

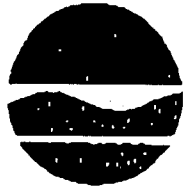
# New York State Department of Environmental Conservation

## Division of Water, Region 6

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Danise M. Sheehan  
Commissioner

August 11, 2006

Mr. Hans Arnold  
Oneida-Herkimer Solid Waste Management Authority  
1600 Genesee Street  
Utica, NY 13502

RE: OHSWA Landfill in Ava, Oneida County, New York

Dear Mr. Arnold:

Thank you for responding to Don Lake's May 25, 2006 letter concerning his May 11, 2006 stormwater inspection at the OHSWA Landfill in Ava, New York. Mr. Lake's stormwater control recommendations augment the compliance required by the Consent Order entered into on February 13, 2006. In its June 14, 2006 letter, Barton and Loguidice, P.C. (B&L), on behalf of the Authority, discussed Mr. Lake's recommendations and identified those that have already been adopted at the site. The B&L letter also provided detailed comments on how stormwater would be addressed during landfill operations.

Effective computer models are used to predict future outcomes. Oversimplifying the process, the output from computer models are based on input variables and equations. When incorrect input variables are used, the results from the model are suspect. Conversely, when all of the correct variables are used properly, the model output should predict what will happen in the field. However, modeling output is not a guarantee that the stormwater engineering methods employed will be as effective as predicted.

- 1.) The staged sediment control system (SSCS) contains eight stages, consisting of four sedimentation basins and four polishing basins (vegetated ponds). To date, parts of the system have been operational (e.g., the four sedimentation ponds), but the entire system has never all worked together at the same time. Computer models have been run to demonstrate how effective the eight basins will be at treating stormwater. However, this modeling does not predict what is or has been occurring in the field because the SSCS has never been completely operational. Indeed, the vegetation needed to make the system fully operational has not been fully established. In order to determine how effective the SSCS is now, the computer model output was evaluated for the operating part of the system only. In other words, the model output was summarized for the four sedimentation basins, Basins 1 through 4, only. The June 2006 SSCS Modeling Report Volume 1 estimated that the following sediment load will leave Basin #4 during a ten-year storm event for various stormwater treatment configurations (also referred to on page 9, item 4, as Basin D of B&L's June 14, 2006 correspondence to the DEC):

Dry Pond - 16.91 tons

Wet Pond - 7.97 tons (most effective, least amount discharged)

Extended Detention Pond - 13.14 tons

Mr. Hans Arnold

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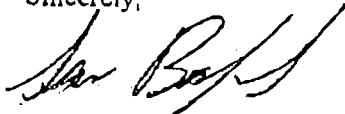
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The above configurations show a very significant sediment load that is not demonstrated to be contained or controlled on the site. These computer model results can be compared to field sampling results to determine how effective the model is at predicting what is actually occurring onsite.

- 2.) Many water quality complaints and violations concerning turbidity were recorded last year when the site was under major construction. These complaints and violations have continued into this year as site construction has progressed. This may not have occurred if a detailed stormwater pollution prevention plan (SWPPP) for construction activities at this site had been properly designed, implemented, and approved as part of an individual stormwater permit. Based on past performance and in the absence of a detailed SWPPP, it is uncertain whether future cell construction and/or mining expansion at this site will proceed without new turbidity violations. As a result, an individual State Pollutant Discharge Elimination System permit and detailed SWPPP will be required prior to any new cell construction, and DEC will not allow the Authority to proceed under the General Permit for Storm Water Discharges from Construction Activities.
- 3.) When the SSCS is fully completed and effective, a DEC pre-approved field test must be undertaken to quantify its ability to remove turbidity from on-site clay mining activities. The purpose of the proposed field test is to verify or dispute the computer model results for the SSCS. In other words, the test will address whether the computer model's prediction that the SSCS can remove 99.94% of the sediment from on-site stormwater is correct, and if so, whether the resulting 0.06% will cause a significant visible contrast and future water quality violations. These questions need to be answered and the results submitted as part of an individual application for a permit to discharge stormwater, both during the operation of the landfill and during the construction of new cells. No permit can be issued for such stormwater discharges from the site unless and until the Authority demonstrates that the discharges will comply with all water quality standards.
- 4.) If the operational or proposed design system cannot demonstrate that it can effectively contain or control the sediment load at the site, then the use of polymers will have to be seriously considered. In short, stormwater discharged from the site must comply with water quality standards.

Should you have any questions regarding these issues, please contact me at the phone number listed above.

Sincerely,



Steven Botsford  
Regional Water Engineer  
Region 6

SB:als

cc: E. Blackmer  
G. McCullough  
R. Young

