

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

City of Niagara Falls/Department of Public Works

SCHEUDLE A

Order on Consent No. LER9-16-006666 (Revised March 23, 2018)

The above referenced Respondent shall, on or before the date indicated, perform the following items:

No.	Items	Date
1.	Immediately cease disposal of regulated solid waste, including but not limited to street sweeping debris, construction and demolition (C&D) debris, land clearing debris, and yard waste, on the property bordered on the north by 2555 New Road and on the south by Porter Road in Niagara Falls, NY.	Completed
2.	Immediately limit access to the above referenced property to prevent further illegal dumping of regulated solid waste.	Completed
3.1	Complete the removal of all street sweepings from the above referenced property and transfer all regulated solid waste to a Part 360 authorized disposal facility.	Completed
3.2	Remove the existing leaf pile from the above referenced property and transfer the contents of pile to a Part 360 authorized disposal facility.	July 1, 2018
3.3.	Sort all remaining regulated solid waste onsite so that uncontaminated ¹ and unadulterated ² wood, trees, stumps, and brush are separated from solid waste, which includes, but is not limited to, tires, furniture, plastic, glass, textiles, construction and demolition debris, and adulterated wood, from the above referenced property. All solid waste, except for uncontaminated and unadulterated wood, trees, stumps, and brush, must be transferred to a Part 360 authorized disposal facility. The uncontaminated and unadulterated wood, trees, stumps, and brush shall be processed on-site into wood chips for utilization by the City at the Hyde Park Golf Course.	July 1, 2018
3.4	<p>The stockpiling and storage of wood chips generated from Item 3.3 shall follow the general requirements for Registered Mulch Processing facilities in 6 NYCRR Part 361-4, and the following:</p> <ul style="list-style-type: none"> - No additional material is accepted at the site - All piles of wood chips do not exceed 25 feet high and 30 feet wide at the base and piles are triangular in cross section - Minimum distance of ten feet between all material piles 	On-going until wood chips are removed from the property

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4.	<p>On a monthly basis, a written progress report including, but not limited to, photographs of the site, copies of solid waste disposal receipts, a description of the type and quantity of waste removed during that time period, and a summary of the efforts utilized to limit site access, shall be submitted to:</p> <p style="text-align: center;">Attn: Regional Materials Management Engineer Division of Materials Management 270 Michigan Ave Buffalo, NY 14203</p>	By the 10 th of each Month
5.	<p>Submit a final written certification report confirming that the work required above has been fully completed. The submission shall include, but not be limited to, photographs of the site, and copies of the solid waste disposal receipts and a description of the type and quantity of the waste removed during the final reporting period.</p>	Within 30 days of completion of Items 3.2 and 3.3
6.	<p>Upon completion of the removal of wood chips from the site, the Department shall be contacted for a final site inspection.</p>	Within 5 days of completion of Item 3.4

Footnotes:

1. *Uncontaminated* means wood that is not contaminated with spills of a petroleum product, hazardous waste, or industrial waste.
2. *Unadulterated* wood means wood that is not painted or treated with chemicals such as glues, preservatives or adhesives. Any painted wood or chemically treated wood (e.g., pressure treated wood, treated railroad ties) or wood containing glues or adhesives (e.g., plywood, particle board) is considered adulterated wood.

Dated: _____, 2018

City of Niagara Falls
 Department of Public Works

by: _____

Title: _____

Dated: _____, 2018

Basil Seggos, Commissioner
 New York State Department
 of Environmental Conservation

by: _____

Abby M. Snyder
 Regional Director, Region 9