

DEC PERMIT NUMBER 8-9908-00162/00032
FACILITY/PROGRAM NUMBER(S) 28S32



EFFECTIVE DATE 07/09/2013 Modified Date: 10/04/2013
EXPIRATION DATE: 07/08/2023

PERMIT
Under the Environmental
Conservation Law (ECL)

TYPE OF PERMIT NEW Renewal Modification PERMIT TO CONSTRUCT Permit to Operate

- | | | | |
|---|--|--|---------------------------------|
| <input type="checkbox"/> Article 15, Title 5:
Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality
Certification | <input checked="" type="checkbox"/> Article 27, Title 7;
360: Solid Waste
Management | <input type="checkbox"/> 6NYCRR |
| <input type="checkbox"/> Article 15, Title 15:
Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8:
SPDES | <input type="checkbox"/> Article 27, Title 9;
6NYCRR 373: Hazardous
Waste Management | |
| <input type="checkbox"/> Article 15, Title 15:
Water Transport | <input type="checkbox"/> Article 19: Air Pollution
Control | <input type="checkbox"/> Article 34: Coastal
Erosion Management | |
| <input type="checkbox"/> Article 15, Title 15: Long
Island Wells | <input type="checkbox"/> Article 23, Title 27:
Mined Land Reclamation | <input type="checkbox"/> Articles 1, 3, 17, 19, 27,
37; NYCRR 380: Radiation
Control | |
| <input type="checkbox"/> Article 15, Title 27:
Wild, Scenic
and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater
Wetlands | <input type="checkbox"/> Other: | |
| | <input type="checkbox"/> Article 25: Tidal Wetlands | | |

PERMIT ISSUED TO Waste Management of New York, LLC		TELEPHONE NUMBER (585) 223-6132	
ADDRESS OF PERMITTEE 425 Perinton Parkway, Fairport, NY 14450			
CONTACT PERSON FOR PERMITTED WORK Jeffrey Richardson		TELEPHONE NUMBER (585) 223-6132	
NAME AND ADDRESS OF PROJECT/FACILITY High Acres Western Expansion Landfill, 425 Perinton Parkway, Fairport, NY 14450			
LOCATION OF PROJECT/FACILITY Perinton Parkway, Fairport, NY 14450			
COUNTY Monroe	TOWN Perinton	WATERCOURSE Water Body:	NYTM COORDINATES E: N:
DESCRIPTION OF AUTHORIZED ACTIVITY: Construction and Operation of Mixed Solid Waste Landfill with an approved design capacity of 3500 tons per day. The permit modification effective 03/14/08 allows construction of the Parkway Expansion Phase III, except that no Phase III expansion construction activities may be initiated until the Department has issued the state air Title V permit modification required for this expansion and the U.S.E.P.A. has issued any required federal air permit(s) for this expansion. The permit modification effective 06/02/2011 incorporates revised final grading plans pertaining to the height of the landfill in Perinton; see Special Condition I(1). This modification effective 10/4/2013, authorizes the construction and operation of an intermodal rail facility to accept mixed solid waste from a new rail spur connecting to the CSX railroad. No operation of any portion of this expansion may commence until the Department has approved the construction certification report(s).			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY REGIONAL PERMIT ADMINISTRATOR: Thomas Haley	ADDRESS 6274 E. Avon-Lima Rd, Avon, NY 14414
AUTHORIZED SIGNATURE <i>Thomas P. Haley</i>	DATE 10-04-2013
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NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

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

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

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

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals or Modifications

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 or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 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); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 8
6274 E. Avon, Lima Road, Avon, NY 14414 (585)226-5400

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (Title 7, High Acres Western Expansion Landfill)

5. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by GeoSyntec Consultants, P.C. Revised May 1993, Earth Tech dated August 2000, McMahon & Mann Consulting Engineers dated September 2002, Blasland, Bouck and Lee, Inc. dated January 2006 and March 2011 and for the Intermodal Rail Unloading Facility by Civil & Environmental Engineers, Landscape Architects and Land Surveyors PLLC. dated April 2013.

SPECIAL CONDITIONS**I. GENERAL APPLICABILITY**

1. Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), construction and operation of the Western Expansion Landfill and the Parkway Expansion Phases I, II & III and related facilities shall be carried out in strict conformance with the plans, specifications, and reports submitted as part of the application for this permit, except vertical expansion in the Town of Perinton is not authorized. Those materials include:
- (a) Permit applications to Construct and Operate Solid Waste Management Facility pursuant to 6 NYCRR Part 360, most recently revised and dated 04/10/06 and signed by David Balbierz.
 - (b) Part 360 permit modification application, Parkway Expansion Phase II, High Acres Landfill and Recycling Center, Perinton, Monroe County, New York, September 2002;
 - (c) Permit Modification Application and Engineering Drawings for Parkway Expansion Phase II, Waste Management of New York, Inc., High Acres Landfill and Recycling Center, Town of Perinton, Monroe County, New York, dated September 2002, Drawings 1-33;
 - (d) Part 360 permit modification application and Engineering Drawings for the Western Expansion Landfill, Parkway Expansion Phase I, Waste Management of New York, Inc., High Acres Landfill and Recycling Center, Town of Perinton, Monroe County, New York, dated August 1999 and revised August 2000.
 - (e) Hydrogeologic Investigation of the Proposed Parkway Expansion Phase II, High Acres Landfill and Recycling Center, Perinton, Monroe County, New York, October 2000.
 - (f) Supplemental Draft Environmental Impact Statement, Proposed Parkway Expansion Phase II, High Acres Landfill and Recycling Center, Perinton, Monroe County, New York, October 2002.
 - (g) Permit Modification Application and Engineering Drawings for Parkway Expansion Phase III, Waste Management of New York, Inc., High Acres Landfill and Recycling Center, Town of Perinton, Monroe County, and Town of Macedon, Wayne County, New York, dated January 2006, Volumes I and II and Drawings 1-36, except that drawings 4 and 27 have been replaced by drawings 4A and 4B and 27A and 27B, respectively. These new drawings are dated March 15, 2011, and show elimination of vertical expansion in the Town of Perinton.

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- (h) Hydrogeologic Investigation Report of the Proposed Parkway Expansion Phase III, High Acres Landfill and Recycling Center, Town of Perinton, Monroe County, New York, August 2005.
- (i) Final Supplemental Environmental Impact Statement, Volumes I and II, Proposed Parkway Expansion Phase III and Vertical Expansion, High Acres Landfill and Recycling Center, Town of Macedon, Wayne County and Town of Perinton, Monroe County, New York, January 2007.
- (j) Intermodal Rail Unloading Facility addendums to the Operations and Maintenance Manual and the Contingency Plan, both dated April 2013.

In any instance in which the above approved documents conflict with the requirements of 6NYCRR Part 360, the more stringent shall apply.

2. The Permittee shall comply with all conditions of this permit and the appropriate edition of 6NYCRR Part 360 as outlined in this permit or as directed in writing by the Department. Non-compliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action, permit suspension, revocation, or modification, or denial of a permit renewal or modification application.
3. The Permittee must maintain a copy of all application materials, plans, reports, permits, and the Draft and Final Environmental Impact Statements at the site and make these documents available to any representative of the Department. The Permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360.
4. Unless otherwise specified by the Department, two copies of all plans, reports, or other submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Regional Solid & Hazardous Materials Engineer, NYSDEC, 6274 East Avon-Lima Road, Avon, NY 14414. Any approval required must be obtained in writing from the Region 8 Regional Solid & Hazardous Materials Engineer.
5. In the event an authorized Department representative makes a determination that the Permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or any judicial or administrative order applicable to the facility, the Permittee must, upon receipt of written or oral Notice of Non-Compliance from the Department, immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition. When oral notice is given, the Department will provide a confirming written Notice of Non-Compliance. To the extent feasible, the Permittee must consult the Department regarding the selection and implementation of such remedial measures. Any instance of non-compliance, together with the responsive measures and results of such remedial measures, must be recorded in writing by the Permittee, and submitted to the Department. Failure to do so shall constitute non-compliance with this permit.

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6. The Permittee shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from facility operations. The Permittee shall report any such activity which may endanger human health or the environment to the DEC Region 8 Regional Solid & Hazardous Materials Engineer. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances and followed up in writing within seven days.
7. The Permittee shall allow any authorized representative of the Department upon the presentation of proper credentials, to:
- (a) Have access to and copy any records that must be kept under the conditions of this permit or Part 360;
 - (b) Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor for the purpose of assuring permit compliance or as otherwise authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location.
8. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
9. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
10. **On-site Environmental Monitor**
- (a) Waste Management of New York shall fund on-site environmental monitoring services to be performed by the Department. These monitoring services will include, but not be limited to, the following:
 - 1. Compliance monitoring;
 - 2. Inspections and compliance response;
 - 3. Pollution prevention assurance.
 - (b) Funds necessary to support the monitoring services and requirements for the coming year shall be provided to the Department by Waste Management of New York on an annual basis. The sum to be provided is based on annual on-site environmental monitoring service costs of the Department for up to one quarter of a person-year of service, and is subject to annual revision. Subsequent annual payments shall

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be made for the duration of this Permit or until the monitoring requirement no longer exists, whichever comes first.

- (c) Waste Management of New York shall be billed annually for each fiscal year beginning on April 1. If this Permit is to first become effective subsequent to April 1, the initial payment may be for an amount sufficient to meet the anticipated cost of the monitoring services through the end of the current fiscal year.
- (d) The Department may revise the required payment on an annual basis to include all of the Department's costs associated with the monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, increase or decrease in the amount of monitoring necessary, and increase or decrease in the number of on-site environmental monitors and on-site environmental monitor supervision necessary. Upon written request by Waste Management of New York, the Department shall provide Waste Management of New York with a written explanation of the basis for any revision or modification. If such a revision is required, the Department will notify Waste Management of New York of such a revision no later than 60 days in advance of such revision.
- (e) Prior to making its annual payment, Waste Management of New York will receive, and have an opportunity to review, an annual work plan that the Department will undertake during the year.
- (f) Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. Payments shall be addressed to the address and contact person identified in the bill received from the Department.
- (g) Failure to make the required payments shall be a violation of this Permit. The State reserves all rights to take appropriate action to enforce the above payment provisions

II. LANDFILL CONSTRUCTION

11. Written notice of the commencement of all major portions of on-site construction activities must be made to the Department. The Permittee shall submit to the Department, prior to the commencement of construction, a construction schedule which indicates the anticipated beginning and end dates for all major construction activities. These activities include, but are not limited to, the commencement of the clearing and grading of any large areas, commencement of the placement of the liner for any large section, covering of any section of the leachate collection system, all quality control and quality assurance testing including on-site permeability and/or density testing activities and the commencement of construction of any section of permanent final cover. The Permittee shall submit an updated schedule to the Department monthly during the course of construction.

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12. The Department must be notified immediately in case of any development during construction that warrants a request to modify the approved engineering plans. Deviation from the approved plans without the specific prior written approval of the Department will constitute a violation of this permit.
13. All construction at the landfill site shall be under the supervision of a person licensed to practice professional engineering in the State of New York or an authorized representative of that individual. This requires that a representative of the Permittee's engineering consultant be present whenever construction is on-going. This representative must maintain a daily log indicating work done that day, weather conditions, testing performed, quality control and quality assurance practices, problems encountered, and remedial activities undertaken to correct these problems. A copy of this log, certified by the supervising engineer as accurate and correct, must be submitted with the construction certification for each cell. The certification made in duplicate with original signatures and stamped by the licensed engineer must indicate whether all work performed was in compliance with this permit, and the plans and reports as detailed in special condition #1. The certification must be submitted within sixty (60) days after completion of construction. Clear color photographs of major project aspects, daily reports and results of all tests conducted to determine compliance shall also be included as part of the certification. As-built engineering plans must also be certified containing at least the following:
- (a) notation of any deviations from the plans and reports;
 - (b) completed sub-grade elevations;
 - (c) completed top of liner elevations, for both primary liner and secondary liner, and top of primary drainage blanket elevations;
 - (d) location and critical elevations of leachate collection lines, leak detection lines, the top and bottom of the groundwater drainage blanket, valve pits, tanks, pond, containment berm, manholes, etc.

Approval by this Department of the construction certification report is needed before the Department will grant approval to operate the specific cell of the facility. No waste shall be placed in a constructed cell prior to receipt of the Department's approval.

14. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by overboring, grouting using a tremie method or similar downhole pressure grouting system and cement-bentonite grout to ensure that all contaminant migration pathways are sealed. Casings shall be removed. This activity must be noted as accomplished in the construction certification report.

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15. Extreme care and protective measures shall be taken to protect the integrity of the groundwater depression system, leak detection system, leachate collection system, liners, geotextiles and all other landfill structures. Only rubber tired vehicles shall be allowed in direct contact with HDPE liner.
16. All synthetic liner seams shall be fusion or extrusion welded. Welds shall be 100 percent tested for pinholes and other weld faults using a vacuum box tester or air tests, as appropriate, subject to Department approval. Records shall be kept showing weather conditions (cloudy, sunny) on days when welding is ongoing including air temperatures at beginning and end of the work day and precipitation. No welding shall take place when the ambient air or sheet temperature is below 32°F, when the sheet temperature exceeds 158°F, or when the air temperature is above 120°F.
17. Should any leachate enter by migration, spill or other means into any cell which has not yet received refuse, all liquids within that cell shall be removed and treated as leachate. When the leachate is first detected in any such cell, all pumping of liquids from the cell into the stormwater drainage system shall cease immediately. Pumping of liquid from that cell into the stormwater drainage system may only recommence upon written approval from the Department.
18. This Department shall be notified if any leachate, waste, gas or other conditions which may affect the integrity of the landfill are observed during construction, including excavation, of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within 7 days.

III. LANDFILL OPERATION

19. The approved design capacity for this landfill is 3500 tons/day, based on an annual average. Excluded from these limits is solid waste generated at the landfill facility and any Beneficial Use Determination (BUD) daily or intermediate cover wastes. By no later than the fifteenth day of each month, the permittee shall report in writing to the Region 8 Regional Solid & Hazardous Materials Engineer, the total amount of solid waste disposed at the facility during the previous month, the number of days of operation, and the amount of BUD cover wastes received.
20. Operation of the landfill and landfill related activities will be in accordance with the following:
 - (a) Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:

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Monday through Friday 6:00 a.m. to 4:30 p.m.
 Saturday 6:00 a.m. to 2:00 p.m.
 Saturday following a Major Holiday* 6:00 a.m. to 4:30 p.m.

The landfill shall not be operated on Sundays or Major Holidays.

*Major Holiday shall include New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- (b) Placement of daily cover shall be limited to the following:

Monday through Friday 6:00 a.m. to 6:30 p.m.
 Saturday 6:00 a.m. to 4:30 p.m.
 Saturday following a Major Holiday* 6:00 a.m. to 6:30 p.m.

- (c) Landfill activities not directly related to the disposal of solid waste may be conducted under the following schedule:

October 1 to March 31: Monday through Saturday 5:00 a.m. to 6:30 p.m.

April 1 to September 30: Monday through Saturday 4:30 a.m. to 8:30 p.m.

These activities include road maintenance, "dress-up" of landfill sideslopes, cleaning of sedimentation ponds, extension and connection of gas recovery wells, repair of drainage ditches and erosion control systems, repair of litter fences, etc.

- (d) There will be no restrictions on activities which do not require the operation of equipment. These activities shall include equipment maintenance, facility maintenance (such as electrical or phone repair), office personnel, etc.
- (e) The Permittee shall notify the Department, in writing, of operating hours for special projects before beginning the project. Special projects shall include such items as final cover system placement, installation and decommissioning of groundwater monitoring wells, cleaning of leachate collection lines, etc.
21. The following wastes shall not be disposed of at this facility:
- (a) waste identified in 6 NYCRR Part 360-1.5(b);
- (b) any intact steel or plastic drums larger than 10 gallon capacity, that has not been crushed and had at least one end removed or has not been shredded;
- (c) any container which has held hazardous waste and is not empty according to 6NYCRR Part 371.1(f);

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- (d) any container of 5 to 10 gallon capacity shall not be disposed of at this facility unless the containers have been crushed, compacted, or rendered incapable of holding any liquids except that small quantities of dry wastes may be containerized for disposal in this manner;
- (e) any regulated medical waste which has not been treated in accordance with the requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 10-3;
- (f) any industrial or commercial liquids, sludges, or slurries, which contain any free liquids unless they have been rendered free of any liquids at the on-site liquid Solidification Facility;
- (g) any waste(s) regulated by 6 NYCRR Part 364 unless the waste hauler possesses a valid Part 364 permit which specifies this landfill as a disposal site for such waste;
- (h) tires which have not been cut into a minimum of two equal pieces;
- (i) All yard waste (leaves, grass, brush/branches and stumps/tree sections) shall be banned from disposal in the landfill except for that yard waste which is contaminated by excessive pesticides, hazardous substances, or other items which would make the yard waste unsuitable for composting or chipping. Yard wastes contained in plastic bags do not qualify for the exception from the ban on landfilling.

All sludges and chemical, industrial, commercial, food or power plant wastes must be reviewed for compliance with this condition by the Permittee prior to accepting these wastes for disposal at this facility. All records relating to the disposal of these wastes at this facility shall be made available to routine Department inspections.

22. During the placement of the first lift of waste above the primary leachate collection and removal system, the following precautions and practices shall be observed:
- (a) consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
 - (b) waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement. The initial waste placement must be a minimum of 5 feet of compacted thickness and must be of a select nature and free of all construction and demolition debris; large metal objects; any long rigid items such as poles or piping; and any other rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.

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23. Regulated medical waste (RMW) to be accepted for disposal at this facility must be in strict accordance with the following:
- (a) Only treated regulated medical waste (TRMW) or treated and destroyed medical waste (TDMW) which has been treated in accordance with the minimum operating requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 70-3 may be accepted at this facility for disposal.
 - (b) Each load of TRMW and TDMW to be accepted for disposal must be accompanied by the original certification form. Each certification form must be signed and dated by the treatment facility shift supervisor or treatment facility manager. The original and all copies of the certification must be maintained at the facility for a period of no less than seven (7) years from the date they are prepared.
 - (c) All RMW accepted at the facility shall be handled in accordance with the approved Operation and Maintenance Manual.
24. All structures, including the leachate collection and removal system, groundwater and gas monitoring wells, access roads, drainage structures, sedimentation basins, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions so that it will not properly function, the Permittee shall notify the Department verbally within 48-hours and follow-up in writing within 7 days, and shall promptly replace or repair the structure. If the Permittee immediately repairs the damaged structure within 24 hours of discovering the damage or malfunction, the Permittee will not be required to notify the Department verbally or in writing. All monitoring wells (groundwater and gas) shall be fitted with locking caps and locked at all times other than during times of sampling.
25. The Permittee shall maintain a contingency plan which shall identify the alternative leachate treatment and disposal methods that will be employed in the case of: malfunction of the existing leachate treatment/disposal system; inadequate system capacity to manage short-term increased leachate volumes; and/or the leachate is not acceptable to the existing wastewater treatment plant. Should any element of the contingency plan become unavailable, or inoperative, a revised plan shall be submitted to the Department within 60 days for approval.
26. The Permittee shall inspect the primary and secondary leachate collection (leak detection) and removal system bi-weekly and pump stations weekly. Should the defined action leakage rate levels be exceeded, or groundwater monitoring wells indicate significant increases in contaminant levels above established background, the Permittee shall notify the Department verbally within 24-hours and follow-up within seven (7) days in writing and immediately initiate the appropriate actions as defined in the contingency plan.

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27. In the event that leachate must be hauled from the facility it shall be by a hauler in possession of a valid Part 364 permit, authorizing such hauler to haul leachate from the facility to a specified disposal site approved by the Department.
28. Daily, intermediate and final cover must be applied in accordance with the following schedule:
- (a) Daily Cover: A minimum of six (6) inches of compacted cover material and/or approved alternate daily cover must be applied on all exposed surfaces of solid waste at the close of each operating day to control vectors, fires, odors, blowing litter, and scavenging.
- (b) Alternate Daily Cover: The Permittee may utilize an alternate daily consisting of Amoco 2006 geosynthetic or other approved geosynthetic materials in accordance with the following restrictions:
1. The alternate daily cover is to be used only on the sloping portion of the working face.
 2. The alternate daily cover is to be used only over an area which will receive solid waste disposal within 24-hours.
 3. The alternate daily cover shall not be used when weather or other conditions prevent or hinder the effective control of vectors, fires, odors, blowing litter, and scavenging.
 4. The alternate daily cover must be secured to the surface of the working face by use of sandbags, piles of cover material, steel reinforcing rods, half tires or other approved methods. Tires or other solid waste shall not be used for securing.
- (c) Beneficial Use Determination (BUDS) for Wastes as Daily Cover: Approval has been granted for the beneficial use of each waste stream listed below as daily cover at this facility. When these waste streams are utilized beneficially as daily cover material, they are no longer considered solid waste upon their receipt at the landfill. However, prior to receipt at the landfill, any industrial waste must be hauled by a permitted Part 364 hauler. The weight of each load shall be measured and reported to the Department as BUD daily cover material and categorized as to the specific solid waste which is being beneficially used.

With the exception of the coal bottom ash and paper processing sludge, all of the BUD daily cover materials shall be covered with additional waste or clean soil within 24-hours of placement.

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Storage of these BUD daily cover materials shall be confined to areas of the landfill which will not cause an impact on surface water quality. Runoff and run-on controls such as berms and swales shall be provided around storage areas. Appropriate measures shall be taken to prevent the materials from becoming airborne and from eroding into drainage ways.

The specific waste streams which are approved for beneficial use as daily cover and the additional restrictions which apply to each are as follows:

1. *Contaminated Soil* - Contaminated soils which are not classified as hazardous waste may be used alone or blended. Use shall be limited to the sloping portion of the working face and restricted from the outside slopes of the landfill.
2. *Coal Bottom Ash* - Use of this material is allowed at any portion of the working face. Blending of the material with soil is optional.
3. *Paper Processing Sludge* - Use of this material as daily cover alone is limited to the sloping portion of the working face. Use on the flat portion of the working face requires the blending of an equal portion of clean soils.
4. *Incinerator Ash* - Non-hazardous ash from industrial or medical waste incinerators, and residential (multiple family) incinerators may be used as daily cover. Use as daily cover is limited to the sloping portion of the working face. Ash which contains visible incompletely combusted wastes or in the case of medical waste ash, the presence of sharp objects is not acceptable for use as daily cover. Ash which has the potential of becoming airborne is also not acceptable. All ash which is not acceptable for use as daily cover shall be disposed of on the same day of its receipt at the landfill.
5. *Resource Recovery Ash (RRA)*- Non hazardous ash generated by permitted resource recovery facilities in New York State may be used as daily cover provided that the following conditions are met:
 - i. Sampling results must be provided in the annual report for the facility and be made available to the Department upon request.
 - ii. Ash which contains unburned wastes shall not be suitable for use as daily cover and must be landfilled on the same day as acceptance at the landfill.
 - iii. Ash with a probability of becoming airborne (windblown), or eroded into surface water drainageways, shall not be used as daily cover.

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- vii. Ash shall be used as daily cover or disposed of at the working face on the same day as it is received at the landfill.

With the exception of coal bottom ash, paper processing sludge, crushed C&D, and contaminated soils, all of the BUD daily cover materials shall be covered with an additional lift of waste or six inches of clean soil within 24 hours of placement. Contaminated soils shall be covered, as stated above, within 7 calendar days of being placed.

- (d) Select Refuse Lift: Clean soil, geosynthetic materials and wood chips are acceptable for use as cover for the select refuse lift placed in the Western Expansion Landfill. Soil shall be used as cover on the top portion of the select refuse lift. Woodchips and/or geosynthetic materials may be used on the sloping portion of the select refuse lift. The geosynthetic materials and/or chips may be left in place for an extended period of time provided that the area is maintained free of exposed refuse, vectors are not attracted, and odors are controlled.
- (e) Intermediate Cover: A minimum of 12-inches of compacted cover material (soil) must be applied and maintained on all landfill surfaces where no additional solid waste has been or will be deposited within 30 calendar days. Coal ash blended with an equal amount of clean soil may be used as intermediate cover on inside slopes of the landfill.
- (f) Final Cover: The final cover system shall be designed, constructed, and maintained in accordance with the requirements of 6NYCRR Part 360, Section 360-2.15 .
29. An Annual Report shall be submitted to the Department no later than March 1 of each year which includes the following information:
- (c) The total quantity of solid waste disposed of and BUD daily cover wastes in tons on a monthly basis, for the calendar year from January 1 to December 31. This information must be compiled by waste type such as refuse, sludge, construction and demolition, non-hazardous commercial waste, or other types of solid waste. All wastes received at the facility shall be measured by weight as described in the Report. These measurements shall be recorded on a daily basis. These records shall be maintained for the life of the facility.
- (d) The remaining site life in years and remaining capacity in cubic yards of the existing constructed landfill.
- (e) An evaluation of all water and leachate quality data collected throughout the year. The Department may request at any time that this information be provided in a computer-compatible format to be specified by the Department.

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- (d) The quantities of leachate collected, (for each cell) treated and disposed of on a monthly basis.
 - (e) The quantity of leachate collected in the secondary leachate collection/leak detection and removal system for each cell. This must be compiled on a monthly basis to assess primary liner system performance. These figures shall be used to compute the action leakage rate for each active cell.
 - (f) A revised site plan with 5-foot contours of the fill area reflecting the extent of the previous year's fill progression and the proposed fill progression for the next year.
 - (g) An update of the closure and post-closure cost estimates taking into account any changes to the closure/post closure plans, or operating conditions.
30. Final cover integrity, slopes, cover vegetation, drainage structures, leachate collection and removal structures established pursuant to this permit shall be maintained for a minimum period of thirty (30) years beyond the date of the placement of final cover, or for as long as leachate is produced at this facility, whichever is longer.
31. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the approved Environmental Monitoring Plan (EMP)/ Site Analytical Plan (SAP) for this facility. Operational, closure, and post-closure sampling and analysis shall be in accordance with the approved EMP.
32. All new monitoring wells are to be constructed and sampled as specified in the approved Environmental Monitoring Plan (EMP) and are to meet or exceed the requirements of 6NYCRR Part 360. Any proposed revisions to the EMP are to be submitted to the Department and are subject to the Department's approval.
33. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes are to be reported immediately to the Region 8 Regional Solid Waste Engineer. The operator shall be required to repair, redevelop, or replace such wells in time for the next scheduled sampling event. Such work must receive prior written approval of the Department.
34. The permittee shall implement the Mined Land Use Plan. No excavated on-site soils shall be removed from the site unless the Permittee has first obtained a mining permit pursuant to 6NYCRR Part 422.

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