

# AVA, NY LANDFILL TIMELINE

## APPENDIX D – NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC)

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**May 18, 1993**, NYSDEC memo, Bob Senior to John Kenna re: highlights of Authority's Landfill Siting Study Vernon-Verona-Sherrill High School – The three speakers on May 10th represented the Farm Credit Bureau, Oneida Farm Bureau, and Herkimer Farm Bureau; memo states all three are private and are not affiliated with any state agency. **The text that followed has been removed from the document.**

**May 25, 1993**, NYSDEC memo, Julius Fuks to John Kenna re: OHSWA siting study – **portions of text have been removed from the document** – goes on to state the priority for conducting on-site investigations at the top three potential landfill sites is Ava 1st, Tannery Road 2nd, Fairfield 3rd as contingency.

**June 17, 1993**, NYSDEC memo, Lincoln Fancher to Mike Barylski re: OHSWA siting (Ava) – points discussed with Authority on June 15 include: wildlife and significant habitat issues being examined by Barton & Loueguidice (B&L), a Heron Rookery and beaver dam are reported to be present in the south-central part of the site; many of the test pits proposed outside the area identified as a tentative landfill footprint are in areas believed to have shallow bedrock, the number of borings may be increased, based on test pit findings; it was noted that no borings had been proposed for the southern third of the tentative footprint area; it is our understanding that mapping of federal wetlands is to come before the borings and test pits.

- soil sampling planned by the Authority is to include at least one undisturbed sample per boring  
- the frequency of soil sampling from the soil borings is planned to be continuous within the tentative footprint, and at 5-foot intervals outside that area; the Authority was advised of language in the proposed Part 360 revisions which would require continuous sampling for all borings; however it is not clear if this would necessarily apply for preliminary investigations prior to final confirmation of a site selection.

- The Authority was advised that performance of in-place permeability tests (requiring the installation of monitoring wells or piezometers) would place them in a better position to defend their selection of the Ava site. The Authority's siting methodology had called for the investigation of three sites on an equal basis...portions of text were removed...Since the in-place soil permeability is regarded as the most important site characteristic, they were advised to include the acquisition of data on the in-place permeability. The Authority apparently disagreed but would consider the recommendation.

**The remainder of the text in this document has been removed.**

**Sept. 20, 1993**, NYSDEC memo, Pat Clearey to Mike Barylski re: Freshwater wetland WL-2, landfill siting, Ava, - to clarify wetland issues in regard to the landfill siting... **text has been removed**...comments directed to the grouped testing sites and access routes; **text has been removed toward the end of the document.**

**Sept. 22, 1993**, NYSDEC document, Clearey to Barylski re: Aquatic Resource, Significant Habitat, Landfill Siting, Ava – portions of the South Branch of Moose Creek are natural spawning adequate for Brook Trout; he felt any impacts to these resources should be addressed

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by the Bureau of Fisheries as they are more knowledgeable than himself; also attached he included an excerpt from the New York Natural Heritage program; in 1982 there was a Great Blue Heron Rookery in this area; a 1.5 mile radius around the element occurrence symbol had been drawn; he was to contact the Natural Heritage unit for further information; he noted also that maps are available for this site at Oneida County Soil Conservation Service in Utica Office.

**Sept. 27, 1993**, NYSDEC transmittal slip, Clearey to Barylski re: landfill siting (Ava) – Subsurface investigations are supposed to start on 9/29/93, “are we missing the boat?”

**Remaining text has been removed from the document.**

**Sept. 28, 1993**, NYSDEC, John Page, Senior Wildlife Biologist Region 6, response to Alex Stempien of Ava re: questions raised regarding wetland classification for WL-7 and WL-2. WL-7 is Class IV and is probably the correct classification. WL-2 is one of the three largest wetlands in the Town of Ava and has current classification of Class II. Four Class II characters would constitute the standards for upgrade to Class I. WL-2 could conceivably contain the required 25% of area for each of the woody and herbaceous groups...possibly achieving the qualifications for upgrading.

**Jul. 29, 1994**, NYSDEC memo, Senior to Kenna re: landfill footprint selection and wetland delineation; the order of priority was Paluck property, Veterans’ Forest, and last Tannery Road. **The Authority has spent over 1 million dollars investigating these two sites.** If the NYSDEC wetlands is eliminated from the Ava northern site (Paluck property), the site life would be cut in half to approximately 20-30 years of site life. The Ava site consists of over 1600 acres and could be easily mitigated for the taking of wetlands. **Paluck property impacts a Class II wetland; the possibility of having the Class 2 wetlands upgraded to Class I exists; this would involve a much more difficult wetland permit.** There will be three choices: Rome site, and the Ava site would be divided into 2 sites. It appears the Authority will name the Paluck as the selected site.

**Dec. 8, 1994**, NYSDEC memo, Fancher to Kenna re: Landfill Candidate site WLE-5 (Ava); Applicability of Site Analytical Plan (SAP) to Site Investigation – Site Analytical Plan must be developed as part of the Hydrogeologic Report and Site Investigation Plan. “This is somewhat problematic, since nothing is known yet about groundwater flow regime. The performance of groundwater monitoring wells is unknown as they have not yet been installed.” **Portions of text have been removed from the document.**

**Dec. 15, 1994**, NYSDEC memo, Joseph Homburger to Craig re: WLE-5 DEC Regulated Wetlands – **considerable portions of text have been removed from the document.** “The Authority’s siting proposal is at the stage where more hydrogeologic data needs to be gathered for this Department to consider.”...**text has been removed.**

**Jun. 12, 1995**, NYSDEC memo, Fancher to Kenna re: Site Investigation Plan/Aquifer Determination – DEC is commenting on Authority’s responses to the Dept’s comments on their draft site investigation plan. The Authority has indicated they will not be sampling soil borings

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continuously within the upper 20 ft. of materials to be left in place within the liner footprint area during the site investigation phase. Instead they would perform this sampling “...**if necessary, prior to each phase of landfill construction**”. Portions of this document have been removed. Fancher states “I would feel better if the Authority was clearer with regard to their plans for characterizing the soil materials which will underly the facility. In lieu of this, the alternative should be to require sampling of all borings within the footprint continuously.”

**The minimum separation distance between the liner system and bedrock required by 360-2.13(e) is 10 feet; however, at least 20 feet of low-permeability unconsolidated deposits must be present to qualify for exemption from a siting study (360-2.12(a)).**

Issues pertaining to buried sand unit aquifer determination request are addressed in a separate memo.

**Jun. 13, 1995**, NYSDEC memo, Fancher to Kenna re: Site Investigation – as above, concerns over OHSWA method of not using continuous boring samples; concerned that hydrogeologic data would not be available for review in permit application. **“I’d like to be accommodating to the Authority, but I relish the prospect of having to defend, in a hearing, why we didn’t force the Authority to perform sampling as required in the regulations for the hydrogeologic investigation. How would we counter potential arguments that sampling at less-frequent intervals might miss high permeability lenses within the till?”**

**Jun. 13, 1995**, NYSDEC memo, Fancher to Kenna re: aquifer determination – memo urges OHSWA “to request the determination early in order to put the matter to rest...to avoid a potential hearing issue later”. **Several sections of this memo refer to “the interveners” (ACAL) and these sections were removed from the document.**

**Jun. 16, 1995**, NYSDEC memo, Fancher to Kenna re: OHSWA lack of continuous bore hole sampling (Part 360 DEC regulations) during site investigation; OHSWA engineer Mike Wolak admits they did some continuous sampling during preliminary subsurface investigation “even though it had not been their original intention to do so”. DEC cautioned OHSWA that lack of proper sampling could lead to additional field work. “Wolak acknowledged DEC recommendations but did not commit to increasing the scope of the sampling.”

**Sept. 7, 1995**, NYSDEC memo, Fancher to Kenna re: site investigation – relays information about improper handling of samples by Geraghty and Miller (G&M) on two of their site visits. G&M were told samples should be locked up. Also, G&M were having trouble getting undisturbed samples for laboratory hydraulic conductivity tests; questioned Fancher as to how (DEC) would receive lab test results if they had to be qualified as “possibly disturbed”. Fancher reinforced the need for proper ground water sampling for tritium study also. Discussion returned to the buried sand unit (aquifer determination) and a portion of the text has been removed from the document.

**Sept. 27, 1995**, NYSDEC memo, Fuks to Kenna re: drilling with “new” rig – again questions are raised about samples being undisturbed. Sampling procedures do not appear consistent with Part

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360-2.11(a)(9). Alternate methodologies as specified in Part 360-2.11(a)(1) may be appropriate. Wolak of OHSWA stated sampling data/test results appear consistent for samples obtained from the various drill rigs. They hope to complete field work in Nov. 1995.

**Oct. 12, 1995**, NYSDEC memo, Fancher to Kenna re: site investigation – drilling phase projected to be complete for late Oct. - early Nov. Well clusters to be used for tritium testing (for age-dating of ground water to confirm the bulk vertical hydraulic conductivity of the till unit and time-of-travel) are MW-18 and MW-22. Neither of these has been installed. At MW-8 rock was encountered at 250 ft; the buried sand unit was encountered, so a well was added in that unit. At B-32, for delineation of the buried sand unit, encountered rock at 120 feet (instead of 35 feet as projected). The gray till unit is thin or absent near the creek (Moose Creek). **Sanford, of G&M, indicated the nature of the buried sand unit is not constant. (DEC) agreed some portions of the unit might not be very “clean”. The samples are reportedly being stored at the Authority’s energy recovery facility. (The variability in the buried sand unit was not evident prior to the improved sample recovery made possible by the roto-sonic drill rig)** (DEC) noted the Site Analytical Plan needs to be finalized before collection of the samples. Sanford said G&M was working on it.

**Nov. 2, 1995**, NYSDEC memo, Fancher to Kenna re: Ava site investigation – site visit during drilling – conditions extremely muddy in all areas, movement of conventional vehicles is impossible; access roads are literally a liquid slurry; silt fences placed where the roads cross drainage-ways were over-topped and streams exhibited a high silt load. Changes to site investigation not anticipated include: addition of monitoring well cluster northwest of the preliminary footprint; at MW-3, the G2 well was dropped and replaced with a well with a DS designation, however, Marc (G&M) maintains the sand encountered at that location has some till-like properties; B-38 boring has been moved to southeast of the footprint, where they suspect there is a buried “finger valley” tributary to the larger east-west valley to the south (representing pre-glacial drainage).

**Jan. 22, 1996**, NYSDEC memo Fancher to Kenna re: buried sand unit – aquifer determination – Jim Garry had been asked to give estimate of time needed to complete aquifer determination. Jim stressed he has not been given the go ahead to proceed. **The Authority wants an answer on the aquifer questions, but has not submitted any of their site investigation findings in writing. To complete the determination, Jim (or anyone else) would need the bulk of the site investigation report, as well as the additional information he requested (in his July 18, 1995 memo). The Authority has indicated they will not be submitting the site investigation report before April. The rest of the text has been removed from the document!!**

**Jan. 25, 1996**, NYSDEC memo Fancher to Kenna re: site investigation Jan. 19th meeting with Authority and B&L, and G&M – no slug tests (for in situ hydraulic conductivity determination) have yet been performed. G&M has prepared an isopach map of the deep sand unit (thickness). The unit follows the bedrock trough, generally running east-west, but widening somewhat and bending northeast slightly on east side of site. At the west side of the site, the unit is less than 30

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feet deep. **On the east side, it is several tens of feet thick, and extends off-site to the east.**

G&M maintains the sand unit is not all of a single lithology. (DEC) advised the Authority and G&M that (DEC) should see the borehole samples from any zones where they are seeing variability in the units, including the overlying till. Based on B&L landfill design, G&M do not feel buried sand unit will become part of the critical stratigraphic section. They estimate time-of-travel to buried sand unit, based on available hydraulic conductivity data, to be 100 yrs. **The Authority retrieved all maps at the end of the meeting, they were marked “draft”, no written materials were provided to the department.** G&M indicated they intend to proceed with groundwater sampling to satisfy the existing requirements during the week of Jan. 22-26. (This was the first notification to the Dept. of the planned sampling.)

**This presented some problem because the sampling procedures were only generally spelled out in the Site Analytical Plan. The locations to be sampled had also not been identified. Which locations are appropriate depends largely on the groundwater flow analysis and critical stratigraphic section determination. Those tasks are partly dependent on hydraulic conductivity data not yet collected.**

G&M acknowledged the uncertainty regarding the CSS, and indicated they would sample all units investigated (down to and including the upper bedrock); this may result in collection of monitoring data from units which may or may not eventually be part of the CSS. **The Authority agreed to provide more detailed written description of sampling.** There may be a problem obtaining the two replicate samples required for the first groundwater monitoring because of low volume of water at many wells. This requirement cannot be waived. If they come up short on the requirements of 360-2.11(c)(5)(i)(a), they would have to file for a variance.

The document contains data about three footprint designs being considered, maps showing wetlands have been prepared. **Text has been removed from this portion of the document.** Finally, status of aquifer determination addressed – “given the current impasse between the Divisions of Water and Solid & Hazardous Materials regarding aquifer determinations at solid waste sites, **it is not clear how the data should be presented and to whom it should be submitted**”. **The remainder of text of this document has been removed.**

**March 8, 1996**, NYSDEC memo, Homburger to Jim Luz re: Storm Water Management – question has been presented regarding design standards that need to be employed at the site. SPDES General Permit for Storm Water Discharges, from construction activities, Permit Number GP-93-06, August 1, 1993 was referenced. Considerations include regulated wetlands on site; there are no designated special flood hazard areas on the site (closest 100-year flood plains mapped lie downstream at the juncture of Moose Creek and White River in the Town of Leyden, approx. 5-6 miles downstream); on-site and contiguous surface water streams are C(T); the larger the footprint needed to accommodate appurtenances such as sediment/detention basins the greater the impact to wetland or the less space able to be allocated to waste disposal. **Most of the remainder of the text has been removed from the document.**

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**March 14, 1996**, NYSDEC memo, Fancher to Kenna – noted in the document are problems with sampling the deeper monitoring wells; tritium sampling needed to be aborted due to heavy snowfall; some initial slug tests are fairly close to the lab results; Sanford wants to set up a time to meet at Authority's Rome transfer station to examine soil samples stored there; Sanford questions Fancher about submitting groundwater sampling.

**March 26, 1996**, NYSDEC memo, Luz to Homburger re: storm water management – there is no conflict between attenuating the storm water runoff from the project site and the design storm used to determine the capacity of the leachate holding/treatment system; they are intended to mitigate different issues. Portions of the remainder of this document have been removed.

**March 26, 1996**, NYSDEC memo, Senior to Kenna re: meeting in B&L's office about wetlands - **multiple text areas have been removed from the document**; document refers to three footprint options – site P27, P26, P13 with years of capacity ranging from 48 yrs. - 97 yrs.; Diane Radon of Fish and Wildlife said site was acceptable – a letter was requested clarifying this issue; wetland mitigation is discussed; transportation issue – **“IF THE BOONVILLE BY-PASS CUTOFF TO ROUTE 294 IS CONSTRUCTED FOR THE LANDFILL, THIS WOULD BE TIED TO THE LANDFILL PROJECT AND THE TAKING OF WETLANDS DURING THE PERMITTING PROCESS.”** The Authority must have the transportation alternatives addressed and their respective environmental impacts complete in preparation of the Environmental Impact Statement. **The threat of an incomplete application by the Authority over the issue of a potential selected alternative such as the Boonville by-pass did not sit well with the Authority.**

**March 29, 1996**, NYSDEC memo, Fancher to Kenna re: **hydrogeological issue identified – some of the test results are reportedly not as favorable as anticipated in the northern part of the site; Voorhees, of B&L, speculated that some reduction in the tentative footprint area may be necessary, resulting in a potential decrease of estimated life of 10-20 years; concern over permeability data that would not meet Part 360 requirements.**

(DEC) states they have not received any boring logs, maps or cross-sections since the Sept. 1994 preliminary subsurface investigation report. **Multiple areas of text have been removed from the document.** “Indeed, they seemed to stress that the footprint area that would potentially be lost could not be made up elsewhere on site. It would reportedly affect the three tentative footprints (P13, P26, and P27) equally.”

**May 2, 1996**, NYSDEC memo, Fancher to Kenna re: aquifer determination - Jim Garry (Division of Water Geotechnical Services) indicates his group will be completing the aquifer determination as requested by the Authority. Jim asked about the anticipated timing for submittal of a report. **The rest of this paragraph has been removed from the document.** Fancher contacted Sanford to get an update on their investigation. The second round of sampling for groundwater quality is scheduled for late May; not much going on in the field right now; still some slug tests remaining for 3 to 4 low-permeability wells with limited water in them. The

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aquifer determination is currently only in initial draft form. They want to make sure it's in a final form, with no discrepancies with the full hydrogeologic report which will follow. Fancher stated, "This is as I had suspected."

**The rest of this paragraph has been removed from the document. Fancher asked about the northern part of the site, where there had been slug test results higher than expected. Sanford said they'd retested them, but hadn't worked up the results yet.**

**Jul. 1, 1996**, NYSDEC memo, Fancher to Kenna re: Ava landfill site field investigation – field work is in its final stages; **G&M is in the initial stages of setting up a computer simulation model to help evaluate the groundwater flow patterns.** The work is being done at G&M's office in Melville, New York. DEC informed Marc (of G&M) their principle concern will be that the model is supported by the field data. A letter was to be sent to the Authority/G&M on the subject. Marc said he anticipated a site investigation report by the end of the summer. **Submission of a preliminary report, for the determination of the aquifer status of the buried sand unit is not likely. The remainder of the text on this document has been removed.**

**August 8, 1996**, NYSDEC memo, Fancher to Kenna re: Ava landfill site – wetland mitigation plan was still in preparation by TES; it could call for wetlands creation to compensate for Federal wetlands filled, in the northern portion of the site. The Authority is trying to locate an old burial plot; **a report considering the aquifer status of the buried sand unit is expected later this month; G&M is working on development of the groundwater model to assist in interpretation of groundwater flow patterns; work is expected to be complete in Sept.; the EIS and permit application will likely be submitted this fall.**

**Dec. 9, 1996**, Randall C. Young, NYSDEC Assistant Regional Attorney Region 6 to Ned Ross, Chairman ACAL re: FOIL request #96-124 – records requested regarding the Oneida County Solid Waste Authority are available for review. The listed documents are being withheld from your request in accordance with Article VI Section 87.2(g) of the Public Officers Law as they constitute intra-agency materials that are not statistical or factual tabulations of data; instructions to staff that affect the public; final agency policy determinations; nor external audits. Approx. 90-100 NYSDEC documents are listed. Instructions to appeal decision to withhold were provided.