

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT
Special Conditions



First 3.99

Industrial Code: 4953
Discharge Class (CL): 01
Toxic Class (TX): T
Major Drainage Basin: 04
Sub Drainage Basin: 03
Water Index Number: Ont 117-157
Compact Area: GLC

SPDES Number: NY- 026 9620
DEC Number: 9-0232-00003/00011
Effective Date (EDP): January 1, 2007
Expiration Date (ExDP): January 1, 2012
Modification Dates:

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Hyland Facility Associates
Street: 25 Greens Hill Lane
City: Rutland

Attention: Mr. Joseph Boyles
State: VT Zip Code: 05702

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: Hyland Landfill
Location (C,T,V): Angelica (T)
Facility Address: 6653 Herdman Road
City: Angelica
NYTM -E: 252.000

County: Allegany
State: NY Zip Code: 14709

From Outfall No.: 001 at Latitude: 42 ° 16 ' 45 " & Longitude: 78 ° 0 ' 47 "
NYTM - N: 4686.000

into receiving waters known as: Tributary 117-157 to Genesee River Class: C
and; (list other Outfalls, Receiving Waters & Water Classifications)

- 002: Latitude: 42 ° 17' 23" & Longitude: 78 ° 0' 26"; Tributary 117-155-4B to Angelica Creek (C)
- 003: Latitude: 42 ° 16' 46" & Longitude: 78 ° 0' 37"; Tributary 117-157 to Genesee River (C)
- 004: Latitude: 42 ° 16' 53" & Longitude: 78 ° 0' 55"; Tributary 117-157 to Genesee River (C)
- 005: Latitude: 42 ° 17' 16" & Longitude: 78 ° 0' 24"; Groundwater (GA)

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Hyland Facility Associates
Street: 6653 Herdman Road
City: Angelica
Responsible Official or Agent: Larry Lackey, Vice President

State: NY Zip Code: 14709
Phone: 585-466-7271

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

Mr. Gerard Palumbo, ATTN: Mr. Mark Jackson, DOW R9
Permit Coordinator, Bureau of Water Permits, Albany
Ms. Mu Hao Wang, Division of Water, Albany
Mr. Robert Jones, Supervisor, Town of Angelica
US EPA
Allegany County Department of Health

Regional Permit Administrator: Steven J. Doleski	
Address: NYSDEC, Division of Environmental Permits 270 Michigan Avenue Buffalo, New York 14203	
Signature: <i>Steven J. Doleski</i>	Date: 12 / 20 / 06

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PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

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OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING		
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or BDPM)	The date this page is no longer in effect. (e.g. ExDP)		
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE	
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.			
PARAMETER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge. **DAILY MIN.:** The lowest allowable daily discharge.

DAILY AVG or 30 DAY ARITHMETIC MEAN (30 day average): The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. **TYPE I:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. **TYPE II:** The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

INTERIM PERMIT LIMITS, LEVELS AND MONITORING - Iron & Total Suspended Solids

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Stormwater runoff from West slope of landfill and mining area; Stormwater runoff from North slope of landfill & area to East; Stormwater runoff from South slope of landfill & mining area; and groundwater from groundwater suppression system	Trib. To Genesee River	EDP	CSRP * + 2 yrs

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total			1.0		mg/l	Monthly	Grab	1, 4, 8
Solids, Total Suspended			50		mg/l	Monthly	Grab	4, 8

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Stormwater runoff from North of landfill	Trib. To Angelica Creek	EDP	CSRP * + 2 yrs

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total			1.0		mg/l	Monthly	Grab	1, 4, 8
Solids, Total Suspended			50		mg/l	Monthly	Grab	4, 8

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Stormwater runoff from generally undisturbed area East of landfill in Diversion Swale	Trib. To Genesee River	EDP	CSRP ** + 2 yrs.

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total			1.0		mg/l	Monthly	Grab	1, 4, 8
Solids, Total Suspended			50		mg/l	Monthly	Grab	4, 8

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
004	Stormwater runoff from generally undistributed area west of landfill in Diversion Swale	Trib. To Genesee River	EDP	CSRP * + 2 yrs

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total			1.0		mg/l	Monthly	Grab	1, 4, 8
Solids, Total Suspended			50		mg/l	Monthly	Grab	4, 8

FOOTNOTE: See Pages 10 and 11 of this permit.

* CSRP refers to Certification of Stormwater Retention Ponds, see Page 16, Schedule of Compliance, of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING - Iron

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING				
001	Stormwater runoff from West slope of landfill and mining area; Stormwater runoff from North slope of landfill & area to East; Stormwater runoff from South slope of landfill & mining area; and groundwater from groundwater suppression system	Trib. To Genesee River	CSRP + 2 yrs	ExDP				
PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total	Monitor	1.0			mg/l	Monthly	Grab	2

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING				
002	Stormwater runoff from North of landfill	Trib. To Angelica Creek	CSRP + 2 yrs	ExDP				
PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total	Monitor	1.0			mg/l	Monthly	Grab	2

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING				
003	Stormwater runoff from generally undisturbed area East of landfill in Diversion Swale	Trib. To Genesee River	CSRP + 2 yrs	ExDP				
PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total	Monitor	1.0			mg/l	Monthly	Grab	2

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING				
004	Stormwater runoff from generally undistributed area west of landfill in Diversion Swale,	Trib. To Genesee River	CSRP + 2 yrs	ExDP				
PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Iron, Total	Monitor	1.0			mg/l	Monthly	Grab	2

FOOTNOTE: See Page 10 of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Stormwater runoff from West slope of landfill and mining area; Stormwater runoff from North slope of landfill & area to East; Stormwater runoff from South slope of landfill & mining area and groundwater from groundwater suppression system	Trib. To Genesee River	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6	9	SU	Weekly	Grab	

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			gpd	Monthly	Field Estimate	
Precipitation	NA	Monitor			inch	Monthly	Variable	3
BOD - 5 day	Monitor	Monitor			mg/l	Monthly	Grab	
Solids, Total Suspended	Monitor	50			mg/l	Monthly	Grab	4
Oil & Grease	NA	15			mg/l	Monthly	Grab	
Aluminum, Total	NA	4			mg/l	Monthly	Grab	4
Chromium, Hexavalent, Total	NA	0.011			mg/l	Monthly	Grab	4
Copper, Total	NA	0.0144			mg/l	Monthly	Grab	4
Lead, Total	NA	0.0069			mg/l	Monthly	Grab	4
Arsenic, Total	NA	0.15			mg/l	Monthly	Grab	4
Vanadium, Total	NA	0.014			mg/l	Monthly	Grab	4
Zinc, Total	NA	0.11			mg/l	Monthly	Grab	4
Chromium, Total			0.05		mg/l	Quarterly	Grab	4, 8
Nickel, Total			0.05		mg/l	Quarterly	Grab	4, 8
Silver, Total			0.04		mg/l	Quarterly	Grab	4, 8
Selenium, Total			0.003		mg/l	Quarterly	Grab	4, 8
WET - Acute Invertebrate			1		TUa	Four (4) stormwater discharges per year from EDP to "CSRP + 2 years"	Grab	4, 5, 6, 8
WET -Acute Vertebrate			1		TUa	Four (4) stormwater discharges per year from EDP to "CSRP + 2 years"	Grab	4, 5, 6, 8

FOOTNOTES: See Pages 10 and 11 of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

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OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Stormwater runoff from North of landfill. Daily ave. flow = 40,000 gpd & daily max. flow = 1.8 mgd. [pond design flow rate = 2.4 mgd based on 25-yr storm]	Tributary to Angelica Creek	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6	9	SU	Monthly	Grab	

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			gpd	Monthly	Field Estimate	
Precipitation	NA	Monitor			inch	Monthly	Variable	3
Solids, Total Suspended	Monitor	50			mg/l	Monthly	Grab	4
Oil & Grease	NA	15			mg/l	Monthly	Grab	
Copper, Total	MA	0.022			mg/l	Monthly	Grab	4
Nickel, Total			0.25		mg/l	Quarterly	Grab	4, 8
Zinc, Total			0.15		mg/l	Quarterly	Grab	4, 8
WET - Acute Invertebrate			1		TUa	Four (4) discharges per year from EDP to "CSRP + 2 years"	Grab	4, 5, 6, 8
WET - Acute Vertebrate			1		TUa	Four (4) discharges per year from EDP to "CSRP + 2 years"	Grab	4, 5, 6, 8

FOOTNOTES: See Pages 10 and 11 of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

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OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003	Stormwater runoff from generally undisturbed area East of landfill in Diversion Swale	Tributary to Genesee River	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6	9	SU	Monthly	Grab	

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			GPD	Monthly	Field Estimate	
Precipitation	NA	Monitor			inch	Monthly	Variable	3
BOD - 5 day	Monitor	Monitor			mg/l	Monthly	Grab	
Solids, Total Suspended	Monitor	50			mg/l	Monthly	Grab	4
Oil & Grease	NA	15			mg/l	Monthly	Grab	
Lead, Total	NA	0.18			mg/l	Monthly	Grab	4
Aluminum, Total	NA	4.0			mg/l	Monthly	Grab	4
Ammonia, as N	NA	Monitor			mg/l	Monthly	Grab	
Phenolics, Total	NA	0.005			mg/l	Monthly	Grab	4
Cobalt, Total	NA	0.11			mg/l	Monthly	Grab	4
Copper, Total	NA	0.022			mg/l	Monthly	Grab	4
Mercury, Total	NA	200			ng/l	Monthly	Grab	4, 7
Nickel, Total	NA	0.62			mg/l	Monthly	Grab	4
Selenium, Total	NA	0.0046			mg/l	Monthly	Grab	4
Silver, Total	NA	0.0076			mg/l	Monthly	Grab	4
Thallium, Total	NA	0.02			mg/l	Monthly	Grab	4
Vanadium, Total	NA	0.19			mg/l	Monthly	Grab	4
Zinc, Total	NA	0.156			mg/l	Monthly	Grab	4

FOOTNOTES: See Pages 10 and 11 of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

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OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
004	Stormwater runoff from generally undistributed area west of landfill in Diversion Swale, daily average flow = 33,000 gpd, daily max flow = 1.5 MGD	Tributary to Genesee River	EDP	ExDP

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6	9	SU	Monthly	Grab	

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
Flow	Monitor	Monitor			GPD	Monthly	Field Estimate	
Precipitation	NA	Monitor			inch	Monthly	Variable	3
BOD-5 day	Monitor	Monitor			mg/l	Monthly	Grab	
Solids, Total Suspended	Monitor	50			mg/l	Monthly	Grab	4
Oil & Grease	NA	15			mg/l	Monthly	Grab	
Aluminum, Total	NA	4			mg/l	Monthly	Grab	4
Ammonia, as N	NA	Monitor			mg/l	Monthly	Grab	
Phenolics, Total	NA	0.005			mg/l	Monthly	Grab	4
Copper, Total	NA	0.022			mg/l	Monthly	Grab	4
Vanadium, Total	NA	0.019			mg/l	Monthly	Grab	4
Zinc, Total	NA	0.156			mg/l	Monthly	Grab	4
Lead, Total			0.1		Mg/l	Quarterly	Grab	4, 8
Antimony, Total			0.2		mg/l	Quarterly	Grab	4, 8

FOOTNOTES: See Pages 10 and 11 of this permit.

SPDES PERMIT NUMBER NY 026 9620

Part I, Page 9 of 19

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
003 and 004	Stormwater runoff	Tributary to Genesee River	EDP	ExDP

PARAMETER	EFFLUENT LIMIT		MONITORING ACTION LEVEL		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	TYPE I	TYPE II				
WET - Acute Invertebrate			1		TUa	Four (4) discharges per year from EDP to "CSRP + 2 years"	50/50 Grab from Outfalls 003 and 004	4, 5, 6, 8
WET - Acute Vertebrate			1		TUa	Four (4) discharges per year from EDP to "CSRP + 2 years"	50/50 Grab from Outfalls 003 and 004	4, 5, 6, 8

FOOTNOTES: See Pages 10 and 11 of this permit.

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
005	Sanitary waste, 600 gpd - no monitoring is required.	Groundwater	EDP	ExDP

FOOTNOTES:

1. Interim iron action level: The iron action levels of 1.0 mg/l at Outfalls 001, 002, 003 and 004 are adopted from the iron bench mark concentration from Section L - Landfills, Land Application Sites and Open Dumps of the EPA "Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities," dated Dec. 30, 2000.
2. Final iron discharge limit of 1.0 mg/l: This water quality based effluent limit for iron will go into effect after the promulgation of the 1 mg/l iron guidance value subject to the permit modification process outlined under "Performance Evaluation Report" in the Schedule of Compliance on Page 16 of this permit.
3. Precipitation and Collection of Samples: The permittee shall report the total precipitation during the rainfall event that the sample is taken. A minimum of one grab sample per year for each outfall must be taken from a storm event with at least 0.1 inch of precipitation, providing the interval from the preceding measurable storm is at least 72 hours. The grab sample must be taken during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, the sample may be taken during the first hour of discharge provided that the permittee explains why a grab sample during the first 30 minutes was impracticable. This information must be attached to corresponding DMR.
4. During "EDP" to "CSRP + 2 Years," the permittee shall use whole effluent toxicity (WET) testing, monitoring of the discharge concentrations for the parameters listed on the "Final Effluent Limits, Levels and Monitoring Requirements" pages of this Permit, and the interim Action Levels for Iron and Total Suspended Solids listed on the "Interim Permit Limits, Levels and Monitoring Requirements" pages of this Permit in lieu of the stated final effluent limitations. Refer to Footnote 8 for actions to be taken when the Action Levels are exceeded.
5. Whole Effluent Toxicity (WET) Testing:

Testing Requirements - WET testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be *Ceriodaphnia dubia* (water flea - invertebrate) and *Pimephales promelas* (fathead minnow - vertebrate). All tests conducted should be static-renewal (one grab sample with one renewal for Acute tests [i.e. for Outfalls 002, 003 and 004] and three grab samples with two renewals for Chronic tests [i.e. for Outfall 001]). The appropriate dilution series bracketing the IWC and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 0:1 for acute, and 0:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48 \text{ hr LC50})$ or $(100)/(48 \text{ hr EC50})$ (note that Acute data is generated by both Acute and Chronic testing) and $TU_c = (100)/(NOEC)$ when Chronic testing has been performed or $TU_c = (TU_a) \times (20)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC50 or 48 hr EC50 and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TUc. Report a TUa of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control. If statistically significant toxicity occurs in 100% effluent without measurement of an LC50 then report as 1 TUa.

The complete test report including all corresponding results, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period to the Toxicity Testing Unit, Bureau of Water Assessment and

Management, Division of Water, 625 Broadway, Albany, NY 12233-3505. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a, 48 hr LC₅₀ or 48 hr EC₅₀ for Acute tests and/or TU_c, NOEC, IC₂₅, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

6. Acute toxicity at effluent must be less than (<) 1 TU_a. This means that there must be no statistically significant difference in mortality between 100 % effluent and the control (moderately hard control water as defined by EPA *Method for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* Fifth Edition October 2002 (EPA-821-R-02-012).
7. Mercury: EPA Method 1631 [Practical quantitation limit (PQL) = 0.5 ng/l] shall be used for Mercury analysis.
8. Action level: This requirement replaces "Note 2 Action Levels" on Page 2 of this permit. For purposes of this SPDES Permit, if the discharge exceeds the action level, it does not constitute a violation of the permit and does not trigger additional monitoring requirements. However, an exceedance of an action level concentration does signal the need for the permittee to evaluate potential sources of stormwater contaminants at the facility. Any sources of contamination that are identified must be remedied through implementation of non-structural or structural BMPs actions to prevent recurrence. The facility's SWPPP must be updated to reflect these revisions.

SPECIAL CONDITIONS - INDUSTRY BEST MANAGEMENT PRACTICES

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage.

The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. **Compliance Deadlines** - The initial completed BMP plan shall be submitted by **within 8 months of EDP** to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants, (b) actual releases indicate the plan is inadequate, or (c) a letter from the Department identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All BMP plan revisions (with the exception of SWPPPs - see item (4.B.) below) must be submitted to the Regional Water Engineer within 30 days. Note that the permittee is not required to obtain Department approval of the BMP plan (or of any SWPPPs) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at <http://www.dec.state.ny.us/website/dcs/permits/olpermits/form2c.pdf>) or that are required to be monitored for by the SPDES permit.

4. **A. 13 Minimum BMPs** - Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in the September 1992 manual *Storm Water Management for Industrial Activities*, EPA 832-R-92-006 (available from NTIS, 703-487-4650, order # PB 92235969). As a minimum, the plan shall include the following BMPs:

- | | | |
|-------------------------------------|---|---------------------------------|
| 1. BMP Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, Storage, & Compatibility | 13. Street Sweeping |
| 5. Inspections and Records | | |

Note that for some facilities, especially those with few employees, some of the above BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

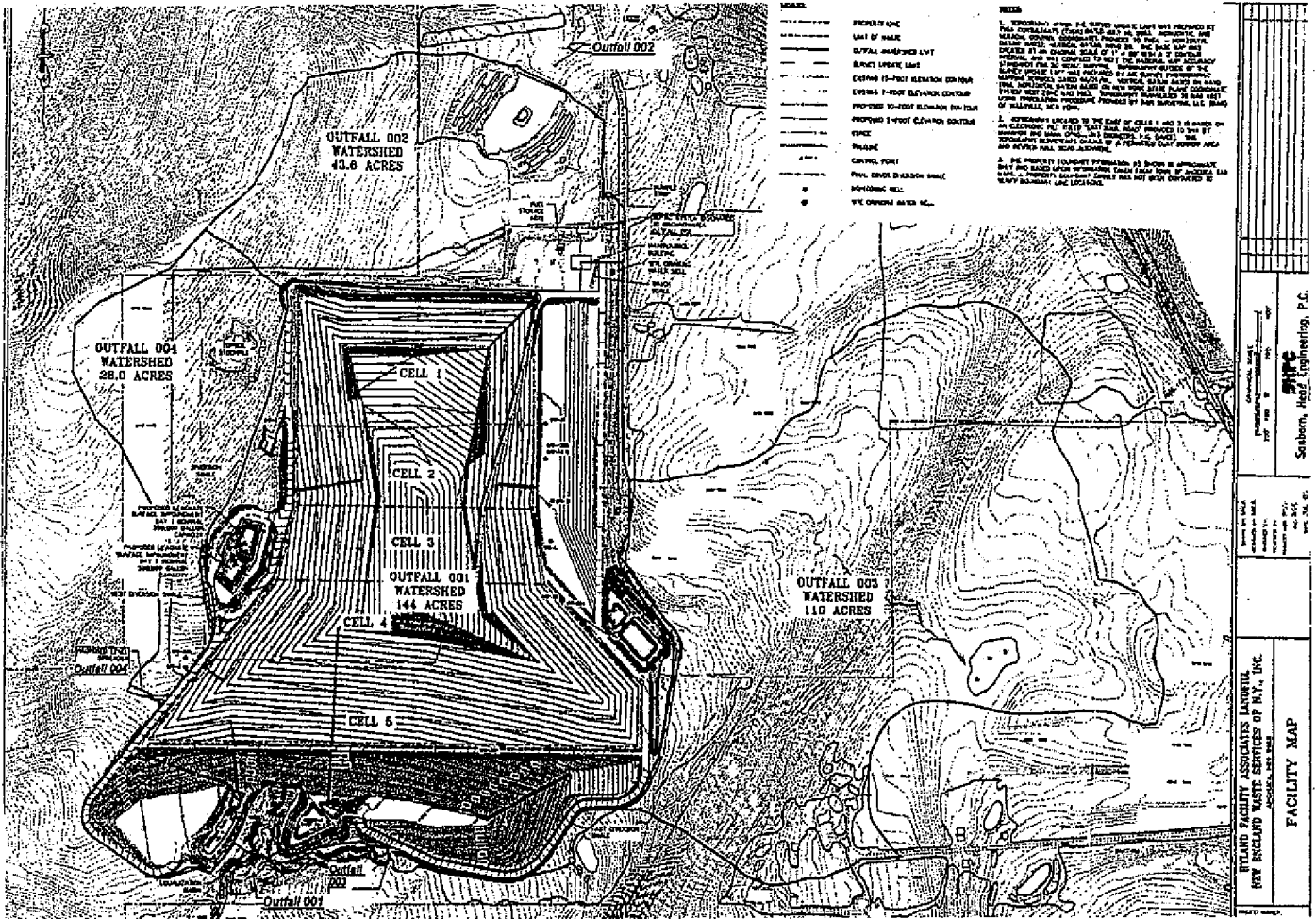
B. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters - As part of BMP #11, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of the SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be submitted to the Department only upon request. When a SWPPP is required, information equivalent to the *Notice of Intent (NOI)* form (available at www.dec.state.ny.us/website/dow/toolbox/swforms.html) shall be submitted to the Regional Water Engineer prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP is properly implemented.

C. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Operation of the Landfill Activity to Surface Waters - Stormwater pollution prevention plans shall be prepared in accordance with the requirements outlined in the EPA Register, dated Dec. 30, 2000 for "Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities" and specific requirements under Section L for Landfills, Land Application Sites and Open Dumps. SWPPP can be combined into one document with the Best Management Practices Plan.

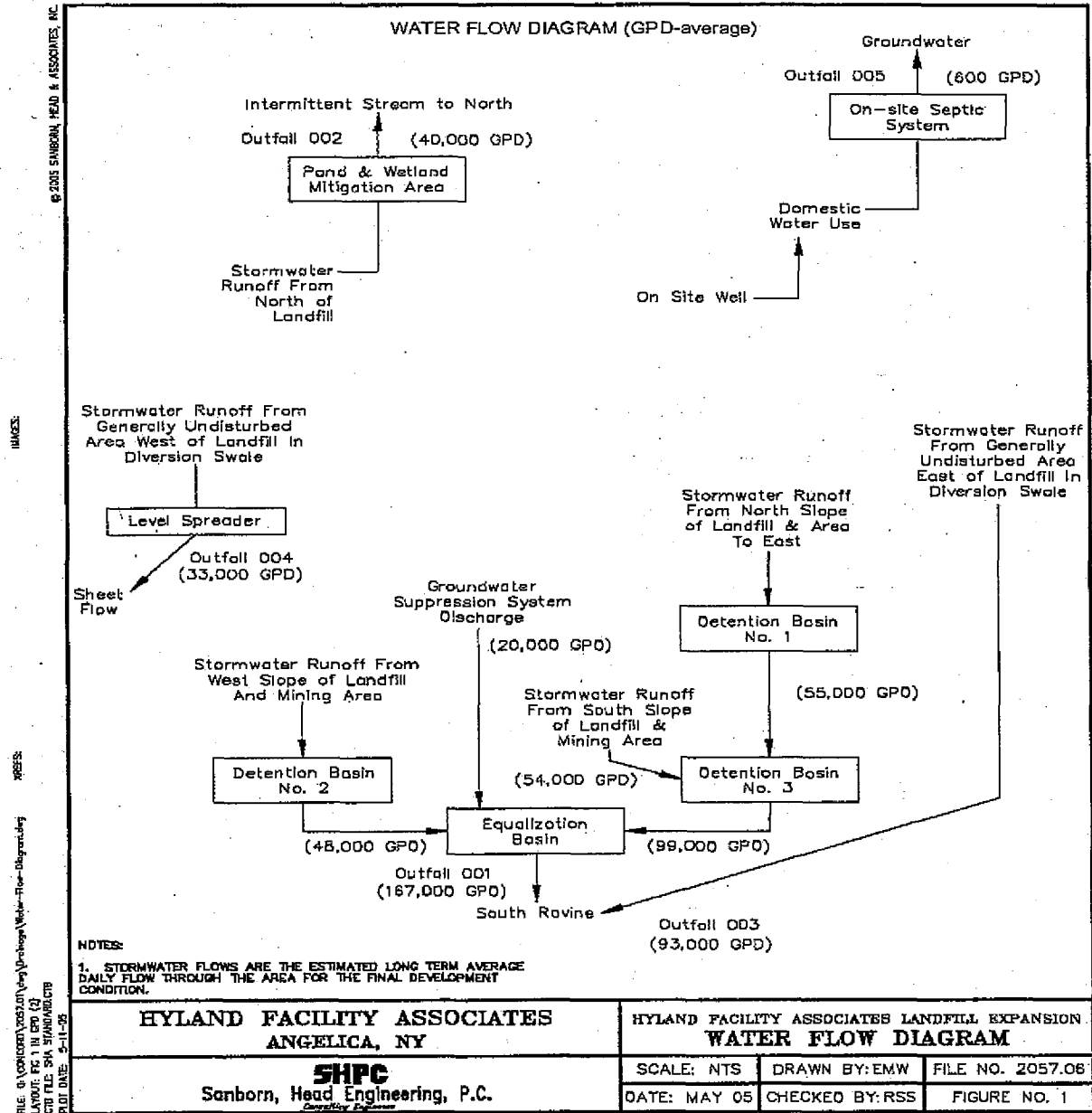
The permittee has submitted the SWPPPs dated August 2005, prepared by Sanborn, Head Engineering, P.C. to the Region 9 office in November 2005.

Hyland landfill site map



MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Action Code	Outfall Number(s)	Compliance Action	Due Date
	All	Certification of Stormwater Retention Ponds (CSRP): The permittee shall submit a certification for stormwater retention ponds to certify that the retention ponds were constructed according to the design presented in the SWPPP plan. The certification shall be submitted by a licensed Professional Engineer currently registered to practice in New York State.	30 days following completion of ponds construction
	001, 002, 003 & 004	Performance Evaluation Report: The permittee shall submit to the Department a report setting forth the results of the whole effluent toxicity testing and monitoring of the discharge concentrations, and summary of ponds construction, modification, and performances including the as-built plans and specifications. The Department, upon review of the report, shall initiate a permit modification pursuant to 6NYCRR Part 621.14 to establish the testing and monitoring requirements that will be effective upon the expiration of the CSRP + 2 years period. The existing interim requirements shall remain in effect pending issuance of the permit modification. The report shall be submitted by a licensed Professional Engineer currently registered to practice in New York State.	CSRP + 23 months
	N/A	Best Management Practice (BMP) Plan: The permittee shall prepare and submit BMP plan according to the requirements in this permit.	EDP + 8 months
	003 & 004	Total chlorinated phenols - The permittee shall collect one grab sample each from three storm events and report the sampling results. Samples shall be taken during the first 30 minutes of the discharge from a storm event with at least 0.1 inch of precipitation,	CSRP + 12 months

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description of any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

DISCHARGE NOTIFICATION REQUIREMENTS

- (a) Except as provided in (c), (f) and (g) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. Such signs shall be installed before initiation of any discharge.
- (b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.
- (c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.
- (d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

<p>N.Y.S. PERMITTED DISCHARGE POINT</p> <p>SPDES PERMIT No.: NY _____</p> <p>OUTFALL No. : _____</p> <p>For information about this permitted discharge contact:</p> <p>Permittee Name: _____</p> <p>Permittee Contact: _____</p> <p>Permittee Phone: () - ### - ####</p> <p>OR:</p> <p>NYSDEC Division of Water Regional Office Address :</p> <p>NYSDEC Division of Water Regional Phone: () - ### - ####</p>
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- (e) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of three years.

(continued)

- (f) If, upon November 1, 1997, the permittee has installed signs that include the information required by 17-0815-a(2)(a) of the ECL, but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.
- (g) All requirements of the Discharge Notification Act, including public repository requirements, are waived for any outfall meeting any of the following circumstances, provided Department notification is made in accordance with (h):
- (i) such sign would be inconsistent with any other state or federal statute;
 - (ii) the Discharge Notification Requirements contained herein would require that such sign could only be located in an area that is damaged by ice or flooding due to a one-year storm or storms of less severity;
 - (iii) instances in which the outfall to the receiving water is located on private or government property which is restricted to the public through fencing, patrolling, or other control mechanisms. Property which is posted only, without additional control mechanisms, does not qualify for this provision;
 - (iv) instances where the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water;
or
 - (v) instances in which the discharge from the outfall is located in the receiving water, two-hundred or more feet from the shoreline of the receiving water.
- (h) If the permittee believes that any outfall which discharges wastewater from the permitted facility meets any of the waiver criteria listed in (g) above, notification (form enclosed) must be made to the Department's Bureau of Water Permits, Central Office, of such fact, and, provided there is no objection by the Department, a sign and DMR repository for the involved outfall(s) are not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The Department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and associated regulations are complied with.
- (i) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) The permittee shall also refer to 6 NYCRR Part 750-1.2(a) and 750-2 for additional information concerning monitoring and reporting requirements and conditions.
- b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting:**
- (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.
- (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.
- (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:
- Regional Water Engineer and/or County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Water Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer
270 Michigan Avenue
Buffalo, NY 14203-2999

Phone: 716-851-7070

Send an **additional copy** of each DMR page to:

- c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.
- d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.
- f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.