

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
182 East Union, Suite 3, Allegany, NY 14706-1328
P: (716) 372-0645 | F: (716) 372-2113
www.dec.ny.gov

May 22, 2020

Mr. Daniel Bree
Sealand Waste, LLC
85 High Tech Drive
Rush, New York 14543

Dear Permittee:

**PERMIT TRANSMITTAL LETTER
Carroll C&D Management Facility
Town of Carroll, Chautauqua County
Water Withdrawal Permit No. 9-0624-00025/00010
WWA No. 12,135**

Enclosed is your permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

PLEASE REVIEW ALL PERMIT CONDITIONS CAREFULLY. IN PARTICULAR, IDENTIFY YOUR INITIAL RESPONSIBILITIES UNDER THIS PERMIT IN ORDER TO ASSURE TIMELY ACTION IF REQUIRED. SINCE FAILURE TO COMPLY PRECISELY WITH PERMIT CONDITIONS MAY BE TREATED AS A VIOLATION OF THE ENVIRONMENTAL CONSERVATION LAW, YOU ARE REQUESTED TO PROVIDE A COPY OF THE PERMIT TO THE PROJECT CONTRACTOR, FACILITY OPERATOR, AND OTHER PERSONS DIRECTLY RESPONSIBLE FOR PERMIT IMPLEMENTATION (IF ANY).

If you have any questions, please contact this office at the above address.

Respectfully,
Charles D. Cranston
Deputy Regional Permit Administrator

Enclosures





PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SEALAND WASTE LLC
85 HIGH TECH DR
RUSH, NY 14543
(585) 359-9242

Facility:
CARROLL C & D MANAGEMENT FACILITY
309 Dodge Rd
Frewsburg, NY 14738

Facility Location: in CARROLL in CHAUTAUQUA COUNTY

Facility Principal Reference Point: NYTM-E: 161.685270291032 NYTM-N:
4659.44396356595

Latitude: 42°00'51.5" Longitude: 79°05'08.2"

Authorized Activity: This permit authorizes the withdrawal of water for the purpose of dewatering for the construction of the landfill baseliner for the proposed expansion of the Carroll C&D Landfill in accordance with the terms and conditions of this permit.

Permit Authorizations

Water Withdrawal Non-public - Under Article 15, Title 15

Permit ID 9-0624-00025/00010 (WWA No. 12,135)
New Permit Effective Date: 5/22/2020 Expiration Date: 5/21/2025

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: CHARLES D CRANSTON, Deputy Regional Permit Administrator
Address: NYSDEC Region 9 Allegany Sub-Office
 182 E Union St - Ste 3
 Allegany, NY 14706 -1328

Authorized Signature: Charles D. Cranston Date 5/22/2020



Distribution List

Brian Hourigan, NYSDEC Region 9 Division of Water
 John Hock, NYSDEC, Division of Water, Albany
 Town of Carroll
 Daigler Engineering, P.C.

Permit Components

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS
 GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
 NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

WATER WITHDRAWAL NON-PUBLIC PERMIT CONDITIONS

1. **Source Approval Table** This table summarizes all system source approvals:

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Source of Water Supply	Status	Past WWA Number	Permitted Source Capacities (gpm)
Dewatering Wells			
DW-1	Active 2017	-	105
DW-2	Active 2017	-	95
DW-3	Active 2017	-	85
DW-4	Active 2019	-	54
DW-5	Active 2019	-	54
DW-6	Active 2019	-	54
DW-7	Active 2020	-	65
DW-8	Active 2020	-	65
Trench Drain Reach			
TDR1	Active 2017	-	210
TDR2	Active 2020	-	210
Porewater Drain			
PWD	Active 2017	-	7
Total Approved			427



2. Transfer of Ownership of Water Withdrawal Systems Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.

3. Approval of Completed Works from NYS P.E. Any new works constructed or modified pursuant to this water withdrawal permit shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with the issued permit.

4. Permit Expiration and Renewal Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration.

5. Permittee Must Maintain Records The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

6. Diminished Private Drinking Water Wells The permittee shall make provisions to provide an adequate supply of water to residents in the event that private drinking water wells are significantly diminished or rendered non-productive by the permittee's use of the sources of water supply approved by this permit.

7. Annual Water Withdrawal Reports The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY, by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.



8. Water Well Protection and Decommissioning The Permittee must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Supply Well Decommissioning Recommendations, <http://www.dec.ny.gov/lands/5000>. Decommissioning of any potable well must be documented on the form provided at http://www.dec.ny.gov/docs/water_pdf/welldecommissform.pdf. This must be forwarded to the address on the form and to the addresses below:

Regional Permit Administrator
NYSDEC Region 9 Allegany Sub-Office
182 E Union St - Ste 3
Allegany, NY14706 -1328

Regional Water Manager
NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY14203 -2915

9. Meter All Sources The permittee must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The permittee must maintain records of water withdrawn and consumptive use for each calendar year.

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 9 Allegany Sub-Office
182 E Union St - Ste 3
Allegany, NY14706 -1328

4. 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.

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.

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.