

May 23, 1985

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A1-000026-

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Environmental Conservation Law (ECL) Article 27,
Title 7

PATTON'S BUSY BEE DISPOSAL SERVICE, INC.
Alfred-Almond Road
Alfred Station, New York 14803

(Allegany County)

ORDER
ON
CONSENT

FILE
NO. 85-55
9-1423

Respondent

WHEREAS:

1. Respondent owns, operates and maintains control of a solid waste management facility in the Town of Alfred, County of Allegany which is subject to ECL Article 27, Title 7.

2. Respondent had applied on November 9, 1984 for a modification of its Part 360 permit allowing for the expansion of its facility into a fourth trench. On February 8, 1985 the Department sent notice of the application's incompleteness and technical deficiencies to the Respondent. Subsequently, the Respondent elected to close rather than expand the facility.

3. Respondent will be authorized to continue the operation of its facility without a Part 360 permit until closure provided that the terms of this Order and Schedule A which is attached and made a part of this Order are complied with.

ORDERED:

1. THAT immediately upon service of a conformed copy of this Order upon Respondent, Respondent shall be bound as hereinafter provided.

II. THAT Respondent shall immediately be bound by the terms and conditions as set forth in "Schedule A" attached to this Order.

III. THAT all further operations of the facility by Respondent in contravention of the Part 360 regulations shall constitute continuing violations of the ECL, and an action for further penalties for future violations will be instituted by the Department if the Respondent fails to adhere to and fully comply with Schedule A and the terms of this Order.

IV. THAT should there be any unusual or extraordinary occurrences or deviation from normal operating procedures which does or may contribute to a potentially hazardous condition, or which violates any conditions or provision of any permit heretofore or hereafter issued to the Respondent by the Department or which violates any of the terms and conditions of "Schedule A," the Respondent shall immediately notify the Regional Solid Waste Engineer at 600 Delaware Avenue, Buffalo, New York 14202-1073, (716) 847-4585, and within ten (10) days after such occurrence submit to the Department, as provided in VI below, a report detailing the circumstances and causes of the occurrence, its effects on the receiving waters of the State, remedial actions, and steps taken to prevent recurrence.

V. THAT for the purpose of insuring compliance with this Order, duly authorized representatives of the State of New York shall be permitted access to inspect the facilities being constructed, owned, operated, maintained and/or controlled by the Respondent for the purpose of inspecting the facility's operations for the purpose of determining the status of compliance with the terms of this Order and "Schedule A" and with State law and regulation.

VI. THAT all reports and submissions herein required shall be made to the Regional Solid Waste Engineer of the Region 9 Office of the Department at 600 Delaware Avenue, Buffalo, New York 14202-1073

VII. THAT any change in this Order or "Schedule A" shall not be made or become effective except as specifically set forth by written order of the Commissioner, such written order being made either upon written application of the Respondent or upon the Commissioner's own findings after an opportunity to be heard has been given to Respondent or pursuant to the summary abatement provisions of the Environmental Conservation Law.

VIII. THAT the provisions, terms and conditions of this Order and "Schedule A" shall be deemed to bind Respondent, its officers, directors, agents, servants, employees, successors and assigns and all persons, firms and corporations acting under or for it, including but not limited to those who may carry on any or all of the operations now being conducted by Respondent.

DATED: Buffalo, New York
May 23, 1985

HENRY G. WILLIAMS, Commissioner
New York State Department of
Environmental Conservation



John J. Spagnoli
Regional Director

S C H E D U L E A

Respondent shall on or before the dates indicated:

1. Submit certification by a professional engineer licensed to practice in the State of New York of the compaction and permeability of both the first and second lifts of material lining the new, unfilled trench (trench #4).

July 1, 1985

 - a. Determine grain size and moisture content of material to be used for liner based on 2-3 samples.
 - b. Determine laboratory density-permeability relationships.
 - c. Determine density-moisture content relationship (Proctor curve).
 - d. Perform field moisture-density testing (Minimum of six tests on two parallel transects along trench).
 - e. Perform at least one Shelby tube sampling per lift for determination of permeability.

2. Install a leachate collection system. The system shall be installed as per the engineering report and plans submitted in conjunction with Respondent's November 9, 1984 permit application and the Department comments in its February 8, 1985 letter to Respondent.

30 days after the liner is approved by the Department.

3. Submit a certification by a professional engineer licensed to practice in New York State that the leachate collection system is installed in accordance with item #2.

30 days after installation of the leachate collection system.

4. Submit an approvable design/plan for the continued operation of the facility until closure.

August 20, 1985

5. Submit a detailed proposal for the hydrogeologic study to be performed. August 20, 1985
6. Submit a detailed closure/post closure plan and timetable including a cost estimate. October 1, 1985
7. Submit a hydrogeologic report to this Department which includes a proposed monitoring program and sampling and analysis plan. November 1, 1985
8. Submit a surety instrument in form and amount acceptable to the Department for closure/post-closure maintenance and monitoring. 30 days after leachate system is installed.
9. Install and begin sampling the new groundwater monitoring wells. December 1, 1985
10. Cease receipt of waste September 1, 1986 or whenever Allegany County landfill becomes operational, whichever is sooner
11. Properly and completely close the entire landfill. October 31, 1986