



**Ontario County**  
**Office of County Administrator**

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**FOR IMMEDIATE RELEASE**  
**SEPTEMBER 11, 2017**

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**STORMWATER ISSUES BEING ADDRESSED AT ONTARIO COUNTY LANDFILL**

On September 6, 2017, Casella Waste Services of Ontario, LLC (“Casella”), operator of the Ontario County Landfill (the “Landfill”) on behalf of the County of Ontario, New York (the “County”), received a Notice of Violation (the “Notice”) from the New York State Department of Environmental Conservation (the “NYSDEC”). The Notice stems from inspections at the landfill in April and June of 2017, and states that storm-water controls have contributed to violations of Surface Water and Groundwater Quality Standards and other various permit conditions. The Notice cited soil laden storm water being discharged from the storm water management ponds on the site and storm water on site containing slightly elevated levels of chloride and ammonia. Casella has taken corrective measures to address those conditions.

To ensure continued compliance with NYSDEC regulations and Landfill permit conditions, Casella, in coordination with the County, is preparing a storm water infrastructure analysis for submission to NYSDEC by September 18, 2017. Casella will implement any improvements to the storm water infrastructure identified in that study by mid-October. Casella and the County will continue working together to ensure that proper storm water management and erosion control measures are in place, installed, and maintained.

Please refer to the County web site for continued updates on this matter.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
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September 6, 2017

Mr. Robert Fadden Jr.  
General Manager, Ontario County Landfill  
Casella Waste Systems  
1890 Route 5 and 20  
Stanley NY 14561

Dear Mr. Fadden:

**RE: Notice of Violation: Ontario County Landfill**  
Title 6 of New York Codes, Rules and Regulations (6 NYCRR) Part 360  
Permit for Solid Waste Management Facility /Program Number 35S11  
(Part 360 Permit), Seneca (T), Ontario (C)

This letter serves to provide you with a Notice of Violation ("NOV") setting forth the specific actions that constitute violations of Article 17 of the Environmental Conservation Law (ECL), 6 NYCRR Part 703 Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations (Part 703), SPDES Multisector General Permit (MSGP), 6 NYCRR Part 360 Solid Waste Management Facilities (Part 360), and the above-referenced Part 360 Permit.

**The following are found to be in violation;**

- 1) Part 360 subdivision 2.17(g) Leachate generation and migration  
Requires all landfills be constructed, operated, and closed to minimize the generation of leachate and to prevent the migration of leachate into surface and groundwater.

Permit 35S11 Special Permit Condition number 46

States that under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.

Permit 35S11 Special Permit Condition number 41

States that 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 authorized facilities approved by the Department.

During an inspection of the landfill on June 22, 2017, Department staff observed a discolored liquid in a stormwater ditch immediately east of the landfill haul road (east side of the landfill directly adjacent to the truck tarping station). DEC staff investigated the area and notified landfill staff of the liquid's presence. DEC staff directed the landfill staff to collect a sample of the liquid and have it analyzed for routine leachate parameters to determine if the liquid was leachate, stormwater contaminated with leachate, or discolored stormwater.

On July 17, the analytical results were provided to the Department. The results showed the liquid had an elevated level of ammonia (64.7 mg/l) and slightly elevated level of Chloride (541 mg/l). DEC staff have concluded the elevated levels indicate diluted leachate resulting from stormwater from the east slope of the landfill, entering the diversion berm above the Stage IX-C3 construction area, mixing with leachate, and then flowing to the stormwater ditch where the sample was taken. The results do not support a determination that the liquid is construction-impacted stagnated stormwater as the landfill's letter accompanying the analytical results suggests.

2) Permit 35S11 Special Permit Condition number 41

States that 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 authorized facilities approved by the Department.

On April 4, 2017, Department staff observed leachate on the landfill perimeter access road immediately north of the stage VII sideriser building. The access road is outside the lined footprint of the landfill. The incident is noted in the Department's inspection report for that day.

3) ECL 17-0501 and 6 NYCRR Part 703.2 and MSGP Part I.B.2

MSGP Part I.B.2 States "Maintaining Water Quality Standards - The Department expects that compliance with the other conditions of this permit will control discharges necessary to meet applicable water quality standards. It shall be a violation of the Environmental Conservation Law (ECL) for any discharge authorized by this general permit to either cause or contribute to a violation of water quality standards as contained in Parts 700-705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, including, but not limited to:

- a. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
- b. There shall be no suspended, colloidal and settleable solids from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages; and

- c. There shall be no residue from oil and floating substances attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules of grease."

**Permit 35S11 Special Permit Condition 39**

Requires cover soil and drainage control structures must be designed, graded and maintained to prevent ponding and erosion and to minimize infiltration of water into the solid waste cells.

**Permit 35S11 Special Permit Condition number 37**

States silt shall be removed from the siltation ponds on an as needed basis during the driest season of the year. At all times, a minimum sediment storage shall be capable of accommodating a 25-year storm. Silt shall not be removed between October 15 and May 15, unless prior authorization is obtained from the Region 8 Regional Materials Management Engineer.

On April 4, 2017, Department staff observed a substantial contrast in the turbidity of water in the tributary to Flint Creek caused by the discharge from stormwater pond number 2. The incident is noted in the Department's inspection report that day.

**The following documentation shall be submitted to this office:**

Department inspection reports have noted an ongoing problem with soil erosion at the landfill site and have repeatedly indicated the need to repair berms and remove sediment from ditches and stormwater ponds throughout the landfill site. Lack of proper stormwater controls, including vegetative cover, proper site grading, installation of stormwater swales and maintenance of existing stormwater ditches and stormwater ponds have contributed to all the violations noted above. As such, by September 18, 2017, an engineering analysis of the existing stormwater infrastructure must be provided to the Department. The report must document the condition of the existing infrastructure and demonstrate that it can accommodate - or propose changes so that it will accommodate - a 25-year storm as required by Special Permit condition number 37. In addition, by October 16, any deficiencies in the maintenance of the existing infrastructure must be addressed.

**Please Take Further Notice That:**


The Department is currently reviewing its options regarding appropriate enforcement actions, including possible assessment of penalties and injunctive relief for the violations which have already occurred or are continuing. You must take immediate action to ensure that all continuing violations cease immediately. Failure to comply with this notice by not immediately correcting the violations could result in a larger penalty than would otherwise be assessed should you be adjudged in violation of the law.

- ECL Article 71-2703 provides that any person who violates 6 NYCRR Part 360 is liable for a civil penalty of up to \$7500 for each violation, plus an additional penalty of up to \$1500 for each day that each such violation continues, and that such person may be enjoined from continuing the violation.

-There are substantial criminal, civil, and administrative penalties associated with violating the provisions of ECL 17, Part 703 and the SPDES MULTI-SECTOR GENERAL PERMIT. Fines of up to \$37,500 per day for each violation may be assessed depending upon the nature and degree of the offense.

If you have any questions concerning this letter I can be reached at 585-226-5414, or at [gary.maslanka@dec.ny.gov](mailto:gary.maslanka@dec.ny.gov).

Sincerely,



Gary M. Maslanka  
Environmental Engineer  
Division of Materials Management

cc: Greg MacLean, Jason Boliver, Dave Kay, Mike Miles  
Lisa Schwartz, Scott Foti, Scott Rodabaugh  
Larry Shilling, Gary Mahoney,  
Andrea Kuntz, Russell Anderson  
Mary A Krause, Tim Jensen

NYSDEC  
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