

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5400 | F: (585) 226-2830
www.dec.ny.gov

June 15, 2022

Via email <aws7717@ymail.com>

Robert L Mente Jr
County Line MRF LLC
BAAM Properties LLC
71 Bishop Rd
Newfield NY 14867

Re:

County Line MRF
1313 Recycle Lane, Town of Cayuta, Schuyler County
DEC ID# 8-4422-00051/00001
Part 360 Solid Waste Management Facility Permit Application

Dear Mr. Mente,

Enclosed please find your requested Solid Waste Management 6 NYCRR Part 360 permit. The permit for this new facility is to build and operate a solid waste materials recovery facility to receive and process up to 500 tons per day of the waste identified in Special Condition # 7 of the permit based on an average annual throughput at a new facility located at 1313 Recycle Lane in the Town of Cayuta, Schuyler County, NY. You will be required to renew this permit 180 days prior to expiration.

Please review the enclosed permit carefully and understand all of the permit conditions. Take special notice of condition number 22 regarding Financial Assurance, which includes the requirement that you establish a financial assurance mechanism with the Department within 60 days of the permit effective date, and that this mechanism must be continuously maintained throughout the facility's active life.

If you feel the permit contains significant conditions that cannot be met, you may request a hearing by writing to either the regional permit administrator or the chief permit administrator, within 30 calendar days of the date of the mailing of the permit. If any questions arise or if problems develop with the facility during the life of this permit please contact the Division of Materials Management at 585-226-5411.

The Responsiveness Summary will be sent to all commenters under separate cover. If you have any questions regarding the permit, please contact me at the address or phone number above. Thank you.

Sincerely,



Guillermo Saar
Environmental Analyst

enclosure

Cc: Brian Grose, Fagan Engineering
Town of Cayuta
NYSDOT
Greg MacLean, NYSDEC DMM
Michael Miles, NYSDEC DMM
Thomas Haley, NYSDEC DEP



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
COUNTY LINE MRF, LLC
71 BISHOP RD
NEWFIELD, NY 14867

Facility:
COUNTY LINE MRF
1313 RECYCLE LN
CAYUTA, NY

Facility Application Contact:
BRIAN GROSE
FAGAN ENGINEERS & LAND SURVEYORS
PC
113 E CHEMUNG PL
ELMIRA, NY 14904
(607) 734-2165

Facility Location: in CAYUTA in SCHUYLER COUNTY

Facility Principal Reference Point: NYTM-E: 360.374 NYTM-N: 4684.408
Latitude: 42°17'57.8" Longitude: 76°41'38.0"

Authorized Activity: Permit to build a materials recovery facility in accordance with the conditions contained herein.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 8-4422-00051/00001 (Solid Waste ID 49YP0016)
New Permit Effective Date: 6/15/2022 Expiration Date: 6/14/2027

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: KIMBERLY A MERCHANT, Deputy Regional Permit Administrator
Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: Kimberly Merchant Date 06/15/2022



Distribution List

BRIAN GROSE
TOWN OF CAYUTA
Schuyler County Legislature
NYS DEPT OF HEALTH
NYS Dept of Transportation
NYS OFFICE OF PARKS REC & HISTORIC PRESERVATION
Materials Management
Water

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign

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 Fagan Engineers titled "Resubmittal with Additional Technical Information and Response to Comments for County Line Materials Recovery Facility", received by the Department on March 19, 2021 with additional technical information received June 6, 2021, and copies of executed easements received on May 18, 2022, with the revised Schulyer County Clerk's cover sheet received on June 15, 2022..

2. Terms of Operation, Approval for Changes Compliance with 6 NYCRR Part 360 et seq. is required. Specific attention is directed to the operational requirements in 6 NYCRR Part 360.19 and Subparts 361-1, 361-5, 362-2 and 362-3. The facility shall also be operated in conformance with:

- a. All terms and conditions of this permit;
- b. Engineering Report, Operations and Maintenance (O&M) Manual and related documents, prepared by Fagan Engineers & Land Surveyors PC, originally dated August 2020 and received by the Department on March 19, 2021 with additional technical information received June 6, 2021;



- c. This approval does not relieve the Permittee from complying with all other applicable Federal, State or local ordinances;
- d. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.

3. Access & Inspection The Permittee shall allow any authorized representative of the Department, upon the presentation of proper credentials, to:

- a. Have access to and copy any records that must be kept under the conditions of this permit;
- b. Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- c. Sample or monitor for the purpose of assuring permit compliance or as otherwise authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location. The Permittee shall have the right to obtain split and/or duplicate samples of any samples taken by the Department.

4. Noise Monitoring Within 45 days of the effective date of this permit, the Permittee shall submit an Operational Noise Monitoring Plan.

The Operational Noise Monitoring Plan shall include the following:

- During the first two-year period of operation, quarterly noise monitoring must be conducted.
- This quarterly noise monitoring must be conducted at the locations identified in section 2.15 of the facility's Operation and Maintenance Manual and shown in the Sound Study plan. These locations must include but are not limited to the following:
 1. Donald Phillips property line study point ("Ambient Sound Testing Location")
 2. David Wheeler property line study point A
 3. David Wheeler property line study point B

5. Authorized Activity The permittee is authorized to receive and process up to 500 tons per day of the waste identified in Special Condition # 7 based on an average annual throughput.

6. Spill Containment The Permittee shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from the activities authorized by this permit. The Permittee shall report any such activity which may endanger human health or the environment to the DEC Region 8 Regional Spill Engineer. Such activities include, but are not limited to, releases of leachate or petroleum products from storage tanks, pipes, containers, and portable tanks to the soil, groundwater, or surface water. Any such information shall be reported orally within two (2) hours from the time the Permittee becomes aware of the circumstances and followed up in writing within seven days. Telephone numbers available for reporting such activities are as follows:

REGULAR BUSINESS HOURS - 585-226-2466
TOLL FREE HOTLINE - 1-800-457-7362



7. Onsite Storage The approved onsite maximum storage for this facility shall be limited to the following:

- a) All delivered material will only be permitted to be unloaded within the building for sorting and processing on the proposed concrete floor. No piles within the facility will exceed 20 feet tall, or 3,200 square feet at its base. All piles will be separated by a minimum of 25 feet. External storage of paper and other recyclables whose marketability may be adversely affected by exposure to the sun or weather conditions is prohibited unless it is stored in covered containers or in a manner otherwise acceptable to the Department. Solid waste separated for recycling must be stored in clearly identified containers or areas, and maintained in a safe, sanitary and orderly manner and in such a manner as to ensure its marketability shall not be adversely affected. Solid waste or separated recyclables shall not be stored at the facility in such a manner that the storage area or solid waste becomes a nuisance or a sanitary or environmental problem.
- b) A maximum of 150 cubic yards of material may be stored inside the sorting building at any one time;
 - A maximum of two (2) loaded vehicles may be stored onsite for a maximum of 48 hours. These vehicles must be covered and stored indoors in a manner that limits odors and vectors.
- c) A total of 500 cubic yards of recovered materials can be located within the 10 roll off containers at any one time. The 10 roll-off containers are depicted in the approved site plan;
- d) Less than 1,000 waste tires may be stored onsite at any one time.
- e) A total of 436 cubic yards of unprocessed wood can be stored on a 3,600-sqft pad;
 - This storage is not to exceed two 30-foot-wide piles with a maximum height of 25 feet and at least a 10-foot separation between the piles.

8. Acceptable Wastes Only the following incoming materials shall be accepted at this facility:

- a) **Municipal Solid Waste (MSW)**; means residential waste, commercial waste, or institutional waste, or any component or combination thereof, excluding construction and demolition debris and biosolids unless they are commingled.
- b) **Construction and Demolition Debris (C&D or C&D debris)**; means waste resulting from construction, remodeling, repair and demolition of structures, buildings and roads. C&D debris includes fill material, demolition wastes, and construction wastes. Materials that are not C&D debris (even if generated from construction, remodeling, repair and demolition activities) include municipal solid waste, friable asbestos-containing waste, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, fuel tanks, containers greater than 10 gallons in size, and any containers having more than one inch of residue remaining on the bottom.



- c) Yard trimmings; means leaves, grass clippings, garden and other plant debris, small tree branches and limbs (less than 4 inches in diameter), aquatic weeds and other similar materials.
- d) Tree debris; means waste consisting of tree and shrub parts, including branches, stumps, and trunks, as well as other similar woody vegetation. Tree debris does not include pallets or dimensional lumber and other similar wood material used in construction.
- e) *Wood debris*; means unadulterated wood pallets and unadulterated wood that originates from wood product manufacturing or other similar sources and does not include construction and demolition debris wood.
- f) Unadulterated wood; means wood products, that are not painted, chemically treated (e.g., pressure-treated wood or treated railroad ties), or manufactured with chemicals such as glues or adhesives (e.g., plywood or particle board).
- g) Source-Separated Recyclables; means recyclables that have been separated from the waste stream at the point of generation pursuant to State or local law or ordinance or a voluntary program where the transporter manages the materials in a source-separated manner.
- h) The following wastes shall not be accepted at this facility:
 - i. any waste that does not conform to the requirements of 6 NYCRR Part 360.19(c), 361-1.5, 361-5.4, 362-2.3, and 362-3.5
 - ii. any intact steel or plastic drums larger than 10 gallon capacity, that has not been crushed and had at least one end removed or has not been shredded;
 - iii. any container which has held hazardous waste and is not empty according to 6NYCRR Part 371.1(h);
 - iv. any container of 5 to 10-gallon capacity unless the containers have been crushed, compacted, or rendered incapable of holding any liquids except that small quantities of dry wastes may be containerized for disposal in this manner;
 - v. any regulated medical waste; and
 - vi. any industrial liquids, sludges, or slurries;

9. Hours of Operation Hours of waste acceptance shall be Monday through Friday 8:00 am to 4:00 pm and from 8:00 am to 12:00 pm on Saturday. Operating hours for material handling, sorting and facility cleaning will be limited until 6:00 pm on weekdays and until 3:00 pm on Saturdays and must comply with Part 360.19 noise requirements. The facility shall not be open or operate on Sundays and major holidays, except in the event of an emergency. Major holidays include New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

10. Signs The permittee shall post signs:

- f) Showing hours of operation and indicating that hazardous waste, industrial waste, medical waste, liquid waste, and asbestos waste are prohibited from being accepted at the facility. The signs shall be located so that they are visible to any vehicles and/or persons approaching the facility;



- g) Telephone numbers to emergency response agencies such as the local police department, fire department, ambulance and hospital. These posted signs must be conspicuously posted in all areas where telephones are available for use at the facility.

11. Waste Handling The permittee shall comply with the following requirements;

- a) Receipt of any materials being delivered to the facility may occur only when an attendant is on duty. Material must only be unloaded within the site boundary;
- b) Public access to the facility and receipt of solid waste or recyclables may occur only when an attendant is on duty.
- c) All loaded incoming and outgoing vehicles must be appropriately covered, enclosed, or otherwise secured, so as to prevent dust and blowing debris. The permittee shall deny entry to any vehicle that does not comply with this condition;
- d) Litter, debris and other nuisances must be limited to the sorting and handling building. The facility must be maintained in a neat and orderly appearance. The facility and all operating vehicles must be maintained to prevent odors and vectors. The permittee shall regularly inspect the facility to determine if actions are needed to address these issues;
- e) On-site roads and other throughways must be passable at all times: The permittee shall regularly inspect the condition of off-site roads which provide immediate access to and from the facility, to determine if dirt, mud or litter from the facility or from vehicles using the facility is being deposited thereon. The permittee shall take such steps as may be necessary to prevent such conditions or to correct them promptly if they develop.
- f) At the close of each operating day, the sorting/tipping floor shall be free from waste and swept clean.
- g) Recovered materials may be stored onsite for up to 60 calendar day from receipt. Bagged bales may be stored for up to 3 days from production.
- h) Roll-off containers being used to store recyclables that are not self-enclosed shall be leak proof and covered with a waterproof tarp at the end of each day.
- i) All activities, including, but not limited to, loading of open-top trailers, unloading, sorting, processing, and storage, shall be performed inside the enclosed building. No solid waste shall be placed outside the approved building unless it is a recovered material that follows Special Condition 10(g).

12. Fire Protection and Detection The permittee shall maintain fire protection and detection equipment in accordance with local laws and ordinances.

13. All solid waste must be ultimately treated or disposed of at a facility authorized All solid waste passing through the transfer facility must be ultimately treated or disposed of at a facility authorized by the Department if in this State, or by the appropriate governmental agency or agencies if in other states, territories, or nations.



No solid waste shall be placed on a vessel without having first received Department approval to do so. That approval will be granted if the operator of the facility, with respect to the solid waste to be loaded aboard the vessel, submits to the Department the following: a certified copy of each permit or other authorization pertaining to the operation of the treatment or disposal facility to which the solid waste will be brought issued by each governmental entity having jurisdiction over that facility; and original letters from each jurisdiction through which that waste will pass, and from each jurisdiction in which that waste will be treated or disposed, stating that it does not object to the solid waste being transported through or treated or disposed of within its jurisdiction.

14. Burning Open burning is prohibited except pursuant to a restricted burning permit issued by the Department. Measures must be taken immediately to extinguish any non-permitted open burning and the Department must be notified that it has occurred.

15. Fill Any incoming waste material received or processed at the facility is prohibited from fill use onsite unless Department approval has been granted.

16. Weighing of Material All solid waste received at the facility must be weighed before unloading. All solid waste and recyclable materials being removed from the facility must be weighed prior to leaving the facility.

17. Control of Nuisance Conditions Odors, dust, insects, vectors, noise, blowing litter, and other potential nuisances shall be adequately controlled at all times. The permittee shall immediately implement any controls required by the Department including cessation of facility operations.

18. Maintenance of Noise Mitigating Trees The permittee is to maintain each of the trees intended to decrease facility sound levels off-site in a healthy condition sufficient for this purpose, including any tree(s) replacement if necessary, for as long as the facility operates. Within 30 days of completion of construction of the work authorized by this permit, the permittee shall submit at least 3 color photographs of the project's tree plantings, taken from different angles, to The DEC project manager at guillermo.saar@dec.ny.gov

All tree plantings shown on the drawings referenced in Condition #1 must be planted prior to commencement of operation of the facility. The plants must become successfully established to the Department's satisfaction which includes, at minimum, the trees must survive through one complete growing season. After one growing season, any mortality exceeding 10 percent must be replanted so that survival exceeds 90 percent. The replanting must replace lost plantings with trees of similar height and efficiency as noise barriers.

19. Noise, Further Actions If the Department determines that noise levels from the site operations reach an unacceptable level, the permittee must take additional measures as directed by Department staff which may include but are not limited to the direction to immediately cease operations of the tub grinder or other equipment and remove said equipment from the site until further notice.



20. Maintenance and Repair of Facility The permittee shall adequately maintain and make repairs to the facility as necessary. This includes any part of the facility, such as doors to buildings; odors and dust controls and equipment; punctures, holes, or other damage to buildings; minimizing the ponding of stormwater; and concrete and/or asphalt pavement that becomes damaged or worn.

The permittee shall undertake all repairs immediately and have all work completed within one week. Repairs related to dust or odor controls must be completed within 24 hours. If the permittee shall provide an acceptable schedule to the Department which shall include a description of the work to be completed and any controls that will be implemented to ensure the facility remains in compliance with this permit, including the cessation of all or part of the facility operations.

21. Recordkeeping Requirements

- h) The facility owner or operator must prepare and file with both the Department's Central Office and the Regional Materials Management Engineer, Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, the most recent applicable annual report forms found on the NYSDEC website no later than March 1 of each year for the previous calendar year. In addition to the complete compiled report, this report must include:
- the total quantity of material received during each month;
 - the maximum storage of material onsite for all separate waste streams;
 - any changes in operation that have occurred in the previous year or proposed for the following year;
 - proof of receipt from the chosen form of most recently approved closure cost and any updates to this amount.
- i) Operational records must be maintained at the facility. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin and the destination of the solid waste transported daily.
- j) The facility owner or operator must record self-inspections as required above in an inspection log. These records must be retained for at least seven years from the date of inspection. At a minimum, they must include the date and time of the inspection, the name of the inspector, a description of the inspection including identifying the specific equipment and structures inspected, the observations recorded, and the date and nature of any remedial actions implemented, or repairs made as a result of the inspection.

22. Financial Requirements Within 60 days of the effective date of this permit, the Permittee shall establish financial assurance in the amount of twenty thousand dollars (**\$20,000**) in accordance with all the requirements of 6 NYCRR Part 360.22. Thereafter, the permittee must maintain the financial assurance in accordance with all applicable regulations. Said financial assurance shall be forfeited to the Department if, at any time, the permittee fails to comply with any and all terms and conditions of this permit and/or 6 NYCRR Parts 360 and 361. Forfeiture shall in no way prejudice the right of the Department to institute further action necessary to ensure full compliance with the terms of this permit and 6 NYCRR Parts 360 and 361.



23. Closure The owner or operator of this facility must upon termination of use including, but not limited to the expiration of the permit to operate, notice of revocation of the permit to operate, denial of the permit to operate, or order of the Commissioner or a court, immediately cease to accept any additional solid waste and remove from the facility for disposal or marketing all solid waste. The facility shall meet the requirements of 6 NYCRR Part 360.21 and be secured to effectively restrict access. The owner or operator must maintain such closure so as to minimize the need for further maintenance and to prevent adverse environmental or health impacts such as but not limited to contravention of surface water and groundwater standards, gas migration, odors, and vectors.

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 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

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.



New York State
Department of Environmental Conservation



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Deputy Regional Permit Administrator

8-4422-00051/00001

Permit Number

Kimberly Merchant

06/14/2027

Expiration Date

NOTE: This notice is NOT a permit