

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Materials Management, Region 7

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March 27, 2019

John Stapleton  
CH4 Generate Cayuga LLC  
7389 County House Road  
Auburn, New York 13021

Subject: NOTICE OF VIOLATION  
Cayuga Regional Digester Permit #7-0552-00065, Activity #06PP0007

Dear Mr. Stapleton:

This Notice of Violation is a follow up to the inspection conducted at the Cayuga Regional Digester on March 11, 2019. During the inspection, the following violations were observed:

1. The facility has accepted fats, oil, and grease (FOG) for processing in the digester which is not authorized under the facility's current permit. The engineering report submitted with the permit modification application dated March 2018 states that FOG could not be accepted unless facility improvements were made to provide proper heating and mixing. The acceptance of FOG constitutes a violation of Permit Condition No. 1, stating that all activities authorized by the permit must be in strict conformance with the permit application, plans and materials prepared by the applicant. The facility may no longer accept FOG until an updated engineering report and permit modification is approved by the Department.
2. Monthly sampling and analysis of the digestate did not take place between the effective date of the modified permit and the end of January 2019. This is a violation of Permit Condition No. 8 and 6 NYCRR Part 361-3.9 Table 1 and 6.
3. February 27, 2019 sample data indicated that Cadmium was less than 10.9 mg/Kg, but the maximum allowable limit is 10 mg/Kg. Compliance for Cadmium could not be verified, which is a violation of Permit Condition No. 8 and 6 NYCRR Part 361-3.9 Table 6. The Department acknowledges that all other parameters analyzed were compliant.
4. Monthly sampling and analysis of the incoming waste and digestate is not being completed to verify 38% volatile solids reduction. This is a violation of Permit



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Condition No. 8 and the vector attraction reduction requirements of 6 NYCRR Part 361-3.7(b)(1)(i).

5. Records are not available to demonstrate pathogen and vector attraction reduction. The Operations and Maintenance Plan Addendum, dated June 2018, states that the digestate would be sampled for fecal coliform and the density of fecal coliform in the digestate product will be less than 1,000 most probable number per gram of total solids (dry weight basis). The facility is currently not complying with the O&M Plan Addendum which is a requirement in Condition No. 1 of the facility's permit, and 6 NYCRR 361-3.7.

On August 15, 2018, the Department received a notification from John Roser, the former operator of the digester, that source separated organics (SSO) would be received from New York City (NYC). As stated in the March 2018 Engineering Report, page 12, requests to accept SSO shall include a description of the waste generator, the volume and type of material to be processed, methods used to separate and minimize the non-organic fractions in the waste, and the methods used to dilute and liquefy the waste. These requests are subject to Department approval. The Department requests the following additional information regarding the SSO received from the Metropolitan Transfer Station, located in Bronx, NY

- assurances that the transfer station is authorized to receive SSO.
- how and why yard waste is removed at the digester,
- what attempts are being made to reduce the amount of incoming yard waste at the transfer station if it is not going to be digested,
- an estimation of the inorganic fraction of the waste (%) received at the facility, and what efforts are being made to reduce inorganic contamination at the source,
- The methods used to remove inorganic material from the SSO at the digester facility,
- Identify any educational materials that the Department of Sanitation of NYC (DSNY) is using to inform residents of what can and cannot be collected through their SSO program.

You are reminded that 6 NYCRR 361-3.3(e)(9) prohibits facilities from accepting wastes that do not positively contribute to the digestion process or the quality of the product. Until the above information is received and approval granted by the DEC, the Cayuga Regional Digester may not accept SSO from the Metropolitan Transfer Station or the DSNY SSO collection program.

On March 11, 2019, Department staff observed a CH4 Generate Cayuga LLC tanker truck delivering digestate to the Hourigan manure storage lagoon located on Maiden Lane Road using a hose placed over the fence. The lagoon has a submerged fill port for offloading liquid digestate and manure into the lagoon. The submerged fill port is designed to minimize odors from the lagoon by reducing exposure to ambient air during filling and by preventing agitation of the lagoon surface. The submerged fill port should be used when delivering digestate to the lagoon.

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The Department will be forwarding a proposed Consent Order to resolve these violations.

If you have any questions, please contact Nicole Smith at (315)426-7517 or [nicole.smith1@dec.ny.gov](mailto:nicole.smith1@dec.ny.gov).

Sincerely,



Thomas E. Annal, P.E.  
Regional Materials Management Engineer

Ecc: Matthew Marko – Regional Director Region 7  
Reginald Parker – Regional Engineer Region 7  
Nicole Smith – DMM Region 7  
Joe Sluzar – Office of General Counsel Region 7  
Ken Brezner – DMM Region 2  
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