

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

[www.dec.ny.gov](http://www.dec.ny.gov)

December 23, 2024

S.A. Dunn and Company, LLC  
c/o Curt Taylor  
Waste Connections  
209 Partition Street Extension  
Rensselaer, NY 12144  
[Curtis.taylor@wasteconnections.com](mailto:Curtis.taylor@wasteconnections.com)  
*Transmitted electronically and hard copy*

RE: **Part 360 Solid Waste Management Facility Permit  
Article 27 Mined Land Reclamation Permit**  
Dunn Mine and C&D Debris Landfill  
DEC ID# 4-3899-00006  
209 Partition Street Extension  
City of Rensselaer, Rensselaer County

Curt Taylor,

Enclosed please find a renewed and modified Part 360 Solid Waste Management Facility permit and a renewed and modified Article 27 Mined Land Reclamation permit for the Dunn Mine and C&D Debris Landfill facility located at 209 Partition Street Extension in Rensselaer, NY. Both permits become **effective December 23, 2024 and expire December 22, 2027** and are valid for only those activities authorized. Also enclosed please find a yellow plastic permit sign which should be posted in a conspicuous location at the mine site.

Please be advised that the Uniform Procedures Act (6 NYCRR Part 621.10(h)) provides that an applicant may request an adjudicatory proceeding if a permit is denied or is issued with significant conditions attached. Any such request must be made in writing within 30 calendar days of the date of the mailing of either the notice of denial or the permit with conditions. The request must be addressed to the Regional Permit Administrator at the letterhead address. The permittee must also submit a copy of the written request for adjudicatory proceeding to the Chief Administrative Law Judge at NYSDEC Office of Hearing and Mediation Services, 625 Broadway Albany, NY 12233-1550. The adjudicatory proceeding with commence within 60 days of the Chief Administrative Law Judge's receipt of the request.

Issuance of the enclosed permits does not eliminate the need to obtain any other federal, state, or local permits or approvals that may be required for this project.

If there are any questions on the activities authorized under the enclosed permits or your obligations for compliance, please let me know.

Sincerely,



Kate Malcolm  
Regional Permit Administrator



Department of  
Environmental  
Conservation

Encls: 2024.12.23 Part 360 SWMF Permit Renewal and Modification  
2024.12.23 Article 27 MLR Permit Renewal and Modification  
Mining Sign

cc: Jeff Burrier, Waste Connections [Jeffery.burrier@wasteconnections.com](mailto:Jeffery.burrier@wasteconnections.com)  
Corey Judd, Waste Connections [Corey.judd@wasteconnections.com](mailto:Corey.judd@wasteconnections.com)  
Michael Murphy, Beveridge & Diamond PC  
NYSDEC Office of General Counsel  
NYSDEC Office of Environmental Justice  
NYSDEC Division of Materials Management  
NYSDEC Division of Mined Land Reclamation  
NYSDEC Division of Air  
NYSDEC Division of Water



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

**Permit Issued To:**

SA DUNN & COMPANY LLC  
209 Partition St Ext  
Rensselaer, NY 12144  
(518) 650-6106

**Facility:**

DUNN MINE AND C&D DEBRIS FACILITY  
209 Partition St Ext  
Rensselaer, NY 12144

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

**Facility Principal Reference Point:** NYTM-E: 604.371 NYTM-N: 4722.678

Latitude: 42°38'58.2" Longitude: 73°43'36.2"

**Authorized Activity:**

Continued operation and modification of an existing sand and gravel mine and construction and demolition debris (C&D) landfill, for which a previous permit has been issued under Article 23, Title 27 (Mined Land Reclamation) and Part 360 (Solid Waste Management) of the ECL. Crushing, screening, and washing continue to be permitted in the mine area. The Life-of-Mine totals 71.07\* acres, which will be converted from mining operations to C&D disposal in 10 phases. The final capped area of the landfill is 62.1 acres. Final reclamation approval is contingent upon each landfill phase being excavated and graded to its permitted extent, the installation of the landfill liner system, and the permittee receiving authorization to place C&D debris within each phase by the NYSDEC Division of Materials Management.

\* The Life-of-Mine has been reduced by 2.27 acres and the final reclamation grades within the northern portion of the mine have been updated to account for construction of a mechanically stabilized earthen berm along the northern perimeter of the site.

All work shall be performed in accordance with the approved plans and permit conditions listed herein.

#### Permit Authorizations

**Mined Land Reclamation - Under Article 23, Title 27**

Permit ID 4-3899-00006/00001

(Mined Land ID 40346)

Renewal Effective Date: 12 / 23 / 2024

Expiration Date: 12 / 22 / 2027



**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: Kate Malcolm  
Address: NYSDEC Region 4 Office  
1130 North Westcott Road  
Schenectady NY 12203

Authorized Signature: K. Malcolm

Date: 12 / 23 / 2024

**Permit Components**

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED

PERMITS NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**MINED LAND RECLAMATION PERMIT CONDITIONS**

**1. Conformance With Plans** 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 plans were approved by the Department on various dates, and consist of the following items:

Documents prepared by Civil & Environmental Engineering, Landscape Architecture and Land Surveying, PLLC:

- A. Letter that proposes to add 4.8 acres of land formerly owned by the City of Rensselaer to the Life of Mine, dated 4/1/2016;
- B. Revised MLUP, dated March 2016;
- C. Reclamation Plan Excavation Limits, dated June 2016;
- D. Revised Dust Control Plan, dated September 2018, and last revised in November 2021;
- E. Mined Land Use Plan, dated January 2022;
- F. Existing Mined Land Use Plan map, dated January 2022;
- G. Reclamation Plan Excavation Limits, dated January 2022;



- H. Reclamation Plan Final Grades C&D Facility (Figure 4), dated January 2022;
- I. Reclamation Plan Final Grades C&D Facility (Figure 5), dated January 2022;
- J. Reclamation Plan Profile, dated January 2022;
- K. Topsoil Inventory Map, dated January 2022;
- L. Letter entitled, "Supplemental Response to March 30, 2022 Notice of Incomplete Application", dated 9/8/2022;
- M. Letter entitled, "Supplemental Response to January 17, 2023 Notice of Incomplete Application", dated 4/14/2023.

**2. Special Conditions Supersede** If any of the above referenced plans or documents conflict, the plan with the most recent date is to apply. If there are differences between the approved plans and the Special Conditions of this permit, then the Special Conditions of this permit shall supersede the above referenced plans.

**3. Facility Hours** The facility is limited to the following hourly restrictions:

- A. Acceptance of vehicles containing C&D debris:  
Monday through Friday from 8:30 AM to 4:30 PM. Per calendar month the Permittee can accept up to two vehicles containing C&D debris between 4:30 PM and 6:00 PM, provided prior written notification is provided to the Regional Materials Management Engineer.
- B. Acceptance of vehicles that will transport sand and aggregate from the site:  
Monday through Friday from 8:30 AM to 4:30 PM.
- C. Acceptance of vehicles and heavy equipment for the purpose of leachate hauling and deliveries:  
Monday through Friday from 8:30 AM to 6:00 PM.
- D. Facility Operation:  
Monday through Friday from 7:00 AM to 6:00 PM. The facility shall not operate on Saturdays, Sundays, and legal federal holidays.

For the purpose of this condition:

- Facility Operation is defined as waste-placement activities, cover-related activities, landfill-related construction activities described in items A, B, and C above, or any activity that requires the use of heavy equipment.
- Heavy equipment is defined as compactors, haul trucks, and any vehicle with tracks or more than two axles.
- Deliveries referenced in item C above do not include vehicles associated with transport of C&D debris.

**4. Truck Traffic** The facility is limited to the following:

- A. The facility is limited to 70 truck roundtrips per day, which includes 70 inbound truck trips and 70 outbound truck trips.
- B. The facility may receive 10 zero-emission vehicle roundtrips per day in addition to the 70 truck roundtrips per day.



For the purpose of this condition:

- A truck roundtrip is defined as any truck, excluding light duty vehicles used primarily for the transport of personnel, that enters and leaves the facility. Only trucks capable of carrying more than 2.5 cubic yards count towards this limit and must be reported per below.
- By the 28th of each month, the permittee shall submit a truck report which provides a daily summary of the previous month, to the Regional Permit Administrator. The report must contain the daily number of roundtrips by vehicle type, including but not limited to: C&D vehicles, zero-emission vehicles, sand and aggregate vehicles, delivery vehicles, leachate vehicles, and other “heavy equipment” as defined in this permit.

- 5. Environmental Monitor** An account to fund an environmental monitor will be established by the Department on the effective date of this permit in accordance with the facility's Part 360 Solid Waste Management Permit.
- 6. Complaint Hotline** The Permittee shall establish and maintain a 24-hour complaint telephone and email reporting system "hotline" that shall provide simultaneous notice to the Permittee and Department. The Permittee shall commence an investigation of all complaints, including but not limited to odor, dust and noise complaints, called or emailed into the reporting system within one hour of receiving the complaint, and diligently pursue such investigation and report results of the investigation to the Department within 48 hours.
- 7. Clean Vehicles** All vehicles must be thoroughly cleaned of sand and any other debris prior to leaving the facility.
- 8. Covered Vehicles** The permittee shall not accept the delivery of material at the facility by vehicles that are not covered or enclosed. All vehicles accessing the facility must be covered.
- 9. Dust Control** Water or other approved dust palliatives must be applied to haulage ways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the property.
- 10. Barriers to Restrict Access** The permittee shall construct substantial barriers to motor vehicle access, to be utilized when the facility is not operating, in order to prevent illegal dumping or damage to areas reclaimed or undergoing reclamation.
- 11. Back-up Alarms** Mining equipment must be equipped with back-up alarms which will activate only when infrared sensors detect personnel in the vicinity of the equipment.
- 12. Stabilize Haul Roads** A minimum of 4 inches of crushed stone shall be applied to all haulage ways where there is evidence of erosion or unsafe conditions. Culverts shall be constructed as needed to prevent erosion or unsafe conditions.



- 13. Tracked Materials** The surface of any paved road that intersects with the entrance/exit to the facility and the entrance/exit areas shall be kept free of any spilled or tracked materials which can cause dust, slippery conditions or any other unhealthy or unsafe condition.
- 14. Visual Screening** There shall be no disturbance to any trees or other vegetation surrounding the site that are needed to visually screen the operation, except that which is discussed in the approved plans.
- 15. No Unpermitted Discharge Outside Limits of Mine** There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.
- 16. No Undermining of Topsoil Resources** There shall be no undermining of topsoil, subsoil or overburden needed for reclamation that have been stored in stockpiles and perimeter berms for use in reclamation. The active face shall remain far enough away from these resources to make possible the safe recovery of these materials by heavy equipment.
- 17. Mining Below Approved Grades** There shall be no mining below the grades shown on the approved maps and cross sections in any area of the site. There shall be no backfilling in order to achieve final grades, except as shown in areas on the approved Reclamation Plan Excavation Limits map, Civil & Environmental Engineering, Landscape Architecture and Land Surveying, PLLC, dated January 2022.
- 18. New Mining Areas** No new mining areas may be affected until the solid waste financial surety has been received and accepted.
- 19. Maintain Area Markers for Permit Term** The permittee shall provide permanent markers such as stakes, posts, or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.
- 20. Construction Changes** The permittee shall notify the Region 4 Regional Permit Administrator in writing in case of any development during construction that warrants a change in the approved mining or reclamation plans.
- 21. Cover Material** Cover material utilized at reclamation shall be sufficiently fertile and retain enough moisture to sustain the required plantings. The reclamation shall not be accepted if there is evidence of weed cover or gully erosion.



- 22. Phase Operation** No waste shall be placed in a phase prior the Department's approval of the CCR for that phase.
- 23. Blasting** Blasting is prohibited.
- 24. Strip and Stockpile Soils for Reclamation** Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation unless prior approval is granted by the Department.
- 25. MSE Berm Construction Noise Monitoring** Berm construction activities occurring during hours that Rensselaer City School District is in session will require daily noise measurements at Locations 6 and E identified within the "S.A. Dunn Mine and C&D Landfill MSE Berm Construction Noise Assessments" document prepared by Aurora Acoustical Consultants Inc., dated 4/13/2023. Noise equipment must be maintained and calibrated per manufacturer requirements. Daily noise measurements and records of equipment calibration must be maintained by the facility and shall be provided to the Department upon request. If any measured sound levels exceed 61.4 dBA at either of these locations, then a functional continuous vertical noise attenuation barrier, which must be a minimum 12 feet in height, must be installed on the northern and northeastern perimeter of the berm during construction activities.
- 26. Evergreen Plantings on Top of MSE Berm** Evergreen shrubs must be planted along the top of the MSE Berm, in accordance with the planting plan detail within the approved Mined Land Use Plan, prepared by Civil & Environmental Engineering, Landscape Architecture and Land Surveying, PLLC, dated January 2022. If the evergreens do not survive, they must be replaced with live shrubs within one growing season.
- 27. Reclamation Contingency** Should the construction of the C&D landfill not continue until final build-out, any remaining areas that were affected by mining or mining related activities shall be completely reclaimed in accordance with the approved reclamation plans, including the replacement of 6" of topsoil originating from the uppermost 6 inches of soils from the A Soil Horizon.
- 28. Reclamation of Area to be Removed from Life of Mine** The portion of the 2.27-acre area that is proposed to be removed from the Life of Mine that has been affected by previous mining activity and is undergoing reclamation must achieve 75% vegetative coverage by the summer of 2025.
- 29. Fueling of Equipment and Reporting of Spills** Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials





shall be reported to the Department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the Department's Spill Response number for immediate access in the permittee's office and at the mine site.

**30. Air Pollution Control Permit** An Article 19 (Air Pollution Control) permit must be obtained prior to the use of the following processing facilities at the mine:

- A. Permanent facilities capable of processing greater than 25 tons/hour of minerals.
- B. Mobile (portable) facilities capable of processing greater than 150 tons/hour of minerals.

**31. Document Repository** The permittee must maintain a copy of all application materials, plans, reports, and permits at the landfill site and make these documents available to any representative of the Department. The permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360 regulations.

**32. Bond, Surety to Remain in Force** Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.

**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



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Facility DEC ID 4-3899-00006**

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 Road  
Schenectady, NY 12306

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Mined Land Reclamation.

**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.

<b>NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS</b>
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**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.



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

**Permittee and Facility Information**

**Permit Issued To:**

SA DUNN & COMPANY LLC  
209 Partition Street Ext.  
Rensselaer, NY 12144  
(518) 650-6106

**Facility:**

DUNN MINE AND C&D DEBRIS FACILITY  
209 Partition Street Ext.  
RENSSELAER, NY 12180

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

**Facility Principal Reference Point:** NYTM-E: 604.371      NYTM-N: 4722.678  
Latitude: 42°38'58.2" Longitude: 73°43'36.2"

**Authorized Activity:**

Continued operation and modification of an existing sand and gravel mine and construction and demolition debris (C&D) landfill, for which a previous permit has been issued under Article 23, Title 27 (Mined Land Reclamation) and Part 360 (Solid Waste Management) of the ECL. Crushing, screening, and washing continue to be permitted in the mine area. The Life-of-Mine totals 71.07\* acres, which will be converted from mining operations to C&D disposal in 10 phases. The final capped area of the landfill is 62.1 acres. Final reclamation approval is contingent upon each landfill phase being excavated and graded to its permitted extent, the installation of the landfill liner system, and the permittee receiving authorization to place C&D debris within each phase by the NYSDEC Division of Materials Management.

\* The Life-of-Mine has been reduced by 2.27 acres and the final reclamation grades within the northern portion of the mine have been updated to account for construction of a mechanically stabilized earthen berm along the northern perimeter of the site.

All work shall be performed in accordance with the approved plans and permit conditions listed herein.

**Permit Authorizations**

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

Permit ID 4-3899-00006/00006

(Solid Waste ID: 42LC9901)

Renewal    Effective Date: 12 / 23 / 2024

Expiration Date: 12 / 22 / 2027



**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: Kate Malcolm  
Address: NYSDEC Region 4 Office  
1130 North Westcott Road  
Schenectady NY 12306

Authorized Signature: K. Malcolm

Date: 12 / 23 / 2024

**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 or applicant's agent on various dates.
  
- 2. Approved Solid Waste Plans** The approved 6NYCRR Part 360 plans consist of:
  - A. DEIS Volumes 1-4, prepared by CT Male Associates, PC, dated 12/14/11;
  - B. Modification Application, C&D Landfill Permit Construction Drawings with 5/20/14 Construction Drawings, which includes Phase 1 Construction Drawings dated 5/30/14, Amended Engineering Report dated 7/11/14, and Amendment No. 1 to Stormwater Pollution Prevention Plan dated 6/20/14;
  - C. Minor Permit Modification Application, Phase 2 and 3 Baseline Construction, submitted by Civil & Environmental Engineers, PLLC, on 4/3/15, revised on 7/21/15;
  - D. Application for Footprint Modification, dated March 2016, and Facility Footprint Modification Full EAF dated March 2016, as revised by letters dated 6/28/16 and 6/29/16;
  - E. Permit Modification Plans Proposed Operational Sequencing, dated July 2021, revised



October 2021;

- F. Part 360 Permit Application, prepared by Civil & Environmental Engineering, Landscape Architecture and Land Surveying, PLLC, dated January 2022;
- G. Documents submitted in accordance with Special Condition #3 Updated Documents.

**3. Updated Documents** The Permittee must submit updated design plans, specifications, and other applicable engineering documents that demonstrate compliance with the Part 360 and 363 regulations effective July 22, 2023. The Permittee must receive Department approval of the updated documents prior to commencing any related construction.

**4. Special Conditions Supersede** If any of the above referenced plans or documents conflict, the plan with the most recent date is to apply. If there are differences between the approved plans and the Special Conditions of this permit, then the Special Conditions of this permit shall supersede the above referenced plans.

**5. Facility Hours** The facility is limited to the following hourly restrictions:

- A. Acceptance of vehicles containing C&D debris:  
Monday through Friday from 8:30 AM to 4:30 PM. Per calendar month the Permittee can accept up to two vehicles containing C&D debris between 4:30 PM and 6:00 PM, provided prior written notification is provided to the Regional Materials Management Engineer.
- B. Acceptance of vehicles that will transport sand and aggregate from the site:  
Monday through Friday from 8:30 AM to 4:30 PM.
- C. Acceptance of vehicles and heavy equipment for the purpose of leachate hauling and deliveries:  
Monday through Friday from 8:30 AM to 6:00 PM.
- D. Facility Operation:  
Monday through Friday from 7:00 AM to 6:00 PM. The facility shall not operate on Saturdays, Sundays, and legal federal holidays.

For the purpose of this condition:

- Facility Operation is defined as waste-placement activities, cover-related activities, landfill-related construction activities described in items A, B, and C above, or any activity that requires the use of heavy equipment.
- Heavy equipment is defined as compactors, haul trucks, and any vehicle with tracks or more than two axles.
- Deliveries referenced in item C above do not include vehicles associated with transport of C&D debris.

**6. Truck Traffic** The facility is limited to the following:

- A. The facility is limited to 70 truck roundtrips per day, which includes 70 inbound truck trips and 70 outbound truck trips.
- B. The facility may receive 10 zero-emission vehicle roundtrips per day in addition to the 70 truck roundtrips per day.



For the purpose of this condition:

- A truck roundtrip is defined as any truck, excluding light duty vehicles used primarily for the transport of personnel, that enters and leaves the facility. Only trucks capable of carrying more than 2.5 cubic yards count towards this limit and must be reported per below.
- By the 28th of each month, the permittee shall submit a truck report which provides a daily summary of the previous month, to the Regional Permit Administrator. The report must contain the daily number of roundtrips by vehicle type, including but not limited to: C&D vehicles, zero-emission vehicles, sand and aggregate vehicles, delivery vehicles, leachate vehicles, and other “heavy equipment” as defined in this permit.

**7. Environmental Monitor** An account to fund an environmental monitor will be established by the Department on the effective date of this permit in accordance with and subject to the following terms and conditions:

- A. Commencing with the Department fiscal year ending March 31, 2021, the environmental monitor shall be on a fulltime basis.
- B. 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.
- C. 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.
- D. 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.
- E. 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 consider 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.
- F. 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.
- G. 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.

- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. Notwithstanding anything contained in this Special Condition 7 to the contrary, the continuation of the environmental monitor beyond March 31, 2021 shall be in accordance with and subject to Commissioner Policy 64, 6 NYCRR Subpart 360.20(a), and the terms and conditions stated in this Special Condition 5. For any Department fiscal year after March 31, 2021, the Department will evaluate the continued need for an environmental monitor at the facility in conjunction with all applicable facts and circumstances, including but not limited to Permittee's on-going facility development and compliance activities, the Department's regulatory requirements, Permittee's record of cooperation with the Department, the commitment of administrative resources, and Permittee's other activities and operations that may affect human health and the environment. Such evaluation by the Department will include consideration of potential reduction in the hourly





commitment of the monitor and the potential replacement of the monitor with an agency employee based upon all applicable facts and circumstances. Prior to the Department making a determination regarding the continuation or reduction of environmental monitoring services for any Department fiscal year after March 31, 2021, Permittee may submit a written position statement for the Department's consideration addressing the environmental monitoring services. The submission of such position statement and the Department's consideration of the same shall not be construed to restrict the Department's jurisdiction or authority under or pursuant to Commissioner Policy 64 or 6 NYCRR Subpart 360.20(a).

- 8. Environmental Monitor Office** The Permittee must provide adequate climate-controlled office space that is designated for use by the environmental monitor during operating hours.
- 9. Complaint Hotline** The Permittee shall establish and maintain a 24-hour complaint telephone and email reporting system "hotline" that shall provide simultaneous notice to the Permittee and Department. The Permittee shall commence an investigation of all complaints, including but not limited to odor, dust and noise complaints, called or emailed into the reporting system within one hour of receiving the complaint, and diligently pursue such investigation and report results of the investigation to the Department within 48 hours.
- 10. Clean Vehicles** All vehicles disposing of waste must be thoroughly cleaned of debris prior to leaving the facility.
- 11. Covered Vehicles** The permittee shall not accept the delivery of material at the facility by vehicles that are not covered or enclosed. All vehicles accessing the facility must be covered.
- 12. Litter Control** Wind-blown litter shall be confined to the working face area of the landfill. Litter or debris outside this area must be picked up daily and deposited in the landfill.
- 13. Dust Control** Water or other approved dust palliatives must be applied to haulage ways and other parts of the mine, as often as necessary, to ensure that dust is effectively controlled so that it does not constitute a nuisance as determined by the Department.
- 14. Approved Waste** Only construction and demolition debris, as defined in 6 NYCRR Part 360.2(b)(62) shall be accepted and disposed of at this facility.
- 15. Unauthorized Waste** All unauthorized waste received at the facility shall be removed from the facility and transported to a properly authorized disposal facility.
- 16. Waste Inspection** All incoming loads of waste shall be inspected prior to or during unloading to identify and reject unacceptable wastes.
- 17. Comprehensive Recycling Analysis** The permittee shall not accept at the facility solid waste which was generated within a municipality that has either not completed a comprehensive



recycling analysis (CRA) or is not included in another municipality's CRA (satisfying the requirements of 6NYCRR Part 360.11) which has been approved by the Department and has implemented the recyclables recovery program determined to be feasible by the analysis.

- 18. Construction Certification Reports** A Construction Certification Report (CCR) for the construction of each phase of the C&D landfill, the gas collection system and the final cover shall be submitted to the Region 4 Office. 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 360. 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.
- 19. Cell Operation** No waste shall be placed in a cell prior the Department's approval of the CCR for that phase.
- 20. Notification of Commencement of Construction Activity** For each phase of construction, the DEC Region 4 Office shall be notified a minimum of three (3) 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.
- 21. Construction Inspections** The DEC Region 4 Office shall be notified at least 24 hours before any scheduled final inspection of the final lift of clay and the geomembrane liner so appropriate Department staff have the ability to accompany the permittee or his designated representatives performing the Construction Quality Assurance inspections prior to installation of the next overlaying layer.
- 22. Construction Changes** The permittee shall notify the Region 4 Office in writing in case of any development during construction that warrants a change in the approved engineering plans. Changes materially altering the permitted design and/or approved specifications must be approved in writing by the Department before they are implemented. All changes shall be noted in the engineer's daily construction logs and summarized in the CCR.
- 23. Financial Surety** The permittee must submit an updated instrument of financial assurance in accordance with Part 360.22 within 180 days of the effective date of this permit.



**24. Disadvantaged Community Fund** Pursuant to Section 7(3) of the Climate Leadership and Community Protection Act, Chapter 106 of the laws of 2019, the facility owner or operator shall complete the following to further prioritize reduction of greenhouse gas and co-pollutant impacts within the Disadvantaged Community:

Within 60 days following the effective date of this permit, the facility owner or operator shall submit to the Department documentation that \$150,000 has been deposited into an escrow account for the purpose of establishing the Disadvantaged Community Benefit Fund (DCBF) described below.

Within 180 days following the effective date of this permit, the facility owner or operator shall prepare and submit to the Department for approval, a Disadvantaged Community Benefit Fund Plan (DCBF Plan), which shall include, at minimum, the following:

- A. A description of the DCBF;
- B. A disbursement timeline describing the date by which no less than \$50,000 annually for three years will be disbursed to the selected and approved DCBF Project(s), as well as the date and manner in which the facility will submit documentation to the Department of such disbursements; and reflecting that, prior to the expiration date of this permit, all of the escrowed sum of \$150,000 shall be disbursed to the selected project(s) as described in the Department approved DCBF Plan; and
- C. A detailed community engagement plan describing how the facility will obtain a recommendation from the community of its preferred off-site project(s) to reduce greenhouse gas and/or co-pollutants in the impacted disadvantaged community.

If the Department disapproves the DCBF Plan, it shall notify the facility owner/operator in writing and shall specify the reasons for its disapproval. Within the greater of thirty (30) days or the time frame set forth in that written notification, the facility owner/operator shall submit a revised DCBF Plan to the Department that addresses and resolves all the Department's stated reasons for disapproving the initial DCBF Plan. The DCBF shall be in addition to any such fund or project the Permittee already intends or is committed to perform or is otherwise legally required to perform. The DCBF must comply with all applicable laws, regulations, and other legal requirements.

Within 15 days following the community's issuance of its preferred project(s) recommendation, the facility shall submit the DCBF project recommendation to the Department for approval. The Department has final approval on appropriate disbursement of funds from the DCBF.

Failure to fund the escrow account as described above, provide an approvable DCBF Plan or revised DCBF Plan by the deadline, to implement the approved DCBF Plan by the dates set forth in such plan, or disburse the funds prior to the expiration date of this permit shall be grounds for enforcement action and/or the suspension or revocation of this permit as described in 6 NYCRR Section 621.13 for noncompliance with the terms and conditions of this permit.



## 25. VEGETATIVE BARRIER FEASIBILITY REPORT

Pursuant to the Climate Leadership and Community Protection Act, Chapter 106 of the laws of 2019, the facility owner or operator shall complete the following to further prioritize reduction of greenhouse gas and co-pollutant impacts within the Disadvantaged Community:

Within 180 days following the effective date of this permit, the facility owner or operator shall prepare and submit to the Department for approval a Vegetative Barrier Feasibility Report describing an evaluation of the feasibility of installing a vegetative barrier along Partition Street to further reduce impacts on the Disadvantaged Community from mobile sources accessing the facility. The feasibility report shall also describe: the process the facility owner or operator followed to request input from the City of Rensselaer and/or other property owners and obtain all required approvals; a species planting plan including milestones to establish viability, maintenance and replacement requirements; cost estimate and funding mechanism; a maximum timeline for implementation of the vegetative barrier at any location where it is found to be feasible.

### 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.