



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

**Permit Issued To:**

TOMPKINS COUNTY  
320 N TIOGA ST  
ITHACA, NY 14850  
(607) 273-6632

**Facility:**

TOMPKINS CO RECYCLING & SW CENTER  
160 COMMERCIAL AVE  
ITHACA, NY 14850

**Facility Permit Contact:**

BARBARA A ECKSTROM  
TOMPKINS CO SOLID WASTE DEPT  
122 COMMERCIAL AVE  
ITHACA, NY 14850  
(607) 273-6632

**Facility Application Contact:**

BARTON & LOGUIDICE PC  
290 ELWOOD DAVIS RD  
PO BOX 3107  
SYRACUSE, NY 13220-3107  
(315) 457-5200

**Facility Location:** in ITHACA in TOMPKINS COUNTY

**Facility Principal Reference Point:** NYTM-E: 375.098 NYTM-N: 4698.024  
Latitude: 42°25'28.1" Longitude: 76°31'05.8"

**Authorized Activity:**

Facility to receive recyclables for processing and marketing. Construction and demolition debris and all other non-recyclables will be disposed of at a landfill. Yard Waste will be received and transferred to a facility as noted in the approved Solid Waste Management Plan.

#### Permit Authorizations

**Solid Waste Management - Under Article 27, Title 7**

Permit ID 7-5007-00032/00002

(Solid Waste ID 55-T-01)

Renewal

Effective Date: 5/29/2013

Expiration Date: 5/28/2023



### 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: JOSEPH M DLUGOLENSKI, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 7 CORTLAND SUB-OFFICE  
1285 FISHER AVE  
CORTLAND, NY 13045 -1090

Authorized Signature:

Date 5/29/2013

### Distribution List

BARBARA A ECKSTROM  
BARTON & LOGUIDICE PC  
THOMAS J RICHARDSON, TOMPKINS CO DPW  
THOMAS E ANNAL

### 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. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by Resource Associates on and dated March 1990.
- 2. Provisions of This Permit are Severable** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by the Department, the application of such provision to other circumstances and the remainder of this permit may not be affected thereby.
- 3. Compliance with Permit** The permittee shall comply with all conditions of this permit and 6NYCRR Part 360. Noncompliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action; permit suspension, revocation, or modification; or denial of a permit renewal application.



**4. Human Health and the Environment** The permittee shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from facility operations. The Permittee shall report any such activity which may endanger human health or the environment to the Department as per Condition #6.

**5. Authorized Representatives of the Department** The permittee shall allow any authorized representative of the Department, upon the presentation of proper credentials to:

- a. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including any and all confidential data included in such records;
- b. Enter and inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- c. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the ECL, any substances or parameters at any location.

**6. Report Submissions** Unless otherwise specified, all submissions required by this permit shall be made to the Region 7 Headquarters (615 Erie Blvd. West, Syracuse, New York 13204-2400, Attn: Regional Materials Management Engineer), and the Bureau of Permitting and Planning, Division of Materials Management, NYSDEC, 625 Broadway, Albany, New York 12233-4013, Attn: Facilities Section Chief). All approvals required by this permit shall be obtained in writing from the Regional Director of Region 7 or his designated representative. All submittals must be made electronically and in paper form.

**7. Wastes Not Permitted at the Facility** The following wastes shall not be accepted at the facility under this permit, unless the waste is part of a Household Hazardous Waste collection:

- a. Waste identified in 6NYCRR Part 360-1.5(b).
- b. Asbestos Waste
- c. Contaminated Soil
- d. Sludge
- e. Infectious Waste
- f. Flammable/Combustible Waste
- g. Pesticides
- h. Corrosives
- i. Metals/toxics
- j. Reactives
- k. PCB's

**8. Written Authorization Needed for Certain Wastes** Permittee shall request and receive written authorization of the Department prior to accepting any industrial wastes, unless approved by the Department for disposal at the facility by means of a Part 364 Hauler permit.

**9. Annual Report** An annual report must be submitted no later than 60 days after the first day of January of each year of operation to the persons listed in SWMP Condition #6. The annual report must include but is not limited to:

- a. The total quantity of waste received, compiled by waste type, the total quantity of waste received during each quarter, the origin of the waste, the destination of the waste, the amount and type of each material recovered, and any changes in operation that have occurred in the previous year.



- b. The measures taken to improve the program's recycling recovery rate, i.e., the participation rate, the individual's separation efficiency, the percent of the waste stream that is recyclable, and the system's efficiency.
- c. Providing the total solid waste percentages, and the actual percentages/tonnage of recyclables removed from the waste stream. These totals shall be compared to the projected recovery rates contained within the Department approved CRA and the results of that comparison discussed. If the originally projected recovery rates have not been met, an explanation shall be provided with a plan to address currently feasible strategies to achieve the projected recovery rates.

**10. Design Capacity** The design capacity of the facility is 255 tons of solid waste per day to be loaded and transported to the landfill. The facility is designed to process 120 tons per day of non-putrescible mixed recyclables. These capacities will be revised if the permittee supplies six months of operating data showing the actual processing capabilities of both the mixed waste loading/transfer operation and the baling of recyclables. The data should be collected after the start-up period has been completed. No data should be collected until the Syracuse DEC office has approved the plan. Materials extracted from the solid waste stream for recycling include, but are not limited to, paper, newspapers, cardboard, glass, tin cans, ferrous and non ferrous metal, wood, and plastic. If 90% of the monthly design capacity is exceeded, the permittee must advise the Region 7 office in writing within 60 days, of the actions (including expansion) that will be taken to ensure that the facility will continue to process material in compliance with the permit and Part 360. An implementation schedule should be included.

**11. Hours of Operation** Solid Waste shall be accepted at the facility between the hours of 7:00 a.m. and 3:30 p.m., Monday through Saturday. Normal operations shall be conducted between 6:00 a.m. - 7:30 p.m. A sign shall be erected at all access points specifying the hours of operation and types of wastes accepted and not accepted at this facility.

**12. Unacceptable Waste** In the event that any hazardous or otherwise unacceptable waste is discovered at the facility, such waste shall be placed in the "accumulation room". Such wastes shall be removed as soon as practicable, but not to exceed 90 days after discovery. Removal will be performed by a person authorized to transport such waste to a facility approved to receive it for treatment or disposal. The Department must be notified of each incident in the annual report and records of it must be available for Department review.

**13. Ultimate Disposal** All solid waste passing through the transfer station must ultimately be treated or disposed of at a facility authorized by the Department; if in this state, or by the appropriate government agencies, if in other states, territories or nations.

**14. Facility Security** The facility shall be secured when not in operation to prevent unauthorized entry and dumping of solid waste.

**15. Facility Supervisor** The permittee shall designate one employee as supervisor of the facility. This person shall normally be present at the facility during operating hours. The facility shall not be operated unless the on-site supervisor, or his designee, is present.



- 16. Removal of Waste and Recyclables** All solid waste must be removed from the facility whenever transfer containers are full, or weekly, whichever comes first. Non-putrescible recyclables may be stored for up to 60 days. Longer storage periods may be approved by the Department in accordance with Part 360-12.2(b).
- 17. Cleaning of Facility** After final collection of refuse has occurred for the week, the interior of the refuse processing area (walls, floors, processing equipment) shall be closely inspected for cleanliness. If during this inspection, or at any other time, these conditions are unsatisfactory, the entire area (walls, floors, equipment) shall be thoroughly steam cleaned. All resultant liquid shall be collected and disposed of properly.
- 18. Adequate Equipment** Adequate numbers, types, and sizes of properly maintained equipment shall be available to the facility during all hours of operation. Contingency plans approved by the Department for emergency situations must be implemented in accordance with the terms of the plan.
- 19. Vector Control** Vectors, dust, and odors must be controlled in accordance with Part 360-1.14 (l).
- 20. Windblown Refuse** The facility will be maintained in a neat, orderly fashion. Blowing debris, vermin, and other nuisance conditions will be controlled. The site shall be inspected at the end of each day of operation for windblown refuse and other litter. Any refuse or litter must be cleaned up.
- 21. Adequate Ventilation** Adequate ventilation shall be provided to remove exhaust fumes of vehicles operating in the facility.
- 22. Fire Detection and Protection** All material storage, handling and tipping areas must include adequate fire detection and protection equipment.
- 23. Adequate Drainage** The site and facility must have adequate drainage and be drained and free of standing water.
- 24. Yard Waste** County should continue to use waste reduction and recycling methods for management of yard waste, including leave it on the lawn, use as mulch and composting. If any of these methods are not used within 90 days the County must provide the Department with a formal evaluation and report as to the reason(s) why the method(s) cannot be used. Landfilling of yard waste must be prohibited.
- 25. Non-Recyclable Construction and Demolition Debris** All non-recyclable construction and demolition debris received at the facility must be transported to a landfill or a composting facility.
- 26. Outside Storage** No solid waste or recyclable material is to be stored on the ground outside the building.
- 27. Origination of Solid Waste** In accordance with subdivision 360-1.11 (h), permittee must not accept at the facility solid waste that originates from a municipality that has not completed a comprehensive recycling analysis satisfying the requirements of subdivision 360-1.9 (f) of Part 360 and implemented the recyclables recovery program determined to be feasible by the analysis, unless the service area for the proposed facility, either another municipality prepares such an analysis and the Department approves it, and that analysis addresses the waste stream of that municipality; or, a local solid waste management plan that addresses all components of such an analysis takes effect.



**28. Comprehensive Recycling Analysis** In accordance with subdivision 360-1.11(h), the permittee must include, in each of the permittee's service contracts, provisions that each municipality whose solid waste is to be processed, treated, or disposed of at the facility must prepare, within 12 months after execution of its service contract, a comprehensive recycling analysis satisfying the requirements of subdivision 360-1.9(f) of Part 360 and implement the recyclables recovery programs determined to be feasible by that analysis, unless within the period and for the service area for the facility, either another municipality prepares such an analysis and the Department approves it and that analysis addresses the waste stream of that municipality, or a local solid waste management plan that addresses all components of such an analysis, takes effect.

**29. Liquid Storage** Tompkins County must submit a closure plan for the closure of the liquid storage tank within 6 months of issuance of this permit. The closure plan must include a schedule for closure.

**30. Recyclable Recovery Program** The permittee shall assure that the recyclable recovery program is operated in accordance with the Tompkins County Comprehensive Recycling Analysis (CRA). Any revisions made to the program and/or the schedule shall be submitted to the Department for review and approval.

**31. Waste Stream Analysis** The permittee shall perform a waste stream analysis every three years on the solid waste entering the facility. This analysis is to be used by the recycling program to provide direction for recycling additional materials. The permittee shall submit a protocol to the Department's Region 7 office for review and approval prior to the performance of the analysis. The details of the analysis shall be submitted with the submission of the CRA 1 SWMP.

**32. Discontinuance of Recyclables** The permittee shall not discontinue the source separation and collection of any or all of the recyclables collected as part of the recyclables recovery program unless, as to the particular recyclable in question, The Permittee determines that there is no economic market (as defined in General Municipal Law 120-aa) for the material.

a. The permittee may only determine that an economic market does not exist for any waste stream component by:

- i Preparing a report substantiating the absence of an economic market for the component, including an evaluation of whether, in light of the economics associated with the Permittee's recycling program, it is economically reasonable and technically feasible to continue recycling such component despite the demonstrated lack of existence of an economic market; for purposes of this special condition, there shall be a rebuttable presumption that it is economically reasonable to continue to recycle a component for which there is no economic market; and
- ii contacting the Department of Economic Development, Office of Recycling Market Development, One Commerce Plaza, Albany, New York, 12248; telephone number (518)-486-6291 to seek their assistance in locating an economic market for the subject component and providing documentation of their efforts and final results; and
- iii issuing a determination of lack of existence of an economic market for such component, and cause a notice of such determination, and of the report's availability for review to be published in a newspaper having general circulation within the Permittee's service area; and
- iv submitting three copies of the report and determination to the Department for review, and receiving Department approval.

b. The Permittee must periodically evaluate whether an economic market exists for the waste component



in question no less frequently than once every three months after which the Permittee determined the absence of an economic market for the waste component in question.

**33. Local Law** The Permittee shall adopt a local law to require that after 6/30/94 no person, including the Permittee, owning or operating a solid waste management facility within the service area shall knowingly accept for disposal, and no person collecting solid waste within the service area shall knowingly collect for disposal, solid waste generated within the service area that has been separated at the point of generation and where such solid waste has an economic market (as defined in General Municipal law 120-aa) without the prior written approval of 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 7 CORTLAND SUB-OFFICE  
1285 FISHER AVE  
CORTLAND, NY 13045 -1090

**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.