

# Seneca Meadows Inc.

## Responsiveness Summary

### Part 360 Solid Waste Management Permit Renewal and Modification for Tire Facility

OCTOBER 31, 2017

#### I. Project Description

Seneca Meadows, Inc. (SMI) submitted an application (“Application”) for renewal and minor modification of its Solid Waste Management Permit issued pursuant to 6 NYCRR Part 360 (“Part 360 Permit”) for a 360-acre landfill located on Route 414 in the Town of Seneca Falls, Seneca County, New York. The facility is situated on an 898-acre site and consists of the existing landfill, storm water channels and access roads, storm water ponds, leachate treatment facility, and the waste tire facility. The Seneca Meadows Wetland Preserve, a wetland mitigation site required by the Part 360 Permit, is located across Route 414 from the landfill.

The landfill’s existing waste acceptance rate, an annual-permitted tonnage limit of 6,000 tons per day (tpd), is not increasing. Operations of the landfill are under various stages of active working faces, interim cover, final cover, and closure.

The modification adds the operations (storage and processing) of the existing Waste Tire Processing Facility (“Tire Facility”) to the Part 360 Permit; these same operations had previously been regulated by the Department under a Part 360 registration. The Tire Facility currently accepts up to 7,000 tires per day for recycling and use in the landfill for drainage systems and other components, and stores up to 200,000 tires per pile (20 piles total). The permit modification does not authorize any changes to the waste tire operations.

#### II. Scope of Review

The Department treated the Application as new for purposes public comment and hearing pursuant to 6 NYCRR § 621.11(h)(3) due to significant public interest, and has prepared this responsiveness summary to address the public comments received at hearing and in writing.

Because the Application was a renewal with a minor modification for the Tire Facility, the State Environmental Quality Review Act (SEQR) record for this action addresses only the minor modification.

### III. Odors

#### A. Comments pertaining to types of odors and types of impacts

**Comments:** Public comments were received expressing concerns about facility odors and impacts on the community, area businesses, schools, and residences. Odor concerns included those related to landfill gas, garbage odors, and scents from odor neutralizers. According to the comments received, such odors have become worse over time and adversely impact the overall quality of life, individual health, property values, tourism and reputation of the area. Comments about odors also expressed concern about the ability of SMI to properly respond and investigate odor complaints, calling for better monitoring and facility oversight.

**Response:** Odors are regulated under Part 360 and the Part 360 Permit (as well as 6 NYCRR Part 211.1) which require odor control measures including the use of daily cover over the working face as well as intermediate and final covers at later stages of the landfill operation to help reduce odors. Daily cover over the working face at the close of business includes at least six inches of compacted material. After 30 days, intermediate cover is required and includes at least twelve inches of compacted material. In addition, Part 360 requires final cover and closure at later stages of landfill completion. In addition to cover, landfill gas collection requirements are critical to collection of gas and thus mitigation of gas odors.

In response to the number and frequency of odor complaints regarding this facility, the Department has added several conditions to the 2017 renewal Permit to address odor control. These are included as condition numbers 63-69 of the issued Part 360 Permit (copy attached). In summary, these conditions include requirements for:

1. Gas collection and control from the working face (The Part 360 Permit requires horizontal gas collection lines to be installed as waste is being placed and not more than 20 feet vertically apart which will improve gas collection and is intended to help control garbage odors);
2. A pilot off-site odor assessment program;
3. Limits on the quantity and types of waste that can be used as alternate daily cover;
4. Placement of intermediate cover at a frequency less than 30 days or other protective measures in areas where odor problems are not controlled;
5. Limits on the recirculation of leachate within the waste mass;
6. Additional surface emission monitoring beyond what is required in applicable federal air regulations and subsequent odor control action plan items; and
7. On-going submission of monthly updated odor complaint log charts and summaries.

## B. Odor Neutralizers/Deodorizers

**Comments:** Commenters described problems with air neutralizers/deodorizers including the perception that they were toxic, that they indicated landfill gases, and that they were unpleasant in and of themselves.

**Response:** The Department has included several Permit conditions pertaining to odor control described above. These conditions mitigate odorous impacts. The less that off-site odorous emissions are generated, the less that neutralizer should be required.

According to SMI, a tracer scent (e.g., grape, evergreen, cinnamon, etc.) is added to the odor neutralizer product when it is applied through the vapor application system. The Department has obtained and reviewed the material safety data sheets (MSDS) for the products used to neutralize and cover odors in the vapor application system: ActiveCell-VS and SL-4000 Odor Neutralizer. Please see attached MSDSs at Appendix 1. While the MSDSs indicate various reasonable precautions that should be taken by workers directly handling the concentrated products, the sheets for the products indicate that they are not considered to be carcinogenic by the Occupation Safety and Health Administration, the National Institute of Health National Toxicology Program, or International Agency for Research on Cancer. Further, the products are used at low concentrations when applied for odor control through the vapor application system.

## C. Odor control plan – Complaint and Odor Control Action Plan

**Comments:** Public comments were received pertaining to SMI's Odor Control Action Plan including concerns about the ability of SMI to properly respond and investigate odor complaints, calling for better monitoring and facility oversight. Commenters stated that their complaints were not investigated in a timely manner and, as a result, odors were missed or SMI staff could not smell the odors that the public could smell. Commenters were concerned that their complaints are not going to an independent authority.

**Response:** SMI currently operates using the approved comprehensive odor control program developed in 2007. Complaint management standard operating procedures are outlined within the Host Benefit Agreement with Seneca Falls.

Odor complaints are best made to the SMI hotline because odors are most efficiently and timely investigated and addressed by SMI Landfill staff directly. SMI employs staff at the Landfill location who are specifically trained for and tasked with investigating odor complaints. SMI currently trains their odor response crew using an accredited national system using the butanol scale. Each member of the crew goes through this training to get certified and each month conducts refresher training. Under the approved operation and maintenance plan, the SMI Landfill Odor Control team employs at least two odor technician staff members. SMI staff is also able to direct immediate, appropriate measures at the Landfill (e.g., use of misters, addition of cover on part of the working face) to address off-site odors. This complaint system also is valuable to DEC's on-

going evaluation and understanding of the status of off-site landfill odor because information from all complaint calls is recorded and made available to DEC. Following SMI staff investigation of a complaint, each complaint is recorded with details (e.g., time, date, location, and characteristics of the odor). Furthermore, this record is made whether the odor investigated is confirmed or not confirmed by the SMI staff investigation.

SMI has regularly provided the Department with odor complaint logs charts and summaries. The renewed Permit has a condition which requires on-going submission of monthly updated odor complaint log charts and summaries. The Department looks at both confirmed and unconfirmed odors in its review of these documents.

As mentioned above in Section III.A, the Department has included several Permit conditions to address odor control which should ultimately reduce the number of complaints.

#### D. Nuisance Odors/Enforcement

**Comments:** Commenters have asked DEC to make SMI manage odors to meet the requirements of the regulations, and to stop nuisance odors. They have contended that the Landfill causes odors in such quality, characteristic and duration as to unreasonably interfere with comfortable enjoyment of property for several years. And they have concerns that there are no penalties for environmental harm.

**Response:** 6 NYCRR Part 360 prohibits any State-regulated solid waste management facility, including the SMI Landfill, from causing off-site odors which constitute a nuisance, stating in pertinent part, “*Odor control.* Odors must be effectively controlled so that they do not constitute nuisances....” See, 6 NYCRR 360-1.14(m). A commonly used legal description of the legal standard for nuisance is found at (and also prohibited by) 6 NYCRR 211.1, which provides that, “No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.”

The local community voiced concern about unacceptable Landfill odor in the latter part of 2016. (See, among other things, the attached December 6, 2016 letter of the Town of Seneca Falls Attorney at the time, Patrick J. Morrell, to the attorney for SMI, Scott M. Turner, declining to renew the Town permit for the landfill “until the odor issue is addressed to the Town Board’s satisfaction.” Subsequently, in May, 2017, the Town renewed the Town permit for the Landfill.) Since this community concern was first noted, the voluntary efforts of SMI have significantly decreased the occurrence of off-site Landfill odor complaints. SMI timely investigated the possible causes of the odor, and

immediately began to implement measures to address it. SMI also has been meeting frequently with DEC staff at the Department's Avon offices (in addition to more routine meetings held at the Landfill site with the DEC monitor) to discuss these measures, as well as other possible measures to help achieve and maintain the goal of eliminating unacceptable odor. As a result, the State Part 360 solid waste management facility Permit for the Landfill now being renewed and modified includes new odor control requirements – and requires retention of previously voluntary measures – in further effort to control any remaining off-site Landfill odor which may be unacceptable, and to prevent any recurrence of earlier causes of off-site odors. Formal enforcement proceedings (including the assessment of penalties) were not required to direct the implementation of these odor control measures. DEC staff will continue to review the status of off-site Landfill odor occurrence, and may commence future enforcement and/or permit proceedings, if any such course of action becomes appropriate in the future.

#### E. Real Time Monitoring for Odors

**Comments:** Commenters have requested that a third party, other than SMI, conduct monitoring for odors including better metrics for compliance monitoring and enforcement purposes.

**Response:** As discussed below (under Section IV. Air Quality), there are several analyses that are required on an ongoing basis under the Title V Air permit.

In addition, a pilot off-site odor assessment program that will include the assessment of the feasibility of real time monitoring for odors and odor indicators is required by the renewed Part 360 Permit. This program will evaluate the use of analytical devices to measure odorous or indicator compounds at representative locations.

## IV. Air Quality

### A. Comments on Air Quality

**Comments:** Commenters discussed the following pollutants contained within the emissions from the SMI landfill: hydrogen sulfide, ammonia, methane, greenhouse gases, nitrogen dioxides, carbon dioxide, volatile organic compounds, hazardous air pollutants, dust, and particulates. They discussed emissions from the landfill itself, the flares, the nearby landfill-gas-to-energy facility, and emissions from trucks. According to the comments received, air monitoring should include specific emission limits (similar to a State Pollutant Discharge Elimination System, “SPDES”, permit), specific chemical breakdown, metrics for compliance monitoring and enforcement purposes, and third-party samples.

**Response:** The regulations applicable to the Part 360 Permit, 6 NYCRR Part 360, do not identify specific air compounds. The Title V regulations applicable to this facility specify emission limits. The Title V Air permit, which is currently undergoing renewal, will contain specific emission limits for some of the pollutants mentioned above, monitoring for indicators of gas collection adequacy, control and collection requirements, operational requirements, and metrics for compliance monitoring and enforcement purposes. According to 6 NYCRR § 202-2.1, on or before April 15th of each year for emissions of the previous year, the facility is required to submit an Annual Emission Statement. This document may be obtained by the public via a Freedom of Information Law (FOIL) request.

SMI is currently in compliance with its Title V permit and National Ambient Air Quality Standards (NAAQS); these NAAQS were developed by the United States Environmental Protection Agency (USEPA or EPA) to be protective of human health and the environment. The Title V renewal permit will have a public comment period associated with it in which the public can review and comment on the draft Title V renewal permit. We recommend review of the Title V renewal public notice when it is made available to the public for comment, which is expected soon.

Of note is that EPA developed 40 CFR 60 Subpart WWW (the Federal Clean Air Act regulation applicable to landfills entitled, “Standards of Performance for Municipal Solid Waste Landfills”) to ensure reductions of emissions of nearly 30 hazardous air pollutants (HAPs) including, but not limited to, vinyl chloride, ethyl benzene, toluene and benzene at MSW landfills. EPA recognizes that health risks are significantly reduced at landfills that collect and control landfill gas, which Seneca Meadows is required to do.

Odors from the working face on a landfill are not regulated by 40 CFR 60 Subpart WWW. These odors are regulated under 6 NYCRR Part 360 and the Part 360 Solid Waste Management Permit (as well as 6 NYCRR § 211.1) which require odor control measures. Please see Section III above for details.

The Title V air permit for Seneca Meadows landfill contains monitoring conditions to ensure the landfill is complying with 40 CFR 60 Subpart WWW. On a quarterly basis the facility performs surface scans to determine any areas that are emitting methane above 500 ppm (parts per million). Any areas that are over 500 ppm require corrective action that must be performed within a certain timeframe.

SMI is also subject to 40 CFR 63 Subpart AAAA National Emission Standards for Hazardous Air Pollutants: Municipal Waste Landfills (NESHAP). This NESHAP fulfills the requirements of section 112(d) of the Clean Air Act (CAA), which requires the Administrator to regulate emissions of hazardous air pollutants (HAPs) listed in Section 113(b), and helps implement the Urban Air Toxics Strategy developed under Section 112(k) of the CAA. The intent of the standards is to protect the public health by requiring new and existing sources to control emissions of HAPs to the level reflecting the maximum achievable control technology (MACT). SMI is compliant with this rule.

#### B. Comments on Dust

**Comment:** Commenters expressed concerns about fugitive dust from the facility.

**Response:** The Department requires control of dust from all aspects of the landfill operation, including road water to prevent dust from truck traffic, and daily covering of waste. See Part 360-1.14(k). SMI uses water spray to minimize dust emissions from the soils and from the rock crushing and screening operations.

#### C. Comments on Traffic and Diesel Truck Emissions

**Comments:** Commenters expressed concerns about air quality impacts from truck traffic.

**Response:** The waste acceptance rate at the landfill has not changed with the issuance of the Part 360 Permit renewal. As a result, there are no changes in the level of truck traffic associated with the facility.

Mobile source emissions including trucks coming into or out of the landfill are not regulated by the Part 360 Permit or the Title V permit. In any case, the trucks are required to turn off engines while they are queuing in the landfill to prevent emissions from idling. Trucks are also required to meet federal standards that USEPA sets, including the certification standards for heavy diesel vehicles.

## V. Health Issues

**Comments:** Commenters stated health concerns that they thought could be potentially related to the landfill including headaches, eye irritation, nausea, cancers, Crohn's disease, anaphylaxis, and asthma. In some cases, commenters mention toxics and/or specific air contaminants that they were concerned could be causing public health issues. Many of the commenters also had complaints regarding health concerns which they felt were connected to odors.

**Response:** The Department is tasked with permitting and compliance under the purview of state and federal environmental regulations. These regulations have been promulgated to regulate landfill development and operation in a manner that mitigates public health hazards associated with landfills. By complying with these regulations, the landfill will be constructed and operated in such a way that any health risks will be minimized. Through its permitting and engineering oversight, the Department has required the facility to be constructed and operated in compliance with these regulations.

For comments relating health concerns and potential air contamination, please see the section above (Section IV, Air Quality) which discusses regulations and standards which are protective of human health. The Title V renewal permit will have a public comment period associated with it in which the public can review and comment on the draft Title V renewal permit.

For comments relating health concerns to odors, please see Section III, Odors, above. In short, several Department-initiated permit conditions have been added to the Part 360 Permit to help mitigate odor issues. Please see the discussion above: Section III, Odors, for a summary discussion of these conditions.



## VI. Drill Cuttings/Hydrofracking

**Comments:** Commenters expressed concerns about Marcellus Shale hydrofracking waste and their belief that it was being accepted at the SMI Landfill.

**Response:** High volume hydrofracking stimulates the production of gas from a well by injecting water and other materials into an already drilled well bore to create cracks (fractures) in underground rock formations through which cracks gas will flow more freely. Comment(s) regarding hydrofracking waste confuse two distinct waste streams: waste created from hydrofracking the gas well, and the drill cuttings created while boring down to first install a gas well. Drill cuttings are soil and rock brought to the surface by the augers drilling the bore hole. In contrast, high volume hydrofracking waste is created from the process of high volume hydrofracturing which occurs only after drilling the well bore is complete. High volume hydrofracking waste can include residues from the treatment or processing of flowback waters, sand and production brine, and equipment and piping which contains pipe scale; drill cuttings will not contain any of these residues.

Although high volume hydrofracking waste (as well as the disposal of any bulk liquids) is prohibited from disposal in any New York State landfill, disposal of drill cuttings is permitted at New York State landfills. See, *In the Matter of Chemung County*, 2011 WL 6934245, at \* 3 (Aug. 4, 2011.) Also, while the vast majority of drill cuttings disposed in New York State have gone to a handful of landfills near the Pennsylvania border, Seneca Meadows Landfill accepted only a relatively small volume of drill cuttings in 2010 and 2011. Since that time, no further drill cuttings have been disposed at Seneca Meadows.

Radiation detectors were voluntarily installed by Seneca Meadows years before 2010 to screen every load that enters across their scales for radioactivity. The presence of the radiation detectors, the scrutiny of landfill employees, and the inspections of NYSDEC's on-site monitor and facility engineer combine to provide the Department with confidence that no waste from high volume hydrofracturing operations have been disposed at Seneca Meadows Landfill.

## VII. Groundwater /Surface Water

Commenters provided several comments pertaining to potential groundwater and surface water issues due to the landfill leachate and potential from leaking liners.

### A. Impacts to groundwater and surface water

**Comment:** Commenters expressed concern about potential contamination of groundwater and surface waters from landfill operations.

**Response:** The operation of the landfill is not changing with the Part 360 Permit renewal. There are no material changes in the permit conditions of the scope of the landfill's permitted activities. All storm water and groundwater is handled in an approved manner closely monitored by the Department of Environmental Conservation. Quarterly test samples from over 50 ground water monitoring wells and routine scheduled testing of storm water ponds are conducted. These samples are analyzed by a third-party laboratory and reviewed by the NYSDEC for any potential impacts. There are no indications in any of the monitoring data of any contaminants in surface or groundwater associated with municipal solid waste.

### B. Leachate Impact to WWTFs

**Comment:** Commenters expressed concerns about the handling and treatment of landfill leachate.

**Response:** The operation of the landfill is not changing with the Part 360 Permit renewal. There are no material changes in the permit conditions of the scope of the landfill's permitted activities. All leachate is handled and treated in an approved manner monitored by the Department of Environmental Conservation.

SMI is generating leachate that is treated by on-site treatment facilities and is disposed of at several off-site facilities. Leachate is treated by SMI's on-site treatment plant to reduce concentration of various parameters such as Biological Oxygen Demand and Ammonia so that it is appropriate to send treated leachate effluent to offsite wastewater treatment plants. Effluent sent off-site does not have an adverse impact at receiving plants because the effluent must meet the limits set by the plants under their SPDES permits prior to acceptance. Each receiving treatment plant receiving the pretreated leachate effluent also requires compliance with a Significant Industrial User permit issued to SMI by the plants, which requires SMI to test the leachate prior to sending it to the plants. Leachate concentrate is sent off-site to other permitted facilities for final disposal or recirculated into the waste mass (if approved by the Department).

Comments on radiation in leachate and potential for radiation contaminating wastewater treatment plants, and ultimately groundwater, are addressed above under Section VI, Drill Cuttings/Hydrofracking.

C. Can public get data on leachate and discharges?

**Comment:** Commenters wondered whether the public can get data on leachate and discharges.

**Response:** Yes, the public may submit a Freedom of Information Law (FOIL) request through the NYSDEC for any public information. This procedure can be found using the website: <http://www.dec.ny.gov/public/373.html>.

D. Contention that there is no independent authority to test water quality

**Comment:** Commenters allege there is no independent authority to test water quality.

**Response:** See response above (Section VII.A).

E. Liners will fail eventually; no state of the art technology will protect Groundwater

**Comments:** Commenters contend that liners will fail and that there is no state of the art technology that will protect groundwater.

**Response:** Landfill facilities are required to maintain liners and monitor groundwater through the life of the facility and through the post-closure period which will vary based on the facility. Leachate generation will decline over time after closure due to decomposition of materials and placement of final landfill caps which minimize rainwater from leaching through the waste mass. A landfill will not be removed from post-closure requirements until groundwater monitoring has been determined to be stable and leachate collection is no longer required, among other considerations.

## VIII. Tire Facility

The tire facility is a pre-existing facility. In and of itself, it is not changing. The only reason it is being added to the Part 360 Permit is due to a Commissioner's decision that clarified that tire facilities, such as SMI's, should be included in the Part 360 Permit rather than a registration. Specific comments/questions are answered below.

### A. Mosquitoes

**Comment:** Commenters questioned whether the tire facility could cause vectors, such as mosquitoes,

**Response:** The operation of the Tire Facility does not change by inclusion in the Part 360 Permit. As detailed in the original 2007 Tire facility registration, tires located at the facility must be processed within 30 days to minimize accumulation of standing water. When the tires are processed to become small pieces known as chips and shreds, there is little potential for water collection and therefore, processing does not encourage mosquito breeding. Processing at the SMI facility under strict operational requirements is much preferred to offsite storage or disposal of tires at unauthorized sites where mosquitoes and other vectors are uncontrolled.

### B. Outgassing rubber and other emissions

**Comment:** Commenters wondered about potential air emissions from the tire facility.

**Response:** The Tire Facility does not include heating processes that may cause volatile or semi-volatile emissions. The Tire Facility physically processes tires into smaller pieces. This process does not generate particulate matter to a degree that requires air pollution controls. The emissions are considered exempt and would not be required to be added to the Title V permit, nor would it require an air facility registration.

## IX. Permit Renewal/Permit Term and SEQR

### A. Issue the permit for two or three years only

**Comment:** The Part 360 Permit should not be issued for a full 10-year term, but rather should be shortened significantly to two or three years, or to a different, shorter period.

**Response:** The Part 360 Permit renewal has been issued for a term of eight years. This amount of time was calculated using the 2016 annual report and the amount of permitted airspace from the 2007 expansion approval. Based on waste density and permitted area, there are approximately two years of remaining life of within the already-constructed landfill capacity, and approximately six years of permitted capacity still to be constructed.

### B. Deny the permit

**Comment:** The Department should deny the Application for Part 360 Permit renewal.

**Response:** The Department has determined that there is no regulatory basis for revocation of the Part 360 Permit (pursuant to 6 NYCRR § 621.13) or denial (pursuant to 6 NYCRR § 621.10.f).

### C. Treat this as a New permit, not a renewal

**Comment:** The Department should treat the Application as a new application.

**Response:** The Department did treat the Application as a "new" permit for purposes of public notice. The Department determined that there should be an opportunity for public comment or hearing or both pursuant to 6 NYCRR § 621.11(h).

### D. SEQR Negative Declaration should be rescinded due to Application being treated as New

**Comment:** The Department should rescind the SEQR Negative Declaration and do a full SEQR review on the facility as a Type I Action.

**Response:** The Department issued a Negative Declaration for the modification to add the Tire Facility to the Part 360 Permit, which was classified under SEQR as an unlisted action. This was done because this facility is newly subject to the Part 360 Permit even though there will be no substantive changes to the Tire Facility operations compared to its operation under the earlier Part 360 Registration. The Department does not agree

that the Negative Declaration should be rescinded. The Department appropriately classified this renewal / minor modification action, took the required hard look at the potential impacts associated with the modification, and provided a reasoned elaboration of its determination.

The existing facility operation was fully reviewed under SEQR previously in a two-phase DEIS process in 2006 and 2007. The second phase documents included review of the Part 360 Permit and the facility limits and operation approved at that time.

Permit renewals are not Type I actions; they are Type II Actions. A SEQR Negative Declaration was issued for the addition of the tire facility to the Part 360 Permit, which was an Unlisted Action. There were no Type I Action thresholds triggered by this action. See 6 NYCRR § 617.4 and 617.5 for lists of SEQR Type I and Type II actions.

## X. NYS Waste Hierarchy/Solid Waste Management Plan (DEC's Beyond Waste Plan 2010)

### A. Inconsistency with SWMP and doesn't promote recycling

**Comments:** Renewal of the Part 360 Permit would be inconsistent with the New York State Solid Waste Hierarchy and "Beyond Waste, A Sustainable Materials Management Strategy for New York State", the State's 2010 Solid Waste Management Plan (Beyond Waste 2010).

**Response:** Renewal of the Part 360 Permit is consistent with Beyond Waste 2010 because renewal provides additional capacity for the management of solid waste generated in New York State, reducing the amount of waste that is exported to other states. Section 9.4.9 of Beyond Waste 2010, p. 215, states that, "Optimizing capacity at existing land disposal operations helps establish an existing and perhaps sustainable landfill disposal infrastructure such that the state's land resources can be conserved to the maximum extent possible." (Links to the full report and appendices of Beyond Waste 2010 can be found on DEC's website at <http://www.dec.ny.gov/chemical/41831.html>.)

A major goal of the Department is to increase and promote recycling, as detailed in the DEC's Beyond Waste 2010. The public comment hearing on August 10, 2017 was held to discuss the renewal of the Part 360 Permit and the addition of the current Tire Facility to the Part 360 Permit. The SMI Landfill, and other regional landfills, are a critical component of the state's solid waste management plan. The state has not achieved zero waste and 100% of materials cannot be recycled. Recycling is promoted by markets and public education, and other factors pointed out in the DEC's Beyond Waste 2010, rather than by the availability of disposal options. Also, it should be noted that the SMI facility does promote recycling of tires and recycles approximately 1,000,000 tires per year.

B. Mega landfill model better design but creates environmental injustice

**Comment:** Larger landfill model is a better design but creates environmental injustice.

**Response:** There are stringent requirements for landfill construction and operation to protect water and air quality. Due to the cost of meeting the stringent engineering requirements, many small, non-compliant landfill facilities went out of business, or have been leased to waste management firms, which has resulted in a trend toward larger regional facilities. These facilities are required to be designed, constructed and operated in a way that is protective of groundwater, surface water, and air quality. Numerous small, non-compliant landfills, with no liner systems or inferior liner systems, that are widely distributed is less protective of the environment than state of the art facilities that meet current requirements.

The Department's Environmental Justice Policy (CP-29) establishes designated environmental justice areas based on minority and low-income communities. These potential environmental justice areas are included on the on the Department's website under <http://www.dec.ny.gov/public/36929.html>.

Seneca Falls and Waterloo are not considered potential environmental justice areas under the policy. Therefore, the DEC's Environmental Justice Policy does not apply to the review of the Application.

XI. Other Issues

A. Blowing garbage

**Comment:** Commenters expressed concerns about blowing garbage is leaving the facility.

**Response:** Blowing garbage, particularly plastic bags, is minimized by the stationary and mobile fencing around and throughout the facility. Where trees do catch bags, or bags escape the landfill footprint, SMI employees remove them and other garbage from the property to the extent practicable, before it escapes the property boundaries.

B. Mining Impacts to Agriculture

**Comment:** Commenters expressed concerns about mining impacts on agriculture.

**Response:** None of the Landfill site which is regulated under the Part 360 Permit is located on agricultural land. Moreover, the SMI Meadow View mine is not subject to the Permit, but instead is regulated under a State Mined Land Reclamation permit.

C. Truck Traffic - Unsafe to community

**Comment:** Commenters expressed concerns that truck traffic was unsafe to the community.

**Response:** The amount of waste disposed at the landfill (6,000 tons/day) is not changing with this Part 360 Permit renewal. This waste is transported via trucks and other commercial vehicles, and there is no change expected to existing traffic patterns or volumes.

XII. Supportive of Facility

**Comments:** There were several comments provided in support of the facility, citing a variety of benefits to the local community. They included the following topics:

Taxes

Host benefit

Services including non-profits, little league, fire department

Farm Bureau support due to primary disposal option for County and state which is necessary to support agriculture. SMI supports ag programs and local economy

Employment/wages and local economy

Electrical energy from LFGTE

Seneca Meadows Wetland Preserve (formerly called the Dove Mitigation Site) is an Important Bird Area designated by Audubon

Regulated Tire facility prevents tires from building up or attracting mosquitoes at uncontrolled sites

Decrease reliance on fossil fuels

Back Pack for Kids Program

**Response:** The comments supportive of the facility are acknowledged.



### XIII. Appendices

- A. MSDS Sheet for Deodorizers
- B. Part 360 Permit, Issued October 31, 2017
- C. December 6, 2016 letter of the Town of Seneca Falls (cited in Section III.D)

## Appendix A

### Odor Neutralizer Material Safety Data Sheet

**MATERIAL SAFETY DATA SHEET****NCM ODOR CONTROL**

425 Whitehead Ave  
South River, NJ 08882  
Phone 732-238-6700

N.A.=Not Applicable  
Not Est.=Not Established

Prepared by: Regulatory Affairs Department

Date: 03/01/2009

**SECTION 1 - GENERAL PRODUCT DATA**

Product Name: SL-4000 Odor Neutralizer (Rain Forest) Winter  
Product Code: RFOCXXPG  
HMIS Legend: 4-Extreme 3-High 2-Moderate 1-Slight 0-Insignificant  
HMIS Hazard Code: Health:1 Flammability:0 Reactivity:0  
Chemical Family: Odor Control  
D.O.T. Shipping Name: Compound, Cleaning Liquid

CHEM-TEL, INC.  
24 Hour Emergency Contact 1-800-255-3924  
Chemical Strength: Neutral  
Formula: Proprietary  
Hazard Class: N/A

**SECTION 2 - HAZARDOUS INGREDIENTS**

CHEMICAL NAME	CAS NO.	OSHA PEL	ACGIH	TLV	%
NJTSR#39210900-5031P					<5
NJTSR#39210900-5101P					<10

Unidentified Ingredients are not considered hazardous under the Federal Hazard Communications Standard (29 CFR 1910.1200)

**SECTION 3 - PHYSICAL DATA**

Boiling Point (°F): 214  
Vapor Pressure (mm Hg): = N/A  
Appearance: Blue/green, low viscosity liquid  
Specific Gravity: 1.012  
Percent Volatile By Volume: N/A  
Evaporation Rate: = N/A  
Odor: Characteristic pH: 7.1 (Concentrate)

**SECTION 4 - FIRE AND EXPLOSION DATA**

Flash Point (F): None  
Flammable Limits: N/A  
Unusual Fire & Explosion Hazards: Not considered combustible  
Special Fire Fighting Procedures: This product is not normally considered combustible and will not burn or sustain combustion

**SECTION 5 - HEALTH HAZARD DATA**

Route(s) of Entry: Inhalation: No Skin: Yes Ingestion: Yes Threshold Limit Value: N/A  
Effects of Overexposure: Contact with eyes may cause irritation or burns. May cause irritation and defatting of the skin.  
Emergency & First Aid Procedures:  
For Skin: Wash with cool running water. Seek medical attention if irritation develops.  
For Eyes: Rinse with cool running water for 15 minutes. Seek medical attention if irritation develops.  
If Ingested: If swallowed, give several cups of water to dilute. Do not induce vomiting. Seek medical attention. Never give anything by mouth to an unconscious person.

Carcinogen: Not considered carcinogenic by OSHA, NTP, or IARC

**SECTION 6 - REACTIVITY DATA**

Stability: Stable  
Conditions to Avoid: Spills and careless handling  
Incompatibility: Strong oxidizing agents  
Hazardous Decomposition Products: None anticipated  
Hazardous Polymerization: Will not occur

**SECTION 7 - SPILL OR LEAK PROCEDURES**

Steps to be taken if material is released or spilled:  
Spills may be slippery. Stop flow of product. Collect large spills for proper disposal. Wash spill area with plenty of water.  
Waste disposal method: Dispose of in accordance with all applicable federal, state and local regulations. Observe all labeled safeguards until container is cleaned, reconditioned or destroyed.

**SECTION 8 - SUGGESTED PROTECTIVE EQUIPMENT**

Respiratory Protection: None usually required  
Ventilation: Adequate general ventilation  
Protective Gloves: Rubber or latex gloves  
Eye Protection: Safety glasses recommended  
Other Protective Equipment: None usually required

**SECTION 9 - SPECIAL PRECAUTIONS**

Precautions to be taken in handling and storage:  
Store at room temperature. Keep from freezing. Keep container closed when not in use. Use with adequate ventilation. Avoid contact with eyes.  
Other Precautions: Do not take internally. Avoid contamination of food. For industrial use only. Keep out of reach of children. Do not mix with anything but water. Avoid strong oxidizing agents.

**SECTION 313 SUPPLIER NOTIFICATION**

This product contains the following toxic chemicals subject to the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 and of 40 CFR 372:

This information must be included in all MSDS's that are copied and distributed for this material.

**NOTICE**

The information contained in this MSDS was obtained from current and reliable sources, however the data is provided without any warranty, expressed or implied, regarding its correctness or accuracy, including the implied warranties of merchantability or fitness for a particular use or method of application. Since the conditions or handling, storage and disposal of this product are beyond the control of this company, it is not responsible for loss, injury and expense arising out of the products improper use.

# SAFETY DATA SHEET

## Section 1: Identification

Product Name: **ActiveCell-VS**      Synonyms: Vapor Phase Odor Neutralizer

Recommended Use: Formulated to be evaporated and delivered into malodorous air to eliminate fugitive nuisance odor emissions in municipal and industrial applications.

Manufacturer: BioTriad Environmental, Inc.  
273 Center Road  
Stroudsburg, PA 18360

General Information: Tel: (570) 991-6074    Fax: (570) 300-2323    Web: [www.biotriad.com](http://www.biotriad.com)

Emergency Phone: (888) 658-7423

## Section 2: Hazard(s) Identification

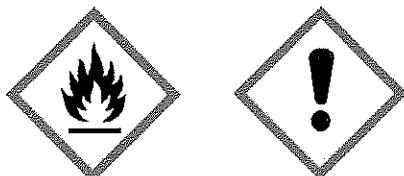
### Hazard Classification:

Physical Hazards	Flammable Liquids	Category 3
Health Hazards	Skin Corrosion / Irritation	Category 2
	Serious Eye Damage / Eye Irritation	Category 2A
Environmental Hazards	Not Classified	

Signal Word: Warning

Hazard Statements: H226 Flammable liquid and vapor  
H315 Causes skin irritation  
H320 Causes eye irritation.

Pictograms:



Precautionary Statements: P210 Keep away from heat/sparks/open flames/hot surfaces.  
P233 Keep container tightly closed  
P264 Wash thoroughly after handling  
P280 Wear protective gloves/eye protection/face protection.

### Section 3: Composition / Information on Ingredients

The specific chemical identities of the ingredients of these formulas are considered by BioTriad Environmental, Inc. to be trade secrets and are withheld in accordance with the provisions of 1910-1200 of Title 29 of the code of Federal Regulations.

### Section 4: First-Aid Measures

**Skin:** Wash exposed areas with soap and water. Remove contaminated clothing while washing continuously. Seek medical attention immediately if skin becomes irritated. Wash contaminated clothing thoroughly before re-use.

**Eyes:** Flush eyes with water for a minimum of fifteen minutes. Hold eyelids apart to ensure rinsing of the entire surface of the eye and lids with water. If irritation develops, seek medical attention immediately.

**Ingestion:** DO NOT INDUCE VOMITING. Examine lips and mouth to determine if irritation has occurred. If victim is conscious then rinse mouth with water. If swallowed, seek medical attention immediately. If irritation occurs, seek medical attention.

**Inhalation:** If breathing is difficult, move victim to fresh air. If breathing remains difficult, it may be necessary to administer oxygen. Seek medical attention if symptoms persist.

#### Most Important Symptoms / Effects, Acute and Delayed:

Symptoms of skin exposure may include redness, stinging, and / or swelling.

Symptoms of exposure of the concentrated liquid to the eye may include severe irritation, redness of the eyes and / or blurred vision.

### Section 5: Fire-Fighting Measures

**Extinguishing Media:** Carbon dioxide, foam or dry chemical. Avoid using water.

**Method of Extinguishing:** Wear self-contained breathing apparatus and full protective clothing.

**Products of Combustion:** Forms acrid fumes, carbon dioxide, and carbon monoxide.

**Section 6: Accidental Release Measures**

- Personal Precautions:** Use personal protection as recommended in section 8 of this SDS. Product is slippery; utilize anti-slip procedures. Isolate the spill area and deny entry to unprotected personnel. Avoid static electricity discharge.  
Avoid sources of heat/sparks/open flames/hot surfaces.
- Emergency Procedures:** All emergency response personnel must use personal protection as recommended in section 8 of this SDS. Personal and ecological safety should be the primary goals of emergency responders.
- Containment Methods:** Stop the flow of the liquid spill, and rope off area with caution tape. Keep out of drains, ditches, and waterways. Cap and/or cover drains. Dike spill area to prevent liquid from entering ditches and waterways.
- Cleanup Procedures:** Absorb liquid with granular oil absorbent and allow time for absorption. Sweep up granular absorbent and dispose of according to local, state, and federal regulations.

**Section 7: Handling and Storage**

- Handling Procedures:** Utilize Exposure Controls / Personal Protection as detailed in section 8. Avoid sources of heat / sparks / open flames / and hot surfaces. Avoid contact with incompatible materials. Keep container closed. Open containers slowly to avoid a potential pressure release. Do not return unused product to the container. Avoid discharge of static electricity.
- Storage Procedures:** Store in original containers or in dedicated bulk storage facilities. Keep away from sun / heat / sparks / open flames / and hot surfaces. Store in a cool, dry and fireproof area away from sources of friction.
- Recommendations to Minimize Release Into the Environment:** Use secondary containment when pouring or pumping this product. Secondary containment should also be used if containers are in a location where they can become damaged and / or leak onto the ground and / or into waterways. Cover unsealed containers and equipment containing this product if rain, running water, or washing runoff can potentially carry the product onto the ground or into waterways.
- General Hygiene Practices:** Do not smoke when in the area where this product is stored or used. Do not eat or drink in the area where this product is stored or used. Wash hands and exposed skin thoroughly after handling this product. Wash clothing that has come in contact with this product before re-use.

**Section 8: Exposure Controls / Personal Protection**

OSHA Permissible Exposure Limits (PELs): No exposure limits noted for this product or for any of the ingredients of this product.

American Conference of Governmental Industrial Hygienists (ACGIH) (TLVs): No exposure limits noted for this product or for any of the ingredients of this product.

Appropriate Engineering Controls: Use local exhaust ventilation.

Recommendations for Personal Protective Measures: Avoid discharge of static electricity.  
Keep away from heat/sparks/open flames/hot surfaces.

Requirements for Personal Protective Equipment:

Eye protection: Use protective safety glasses with side shields when working in the area where this product is stored or used. Use protective chemical-resistant goggles with a face shield when working directly with this product and a splash to the face or eyes is possible.

Skin protection: Use nitrile gloves when working in an area where this product is stored or used. Use nitrile gloves that are a full arm length when working directly with this product and a splash to the forearms is possible. Use nitrile spill-resistant boots with a high top when working directly with this product and a splash to the feet or lower legs is possible. Use a nitrile apron, and / or a nitrile body suit if working directly with this product and a splash to an unprotected part of the body is possible.

Respiratory protection: Not normally required.

**Section 9: Physical and Chemical Properties**

Physical State: Liquid at room temperature.

Color: Light Yellow / Orange.

Upper Flammability Limit: Not Available

Lower Flammability Limit: Not Available

Explosive Limit: Not Available

Odor: A fragrance of citrus and spices characteristic of this unique product.

Odor Threshold: Not Available

pH: 6.0 - 8.0

Melting Point: Not Available

Freezing Point: -140°F / -96°C

Initial Boiling Point: 349°F / 176°C  
Boiling Range: Not Available  
Flashpoint: >113°F / 44°C  
Evaporation Rate (Water=1): < 1  
Vapor Pressure: <2mmHg at 68°F / 20°C.  
Vapor Density (air = 1): > 1  
Relative Density: Not Available  
Solubility: Completely insoluble  
Partial Coefficient (n-octanol/water): Not Available  
Auto-ignition Temperature: Not Available  
Decomposition Temperature: Not Available  
Viscosity: Not available  
Specific Gravity (water = 1): 0.838 to 0.843 at 68°F / 20°C  
Percent Volatile: Not available

### Section 10: Stability and Reactivity

**Reactivity:** This product and the ingredients of this product are non-reactive under normal use, storage and transportation.

**Chemical Stability:** This product and the ingredients of this product are stable under normal use, storage and transportation.

**Conditions to Avoid:** Avoid sources of heat / sparks / open flames / and hot surfaces.  
Avoid discharge of static electricity and electrical sparks.  
Avoid contact with incompatible materials.

**Incompatible Materials:** Strong oxidizing agents.

**Hazardous Decomposition Products:** No hazardous decomposition products are expected under normal use, storage and transportation.

**Possible Hazardous Reactions:** Stable when stored and used under suitable storage conditions.  
No known hazardous reactions known.

**Product Shelf Life:** Product should be stable and usable for two years from the date of manufacture when stored and used under the guidelines described in this safety data sheet.



**Section 11: Toxicological Information****Information on the Likely Routes of Exposure:**

Inhalation: No adverse effects due to inhalation are expected.

Skin Contact: Causes skin irritation.

Eye Contact: Causes eye irritation.

Ingestion: Droplets of liquid product aspirated into the lungs during ingestion can cause serious chemical pneumonia.

**Description of the Effects of Short and Long Term Exposure:**

Acute Effects: Low risks of oral, dermal and inhalation toxicity as the concentrated liquid.

Chronic Effects: The ingredients of this product are not classified as carcinogens by OSHA, IARC, ACGIH, or NTP. The ingredients of this product contains no known genetic, reproductive or developmental toxins.

**Information on Toxicological Effects:**

<u>Description</u>	<u>Species</u>	<u>Test Results</u>
Inhalation LD50	Mice	Unknown
Dermal LD50	Guinea Pigs	Unknown
Dermal LD50	Rabbits	Unknown

**Description of Symptoms Associated With Exposure:**

Skin Contact: Symptoms may include redness, swelling and irritation.

Eye Contact: Symptoms may include redness, blurred vision and irritation.

Ingestion: Symptoms may include gastric distress, irritation to the lips, mouth, and throat, vomiting, diarrhea, discomfort, and severe irritation to the lungs if liquid droplets are aspirated during ingestion or vomiting.

**Carcinogenicity and Toxicity:**

National Toxicology Program (NTP) Report on Carcinogens: No Ingredients Listed

International Agency for Research on Cancer (IARC) Monographs: No Ingredients Listed

OSHA Specifically Regulated Substances: No Ingredients Listed

**Section 12: Ecological Information**

Ecotoxicity: This product is not classified as an environmental hazard. However, there is a possible toxicity to aquatic organisms and ecosystems should a spill enter waterways due to large or frequent spills.

Degradability: Product is expected to be readily biodegradable.

Bioaccumulation: No appreciable bioaccumulation is expected in the environment.

Mobility in Environment: Product is hydrophobic and may float on top of water.

### Section 13: Disposal Considerations

Utilize Exposure Controls / Personal Protection as detailed in section 8 of this SDS.  
 Package product in steel pails or drums prior to disposal.  
 Dispose of product as a waste oil solvent, adhering to all local, state, and federal regulations.  
 Do not drain into a sewer system, onto the ground, or allow liquid to enter waterways.

### Section 14: Transport Information

Proper Shipping Name: Terpene Hydrocarbons, N. O. S. (Contains Citrus Oils), 3 PGIII  
 Hazard Class: 3  
 Identification Number: UN2319  
 Packaging Group: III  
 Label / Placard: Exception §173.150(f) applies

### Section 15: Regulatory Information

OSHA Regulations Not Listed Elsewhere On This SDS: None  
 Department of Transportation Regulations Not Listed Elsewhere On This SDS: None  
 Environmental Protection Agency Regulations Not Listed Elsewhere On This SDS: None  
 Consumer Product Safety Commission Regulations Not Listed Elsewhere On This SDS: None  
 U.S. FEDERAL REGULATORY INFORMATION

#### Toxic Substances Control Act (TSCA) Regulations, 40 CFR 710:

All components are listed on the Toxic Substances Control Act (TSCA) Inventory.  
 SARA 302: No ingredients are subject to reporting requirements  
 SARA 311/312: Fire Hazard  
 SARA 313: No ingredients are subject to reporting requirements

### Section 16: Other Information

# HMIS

Hazardous Material Information System

Health	1
Flammability	2
Physical Hazard	0
Personal Protection	C

Date Revised: May 27, 2015

Revisions: SDS GHS compliance

NFPA: National Fire Protection Association

Health – 1  
 Fire – 2  
 Reactivity – 0  
 Special Hazard – 0

## Appendix B

Part 360 Permit, Issued October 31, 2017

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION


DEC PERMIT NUMBER 8-4532-00023/00001	PERMIT <b>Under the Environmental Conservation Law (ECL)</b>	EFFECTIVE DATE Renewed and Modified October 31, 2017
FACILITY/PROGRAM NUMBER(S) 50S08		EXPIRATION DATE(S) December 31, 2025

TYPE OF PERMIT ☐ NEW ☒ Renewal ☒ Modification ☒ Permit to Construct ☒ Permit to Operate

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5:<br>Protection of Waters                     | <input type="checkbox"/> 6NYCRR 608: Water Quality<br>Certification      | <input checked="" type="checkbox"/> Article 27, Title 7;<br>6NYCRR 360: Solid Waste<br>Management |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Supply                            | <input type="checkbox"/> Article 17, Titles 7, 8:<br>SPDES               | <input type="checkbox"/> Article 27, Title 9;<br>6NYCRR 373: Hazardous<br>Waste Management        |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Transport                         | <input type="checkbox"/> Article 19: Air Pollution<br>Control            | <input type="checkbox"/> Article 34: Coastal<br>Erosion Management                                |
| <input type="checkbox"/> Article 15, Title 15: Long<br>Island Wells                       | <input type="checkbox"/> Article 23, Title 27:<br>Mined Land Reclamation | <input type="checkbox"/> Articles 1, 3, 17, 19, 27,<br>37; NYCRR 380: Radiation<br>Control        |
| <input type="checkbox"/> Article 15, Title 27:<br>Wild, Scenic<br>and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater<br>Wetlands              | <input type="checkbox"/> Other:   |
|   | <input type="checkbox"/> Article 25: Tidal Wetlands                      |   |

PERMIT ISSUED TO Seneca Meadows, Inc.		TELEPHONE NUMBER (315) 539-5624	
ADDRESS OF PERMITTEE 1786 Salcman Road, Waterloo, NY 13165			
CONTACT PERSON FOR PERMITTED WORK Kyle Black		TELEPHONE NUMBER (315) 539-5624	
NAME AND ADDRESS OF PROJECT/FACILITY Seneca Meadows Landfill, 1786 Salcman Road, Waterloo, NY 13165			
LOCATION OF PROJECT/FACILITY 1786 Salcman Road, Waterloo, NY 13165			
COUNTY Seneca	TOWN Seneca Falls	WATERCOURSE Water Body: N/A	NYTM COORDINATES E: 349200 N: 4754700
DESCRIPTION OF AUTHORIZED ACTIVITY:  Construction and Operation of a Municipal Solid Waste Landfill with an approved design capacity of 6000 tons per day and a Waste Tire Processing Facility.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (**see page 2**) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR: Scott E. Sheeley	ADDRESS 6274 E. Avon-Lima Rd, Avon, NY 14414		
AUTHORIZED SIGNATURE 	DATE OCTOBER 31, 2017	Page 1 of 29	

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee 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.

**GENERAL CONDITIONS****General Condition 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.

**General Condition 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.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for 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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Dis-charge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 8  
6274 E. Avon, Lima Road, Avon, NY 14414 (585)226-5390

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. 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.

**SPECIAL CONDITIONS**

For Article 27, Title 7 (Seneca Meadows, Inc.)

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27, Title 7 (Seneca Meadows, Inc.)**

5. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared for SMI and submitted December 2006.

**SPECIAL CONDITIONS****I. GENERAL APPLICABILITY**

1. Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), construction and operation of the 55 acre A/B Overfill (A/B) and the 65 acre Southeast Landfill (SELF), the 2007 expansion areas designated as EX-1, EX-2, and EX-3 and related facilities shall be carried out in strict conformance with the plans, specifications, and reports submitted as part of the application for this permit. Those materials include:
  - (a) Permit applications for a modification of the existing Permit to Construct and Operate a Solid Waste Management Facility pursuant to 6 NYCRR Part 360, dated 12/20/2006 and signed by Edward L. Apuzzi, Vice President of Seneca Meadows, Inc.
  - (b) Seneca Meadows Inc.'s (SMI), Seneca Meadows Solid Waste Management Facility, 6NYCRR Part 360 Landfill Expansion Application, dated December 2006, and as revised in February 2007 where noted below. The application documents are as follows:
    - (1) Site Investigation Report, dated November 2006, revised December 2006 Appendix E and Appendix F in second volume.
    - (2) Engineering Report Single volume with supporting appendices;
      - (i) Appendix A, Drainage Design Report and Stormwater Pollution Prevention Plan, Volumes I and II, and Addendum #1 dated January 2007, revised February 2007
      - (ii) Appendix B, Gas Collection Control System, Design Plan Modification, revised February 2007
      - (iii) Appendix C, Geotechnical Report, Volumes I and II
      - (iv) Appendix D, Operations, Maintenance and Monitoring Plan, revised March 2017
      - (v) Appendix E, Environmental Monitoring Plan, revised March 2017

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 3 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (vi) Appendix F, Site Analytical Plan
- (vii) Appendix G, 1.9(g) Report, revised February 2007
- (viii) Appendix H, Construction Quality Assurance/ Construction Quality Control Plan, revised February 2007
- (ix) Appendix I, Closure/Post-Closure Plan, revised February 2007
- (x) Appendix J, Landscape Plan
- (xi) Appendix K, Contingency Plan, revised March 2017
- (xii) Appendix L, Supporting Calculations
- (3) Engineering Drawings
  - (i) Site Civil, Drawing Numbers C-1 through C-50
  - (ii) Drainage, Drawing Numbers D-0 through D-21
  - (iii) Electrical, Drawing Numbers E-1 through E-12
  - (iv) Geotechnical, Drawing Numbers G-1 through G-10
  - (v) Salcman Road, Drawing Numbers H-1 through H-12
  - (vi) Landscaping, Drawing Numbers L1- through L-4
  - (vii) Gas Collection and Control System, Drawing Numbers LFG-01 through LFG-51
- (4) Draft Generic Environmental Impact Statement, December 2005, Final Generic Environmental Impact Statement, August 2006, Draft Supplemental Environmental Impact Statement, December 2006, and revised February 2007.
- (5) Title V Air Permit, Renewal March 2007.

2. The Permittee shall comply with all conditions of this permit and the appropriate edition of 6 NYCRR Part 360 as outlined in this permit or as directed in writing by the Department. Non-compliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action, permit suspension, revocation, or modification, or denial of a permit

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 4 OF 29



**SPECIAL CONDITIONS**

For Article 27, Title 7 (Seneca Meadows, Inc.)

renewal or modification application.

3. The Permittee must maintain a copy of all application materials, plans, reports, permits, and the Draft and Final Environmental Impact Statements at the site and make these documents available to any representative of the Department. The Permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360.
4. Unless otherwise specified by the Department, two copies of all plans, reports, or other submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Regional Materials Management Engineer, NYSDEC, 6274 East Avon-Lima Road, Avon, NY 14414.
5. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Materials Management Engineer (RMME).
6. This permit modification authorizes construction of Landfill Expansion Area EX-2 and related infrastructure as shown on Engineering Drawing C-5 through C-10 dated December 15, 2006. No construction of subsequent Areas EX-1 or EX-3 may commence until and unless construction plans and technical specifications have been submitted and approved by the Department. Such construction plans and specifications must be in compliance with 6 NYCRR Part 360 requirements which are in effect at the time when they are submitted.
7. In the event an authorized Department representative makes a determination that the Permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or any judicial or administrative order applicable to the facility, the Permittee must, upon receipt of written or oral Notice of Non-Compliance from the Department, immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition. When oral notice is given, the Department will provide a confirming written Notice of Non-Compliance. To the extent feasible, the Permittee must consult the Department regarding the selection and implementation of such remedial measures. Any instance of non-compliance, together with the responsive measures and results of such remedial measures, must be recorded in writing by the Permittee, and submitted to the Department. Failure to do so shall constitute non-compliance with this permit.
8. The Permittee shall take all steps to minimize or correct any significant adverse impact on public health, safety or welfare, the environment or natural resources resulting from facility operations. The Permittee shall report any such activity which may endanger human health or the environment to the DEC Region 8 RMME. Any such information shall be reported orally within 48 hours from the time the Permittee becomes aware of the circumstances and followed up in writing within seven days.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 5 OF 29



**SPECIAL CONDITIONS**

For Article 27, Title 7 (Seneca Meadows, Inc.)

9. The Permittee shall allow any authorized representative of the Department upon the presentation of proper credentials, to:
  - (a) Have access to and copy any records that must be kept under the conditions of this permit or Part 360;
  - (b) Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this permit; and
  - (c) Sample or monitor for the purpose of assuring permit compliance or as otherwise authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location.
10. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
11. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
12. The account to fund the Environmental Monitor(s) as established under permit #8-4532-0023/00001-0 shall continue as follows:
  - (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 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 on 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 that entity with a written explanation of the basis for any 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 any such revision.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 6 OF 29

**SPECIAL CONDITIONS**

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (c) 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.
- (d) Payments are to be in advance of the period in which they will be expended.

## II. LANDFILL CONSTRUCTION

13. Not less than thirty (30) days prior to the commencement of the construction of Areas EX-1 or EX-3 of the landfill expansion, the Permittee must submit to the Department for its review and approval, construction plans and technical specifications that meet the requirements of the 6NYCRR Part 360 regulations in effect at that time. The Department will provide a written response identifying any defects or omissions in the plans within fifteen (15) days of receipt.
14. Written notice of the commencement of all major portions of on site construction activities must be made to the Department. The Permittee shall submit to the Department, prior to the commencement of construction, a construction schedule which indicates the anticipated beginning and end dates for all major construction activities. These activities include, but are not limited to, the commencement of the clearing and grading of any large areas, commencement of the placement of the liner for any large section, covering of any section of the leachate collection system, commencement of quality control and quality assurance testing including on-site permeability and/or density testing activities and the commencement of construction of any section of permanent final cover.
15. Prior to the initiation of construction of each stage, benchmarks shall be located at a minimum of one permanent bench mark for each 25 acres of landfill footprint. The location of the permanent benchmarks shall be noted on the "as-built" drawings. Elevations for permanent bench marks shall be taken from an existing U.S. Geological Survey benchmark. New York Transverse Mercator (NYTM) coordinates must be established for each permanent benchmark.
16. The Department must be notified immediately in case of any development during construction that warrants a request to modify the approved engineering plans. Deviation from the approved plans for any significant change without the specific prior written approval of the Department will constitute a violation of this permit.
17. The low permeability soil and primary soil components in the construction of the liner system shall be constructed in accordance with Specification 02276 and 02597 (subgrade requirements).
18. Prior to issuance of the Department's approval to operate any areas (cells) which have been lined as shown on the approved Engineering Drawings, the permittee must: (i)

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 7 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

demonstrate to the Department's satisfaction that the facility's construction is in accordance with this Permit and plans approved thereunder; and (ii) submit certification of construction in accordance with the appropriate subdivisions of 6NYCRR Part 360 which have governed design and construction of the affected stage of the facility.

19. All construction activities related to landfill liners and final cover, leachate management, and landfill gas management shall be under the supervision of a person licensed to practice professional engineering in the State of New York or an authorized representative of that individual. A representative of the Permittee's engineering consultant must be present whenever construction is on-going. This requires that the certifying engineer is capable of operating independently and without influence from the construction contractor and the facility owner, as demonstrated to the Department in the CQA/CQC Plan. This representative must maintain a daily log indicating work done that day, weather conditions, testing performed, quality control and quality assurance practices, problems encountered, and remedial activities undertaken to correct these problems. A copy of this log, certified by the supervising engineer as accurate and correct, must be submitted with the construction certification for each stage, or portion thereof. The certification with original signatures and stamped by the licensed engineer must indicate whether all work performed was in compliance with this permit, and the plans and reports as detailed in special condition #1. The certification must be submitted within sixty (60) days after completion of construction. Clear color photographs of major project aspects; daily reports; and results of all tests conducted to determine compliance shall also be included with the certification. As-built engineering plans must also be certified containing at least the following:
- (a) notation of any deviations from the plans and reports;
  - (b) completed sub-grade elevations;
  - (c) completed top of liner elevations, for both primary liner and secondary liner, and top of primary drainage blanket elevations;
  - (d) location and critical elevations of leachate collection lines, leak detection lines, the top and bottom of the groundwater drainage blanket, valve pits, tanks, pond, containment berm, manholes, etc.
  - (e) final drainage features;
  - (f) locations, both existing and proposed, of all monitoring devices;
  - (g) a minimum of one east-west and one north-south cross-section; drawn to scale and located on the plan view of the landfill;
  - (h) critical work such as synthetic liner penetration, welding and fittings.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 8 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

Department approval of the construction certification report is required prior to the initiation of operation of the specific stage of the facility. No waste shall be placed in a constructed stage prior to receipt of the Department's written approval. The Department will review the submitted material for approval within 30 days of receipt.

20. Prior to commencement of construction of the low permeability soil component of the liner system, a test pad must be constructed as described in the Quality Assurance (QA) Quality Control (QC) Plan, and the results of this test must be submitted to Department unless adequate information is provided to and approved by the Department on soil of known characteristics, with consistent operating history, and known demonstrated equipment performance.
21. All structures, including the leak detection and leachate collection systems, groundwater monitoring wells, valve pits, manholes, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions in any way, the Permittee shall notify the Department verbally within 48-hours after detection, and follow up in writing within seven (7) days, and shall promptly repair or replace the structure.
22. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by overboring, grouting using a tremie method or similar downhole pressure grouting system and cement-bentonite grout to ensure that all contaminant migration pathways are sealed. Casings shall be removed. This activity must be noted as accomplished in the construction certification report.
23. Extreme care and protective measures shall be taken to protect the integrity of the groundwater depression system, leak detection system, leachate collection system, liners, geotextiles and all other landfill structures. Only rubber tired vehicles shall be allowed in direct contact with HDPE liner.
24. The materials used in the drainage layers must have less than five percent of the material by weight pass the No. 200 sieve. A particle size analysis of the material to be used for the drainage layers shall be performed prior to the start of construction and during construction at a frequency of one test for every 1000 cubic yards of material placed.
25. Open burning of land clearing materials and debris (including trees, shrubs, and brush) is prohibited. Toppings, brush, and slash must be chipped and/or beneficially used on or off-site. Tree stumps removed from the site may be chipped.
26. Synthetic liner material utilized on this project shall be inspected for obvious defects prior to its use. Portions of the liner containing tears, defects, perforations, holes, punctures, etc. shall be removed and discarded or repaired in accordance with the

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 9 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

requirements provided in the approved CQA/CQC Plan.

27. All synthetic liner seams shall be fusion or extrusion welded. Welds shall be 100 percent tested for pinholes and other weld faults using a vacuum box tester or air tests, as appropriate, subject to Department approval. Records shall be kept showing weather conditions (cloudy, sunny) on days when welding is ongoing including air temperatures at beginning and end of the work day and precipitation. No welding shall take place when the ambient air or sheet temperature is below 32°F, when the sheet temperature exceeds 158°F, or when the air temperature is above 120°F, without prior Department written approval.
28. Field joints shall be made by overlapping adjacent sheets a minimum of four (4) inches. Prior to welding the seams, all areas which are to become seam interfaces shall be cleaned of dust and dirt.
29. Destructive testing of all seams shall conform to 360.2.13(k)(3)(iii)(c) or the appropriate subsection of the 6NYCRR Part 360 regulations affecting construction of the stage.
30. Should any leachate enter by migration, spill or other means into any stage, or portion thereof, which has not yet received approval for operation, then all liquids within that stage, or portion thereof, shall be removed and treated as leachate. When the leachate is first detected in any such stage, all pumping of liquids from the stage, or portion thereof, into the stormwater drainage system shall cease immediately. Pumping of liquid from that stage, or portion thereof, into the stormwater drainage system may only recommence upon written approval from the Department.
31. This Department shall be notified if any leachate, waste, gas or other conditions which may affect the integrity of the landfill are observed during construction, including excavation, of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within 7 days.
32. Upon commencement of construction, the Permittee must submit by the fifteenth (15th) of each month, a written progress report to the Department which summarizes construction activities undertaken during the preceding month.
33. The Department has approved the equivalent design determinations (effective 3/13/1999) and variances (effective 2/8/2002) and will continue to be in effect in this permit for the following materials:

(a) Equivalent Design Approvals

1. *tire chips* - An 18 inch thick layer of nominal 3 inch tire chips may be used as a substitute for the top 12 inches of the primary soil drainage layer as shown on the approved Engineering Drawings.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 10 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

2. *tire chips* - Nominal 3 inch tire chips may be used as backfill for landfill gas collection.
3. *crushed C&D* - Crushed C&D may be used as roadway subbase within the limits of the landfill footprint. The crushed C&D used as subbase must be underlain by a minimum 6 inch layer of daily cover soil.

(b) Variance Approvals

1. Quality control testing of any soil liner materials must be performed at the following revised schedule:

Soil Test Type	Part 360 Frequency	Revised Frequency
Grain Size Distribution	1 per 2500 cubic yards	1 per 7500 cubic yards
Atterberg Limits	1 per 1000 cubic yards	1 per 5000 cubic yards
Moisture-density relationship	1 per 5000 cubic yards	1 per 12500 cubic yards
Moisture Content	1 per 1000 cubic yards	Obtained during permeability test
Recompacted Permeability	1 per 5000 cubic yards	1 per 20000 cubic yards

When a new source of materials is acquired, the testing during the first year of construction shall be according to the frequency specified in Part 360.

2. In areas where geosynthetic clay liner is substituted for the top six-inch portion of the low permeability soil layer in the primary composite liner, the lower twelve inch soil layer may be omitted. A second layer of geosynthetic clay liner must be installed in the sump and beneath all leachate collection pipes.

### III. LANDFILL OPERATION

34. The approved design capacity for this landfill is 6000 tons/day, based on an annual average.

Excluded from these limits is solid waste generated at the landfill facility and any Beneficial Use Determination (BUD) materials. By no later than the fifteenth day of each month, the permittee shall report in writing to the Region 8 RMME, the total amount of solid waste disposed at the facility during the previous month, the number of days of operation, and the amount of BUD materials received.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 11 OF 29

**SPECIAL CONDITIONS**

For Article 27, Title 7 (Seneca Meadows, Inc.)

35. Operation of the landfill and landfill related activities will be in accordance with the following:

- (a) Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:

Monday through Sunday 5:00 a.m. to 8:00 p.m.  
Weight scales operations are limited to the hours of 6:00 a.m. to 6:00 p.m.

The landfill shall not be operated on Major Holidays.

\*Major Holiday shall include New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- (b) Placement of daily cover shall be limited to the following:

Monday through Sunday 6:00 a.m. to 8:00 p.m.

- (c) There will be no restrictions on activities which do not require the operation of equipment. These activities shall include equipment maintenance, facility maintenance (such as electrical or phone repair), office personnel, etc.

- (d) The Permittee shall notify the Department, in writing, of operating hours for special projects before beginning the project.

36. The following wastes shall not be disposed of at this facility:

- (a) waste identified in 6 NYCRR Part 360-1.5(b);
- (b) any intact steel or plastic drums larger than 10 gallon capacity, that has not been crushed and had at least one end removed or has not been shredded unless otherwise approved by the Department in writing;
- (c) any container which has held hazardous waste and is not empty according to 6NYCRR Part 371.1(f);
- (d) any container of 5 to 10 gallon capacity shall not be disposed of at this facility unless the containers have been crushed, compacted, or rendered incapable of holding any liquids except that small quantities of dry wastes may be containerized for disposal in this manner;
- (e) any regulated medical waste which has not been treated in accordance with the requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 10-3;
- (f) any industrial or commercial liquids, sludges, or slurries, which contain any free

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 12 OF 29



For Article 27, Title 7 (Seneca Meadows, Inc.)

liquids or are less than 20% solids;

- (g) any waste(s) regulated by 6 NYCRR Part 364 unless the waste hauler possesses a valid Part 364 permit;
- (h) waste tires, except solid rubber tires (non-pneumatic);

All sludges and chemical, industrial, commercial, food or power plant wastes must be reviewed for compliance with this condition by the Permittee prior to accepting these wastes for disposal at this facility. All records relating to the disposal of these wastes at this facility shall be made available to routine Department inspections. A summary of each month's approved waste streams for disposal, as described in this condition must be submitted to the NYSDEC Regional office within seven-days (7) of the first day of the following month.

37. During the placement of the first lift of waste above the primary leachate collection and removal system, the following precautions and practices shall be observed:
- (a) consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
  - (b) waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.
  - (c) The initial waste placement must be a minimum of 5 feet of compacted thickness and must be of a select nature and free of unprocessed construction and demolition debris; large metal objects; any long rigid items such as poles or piping; and any other rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.
38. Regulated medical waste (RMW) to be accepted for disposal at this facility must be in strict accordance with the following:
- (a) Only treated regulated medical waste (TRMW) or treated and destroyed medical waste (TDMW) which has been treated in accordance with the minimum operating requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 70-3 may be accepted at this facility for disposal.
  - (b) Each load of TRMW and TDMW to be accepted for disposal must be

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 13 OF 29



For Article 27, Title 7 (Seneca Meadows, Inc.)

accompanied by the original certification form. Each certification form must be signed and dated by the treatment facility shift supervisor or treatment facility manager. The original and all copies of the certification must be maintained at the facility for a period of no less than seven (7) years from the date they are prepared.

- (c) No TRMW or TDMW may be accepted from any RMW treatment facility unless a draft validation testing program (VTP) is on file with the New York State Department of Health or this Department.
  - (d) No TRMW or TDMW may be accepted by this facility from any RMW treatment facility unless the VTP results have been approved in writing by the New York State Department of Health and minimum operating standards have been established.
39. The permittee shall not accept vehicles delivering waste or cover material to this facility that are not enclosed, covered or their contents secured.
40. All structures, including the leachate collection and removal system, groundwater and gas monitoring wells, access roads, drainage structures, sedimentation basins, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions so that it will not properly function, the Permittee shall notify the Department verbally within 48-hours after discovery and follow-up in writing within 7 days, and shall promptly replace or repair the structure. If the Permittee immediately repairs the damaged structure within 24-hours of discovering the damage or malfunction, the Permittee will not be required to notify the Department verbally or in writing. All monitoring wells (groundwater and gas) shall be fitted with locking caps and locked at all times other than during times of sampling or maintenance.
41. Any leachate on the ground shall immediately be contained and removed either by pumping or by utilizing spill cleanup procedures such as absorbent pads or as required. Leachate and leachate spill debris must be disposed of at authorized facilities approved by the Department.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 14 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

42. The Permittee shall maintain a contingency plan which shall identify the alternative leachate treatment and disposal methods that will be employed in the case of: malfunction of the existing leachate treatment/disposal system; inadequate system capacity to manage short-term increased leachate volumes; and/or the leachate is not acceptable to the existing wastewater treatment plant. Should any element of the contingency plan become unavailable, or inoperative, a revised plan shall be submitted to the Department within 60 days for approval.
43. The Permittee shall inspect the primary and secondary (leak detection) leachate collection and removal system bi-weekly and pump stations weekly. Should the defined action leakage rate levels be exceeded, the Permittee will notify the Department in accordance with the approved site Contingency Plan and follow-up within seven (7) days in writing and immediately initiate the appropriate actions as defined in the contingency plan.
44. The primary leachate collection and removal system shall be cleaned at least annually to maintain an unobstructed and free draining collection system. Should the leachate collection and removal system's efficiency be found to be impaired, then remedial cleaning operations shall be conducted. Prior written notification of the schedule for cleaning shall be provided to the Department.
45. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.
46. Leachate storage must be available to meet the leachate collection needs of the facility throughout the operational and post-closure maintenance periods of the landfill. A log of all visual inspections must be maintained at the site. At a minimum, the log must detail the date, time, inspector, visual observations, problems, and any corrective actions taken.
47. In the event that leachate must be hauled from the facility it shall be by a hauler in possession of a valid Part 364 permit, [authorizing such hauler to haul leachate from the facility to a specified disposal site approved by the Department].
48. Daily, intermediate and final cover must be applied in accordance with the following schedule:
  - (a) Daily Cover: A minimum of six (6) inches of compacted cover material and/or approved alternate daily cover must be applied on all exposed surfaces of solid waste at the close of each operating day to control vectors, fires, odors, blowing litter, and scavenging. The volume of soil cover or approved BUD daily cover materials necessary to cover the entire working face must

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 15 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

be available immediately adjacent to the working face at the end of each operating day.

- (b) Beneficial Use Determination (BUDS) for Materials as Daily Cover:  
Approval has been granted for the beneficial use of each waste stream listed below or as approved in subsequent BUD Management Plan for the facility as daily cover at this facility. When these waste streams are utilized beneficially as daily cover material, they are no longer considered solid waste upon their receipt at the landfill. However, prior to receipt at the landfill, any industrial waste must be hauled by a permitted Part 364 hauler. The weight of each load shall be measured and reported to the Department as BUD operating cover material and categorized as to the specific solid waste which is being beneficially used.

All of the BUD alternative operating cover materials shall be covered with additional waste or clean soil within 48-hours of placement.

Storage of these BUD alternative operating cover materials shall be confined to within areas of the landfill which will not cause an impact on surface water quality. Runoff and run-on controls such as berms and swales shall be provided around storage areas. Appropriate measures shall be taken to prevent the materials from becoming airborne and from eroding into drainage ways.

The specific waste streams which are approved for beneficial use as alternative operating cover materials and the additional restrictions which apply to each are as follows:

1. *Contaminated Soil* - Contaminated soils which are not classified as hazardous waste may be used alone or blended. Use shall be limited to the sloping portion of the working face but restricted from the outside slopes of the landfill.
2. *Paper Processing Sludge* - Use of this material as alternative operating cover alone is limited to the sloping portion of the working face. Use on the flat portion of the working face requires the blending of an equal portion of clean soils.
3. *Shredder Fluff* - Shredder fluff may be used as alternative operating cover on sloping portions of the working face but restricted from the outside slopes of the landfill.
4. *Chipped Tires* - Chipped tires may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 16 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

slopes of the landfill.

5. *Construction and Demolition (C&D) Debris* - C&D, which has been reduced in size to three inches or less, may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside slopes of the landfill. A 50/50 mix of C&D debris and daily cover soil can be utilized on the flat portions of the working area.
6. *Coal Bottom Ash* - Coal bottom ash may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside slopes of the landfill.
7. *Foundry Sand* - Foundry sand may be used as alternative operating cover on the sloping portion of the working face except for the outside slopes of the landfill.
8. *Resource Recovery Ash*- Non-hazardous ash generated by permitted resource recovery facilities in New York State may be used as alternative operating cover provided that the following conditions are met:
  - i. Sampling results must be provided in the annual report for the facility and be made available to the Department upon request.
  - ii. Ash which contains unburned wastes shall not be suitable for use as daily cover and must be landfilled on the same day as acceptance at the landfill.
  - iii. Ash with a probability of becoming airborne (windblown), or eroded into surface water drainageways, shall not be used as daily cover.
  - iv. Ash determined to be unsuitable for use as alternative operating cover shall be disposed of in the landfill working face immediately.
  - v. Ash determined to be suitable for use as alternative operating cover shall be placed adjacent to the working face. However, loads of ash shall not be dumped on or near the outside perimeter slopes, nor near surface water drainageways.
  - vi. Ash shall only be used as daily cover on the sloping portion of the working face, except that ash shall not be used on the outside perimeter slopes. Ash need not be blended with soil or other BUD daily cover materials.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 17 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

vii. Ash shall be used as alternative operating cover or disposed of at the working face on the same day as it is received at the landfill.

(c) Alternate Operating Cover: The Permittee may utilize an alternate operating cover consisting of geosynthetic materials in accordance with the following restrictions:

1. The alternate operating cover is to be used only on the sloping portion of the work face.
2. The alternate operating cover is to be used only over an area which will receive solid waste disposal within 24-hours.
3. The alternate operating cover shall not be used when weather or other conditions prevent or hinder the effective control of vectors, fires, odors, blowing litter, and scavenging.
4. The alternate operating cover must be secured to the surface of the working face by use of sandbags, piles of cover material, steel reinforcing rods, half tires or other approved methods. Whole tires or other solid waste shall not be used for securing.

(d) Select Refuse Lift: Clean soil, geosynthetic materials and wood chips are acceptable for use as cover for the select refuse lift. Soil shall be used as cover on the top portion of the select refuse lift. Woodchips and/or geosynthetic materials may be used on the sloping portion of the select refuse lift. The geosynthetic materials and/or chips may be left in place for an extended period of time provided that the area is maintained free of exposed refuse, vectors are not attracted, and odors are controlled.

(e) Intermediate Operating Cover: A minimum of 12-inches of compacted cover material (soil) must be applied and maintained on all landfill surfaces where no additional solid waste has been or will be deposited within 30 calendar days.

(f) Final Cover: The final cover system shall be designed, constructed, and maintained in accordance with the requirements of the approved conceptual closure plans.

49. An Annual Report shall be submitted to the Department no later than March 1 of each year which includes the following information:

(a) The total quantity of solid waste disposed of and BUD daily cover wastes in

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 18 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

tons on a monthly basis, for the calendar year from January 1 to December 31. This information must be compiled by waste type such as refuse, sludge, construction and demolition, non-hazardous commercial waste, or other types of solid waste. All wastes and BUD materials received at the facility shall be measured by weight and described in the Report. These records shall be maintained for the life of the facility.

- (b) The remaining site life in years and remaining capacity in cubic yards of the existing constructed landfill.
- (c) An evaluation of all water and leachate quality data collected throughout the year. The Department may request at any time that this information be provided in a computer-compatible format to be specified by the Department.
- (d) An evaluation of gas monitoring and control systems, including a narrative description of proposed or actual changes to these systems.
- (e) The quantities of leachate collected, (for each cell) treated, and disposed of on a monthly basis.
- (f) The quantity of leachate collected in the secondary leachate collection/leak detection and removal system for each cell. This must be compiled on a monthly basis to assess primary liner system performance. These figures shall be used to compute the action leakage rate for each active cell.
- (g) A revised site plan with 5-foot contours of the fill area reflecting the extent of the previous year's fill progression and the proposed fill progression for the next year.
- (h) Any proposed changes from the approved reports, plans, and specifications or permit conditions must be listed with justification for each change given. No change shall be effective until written approval is received from the Department.
- (i) An update of the closure and post-closure cost estimates taking into account any changes to the closure/post closure plans, or operating conditions

50. The Permittee shall not accept solid waste that originates from New York State municipalities that have not completed a Comprehensive Recycling Analysis satisfying the requirements of 6NYCRR Part 360-1.9(f) and approved by the Department or has not implemented the recyclables recovery program determined to be feasible by the analysis.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 19 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

51. All yard waste (leaves, grass, brush/branches and stumps/tree sections) shall be banned from disposal in the landfill except for that yard waste which is [contaminated by excessive pesticides, hazardous substances, or other items which would make the yard waste] unsuitable for composting or chipping. Yard wastes contained in plastic bags are not banned from landfilling.
52. A permanent grass, ground cover crop, or mulch approved by the Department must be established and maintained on all exposed final cover soil within sixty (60) days after placement, or season not permitting, as otherwise required by the Department.
53. The final contours of the site must conform to those shown on Department-approved engineering report and plans.
54. Final cover integrity, slopes, cover vegetation, drainage structures, leachate collection and removal structures established pursuant to this permit shall be maintained for a minimum period of thirty (30) years beyond the date of the placement of final cover, or for as long as leachate is capable of adversely impacting the environment, whichever is longer.
55. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the approved Environmental Monitoring Plan (EMP)/ Site Analytical Plan (SAP) for this facility. Operational, closure, and post-closure sampling and analysis shall be in accordance with the approved EMP.
56. All new monitoring wells are to be constructed and sampled as specified in the approved Environmental Monitoring Plan (EMP) and are to meet or exceed the requirements of 6NYCRR Part 360. Any proposed revisions to the EMP are to be submitted to the Department and are subject to the Department's approval.
57. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes are to be reported within 48-hours of detection to the Region 8 RMME. The operator shall be required to repair, redevelop, or replace, if so determined, such wells in time for the next scheduled sampling event.

IV ARTICLE 24 (WETLANDS PERMIT) CONDITIONS:

58. Ongoing (Post Permit Issuance) Plan and Report Requirements
  - (a) The Permittee shall submit copies of any plans and reports to the Division of Fish and Wildlife and Marine Resources, NYSDEC Region 8, 6274 E. Avon-Lima Road, Avon, NY 14414, unless otherwise specified in this permit or in writing by the Department.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 20 OF 29



For Article 27, Title 7 (Seneca Meadows, Inc.)

- (b) In the event that the Department disapproves a submittal, or provides the Permittee with comments, questions, or concerns as part of its review process, the Department shall provide its decision or concerns in writing to the Permittee. Permittee shall then have 30 days from receipt to respond to the Department's concerns. The failure to respond in a timely manner shall constitute a violation of this permit and subject Permittee to any action by the Department as may be authorized by law.
59. Permittee shall grant a Conservation Easement for the Protected Property as described therein, the boundaries of which are shown on the Figure in Schedule C. The following terms and conditions shall apply to the granting of the Conservation Easement.
- (a) The Grantee shall be the Audubon Society.
- (b) Deleted
- (c) The Conservation Easement is attached hereto as Schedule B.
- (d) The Easement shall be signed and recorded prior to commencement of any regulated activity authorized by this permit in regulated wetland areas.
- (e) Permittee shall provide title reports or other documentation satisfactory to DEC to establish clear title on the part of Grantor and to ensure that no liens or encumbrances exist which would be superior to the Easement or could affect the validity or enforceability of the Easement. Such report(s) shall be provided within 90 days of the issuance of this permit and again prior to the date the easement is recorded.
60. Permittee shall establish and fund a Perpetual Maintenance Fund (the Fund) in order to ensure that sufficient funds are available in perpetuity to maintain the Protected Property as described in the Conservation Easement. The following terms apply relative to the implementation of this Condition:
- (a) The Fund shall be established with Audubon, and a copy of any agreements, contracts, or other mechanism to establish or maintain the fund shall be sent to DEC for its file.
- (b) The Fund shall be funded as follows:
1. The amount of Sixty Two Thousand Dollars (\$62,000) shall be deposited with Audubon no later than December 31 of each year beginning on

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 21 OF 29



For Article 27, Title 7 (Seneca Meadows, Inc.)

December 31, 2009 and ending on December 31, 2022, subject to necessary adjustments as described in Subparagraph C below; and

2. A Performance Bond (Bond) or Letter of Credit (LOC) in substantially the same form as attached hereto as Schedule E, shall be continuously in effect and in an amount sufficient to cover the difference between \$868,000 or such adjusted amount as determined pursuant to Subparagraph 60 (c) below, and the balance in the Fund. The bond or LOC shall name Audubon as the beneficiary of any proceeds, and shall give DEC or Audubon the authority to call in the proceeds in accordance with the terms of the Bond or LOC. Should the Bond or LOC or any part thereof be called in, the proceeds thereof shall be deposited into the Fund.
  - (c) No later than November 1, 2008 and each year thereafter that this permit is in effect, Permittee shall re-evaluate the sufficiency of its cost projections for the maintenance obligations shown in Schedule (TBD) and adjust the amount of its annual payment to the Fund as prescribed by Subparagraph 60 (a) as necessary to meet the revised cost estimates.
  - (d) Permittee shall not have access to the money in the Fund. Permittee's maintenance obligations for the Protected Property as required by this Permit or the Conservation Easement shall be separately funded by Permittee.
  - (e) No later than February 1 of each year this permit is in effect, Permittee shall provide DEC with proof that the required payment has been made to Audubon, along with the basis for any change in the amount of the deposit; proof that the required Bond/LOC remains in effect and in the appropriate amount; and the balance in the Fund as of that date.
61. The Department's granting of this permit is based in significant part on SMI's demonstration that a 14-year operating life based, in part, upon the current approved design capacity of 6,000 tons per day, was its only practicable alternative. As a result, by acceptance of this permit, Permittee agrees that it shall not seek approval for a fill rate or design capacity increase that will shorten the life expectancy of the facility.
62. The Department's granting of this permit is based in part on SMI's demonstration that the project satisfies a pressing economic and social need for environmentally sound solid waste disposal in New York, that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland. Therefore, the following will assure that the Permittee will be held to providing the highest and best use of its landfill space to help further the state's solid waste goals by reducing the solid waste,

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 22 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

recyclables, compostables, hazardous waste, and C&D that enter the landfill.

(a) Waste Reduction, Recycling and Composting Programs. In recognition of the need to promote and implement waste reduction, reuse, recycling and composting, the Permittee shall:

1. Construct a Community Education Center (CEC) adjacent to the facility. In addition to being available to local high school science classes for environmental field and laboratory projects, the CEC shall be staffed for up to 20 hours a week to provide guidance to the public on available waste reduction, reuse, recycling and composting techniques. The availability of the CEC as a resource on those issues shall be advertised quarterly by the permittee.
2. Fund a staff position to conduct a fourth grade educational outreach program that includes a reuse and recycling component. The program should be offered to all school districts in the Western Finger Lakes Solid Waste Management Authority (WFLSWMA) four county area.
3. Provide technical assistance to the University of Buffalo™s Center for Integrated Waste Management with respect to the reuse of waste tire chips.
4. Prepare a study to evaluate additional opportunities to further beneficially utilize waste tire chips in civil engineering applications and minimize the use of natural uncontaminated earth or other materials at the facility as well as off-site.

(b) Household Hazardous Waste Collection Program. The Permittee, in conjunction with Seneca County, the Town of Seneca Falls, and the Town of Waterloo, shall sponsor at least two Household Hazardous Waste (HHW) collection day programs annually for the term of this permit. The program shall be open by appointment to up to 400 residents and not-for-profit organizations residing in the involved local municipalities. The program shall accept all HHW, including mercury-added products, lead acid batteries, electronic products, and pesticides. Any waste accepted and managed pursuant to this condition shall be done at no fee to the generator. These programs shall include distribution of educational materials describing the proper way to use, dispose of, and recycle household chemical products and discussing alternatives to those products. In addition, the Permittee shall contribute \$20,000 annually for the term of this permit to the WFLSWMA for its use in support of its HHW collection activities.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 23 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (c) **Construction and Demolition Waste Recycling Program.** The Permittee shall minimize the use of natural uncontaminated earth materials as daily cover and substitute alternative daily cover materials to the maximum extent practicable. To accomplish this objective, the Permittee shall prepare a construction and demolition (C&D) debris management plan designed to evaluate equipment and handling procedures that will maximize the beneficial uses of C&D debris landfill construction and operation, in compliance with the requirements of Part 360. This plan shall be submitted to the Department for approval 180 days after the effective date of this permit and shall be updated annually, as part of the Permittee's Part 360 annual report, to describe the quantity of C&D debris received and used beneficially in landfill construction and operation.
- (d) **Reporting Requirements.** The Permittee shall submit a status report to verify compliance with items 62.a, b, and c above on an annual basis. This report shall be included in the Part 360 annual report with a copy to the Division of Environmental Permits file (8-4532-00023/00046).

#### V. ODOR CONTROL CONDITIONS

The following conditions numbered 63 to 69 are in addition to other requirements imposed under this permit related to odor control, including but not limited to, the Comprehensive Odor Control Plan referenced in Section 16 of the Operations, Maintenance and Monitoring Plan, Revised March 2017. To the extent that the following conditions are more stringent than other requirements, the following conditions shall supersede those other requirements.

63. As soon as is feasible based on construction conditions, but no later than 120 days following the 2017 renewal of this Permit, the Permittee must commence installation of horizontal gas collection lines in the waste mass as waste is being placed in an effort to best control odor emissions from the active portions of the landfill, in accordance with a, b, and c below. Revisions to the Gas Collection Control System plans and a schedule for the work detailed below are to be submitted for Department approval thirty days in advance of installation.
- (a) The collectors must be installed at a horizontal spacing of not more than 100 feet and a vertical spacing of not more than 20 feet, and shall terminate at least 100 feet from the exterior slope of the waste mass.
  - (b) The collectors must be placed and remain under negative pressure as soon as practicable and before there is more than 10 feet of waste above the collector, as long as there is no evidence of an imminent or existing thermal oxidation event. The Permittee shall control gas collected from this system and consider use of a separate flare with an alternative fuel source, if needed, to combust gas collected from the more

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 24 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

surficial collectors.

- (c) Operational vacuum on this system is to be monitored and adjusted as necessary in order to maintain negative pressure on the collectors, especially with respect to site-specific weather conditions where enhanced collection vacuum during times of low pressure fronts, and other relevant atmospheric conditions may be necessary.
64. The Permittee must complete a pilot off-site odor assessment program in accordance with the compliance schedule specified below. This pilot program must, at a minimum, assess whether an appropriate methodology can be developed for continuous, real-time monitoring to detect the presence of off-site landfill gas and associated analytical constituents of that gas related to odor. The program must also track and evaluate the influence of site-specific weather conditions which may contribute to off-site landfill odors. The pilot program should include the following components: evaluation of landfill gas from the main header and surficial collectors to identify constituents representative of operational odors, investigation of emissions detected off-site during various weather patterns/conditions using mobile devices, and installation of continuous monitors in targeted perimeter locations and areas of potential receptors owned or controlled by the Permittee or affiliate corporations. Monthly progress reports as to the performance of the pilot program, including applicable analytical results, are to be submitted to the Department. If, at the conclusion of the pilot program, the Department determines that any corrective measures should be implemented or that the study should be refined, or that any air monitoring should continue for a prescribed time period, the Permittee must implement the corrective measures and continue the program as directed in writing by Department staff. The Permittee shall comply with the following schedule:
- (a) Within 90 days following the 2017 renewal of this Permit, the Permittee must submit a work plan prepared by a Qualified Environmental Professional (as defined at 6 NYCRR Part 360.2(b)(213) effective November 4, 2017) for Department approval.
  - (b) Within 45 days of receipt of any written comments provided by the Department in response to the work plan, the Permittee must submit a revised work plan adequately addressing the written comments. A second failure to submit an approvable work plan will be considered a violation of this permit.
  - (c) Within 60 days of Department approval of the work plan, the Permittee must commence program implementation, and real-time monitoring must commence within an additional 60 days.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 25 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (d) Within 60 days of completion of all monitoring as required under the approved work plan, the Permittee must provide a written report to the Department detailing the findings and conclusions.
65. Effective January 1, 2018, the use of waste as an alternative to daily cover or operating cover shall not exceed 1,200 tons per day on an annual average basis or 20 percent of the actual annual waste tonnage, whichever is less. No later than February 5, 2018, all proposals to use fines or other residues generated from the processing of construction and demolition debris as an alternative to daily cover or operating cover must demonstrate that the concentration of sulfate does not exceed 0.5 percent by weight. Upon written justification from the Permittee satisfactory to the Department, the Department may provide written approval granting additional time to meet this sulfate concentration requirement, up to but not beyond May 3, 2018.
66. Immediately upon the 2017 renewal of this Permit and on an on-going basis, the Permittee must apply and maintain a minimum of 12 inches of compacted operating cover on all landfill surfaces where no additional waste has been, or will be, placed within 30 calendar days of the last placement of waste or within a timeframe otherwise determined necessary by the Department. If odor problems are not controlled, additional measures must be implemented, which could include, among others, covering the problem area with a geomembrane with active gas collection below the geomembrane in an effort to control odor emissions.
67. Immediately upon the 2017 renewal of this Permit, the Permittee shall not recirculate leachate within the waste mass unless written approval subsequent to the 2017 renewal of the Permit is granted by the Department. The Department has the right to revoke approval of leachate recirculation at its discretion.
68. Immediately upon the 2017 renewal of this Permit, the Permittee shall implement surface emission monitoring using flame ionization detectors, or other equivalent methods approved by the Department, at any location(s) it determines may be a significant source of off-site odor concerns, or as directed to do so by Department staff. The Permittee must subsequently implement, in consultation with Department staff, appropriate action plan items as specified in Section 5 of its Odor Control Summary Report dated July 2017, including but not limited to:
- (a) Increased surface inspections and well balancing,
- (b) Adjustments to well balancing procedures,
- (c) Sounding vertical landfill gas collection wells for liquid levels,

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 26 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (d) Additional gas collectors,
- (e) Additional daily cover, operating cover, intermediate cover, or final cover systems,
- (f) Increase and/or adjust odor neutralizers, and
- (g) New technologies as they become available.

69. Immediately upon the 2017 renewal of this Permit, the Permittee shall submit monthly updated odor complaint log charts and summaries to the Department until further notice.

## VI. TIRE PROCESSING FACILITY

The following conditions numbered 70 to 81 pertain to the authorized operation of a waste tire facility located on Salcman road within the Town of Seneca Falls, New York, near the intersection of the Salcman Road and Route 414.

- 70. Permit Conflicts – If any condition of this permit conflicts with the approved report and plans identified in Solid Waste Management Permit Condition 74 of this permit, the Solid Waste Management Permit Condition shall prevail.
- 71. Emergency Reporting - In the event of an emergency, including but not limited to fires, explosion or on-site spills, the RMME shall be notified of the emergency within 24 hours of discovery. Oral reports due on weekends or holidays shall be made on the next business day. 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.
- 72. Permit Applicability - The permit supersedes all previously issued Solid Waste Management Facility Registration Forms issued by the New York State Department of Environmental Conservation (the "Department"), for this facility.
- 73. Conformance With Plans - All activities authorized by this permit must be in strict conformance with the permit application, plans and materials referenced in Special Condition 74 of this permit.
- 74. Approved Reports and Documents - Unless expressly authorized in writing or unless modified by conditions of any permit issued by this Department, operation of the facility shall be in conformance with the applicable requirements of 6 NYCRR Part 360 (current edition and as subsequently modified), special conditions cited herein, and the following approved reports and documents for this facility:

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 27 OF 29

For Article 27, Title 7 (Seneca Meadows, Inc.)

- (a) Permit applications for a modification of the existing Permit to Construct and Operate a Solid Waste Management Facility pursuant to 6 NYCRR Part 360, dated 03/28/2017 and signed by Kyle Black, District Manager of Seneca Meadows, Inc
  - (b) "Tire Processing Facility Operation and Maintenance Plan" for the Tire Processing Facility (TPF) at Seneca Meadows Solid Waste Management Facility dated November, 2016 and revised March 2017, prepared by Cornerstone Environmental.
  - (c) SEQR Environmental Assessment Form Part 1 completed by the Permittee on March 28, 2017, and Parts 2 and 3 completed by the Department on July 14, 2017.
75. Acceptable Materials - The only material permitted for processing at the facility is tires; including passenger cars tires, light to medium truck tires, larger truck tires, equipment tires, and tire chips. Other rubber wastes may be accepted, only with prior Department approval. The Department will require that the following information be supplied before approval can be granted:
- (a) Origin of the material. The company/manufacturer generating the waste.
  - (b) Quantity and frequency of material to be accepted (e.g., tons/week).
  - (c) Make-up of the material. Documentation shall be provided verifying the components.
  - (d) Storage - the storage areas for the material before and after processing shall be described.
  - (e) End Use - how the product, after processing, is to be used shall be described.
76. Hours of Operation - Monday through Friday, 6:00 am to 4:00 pm and Saturday 6:00 a.m. to 11:30 a.m. The facility is closed on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, and Christmas Day. Upon receipt of approval from the NYSDEC, the TPF may expand operations to accommodate peak construction and production period demands to operate Monday through Saturday 6:00 a.m. to 10:00 p.m.
77. Proper Disposal of Solid Waste - The Department reserves the right to order SMI, Inc to remove any solid waste from the premises and properly dispose of said materials in a Department permitted facility should public nuisance conditions, including but not limited to vectors or fires, arise at the facility.
78. Storage of Tires - Total storage of whole tires, processed tire material, and other solid waste shall be limited to areas authorized in Special Condition 74 of this

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 28 OF 29



For Article 27, Title 7 (Seneca Meadows, Inc.)

Permit. The Permittee shall not store more than 210,000 unprocessed whole tires at the facility. Waste tire piles must not exceed 20 feet in height. Horizontal dimensions of waste tire piles at the base of the pile must have a surface area no greater than 10,000 square feet, with the width not to exceed 50 feet.

79. Waste tire piles must be accessible on all sides to fire fighting and emergency response equipment.
80. All whole tires, tire material and other solid waste shall be removed from the facility and properly disposed of within 60 days of closure of the facility. The RMME shall be notified in writing within five business days of closure of the facility and subsequently notified of completion of cleanup activities. The Department will perform a final inspection to ensure the facility has closed in an environmentally acceptable manner.
81. Reporting - The permittee must prepare and keep daily records on file at the facility. Quarterly and annual reports must be submitted to the Department on forms provided by the Department or acceptable to the Department. Quarterly reports shall be submitted within 15 days after the end of each calendar quarter; and annual reports shall be submitted by March 1st of each year. The quarterly reports shall contain all the information required by 360-19.k(3) and the following:
  - (a) Total quantity of waste tires received from each New York State county, from each state and from outside the country.
  - (b) Destination of all materials shipped from the facility.
  - (c) The amount of tires stored at the facility at the end of the quarter.
  - (d) Unusual events or accident at the facility and responses taken by facility personnel.

The annual report shall contain the above information plus the following:

- (e) An updated closure cost estimate for closure activities to reflect inflation and/or any changes that may impact closure.
- (f) Any changes in the approval plans, reports, or permits along with a justification for the change.

DEC PERMIT NUMBER 8-4532-00023/00001	FACILITY ID NUMBER 50S08
PROGRAM NUMBER	PAGE 29 OF 29



## Appendix C

December 16, 2016 letter of the Town of Seneca Falls

**TOWN OF SENECA FALLS**

**PATRICK J. MORRELL**  
**ATTORNEY FOR THE TOWN**  
102 Fall Street, 2<sup>nd</sup> Floor  
Seneca Falls, New York 13148

Telephone: (315) 568-5221

Fax: (315) 568-2265  
(Service of papers by fax not accepted)

December 6, 2016

Scott M. Turner, Esq.  
1300 Clinton Square  
Rochester, New York 14604

RE: Seneca Meadows Landfill Permit

Dear Mr. Turner:

As you are aware, section 185 of the Town Code requires landfills operating with the Town of Seneca Falls to first obtain a permit. This permit runs for a one-year period "with a renewal option by the Board."

The year of 2016 has seen an unprecedented number of odor complaints. This odor has caused great concern for the health, safety and welfare of the Town's residents and businesses. Section 185-5(E)(1) specifically allows the Town Board to place conditions on the issuance of the permit relating to odor. The Town Board will not issue this permit until the odor issue is addressed to the Town Board's satisfaction. It is my understanding that SMI has undertaken a significant project aimed at addressing the odor issue. Please contact the Town upon completion so an inspection of the facility can be arranged to confirm that this issue has been addressed.

Please feel welcome to contact this office to discuss this matter. Thank you.

Sincerely,

Patrick J. Morrell

cc: Town Clerk  
Paul D'Amato, Esq.  
Regional Director  
NYS DEC Region 8  
6274 E. Avon-Lima Road  
Avon, NY 14414-9519

RECEIVED  
DEC 09 2016  
REGION 8  
DIRECTOR'S OFFICE