

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

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www.dec.ny.gov

April 5, 2018

Paula A. Mahan, Supervisor
Town of Colonie
347 Old Niskayuna Road
Latham, NY 12110

Re: Town of Colonie Landfill Area 7 permits (Facility # 01-S-26)
DEC Permit # 4-0126-00033/00001 (Solid Waste Management)
DEC Permit # 4-0126-00033/00019 (Freshwater Wetland)
DEC Permit # 4-0126-00033/00020 (Water Quality Certification)
DEC Permit # 4-0126-00033/00009 (Air Title V)
Colonie (T), Albany County

Dear Supervisor Mahan:

The permits that you applied for are enclosed. Please review them and note the conditions that are included. The permits are valid for only those activities authorized.

I have also enclosed a copy of the Findings Statement issued by the Department for the Area 7 project for your reference.

Please be advised that the Uniform Procedures Regulations (6 NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233 1550.

Also note that these permits do not eliminate the need to obtain any other federal, state or local permits or approvals that may be required for this project.

Please feel free to contact me at (518) 357-2446 or by email at andy.marcuccio@dec.ny.gov, should you have any questions regarding the extent of the work authorized, or your obligations under the permits.

Sincerely,



Angelo A. Marcuccio
Deputy Regional Permit Administrator

Enclosures: Combined Solid Waste/Wetland/Water Quality Permits
Air Title V permit
Findings Statement with attachment

c: John Cunningham, Commissioner, Dept. Public Works, Town of Colonie
Matthew McGarry, Public Works Engineer, Town of Colonie
Curt Taylor, Waste Connections, Inc.
Nancy M. Baker, Regional Permit Administrator, Region 4
Ricky Leone, Regional Engineer, NYSDEC, Region 4
Victoria Schmitt, Regional Materials Management Engineer, Region 4
Richard Ostrov, Regional Attorney, NYSDEC, Region 4
Andrew Dangler, U.S. Army Corps of Engineers, Upstate New York Section
John E. Lawler, Supervisor, Town of Waterford
Kevin Tollisen, Supervisor, Town of Halfmoon
George E. Primeau, Sr., Mayor, City of Cohoes





PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

TOWN OF COLONIE
347 OLD NISKAYUNA RD
LATHAM, NY 12110

Facility:

TOWN OF COLONIE LANDFILL FACILITY
1319 LOUDON RD
COHOES, NY 12047

Facility Location: in COLONIE in ALBANY COUNTY

Facility Principal Reference Point: NYTM-E: 603.9 NYTM-N: 4740.3
Latitude: 42°48'29.6" Longitude: 73°43'45.3"

Project Location: New Loudon Road, Colonie

Authorized Activity: The Town of Colonie proposes to modify its current Solid Waste Management permit for operations at its landfill facility (herein referred to as Area 7). The proposal would involve a horizontal and vertical expansion to the north and east of current active landfill operations. The expansion would take place over portions of the active landfill and will also expand into other areas of the site not currently used as landfill space. The work would affect 132 acres of the overall 200-acre site and it is anticipated that the expansion would add approximately 20 years to the useful life of the landfill. The landfill is located on the east side of Route 9, New Loudon Road.

Pursuant to 6 NYCRR Part 360.4(o)(4), any pending application for a landfill which was deemed complete prior to November 4, 2017 will be reviewed for conformance with the Part 360 regulations in effect at the time of application. The Town of Colonie Area 7 Development permit application was deemed complete on May 25, 2017 (prior to November 4, 2017), therefore, the landfill is subject to the siting restrictions of 6 NYCRR 360-2.12, effective October 9, 1993. Also, pursuant to 6 NYCRR Part 360.4(o)(4), for landfill permits issued after November 4, 2017, the Permittee must comply with the operational, closure, and post-closure requirements set forth in 6 NYCRR Part 360 General Requirements and Part 363 Landfills, effective November 4, 2017.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 4-0126-00033/00001

Modification

Effective Date: 4/5/2018

Expiration Date: 4/4/2028

Freshwater Wetlands - Under Article 24

Permit ID 4-0126-00033/00019

New Permit

Effective Date: 4/5/2018

Expiration Date: 4/4/2028

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 4-0126-00033/00020

New Permit

Effective Date: 4/5/2018

Expiration Date: 4/4/2028



NYSDEC Approval

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: ANGELO A MARCUCCIO, Deputy Regional Permit Administrator
Address: NYSDEC Region 4 Headquarters
1130 N Westcott Rd
Schenectady, NY 12306

Authorized Signature:

Date 4/5/18

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by the Applicant and described in Condition #2 and #3 which are incorporated by reference into this permit and enforceable thereunder. If any conditions with this permit conflict with the approved plans, engineering reports and correspondence, the Permit condition shall prevail.

2. Approved Plans and Reports The facility and activities authorized by this permit shall be conducted in strict conformance with the provisions of this permit, 6 NYCRR Part 360 and 6 NYCRR Part 363 regulations, and the following engineering reports, plans, and correspondence, except as those which will be modified pursuant to Condition #4:

a) Part 360 Area 7 Development Application, dated February 2015, revised June 2016, prepared by Cornerstone Environmental

b) Operations and Maintenance Manual, dated February 2015, revised June 2016, prepared by Cornerstone Environmental

c) Landfill Gas Management and Odor Control Plan, dated February 2015, revised June 2016, prepared by Cornerstone Environmental



- d) Stormwater Pollution Prevention Plan, dated February 2015, revised June 2016, prepared by Cornerstone Environmental
- e) Environmental Monitoring Plan, dated February 2015, revised June 2016, prepared by Cornerstone Environmental
- f) Conceptual Closure/Post Closure-Plan, dated February 2015, revised June 2016, prepared by Cornerstone Environmental
- g) Engineering Report, dated February 2015, revised June 2016, prepared by Cornerstone Environmental
- h) 1.9(g) Report, dated April 2017, prepared by Cornerstone Environmental
- i) Town of Colonie Landfill, Albany County, NY, Permit Application for a Permanent Household Hazardous Waste Storage Facility, dated February 2006, prepared by Barton & Loguidice, P.C. and April 14, 2006 letter from Town of Colonie Public Works
- j) 6 NYCRR Part 360 Permit Modification Report, Medical Waste Collection, Storage, and Transfer Facilities, dated February 2004 and prepared by Malcom Pirnie, Inc.

3. Revised Plans The Permittee shall submit revised facility design plans for approval by the Department. The facility must be redesigned to incorporate a 500-foot setback from the Mohawk River, and a final elevation of 467 feet above mean sea level. The plans must include any changes to the proposed phasing, subgrade, and final grading of Area 7 construction resulting from the increased setback and decreased elevation. All other plans and reports that need to be revised as a result of the increased setback and decreased elevation must be submitted to the Department for approval by July 1, 2018. All of the plans must be approved by the Department prior to the commencement of construction of any portion of Area 7.

4. Alluvial Soils Prior to the commencement of construction activities in any phase that encroaches alluvial soils identified at the site, the Permittee must submit a plan that demonstrates alluvial soils are adequately stabilized, consistent with the Supplemental Geotechnical Information dated August 2, 2017. The plan must be approved by the Department prior to construction.

5. Facility Manual A facility manual, prepared in accordance with 6 NYCRR Part 360.16(c)(4) and 6 NYCRR Part 363-4.6, and shall include necessary revisions to demonstrate compliance with 6 NYCRR Part 360 series regulations and any other applicable regulations, must be submitted to the Department for approval by July 1, 2018.

6. SPDES Permit Leachate discharge from the pore pressure relief system, or contaminated surface water, including runoff, shall not be discharged directly or indirectly from the facility into ground or surface waters, unless a State Pollutant Discharge Elimination System (SPDES) permit is obtained prior thereto, and all discharges conform with the terms of the permit. For the purposes of this permit, leachate shall mean any solid waste as defined by 6 NYCRR Part 360.2(b)(157).

7. Recycling Analysis The Permittee shall not accept at this facility, solid waste that was generated within a municipality located in New York State that has either not completed a comprehensive



recycling analysis, or is not included in another municipality's comprehensive recycling analysis which satisfies the requirements of 6 NYCRR Part 360.11 and which has been approved by the Department. In either case, the municipality shall have implemented the recyclables recovery program determined to be feasible by the analysis.

8. Local Solid Waste Management Plan The Permittee shall take all actions necessary to ensure that a new Local Solid Waste Management Plan (LSWMP) is in effect for the Town of Colonie Planning Unit no later than July 1, 2018.

9. Definition of Terms Terms used in this permit have the same meaning as those set forth in ECL Article 27, Title 7 and 6 NYCRR Parts 360, 363, 364, 365 and 621, unless the permit specifically states otherwise. Where terms are not otherwise defined, their meanings are those found in a standard dictionary, or the generally accepted scientific or industrial meaning of the term.

10. Solid Waste Management Facility For the purposes of this permit, "facility" shall mean a solid waste management facility as defined in 6 NYCRR Part 360.2(101).

11. Environmental Monitor An account to fund a full-time environmental monitor will be established by the Department on the effective date of this permit in accordance with the following terms and conditions:

(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 will be billed annually by the Department 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.

(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 by the Department, 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.
- 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. Landfill Wastes a) For the purpose of this permit, the following “wastes”, as defined in 6 NYCRR Part 360 are authorized to be disposed of in the landfill:

- Municipal solid waste;
- Industrial waste specifically approved in writing by the Department;
- Ash residue resulting from incineration of a municipal solid waste generated by facilities that have a current Department permit to operate;
- Stabilized sludge that has a solids content of 20% or greater;
- Construction and demolition (C&D) debris;

b) The following wastes are prohibited from being disposed of at the landfill:

- Wastes described by 6 NYCRR Part 363-7.1(o)
- Dredged materials and sludges, other than sewage sludge, that have a solids content of less than 20% or contain free liquid

13. Facility Operation and Compliance The Permittee shall operate this facility in compliance with all applicable requirements identified in 6 NYCRR Part 360.19 (Operating Requirements) and the conditions of this permit.

14. Waste Tonnage Limits Solid Waste Landfill

a) A maximum of 820 tons per operating day (tpod) (based on a quarterly average of operating days) of waste is authorized to be received and disposed of in the landfill, provided that no more than 1,400 tons of waste is received during any one day, and on an annual basis, no more than 255,840 tons per year of waste is received and disposed of in the landfill. For the purpose of this permit, quarters will run as follows: January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31.

b) Acceptance of alternative operating cover (AOC) at the landfill in any quarter that exceeds 25%, by weight, of the solid waste tonnage accepted in the same quarter shall be counted toward the daily, quarterly, and annual solid waste tonnage limits. A maximum of 350 tons of AOC can be received during any one day.

c) The Permittee shall submit quarterly AOC reports to the Department by the 7th calendar day of the calendar month following the quarterly reporting period. The reports shall include the amount of AOC and solid waste received at the landfill for each reporting period, the number of operating days in each reporting period.

d) AOC can only be stored over lined areas of the landfill and in accordance with the SWPPP. All run-off from the material must be collected and treated as leachate.

Solid Waste Transfer Facility

a) A maximum of 225 tons per day (tpd) (based on a quarterly average) of waste is authorized to be received at the transfer station when the landfill is in operation.

b) A maximum of 500 tons per day (tpy) (based on a quarterly average) of waste is authorized to be received at the transfer station when the landfill is not in operation.



c) All waste materials that are transported from the transfer facility to the landfill must be weighed, recorded, and included in the landfill's daily, quarterly, and yearly tonnage limits.

Medical Waste Collection, Storage, and Transfer Facilities

Up to 750 pounds of regulated medical waste is authorized to be accepted per quarter for storage and transfer. The Medical Waste Collection, Storage, and Transfer Facility is authorized to store a maximum of 15 containers, not to exceed a total weight (waste plus containers) of 600 pounds, at any time. Storage of medical waste shall not exceed 90 days and any putrescent containers shall be removed immediately.

Material Recycling Facility

A maximum of 50 tons per day (tpd) is authorized to be received and handled at the facility's materials recycling facility.

15. Hours of Operation Operation of the facility shall be limited to Monday through Friday from 7:00 AM to 4:00 PM and Saturday from 7:00 AM to 2:00 PM. Operation of the facility is prohibited on Sundays and the following holidays: New Year's Day, Thanksgiving, and Christmas. Operation of the facility is limited to 7:00 AM to 12:00 PM on Memorial Day, July 4, and Labor Day. Deviations from the permitted hours of operation must be approved in writing by the Department.

16. Confinement of Solid Waste Solid waste shall be confined to an area which can be effectively maintained, operated, and controlled in accordance with 6 NYCRR Part 360.19(f). Daily cover, as defined by 6 NYCRR Part 360.2(b)(184), must be applied at a frequency as required by the Department.

17. On-Site Roads On-site roads used to transport solid wastes shall be passable at all times during active filling.

18. Odor Complaints The Permittee shall maintain a 24-hour odor complaint hotline. The Permittee shall notify the Department of all complaints within 24 hours. Investigation of all complaints called into the hotline must be conducted within one hour of receiving the complaint.

19. Odor Inspections The Permittee shall conduct, at a minimum of once per day, odor inspections at the following locations: Town of Colonie - Fonda Road, Green Mountain Drive, Arrowhead Lane, State Route 9, Cohoes-Crescent Road; Town of Halfmoon - Churchill Road; Town of Waterford - Pheasant Run, Towpath Lane, Mallards Landing North, and Mallards Landing South.

20. Gas Well Field The gas well field shall be balanced at a minimum of once every two weeks. The frequency of well field balancing shall be increased if required by the Department.

21. Gas Collection System Inspections The Permittee shall conduct daily monitoring of the gas collection system. The monitoring shall include at a minimum checking the following: Vacuum, flow, and gas quality.

22. Landfill Gas to Energy Facility Whenever there is, or planned to be, an interruption to the Landfill Gas to Energy Facility for longer than one hour, the Permittee must respond and divert all landfill gas to the landfill flare within one hour of receiving notification of the interruption. The NYSDEC Region 4 Materials Management Engineer must be notified of any and all interruptions to the gas collection system within one hour of becoming aware of the interruption.



23. Gas Collection System Installation A schedule for all upgrades to the gas collection system shall be submitted for Department approval at least thirty days in advance of installation. Horizontal gas lines shall be installed in the waste mass at a horizontal spacing of not more than 100 feet and at a vertical spacing of not more than 20 feet. All horizontal gas lines shall terminate at least 100 feet from the exterior slope of the waste mass.

24. Leachate Recirculation The Permittee shall not recirculate leachate within the waste mass unless written approval is granted by the Department.

25. Leachate Tanks Leachate tanks are to be installed and connected to the leachate collection system by June 3, 2019. The Department can grant an extension of this deadline if the Permittee demonstrates to the Department's satisfaction that such an extension is necessary.

26. Leachate Seeps The Permittee shall conduct routine inspections for the presence of leachate seeps. Leachate seeps must be immediately contained within the landfill's collection system and remediated within 48 hours.

27. Cover Materials The Permittee shall not place waste within a cell, or area, which has been capped without the prior removal of the final or intermediate cover materials.

28. Windblown Debris Windblown debris and litter shall be controlled. Windblown debris and litter not confined to the working face shall be removed on a daily basis. However, following the winter season, the Permittee shall be given up to 21 calendar days to remove windblown debris that has accumulated in areas which are not accessible during the winter months. The clean-up shall be completed by no later than May 1, unless an alternative schedule has been approved, in writing, by the Department.

29. Medical Waste Collection, Storage and Transfer Facilities a) All storage and transfer operations shall be conducted in accordance with 6 NYCRR Subpart 365.

b) Permitted activities are limited to the delivery, unloading, packaging and reloading of medical waste delivered to the storage/transfer from residential sources, medical waste separated from other solid wastes and recyclable materials, and medical waste from the Town of Colonie Emergency Medical Services Department.

c) The Permittee shall notify the Department whenever an unscheduled medical waste storage/transfer facility shutdown occurs for more than 24 hours. Within 72 hours of shutdown, a written report of the incident shall be submitted to the Region 4 Materials Management Engineer.

d) All manuals, plans, and operations pertaining to medical waste storage and transfer shall be maintained and updated upon renewal of the permit or whenever a modification is proposed. Any modification of the medical waste storage/transfer operations shall be submitted in writing prior to its implementation.

e) In addition to any reporting requirements required by this permit and 6 NYCRR Part 365, a copy of any reports or modifications pertaining to the Medical Waste, Collection, Storage, and Transfer Facility shall be submitted to the NYSDEC, Division of Materials Management, 625 Broadway, Albany, NY 12233-7253.



f) All regulated medical waste received at the facility shall be packaged and labeled in accordance with 6 NYCRR Part 364 prior to storage at the facility or transfer off-site. Medical waste previously packaged shall not be opened and consolidated at the facility. Off-site transfer shall only be conducted by transporters permitted by the Department.

g) On-site disposal of regulated medical waste is prohibited.

h) No hazardous waste, toxic drug waste or radiologically contaminated medical waste shall be accepted at the Medical Waste, Collection, Storage and Transfer Facility.

i) All regulated medical waste transported off-site shall be weighed and accompanied by a Medical Waste Tracking Form.

30. Radiation Detector A fixed radiation detection unit must be installed at a location appropriate to monitor all incoming waste by May 1, 2018. The investigation alarm of the unit must be set at least two times but no higher than five times the background radiation levels at the site. Background radiation readings at the facility must be taken at least daily. Field checks of the detector utilizing a known radiation source must be performed at least weekly. The detector must be calibrated at least annually, unless more often calibration is recommended by the manufacturer, and documentation of the calibration must be maintained at the facility.

31. Covered Vehicles The Permittee shall not accept the delivery of waste or cover material at the facility by vehicles that are not covered or enclosed. Vehicles must remain covered until entering the active working face area.

32. Scale Maintenance The scale must be calibrated at least quarterly and certified annually by Albany County Weights and Measures.

33. Landfill Closure Grant Prior to the commencement of any construction activities related to the Area 7 expansion over any portion of Area 4, the Permittee shall repay, to the Department, all grant funds received under the Landfill Closure Grant Program for the closure of Area 4.

34. Noise Monitoring Noise monitoring must be conducted at a minimum of once per week at all receptor locations. Sound level measurements must be retained on-site and made available for Department review upon request. Temporary sound reduction barriers must be placed in all areas of the site where noise levels exceed those found in Part 6 NYCRR Part 360.19(j).

35. Construction Meetings By May 1, 2018 the Permittee shall hold weekly meetings at the landfill to discuss updates to construction and operations at the site.

36. Notification of Construction Inspections The Department shall be notified at least 24 hours before any scheduled final inspection of the final lift of clay and the geomembrane liner.

37. Notification of Sampling The Department shall be notified, in writing, a minimum of five (5) business days in advance of the quarterly groundwater and/or leachate sampling.



38. Notification of Changes The Permittee shall notify the Department through the quarterly landfill report whenever changes in operations 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 one year. This condition does not exempt the Permittee from obtaining any of the necessary permit modifications required for such changes.

39. Notification of Commencement of Activity The Department shall be notified a minimum of five (5) days prior to commencement of major portions of on-site construction and testing activities. The notice shall identify the quality assurance engineer, inspector/monitor and/or contractor, stating each person's responsibilities and qualifications (unless previously received by the Department) and specifying the chain of command for the inspectors and contractors performing onsite work. Major portions of onsite construction and testing activities include, but are not limited to:

- preparation and testing of the subgrade
- the placement and testing of the clay liner
- installation and testing of the geosynthetic liner(s)
- construction of leachate drainage layers, the leachate collection and removal system piping, manholes, and conveyance lines.

40. Construction of Subsequent Phases At least 30 days prior to the commencement of the construction of any subsequent phase of the landfill, the Permittee shall submit to the Department for its review and approval, new drawings and/or updates to any of the approved plans.

41. Acceptance of Waste No waste may be accepted in any particular phase at the facility until written acceptance of the Construction Certification Report (CCR) has been provided by the Department.

42. Odor Complaint Reports Monthly reports shall be submitted to the Department detailing all complaints received by the hotline described in Condition #18. At a minimum the report shall include the following complaint information: Date, Time, Weather Conditions, Location, Time of Odor, Type of Odor, and Response Results.

43. Quarterly Landfill Reports Environmental Monitoring Quarterly Reports shall be submitted to the Department no later than 90 days following the end of each reporting period. The Permittee shall analyze groundwater in accordance with 363-4.6(f)(9)(ii), except that baseline parameters shall be replaced with expanded parameters found in 363-4.6(h) Table 3A and Table 3B; and parameters detected in the expanded parameters analysis shall be added to all subsequent rounds of sampling until otherwise approved by the Department. Waste tonnage quarterly reports shall be submitted to the Department within 7 days following the end of the reporting period.

44. Contingency Plan The Permittee shall conduct an annual written review of the Contingency Plan which is to be included in the facility's annual report. Should any element of the Contingency Plan become unavailable or inoperative, the Permittee shall submit a revised plan for Department review and approval within 60 days of the identification of such condition.

45. Leachate Sampling Sampling of the primary leachate collection and removal system shall be performed in accordance with the latest Department approved Environmental Monitoring and Site Analytical Plan for that particular area, and in accordance with 6 NYCRR Part 363-4.6(f)(8)(iii).



46. Leak Detection System Liquid flows from Area 5's, Area 6's, and Area 7's secondary leachate collection and removal system (leak detection system) shall be monitored daily, during days of operation. Monthly summaries shall be submitted to the Department within 15 calendar days following the end of each month. Leachate detection values shall be reported on a 30 rolling day average. The liquid flow data and summaries shall also be included in the Quarterly Landfill Reports.

47. Corrective Actions The Permittee shall take all reasonable steps to minimize or correct all significant, adverse impacts on human health or the environment which result from facility operations. Any such information shall be reported verbally, or by email, within 24 hours of the time the Permittee becomes aware of the circumstances and in writing within seven (7) calendar days, unless a more stringent time frame has been approved by the Department in the Approved Plans, in which case, the more stringent time frame would apply. As an example, this would include any leachate observed outside the landfill's double composite liner system.

48. Construction Certification Reports A Construction Certification Report (CCR) for the construction of each phase of the landfill, the gas collection system, and the final cover shall be submitted to the Region 4 Materials Management Engineer within 45 days of completion of construction. The Permittee's Supervising Engineer shall certify in writing that the construction was in accordance with this permit and the design in the Engineering Report, and tested in accordance with 6 NYCRR Part 363. The CCR shall also include "As Built" plans and a report documenting the results of all testing. The CCR shall be signed and stamped by a NYS Licensed Professional Engineer.

49. Tree Planting By July 1, 2018 the Permittee shall submit a tree re-planting plan to the Department, for review and approval, to off-set the carbon sequestration value, plus an additional 20%, of the trees cut down due to the Area 7 construction. The re-planting plan shall not include any tree plantings that have already been planned by the Town of Colonie or required as part of its land use approval process. Trees shall be a minimum of 5' tall, and have a successful transplant rate of 80% after 3 years. Within the next planting season of the Department approval of the tree re-planting plan, the Permittee shall complete all plantings in accordance with the approved plan.

50. Archaeological Monitoring Archaeological monitoring shall take place in the vicinity of the Fonda Cemetery. If any human remains are encountered, the Permittee shall implement the Human Remains Discovery Protocol prepared by the New York State Historic Preservation Office, dated June 2015.

51. Lift Placement Each successive vertical lift shall be phased in a manner that will screen daily operations from off-site receptors through the use of berms to be placed along the perimeter of the lift area.

52. Seeding As areas of the landfill are completed and closed, areas shall be revegetated with a mix of native grasses and herbaceous vegetation. Mowing of completed areas shall be limited a maximum of two times per year.

53. Closure and Post-Closure Requirements Twelve (12) months prior to the date that the landfill will cease accepting waste, the Permittee shall submit a landfill closure and post-closure plan pursuant to the requirements in 6 NYCRR Part 363-9 (landfill closure, post-closure, and custodial care criteria) shall be submitted to the Department for review and approval.



54. Closure Plan The final closure elevation contours of the facility shall not exceed those shown on the plans submitted in accordance with Condition #3.

55. Financial Assurance The Permittee shall provide financial assurance for closure and post-closure operations, environmental monitoring and maintenance as required by 6 NYCRR 360.22.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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.

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.

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 4 Headquarters
1130 N Westcott Rd
Schenectady, NY12306

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.

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.

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.

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.



**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION**

1. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

2. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

4. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

5. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.