

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5

1115 State Route 86, PO Box 296, Ray Brook, NY 12977-0296

P: (518) 897-1234 | F: (518) 897-1394

www.dec.ny.gov

January 28, 2019

George Eades  
CFSWMA  
828 County Route 20  
Constable, NY 12926

**Re: CFSWMA Regional Solid Waste  
DEC #5-1699-00003/00005  
Facility ID # 17LS0001  
Westville and Constable (T) Franklin County**

Dear Mr. Eades:

Enclosed please find your renewed Solid Waste Management Permit issued pursuant to Article 27, Title 7 of the Environmental Conservation Law, and Part 6 NYCRR 360, for Franklin County Regional Landfill.

Please read the conditions attached to the permit and feel free to contact Patrick Kane, at 518-897-1241, if you have any questions about the permit.

Sincerely,



Erin L. Burns

Deputy Regional Permit Administrator

ELB:EMD  
enclosures

ec:

Patrick Kane, DEC  
Kevin Wood, DEC  
Michelle Crew, DEC  
Richard Onufer, Constable Supervisor  
Rod Lauzon, Westville Supervisor



Department of  
Environmental  
Conservation



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
COUNTY OF FRANKLIN SOLID WASTE  
MGMT AUTH  
828 CO RTE 20  
CONSTABLE, NY 12926  
(518) 483-8270

**Facility:**  
CFSWMA REGIONAL SOLID WASTE  
DISPOSAL FAC  
828 CO RTE 20  
CONSTABLE, NY 12926

**Facility Location:** In MULTIPLE TOWNS in FRANKLIN COUNTY

**Facility Principal Reference Point:** NYTM-E: 551.936 NYTM-N: 4980.051  
Latitude: 44°58'19.2" Longitude: 74°20'28.9"

**Authorized Activity:** Construction & operation of a municipal solid waste landfill in accordance with 6 NYCRR Part 360, this permit & the approved permit application documents (See special condition number 3). This permit authorizes operation of Cells 1, 2, 3, 4, and 5 and future entitlement/operation for cells 6 and 7 of the Phase I Expansion. The operation of the landfill is limited to the disposal of a maximum of 125,000 tons of municipal solid waste in any calendar year and is also limited to the disposal of a maximum of 690 tons of municipal solid waste on any operating day. The approved design capacity for the landfill is 600 tons/day. The maximum amount of Alternative Operating Cover is limited to 25% of the annual maximum tonnage.

**Permit Authorizations**

**Solid Waste Management - Under Article 27, Title 7**

Permit ID 5-1699-00003/00005

(Solid Waste ID 17LS0001)

Renewal

Effective Date: 1/29/2019

Expiration Date: 1/28/2024

**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: ERIN L BURNS, Deputy Regional Permit Administrator

Address: NYSDEC Region 5 Headquarters  
1115 NYS ROUTE 86  
PO BOX 296  
RAY BROOK, NY 12977 -0296

Authorized Signature: Erin L. Burns

Date 1/28/19



**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 Stearns & Wheler Environmental Engineers & Scientists, and Barton and Loguidice, P.C. on dates as shown in the 'Permit Application Documents' condition number 3.

**2. Submissions** Unless otherwise specified, all submissions required by this permit shall be made in duplicate to the Region 5 Office of the Department of Environmental Conservation (Route 86, Ray Brook, NY 12977), to the attention of the Regional Materials Management Engineer.

**3. Permit Application Documents** All construction and operation shall be in strict conformance with the provisions of this permit, 6 NYCRR Part 360, and the following documents:

- a. County of Franklin Solid Waste Management Authority Regional Landfill Cells 1-4 Permit Application Documents, prepared by Stearns & Wheler Environmental Engineers & Scientists, dated July 1992 and revised February 1993, as follows:
  - i. Permit Application and Related Documents;
  - ii. Engineering Report;
  - iii. Other Permit Reports.
- b. County of Franklin Solid Waste Management Authority Regional Landfill Phase I Expansion – 6 NYCRR Part 360 Permit Application Documents, prepared by Barton and Loguidice, P.C., dated July 2013 and revised December 2013, as follows:
  - i. Engineering Report;
  - ii. Appendix B: Construction Quality Assurance/Construction Quality Control Manual;
  - iii. Appendix C: Operations & Maintenance Manual
  - iv. Appendix D: Contingency Plan;
  - v. Appendix E: Supporting Landfill Design Calculations and Data;
  - vi. Appendix E: Hydrogeologic Report;
  - vii. Permit Drawings for the Regional Landfill Phase I Expansion, Sheets 1-27.
- c. County of Franklin Solid Waste Waste Management Authority Regional Landfill Facility Manual; dated November 2018, revised January 2019.



#### 4. Approved Variances from 6 NYCRR Part 360

- a. A variance from Part 360-2.13(d) with regard to the requirement for a minimum separation of five (5) feet between the base of the constructed liner system and the seasonal high groundwater table for the landfill is granted in accordance with 6 NYCRR Part 360-1.7(c). This variance applies to the entire site.;
- b. A variance from Part 360-2.13(p), deleting the 12 inch thick gas venting layer as part of the landfill cap, is granted in accordance with 6 NYCRR Part 360-1.7(c). This variance applies to Cells 2, 5, 6, and 7.;
- c. A variance from Part 360-2.13(r)(2)(iii), to reduce the thickness of the barrier protection layer in the landfill cap from 24 inches to 18 inches, is granted in accordance with 6 NYCRR Part 360 1.7(c). This variance applies to Cells 2, 5, 6, and 7.

#### 5. Landfill Construction Requirements

- a. Notification: The Permittee shall notify the Department [Region 5 Office, Ray Brook (518) 897-1242] at least five (5) days prior to:
  - I. Pre-Construction Conference;
  - ii. Commencement of on-site construction;
  - iii. Commencement of soil liner placement;
  - iv. Commencement of geomembrane liner placement;
  - v. Commencement of testing of liner system leakage rate.
- b. Future construction of cells 6 and 7 of the Phase I Expansion will require the following:
  - i. Construction drawings for each subsequent cell of landfill development shall be prepared and submitted to the Department for review and approval. Upon approval of these construction drawings, the permittee may begin construction. At the completion of construction, the permittee shall submit a construction certification report, in accordance with 6 NYCRR Part 363-6.19, to the Department for approval. The construction certification report shall ensure that all construction of the cell was performed in accordance with the Department approved construction drawings. The ALR testing shall not be conducted while the ground is frozen;
  - ii. Sixty days (60) days written notice of intent to initiate construction, including a schedule of construction activities;
  - iii. Approval of the engineering plans and report by the Department if any substantive changes to the approved documents are proposed;



- iv. Subsequent landfill development must demonstrate compliance with the design, construction and closure/post closure requirements pursuant to the regulations in effect at the time of the subsequent development;
- v. The construction notification requirements in special condition 5.a. apply to each subsequent cell construction.

**6. Operation Requirements** Operation (placement of waste) in newly constructed cells shall not occur until the permittee has received Department approval, in writing, of the construction certification report for that cell. The operation of the facility shall be in strict conformance with the provisions of this permit, 6 NYCRR Part 360, and the permit application documents referenced in special condition 3 above. In the event of a conflict between any of the permit application documents referenced in special condition 3, the most recent document shall control.

**7. Landfill Disposal Restrictions** The permittee shall restrict the disposal of the following: source separated recyclables, septic tank pumpings, pesticides and chemicals, explosives, sealed containers, scrap metal, waste oils, vehicular batteries, untreated medical waste, green waste, radioactive wastes, liquid waste (<20% solids), junked vehicles, hot ashes, regulated hazardous waste, Chlorofluorocarbon containing appliances, tires, e-waste, and mercury containing devices.

**8. Comprehensive Recycling Analysis (CRA)** The Permittee must not accept solid waste that originates in a municipality that has not completed a Comprehensive Recycling Analysis (CRA) satisfying the requirements of 6 NYCRR Part 360.11 unless: either another municipality prepares an approved CRA and the CRA addresses the waste stream of that municipality, or a local solid waste management plan which addresses 6 NYCRR Part 360.11 has been approved.

The Permittee must not accept solid waste that originates from a municipality that has not implemented a recyclables recovery program detailed in an approved CRA and which meets the requirements of 6 NYCRR Part 360.11(a)(5).

**9. Mandatory Source Separation** The Permittee must not accept solid waste that originates from a municipality that has not implemented a mandatory source separation law for recyclables.

**10. Environmental Monitoring Plan** Installation and sampling of monitoring wells for future Cell Nos. 6 and 7 must be completed in accordance with section 2.1.3 of the EMP (September 2018), and commence at least one year prior to operation of that portion of the landfill, Waste may not be placed into Cell Nos. 6 and 7 until the existing water quality database for that cell has been approved by the Department.



**11. Construction and Demolition (C&D) Debris Landfill Cell** The initial Permit to Construct included conditioned approval to construct a separate C&D debris cell which the Authority has not constructed. The location of this cell was 400 feet to the East of Cell 4. Any future construction of a C&D debris cell at this facility will require approval of construction drawings for this cell by the Department and must be in accordance with the regulations in effect at the time of construction.

**12. Reports**

- a. An Annual Report in accordance with 6 NYCRR Part 360.19(k)(3), must be submitted to the Department no later than sixty (60) days after the first day of January of each year.
- b. A Water Quality Monitoring Report shall be submitted to the Department within ninety (90) days after each scheduled quarterly sampling event.
- c. Updated groundwater contour maps for the overburden and bedrock units must be included with each quarterly and annual water quality monitoring report. These maps must cover the active and inactive landfill footprint, and must characterize the influence of the groundwater suppression system on site hydrogeology. The report must also contain a brief narrative that summarizes any significant changes in groundwater elevations or flow directions. This requirement may be reduced at the Department's discretion.

**13. Surety** The Permittee must maintain adequate surety or financial responsibility to ensure that the amount of funds assured is sufficient to cover the cost of closure, post-closure care, and corrective action in accordance with the requirements of 6 NYCRR Part 360.22. The Permittee shall maintain accurate and current records which shall be available for inspection by DEC staff during normal business hours. In accordance with 360.22(b)(3), the Authority must annually adjust their closure cost estimates for inflation and submit a copy of the adjusted estimate to the Department.

**14. Solid Waste Management Plan- Waste Exportation Contingency Plan** The Authority will implement the waste exportation contingency plan under the conditions specified in the approved Solid Waste Management Plan (SWMP).

**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 5 Headquarters  
1115 NYS ROUTE 86  
PO BOX 296  
RAY BROOK, NY 12977 -0296

**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.