

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Materials Management, Region 1

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

## NOTICE OF VIOLATION

February 27, 2023

Bobby Green, Plant Manager  
Covanta Hempstead Company  
600 Merchants Concourse  
Westbury, NY 11590  
Email: [BGreen@covanta.com](mailto:BGreen@covanta.com)

DATE OF VIOLATION: Multiple since 2007

LOCATION OF VIOLATION: Hempstead Resource Recovery Facility

Dear Bobby Green:

The New York State Department of Environmental Conservation (“Department”) has completed its investigation regarding ash management at the Covanta Hempstead Resource Recovery Facility (“Covanta” or “Facility”). As set forth more fully in the annexed *Investigative Review and Findings: Ash Management at Covanta Hempstead Resource Recovery Facility dated February 27, 2024*, the investigation concludes that Covanta on multiple occasions violated Environmental Conservation Law (“ECL”) Article 27, its implementing regulations found at Part 360 of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR)<sup>1</sup>, and Permit No. 1-2820-01727/00031, including the operable Ash Residue Management Plan (ARMP). Specifically, the violations are:

1. During the years 2007, 2008, 2011, 2012, and 2013, the facility loaded trucks with more fly ash than identified in the approved ARMP, which constitutes violations of the Permit, ECL Art 27 and 6 NYCRR Part 360-3.5(f).

<sup>1</sup> On September 5, 2017, the Department adopted amendments to 6 NYCRR Part 360, which became effective on November 4, 2017. Citations noted herein are to the Part 360 regulations in effect prior to November 4, 2017 [old Part 360].

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2. In August 2007, Covanta implemented a change to the targeted ratio for truck loading from 70% Bottom Ash (BA) and 30% Fly Ash (FA) to 62% BA and 38% FA by weight prior to receiving approval, which constitutes a violation of the Permit, including ARMP, ECL Art 27 and 6 NYCRR Part 360-3.5(f).

**PLEASE TAKE NOTICE** that Article 71, Title 27, § 71-2703 of the ECL states that any person who violates any of the provisions of, or who fails to perform any duty imposed by Title 3 or 7 of Article 27 of the ECL, or any rule or regulation promulgated pursuant thereto, or any final determination or order of the Commissioner made pursuant to this title shall be liable for a civil penalty not to exceed seven thousand five hundred dollars (\$7,500.00) for each such violation, and an additional penalty of not more than one thousand five hundred dollars (\$1,500.00) for each day during which such violation continues.

This matter has been referred to our Office of General Counsel for formal legal action.

Sincerely,



Syed H. Rahman, P.E.  
Regional Materials Management Supervisor

CC: Merlange Genece, P.E., Regional Engineer for DMM, Region 1  
Craig Elgut, Regional Attorney, Region 1  
Benazir Khan, P.E., Division of Materials Management, Region 1