

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Materials Management, Region 7  
615 Erie Boulevard West, Syracuse, NY 13204-2400  
P: (315) 426-7419 | F: (315) 426-7487  
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July 27, 2018

Richard H. Cisterna, PE  
CH4 Generate Cayuga LLC  
7389 County House Road  
Auburn, New York 13021

Subject: **NOTICE OF VIOLATION**  
Cayuga Regional Digester Permit #7-0552-00065, Activity #06PP0007

Dear Mr. Cisterna:

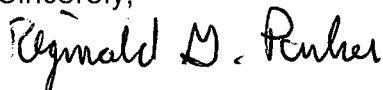
This Notice of Violation is regarding a storage lagoon being constructed by CH4 Generate Cayuga LLC at the Hourigan Farms of Elbridge, LLC property located at 1255 Maiden Lane, Mentz, NY without coverage under a concentrated animal feeding operation (CAFO) permit or approval under 6 NYCRR Part 361-2. This construction is in violation of 6 NYCRR 360.9(a)(1) which states no person shall construct or operate a facility, or any phase of it, except in accordance with a registration or a permit issued by the Department.

The New York State Department of Environmental Conservation ("the Department") has not yet been provided documentation which fully discloses ownership and management of the lagoon. Consequently, the Department requests that all documents related to any agreements made between the CAFO permittee, Hourigan Farms of Elbridge LLC, and the Cayuga Regional Digester permittee that describe the ownership and/or operation and maintenance of the lagoon be provided to our office within 7 days of this letter. This includes but is not limited to any contracts, land leases, operation agreements, property easements, or any writings which describe financial arrangements between the two parties.

The Department understands that CH4 Generate Cayuga LLC has ceased construction of the lagoon until all of the necessary environmental approvals for the project have been obtained.

If you have any questions, please contact me at (315) 426-7420 or Nicole Smith at (315) 426-7517.

Sincerely,



Reginald G. Parker, P.E.  
Regional Engineer



Cc: John Hourigan - Hourigan Farms of Elbridge LLC

Ecc: Thomas Annal – DMM Region 7  
Nicole Smith – DMM Region 7  
Thomas Vigneault – Division of Water (DOW) Region 7  
Matt Kazmierski – DOW Region 7  
Sally Rowland – DMM Central Office  
Molly Baker – DMM Central Office  
Sara Latessa – DOW Central Office  
Carin Spreitzer – DOW Central Office  
Donald Canestrari – DOW Central Office  
Jennifer Andaloro – General Counsel Central Office