

DEC PERMIT NUMBER  9-0232-00003/00002
FACILITY/PROGRAM NUMBER(S)  02S17



**PERMIT**  
Under the Environmental  
Conservation Law

EXPIRATION DATE  May 1, 2015
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**RENEWAL**

TYPE OF PERMIT: Article 27, Title 7; 6NYCRR Part 360: Solid Waste Management  
6NYCRR Part 608 Water Quality Certification

PERMIT ISSUED TO  Hyland Facility Associates		TELEPHONE NUMBER  (585) 466-7271	
ADDRESS OF PERMITTEE  6653 Herdman Road, Angelica, New York 14709			
CONTACT PERSONS FOR PERMITTED WORK		TELEPHONE NUMBER	
Mr. Larry Shilling, General Manager, Hyland Facility Associates, Angelica, New York		(585) 466-7271	
Mr. Larry Lackey, Vice President of Permits, Compliance and Engineering Hyland Facility Associates, 25 Green Hills Lane, Rutland Vermont, 05702		(802) 775-0325	
NAME AND ADDRESS OF PROJECT/FACILITY  Hyland Landfill			
LOCATION OF PROJECT/FACILITY  6653 Herdman Road, Angelica, New York 14709			
COUNTY  Allegany	TOWN  Angelica	REGULATED RESOURCE (if applicable)  N/A	NYTM COORDINATES  E: 252.0      N: 4685.8
DESCRIPTION OF AUTHORIZED ACTIVITY  Construct and operate cells 1 and 2 of a 28.27 acre, approximate 2.71 million cubic yard landfill, with a double composite liner, leachate and gas detection/collections systems, including underdrain and 62 acres of ancillary facilities (leachate storage, sediment ponds, office/maintenance building, soil borrow area, etc.). See Special Condition #2 for a listing of waste that the landfill is permitted to accept and Special Condition #4 for landfill design capacity.			

By acceptance of this permit, the permittee agrees that continuance of and compliance with the permit is dependent upon strict compliance with NYS Environmental Conservation Law (ECL), all applicable regulations, the specified General Conditions (pages 2 and 3) and all Special Conditions contained herein.

REGIONAL PERMIT ADMINISTRATOR  <i>Steven J. Doleski</i>	DIVISION OF ENVIRONMENTAL PERMITS 270 MICHIGAN AVENUE, BUFFALO, NY 14203-2999  (716) 851-7165	
AUTHORIZED SIGNATURE  <i>Steven J. Doleski</i>	DATE OF ISSUANCE  <i>3/6/2006</i>	PAGE 1 OF 15

## GENERAL CONDITIONS



### Inspections

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

### Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
  - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
  - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
  - c) new material information is discovered; or
  - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF).
5. 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.

### Other Legal Obligations of Permittee

6. The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
7. 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.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

## SPECIAL CONDITIONS

### Approved Documents and Wastes

1. Operation of Cells 1 and 2 shall be in conformance with 6 NYCRR Part 360 and the plans and reports (except as modified by the Special Conditions in this permit) consisting of:
  - a. "Mined Land Use Plan Report" dated May 29, 1990 (Revision 1) and prepared by CS Consulting Engineers, Inc.
  - b. "Hyland Ash Monofill Addendum to Permit Application Documents" dated March 7, 1994 (Revised) and prepared by TVGA Engineering, Surveying, P.C.
  - c. "Hyland Ash Monofill Post Closure Monitoring and Maintenance Operations Manual" dated March 7, 1994 (Revised) and prepared by TVGA Engineering, Surveying, P.C.
  - d. "Site Analytical Plan Hyland Ash Monofill Project" dated February 1997 and prepared by McMahon & Mann Consulting Engineers, P.C.
  - e. "Interim Ambient Air Sampling Program Hylands Ash Monofill Angelica, New York" dated September 1997 and prepared by Martin Leonard, P.E.
  - f. "Hyland Facility Associates, Permit Modification Application, Regarding Municipal Solid Waste" dated May 22, 1997 and prepared by Hyland Facility Associates; McMahon and Mann Consulting Engineers, P.C.; and LeBoeuf, Lamb, Greene and MacRae, L.L.P." as modified by the following:
    - June 17, 1997 submission from LaBoeuf, Lamb, Greene & MacRae L.L.P. to Steven J. Doleski
    - June 27, 1997 letter from McMahon & Mann Consulting Engineers, P.C. to Kevin R. Hintz
    - June 27, 1997 submission from LaBoeuf, Lamb, Greene & MacRae L.L.P. to Steven J. Doleski
    - June 30, 1997 submission from LaBoeuf, Lamb, Greene & MacRae L.L.P. to Steven J. Doleski
  - g. "Environmental Monitoring Plan, Hyland Facility, Angelica, New York" dated October 1997 (Revised) and prepared by McMahon & Mann Consulting Engineers, P.C.
  - h. "Contingency Plan" dated April 1998 (Revised) and prepared by Hyland Facility Associates.
  - i. "Operation and Maintenance Manual" dated May 6, 2000 (Revised) and prepared by Hyland Facility Associates.
  - j. "Leachate Management Plan" dated January 2003 (Revised) and prepared by G.N. Richardson & Associates, Inc.
  - k. Letter dated May 5, 2003 from Joseph R. Boyles to Mark J. Hans (including Attachments A, B, C and D) regarding the Cap Redesign Minor Permit Modification as modified by the following:
    - July 22, 2003 letter from Joseph R. Boyles to Mary E. Hohmann (including Attachments A and B) regarding the Cap Redesign Minor Permit Modification Application
    - September 4, 2003 letter from Joseph R. Boyles to Mary E. Hohmann (including Attachment A) regarding the Cap Redesign Minor Permit Modification Application

## SPECIAL CONDITIONS

- l. "Hyland Facility Conceptual Closure Grading Plan - Cell 1 & 2", prepared by McMahon & Mann Consulting Engineers, P.C. The approved plan sheets are listed on Page 15 of 15.
  - m. "Construction Drawings for Cell No. 1 and 2 Gas Collection Plan" prepared by Barton & Loguidice, P.C. and as modified by the "Typical Perimeter Gas Header Detail" prepared by Barton & Loguidice, P.C. and last modified August 2, 2005. The approved plan sheets are listed on Page 15 of 15.
  - n. Plan sheets for "Hyland Facility East Haul Road" prepared by McMahon & Mann Consulting Engineers, P.C. The approved plan sheets are listed on Page 15 of 15.
  - o. Plan sheet entitled "Hyland Facility Clay Mine Detention Pond Modifications". This sheet was prepared by McMahon & Mann Consulting Engineers, P.C. and dated August 2005.
  - p. "Construction Quality Assurance/Quality Control CQA/CQC Manual for the Hyland Facility Associates Landfill Cell No. 1 and 2 Gas Collection Plan" dated October 2005 (Revised) and prepared by Barton & Loguidice, P.C.
2. The only waste permitted for disposal shall be municipal solid waste incinerator ash (i.e., fly ash, bottom ash and combined ash), municipal solid waste, nonhazardous industrial/commercial waste, construction and demolition (C&D) debris, contaminated soils and sludges. All nonhazardous industrial waste, contaminated soil, sludge and solid waste incinerator ash can only be received upon written acceptance from the Region 9 Solid Materials Engineer (RSME). All requests for acceptance shall be submitted on the form 47-19-7, Application for Disposal of an Industrial Waste Stream. The Permittee may self approve virgin petroleum contaminated wastes in accordance with the Department's letter of June 17, 2003 to Mr. Joseph Boyles, Staff Engineer, from Chad Staniszewski, Environmental Engineer I, copy attached.
  3. Ash (ie. flyash, bottom ash and combined ash) containing free liquids or hazardous waste shall **not** be received at the landfill. Neither liquids nor wastes containing free liquids or sludges with a solids content of less than 20% shall be received at the landfill. No hazardous waste (as defined in 6 NYCRR Part 371, which is subject to regulation under 6 NYCRR Parts 370 through 374) and no radioactive waste (as defined and regulated in 6 NYCRR Part 380) may be received at this facility.
  4. The approved design capacity for this landfill is 894 tons per day. The approved design capacity is not a limit. The maximum waste receipts at the landfill during any quarter shall not exceed 69,732 tons. Annual waste receipts at the landfill shall not exceed 232,440 tons.
  5. The Permittee shall not receive at the facility, solid waste which was generated within a New York State municipality that has either not completed a comprehensive recycling analysis (CRA) or is not included in another municipality's CRA satisfying the requirements of 6 NYCRR Part 360-19(f). The CRA must be approved by the Department and the recyclables recovery program determined to be feasible by the analysis must be implemented

### **Equivalent Designs (All references are 6 NYCRR Part 360, effective November 24, 1999)**

6. Equivalent Design - 360-2.13(p) - A geosynthetic venting layer may be used in lieu of a 12 inch thick granular soil venting layer.

## SPECIAL CONDITIONS

### Compliance Schedule

7. Within 60 days following issuance of this permit, the Permittee shall submit to the Department a phased closure schedule outlining time lines for installation of the approved final cover system on discrete areas of cells 1 and 2. This schedule shall also include time frames for placement of waste to final grade on the north, east and west slopes of cells 1 and 2. It should be noted that the Permittee has already committed to placement of waste, to final grade, on the north slope of cell 1 by August 12, 2006 and to placement of interim final cover on the north slope of cell 1 by September 16, 2006.
8. Within 60 days following issuance of this permit, the Permittee shall submit a design for a permanent system to convey condensate from the landfill gas (LFG) flare to the primary leachate collection system. Within 60 days of Department approval of this design, the Permittee shall complete construction of the approved system.
9. By May 31, 2006, the Permittee shall submit an assessment on the installed tire wash facility, including the impact on off-site tracking and operations during cold weather. The assessment shall include any proposed modifications that are necessary to further reduce or prevent waste and/or soil from being tracked off-site and to facilitate operation during the winter.
10. By May 31, 2006, the Permittee shall submit, for approval, an Operation and Maintenance Plan for the tire wash facility. This plan shall address standard operating and maintenance procedures, as well as provide a schedule for removing sediment and changing water. The plan shall also address operation of the tire wash facility during the winter.
11. The Permittee shall construct the "final" East Access Road, as well as the adjoining areas, to the "Final" elevation shown on the approved drawing (see Special Condition #1.n.) or in accordance with any future written approvals issued by this Department. This construction must be completed by September 30, 2007.
12. A construction schedule for any phase of closure shall be submitted to the RSME at least 30 days before the start of construction of that phase.
13. Prior to accepting municipal solid waste incinerator ash, the Permittee shall obtain a certification from the generator that the ash has been tested in accordance with appropriate laboratory analytical methods and frequency protocols and it is not hazardous waste as defined under 6 NYCRR Part 371.2 through 4 and regulated under 6 NYCRR Part 372, 374-2.15 and any other applicable subpart. Additionally, as long as the ash is being accepted at the landfill, the Permittee must require the generator to provide copies of the analyses used to confirm the certification. Copies of the certifications and analyses shall be maintained at the landfill for the duration of the landfill's operation and post closure period, as defined in Part 360-2.15(k).
14. Prior to accepting municipal solid waste incinerator ash, the Permittee shall implement the ambient air sampling program identified in Special Condition #1.e. of this permit.
15. Prior to closure of any portion of the landfill, the Permittee shall submit, for approval, closure plans, specifications and a CQA/CQC Plan for the areas to be closed. In addition, if any design changes are proposed to the Conceptual Closure Plan, the appropriate design calculations shall be presented to justify the changes. This closure plan information shall be submitted to the Department, for review and approval, at least 60 days prior to anticipated beginning of construction. By approving the plans noted in Special Condition #1.l. of this permit, the Department acknowledges the Permittee's intention to replace the 24 inches of low permeability soil layer on the side slopes of the final cover with a 40-mil thick geomembrane.

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16. Prior to final closure of the facility, a Closure Site Investigation (CSI) shall be completed and a report prepared in accordance with 6 NYCRR Part 360-2.15(a). The CSI report shall be submitted to the Department within 180 days before receipt of the last waste, within 180 days before the last day of the operating permit, or in accordance with any permit condition or schedule of an Order on Consent, whichever is sooner.
17. Prior to final closure of the facility, a Final Closure Plan, including all design calculations as well as a QA/QC Plan and specifications, must be prepared in accordance with 6 NYCRR Part 360-2.15 (c). The final Closure Plan shall be submitted to the Department within 60 days before receipt of the last waste, within 60 days before the last day of the operating permit, or in accordance with any permit condition or schedule of an Order on Consent, whichever is sooner.

### **Construction, Interim Final Cover and Final Cover Installation**

18. In accordance with the Blasting Stipulation, all forms of blasting are prohibited on the landfill property. Any request to modify this prohibition must be accompanied by a blasting plan/analysis and be sent to all parties listed on the Service List for the Hylands Ash Monofill Facility and as updated by the Department for the landfill proposal. The blasting plan/analysis shall be prepared using a New York State licensed blaster, who would be responsible for the actual blasting. The plan/analysis shall specify the blast design(s) and provide its (their) underlying rationale and computations. Air blast, ground vibration and potential for flyrock damage shall be estimated for potentially sensitive receptors and any monitoring and test detonation provisions shall be identified. The blasting plan/analysis shall be considered a Supplement to the Hylands Ash Monofill Environmental Impact Statement and shall be subject to a public notice, a thirty day public comment period and scheduling of an adjudicatory hearing.
19. In accordance with the Blasting Stipulation, a hydraulic hammer or similar hydraulic RAM equipment used to break rock material for excavation shall only be operated between 9:00 AM and 5:00 PM, Mondays through Fridays.
20. In those areas where solid waste will not be deposited within one year, the Permittee shall place an interim cover consisting of 24" of low permeability soil ( $<1 \times 10^{-6}$  cm/sec) and 3" of topsoil. Immediately following placement of the interim final cover:
  - a. silt screen barriers shall be installed and maintained, until a substantial vegetative growth is established, to intercept sediment laden runoff and prevent significant soil movement, and
  - b. seeding for grass shall occur to minimize erosion and protect the soil. If final seeding is impracticable due to the time of year, seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth. In the interim, temporary seeding, including winter varieties shall be applied. Active seeding shall continue until a suitably protective vegetative cover is established.
21. All geotextile, geonets, geosynthetic drainage composites, GCL's and geomembrane shall be tested to ensure that the appropriate design standards (including but not limited to friction angle, cohesion, transmissivity, permitivity, tensile strength) are met. The testing shall be done to simulate actual landfill conditions using the appropriate adjacent materials and expected loadings that would be found in the landfill. All testing must be completed prior to installation of the appropriate materials. The results of the testing shall be included in the Construction Certification Report (see Special Condition #24 of this permit).

### **SPECIAL CONDITIONS**

22. A log shall be maintained on site during each final closure phase to record all proposed field changes. Changes materially altering the permitted design and/or approved specifications must be approved in writing by the RSME before they are implemented. The Construction Certification Report (see Special Condition #24 of this permit) shall incorporate the Field Change Log for the respective construction/final closure phase.
23. Per the requirement of 6 NYCRR Part 360-1.4(b), the Department reserves the right to inspect landfill construction and final cover installation at any time. The Department requests notification at least 24 hours before any scheduled final inspection of the final lift of clay and the geomembrane liner so Department staff have the ability to accompany the Permittee or its designated representative(s) performing the Construction Quality Assurance when performing these inspections prior to installation of the next overlying layer.
24. A Construction Certification Report for any gas removal system construction or interim or final cover installation shall be submitted to the RSME within 45 days of work completion. The Permittee's CQA/CQC Engineer shall certify in writing that the construction of the cap (interim or final) and/or gas removal system was in accordance with this permit and tested in accordance with generally accepted engineering practice. The Construction Certification Report shall also include "As-Built" Plans and a report documenting the results of all testing. The Construction Certification Report shall be signed by a New York State Licensed Professional Engineer.

### **Landfill Operation**

25. The landfill shall only be operated between the hours of 7:00 AM and 9:00 PM, Monday through Saturday. Waste shall only be received between the hours of 7:00 AM and 8:00 PM. The hours of operation do not limit the times during which leachate may be hauled off-site.
26. Landfill personnel shall be on duty at all times when the facility is receiving waste to ensure that only approved wastes are deposited in the landfill. In the event that hazardous wastes or other unacceptable waste are received at the landfill, the Permittee's personnel shall refuse to accept these wastes for disposal in the landfill and shall immediately notify the Department's Environmental Monitor (Monitor) and/or the RSME of the incident, providing the hauler's name and (if possible) license plate of the vehicle, the type of waste thought to have been transported and the generator of the waste. In the event that the waste has been dumped and the transporter has left the site, the waste shall be segregated from the working face. Proper disposal of the waste shall be arranged for within 30 days. A written report of the incident shall be forwarded to the RSME within five (5) working days. In other instances, when non-hazardous, unauthorized wastes are received at the landfill, a report summarizing these occurrences shall be submitted to the Department with the Quarterly Report required by Special Condition #63 of this permit.
27. When traveling within the landfill or over landfill berms, waste transport vehicles shall be confined to gravel covered or Department approved non-waste material surfaces [i.e., wood chips, bark, other approved Beneficial Use Determination (BUD) materials, alternate daily cover (ADC), etc.]. All material used for that purpose shall be disposed of within the landfill cells. Vehicle travel on any ADCs is not allowed and BUD material must not be tracked outside of the landfill footprint (all existing cells).
28. The first layer of refuse placed above the leachate collection layer must be a minimum of five feet in compacted thickness, and be of a select nature containing no large, rigid or sharp objects or other waste which could penetrate the liner system. During placement of this select lift, landfill personnel must be stationed on the liner system to continuously observe the select waste as it is being placed. All unacceptable material shall be removed. No sludges, construction or demolition waste, nonhazardous industrial waste, or other wastes which could blind or restrict the function of the drainage layer shall be placed within 10 feet of the top of the drainage layer.

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29. All waste shall be placed in two foot layers, with a maximum lift height of 10 feet and be compacted with a minimum of three passes. The waste shall be placed at no greater than a 1 (V) to 3 (H) slope. A minimum of 6 inches of compacted soil or a Department approved thickness (more than 6" but less than 12") of an ADC, shall be placed at the completion of each day's operation on the top surface of the waste. At least twelve inches of compacted soil suitable for an intermediate cover shall be placed over all areas that will not receive wastes within 30 days. Before additional waste filling occurs in an area which has received daily or intermediate cover, the soil shall be scraped off and stockpiled for continued use as daily cover material. When the amount of waste contaminating the soil prohibits its use as cover, the soil shall be disposed in the landfill.
30. Truck dumping and disposal of municipal solid waste/non-hazardous industrial waste (not containing any municipal solid waste incinerator ash) will cease at the landfill if wind gust speeds exceed 60 MPH and will not restart until wind speeds have remained below 60 MPH for 30 minutes. **The measures outlined in the "Best Management Practices for Fugitive Dust Control" shall govern the disposal of all truck loads containing any municipal solid waste incinerator ash. These measures are triggered by one minute average wind speeds of 22 MPH.**
31. No drummed waste shall be placed in the landfill without prior written approval from the RSME.
32. The Permittee shall not excavate waste (except for fire control, horizontal gas pipe placement and in events where waste is removed to allow stormwater/leachate to drain into the leachate collection system) without prior written approval from the RSME.
33. In addition to soil, the Department may approve, on a case-by-case basis, the use of wastes and contaminated soils for ADC. All ADCs that would be regulated under Part 364, must be transported by Department permitted Part 364 waste haulers. Requests for use of ADCs shall be submitted in writing to the RSME. In the event that a nuisance condition(s) develop from the use of ADCs, the RSME can rescind this approval without the need to modify this permit. The reuse of ADCs is prohibited. Vehicle traffic on ADCs is not allowed. Any storage of ADCs is limited to areas where runoff can be collected as leachate and where windblown materials will not land on intermediate and final cover areas. On an annual basis, the amount of approved waste used for ADC cannot exceed 20% of the annual waste receipts unless otherwise approved in writing by the Department. Any ADC in excess of the 20% amount must be counted as waste, even if it is utilized as daily cover.
34. The Permittee shall prevent standing water from accumulating in the active landfill area. An active landfill area is any area which does not have an intermediate, interim final or final cover. All runoff from active areas and/or areas with daily cover must be handled as leachate.
36. Ash shall not be screened at the facility.
37. Silt fences shall be installed and maintained across borrow area drainage paths in order to limit sediment transport.
38. Proper fencing shall be erected in the appropriate locations to minimize windblown litter leaving the landfill proper. Portable fences shall be utilized near the working face to control litter as well.



## SPECIAL CONDITIONS

### Landfill Monitoring

39. An automatic precipitation monitor and a remote alarm system shall be operational during non-operating hours. If precipitation exceeds a total of 3/4 inches (water equivalent) during a non-operating period, an alarm shall be remotely communicated to the Emergency Coordinator or the Alternate Emergency Coordinator. Within thirty minutes, said personnel shall be at the landfill facility conducting an inspection. The inspection shall determine and record the functioning and condition of the stormwater conveyance and detention systems, leachate pumping and storage systems and landfill cover and cell drainage systems. Contingency Plan measures shall be initiated as necessary.
40. Random weekly inspections of incoming waste loads for unacceptable waste shall be conducted at the working face. The results of this inspection shall be logged and maintained on file at the landfill. Additional random inspections shall be performed as requested by the Monitor.
41. Self inspections of the landfill and operations shall be performed on a weekly basis. The results of the inspection shall be recorded, as well as any remediation necessary to correct the problem. All reports of inspections and remedial efforts shall be maintained on file at the landfill.
42. If MSW incinerator ash is received at the facility, the Permittee shall implement an on-site testing program of random loads to confirm that the moisture content of the incoming ash meets the required nineteen percent (by weight) minimum. For each facility at least one (unaltered) load a week shall be sampled through its entire depth and analyzed in accordance with procedures for "Residue-Total-Gravimetric" (Method 106.3) published in "Methods for Chemical Analysis of Water and Wastes" USEPA-600/4-79-20 - March 1979, revised March 1983. Within 24 hours of a sample's failure to meet the moisture content requirement, the Permittee shall:
  - a. notify the Monitor and/or RSME;
  - b. initiate sampling and analysis for moisture content of all loads (unaltered) from that facility, and;
  - c. implement contingency watering of loads from that facility.

Items a, b and c shall continue until otherwise advised in writing by the Monitor or the RSME.

### Monitoring and Maintenance of the Leachate Collection, Transfer and Storage System

43. The fluid flow of the secondary leachate collection system shall be quantitatively monitored and recorded daily. The quantity of fluid collected shall be reported to the RSME on a quarterly basis. A sample of the fluid collected shall be analyzed as detailed in the "Environmental Monitoring Plan" (see Special Condition #1.g).
44. If the quantity of fluid collected in the secondary collection system exceeds the allowable primary liner system leakage rate threshold of 20 gallons per acre per day (30-day average), the procedures referenced in the provisions of Part 360-2.10(b)(2), as well as the Permittees Contingency Plan, shall be complied with. In addition, the Permittee shall collect a sample from the secondary collection system within 7 days for analysis. This sample shall be analyzed for baseline parameters. Based on the evaluation of this data, the RSME has the right to require that the groundwater suppression system be directly monitored by the use of in-place devices within the suppression system or at the outfalls to the sedimentation ponds. Surface water samples shall be collected from the sedimentation ponds.

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45. To comply with 6NYCRR Part 360-2.11(c)(3)(ii), analysis of leachate in the primary and secondary collection and removal systems must be performed semiannually for expanded parameters [Part 360-1.2(b)(60)/Part 360-2.11(d)(6)].
46. Leachate shall be managed in accordance with the "Leachate Management Plan" (see Special Condition #1.j. of this permit). The pump station and leachate storage tanks shall be inspected and leachate level recorded daily. The leak detection system for the leachate storage tanks will be inspected at least weekly. All sumps/manholes/tanks shall be equipped with lightweight covers for easy access.
47. Prior to operation of any subcell, the integrity of the primary leachate collection pipes in the landfill must be verified by passing a cleaning device through them. After placement of two lifts (15 feet) of waste, the integrity of the pipes shall be re-verified by passing a cleaning device through them. These results shall be forwarded to the RSME, in writing, within 30 days. The Monitor shall be advised at least three days in advance of the verification activities.
48. The leachate collection pipes in the primary drainage layer and the leachate transfer pipe (between the landfill and the leachate storage facility) shall be cleaned twice annually. Upon cleaning and removal of obstructing debris from the pipes, each pipe shall be flushed with a minimum of 1,000 gallons. The pipes shall be cleaned from the uppermost portions of the cells to the bottom, in order that cleaning and flushing will move all solids to the leachate side risers. Additionally, the pipes shall be cleaned as many times as deemed necessary by Department staff to maintain the pipe in a clean and efficient operating condition. Written documentation of the cleaning shall be submitted to the RSME within 30 days of completion of the cleaning. The Monitor shall be notified at least five days prior to the cleaning.
49. The interior of the landfill primary leachate collection piping, shall be videoed once every two years. This includes the primary leachate collection sumps. The video inspection shall be recorded and maintained on file at the landfill. A written summary of the inspection shall be submitted to this Department within 30 days following completion of the video inspection. The Monitor shall be notified a minimum of 5 days prior to beginning the video inspection.
50. Annually, all of the leachate transfer, storage and load-out facilities must be emptied for cleaning and maintenance. These facilities include, but are not limited to, leachate storage tanks, the spill tank, all leachate manholes, siderisers and sumps and the concrete leachate load-out platform. The leachate transfer, storage and load-out facilities must be emptied and inspected for deterioration. All deterioration that may adversely affect the operation of the facility must be repaired. Accumulated sediment in these structures must be removed. Written documentation of the cleaning shall be submitted to the RSME within 30 days of completion of the cleaning. The Monitor shall be notified at least 5 days prior to the cleaning.

### **Groundwater and Surface Water Monitoring**

51. The monitoring program for Cell 1 and Cell 2 shall be in accordance with the documents referenced in Special Conditions #1.d. and 1.g. of this permit.
52. The water quality monitoring schedule shall be baseline analysis, then four routine analyses in a row, then baseline again, in order to effectively rotate the baseline analyses from quarter to quarter. Part 360-2.11(c)(5)(ii)(a) requires at least one baseline parameter analysis must be performed during each calendar year. Since this rotation method will sometimes result in one calendar year without a baseline analysis, an extra baseline analysis must be performed in these instances.

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53. Water Quality monitoring data must be reported as required by Part 360-2.11(c)(5)(iv) within 90 days of the sampling date to the parties listed in Special Condition #65 of this permit.
54. Surface water from the sedimentation ponds and perimeter ditch and groundwater shall be analyzed quarterly for the parameters listed in the most recently Department accepted "Environmental Monitoring Plan" (see Special Condition #1.g. of this permit).
55. If potential contamination of surface water is suspected during facility operation due to leachate breakouts, severe erosion of intermediate/final cover, leaking of leachate from vehicles, presence of waste exterior to the landfill cells, or other physical evidence of waste release, the surface water shall be contained and shall be sampled and tested for non-toxicity test parameters listed in Part V.B.2.c. of the "SPDES General Permit for Storm Water Discharge Associated with Industrial Activity". Prior arrangements with a laboratory(ies), etc. shall be made to assure the availability of test results within 7 days. If the results exceed surface water quality standards of 6NYCRR Part 703, the surface water shall be considered "contaminated" and handled in accordance with the "Contingency Plan." These measures are in addition to surface water monitoring requirements of the most recent Department approved "Environmental Monitoring Plan". If testing shows an exceedance of groundwater effluent standards of 6NYCRR Part 703.6 in the surface waters capable of entering the Cuba Formation (i.e waters from the perimeter drainage ditch over or directly upstream of the underlying Cuba Formation), then contingency water quality monitoring pursuant to 6NYCRR Part 360-2.11(c)(5)(iii) shall be initiated in the Cuba Formation.
56. Within 6 months of confirming the entry of contaminants (as defined in Special Condition #44 of this permit) into the groundwater suppression system, additional groundwater monitoring wells shall be constructed to supplement existing monitoring of both the downgradient overburden deposits and the upper bedrock. The locations and number of wells shall be accepted by the RSME prior to their construction.
57. If any organic or inorganic parameter is found in the groundwater at a significant increase from existing water quality as set forth in Part 360-2.11(c)(5)(ii)(d)(2) and it cannot be demonstrated that the contamination is derived from a source other than the facility, then a Contingency Water Quality Monitoring Plan shall be implemented in accordance with Part 360-2.11(c)(5)(iii).
58. If waste constituents are consistently present in the groundwater monitoring wells described in this permit below the statistical "trigger" levels, the Department may require the Permittee to perform additional sampling and install additional wells to determine whether the constituents originate in the landfill.
59. If the Permittee or the RSME determines that the groundwater monitoring program required by this permit no longer satisfies the requirements of 6NYCRR Part 360, the Permittee must, within 90 days, submit an application for a permit modification which describes the change(s) that will be necessary to maintain regulatory compliance at the site.
60. The Permittee shall conduct monitoring of hydraulically downgradient, residential water supplies within one mile of the project site upon request of the property owner.

### Closure

61. The landfill shall be properly closed in accordance with 6NYCRR Part 360-2.15 and the approved Final Closure Plan to be submitted in accordance with Special Condition #18 of this permit. The height of the finished landfill is limited to a maximum elevation of 2015 feet based on the USGS datum (1929 survey). The final topography shall conform to those elevations as shown on Drawing #93002-091 as referenced in Special Condition #1.l. of this permit.

## SPECIAL CONDITIONS

- b. Copies of current and up-to-date contracts with a minimum of 2 wastewater treatment facilities for the disposal of leachate for the up-coming year. In addition, copies of current and up-to-date contracts with the back-up hauler for the upcoming year shall be provided.
  - c. Any changes to the fill progression plan or modifications to the landfill.
  - d. An updated cost estimate for closure/post-closure activities to reflect inflation and/or any changes that may impact closure or post-closure.
  - e. An updated topographic map (based on Fall conditions) of the site. Included with the topographic map shall be a discussion on the amount of waste received, the remaining volume/life of the site and a soil balance for the site. The soil balance shall include: the amount of soil required for cover, closure and other activities; the amount of soil remaining in the permitted borrow area; and the amount of soil that needs to be imported.
  - f. Unusual events or accidents at the landfill and responses taken by landfill personnel.
  - g. Any changes in water quality which have occurred throughout the report year and a summary of the water quality information.
  - h. Any approved changes from the approved plans, reports and specifications or permit, along with a justification for the change.
  - i. Summary Report for the active landfill gas collection system, including the amount of gas burned and condensate collected.
65. All Quarterly and Annual Reports shall be submitted to the following agencies:

NYSDEC  
Division of Solid & Hazardous Materials  
625 Broadway  
Albany, NY 12233

NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
Attn: Regional Solid Materials Engineer

### Financial Surety

66. In accordance with 6NYCRR Part 360-1.12 and Part 360-2.19, the Permittee shall maintain a financial surety acceptable to the RSME for closure and for a minimum of 30 years of post-closure monitoring and maintenance.
67. Within 60 days of Department approval of the annual revised closure and post-closure estimates provided in accordance with Special Condition #64 of this permit, a revised financial surety(s) shall be submitted (if needed) to the RSME.

### DEC Environmental Monitor (Monitor)

68. The previously established account to fund Environmental Monitoring activity at the Permittee's facilities shall be maintained with the Department. This funding shall be used to monitor the Hyland Landfill facility.
- The Monitor will monitor the above-noted facility for compliance with its Solid Waste Management Facility Permit, 6NYCRR Part 360, and other Department permits and regulations applicable to the facility. As required, the Monitor will assist in any legal enforcement activities resulting from the monitoring activities. The Monitor will also review permit applications, engineering reports, construction certifications and applications for waste stream approval.

## SPECIAL CONDITIONS

### Post-Closure

62. The facility shall be monitored and maintained in accordance with 6NYCRR Part 360-2.15(k) and the approved Post-Closure Plan to be submitted with the Closure Plan in accordance with Special Condition #18 of this permit. The period of post-closure care shall continue until at least 30 years have elapsed since solid waste was last deposited in any cell of the landfill.

### Quarterly/Annual Report

63. A Quarterly Report shall be prepared on activities occurring during the quarter in question (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) and must be submitted no later than 60 days after the last day of the quarter in question. All Quarterly Reports must be submitted on the forms provided by the Department (see attached) or electronically, as specified by the Department and shall also contain the following:
- a. Amounts of waste (mixed municipal waste, water and wastewater sludges, nonhazardous industrial waste and sludges, ash(s), construction and demolition debris, asbestos, compost, yard waste and contaminated soil) received from each New York State county on a county by county basis, from the United States on a state by state basis and from outside the country on a nation by nation basis.
  - b. Report on receipt of unauthorized wastes received during the quarter (see Special Condition #26 of this permit).
  - c. The amount of leachate collected and hauled off-site on a daily basis and the disposal location. The daily logs of leachate level in the leachate storage tank shall be provided as well.
  - d. The amounts of liquid collected from the secondary collection system on a daily basis.
  - e. The monthly Action Leakage Rate (ALR) for the secondary collection system of each cell or subcell of the landfills.
  - f. The date when liquid is detected in any leak detection location, including the amount of liquid removed from each location. This includes all leak detection locations including but not limited to those identified on the most recent approved weekly leachate inspection log.
  - g. The amount of Alternate Daily Cover (ADC) received during the quarter with a break down of how much was used, as well as the volume that is stockpiled on site.
  - h. Results from the monitoring of the gas monitoring wells around the perimeter of the landfill.
64. An Annual Report must be prepared on activities occurring during the calendar year and must be submitted no later than March 1 of the following year. The Annual Report must be submitted on forms provided by the Department (see attached) or electronically, as specified by the Department. The Annual Report shall contain all the information required in Part 360-2.17(t) and the following:
- a. Amounts of waste (mixed municipal waste, water and wastewater sludges, nonhazardous industrial waste and sludges, ash(s), construction and demolition debris, asbestos, compost, yard waste and contaminated soil) received from each New York State county on a county by county basis, from the United States on a state by state basis and from outside the country on a nation by nation basis.

## SPECIAL CONDITIONS

The requirements of the environmental monitoring account are as follows:

- a. Funds as required to support the monitoring requirements shall be provided to the Department for funding of environmental compliance activities related to the operation of the Permittee's Facility. This sum is based on annual Monitor service costs and is subject to annual revisions. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The Permittee shall be billed annually for each fiscal year beginning April 1. The Permittee shall make payment 30 days in advance of April 1.
- b. The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Monitors and supervision of such Monitors by full-time Monitor supervisors. Upon written request by the Permittee, the Department shall provide that entity a written explanation of the basis for any modification. If such a revision is required, the Department will notify the Permittee of such revision no later than 60 days in advance of any such revision.
- c. Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- d. Payments are to be in advance of the period in which they will be expended.

### Other Conditions

69. The Permittee agrees, by acceptance of this permit, that authorized Department representatives have a full right of entrance, inspection, and review of records pertaining to landfill operation and maintenance and all information pertaining to waste receipts during normal operating hours; and following 48 hours notice, such other hours as may be deemed necessary by the Department.
70. This permit does not relieve the Permittee from the responsibility of complying with other Federal, State and/or local laws, rules and regulations.
71. Upon transfer of ownership of this facility, provisions shall be included in the property deed stating the period of time during which the property was used as a landfill and a description of the waste contained therein. The fact that records including the limits of the landfill waste within the property and describing the length of time the property was used as a landfill and a description of wastes disposed of on-site are on file with this Department shall also be noted on the deed. This deed shall be filed with the County Clerk's Office.
72. If any condition of this permit conflicts with the approved reports and plans identified in Special Condition #1, the permit conditions shall prevail over the plans unless specific written approval for such a change is obtained from the Department prior to the implementation.
73. Where there are conflicts between elements of the approved plans, the most recently dated approved element shall prevail with respect to the conflicting material.
74. This permit supersedes all previously issued Solid Waste Management Permits and Permit Modifications for this facility.

**SPECIAL CONDITIONS**

75. In the event of an emergency, including but not limited to fires, explosions, waste spills on-site or known waste spills en route to the landfill, the RSME or the Monitor shall be notified of the emergency immediately. The details of the incident and the remediation or corrective action(s) taken shall be described in writing to the RSME within five working days of the incident.

Listed below are the approved plan sheets from Special Condition No. 1, Items l, m, and n:

**APPROVED PLAN SHEETS FOR HYLAND LANDFILL  
CELL 1 & 2 CONCEPTUAL CLOSURE  
PREPARED BY McMAHON & MANN CONSULTING ENGINEERS, P.C.**

<u>Drawing #</u>	<u>Title</u>	<u>Date</u>	<u>Date Last Revised</u>
93002-091	Conceptual Closure Grading Plan - Cell 1 & 2	4/2003	
93002-115	Conceptual Closure Sections and Details	4/2003	7/16/2003

**APPROVED PLAN SHEETS FOR HYLAND LANDFILL  
CONSTRUCTION DRAWINGS FOR CELL NO. 1 AND 2 GAS COLLECTION PLAN  
PREPARED BY BARTON & LOGUIDICE, P.C.**

<u>Drawing #</u>	<u>Title</u>	<u>Date</u>	<u>Date Last Revised</u>
574.048-01F	Title Sheet	4/2005	6/2005
574-048-02F	Proposed Gas Collection Plan	4/2005	6/22/2005
574-048-03F	Proposed 2005 Gas Collection Construction Plan	4/2005	6/22/2005
574-048-04F	Gas Extraction Details (Sheet 1 of 2)	4/2005	6/22/2005
574-048-05F	Gas Extraction Details (Sheet 1 of 2)	4/2005	6/22/2005
574-048-06F	Electrical Site Plan and Details	5/2005	5/27/2005

**APPROVED PLAN SHEETS FOR HYLAND LANDFILL  
EAST HAUL ROAD  
PREPARED BY McMAHON & MANN CONSULTING ENGINEERS, P.C.**

<u>Drawing #</u>	<u>Title</u>	<u>Date</u>	<u>Date Last Revised</u>
930002-222	Interim Grading Plan	February 2005	9/22/05
930002-233	Interim & Final Grading Plan	June 2005	

Attachment

Distribution List:

Mr. Mark Hans, Region 9 Division of Solid and Hazardous Materials  
Mr. Kevin Hintz, Region 9 Division of Solid and Hazardous Materials  
Ms. Mary McIntosh, Region 9 Division of Solid and Hazardous Materials  
Mr. David Stever, Region 9 Division of Legal Affairs  
Mr. Gerard Palumbo/Mr. T. S. Manickam, Region 9 Division of Water  
Mr. Eugene Sciascia/Ms. Connie LaPort, Region 9 Division of Air  
The Honorable Robert Jones, Town of Angelica Supervisor (2 copies)