

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 8
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February 24, 2016

Via Email

Danielle E. Mettler – LaFeir, Esq.
Barclay Damon
2000 HSBC Plaza
100 Chestnut Street
Rochester, New York 14604

Re: Amendment of Schedule contained in the Lockwood Hills LLC
Consent Order Case No. R8-20140710-47

Dear Ms. Mettler-LaFeir:

This letter follows-up our telephone discussion this afternoon, whereby I agreed to extend the deadline stated in ¶B below to March 15, 2016. No other changes have been made in the schedule contained in my February 23, 2016 letter to you. The changes to the captioned Consent Order that I listed in my February 23, 2016 letter to you are repeated below with the March 15, 2016 deadline change.

Sections A, B and C of Paragraph III of the captioned Consent Order shall be replaced with the following sections:

A. By January 29, 2016, Lockwood Hills shall submit to the Department a plan to install leachate flow meters. [Lockwood Hills has already submitted this plan on January 29, 2016]. Lockwood Hills shall install leachate flow meters pursuant to the plan within 60 days of approval off the plan by the Department, but not later than May 1, 2016. Note: the Department is prepared to approve the plan submitted on January 29, 2016 once Lockwood Hills incorporates into its plan or otherwise incorporates the comments provided by the Department in a February 11, 2016 email from Frank Ricotta to James Daigler (the "2/11/2016 email"). The email is enclosed with this letter. Lockwood Hills shall collect leachate flow data for one calendar year following installation and calibration of the meters.

B. By March 15, 2016 Lockwood Hills shall submit to the Department detailed engineering design documents for segregating stormwater from leachate at the landfill. The report shall be consistent with the conceptual design provided to the Department by Lockwood Hills on February 3, 2016, and shall include the items requested by the Department in the 2/11/2016 email. Lockwood Hills shall implement the engineering report within six months of the report's approval by the Department, but not later than November 1, 2016.

C. Lockwood Hills shall submit a leachate monitoring and analysis report to the Department within 45 days of completion of one year of leachate flow monitoring and data



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collection.

D. Within 3 months after the Department approves the leachate monitoring and analysis report, Lockwood Hills shall submit a revised engineering report to the Department for approval, which shall detail Lockwood Hill's plan to manage leachate and remediate the leachate pond. The engineering report shall comply with comments provided by the Department in November 30, 2015 and January 11, 2016 letters to you concerning the September 14, 2015 engineering report submitted to the Department.

E. Within 6 months after the Department approves the engineering report, Lockwood shall submit to the Department for approval detailed engineering plans and specifications for managing leachate and remediating the leachate pond, as well as a schedule for implementing the necessary work. The schedule will show completion of all necessary work no later than November 1, 2018.

Sections D, E and F in paragraph III in the captioned Consent Order shall not be changed except to be redesignate them as sections F, G and H.

Paragraph IV in the captioned Consent Order is replaced with the following paragraph:

Within 60 days of obtaining Department approval of the detailed engineering plans and specifications for managing leachate and remediating the leachate pond, Lockwood Hills shall submit to the Department for approval a detailed written estimate of the cost of performing all work specified in the approved engineering report and plans and specifications. Once the estimate is approved by the Department, Lockwood Hills shall establish a financial assurance mechanism within a reasonable amount of time in a form consistent with 6 NYCRR §360-2.19(e), in an amount no less than the written estimate approved by the Department. Any financial mechanism established under this provision must be approved by the Department and may be terminated by Lockwood Hills once the Department approves the submission required in ¶III.G of the captioned Consent Order as amended by this letter. Should Lockwood Hills be unable or unwilling to timely perform all of the compliance activities required by the Consent Order, the Department shall have the option of using this financial assurance mechanism to fund such activities.

Please have the appropriate person acknowledge acceptance of the Lockwood Hills LLC Consent Order amendments discussed above by signing below. Please let me know if you have any questions about the changes to the Consent Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. P. Harkawik', written over a circular stamp or mark.

Dennis P. Harkawik
Regional Attorney

Harkawik, Dennis P (DEC)

From: Ricotta, Frank (DEC)
Sent: Thursday, February 11, 2016 2:26 PM
To: James Daigler; bethany@jadenvegr.com
Cc: Foti, Scott J (DEC); Rodabaugh, Scott (DEC); Harkawik, Dennis P (DEC); DMettler@barclaydamon.com
Subject: Lockwood Hills LLC, Stormwater Separation and Leachate Flow Monitoring Plans

To: James Daigler

After discussions between Daniell Mettler-LaFeir and Dennis Harkawik, I have been asked to communicate directly with your firm regarding the above-referenced submittals.

The concept presented for the separation of stormwater and leachate is okay but there are no meaningful details such as design calculations, pipe profiles, or control structure drawings to make a more complete determination. Submit the drawings and design calculations for stormwater facilities, including pipe sizing and locaton, pond sizing, detention/retention expectations for water quality and discharge velocity control. Provide a stormwater management pollution prevention plan for sediment and erosion control during construction. The project shall comply with the *NYS Standards and Specifications for Erosion and Sediment Controls* and the *2015 Stormwater Management Design Manual*. These documents are available for downloading at the DEC website www.dec.ny.gov/chemical/8694.html.

Show new pipe profiles in relation to the ground surface and underground structures such as existing pipes and utilities. Provide drawings in sufficient detail for construction for the control structures that are junction points for joining flow from different stormwater pipes. Show stormwater flow direction and topographic contours of drainage swales.

The monitoring for leachate flow describes an approach that satisfies the needs identified in DEC's previous letter. However, it is the responsibility of the design engineer to insure that the equipment selected meets the stated objectives. This specific application should be reviewed with the equipment manufacturer's representative and be certified as being able to perform the flow monitoring under the specifics of the field conditions. Provisions should be made to check the meter calibration and recalibrate as needed during the monthly inspections.

Acceptance of changes to Lockwood Hills, LLC Consent Order, Case No. R8-20140710-47

By signing below, Lockwood Hills, LLC hereby agrees to the changes in the captioned Consent Order, which are described in the foregoing letter.



Signature

2/25/2016

Date

Dale Irwin, vice president

Name (print) and Title

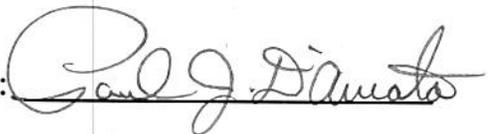
For Lockwood Hills, LLC

Approval of Changes to Lockwood Hills, LLC Consent Order,
Case No. R8-20140710-47

The Department of Environmental Conservation approves the changes to the Lockwood Hills, LLC Consent Order, Case No. R8-20140710-47, described in the attached February 24, 2016 Letter from Dennis Harkawik to Danielle E. Mettler – LaFeir.

Dated: Feb. 26, 2016

Basil Seggos, Acting Commissioner
New York State Department of
Environmental Conservation

By: 

Paul J. D'Amato
Regional Director
NYSDEC – Region 8

