

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 8
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July 10, 2017

Sent Via Email

Danielle E. Mettler – LaFeir, Esq.
Barclay Damon
2000 HSBC Plaza
100 Chestnut Street
Rochester, New York 14604

Re: Second Amendment of Schedule contained in the Lockwood Hills LLC
Consent Order Case No. R8-20140710-47

Dear Ms. Mettler-LaFeir:

This letter responds to your letter to me dated June 12, 2017, memorializes our discussions following my receipt of the letter, and amends certain aspects of the scheduling portions of the captioned Consent Order. This amendment of the captioned Consent Order is caused by the impact of a drought during much of 2016 on the collection of leachate flow data over the past year. We believe that the low rainfall, snowfall and resulting leachate flowrate data that you have provided indicate that collection of an additional year of leachate flowrate data is prudent. If the leachate management system is designed using drought-caused low leachate flowrates, the system may be inadequate to handle more typical flowrates. The following changes will be made to the current schedule found in the captioned Consent Order, as amended on February 24, 2016:

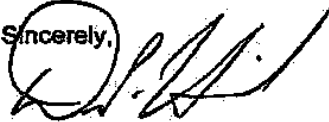
- (1). In paragraph III.A. of the Consent Order, leachate collection by Lockwood Hills is extended until November 30, 2018.
- (2). In paragraph III.E of the Consent Order, the schedule for implementing all necessary work shall show completion of the work no later than November 1, 2019.

No other changes are made to the schedule in the captioned Consent Order, as amended on February 24, 2016.



Please have the appropriate person acknowledge acceptance of the Lockwood Hills LLC Consent Order amendments discussed above by signing below. Please let me know if you have any questions about the changes to the Consent Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis P. Harkawik", written over a circular stamp.

Dennis P. Harkawik
Regional Attorney

cc: Scott Foti
Greg MacLean
Yasmin Guevera

Acceptance of changes to Lockwood Hills, LLC Consent Order
Case No. R8- 20140710-47

By signing below, Lockwood Hills, LLC hereby agrees to the changes in the captioned Consent Order, which are described in the foregoing letter.



Signature

7/17/2017

Date

Dale Irwin, President

Name (print) and Title

For Lockwood Hills, LLC

Approval of Changes to Lockwood Hills, LLC Consent Order,
Case No. R8-20140710-47

The Department of Environmental Conservation approves the changes to the Lockwood Hills, LLC Consent Order, Case No. R8-20140710-47, described in the attached July 7, 2017 Letter from Dennis Harkawik to Danielle E. Mettler – LaFeir.

Dated: July 20, 2017

Basil Seggos, Commissioner,
New York State Department of
Environmental Conservation

By: 

Paul J. D'Amato
Regional Director