



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
MODERN LANDFILL INC
PO BOX 209
MODEL CITY, NY 14107-0209
(716) 754-9226

Facility:
MODERN LANDFILL INC
PLETCHER RD
MODEL CITY, NY 14107

Facility Location: in LEWISTON in NIAGARA COUNTY

Facility Principal Reference Point: NYTM-E: 176.826 NYTM-N: 4792.068
Latitude: 43°12'43.9" Longitude: 78°58'42.4"

Authorized Activity: Activities authorized under this permit include:

- Construction of landfill cells Section IV, Areas 1, 2, 3 and 4;
- Operation of landfill cells in Sections I, II, III and IV, including the Overfill Liner Area;
- Construction and Operation of the Landfill Gas Collection System;
- Operation of the Salvage Area;
- Operation of the C&D Processing Facility; and
- Operation of the Liquid Solidification Process.
- Operation of the registered Aerated Static Pile Compost facility

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-2924-00016/00043

Renewal

Effective Date: 10/29/2013

Expiration Date: 10/28/2023

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: DAVID S DENK, Regional Permit Administrator
Address: NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

Authorized Signature: _____

Date 10/29/2013



Distribution List

DENNIS WEISS
RICHARD E CLARKSON

Permit Components

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

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Previous Permits** This permit supersedes all previously issued Solid Waste Management Facility permits and permit modifications issued by the New York State Department of Environmental Conservation (Department) for this facility.
- 2. Emergency Notification** In the event of an emergency requiring implementation of the Contingency Plan (see Solid Waste Management Permit Condition 6 of this permit), or other conditions that may affect operations under this permit, the Department's Region 9 Materials Management Engineer (RMME) or the NYSDEC Environmental Monitor (Monitor) shall be notified of the emergency within four hours of discovery during DEC business hours or on the next business day if the event occurs during non-business hours. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the incident.
- 3. Transfer of Ownership** Upon transfer of ownership of this facility, provisions shall be included in the property deed stating the period of time during which the property was used as a landfill and a description of the wastes contained therein. The fact that records, including the limits of the landfill waste within the property and describing the length of time the property was used as a landfill and a description of wastes disposed on-site, are on file with this Department shall also be noted in the deed. This deed shall be filed with the Niagara County Clerk's Office.
- 4. Permit Conflicts** If any condition of this permit conflicts with the approved reports and plans identified in Solid Waste Management Permit Condition 6 of this permit, the permit condition(s) shall prevail over the reports and plans unless specific written approval for such change is obtained from the RMME prior to implementation. Where there are conflicts between elements of the approved reports and plans, the most recently dated element shall prevail with respect to the conflicting material.

APPROVED DOCUMENTS AND WASTES

- 5. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by (see Solid Waste Management Permit Condition 6 of this permit) on (see Solid Waste Management Permit Condition 6 of this permit).



6. Approved Reports and Plans Unless expressly authorized in writing or unless modified by special conditions of this permit issued by the Department, construction and operation of the Modern Landfill and related facilities shall be carried out in accordance the applicable requirements of 6 NYCRR Part 360 (current edition and as subsequently modified) and the plans and reports consisting of:

- Letter dated April 23, 2001 from Peter J. Burke to NYSDEC (Steven J. Doleski) regarding Modern Landfill's Expansion on Fort Conti Corp. Property. Attached to this letter is a survey entitled 'Survey of Part of Lots-14 & 21, Twp.-14, R.-9, Holland Purchase' prepared by McIntosh & McIntosh, P.C. (Job No. 5300-D) and dated July 24, 1992
- 'Modern Landfill, Inc. Variance Request From 6NYCRR Part 360 Subclause 2.13(k)(3)(iii)(d)(1) Geomembrane Destructive Seam Sampling' dated June 13, 2006 and prepared by EnSol, Inc.
- 'Modern Landfill, Inc. Variance Request From 6NYCRR Part 360 Subclause 2.13(j)(1)(i) 12-Inch Structural Soil Layer Thickness Above the Secondary Membrane Liner' dated June 15, 2006 and prepared by EnSol, Inc.
- Letter dated March 18, 2012 from Daigler Engineering P.C. (Bethany Acquisto) to NYSDEC (Mark Hans) regarding Variance Request from Testing Frequency Requirements for the Landfill Drainage Layer.
- Letter dated July 1, 2011 from Daigler Engineering P.C. (David Lenox) to NYSDEC (David Denk) regarding Part 360 Permit Modification Application for Aqueous Waste Solidification.
- Memorandum dated July 26, 2011 from Daigler Engineering P.C. (David Lenox) to NYSDEC (Mark Hans) regarding Modern Landfill C&D Processing Facility.
- 'Request for Approval of Equivalent Designs Section IV Area 1B Baseline System Geothermal Ground Loop Heat Exchanger' dated May 2013 and prepared by Daigler Engineering P.C.
- Part 360 Permit Modification Application Documents for Footprint Swap Modification, including:
- 'Environmental Assessment Report' dated August 2008 and prepared by Daigler Engineering, P.C.
- Plans entitled 'Site Development Drawings Section IV', dated November 2009 and prepared by P.J. Carey & Associates P.C. A list of the approved plan sheets are attached to this permit.
- 'Wetlands Alternatives Analysis' dated December 2009 (last revised March 2010) and prepared by Daigler Engineering, P.C.
- 'Existing Conditions Floodplain analysis' dated December 2009 and prepared by Daigler Engineering, P.C.
- 'Footprint Swap Area Supplemental Hydrogeological Investigation Report' dated December 2009 (last revised December 2012) and prepared by Environmental Solutions.
- 'Environmental Monitoring Plan' dated December 2009 (last revised June 2013) and prepared by Environmental Solutions.
- 'Engineering Report: Footprint Modification' dated December 2009 (last revised June 2013) and prepared by Daigler Engineering, P.C.
- 'Operation and Maintenance Manual' dated December 2009 (last revised February 2012) and prepared by Daigler Engineering, P.C.
- 'Contingency Plan' dated December 2009 (last revised February 2012) and prepared by Daigler Engineering, P.C.
- 'Construction Quality Assurance/Construction Quality Control Plan' dated December 2009 (last revised June 2013) and prepared by Daigler Engineering, P.C.
- Plans entitled 'Modern Landfill, Inc. Proposed Landfill Footprint Modification', dated December 2009 (last revised April 3, 2012) and prepared by Daigler Engineering, P.C. A list of the approved plan sheets are attached to this permit.
- 'Supplemental Geotechnical Report' dated May 2011 (last revised June 2013) and prepared by PJ



Carey & Associates, PC.

- 'Proposed Final Conditions Floodplain Analysis for the Footprint Swap' dated December 2010 and prepared by Daigler Engineering, P.C.
- Letter dated March 30, 2010 from Daigler Engineering, P.C. (James A. Daigler, P.E.) to NYSDEC (Mark J. Hans, P.E.) regarding Slope Settlement - Top of Waste Surface Model Parameters.

7. Permitted Waste The only waste permitted for disposal at this facility shall be municipal solid waste, asbestos waste, nonhazardous industrial and commercial solid wastes, construction and demolition (C&D) debris, contaminated soil waste and sludge waste. In addition, liquids, waste containing free liquids and waste with a solid content of less than 20% may be received for solidification and disposal in the landfill. All nonhazardous industrial waste, friable asbestos waste, contaminated soil waste, sludge waste, liquids, waste containing free liquids and waste with a solid content of less than 20% may only be received upon written acceptance from the RMME except for waste streams less than 100 tons per year and virgin petroleum contaminated soils. Those wastes may be received by the permittee upon written approval of the permittee, provided the permittee maintains verification that the wastes are non-hazardous and meet all landfill disposal criteria. All requests for acceptance shall be submitted on form 47-19-7, Application for Disposal of an Industrial Waste Stream.

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

9. Approved Design Capacity The approved design capacity for this landfill is 3,493 tons per day. The approved design capacity is not a limit. The maximum waste receipts at the landfill during any quarter shall not exceed 244,500 tons. Annual waste receipts at the landfill shall not exceed 815,000 tons.

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

VARIANCES/EQUIVALENT DESIGNS

11. Approved Variances and Equivalent Designs The following variances and equivalent designs are approved as conditioned. In the event that nuisance or other detrimental conditions develop as a result of these variances, the RMME may suspend the approval until modification procedures of 6 NYCRR Part 621.14 are concluded.

- Variance No. 1 from 6 NYCRR Part 360-2.13(m)(2) requiring a minimum post-construction pipe slope of 1.0% to an allowable 0.5% is approved providing the permittee cleans and maintains all primary leachate collection pipes twice annually.
- Variance No. 2 from 6 NYCRR Part 360-2.13(j)(3)(i) requiring a minimum of one comparison of the moisture-density-permeability relation for every 5,000 cubic yards of soil liner material placed is approved. The permittee shall compare moisture-density-permeability relation for every 10,000 cubic yards of soil liner material placed. This variance approval is for the use of on-site soils only. Soils from off-site sources shall be tested at the



- rate of one comparison for every 5,000 cubic yards of soil liner material placed.
- Variance No. 3 from 6 NYCRR Part 360-2.13(j)(3)(i) requiring a laboratory permeability test using a triaxial cell with back pressure for every 5,000 cubic yards of soil liner material placed is approved. The permittee shall perform permeability testing at a rate of 1 test for every 10,000 cubic yards of soil liner material placed. This variance approval is for the use of on-site soils only. Soils from off-site sources shall be tested at the rate of one comparison for every 5,000 cubic yards of soil liner material placed.
 - Variance No. 4 from 6 NYCRR Part 360-2.13(q)(2)(ii) requiring a final cover slope of no less than 4 percent is approved. The permittee may reduce the final slope to 3% post settlement.
 - Variance No. 5 from 6 NYCRR Part 360-2.13(f)(4) which requires a minimum of 24" of approved soil material in the primary drainage layer is approved. The primary drainage layer shall consist of a minimum of 12" of approved soil material overlaid by a layer of tire chips to the depth specified in the approved Construction Quality Assurance/Construction Quality Control (CQA/CQC) Plan (see Solid waste Management Permit Condition 6 of this permit).
 - Variance No. 6 from 6 NYCRR Part 360-2.13(j)(1)(i) which requires a 12 inch structural fill layer above the secondary leachate collection layer is approved. The permittee shall provide a 12 inch structural fill layer in all areas of the primary soil liner except for those areas directly above the secondary leachate collection piping. The structural fill layer above the secondary leachate collection piping shall be installed in accordance with Figure 5-1 of the CQA/CQC Plan (see Solid Waste Management Permit Condition 6 of this permit).
 - Variance No. 7 from 6 NYCRR Part 360-2.13(k)(3)(iii)(d)(1) which requires that one destructive seam sample be collected from every 500 feet of geomembrane seam length is approved. The permittee shall collect a destructive seam sample from every 1,000 feet of geomembrane seam length. In addition, sampling and testing of the geomembrane shall be in accordance with the CQA/CQC Plan (see Solid Waste Management Permit Condition 6 of this permit).
 - Variance No. 8 from 6 NYCRR Part 360-2.13(l)(3)(i) which requires that a particle size analysis be performed on soil drainage layer material during installation at a minimum frequency of once per 1,000 cubic yards of material delivered and placed is approved. The Permittee shall perform particle size analysis at a frequency of once per 2,000 cubic yards of material delivered and placed. This variance approval is for primary drainage layer tire chips produced at the Modern facility and for primary drainage layer stone from the Lafarge Lockport and Niagara Falls quarries and from Shelby Stone Products of Medina, New York. Drainage materials from other sources must be tested for particle size at a frequency of once per 1,000 cubic yards of material delivered and placed.
 - Variance No. 9 from 6 NYCRR Part 360-2.13(l)(3)(i) which requires that a laboratory constant head permeability test be performed on soil drainage layer material during installation at a minimum frequency of once per 2,500 cubic yards of material delivered and placed is approved. The Permittee shall perform a laboratory constant head permeability test at a frequency of once per 5,000 cubic yards of material delivered and placed. This variance approval is for primary drainage layer tire chips produced at the Modern facility and for primary drainage layer stone from the Lafarge Lockport and Niagara Falls quarries and from Shelby Stone Products of Medina, New York. Drainage materials from other sources must be tested for laboratory constant head permeability at a frequency of once per 2,500 cubic yards of material delivered and placed.
 - Variance No. 10 from 6 NYCRR Part 360-1.2(b)(66) requiring placement of final cover on any surface of a landfill where no additional solid waste will be deposited within one year is approved. In those areas where solid waste will not be deposited within one year, the



- permittee shall apply interim cover in accordance with Condition No. 29 of this permit.
- Equivalent Design - 360-2.13(s). A geosynthetic clay liner (GCL) is being used in lieu of the 18 inches of low permeability soil in the composite cap.
 - Equivalent Design - 360-2.13(g)(1) and 360-2.13(l)(2)(i). Construction of the Geothermal Ground Loop Heat Exchanger shall be in accordance with the document entitled "Request for Approval of Equivalent Designs Section IV Area 1B Baseline System Geothermal Ground Loop Heat Exchanger" (see solid Waste Management Permit Condition 6 of this permit). In addition, the geotextile shall be wrapped around the 12" soil mound to adequately prevent soil fines from entering the drainage layer.

COMPLIANCE SCHEDULE

- 12. Fort Conti Corp. Property** The permittee may not conduct landfilling activities on acreage of the former Fort Conti Corp. property, which property has a deed restriction against landfilling, until the permittee obtains a future release from such deed restriction. If the permittee fails to obtain this release, the permittee must modify its design to avoid placement of waste within that restricted area. See documents referenced in Solid Waste Management Permit Condition 6 of this permit and Quitclaim Deed - Liber 1458, Page 21 to Liber 1458, Page 30 - Niagara County Clerk's Office.
- 13. Updated Plans and Specifications** For each phase of landfill construction, the permittee shall submit to the RMME updated specifications, an updated CQA/CQC Plan and drawings for construction of the next phase. These items shall be submitted at least 90 days prior to beginning of construction for Department review and approval.
- 14. Construction Schedule** A construction schedule for any phase of landfill construction or closure shall be submitted to the RMME before the start of construction of that phase.
- 15. New Cell Operation** Prior to operation of each subcell and waste placement, the permittee shall submit to and receive the RMMEs written acceptance of the Construction Certification Report (CCR) (see Solid Waste Management Permit Condition 26 of this permit). No authorization to operate will be granted until leakage into the secondary collection system, after completion of construction, has dropped below 20 gallons per acre day (gpad) and has stabilized. Data confirming the leakage rate must be submitted to the RMME.
- 16. Revised Closure and Post-Closure Cost Estimate** Prior to operation of any new cell, the permittee shall submit to the RMME a revised closure and post-closure cost estimate that includes the new cell to be operated.
- 17. Revised Trust Fund Payments** Within 30 days after starting operation of a new cell, the permittee shall submit a revised payment schedule (if needed) for the trust fund to provide funds for the revised closure and post-closure cost estimate provided in accordance with Solid Waste Management Permit Condition 16 of this permit.
- 18. Topographic Map** A topographic map for the entire site, generated by aerial methods (fly-over), shall be performed beginning in 2014 and every seventh year thereafter. An updated topographic map by Modern's own surveyor shall be submitted for each year between the aerial topographic mappings. In addition, all new structures and/or operations, including soil stockpiles, shall be plotted as well. A site life (remaining volume, tonnage and years remaining) calculation shall be submitted with each annual

topographic map.

19. Relocation of Twelve Mile Creek The landfill expansion calls for the relocation of Twelvemile Creek, but it is not anticipated to occur until approximately the year 2028. There shall be no filling or other disturbance of Twelvemile Creek and its associated Federally Regulated Wetland until the wetland areas to be affected are redelineated for both State and Federal standards in effect at that time, and the Permittee has obtained written authorization from the Department and the U.S. Army Corps of Engineers or their successor agencies. Also prior to stream relocation, any floodplain mapping changes shall be made as required under Federal Emergency Management Agency (FEMA) and local Town of Lewiston regulations.

In the event either Porter Center Road and/or Twelvemile Creek are not moved, the permittee must submit revised landfill plans, from the subgrade up to final elevation, showing the revised landfill footprint. These shall be submitted at least six months before any construction in Area 3 of Section IV.

20. Partial Closure Prior to closure of any portion of the landfill, the permittee shall submit to the RMME, for approval, closure plans, specifications and a CQA/CQC Plan for the areas to be closed. In addition, if any design changes are proposed to the Conceptual Closure Plan (see Solid Waste Management Permit Condition 6 of this permit), the appropriate design calculations shall be presented to justify the changes. This closure plan information shall be submitted to the RMME, for review and approval, at least 60 days prior to anticipated beginning of construction.

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

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

CONSTRUCTION REQUIREMENTS

23. Porewater Removal System When the presence of groundwater results in unsuitable soils for construction, a porewater removal system shall be installed.

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



25. Field Change Log A log shall be maintained on-site during each landfill construction and final closure phase to record all proposed field changes. Changes materially altering the permitted design and/or approved specifications must be approved in writing by the RMME before they are implemented. The CCR (see Solid Waste Management Permit Condition 26 of this permit) shall incorporate the Field Change Log for the respective construction/final closure phase.

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

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

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

29. Interim Cover In those areas where solid waste will not be deposited within one year, or where final grades have been reached, the permittee shall place an interim cover consisting of 12" of low permeability soil and 3" of topsoil. Immediately following placement of the interim final cover:

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

OPERATIONS

30. Hours of Operation Waste shall only be received at the facility between the hours of 7:00 am to 5:30 pm Monday through Friday and 7:00 am to 3:00 pm on Saturday. If an emergency arises, the landfill may open after these hours to address the emergency and the RMME shall be contacted as soon as possible.

31. Waste Receipts Landfill personnel shall be on duty at all times when the facility is receiving waste to ensure that only approved wastes are deposited in the landfill. In the event that unacceptable wastes are received at the landfill, the permittee's personnel shall refuse to accept these wastes for disposal in the landfill and shall notify the Monitor and/or the RMME. The permittee shall provide the hauler's

name and (if possible) license plate of the vehicle, the type of waste thought to have been transported and the generator of the waste. In the event that the waste has been dumped and the transporter has left the site, the waste shall be segregated from the working face. Proper disposal of the waste shall be arranged for within 30 days. A written report summarizing the incident shall be submitted to the RMME with the quarterly report required by Solid Waste Management Condition 61 of this permit.

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

33. Maximum Lift Height Except as noted in Solid Waste Management Permit Condition 32 of this permit, all wastes shall be placed in two foot layers, with a maximum lift height of ten (10) feet and be compacted, with a minimum of three passes. A minimum of six (6) inches of compacted soil (or a Department approved thickness [at least 6" but less than 12" of an alternate daily cover(ADC)], shall be placed at the completion of each day's operation on the surface of the waste. At least twelve (12) inches of compacted soil suitable for an interim cover shall be placed over all areas that will not receive wastes within 30 days. Before additional waste filling occurs in an area which has received daily or interim cover, the soil shall be scraped off and stockpiled for continued use as daily cover material. When the amount of waste contaminating the soil prohibits its use as daily cover, the soil shall be disposed in the landfill.

34. Alternate Daily Cover (ADC) In addition to soil, the RMME may approve, on a case-by-case basis, the use of wastes and contaminated soils for ADC. All ADCs that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Requests for use of ADCs shall be submitted in writing to the RMME. In the event that a nuisance condition(s) develops from the use of ADCs, the RMME can rescind this approval without the need to modify this permit. The reuse of ADCs is prohibited. ADC's cannot be used for intermediate cover. Any storage of ADCs is limited to areas where runoff can be collected as leachate and where windblown materials will not land on intermediate and final cover areas. All ADCs shall be covered with additional waste or clean soil within 24 hours of being placed. On an annual basis, the amount of approved waste used for ADC cannot exceed 25% of the annual waste receipts unless otherwise approved by the Department. Any ADC used as daily cover material will not count against the annual waste receipt limit for the facility except that any ADC used in excess of the 25% amount must be counted as waste, even if it is utilized as daily cover.

35. BUD Material The RMME may approve, on a case-by-case basis, the use of wastes for beneficial use (BUD) inside of the landfill. This BUD material may be approved for interior road construction and other similar uses. All BUD material that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Requests for use of BUD material shall be submitted in writing to the RMME. In the event that a nuisance condition(s) develops from the use of BUD material, the RMME can rescind this approval without the need to modify this permit. Any storage of BUD



materials is limited to areas where runoff can be collected as leachate and where windblown materials will not land on intermediate and final cover areas. Pre-determined BUD materials as listed in 360-1.15(b)(3), 360-1.15(b)(5) and 360-1.15(b)(11) are not subject to these storage requirements, however the storage and handling of these materials must not create any nuisance conditions as determined by the Department. Any BUD material used in accordance with the DEC approval will not count against the annual waste receipt limit for the facility.

36. Leachate Recirculation Leachate and condensate recirculation shall be in accordance with 6 NYCRR Part 360-2.17(j) and the approved operating plan (see Solid Waste Management Permit Condition 6 of this permit). In the event that nuisance conditions develop as a result of leachate and/or condensate recirculation, this approval may be rescinded or modified by the RMME without the need to modify this permit.

37. Sorting of Recyclables The sorting of recyclables from municipal solid waste of clean wood and metals from C&D debris is allowed at a salvage area which is free of industrial waste and located adjacent to the landfill's working face. The salvaging shall be conducted only when nuisances (e.g. dust and odors) and interference with landfill operations can be avoided. All recyclables shall be sent to a registered or permitted materials recovery facility.

38. Salvaging of C&D Debris Salvaging of up to 600 tons per day (based on a quarterly average and maximum daily throughput of 1,200 tons per day) of C&D debris receipts may be directed to the C&D Debris Processing Unit for processing, storage or transport off-site to a permitted facility. Processed and unprocessed C&D debris shall not be stored for more than 30 days as determined by incoming/outgoing waste tracking per 6 NYCRR Part 360-16.4(i)(2). The operation shall be conducted only when nuisances can be avoided. The permittee shall undertake any and all measures, including cessation of all or part of the operation required by the RMME to control blowing papers and litter, insects, odor, dust, noise, vectors, and other potential nuisances.

39. Unprocessable Material All residues and unacceptable/unprocessable material shall be removed from the C&D processing area at the end of each day.

40. Moving the C&D Processing Unit The permittee shall obtain the approval of the RMME before the C&D debris processing area is moved to another area.

41. C&D Tracking Document All processed C&D debris which leaves the site shall be accompanied by a tracking document [6NYCRR Part 360-16.4(l)].

42. Landfill Gas Recovery System The landfill gas recovery system shall be operated in accordance with the requirements of 6 NYCRR Part 360-2.16(e). Annual condensate sampling and analysis shall be performed and reported in accordance with 6 NYCRR Part 360-2.16(e)(3) and (4).

LANDFILL MONITORING

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



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

45. Porewater System The porewater removal system flow rates shall be recorded once per week, if this system is operating.

LEACHATE COLLECTION, STORAGE AND DISPOSAL

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

47. Action Leakage Rate The Action Leakage Rate (ALR) for the landfill shall not exceed 20 gpad. Upon an exceedance of 20 gpad [as defined by 6 NYCRR Part 360-2.10(b)(2)], field testing shall be implemented immediately. If testing indicates that leachate is present, the Contingency Plan (see Solid Waste Management Permit Condition 6 of this permit) shall be immediately implemented. Likewise, if the startup ALR exceeds 30 gpad, which shall apply at the point in time where an average of 40 feet of solid waste has been deposited across the floor of each cell or subcell, field testing will be implemented immediately. Field testing shall be for odor, color, pH and specific conductivity.

48. Leachate Line Cleaning All primary leachate collection pipes shall be cleaned twice annually. Confirmation of this cleaning shall be provided in writing to the RMME within 30 days of each cleaning. The Monitor shall be advised at least 5 days prior to the pipe cleaning.

49. Leachate Tank Cleaning The leachate storage tanks shall be drained for cleaning and maintenance every other year. The loadout platform and its' sump shall be cleaned as well. All facilities shall be inspected and repaired as necessary. Confirmation of this cleaning shall be provided in writing to the RMME within 30 days of each draining/cleaning. The Monitor shall be advised at least 5 days prior to the tank cleaning.

50. Secondary Leachate Collection/Leak Detection The monitoring requirements for all secondary leachate collection/leak detection system are as follows:

- Within the landfill - liquid quantities shall be recorded each business day;
- For the leachate forcemains - checked for leakage each business day within the load out building and the meter building and weekly for those leak detection risers on the forcemain. Accumulated fluids shall be removed, measured, tested and the volume recorded;
- For the detection system for the leachate storage tank - checked weekly. Monthly, the accumulated fluid shall be removed, observed, tested and the results recorded;
- For secondary containment around the outside of the leachate and condensate tanks - checked after every storm event and at least weekly. Accumulated surface water shall be removed at those times;
- For the leak detection risers of the Area 4 forcemains situated in the western meter building - checked weekly. Accumulated fluids shall be removed, measured, and volume recorded. The primary and secondary leak detection risers shall be labeled LDR6 and LDR7 respectively;



- All 12 forcemains coming into Meter Building #2 shall be checked for leakage each business day where the double contained pipes enter the wall. Any leak detection points on the forcemain shall be checked weekly. Accumulated liquids shall be removed, measured, tested and the volume recorded. Each forcemain shall be numbered and labeled; and
- The testing required by this condition shall include pH, specific conductivity, color and odor.

51. Leachate Leak Detection Upon detection of leachate within the leak detection systems (storage tank or any of the forcemains), the appropriate contingency plans shall be implemented.

WATER QUALITY

52. Laboratory Certification Any laboratory performing sampling under this monitoring program must be certified by the New York State Department of Health under that Department's Environmental Laboratory Approval Program for the analysis being performed. The laboratory must comply with any quality control requirements of the Department of Health and the Department of Environmental Conservation.

53. Monitoring Schedule The water quality monitoring schedule shall be as identified in Table 3 of the Environmental Monitoring Plan and updated every two years. The first update shall be submitted to the RMME beginning December 2014 and every two years thereafter.

54. Water Quality Data Water quality monitoring data must be submitted to the RMME as required by Part 360-2.11(c)(5)(iv) within 90 days of the sampling date to the parties listed in Solid Waste Management Permit Condition 63 of this permit.

55. EMP Modification The permittee may modify the EMP to incorporate an alternate analytical method if the method is specified in the Tables of 6 NYCRR Part 360-2.11(d)(6) as a "suggested method". Written notice of the change together with revised pages for the EMP shall be provided to the RMME before using the new analytical method.

56. Inability To Sample In the event of damage to or inability to sample any monitoring point, the RMME shall be notified in writing within two weeks of the attempted sampling. The notification must include the facility's plans for repair or replacement of the monitoring point and a schedule for performance of the necessary work. Unless otherwise approved, all work must be completed within 120 days of the date of notification. In the case of a replacement well, the well must be initially sampled for baseline parameters.

57. Contingency Monitoring The facility must implement the provisions of Part 360-2.11(c)(5)(iii) if contamination related to the site is discovered during the course of facility monitoring. The RMME may also require a greater frequency of monitoring, expanded range of constituents, increased number of monitoring points, or other measures.



CLOSURE

58. Landfill Closure The landfill shall be properly closed in accordance with 6 NYCRR Part 360-2.15 and the approved final Closure Plan to be submitted in accordance with Solid Waste Management Permit Condition 22 of this permit. The height of the finished landfill (top of cap) is limited to a maximum elevation of 476.0' NGVD 29. The final topography shall generally conform to those elevations shown on sheet PD-10 of the plans entitled "Modern Landfill, Inc. Landfill Proposed Landfill Footprint Modification" (see Solid Waste Management Permit Condition 6 of this permit).

POST-CLOSURE

59. Monitoring and Maintenance The facility shall be monitored and maintained in accordance with 6 NYCRR Part 360-2.15(k) and the approved Post-Closure Plan to be submitted with the Closure Plan in accordance with Solid Waste Management Permit Condition 22 of this permit. The period of post-closure care shall continue until at least 30 years have elapsed since the last landfill cell used for disposal of solid waste was closed in accordance with NYSDEC requirements.

60. Monitoring Points All approved facility environmental monitoring points, as specified in the approved post-closure monitoring plan, must be maintained and sampled during the post-closure period for a minimum of 30 years.

QUARTERLY/ANNUAL REPORTS

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

- Amounts of waste (mixed municipal, water and wastewater sludges, industrial sludges, ash, C&D debris, asbestos, compost, yard wastes, contaminated soils) received from each New York State county, from each state, and from outside of the country;
- Amounts of C&D debris processed by the C&D Processing Unit. The amount of processed waste sent off-site for recycling, the amount used on site, the amount of C&D material which was salvaged for recycling, and the amount of C&D material in storage, both processed and unprocessed.;
- Amount of recyclables which were salvaged;
- Amount and type of waste utilized as ADC and the amount of ADC stockpiled on-site at the end of the quarter. The types of ADC to be reported shall be limited to those that are listed in the quarterly/annual report form provided by the Department;
- Amounts of leachate collected by each primary and secondary leachate collection system during each business day;
- The monthly ALR for the secondary collection system for each monitored area of the landfill;
- Amounts of leachate removed from the facility on a daily basis and the disposal location;
- Condensate disposal location and the average number of gas extraction wells in operation;
- Amount of porewater removed from each active removal system.;
- Amount of leachate/condensate recirculated.;
- Groundwater and surface water quality results;
- Results of condensate sampling, if conducted;



MONITORING

65. Environmental Monitor The permittee shall fund environmental monitoring services to be performed by the Department. These monitoring services will include, but not be limited to, compliance and oversight inspections, waste approvals, and technical document review/evaluation.

- Funds necessary to support the monitoring services and requirements for the coming year shall be provided to the Department by the permittee on an annual basis. The sum to be provided is based on annual environmental monitoring service costs of the Department and is subject to annual revision. Subsequent annual payments shall be made for the duration of this permit or until the monitoring requirement no longer exists, whichever comes first.
- The permittee shall be billed annually for each fiscal year beginning on April 1. If this permit is to first become effective subsequent to April 1, the initial payment may be for an amount sufficient to meet the anticipated cost of the monitoring through the end of the current fiscal year.
- The Department may revise the required payment on an annual basis to include all of the Department's costs associated with the monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, and an increase or decrease in the amount of monitoring necessary. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis for any revision or modification. If such a revision is required, the Department will notify the permittee of such a revision no later than 60 days in advance of such revision.
- 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.
- Payments are to be in advance of the period in which they will be expended, and shall be made within 30 days of receiving a bill from the Department. Payments shall be addressed to:

NYSDEC
Bureau of Revenue Accounting (10th Floor)
625 Broadway
Albany, NY 12233-5012
Attn: Robert Schwank

- Failure to make the required payments shall be a violation of this permit. The State reserves all rights to take appropriate action to enforce the above payment provisions.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).



The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY14203 -2915

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

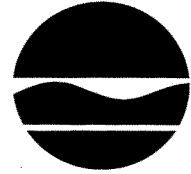
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 · Fax: (716) 851-7168

Website: www.dec.ny.gov



Joe Martens
Commissioner

June 29, 2011

Thomas L. Lewis, District Manager
Waste Management of New York LLC
10860 Olean Road
Chaffee, New York 14030

**PERMIT TRANSMITTAL LETTER
CHAFFEE LANDFILL
PERMIT NO. 9-1462-00001/00006**

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

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

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

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

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

Respectfully,
David S. Denk
Regional Permit Administrator

Enclosure

Ecc: Mark J. Hans, NYSDEC, Division of Materials Management, R9
Richard Clarkson, NYSDEC, Division of Materials Management, CO
Andrew Nichols, P.E., McMahon & Mann Consulting Engineers



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

WASTE MANAGEMENT OF NEW YORK LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002
(713) 512-6200

Facility:

CHAFFEE LANDFILL
10860 OLEAN RD
CHAFFEE, NY 14030-9799

Facility Location: in SARDINIA in ERIE COUNTY

Facility Principal Reference Point: NYTM-E: 212.6 NYTM-N: 4720.3
Latitude: 43°34'53.7" Longitude: 79°30'07.8"

Project Location: Olean Road

Authorized Activity: Activities authorized under this permit include:

- Construction of Cells 1 through 3 of the Western Expansion Landfill
- Operation of the Western Expansion Landfill
- Operation of the Landfill Gas Collection System
- Operation of the Soil Borrow Area
- Operation of the Liquid Solidification Process
- Post-Closure monitoring and maintenance of the closed 50 acre landfill

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-1462-00001/00006

Modification # 0	Effective Date: <u>12/5/2006</u>	Expiration Date: <u>12/4/2016</u>
Modification # 1	Effective Date: <u>10/6/2009</u>	Expiration Date: <u>12/4/2016</u>
Modification # 2	Effective Date: <u>6/29/2011</u>	Expiration Date: <u>12/4/2016</u>

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: LISA PORTER, Deputy Regional Permit Administrator

Address: NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

Authorized Signature: _____

Lisa M. Porter

Date 6/29/11



Distribution List

MARK J HANS
Richard Clarkson
Andrew J. Nichols

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Solid Waste Annual Report Form
Drawings/Blueprints

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Previous Permits** This permit supersedes all previously issued Solid Waste Management Facility permits and permit modifications issued by the New York State Department of Environmental Conservation (Department) for this facility.
- 2. Emergency Notification** In the event of an emergency requiring implementation of the Contingency Plan (see Solid Waste Management Permit Condition 6 of this permit), or other conditions that may affect operations under this permit, the Department's Region 9 Materials Management Engineer (RMME) or the DEC Environmental Monitor (Monitor) shall be notified of the emergency within four hours of discovery on a business day or on the next business day following a weekend or holiday. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the incident.
- 3. Transfer of Ownership** Upon transfer of ownership of this facility, provisions shall be included in the property deed stating the period of time during which the property was used as a landfill and a description of the wastes contained therein. The fact that records, including the limits of the landfill waste within the property, a statement of the length of time the property was used as a landfill and a description of wastes disposed on-site, are on file with this Department shall also be noted in the deed. This deed shall be filed with the Erie County Clerk's Office.



4. Permit Conflicts If any condition of this permit conflicts with the approved reports and plans identified in Solid Waste Management Permit Condition 6 of this permit, the permit condition(s) shall prevail over the reports and plans unless specific written approval for such change is obtained from the RMME prior to implementation. Where there are conflicts between elements of the approved reports and plans, the most recently dated element shall prevail with respect to the conflicting material.

APPROVED DOCUMENTS AND WASTES

5. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by (see Solid Waste Management Permit Condition 6 of this permit) on (see Solid Waste Management Permit Condition 6 of this permit).

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

- "Site Analytical Plan" dated November 1, 1999 (last revised February 4, 2000) and prepared by Severn Trent Laboratories.
- "Preconstruction (Air) Permit Application for Waste Management of New York Chaffee Landfill Western Expansion" dated November 18, 2004 and prepared by Earth Tech.
- "Waste Management of New York, Chaffee Facility, Western Expansion Landfill, 6 NYCRR Part 360 Solid Waste Management Permit Modification Application" dated February 2005 and prepared by McMahon and Mann Consulting Engineers P.C. This application includes the following:
 - Part I Introduction
 - Part II Administration Information
 - Part III Hydrogeologic Report
 - Part IV Engineering Report
 - Part V Construction QA/QC Plan
 - Part VI Contingency Plan
 - Part VII Mined Land Use Plan (revised October 2005)
 - Part VIII Operation & Maintenance Plan
- "Initial Storm Water Pollution Prevention Plans" dated March 2005 and prepared by McMahon and Mann Consulting Engineers P.C. These plans were prepared in accordance with GP-98-03 and GP-02-01;
 - For Industrial Activities;
 - For Construction Activities.
- Plan sheets for "Chaffee Landfill Western Expansion" prepared by McMahon & Mann Consulting Engineer. A list of the approved plan sheets is attached to this permit.
- "Chaffee Landfill Gas Power Production Plant 6 NYCRR Part 360 Solid Waste Management Permit Modification Application Operation and Maintenance Manual" last revised May 2006 and prepared by McMahon & Mann Consulting Engineers, P.C.



- "6 NYCRR Part 360 Solid Waste Management Permit Modification Application Borrow Area Use Plan" dated March 2009 and prepared by McMahon & Mann Consulting Engineers, P.C.
- Letter dated July 2, 2009 from McMahon & Mann Consulting Engineers, P.C. (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to NYSDEC (David Denk) regarding comments and responses for the Borrow Area Use Plan.
- "Borrow Area Use Plan" figures prepared by McMahon & Mann Consulting Engineer. A list of the approved figures is attached to this permit.
- Letter dated September 17, 2009 from McMahon & Mann Consulting Engineers, P.C. (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to Town of Sardinia (Town Board) regarding Town of Sardinia special use permit application (includes a revised Figure 1 attached to the letter).
- "Environmental Monitoring Plan" dated December 2009 and prepared by McMahon & Mann Consulting Engineers, P.C.
- Letter dated February 8, 2011 from McMahon & Mann Consulting Engineers, P.C. (Andrew J. Nichols, P.E./Michael J. Mann, P.E.) to NYSDEC (David S. Denk) regarding Liquid Solidification Process Permitting.

7. Permitted Waste The only wastes permitted for disposal shall be municipal solid waste, asbestos waste, nonhazardous industrial and commercial solid wastes, construction and demolition (C&D) debris, contaminated soil waste and sludge waste. All nonhazardous industrial waste, friable asbestos waste, contaminated soil waste, sludge waste and solid waste incinerator ash are to be received only upon written acceptance from the RMME except waste streams less than 100 tons per year and virgin petroleum contaminated soils. Those wastes may be received by the permittee upon review and written approval of the permittee, provided the permittee maintains verification that the wastes are nonhazardous and meet all landfill disposal criteria. All requests for acceptance shall be submitted on form 47-19-7, Application for Disposal of an Industrial Waste Stream or other equivalent waste profile form approved by the RMME.

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

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

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



COMPLIANCE SCHEDULE

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

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

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

14. Construction Schedule A construction schedule for any phase of landfill construction or closure shall be submitted to the RMME before the start of construction of that phase.

15. Revised Closure and Post-Closure Cost Estimate Prior to operation of any new cell, the permittee shall submit to the RMME a revised closure and post-closure cost estimate that includes the new cell to be operated.

16. Revised Surety Prior to operation of any new cell, the permittee shall submit to the RMME a revised financial surety instrument (if needed) to provide surety for the revised closure and post-closure cost estimates provided in accordance with Solid Waste Management Permit Condition 15 of this permit.

17. New Cell Operation Prior to the operation of any new cell or portion thereof, the permittee shall receive the RMME's acceptance of the record drawings and Construction Certification Report (CCR) (see Solid Waste Management Permit Condition 27 of this permit).

18. Partial Closure Prior to closure of any portion of the Western Expansion Landfill, the permittee shall submit closure plans, specifications and a CQA/CQC Plan for the area to be closed. In addition, if any design changes are proposed to the Conceptual Closure Plan (see Solid Waste Management Permit Condition 6 of this permit), the appropriate design calculations shall be presented to justify the changes. This closure plan information shall be submitted to the RMME, for review and approval, at least 60 days prior to anticipated beginning of construction.

19. Closure Site Investigation Prior to final closure of the facility (all permitted landfills are full or waste can no longer be received at the facility), a Closure Site Investigation (CSI) shall be completed, as needed, and a report prepared in accordance with 6 NYCRR Part 360-2.15(a). The CSI Report shall be submitted to the RMME at least 180 days before receipt of the last waste, at least 180 days before the last day of the operating permit, or in accordance with any permit conditions or schedule of an Order on Consent, whichever is sooner.



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

CONSTRUCTION REQUIREMENTS

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

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

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

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

24. Interim Cover The approved interim cover must be installed on all areas of the landfill that have reached final grade and on all areas of the landfill where waste has not or will not be placed within one year. The interim cover for the Western Landfill Expansion shall meet the requirements outlined in Section 9.1.4 of the approved Operation and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit).

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



26. Field Change Log A log shall be maintained on-site during each landfill construction and final closure phase to record all proposed field changes. Changes materially altering the permitted design and/or approved specifications must be approved in writing by the RMME before they are implemented. The CCR (see Solid Waste Management Condition 27 of this permit) shall include the Field Change Log for the respective construction/final closure phase.

27. Construction Certification Report A CCR for any landfill cell construction, gas removal system construction, and final cover construction shall be submitted to the RMME within 60 days of construction completion. The permittee's CQA/CQC Engineer shall certify in writing that the construction of the landfill cell, the final cap, and/or the gas removal system was in accordance with this permit and tested in accordance with generally accepted engineering practice. The CCR shall also include record drawings and a report documenting the results of all testing. The CCR shall be signed by a New York State Licensed Professional Engineer.

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

OPERATIONS

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

30. Waste Receipts Landfill personnel shall be on duty at all times when the facility is receiving waste to ensure that only Department approved wastes are deposited in the landfill. In the event that unauthorized wastes are received at the landfill, landfill personnel shall refuse to accept these wastes for disposal in the landfill and shall notify the Monitor and/or the RMME of the incident within four hours of discovery on a business day or on the next business day following a weekend or holiday, providing the hauler's name and (if possible) license plate of the vehicle, the type of waste thought to have been transported and the generator of the waste. If the waste has been dumped and cannot be reloaded, the waste shall be segregated from the working face. Proper disposal of the waste shall be arranged for within 30 days. A written report summarizing the incident shall be submitted to the Department with the Quarterly Report required by Solid Waste Management Condition 54 of this permit.

31. Alternate Daily Cover (ADC) In addition to soil, the Department may approve, on a case-by-case basis, the use of wastes and contaminated soils for ADC. All ADCs that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Use of ADCs must be pre-approved by the RMME as outlined in 6 NYCRR Part 360-2.17(c) and Sections 9.1.1 and 9.1.2 of the approved Operations and Maintenance Manual (Solid Waste Management Permit Condition 6 of this permit). On an annual basis, the amount of approved waste used for ADC cannot exceed 20% of the annual waste receipts unless otherwise approved by the Department. Any ADC in excess of the 20% amount must be counted as waste, even if it is utilized as daily cover.

32. Landfill Gas Recovery System The landfill gas recovery system shall be operated in accordance with the requirements of 6 NYCRR Part 360-2.16(e). Annual condensate sampling and analysis shall be performed and reported in accordance with section 8 of the Gas Power Production Plant Operation and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit).



33. Liquid Solidification Process The liquid solidification process shall be operated in accordance with the Operations and Maintenance Manual (revised pages) included with the February 8, 2011 letter from McMahon & Mann Consulting Engineers, P.C. to NYSDEC (see Solid Waste Management Permit Condition 6 of this permit).

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

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

LEACHATE COLLECTION, STORAGE AND DISPOSAL

36. Primary Leachate Line Verification Prior to operation of any subcell, the integrity of the primary leachate collection pipes in the landfill must be verified by passing a cleaning device through them. After placement of two lifts (15 feet) of waste, the integrity of the pipes shall be re-verified by passing a cleaning device through them. The Monitor shall be notified at least five days in advance of the verification activities. The results of the primary leachate pipe cleaning activities shall be forwarded to the RMME, in writing, within 30 days.

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

38. Leachate Line Cleaning All primary leachate collection pipes within the landfill shall be cleaned twice annually. The cleaning shall be completed at approximate 6-month intervals. The cleaning shall include high pressure flushing of the full length of each collection pipe, with sufficient pressure to remove accumulated sediment and biological growth. This requirement shall apply to all primary leachate collection pipes within the expansion landfill and all leachate collection pipes within the existing landfill that are accessible, or were originally constructed to be accessible, for cleaning. The Monitor shall be notified a minimum of 5 days prior to beginning the cleaning. A written summary of the leachate collection system cleaning shall be submitted to the RMME within 30 days following completion of the cleaning.

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



40. Leachate Facilities Cleaning Annually, all of the leachate transfer, storage, and load-out facilities must be emptied for cleaning and maintenance. These facilities include, but are not limited to, leachate storage tanks, sumps, manholes, the vault, load-out pads, etc. These leachate transfer, storage and load-out facilities must be emptied, cleaned and inspected for deterioration as outlined in the appropriate sections of the approved Operations and Maintenance Manual (see Solid Waste Management Permit Condition 6 of this permit). At a minimum, all accumulated sediment/debris must be removed and all deterioration that may adversely effect the operation of the facility must be repaired. A written summary of all cleaning and remedial activities must be forwarded to the RMME within 30 days of completing the cleaning event. The Monitor shall be notified a minimum of 5 days prior to beginning the cleaning.

LANDFILL MONITORING

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

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

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

44. Reporting of Monitoring Data Water quality monitoring data must be reported to the addresses listed in Solid Waste Management Permit Condition 56 of this permit, as required by Part 360-2.11(c)(4)(iv) within 90 days of the sampling date, unless more rapid reporting is required to address an imminent environmental or public health concern.

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

46. Damage to Monitoring Point In the event of damage to or inability to sample any monitoring point, the RMME shall be notified in writing within 10 working days of the attempted sampling. The notification must include the facility's plans for repair or replacement of the monitoring point and a schedule for performance of the necessary work. Unless otherwise approved, all work must be completed within 120 days of the date of notification. In the case of a replacement well, the well must be initially sampled for baseline parameters. In addition, the Department will require 10 working days notice prior to installation, repair, or replacement of any monitoring wells at the facility. When wells are



installed, replaced, or repaired, a report detailing the work performed must be submitted to the RMME within 45 days after completion of the work. For new well installations, the reports must include the information listed in Appendix D of the EMP (see Solid Waste Management Permit Condition 6 of this permit).

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

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

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

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

51. Gas Collection System Monitoring The permittee shall monitor the active gas collection and control system in accordance with 6 NYCRR Part 208.7. Reporting to the Department shall be in accordance with 6 NYCRR Part 208.8.

CLOSURE

52. Landfill Closure The landfill shall be properly closed in accordance with 6 NYCRR Part 360-2.15 and the approved Final Closure Plan to be submitted in accordance with Solid Waste Management Permit Condition 20 of this permit. The height of the finished landfill is limited to a maximum elevation of 1,658 feet. The final topography shall not exceed those elevations shown on sheet 7 of the plans entitled "Chaffee Facility Expansion Western Expansion" (see Solid Waste Management Permit Condition 6 of this permit).

POST-CLOSURE

53. Monitoring and Maintenance The facility shall be monitored and maintained in accordance with 6 NYCRR Part 360-2.15(k) and the approved Post-Closure Plan to be submitted with the Closure Plan in accordance with Solid Waste Management Condition 20 of this permit. The period of post-closure care shall continue for a minimum of 30 years after facility final closure.

QUARTERLY/ANNUAL REPORTS

54. Quarterly Report Each quarterly monitoring report must provide information on activities occurring during the quarter in question (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) and must be submitted no later than 60 days after the last day of the quarter in question. All quarterly reports must be submitted on the forms provided by the Department (see attached) or electronically, as specified by the Department. Quarterly reports shall contain the



information identified in Section 19.2.1 of the approved Operation and Maintenance Manual (see Solid Waste Management Condition 6 of this permit).

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

- A list of all municipalities serviced by the facility.

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

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

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

FINANCIAL SURETY

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

58. Updated Surety Within 60 days of Department approval of the annual revised closure and post-closure estimates provided in accordance with the annual report (see Solid Waste Management Permit condition 55 of this permit) a revised financial surety(s) shall be submitted (if needed) to the RMME.

MONITORING

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

- a. Funds, as required to support the monitoring requirements, shall be provided to the Department for funding of environmental compliance activities related to the operation of the permittee's facility. This sum is based on annual Environmental Monitor service costs and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The permittee shall be billed annually for each fiscal year beginning April 1. The permittee shall make payment 30 days in advance of April 1.



- b. The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Environmental Monitors and supervision of such Environmental Monitors by full-time Environmental Monitor supervisors. Upon written request by the permittee, the Department shall provide the permittee with a written explanation of the basis of any modification. If such a revision is required, the Department will notify the permittee of such revision no later than 60 days in advance of such revision.
- c. Prior to making its annual payment, the permittee will receive and have an opportunity to review the annual work plan that the Department will undertake during the year.
- d. Payments are to be in advance of the period in which they will be expended.
- e. Upon termination (expiration, surrender, transfer) of this permit and closure of the facility and payment of any outstanding costs, the unexpended balance including interest, will be returned to the Permittee.
- f. Failure to make the required payments shall be a violation of this Permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- g. The Monitor shall, when present at any Permittee facility, abide by all of the Permittee's health and safety and operational requirements and policies; provided, however, that this subparagraph shall not be construed as limiting the Monitor's powers as otherwise provided for by law and shall not result in the Monitor's being less protected than the Monitor would be if he or she were to abide by Departmental health and safety requirements.
- h. The NYSDEC Monitor shall receive from the Permittee all general safety training which is normally given to new site employees. This training will be a supplement to the mandatory safety training that Environmental Monitors receive from the Department.
- i. The Permittee shall furnish to the Environmental Monitor a current site policy and procedures manual for health and safety issues. Within ten (10) days of any revision to the health and safety plan, the Permittee shall notify the Department, in writing, of such modification.
- j. The Permittee shall provide to the Department a Hazard Assessment for the workplace which complies with OSHA rule 29 CFR 1910.132. Based on that assessment, the appropriate Personal Protective Equipment (PPE) will be provided to the monitor.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2915

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

APPROVED PLAN SHEETS FOR CHAFFEE LANDFILL

CHAFFEE FACILITY WESTERN EXPANSION PREPARED BY McMAHON & MANN CONSULTING ENGINEERS, P.C.

Sheet #	CAD File Drawing #	Title	Date	Last Revised Date
1	00016-089	Title Page	February 2005	
2	00016-093	Regional and Vicinity Maps	February 2005	
3	00016-150	Existing Conditions	February 2005	
4	00016-151	Existing Conditions w/Final Cover	February 2005	
5	00016-147a	Subgrade Development Plan - Sht 1	February 2005	
6	00016-161	Subgrade Development Plan - Sht 2	February 2005	
7	00016-153	Conceptual Cover Grading Plan	February 2005	
8	00016-147b	Landfill Sections	February 2005	
9	00016-167	Clay Till Thickness Plan	February 2005	
10	00016-088	Clay Till Thickness Chart	February 2005	
11	00016-228	Clay Till Groundwater Separation Plan	February 2005	
12	00016-073	Perimeter Berm Section Details	February 2005	
13	00016-074	Floor Intercell Berm Sections and Details	February 2005	
14	00016-075	Floor to Overliner Sections	February 2005	
15	00016-160	Liner System Section and Details	February 2005	
16	00016-094	Leachate Collection and Transmission Plan	February 2005	
17	00016-076	Leachate Sump and Riser Plan - Sht 1	February 2005	
18	00016-216	Leachate Sump and Riser Plan - Sht 2	February 2005	
19	00016-085	Leachate Sump and Riser Sections - Sht 1	February 2005	
20	00016-082	Leachate Sump and Riser Sections - Sht 2	February 2005	
21	00016-217	Leachate Sump and Riser Sections - Sht 3	February 2005	
22	00016-086	Leachate Collection system Details	February 2005	
23	00016-092	Leachate Storage Plan, Sections and Elevations	February 2005	
24	00016-254	Leachate Control Vault Sections	February 2005	
25	00016-255	Leachate Loadout Building Plan, Sections and Details	February 2005	
26	00016-256	Leachate Storage Tank #3/#4 Modifications and Misc. Details	February 2005	
27	00016-090	Stormwater Drainage Plan	February 2005	
28	00016-084	Stormwater Drainage Sections and Details - Sht 1	February 2005	
29	00016-268	Stormwater Drainage Sections and Details - Sht 2	February 2005	
29a	00016-279	Stormwater Drainage Sections and Details - Sht 3	February 2005	
30	00016-080	Erosion and Sediment Control Details	February 2005	
31	00016-087	Conceptual Closure and Stormwater Sections	February 2005	
32	00016-259	Phased Operation Plan - Cells 5 & 6 Construction	February 2005	
33	00016-260	Phased Operation Plan - Cell 4 Construction	February 2005	
34	00016-261	Phased Operation Plan - Cell 3 Construction	February 2005	
35	00016-262	Phased Operation Plan - Cell 2 Construction	February 2005	
36	00016-264	Phased Operation Plan - Cell 1 Construction	February 2005	
37	00016-183	Landscape Plan	February 2005	3/31/06