

6/29/95

# FAX

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**DIVISION OF SOLID AND HAZARDOUS MATERIALS**

IF THERE ARE ANY PROBLEMS RECEIVING TRANSMISSION, PLEASE CALL  
REGION ONE  
(516) 444-0375

TO: JOHN GRATHWOL

FAX #: 7743 PHONE #: [scribble]

FROM: MI EAPREV

FAX #: (516) 444-0245 PHONE #: (516) 444-0375

DATE: [scribble]

SUBJ: BABYLON CONSENT ORDER

TOTAL NO. OF PAGES INCLUDING COVER PAGE: 3

MESSAGE: \_\_\_\_\_

AFFAIRS

TEL: 516-444-0348

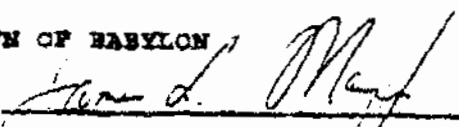
JUN 20 1995 16:36 No. 006

CONSENT BY RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof.

TOWN OF BABYLON

By



Deputy Town Attorney

STATE OF NEW YORK)

S.S.:

COUNTY OF SUFFOLK)

On the 29 day of June, 1995, before me personally came JAMES L. MANFRE to me known, who being duly sworn, deposed and said that he resides at Babylon, New York that he is the Deputy Town/ or Respondent Town and that he signed his name for and on behalf of said Town with full authority as to

JULIA R. MAVIN

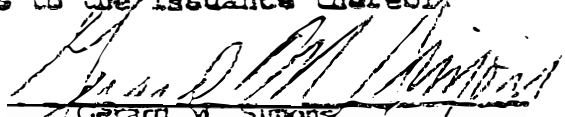
Notary Public, State of New York  
No. 52-4623709 - Suffolk County  
Term Expires July 31, 1996

  
NOTARY PUBLIC

CONSENT BY RESPONDENT

Respondent acknowledges the authority and jurisdiction of the Commissioner of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in this matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof.

By



Gerard M. Simons

Title Assistant Secretary and Safety Director

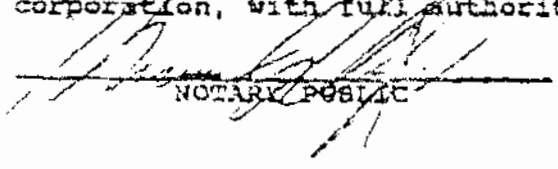
STATE OF NEW YORK)

S.S.:

COUNTY OF SUFFOLK)

On the 26th day of June, 1995, before me personally came Gerard M. Simons to me known, who being duly sworn, deposed and said that he resides at that he is the Assistant Secretary of Respondent, and that he signed his name for and on behalf of said corporation, with full authority so to do.

SAUNO A. AGOSTI  
Notary Public, State of New York  
No. 4768827  
Qualified in Suffolk County  
Commission Expires Oct. 31, 1996

  
NOTARY PUBLIC

LEGAL AFFAIRS

TEL: 516-414-1549

Respondents and DEC concerning the Facility.

Dated: *June 30* 1995MICHAEL D. ZAGATA  
Commissioner of Environmental ConservationBy *Ray E. Cowen*RAY E. COWEN, P.E.  
Regional DirectorTo: James L. Mantra, Esq.  
Deputy Town Attorney  
Town of Babylon  
Town Hall  
200 E. Sunrise Highway  
North Lindenhurst, New York 11757Garard Perry, Esq.  
Jaspan, Ginsberg, Schlesinger,  
Silverman and Hoffman  
300 Garden City Plaza  
Garden City, New York 11530-3324

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

12/31/87

5/7/88

In the matter of the Alleged Violation  
of Articles 27 & 71 of the New York State  
Environmental Conservation Law & Part 360  
of Title 6 of the Official Compilation of  
Codes, Rules and Regulations of the State  
of New York, by

MODIFIED  
ORDER ON CONSENT

FILE NO. 1-1880

TOWN OF BABYLON

(Suffolk County)

Respondent.

WHEREAS, Article 27, Title 7 of the New York State Environmental Conservation Law gives the New York State Department of Environmental Conservation ("Department"), the power to adopt and promulgate, amend and repeal rules and regulations governing the operation of solid waste management facilities, and such rules and regulations shall be directed at the prevention and reduction of air pollution, obnoxious odors and the infestation of flies and vermin and other conditions inimical to the public health, safety and welfare; and

WHEREAS, Part 360 of Title 6 of the Official Compilation of Codes, Rules & Regulations of the State of New York ("6 NYCRR"), sets forth the provisions for the operation of a solid waste management facility; and

WHEREAS, on December 31, 1987, the Department and Respondent entered into a Modified Order on Consent in the above-captioned proceeding; and

WHEREAS, the Respondent submitted, in 1983, a Closure Plan entitled "Solid Waste Management Facility Report for the Closure of the Town of Babylon Landfill" to the Department pursuant to a Consent Order, and said Closure Plan calls for the use of Respondent's municipal landfill, including the so-called "Northern U" area, beyond December 18, 1990; and

WHEREAS, subsequent to the submittal of this Plan, the Long Island Landfill Law was enacted, prohibiting landfilling in unlined landfills and restricting other landfilling activities on Long Island after December 18, 1990; and

WHEREAS, Respondent's landfill is located outside the deep flow recharge area; and

WHEREAS, Respondent desires to provide a temporary disposal area for ash residue from the Babylon Resource Recovery Facility prior to construction of Respondent's permanent ash landfill; and

WHEREAS, the Department has determined that Respondent's operation of the temporary ash disposal site shall not exceed one year, unless that period is extended by modification of this Order on Consent; and

WHEREAS, Respondent is also considering the continued use of its existing landfill, and construction of a landfill at the Northern U area for disposal of municipal solid wastes, including regrade material and bypass wastes, generated within the Town; and

WHEREAS, the Department finds that Respondent's proposed temporary ash disposal site and potential use of the Northern U area will have environmental benefits, including enhancement of the integrity of the landfill cap at closure, effective contouring of the entire landfill, and the enhancement and facilitation of Respondent's planned Resource Recovery Program; and

WHEREAS, the continued use of the existing landfill is not an "expansion" of the landfill within the meaning of Environmental Conservation Law Article 27, Title 7 or Part 360; and

WHEREAS, based upon the Long Island Landfill Law requirements, the proposed landfilling and capping schedule must be revised to reflect a planned closure date (i.e., cessation of filling activities and commencement of capping and closure activities) for the existing fill area of no later than December 18, 1990, provided, however, that Respondent may apply to the Department for continued authorization to use the Northern U area beyond December 18, 1990 if the Long Island Landfill Law deadline is extended; and

WHEREAS, the Closure Plan must also be revised as appropriate to reflect the projected final contours which will be obtained by operation of the existing landfill until December 18, 1990; and

WHEREAS, the Department has required Respondent to minimize the potential adverse impacts on groundwater quality associated with the continued use of the landfill until

December 18, 1990 and in order to carry out an environmentally sound closure of the landfill under the Consent Order; and

WHEREAS, the Department alleges that it has documented violations of 6 NYCRR §§ 360.8(a)(16) and (21), 360.8(b)(1)(vii), (ix) and (x) in that Respondent has failed to maintain the proper side slopes; of 6 NYCRR § 360.8(b)(1)(xii) in that Respondent has failed to maintain the proper setback; and of 6 NYCRR § 360.8(b)(1)(viii) in that Respondent has failed to provide daily cover at its municipal waste facility on Gleam Street in the Town of Babylon; and

WHEREAS, Respondent has affirmatively waived its right to a public hearing in this matter in the manner provided by law, and having consented to the entering and issuing of this Order, agrees to be bound by the terms and conditions contained herein.

NOW, having considered this matter and being duly advised, it is

ORDERED, that this Modified Order on Consent hereby supersedes the Modified Order on Consent entered into between the Department and Respondent on December 31, 1987; and it is further

ORDERED, that the Department has reviewed and hereby approves Respondent's conceptual design for the temporary ash fill area, and supports Respondent's proposed use of that temporary ash fill area consistent with that design as filed with the Department and the requirements of this Order; and it is further

ORDERED, that the Department shall not initiate or take any action against Respondent with respect to the violations of law alleged herein for so long as Respondent remains in compliance with the terms of this Order; and it is further

ORDERED, that with respect to the aforesaid violations, there is hereby imposed upon Respondent a penalty in the sum of One Hundred Thousand (\$100,000) Dollars, said penalty to be suspended, providing Respondent strictly adheres to the terms and conditions outlined in Schedule A, the compliance schedule attached hereto and made a part hereof; and provided, further, that, prior to the expiration of any deadline in the Schedule of Compliance, Respondent may apply for a modification of the Schedule of Compliance and the

Department shall act upon such application within 30 days; and provided further that Respondent shall not be subject to imposition of a penalty under this Order until the Department has acted upon the application for modification; and it is further

ORDERED, that this Order shall be deemed binding on Respondent, its successors and assigns and all persons, firms and corporations acting under or for it including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State; and it is further

ORDERED, that in those instances in which the Respondent desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the grounds for the relief sought to the Commissioner, c/o Lori Riley, Acting Regional Attorney, New York State Department of Environmental Conservation, Building 40, State University of New York, Stony Brook, New York 11794; and it is further

ORDERED, that nothing contained herein shall be construed as preventing the Department from collecting regulatory fees where applicable; and it is further

ORDERED, that any change in this Order shall not be made or become effective except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent or upon the Commissioner's own findings.

Dated: Sept. 9, 1988

THOMAS C. JORLING  
Commissioner of Environmental  
Conservation

By Harold D. Berger  
HAROLD D. BERGER  
Regional Director

TO: Town of Babylon  
200 East Sunrise Highway  
Lindenhurst, New York 11757  
Attention: Thomas Melito,  
Deputy Supervisor





SCHEDULE A

Compliance Schedule  
for

TOWN OF BABYLON

Regrading/Existing Landfill Closure

1. On or before October 1, 1988, Respondent shall submit to the Department for its approval a staged regrading and capping schedule for all slopes that exceed 33% grade.  
The regrading and capping schedule shall provide for the placement of both regrade and interim bypass material in the landfill and provide a schedule for implementation of final site closure construction in accordance with paragraph 5 below.  
Respondent's submission shall include a revised analysis of the useful capacity of the Northern U area. Regrading shall be done during seasons and in a manner in which odor emissions and public complaints can be minimized.
2. At least ten (10) days before regrading work begins, Respondent shall notify all residences and places of business within a one-half mile radius of the Landfill of its plans to regrade and warn them of the temporary odor emissions inherent in the regrading process.

Temporary Ash Fill Area

3. On or before October 7, 1988, Respondent shall submit to the Department for its approval its final design and plans for the temporary ash fill area.  
Respondent's use of

the temporary ash fill area for ash disposal shall not exceed twelve calendar months or December 18, 1990, whichever comes first.

4. Not later than 30 days after issuance of a permit to operate Respondent's permanent ash landfill, or 13 months after initial operation of the temporary ashfill, whichever comes first, or one month after Respondent's use of the temporary ashfill has ended pursuant to paragraph 3 above,

Respondent shall commence removal of ash from the temporary ash fill area for (i) placement in Respondent's permanent ash landfill or (ii) use, in a manner to be approved by the Department. Such removal shall be completed within six months. Upon completion of this removal, the temporary ash site shall be used consistent with the revised Closure Plan submitted pursuant to paragraph 8 of the Schedule.

5. On or before December 2, 1988,

Respondent shall submit to the Department an amended Closure Plan, indicating that landfilling must cease at the municipal landfill on or before December 18, 1990 or such later date as may hereafter be authorized by amendment to the Long Island Landfill Law, but not beyond December 18, 1991. This amended Closure Plan shall also revise Figure 5-6 of said plan, entitled, "Proposed Landfilling and Capping Schedule" to reflect the December 18, 1990 closure date for the landfill and document that the closure will not conflict with future plans for remediation of the existing landfill. All exhibits in

the 1983 Closure Plan must be revised as appropriate to reflect the projected final contours which will be obtained by operation of the existing landfill until Dec. 18, 1990.

Northern U Long Term ByPass Landfill Application

6. On or before March 15, 1989,

If Respondent desires to construct a landfill at the Northern U area for long term bypass material, Respondent shall submit an application for construction and operation of the bypass landfill. The Application shall include design recommendations for subgrade improvement and liner/leachate collection system construction for the Northern U area. This landfill shall be a free standing landfill so as not to interfere with closure of the existing landfill and to allow an adequately designed environmental monitoring system. This application must also include documentation that the proposed action will not conflict with remediation of the existing landfill (pre-RI/FS).

7. On or before April 7, 1989,

Respondent shall evaluate the feasibility of constructing an additional process line at the Resource Recovery Facility of sufficient size to accommodate bypass waste

from the two existing process lines or such larger size as is required by project economics and, subject to compliance with the State Environmental Conservation Law and the Codes, Rules & Regulations adopted pursuant thereto, shall commit to construct such additional process line if it is determined that the additional process line is feasible from an operational and financial perspective and Ogden Martin Systems, Inc., of Babylon ("OMS") (the permittee) so agrees.

8. On or before the final closure of the existing fill area,

If the Long Island Landfill Law is amended so as to authorize the use of the existing fill area after December 18, 1990, Respondent may continue to utilize that area until such later date, but not to exceed one year, and shall revise its Closure Plan in accordance with such legislative revision.

9. Upon execution of this Order,

Respondent shall fund the cost of an environmental monitor to be employed by the Department for the operation of its solid waste management facilities. Said fund shall not exceed One Hundred Thousand (\$100,000) Dollars per year.

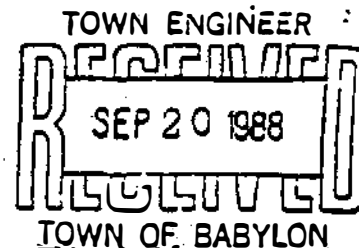
10. Within 60 days after execution of this Order,

Respondent and Department shall execute an Order on Consent providing for the development and implementation of a remedial program for Respondent's municipal

Aha!

landfill pursuant to  
Article 27, Title 13 of the  
New York State  
Environmental Conservation  
Law; provided, however,  
that failure to comply with  
the terms of this paragraph  
shall not relieve  
Respondent or the  
Department of the  
obligation to comply with  
the remaining terms of this  
Order.

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



In the matter of the Alleged Violation  
of Articles 27 & 71 of the New York State  
Environmental Conservation Law & Part 360  
of Title 6 of the Official Compilation of  
Codes, Rules and Regulations of the State  
of New York, by

TOWN OF BABYLON

(Suffolk County)

Respondent.

MODIFIED  
ORDER ON CONSENT

FILE NO. 1-1880

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WHEREAS, Part 360 of Title 6 of the Official Compilation of Codes, Rules & Regulations of the State of New York ("6 NYCRR"), sets forth the provisions for the operation of a solid waste management facility; and

WHEREAS, on December 31, 1987, the Department and Respondent entered into a Modified Order on Consent in the above-captioned proceeding; and

WHEREAS, the Respondent submitted, in 1983, a Closure Plan entitled "Solid Waste Management Facility Report for the Closure of the Town of Babylon Landfill" to the Department pursuant to a Consent Order, and said Closure Plan calls for the use of Respondent's municipal landfill, including the so-called "Northern U" area, beyond December 18, 1990; and

WHEREAS, subsequent to the submittal of this Plan, the Long Island Landfill Law was enacted, prohibiting landfilling in unlined landfills and restricting other landfilling activities on Long Island after December 18, 1990; and

WHEREAS, Respondent's landfill is located outside the deep flow recharge area; and

WHEREAS, Respondent desires to provide a temporary disposal area for ash residue from the Babylon Resource Recovery Facility prior to construction of Respondent's permanent ash landfill; and

WHEREAS, the Department has determined that Respondent's operation of the temporary ash disposal site shall not exceed one year, unless that period is extended by modification of this Order on Consent; and

WHEREAS, Respondent is also considering the continued use of its existing landfill, and construction of a landfill at the Northern U area for disposal of municipal solid wastes, including regrade material and bypass wastes, generated within the Town; and

WHEREAS, the Department finds that Respondent's proposed temporary ash disposal site and potential use of the Northern U area will have environmental benefits, including enhancement of the integrity of the landfill cap at closure, effective contouring of the entire landfill, and the enhancement and facilitation of Respondent's planned Resource Recovery Program; and

WHEREAS, the continued use of the existing landfill is not an "expansion" of the landfill within the meaning of Environmental Conservation Law Article 27, Title 7 or Part 360; and

WHEREAS, based upon the Long Island Landfill Law requirements, the proposed landfilling and capping schedule must be revised to reflect a planned closure date (i.e., cessation of filling activities and commencement of capping and closure activities) for the existing fill area of no later than December 18, 1990, provided, however, that Respondent may apply to the Department for continued authorization to use the Northern U area beyond December 18, 1990 if the Long Island Landfill Law deadline is extended; and

WHEREAS, the Closure Plan must also be revised as appropriate to reflect the projected final contours which will be obtained by operation of the existing landfill until December 18, 1990; and

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December 18, 1990 and in order to carry out an environmentally sound closure of the landfill under the Consent Order; and

WHEREAS, the Department alleges that it has documented violations of 6 NYCRR §§ 360.8(a)(16) and (21), 360.8(b)(1)(vii), (ix) and (x) in that Respondent has failed to maintain the proper side slopes; of 6 NYCRR § 360.8(b)(1)(xii) in that Respondent has failed to maintain the proper setback; and of 6 NYCRR § 360.8(b)(1)(viii) in that Respondent has failed to provide daily cover at its municipal waste facility on Glean Street in the Town of Babylon; and

WHEREAS, Respondent has affirmatively waived its right to a public hearing in this matter in the manner provided by law, and having consented to the entering and issuing of this Order, agrees to be bound by the terms and conditions contained herein.

NOW, having considered this matter and being duly advised, it is

ORDERED, that this Modified Order on Consent hereby supersedes the Modified Order on Consent entered into between the Department and Respondent on December 31, 1987; and it is further

ORDERED, that the Department has reviewed and hereby approves Respondent's conceptual design for the temporary ash fill area, and supports Respondent's proposed use of that temporary ash fill area consistent with that design as filed with the Department and the requirements of this Order; and it is further

ORDERED, that the Department shall not initiate or take any action against Respondent with respect to the violations of law alleged herein for so long as Respondent remains in compliance with the terms of this Order; and it is further

ORDERED, that with respect to the aforesaid violations, there is hereby imposed upon Respondent a penalty in the sum of One Hundred Thousand (\$100,000) Dollars, said penalty to be suspended, providing Respondent strictly adheres to the terms and conditions outlined in Schedule A, the compliance schedule attached hereto and made a part hereof; and provided, further, that, prior to the expiration of any deadline in the Schedule of Compliance, Respondent may apply for a modification of the Schedule of Compliance and the



Department shall act upon such application within 30 days; and provided further that Respondent shall not be subject to imposition of a penalty under this Order until the Department has acted upon the application for modification; and it is further

ORDERED, that this Order shall be deemed binding on Respondent, its successors and assigns and all persons, firms and corporations acting under or for it including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State; and it is further

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Dated: Sept. 9, 1988

THOMAS C. JORLING  
Commissioner of Environmental  
Conservation

By Harold D. Berger  
HAROLD D. BERGER  
Regional Director

TO: Town of Babylon  
200 East Sunrise Highway  
Lindenhurst, New York 11757  
Attention: Thomas Melito,  
Deputy Supervisor

CONSENT BY RESPONDENT

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TOWN OF BABYLON

By *Arthur E. Pitts*

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the 9<sup>TH</sup> day of SEPTEMBER, 1988, before me personally came ARTHUR E. PITTS to me known, who being duly sworn, deposed and said that he resides at LINDENHURST N.Y. that he is the SUPERVISOR of Respondent Municipality, Town of Babylon, and that he signed his name for and on behalf of the said Respondent, with full authority to do so.

*Marie L. Pickles (Amato)*  
NOTARY PUBLIC

MARIE L. PICKLES AMATO  
Notary Public, State of New York  
No. 52-675546 - Suffolk County  
Term Expires January 31, 1989

SCHEDULE A  
Compliance Schedule  
for  
TOWN OF BABYLON

Regrading/Existing Landfill Closure

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2. At least ten (10) days before regrading work begins, Respondent shall notify all residences and places of business within a one-half mile radius of the Landfill of its plans to regrade and warn them of the temporary odor emissions inherent in the regrading process.

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Respondent's use of

the temporary ash fill area for ash disposal shall not exceed twelve calendar months or December 18, 1990, whichever comes first.

4. Not later than 30 days after issuance of a permit to operate Respondent's permanent ash landfill, or 13 months after initial operation of the temporary ashfill, whichever comes first, or one month after Respondent's use of the temporary ashfill has ended pursuant to paragraph 3 above,

Respondent shall commence removal of ash from the temporary ash fill area for (i) placement in Respondent's permanent ash landfill or (ii) use, in a manner to be approved by the Department. Such removal shall be completed within six months. Upon completion of this removal, the temporary ash site shall be used consistent with the revised Closure Plan submitted pursuant to paragraph 8 of the Schedule.

5. On or before December 2, 1988,

Respondent shall submit to the Department an amended Closure Plan, indicating that landfilling must cease at the municipal landfill on or before December 18, 1990 or such later date as may hereafter be authorized by amendment to the Long Island Landfill Law, but not beyond December 18, 1991. This amended Closure Plan shall also revise Figure 5-6 of said plan, entitled, "Proposed Landfilling and Capping Schedule" to reflect the December 18, 1990 closure date for the landfill and document that the closure will not conflict with future plans for remediation of the existing landfill. All exhibits in

the 1983 Closure Plan must be revised as appropriate to reflect the projected final contours which will be obtained by operation of the existing landfill until Dec. 18, 1990.

Northern U Long Term Bypass Landfill Application

6. On or before March 15, 1989, If Respondent desires to construct a landfill at the Northern U area for long term bypass material, Respondent shall submit an application for construction and operation of the bypass landfill. The Application shall include design recommendations for subgrade improvement and liner/leachate collection system construction for the Northern U area. This landfill shall be a free standing landfill so as not to interfere with closure of the existing landfill and to allow an adequately designed environmental monitoring system. This application must also include documentation that the proposed action will not conflict with remediation of the existing landfill (pre-RI/FS).
7. On or before April 7, 1989, Respondent shall evaluate the feasibility of constructing an additional process line at the Resource Recovery Facility of sufficient size to accommodate bypass waste

from the two existing process lines or such larger size as is required by project economics and, subject to compliance with the State Environmental Conservation Law and the Codes, Rules & Regulations adopted pursuant thereto, shall commit to construct such additional process line if it is determined that the additional process line is feasible from an operational and financial perspective and Ogden Martin Systems, Inc., of Babylon ("OMS") (the permittee) so agrees.

8. On or before the final closure of the existing fill area,

*muta*

If the Long Island Landfill Law is amended so as to authorize the use of the existing fill area after December 18, 1990, Respondent may continue to utilize that area until such later date, but not to exceed one year, and shall revise its Closure Plan in accordance with such legislative revision.

9. Upon execution of this Order,

Respondent shall fund the cost of an environmental monitor to be employed by the Department for the operation of its solid waste management facilities. Said fund shall not exceed One Hundred Thousand (\$100,000) Dollars per year.

10. Within 60 days after execution of this Order,

Respondent and Department shall execute an Order on Consent providing for the development and implementation of a remedial program for Respondent's municipal

landfill pursuant to  
Article 27, Title 13 of the  
New York State  
Environmental Conservation  
Law; provided, however,  
that failure to comply with  
the terms of this paragraph  
shall not relieve  
Respondent or the  
Department of the  
obligation to comply with  
the remaining terms of this  
Order.



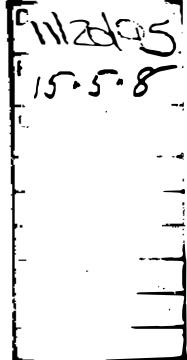
LOCKWOOD.  
KESSLER &  
BARTLETT, INC.

CONSULTING ENGINEERS SINCE 1889

ONE AERIAL WAY, SYOSSET, NEW YORK 11791 (516) 938-0600

TELEFAX (516) 931-6344

November 17, 1995  
LKB #0287-05



Mr. Peter J. Senatore  
Vice President  
William J. Huff Engineering, P.C.  
281 Phelps Lane, Room 24  
N. Babylon, NY 11703-4005

Re: OU-2 Engineering Services

Dear Mr. Senatore:

As per our discussion on 11/15/95, enclosed is the authorization from the Town of Babylon Comptroller dated July 7, 1994 for an estimated cost of \$37,400.00 (Attachment 1). Subsequent to that authorization, we provided a detailed cost breakdown to the Town and NYSDEC for additional services which included responding to NYSDEC review comments. This resulted in a revised estimate of \$39,639.50 (Attachment 2).

Our final bill for this project for which we have been paid amounts to a total of \$46,097.52. The additional services and fees were due to LKB providing support during the bidding phase. This included reviewing bidders submissions, presentations at the bidders conference, and justifying the discrepancies between the Engineer's Estimate and Bidders Estimate.

Additionally, approximately 20% of the work was performed during 1995. Since our original cost estimate was based on 1994 dollars, a slight increase in 1995 salaries resulted in a higher fee.

I trust this information is sufficient for your NYSDEC funding request, and if you have any other questions, please do not hesitate to contact me.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.

Paul Lappano, P.E.  
Director of Environmental Engineering

PL/cs  
Encl.





# Town of Babylon

200 East Sunrise Highway, Lindenhurst, L.I., N.Y. 11757-2598

July 7, 1994

Mr. John P. Lekstutis, President  
Lockwood, Kessler & Bartlett, Inc.  
One Aerial Way  
Syosset, New York 11791

RE: Babylon Landfill Site Remediation Design of Groundwater Well

Dear Mr. Lekstutis:

Pursuant to on-going discussions with the Town of Babylon ("Town") and its consulting engineers, Huff Engineering, the Town authorizes your firm to work on the Groundwater Remediation Program at the Town's landfill as outlined in your February 15, 1994 letter to Huff Engineering (enclosed). In that letter, LKB indicated its ability to complete the outlined tasks for an estimated cost of \$37,400 to be invoiced in accordance with your firm's past practices in working for the Town.

Kathleen McCue, Project Manager for NYSDEC's Division of Hazardous Waste Remediation, is anxious to receive a more detailed project outline from you specifying:

- Project scope by task (technical description);
- Project completion schedule; and
- Project budget (estimating staffing hours by task).

Please provide this information at your earliest convenience. If you have any questions or comments concerning this, please do not hesitate to contact me.

Sincerely,

TOWN OF BABYLON

  
Douglas F. Jacob,  
Comptroller

Enclosure

DFJ:bms

cc: Richard Schaffer, Town Supervisor  
Wm. J. Huff, Huff Engineering  
Kathleen McCue, NYSDEC

Office of the Comptroller — Douglas F. Jacob, Comptroller

(516) 957-3179



LOCKWOOD.  
KESSLER &  
BARTLETT, INC.

CONSULTING ENGINEERS SINCE 1889

ONE AERIAL WAY, SYOSSET, NEW YORK 11791 (516) 938-0600

TELEFAX (516) 931-6344

August 10, 1994  
LKB #0287-05

Ms. Kathy McCue  
Division of Hazardous Waste Remediation  
NYS Department of Environmental Conservation  
50 Wolf Road  
Albany, NY 12233

Re: Town of Babylon OU-2  
Groundwater Remediation Well

Dear Ms. McCue:

In accordance with your request at our project meeting of July 27, 1994, enclosed is the following:

- 1) Scope of Services by task.
- 2) NYSDEC EQBA eligible project cost (Table 1).
- 3) Project schedule (Table 2).
- 4) LKB project schedule of direct salary rates (Table 3).

Please be advised we have assumed a fee multiplier of 2.8 the maximum allowed by the NYSDEC. We are presently being audited by the NYSDOT and will have appropriate multiplier verification for you within 3 to 4 weeks.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.

Paul Lappano, P.E.  
Director of Environmental Engineering

PL/cs  
Encl.

cc: P. Senatore, Huff Engr.  
D. Jacob, Town of Babylon

**BABYLON LANDFILL  
GROUNDWATER REMEDIATION WELL  
OU-2**

***SCOPE OF SERVICES***

**Task 1 Review Existing Data to Determine Design Parameters.**

The well location, depth and screen data will be obtained from existing reports prepared by Geraghty & Miller and in accordance of the Record of Decision to prepare detailed well construction drawings. Shop drawings of existing equipment including pumps, motors, controls, valves, building and foundation drawings, electrical line diagrams, must be reviewed to design a system compatible with the existing operational equipment. Meetings with Ogden Martin personnel will be required to asses specific operational needs, control logic, spare and interchangeable parts, etc. A civil site plan of the project site will be reviewed indicating existing underground utilities to layout proposed piping and electrical conduit.

**Task 2 Prepare Plans (65 Percent Completion).**

Plans for the installation of the well and appurtenances will be prepared and include:

- Piping and electrical layout from well location to appropriate interconnection points at the existing facility.
- Instrumentation drawings to interface new work with existing controls and treatment equipment.
- Civil, site plan for pump building (similar to existing pump building)
- Electrical supply drawing for pump and controls.

A review of plans by Ogden Martin and Huff Engineering and appropriate revisions will be included in this task. Drawings will be ink on mylar reproducibles.

**Task 3 Prepare Specifications and Bid Documents (95 Percent Complete and Finalization).**

The plans will be utilized to prepare technical specifications and bidding documents in accordance with CSI or Town of Babylon formats as well as NYSDEC requirements. A construction cost estimate will also be prepared. Upon review by NYSDEC (assuming 1 month review) plans and specifications will be finalized for bidding purposes.

**TABLE 1**  
**BABYLON LANDFILL GROUNDWATER REMEDIATION WELL**  
**OU-2**  
**NYSDEC ELIGIBLE**  
**MANHOUR DISTRIBUTION AND COST ESTIMATE**  
**(FOR EQBA FUNDING ONLY)**

JOB TITLE	WORK TASK			LKB SCHEDULE TOTAL HOURS	HOURLY DTL RATE	TOTAL LABOR COST @2.8 MULTIPLIER
	1	2	3			
PRINCIPAL ENGINEER	14	14	19	47	\$38.69	\$5,091.60
ASSOCIATE ENGINEER	28	32	32	92	\$27.88	\$7,181.89
SENIOR ENGINEER/DESIGNER	10	105	40	155	\$23.08	\$10,016.72
ASSISTANT ENGINEER/ DESIGNER/LANDSCAPE ARCHITECT	26	76	76	178	\$20.55	\$10,242.12
LEVEL IV DRAFTER		100	16	116	\$21.42	\$6,957.22
TOTALS	78	327	183	588		\$39,489.55

**WORK TASKS**

Out of Pocket Expenses: \$150.00

1 Review Existing Data to Determine Design Parameters.

TOTAL: \$39,639.55

2 Prepare Plans and Review with Huff Eng. and Ogden Martin.

3 Prepare Specs and Review with Huff Eng., Ogden Martin, and NYSDEC.

**TABLE 2**  
**SCHEDULE**  
**BABYLON LANDFILL**  
**GROUNDWATER REMEDIATION WELL**  
**OU-2**  
**1994**

	AUG 1			SEP 1			OCT 1			NOV 1			DEC 1		
TASK 1	[Task 1 Bar]														
TASK 2				[Task 2 Bar]											
TASK 3							[Task 3 Bar]			NYSDEC REVIEW			FINALIZE		

## TASKS

- 1 Review Existing Data to Determine Design Parameters.
- 2 Prepare Plans and Review with Huff Eng. and Ogden Martin.
- 3 Prepare Specs and Review with Huff Eng., Ogden Martin, and NYSDEC.

DEC 19

**TABLE 3**

**LKB PROJECT SCHEDULE OF  
DIRECT SALARY RATES - 1994**

<u>CATEGORY</u>	<u>STAFF MEMBER</u>	<u>DIRECT SALARY RATE</u>	
Principal Engineer	A. Haddad	38.69	
	P. Lappano	33.41	
	H. Fischer	37.04	
	P. Casini	36.89	
	A. Scaglione	36.54	
	W. Marman	31.50	
	M. Steblai	30.35	
	R. Wegener	29.81	
	R. Malec	31.12	
Max. Direct Technical Labor (DTL) .....			38.69
Associate Engineer	A. Speiser	27.88	
	J. Martines	26.19	
	T. Heneveld	27.52	
	M. Wypyski	26.33	
Max. Direct Technical Labor (DTL) .....			27.88
Senior Engineer Designer	N. Lenz	22.24	
	W. Watson	23.08	
	R. Glover	22.73	
	T. Melodia	21.75	
	M. Cancellieri	22.10	
Max. Direct Technical Labor (DTL) .....			23.08
Assistant Engineer/ Designer	M. Lisa	19.95	
	S. Fuhrman	20.32	
	T. Connors	17.79	
	N. Mattessich	20.20	
	R. Gomez	20.55	
	L. Olive	16.23	
	H. Foufas	18.62	
	M. Lang	15.26	
	S. Solomon	16.23	
Max. Direct Technical Labor (DTL) .....			20.55

CATEGORY

STAFF MEMBER

DIRECT SALARY RATE

Technical/Drafter

M. Atanas

21.42

V. Carr

19.59

B. Scharer

18.75

D. Garvey

18.25

C. Shannon

14.08

G. Cox

12.00

B. Dougherty

13.07

Max. Direct Technical Labor (DTL) .....

21.42



**WM J. HUFF**  
**ENGINEERING**  
PROFESSIONAL ENGINEER, P.E.

917195
FILE NO.
13.3.8
COPIES
11.10

September 7, 1995

Mr. Douglas F. Jacob  
Comptroller  
Town of Babylon  
Town Hall  
200 East Sunrise Highway  
Lindenhurst, NY 11757

RE: Engineering Oversight Proposal for the Town of Babylon Operable Unit 2.  
Groundwater Remediation Well Project

Dear Doug:

Enclosed is an updated copy of Huff Engineering's Engineering Oversight Proposal for the Town of Babylon's Operable Unit 2. Groundwater Remediation Well Project. This updated proposal decreases the cost by \$28,000, for a total cost of \$45,000.

Also enclosed is the updated Change Order No. 2 which corresponds to the change in the proposal.

If you require additional information or have any questions, please call.

Sincerely,

*W. J. Huff for*

Peter J. Senatore  
Vice President

PJS:vr

Enclosures

cc: Ronald Kluesener, Commissioner, DEC, Town of Babylon  
Anita Katz, Commissioner, General Services, Town of Babylon  
John Grathwol, P.E., NYSDEC, Albany



TOWN OF BABYLON LANDFILL

OPERABLE UNIT 2

GROUNDWATER REMEDIATION WELL  
ENGINEERING OVERSIGHT PROPOSAL

**BASIS:**

16-week Project Duration

On-site Field Inspector

16 weeks x 8 Hours/Day x 5 Days/Week at \$16/Hour = \$10,240

Office Support/Supervision 94 Hours at \$40/Hour = \$ 3,760  
and Final Project Report

Direct Labor \$14,000

NYSDEC Multiplier of 2.5 x Direct Labor = \$35,000

Final Project Report \$10,000

Total \$45,000



## CHANGE ORDER

No. 2

PROJECT TITLE Construction Project Management -- Landfill Capping Project -- OU2  
PROJECT NO. 1-52-039 CONTRACT NO. 93G79 CONTRACT DATE 11/17/93  
CONTRACTOR William J. Huff, Professional Engineering, P.C.

The following changes are hereby made to the Contract Documents:

Provide Engineering oversight and inspection services for the Groundwater Remediation Well Operable Unit 2 (OU2) Project, the final construction phase of the Landfill Closure Project.

### CHANGE TO CONTRACT PRICE

Original Contract Price: \$ 2,769,072.00

Current contract price, as adjusted by previous change orders: \$ 3,071,211.31

The Contract Price due to this Change Order will be increased by: \$45,000.00

The new Contract Price due to this Change Order will be: \$ \$3,116,211.31


### CHANGE TO CONTRACT TIME

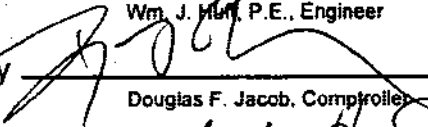
The Contract Time will be increased by 150 calendar days.

The date for completion of all work under the contract will be April 1996.

### Approvals Required:

To be effective, this order must be approved by the Owner if it changes the scope of the project, or as may otherwise be required under the terms of the Supplementary General Conditions of the Contract.

Requested by  date 9/17/95  
Wm. J. Huff, P.E., Engineer

Recommended by  date 6-19-96  
Douglas F. Jacob, Comptroller

Ordered by  date 6-19-96  
Richard H. Schaffer, Supervisor

Accepted by \_\_\_\_\_ date \_\_\_\_\_



# Town of Babylon

200 East Sunrise Highway, Lindenhurst, L.I., N.Y. 11757-2598

September 26, 1995

Mr. Carl Bensin, President  
Bensin Contracting  
652 Union Avenue  
Holtsville, NY 11742

Re: Bid No. 95G40, Groundwater Remediation Well

Dear Mr. Bensin:

Pursuant to the pre-construction meeting held in this office on September 18, 1995, the Town of Babylon will be awarding the above referenced contract to your company at our October 10, 1995 board meeting. As discussed with you at that time, the Town requires an extension of time in order to amend its current contract with the New York State Department of Environmental Conservation to include the costs for this project. Therefore, this project will not commence until March of 1996.

As agreed, Bensin Contract will hold its construction price of \$244,275 firm for Bid No. 95G40, for a six-month period, ending March 18, 1996. I have enclosed a revised lump sum cost proposal form containing the time extension clause. Please sign and return this form in enclosed envelope as soon as possible. I appreciate your cooperation in this matter and if you have any questions, please do not hesitate to contact this office.

Very truly yours,

*Anita S. Katz*  
Anita S. Katz  
Commissioner of General Services

ASK:kl  
enc.

cc: P. Senatore, Huff Engineering  
D. Jacob, Comptroller  
M. Mercurio, Sr. Assist. Town Attorney

Department of General Services - Anita S. Katz, Commissioner  
(516) 957-3025 FAX (516) 957-3052

FORM OF PROPOSAL

LUMP SUM COST PROPOSAL

BID PRICE TIME EXTENSION

BABYLON LANDFILL, OPERABLE UNIT 2 GROUNDWATER REMEDIATION WELL SITE NUMBER 152039 SUFFOLK COUNTY, NEW YORK CONSTRUCTION, SHALL BE THE LUMP SUM BID FOR FURNISHING ALL LABOR MATERIALS, EQUIPMENT, SERVICES, INCIDENTALS, ETC. NECESSARY TO CONSTRUCT ALL ASPECTS OF THE WORK, INCLUDING BUT NOT LIMITED TO, SITE WORK, EARTHWORK, STRUCTURAL AND MECHANICAL, ELECTRICAL, INSTALLATION OF WELL AND PUMP SITES, LABORATORY TESTING, AND CUTTING DISPOSAL, MOBILIZATION, DEMOBILIZATION, ETC. COMPLETE AND READY FOR USE, THE LUMP SUM OF:

**BASE BID**

TOTAL BID IN FIGURES      \$244,275.00

TOTAL BID IN WORDS      Two Hundred Forty-Four Thousand, Two Hundred Seventy Five Dollars

LEGAL NAME OF PERSON, FIRM OR CORPORATION MAKING THIS BID:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEAL

THE ABOVE BID WILL BE HELD FIRM UNTIL MARCH 18, 1996.

SIGNATURE \_\_\_\_\_

DATED \_\_\_\_\_

ALL COST PROPOSALS MUST INCLUDE \$22,000.00 DOLLARS ALLOTTED FOR OFF-SITE DISPOSAL OF HAZARDOUS WASTE CUTTINGS AS WELL AS WATER AND SOIL TESTING WHICH WILL BE DEDUCTED FROM THE CONTRACT IN THE EVENT IT IS NOT UTILIZED.



**NSIN CONTRACTING INC.**  
**WATER SUPPLY & WASTE TREATMENT**

JOB CLOSURE
DATE:
FILE NO:
COPIES TO:
02.4.03

**TOWN OF BABYLON**  
**OU-2 GROUNDWATER REMEDIATION PROJECT**

**PROGRESS SCHEDULE**

**LENGTH OF CONTRACT - 110 6/10- 9/27**

NO.	DESCRIPTION	JUNE	JULY	AUGUST	SEPTEMBER
1	MOBILIZATION AND MARK OUTS	6/10--6/14			
2	WELL DRILLING AND DEVELOPMENT	6/17-----		8/5	
3	PUMP INSTALLATION AND TESTING			8/6--8/13	
4	PIPING AND MECHANICAL WORK		7/1-----		8/30
5	ELECTRICAL WORK		7/1-----		9/10
6	BUILDING AND CONCRETE WORK			8/1-----	8/30
7	TESTING AND START UP				9/20----9/27
8	SITE RESTORATION				9/10---9/20