

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
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September 25, 2020

Mr. Jeffrey G. Richardson
Sr. District Manager
Waste Management of New York, LLC
425 Perinton Parkway
Fairport, New York 14450

Dear Mr. Richardson:

The New York State Department of Environmental Conservation (DEC) has received a large number of odor complaints from citizens that are attributable to operations at the High Acres Landfill. These complaints have increased markedly in the last two months, and in particular during the month of September to date, DEC has already received approximately 511 odor complaints: 447 from a mobile application system and 64 via the dedicated High Acres Landfill odor complaint hotline.

As part of our rigorous oversight of this facility, DEC staff routinely follow up on specific complaints and make field visits to verify conditions in the areas around the landfill. Many of these complaints and the presence of odors in offsite areas have been confirmed by DEC staff and/or third parties. This situation is wholly unacceptable to us and must be investigated thoroughly and actions taken to address these offsite odors.

Our investigations have noted that certain operational issues associated with maintaining and repairing landfill equipment and systems are believed to be contributing to the generation of odors leading to complaints. For example, DEC staff have noted that mobile misting systems have not always been deployed in appropriate locations downwind from the working face as required in Section 5.6 of High Acre's Odor Control Plan, Appendix A to the Operations and Maintenance Manual. We also see concentrations of complaints relating to management of waste at peak times of days, suggesting that scheduling and operational changes may be necessary.

Waste Management (WM) must take immediate and concrete steps to adjust its operations and optimize its odor control processes at the High Acres Landfill to address and eliminate these odors to the maximum extent practicable. WM must submit an evaluation of the recent increase in complaints and propose a plan to mitigate odors in the surrounding community. I expect this plan to be submitted to the Division of Materials Management program in our Region 8 office by no later than 30 days from receipt of this letter.

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Please be advised that if Waste Management is unable or unwilling to operate this facility in accordance with best practices and in compliance with its permit, DEC will pursue all available legal remedies to ensure that these odor issues are properly addressed.

As noted above, please respond to the DEC by no later than October 28, 2020 with your plan. I look forward to your prompt response and renewed efforts to address these repeat occurrences of offsite odors.

Sincerely,

A handwritten signature in black ink, appearing to read 'Basil Seggos', with a long horizontal line extending to the right.

Basil Seggos
Commissioner