

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Environmental Quality, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5454 | F: (585) 226-9485
www.dec.ny.gov

February 2, 2018

Waste Management of New York, LLC
425 Perinton Parkway
Fairport, NY 14450
Attention: Jeffrey Richardson

Dear Mr. Richardson:

Re: NOTICE OF VIOLATION: High Acres Landfill
Solid Waste Management Facility/Program Number 28S32 located in Perinton (T), Monroe (C), & Macedon (T), Wayne (C)

This Notice of Violation (“NOV”) notifies you that Waste Management of New York, LLC (“Waste Management”) has violated the State’s solid waste management regulations at Part 360 of Title 6 of the New York State Official Compilation of Codes, Rules and Regulations (“Part 360”), as well as the State’s air pollution control requirements related to odor, at the High Acres Western Expansion Landfill (“the Landfill”) located in the Town of Perinton in Monroe County and the Town of Macedon in Wayne County. Since approximately September, 2017, on numerous occasions continuing to date, the Landfill has emitted odors in a manner that unreasonably interferes with the neighboring community’s comfortable enjoyment of life and property. Pursuant to this NOV, Waste Management must:

- Complete all odor abatement measures directed or approved by the Department in December of 2017, including completion of all gas collection improvements, well replacement, and soil and geo-membrane placement.
- Any areas receiving the placement of new waste shall have horizontal gas collectors, gas collection wells, and piping constructed in accordance with 6 NYCRR Section 363-7.1(e)(1). Vertical well installation shall comply with an average density of 200 foot spacing in each cell going forward.
- As soon as the retrofit (installation of gas collection horizontal pipes, and the placement of sufficient waste to effectuate gas collection) of cells 10 and 11 is done, cover shall be placed to achieve the required slopes necessary for stormwater management, intermediate soil cover shall be placed, and Waste Management shall discontinue waste disposal in those cells until the odor event is considered resolved.

- No later than February 28, 2018, Waste Management shall submit to DEC a design for the addition of geo-membrane cover to Cells 10 and 11 as a further odor prevention measure.
- Continue the development of an air monitoring plan in concert with the Fairport Central School District. No later than February 16, 2018, Waste Management shall provide to DEC a status of the development of that program.
- Waste Management shall, during its quarterly surface scans for methane required by its Air Pollution Control Permit, use 200 ppm of methane as the new action level and take all measures currently required when the level of 500 ppm is reached. During the scan events, Waste Management will also monitor for H2S at monitoring points around the landfill, provide a Community Update, and notify the Town of Perinton as well as DEC, of all data and resulting actions taken or planned in the event the level of 200 ppm of methane is detected.
- No later than February 16, 2018, Waste Management shall propose real time H2S monitoring, conducted separately from the methane scans, in locations where Waste Management has access to property and nearest the most impacted neighborhoods. All H2S results shall be reported to DEC and the Town on a timely basis.
- Waste Management shall maintain and keep operational the vibration prevention measures installed since January 2, 2018, and no later than February 16, 2018 submit to DEC a copy of the Standard Operating Procedures currently under development for that system.
- No later than February 23, 2018, Waste Management shall submit plan for ensuring back-up power is available for its gas control systems in the event of a power outage.
- No later than February 16, 2018, Waste Management shall obtain a sample of landfill gas from the main header and have it analyzed for a full suite of analytical parameters. The sample results are to be used for all appropriate modeling.

These requirements shall be considered effective immediately. No later than March 16, 2018, Waste Management shall submit an addendum to its Operation and Maintenance Manual which shall include these measures. Upon approval by DEC, it shall become an enforceable part of the company's Solid Waste Management permit.

ECL Article 71 provides that any person who commits the above violations is liable for significant civil penalties which may accrue on a daily basis for so long as a violation continues, and further provides that such person may be enjoined from continuing these violations. The Department hereby reserves all its rights under law and regulation, including but not limited to the right to assess penalties and to seek injunctive relief related to any odor-related violations, past, present, or future, and particularly with respect to further appropriate action regarding offsite odor issues. Nothing set forth herein should be read as a waiver of the Department's right

to seek monetary or injunctive relief regardless of whether Waste Management addresses current odor issues.

If you have any questions concerning this NOV, please contact the undersigned at 585-226-5454, or at scott.foti@dec.ny.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott J. Foti". The signature is written in a cursive style with a large, stylized initial "S".

Scott J. Foti
Regional Engineer