

ADDENDUM

August 28, 2012

Saratoga County Landfill Privatization Final RFP

Please take notice that the following changes and clarifications have been made to the Final Request for Proposals for Privatization of the Saratoga County Landfill issued by the County Board of Supervisors on July 17, 2012.

1. Change of Proposal Submission Date

The deadline for submission of all proposals has been changed to Tuesday October 9, 2012, 3:00 pm Eastern Standard Time. All other elements of the schedule as set forth in Section 1.4 of the final RFP are unchanged at this time. There are no changes to submission requirements.

2. New Part 360 Permit

The New York State Department of Environmental Conservation has renewed the Part 360 Operating Permit for the Saratoga County Landfill Facility. A copy of the new Permit dated August 6, 2012 is attached.

3. Dates for Negotiations

The County has reserved the dates and times listed below for negotiations with Respondents that submit proposals in response the County's landfill privatization Final RFP. Each Respondent shall submit as part of their proposal their first, second, and third preference from the dates below for meeting with the County. As indicated in the Final RFP, the County expects to negotiate with multiple Respondents during the negotiating period, and more than one session may be scheduled with one or more Respondents.

Oct 15	9am -12 pm 1pm - 4pm
Oct 16	9am - 12pm
Oct 17	9am - 12pm 1pm - 4pm
Oct 19	9am - 12pm
Oct 29	9am - 12pm 1pm - 4pm
Oct 30	9am - 12pm 1pm - 4pm
Oct 31	9am - 12pm 1pm - 4pm
Nov 1	9am - 12pm 1pm - 4pm

4. New Wastewater Treatment Facility

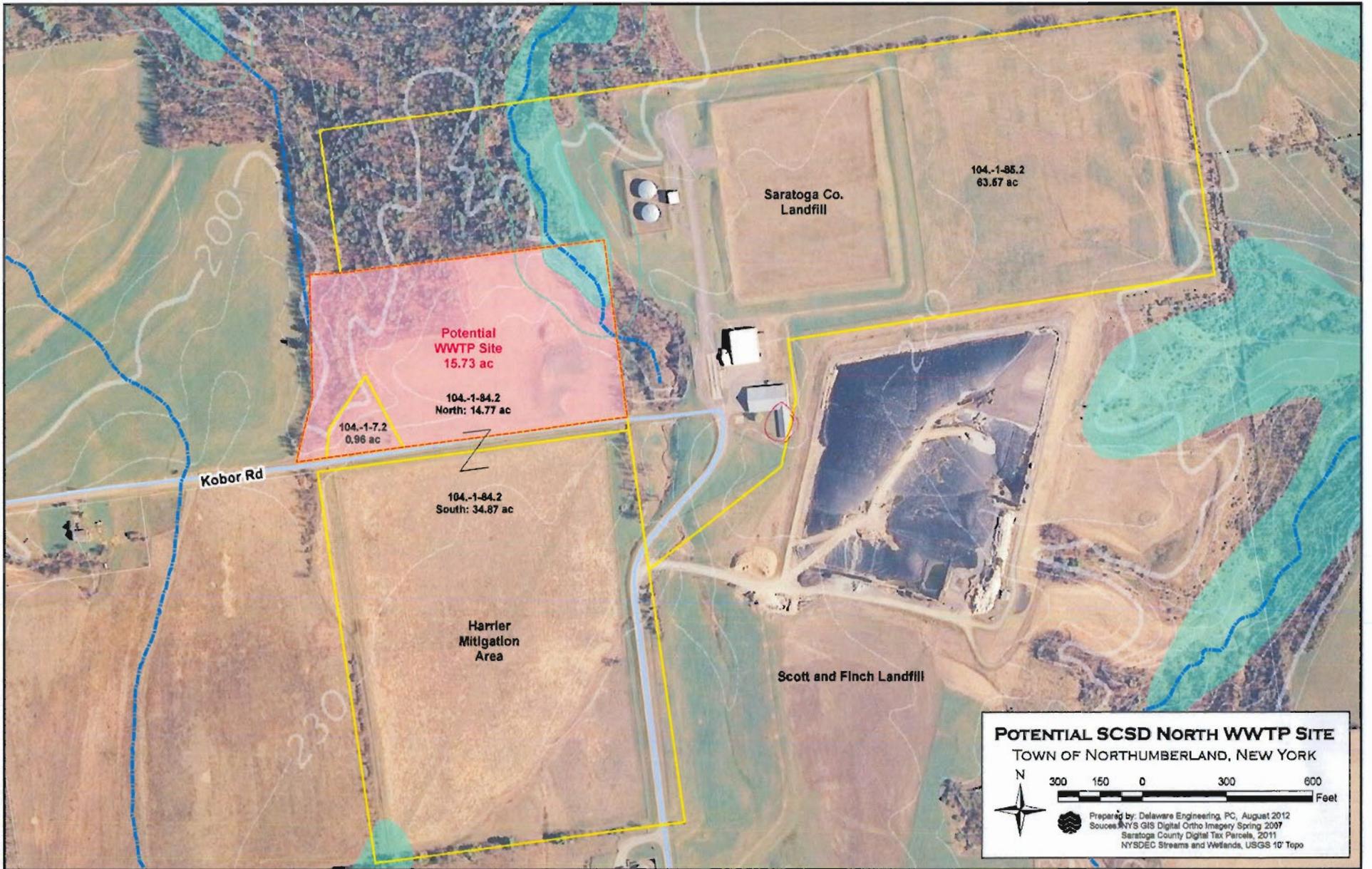
Section 9.6 of the Final RFP indicates that the Saratoga County Sewer District is engaged in a planning process to develop a new wastewater treatment facility to serve currently un-served areas in the Northern part of the County. As part of this effort, it is anticipated that the County will transfer to the Sewer District ownership of approximately 15 acres of land formerly designated as part of the landfill facility. The area to be transferred is on the North side of Kobor Road and is shown on the attached map. [The area on the South side of Kobor Road is not being transferred to the Sewer District].

The Sewer District projects that the new wastewater treatment facility will be completed in five (5) years. It is expected that at that time the operator of the landfill facility will be able to construct a direct leachate discharge to the new wastewater treatment facility. Respondents to the RFP should contact the Sewer District directly for any further information on rates, discharge limits, scheduling, or other questions.

The area on the South side of Kobor Road is designated in the Part 360 Operating Permit for maintenance and monitoring of the Northern Harrier. All responsibilities for the Northern Harrier maintenance and monitoring shall be the responsibility of the successful RFP Respondent.

5. Appendix A Clarification

Appendix A of the Final RFP, the "Future Landfill Options Report December 6, 2011" (stamped draft), is the final version of the report. There was no subsequent modification to the report and there was no subsequent submission to the County.

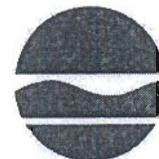


**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 5**

232 Golf Course Rd, Warrensburg, New York 12885

Phone: (518) 623-1200 • Fax: (518) 623-1311

Website: www.dec.ny.gov



Joe Martens
Commissioner

August 6, 2012

Commissioner of Public Works
Saratoga County
40 McMaster Street
Ballston Spa, NY 12020

**Re: Permit Renewal and Modification
Saratoga County Landfill
Facility ID 46S27
DEC #5-4146-00018/00002
Northumberland (T), Saratoga County**

Dear Commissioner:

Enclosed is your permit renewal and modification which authorizes the construction and operation of the County's solid waste landfill.

Please read and follow the conditions attached to the permit. Feel free to contact Mr. David Mt. Pleasant at (518) 623-1230 if you have any questions with regard to this permit.

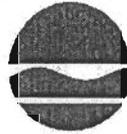
Sincerely,

Marc S. Migliore
Deputy Regional Permit Administrator

Enclosure

cc: Sally Rowland / Materials Management
David Mt. Pleasant / Materials Management
Supervisor / Town of Northumberland

DEC PERMIT NUMBER 5-4146-00018/00002
FACILITY/PROGRAM NUMBER(S) 46S27



PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE August 6, 2012
EXPIRATION DATE August 5, 2017

TYPE OF PERMIT (Check all Applicable Boxes)

New
 Renewal
 Modification
 Permit to Construct
 Permit to Operate

- | | | |
|--|---|---|
| <input type="checkbox"/> Article 15, Title 5:
Protection of Water | <input type="checkbox"/> Article 17, Titles 7, 8:
SPDES | <input type="checkbox"/> Article 27, Title 9; 6 NYCRR 373:
Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15:
Water Supply | <input type="checkbox"/> Article 19:
Air Pollution Control | <input type="checkbox"/> Article 34:
Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15:
Water Transport | <input type="checkbox"/> Article 23, Title 27:
Mined Land Reclamation | <input type="checkbox"/> Article 36:
Floodplain Management |
| <input type="checkbox"/> Article 15, Title 15:
Long Island Wells | <input type="checkbox"/> Article 24:
Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37:
6 NYCRR 380, Radiation Control |
| <input type="checkbox"/> Article 15, Title 27:
Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 25:
Tidal Wetlands | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> 6 NYCRR 608:
Water Quality Certification | <input checked="" type="checkbox"/> Article 27, Title 7, 6 NYCRR 360:
Solid Waste Management | |

PERMIT ISSUED TO Saratoga County		TELEPHONE NUMBER (518) 885-2235
ADDRESS OF PERMITTEE 40 McMaster Street, Ballston Spa, New York 12020		
CONTACT PERSON FOR PERMITTED WORK Commissioner of Public Works		TELEPHONE NUMBER (518) 885-2235
NAME AND ADDRESS OF PROJECT/FACILITY Saratoga County Solid Waste Landfill		
LOCATION OF PROJECT/FACILITY 424 Peters Road, Gansevoort, New York 12831		
COUNTY Saratoga	TOWN Northumberland	WATERCOURSE/WETLAND NO. NYTM COORDINATES E: 613.3 N: 4783.8
DESCRIPTION OF AUTHORIZED ACTIVITY Construction and operation of a 106,000 ton per year solid waste landfill in accordance with 6 NYCRR Part 360 and the attached permit conditions.		

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 the Special Conditions included as part of this permit.

DEPUTY REGIONAL PERMIT ADMINISTRATOR Marc Miglionis	ADDRESS NYSDEC Region 5 Sub-Office 232 Golf Course Rd, Warrensburg, NY 12885
AUTHORIZED SIGNATURE 	DATE 8/6/2012
Page 1 of 9	

Notification of Other Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, 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 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, Modifications or Transfers

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, modification or transfer are to be submitted to:

NYSDEC, Regional Permit Administrator, Region 5
232 Golf Course Road, Warrensburg, NY 12885 Telephone (518) 623-1281

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

The Department reserves the right to modify, suspend or revoke this permit. 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: Permit Transfer

Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

5-4146-00018/00002

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 2 of 9

SPECIAL CONDITIONS
FOR ARTICLE 27 (Part 360)

- All references to Part 360 refer to the October 9, 1993 regulations unless otherwise noted.

1. SUBMISSIONS:

Unless otherwise specified, all submissions required by this permit shall be made to the Region 5 Office of the Department of Environmental Conservation, 232 Golf Course Road, Warrensburg, NY 12885, to the attention of the Materials Management Office.

2. PERMIT APPLICATION DOCUMENTS:

- a) *Part 360 Permit Application (for the) Saratoga County Landfill*, Volumes 1 and 2, dated March 1993 and prepared by Smith & Mahoney, P.C.; appended by a July 26, 1993 letter from Smith & Mahoney, P.C.
- b) *Part 360 Permit Application (for the) SARATOGA COUNTY LANDFILL*, Volumes 1 and 2, dated February 1995, and prepared by Smith & Mahoney, P.C. This also includes 29 Engineering drawings and 10 hydrogeologic drawings, prepared by Smith & Mahoney, P.C.
- c) *SARATOGA COUNTY PHASE I LANDFILL CELL CONSTRUCTION CONTRACT DRAWINGS - RECORD DRAWINGS*, dated June 26, 2000 and prepared by Malcolm Pirnie, Inc.
- d) *INTERIM PLAN (for the) SARATOGA COUNTY DEPARTMENT OF PUBLIC WORKS PHASE I LANDFILL*, dated January 2001 and prepared by Malcolm Pirnie, Inc.

3. LANDFILL CONSTRUCTION REQUIREMENTS:

- a) Duration: Construction and/or repairs/improvements of Phase 1 must be completed by September 1, 2013
- b) Notification: The permittee shall notify the Department [Region 5 office, Warrensburg (518) 623-1200] at least five (5) days prior to:
 - i. Pre-Construction conference
 - ii. Commencement of on-site construction
 - iii. Commencement of soil liner placement.
 - iv. Commencement of geomembrane liner placement.
 - v. Commencement of testing of liner system leakage rate.

4. FUTURE CONSTRUCTION OF PHASES 2 AND 3 WILL REQUIRE THE FOLLOWING:

- a) One hundred twenty (120) days written notice of intent to initiate construction, including a schedule of construction activities.
- b) Approval of the engineering plans and report by the Department if any substantive changes to the approved documents are proposed.
- c) At the time of subsequent development, the need for additional leachate storage capacity beyond that which was initially constructed must be assessed as a result of a leachate generation estimate. The leachate generation estimate must be prepared in accordance with the provisions of 6NYCRR 360-2.7(b)(9).

5-4146-00018/00002		
FACILITY ID NUMBER 46S27	PROGRAM NUMBER	Page <u>3</u> of <u>9</u>

SPECIAL CONDITIONS

For Article 27 (Part 360)

- d) Prior to placing waste in these subsequent phases, a Construction Certification Report, prepared and submitted in accordance with 6NYCRR 360-2.13 (u), must be approved by the Department.
- e) Subsequent landfill development must demonstrate compliance with the design, construction and Closure/post closure requirements pursuant to the regulations in effect at the time of the subsequent Development.
- f) Special Condition 3.b.(Construction Notification) applies to each phase of the project.

5. CONSTRUCTION CERTIFICATION REPORT:

- a) PHASE 1: Due to the lack of activity in this phase since initial cell construction, permittee shall conduct an updated engineering assessment (prepared by an engineer licensed to practice in the State of New York) of the physical state of all landfill components, with a particular emphasis on all environmental components including the containment and leachate removal systems. This assessment should include specific recommendations for repair or replacement of any items found to be damaged or deficient. This assessment should also incorporate the recommendations identified in the *Engineer's Assessment* (of the *Saratoga County Landfill*, dated March 2008 and prepared by Malcolm Pirnie, Inc.

By no later than October 1, 2013, permittee shall submit an Engineer's certification report (stamped by a licensed NYS Professional Engineer) which certifies that:

- i. All recommendations from the engineer's assessment have been implemented or adequately resolved and that the landfill is able to be operated.
 - ii. That the primary liner system will effectively meet the 20 gallon per acre per day leakage rate threshold.
 - iii. That the *FACILITY RE-ACTIVATION REQUIREMENTS*, contained in section 4 of the *INTERIM PLAN* (referenced in special condition 2.d) have been adequately completed.
- b) Future Phases: A construction certification report satisfying the requirements of 6NYCRR 360-2.13(u), must be submitted for review and approval within forty-five (45) days after completion of each phase of landfill construction. The construction certification report shall ensure that all construction of the cell was performed in accordance with the Department-approved construction drawings. The ALR testing shall not be conducted while the ground is frozen. The facility will not be allowed to accept waste until the certification report is approved, in writing, by the Department.

6. EXISTING WATER QUALITY

One round of groundwater samples must be collected from all wells and analyzed for Part 360 baseline parameters in order to complete the existing water quality database in general conformance with Table 7-9 of the Environmental Monitoring Plan. These samples must be collected and analyzed no later than six months prior to acceptance of waste at the facility. Data validation must be performed consistent with paragraph 360-2.11(d)(5).

5-4146-00018/00002		
FACILITY ID NUMBER 46S27	PROGRAM NUMBER	Page <u>4</u> of <u>9</u>

SPECIAL CONDITIONS

For Article 27 (Part 360)

Additional water quality samples, up to a total of four rounds of supplemental data, may be required at the Department's discretion based upon any changes in site water quality that are evident in the new baseline parameter analysis. Within 90 days of completion of existing water quality sampling, the Permittee shall submit a report that interprets and evaluates the analytical data, and establishes existing water quality as defined by subparagraph 360-2.11 (c)(5)(i).

7. OPERATION REQUIREMENTS

- a) The operation of the facility shall be in strict conformance with the provisions of this permit, 6 NYCRR Part 360 and the permit application documents (referenced in condition #2 above).
- b) Prior to placing waste in cell two of Phase 1, the permittee must certify in writing to the Department that the bypass valving in manholes MH-4 and MH-5 have been permanently removed and the stormwater piping capped and abandoned.
- c) Prior to operation, the permittee must provide the Department with a copy of a signed contractual agreement, letter of intent or other written confirmation with the owner/operator of an off-site wastewater treatment facility that guarantees treatment of leachate for at least one year. Permittee must also provide a signed letter of intent, contractual agreement or other written confirmation with the owner/operator of an alternative off-site wastewater treatment facility that would provide for backup treatment of leachate in the event leachate cannot be treated by the primary wastewater treatment facility. The Department must provide the permittee, prior to operation, with the Department's written determination that the quantity and type of leachate that is expected to be generated during the first year can be successfully handled at either of the designated treatment facilities.
- d) Permittee shall use, for purposes of cover, soil and other clean fill from the sand and gravel mines that Permittee operates off of Route 29 in the Town of Saratoga, Barkersville Road in the Town of Providence, and/or Route 9N in the Town of Corinth. Permittee may use soil and clean fill for cover which is obtained from other locations upon prior notice to the Department. In the event that the Permittee intends to use, for purposes of cover, alternative materials other than soil and clean fill, Permittee shall submit information on the alternative material to the Department for the approval and, if required by the Department, amendment of this special condition prior to any use of the material.
- e) Prior to accepting industrial sludge at the municipal solid waste landfill, the Permittee shall require the generator of industrial sludge to provide a waste profile analysis to the Department and to the Permittee for their review and approval, prior to the disposal of industrial sludge at the facility. Based on review of the waste profile, the Department may disallow disposal of any industrial sludge which would compromise the Permittee's ability to distinguish between the leachate from its landfill and the leachate from the adjacent Scott Paper/ Finch Pruyn landfill.

5-4146-00018/00002

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 5 of 9

SPECIAL CONDITIONS

For Article 27 (Part 360)

- f) Active harassment measures directed at gulls and flocking birds, such as the firing of pyrotechnic shells and the playing of bird distress calls, are prohibited.
- g) The permittee shall implement the Northern Harrier Mitigation Plan dated February 6, 1996, as prepared by Beak Consultants Incorporated (the "Plan"). The Plan may be modified upon application of the Permittee to the Department or upon request of the Department based upon changed conditions or the determination that other areas of the site are more suitable for habitat. Any changes or revisions to the Plan must first be approved by the Department.

By November 1 of each year for the life of this permit, the permittee shall provide to the Department's Office of Natural Resources, c/o the Region 5 Natural Resources Supervisor, a brief report ("annual Report") detailing the following items:

- i. Harrier Habitat: Status of activities to manage and maintain habitats for Northern Harriers as required under the Saratoga County Landfill Northern Harrier Management Plan. This annual report shall detail total acres presently under management for harriers, the type of vegetation found in each field under management and activities such as mowing, cutting, planting, etc. that took place on each field during the year in order to maintain and/or improve facility property for Harrier nesting and hunting.
 - ii. Assessment of Use by Harriers: Personnel experienced in the identification of Northern Harriers shall conduct inspections of the mitigation site and facility area for the presence and use of these areas by Northern Harriers. Such inspections shall occur during mid-May, early and mid-June, early and mid-July, and early August of each year. A record of sightings will be maintained which will include day, time of day, location, and type of harrier activity if any. The locations of any sightings will be marked and maintained on a map. The Department shall be immediately notified if any nesting pairs of harriers are identified. A copy of the inspection logs and an assessment of the use of the area by harriers shall be provided to the Department in the annual report.
- h) The Permittee shall comply with the Vector Control Plan contained in Section 5.5.1.3 of the permit application. A copy of the Vector Control Plan shall be maintained at the solid waste management facility.

8. PHASED INSTALLATION OF MONITORING WELLS

Phased installation of monitoring wells must be accomplished in accordance with Table 7-11 of the Environmental Monitoring Plan. All Phase 2 and Phase 3 monitoring wells must be installed at least one year prior to construction of these portions of the landfill, in order to establish existing water quality consistent with subparagraph 360-2.11(c)(5)(i).

5-4146-00018/00002

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 6 of 9

SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

9. MONITORING OF THE PORE PRESSURE RELIEF SYSTEM

- a) The outfall of the pore pressure relief system will be treated as a conventional groundwater monitoring point by the Department. This monitoring point must be sampled and analyzed at the same frequency and for the same parameters as the monitoring wells. If significant levels of contamination, as defined in clauses 360-2.11 (c)(5)(ii)(d), (e) and (f) are detected, the Permittee must initiate contingency water quality monitoring in accordance with subparagraph 360-2.11(c)(5)(iii) and collect/treat this liquid.
- b) Prior to valving off the pore pressure relief system, Permittee must obtain written approval from the Department.

10. POTENTIOMETRIC SURFACE MAPS

The Permittee shall submit updated potentiometric surface maps for each monitoring horizon with each annual report. The potentiometric surface maps must reflect seasonal high groundwater conditions, and contain sufficient information to allow groundwater contours to be projected over the Saratoga County site, and between the County site and the adjacent Finch Pruyn paper sludge landfill. Each annual report must also include a brief narrative that summarizes any effect of the landfill and/or pore pressure relief system on groundwater elevations and flow patterns. This requirement may be reduced at the Department's discretion.

11. GROUNDWATER SAMPLING FOR DIOXINS/FURANS

The Permittee has requested and received approval for a waiver from the requirement to analyze groundwater samples for dioxins and furans, consistent with paragraph 360-2.11(d)(6). This waiver is conditioned upon the Permittee's statement that paper sludge and other known sources of dioxins and furans will not be accepted at this landfill. If the Permittee elects to accept wastes of these types subsequent to issuance of this permit, a representative number of monitoring wells (as approved by the Department) must be sampled and analyzed for dioxins and furans prior to commencement of facility operation.

12. REPAIR/REPLACEMENT OF MONITORING WELLS

Existing monitoring wells must be inspected quarterly for evidence of damage. Quarterly reports must document the condition of all wells, and make recommendations for repair or replacement of wells as warranted.

13. REPORTS

- a) An Annual Report, in accordance with 6NYCRR 360-2.17(t), must be submitted to the Department no later than March 1 of each year for the prior calendar year's operation.
- b) An Environmental Monitoring Report, including all water quality monitoring results, must be submitted to the Department within ninety (90) days after each scheduled quarterly sampling event.

5-4146-00018/00002

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 7 of 9

SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)**14. COMPREHENSIVE RECYCLING ANALYSIS (CRA)**

- a) The Permittee must not accept solid waste that originates in a municipality that has not completed a Comprehensive Recycling Analysis (CRA) satisfying the requirements of paragraph 360-1.9(f) unless, either another municipality prepares an approved CRA and the CRA addresses the waste stream of that municipality, or a local solid waste management plan which addresses 360-1.9(f) has been approved.
- b) The Permittee must not accept solid waste that originates from a municipality that has not implemented a recyclables recovery program detailed in an approved CRA.

15. MANDATORY SOURCE SEPARATION

The Permittee must not accept solid waste that originates from a municipality that has not implemented a mandatory source separation law for recyclables.

16. SURETY

At least sixty (60) days prior to the initial receipt of waste the Permittee must satisfy the financial assurance requirements of 360-2.19 for closure, post-closure care and corrective measures.

17. VARIANCES

- a) A variance from 6 NYCRR 360-2.13(d) with regard to the requirement for a minimum separation of five (5) feet between the base of the constructed liner system and the seasonal high groundwater table for the landfill is granted in accordance with 6 NYCRR 360-1.7 (c).
- b) A variance from 6 NYCRR 360-1.14 (p) with regard to the allowable noise limits beyond the property lines is granted in accordance with 6 NYCRR 360-1.7 (c), subject to the following conditions:
 - i. If the Department is presented with documentation, in the form of an approved site plan or a building permit, that a residence is proposed to be constructed in an area that would likely be subject to noise exceeding an hourly Leq of 57 dBA, the permittee must take whatever action necessary to mitigate noise impacts so that sound levels are maintained at or below that limit at the residence and any associated area of frequent activity. The area of concern is defined at any locations within 1,000 feet north or west of the landfill footprint. As the permittee moves out of the Phase I footprint area, for which noise was projected, the Department may redefine this area of concern.
 - ii. Permittee shall limit the number of refuse hauling trucks on the access road to and from the Permittee's footprint to 10 trucks in any one-hour period.

5-4146-00018/00002

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 8 of 9

SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

- iii. Prior to commencing operations, permittee must submit for Department approval a plan to sample actual noise levels north and west of the landfill property during a peak operating hour. This plan must be implemented upon commencement of full operations and the results of the sampling shall be provided to the Department.

18. LOCAL SOLID WASTE MANAGEMENT PLAN

The permittee shall undertake all actions necessary to ensure that a new long-term Local Solid Waste Management plan (LSWMP) is in effect for Saratoga County no later than June 1, 2013. This LSWMP will replace the one that expired at the end of 2010 and will cover the planning period from 2011 through 2020. It must comply with the applicable provisions of Part 360 and the Environmental Conservation Law.

5-4146-00018/00002		
FACILITY ID NUMBER 46S27	PROGRAM NUMBER	Page <u>9</u> of <u>9</u>