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Associate

January 15, 2016

Dennis P. Harkawik, Esq.  
Regional Attorney  
New York State Department  
of Environmental Conservation  
Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414

Re: Lockwood Hills LLC Consent Order Case No. R8-201407 10-47

Dear Mr. Harkawik:

This letter responds to the Department's January 11, 2016 letter related to Consent Order Case No. R8-201407 10-47 (the "Order"), which requested that Lockwood Hills LLC ("Lockwood"): (1) install flow monitoring equipment designed for measuring leachate flow; and, (2) provide two copies of the alternatives analysis that was previously prepared. As we discussed on January 13, 2016, Lockwood will install the leachate flow monitoring system as requested by the Department, and will provide two copies of the alternatives report.

Due to the need to complete the leachate flow monitoring program before the leachate management system can be designed, Lockwood is requesting that the Department amend the Order by modifying Paragraph III.B, and, approve of the attached schedule for implementation of the leachate flow monitoring program.

**Leachate Flow Monitoring Plan**

Lockwood understands that the Department is concerned over the lack of leachate flow data obtained through continuous monitoring, the potential for variability in leachate flow rates at Lockwood, and the need to have accurate leachate flow information in order for an appropriate leachate management system to be designed and installed. To obtain this data, Lockwood's consultant Daigler Engineering, P.C. ("Daigler") suggests that leachate flow measurements be recorded continuously over at least a one-year period, and preferably a two-year period, to provide a data set that is more likely to capture the potential leachate flow variability.

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To obtain the total leachate flow rates to the leachate pond, Daigler has determined that the two leachate influent pipe drains need to be retrofitted with flow metering stations. Daigler has begun to prepare the plan for the leachate flow monitoring system, including the design, drawings and specifications, and expects to have this information finalized and submitted to the Department by January 29, 2016.

### **Modification of the Order**

As we discussed, in order to complete the leachate monitoring program and use the data obtained to design the leachate management system, the date contained in Paragraph III.B of the Order must be amended. Lockwood, therefore, requests that the following language from Paragraph III.B of the Order be deleted.

... “, which schedule shall require implementation be completed no later than October 1, 2016”

If the Department requires a completion date to be included in the Order, Lockwood alternatively would request that the date contained in Paragraph III.B of the Order be modified to “December 31, 2018”. The December 31, 2018 completion date was determined based on the attached schedule and the other Paragraph III requirements, which will continue to be applicable.

Lockwood also requests that the Department approve the attached schedule for implementation of the leachate monitoring program, and that Attachment A (enclosed) and the following language be added to the Order as Paragraph III.B.1:

Lockwood Hills shall submit a plan for a leachate flow monitoring system, install and monitor the system, and submit a revised Report in accordance with the schedule contained in Attachment A of this Order.

As provided in the “Standard Provisions,” changes to the Order require a written order from the Department. Therefore, please accept this letter as a request for a written order from the Department modifying the language contained in Paragraph III.B of the Order.

### **Alternatives Report**

As discussed, the alternatives report, which the Department’s January 11, 2016 letter requested copies of, is in a form that is not suitable for sharing. Therefore, Lockwood is in the process of working with Daigler to review this report, and revise where necessary. Lockwood expects to be able to provide copies of the report to the Department within the next few weeks.

Based on the discussion above, Lockwood requests that the Department amend the Order by modifying the language of Paragraph III.B to provide the time necessary to complete the leachate flow monitoring program.

Dennis P. Harkawik  
January 15, 2016  
Page 3

Please contact me if you have any questions or would like to discuss Lockwood's request further.

Thank you for your time and attention to this matter.

Very truly yours,

  
Danielle E. Mettler-LaFeir

Enclosure

**Attachment A:**  
**Proposed Leachate Flow Monitoring Program Schedule**

By January 29, 2016

Lockwood submits a plan for a leachate flow continuous monitoring system to NYSDEC for approval

Within 60 days from NYSDEC approval of leachate flow monitoring plan

Installation of leachate monitoring system to be completed

For one year from completion of leachate monitoring system installation

Leachate monitoring program implementation, flow data continuously collected

Within 45 days of completion of one year of leachate flow monitoring

Lockwood submits leachate monitoring and analysis report to NYSDEC for approval

Within 4 months from NYSDEC approval of the leachate monitoring analysis report

Lockwood submits a revised engineering report to NYSDEC for approval, which will detail Lockwood's proposed plan to manage leachate

Within 6 months from NYSDEC approval of the Engineering Report

Lockwood submits engineering plans, specifications and a schedule for installation to NYSDEC for approval

(as provided in paragraph III.C. of the Order)

Lockwood Hills LLC  
Consent Order Case No. R8-201407 10-47

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