

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
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CERTIFIED - RETURN RECEIPT REQUESTED  
7017 1070 0001 0125 8541

July 18, 2018

Jeff Burrier  
Division Landfill Manager  
County Waste & Recycling  
1927 Route 9  
Halfmoon, NY 12065

Re: Order on Consent  
R4-2018-0614-143

Dear Mr. Burrier:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$6,500 the civil penalty pursuant to Paragraph I.

Sincerely,



Rich Ostrov  
Regional Attorney  
Region 4

Enclosure

ec: J. Whitcomb  
Virginia C. Robbins, Esq.



Department of  
Environmental  
Conservation

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
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In the Matter of the Violations of  
Environmental Conservation Law  
Article 27, Title 7 by:

ORDER ON CONSENT

File No. R4-2018-0614-143

County Waste Transfer Corp.  
1927 Route 9  
Clifton Park, NY

Respondent  
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WHEREAS:

Jurisdiction

1. The Department of Environmental Conservation (Department) is empowered to regulate the disposal of solid waste and permit the operation of landfills pursuant to Article 27, Title 7 of the Environmental Conservation Law (ECL).

Respondent

2. Respondent, County Waste Transfer Corp., owns and operates a solid waste transfer station (transfer station) at 799 Burden Avenue, Troy New York that is subject to Solid Waste Management Permit No. #4-3817-00111-00004 (permit).

Applicable Solid Waste Regulations

3. 6 NYCRR Part 360-11.4(g) requires adequate storage for incoming waste.
4. 6 NYCRR Part 360-11.4(n) requires that all solid waste activities are to be conducted within an enclosed area.
5. 6 NYCRR Part 360-11.4(e) requires the effective control of solid waste.

Violations

6. On June 8, 2018, Department staff conducted an inspection of the transfer station and observed the loading of solid waste onto a truck trailer outside of the enclosed area, solid waste spread on the area outside of the transfer station enclosure and solid waste littering the site.

7. The loading of solid waste outside the transfer station enclosure, the storage of solid waste outside the transfer station enclosure, and the failure to control solid waste at the site are violations of regulations at 6 NYCRR Part 360-11.4(g)(n) and (e).

#### Civil Penalty

8. ECL Section 71-2703 provides that: "any person who violates any of the provisions of, or who fails to perform any duty imposed by title 3 or 7 of article 27 of this chapter or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed seven thousand five hundred dollars for each such violation and an additional penalty of not more than one thousand five hundred dollars for each day during which such violation continues.

#### Waiver of Hearing

9. Respondent affirmatively waived its right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Order on Consent and agrees to be bound by the terms, provisions and conditions contained herein.

**NOW**, having considered this matter and being duly advised, it is **ORDERED** that:

I. Civil Penalty - In respect to the aforesaid alleged violations, a civil penalty in the amount of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) is assessed against the Respondent. SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500) of the civil penalty shall be paid with the return of the signed and notarized Order. SIX THOUSAND DOLLARS (\$6,000) of the civil penalty is suspended conditioned on Respondent's compliance with the Schedule of Compliance. Payment of the suspended penalty shall be due within 15 days of receipt of a notice of violation setting forth violations of the Schedule of Compliance.

II. Settlement - Timely payment of the civil penalty and compliance with the terms and conditions of this Order and Schedule of Compliance are accepted as full civil settlement of the violations identified in this Order.

III. Effective Date - The effective date of this Order on Consent shall be the date upon which it is signed on behalf of the Department.

IV. Summary Abatement - This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

V. Indemnification - Respondent shall indemnify and hold Department, New York State, and their representatives and employees harmless for all claims, suits, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

VI. Entire Agreement; Modification - This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of Department indicating an intent to modify this Order.

VII. Schedule of Compliance - Respondent shall comply with the Schedule of Compliance requirements.

VIII. Termination - This Order shall terminate upon the Department's determination that Respondent has complied with all the terms, conditions and provisions of this Order.

DATED: Rotterdam, New York  
July 17 2018

Basil Seggos  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

  
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Keith Goertz  
Regional Director  
Region 4

CONSENT BY RESPONDENT

County Waste Transfer Corp.

Respondent, County Waste Transfer Corp. hereby consents to the issuing and entering of this Order on Consent and waives its right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: 

TITLE: Sr. Vice President - Engineering + Disposal


DATE: July 12, 2018

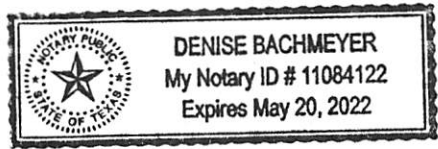
STATE OF NEW YORK )

) ss.:

COUNTY OF )

On the 12<sup>th</sup> day of July in the year 2018 before me, the undersigned, a Notary Public in and for the State, personally appeared JAMES M. LITTLE, 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 executed the instrument.

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



### Schedule of Compliance

Within 15 days of the effective date of this order, Respondent shall submit to the Department for review and approval a contingency plan that details what actions will be taken to ensure that all waste handling activities occur within the enclosed transfer station.