

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PERMIT NUMBER 8-2648-00014/00001
FACILITY/PROGRAM NUMBER(S) 28LS0025



PERMIT
Under the Environmental
Conservation Law (ECL)

EFFECTIVE DATE May 25, 2022
EXPIRATION DATE(S) May 26, 2032

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;
6NYCRR 360: Solid Waste
Management |
| <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 Monroe County		TELEPHONE NUMBER 585-753-7600	
ADDRESS OF PERMITTEE 39 West Main Street, Suite 110, Rochester, NY 14614			
CONTACT PERSON FOR PERMITTED WORK Michael J. Garland – Monroe County Jeffrey G. Richardson – Waste Management of New York, L.L.C.		TELEPHONE NUMBER 585-753-7511 585-494-3000	
NAME AND ADDRESS OF PROJECT/FACILITY Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416			
LOCATION OF PROJECT/FACILITY Brew Road, south of NY Route 33A, east of Interstate 490			
COUNTY Monroe	TOWN Riga	WATERCOURSE Water Body:	NYTM COORDINATES E: 260.8 N: 4771.1
DESCRIPTION OF AUTHORIZED ACTIVITY: Construct and operate the existing 98.6-acre sanitary landfill, a 118.3-acre lateral expansion with 39.2 acres of overlay, and an adjacent soil borrow area. The landfill is owned by Monroe County, but all construction and operation is performed by Waste Management of New York, L.L.C. (WMNY) under a long term lease with Monroe County. The approved design capacity is 1,945 tons per day.			

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

PERMIT ADMINISTRATOR <i>Kimberly A. Merchant</i>	ADDRESS 6274 East Avon-Lima Road, Avon, NY 14414	
AUTHORIZED SIGNATURE <i>Kimberly A. Merchant</i>	DATE 5/24/2022	Page 1 of 16

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

GENERAL CONDITIONS – Apply to ALL authorized permits:

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, Modifications, or Transfers

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

Regional Permit Administrator
NYSDEC REGION 8 HEADQUARTERS
6274 EAST AVON-LIMA ROAD, AVON, NY 14414

General Condition 4: Submission of Renewal Application

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

General Condition 5: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

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

General Condition 6: Permit Transfer

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



ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (Title 7, Mill Seat Landfill)

7. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Clark, Patterson Associates; Earth Tech, Inc.; McMahon & Mann Consulting Engineers, P.C.; and Barton & Loguidice, D.P.C.

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"), all activities shall be carried out in strict conformance with the following plans, reports, and documents:
- (a) Mill Seat Landfill Expansion 6NYCRR Part 360 Permit Application Engineering Report and Appendices dated February 2015, revised March 2016.
 - (b) Engineering Plans entitled *Mill Seat Landfill Proposed Landfill Expansion Permit Drawings* dated February 2015, revised July 2015 and March 2016.
 - (c) Mill Seat Landfill Ecological Restoration and Management Plan for Proposed Wetland Mitigation Area dated February 16, 2015, revised June 23 and July 17, 2015 and Proposed Stream Mitigation Plan for Impacts to the RG-6 Tail dated February 2015.
 - (d) Mill Seat Landfill Expansion Response to Notice of Incomplete Application Vols. 1 and 2 dated August 2015.
 - (e) Letter submitted by Michael Garland, Director of Environmental Services, dated March 15, 2016 and attachments.
 - (f) Mill Seat Solid Waste Landfill Engineering Plans with last revision date July 22, 1990; sheets 59, 60, 61, and 62 submitted September 27, 1990; and Design Modifications for Stages IIIB, IIIB-1, and IV dated March 2004.
 - (g) Permit applications to Construct and Operate a Solid Waste Management Facility pursuant to 6NYCRR Part 360, dated 9/19/90; revised 5/27/94; renewed 5/4/01; revised 5/28/02; revised 11/13/02; revised 2/4/03; revised 1/9/04; revised 2/20/08; revised 8/13/09.
 - (h) Variance Request for Groundwater Separation – 6NYCRR Part 360-2.13(d), revised September 19, 1990.
 - (i) Engineering Report as revised by Clark Patterson dated August 1990.
 - (j) Hydrogeologic Report revised September 18, 1990 and supplements.
 - (k) Wetlands Delineation Report – Mill Seat Landfill dated September 1990, updated May 2002, July 2002, and August 2009.

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- (l) Habitat Management Plan, Figure 1, dated 2/9/05 and updated May 2011.
- (m) Draft Environmental Impact Statement dated April 1989, Final Environmental Impact Statement dated June 1989, Draft Supplemental EIS dated August 1990, Final Supplemental EIS dated October 1990, Mill Seat Landfill Expansion Draft Supplemental Environmental Impact Statement dated April 2015, and Mill Seat Landfill Expansion Final Supplemental Environmental Impact Statement dated June 2015.
- (n) Draft Supplemental Environmental Impact Statement dated January 2011; Borrow Area Use Plan dated January 2011, Appendix G of the DSEIS (bound separately which includes the Wetlands Monitoring Plan; and Final Supplemental Environmental Impact Statement dated May 2011, including Environmental Monitoring Plan, Habitat Management Plan, and Stormwater Pollution Prevention Plan (SWPPP).
- (o) Draft Conservation Easement, dated June 8, 2016, or any revision thereof approved by the Department.
- (p) Permit Renewal Application dated November 23, 2020 submitted under cover of letter dated January 22, 2021 from Barton & Loguidice, D.P.C. and the revised Facility Manual and EMP dated September 2021 submitted under cover of letter dated August 31, 2021 from Barton & Loguidice, D.P.C.

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

2. The Permittee shall comply with all conditions of this permit and the 6NYCRR Part 360 Series regulations (“Part 360”). 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 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.
4. Unless otherwise specified by the Department, two (2) copies of all plans, reports, or other submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Region 8 Regional Materials Management Engineer, NYS Department of Environmental Conservation, 6274 East Avon-Lima Road, Avon, NY 14414.
5. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Materials Management Engineer.
6. In the event a 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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7. 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 Materials Management 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 (7) days.
8. 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.
9. 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.
10. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
11. Environmental monitoring services as established under this permit shall continue as follows:
 - (a) The Permittee shall fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this permit.
 - (b) The Permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this permit or until the environmental monitoring services are no longer necessary, whichever comes first.
 - (c) The Permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.

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- (d) The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any revisions.
- (e) Prior to making its annual payment, the Permittee will receive, and have an opportunity to review and request adjustment to, an annual environmental monitoring work plan that the Department will undertake during the year. The Department will provide a final annual work plan that the Department will undertake during the year.
- (f) Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.
- (g) Failure to make the required payments shall be a violation of this permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- (h) The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.
- (i) The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor routinely receives from the Department.
- (j) Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.

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- (k) The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. If the data or images are collected from areas where confidentiality is a concern to the Permittee, the Permittee may request that the data or images be considered confidential information. The Department will consider any confidentiality requests and, if determined by the Department to be appropriate copies of the data or images collected from areas where confidentiality has been determined by the Department to be a concern shall be provided to the Permittee.
- (l) It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.

12. Operations directly related to the acceptance and disposal of waste at this facility shall be limited to the following hours:

Monday thru Friday	7:00 a.m. to 5:00 p.m.
Saturday	7:00 a.m. to 1:00 p.m.
Saturday following a Major Holiday	7:00 a.m. to 5:30 p.m.

Removal and placement of daily cover shall be limited to the following hours:

Monday thru Friday	6:00 a.m. to 6:30 p.m.
Saturday	6:00 a.m. to 3:00 p.m.
Saturday following a Major Holiday	6:00 a.m. to 6:30 p.m.

Landfill activities not directly related to waste acceptance and disposal or removal and placement of daily cover shall be limited to the following hours: 7:00 a.m. to 9:00 p.m. These activities may include construction and maintenance activities. The Permittee shall notify the DEC in writing of operating hours for special projects such as cell construction, final cover placement, installation and decommissioning of groundwater monitoring wells, installation of gas wells, etc. prior to commencement of a project. There are no restrictions on activities that do not require the operation of equipment, such as equipment or facility maintenance, electrical or phone repair, etc.

The landfill shall not be operated on Sundays or Major Holidays. Major Holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Landfill personnel must be on duty during all hours that wastes are deposited at the landfill.

II. Landfill Construction

13. Not less than thirty (30) days prior to the commencement of the construction of remaining phases of the landfill, the Permittee must submit to the Department for its review and approval, detailed engineering plans and technical specifications for that phase.

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14. Prior written notice of the commencement of on-site construction must be made to the Department. The Permittee shall submit to the Department, prior to the commencement of construction, a schedule indicating the projected start and end dates for all major construction activities. These activities include, but are not limited to, clearing and grading of any large areas, construction of the liner for any large section, construction of any section of the leachate collection and removal systems, and construction of any section of permanent final cover. The Permittee shall submit an updated schedule to the Department monthly during the course of construction.
15. 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.
16. All stones must be removed from the top surface of the low permeability soil and primary soil components that will be directly overlain by synthetic materials.
17. The Permittee must provide effective frost protection of all exposed portions of the installed landfill liner system unless the entire double composite liner system is completed within the single construction season. The Permittee may seek a waiver of this requirement by submitting certified laboratory results of tests performed on representative samples of the low permeability soil component of the liner system. The Permittee must obtain Department approval of the laboratory testing procedures prior to testing. Results of the testing must be submitted by August 1 of the year in which low permeability soil liner construction is commenced. Results should include initial permeability and final permeability measured after exposure to not less than five (5) complete freeze/thaw cycles. A waiver may only be granted if final permeability does not exceed 1.0×10^{-7} cm/s and there is no significant increase in permeability at the conclusion of the laboratory tests. If a waiver is denied, a frost protection layer must be placed on the liner prior to November 15 or a later date acceptable to the Department.
18. 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. 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. The construction certification report must be submitted within 45 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 report. As-built engineering plans must also be certified containing at least the following:
 - (a) notation of any deviations from the approved plans and reports;
 - (b) completed sub-grade elevations;
 - (c) completed top of liner elevations for both primary and secondary liners, and top of primary leachate drainage layer elevations;

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- (d) location and critical elevations of primary and secondary leachate collection lines, the groundwater drainage layer, valve pits, tanks, ponds, containment berms, manholes, etc.;
- (e) final drainage features;
- (f) locations, both existing and proposed, of all monitoring devices.

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.

19. All boreholes, wells, and monitoring devices found within the proposed liner construction area shall be properly abandoned by overboring, followed by 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. These activities must be noted as accomplished in the construction certification report.
20. Extreme care and protective measures shall be taken to protect the integrity of the groundwater suppression system, primary and secondary leachate collection and removal systems, liners, geotextiles, and all other landfill structures. Only rubber tired vehicles shall be allowed on the geomembrane liner during placement of the liner.
21. Open burning of land clearing materials and debris (including trees, shrubs, and brush) is prohibited. Merchantable timber must be salvaged for commercial use. Toppings, brush, and slash must be chipped and/or beneficially used on or off-site. Tree stumps removed from the site may be chipped or buried in the landfill.
22. Synthetic liner material utilized on this project shall be inspected for obvious defects prior to its use. Any portions of the liner containing tears, defects, perforations, holes, punctures, etc. shall be removed and discarded. 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 temperature is below 32°F or when the sheet temperature exceeds 158°F, or when the air temperature is above 120°F.
23. Should any leachate enter by migration, spill, or other means into any stage which has not yet received refuse, all fluid within that stage shall be removed and treated as leachate. When the leachate is first detected in any such stage, all stormwater drainage or pumping from the stage shall cease immediately.
24. This Department shall be notified if any leachate, waste, gas, or other conditions which may affect the integrity of the landfill are observed during construction, including excavation, of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within seven (7) days.
25. Prior to the commencement of construction of the low permeability soil component of the liner system, a test pad must be constructed as described in the approved Construction Quality Assurance/ Quality Control Plan.

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III. Landfill Operation

26. The following wastes shall not be disposed of at this facility:
- (a) Wastes identified in 6 NYCRR Part 363-7.1(o);
 - (b) Any empty drum or any container which has held hazardous waste and is not empty according to 40 CFR § 261.7; metal containers of five (5) gallons capacity or larger shall not be disposed at this facility unless the ends have been cut off and the containers have been crushed;
 - (c) Any infectious waste; however, regulated medical waste that has been treated and destroyed by a method approved by the New York State Department of Health may be disposed;
 - (d) Any industrial or commercial liquids, sludges, or slurries, which are less than 20 percent solids;
 - (e) Waste tires, except solid rubber tires (non-pneumatic);
 - (f) Uncontaminated leaves, grass clippings, brush, branches, stumps, and tree sections with the exception of debris that has been contaminated by excessive use of pesticides;
 - (g) Any waste regulated by 6 NYCRR Part 364 ("Part 364") unless the waste hauler possesses a valid permit or registration issued pursuant to Part 364. In the case of a Part 364 permit, this landfill must be specified as a disposal site for such waste and disposal of such waste must be approved by the landfill owner or operator in writing. A summary of all approved waste stream applications must be submitted to the Region 8 Regional Materials Management Engineer within seven (7) days of such approval. On a monthly basis, a copy of the waste stream approvals shall be submitted in a format acceptable to the Department.
27. The approved design capacity for this landfill is 1,945 tons per day. This threshold is a daily average based on the quantity of solid wastes accepted at the landfill during a calendar year, however during no calendar quarter shall the daily average exceed 2,918 tons per day. Excluded from these limits is solid waste generated at the landfill facility, alternative operating cover (AOC) materials, and alternative construction materials (such as materials for landfill road base) and other materials not specifically used as landfill cover that have been approved by the Department in writing. Acceptance of AOC materials, and alternative construction materials and other materials not specifically used as landfill cover, shall be limited to a combined maximum of 238,800 tons per calendar year. By no later than the fifteenth day of each month, the Permittee shall report in writing to the Region 8 Regional Materials Management 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 AOC materials, and alternative construction materials and other materials not specifically used as landfill cover received.
28. 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:

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- (a) Consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
 - (b) Waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.
 - (c) The waste shall be of a select nature that is free of demolition debris, large metal wastes, long items such as poles, piping, and bulky wastes in general, and shall be placed in a minimum compacted lift thickness of five (5) feet.
29. All structures including, but not limited to the primary and secondary leachate collection and removal systems, groundwater monitoring wells, landfill gas wells, access roads, drainage structures, recharge basins, and stormwater ponds shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions in any way, the Permittee shall notify the Department verbally within 48 hours and follow up in writing within seven (7) days, and shall promptly replace or repair the structure. All monitoring wells shall be fitted with locking caps and locked at all times other than during times of sampling.
30. All wastes received at the disposal site must be spread and compacted in layers not more than two (2) feet thick upon deposition at the working face, excepting the first lift placed on the liner system, which shall be placed in accordance with special condition 28(c) above.
31. The Permittee shall require that all vehicles delivering waste or alternative operating cover materials to the site be enclosed or covered or their contents secured.
32. On-site roads used to transport solid wastes shall be maintained passable and safe at all times. No penetrating or waste oils shall be used for dust control.
33. Wind-blown paper and other litter shall be confined to the disposal area by snow fence, portable screens, or any other necessary devices. The Permittee shall police wind-blown paper and litter along the landfill's perimeter as necessary and at least once a week.
34. The entire site shall be routinely inspected for rodent activity. The rodent control programs described in the approved Contingency Plan shall be implemented to effectively control vectors at the landfill.
35. Siltation ponds shall be inspected on an annual basis. Should it be determined that the presence of sediments in a pond interferes with the pond's designed function, sediment shall be removed. Silt shall not be removed between October 15 and May 15.
36. Cover soil and drainage control structures must be designed, graded and maintained to prevent ponding and erosion and to minimize infiltration of water into the solid waste cells.
37. The permit to operate the above-referenced facility is hereby modified to allow county-authorized solid waste haulers to transport wastes directly to the Mill Seat Landfill, bypassing the County's transfer station. The revised operation shall be in accordance with the revisions to the approved Facility Manual.

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38. Daily, intermediate, and final cover must be applied as required by Part 360. The following materials may be used as alternative operating cover on interior slopes of the landfill footprint:
- non-hazardous contaminated soil, provided that it is used in areas that will receive additional waste the next day;
 - crushed C&D debris;
 - bottom ash from coal-fired boilers;
 - wood chips;
 - auto shredder fluff;
 - bottom ash/fly ash mixture;
 - foundry sand;
 - wastewater treatment plant incinerator ash;
 - mixed glass cullet;
 - solid waste incinerator ash excavated from the Greater Rochester International Airport, provided it is used in an area that will receive waste the next day;
 - other materials approved for use in writing by the Department.

Glass cullet and wood chips may be stored away from the landfill footprint provided that the storage areas for these materials are located outside the regulated wetlands and associated adjacent areas, dust and runoff from the storage areas are prevented from reaching the wetlands and associated adjacent areas, and a continuous siltation control barrier is maintained around the perimeter of each storage area.

The remaining alternative operating cover materials must be stockpiled within the lined limits of the landfill footprint and must be stored in such a manner that the materials do not leave the lined limits by tracking by vehicles, water erosion, or becoming airborne.

IV. Leachate Control

39. Any leachate on the ground shall immediately be contained and removed either by pumping or by utilizing spill cleanup procedures such as absorbent pads. Leachate and leachate spill debris must be disposed of at authorized facilities approved by the Department.
40. Weekly visual inspections shall be conducted by the landfill operator on the leachate control system including all primary leachate manholes and secondary leachate MHS-37 (Stage I) and MHS-39 (Stage II), leachate pump stations, and main air release valves. If leachate is detected in the outer pipes; or if there is evidence of plugging; or if defined leakage rates are exceeded; or if groundwater monitoring wells indicate significant increases in contaminant levels above established background levels; then DEC must be notified verbally within 24 hours and in writing within seven (7) days and corrective measures implemented promptly in accordance with the Contingency Plan. Weekly inspection reports shall be kept on file at the facility and included in the Annual Report.
41. 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, subject to Department approval within 60 days.

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42. The primary leachate collection and removal system shall be jetted and the secondary lateral #9 shall be video inspected annually. Should the video inspection indicate impairment in the system's efficiency, then remedial jetting shall be conducted.
43. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.
44. Any leachate hauled from the facility 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.
45. If refuse is to be deposited on top of an area which has received intermediate cover, a portion of the intermediate cover shall be removed from the area to be filled so as to adequately allow leachate to reach the leachate collection system.

V. Annual Reporting

46. The annual report shall include, but not be limited to, the items listed in this condition and shall be submitted to the Department no later than March 1 of each year. This report must detail:
- (a) The total quantity of solid waste disposed of, in tons, for the calendar year from January 1 to December 31. This information must be compiled by waste type. All wastes received at the facility shall be measured by weight. These measurements shall be recorded on a daily basis. These records shall be maintained for the life of the facility.
- (b) The remaining site life in years and remaining capacity in cubic yards of the constructed landfill.
- (c) 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.
- (d) An evaluation of gas monitoring and control systems, including a narrative description of proposed or actual changes to these systems.
- (e) The quantity of leachate collected, treated, and disposed of on a monthly basis.
- (f) The quantity of leachate collected in the secondary leachate collection and removal system. This must be compiled on a monthly basis to assess primary liner system performance.
- (g) A revised site plan with 10-foot contours of the fill area reflecting the extent of the previous year's fill progression and the proposed fill progression for the year.
- (h) Any proposed changes from the approved reports, plans, and specifications or permit conditions must be listed with justification for each change given. No change shall be effective until written approval is received from the Department.

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VI. Comprehensive Recycling Analysis (CRA)/Recycling

47. The Permittee shall not accept solid waste that originates from a municipality that has not completed a Comprehensive Recycling Analysis satisfying the requirements of 6NYCRR Part 360.11 and approved by the Department, and implemented the recyclables recovery program determined to be feasible by the analysis unless, for the service area of the facility: either another municipality prepared such an analysis, the Department approves it and the analysis addresses the waste stream of that municipality; or a Department approved local Solid Waste Management Plan that addresses all components of such analysis, takes effect.

VII. Solid Waste Management Plan

48. The permitted facility is prohibited from receiving waste unless a local solid waste management plan, as set forth in paragraph b of subdivision one of Section 27-0107 (ECL), is in effect for the Permittee or planning unit of which the Permittee is a part, or for any municipality which sends solid waste to this facility. An approved plan remains in effect while in the process of update and review as determined by the Department.

VIII. Leachate Recirculation

49. Leachate recirculation is allowed in Stages 1 through 4 per Department approval. The Department may rescind this approval should it be deemed necessary. Proposals for leachate recirculation in other stages shall be reviewed individually and approved specifically for each stage.

IX. Closure/Post-Closure

50. The Permittee shall notify the Department whenever changes in operating plans, waste deposition rates, facility design, or events occurring during the active life of the landfill change the projected final closure date by more than twelve (12) months. The notice shall be submitted in writing to the Department within sixty (60) days of such changes in Permittee's plans, deposition rates, design, or events at the landfill. All proposed amendments shall be subject to the Department's approval and shall not be effective unless said approval is received in writing.
51. Twelve (12) months before the date at which the landfill will cease accepting waste, the Permittee shall submit a Scope of Work which shall include: 1) a site investigation plan and 2) a schedule of all tasks required to implement a closure in conformance with the regulations expected to be effective at the time of closure.
52. A permanent grass or ground cover crop approved by the Department must be established and maintained on all exposed final cover soil within sixty (60) days after placement, or season not permitting, as otherwise required by the Department.
53. The final contours of the site must conform to those shown on Department-approved engineering report and plans.
54. Final cover integrity, slopes, cover vegetation, drainage structures, and 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.

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X. Environmental Monitoring

55. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the approved Environmental Monitoring Plan (EMP) and Site Analytical Plan and the following:
- (a) Monitoring of Hotel Creek at NY Route 33A for dissolved oxygen shall occur at weekly intervals April 1 through October 31 and at monthly intervals November 1 through December 31 during the operating life of the landfill. In addition, a temperature logger shall be used at this location to log temperature readings at 4:00 PM. The Department will retain the right to modify stormwater management techniques should adverse temperatures or dissolved oxygen conditions in the trout reach of Hotel Creek warrant modification.
 - (b) Monitoring of the detention pond outfalls shall occur, if flowing, at quarterly intervals to coincide with the groundwater and surface water monitoring specified in the approved EMP. Outfall monitoring shall include temperature, dissolved oxygen, total dissolved and suspended solids, Total Kjeldahl Nitrogen, ammonia, and soluble and total phosphorus. The Department will retain the right to modify stormwater management techniques should adverse conditions in the regulated wetlands warrant modification.

XI. Article 24 Wetlands Conditions and Conservation Easement

56. Reporting requirements for the proposed wetland and stream mitigation areas:
- (a) The Permittee shall submit copies of any plans, maps, surveys and reports to the Division of Fish and Wildlife, NYS Department of Environmental Conservation, Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, unless otherwise specified in this permit or in writing by the Department.
 - (b) In the event that the Department disapproves a submittal, or provides the Permittee with comments, questions, or concerns as part of its review process, the Department shall provide its decision or concerns in writing to the Permittee. Permittee shall then have thirty (30) days from receipt to respond to the Department's concerns. The failure to respond in a timely manner shall constitute a violation of this permit and subject Permittee to any action by the Department as may be authorized by law.
57. The Permittee shall abide by the terms of the Conservation Easement dated May 10, 2017 and filed with the Office of the Monroe County Clerk on June 9, 2017. The Protected Property boundaries are described and shown on Schedule B of the Conservation Easement.
58. Construction of the Wetland and Stream Mitigation Sites, in accordance with the approved plans, must occur prior to or concurrent with authorized impacts to NYS Freshwater Wetland RG-6 and RG-6 tail following the Estimated Schedule of Wetland, Wetland Buffer, RG-6 Tail Impacts and Mitigation Site Construction, attached to this permit as Schedule 1.

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XII. Climate Leadership and Community Protection Act (CLCPA) and the Community Risk and Resiliency Act (CRRA)

59. The permittee is obligated to demonstrate consistency with the Climate Leadership and Community Protection Act (CLCPA) and the Community Risk and Resiliency Act (CRRA). The Department has required CLCPA and CRRA assessments as part of the pending Title V Air Permit renewal application. Any resulting requirements, including greenhouse gas mitigation measures, that impact landfill operating procedures will be incorporated into the Facility Manual referenced in Condition 1(p) of this permit at the time of the Title V Air Permit renewal issuance.

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