reference the permit application and supporting documentation including the finalized Operation and Maintenance (O&M) Manual and Environmental Monitoring Plan (EMP).
- Special Condition 51(c) the period has been replaced with a semicolon and 51(d) Radiation Monitor Alarm Record forms have been added to the annual reporting requirements.
- Special Condition 67 adds requirements applicable to wastes generated during any drilling and/or development of natural gas wells targeting the Marcellus shale, and/or wastes generated from the production of natural gas from any wells completed in the Marcellus Shale.
- Special Condition 68 has been added to require operation in accordance with the O&M Manual, and addresses the exclusion from the landfill's approved design capacity of absorbent materials that are used to solidify wastes that are beneficially used on-site.

Absorbent materials, that are used to solidify wastes that are not used beneficially, would need to be counted towards the landfill's approved design capacity.

If any questions arise or if problems develop with the facility during the life of this permit, please contact Mark Amann with the Division of Materials Management.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Merchant". The signature is written in a cursive style with a long, sweeping tail on the letter "t".

Kimberly Merchant  
Deputy Regional ~~Permit~~ Administrator

Enclosure: Permit

cc with enclosures:

M. Amann, DMM, Region 8

Ecc: S. Foti, Regional Division of Materials Management Engineer, DMM

L. Shilling, Casella

J. Boyles, Casella

J. Bostaph, DMM, Region 8

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



DEC PERMIT NUMBER <b>8-4630-00010/00001-0</b>
FACILITY/PROGRAM NUMBER(S)  <b>51D03</b>

EFFECTIVE DATE <b>11/10/03</b>
MODIFIED <b>09/21/06, 09/11/07, 09/30/11, 04/5/12</b>
EXPIRATION DATE(S) <b>11/10/13</b>

**PERMIT**

Under the Environmental Conservation Law (ECL)

TYPE OF PERMIT  NEW  RENEWAL  MODIFICATION  PERMIT TO CONSTRUCT  PERMIT TO OPERATE

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Article 15, Title 5:<br>Protection of Waters                  | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification         | <input checked="" type="checkbox"/> Article 27, Title 7;<br>6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Supply                         | <input type="checkbox"/> Article 17, Titles 7, 8:<br>SPDES               | <input type="checkbox"/> Article 27, Title 9;<br>6NYCRR 373: Hazardous Waste Management        |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Transport                      | <input type="checkbox"/> Article 19: Air Pollution Control               | <input type="checkbox"/> Article 34: Coastal Erosion Management                                |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells                       | <input type="checkbox"/> Article 23, Title 27:<br>Mined Land Reclamation | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37;<br>NYCRR 380: Radiation Control        |
| <input type="checkbox"/> Article 15, Title 27:<br>Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands                 | <input type="checkbox"/> Other:  |
|  | <input type="checkbox"/> Article 25: Tidal Wetlands                      |  |

PERMIT ISSUED TO <b>HAKES C&amp;D DISPOSAL, INC.</b>		TELEPHONE NUMBER <b>585-466-7271</b>	
ADDRESS OF PERMITTEE <b>25 GREENS HILL LANE, RUTLAND, VT 05701</b>			
CONTACT PERSON FOR PERMITTED WORK <b>LARRY B. LACKEY</b>		TELEPHONE NUMBER <b>802-224-0109</b>	
NAME AND ADDRESS OF PROJECT/FACILITY <b>HAKES C&amp;D DEBRIS LANDFILL, 4376 MANNING RIDGE ROAD, PAINTED POST, NY 14870</b>			
LOCATION OF PROJECT/FACILITY <b>EAST SIDE OF MANNING RIDGE ROAD APPROXIMATELY 2 MILES NORTH OF INTERSECTION OF ERWIN HOLLOW ROAD</b>			
COUNTY <b>STEBEN</b>	TOWN <b>CAMPBELL</b>	WATERCOURSE Water Body:	NYTM COORDINATES E: 325.6 N:4674.4
DESCRIPTION OF AUTHORIZED ACTIVITY: <b>CONSTRUCT AND OPERATE A CONSTRUCTION AND DEMOLITION (C&amp;D) DEBRIS LANDFILL WITH AN APPROVED DESIGN CAPACTIY OF 1,494 TONS PER DAY.</b>			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR: <b>Kimberly Merchant</b>	ADDRESS <b>6274 E. Avon-Lima Rd, Avon, NY 14414</b>	
AUTHORIZED SIGNATURE 	DATE	Page 1 of 19

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**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

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

The permittee 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.

**GENERAL CONDITIONS**

**General Condition 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.

**General Condition 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.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for 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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 8,  
6274 E Avon-Lima Rd, Avon, NY 14414 (585) 228-2466

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. 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.

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (Title 7, Hakes C&D Disposal, Inc.)**

5. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by McMahon & Mann Consulting Engineers, P.C.

**SPECIAL CONDITIONS****I. GENERAL APPLICABILITY**

1. Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), construction and operation of the Hakes C&D Landfill and related facilities shall be carried out in strict conformance with the approved plans, specifications, and reports submitted as part of the application for this permit. Those materials include:
- (a) Solid Waste Management Permit Modification Application Volumes 1 through 4, dated February 2006 and including all Department-approved revisions up to August 30, 2006, prepared by McMahon & Mann Consulting Engineers, P.C.:
    - i. Vol. 1 - Introduction and Administrative Information/ Engineering Report
    - ii. Vol. 2 - Hydrogeologic Report
    - iii. Vols. 3 and 4 - Operation and Maintenance Manual
  - (b) Engineering Plans and Drawings:
    - i. Hakes C&D Landfill Expansion Plans dated February 2006, prepared by McMahon & Mann Consulting Engineers, P.C.
    - ii. Hakes C&D Facility Conceptual Pond #5 Plan dated July 2006, prepared by McMahon & Mann Consulting Engineers, P.C.
  - (c) Stormwater Pollution Prevention Plan and Appendices dated February 2006, prepared by McMahon & Mann Consulting Engineers, P.C.
  - (d) Erosion and Sediment Control Activities report dated August 3, 2006, describing measures to improve erosion and sediment controls at the Hakes C&D Landfill. Failure to comply with the time frames therein shall be considered a violation of this permit.
  - (e) Solid Waste Management Permit Modification Application dated March 23, 2007 and the Department-approved revision thereof dated August 21, 2007.
  - (f) Solid Waste Management Permit Modification Application dated February 2011 including Proposed East Pond Design Plans dated February 2011, revised April 2011; Operation and Maintenance Manual Revised April 2011; and Environmental Monitoring Plan (EMP) dated February 2006, revised May 2011.

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- (g) Solid Waste Management Permit Modification Application dated November 2, 2011 and supporting documentation, including revisions to the Operation and Maintenance Manual and Environmental Monitoring Plan (EMP) dated March 2012.

In any instance in which the above approved documents conflict with the requirements of 6NYCRR Part 360 ("Part 360"), the more stringent shall apply.

2. Permittee must not commence construction of the landfill expansion northernmost cell, depicted as Cell 6 in the approved engineering plans described in Special Condition I. 1. above, until after such time as either:
  - (a) Permittee has successfully purchased from the property owner all the real property identified on the Steuben County Tax Maps as numbers 244.00-01-038.110 and 244.00- 01-040.000 in the Town of Campbell, Steuben County, New York (for the purposes of this permit condition to be known as "the adjacent properties"), and has confirmed in writing to the Region 8 Regional Materials Management Engineer that permittee has completed such purchase; OR
  - (b) Permittee has obtained from the property owner a noise easement concerning the adjacent properties which insures compliance with the noise standard set forth in 6 NYCRR Part 360-1.14(p), and has confirmed in writing to the Region 8 Regional Materials Management Engineer that permittee has obtained such noise easement, and has submitted to said Engineer a copy of such noise easement.
3. The permittee must maintain a copy of all application materials, plans, reports, and permits at the landfill site and make these documents available to any representative of the Department. The permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360 regulations.
4. This approval does not relieve the applicant of the responsibility of complying with any applicable Federal, State, or local ordinances, regulations, or laws.
5. The permittee shall comply with all conditions of this permit and the appropriate edition of Part 360 as outlined in this permit or as directed in writing by the Department. Non-compliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action, permit suspension, revocation, or modification, or denial of a permit renewal or modification application.
6. Upon becoming aware of any non-complying condition, permittee shall immediately take such steps as are necessary to correct, abate, or remediate such non-complying condition. Any instance of non-compliance, together with the responsive measures and the results of such measures, shall be recorded in writing by the permittee and made available to the Department upon request.

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7. Unless otherwise specified by the Department, three (3) copies of all plans, reports, or other submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Regional Materials Management Engineer, NYSDEC - Region 8 Headquarters, 6274 East Avon-Lima Road, Avon, NY 14414.
8. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Materials Management Engineer.
9. The permittee shall establish and maintain a financial assurance mechanism in a form that is acceptable to the Department to ensure the proper closure and long-term post-closure monitoring and care of the facility in accordance with Part 360-2.19. The amount of funds assured must be sufficient to cover the cost of hiring a third party to close the largest active portion of the landfill requiring a final cover at any time during the active life and to conduct post-closure monitoring and care for the landfill. Approval of the form and amount of the financial security shall rest in the sole discretion of the Department.

Said financial assurance shall be forfeited to the Department if, at any time, the permittee fails to comply with any and all terms and conditions of this permit and/or Part 360. Forfeiture shall in no way prejudice the right of the Department to institute further action necessary to ensure full compliance with the terms of this permit and Part 360.

The financial assurance for closure shall remain in place until proper closure of the facility pursuant to Part 360 has been approved by the Department. The financial assurance shall only be released to the permittee provided that the permittee has complied with all the terms and conditions of this permit and has made a written request to the Department for such release. The financial assurance for post-closure care of the facility shall remain in place for a minimum of a thirty (30) year post-closure period which will commence upon approval of the construction certification for closure of the final operating cell. The financial assurance shall only be released to the permittee provided that the permittee has complied with all the requirements for post-closure care as specified in the approved final closure plan.

10. The permittee shall allow any authorized representative of the Department upon the presentation of proper credentials, to:
  - (a) Have access to and copy any records that must be kept under the conditions of this permit or Part 360;

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- (b) Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor for the purpose of assuring permit compliance or as otherwise authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location. Permittee shall have the right to obtain split and/or duplicate samples of any samples taken by the Department.
11. In the event an authorized Department representative makes a determination that the permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or any judicial or administrative Order applicable to the facility, the permittee must, upon receipt of written or oral notice of non-compliance from the Department, immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition(s). When oral notice is given, the Department will provide a confirming written notice of non-compliance. To the extent feasible, the permittee must consult the Department regarding the selection and implementation of such remedial measures. Any instance of non-compliance, together with the responsive measures and results of such remedial measures, must be recorded in writing by the permittee and submitted to the Department. Failure to do so shall constitute non-compliance with this permit.
12. The permittee shall take all steps to minimize or correct any adverse impact on human health, safety or welfare, the environment or natural resources resulting from facility operations. The permittee shall report any such activity which may endanger human health or the environment to the Region 8 Regional Solid & Hazardous Materials Engineer. Any such information shall be reported immediately from the time the permittee becomes aware of the circumstances and followed up in writing within seven (7) days.
13. An account to fund an environmental monitor shall be established with the Department as follows:
- (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 Respondent'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.

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- (b) One semi-annual payment shall be made for the period beginning October 1, 2003 to March 31, 2004, and thereafter, the permittee shall be billed annually for each fiscal year beginning April 1, 2004. 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 that entity with a written explanation of the basis for 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 any such revision.
- (c) Prior to making its annual payment, the permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- (d) Payments are to be made in advance of the period in which they will be expended.
- (e) Within 30 days of written notice by the Department that a payment is due, payment shall be forwarded to the Department. Payment should be sent to:
- NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1510  
ATTENTION: Environmental Monitors**
- (f) Upon termination of this permit and the payment of any outstanding costs and expenses, the unexpended balance, including interest, will be returned to the permittee.
- (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(s) 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 Environmental Monitor's powers as otherwise provided for by law and shall not result in the Environmental Monitor(s) being less protected than the Environmental Monitor(s) would be if he or she were to abide by State and Federal health and safety requirements.

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14. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
15. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.

#### II. FACILITY CONSTRUCTION

16. Not less than ninety (90) days prior to the commencement of the construction of a landfill cell, the permittee must submit to the Department for review and approval, engineering plans and technical specifications that satisfy the requirements of the Part 360 regulations in effect at the time they are submitted. No construction of a landfill cell may commence until and unless the engineering plans and technical specifications have been approved by the Department. The 90-day time period may be modified in writing under appropriate circumstances.
17. Fifteen (15) days prior written notice of the commencement of on-site construction activities must be made to the Department. The permittee shall submit to the Department, prior to the commencement of construction, a construction schedule which indicates the anticipated beginning and end dates for all major construction activities. These activities include, but are not limited to clearing and grading of any large areas, construction of the liner for any large section, construction of the leachate collection and removal system, and construction of any section of permanent final cover.
18. Upon commencement of construction, the permittee must submit by the fifteenth (15th) of each month, a written progress report to the Department that summarizes construction activities undertaken during the preceding month.
19. The Department must be notified immediately in case of any development during construction that warrants a request to modify the approved engineering plans. Deviation from the approved plans without the specific prior written approval of the Department will constitute a violation of this permit.
20. Prior to and during any construction, the permittee must prevent siltation of surface waters including drainage ditches, streams, and wetlands through and adjacent to the site. This must

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include provisions for frequent observation of potentially affected water courses. Effective corrective action must be taken in response to any observable increases in turbidity. No more than 8 acres of raw disturbed soils, related directly to landfill cell construction and which would drain to surrounding water courses, may be exposed at any one time, unless previous earth work has been seeded and mulched to the satisfaction of the Department.

21. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by overboring, grouting using a tremie method or similar downhole pressure grouting system and cement-bentonite grout to ensure that all contaminant migration pathways are sealed. Casings shall be removed. This activity must be noted as accomplished in the construction certification report.
22. This Department shall be notified if any leachate, waste, gas or other conditions which may affect the integrity of the landfill are observed during construction, including excavation of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within seven (7) days.
23. Extreme care and protective measures shall be taken to protect the integrity of the groundwater depression system, leachate collection system, liners, geotextiles, and all other landfill structures. Only rubber tired vehicles shall be allowed on the HDPE liner during placement of the liner.
24. The soil liners shall be constructed in accordance with the approved engineering report, plans, and specifications. If any tests do not achieve the required permeability, the deficient area(s) shall be remolded and recompacted to achieve the required permeability. The extent of the problem area(s) shall be identified. Retesting of this area is required.
25. The permittee shall provide effective frost protection of all low permeability soil component portions of the installed landfill liner system prior to November 15, or a later date if acceptable to the Department.
26. Synthetic liner anchoring, seaming, and sealing at joints and structures shall be carefully monitored and inspected each day. Documentation of this work shall be recorded and submitted with the certification report.
27. This Department shall be verbally notified five (5) business days prior to the permittee applying any sand or other protective materials on the synthetic liner components.

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- 28. All construction at the landfill site shall be under the supervision of an engineer licensed to practice professional engineering in the State of New York or an authorized representative of that individual. A representative of the permittee's engineering consultant must be present at the landfill whenever construction is on-going. This representative must maintain a daily log indicating work done that day, weather conditions; testing performed, quality control and quality assurance practices, problems encountered, and remedial activities undertaken to correct these problems. A copy of this log, stamped by the supervising engineer as accurate and correct, must be submitted with the construction certification for each cell.

Upon completion of construction, written certification shall be made by said licensed engineer that the construction is in accordance with the provisions of this permit, Part 360, and the approved engineering report and plans. Such certification shall be submitted within 45 days following completion of construction of each element and include as-built drawings noting any deviation from the approved engineering plans and drawings. The permittee shall also provide to the Department written certification by his engineer that all repairs to structures (e.g., liners, collection systems, cap) have been completed in accordance with the approved plans. Such certification shall be submitted to the Department within 30 days of the repair of any damage to the structures.

- 29. Department approval of the construction certification report is required prior to the initiation of operation of a constructed cell. No waste shall be placed in a constructed cell prior to receipt of the Department's written permission. No verbal approval will be given to operate any cell of the landfill.
- 30. Should any leachate enter by migration, spill or other means into any landfill cell which has not been approved to accept waste, all liquids within that cell shall be removed and treated as leachate. When the leachate is first detected in any such cell, all pumping of liquids from the cell into the stormwater drainage system shall cease immediately. Pumping of liquid from that cell into the stormwater drainage system may only recommence upon written approval from the Department.

**III. FACILITY OPERATION**

- 31. Adequate numbers, types, and sizes of properly maintained equipment shall be available to the facility during all hours of operation.
- 32. The permittee shall not accept vehicles delivering waste or cover material to this facility that are not enclosed, covered, or their contents secured.

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33. During the placement of the first lift of waste above the leachate collection and removal system, the following precautions and practices shall be observed:
- (a) consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
  - (b) waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.
  - (c) The initial waste placement must be a minimum of five (5) feet in compacted thickness and must be of a select nature and free of all large objects. Large objects include any long, rigid items such as poles or piping and any rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.

All subsequent lifts of waste above the first lift must be compacted in layers not more than two (2) feet thick upon deposition at the working face.

34. Wind blown paper and other litter shall be confined to the area adjacent to the working face. Any paper, litter, debris, etc. which escapes the working face area shall be immediately picked up and deposited in the landfill. At no time shall solid waste be allowed to leave the property.
35. Construction and Demolition Debris, meeting the following definition, is the only solid waste allowed for disposal at this facility:

- (a) Construction and Demolition (C&D) Debris means uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and

(definition continued on the following page)

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roads and land clearing) includes, but is not limited to asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a Department-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding. Also, waste contained in an illegal disposal site may be considered C&D debris if the Department determines that such waste is similar in nature and content to C&D debris.

- (b) Processed C&D may only be accepted for disposal from a facility which is registered or permitted in New York State. All loads of processed C&D received shall be accompanied by a tracking document. This tracking document shall be in a form prescribed by or acceptable to the Department. The tracking document shall indicate the name and address and permit or registration number of the C&D processing facility which generated the processed C&D transported, the name of the hauler and the intended disposal facility. One copy of each tracking document per load shall be retained at the facility for a minimum of seven (7) years.
36. Disposal of any waste not specifically allowed in the definition of C&D debris or which is further restricted by permit conditions is expressly prohibited. Documented violations regarding disposal of unauthorized waste will result in revocation of this permit and closure of the landfill. Under these circumstances, the standards that will apply to landfill closure and post-closure activities shall be those contained in section 360-2.15 (in lieu of section 360-7.6) of this Part. Disposal of unauthorized waste without the knowledge of the operator will not constitute a defense against revocation of the permit or implementation of the additional closure and post-closure requirements.
37. The approved design capacity for this facility is 1,494 tons per day. "Approved design capacity" means the average daily tonnage to be received at the landfill during the quarter in which the most waste is anticipated to be received. The permittee is responsible for monitoring the incoming solid waste so that the approved design capacity is not exceeded. All incoming waste loads must be monitored by an attendant located at the entrance to the landfill. Records shall be maintained on a daily basis and be made available to any representative of the Department upon request.

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38. Cover must be applied in accordance with the Operation and Maintenance Manual to control odors, fire hazards, vectors, blowing litter, and scavenging.
39. If refuse is deposited within a cell on top of an area which has received daily or intermediate cover, a portion of the daily or intermediate soil cover shall be removed from the area to be filled so as to adequately allow leachate to reach the leachate collection system.
40. Cover soil and drainage control structures shall be designed, graded, and maintained to prevent ponding and erosion and to reduce to a minimum infiltration of water into the solid waste cells. Side slopes of the landfill shall not be steeper than one (vertical) on three (horizontal).
41. Soil stockpiles shall be stabilized to preclude siltation of surface water drainage structures.
42. All structures, including the leachate collection and removal system, groundwater and gas monitoring wells, valve pits, manholes, access roads, drainage structures, sedimentation basins, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions in any way, the permittee shall notify the Department verbally within 48 hours and follow up in writing within seven (7) days, and shall promptly replace or repair the structure.
43. As used herein, the term leachate shall include:
- (a) Any liquid which accumulates within the active working area of the landfill;
  - (b) Any liquid which has been in contact with or passed through solid waste or which has been contaminated by liquid which has been in contact with or passed through solid waste.
44. The leachate collection and removal system shall be cleaned at least annually with a high-pressure hose to maintain an unobstructed and free-draining system. Should the leachate collection and removal system's efficiency be found to be impaired, then remedial cleaning operations shall be conducted. Prior written notification of the schedule for cleaning shall be provided to the Department.
45. A weekly visual inspection shall be conducted by the operator on the non-perforated main leachate collection lines, force mains and manholes. If leachate is being carried in the outer pipe or if there is evidence of plugging, corrective measures shall be implemented promptly. Permittee shall also notify the Department verbally within 48 hours and follow up in writing within seven (7) days.
46. Leachate to be removed from the facility by tanker truck shall only be transported by a hauler authorized to transport leachate pursuant to 6NYCRR Part 364

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47. Leachate storage must be available to meet the leachate collection needs of the facility throughout the operational and post-closure periods of the landfill.
48. The permittee shall maintain a contingency plan which shall identify the alternative leachate treatment and disposal methods that will be employed in the case of: inadequate system capacity to manage short-term increased leachate volumes and/or the leachate is not acceptable to the existing wastewater treatment plant. Should any element of the contingency plan become unavailable or inoperative, a revised plan shall be submitted, subject to Department approval within sixty (60) days.
49. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.
50. All spills, including but not limited to leachate and petroleum spills, shall immediately be contained and removed either by pumping or utilizing spill cleanup procedures such as absorbent pads. Materials collected by pumping, contaminated soils, and spill debris shall be properly disposed at an approved and permitted treatment or disposal facility. Spills shall be reported to the NYSDEC Spill Hotline (1-800-457-7362) within 2 hours of discovery. The permittee shall also notify the Region 8 Regional Materials Management Engineer verbally within 24 hours and in writing within seven (7) days of occurrence.
51. Annual reports shall be submitted to both the Region 8 Regional Materials Management Engineer, 6274 East Avon-Lima Road, Avon, NY, 14414 and the Central Office no later than 60 days after the first day of January following each year of operation. The reports shall be in accordance with the requirements of Part 360-7.5(b) and include the following information:
- (a) Complaints received;
  - (b) An evaluation of all water and leachate quality data collected throughout the year. The Department may request at any time that this information be provided in a computer-compatible format to be specified by the Department;
  - (c) Evaluations of the landfill gas collection and control system, monitoring system, and monitoring data collected throughout the year. A description of proposed and/or actual changes to the landfill gas collection and control system, monitoring system, and monitoring plan shall be included;
  - (d) A completed copy of the Radiation Monitor Alarm Record form for each instance in which the radiation detector alarms due to an incoming load of waste.

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**IV. ENVIRONMENTAL MONITORING**

52. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the Analytical Services Protocol developed by New York State Department of Environmental Conservation dated September 1989 or as otherwise acceptable to the Department.

**Water Monitoring**

53. A water quality monitoring program in accordance with Part 360-7.4(a)(4) which is the sole responsibility of the permittee, shall be conducted in accordance with the approved Environmental Monitoring Plan (EMP).

**Groundwater Monitoring**

54. All new monitoring wells are to be constructed and sampled as specified in the approved Environmental Monitoring Plan and are to meet or exceed the requirements of Part 360. Any proposed revisions to the plans are to be reported to the Department and are subject to the Department's approval.
55. Operational, closure, and post-closure sampling and analysis shall be in accordance with the approved Environmental Monitoring Plan.
56. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes are to be reported immediately to the Region 8 Regional Materials Management Engineer. The operator shall be required to repair, redevelop, or replace such wells in time for the next scheduled sampling event. Such work must receive prior written approval by the Department.

**Surface Water Monitoring**

57. The permittee shall implement a surface water monitoring plan that conforms to the approved Environmental Monitoring Plan.

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Leachate Monitoring

58. The frequency of analysis, location of sampling points, and parameters to be analyzed for shall be in accordance with the approved Environmental Monitoring Plan.

Landfill Gas Monitoring

59. The frequency of analysis, location of sampling points, and parameters to be analyzed for shall be in accordance with the approved Environmental Monitoring Plan.

V. CLOSURE/POST-CLOSURE

60. Permittee shall amend the closure and post-closure plans when appropriate to reflect changes in the operating plans, waste deposition rates, facility design, or events that affect the permittee's post-closure activities. All such amendments shall be submitted in writing within sixty (60) days of any changes in permittee's plans, deposition rates, design, or events at the landfill. All amendments shall be subject to the Department's approval.
61. The permittee shall properly close the landfill in accordance with the approved closure plan and the appropriate edition of Part 360. The final contours of the landfill must conform to those in the Department-approved closure plan and drawings.
62. Final cover integrity, slopes, cover vegetation, drainage structures, groundwater monitoring wells, leachate collection and removal structures, storage tanks, and gas venting structures shall be maintained for a minimum period of thirty (30) years after closure in accordance with Part 360. The minimum 30-year post-closure period shall commence upon acceptance by the Department of the engineering certification for the final closure of the final stage of this facility.
63. Leachate shall be collected and treated at an appropriate treatment facility during the post-closure period.

VI. VARIANCES

64. The following variance requests have been approved by the Department:
- (a) Hakes C&D Disposal, Inc. Variance Application Report Construction and Demolition Debris Landfill, Town of Campbell, Steuben County, New York, prepared by Fagan Engineers, P.C., dated August 1993;

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- (b) **Variance Request - Low Permeability Soil Liner**, Hakes C&D Landfill Facility, prepared by McMahon & Mann Consulting Engineers, P.C., dated April 19, 2002. The approval to use low permeability soil material with a maximum particle size of three (3) inches in the lower 18 inches of the soil liner is contingent on the following conditions being met:
- i. Intact shelly tube samples must be readily obtainable. If the larger soil particles unreasonably interfere with proper sampling, the soil liner shall be reconstructed in those problematic areas until intact, passing samples are obtained. Further screening of the soil may also be necessary.
  - ii. All areas of the soil liner must have a maximum remolded coefficient of permeability of  $1 \times 10^{-7}$  cm/s.
  - iii. The soil particles in the upper six (6) inches of the soil liner must be able to pass a one-inch screen. The soil particles in the lower eighteen inches of the soil liner must be able to pass a three-inch screen.
  - iv. The applicable quality assurance and quality control requirements contained in Part 360 shall not be lessened in any way.
- (c) Request for a variance from Part 360-7.5(e) to delay the construction of final cover, prepared by McMahon & Mann Consulting Engineers, P.C., dated October 2004 and revised November 2005. Approval of this variance is contingent on the following conditions being met:
- i. Intermediate cover must be seeded and mulched to ensure that a vigorous and adequate growth of vegetation is established; the Department may require placement of a layer of topsoil with a minimum thickness of 3 inches over the intermediate cover to aid in the establishment of vegetation;
  - ii. Regular inspections and maintenance of the intermediate cover and cover vegetation must be performed;
  - iii. Regular inspections for leachate outbreaks must be performed;
  - iv. Placement of additional intermediate cover, final cover, or other appropriate measures must be undertaken if the Department determines that odors or leachate generation have become excessive; and
  - v. The Department reserves the right to reevaluate this approval should monitoring data for the groundwater suppression system and/or the groundwater monitoring wells indicate the presence of adverse, landfill-related impacts.

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- (d) Request for a variance from Part 360-2.13(i) authorizing elimination of the leachate barrier system on side slopes of the existing landfill, prepared by McMahon & Mann Consulting Engineers, P.C.
- (e) Request for a variance from Part 360-7.1(d) to allow the application to construct and operate the lateral expansion landfill with a total area greater than three acres to be deemed complete prior to final closure of the existing landfill, prepared by McMahon & Mann Consulting Engineers, P.C.

The permittee shall comply with the above approved variance requests and any conditions imposed by the Department.

**VII. OTHER CONDITIONS**

65. Open burning at the site is prohibited except pursuant to a permit issued by the Department under Part 215 of this Title.

66. Construction and operation of the landfill and landfill-related activities shall be in accordance with the following:

- (a) Construction activities shall be limited to the following:

Monday through Saturday 7:00 a.m. to 7:00 p.m.

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

Monday through Saturday 7:00 a.m. to 5:30 p.m.

Construction and operation shall not take place on Sundays or Major Holidays. Major Holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

- (b) There will be no restrictions on activities which do not require the operation of landfill equipment. These activities include liner seaming, equipment maintenance, facility maintenance (such as electrical or phone repair), office work, etc.

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- (c) The permittee shall notify the Department, in writing, of operating hours for special projects before beginning the project. Special projects shall include such items as liner seaming, installation and decommissioning of groundwater monitoring wells, cleaning of leachate collection lines, etc.
67. The following applies to wastes generated during any drilling and/or development of natural gas wells targeting the Marcellus Shale, and/or wastes generated from the production of natural gas from any wells completed in the Marcellus Shale.
- (a) Bulk drilling fluids, liquids resulting from the hydrofracturing process, flowback water and related filter sludge, production brine and related filter sludge, and drill cuttings generated from operations using oil-based drilling fluids are prohibited from disposal.
- (b) Drill cuttings generated from operations using air and water-based drilling fluids may be accepted for disposal.
- (c) Except as noted above, acceptance of all other waste streams requires prior written approval from the Department.
- (d) The amount and type of waste accepted at the landfill must be reported in the facility's annual report to the Department.
68. The liquid solidification process shall be operated in accordance with the Operation and Maintenance Manual. Absorbent materials that are used to solidify waste may not be counted toward the facility's approved design capacity provided the resulting solidified waste is used beneficially on-site.

END OF PERMIT

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