

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 8
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Dear Linda,

Thank you for your letter to Commissioner Seggos dated February 22, 2018. The Commissioner has requested that I further address your concerns. Attached you will find the Revised Surface Emission Monitoring and Ambient Monitoring Work Plan, which we received on March 2, 2018, and a Fact Sheet prepared by DEC.

The reason DEC allowed some time for Waste Management ("WM") to provide details in the plan, which as you know included more than just the ambient monitoring section, was due to the fact that at the time of the NOV, the best approach was still being discussed with the Town of Perinton to ensure their concerns were also being addressed. The intent of the NOV was to require immediate action by WM on specific issues and confirm the need to develop a comprehensive monitoring plan. The NOV implemented several requirements in addition to the ambient sampling, and therefore we did not want to delay its issuance.

With respect to implementation of ambient sampling, please be advised that the monitors are being placed today, with sampling to begin as soon as they are set up, i.e. today or tomorrow. Per our directive to WM, that includes a monitor in all 4 directions as well as at the school. As the Town and WM advised us that they were meeting on February 23rd to address any remaining questions by the Town, we wanted to receive the revised report, and review any modified recommendations, prior to requiring implementation. We are pleased that the Town's concerns have been addressed, and my staff also finds the revised plan acceptable. It is also my understanding that monitoring at the schools has been agreed to by the District and WM as described in the attached report. As you recall, after a discussion with the Superintendent, DEC deferred to the District and their (and your) consultant to arrange for a mutually acceptable program for the school.

The monitors being used are described in the revised plan, and results from all required monitoring will be sent to the Town as well as DEC after receipt by WM, and will be



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available to the public. It would be productive if these results could be compared to any results you or your team have collected in various areas surrounding the landfill. We would be interested in the results you have as we continue to review all relevant information in order to best address this situation.

With respect to the Towpath report, as we advised your client, while DEC was not involved in the retention of the company, once it became known that information existed, I asked that it be compiled into a report. Again, we want to see and share all relevant information. The report's contents are not determinative of any issue, nor will it dissuade us from ensuring that the mandated steps are completed, and the results assessed objectively. To that end, you are aware that we have been deploying additional DEC staff to assist the citizens and respond to complaints received from the neighbors over the weekend(s). The fact that there has been an ongoing issue is not up for debate.

I also want to take this opportunity to provide an update on the status of an additional measure required by DEC in the NOV, i.e. placement of an additional 9 acres of geo-membrane cover on Cell 11. DEC added this requirement to enhance the gas control and lessen the likelihood of future odor issues from that cell. We determined this was an appropriate and more aggressive approach than the original proposal to upgrade the cover with soil, then wait to evaluate its effectiveness. The placement of the piping that will be under the geo-membrane has commenced, and so long as the weather allows for heavy equipment on the slope, work on the gas collection system and the placement of the geo-membrane will continue until completed. We expect completion of this step, absent uncooperative weather, to occur by the end of March. Residents will easily see the implementation of this step as the placement of the black geo-membrane is visible from a distance.

For so long as enough gas is migrating from Cell 11 to cause problems in the neighborhood, and while the mitigative measures at the top of the cell are not yet finished, it is difficult to measure or recognize the merit of the steps that have already been taken. But the residents should be aware that a significant volume of additional gas is being captured by the collection systems installed to date. We look forward, as the residents do, to the coming days when ALL the measures are completed and a full assessment of their effectiveness, and the expected relief for the residents, can occur. Commissioner Seggos has been clear in his message that DEC is committed to seeing this matter to a proper resolution. In addition to all the measures that have been and are being required, DEC has and will continue to have an increased presence at the facility and in the neighborhoods in support of the residents.

Very truly yours,



Paul J. D'Amato
Regional Director

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