

DEC PERMIT NUMBER <b>8-4666-00022/00001</b>
FACILITY/PROGRAM NUMBER(S)  <b>51C03</b>



**PERMIT**  
Under the Environmental  
Conservation Law (ECL)

EFFECTIVE DATE <b>June 28, 2012</b>
MODIFIED <b>January 7, 2013</b>
EXPIRATION DATE(S) <b>June 27, 2017</b>

TYPE OF PERMIT  NEW  RENEWAL  MODIFICATION  PERMIT TO CONSTRUCT  PERMIT TO OPERATE

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5:<br>Protection of Waters                     | <input type="checkbox"/> 6NYCRR 608: Water Quality<br>Certification      | <input checked="" type="checkbox"/> Article 27, Title 7;<br>6NYCRR 360: Solid Waste<br>Management |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Supply                            | <input type="checkbox"/> Article 17, Titles 7, 8:<br>SPDES               | <input type="checkbox"/> Article 27, Title 9;<br>6NYCRR 373: Hazardous<br>Waste Management        |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Transport                         | <input type="checkbox"/> Article 19: Air Pollution<br>Control            | <input type="checkbox"/> Article 34: Coastal<br>Erosion Management                                |
| <input type="checkbox"/> Article 15, Title 15:<br>Long Island Wells                       | <input type="checkbox"/> Article 23, Title 27:<br>Mined Land Reclamation | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37;<br>NYCRR 380: Radiation Control           |
| <input type="checkbox"/> Article 15, Title 27:<br>Wild, Scenic and Recreational<br>Rivers | <input type="checkbox"/> Article 24: Freshwater<br>Wetlands              | <input type="checkbox"/> Other:   |
|   | <input type="checkbox"/> Article 25: Tidal Wetlands                      |   |

PERMIT ISSUED TO <b>LEO DICKSON &amp; SONS, INC.</b>		TELEPHONE NUMBER <b>607-776-7997</b>	
ADDRESS OF PERMITTEE <b>5226 BONNY HILL ROAD, BATH, NY 14810</b>			
CONTACT PERSON FOR PERMITTED WORK <b>PHILIP DICKSON</b>		TELEPHONE NUMBER <b>585-454-6110</b>	
NAME AND ADDRESS OF PROJECT/FACILITY <b>LEO DICKSON &amp; SONS, INC. COMPOSTING FACILITY</b>			
LOCATION OF PROJECT/FACILITY <b>DIXON ROAD</b>			
COUNTY <b>STEBEN</b>	TOWN <b>THURSTON</b>	WATERCOURSE Water Body:	NYTM COORDINATES E N:
DESCRIPTION OF AUTHORIZED ACTIVITY: <b>OPERATION OF A COMPOSTING FACILITY FOR BIOSOLIDS GENERATED FROM THE MUNICIPAL SOURCES SHOWN ON ATTACHMENT A.</b>			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR: Kimberly A. Merchant	ADDRESS 6274 E. Avon-Lima Rd, Avon, NY 14414	
AUTHORIZED SIGNATURE <i>Kimberly A. Merchant</i>	DATE January 7, 2013	Page 1 of 8

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**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee 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.

**GENERAL CONDITIONS**

**General Condition 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.

**General Condition 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.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for 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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 8,  
6274 E Avon-Lima Rd, Avon, NY 14414 (585) 226-2466

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. 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.

**General Condition 5:** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. These approved plans were prepared by: LaBella Associates dated June 2006, January 2007, April 2007 and May 2009.

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## SPECIAL CONDITIONS

For Article 27, Title 7 (Leo Dickson &amp; Sons Composting Facility.)

## SPECIAL CONDITIONS

1. This approval does not relieve the permittee of the responsibility of complying with any applicable federal, state, or local ordinances, regulations, or laws. The facility is responsible for compliance with federal 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge.
2. All activities authorized under this permit shall be conducted in accordance with 6 NYCRR Part 360, the special conditions recited herein, and the report and plans prepared by LaBella Associates described in General Condition 5 above. Where discrepancies exist among the aforesaid documents, these permit conditions and the New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 360 Solid Waste Management Facility Regulations shall control.
3. The Permittee shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from facility operations. 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 verbally 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 – 585-226-5436**

**TOLL FREE HOTLINE (24 hours/day) – 1-800-457-7362**

4. The facility shall accept and compost only biosolids generated from those sources listed in Attachment A of this permit. There shall be no other regulated wastes accepted unless prior written approval is obtained from the Region 8 NYSDEC office. This restriction does not apply to the compost amendment.
5. The maximum capacity of this composting facility is approximately 5.0 dry tons of compost per day.
6. The waste source/biosolids must not exceed the pollutant concentrations found in Table 4 of Section 360-5.10. The column labeled "Monthly Average Concentration" in this table represents the maximum concentration allowed unless the wastes in question are analyzed for the listed parameters a minimum of once per month.

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7. The product must not contain pollutant levels greater than the values found in Table 7 of Section 360-5.10. The addition of soil or other materials to the process or product for dilution purposes is not allowed.
8. Any material added to the process must not contain pollutants in concentrations that exceed the levels found in Table 4 of Section 360-5.10.
9. The product must not contain more than 2% total gross contaminants by weight (dry weight basis).
10. The particle size of the product must not exceed 10 millimeters (0.39 inch), except for wood particles derived from the use of wood chips as a bulking agent or amendment in composting.
11. A compost product must be produced from a composting process with a minimum detention time of 50 days, including active composting and curing. For composting activities at the facility not involving biosolids, an acceptable method must be used that minimizes odor generation and produces a mature product.
12. The product derived from the biosolids composting must be mature and used in a legitimate manner that is acceptable to the Department. The Department may require process operating conditions including, but not limited to, longer aeration time and/or product use restrictions.
13. An information label must be affixed to the product bag or, for bulk distribution, an information sheet or brochure must be provided to the user. The label or information sheet must contain the name and address of the generator of the product; the type of waste the product was derived from; the average metal content of the product and the allowable metal levels (or a location where this information may be obtained); recommended safe uses; restrictions on use; application rates; and storage practices intended to minimize the potential for nuisance conditions and negative surface and groundwater impacts emanating from the storage or use of the product.
14. Surface water drainage must be diverted away from the operating area of the facility.
15. All leachate must be collected and disposed in a manner approved by the Department. All leachate storage facilities must be completely emptied, cleaned, and inspected every 12 months.

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16. The facility must be operated to control the generation and migration of odors and dust to a level that is to be expected from a well-operated facility, as determined by the Department.
17. The operation of the facility must follow acceptable methods of composting which result in the aerobic biochemical decomposition of the organic material received.
18. Non-compostable or non-processible solid waste and unacceptable product must be disposed at least weekly in a manner approved by the Department.
19. The pathogen content of the material must be reduced before it leaves the facility. Alternatives for accomplishing this are described in Part 360-5.5(b)(1). For composting by the aerated static pile method, the compost pile and a temperature of not less 55° Celsius must be maintained throughout the material for a minimum of three (3) consecutive days.
20. One of the vector attraction reduction methods found at Part 360-5.5(b)(2) must be achieved before the material leaves the facility. A method commonly used, from Part 360-5.5(b)(2)(v), requires that the material be treated by an aerobic process for a minimum of 14 days. Throughout that time, the temperature of the material must remain higher than 40 degrees Celsius and the average temperature must be higher than 45 degrees Celsius. Vector attraction reduction methods, except the methods found in subparagraphs 360-5.5(b)(2)(vi) - (viii), must be met either after meeting or at the same time the pathogen reduction requirements are met.
21. Each biosolids source must be analyzed separately and the frequency for analyses is determined by the number of dry tons handled from that generator, as outlined in Table 3 of section 360-5.10. The parameters to be analyzed are found in Table 1, Group A and Group B, of section 360-5.10. Each sample shall be a composite of five (5) grab samples and must be representative of the sludge to be composted. With the exception of pH and total solids, all results must be reported on a dry weight basis. The analyses must comply with the applicable criteria found in subparagraph 360-5.5 (a)(1)(ii). The Department may reduce the number of analyses if the product quality so warrants.
22. The product/compost must be analyzed at least twelve (12) times per year for the parameters found in Table 8 of Section 360-5.10. With the exception of pH and total solids, all results must be reported on a dry weight basis. The analyses must comply with the applicable criteria found in subparagraph 360-5.5 (a)(1)(ii), including sampling, methods, protocol, holding times, etc.

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23. Sufficient monitoring data must be obtained to demonstrate compliance with the pathogen and vector attraction reduction requirements in subdivision 360-5.5(b). The frequency and type of monitoring necessary will depend on the methods employed to achieve pathogen and vector attraction reduction, and must be approved by the Department. Temperature monitoring must, at a minimum, be conducted on a daily basis.
24. The Permittee must submit an annual report to the Department's Central Office (Division of Materials Management, 625 Broadway, Albany, NY 12233) and to The Region 8 Office (Division of Materials Management, 6274 East Avon-Lima Road, Avon, NY 14414) no later than March 1 of each year, covering operations for the previous calendar year. The report must be on forms prescribed by or acceptable to the Department and must include:
- All information and analyses required by Section 360-5.5;
  - The type and quantity of waste and other materials/bulking agents being processed, including the source of the material;
  - Process operational information including monitoring data and significant facility operational problems, including any actions taken to correct such problems;
  - For facilities that accept biosolids, the following certification statement, which must be signed by an authorized representative of the facility and indicate the name and title of the individual signing:
 

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements in Subpart 360-5 of 6 NYCRR Part 360 has been prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."
  - The quantity, by weight and volume, of product generated at the facility and the quantity of product and other solid waste, including unacceptable product, removed from the facility; and
  - A description of the end-product distribution and disposal methods.
25. Amendments or modifications to this facility or permit must be approved in writing by the New York State Department of Environmental Conservation prior to implementation.

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26. The above conditions shall be subject to change in the event that they become inconsistent with future modifications of the rules and regulations of the New York State Department of Environmental Conservation.

**END OF PERMIT SPECIAL CONDITIONS**

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**ATTACHMENT A**

## SOLID WASTE MANAGEMENT FACILITY 51C03

BIOSOLIDS GENERATED FROM THE FOLLOWING SOURCES MAY BE ACCEPTED FOR COMPOSTING CONTINGENT ON MEETING THE REQUIREMENTS OF SPECIAL CONDITIONS #6 AND #21 OF THIS PERMIT.

Addison, NY., Village of:	WWTP
Bath, NY., Village of :	WWTP
Canistota, NY., Village of:	WWTP
Castile, NY., Village of :	WWTP
Cayuga Heights, NY., Village of:	WWTP
Conesus Lake NY., County Sewer Dist.	WWTP
Dryden, NY., Village of:	WWTP
Knoxville PA., Borough of:	WWTP
Montour Falls, NY., Village of:	WWTP
Nelson PA., Township:	WWTP
Perry, NY., Village of:	WWTP
Sabinsville PA., Village of:	WWTP
Trumansburg, NY., Village of:	WWTP
Owego, NY., Town of:	WWTP
Warsaw, NY., Village of :	WWTP
Watkins Glen, NY., Village of:	WWTP
Waverly, NY., Village of:	WWTP
Wayland, NY., Village of :	WWTP
Westfield, PA., Borough of:	WWTP
Whitney Point NY., Town of:	WWTP

BIOSOLIDS GENERATED FROM THE SOURCES LISTED BELOW MAY BE ACCEPTED FOR COMPOSTING ONLY AFTER THE DEPARTMENT HAS RECEIVED AND REVIEWED A NEW ROUND OF ANALYTICAL TEST RESULTS FOR THE WASTE. THE TESTING AND ANALYTICAL RESULTS MUST MEET THE REQUIREMENTS FOUND IN SPECIAL CONDITIONS #6 AND #21 OF THIS PERMIT.

Alfred NY., Village of:	WWTP
Elkland PA., Borough of:	WWTP
Nunda, NY., Village of:	WWTP
Portville, NY., Village of:	WWTP

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**End of Attachment A**  
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