

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 8  
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February 12, 2018

Mr. Michael G Barker  
Supervisor, Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14550

Dear Supervisor Barker,

This will constitute this Department's formal response to the ten recommendations made by the Perinton Conservation Board ("PCB") and sent to us after review by the Town Board. The document was dated January 24, 2018, and we received it the following day. It also responds to the revised recommendation the Town requested that we review relative to enhanced monitoring, which were numbers 2&3 in the January 24<sup>th</sup> document. Finally, I included some additional information regarding requirements for Landfill Operations and requests for information going forward which are in addition to the recommendations made by the Town.

I will address the Town recommendations in the same order as they appear in the January 24<sup>th</sup> document. This response should be read together with the Notice of Violation ("NOV") dated February 2, 2018 (previously provided to you) issued to Waste Management ("WM") as several of the measures recommended by the Town are also demands made upon the company by DEC as described in that Notice.

1. **6 NYCRR 363-7.1(e)(1)** – We concur. See NOV, bullet item 2. As you know, the transition regulations in the Part 360 series modified late last year would not require full compliance with the referenced gas collection requirements until such time as the High Acres permit is modified or renewed, which could be as late as 2023. In December, we sought and received WM's commitment to implementation of these requirements, but the Town's concurrence with the merit of early implementation is helpful and much appreciated.
- 2/3. **Enhanced Monitoring** – On February 9, 2018, DEC received a revised recommendation from the Town and PCB with a request to have it replace recommendations 2&3 from the January 24<sup>th</sup> document. The revised recommendation reads as follows:

Waste Management shall, during its quarterly surface emission monitoring for methane required by its Title V Operating Permit (for the one week period required for each such quarterly monitoring event) use 200 ppm of methane as an Action Level. A reading of 200 ppm methane above background will cause the implementation of the corrective actions and follow-up monitoring as stated in High Acres Title V operating permit (currently required only when the level of 500 ppm is reached). Concurrent with the quarterly surface emission monitoring event,



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continuous hydrogen sulfide monitoring will be performed at monitoring points around the boundary of the Waste Management (High Acres) property at locations to be determined by WM, the Town and the NYSDEC at a later date (for the same one week period per each quarterly monitoring event pursuant to which methane monitoring will be performed). Hydrogen sulfide monitoring at the facility boundary will be performed with an agreed upon sampling device with continuous data logging capabilities during the time the surface scan events are occurring. Hydrogen Sulfide monitoring events in the locations referenced above will be performed each quarter during calendar year 2018 to determine the effectiveness of the mitigation activities under seasonal and variable operating conditions. Monitoring shall continue beyond calendar year 2018 should NYSDEC determine that the mitigation measures to be performed by Waste Management are not achieving the remedial objectives outlined herein. Data will be reported to the NYSDEC and the Town of Perinton, who will make it available to the public.

DEC concurs with the recommendation which, along with the other measures being required of WM, shall be incorporated into the addendum to the Operation and Maintenance Manual which will be submitted per the terms of the NOV. We also note that since the first quarter surface scan is due to be conducted no later than March 31, 2018, it is imperative that a determination of equipment to be used and monitoring locations, which need to cover all directions (East, West, North, and South) around the landfill, be made soon.

4. **Gas collection well monitoring** - We concur. However, as Cells 10 and 11 are the problem cells, we are satisfied with weekly monitoring of the wells in those cells, and twice monthly, rather than weekly, in the cells on the rest of the landfill. We believe that schedule will focus the effort where necessary, while still doubling the current requirement at the remainder of the well locations. This additional monitoring shall continue through the end of 2018, at a minimum.
5. **Updates to the PCB** - We fully support that recommendation, and understand that WM has agreed to the request. Implementation does not require DEC involvement, and we understand that other vehicles, such as the Town's Special Use Permit or renewed Host Community Agreement, are more appropriate for inclusion of this measure.
6. **Suspension of Waste Disposal in Cells 10 and 11** - This will occur as soon as practicable. See NOV, bullet item 3. In order for the gas collection improvements to be effective and draw gas as designed, the newly installed pipes must be surrounded by a lift of waste, after which soils are used to establish the desired slopes necessary for surface water management, slope integrity, etc. Completion of the entire set of remaining tasks will likely take into March. As you probably know, waste placement into Cell 12 has begun, and the "fluff" layer (the use of selective waste for the first lift in order to protect the liner) should be finished soon, which will allow the full waste stream to be deposited there. Finally, to clarify one point, as Cell 12 begins to fill and waste is placed against the slope of cell 11 several months from now, that slope is in Perinton, and the fill progression will take some waste placement back across the town line from Macedon. While we fully expect this odor event to be long resolved by then, we do not want to



mislead anyone into thinking that, based upon the wording of this recommendation by the Town, suspending work at the top of Cells 10 and 11 means no waste will be placed in Perinton in the future. Of course, this will be newly placed waste and subject to the new gas collection and odor control requirements as described in this letter, the NOV, and the permit. Also, the gas collection will be built as they fill, and thus will not require a retrofit or excavation into old waste. This process has been discussed with the PCB and it concurs that the remaining construction and limited placement of waste is a necessary part of the retrofit and improvement to the gas collection system.

7. **Monitoring Program for the nearby schools** - We concur. After discussions with the Superintendent, WM, and the Town representatives, all appear confident that a mutually agreeable program can be worked out for the school locations. DEC staff here and in Albany would be glad to assist if needed, but given the above at this point we are just seeking a status update in the near future. See NOV, bullet item 5.
8. **Vibration Control from Power Plant / Flares**— We concur. See NOV, bullet item 8 regarding vibration control, designed to prevent the type of event experienced on January 2, 2018. Regarding notifications, it is our understanding that WM is discussing with the Town the most efficient means to communicate any significant event to the appropriate Town personnel. WM will continue to provide Community Updates in the event of an issue with that system. We expect the details that are worked out with the Town to be included in the amendments to the Operations and Maintenance Manual which is due to be submitted no later than March 16, 2018 per the NOV.
9. **Back - up Power** - We concur. See NOV, bullet item 9.
10. **Town Q & A resource on its website** – DEC certainly supports anything that will allow the public to access information. As we discussed, development of this recommendation does not require any specific action by DEC.

In addition to the recommendations received from the Town, the NOV requires the completion of the construction activities required by DEC in December, the submission of a design for the placement of additional geo -membrane cover for remaining vulnerable slopes in Cells 10 and 11, the submission of a plan to conduct real time H<sub>2</sub>S monitoring in areas close to the most frequently affected neighborhoods, and the collection and analysis of a sample of landfill gas from the main header, the results of which shall be used in future modelling.

Further, we have requested, by no later than February 20, 2018, a report compiling and reflecting the information collected by Towpath Investigative Services relative to its odor investigation. This will include the data and graphics sufficient for an analysis of the odors detected by that company, areas and neighborhoods impacted and when, and any changes noted over time, either in terms of improvements or the impacts worsening. While that report will certainly not reflect the entire issue or impact, we understand that the company has been visiting the neighborhoods twice per day since just after Thanksgiving, so we felt that DEC, as well as the Town and residents, should have access to that

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information. We have asked WM to continue that effort, and to supplement this report (which should cover from the date the investigation began through January 31<sup>st</sup>) in future weeks.

Finally, and as mentioned in the NOV, we are reserving all rights should further actions beyond those required to date become necessary.

I want to thank you, the Town Board, and the PCB for investing the time and effort to evaluate and recommend meaningful measures to be taken, and for your cooperation and support as we work to ensure a proper resolution to this situation for the residents.

Thank you for your attention to this matter.

Very truly yours,



Paul J. D'Amato  
Regional Director

c: L. Mauro, ESQ. (by Electronic Mail)  
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