



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

**Permittee and Facility Information**

**Permit Issued To:**

HAKES C & D DISPOSAL INC  
4376 MANNING RIDGE RD  
PAINTED POST, NY 14870

**Facility:**

HAKES C & D LANDFILL  
4376 MANNING RIDGE RD  
PAINTED POST, NY 14870

**Facility Location:** in CAMPBELL in STEUBEN COUNTY

**Facility Principal Reference Point:** NYTM-E: 325.942 NYTM-N: 4675.446

Latitude: 42°12'42.5" Longitude: 77°06'31.2"

**Authorized Activity:** To authorize the expansion of the Hakes C&D Debris Landfill (Landfill) located at 4376 Manning Ridge Road in the Town of Campbell, Steuben County, New York. As proposed the landfill would be expanded from 57.9 acres to 78.9 acres to increase the disposal capacity and site life. This authorizes a new Section 401 Water Quality Certification to fill approximately 0.672 acres of federally-regulated wetlands for the expansion. The applicant will also be subject to ongoing coverage under Sector L of the State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities (GP-0-17-004). Updates to the facility stormwater pollution prevention plan (SWPPP) have also been submitted as part of the complete application. All work to be completed as per the plans identified in Condition 1 and 2 of this permit.

**Permit Authorizations**

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 8-4630-00010/00015

Modification # 0

Effective Date: 12/19/2019

Expiration Date: 11/10/2023



**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: KIMBERLY A MERCHANT, Deputy Regional Permit Administrator  
Address: NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY 14414

Authorized Signature: Kimberly Merchant Date 12/19/2019

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION**

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Barton & Loguidice including the Joint Application for Permit dated February 2018 by received March 5, 2019 and by McMahon and Mann including the Engineering Plans & Stormwater Pollution Prevention Plan (SWPPP) dated May 2018 and revised March 2019. .
- 2. No Brush or Debris Disposal in Wetland** The placement of fill, trees, brush and construction debris within any portion of the wetland (outside the project area identified in the plans) is strictly prohibited.
- 3. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Regional Bureau of Ecosystem Health at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.
- 4. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.



- 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.



**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 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY14414

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.

**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;



injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**17. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**18. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

**2. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.



- 5. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application: Hakes Construction and Demolition Debris Landfill Expansion Project Volumes 1 of 4, Appendix E, Part II Engineering Report, Surface Water Management Analysis; Volume 4 of 4, Borrow Area Use Plan; Hakes C&D Landfill Expansion Plan Sheets 1-27.
- 6. Tree Clearing Restrictive Dates for NLEB** Tree Cutting and Clearing is only authorized between November 1 and March 31 due to the possible presence of the Endangered Species, the Northern Long Eared Bat (NLEB). Cutting is not allowed April 1 - October 31.
- 7. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 8. Seed, Mulch Disturbed Areas** Within five days of final grade completion, and no later than the permit expiration date, all bare, exposed fill shall be top dressed with soil, seeded, and mulched. Mulch shall be maintained until a suitable vegetative cover is established to the Department's satisfaction.
- 9. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 10. Install and Maintain Erosion Controls** The erosion control measures specified in the referenced plans must be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition over the life of construction and revegetation phase.
- 11. Work Within Area Depicted on Plans** All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.
- 12. Separate Topsoil, Subsoil Stockpiles** Excavated topsoil shall be separated from subsoil and stockpiled. The topsoil is to be placed back on top during site grading.
- 13. Grade to Conform with Adjacent Area** The work area shall be graded to conform with the elevation and contours of the undisturbed land immediately adjacent to the work area.
- 14. Seed, Mulch Disturbed Areas** If seeding is impracticable due to the time of year, a temporary mulch shall be applied within 5 days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the permit expiration date.
- 15. Establish Vegetation** Permanent vegetation must become successfully established to the Department's satisfaction prior to the permit expiration date. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.
- 16. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or