

PUBLIC NOTICE

SARATOGA COUNTY BOARD OF SUPERVISORS

FINAL REQUEST FOR PROPOSALS FOR PRIVATIZATION OF THE SARATOGA COUNTY LANDFILL

Pursuant to Section 120-w of New York General Municipal Law, the Saratoga County Board of Supervisors hereby issues a final request for proposals (RFP) for the privatization of the Saratoga County Landfill Facility located on Kobor Road in the Town of Northumberland. Copies of the RFP are available on-line at www.saratogacountyny.gov, upon request from the Saratoga County Department of Public Works, 3654 Galway Road, Ballston Spa, NY 12020 (518-885-2235), on file at the Northumberland Town Hall, 17 Catherine Street, Gansevoort, NY, the Ballston Spa Public Library, 21 Milton Avenue, Ballston Spa, NY, and the Saratoga Springs Public Library, 49 Henry Street, Saratoga Springs, NY. All prospective respondents should note that changes in the schedule have been made in the final RFP. There is a mandatory pre-proposal on-site visit at the landfill facility on August 28, 2012 at 10:30 am. Proposals must be submitted no later than 3:00 pm Eastern Standard Time on October 8, 2012 to:

Catherine M. Shrome
Saratoga County Director of Purchasing
50 West High Street
Ballston Spa, NY 12020

SARATOGA COUNTY
BOARD OF SUPERVISORS

FINAL REQUEST FOR PROPOSALS

PRIVATIZATION OF THE COUNTY LANDFILL

JULY 17, 2012

Saratoga Landfill Facility Privatization RFP

TABLE OF CONTENTS		Page
1.0	General Information	1
	1.1 Legal Authority	1
	1.2 County Goals	1
	1.3 Review, Negotiation and Selection Process	2
	1.4 Schedule	2
	1.5 Addenda and Amendments	3
	1.6 Evaluation Criteria	3
2.0	Instruction to Respondents	3
	2.1 Respondent Qualifications	3
	2.2 Comments on Draft RFP	4
	2.3 Submission of Proposals	4
	2.4 Respondent Costs	5
	2.5 Respondent Due Diligence	5
	2.6 Interpretations and Clarifications	5
	2.7 Modification of Proposals	5
	2.8 Confidential Information	6
3.0	Respondent Requirements	6
	3.1 Comments on Draft RFP	6
	3.2 Mandatory Pre-Proposal Visit	6
	3.3 Proposal Content	7
	3.3.1 Environmental, Operating, Management Experience	7
	3.3.2 Business Experience and Financial Standing	8
	3.4 Indemnification	8
4.0	County Rights and Options	8
5.0	Landfill Facility Location and Description	9
6.0	County Landfill Operating Equipment	11
7.0	Finch Paper Company Sludge Landfill Facility	12
	7.1 Location and Description	12
	7.2 Potential Future Disposition	12
8.0	Operating Parameters	13
	8.1 Landfill Development and Operating Plan	14
	8.2 Origin of Waste	14

8.3 Capacity	14
8.4 Acceptable Waste Types	14
8.5 Acceptable Vehicles for Waste Delivery	14
8.6 Daily Cover and Alternative Daily Cover	15
8.7 Landfill Gas Management	15
8.8 Leachate Treatment	15
8.9 Regulatory Compliance and Reporting to the County	15
8.10 Harrier Monitoring and Mitigation	16
8.11 Complaint Procedure	16
8.12 Closure – Post Closure Reserve	17
8.13 Finch Paper Company Landfill	17
8.14 Host Community Service	17
8.15 Insurance	17
9.0 Future Considerations	17
9.1 Connection of County Landfill to Finch Paper Landfill	17
9.2 Potential Capacity Increase	18
9.3 State Environmental Quality Review Act Compliance	18
9.4 Landfill Gas, Energy Recovery and Materials Recovery	18
9.5 Carbon Credits	19
9.6 Potential New Wastewater Treatment Facility	19
9.7 Regulatory Compliance	19
10.0 Elements of Payment	19
Form F-1 Respondent Certifications	20
Form F-2 Respondent Qualifications and References	21
Form F-3 Request for Non-Disclosure	22
Form F-4 Elements of Payment	23
Appendix A Future Landfill Options Report December 6, 2011	
Appendix B Comments and Responses on Draft RFP	
Appendix C Maps	
Appendix D Part 360 Landfill Facility Permit	

Saratoga County Landfill Facility Privatization RFP

July 17, 2012

SECTION 1.0 GENERAL INFORMATION

1.1 Legal Authority

The Saratoga County Board of Supervisors [BOS] is seeking proposals to privatize the County landfill facility in the Town of Northumberland. Construction of the facility was completed in 2001. Since that time the facility has been maintained but never used.

As part of the County's effort in 2011 to update its local solid waste management plan, five options for the future of the facility were evaluated. [The County local solid waste management plan update has been completed, approved by the Board of Supervisors, and submitted to the State Department of Environmental Conservation (DEC). The County is awaiting comments]. A copy of the Future Landfill Options report is attached as Appendix A. The options identified were:

- Maintain the facility as an insurance policy
- Open the facility and run as a County operation
- Privatize the facility
- Privatize for limited waste types
- Relinquish the facility permit

After deliberation, the BOS decided to proceed with a process that would allow them to consider proposals for the privatization of the landfill facility for municipal solid waste or for some limited types of waste. The BOS retained Gerhardt LLC [Resolution # 30-12] to seek such proposals for privatization of the facility utilizing the procedures and requirements of Section 120-w of New York General Municipal Law [GML], hereinafter referred to as the request for proposals [RFP] process, which provides for the consideration of various proposals and initiatives from private companies.

1.2 County Goals

The BOS is seeking to achieve two goals through the RFP process;

- To provide a safe, economically stable, local means of disposal for non-recyclable solid waste. If a proposal includes the acceptance of municipal solid waste (MSW) then the BOS expects that a majority of the waste will originate in Saratoga County or a bordering County.

- To maximize the County's return on its investment in the site selection, permitting, and construction of the County landfill facility in a way that meets the County's future financial, environmental, and community character objectives.

1.3 Review, Negotiation, and Selection Process

The County intends to give serious and comprehensive consideration to all proposals submitted by qualified Respondents. The County will examine the record of Respondents in the solid waste management industry in general and landfill operations specifically. This will include consideration of environmental compliance, relationship with regulators and law enforcement, relationship with the host community, business reputation, efficiency of operations, and other factors. The financial package offered by Respondents will be an important factor for the County. The County expects that there may be negotiations with more than one Respondent. The County is interested in proposals that include initiatives that may not be specifically identified in this RFP but which may be valuable to the County. The County will consider each element of each proposal to arrive at a decision that, in the County's best judgment, will best meet the County's goals.

1.4 Schedule

- April 17, 2012 BOS Resolution Directing Issuance of Draft RFP.
- Availability of the draft RFP from the County DPW and posted on the Saratoga County website and an invitation for public comment officially noticed on April 20, 2012 in the Saratogian, April 23, 2012 in the Daily Gazette, April 25, 2012 in the New York State Environmental Notice Bulletin, May 2, 2012 in the New York State Register.
- July 2, 2012 End of Comment Period for Prospective Respondents.
- July 13, 2012 Completion of Period for Response to Comments.
- July 17, 2012 BOS Resolution Directing Issuance of Final RFP.
- Availability of final RFP starting July 25, 2012 and official notices in the Saratogian, the Daily Gazette, the New York State Environmental Notice Bulletin, and the New York State Register.
- August 28, 2012 @ 10:30 am Mandatory Landfill Facility Visit by Respondents.
- October 8, 2012 Final Submissions Due.
- October 15-December 10, 2012 Negotiations Period.
- December 12, 2012 Public Hearing (if necessary) pursuant to GML Section 120-w (4) (e) (4).
- December 18, 2012 BOS Consideration of Resolution for Award of Contract.

1.5 Addenda and Amendments

Any addendum or amendment issued by the County prior to the selection of a Respondent shall become part of the RFP and the receipt of each such addendum or amendment shall be acknowledged by the Respondent on Form F-1 of the Respondent's Proposal.

1.6 Evaluation Criteria

The County retains the sole right to determine which, if any, of the proposals best satisfies the goals of the County. The County will complete a comprehensive evaluation of each proposal including, but not limited to, consideration of the following factors:

- Track record of compliance with environmental regulations.
- Track record for working cooperatively with the host community.
- Track record for being responsive to issues that occur during the course of landfill operations.
- The projected future financial viability of the Respondent.
- The ability of the Respondent to secure adequate financing.
- The amount offered for the capital purchase of the landfill facility.
- The amount offered for the annual payment to the County.
- The amount offered for the annual host community payment to the Town of Northumberland.
- The percentage offered for payment to the County for energy sales from the landfill gas recovery system.
- The percentage offered for payment to the County for the sale of carbon credits, renewable energy credits, energy capacity.
- The percentage offered for payment to the County for the sale of materials, beneficial byproducts, and any other energy development including but not limited to heat, anaerobic digesters, solar power, and wind power.
- The amount offered for purchase of the County landfill operating equipment.
- The amount of other payments proposed by the Respondent to the County.
- The value to the County of other initiatives proposed by the Respondent.
- Proposals for minimizing traffic, operating noise, odors, and other potential and perceived impacts of facility operation.
- The overall long term environmental and financial benefits to the County.

SECTION 2.0 INSTRUCTION TO RESPONDENTS

2.1 Respondent Qualifications

In order to qualify for consideration under this RFP the County will require that each prospective Respondent verify that they are a financially viable entity with documented experience in the field of solid waste management generally and landfill operations specifically. Each prospective Respondent must complete Form F-2 and provide all the information required in Sections 3.0, 8.0, and 9.0 herein in order to qualify their Proposal for consideration. For each Respondent, the County will evaluate qualifications with respect to experience, ability to secure adequate financing, ability to safely operate the landfill facility, compatibility with the community, and ability to meet all the requirements of this RFP.

2.2 Comments on Draft RFP

The draft RFP was issued and made public pursuant to Resolution # 96-12 approved by the Saratoga County Board of Supervisors on April 17, 2012 and as enumerated in Section 1.4 herein. Prospective Respondents were not required to submit comments on the draft RFP. All comments are included as Appendix B herein and have been considered by the Board and responses to the comments are also included in Appendix B herein and by approval of the issuance of the final RFP, all responses are approved by the Board.

2.3 Submission of Proposals

All proposals by qualified Respondents must be submitted no later than 3:00 pm Eastern Standard Time on October 8, 2012. All proposals must be submitted to:

Catherine M. Shrome
Saratoga County Director of Purchasing
50 West High Street
Ballston Spa, NY 12020

All proposals must contain information and responses to all of the items specified in this RFP, including Forms 1, 2, 3, and 4, with all blank spaces filled in. The Respondent must indicate as not applicable [NA] for any information requested but not provided and must initial any such notes.

All proposals must be signed by an authorized person.

Respondents must submit ten (10) copies of their complete proposal.

All proposals must be submitted in a sealed envelope clearly marked "Proposal for Privatization of the Saratoga County Landfill Facility" and indicating the name of the Respondent on the outside of the envelope.

The County reserves the right to reject proposals which are incomplete or otherwise not in conformance with the requirements set forth in this RFP.

2.4 Respondent Costs

The costs incurred for the preparation of any and all proposals, including but not limited to research, comments on the draft RFP, evaluations, facility visits, engineering, calculations, consultation with regulators, meetings, phone calls, drafting of documents, completion of forms, and negotiations shall be the sole responsibility of the Respondent and the County accepts no responsibility in this regard. By submission of a proposal, including Form F-1, the Respondent acknowledges that the Respondent will make no claims whatsoever for reimbursement from the County for any and all costs associated with this RFP process.

2.5 Respondent Due Diligence

It shall be the sole responsibility of the Respondent to complete whatever research and investigation they deem necessary or desirable related to the landfill facility and this RFP. No information contained in this RFP, or any of the Facility Record Documents as set forth in Section 5.0 herein, or any and all information related to the landfill facility and this RFP, shall relieve any Respondent from any risk or from fulfilling all terms of the RFP and the contract awarded to the successful Respondent.

2.6 Interpretations and Clarifications

Any requests for interpretation or clarification on the final RFP shall be made prior to October 1, 2012. All requests for interpretation or clarification shall be made in writing to:

Hans Arnold
Gerhardt LLC
107 Paris Road
New Hartford, NY 13413

2.7 Modifications to Proposals

Any modification to a proposal, any corrections, or withdrawal of a proposal shall be made by the Respondent in writing, including a dated signature from an authorized representative of the Respondent, in a timely manner and shall be submitted to:

Hans Arnold
Gerhardt LLC
107 Paris Road
New Hartford, NY 13413

2.8 Confidential Information

The New York State Freedom of Information Law [FOIL], Public Officers Law Article 6 Sections 84-90 requires public access to government records. Proposals submitted in response to this RFP may contain technical, financial, business, or other data related to the Respondent's competitive position or a trade secret, that could cause substantial injury to the Respondent if publicly disclosed. Such data may be exempted from disclosure under the State's FOIL. To request that such information not be publicly disclosed the Respondent shall identify all pages of the proposal that contain information that should not be publicly disclosed by noting such requested non-disclosure on each such page and by completing the notice contained in Form F-3 herein.

The County will consider all such requests for non-disclosure from Respondents. If a public request is made pursuant to the New York Freedom of Information Law for information designated confidential by the Respondent, the Respondent will be notified and provided an opportunity to submit a written statement to the County stating the reasons the Respondent believes the information is exempt from the Freedom of Information Law. A decision on whether or not to disclose the information will be made by the Saratoga County Public Access Officer, with a right of appeal to the County Attorney.

The County shall assume no liability for the public disclosure of information requested by a Respondent to be kept confidential if the Saratoga County Public Access Officer, the County Attorney, or a Court of Law determines that the subject information must be disclosed under the laws of New York.

SECTION 3 RESPONDENT REQUIREMENTS

3.1 Comments on Draft RFP

Comments on the draft RFP and responses are contained in Appendix B herein.

3.2 Mandatory Pre-Proposal Visit

A duly authorized representative of each Respondent must attend the on-site visit of the County landfill facility on August 28, 2012 at 10:30 am. Each Respondent will be required to verify such attendance on form F-1 herein.

3.3 Proposal Content

At a minimum, Respondents shall submit a letter or report, on company letterhead, signed by the representative identified on Form F-1 as the decision maker for the Respondent, containing, at a minimum:

- The information specified in Sections 3.3.1 and 3.3.2 herein.
- The information specified in Section 8.0 herein.
- Proposals for the items specified in Section 9.0 Future Considerations herein.
- Forms F-1, F-2, F-3 and F-4 contained herein.

3.3.1 Environmental, Management, and Operating Experience

Each respondent shall submit a summary of its experience, including a list of reference landfill facilities owned and/or operated by the Respondent, with the operation of landfill facilities which employ systems compliant with NYCRR Part 360 Regulations, or an equivalent, including but not limited to:

- Double composite liner systems for leachate collection and monitoring.
- Groundwater and surface water monitoring.
- Daily cover, alternative daily cover, intermediate cover.
- Gas collection and energy recovery.
- Air emissions reports as applicable.
- Odor control, dust control, vector control, nuisance abatement.
- Storm water management.
- Spill prevention control measures.
- Ecological monitoring

Each Respondent shall submit the following for all landfill facilities located in New York State which they own and/or operate [each respondent may also submit the following information for up to five landfill facilities located outside New York State so long as those facilities conform to the type of requirements contained in the NYCRR Part 360 Regulations]:

- Annual reports submitted for regulatory compliance for the last three years.
- Operational water quality reports.
- All notices of violation for the last three years.
- A description of any special permit conditions or operating conditions which the Respondent believes is relevant to the operation of the Saratoga County landfill facility.
- A copy of any host community benefit agreement or other community compensation agreement which the Respondent believes is relevant to the Saratoga County landfill facility.

3.3.2 Business Experience and Financial Standing

Each Respondent shall submit a summary describing the types of businesses it is engaged in, what part of that business is in the field of solid waste management and what part of that is in the area of landfill facility operation. In addition, Respondents shall submit a profile of their current and projected future financial standing.

Section 3.4 Indemnification

The County will require the successful Respondent to unconditionally indemnify the County for any past or future events at the landfill facility or caused by the landfill facility including but not limited to:

- Equipment malfunction or breakdown.
- Malfunction or breakdown of any operating system or component of the landfill, including but not limited to the liner systems, leachate collection systems (including all pumps, valves, controls, monitors, and other components), cell berms, frost protection measures, groundwater monitoring wells, leak detection systems, storm water management system, leachate storage tanks, leachate load-out components, flares, gas collection wells, energy recovery systems, electrical components, scales, building systems, buildings HVAC, and any and all other components of the landfill facility.
- Any groundwater contamination.
- Any air emissions, dust, or odors.
- Any violation of any applicable local, state, or federal law, regulation or permit.
- Any accident involving any vehicle going to or coming from the landfill facility.
- Any action of any employee of the successful Respondent.
- Any other incident related to the landfill facility existence or operation.

SECTION 4 COUNTY RIGHTS AND OPTIONS

The County reserves and holds at its sole discretion the following rights and options:

- Reject any or all proposals.
- Modify the terms of this RFP.
- Issue subsequent RFPs.
- Modify the schedule indicated in Section 1.4 herein.
- Disqualify a Respondent for failure to meet the requirements of the RFP.
- Request additional information from any Respondent.
- Contact any individual associated with solid waste management facilities or other businesses which the Respondents have been associated with.

- Enter negotiations with more than one Respondent.
- Establish the date for public announcement of the award.
- Defer public announcement of the award until all contractual terms are finalized.

SECTION 5 LANDFILL FACILITY LOCATION AND DESCRIPTION

The landfill facility is located on Kobor Road in the Town of Northumberland as shown on the map in Appendix C.

Saratoga County was initially granted a permit to construct a 106,000 ton per year solid waste landfill facility by the New York State Department of Environmental Conservation [NYSDEC] on October 5, 1998. The permit authorized construction of two cells totaling 9 acres capable of providing an estimated 3 years of disposal capacity based on 467,000 cubic yards of air space. The permit requires compliance with all the 6NYCRR Part 360 regulations and with additional conditions for inspection to verify regulatory compliance, certain construction requirements and certifications, and standard requirements pertaining to operating hours, leachate management, groundwater monitoring, recycling and other factors. Special conditions were also imposed for monitoring the presence and viability of the Northern Harrier. Following the completion of construction, on September 13, 2001 the County was issued the final permit to operate [Appendix D]. A renewal of the permit is pending with DEC.

In the Environmental Impact Statement, permit application, and the permit hearing record the County indicated that the landfill facility would:

- Be constructed in phases with Phases 1, 2 and 3 consisting of a total of 23 cell acres.
- Include 25 acres north of Phases 1, 2 and 3 designated for future cell development.
- Be part of a total 130 acre site.
- Handle waste generated in Saratoga County, serving the 2 cities, 19 towns, and 9 villages.
- Handle only municipal solid waste and stabilized sewage sludge but not paper sludge or construction and demolition debris.
- Dispose of leachate at the Saratoga County Sewer District wastewater treatment facility.

The County constructed the landfill facility starting in 1999 and completed it in 2000. The following are the major components of the facility:

- 2 double composite lined cells comprising 9 acres
- Ground water monitoring wells
- 2 above ground 501,000 gallon leachate storage tanks

- 2 scales
- Leachate collection and pump facilities
- Leachate load-out building
- Maintenance/administration/scale building
- Storage building

Upon completion of the landfill facility the County Board decided to hold off on opening and operating the facility opting instead to rely on the landfill facility as an “insurance policy” in case the cost of disposal in the private market increased significantly. No waste has been placed in the facility. All operating systems for the landfill facility have been maintained by the County and regularly inspected by a professional engineer.

To address a question whether or not the metering system is accurately measuring volumes entering the secondary collection system, a field test was done on June 27, 2012. The field test verified that the existing meters are properly recording secondary system flow in all four secondary collection manholes. The data compiled by the County, and available to all potential Respondents as noted below, indicates that the landfill liner system is sound.

Although the meters are operating properly thereby validating the data compiled by the County, the volume of water which would be classified as leachate for the operating landfill is showing incorrectly high because clean groundwater which is originating outside the double composite lined landfill cells and which is seeping into the outer ring of the concrete manhole, is periodically overtopping the inner leachate basin and being recorded as leachate. [Even with this condition, a review of the data over the past three years indicated only one month in one cell where the Part 360 allowable ALR was exceeded]. Measures can be considered to insure seepage of clean groundwater into the outer ring of the manholes is not permitted to flow into the inner leachate collection basin resulting in inaccurate [and higher] ALR rates.

The documents which comprise the required review pursuant the State Environmental Quality Review Act, regulatory permitting, engineering, and maintenance for the landfill facility are on file and available for review at the County DPW office at 3654 Galway Road, Ballston Spa and consist of the following:

- Landfill Siting Study – Interim Report November 1990
- Saratoga County Solid Waste Landfill Consolidation Plan March 1991
- Hydrogeologic Site Investigation Work Plan Kobor Road Site #1 May 1991
- Review of Saratoga County Landfill Consolidation Plan June 1991
- Federal Wetland Delineation Saratoga County Landfill Site December 1991
- Paper Sludge Overview Study April 1992
- Draft Part 360 Permit Application
 - Volume 1 August 1992
 - Volume 2 August 1992
- Draft Environmental Impact Statement August 1992 *
- Final Environmental Impact Statement January 1993 *

- Part 360 Permit Application
 - Volume 1 March 1993 *
 - Volume 2 Appendices March 1993 *
 - Volume 3 Appendices March 1993 *
- Leachate Treatment Feasibility Report April 1993
- Response to DEC Comments on Part 360 Permit application April 1994 *
- Part 360 Permit Application
 - Volume 1 February 1995 *
 - Volume 2 February 1995 *
- NYSDEC Adjudicatory Hearing Record 1996 & 1998
- Letter from NYSDEC Thomas W. Hall Granting Permit October 5, 1998
- As-Built Survey of Phase 1 Saratoga County Landfill November 19, 1999 *
- Shop Drawings for Administration and Maintenance Building June 11, 1999
- Environmental Monitoring Annual Report 1999
- Phase 1 Landfill Cell Construction Certification Report Volumes 1,2,3,4,5
January 2000
- Saratoga County Phase 1 Landfill Cell Four Quarters Preoperational
groundwater monitoring March 2000
- Phase 1 Landfill Interim Plan, Malcolm Pirnie, Inc, January 2001*
- ALR data 2001 – 2012
- MW-15L and MW1B Analytical Results April 8, 2002
- Engineer's Assessment, Saratoga County Landfill. Malcolm Pirnie, Inc March
2008*
- Harrier monitoring and mitigation information 2006-present
- File on 2008 Part 360 Permit Renewal
- Binder of Part 360 Permit Documents *
- Landfill Record Drawings *
 - Phase 1 Cell Construction Contract Drawings [CD]
- Field Test Summary, Leachate Meters Verification, June 28, 2012*

A set of the documents noted with the * herein are available for a fee of \$500.00 from the Saratoga County Department of Public Works.

Other documents, reports and correspondence may be on file and available from the State DEC which should be contacted directly.

SECTION 6.0 COUNTY LANDFILL OPERATING EQUIPMENT

The following equipment is owned and maintained by the County. The County intends to convey this equipment to the successful Respondent. [Respondents should indicate the price offered on Form F-4 herein]:

EQUIP NO.	YEAR	MAKE	MODEL	MILEAGE/HRS	DESCRIPTION/USED FOR
2002	2000	Heil	Tanker	-	Grey water removal
2102	2009	Kubota	L5740	37.8 hrs	Lawn Tractor
2103	2009	Woods	HC72	-	Kubota - brush hog att
2104	2009	Woods	PRD8400	-	Kubota - finish mower att
2109	2002	John Deere	4200	1,372 hrs	Lawn Tractor - 4wd
2110	1999	Toro	20042	-	Push mower
2111	2002	John Deere		-	JD- 59 in. Ft mt snow blower
2112	2002	IS		-	Multi gas monitor for CS
2113	2002	ASI	SVB-E8	-	3/4 h.p. CS Air Blower
2114	2002	Tufline		-	John Deere - disc att
2115	2003	Snapper		-	Push mower
2116	1989	Husqvarna	225L	-	Weed trimmer
2402	2000	International	9900	99,211 mi	Tractor Truck
2403	2000	International	9900	208,148 mi	Tractor Truck

SECTION 7 FINCH PAPER COMPANY SLUDGE LANDFILL FACILITY

Section 7.1 Location and Description

The Finch Paper LLC owns and operates a landfill facility immediately adjacent to the Saratoga County Landfill facility and is shown on the map in Appendix C.

Section 7.2 Potential Future Disposition

As indicated above, Finch Paper LLC has owned and operated a permitted paper sludge landfill facility, the Finch/Irving partnership facility (hereafter “Finch”), immediately adjacent to the County landfill facility for the past 13 years in partnership with Irving Paper. Recent discussions between representatives of the County and Finch have identified the potential that joint operation of the two facilities by a third-party private firm specializing in waste management may hold the potential for management solutions to achieve higher efficiencies and additional disposal capacity and could be in the best interest of all involved parties.

In recognition of these prospective operational efficiencies, the County and Finch agree that there may be significant benefits to exploring the possible operation of the two facilities in a coordinated manner, and Finch has expressed interest in receiving purchase or lease proposals from interested parties that would include a long-term guarantee of disposal space for its paper sludge at a favorable and stable rate. For example, paper sludge may be useful in the management of municipal solid waste.

One option under consideration by Finch would be to sell or lease their landfill coupled with a guarantee of disposal for their paper sludge waste at a favorable and stable rate over the long term.

Finch has established its own autonomous process for obtaining proposals for its landfill facility. All Respondents potentially interested in making a proposal to Finch must contact Finch directly as follows:

Sandra LeBarron
One Glen Street,
Glens Falls, NY 12801
Phone: (518) 793-2541 x5217

The County will not be involved in any way in the consideration of proposals made to Finch, in negotiations regarding the Finch landfill facility, or in Finch's ultimate decision.

However, the County encourages potential Respondents to carefully evaluate the potential for co-management of the facilities and for making a coordinated proposal to connect the two facilities as a means to improve the effectiveness and efficiency of both landfills. The County will look favorably upon the submission of proposals that coordinate the two separate RFPs.

SECTION 8.0 OPERATING PARAMETERS

This section contains the County's expectations for how the landfill facility will be operated by the successful Respondent. All prospective Respondents should regard the items set forth in Section 8 as the minimum standards expected by the County which will be included in the agreement with the successful Respondent. The County encourages Respondents to make recommendations to enhance the items set forth by the County in order to improve operations, to improve communications with the County and the general public, to demonstrate the highest levels of environmental protection, to implement a highly responsive system for responding to questions and complaints for the public and elected officials, and to couple the operation of the landfill with waste reduction, recycling and recovery initiatives.

Section 8.1 Landfill Development and Operations Plan

Each Respondent shall submit a landfill development plan including:

- Cell progression.
- Total build out of the County landfill facility, combined with the Finch landfill facility if applicable, showing the coverage of the landfill cells, the future landfill gas recovery system, and all other facility components.
- Cross sections showing final landfill elevations.
- Areas for mining of cover material.
- List of operating equipment.
- Staffing plan.
- Intended hours of operation.

Section 8.2 Origin of Waste

If a proposal includes the acceptance of municipal solid waste (MSW) then the County will require verification that the majority of the waste accepted at the landfill facility originates in Saratoga County or a bordering County. Each Respondent should describe its approach to meet this requirement. The County does not anticipate directing or otherwise requiring waste generated in Saratoga County to be delivered to the County landfill facility.

Section 8.3 Capacity

The landfill facility will be conveyed based on the existing Part 360 permit with an annual capacity of 106,000 tons per year.

Section 8.4 Acceptable Types of Waste

The landfill will only accept those types of waste which are permitted by the 6NYCRR Part 360 regulations and the Part 360 operating permit for the facility. If the successful Respondent determines that a modification to the operating permit is necessary with respect to the acceptable types of waste, the County will support such a modification so long as the types of waste are allowed by the State Part 360 regulations. If a Respondent is also making a proposal to Finch for their landfill facility, it will be the responsibility of the Respondent to resolve any differences between the two existing permits with respect to acceptable types of waste and to explain that disposition in its proposal to the County.

Section 8.5 Acceptable Vehicles for Waste Delivery

The patterns for traffic movement and number of vehicles shall be consistent with the facility environmental impact statement and Part 360 operating permit. Also, it is the County's intent to minimize the number of trucks delivering waste to the landfill and the County will look favorably on proposals which maximize the use of large capacity

transfer trailers or the equivalent. Therefore, Respondents will be asked to present a proposal for limiting the types of vehicles allowed as a means to minimize traffic on a daily basis.

Section 8.6 Daily Cover and Alternative Daily Cover

The successful Respondent will be responsible for securing adequate volumes of daily and intermediate cover to meet the minimum requirements of the State Part 360 regulations and the State operating permit. This may include mining of cover material from the property conveyed by the County so long as such mining is in conformance with the State regulations and operating permit. Alternative daily cover which has been approved by the State DEC under a beneficial use determination [BUD] is acceptable. As indicated in Section 8.1 above, each Respondent must show planned areas for mining cover material.

Section 8.7 Landfill Gas Management

The successful Respondent will be responsible for the prompt installation and management of a system, including an adequate network of horizontal collection lines and vertical collection wells, to collect and control landfill gas emissions in order to insure compliance with all applicable State and Federal regulations.

Section 8.8 Leachate Treatment

All leachate generated at the landfill facility will be delivered by the successful Respondent to the Saratoga County Sewer District Wastewater Treatment facility as specified in the environmental impact statement and operating permit for the landfill facility. The fee paid for leachate disposal will be determined by the Saratoga County Sewer District. The successful Respondent will be responsible for compliance with all the requirements established by the Saratoga County Sewer District. Any change to the designated change to the facility for leachate treatment will require approval of the County BOS.

Section 8.9 Regulatory Compliance and Reporting to the County

The successful Respondent will be solely responsible for compliance with all applicable laws and regulations governing the construction of future cells and the operation of the landfill facility.

The successful Respondent will utilize certified weigh scales at the landfill facility and will allow the County access to the scale records.

The successful Respondent will employ a modern, integrated, computerized monitoring technology for all landfill facility systems and will provide a means for the general public

and County representatives to view the monitoring system control center. This should be described in the Respondent's proposal.

The successful Respondent will provide an annual report on landfill facility operations to the County including the following:

- Waste tonnage received by waste category.
- Waste tonnage received by place of origin.
- Daily and intermediate cover volumes utilized.
- Leachate volumes in the secondary/witness liner system.
- Leachate generated and disposed.
- Summary of new construction.
- Summary of material recovery.
- Summary of all energy recovery and available energy capacity.
- Summary of all beneficial byproducts from the landfill facility.
- Summary of all complaints and action taken to resolve.
- All NYSDEC inspection reports.
- All correspondence to and from NYSDEC relative to the landfill.
- Summary of significant projects planned for the following year.
- Certified bank statement for the closure – post closure reserve.

Section 8.10 Harrier Monitoring and Mitigation

The successful Respondent will continue the ongoing Harrier monitoring and mitigation procedure put in place as a result of the landfill facility environmental impact statement and operating permit. The procedure will be maintained so long as it is required by the NYSDEC.

Section 8.11 Complaint Procedure

The successful Respondent will be required to implement a responsive procedure for the receipt and resolution of complaints resulting from landfill facility operations. At a minimum, the procedure must include:

- A plan to educate the public about the operation of the landfill facility, what they will experience, and what they can expect.
- A plan to notify the public of the procedure to file a complaint.
- A written log of every complaint filed by telephone, email, or mail.
- A written response for each complaint.
- A telephone number, email address or web site, and a mail address to file a complaint and specific instructions for problems experienced during non-operating hours.

- A designated employee to receive complaints and follow through on resolution.
- A procedure to notify Town and County officials of complaints, responses, and resolution.

Section 8.12 Closure - Post Closure Reserve

The successful Respondent shall be required to establish a closure – post closure reserve adequate to fully fund all required closure and post closure monitoring, maintenance, repair, and remediation and adequate to satisfy the requirements of all applicable State and federal regulations.

Section 8.13 Finch Paper Landfill

The County will look favorably on proposals that coordinate and combine the disposition of both the County landfill and the Finch landfill as a means to improve the effectiveness and efficiency of both landfills.

Section 8.14 Host Community Service

The successful Respondent will accept, at no charge, up to 500 tons per year of non-recyclable waste collected at the Town of Northumberland transfer station and delivered by the Town to the landfill facility.

Section 8.15 Insurance

The successful Respondent will be required to provide adequate comprehensive general liability insurance and environmental/pollution liability insurance for the landfill facility covering the period of operation and the period of post closure monitoring.

SECTION 9 FUTURE CONSIDERATIONS

The following information is provided for use by the Respondents. However, it is solely the Respondents' responsibility to conduct their own research on these considerations and to arrive at their own judgment about how to handle these considerations in its proposal.

Section 9.1 Connection of County Landfill Facility with Finch Landfill Facility

If agreed to by Finch, the County will support an application by the successful Respondent to the State DEC to connect, co-manage or otherwise join the County landfill

with the Finch landfill to achieve greater operational efficiency and to capture available air space for disposal. The ultimate final agreement with Finch, as well as the engineering, design, permitting, construction, and operation of such an arrangement shall be the sole responsibility of the successful Respondent.

If a Respondent is also making a proposal to Finch for their landfill facility, it will be the responsibility of the Respondent to resolve any differences between the two existing permits.

Section 9.2 Potential Capacity Increase

In the future, the successful Respondent may determine that an increase in the permitted capacity or other expansion of the landfill facility is necessary. The February 1995 NYCRR Part 360 permit application for the County landfill facility identified potential future expansion areas. Accordingly, the County will support the successful Respondent's application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property.

Section 9.3 State Environmental Quality Review Act [SEQRA] Compliance

The record documents as referenced in Section 5 herein include the environmental impact statement completed for the existing landfill facility. To the extent that any further action under SEQRA is required for activation of the existing landfill facility it shall be the sole responsibility of the successful Respondent. The successful Respondent shall also be solely responsible for compliance with SEQRA for any future permit modifications or other actions requiring treatment under SEQRA.

Section 9.4 Landfill Gas, Energy Recovery and Materials Recovery

The successful Respondent will be solely responsible, and at its own expense, for the installation of all horizontal collection lines and vertical collection wells in the landfill facility to extract landfill gas.

The successful Respondent will be solely responsible, and at its own expense, for the construction and operation of:

- The landfill gas to energy recovery system.
- Any other system to utilize or convert the landfill gas to any other form of energy including but not limited to heat or liquefied natural gas.
- Any system to recover materials from the waste delivered to the landfill facility.
- Any system to create or develop beneficial byproducts from the waste delivered to the landfill facility, or from the operation of the landfill facility.
- Any necessary interconnect with an energy utility or other user of energy, materials or byproducts from the landfill facility.

- Any other energy systems which utilize the landfill facility property including but not limited to anaerobic digesters, solar power, or wind power.

For the operational life of the landfill facility the post closure period, the successful Respondent will indicate on Form F-4 what share will be paid to the County from the sale of electricity, heat, any other forms of energy generated by the recovery of gas from the landfill facility, material recovery from waste delivered to the landfill facility, other beneficial byproducts from the landfill facility, other energy systems including but not limited to anaerobic digesters, solar power and wind power, renewable energy credits, and the creation of energy capacity.

Section 9.5 Carbon Credits

During the operational life of the landfill facility and during the post closure period, the successful respondent will pay the County a share of all carbon credits or the equivalent,[which shall mean the value of the sale or trade of carbon offsets which are typically measured in carbon dioxide equivalents], sold by the successful Respondent. The percentage to be paid to the County should be indicated in the Elements of Payment on Form F-4.

Section 9.6 Potential New Wastewater Treatment Facility

At this time the Saratoga County Sewer District is engaged in a long range planning effort to develop a new wastewater treatment facility to serve currently un-served areas in the Northern part of the County. The primary site identified by the Sewer District is on property owned by the County and within the landfill facility complex. If the Sewer District locates and develops a new treatment facility proximate to the landfill facility it will hold the potential for a direct leachate discharge to the wastewater facility, thereby eliminating the need and cost of trucking.

Section 9.7 Regulatory Compliance

The successful Respondent will be responsible for compliance with all federal State and local laws and regulations with respect to the landfill facility and all associated activities.

SECTION 10 ELEMENTS OF PAYMENT

The County has identified seven potential types of payments be paid by the successful Respondent to the County as set forth in Form F-4. It is solely the responsibility of the Respondent to make a determination on how to structure the proposed payments and therefore which elements to include in their proposal.

Form F -1

Respondent Certifications

1. Company Name of Respondent _____
2. Company Address _____

3. Name of responsible company official _____
4. Title _____
5. I hereby certify that I am the duly authorized representative of (company name) _____ and that I have been vested with all the necessary authority to represent the company's proposal and to make decisions on the company's behalf.
Signature _____
6. Phone Number _____
7. Email Address _____
8. I hereby certify that (company name) _____ has received a complete copy of the Saratoga County RFP for the Privatization of the County Landfill.
Signature _____
9. I hereby certify that a duly authorized representative of the company attended the mandatory Pre-Proposal Site Visit.
Signature _____
10. I hereby certify that the company has received all addenda and amendments to the RFP.
Signature _____
11. I hereby certify that (company name) _____ shall make no claim, now or at any time in the future, against Saratoga County or any representative of Saratoga County, for any of the costs of reviewing the subject RFP, or for any of the costs of preparing a proposal for submission to the County in response to the subject RFP, or for any costs whatsoever associated with the subject RFP.
Signature _____

Form F – 3

Request For Non-Disclosure

As noted in Section 2.8 of the RFP, the New York State Freedom of Information Law and Public Officers Law governs public access to government records. There are exceptions to the requirements for disclosure of certain records pertaining to trade secrets and impairment of an entity's competitive position.

The filing of this form constitutes a request by the Respondent (company name) _____ that the specific information listed by the Respondent below not be disclosed to the public.

I hereby request that the information submitted by (company name) _____, as noted on each copy submitted by (company name) _____, as listed below, should not be publicly disclosed because it contains financial or technical information which are trade secrets and/or which, if disclosed, would cause substantial injury to (company name) _____ competitive position. I further request that such information be used only for the evaluation of the proposal. I acknowledge that the final decision on compliance with the applicable laws will be made by the Saratoga County Public Access Officer, subject to a right of appeal to the County Attorney.

Pages, or portions of pages, of proposal requested for non-disclosure (list all):

Signature _____

Form F-4 Elements of Payment

I hereby submit this offer of payments on behalf of (company name) _____

Signature _____

1. Capital Purchase or Lease Payment to Saratoga County \$ _____
2. Annual Payment to Saratoga County \$ _____
3. Annual Payment to the Town of Northumberland \$ _____
4. Saratoga County's Percentage of Energy Sales _____%
5. Saratoga County's Percentage of Carbon Credits Sale _____%
6. Payment to Saratoga County for Landfill Operating Equipment \$ _____
7. Other Proposed Payments or County's Percentage of Sales (please list)
_____ \$ _____
_____ %
_____ \$ _____
_____ %
_____ \$ _____
_____ %
_____ \$ _____
_____ %
_____ \$ _____
_____ %

Page intentionally blank.

APPENDIX A

Future Landfill Options Report
December 6, 2011

SARATOGA COUNTY

Future Landfill Options

Local Solid Waste Management Plan Implementation Item

Barton & Loguidice, P.C. and Gerhardt, LLC

12/6/2011

An overview of the options available for the constructed but unused County landfill facility, for the consideration of the Board of Supervisors.

**Future Options For The Saratoga County Landfill
LSWMP Update
December 2011**

BACKGROUND/INTRODUCTION

Saratoga County was initially granted a permit to construct a 106,000 ton per year solid waste landfill by the New York State Department of Environmental Conservation [NYSDEC] on October 5, 1998. The permit authorized construction of two cells totaling 9 acres capable of providing an estimated 3 years of disposal capacity based on 467,000 cubic yards of air space. The permit requires compliance with all the 6NYCRR Part 360 regulations and with additional conditions for inspection to verify regulatory compliance, certain construction requirements and certifications, and standard requirements pertaining to operating hours, leachate management, groundwater monitoring, recycling and other factors. Special conditions were also imposed for monitoring the presence and viability of the Northern Harrier. Following the completion of construction, on September 13, 2001 the County was issued the final permit to operate.

In the Environmental Impact Statement, permit application, and the permit hearing record the County indicated that the landfill would:

- Be constructed in phases with Phases 1, 2 and 3 consisting of a total of 23 cell acres.
- Include 25 acres north of Phases 1, 2 and 3 designated for future cell development.
- Be part of a total 130 acre site.
- Handle waste generated in Saratoga County, serving the 2 cities, 19 towns, and 9 villages.
- Handle only municipal solid waste and stabilized sewage sludge but not paper sludge or construction and demolition debris.
- Dispose of leachate at the County wastewater treatment facility in Halfmoon.

The County constructed the landfill starting in 1999 and completed it in 2000. The following are the major components of the facility:

- 2 double composite lined cells comprising 9 acres
- Ground water monitoring wells
- 2 above ground 501,000 gallon leachate storage tanks
- 2 scales
- Leachate collection and pump facilities
- Leachate load-out building
- Maintenance/administration/scale building

- Storage building
- (3) 5000 gallon tankers and 1 haul truck, 1 water truck, 2 small tractor/mowers

Upon completion of the landfill the County Board decided to hold off on opening and operating the facility opting instead to rely on the landfill as an “insurance policy” in case the cost of disposal in the private market increased significantly. No waste has been placed in the facility.

As the County examines future options for the landfill, one of the issues that will need to be addressed is the condition of the facility and the cost of maintenance upgrades that would be necessary to renew the operating permit, begin operation, or privatize the facility. In 2008 the County hired Malcolm Pirnie Engineers to evaluate the condition of the facility’s major components. In preparing the evaluation the engineers noted that the DEC’s main concern was the condition of the secondary leachate collection system. It will be prudent and necessary for the County to continue to monitor the in-flow rates into the secondary collection system to confirm that the system is working properly. The engineers also noted that due to winter conditions they were not able to assess the frost protection layer, the exterior cell berms, the site drainage, or the monitoring wells. With those caveats, the engineers provided the following estimate of needed improvements.

2008 Malcolm Pirnie Estimate

Monitoring Wells	\$20,000 - \$25,000
Administration Building	\$8,000 - \$10,000
Remote Meter Panel	\$1,000 - \$2,000
Septic Tank/Holding Tank	\$500 - \$1,000
Truck Scales	\$10,000 - \$15,000
Leachate Load -Out	\$4,000 - \$5,000
Main Leachate Pump Panel	\$500 - \$1,000
Valve Vault	\$8,000 - \$10,000
Leachate Pump Wet Well	\$10,000 - \$15,000
Leachate Tank Farm	\$4,000 - \$5,000
Tanks	\$25,000 - \$30,000
Transformer	\$4,000 - \$5,000
Leachate Clean-Out Vault	\$8,000 - \$10,000
Pore Pressure Relief Manholes	\$8,000 - \$10,000
ALR	-----
TOTAL	\$111,000 - \$144,000

Without completing an in-depth engineering review of all components of the facility, which is not within the scope of the LSWMP update, it is not possible to affirm or update the estimates prepared by Malcolm Pirnie in 2008. However, Barton & Loguidice

has reviewed the previous work done by Malcolm Pirnie and completed a site visit of the landfill on November 16, 2011. In order to begin operation of the landfill it would be necessary to purchase the remaining operating equipment, materials, parts, supplies and tools which are not currently in place. The equipment would likely include a loader, excavator, dozer, dump trucks, and compactors. It would also be necessary to determine if there is an adequate source of cover material on site. In consideration of the improvements identified by the County's engineer in 2008, the additional improvements that may be necessary, and the additional equipment that would be required, it would be prudent for the County to plan on an additional investment of \$2.5 million to \$3 million in order to open the facility.¹

A second important issue facing the County as they consider future landfill options is the permitted capacity of the landfill [106,000 tons per year] relative to the current and future volume of waste generated within the County. In the landfill environmental impact statement and permit process, the County's engineer estimated that there was approximately 142,450 tons per year of non-recyclable waste generated in the County. As shown in Table 5.2 of the LSWMP update, it estimated that there is currently 265,697 tons of MSW per year being disposed in Saratoga County. Although that volume is estimated to be reduced over the next 10 years through increased recycling and source reduction, there would still be a significant difference between the volume of MSW needing a disposal destination in Saratoga County and the capacity of the landfill under the current permit condition.

This means that if the landfill were opened for operation, unless a permit modification was approved, not all the waste generated in Saratoga County could be taken at the County landfill. The County could consider restricting the types of waste accepted at the facility such as prohibiting wastes from businesses and industries, although that may significantly reduce the value of the facility to the community.

OPTION A – Maintain Landfill Facility as an Insurance Policy

As has been the policy in Saratoga County since completing construction of the landfill, the County could continue to maintain the facility and the facility permit to be activated if the cost of disposal at private facilities outside the County becomes significantly more expensive than it would be to open the County landfill.

Compactors	\$1,500,000
Loader	\$160,000
Excavator	\$220,000
Dozer	\$300,000
2 dumps	\$200,000
Tools	\$100,000
Materials/supplies/parts	\$100,000
Contingency	\$300,000-\$780,000

If this option is selected by the County, it is recommended that several steps be considered. In 2013, (five years from the prior estimate) the County should complete an engineering evaluation of all components of the landfill facility. The updated evaluation should include a list of capital maintenance items and estimated costs that can be the basis for a multi-year capital improvement plan. At the same time, the County should continue its regular maintenance program to insure that the landfill is kept in a suitable condition so that operations can be started if the Legislature decides the landfill should be opened.

It would be prudent for the County to periodically reexamine the question of opening the landfill. This could be accomplished by having the County Engineer regularly update the O&M cost estimate provided herein and provide that estimate to the County Board of Supervisors with a comparison to the cost of transfer and disposal in the private market.

Option A Pros

1. Preserves County Investment.
2. Provides cost stable option if private market prices increase sharply.
3. Aside from annual maintenance cost and the potential for a major unforeseen expense, the County would use the private market so long as it's cost effective and shift to its own landfill when the private market is more expensive—theoretically, an optimum financial strategy.
4. Preserves a future option that would improve the County's environmental risk position if they do end up opening the landfill.

Option A Cons

1. Requires significant expense in the near future to complete necessary maintenance upgrades. There could be significant future expenses if the facility components, including operating equipment, deteriorate from inactivity.
2. Requires regular maintenance and upkeep and associated expenses.
3. Requires regular review of the cost of operating the landfill and the prices charged in the private market.
4. If opened, creates the issues listed in Option B Cons below.

OPTION B - Open the Landfill Facility

Opening the landfill remains a viable option for the County. However, based on a preliminary review, if the County elected to open the facility as a County operation, it would require a significant capital outlay to purchase the equipment, materials, supplies and tools necessary. As noted above, that initial capital cost could be in the range of \$2.5 to \$3 million.

Appendix A is a cost estimate for the annual operation and maintenance of the landfill facility by the County. The estimate is based on actual operating budgets for other public landfills in New York State, adjusted for tonnage and other differences between the facilities.

As shown in Appendix A, the estimated annual O&M cost for the Saratoga landfill is \$3,438,433. If the County elected to charge a tipping fee in the amount necessary to cover all landfill expenses and if the annual volume remained at the permitted 106,000 tons per year then the tip fee would be \$32.44 per ton. If the County were to utilize transfer stations to consolidate waste for delivery to the landfill, then in order to fairly compare public and private costs it would be necessary to add the transfer station costs to the landfill O&M cost. An examination of public and private transfer station expenses in Upstate New York indicates a cost of \$10-\$14 per ton. Therefore, if the County utilized transfer stations and if the County wanted a fully self supporting tip fee, that fee would be approximately \$42.44 to \$45.44 per ton.

Appendix B provides information on tip fees (both for disposal only and for integrated systems) at public landfills in the State as a basis for comparison by the County. Currently the private market for transfer and disposal of non-recyclable waste in the Saratoga County area is in the range of \$45-\$55 per ton depending on the type of transfer system and the landfill being used.

Opening the landfill would also require the resolution of several important issues. The maintenance improvements noted above would have to be completed. New equipment, materials and supplies would have to be purchased. The County would have to establish the method for funding the landfill, either through a tipping fee, property tax revenue, sales tax revenue, a combination of sources or some other method. *[It would also be possible for the County to solicit proposals from private companies to operate the landfill. This would be different than the privatization options presented below in that the county would simply have an operations contract with a private company but would retain control over incoming waste as well as financial responsibility for the facility. As noted above, any needed equipment not in inventory would have to be purchased, unless a private contractor was responsible for all operating equipment.]*

Opening the landfill would also require resolution of the shortfall between the volume of non-recyclable waste generated in the County and the permitted capacity. This could be addressed in one of several ways. One approach would be to seek an increase in the permitted capacity from the State. Although this is possible, it would mean that the County would have to begin construction of a new cell in the near term thus requiring additional substantial capital investment. Another approach would be to limit the types of waste accepted at the facility such as prohibiting wastes from businesses and industries. Based on the estimates contained in the LSWMP update (Table 5-1 of the

LSWMP update), if approximately 29% of the waste generated in the County is from commercial industrial sources [approximately 77,110 tpy], and that waste was not permitted at the landfill it would reduce the remaining waste stream to approximately 188,787 tpy as opposed to 265,697 tpy. This would still mean there is a shortfall disposal capacity, but the reduction and recycling initiatives might bring the net volume requiring disposal closer to the 106,000 permitted capacity.

Option B Pros

1. Stabilizes disposal cost for the long term.
2. Compares favorably to current private market costs.
3. Puts County in the lowest risk position for future transportation costs.
4. Puts the county in a better "carbon footprint/greenhouse gas" position than the current practice of long haul to landfill.
5. Keeps over \$3 million annually in the local economy.
6. Allows for closest inspection for managing recycling and screening out household hazardous wastes.
7. Creates a new source of future revenue from the sale of energy from methane gas recovery, and may allow the County to sell carbon credits to the extent the market is favorable.
8. Puts the County and waste generators in the best position to minimize long term environmental liability.

Option B Cons

1. Creates a major new County or contract operation and a major new cost center.
2. Requires the County to expend \$2.5 to \$3 million to acquire necessary equipment, supplies and tools.
3. Requires County to deal with regular and difficult associated issues such as traffic, odors, litter, perception of hazards, and complaints.
4. Requires resolution of difficult capacity shortfall issue
5. May trigger negative public reaction.
6. Difficult to close once opened [if conditions with the private market change].
7. Once opened, ground water monitoring, leachate management, and post closure responsibilities will be County responsibilities forever, even if they closed the facility at a future date.
8. Risk of future regulatory changes could require facility retrofit.

OPTION C – Privatize the Landfill Facility

This option would transfer all operating responsibility from the County to a private company through a competitive proposal process. This approach has been implemented by four other counties and one town in the State. It would create a “merchant” type facility where the private operator would take waste from the open market while also providing disposal capacity for waste generated in Saratoga County.

Based on the privatizations that have been completed and which are summarized in Appendix C, the County would be negotiating to a) reserve a specific volume of air space at a specified tip fee for waste generated in Saratoga County, b) secure an up-front payment by the successful proposer to the County, c) secure an annual lease payment by the successful proposer to the County, and d) resolve the responsibility for all issues related to regulatory compliance, the volume of out-of-county waste accepted at the facility, any payments to Saratoga County for such out-of-county waste, and responsibility for future cell construction, equipment and capital improvements.

Although these elements represent the privatization agreements done in NYS to date, Saratoga County could take a modified approach. One alternative would be to forego the contractual reservation of air space for waste generated in Saratoga County. The decision on what waste is delivered to the landfill would be left to the open market and decisions made by the private operator. It is quite likely substantial waste from Saratoga County would end up at the landfill but the County would not have to make that a condition of the privatization contract.

Additionally, since the landfill has not yet been used and there is no historical environmental risk, it may be possible to sell the facility outright, an approach that may mean more revenue for the County.

The amount that the County could expect from a lease or sale of the landfill facility is informed by the privatizations done in the State and summarized in Appendix C. However, the amount will be impacted by the private bidders’ calculation of available capacity, the private bidders’ judgment about the ability to modify the State permit to allow for a tonnage increase, any limits the County places on capacity, and the conditions in the solid waste disposal market at the time of the lease or sale. The amount will also be impacted by the facility’s location relative to sources of waste generation.

If the current permit limit of 106,000 tons per year was not changed, it would limit the number of private companies interested and would produce a lower lease/purchase price. Based on an examination of other privatization deals and after consulting with companies that have entered such arrangements, it is estimated that a lease or sale with the current annual tonnage limit would be on the order of \$5,000,000 with annual payments in the range of \$200,000.

If the County offered the facility without an annual tonnage limit thereby allowing private companies to maximize the use and capacity of the overall site, the County might expect a lease or sale price on the order of \$10, 000,000 with annual payments in the range of \$400,000.

Option C Pros

1. Utilizes County investment.
2. County would capture an up-front payment, helping offset the County's initial capital investment.
3. County would gain annual lease payments over the long term.
4. County could achieve a favorable tip fee for in-county waste, if that was an important issue for the County.
5. If the County can successfully negotiate the agreement with the successful private operator, it may be possible to shift responsibility for closure/post closure and regulatory changes to the private operator.

Option C Cons

1. May still require resolution of issue of securing adequate capacity for in-county waste.
2. Represents a long term commitment that would be extremely difficult if not impossible to reverse (discontinue operation).
3. May trigger public opposition.
4. County may still have to respond to complaints on operations such as traffic, odors, perception of hazards.

OPTION D – Privatize for Limited Waste Types

This option is similar to C above but would be done for a specific waste stream or waste streams and would not result in the type of private “merchant” facility created by Option C. Privatization of the landfill for a limited waste stream could potentially still create a new revenue for the County from an annual lease payment, while helping secure local private sector jobs.

This option would still require resolution of issues by the County. Responsibility for completion of needed maintenance improvements would have to be resolved as would any facility and permit modifications necessary to accommodate the new type of waste.

This option would bring substantial revenue to the County. It is estimated that this scenario would be on the low end of the range noted in Option C above.

Option D Pros

1. Creates a new source of revenue for the County.
2. The county may be able to negotiate an up-front payment which would help offset the County's initial capital investment.
3. Helps anchor a local industry.
4. If the County can successfully negotiate the agreement with the successful private operator, it may be possible to shift responsibility for closure/post closure and regulatory changes to the private operator.

Option D Cons

1. Eliminates County's "insurance policy" against the risk of significant price increases in the cost of disposal in the private market.
2. May trigger public opposition.
3. County may still have to respond to complaints on operations such as traffic, odors, perception of hazards.
4. Represents a long term commitment that would be extremely difficult if not impossible to reverse (discontinue operation).

OPTION E – Relinquish Landfill Permit

This option would represent a long-term policy decision by the County that they do not intend to provide for the disposal of non-recyclable municipal solid waste generated in Saratoga County. The County would continue to rely on the private sector to meet this need.

Given the monumental task of siting and permitting a solid waste disposal facility in New York State, which the County is well aware of, it is unlikely that the County would revisit the development of a landfill if they relinquished the permit for the existing facility.

This option would require some expenses to insure the safety and environmental integrity of the site. This would include things such as decommissioning the ground water monitoring wells and the leachate collection system as well as other components of the facility.

Option E Pros

1. Eliminates all ongoing responsibility for maintenance of the landfill facility as well as all responsibility for regulatory compliance.
2. Ends any public opposition to the landfill site.

Option E Cons

1. County would “lose” its investment.
2. County would lose its “insurance policy” against private market risk.
3. County would be significantly more vulnerable in the long term to increases in the cost of fuel.
4. Local businesses and individual waste generators could unknowingly incur long term environmental liability caused by the disposal facility used by a private hauler. [Although this is not a direct risk to the county government, it is a real risk in any case.]

DRAFT

Appendix A

Estimated Annual Landfill O&M

ITEM	EXPENSE	REMARKS/EXPLANATION
1. Wages and Overtime	\$ 428,570	8 full time, 2 part time positions
2. Benefits	\$ 185,894	Retirement, SS, WC, Health Insurance
3. Utilities	\$ 25,400	Electric, heat, phone
4. Equipment Supplies and Repairs	\$ 18,400	
5. Contract Services	\$ 139,800	Groundwater monitoring, Northern Harrier monitoring, vector control, odor control, sewer jet, other
6. Insurance	\$ 5,000	
7. Fuel	\$ 186,100	Operating vehicles, leachate transport; diesel @\$4/gal.; lube oil
8. Other Materials, Supplies, Expenses	\$ 78,500	Stone, road materials, travel, training, office supplies, postage, uniforms/clothing, rent/lease equipment, misc.
9. Maintenance Contracts	\$ 20,000	Scale, fire protection, etc.
10. Transportation	\$ 149,882	9,029,040 gallons leachate @ \$0.0166 per gallon ; (a)
11. Leachate Disposal	\$ 180,581	\$0.02 per gallon
12. Operating Contingency	\$ 70,306	5%
13. Host Community Payment	\$ 0	(b)
14 Debt Service	\$ 0	(c)(d)
15. Closure/Post Closure Reserve	\$ 300,000	
16. New Cell Reserve	\$1,400,000	
17. Equipment Replacement Reserve	\$ 250,000	
18. TOTAL	\$3,438,433	

(a) Does not include the cost of transportation of waste from transfer stations to the landfill

(b) No amount included

(c) Assumes the purchase of needed equipment, materials, supplies, tools in the amount of \$2.5 to \$3 million is done with funds on hand and no additional borrowing.

(d) No amount included for borrowing for new cell construction

Appendix B

NYS Public Landfills Comparison

	ANNUAL VOLUME (2009) (~TPY)	ANNUAL PERMIT LIMIT (TPY)	SYSTEM TIP FEE Per Ton (a)	DISPOSAL ONLY TIP FEE Per Ton
Albany [City]	232,000	275,100	\$75	
Allegany County	47,000	56,000		\$40
Auburn [City]	50,000	96,000		\$22-\$72
Broome County	170,000	232,000		\$40
Chautauqua County	230,000	408,000		\$27.50 - \$36.50
Chenango County	28,000	41,550		\$55
DANC	220,000	346,320		\$41
Franklin County	72,000	125,000	\$90	
Fulton County	75,000	134,000	\$32	
			2012	
Madison County	50,000	61,000	\$62.50	
Oneida-Herkimer	250,000	312,000	\$72.15	
			2012	
Oswego County	61,000	73,000	\$56.00	
			2012	
Steuben County	94,000	151,000	\$42	
			2012	

(a) Other services funded by system tip fee

TO BE UPDATED

Appendix C

Landfill Privatization Summary

	TERM	UP-FRONT PAYMENT (YEAR)	ANNUAL PAYMENT	TIP FEE (a)	REMARKS EXPLANATION (b)
Chemung County	10	\$100,000 plus \$35,000 reimbursement fee	\$38,900/yr \$15,000/yr to Chemung Fire District		\$1.65 per ton between 280,000 and 417,000 tpy \$2 per ton over 417,000 tpy
Colonie - Town	25	\$23,000,000	\$2,300,000/yr - 1 st 5 years \$1,100,000/yr - next 20 years		Closure/post closure payment for new air space \$6 per ton over 170,000 tpy Free disposal 1350 tpy Free disposal green waste 25,000 tpy
Monroe County	49	\$17,000,000	\$2,600,000/yr - 1 st 10 payments \$740,000/yr -- following 15 payments		Town of Riga Revenue Sharing = \$2.97/ton MSW; \$1.25/ton of BUD
Ontario County	25	\$15,000,000	\$2,000,000/yr		Ontario County receives a % of the tip fee revenues (7.5% - MSW, 4.6% BUD). Other monies provided for sewer and water development (\$60,000), fire protection (\$17,000), etc.
Clinton County					\$2/ton to County \$1.75/ton to Town

(a) Fee charged for in-jurisdiction waste; air space guarantee

(b) Capacity increase; limits on out-of-jurisdiction waste; methane recovery
revenue; other improvements made by private company

APPENDIX B

Comments and Responses on Draft RFP

Hans Arnold

From: Solomon, Amy [amy.solomon@mckennalong.com]
Sent: Friday, May 11, 2012 3:56 PM
To: gerhardtllc@gmail.com
Subject: Saratoga County Draft RFP

Mr. Arnold: I am reviewing the draft RFP for Interstate Waste Services. I am looking for the total available cubic yards at the landfill and possible expansion numbers. Is that information you can share with me?

Thank you so much for any help you can give. Much appreciated.

Amy

Amy G. Solomon | Managing Director
McKenna Long & Aldridge LLP
111 Washington Ave, 7th Floor | Albany, NY 12210
Tel: 518.935.2418 | Fax: 518.462.4875 | amy.solomon@mckennalong.com
<http://www.politicsandlawblog.com/>
http://twitter.com/Politics_Law

CONFIDENTIALITY NOTICE:

This e-mail and any attachments contain information from the law firm of McKenna Long & Aldridge LLP, and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged attorney/client communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you are not a named recipient, you are prohibited from any further viewing of the e-mail or any attachments or from making any use of the e-mail or attachments. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof from any drives or storage media and destroy any printouts of the e-mail or attachments.

APPENDIX B

Responses to Comments on Draft RFP

Comment/Question [see previous page in Appendix B] submitted by:
Amy G. Solomon, Managing Director
McKenna Long & Aldridge LLP
May 11, 2012

Response:

The County's record documents indicate 467,000 cubic yards of air space. The record documents also refer to potential future expansion areas. It is suggested that each interested respondent evaluate the site including the constructed cells and make their own estimate of current and potential future capacity.



June 27, 2012

Mr. Hans Arnold
Gerhardt LLC
107 Paris Road
New Hartford, NY 13413

**RE: Saratoga County Board of Supervisors
Draft Request for Proposal for the Privatization of the County Landfill**

Dear Mr. Arnold:

As per Section 2.2 of the above referenced Draft Request for Proposal (the Draft RFP or DRFP) we submit the following comments for your consideration for incorporation into the final RFP.

As a preface to the specific comments, we understand that, as per Section 2.6 of the DRFP, requests for any interpretation or clarification should not be submitted during the comment period on the draft RFP. Any requests for interpretation or clarification on the final RFP shall be made after the issuance of the final RFP and prior to the deadline for submission of final proposals.

With that understanding, we offer the following comments and questions on the Draft RFP.

1. In Section 1.1, reference is made to a recent update to the local SWMP. What is the status of that LSWMP update? Has it been approved by the NYSDEC?
2. In Section 5, it is noted that "All operating systems for the landfill facility have been maintained by the County and regularly inspected by a professional engineer." The final RFP should include copies of any inspection reports prepared by the County or their engineer, or make these available for review by prospective proposers.
3. Section 5 references the Part 360 permit in Appendix D. The copy of the permit shown in the Appendix has an expiration date of October 5, 2008. Is there more current permit that has a different expiration date? If so it should be provided in the final RFP. The final RFP should also include copies of any renewal applications and any correspondence related to the renewal.

4. Section 8.2 of the RFP notes that the County will require verification that the majority of the municipal solid waste (MSW) accepted at the landfill facility originates in Saratoga County or a bordering County. Will the County make any arrangements to direct MSW from Saratoga County to the landfill facility?
5. Section 8.3 notes that the landfill facility will be conveyed based on the existing Part 360 permit with an annual capacity of 106,000 tons per year. Will the County support proposals to modify the permit to increase the annual waste delivery limit?
6. Section 8.7 notes that the successful Respondent will be responsible for the prompt installation and management of a system, including an adequate network of horizontal collection lines and vertical collection wells, to collect and control landfill gas emissions in order to insure compliance with all applicable State and Federal regulations. Has the County conducted any studies to determine if the site is required to construct a landfill gas collection and control system pursuant to NSPS requirements or the NYSDEC requirement?
7. Section 8.10 notes that the successful Respondent will continue the ongoing Harrier monitoring and mitigation procedure that was put in place as a result of the landfill facility environmental impact statement and operating permit. The final RFP should provide copies of (or access to) any reports or correspondence related to any monitoring and mitigation that has already been carried out.
8. Section 9.2 notes that the February 1995 Part 360 permit application for the County landfill facility identified potential future expansion areas., and that the County will support the successful Respondent's application to the NYSDEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property. The potential future expansion area is shown on Sheet #5 of the Engineering Drawings and as primarily located on the parcel referred to as the Wells Property. Does the County own this property, have a purchase option or any appraisal information available? The final RFP should provide more specific information (such as block and lot numbers, acreage, and ownership information) about the properties that are currently included in the landfill site and the properties that are included in the potential expansion areas.
9. Section 9.3 notes that the successful Respondent shall be solely responsible for compliance with SEQRA for any future permit modifications or other actions requiring treatment under SEQRA. What role does the County anticipate (Lead Agency or Involved Agency) in connection with any future developments at the landfill that would require review under SEQRA?
10. In section 9.5, for purposes of the final RFP, the County should define the terms "Carbon Credit" and "Carbon Credit Equivalent".

11. Section 9.6 notes that a portion of the landfill facility complex has been identified by the Saratoga County Sewer District as a potential site for a new wastewater treatment facility. More details should be provided regarding:
 - 11.1. the location of the potential new WWTF within the site; and
 - 11.2. the schedule for decision making regarding the WWTP site selection.

12. Appendix A notes a 2008 study by Malcolm Pirnie to evaluate the conditions of the facility's major components. A copy of this study should be included in the final RFP or otherwise made available to prospective proposers.

We appreciate the opportunity to provide these comments on the Draft RFP for the Privatization of the Saratoga County Landfill.

Very truly yours,



Kenneth G. Gallagher, P.P., AICP
Project Manager

KG/sd

APPENDIX B

Responses to Comments on Draft RFP

Comments/Questions [see previous pages in Appendix B] submitted by:

Kenneth G. Gallagher, Project Manager

CHA

June 27, 2012

Responses:

- 1. The Saratoga County Local Solid Waste Management Plan Update has been completed, approved by the Board of Supervisors, and submitted to the NYSDEC. The County is awaiting comments.**
- 2. Section 5 of the RFP contains a list of all the record documents relative to the landfill and on file at the County Department of Public Works. This includes the engineering inspections and reports which have been completed. Additional documents have been added to the list in the final RFP and are available for review as set forth in the final RFP.**
- 3. At this date, the Part 360 permit with an expiration date of October 5, 2008 remains in effect. The DEC has advised the County that they anticipate issuing a renewal, possibly in the next several weeks or months. If such renewal is issued during the pendency of this RFP, all prospective Respondents will be provided a copy.**
- 4. The County does not anticipate directing or otherwise requiring waste generated in Saratoga County to be taken to the County landfill facility.**
- 5. The County intends to convey the landfill with the current permit limit of 106,000 tons per year. As stated in Sections 9.1 and 9.2 of the RFP; the County will support an application by the successful Respondent to the State DEC to connect, co-manage, or otherwise join the County landfill with the Finch landfill to achieve greater operational efficiency and to capture available air space for disposal; the County will support the successful Respondent's application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property. Any proposed future increase in the annual permit limit would have to be evaluated by the County in consideration of all relevant factors at such time an application is submitted to the State.**
- 6. The County is not aware of any work done relative to the NSPS or DEC requirements for landfill gas collection. Regardless of the applicability of any State or federal requirements, as set forth in the RFP, the County will require the installation of landfill gas collection system designed to recover energy at the point it is feasible.**
- 7. The County's information on the Harrier monitoring and mitigation has been added to the documents available for review as set forth in Section 5 of the RFP.**
- 8. The County does not currently own or have an option on the Wells property, nor does the County have any appraisal information. Further clarification of**

- the properties in question can be accomplished at the mandatory site visit on August 28, 2012 as noted in Section 4 of the RFP. If there is any change to the status of the subject property during the pendency of the RFP, all prospective Respondents will be notified.
9. While it is not possible to speculate about the County's status under the SEQRA for an unspecified future action, if the County completes a privatization of the landfill facility it is unlikely that they would seek or accept lead agency status, and would likely function as an involved agency.
 10. Section 9.5 will be amended to include a clarification on carbon credit to note that this means the value of the sale or trade of carbon offsets which are typically measured in carbon dioxide equivalents.
 11. The Sewer District has identified a portion of the landfill site as the prime location for development of a future wastewater treatment facility to serve un-served areas of the County. They have preliminarily designated the area on the north side of Kobor Road immediately west of the County landfill leachate storage tanks. However, at this time, no final site selection decision has been made, no permit applications have been submitted, and the SEQRA process has not been commenced. The Sewer District estimates that it will take approximately five years to develop this facility. If, during the pendency of the landfill privatization RFP there is any additional information on the Sewer District's plans, all prospective Respondents will be so notified.
 12. The referenced letter report by Malcolm Pirnie has been added to the document list in Section 5 of the RFP and is available for review.



WASTE CONNECTIONS INC.
Connect with the Future

June 29, 2012

Mr. Hans Arnold
Gerhardt LLC
107 Paris Road
New Hartford NY 13413

Subject: Saratoga County Draft Request For Proposals
Privatization of the County Landfill

Dear Mr. Arnold:

We have completed our initial review of the Saratoga County Draft Request for Proposal for Privatization of the County Landfill and have the following questions about the RFP. Your clarification on these items is most appreciated.

1. A "privatization" can take many forms. The RFP talks about both leasing and/or the purchase of the facility. Does the County have a preference about how privatization is structured? Will the permit be transferred into the name of successful respondent?
2. Section 3.3.2 "Business Experience and Financial Standing" requests that "respondents shall submit a profile of their current and projected future financial standing." What would the County like to be provided to fulfill this requirement above the typical audited profit and loss statements for the past 3 years?
3. Section 8.2 "Origin of Waste" states "the County will require verification that the majority of the waste accepted at the landfill facility originates in Saratoga County or a bordering County." Please describe what is meant by "verification" and if this "verification" is meant to be provided during the RFP process or after the facility is operational. Second, please describe what is meant by the "majority" of the waste. Is this simply 51%, with 49% coming from any other origin? And will Saratoga County modify the permit with NYDEC to allow for out of County waste prior to the start of operations?
4. Section 8.4 "Acceptable Types of Waste" section seems to indicate that the County would support a change in the permit and the EIS to allow the co-

disposal of the paper sludge with MSW (subject to NYDEC approval). Would the County also support a permit change to allow the acceptance of construction and demolition debris?

5. Section 8.6 "Daily Cover and Alternative Daily Cover": This section indicates that cover soil may be mined from the property conveyed by the County. The operating permit indicates that cover soil will be obtained from sand and gravel mines that the County operates at several locations. Is it the intent of the County to sell or lease these properties as part of this RFP? If so, is there information regarding the location, size, existing permits and soils remaining at the facilities?
6. Section 8.8 "Leachate Treatment": Can the County provide information on the cost, discharge limits, and any other pertinent details of an agreement with the Saratoga County Sewer District?
7. Section 8.10 "Harrier Monitoring and Mitigation": Permit Condition 7(g) requires permittee to implement the Northern Harrier Mitigation Plan dated February 6, 1996. Please provide this document and any of the annual reports prepared as part of this same permit condition.
8. Section 8.12 "Closure-Post Closure": We believe the intent of this section is to ensure that the respondent bears the responsibility of providing financial assurance for closure and post-closure as required by NYDEC thru applicable regulations. It is our understanding that NYDEC requires the permit holder to provide the financial assurance; therefore the respondent would need to be the permit holder. Is this acceptable to the County?
9. Section 8.15 "Insurance": This section states that respondent "will be required to provide adequate comprehensive general liability insurance and environmental/pollution liability insurance for the landfill facility." What amounts are considered to be adequate by the County?
10. Section 9.1 "Connection of County Landfill with Finch Landfill Facility": If the Respondent joins the two landfill operations and consolidates them under a single permit, will the County support an increase in the annual tonnage to accommodate the tonnage from Finch?
11. Section 9.6 "Potential New Wastewater Treatment Facility": While it may be beneficial for a direct discharge to a new wastewater treatment facility, the placement of the facility on the landfill property may prohibit the expansion of the landfill footprint. Will the development of the landfill be given priority over a potential wastewater treatment facility?
12. Wetlands: Are there any wetlands delineated that will need to be mitigated before the remainder of the landfill footprint can be constructed? Were any wetland mitigation activities undertaken for the existing landfill? The 1991 delineation

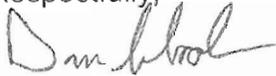
prepared by Bagdon Environmental Associates is missing Map #3 which, based on the description, seems to show delineated areas.

13. In many privatizations, Host Communities enjoy a royalty for each ton of waste accepted at the facility. In these situations, the actual compensation enjoyed by the Host Community is directly related to the amount of waste actually received at the facility, so the commitment and ability of the respondent to provide that waste becomes paramount. How will the County evaluate the ability of each respondent to provide waste from Saratoga and bordering counties?

14. Has the County obtained an active Permit with an expiration date more recent than October 5, 2008 as modified on September 13, 2001?

We look forward to hearing your response to these questions. Please feel free to contact me if you would like any clarification of our questions at (518) 877-2353 or dans@wcnx.org.

Respectfully,

A handwritten signature in black ink, appearing to read "Dan Schooler". The signature is fluid and cursive, with the first name "Dan" being more prominent.

Dan Schooler

APPENDIX B

Responses to Comments on Draft RFP

Comments/Questions [see previous pages in Appendix B] submitted by:

Dan Schooler

Waste Connections Inc.

June 29, 2012

- 1. The County does not at this time have a preference for how the privatization occurs, either through a sale or lease, and is willing to consider both options. It is anticipated that the permit will be transferred to the successful Respondent.**
- 2. The nature of the financial profile submitted is up to each Respondent. As noted in Section 3.3.2, the County is seeking information that clearly indicates the current and long term financial viability of the Respondents in order to insure that the operation of the landfill facility will always be adequately funded, thereby insuring the environmental integrity of the facility and surroundings, and to insure that the County can rely on any and all payments made by the successful Respondent over the long term.**
- 3. The verification of the origin of waste should be a method that includes record keeping of information from haulers and/generators which can clearly document that at least 51% of the total non-recyclable waste received at the facility on an annual basis originates in Saratoga County or a bordering County. The exact method should be proposed by the Respondent. In the resolution approved by the Board of Supervisors on April 17, 2012 to issue the landfill privatization draft RFP, the Board rescinded Resolution #112-1999 which had previously established a policy that the County landfill facility would only be used for the disposal of waste generated in Saratoga County.**
- 4. The County would support the acceptance of paper sludge with MSW and construction/demolition debris, subject to the approval of DEC.**
- 5. It will be up to the Respondent to determine and secure sources for daily cover, including areas on the landfill facility property. The County does not intend to offer the sale or lease or other use of other County properties such as those maintained by the County for sand and gravel resources.**
- 6. The Respondent should contact the Sewer District directly for information on rates, discharge limits and other information deemed pertinent by the Respondent.**
- 7. The County's information on the Harrier monitoring and mitigation has been added to the documents available for review as set forth in Section 5 of the RFP.**
- 8. Your understanding is correct that the County expects the Respondent to be responsible for providing closure/post closure financial assurance as required by DEC in the Part 360 regulations. As noted in # 1 above, the County anticipates the permit will be transferred to the successful Respondent.**

9. The Respondent should propose an insurance package they believe provides adequate coverage. The County will evaluate the proposed insurance in consideration of the form of privatization proposed to determine the adequacy of the coverage. It is expected that this be resolved in the negotiation process.
10. As stated in Sections 9.1 and 9.2 of the RFP; the County will support an application by the successful Respondent to the State DEC to connect, co-manage, or otherwise join the County landfill with the Finch landfill to achieve greater operational efficiency and to capture available air space for disposal; the County will support the successful Respondent's application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property. Any proposed future increase in the annual permit limit would have to be evaluated by the County in consideration of all relevant factors at such time an application is submitted to the State.
11. The Sewer District has identified a portion of the landfill site as the prime location for development of a future wastewater treatment facility to serve un-served areas of the County. They have preliminarily designated the area on the north side of Kobor Road immediately west of the County landfill leachate storage tanks. However, at this time, no final site selection decision has been made, no permit applications have been submitted, and the SEQRA process has not been commenced. The designated area had been identified as a borrow area for daily cover, not an area for future landfill cells. The Sewer District estimates that it will take approximately five years to develop this facility. If, during the pendency of the landfill privatization RFP there is any additional information on the Sewer District's plans, all prospective Respondents will be so notified.
12. The County is not aware of any incomplete wetland mitigation. The Respondent should contact DEC as necessary to resolve any remaining questions.
13. The County will evaluate the viability of each Respondent's plan to certify that the majority of waste taken at the landfill facility originates in Saratoga County or a bordering county.
14. At this date, the Part 360 permit with an expiration date of October 5, 2008 remains in effect. The DEC has advised the County that they anticipate issuing a renewal, possibly in the next several weeks or months. If such renewal is issued during the pendency of this RFP, all prospective Respondents will be provided a copy.

25 Greens Hill Lane
Rutland, Vermont 05701
(802) 775-0325 main
(802) 345-1955 direct

casella
waste systems, inc.

July 2, 2012

Mr. Hans Arnold
Gerhardt, LLC
107 Paris Road
New Hartford, NY 13413

RE: Comments on Draft RFP for Privatization of the Saratoga County Landfill

Dear Mr. Arnold,

Below are comments on the Draft Request for Proposals for Privatization of the Saratoga County Landfill as issued in the Public Notice on April 17, 2012.

1. **According to Section 1.1 Legal Authority, the County is considering privatization for MSW or for some limited types of waste. What is intended by "some limited types of waste"? If there are limitations or restrictions on the waste types acceptable to the County, the RFP should describe in greater detail or specify.**

"....After deliberation, the BOS decided to proceed with a process that would allow them to consider proposals for the privatization of the landfill facility for municipal solid waste or for some limited types of waste."

2. **Section 1.2 - states that a majority of the waste originates in Saratoga or a bordering County. What is considered a majority – 51%? Will there be limitations imposed by the County on the annual tonnage accepted?**

If a proposal includes the acceptance of municipal solid waste (MSW) then the BOS expects that a majority of the waste will originate in Saratoga County or a bordering County.

3. **Section 8.1 - requires respondents to submit a Landfill Development and Operations Plan. The existing site layout does not meet the current Part 360 noise regulations. Will the County be acquiring additional buffer area and require respondents to submit a Noise Monitoring Plan in the Proposal?**

4. Section 8.2 - requires that a majority of the waste accepted is from Saratoga County or bordering County. What is considered a majority - 51%? What is intended by 'bordering County' – directly abutting? Will there be limitations imposed by the County on the annual tonnage accepted?

"If a proposal includes the acceptance of municipal solid waste (MSW) then the County will require verification that the majority of the waste accepted at the landfill facility originates in Saratoga County or a bordering County. Each Respondent should describe its approach to meet this requirement."

5. Section 8.8 - the County should provide guidance on the leachate disposal cost to provide uniformity in Proposal responses.

"All leachate generated at the landfill facility will be delivered by the successful Respondent to the Saratoga County Sewer District Wastewater Treatment facility as specified in the environmental impact statement and operating permit for the landfill facility. The fee paid for leachate disposal will be determined by the Saratoga County Sewer District. The successful Respondent will be responsible for compliance with all the requirements established by the Saratoga County Sewer District. Any change to the designated ~~change to~~ the facility for leachate treatment will require approval of the County BOS."

6. Section 9.2 - states that the County will support future expansion areas; up to and including eminent domain?

"In the future, the successful Respondent may determine that an increase in the permitted capacity or other expansion of the landfill facility is necessary. The February 1995 NYCRR Part 360 permit application for the County landfill facility identified potential future expansion areas. Accordingly, the County will support the successful Respondent's application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property."

Thank you for the opportunity to provide comments.

Sincerely,

CASELLA WASTE SYSTEMS, INC.



Karen G. Flanders, V.P.
Sustainability and Regulatory Affairs

APPENDIX B

Responses to Comments on Draft RFP

Comments/Question [see previous pages in Appendix B] submitted by:

Karen G. Flanders, V.P.

Casella Waste Systems, Inc.

July 2, 2012

1. **The type of waste to be accepted at the landfill facility will be controlled by the Part 360 regulations and the DEC operating permit. The County does not intend to request or require limitations on the types of waste to be taken to the landfill facility. The language in the RFP was intended to notify prospective Respondents that they need not necessarily be limited in their proposal to MSW because the County will consider, for example, proposals for a “mono-fill” or proposals which would target some “subset” of MSW such as wastewater treatment sludge, paper sludge, construction/demolition debris, ash or some other waste stream permitted by the Part 360 regulations. The successful Respondent will be responsible to complete any required engineering to satisfy the applicable regulations and any additional conditions the DEC may impose.**
2. **This means that at least 51% of the total non-recyclable waste received at the facility on an annual basis must originate in Saratoga County or a bordering County. The County intends to convey the landfill with the current permit limit of 106,000 tons per year. As stated in Sections 9.1 and 9.2 of the RFP; the County will support an application by the successful Respondent to the State DEC to connect, co-manage, or otherwise join the County landfill with the Finch landfill to achieve greater operational efficiency and to capture available air space for disposal; the County will support the successful Respondent’s application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent’s acquisition of such property.**
3. **The County does not anticipate acquiring additional property. However, as noted above, the County will support the successful Respondent’s application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent’s acquisition of such property. If there is any change to the status of the County property during the pendency of the RFP, all prospective Respondents will be notified. If the Respondent believes that additional buffer areas may be needed relative to noise abatement, then the County will give due consideration to the Respondent’s noise monitoring plan, if the Respondent decides to submit such a plan. Ultimately, the resolution of any buffer issue relative to regulatory compliance will be the responsibility of the successful Respondent.**
4. **This means that at least 51% of the total non-recyclable waste received at the facility on an annual basis must originate in Saratoga County or a bordering County. Bordering Counties include Albany, Rennselaer,**

Washington, Warren, Hamilton, Fulton, Montgomery, and Schenectady. The County intends to convey the landfill with the current permit limit of 106,000 tons per year. As stated in Sections 9.1 and 9.2 of the RFP; the County will support an application by the successful Respondent to the State DEC to connect, co-manage, or otherwise join the County landfill with the Finch landfill to achieve greater operational efficiency and to capture available air space for disposal; the County will support the successful Respondent's application to the State DEC for utilization of the areas identified for potential future expansion and the Respondent's acquisition of such property. Any proposed future increase in the annual permit limit would have to be evaluated by the County in consideration of all relevant factors at such time an application is submitted to the State.

5. The Respondent should contact the Sewer District directly for information rates, discharge limits and other information deemed pertinent.
6. The County will support the Respondent's purchase of property identified for potential future expansion. The County will consider a request from the successful Respondent to assist with such acquisition through the use of an eminent domain procedure if it is deemed to be needed to achieve a public benefit, if it meets all the legal requirements for the use of eminent domain, if it is determined to be legally permissible by the County Attorney [or such special counsel as may be employed by the County], and if the Board of Supervisors approves such an action after consideration of conditions and circumstances at the time of the request.

APPENDIX C

Maps

Vicinity Map



SITE

**Saratoga
County Landfill**

**Saratoga
Springs**

MOREAU

NORTHUMBERLAND

WILTON

Schuylerville

Victory

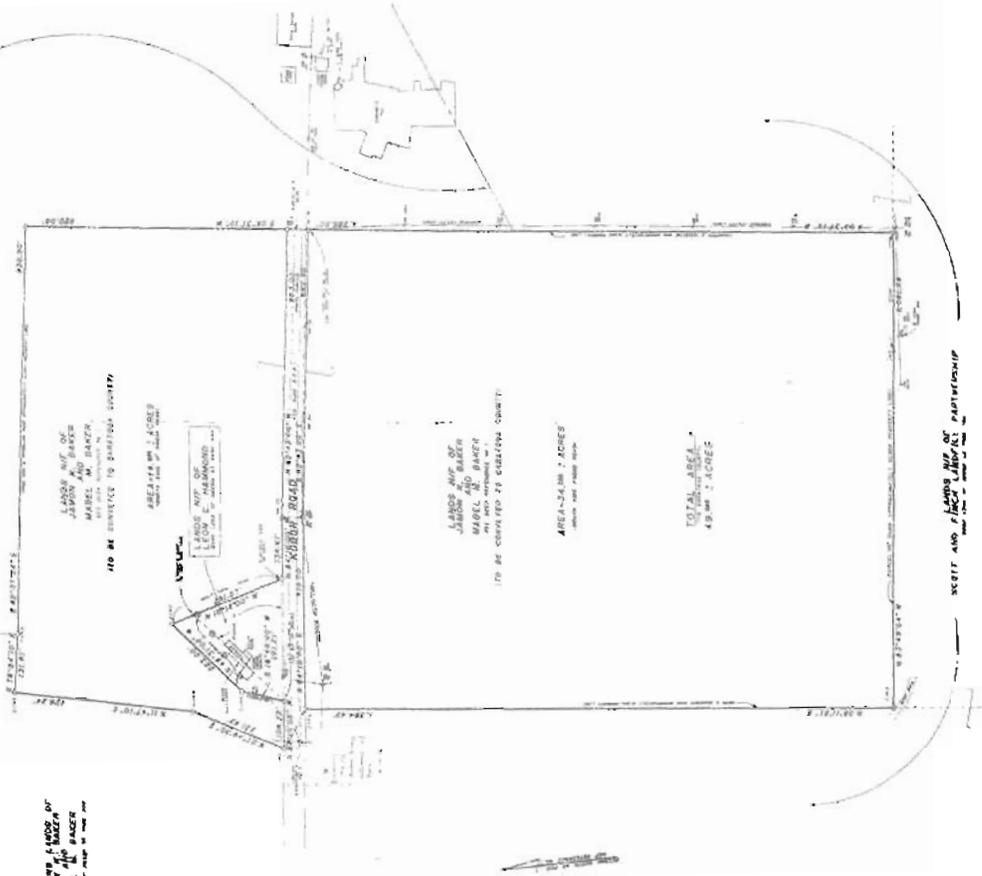
SARATOGA CNTY. LANDFILL

- Legend**
- County
 - Municipal Jurisdiction
 - Parcels
 - Local roads
 - Water
 - Local
 - County and State Hwy
 - Interstates and US Hwy



Disclaimer: This map was prepared by the Saratoga County Internet Geographic Information System (GIS). The map was compiled using the most current GIS data available. The aerial photography (orthorectified) was prepared by the N.Y.S. Office of Cyber Security and Critical Infrastructure Coordination during the year 2001-2007. Parcel and municipal boundaries are derived from tax maps and do not represent a land survey.

SCOTT AND JACOB, N.E. 1/4, PARTNERSHIP
 40.00 ACRES
 TO BE CONVEYED TO BENTON COUNTY



REMOVING LANDS OF JACOB AND BAKER
 40.00 ACRES
 TO BE CONVEYED TO BENTON COUNTY

SCOTT AND JACOB, N.E. 1/4, PARTNERSHIP
 40.00 ACRES
 TO BE CONVEYED TO BENTON COUNTY



NOTICE:
 THIS MAP IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR TITLE PURPOSES.
 THE BOUNDARIES SHOWN ON THIS MAP ARE SUBJECT TO SURVEY AND FIELD RECORDS.
 THE AREA SHOWN ON THIS MAP IS SUBJECT TO THE RIGHTS OF OTHER PARTIES.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGES OR LOSSES.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INJURIES OR DEATHS.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY OTHER DAMAGES OR LOSSES.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY OTHER INJURIES OR DEATHS.

SCOTT AND JACOB, N.E. 1/4, PARTNERSHIP
 40.00 ACRES
 TO BE CONVEYED TO BENTON COUNTY

APPENDIX D

Part 360 Landfill Facility Operating Permit

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

232 Hudson Street-P.O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-3671 FAX: (518) 623-3603



John P. Cahill
Commissioner

October 5, 1998

Michael Pratt, Project Coordinator
Saratoga County Municipal Center
40 McMaster Street
Ballston Spa, New York 12020

Re: Saratoga County Landfill
DEC Project #5-4146-00018/00002-1
Solid Waste Facility #46S27
Northumberland (T), Saratoga (Co.)

Dear Mr. Pratt:

Consistent with Deputy Commissioner Peter Duncan's Decision of September 22, 1998, enclosed is the issued Part 360 permit that authorizes Saratoga County to construct and operate a municipal solid waste landfill in the Town of Northumberland, Saratoga County.

Please read and familiarize yourself with the General and Special Conditions included in the permit.

Should you have any questions concerning the permit, please contact Mr. Gus Carayiannis or me.

Sincerely,

Thomas W. Hall
Deputy Regional Permit Administrator

TWH/jd
Enclosure

cc: Louis Alexander, Esq.
Edgar King, Supervisor
Stuart Buchanan w/o enclosure
David O'Toole
Wiley Lavigne
Tom Wahl
Gus Carayiannis
Steve Brewer

sclandfl.ren

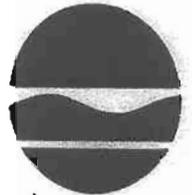
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

232 Hudson Street - P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1281 • FAX: (518) 623-3603

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

7 2001

September 6, 2001



Mr. Joseph C. Ritchey, P.E., Commissioner
Saratoga County Department of Public Works
Saratoga County Municipal Center
3654 Galway Road
Ballston Spa, NY 12020

Re: Saratoga County Landfill
DEC Permit #5-4146-00018/00002
Solid Waste Facility #46S27
Northumberland (T), Saratoga (Co.)

Dear Mr. Ritchey:

Enclosed is the modified solid waste management permit for the Saratoga County Landfill. The modifications to the permit are consistent with the proposed modifications described in the Notice of Intent to Modify ("Notice") that was sent to you on August 6, 2001. Further, the modified permit is virtually identical to the draft modified permit that accompanied the August 6, 2001 Notice.

The modified permit is effective immediately. Accordingly, please replace the original solid waste management permit with the modified permit. Please note that the expiration date of the modified permit is unchanged from the original.

Should you have any questions, please contact Mr. Gus Carayiannis or me.

Enclosure

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Hall".

Thomas W. Hall

Deputy Regional Permit Administrator

cc: D. Steenberge
G. Carayiannis
D. Becker
R. Phaneuf

DEC PERMIT NUMBER 5-4146-00018/00002-1
FACILITY/PROGRAM NUMBER(S) 46S27



PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE September 13, 2001 - MODIFIED
EXPIRATION DATE October 5, 2008

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 100 McMaster Street, Ballston Spa, New York 12020			
CONTACT PERSON FOR PERMITTED WORK Joseph C. Ritchey, P.E.		TELEPHONE NUMBER (518) 885-2235	
NAME AND ADDRESS OF PROJECT/FACILITY Saratoga County Solid Waste Landfill			
LOCATION OF PROJECT/FACILITY Kobor Road, Gansevoort, New York 12831			
COUNTY Saratoga	TOWN/CITY/VILLAGE 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 Reverse Side) and any Special Conditions included as part of this permit.

DUTY REGIONAL PERMIT ADMINISTRATOR Thomas W. Hall	ADDRESS NYSDEC, 232 Hudson Street Ext., PO Box 220, Warrensburg, NY 12885-0220
AUTHORIZED SIGNATURE <i>Thomas W. Hall</i>	DATE September 13, 2001
Page 1 of 7	

GENERAL CONDITIONS

Inspections

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. 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, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. 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.
5. 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.

Other Legal Obligations of Permittee

6. The permittee has accepted expressly, by the execution of the application, the full legal responsibilities for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
7. 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.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

SPECIAL CONDITIONS

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

1. SUBMITTALS

Unless otherwise specified, all submissions required by this permit shall be made in duplicate to the Region 5 Office of the Department of Environmental Conservation (P. O. Box 220, Warrensburg, NY 12885), to the attention of the Solid Waste Office.

2. PERMIT DOCUMENTS

All activities shall be in strict conformance with the provisions of this permit, 6 NYCRR Part 360, the Permit Application dated March 12, 1993 and the application documents prepared by Smith & Mahoney, P.C. dated February 1995, as modified by the Phase I Landfill Cell Construction Contract Drawings prepared by Malcolm Pirnie, Inc. dated May 1997, and the Saratoga County Department of Public Works Phase I Landfill Interim Plan prepared by Malcolm Pirnie, Inc. dated January 2001.

3. CONSTRUCTION DURATION

Construction of subsequent phases of the facility by the Permittee will require:

- 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 general estimate must be prepared in accordance with the provisions of 6 NYCRR 360-2.7(b)(9).
- d. Prior to placing waste in these subsequent phases, a Construction Certification Report, prepared and submitted in accordance with 6 NYCRR 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 5 (Construction Notification) applies to each phase of the project.

4. CONSTRUCTION CERTIFICATION

A construction certification report satisfying the requirements of 6 NYCRR 360-2.13(u), must be submitted for review and approval within forty-five (45) days after completion of landfill construction. The facility will not be allowed to accept waste until the certification report is approved by the Department.

DEC PERMIT NUMBER
5-4146-00018/00002-1

PROGRAM/FACILITY NUMBER
46S27

PROGRAM NUMBER

PAGE 3 OF 7

SPECIAL CONDITIONS
 For Article 27 (Solid Waste Management)

5. CONSTRUCTION NOTIFICATION

The permittee must supply to the Department two sets of bid drawings and specifications upon going to bid.

The Permittee shall notify the Department [Region 5 office, Warrensburg (518) 623-3671] at least five (5) days prior to:

- a. Pre-construction conference
- b. Commencement of on-site construction
- c. Commencement of soil liner placement
- d. Commencement of geomembrane liner placement
- e. Commencement of testing of liner system leakage rate.

Permittee must notify the Department 30 days prior to conducting freeze-thaw testing on soils used in the baseliner system (see page 2-28 of the application documents).

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). Additionally, one independent sample must be collected from well MW-1B and analyzed for inorganic parameters. Additional water quality samples, up to a total of four rounds of new data, may be required at the Department's discretion depending on the date that the landfill proposes to accept waste, and any potential changes in site water quality that occur in the interim. 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 (including the interim period between construction and operation) 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 one, 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

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

SPECIAL CONDITIONS

For Article 27 (Solid Waste Management)

- 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 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 Department's 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 the industrial sludge to provide a waste profile analysis to the Department and to the Permittee for their review and approval, prior to 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.
- 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:

Habitat - Status of activities to manage and maintain habitats for Northern Harriers as required under the Saratoga County Landfill Northern Harrier Mitigation 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.

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.

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

PAGE 5 OF 7

SPECIAL CONDITIONS

For Article 27 (Solid Waste Management)

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).

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).
- 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 quarterly and annual report. The potentiometric surface maps must 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 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 the 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. ADDITIONAL MONITORING WELL

A shallow (liner) monitoring well shall be constructed at the original location of the MW-5 well cluster as depicted on hydrogeologic drawing No. 10 in the permit application. Installation of this well must occur during 2001. Following installation, one round of samples must be collected from this well and analyzed for Part 360 baseline parameters. If these results are inconsistent with data from existing well cluster MW-5, collection of three additional rounds of preoperational data from the new well will be required by the Department.

13. 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.

DEC PERMIT NUMBER 5-4146-00018/00002-1		
FACILITY ID NUMBER 46S27	PROGRAM NUMBER	PAGE 6 OF 7

SPECIAL CONDITIONS

For Article 27 (Solid Waste Management)

14. REPORTS

- a. An Annual Report, in accordance with 6 NYCRR 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.

15. 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.

16. 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

17. 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.

18. 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:
 - 1. 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 is 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 as any location 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.
 - 2. 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.
 - 3. 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.

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

PAGE 7 OF 7

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

232 Hudson Street - P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-3671 • FAX: (518) 623-3603

Website: www.dec.state.ny.us



February 22, 2000

Mr. Joseph C. Ritchey, P.E., Commissioner
Saratoga County Department of Public Works
Saratoga County Municipal Center
3654 Galway Road
Ballston Spa, N.Y. 12020

Re: Saratoga County Landfill - Minor Permit Modification
DEC Project #5-4146-00018/00002-1
Solid Waste Facility #46S27
Northumberland (T), Saratoga (Co.)

Dear Mr. Ritchie:

In response to your February 15, 2000 request to extend the construction period for the subject facility, special condition #3 of the Solid Waste Management permit for the Saratoga County Landfill is hereby modified to read as follows:

3. CONSTRUCTION DURATION

The Permittee shall complete construction of Phase I by July 31, 2000.

Construction of subsequent phases of the facility by the Permittee will require:

- 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 general estimate must be prepared in accordance with the provisions of 6 NYCRR 360-2.7(b)(9).*
- d. *Prior to placing waste in these subsequent phases, a Construction Certification Report, prepared and submitted in accordance with 6 NYCRR 360-2.13(u), must be approved by the Department.*



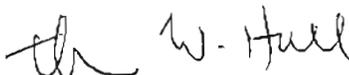
Saratoga County Landfill
DEC Project #5-4148-00018/00002-1
February 22, 2000

- 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 5 (Construction Notification) applies to each phase of the project.*

This letter constitutes the minor permit modification. As such, please incorporate this letter into the above-noted permit.

Should you have any questions concerning the above, please contact Gus Carayiannis or me.

Sincerely,



Thomas W. Hall
Deputy Regional Permit Administrator

cc: Louis Alexander, Esq.
Edgar King, Supervisor
Stuart Buchanan w/o enclosure
R. Phaneuf
Wiley Lavigne
Tom Wahl
Gus Carayiannis
Steve Brewer

DEC PERMIT NUMBER 5-4146-00018/00002-1
FACILITY/PROGRAM NUMBER(S) 46S27



PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE October 5, 1998
EXPIRATION DATE OCTOBER 5, 2008

EXPIRATION DATE

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; 6NYCRR 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; 6NYCRR 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"/> 6NYCRR 608: Water Quality Certification	<input checked="" type="checkbox"/> Article 27, Title 7; 6NYCRR 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 Joseph C. Ritchey, P.E.		TELEPHONE NUMBER (518) 885-2235	
NAME AND ADDRESS OF PROJECT/FACILITY Saratoga County Solid Waste Landfill			
LOCATION OF PROJECT/FACILITY Kobor Road, Gansevoort, NY 12831			
COUNTY Saratoga	TOWN/CITY/VILLAGE Northumberland	WATERCOURSE/WETLAND NO.	NYTM COORDINATES E: 613.3 N: 783.8
DESCRIPTION OF AUTHORIZED ACTIVITY Construction and operation of a 106,000 ton per year municipal 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 Reverse Side) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR Thomas W. Hall	ADDRESS NYSDEC, P.O. Box 220, Warrensburg, NY 12885
AUTHORIZED SIGNATURE 	DATE 10/5/98
Page 1 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. SUBMITTALS

Unless otherwise specified, all submissions required by this permit shall be made in duplicate to the Region 5 Office of the Department of Environmental Conservation (P.O. Box 220, Warrensburg, NY 12885), to the attention of the Solid Waste Office.

2. CONSTRUCTION DOCUMENTS

All construction shall be in strict conformance with the provisions of this permit, 6 NYCRR Part 360 (effective 12/31/88), and the Permit Application dated March 12, 1993 and the application documents prepared by Smith & Mahoney, P.C. dated February 1995, as modified by the Phase I Landfill Cell Construction Contract Drawings prepared by Malcolm Pirnie, Inc. dated May 1997.

3. CONSTRUCTION DURATION

The Permittee shall complete construction of Phase I by **February 28, 2000**.

Construction of subsequent phases of the facility by the Permittee will require:

- 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 general estimate must be prepared in accordance with the provisions of 6 NYCRR 360-2.7(b)(9).
- d. Prior to placing waste in these subsequent phases, a Construction Certification Report, prepared and submitted in accordance with 6 NYCRR 360-2.13(u), must be approved by the Department.

DEC PERMIT NUMBER
15-4148-00018/00002-1

FACILITY ID NUMBER
48S27

PROGRAM NUMBER

Page 3 of 9



SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

- 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 5 (Construction Notification) applies to each phase of the project.

4. CONSTRUCTION CERTIFICATION

A construction certification report satisfying the requirements of 6 NYCRR 360-2.13(u), must be submitted for review and approval within forty-five (45) days after completion of landfill construction. The facility will not be allowed to accept waste until the certification report is approved by the Department.

5. CONSTRUCTION NOTIFICATION

The permittee must supply to the Department two sets of bid drawings and specifications upon going to bid.

The Permittee shall notify the Department [Region 5 office, Warrensburg (518) 623-3671] at least five (5) days prior to:

- a. Pre-construction conference
- b. Commencement of on-site construction
- c. Commencement of soil liner placement
- d. Commencement of geomembrane liner placement
- e. Commencement of testing of liner system leakage rate.

Permittee must notify the Department 30 days prior to conducting freeze-thaw testing on soils used in the baseliner system (see page 2-28 of the application documents).

6. EXISTING WATER QUALITY

Existing water quality must be established in accordance with Table 7-9 of the Environmental Monitoring Plan. Data validation must be performed consistent with paragraph 360-2.11(d)(5). Within 90 days of completion of the four rounds 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).

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER



SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

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 one, 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 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 Department's 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 the industrial sludge to provide a waste profile analysis to the Department and to the Permittee for their review and approval, prior to 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.

DEC PERMIT NUMBER
5-4148-00018/00002-1

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 Mitigation 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.

*Thomas Wink - Raybrook
ALRN Koechlein
623-1242*

DEC PERMIT NUMBER 5-4146-00018/00002-1		PROGRAM NUMBER	Page <u>6</u> of <u>9</u>
FACILITY ID NUMBER 46S27			



SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

- 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).

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).
- b. Prior to valving off the pore pressure relief system, Permittee must obtain written approval from the Department.

10. POTENTIOMETRIC SURFACE MAPS

The construction certification report referenced in Condition No. 4 must include updated shallow, interface and bedrock potentiometric surface maps, compiled on a monthly basis, once the pore pressure relief system becomes operational. Following Department authorization to operate the landfill, updated potentiometric surface maps must be included with each quarterly and annual water quality monitoring report. Each 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 once hydrogeologic conditions have stabilized sufficiently.

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-

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 7 of 9



SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 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 the 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. REPORTS

- a. An Annual Report, in accordance with 6 NYCRR 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.

13. 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.

14. 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.

15. 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.

DEC PERMIT NUMBER
5-4146-00018/00002-1

FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 8 of 9



SPECIAL CONDITIONS

FOR ARTICLE 27 (Part 360)

16. 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:
 1. 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 is 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 as any location 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.
 2. 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.
 3. 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.
- c. A variance from 6 NYCRR 360-2.12(c)(3) with regard to the airport separation requirements is granted in accordance with 6 NYCRR 360-1.7(c) and the decision of the Department dated September 3, 1996.

DEC PERMIT NUMBER
5-4146-00018/00002-1

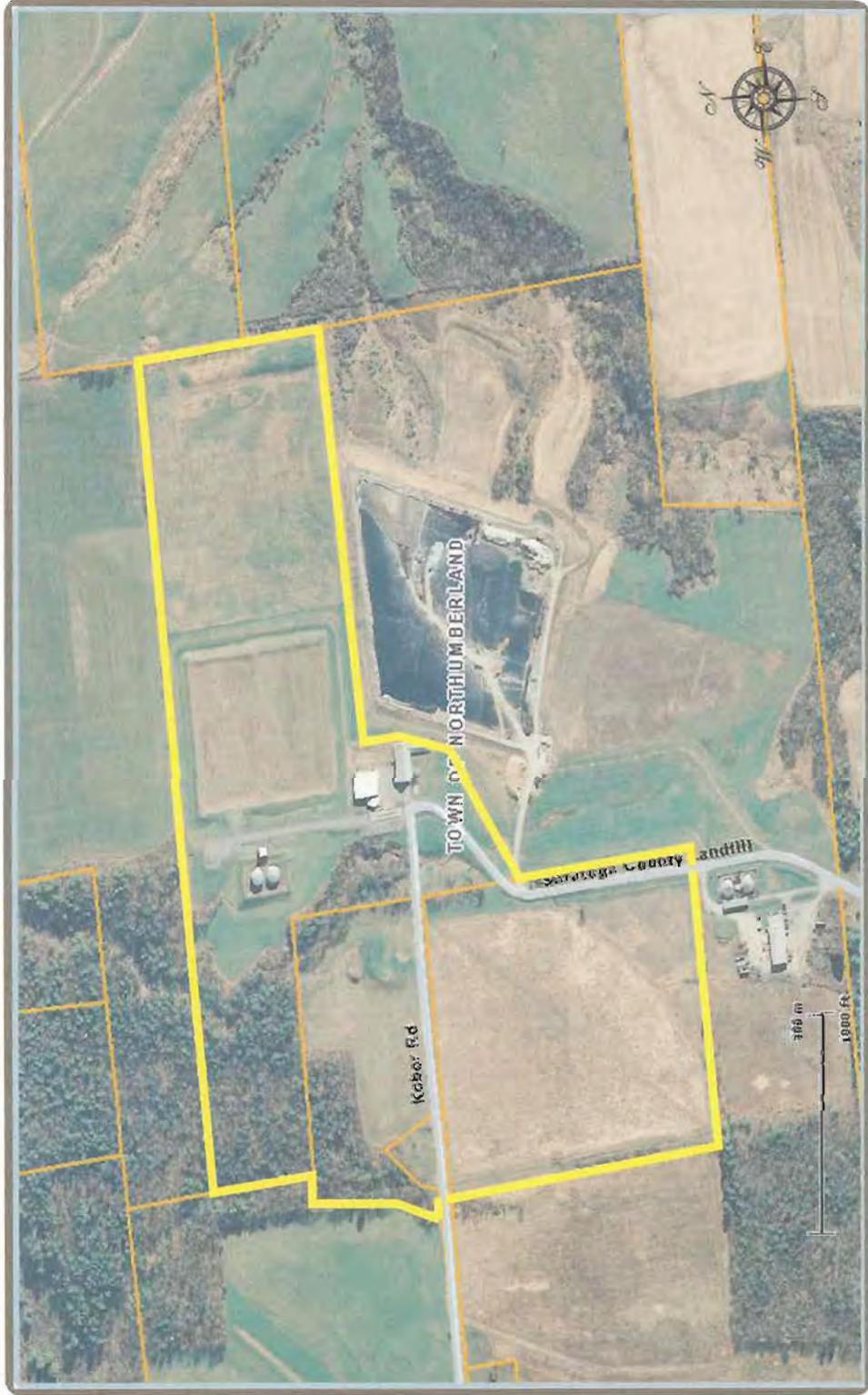
FACILITY ID NUMBER
46S27

PROGRAM NUMBER

Page 9 of 9

SARATOGA CNTY. LANDFILL

- Legend**
- County
 - Municipal Boundaries
 - Parcel
 - Local Roads
 - Canal
 - County and State Hwy
 - Interstate and US Hwy



Disclaimer: This map was prepared by the Saratoga County Interoperable Geographic Information System (GIS). The map was compiled using the most current GIS data available. The aerial photography (orthorectified) was provided by the N.Y.S. Office of Cyber Security and Critical Infrastructure Coordination during the year 2001-2007. Parcel and municipal boundaries are derived from tax maps and do not represent a land survey.