

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations of Article 27 of  
the Environmental Conservation Law and  
Title 6 of the Official Compilation Of Codes,  
Rules and Regulations of the State of New York

**MODIFICATION OF  
ORDER ON CONSENT**

- by -

DEC File No. R4-2005-0208-14M1

Waste Recovery Enterprises, LLC

Respondent

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**WHEREAS:**

- I. The Department has jurisdiction in all matters pertaining to the collection, treatment and disposal of solid waste pursuant to ECL Article 27 and applicable regulations.
2. Respondent, Waste Recovery Enterprises, LLC, operated a construction and demolition debris landfill located on Valley View Road, Unadilla, New York (“facility”). Respondent’s mailing address is: P.O. Box 2189, Sidney, New York 13838.
3. Respondent is subject to Order on Consent R4-2005-0208-14 (effective March 18, 2005) (“Order”), which contains a Schedule of Compliance.
4. The Order’s Schedule of Compliance required that Respondent complete the closure of the facility within 180 days of the Department’s approval of the closure plan. The Department approved the closure plan on March 18, 2008. Closure of the facility should have been completed in September 2008.
5. Respondent has affirmatively waived its right to a hearing in the manner provided by law and has consented to the issuing of this Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

- I. In respect of the aforesaid violation, a civil penalty in the amount of FIVE HUNDRED DOLLARS (\$500) is hereby assessed against the Respondent. The civil penalty is due upon the return of a signed and notarized copy of this Modification to the Department. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.
- II. Respondent shall comply with the Modification's Schedule of Compliance which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supercedes the Order's Schedule of Compliance.
- III. The effective date of this Modification shall be the date it is signed by the Department.
- IV. All terms, provisions, and conditions of the Order remain in effect unless expressly modified in this Modification.

DATED: \_\_\_\_\_, 2008  
Rotterdam, New York

Alexander B. Grannis  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

\_\_\_\_\_  
Eugene J. Kelly  
Regional Director  
Region 4

CONSENT BY RESPONDENT  
Waste Recovery Enterprises, LLC.

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

STATE OF NEW YORK     )  
  )ss.:  
COUNTY OF                     )

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public  
Qualified in the County of:  
My Commission Expires:

## **SCHEDULE OF COMPLIANCE**

1. On or before June 1, 2009 Respondent shall submit the closure certification to the Department.