



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
CITY OF LOCKPORT  
1 LOCKS PLZ  
LOCKPORT, NY 14094-3623

**Facility:**  
COMPOST FACILITY  
611 WEST JACKSON ST  
LOCKPORT, NY 14094

**Facility Location:** in LOCKPORT in NIAGARA COUNTY

**Facility Principal Reference Point:** NYTM-E: 198.425    NYTM-N: 4788.41  
Latitude: 43°11'17.7" Longitude: 78°42'40.0"

**Authorized Activity:** Operation of a solid waste management facility to compost biosolids generated at the City of Lockport Wastewater Treatment Plant (WWTP) located at 611 West Jackson Street, Lockport. The in-vessel compost process is used to produce a marketable product. The facility includes a 340' x 120' composting building with an adjacent 65' x 300' bio-filter consisting of soil used for odor control. Only curing compost, finished compost and wood chips used as a bulking agent, may be stored outside.

**Permit Authorizations**

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

Permit ID 9-2909-00059/00003

Renewal

Effective Date: 1/14/2019

Expiration Date: 1/13/2029

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: MARK F PASSUITE, Deputy Permit Administrator

Address:            NYSDEC Region 9 Headquarters  
                      270 Michigan Ave  
                      Buffalo, NY 14203-2915

Authorized Signature: \_\_\_\_\_

Date 1/15/2019



### Distribution List

NYSDEC Division of Law Enforcement  
Ms. Efrat Forgette, NYSDEC Division of Materials Management

### Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### SOLID WASTE MANAGEMENT PERMIT CONDITIONS

**1. Permit Applicability** This permit supersedes all previously issued Solid Waste Management Facility permits and permit modifications issued by the New York State Department of Environmental Conservation (Department) for this facility.

**2. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by (see Solid Waste conditions 5 and 6 of this permit) on (see Solid Waste conditions 5 and 6 of this permit).

**3. Permit Conflicts** If any condition of this permit conflicts with the approved report and plans identified in the Solid Waste Management Permit Conditions 5 and 6 of this permit, the Solid Waste Management Permit Condition shall prevail.

**4. Emergency Reporting** In the event of an emergency, including but not limited to fires, explosion or on-site spills, the Regional Materials Management Engineer (RMME) shall be notified of the emergency within 24 hours of discovery. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the event.

#### APPROVED DOCUMENTS AND WASTES

**5. Approved Reports and Documents** Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department, operation of the facility shall be in conformance with the applicable requirements of 6 NYCRR Part 360 Series Regulations (effective November 4, 2017) and the following documents:

- Letter dated February 3, 2009 from City of Lockport Public Utilities Department (Paula Sattelberg) to New York State Department of Environmental Conservation (Steven Doleski) regarding permit renewal.



- Letter dated June 25, 2007 from Wendel Duchscherer (Brian M. Sibiga, P.E.) letter to New York State Department of Environmental Conservation (Steven Doleski) regarding compost facility permit modification.
- Letter dated October 23, 1990 letter from O'Brien & Gere (Douglas A. Miller) to New York State Department of Environmental Conservation (Richard Sweeney) regarding response to Notice of Incomplete Application. This submission includes a Contingency Plan, a Product Use Plan and an Operation Plan.
- "Engineering Report" dated August 1989 and prepared by O'Brien & Gere Engineers, Inc.
- Letter dated September 18, 2013 from City of Lockport (Douglas Sibolski) to New York State Department of Environmental Conservation (David Denk) regarding renewal application.
- Letter dated September 17, 2018 from City of Lockport (James Nunnari) to New York State Department of Environmental Conservation (Efrat Forgette) regarding renewal application.

**6. Acceptable Wastes** The facility shall accept and compost only biosolids generated at the City of Lockport WWTP. Prior to accepting biosolids from other sewage treatment plants, the permittee must request and receive a modification to this permit.

**7. Approved Plans** Plans entitled "Contract Drawings Town of Lockport Compost Facility" dated March 1990 and prepared by O'Brien & Gere Engineers, Inc.  
The approved plan sheets include the following:

<u>Drawing #</u>	<u>Title</u>	<u>Date</u>	<u>Date Last Revised</u>
	Cover Sheet		
	Index Sheet		
G-1	Site Plan	3/1/90	
G-2	Grading & Paving	3/1/90	
G-3	Access Road Profile & Plan	3/1/90	7/5/90
M-1	Plan View of Compost Building, with Aeration Piping	3/1/90	
M-2	Sections of Compost Building & Aeration Piping Details	3/1/90	
M-3	Misc. Details	3/1/90	
M-4	Rail & Stricker Details	3/1/90	
M-5	Compost Building Plan View of Soil Filter	3/1/90	4/12/90
M-6	Compost & Amendment Storage Building Elevations	3/1/90	
M-7	Compost & Amendment Storage Building Details & Sections	3/1/90	
M-8	Exhaust Ducting & Odor Control Soil Filter Elevations	3/1/90	9/12/90
M-9	Compost & Amendment Storage Buildings, Bldg. Section with Exhaust Duct	3/1/90	
A-1	Compost Building Floor Plan	3/1/90	
A-2	Architectural Schedules, Details & Notes Plus Compost & Amendment Storage Building Floor Plan	3/1/90	
A-3	Compost & Amendment Storage Building Elevations	3/1/90	
A-4	Compost & Amendment Storage Building Misc. Details	2/26/90	
S-1	Compost Building Foundation Plan	3/1/90	
S-2	Compost Building Roof Framing Plan	3/1/90	
S-3	Compost & Amendment Storage Building Foundation and Roof Framing Plan	3/1/90	



S-4	Compost Building Floor Plan & Process Structure	3/1/90
S-5	Compost Building & Misc. Structures Floor Plan & Details	3/1/90
S-6	Misc. Structures Sections, Details & Plan	3/1/90
S-7	Misc. Structures Sections, Details & Plan	4/1/89
E-1	Site Plan & Details	3/1/90
E-2	Grounding Plan	3/1/90
E-3	Partial Plan - Grounding	3/1/90
E-4	Power Plan	3/1/90
E-5	Lighting Plan	3/1/90
E-6	Partial Plan - Lighting /Power	3/1/90
E-7	Connection Drawing Power & Signal Wire	3/1/90
E-8	Schedule & Elementaries	3/1/90

**8. Amendments** Amendments and additives to the compost shall be limited to wood chips and sawdust generated from clean wood or yard waste, and clean leaves from the City of Lockport's collection, unless prior written approval is obtained from the RMME.

**9. Approved Design Capacity** Facility is limited to accept 55 wet tons of biosolids per day.

#### OPERATIONS

**10. Material Storage** Biosolids must be unloaded inside the building. No outdoor storage of biosolids is allowed.

**11. Product Labeling** Printed literature and signs must be available to accompany compost which is sold or distributed in bulk. The printed literature and signs must indicate, at a minimum, the type of waste the compost was derived from, restriction on the use of the product, and recommended application rates. All bagged compost must contain a label with this information.

**12. Compost Quality** The compost product shall be non-putrescible, free of objectionable odor and sufficiently stable to be of acceptable quality. If bulk quantities of compost become unacceptable for sale prior to retail distribution, it is the responsibility of the permittee to recover and properly dispose of the material. Permittee's responsibility shall not cover unacceptable compost conditions, due to actions of others subsequent to distribution or conditions resulting from amendments or agents which did not exist in the compost at the time of release from the permittee's compost facility.

**13. Disposal of Unacceptable Materials** Any material added to the process must not contain pollutants in concentrations that exceed the levels found in Table 6 of Section 361-3.9 (see condition #20 and 6 NYCRR Part 361-3.2(e)(27)). Should contaminant concentrations exceed these levels, the compost, biosolids or bulking agent must be disposed of properly.

**14. Odor Control** The City of Lockport Compost Facility shall control odors from migrating off-site. If odor complaints are received, evaluation by an engineering consultant to find a method to prevent or satisfactorily minimize odor may be deemed necessary by the RMME.

**15. Disposal of Contaminated Water** All leachate and contaminated water generated at the composting facility must be controlled and returned to the beginning of the wastewater treatment process.

#### MONITORING



**16. Daily Monitoring** Daily operational records must be maintained and include, at a minimum, temperature data and quantity of material processed. Temperature monitoring and frequency must be sufficient to ensure that the entire waste mass has been treated by a process to further reduce pathogens as outlined in 6 NYCRR Part 361-3.2(e)(29)) with temperatures taken in the coldest part of the waste mass.

**17. Biosolids Analysis** Each waste source added to the process must not exceed the pollutant concentrations found in Table 6 of 6 NYCRR Part 361-3.9 (see condition # 20). The minimum number of samples required depends on the quantity of biosolids, as outlined in Table 3 of Part 361-3.9.

Table 3 Analyses Required During Operation - Biosolids		
Biosolids Used (dry tons/year)	Minimum Number of Analyses	Reduced Frequency for Low Pollutants*
>15,000	24	12
>2,500 to 15,000	12	6
→ 200 to 2,500	6	4
25 to 199	4	2
<25	2	1

\*Applies to facilities where two consecutive years of biosolids pollutant levels are all at or below one-half of the limits found in Table 6 if approved by the department.

**18. Vector Attraction Reduction** Vector Attraction Reduction (VAR) methods must be achieved before the material leaves the facility. Vector attraction reduction methods must be met either after meeting or at the same time the pathogen reduction requirements are met.

Waste must be treated by an aerobic process for a minimum of 14 days. Throughout that treatment time, the temperature of the waste must remain higher than 40 degrees Celsius and the average temperature of the waste must be higher than 45 degrees Celsius (361-3.7(b)(1)(v)).

**19. Analysis of Finished Compost** The minimum number of analyses required annually for the finished compost is found in Table 4 of Part 361-3.9. This testing frequency is based on the annual production of compost divided by 365. Each sample must be a composite of at least five grab samples.

Table 4 Annual Product Testing Frequency	
Average Product Generated (cubic yards per day)	Number of Analyses
>50	52
→ 5-50	12
<5	6



**20. Finished Compost Sampling** Finished compost must not contain pollutant levels greater than the values found in Table 6 of 6 NYCRR Part 361-3.9.

Table 6	
Pollutant Limits	
Parameter	Maximum Concentration mg/kg, dry weight
Arsenic (As)	41
Cadmium (Cd)	10
Chromium (Cr-total)	1,000
Copper (Cu)	1,500
Lead (Pb)	300
Mercury (Hg)	10
Molybdenum (Mo)	40
Nickel (Ni)	200
Selenium (Se)	100
Zinc (Zn)	2,500

## REPORTING

**21. Complaints** Any complaints received by the permittee about the operation of this facility must be documented in a log book, with a description of action taken to alleviate the concern and the results of the action. Documentation must be available for review at the Department's request. Any operational changes deemed necessary by the Department to correct nuisance conditions must be implemented.

**22. Annual Report** The permittee must submit a completed annual report in a format acceptable to the Department no later than March 1 of each year for the previous calendar year, on forms prescribed by the Department (6 NYCRR Part 360.19(k)(3)).

**23. Report Submission** Annual reports shall be submitted to the following:

NYS DEC  
Division of Materials Management  
Bureau of Waste Reduction & Recycling: Organics Section  
625 Broadway, 9th Floor  
Albany, New York 12233-7260  
[SWMFannualreport@dec.ny.gov](mailto:SWMFannualreport@dec.ny.gov)

and

NYS DEC  
Regional Materials Management Engineer  
270 Michigan Avenue  
Buffalo, New York 14203



**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 9 Headquarters  
270 Michigan Ave  
Buffalo, NY 14203 -2915

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.