

New York State Department of Environmental Conservation

6274 East Avon-Lima Road, Avon, New York 14414  
716/226-2466



Henry G. Williams  
Commissioner

Eric A. Seiffer  
Regional Director

August 5, 1985

Mr. Robert H. Roller  
Chemung County Solid Waste  
Disposal District  
1690 Lake Street  
Elmira, NY 14901

Re: NOTICE OF INCOMPLETE APPLICATION  
80-83-0018  
Permit Renewal  
Chemung County Landfill SWMF #08S01  
Chemung (T), Chemung (C)

Dear Mr. Roller:

This Department has undertaken a protracted period of correspondence with regard to the referenced permit application in an effort to obtain sufficient information to constitute a complete application for review purposes. At this time, we still have not received plans and an engineering report which provide updated information about conditions at the site and reflect changes in DEC rules, regulations, and policies since the last permit for this facility was issued. We have, therefore, made a determination to deny the application for renewal of the Chemung County Landfill solid waste management facility permit. Effective immediately, the permit extension letter, which was issued on January 18, 1983 and was based on timely filing of a complete application for renewal, is cancelled.

You should begin preparation of a closure/post-closure plan for the site, including the schedule for closure, and submit same to this office by September 16, 1985. Attached is information which tells what should be included in a closure plan, and a copy of the closure plan for the Seneca Meadows Landfill as an example.

Permitted landfill sites, which can be used for disposal of solid waste upon closure of the Chemung County Landfill, include the following: Seneca Meadows Landfill, (T) Seneca Falls; Landstrom's Landfill, (T), Spencer; and the Broome County Landfill, (V) Nanticoke. The use of any of the suggested alternative disposal sites by Chemung County is, of course, dependent upon the county reaching an agreement with the owner/operator of the alternate site and obtaining the necessary permits to transfer the solid waste to the alternate site.

If you have any questions regarding this matter, do not hesitate to call me.

Very truly yours,

Albert W. Butkas  
Regional Permit Administrator  
Regulatory Affairs

AWB:LDH:mm

cc: L. Mustico  
D. Fagan  
J. Barr  
F. Shattuck  
P. Bush

Enclosure

**New York State Department of Environmental Conservation**

6274 East Avon-Lima Road, Avon, New York 14414  
716/226-2466



Henry G. Williams  
Commissioner

Eric A. Seiffer  
Regional Director

November 13, 1985

Mr. Dennis A. Fagan, P.E.  
Chemung County Solid Waste  
Disposal District  
P.O. Box 588  
Elmira, NY 14902

Re: UPA No. 80-83-0018/SWMF #08S01  
Chemung County Landfill  
Chemung (T), Chemung (C)

Dear Dennis:

Thank you for your October 23, 1985 letter regarding the above-referenced project proposal. We appreciate being kept informed and up to date on your progress and are pleased that you are on schedule.

With regard to your questions, I have consulted with Pradeep Jangbari of our Water Division, Vince Dick of Solid Waste, and Linda Hickok of Regulatory Affairs. I will begin with the questions and statements related to the aquifer/SEQR:

Aquifer/SEQR

Some guidance for sites located over or hydrogeologically tributary to principal/primary aquifers is available in the Draft Upstate New York Groundwater Management Program (NYSDEC, January 1985). A copy of the summary management objectives for landfills from the program is attached.

Existing sites located over principal/primary aquifers found to be in violation of groundwater standards (6NYCRR Part 703 and/or 40CFR Part 257) must be closed, secured, and remediated. Owners or operators of such facilities, in order to continue permitted operation, must conduct a hydrogeological investigation to assess the threat of contamination from the facility and verify or deny contravention of groundwater standards.

Sites that are hydrogeologically tributary to principal/primary aquifers must make the same demonstration as described above for sites over primary/principal aquifers. Again, if contravention of groundwater standards is occurring, closure must occur. If no contamination threat exists, then operation may continue under a valid New York State Part 360 permit.

New landfills or landfill expansions located over principal/primary aquifers are subject to Commissioner William's aquifer policy (Organization and Delegation Memorandum #85-38) and must make the demonstrations required therein. You have a copy of this policy.

New landfills or landfill expansions located in areas tributary to primary/principal aquifers are subject to Part 360 and SEQR and must demonstrate to a high level of assurance that they do not pose a threat to groundwater or other resources, or the public health and welfare. The Department, at its discretion, may ask that the same minimum thresholds contained in the Commissioner's policy (i.e., liners, leak detection, etc.) be met by such tributary sites. Conversely, based on demonstration by the applicant of site-specific conditions, the Department may relieve site or design-specific thresholds.

Based on our mapping of the site on the 1982 Kantrowitz and Snively upstate aquifer map, the Chemung County Landfill site lies over a principal aquifer with designation 7b. A photocopy of a newly digitized version of the map showing the Elmira area is attached. Until demonstration to the contrary, we will continue to treat this site as a landfill subject to the Commissioner's aquifer policy.

With regard to SEQR and the policy pending final promulgation of regulations and consistent with the objectives of New York State's solid waste management laws and regulations, the State Environmental Quality Review Act, water pollution control laws and regulations, and the Draft Upstate Groundwater Management Plan, it shall be the policy of the Department of Environmental Conservation that new landfills and expansions of existing landfills may be sited over primary or principal aquifers or within water supply wellhead areas only upon a demonstration that there is a compelling and overriding public need to do so. For the purpose of this policy, a water supply wellhead area marks 99 percent of the theoretical maximum areal extent of the stabilized cone of depression of a pumping water supply well.

Consistent with this policy, the Department will seek to act as lead agency for applications proposing the expansion or construction of new landfills. Applications will result in a positive declaration of significance and will only be processed upon acceptance of a draft Environmental Impact Statement by the Department. The findings required under 6NYCRR 617.9 can only be made if it is established that the public need for the project overwhelmingly countervails any potential adverse impacts and only after mitigation measures and permit conditions are imposed that will assure that no significant adverse impacts will occur and will eliminate the probability that all other adverse environmental impacts will occur. In addition, based on the existing administrative record and upon matters which the Commissioner may officially notice, he can only make the findings required under 6NYCRR 617.9 if there are no reasonable alternative locations, methodologies and technologies for solid waste disposal. To this end, applications for such landfill permits, in addition to fully complying with 6NYCRR Parts 360 and 617, shall as a minimum, contain:

1. a requirement for a Department-approved (based upon site-specific conditions) double liner with leachate collection and leak detection capability between the liners; and
2. a draft Environmental Impact Statement (dEIS) that clearly identifies and evaluates suitable alternative landfill site locations and the implementation of alternative solid waste processing/disposal technologies.

The alternative landfill siting study portion of the dEIS shall evaluate and rank potential landfill site areas using an applicant-developed, Department-approved ranking system. This should quantitatively assess alternative sites with respect to criteria that include as a minimum: site life (area and volume), topography, surface water, soils and geology, groundwater, vegetation, site access, land use, archaeological and historical significance, capital and operating costs, and environmental sensitivity.

The alternative solid waste processing/disposal technology portion of the dEIS shall, as a minimum, evaluate the likely implementation costs and benefits of energy recovery and materials recovery. Further, the duration of any such permits issued pursuant to this policy shall not exceed the time required to implement an alternative solid waste processing/disposal technology or to develop an alternative landfill site.

Existing landfills located over primary and principal aquifers are also of major concern. For those landfills found to be contaminating groundwaters within either a primary or principal aquifer in violation of New York State Groundwater Standards 6NYCRR 703.5, it shall continue to be Department policy to require environmentally sound closure and/or remediation.

#### Leachate Treatment

The Division of Water would require frequent analysis of the leachate and increased monitoring of the effluent to be sure that no chemical of concern is passing through the plant or exceeding the maximum implementation provided by law.

If the leachate turns out to be incompatible with the smooth operation of the plant, it would require pretreatment before it could be discharged into the system.

To the best of our knowledge, no specific regulations exist with discharge of leachate into publicly owned treatment works.

I am sure that these answers will lead to more questions as you proceed through the permit/consent order/closure flow diagram possibilities we discussed at our meeting.

Sincerely,



Albert W. Butkas  
Regional Permit Administrator  
Regulatory Affairs

AWB/PJ/VD/mm

cc: P. Bush  
V. Dick  
P. Jangbari

Attachments

UPSTATE GROUNDWATER MANAGEMENT  
POLICY OBJECTIVE FOR REGULATION OF  
MUNICIPAL LANDFILLS

| Priority | Identified Area   | Existing Facilities   | Proposed Facilities  |
|----------|---|---|--|
| 1        | Public Water Supply Well-Head Areas   | Close & Secure* the Landfill; Remediate** if Warranted.   | Prohibit by Legislation  |
| 2        | Any Identified Critical Recharge Areas*** within Primary Aquifer Areas                          | " " "   | " " "  |
| 3        | Any Identified undeveloped Special Groundwater Management Areas*** within Primary Aquifer Areas | " " "   | " " "  |
| 4        | Primary Water Supply Aquifer Areas, including Federally Designated Sole Source Aquifers         | Monitor G.W. at Landfill; Hydrogeologic Evaluation of Aquifer near Landfill; Close, Secure and/or Remediate Landfill as indicated by Monitoring & Evaluation. | " " "  |
| 5        | Principal Aquifer Areas   | " " "   | " " "  |
| 6        | Other Areas Hydrogeologically Tributary to Primary or Principal Aquifer Areas***                | Verify contamination threat to the aquifer; Close, Secure and/or Remediate Landfill as required.  | Use Part 360 Permit to place burden of proof on applicant that the landfill is not a threat to the Primary or Principal Aquifer. |
| 7        | Other Areas   | Routine Application of Part 360.  | Routine Application of Part 360.   |

\*Close & Secure means to close the landfill in full conformance with Part 360 Regulations including "capping" to minimize leachate migration into ground water aquifers. Closure may not be immediate.

\*\*"Remediate" includes any of a range of additional engineering options such as special capping; peripheral leachate collection and treatment; curtain wall containment; and excavation.

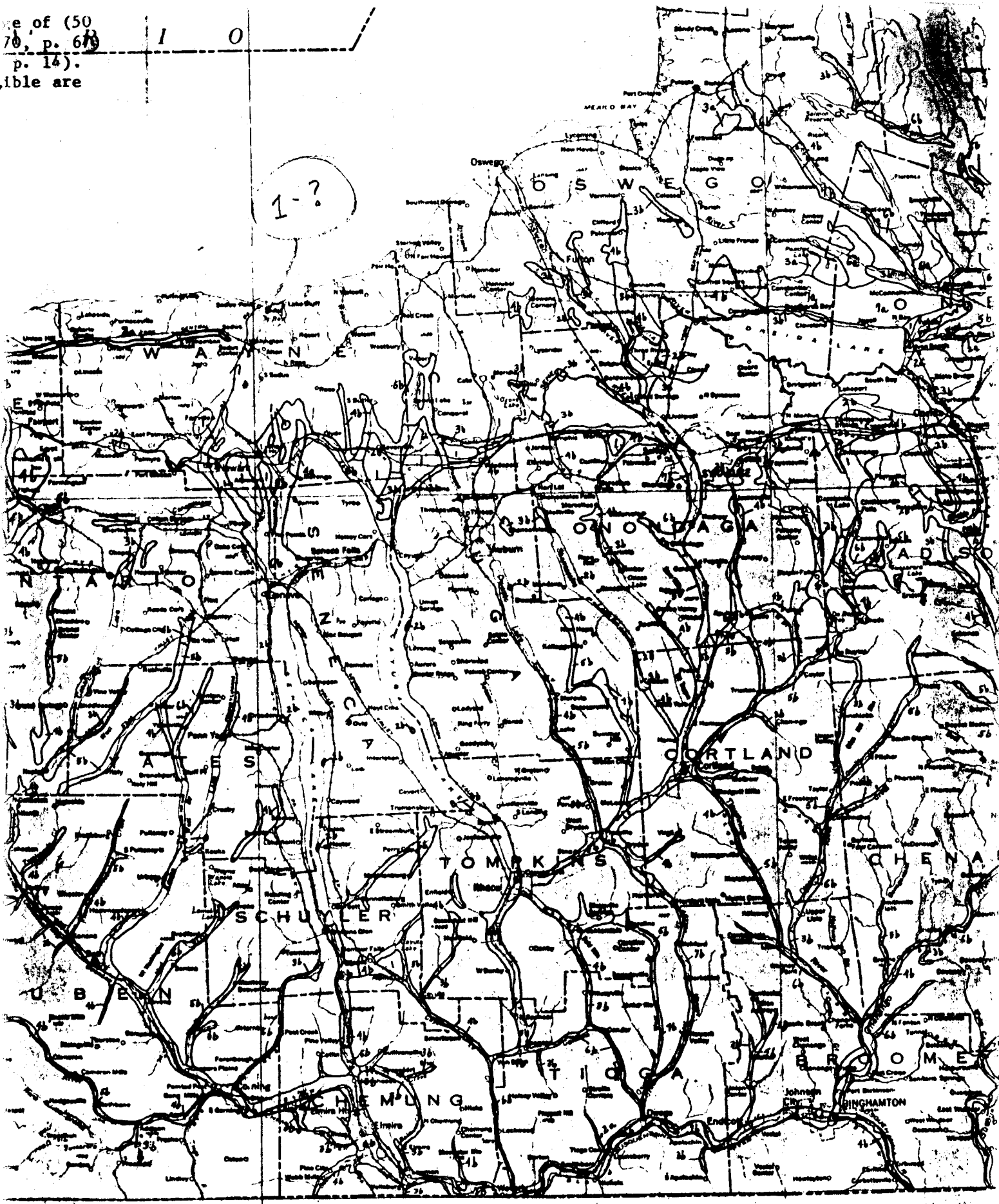
\*\*\*These types of areas have not been identified to date in most areas of New York State but are shown here to illustrate management options in the event such identification is technically possible and beneficial to the overall resource management program.

Figure 2. Outline of DEC Control Strategy for Protecting Groundwater from Improper Solid Waste Disposal Operations. Priorities 4 and 5 Embrace Sensitive Aquifers. From Reference 1 at p. IV-87.

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CHEMUNG COUNTY  
SOLID WASTE  
DISPOSAL DISTRICT

ROBERT H. ROLLER  
GENERAL MANAGER

1690 LAKE STREET  
P.O. Box 588      ELMIRA, NEW YORK 14902  
607-737-2980

January 15, 1986

Mr. Albert W. Butkus  
Regional Permit Administrator  
Division of Regulatory Affairs  
NYS Department of Environmental Conservation  
6274 East Avon-Lima Road  
Avon, New York 14414

JAN 20 1986  
DRA - REGION 8

RE: UPA No. 80-83-0018/SWMF #08S01

Dear Al:

In accordance with our meeting of September 20, 1985, enclosed please find three copies of a Hydrogeologic Investigation Report prepared by Empire Soils/Thomsen Associates. This report indicates that our proposed expansion area immediately north of the current landfill area is not over the principal aquifer of the Chemung River Valley.

This report does verify that our completed landfill areas are located over this aquifer and that the proposed expansion area is tributary to the principal aquifer.

Pending the Department's concurrence with this evaluation, it is our intention to prepare Part 360 permit application documents for an expansion area to the north of our current landfill.

In conjunction with the execution of the recently received consent order, which is currently under review by our Attorney, I would like to receive the Department's review of this report. In this manner we could schedule a meeting in mid-February with our consultants and DEC staff prior to our formal decision which is required by February 25, 1986.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

  
Dennis A. Fagan, P.E.  
Chairman, Administrative Board

DAF:kv  
Enc.

To: Al Butkas

LINDA + FILE

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February 18, 1986

Dennis A. Fagan, P. E.  
Chairman, Administrative Board  
Chemung County Solid Waste Disposal District  
1690 Lake Street  
P. O. Box 588  
Elmira, New York 14902

Dear Mr. Fagan:

RE: Chemung County Landfill  
Preliminary Hydrogeological Report

This office has completed review of the January 1986 Chemung County Landfill Hydrogeologic Investigation Report prepared by Empire Soils/Thomsen Associates. We agree with your transmittal letter that the existing landfill is over a principal aquifer.

Whether the proposed expansion area is over this aquifer still remains a question. Since boring #5 (B-5) and boring #6 (B-6) were not carried to bedrock, it is difficult to conclude that the aquifer ends as far south as shown. Additionally, since the ice-contact deposits are contiguous with the aquifer then that effectively extends the aquifer boundary much farther north and closer to the proposed expansion area. At best, the lowest portion of the proposed expansion area is vertically immediately adjacent to the aquifer.

The screen lengths used were 15 feet long with up to 30 feet of sand pack. This may indicate a lower groundwater level than actual conditions. Saturated sediments from till in the uphill section on down into the aquifer were depicted on the cross-sectional drawing. The borings were made during November 1985 which will probably not indicate as high a groundwater level as in the spring. The above information raises our concern regarding the location of the seasonal high groundwater table for the proposed area. (Additional groundwater monitoring would be necessary in the springtime to determine if a variance from the five feet separation distance to groundwater is needed.)

There are a few other concerns we had regarding this report. Does the statement (Section 3.2, page 6) regarding "embedded sand and gravel" mean the sand and gravel size material is dispersed in the till or that lenses of sand and gravel are enclosed by till? The statement regarding lacustrine sediments in the active fill area is correct (Section 3.2, page 7). However, drawing #2 does not show this condition on the cross-section.

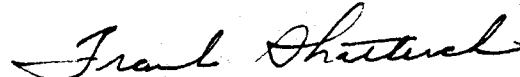


February 18, 1986

Based on submitted data, this office, in conjunction with NYSDEC Central Office, has concluded that the proposed site is located either immediately adjacent to or over a principal aquifer. Therefore, you must demonstrate that there is a compelling and overriding public need to locate the landfill in the proposed area. Considering this, the groundwater table and site permeabilities, it is recommended that additional sites be evaluated for location of a new landfill.

These concerns and comments can be discussed at our upcoming February 24, 1986 meeting at the DEC Avon office. If you have any questions, please do not hesitate to contact Mary Jane Peachey, Vince Dick or myself at this office.

Very truly yours,



Frank E. Shattuck, P. E.  
Regional Solid & Hazardous  
Waste Engineer

FES:vv

cc: Dennis Wolterding  
Jim Barr

bcc. Butkus

06/02/05 THU 14:39 FAX 5184028681

DEC DSHM BSWRR

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## New York State Department of Environmental Conservation

## MEMORANDUM

TO: Mr. Nosenchuck  
FROM: Mr. Barolo  
SUBJECT: Chemung Co. SIF Expansion - Aquifer Determination

DATE: December 2, 1986

Geotechnical staff in the Division of Water has reviewed the above mentioned site to determine aquifer status as per your request. In the process of making the determination reports supplied with the request and in-house information was reviewed and some geotechnical discrepancies noted. The determination that we have finally arrived at is that the site does not overlie a Principal or Primary aquifer as defined by DOW.

However, the site is adjacent to and upgradient from a Principal aquifer based on available data and information. In addition, there are numerous residents in the area and necessary safeguards available to DSHW must be adhered to to protect and assure local residents of a continued potable water supply.

cc: P. DeGhetano

06/02/2005 THU 14:31 [TX/RX NO 6110]



## New York State Department of Environmental Conservation

## MEMORANDUM

TO: Mr. Nosenchuck  
FROM: Mr. Barolo  
SUBJECT: Aquifer Determination - Chemung Cp. - Area 3  
DATE: January 30, 1989

Based on recent staff evaluation (J. Stegville, Sr. Engrg. Geologist) of the above site including site reconnaissance and visual inspection of samples obtained by drilling, the Division of Water does not believe the site in question overlies a Principal aquifer as defined in TOGS 2.1.3.

The initial evaluation (12/2/86, Barolo to Nosenchuck) is consistent with this evaluation. The new evaluation, however, indicates the ground water resources "adjacent" to the site may be more limited than originally estimated. Whether the area downgradient is significant enough in extent and ground water availability to be designated as a Principal aquifer is now speculative, based on the recent findings.

cc: D. O'Toole ✓

RECEIVED

FEB 1 1989

BUREAU OF MUNICIPAL WASTE  
DIVISION OF SOLID WASTE