



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

HAKES C & D DISPOSAL INC
4376 MANNING RIDGE RD
PAINTED POST, NY 14870

Facility:

HAKES C & D LANDFILL
4376 MANNING RIDGE RD
PAINTED POST, NY 14870

Environmental Contact:

LARRY G SHILLING
HYLAND LANDFILL
6653 HERDMAN RD
ANGELICA, NY 14709
(589) 466-7271

Facility Location: in CAMPBELL in STEUBEN COUNTY

Facility Principal Reference Point: NYTM-E: 325.942 NYTM-N: 4675.446
Latitude: 42°12'42.5" Longitude: 77°06'31.2"

Project Location: 4376 Manning Ridge Road

Authorized Activity: CONSTRUCT AND OPERATE A CONSTRUCTION AND DEMOLITION
(C&D) DEBRIS LANDFILL WITH AN APPROVED DESIGN CAPACITY OF 1,494 TONS PER DAY.

This is a modification of the existing Part 360 series permit to authorize the proposed expansion of the Hakes C&D Debris Landfill (Landfill) located at 4376 Manning Ridge Road in the Town of Campbell, Steuben County, New York, from 57.9 acres to 78.9 acres to increase the disposal capacity and site life and the addition of a 22.2-acre soil borrow area at the same site for construction and cover materials.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 8-4630-00010/00001

Renewal

Effective Date: 11/11/2013

Expiration Date: 11/10/2023

Modification # 1

Effective Date: 6/26/2014

Expiration Date: 11/10/2023

Modification # 2

Effective Date: 12/19/2019

Expiration Date: 11/10/2023



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KIMBERLY A MERCHANT, Deputy Regional Permit Administrator

Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: Kimberly A. Merchant

Date 12/19/2019

Distribution List

LARRY G SHILLING
GREGORY MACLEAN
YASMIN GUEVARA
LISA SCHWARTZ, NYSDEC, OFFICE OF GENERAL COUNCIL
THOMAS HALEY, RPA, NYSEC, ENVIRONMENTAL PERMITS
MIKE MANN, MCMAHON & MANN

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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For Article 27 (Title 7, Hakes C&D Disposal, Inc.)

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 Hakes C&D Landfill and related facilities shall be carried out in strict conformance with the approved plans, specifications, and reports submitted as part of the application for this permit. Those materials include:
 - (a) Solid Waste Management Permit Modification Application Volumes 1 through 4, dated May 2019 and including all Department-approved revisions up to September 2019, prepared by McMahon & Mann Consulting Engineers, P.C.:
 - i. Vol. 1 - Introduction and Administrative Information/ Engineering Report
 - ii. Vol. 2 - Hydrogeologic Report
 - iii. Vol. 3 – Facility Manual including all appendixes and attachments
 - List of attachments:
 - Attachment 1: Engineering Plans (Sheets 1 through 26), dated April 2019 and submitted May 2019
 - Attachments 2A through 2K: Facility Forms
 - Attachment 3: Tipper Operation and Maintenance Manual
 - Attachment 4: ToxiRAE 3 H₂S Operators Guide
 - Attachment 5: Radiation Detection System Manufacturer's Manual and Calculation of Radiation Monitor Alarm Setpoint and Procedure to Reject or Accept NORM
 - Attachment 6: Emergency Contacts
 - List of appendixes:
 - Appendix A: Leachate Management Plan
 - Appendix B: Liquid Waste Solidification Plan
 - Appendix C: Environmental Monitoring Plan, dated September 2019
 - Appendix D: Site Analytical Plan
 - iv. Vol. 4 – Borrow Area Use Plan

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- (b) Hakes C&D Landfill, Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with SPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity (GP-0-17-004), dated May 2018 with Revision dated March 2019.
- (c) Noise Studies – Appendix L Draft Supplemental Environmental Impact Statement, Hakes C&D Disposal Landfill Expansion Project dated January 2018
- (d) Draft Supplemental Environmental Impact Statement accepted January 2018, Volumes I and II
- (e) Timber Rattlesnake Management Plan – July 31, 2017 – Appendix I2 Draft Supplemental Environmental Impact Statement, Hakes C&D Disposal Landfill Expansion Project dated January 2018
- (f) Final Supplemental Environmental Impact Statement, December 5, 2018

In any instance in which the above approved documents conflict with the requirements of 6NYCRR Part 360 Series ("Part 360" and "Part 363" in particular), the more stringent shall apply.

- 2. The permittee must maintain a copy of all application materials, plans, reports, and permits at the landfill 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 Series regulations.
- 3. Before the cell 9A can start operations, a real-time monitoring system capable of monitoring and documenting compliance with the noise regulations at Part 360.19 (j) must have been selected, purchased, installed, tested, and ready for operation. Prior to that, the permittee must have submitted for DEC approval the equipment's specifications along with the plans for installation and operation of the system. The equipment's operations and maintenance manual must be included as an attachment to the facility manual.
- 4. This approval does not relieve the applicant of the responsibility of complying with any applicable Federal, State, or local ordinances, regulations, or laws.

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5. The permittee shall comply with all conditions of this permit and the appropriate edition of Part 360 Series regulations 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 renewal or modification application.
6. Upon becoming aware of any non-complying condition, permittee shall immediately take such steps as are necessary to correct, abate, or remediate such non-complying condition. Any instance of non-compliance, together with the responsive measures and the results of such measures, shall be recorded in writing by the permittee and made available to the Department upon request.
7. Unless otherwise specified by the Department, three (3) 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 - Region 8 Headquarters, 6274 East Avon-Lima Road, Avon, NY 14414.
8. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Materials Management Engineer.
9. Prior to commencing operation of Cell 9 and subject to the Department's prior approval, the permittee must amend its financial assurance currently provided to DEC, or establish new financial assurance, in accordance with all the requirements of 6 NYCRR Part 360.22. Thereafter, the permittee must maintain the financial assurance in accordance with all applicable regulation.

Said financial assurance shall be forfeited to the Department if, at any time, the permittee fails to comply with any and all terms and conditions of this permit and/or the Part 360 Series. Forfeiture shall in no way prejudice the right of the Department to institute further action necessary to ensure full compliance with the terms of this permit and Part 360 Series.

10. 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 Series;
 - (b) Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

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- (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. Permittee shall have the right to obtain split and/or duplicate samples of any samples taken by the Department.
- 11. 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 immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition(s). 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.
- 12. The permittee shall take all steps to minimize or correct any adverse impact on human 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 Region 8 Regional Materials Management Engineer. Any such information shall be reported immediately from the time the permittee becomes aware of the circumstances and followed up in writing within seven (7) days.
- 13. In accordance with 6 NYCRR Part 360.20, an account to fund an environmental monitor shall be established with the Department as follows:
 - (a) The Permittee shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this Permit.
 - (b) The Permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit or until the environmental monitoring services are no longer necessary, whichever comes first.

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- (c) The Permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this Permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.
- (d) The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any revisions.
- (e) Prior to making its annual payment, the Permittee will receive, and have an opportunity to review and request adjustment to, an annual environmental monitoring work plan that the Department will undertake during the year. The Department will provide a final annual work plan that the Department will undertake during the year.
- (f) Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.
- (g) Failure to make the required payments shall be a violation of this permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- (h) The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.

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- (i) The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor routinely receives from the Department.
- (j) Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.
- (k) The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. If the data or images are collected from areas where confidentiality is a concern to the Permittee, the Permittee may request that the data or images be considered confidential information. The Department will consider any confidentiality requests and, if determined by the Department to be appropriate, copies of the data or images collected from areas where confidentiality has been determined by the Department to be a concern shall be provided to the Permittee.
- (l) It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances, etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.
- (m) Any work product produced by an individual or firm as part of the environmental monitoring services are the property of the Department, and any individuals or firms retained for monitoring services owe to the Department the duties of maintaining confidentiality and avoiding conflicts of interest to the Department.
- (n) Permittee is subject to all the provisions of the regulations pertaining to environmental monitoring services found at 6 NYCRR Part 360 Series, including but not limited to paragraphs 360.20 [b][1] and 360.20[b][2] (which are related to procedures upon any Permittee payment delinquency.)

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14. 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.
15. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.

II. FACILITY CONSTRUCTION

16. Not less than ninety (90) days prior to the commencement of the construction of a landfill cell, the permittee must submit to the Department for review and approval, engineering plans and technical specifications that satisfy the requirements of the Part 360 Series regulations in effect at the time they are submitted. No construction of a landfill cell may commence until and unless the engineering plans and technical specifications have been approved by the Department. Upon DEC approval, the 90-day time period may be modified in writing under appropriate circumstances.
17. Fifteen (15) days prior written notice of the commencement 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 clearing and grading of any large areas, construction of the liner for any large section, construction of the leachate collection and removal system, and construction of any section of permanent final cover.
18. Upon commencement of construction, the permittee must submit by the fifteenth (15th) of each month, a written progress report to the Department that summarizes construction activities undertaken during the preceding month.
19. 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 without the specific prior written approval of the Department will constitute a violation of this permit.
20. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by over boring, 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.

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21. 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 seven (7) days.
22. Extreme care and protective measures shall be taken to protect the integrity of the groundwater suppression system, leachate collection system, liners, geotextiles, and all other landfill structures. Only rubber tired/track vehicles shall be allowed on the HDPE liner during placement of the liner.
23. The soil liners shall be constructed in accordance with the approved engineering report, plans, and specifications. If any tests do not achieve the required permeability, the deficient area(s) shall be remolded and recompacted to achieve the required permeability. The extent of the problem area(s) shall be identified. Retesting of this area is required.
24. The permittee shall provide effective frost protection of all low permeability soil component portions of the installed landfill liner system prior to November 15, or a later date if acceptable to the Department.
25. Synthetic liner anchoring, seaming, and sealing at joints and structures shall be carefully monitored and inspected each day. Documentation of this work shall be recorded and submitted with the certification report.
26. This Department shall be verbally notified five (5) business days prior to the permittee applying any sand or other protective materials on the synthetic liner components.
27. All construction at the landfill site shall be under the supervision of an engineer 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 at the landfill whenever construction is on-going. 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, stamped by the supervising engineer as accurate and correct, must be submitted with the construction certification.

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Upon completion of construction, written certification shall be made by said licensed engineer that the construction is in accordance with the provisions of this permit, Part 360 Series, and the approved engineering report and plans. Such certification shall be submitted within 45 days following completion of construction of each element and include record drawings noting any deviation from the approved engineering plans and drawings.

The permittee shall also provide to the Department written certification by his engineer that all repairs to structures (e.g., liners, collection systems, cap) have been completed in accordance with the approved plans. Such certification shall be submitted to the Department within 30 days of the repair of any damage to the structures.

28. Department approval of the construction certification report is required prior to the initiation of operation of a constructed cell. No waste shall be placed in a constructed cell prior to receipt of the Department's written permission. No verbal approval will be given to operate any cell of the landfill.
29. Should any leachate enter by migration, spill or other means into any landfill cell which has not been approved to accept waste, all liquids within that cell shall be removed and treated as leachate. When the leachate is first detected in any such cell, all pumping of liquids from the cell into the stormwater drainage system shall cease immediately. Pumping of liquid from that cell into the stormwater drainage system may only recommence upon written approval from the Department.

III. FACILITY OPERATION

30. Whenever operations occur in Cell 9 within 650 feet from the eastern property line and 375 feet to the north property line, or such other distance as the Department may determine based upon the operation of the noise monitoring system contemplated by this condition, real time noise monitoring shall be implemented. The noise monitoring shall ensure compliance with 6 NYCRR Part 360.19 (j). The real time monitoring of operational noise will be active and continuous so that landfill operations can be immediately adjusted if noise levels begin to approach the regulatory limits set forth in 6 NYCRR Part 360.19 (j). All noise monitoring shall be in conformance with the Department approved Facility Manual.
31. Adequate numbers, types, and sizes of properly maintained equipment shall be available to the facility during all hours of operation.

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32. The permittee shall not accept vehicles delivering waste or cover material to this facility that are not enclosed, covered, or their contents secured.
33. During the placement of the first lift of waste above the 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 five (5) feet in compacted thickness and must be of a select nature and free of all large objects. Large objects include any long, rigid items such as poles or piping and any rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.

All subsequent lifts of waste above the first lift must be compacted in layers not more than two (2) feet thick upon deposition at the working face.

34. Windblown paper and other litter shall be confined to the area adjacent to the working face. Any paper, litter, debris, etc. which escapes the working face area shall be immediately picked up and deposited in the landfill. At no time shall solid waste be allowed to leave the property.

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35. Construction and Demolition Debris, meeting the following definition, is the only solid waste allowed for disposal at this facility:
- (a) Construction and Demolition Debris or C&D Debris means waste resulting from construction, remodeling, repair and demolition of structures, buildings and roads. C&D debris includes fill material, demolition wastes, and construction wastes. Materials that are not C&D debris (even if generated from construction, remodeling, repair and demolition activities) include municipal solid waste, friable asbestos-containing waste, corrugated containing board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, fuel tanks, containers greater than 10 gallon in size, and any containers having more than one inch of residue remaining on the bottom.
 - (b) Processed C&D means waste material generated by a facility that process and separates construction and demolition debris in order to extract recyclables materials. The C&D processing facility must be registered or permitted in New York State. All loads of processed C&D received shall be accompanied by a tracking document. This tracking document shall be in a form prescribed by or acceptable to the Department. The tracking document shall indicate the name and address and permit or registration number of the C&D processing facility which generated the processed C&D transported, the name of the hauler and the intended disposal facility. One copy of each tracking document per load shall be retained at the facility for a minimum of seven (7) years.
36. Disposal of any waste not specifically allowed in the definition of C&D debris or which is further restricted by permit conditions is expressly prohibited. Documented violations regarding disposal of unauthorized waste will result in revocation of this permit and closure of the landfill. Under these circumstances, the standards that will apply to landfill closure and post-closure activities shall be those contained in section 6 NYCRR Part 363-9. Disposal of unauthorized waste without the knowledge of the operator will not constitute a defense against revocation of the permit or implementation of the additional closure and post-closure requirements.
37. The approved design capacity for this facility is 1,494 tons per day. "Approved design capacity" means the average daily tonnage to be received at the landfill during the quarter in which the most waste is anticipated to be received. The permittee is responsible for monitoring the incoming solid waste so that the approved design capacity is not exceeded. All incoming waste loads must be monitored by an attendant located at the entrance to the landfill. Records shall be maintained on a daily basis and be made available to any representative of the Department upon request.

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38. Operating cover must be applied in accordance with the approved Facility Manual to control odors, fire hazards, vectors, blowing litter, and scavenging. The use of processed C&D debris as alternative operating cover shall be in accordance with the Facility Manual and shall not exceed 20% of the facility's accepted C&D debris waste or 298.8 tons per day, whichever is less. In the event of verified odor complaints or other concerns, the permittee may be required by the Department to apply unclassified soils as operating cover rather than processed C&D debris.
39. If refuse is deposited within a cell on top of an area which has received operating cover or intermediate cover, a portion of the cover shall be removed from the area to be filled so as to adequately allow leachate to reach the leachate collection system.
40. Cover soil and drainage control structures shall be designed, graded, and maintained to prevent ponding and erosion and to reduce to a minimum infiltration of water into the solid waste cells. Final side slopes of the landfill shall not be steeper than one (vertical) on three (horizontal).
41. Soil stockpiles shall be stabilized to preclude siltation of surface water drainage structures.
42. When the permittee generates corrective action documentation in accordance with State Pollutant Discharge Elimination System (SPDES) General Permit 0-17-004 Part V.C, a complete copy of the corrective action documentation shall be provided to the Region 8 RMME within 24 hours of landfill staff becoming aware of the condition that requires corrective action. This copy may be submitted by email to, or as may be directed by Region 8 DMM staff in writing. This condition should not be construed to change any requirement of the SPDES permit
43. All structures, including but not limited to the leachate collection and removal system, groundwater and gas monitoring wells, valve pits, manholes, access roads, drainage structures, sedimentation basins, 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 and follow up in writing within 72 hours and shall promptly replace or repair the structure.
44. Spent media filter from the landfill gas treatment system shall be disposed of in a permitted municipal solid waste (MSW) landfill. The media from the filter cannot be disposed of at the Hakes C&D Landfill property.

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45. As used herein, the term leachate shall include:
- (a) Any liquid which accumulates within the active working area of the landfill;
 - (b) Any liquid which has been in contact with or passed through solid waste or which has been contaminated by liquid which has been in contact with or passed through solid waste.
46. The leachate collection and removal system shall be cleaned at least annually with a high-pressure hose to maintain an unobstructed and free-draining 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.
47. A weekly visual inspection shall be conducted by the operator on the non-perforated main leachate collection lines, force mains and manholes. If leachate is being carried in the outer pipe or if there is evidence of plugging, corrective measures shall be implemented promptly. Permittee shall also notify the Department verbally within 48 hours and follow up in writing within 72 hours.
48. Leachate to be removed from the facility by tanker truck shall only be transported by a hauler authorized to transport leachate pursuant to 6NYCRR Part 364.
49. Leachate storage must be available to meet the leachate collection needs of the facility throughout the operational and post-closure periods of the landfill.
50. 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: 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, subject to Department approval within sixty (60) days.
51. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.

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52. All spills, including but not limited to leachate and petroleum spills, shall immediately be contained and removed either by pumping or utilizing spill cleanup procedures such as absorbent pads. Materials collected by pumping, contaminated soils, and spill debris shall be properly disposed at an approved and permitted treatment or disposal facility. Spills shall be reported to the NYSDEC Spill Hotline (1-800-457-7362) within 2 hours of discovery. The permittee shall also notify the Region 8 Regional Materials Management Engineer verbally within 24 hours and in writing within 72 hours of occurrence.
53. Annual reports shall be submitted to both the Region 8 Regional Materials Management Engineer, 6274 East Avon-Lima Road, Avon, NY, 14414 and the Central Office no later than March 1 of each year for the previous calendar year of operation. The reports shall be in accordance with the requirements of 6 NYCRR Part 360.19(k)(3) and include the following additional information:
- (a) Complaints received and how the facility responded in accordance with the Odor Control Plan;
 - (b) 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;
 - (c) Evaluations of the landfill gas collection and control system, monitoring system, and monitoring data collected throughout the year. A description of proposed and/or actual changes to the landfill gas collection and control system, monitoring system, and monitoring plan shall be included;
 - (d) A completed copy of the Radiation Monitor Alarm Record form for each instance in which the radiation detector alarms due to an incoming load of waste.
54. The permittee must provide to the department, within 45 days of completion, record drawings of any construction work done at the landfill during the operation phase. This includes but is not restricted to changes to the gas lines, stormwater ponds, leachate collection system, etc.

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IV. ENVIRONMENTAL MONITORING

55. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the Site Analytical Plan in the Facility Manual and 6 NYCRR Part 363-4.6(g) or as otherwise acceptable to the Department.
56. An environmental monitoring program in accordance with Part 363-4.6(f) which is the sole responsibility of the permittee, must be conducted in accordance with the DEC approved Environmental Monitoring Plan (EMP).

Groundwater Monitoring

57. All new groundwater monitoring wells must be constructed and sampled as specified in the DEC approved EMP and must meet or exceed the requirements of the 6 NYCRR Part 360 Series regulations. Any proposed revisions require the Department's prior approval.
58. Operational, closure, and post-closure sampling and analysis must be in accordance with the DEC approved Environmental Monitoring Plan.
59. The EMP must be updated by December 31, 2019 to include an implementation plan [in accordance with 6 NYCRR 363-4.6(f)(7)] to sample groundwater at the landfill site to establish operational trigger values for new expanded parameters including PFAS, 1,4-dioxane, and radionuclides which have been detected in leachate. At a minimum, the plan must include a schedule for sampling a representative subset of all the groundwater monitor wells which exist at the landfill site, both for the expansion area and for the existing areas of waste disposal, taking into consideration site hydrogeology, physical layout, and operational history, among other factors. If the Department provides written comment, within thirty days the permittee must revise and resubmit the revised EMP for Department approval.
60. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes must be reported immediately to the Region 8 Regional Materials Management Engineer. The operator must repair, redevelop, or replace such wells in time for the next scheduled sampling event. Such work must receive prior written approval by the Department.

Surface Water Monitoring

61. The permittee must implement a surface water monitoring plan that conforms to the DEC approved EMP.

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Leachate Monitoring

62. The frequency of analysis, location of sampling points, and parameters to be analyzed for must be in accordance with the DEC approved EMP.
63. Before the permittee can start closure of the active landfill, the permittee must present to the department for approval a closure site investigation report prepared according to the requirements Part 363-9.2. Then, the permittee must properly close the landfill in accordance with the approved closure plan and the requirement of Part 360.21 and Part 363-9.3. The final contours of the landfill must conform to those in the Department-approved closure plan and drawings.
64. Permittee must amend the closure and post-closure plans when appropriate to reflect changes in the operating plans, waste deposition rates, facility design, or events that affect the permittee's post-closure activities. All such amendments shall be submitted in writing within sixty (60) days of any changes in permittee's plans, deposition rates, design, or events at the landfill. All amendments shall be subject to the Department's approval.
65. Upon Department's approval of the closure report (Part 363-9.4), the permittee must carry out the post-closure and custodial care according to the Facility Manual and the requirements of Part 363-9.6.

VI. VARIANCES

66. The following variance requests have been approved by the Department:

- (a) Request for variance from 6 NYCRR Part 363-6.7(a)(2)(i) - Hakes C&D Landfill, prepared by McMahon & Mann Consulting Engineers, P.C., dated March 20, 2019. This regulation applies to the low permeability soil component of the single composite liner system and states it must be free from stones greater than one inch in diameter and stones having an angular surface.

The variance will allow for the lower 18-inches of the 24-inch thick low permeability soil liner to be constructed using 3-inch minus material. The upper 6-inches of the low permeability soil liner would have a maximum particle size of 1-inch as required by Part 363 Regulations. Final approval of this variance is contingent on the following conditions being met:

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- i. Intact Shelby tube samples must be readily obtainable. If the larger soil particles unreasonably interfere with proper sampling, the soil liner shall be reconstructed in those problematic areas until intact, passing samples are obtained. Further screening of the soil may also be necessary.
 - ii. All areas of the soil liner must have a maximum remolded coefficient of permeability of 1×10^{-7} cm/s.
 - iii. The applicable quality assurance and quality control requirements contained in Part 363 shall not be lessened in any way.
- (b) Request for variance from 6 NYCRR Part 363-6.2 - Hakes C&D Landfill, prepared by McMahon & Mann Consulting Engineers, P.C., dated March 20, 2019. This regulation states the minimum horizontal separation between the edge of placed waste and the property line must be 100 feet for any landfill, except for landfills in Nassau and Suffolk Counties where the minimum separation must be 50 feet.
- (c)
- (d) The variance will apply to the west side of the proposed expansion, between Manning Ridge Road and the proposed western limit of waste. The west berm at the expansion is approximately 900 feet long. This variance will allow for a minimum separation of 90 feet for approximately 200 feet of the 900 feet, allowing for a smooth transition between the existing landfill and the proposed expansion.

The permittee shall comply with the above approved variances and any conditions imposed by the Department.

VII. OTHER CONDITIONS

67. Open burning at the site is prohibited except pursuant to a permit issued by the Department under Part 215 of this Title.

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68. Construction and operation of the landfill and landfill-related activities shall be in accordance with the following:
- (a) Construction activities shall be limited to the following:
Monday through Saturday: 7:00 a.m. to 7:00 p.m.

Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:
Monday through Saturday: 7:00 a.m. to 5:30 p.m.

Construction and operation shall not take place on Sundays or Major Holidays. Major Holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
 - (b) There will be no restrictions on activities which do not require the operation of landfill equipment. These activities include liner seaming, equipment maintenance, facility maintenance (such as electrical or phone repair), office work, etc.
 - (c) The permittee shall notify the Department, in writing, of operating hours for special projects before beginning the project. Special projects shall include such items as liner seaming, installation and decommissioning of groundwater monitoring wells, cleaning of leachate collection lines, etc.
69. The following applies to wastes generated during any drilling and/or development of natural gas wells targeting the Marcellus Shale, and/or wastes generated from the production of natural gas from any wells completed in the Marcellus Shale.
- (a) Bulk drilling fluids, liquids resulting from the hydrofracturing process, flowback water and related filter sludge, production brine and related filter sludge, and drill cuttings generated from operations using oil-based drilling fluids are prohibited from disposal.
 - (b) Drill cuttings generated from operations using air and water-based drilling fluids may be accepted for disposal.

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- (c) Except as noted above, acceptance of all other waste streams requires prior written approval from the Department.
 - (d) The amount and type of waste accepted at the landfill must be reported in the facility's annual report to the Department.
70. The liquid solidification process shall be operated in accordance with the Facility Manual. Absorbent materials that are used to solidify waste may not be counted toward the facility's approved design capacity provided the resulting solidified waste is re-used on-site.