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September 8, 2022
File No. 21.0056855.20

Mr. Benjamin McPherson, P.E.
New York State Department of Environmental Conservation (NYSDEC)
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, New York 14209

Re: Huntley Power South Parcel – South Pond
Brownfield Cleanup Program Site Number C915337
Tonawanda, New York

Mr. McPherson:

GZA GeoEnvironmental of New York (GZA), on behalf of our Client Huntley Power, LLC (Huntley) submits this scope of work for limited dredging of the South Pond located on the above referenced BCP site. The dredging will generally follow prior maintenance dredging operations as detailed below.

Task 1: Test Pit Investigations/Limited Dredging

GZA and Huntley's environmental subcontractor, Severson Environmental (Severson), will conduct limited dredging along the accessible perimeter of the pond. Dredging in these locations will better delineate sediment thickness and approximate depth to native soils as such are unknown at these areas. Severson will utilize an excavator with approximately 60-feet of reach for the dredging. Anticipated dredging depths/top of native soils range from approximately five to 10 feet below the pond water surface in the northernmost and southernmost pond areas. Anticipated dredging depths/top of native soils range from approximately 15 to 25 feet below the pond water surface in the central and western portions of the pond. See **Figure 1** for the dredging locations. Locations along the perimeter of the pond (for reach and feasibility evaluation) are subject to change based upon observed field conditions, accessibility and height of pond banks and water levels. Dredged materials are anticipated to consist of previously characterized sediment and shallow sediment sampling is not required as part of this effort. Representative samples will be collected from deeper sediment horizons and analyzed for semi-volatile organic compounds (SVOCs) Target Compound List (TCL), Target Analyte List (TAL) metals, and polychlorinated biphenyls (PCBs). Should unanticipated fill materials not consisting of the characterized known coal combustibles be encountered, such will be properly segregated, secured, and characterized in consultation with NYSDEC.

Task 2: Sediment Dewatering

Dredged sediment will be dewatered prior to removal from the Site. Dredged sediment will be placed on a plastic liner next to the pond to allow for free-draining liquids to flow back into the pond until the sediment is sufficiently dried for transport and disposal. Material will be allowed



to drain and dewater until free draining liquid is no longer apparent based on visual observation. If material capable of producing free liquid is observed, dewatering will continue as required. The existing bench and plastic-lined dewatering platform at the northwestern portion of the pond (**Figure 1**) will be utilized for the dewatering effort.

Task 3: Transport and Disposal

Dredged and dewatered sediment will be transported to NRG’s fly ash permitted landfills located in Tonawanda and Dunkirk, New York (Permit #9-1464-00089/00002 for Huntley and #9-0658-00021/00008 for Dunkirk). Transport of the generated materials permitted for disposal will be the responsibility of Severson Environmental in accordance with DER-10. Mass of generated and disposed sediment will be monitored and reported by the landfills.

Schedule

This scope of work is anticipated to take two to three field days and is scheduled to start on September 13, 2022. GZA respectfully requests your timely review, as we plan to take advantage of the current low surface water levels in the pond and forecasted dry weather conditions.

Thank you for your time and consideration. If you have any questions or require additional information, please contact Thomas Bohlen at (716) 570-5983.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

Thomas Bohlen, P.G.
Project Manager

Daniel J. Troy, P.E.
Consultant Reviewer

Bart A. Klettke, P.E.
Principal

Attachments: Figure 1 – Dredging Locations, Huntley and Dunkirk Landfill Permits, Subcontractor Part 364 Transporter Permit



ATTACHMENT 1 FIGURE 1 DREDGING LOCATIONS



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GENERAL NOTES

1. BASE MAP SOURCE IMPORTED WITH AUTOCAD CIVIL 3D 2018.
2. LOCATION OF EXISTING AND PROPOSED FEATURES SHOULD BE CONSIDERED APPROXIMATE.

LEGEND

■ DREDGING LOCATION

HUNTLEY POWER SOUTH PARCEL 3500 RIVER ROAD TONAWANDA, NEW YORK			
DREDGING LOCATIONS SOUTH POND			
PREPARED BY: GZA GeoEnvironmental of NY Engineers and Scientists www.gza.com		PREPARED FOR: NRG HUNTLEY POWER, LLC	
PROJ MGR: TB	REVIEWED BY: TB	CHECKED BY: TB	FIGURE 1 SHEET NO.
DESIGNED BY:	DRAWN BY: TAK	SCALE: AS SHOWN	
DATE: SEPTEMBER 2022	PROJECT NO. 21.0056885.20	REVISION NO.	



ATTACHMENT 2 HUNTLEY AND DUNKIRK LANDFILL PERMITS

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

November 3, 2016

Dunkirk Power LLC
106 Point Drive N
Dunkirk, New York 14048

PERMIT TRANSMITTAL LETTER DUNKIRK FLY ASH LANDFILL DEC PERMIT 9-0658-00021/00008

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

DSD:Imc
Enclosure

ecc: Peter Grasso, P.E., NYSDEC Regional Materials Management Engineer,
Ms. Marion Buckley, NYSDEC Division of Materials Management
Chad Staniszewski, P.E., NYSDEC Division of Environmental Remediation
Kevin J. Schroeder, Environmental Coordinator, NRG Dunkirk



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
DUNKIRK POWER LLC
106 POINT DR N
DUNKIRK, NY 14048

Facility:
DUNKIRK FLY ASH LANDFILL
VAN BUREN RD
POMFRET, NY

Facility Location: in POMFRET in CHAUTAUQUA COUNTY

Facility Principal Reference Point: NYTM-E: 138.529 NYTM-N: 4708.37
Latitude: 42°26'36.1" Longitude: 79°23'41.7"

Authorized Activity: Operation of the Phase 2 landfill area. In addition, this permit modification authorizes NRG to dispose of unburnt waste coal and coal pile debris originating from the Dunkirk and Huntley Power Plant coal storage yards at the NRG Dunkirk ash landfill.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-0658-00021/00008

(Solid Waste ID 07N21)

Renewal	Effective Date: <u>5/23/2011</u>	Expiration Date: <u>5/22/2021</u>
Modification # 1	Effective Date: <u>8/18/2011</u>	Expiration Date: <u>5/22/2021</u>
Modification # 2	Effective Date: <u>10/3/2011</u>	Expiration Date: <u>5/22/2021</u>
Modification # 3	Effective Date: <u>11/3/2016</u>	Expiration Date: <u>5/22/2021</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 M CZECHOWICZ, Deputy Regional Permit Administrator
Address: NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY 14203 -2915

Authorized Signature: Lisa M. Czechowicz

Date 11/3/16



Distribution List

Regional Materials Management Engineer
Chad Staniszewski, NYSDEC DER
Kevin J. Schroeder, Huntley Dunkirk

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. Permit Applicability** 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. 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 Department's Regional Materials Management Engineer (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.
- 3. Emergency Notification** In the event of an emergency, including but not limited to fires, explosions, or spills on-site, the RMME 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.
- 4. 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 Chautauqua County Clerk's Office.

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 NRG Dunkirk landfill 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:

- “Renewal Application to Construct and Operate Phase II Areas Dunkirk Solid Waste Management Facility” dated December, 1992 and prepared by Niagara Mohawk Power Corp.
- "Development of Alternative Maximum Contaminant Levels Dunkirk Solid Waste Management Facility" dated January 1993 and prepared by Stearns & Wheler.
- "Solid Waste Management Facility Renewal Permit Application” dated February 1998 and prepared by Niagara Mohawk Power Corporation.
- Plan sheets entitled "Solid Waste Management Facility Phase 2, Cell B2 Expansion" prepared by GZA GeoEnvironmental of N.Y. Engineers and Scientists.

<u>Drawing #</u>	<u>Title</u>	<u>Date</u>
D-61122-N	Cover Sheet, Index of Drawings and Site Plan	May 2010
D-61123-N	Existing Ground Surface Contours	May 2010
D-61124-N	Top of Bedrock Contours	May 2010
D-61125-N	Design Top of Subbase	May 2010
D-61126-N	Separation of Top of Subbase from Top of Bedrock	May 2010
D-61127-N	Design Top of Finish Grade	May 2010
D-61128-N	Design Secondary and Primary Leachate Collection Pipes	May 2010
D-61129-N	Liner System Details I	May 2010
D-61130-N	Liner System Details II	May 2010
D-61131-N	Manhole Details	May 2010
D-61132-N	Pipe and Manhole Boot Details, Anchor and Pipe Trench Details	May 2010

- Environmental Monitoring Plan dated October 2011 and prepared by NRG Dunkirk Power, Inc.
- Site Analytical Plan dated October 2011 and prepared by NRG Dunkirk Power, Inc.
- Letter on Proposed Trigger Values for Dunkirk Landfill from NRG Dunkirk Power, Inc. (Joseph J. Pietro) to the Department (Mary McIntosh) dated November 5, 2014.
- Application for a Solid Waste Management Facility Permit Modification dated June 1, 2016 and certified by Dunkirk Power LLC (Carson Leikam).
- Notice of Incomplete Application Response Letter from NRG (Kevin Schroeder) to the Department (Lisa Czechowicz) dated June 20, 2016.



- Response to Request for Additional Information Letter from NRG (Kevin Schroeder) to the Department (Lisa Czechowicz) dated July 29, 2016.
- Operational, Maintenance and Contingency Plans-Standard Operating Procedure Section 4B-Fire revised August 9, 2016 and prepared by NRG (Kevin Schroeder).

7. Permitted Waste The only wastes permitted for disposal at this facility shall be combustion wastes and emission control byproducts (i.e. fly ash, bottom ash, pyrites, wastewater treatment plant sludge, trona, activated carbon, urea, etc.) from the NRG fossil steam generating plants in Dunkirk, Huntley and Oswego. Also, coal yard debris (including unburnt coal, soil, rock, and fly ash) originating from the Dunkirk and Huntley power plant coal storage yards is acceptable for disposal at this facility.

8. Approved Design Capacity The approved design capacity for this landfill is 600 tons per day. The approved design capacity is not a limit. The maximum waste receipts during any quarter shall not exceed 54,000 tons. Annual waste receipts at the landfill shall not exceed 180,000 tons. Written approval and modification of this permit is required before waste receipts may exceed the permitted (quarterly and annual) tonnage limits.

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

VARIANCES/EQUIVALENT DESIGNS

10. Variances The following variances are approved as conditioned. In the event that nuisance or other detrimental conditions develop as a result of this approval, the RMME may suspend the approval until the modification procedures of 6 NYCRR Part 621.14 are concluded:

- Variance 1 from 6 NYCRR Part 360-2.13(d) requiring a five foot separation from the landfill bottom and the seasonally high groundwater table is approved. The permittee will construct an under drain system, where applicable, as shown on the approved construction drawings (see Solid Waste Management Permit Condition 6 of this permit).
- Variance 2 from 6 NYCRR Part 360-2.13(f) requiring a double composite liner is approved. The permittee will construct a double liner system with leachate collection and leak detection as shown on the approved construction drawings (see Solid Waste Management Permit Condition 6 of this permit).
- Variance 3 from 6 NYCRR Part 360-2.15(b) requiring a barrier protection layer within the final cover system consisting of 24 inches of soil is approved. The permittee shall construct a final cover system with a minimum 12 inch barrier protection layer.



- Variance 4 from 6 NYCRR Part 360-2.17(c) requiring daily cover is approved. The permittee will limit the daily working area to three (3) acres and use compaction equipment and dust suppression agents to prevent fugitive dust emissions and other nuisance conditions. If the RMME determines that nuisance conditions develop due to this variance, he/she can, upon written notice, require the placement of suitable daily cover soil or other necessary measures.
- Variance 5 from 6 NYCRR Part 360-2.13(m)(2) requiring leachate collection pipe slopes of at least one percent is approved. The permittee shall construct the leachate collection pipes at a minimum slope of 0.8%. Maintenance of the constructed leachate lines shall be completed in accordance with Solid Waste Management Permit Condition 26 of this permit.
- Variance 6 from 6 NYCRR Part 360-2.15(i)(1)(ii) requiring a minimum final cover slope of four percent is approved. The permittee shall construct the final cover with a minimum final slope of three percent.
- Variance 7 from 6 NYCRR Part 360-2.13(l)(2)(i) requiring the primary leachate collection and removal system have a minimum thickness of 24 inches is approved. The permittee shall construct the primary leachate collection and removal system with a minimum thickness of 12 inches.

COMPLIANCE SCHEDULE

11. Fill Progression Plan and Survey Once per year, a fill progression plan shall be completed. The fill progression plan shall also verify the elevation of the casing and ground surface of all monitoring wells to within 0.01 feet. The fill progression plan shall be submitted with the annual report for the facility (see Solid Waste Management Permit Condition 46 of this permit).

Prior to placing any coal yard debris in the landfill, a baseline fill progression survey will be performed. The location of all wastes, including the exact location of coal yard debris, need to be documented in the subsequent fill progression surveys.

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

13. 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.

14. New Cell Operation Prior to the operation of each subcell, leachate system, and monitoring system, the permittee shall receive the RMMEs written acceptance of the record drawings and Construction Certification Report (CCR) (see Solid Waste Management Permit Condition 18 of this permit).



CONSTRUCTION REQUIREMENTS

15. Geosynthetic Testing All geotextile, geonets, geosynthetic drainage composites, geomembrane clay layers (GCL) and geomembrane shall be tested to ensure that the appropriate design standards (friction angle, cohesion, transmissivity, permitivity, tensile strength) are met. This testing shall be done to simulate actual landfill conditions using the appropriate adjacent materials and expected loadings that would be found in the landfill. All testing must be completed prior to installation of the appropriate materials. The results of all testing shall be included in the CCR (see Solid Waste Management Permit Condition 18 of this permit).

16. 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 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.

17. 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 18 of this permit) shall include the Field Change Log for the respective construction/final closure phase.

18. Construction Certification Report A CCR for any landfill construction or final cover construction shall be submitted to the RMME. The permittee's construction QA/QC Engineer shall certify in writing that the construction was in accordance with this permit and tested in accordance with generally accepted engineering practice. The CCR shall also include "as-built" plans 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 leak detection system, if part of the construction, must be provided as part of, or as a supplement to, the CCR.

19. Surface Water Removal The permittee shall initiate removal of surface water from constructed but inactive cells on the next business day after the water level reaches 12 inches above the floor of the lowest part of the liner.

20. 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 after completion of construction. This data must be submitted to the RMME for review and approval prior to operation of the cell.

OPERATIONS

21. Hours of Operation Waste shall only be received at the facility between the hours of 7:30 am to 3:30 pm Monday through Friday and 8:00 am to 12:00 noon on Saturday (when holidays fall during previous week). 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.



22. 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 unacceptable wastes are received at the landfill, landfill personnel shall refuse to accept these wastes for disposal in the landfill and shall notify 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. 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. If 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 of the incident shall be submitted to the Department with the quarterly report required by Solid Waste Management Permit Condition 45 of this permit.

23. Self Inspections 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.

LEACHATE COLLECTION, STORAGE AND DISPOSAL

24. Primary Leachate Line Verification Prior to operation of a new subarea, the integrity of the primary leachate collection mains and laterals in the landfill must be verified by either passing a cleaning device through them or by running a video camera 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 or by running a video camera through them. A written description of these inspections shall be forwarded to the RMME within 30 days.

25. Allowable Leakage Rates The fluid flow into the secondary leachate collection systems of each landfill cell and each basin shall be quantitatively monitored and recorded each working day. The leakage rates shall be in the format gallon/acre/day and shall be compared to the allowable leakage rates (ALR) approved by the Department. Any exceedences of the ALR shall be flagged and reported to the RMME within 7 days of the determination that the ALR has been exceeded.

26. Leachate Line Inspection The primary leachate collection lines for Phase 2 shall be inspected annually by a video camera to ensure that the leachate line is still open and flowing freely. Written documentation of this inspection shall be submitted to the RMME within 30 days of each inspection.

LANDFILL MONITORING

27. Sampling Requirements Groundwater, surface water, and leachate shall be sampled quarterly in accordance with the Environmental Monitoring Plan (EMP) (see Solid Waste Management Permit Condition 6 of this permit), the Site Analytical Plan (SAP) (see Solid Waste Management Permit Condition 6 of this permit), and the requirements of the State Pollutant Discharge Elimination System Permit. Site monitoring data reports must include the data required by Part 360-2.11(c)(5)(iv) and must be submitted within 60 days of the last day of the quarter in question, as required by 6 NYCRR Part 360-1.4(c).

28. Laboratory Requirements Any laboratory performing sample analyses 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 analyses being performed. The laboratory must comply with any quality control requirements of the Department of Health and the Department of Environmental Conservation.



29. Water Quality Monitoring Schedule The water quality monitoring schedule shall be baseline analysis, then four routine sampling events, then baseline again, in order to rotate the baseline sampling event each year. Part 360-2.11(c)(5)(ii)(a) requires at least one baseline sampling event be conducted during each calendar year. Since this rotation method will sometimes result in one calendar year without a baseline analysis, an extra baseline analysis must be performed in these instances. Baseline and routine parameter lists must be those site-specific parameter lists as currently defined in the quarterly reports and the EMP (see Solid Waste Management Permit Condition 6 of this permit).

30. 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, if such is required to enable sampling to be performed, and a schedule for performance of the work. Unless otherwise approved, all work must be completed within 120 days of the date of notification to the Department. In the case of a replacement well, the well must initially be sampled for baseline parameters. The recharge characteristics of the repaired or replaced well must be determined.

31. Unfiltered Samples All samples must be whole and unfiltered, except as otherwise specified in the EMP (see Solid Waste Management Permit Condition 6 of this permit) and the SAP (see Solid Waste Management Permit Condition 6 of this permit), and/or by the Department.

32. Test Methods Test methods must be in accordance with those methods specified in Part 360-2.11(d)(6) or as approved by the Department.

33. Floaters and Sinkers Wells must be checked for floaters and sinkers during sampling and, if found, these must be analyzed separately for baseline parameters.

34. Well Depth The total depth of all wells in the Monitoring Network must be determined once per year and the results tabulated and included with the annual report (see Solid Waste Management Permit Condition 46 of this permit). If the depth to the bottom of the well or piezometer differs from the installation depth by more than 0.5 feet, that device must be redeveloped prior to the next scheduled sampling event.

35. Contingency Monitoring If contamination caused by the operation of the landfill is confirmed, the facility must implement the provisions of Part 360-2.11(c)(5)(iii). The Department may also request a greater frequency of monitoring, expanded range of constituents, increased number of monitoring points, or other measures.

36. Groundwater Elevations During every sampling round, static groundwater elevation data shall be taken and reported in the quarterly report (see Solid Waste Management Permit Condition 45 of this permit). Groundwater elevations shall be recorded to the nearest hundredth foot prior to purging and prior to sampling.

CLOSURE

37. 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 40 of this permit. The height of the finished landfill (top of cap) is limited to a maximum elevation of 694 feet above mean sea level. The final topography shall conform to those elevations shown on sheet F-35812-W of the plans entitled "Solid Waste Management Facility Plan



Phase 2 – Expansion Area.”

38. Partial Closure Prior to closure of any portion of the 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, 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.

39. 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.

40. 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.

POST-CLOSURE

41. Monitoring and Maintenance After closure, the facility shall be monitored and maintained in accordance with the approved Post-Closure Plan submitted in accordance with Solid Waste Management Permit Condition 40 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.

42. Sampling of Monitoring Points All facility and environmental monitoring points must be maintained and sampled during the post-closure period for a minimum of 30 years. Annual summary reports must be submitted to the Department. Annual baseline and quarterly routine sampling must be performed at all monitoring points listed in the EMP for a minimum of five years. The requirements for subsequent analyses will be determined by the Department at the end of the five-year period.

FINANCIAL SURETY

43. Surety Instrument The permittee shall maintain a financial surety instrument, 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.

44. 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 46 of this permit) a revised financial surety(s) shall be submitted (if needed) to the RMME.



QUARTERLY/ANNUAL REPORTS

45. 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 and shall contain the following:

- Volume of leachate collected daily (both primary and secondary) for disposal from each subcell.
- Volume of leachate discharged from the sedimentation basins through the SPDES outfall on a monthly basis.
- The monthly ALR for the secondary leachate collection system for each monitored stage of the landfill.
- Amounts of waste (e.g. fly ash, bottom ash, pyrites, sand, coal yard debris, etc.) received from each plant serviced by the landfill.
- Amounts of fly ash and bottom ash recovered from the facility.
- Groundwater, surface water and leachate quality results in accordance with the approved EMP.
- A table of groundwater elevations (see Solid Waste Management Permit Condition 36 of this permit).
- Report on unauthorized waste serviced during the quarter (see Solid Waste Management Permit Condition 22 of this permit).

46. 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 also contain the following information:

- Revised cost estimates for closure/post-closure activities.
- Any changes from the approved plans, reports and specifications or the permit along with a justification for the change.
- Unusual events or accidents at the landfill and responses taken by landfill personnel.
- A detailed plan covering the next three years of operation and construction activities. The plan shall indicate which areas will be constructed, operated and/or closed. A schedule for each activity shall also be provided.
- An updated fill progression plan (see Solid Waste Management Permit Condition 11 of this permit)
- A table of groundwater monitoring well depths (see Solid Waste Management Permit Condition 36



of this permit)

47. Report Submission Quarterly and annual reports shall be submitted to the following:

NYSDEC Central Office
Division of Materials Management
Bureau of Permitting and Planning
625 Broadway, 9th Floor
Albany, NY 12233-7253

AND

Attn: Regional Materials Management Engineer
NYSDEC Region 9
Division of Materials Management
270 Michigan Ave
Buffalo, NY 14203-2915

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, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

November 3, 2016

Huntley Power LLC
211 Carnegie Center
Princeton, New Jersey 08540

PERMIT TRANSMITTAL LETTER HUNTLEY FLY ASH LANDFILL DEC PERMIT 9-1464-00089/00002

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

DSD:Imc
Enclosure

ecc: Peter Grasso, P.E., NYSDEC Regional Materials Management Engineer,
Ms. Marion Buckley, NYSDEC Division of Materials Management
Chad Staniszewski, P.E., NYSDEC Division of Environmental Remediation
Kevin J. Schroeder, Environmental Coordinator, NRG Huntley



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
HUNTLEY POWER LLC
211 CARNEGIE CENTER
PRINCETON, NJ 08540

Facility:
HUNTLEY FLY ASH LANDFILL
RIVER RD
TONAWANDA, NY 14150

Facility Location: in TONAWANDA in ERIE COUNTY

Facility Principal Reference Point: NYTM-E: 179.542 NYTM-N: 4767.098
Latitude: 42°59'20.5" Longitude: 78°55'50.4"

Authorized Activity: Operation of the Phase 2 landfill area. In addition, this permit modification authorizes NRG to dispose of unburnt waste coal and coal pile debris originating from the Huntley and Dunkirk Power Plant coal storage yards in the NRG Huntley ash landfill.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 9-1464-00089/00002

(Solid Waste ID 15N24)

Renewal	Effective Date: <u>1/4/2013</u>	Expiration Date: <u>1/3/2023</u>
Modification # 1	Effective Date: <u>4/2/2013</u>	Expiration Date: <u>1/3/2023</u>
Modification # 2	Effective Date: <u>11/3/2016</u>	Expiration Date: <u>1/3/2023</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 M CZECHOWICZ, Deputy Regional Permit Administrator
Address: NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY 14203 -2915

Authorized Signature: Lisa M. Czechowicz Date 11/3/16

Distribution List

Regional Materials Management Engineer
Chad Staniszewski, NYSDEC DER
Kevin J. Schroeder, Huntley Tonawanda



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 Applicability** 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. 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 Department's Regional Materials Management Engineer (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.
- 3. Emergency Notification** In the event of an emergency, including but not limited to fires, explosions, or spills on-site, the RMME shall be notified (by phone or e-mail) of the emergency within four hours of discovery on a business day or on the Department's 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 event.
- 4. Transfer of Ownership** Upon transfer of ownership of this facility, provisions shall be included in the property deed indicating the period of time during which the property was used as a landfill and a description of the wastes contained therein. The deed shall note 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. This deed shall be filed with the Erie County Clerk's Office.

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 of Phase II, Cell B and/or Cell E and operation of the NRG Huntley landfill 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 plans and reports consisting of:



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Facility DEC ID 9-1464-00089

- “Application to Construct and Operate the Proposed Phase 2 Expansion of the C.R. Huntley Fly Ash Landfill” dated April 1989 and prepared by Niagara Mohawk Power Corp.
- "Operational, Maintenance and Contingency Plan Phase 2 Expansion Area" dated April 1999 and prepared by Niagara Mohawk Power Corporation.
- "Environmental Monitoring Plan and Site Analytical Plan NRG Huntley Solid Waste Management Facility" dated December 2003 and prepared by Stearns & Wheler, LLC.
- Plan sheets entitled "C.R. Huntley Flyash Landfill Phase 2 - Expansion Area" prepared by NRG Energy Inc.

Drawing #	Sheet #	Title	Date	Last Revised Date
F-38935-W	1	Top of Primary Liner	5/1990	5/17/2013
F-38936-W	1	Top of Primary L.C.R.S.-Top of Leachate Collection System	5/1990	5/28/2013
F-38937-W	1	Operations Plan-Development Plan	5/1989	
F-38940-W		Final Site Grading Plan	2/1995	2/2013
F-38944-W	1	Site Details	5/1989	5/2013
F-38945-W	1	Site Details for Cells A & D	5/1989	6/25/1990
F-38945-W	1A	Site Details for Cell C	5/1989	6/25/1990
F-38945-W	2	Site Details for Cell C Partial Expansion	9/2001	5/25/2013
F-38945-W	3	Site Details for Cell C	2006	5/25/2013
F-38945-W	4	Site Details for Cell C	2006	5/25/2013
F-38948-W	1	Schedules	5/1990	5/2013
F-50408-W	1	Top of Secondary L.C.R.S-Leak Detection System	5/1990	5/11/2013
F-50409-W	1	Top of Secondary Liner-Leak Detection System	5/1990	5/11/2013
F-50410-W	1	Top of Subgrade-Initial Landfill Grading Plan	5/1990	5/11/2013

- Application for a Solid Waste Management Facility Permit Modification dated June 1, 2016 and certified by Huntley Power LLC (Carson Leikam).
- Notice of Incomplete Application Response Letter from NRG (Kevin Schroeder) to the Department (Lisa Czechowicz) dated June 20, 2016.
- Response to Request for Additional Information Letter from NRG (Kevin Schroeder) to the Department (Lisa Czechowicz) dated July 29, 2016.
- Operational, Maintenance, and Contingency Plans-Standard Operating Procedure Section 4B-Fire revised August 9, 2016 and prepared by NRG (Kevin Schroeder).



7. Permitted Waste The only wastes permitted for disposal at this facility shall be combustion wastes and emission control byproducts (i.e. fly ash, bottom ash, pyrites, wastewater treatment plant sludge, trona, grit blasting waste, demineralizer resin waste, activated carbon, urea, etc.) from the NRG power generating plants in Dunkirk, Huntley and Oswego. Also, coal yard debris (including unburnt coal, soil, rock, and coal fly ash) originating from the Dunkirk and the Huntley power plant coal storage yards is acceptable for disposal at this facility.

8. Approved Design Capacity The approved design capacity for this landfill is 690 tons per day. The approved design capacity is not a limit. The maximum waste receipts during any quarter shall not exceed 62,000 tons. Annual waste receipts at the landfill shall not exceed 207,000 tons. Written approval and modification of this permit is required before waste receipts may exceed the permitted (quarterly and annual) tonnage limits.

VARIANCES/EQUIVALENT DESIGNS

9. Variances The following variances are approved as conditioned. In the event that nuisance or other detrimental conditions develop as a result of this approval, the RMME may suspend the approval until the modification procedures of 6 NYCRR Part 621.14 are concluded:

- Variance 1 from 6 NYCRR Part 360-2.13(q)(2)(iii) requiring a barrier protection layer within the final cover system consisting of 24 inches of soil is approved. The permittee shall construct a final cover system with a minimum 12 inch barrier protection layer.
- Variance 2 from 6 NYCRR Part 360-2.17(c) requiring daily cover is approved. The permittee will limit the daily working area to three (3) acres and use compaction equipment and dust suppression agents to prevent fugitive dust emissions and other nuisance conditions. If the RMME determines that nuisance conditions develop due to this variance, they can, upon written notice, require the placement of suitable daily cover soil or other necessary measures.
- Variance 3 from 6 NYCRR Part 360-2.11(c)(1)(i)(b) requiring horizontal spacing of downgradient wells to not exceed 500 feet is granted. Monitoring wells shall be installed and maintained at the locations shown on the approved Environmental Monitoring Plan (see Solid Waste Management Permit condition 6 of this permit).
- Variance 4 from 6 NYCRR Part 360-2.13(a)(1) requiring a 100 foot horizontal separation between the landfill and the property line is granted provided that a 50 foot horizontal separation is maintained along the northern property line and the 100 foot separation is maintained elsewhere.
- Variance 5 from 6 NYCRR Part 360-2.13(f)(4) requiring a 24 inch thick secondary soil liner is granted. The minimum thickness of the soil liner shall be 12 inches and the maximum permeability of the clay shall be 1×10^{-7} cm/sec. The secondary soil liner shall be constructed in accordance with the approved construction drawings (see Solid Waste Management Permit Condition 6 of this permit).
- Variance 6 from 6 NYCRR Part 360-2.13(m)(2) requiring leachate collection pipe slopes of at least one percent is approved. The permittee shall construct the leachate collection pipes at a minimum slope of 0.8%. Maintenance of the constructed leachate lines shall be completed in accordance with Solid Waste Management Permit Condition 26 of this permit.



- Variance 7 from 6 NYCRR Part 360-2.13(l)(2)(i) requiring the primary leachate collection and removal system have a minimum thickness of 24 inches is approved. The permittee shall construct the primary leachate collection and removal system with a minimum thickness of 12 inches.

COMPLIANCE SCHEDULE

10. Fill Progression Plan Once per year, a fill progression plan shall be completed. The fill progression plan shall also verify the elevation of the casing and ground surface of all monitoring wells to within 0.01 feet. The fill progression plan shall be submitted with the annual report for the facility (see Solid Waste Management Permit Condition 46 of this permit).

Prior to placing any coal yard debris or unburnt coal in the landfill, a baseline fill progression survey will be performed. The location of all wastes, including the exact location of coal yard debris, need to be documented in the subsequent fill progression surveys.

11. Updated Plans and Specifications For each stage of landfill construction, the permittee shall submit, to the RMME, updated specifications, an updated Construction QA/QC (CQA/CQC) Plan and drawings for construction of the next cell at least 45 days prior to beginning of construction.

12. 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.

13. New Cell Operation Prior to the operation of each cell, subcell, leachate system, and monitoring system, the permittee shall submit to and receive the RMMEs written acceptance of the Construction Certification Report (CCR) (see Solid Waste Management Permit Condition 17 of this permit).

CONSTRUCTION REQUIREMENTS

14. Geosynthetic Testing All geotextile, geonets, geosynthetic drainage composites, Geomembrane Clay Layers (GCL), and geomembrane shall be tested by the manufacturer and/or company in accordance with the approved CQA/CQC Plan and the specifications to ensure that the appropriate design standards (friction angle, cohesion, transmissivity, permittivity, tensile strength) are met. Where appropriate, this testing shall be done to simulate actual landfill conditions using the appropriate adjacent materials and expected loadings that would be found in the landfill. All testing must be completed prior to installation of the appropriate materials. The results of all testing shall be included in the CCR (see Solid Waste Management Permit Condition 17 of this permit).

15. 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 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.

16. 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 17 of this permit) shall include the Field Change Log for the respective construction/final closure phase.



17. Construction Certification Report A CCR for any landfill construction or final cover construction shall be submitted to the RMME. The permittee's construction QA/QC Engineer shall certify in writing that the construction 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 leak detection system, if part of the construction, must be provided as part of, or as a supplement to, the CCR.

18. Surface Water Removal The permittee shall initiate removal 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.

19. 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 after completion of construction. This data must be submitted to the RMME for review and approval prior to operation of the cell.

OPERATIONS

20. Hours of Operation Waste shall only be received at the facility between the hours of 7:30 am to 3:30 pm Monday through Friday and 8:00 am to 12:00 noon on Saturday. If an emergency arises, the landfill may open after these hours to address the emergency and the RMME shall be notified as soon as possible.

21. 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 unacceptable wastes are received at the landfill, landfill personnel shall refuse to accept these wastes for disposal in the landfill and shall notify 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. 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. If 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 of the incident shall be submitted to the Department with the quarterly report required by Solid Waste Management Permit Condition 45 of this permit.

22. Beneficial Reuse Coal bottom ash and fly ash may be excavated and removed from the landfill to be used in accordance with an approved/predetermined beneficial use determination.

23. Self Inspections 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 Huntley Station.

LEACHATE COLLECTION, STORAGE AND DISPOSAL

24. Primary Leachate Line Verification Prior to operation of a new subarea, the integrity of the newly installed primary leachate collection mains and laterals in the landfill must be verified by either passing a cleaning device through them or by running a video camera 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 or by running a video camera through them. A written description of these inspections



shall be forwarded to the RMME within 60 days.

25. Leakage Rates The fluid flow into the secondary leachate collection systems of each landfill cell and each basin shall be quantitatively monitored and recorded each working day. The leakage rates shall be in the format gallon/acre/day and shall be compared to the allowable leakage rates (ALR) approved by the Department. Any exceedences of the ALR shall be flagged and reported to the RMME within 7 days of the determination that the ALR has been exceeded.

26. Leachate Line Inspection The primary leachate collection lines for Phase 2 shall be inspected annually by a video camera to insure that the leachate line is still open and flowing freely. Written documentation of this inspection shall be submitted to the RMME within 60 days of each inspection.

LANDFILL MONITORING

27. Sampling Requirements Groundwater, surface water, and leachate shall be sampled quarterly in accordance with the approved Environmental Monitoring Plan/Site Analytical Plan (see Solid Waste Management Permit Condition 6 of this permit). Site monitoring data reports must include the data required by Part 360-2.11(c)(5)(iv) and must be submitted within 90 days of the conclusion of sample collection.

28. Laboratory Requirements Any laboratory performing sample analyses 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 analyses being performed. The laboratory must comply with any quality control requirements of the Department of Health and the Department of Environmental Conservation.

29. Water Quality Monitoring Schedule The water quality monitoring schedule shall be baseline analysis, then four routine sampling events, then baseline again, in order to rotate the baseline sampling event each year. Part 360-2.11(c)(5)(ii)(a) requires at least one baseline sampling event be conducted during each calendar year. Since this rotation method will sometimes result in one calendar year without a baseline analysis, an extra baseline analysis must be performed in these instances.

30. 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, if such is required to enable sampling to be performed, and a schedule for performance of the work. Unless otherwise approved, all work must be completed within 120 days of the date of notification to the Department. In the case of a replacement well, the well must initially be sampled for baseline parameters. The recharge characteristics of the repaired or replaced well must be determined.

31. Unfiltered Samples All samples must be whole and unfiltered, except as otherwise specified in the Environmental Monitoring Plan/Site Analytical Plan (see Solid Waste Management Permit Condition 6 of this permit), and/or by the Department.

32. Test Methods Test methods must be in accordance with those methods specified in Part 360-2.11(d)(6) or as approved by the Department.

33. Floaters and Sinkers Wells must be checked for floaters and sinkers during sampling and, if found, these must be analyzed separately for baseline parameters.



34. Well Depth The total depth of all wells in the monitoring network must be determined once per year and the results tabulated and included with the annual report (see Solid Waste Management Permit Condition 46 of this permit). If the depth to the bottom of the well or piezometer differs from the installation depth by more than 0.5 feet, that device must be redeveloped prior to the next scheduled sampling event.

35. Contingency Monitoring If contamination caused by the operation of the landfill is confirmed, the facility must implement the provisions of Part 360-2.11(c)(5)(iii). The Department may also request a greater frequency of monitoring, expanded range of constituents, increased number of monitoring points, or other measures.

36. Groundwater Elevations During every sampling round, static groundwater elevation data shall be taken and reported in the quarterly groundwater monitoring report (see Solid Waste Management Permit Condition 27 of this permit). Groundwater elevations shall be recorded to the nearest hundredth foot prior to purging and prior to sampling.

CLOSURE

37. 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 40 of this permit. The height of the finished landfill (top of cap) is limited to a maximum elevation of 699 feet above mean sea level. The final topography shall reasonably conform to those elevations shown on sheet F-38940-W of the plans entitled “C.R. Huntley Flyash Landfill Phase 2 – Expansion Area” (see Solid Waste Management Permit Condition 6 of this permit) or as subsequently modified by approved plans.

38. Partial Closure Prior to closure of any portion of the 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, 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.

39. 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.

40. 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.



POST-CLOSURE

41. Monitoring and Maintenance After closure, the facility shall be monitored and maintained in accordance with 6 NYCRR Part 360-2.15(k) the approved Post-Closure Monitoring and Maintenance Plan submitted in accordance with Solid Waste Management Permit condition 40 of this permit. The period of post-closure care shall continue for a minimum of 30 years after the last landfill cell used for disposal of solid waste was closed in accordance with NYSDEC requirements.

42. Sampling of Monitoring Points All facility and environmental monitoring points must be maintained and sampled during the post-closure period for a minimum of 30 years. Annual summary reports must be submitted to the Department. Annual baseline and quarterly routine sampling must be performed at all monitoring points listed in the Environmental Monitoring Plan (see Solid Waste Management Permit condition 6 of this permit) for a minimum of five years. The requirements for subsequent analyses will be determined by the Department at the end of the five-year period.

FINANCIAL SURETY

43. Surety Instrument In accordance with 6 NYCRR Part 360-1.12 and Part 360-2.19, the permittee shall maintain a surety instrument, acceptable to the RMME, for closure and for a minimum of 30 years of post-closure monitoring and maintenance of the facility.

44. 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 46 of this permit) a revised financial surety(s) shall be submitted (if necessary) to the RMME.

QUARTERLY/ANNUAL REPORTS

45. 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 in the format provided by the Department or electronically, as specified by the Department and shall contain the following:

- Amounts of waste (fly ash, bottom ash, pyrites, sand and yard waste) received from each plant serviced by the landfill.
- Amounts of fly ash and bottom ash recovered from the facility.
- Report on unauthorized waste serviced during the quarter (see Solid Waste Management Permit Condition 21 of this permit).
- Volume of leachate collected each working day from both the primary and secondary collection system for each subcell.
- The monthly Leakage Rate for the secondary leachate collection system for each monitored stage of the landfill (see Solid Waste Management Permit Condition 25 of this permit).



- Volume of leachate discharged from the flow equalization basin to the Town of Tonawanda sewer system on a monthly basis.

46. Annual Report An annual report must be submitted no later than 60 days after January 1 of each year in the format provided by the Department or electronically, as specified by the Department. The annual report shall also contain the following information:

- Revised cost estimates for closure/post-closure activities.
- Any changes from the approved plans, reports and specifications or the permit along with a justification for the change.
- Unusual events or accidents at the landfill and responses taken by landfill personnel.
- A general overview plan covering the next three years of operation and construction activities. The plan shall indicate which areas will be constructed, operated and/or closed. A schedule for each activity shall also be provided.
- An updated fill progression plan (see Solid Waste Management Permit Condition 10 of this permit).
- A table showing the total depth of all wells in the monitoring network (see Solid Waste Management Permit Condition 34 of this permit).

47. Report Submission Quarterly and annual reports shall be submitted to the following:

NYSDEC Central Office
Division of Materials Management
Bureau of Permitting and Planning
625 Broadway, 9th Floor
Albany, NY 12233-7253

AND

Attn: Regional Materials Management Engineer
NYSDEC Region 9
Division of Materials Management
270 Michigan Ave
Buffalo, NY 14203-2915

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.



ATTACHMENT 3 SUBCONTRACTOR PART 364 TRANSPORTER PERMIT

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364
WASTE TRANSPORTER PERMIT NO. 9A-768

Pursuant to Article 27, Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

PERMIT ISSUED TO:

SEVENSON INDUSTRIAL SERVICES, INC.
2749 LOCKPORT ROAD
NIAGARA FALLS, NY 14305

PERMIT TYPE:

- NEW
 RENEWAL
 MODIFICATION

CONTACT NAME: KONOR KRUEGER
COUNTY: NIAGARA
TELEPHONE NO: (716)284-0431

EFFECTIVE DATE: 09/09/2022
EXPIRATION DATE: 04/11/2023
US EPA ID NUMBER: NYD986963577

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY:

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
Allied Waste Niagara Falls Landfill	Niagara Falls , NY	Non-Hazardous Industrial/Commercial	
Covanta Niagara I, LLC	Niagara Falls , NY	Non-Hazardous Industrial/Commercial	
ITHACA AREA WWTF	ITHACA , NY	Non-Hazardous Industrial/Commercial	
Mill Seat SLF	Riga , NY	Non-Hazardous Industrial/Commercial	
Modern Landfill, Inc.	Model City , NY	Non-Hazardous Industrial/Commercial	
NRG Dunkirk Ash LF	Pomfret , NY	Non-Hazardous Industrial/Commercial	
NRG Huntley Landfill	Tonawanda , NY	Non-Hazardous Industrial/Commercial	
OCCIDENTAL DUREZ DIVISION - SPDES REG NY0001198	NORTH TONAWANDA , NY	Non-Hazardous Industrial/Commercial	
Seneca Meadows LF	Waterloo , NY	Non-Hazardous Industrial/Commercial	

NOTE: By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the Environmental Conservation Law, all applicable regulations, and the General Conditions printed on the back of this page.

ADDRESS: New York State Department of Environmental Conservation
Division of Materials Management - Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

AUTHORIZED SIGNATURE: Laura Stevens Digitally signed by Laura Stevens
Date: 2022.09.08 08:53:23 -04'00' Date: ____/____/____

WASTE TRANSPORTER PERMIT

GENERAL CONDITIONS

The permittee must:

1. Carry a copy of this waste transporter permit in each vehicle to transport waste. Failure to produce a copy of the permit upon request is a violation of the permit.
2. Display the full name of the transporter on both sides of each vehicle and display the waste transporter permit number on both sides and rear of each vehicle containing waste. The displayed name and permit number must be in characters at least three inches high and of a color that contrasts sharply with the background.
3. Transport waste only in authorized vehicles. An authorized vehicle is one that is listed on this permit.
4. Submit to the Department a modification application for additions/deletions to the authorized fleet of vehicles. The permittee must wait for a modified permit before operating the vehicles identified in the modification application.
5. Submit to the Department a modification application to add a new waste category or a new destination facility, or to change the current waste or destination facility category. The permittee must wait for a modified permit before transporting new waste types or transporting to new destination facilities.
6. Submit to the Department a modification application for change of address or company name.
7. Comply with requirements for placarding and packaging as set forth in New York State Transportation Law as well as any applicable federal rules and regulations.
8. Contain all wastes in the vehicle so there is no leaking, blowing, or other discharge of waste.
9. Use vehicles to transport only materials not intended for human or animal consumption unless the vehicle is properly cleaned.
10. Comply with requirements for manifesting hazardous waste, regulated medical waste, or low-level radioactive waste as set forth in the New York State Environmental Conservation Law and the implementing regulations. Transporters who provide a pre-printed manifest to a generator/shipper/offeror of regulated waste shall ensure that all information is correct and clearly legible on all copies of the manifest.
11. Deliver waste only to transfer, storage.. treatment and disposal facilities authorized to accept such waste. Permittee must demonstrate that facilities are so authorized if requested to do so.
12. Maintain liability insurance as required by New York State Environmental Conservation Law.
13. Maintain records of the amount of each waste type transported to each destination facility on a calendar-year basis. The transporter is obligated to provide a report of this information to the Department at the time of permit renewal, or to any law enforcement officer, if requested to do so.
14. Pay regulatory fees on an annual basis. Non-payment may be cause for revocation or suspension of permit.
15. This permit is not transferrable. A change of ownership will invalidate this permit.
16. This permit does not relieve the permittee from the obligation to obtain any other approvals or permits, or from complying with any other applicable federal, state, or local requirement.
17. Renewal applications must be submitted no less than 30 days prior to the expiration date of the permit to:

New York State Department of Environmental Conservation
Division of Materials Management, Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

PART 364
WASTE TRANSPORTER PERMIT NO. 9A-768

Pursuant to Article 27, Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

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PERMIT TYPE:

- NEW
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 MODIFICATION

CONTACT NAME: KONOR KRUEGER
COUNTY: NIAGARA
TELEPHONE NO: (716)284-0431

EFFECTIVE DATE: 09/09/2022
EXPIRATION DATE: 04/11/2023
US EPA ID NUMBER: NYD986963577

AUTHORIZED VEHICLES:

The Permittee is Authorized to Operate the Following Vehicles to Transport Waste:

(Vehicles enclosed in <>'s are authorized to haul Residential Raw Sewage and/or Septage only)

8 (Eight) Permitted Vehicle(s)

NY 20253PA
NY 47657JV
NY 49655MA
NY 64792MG
NY 82494MN
NY 82495MN
NY 98727MA
NY 98730MH
End of List