



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ONEIDA-HERKIMER SOLID WASTE
AUTHORITY
1600 GENESEE ST
UTICA, NY 13502
(315) 733-1224

Facility:
AVA LANDFILL

7044 ST RTE 294
AVA, NY 13309

Facility Application Contact:
WILLIAM RABBIA
ONEIDA-HERKIMER SOLID WASTE
AUTHORITY
1600 GENESEE ST
UTICA, NY 13502

Facility Location: in AVA in ONEIDA COUNTY
Facility Principal Reference Point: NYTM-E: 466.7 NYTM-N: 4811.2
Latitude: 43°27'10.7" Longitude: 75°24'41.7"
Project Location: State Route 294, Town of Ava
Authorized Activity: Solid Waste Management Permit to operate Ava Landfill.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7
Permit ID 6-3024-00009/00001
Renewal Effective Date: 3/19/2014 Expiration Date: 3/18/2019

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: PATRICK M CLEAREY, Deputy Regional Permit Administrator
Address: NYSDEC REGION 6 UTICA SUB-OFFICE
STATE OFFICE BLDG - 207 GENESEE ST
UTICA, NY 13501 -2885

Authorized Signature: _____

Date

1/17/2014



Distribution List

WILLIAM RABBIA
JAMES BIAMONTE
LAWRENCE R AMBEAU
JAIME P LANG
PETER TAYLOR

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

- 1. Operating Conditions 1** This permit is issued for the disposal of 1000 tons per day approved design capacity (360-1.2(b)(8)) of solid waste, as authorized in Part 360.
- 2. Operating Conditions 2** The permittee will only accept Part 364 regulated wastes from a transporter properly permitted and properly operating pursuant to that Part.
- 3. Operating Conditions 3** Unless otherwise approved by the Department, the active landfill area without final or intermediate cover from which leachate is collected shall be limited to 13 acres. This is intended to limit the quantity of leachate generated and to ensure the storage tanks design capacity is not exceeded.
- 4. Operating Conditions 4** Solid waste shall be confined to an area which can be effectively maintained, operated and controlled at the active working face. No solid waste may be placed on any permanently closed area.
- 5. Operating Conditions 5** Adequate access roads shall be maintained at all times to allow access to the active working face and the leachate transfer facilities.
- 6. Operating Conditions 6** The approved operation and maintenance plan for the storm water detention basins and associated berms, drainage swales, etc. shall be implemented and followed.
- 7. Operating Conditions 7** Leachate must be disposed of at an approved wastewater treatment facility and in accordance with agreements established between the permittee and the treatment facilities. A copy of those agreements shall be maintained on site. Leachate must be transported by a hauler permitted pursuant to Part 364.
- 8. Operating Conditions 8** Any leachate on the ground shall immediately be contained and removed either by pumping or by utilizing spill cleanup procedures such as absorbent pads. Leachate and leachate



spill debris must be disposed of at facilities approved by the Department.

9. Operating Conditions 9 The leachate storage tanks must be operated to maintain a minimum of 2 feet of freeboard.

10. Operating Conditions 10 To ensure leachate collection lines are functional, they must be inspected immediately after the first lift of refuse has been placed and must be cleaned out as necessary. Should any damaged lines be discovered, they shall be replaced or repaired immediately.

11. Operating Conditions 11 The laterals and header pipe of the leachate collection system shall be cleaned out at least once a year with a hydraulic sewer cleaner.

12. Operating Conditions 12 The leachate management and collection system shall be maintained to prevent leachate bypass of such system.

13. Operating Conditions 13 The hours of operation shall be limited to:

Monday - Friday 7:00 am - 5:00 pm
Saturday 7:00 am - 12:30 pm

For the purposes of this condition, "operation" shall include, but not necessarily be limited to, waste hauling vehicles entering the main gate, or the deposition of solid wastes at the landfill working face. Preparation (plowing, etc.) may begin one hour prior to those hours, and closing (covering the landfill, etc.) may continue one hour after those hours. Office work and indoor equipment repair and maintenance



In

extreme or "emergency" situations leachate may be hauled beyond the above hours for up to 5 days.

14. Operating Conditions 14 The Department reserves the right to require an on-site monitor should conditions warrant one.

15. Operating Conditions 15 Strict adherence to the applicable NYS Water Quality Standards, as promulgated in Part 700 - 705 must be maintained in all streams which receive storm water discharge from the site.

16. Operating Conditions 16 Landfill personnel must be on duty at all times when trucks are entering the landfill (main gate), and when wastes are being deposited at the landfill. In the event unauthorized wastes are received at the landfill, the operator shall immediately notify the Region 6 Materials Management Engineer, providing the hauler's name and the license number of the vehicle, the type of



waste thought to have been deposited, and the generator of the waste.

17. Operating Conditions 17 A log of the weekly visual inspection of the leachate collection system must be maintained at the site. At a minimum, the log must detail the date, time, inspector, visual observations, problems, and any corrective actions taken. If any part of the leachate collection system becomes damaged or malfunctions, the permittee must immediately notify the Regional Materials Management Engineer in writing, and must immediately repair or replace the damaged structure or undertake other remedial action as authorized by the Department.

18. Operating Conditions 18 The permittee shall include in the quarterly report, summaries of the quantity of leachate collected in the secondary leachate collection and removal system. The summaries must include daily flow measurements, daily leakage rates in gallons per acre per day, and a 30 day average of the daily leakage rates in gallons per acre per day.

19. Operating Conditions 19 The permittee shall not accept at the facility solid waste which was generated within a NYS municipality that has either not completed and received approval of their Comprehensive Recycling Analysis, or is not included in another municipality's approved Comprehensive Recycling Analysis satisfying the requirements of subdivision 360-1.9(f) and has implemented the recyclables recovery program determined to be feasible by the Analysis.

20. Operating Conditions 20 Materials designated as recyclable under those approved recycling analyses shall not be disposed of at the facility.

21. Operating Conditions 21 Alternate Daily Cover (ADC): The landfill may accept waste in excess of the approved design capacity as long as the waste is used for ADC. The quantity of waste that may be designated as ADC is limited to 25% of the approved design capacity. Also, the operations of the landfill must follow the Cover Material Management Plan, dated September 1, 2009, in handling, storing, and applying the ADC.

22. Combined Conditions 1

This permit is to construct/operate cells 1-7 of a 150 acre landfill and associated berms, roadways, leachate handling facilities, borrow areas, storm water drainage systems and landfill support facilities. The permit is intended to lead to additional approvals or permits to construct and operate for the entire 150 acre landfill.

23. Combined Conditions 2 Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), all construction, installation, materials testing, operation, monitoring and reporting will be carried out in strict accordance with the Part 360 regulations in effect on the date of permit issuance for this facility (and any subsequent revisions) and the plans, specifications and reports submitted as part of the application for this permit. Those materials include:

- Final Environment Impact Statement (FEIS) for Site WLE-5 East - Main Volume dated August 1998
- FEIS Exhibit DD - Hearing Transcript and Written Comments dated August 1998
- FEIS Exhibit EE - Engineering Report Dated August 1998 and Addenda to Appendix A, B, C, and D of the Engineering Report
- FEIS Exhibit FF - Addendum to Wetlands & Ecology Reports for Site WLE-5 East dated August 1998
- FEIS Exhibit GG - Addendum to the Site Investigation Report for Site WLE-5 East dated August



1998

- Landfill Site WLE-5 East Permit Drawings dates September 1998
- Engineering Report for Site WLE-5 East, A Proposed Sanitary Landfill Located In The Town of Ava, New York dated September 1998
- Engineering Report Appendix A for Site WLE-5 East, A Proposed Sanitary Landfill Located in the Town of Ava, NY, dated September 1998 - Part 360 Permit Application Form Variance Applications, Demonstration for Groundwater Separation Waiver, Leachate Treatment Letters of Intent, Title V Air Permit Application, FAA Determination
- Engineering Report Appendix B for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated September 1998 - Construction Quality Assurance/Construction Quality Control (CQA/CQC) Manual)
- Engineering Report Appendix C for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Contingency Plan
- Engineering Report Appendix D for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Operations and Maintenance Report
- Engineering Report Appendix E for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Storm Water Hydrology and Sedimentology for Staged Landfill Construction/Operation
- Engineering Report Appendix F for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Storm Water Hydrologic/Hydraulic Analysis for Final Landfill Development
- Engineering Report Appendix G for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Supporting Landfill Design Calculations and Data Volume 1 of 2
- Engineering Report Appendix G for Site WLE-5 East, A Proposed Sanitary Landfill located in the town of Ava, NY dated Sept 1998 - Supporting Landfill Design Calculations and Volume 2 of 2
- Wetland Report Site WLE-5 East Volume A dated Sept 1998
- Wetland Report Site WLE-5 East Volume B dated Sept 1998
- General Ecology Report Site WLE-5 East Volume B dated Sept 1998
- Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY, Volume I, Text, Tables and Figures
- Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY, Volume II, Appendices A through D
- Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY, Volume III, Appendix E
- Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY, Volume IV, Appendix F
- Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY, Volume V, Appendices G through N
- Response to comments received from NYSDEC - July 1999
- Addendum to the following Reports and Permit Drawings dated Sept 1998
- Addendum to Site Investigation Report and a Site Analytical Plan - dated July 1999
- The Solid Waste Authorities February 2000 "Response to Comments"
- Stormwater Pollution Prevention Plan for Site WLE-5 East, A Proposed Sanitary Landfill in the town of Ava, NY, March 2000
- Industrial Stormwater Pollution Prevention Plan for Site WLE-5 East, A Proposed Sanitary Landfill in the town of Ava, NY, August 2000



- Topsoil Stripping Monitoring Plan "Pioneer Cemetery" Location Study NYSOPRHP96PR2843 Oneida-Herkimer Solid Waste Management Authority....dated Oct 1999

In any instance, if conflicting requirements are encountered, the more stringent shall apply, except where particular provisions of previous documents have been superseded in subsequent documents or where modifications which have been approved by the Department.

24. Combined Conditions 3 Unless otherwise specified, all plans and reports related to the construction operation or monitoring of this facility must be submitted in both electronic (.pdf) and hard copy format to:

Regional Materials Management Engineer - Region 6
NYS Department of Environmental Conservation
317 Washington St
Watertown, NY 13601

One copy must also be submitted to the attention of Bob Senior, NYSDEC, Utica Office.

The permittee may request that certain documents be submitted in electronic format only. Likewise, the Department may request that certain documents be submitted in electronic format only.

All approvals required by this permit must be obtained from the Regional Materials Management Engineer, unless otherwise stated.

25. Combined Conditions 4 In the event a Department representative makes a determination that the permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or of any judicial or administrative order applicable to the facility and enforceable under the Environmental Conservation Law, the permittee must, upon receipt of written or oral Notice of Non-Compliance from the Department promptly take such steps as are necessary to correct, abate or remediate the non-complying condition. Where oral notice is given, the Department will provide a confirming written Notice of Non-Compliance within 5 business days. To the extent feasible, the permittee must consult the Department regarding the selection and implementation of such measures. Any instance of non-compliance, together with the responsive measures and results of such measures, must be recorded in writing by the permittee, and submitted to the Department under this permit.

26. Combined Conditions 5 The provisions of this permit shall not limit the Department's authority or the permittee's right to hearing or appeal as otherwise established by law or regulation.

27. Combined Conditions 6 The permittee must maintain a copy of this permit and all applications, plans, reports, etc. identified in Combined Condition 2 at the site and make these documents reasonably available to any representative of the Department. The permittee must also maintain a copy of all written approvals and directives in a like manner.

28. Combined Conditions 7 This permit shall not relieve the Permittee from complying, in all respects, with the terms of any applicable Federal, State or local law or regulation including, but not limited to the obtaining of any other required permit or form of approval.



29. Construction Conditions 1 A variance from 360-1.7(a)(2)(iv), construction in a regulated wetland, is granted

30. Construction Conditions 2 A variance from 360-2.13(p), construction of a gas venting layer, is granted

31. Construction Conditions 3 A waiver from the landfill construction provisions set forth in Subdivision 360-2.13(d) requiring the maintenance of a minimum separation of five feet between the base of the constructed liner system and the seasonal high groundwater table is granted.

32. Construction Conditions 4 During any phase of construction, a progress report will be submitted to the Department detailing work done over the previous calendar month. The report will include all quality control test results required under combined condition #2 above and 6NYCRR Part 360. At the Department's request, the Permittee shall hold meetings with Department representatives during construction of the landfill. At these meetings, the Department should be apprised of the current status of construction and any problems encountered during construction.

33. Construction Conditions 5 All work will be done under the direction and general oversight of a professional engineer licensed to practice in New York State.

34. Construction Conditions 6 Prior to the disposal of waste in any particular phase of the facility, the permittee must receive written acceptance of the certification report prepared and submitted in accordance with 6NYCRR Part 360 for that phase.

35. Construction Conditions 7 At least 90 days prior to the commencement of the construction of any subsequent phase of the landfill the Permittee shall submit to the Department for its review and approval, an updated engineering report, detailed engineering plans, an updated QA/QC plan, and contract specifications of that phase. Construction will not proceed until written approval is received from the Department.

36. Construction Conditions 8 The Department shall be notified immediately, in writing, in case of any development during construction that warrants a change to the approved engineering plans. There shall be no substantial deviation from the approved plans without the specific prior written approval of the Department. All deviations shall be noted in the engineer's daily reports, weekly summaries, and the certification report.

37. Construction Conditions 9 Equipment Operation and Maintenance:

A. All equipment to be used in the construction phase of the project shall be maintained in proper operating condition.

B. All factory installed or added environmental controls and suppressors and mufflers must be utilized at all times.

C. All equipment shall be operated in a manner so as to reasonably minimize noise levels during operating hours.

38. Construction Conditions 10

Prior to disposing of waste in any subsequent phase, the Permittee shall update the Operations and



Maintenance Manual to reflect changes in operation resulting from facility construction.

39. Construction Conditions 11 By November 15th of each year, adequate frost protection shall be installed and maintained on all completed liner areas in accordance with the approved plans and specifications.

40. Construction Conditions 12 All surface water control berms, ditches and ponds shall be vegetated and otherwise stabilized following construction.

41. Construction Conditions 13 Open burning of land clearing materials and debris (including trees, shrubs, and brush) is prohibited. Merchantable timber should be salvaged for commercial or other beneficial use. Topping, brush, and slash may be chipped or beneficially used on or off site. Tree stumps may be chipped or disposed of on site. As stumps and chips can affect groundwater chemistry, any disposal sites require prior DEC approval.

42. Construction Conditions 14 Prior to and during any construction, the permittee must take adequate measures to prevent uncontrolled or unreasonable siltation of surface waters including drainage ditches, streams, and wetlands through and adjacent to the site. This must include provisions for frequent observation of potentially affected water courses, sampling if directed by the Department, appropriate corrective action in response to any observable increases in turbidity, and incorporation of observations, incidents, and corrective action taken into monthly reports.

43. Construction Conditions 15 Unless otherwise approved by the Department, construction hours shall be limited from 6:00 am to 9:00 pm.

44. Construction Conditions 16 Prior to commencement of liner construction, a test pad must be constructed, and the results of this test must be submitted to, and approved by, the Department. If the test pad results indicate, to the Department, the need for modification of the soils, such as enhancement with bentonite, the permittee must submit a detailed report describing the procedures involved, including but not limited to, mixing of bentonite, pugmilling and moisture control and amend the QA/QC Plan accordingly.

45. Environmental Monitoring 1 Monitoring of the facility is subject to all applicable requirements of subdivision 360-2.11(c), Environmental Monitoring Plan, and the associated Site Analytical Plan requirements of subdivision 360-2.11(d).

46. Environmental Monitoring 2 The Critical Stratigraphic Section, as defined in paragraph 360-1.2(b) (47), shall consist of the following geologic units that have been described in the September 1998 "Site Investigation Report, Candidate Site WLE-5 East, Town of Ava, NY" prepared by Geraghty & Miller, Inc.:

- (surficial) brown till unit
- gray till unit
- deep sand/till unit
- upper bedrock

47. Environmental Monitoring 3 The locations, design, and methods of drilling/construction for all additional or replacement groundwater monitoring wells must be approved by the Department prior to installation, and shall incorporate all applicable requirements of 360-2.11(a)(8) (9) (10) and (11).



48. Environmental Monitoring 4 If the turbidity of a groundwater monitoring well sample is greater than 50 nephelometric turbidity units (NTU) in any given sampling event, samples for metals analyses must be collected/analyzed in duplicate. Total metals analyses must be conducted on whole, unfiltered samples. Immediately upon collection, samples for "dissolved" metals must be filtered in the field through a .45-micron filter.

49. Environmental Monitoring 5 During construction and operation of the facility, the Department reserves the right to designate new or additional surface water monitoring points if, in the opinion of the Department, such monitoring is necessary to assess surface water impacts. The Department may require the sampling and analysis of sediment based on surface water quality data.

50. Environmental Monitoring 6 The Department reserves the right to require adjustments or modifications to the monitoring plan if it deems necessary.

51. Mining 1 The amount of mined land affected outside the landfill "footprint" and wetland mitigation areas must be limited to 5 acres at any time. Expansion beyond the initial 5 acres may proceed at a rate not exceeding the amount of affected land reclaimed to the Departments satisfactions. This 5 acre limitation shall not apply to wetland sites created in accordance with the Wetland Report dated September 1998, prepared by Terrestrial Environmental Specialists, Inc.

52. Mining 2 Dust, generated by mining activities and on haul roads, must be controlled by water spray. All paved surfaces must be swept as often as necessary to control dust. The use of chemicals, including oil, for the control of dust is prohibited unless specifically approved by the Department.

53. Mining 3 Any reports required by this section must be submitted to:

Regional Mined Land Reclamation Specialist - Region 6
NYS DEC
Dulles State Office Building
317 Washington St.
Watertown, NY 13601

54. Mining 4 Soil piled for future use must be graded 1 vertical to 3 horizontal and seeded to prevent erosion within 30 days of commencement of excavation.

55. Mining 5 All approvals require by this section must be obtained from the Regional Mined Land Reclamation Specialist or that persons designee.

56. Mining 6 Materials mined on site are for the exclusive use in the construction, operation and closure of a sanitary landfill and any approved on site mitigation at this location. Mined materials may not be removed from the site for any reason. This condition does not limit the importation of materials mined at another location for use in the landfill construction, operation and closure.

57. Mining 7 Nothing in this permit shall be construed as authorizing activities that otherwise require a permit pursuant to Article 23 (Mined Land Reclamation Law).

58. Landfill Gas Recovery Facility (LGRF) 1 The Landfill Gas to Energy Facility must be operated in accordance with the January 2011 plans and accompanying reports and specifications.



59. Landfill Gas Recovery Facility (LGRF) 2 Facility operations shall not interfere with the closure or post closure care of the landfill.

60. Landfill Gas Recovery Facility (LGRF) 3 The permittee shall immediately notify the NYSDEC of any explosive conditions detected by gas plant monitoring equipment or in gas probes around the site. This notification shall be made verbally to the regional office within 24 hours. This notification must include a description of the situation, and action that will be undertaken to correct the problem. Written confirmation of this verbal notification must be submitted within 15 days of the incident and must include a description of the corrective action undertaken or planned.

61. Landfill Gas Recovery Facility (LGRF) 4 The permittee shall submit an annual report to the DEC that includes the following information:

- quantity of landfill gas recovered
- quantity of condensate and waste oil generated and a description of its disposal
- quantity of electricity generated
- summary of gas monitoring data collected on landfill gas
- hours of operation of each engine
- summary of any plant operational problems encountered and the corrective action taken (also, include a description of any equipment or other changes made to operations.)
- list of all employees at the plant and their titles

The above report shall be submitted by March 1st of each year for the preceding calendar year.

62. Landfill Gas Recovery Facility (LGRF) 5 Any condensate and waste oil generated at the facility must be properly disposed according to the Environmental Conservation Law and State Regulations. Samples of condensate and waste oil must be taken and analyzed. All analyses shall be performed by technically acceptable laboratory. If the wastes are determined to be hazardous waste, they must be disposed of in accordance with 6 NYCRR Parts 373-1.1 and 372 and others as appropriate. If the condensate is determined to be hazardous **and** at the same time the internal combustion engine malfunctions, then, the waste oil and condensate shall be analyzed to insure it is not hazardous. All results shall be submitted within 60 days of sampling to the DEC. DEC reserved the authority to request additional analysis or increase the frequency of analysis. Analysis shall be submitted with annual report.

63. Landfill Gas Recovery Facility (LGRF) 6 Amendments to the plans and specifications for the facility must be approved by the Department prior to their implementation. Modifications must be proposed in writing and shall not be implemented until written notice is received from the Department.

64. Landfill Gas Recovery Facility (LGRF) 7 This permit shall be subject to change in the event that it becomes inconsistent with future modifications of the rules and regulations of the DEC.

65. Landfill Gas Recovery Facility (LGRF) 8 All gas well field data shall be maintained in a data base format and shall be kept on site. It shall be made available to the DEC if requested. The field parameters that must be monitored and kept on a daily basis are vacuum control, flow rate of the well field, percent methane, percent oxygen, temperature, percent carbon dioxide, and percent balance gas.

66. Closure 1 A revised closure plan meeting the regulatory requirements in place at the time of closure shall be submitted at least 90 days prior to construction.



67. **Closure 2** The final contours of the site must conform to those shown on Department approved engineering reports and plans.

68. **Closure 3** A closure/post closure surety must be maintained in an amount and form acceptable to the Department.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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.

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.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit 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. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 6 UTICA SUB-OFFICE
STATE OFFICE BLDG - 207 GENESEE ST
UTICA, NY13501 -2885

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority 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.

6. 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.

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 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.