



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: DANKAMMER ENERGY CLEARING & GRADING PERMIT
PROJECT NO.: 21-24
PROJECT LOCATION: SECTION 8, BLOCK 1, LOT 75.212, 75.22, 75.42 & 75.3
REVIEW DATE: 29 SEPTEMBER 2021
MEETING DATE: 7 OCTOBER 2021
PROJECT REPRESENTATIVE: SCS ENGINEERS

1. The project involves the clearing and grading required for the final closure of a portion of a Solid Waste Management Facility located on the Danskammer Energy parcel. Previous Coal Ash Landfill operated on the site under an NYSDEC Permit. Danskammer is seeking approval from the Town Planning Board in relation to the Clearing & Grading for the final landfill cover, as well as stormwater management review for the work associated with the landfill closure. Approximately 14.2 acres of property will be covered in an NYSDEC approved geomembrane. Associated grading with the cover, stormwater runoff control and final cover system are under review. The landfill closure is governed under NYSDEC regulations and has been Conditionally Approved by the DEC on 1 July 2021.
2. The Applicants have provided a Short Environmental Assessment Form for the project. The project is identified as impacting greater than 10 acres of property such that a Long Environmental Assessment Form should be submitted. It is requested the Applicant's identify whether the NYSDEC has completed an SEQRA Review for the project.
3. A US Army Corps of Engineers Jurisdictional Determination dated 8 January 2021 has been received. It is requested the Applicants confirm that no impacts to the Jurisdictional Wetlands on the site are proposed under the Clearing and Grading application.
4. Any Stormwater Management Reports prepared for the NYSDEC approval should be submitted for the Town's use.
5. It is noted that the perimeter rip rap stormwater diversion ditches are to remain on the north side of all activity to divert upgradient flow away from the proposed construction area.
6. In addition to the Stormwater Management Report it is requested the Applicant supply a draft Notice of Intent for coverage under the NYSDEC Construction Stormwater Permit and a draft Municipal Authorization completed with the Applicants information.
7. On Erosion and Sediment Control Sheet #8 identifies very general notes pertaining to erosion and sediment control. More detailed erosion and sediment control plan and notes should be provided,

specific location for soil erosion and sediment control practices should be identified on the plan sheets. Notes pertaining to limits of areas tributary to each erosion and sediment control management practice should be incorporated into the plans. Notes regarding vegetating all unlined disturbed areas should be identified. Seeding specifications should be identified.

8. Fugitive dust control should be addressed on the Erosion and Sediment Control Plans.

Respectfully submitted,

MHE Engineering, D.P.C.



Patrick J. Hines
Principal
PJH/kbw

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

TOWN OF NEWBURGH PLANNING BOARD

**APPLICATION PACKAGE
for
SUBDIVISIONS,
SITE PLANS,
LOT LINE CHANGES
And
SPECIAL EXCEPTION USE PERMITS**

Procedures and Requirements

July 2013

**TOWN OF NEWBURGH PLANNING BOARD
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7804
fax: (845) 564-7802
planningboard@hvc.rr.com**

TO WHOM IT MAY CONCERN:

This package of information and forms is provided to assist the applicant in the preparation of a submission of a site plan, subdivision, lot line change or special exception use permit to the Town of Newburgh Planning Board. In most cases the application will be prepared initially by a licensed professional engineer, architect, surveyor or land planner. Since in almost every case such professional will be required for the process, they should be retained as early as possible.

Procedurally, the applicant should contact the Planning Board to discuss the potential project and obtain the necessary forms and regulations.

The Zoning and Subdivision Regulations of the Town of Newburgh require that the applicant must present plans to the Secretary of the Planning Board. When your application is complete, it will be placed on the next **AVAILABLE** agenda. Submittals must be handed in to the Planning Board Secretary at least 10 days prior to the next meeting, but the date of the appearance at a meeting will be determined by the next available time slot, not necessarily the next meeting. You will be notified of the date, time and place of your meeting.

A minimum of **FOURTEEN (14)** sets of **FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application, and **FIFTEEN (15)** sets of plans must be submitted if plans need to be submitted to the Town of Newburgh Traffic Consultant. This completed application must include a **LONG FORM OR FULL EAF** for every project except lot line changes, 2 lot subdivisions under 3 acres or site plans impacting less than one acre, along with a **NARRATIVE** of the proposed project. The narrative should include the action being taken, the size of the parcel, what zone the parcel is in, the water and sewer information, any Zoning Board of Appeals relief needed, and whether the parcel is on a private or town road. Complex or unusual projects should be discussed in greater detail.

Following the first meeting before the Planning Board the applicant is required to send an Adjoiner Notice to property owners within 500 feet of the parcels in question (please see final page of the package for full instructions).

Upon initial review of a Short Form, the Planning Board may require specific additional environmental information or the preparation of a Long Form. Long Form part 1 should be completed by the applicant. The Board will review and may modify Part 2 prior to making a decision on the SEQRA aspect of the project.

All fees for consulting and professional services that the Planning Board incurs during the review of the applications will be the responsibility of the applicant. An advance deposit for these fees will be required and will be placed in an escrow account with the Town. If the escrow account falls below the 40% of the initial deposit, the applicant will be required to immediately make an additional deposit to the escrow account prior to any further review of the project application by the Planning Board.

Very truly yours,

JOHN P. EWASUTYN, Chairman
Town of Newburgh Planning Board

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550**

DATE RECEIVED: August 24, 2021 **TOWN FILE NO:** 2021-22
(Application fee returnable with this application)

1. **Title of Subdivision/Site Plan (Project name):**
Danskammer Energy, LLC – Solid Waste Ash Facility Final Closure

2. **Owner of Lands to be reviewed:**
Name Danskammer Energy, LLC
Address 994 River Road
Newburgh, NY 12550-1115
Phone General Number: +1 (845) 563-9117

3. **Applicant Information (If different than owner):**
Name Thomas M. Gray – CFO of Danskammer Energy, LLC
Address Same as Owner

Representative John Furst – Catania, Mahon & Rider, PLLC
Phone Direct: +1 (845) 569-4377
Fax (845)-565-1999
Email jfurst@cmrlaw.com

4. **Subdivision/Site Plan prepared by:**
Name SCS Engineers
Address 100 Illinois St.
Suite 200
St. Charles, IL 60174
Phone/Fax Phone: +1 (630) 465-4590

5. **Location of lands to be reviewed:**
994 River Road, Newburgh, NY 12550

6. **Zone** Industrial **Fire District** Middlehope Fire District
Acres 102 (total of 1ots) **School District** Marlboro Central SD

7. **Tax Map: Section** 8 **Block** 1 **Lot** 75.212 / 75.22 / 75.42 / 75.3

8. Project Description and Purpose of Review:

Number of existing lots Not Applicable (N/A) Number of proposed lots N/A

Lot line change N/A

Site plan review Yes – if determined applicable by the Planning Board

Clearing and grading Yes

Other N/A

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

Please see Attached Addendum

9. Easements or other restrictions on property:

(Describe generally) Easements include overhead power lines and underground utility infrastructure (gas and water). Provided on separate physical survey.

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature  Title Chief Financial Officer

Date: August 24, 2021

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

N/A – No abutment to County or State Highway or road.

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

N/A

TOWN OF NEWBURGH PLANNING BOARD

Danskammer Energy, LLC – Solid Waste Ash Facility Final Closure
PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. N/A Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. N/A Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. N/A Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. N/A Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up

11. N/A Surveyor's Certification
12. N/A Surveyor's seal and signature
13. ✓ Name of adjoining owners
14. ✓ Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. ✓ Flood plain boundaries
16. N/A Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. N/A Metes and bounds of all lots
18. N/A Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. ✓ Show existing or proposed easements (note restrictions)
20. ✓ Right-of-way width and Rights of Access and Utility Placement
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. N/A Lot area (in sq. ft. for each lot less than 2 acres)
23. N/A Number of lots including residual lot
24. ✓ Show any existing waterways
25. N/A A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. N/A Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. ✓ Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. N/A Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. ✓ Show topographical data with 2 or 5 ft. contours on initial submission

- 30. N/A Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
- 31. N/A If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
- 32. ✓ Number of acres to be cleared or timber harvested
- 33. ✓ Estimated or known cubic yards of material to be excavated and removed from the site
- 34. ✓ Estimated or known cubic yards of fill required
- 35. ✓ The amount of grading expected or known to be required to bring the site to readiness
- 36. ✓ Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
No portions of the project will be within wetlands.
- 37. ✓ Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
No portions of the project will be within the 100 year floodplain.
- 38. ✓ List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By: Zachary Christ
Licensed Professional

Date: August 24, 2021

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date): August 5, 2021

STATEMENT TO APPLICANTS

RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW

The Town of Newburgh Clearing and Grading Control Law requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law. Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

TOWN OF NEWBURGH
APPLICATION FOR CLEARING AND GRADING

Name of applicant: Danskammer Energy, LLC

Name of owner on premises: Danskammer Energy, LLC

Address of owner: 994 River Road, Newburgh, NY 12550-1115

Telephone number of owner: +1 (845) 563-9117

Telephone number of applicant: Same as Owner

State whether applicant is owner, lessee, agent, architect, engineer or contractor:

Owner

Location of land on which proposed work will be done: _____

994 River Road, Newburgh, NY 12550-1115

Section: 8 **Block:** 1 **Lot:** 75.212/75.22/ **Sub. Div.:** N/A
75.42/75.3

Zoning District of Property: Industrial **Size of Lot:** ~102 acres in total

Area of lot to be cleared or graded: Total Landfill Area: 12.5 ac, Total Outside Landfill Area: 1.34ac, Sum Total: 12.84 ac

Proposed completion of date: September 30, 2022

Name of contractor/agent, if different than owner: _____

APTIM Environmental & Infrastructure, LLC and Ridge Enterprises, Inc.

Address: APTIM: 17 Princess Road Lawrenceville, NJ 08648

Ridge Enterprises: P.O. Box 439 Pine Bush, NY 12566

Telephone number: APTIM: +1 (609) 588-6305 / Ridge: +1 (845) 527-5371

Date of Planning Board Approval: _____ (if required)

I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.

Signature of owner:  **Date:** August 24, 2021

Signature of applicant (if different than owner): _____

TOWN ACTION:

Examined: _____ 20 _____

Approved: _____ 20 _____

Disapproved: _____ 20 _____

FEE LAW SUMMARY

PENDING APPLICATIONS

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

SEVERABILITY

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.


EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Thomas M. Gray – CFO of Danskammer Energy, LLC
APPLICANT'S NAME (printed)


APPLICANTS SIGNATURE

August 24, 2021
DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PROXY

(OWNER) _____ , DEPOSES AND SAYS THAT HE/SHE

RESIDES AT _____

IN THE COUNTY OF _____

AND STATE OF _____

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
PLANNING BOARD AND _____ IS AUTHORIZED
TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: _____

OWNERS SIGNATURE

OWNERS NAME (printed)

WITNESS' SIGNATURE

**NAMES OF ADDITIONAL
REPRESENTATIVES**

WITNESS' NAME (printed)

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

August 24, 2021

DATED

Thomas M. Gray – CFO of
Danskammer Energy, LLC

APPLICANT'S NAME (printed)


APPLICANT'S SIGNATURE

DISCLOSURE ADDENDUM STATEMENT TO APPLICATION
PETITION AND REQUEST

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

 X NONE

NAME, ADDRESS, RELATIONSHIP OR INTEREST
 (financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

- _____ **TOWN BOARD**
 _____ **PLANNING BOARD**
 _____ **ZONING BOARD OF APPEALS**
 _____ **ZONING ENFORCEMENT OFFICER**
 _____ **BUILDING INSPECTOR**
 _____ **OTHER**

 August 24, 2021
DATED

INDIVIDUAL APPLICANT

*Thomas M. Gray – CFO of
 Danskammer Energy, LLC*



CORPORATE OR PARTNERSHIP APPLICANT

BY: _____
 (Pres.) (Partner) (Vice-Pres.)
 (Sec.) (Treas.)

AGRICULTURAL NOTE

(Required to be placed on all plans where property lies within 500 feet of land in active agricultural production or operation)

Property adjacent to lots (1) is in active agricultural operation and production and residents must be aware that such property is protected by New York State “Right to Farm Laws” as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season land and crops may be sprayed from the ground or by air, manure may be applied, and periodic noise may occur from machinery operation at various times throughout the day. Residents should be aware of this action by the adjacent property owners.

(1) Specific lots adjacent to the active farming area which are impacted shall be inserted in this space.

AGRICULTURAL DATA STATEMENT

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

Name and address of the applicant: _____

Description of the proposed project: _____

Location of the proposed project: _____

Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property: _____

A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.

APPLICANT'S SIGNATURE

DATE

ARCHITECTURAL REVIEW

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

ARCHITECTURAL REVIEW FORM
TOWN OF NEWBURGH PLANNING BOARD

DATE: _____

NAME OF PROJECT: _____

The applicant is to submit in writing the following items prior to signing of the site plans.

EXTERIOR FINISH (skin of the building):

Type (steel, wood, block, split block, etc.)

COLOR OF THE EXTERIOR OF BUILDING:

ACCENT TRIM:

Location: _____

Color: _____

Type (material): _____

PARAPET (all roof top mechanicals are to be screened on all four sides):

ROOF:

Type (gabled, flat, etc.): _____

Material (shingles, metal, tar & sand, etc.): _____

Color: _____

WINDOWS/SHUTTERS:

Color (also trim if different): _____

Type: _____

DOORS:

Color: _____

Type (if different than standard door entrée): _____

SIGN:

Color: _____

Material: _____

Square footage of signage of site: _____

Please print name and title (owner, agent, builder, superintendent of job, etc.)

Signature

LIST OF ADJACENT PROPERTY OWNERS

Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. **The list of property owners shall be provided to the applicant from the Planning Board, through the Town Assessor's office.** The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification.

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN			
Check List Item	Applicability	Comments	Page Ref. or Drawing Ref.
I. The following items shall be submitted with a COMPLETED Planning Board Application Form.			
1. Environmental Assessment Form As Required	Yes	Danskammer has provided its short form EAF. Under the NYSDEC permit for the landfill, the NYSDEC considers it “is classified as an Unlisted Action and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment.” Please see the current Solid Waste Management Facility permit attached as Exhibit 11, Item E: SEQR.	P. 29-32
2. Proxy Statement	N/A	Danskammer Energy, LLC is the both the applicant and owner.	
3. Application Fees	Yes	Required checks and deposits provided in with application submissions.	P. 34-37
4. Completed Checklist (Automatic rejection of application without checklist)	Yes	Submitted with application, please see Exhibit 2, for copies of submitted checks.	P. 34-37
II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.			
1. Name and address of applicant	Yes	Completed	P. 4,10 D1
2. Name and address of owner (if different from applicant)	N/A	Danskammer Energy, LLC is both the applicant and owner.	
3. Subdivision or Site Plan and Location	N/A	The project does not consider any subdivisions, all lots are existing.	
4. Tax Map Data (Section-Block-Lot)	Yes	Included in addendum, Exhibit 3.	P. 4,10,38-39
5. Location map at a scale of 1” = 2,000 ft. or less on a tax map or USCGS map base only with property outlined	Yes	Included in accompanying drawing sets.	D1
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot	N/A	No lot subdivision is being proposed. All lots are zoned Industrial.	
7. Show zoning boundary if any portion of proposed site is within or adjacent to a different zone	N/A	No lot subdivision is being proposed. All lots are zoned Industrial.	
8. Date of plan preparation and/or plan revisions	Yes	Included in accompanying drawing sets.	D1
9. Scale the plan is drawn to (Max 1” = 100’)	Yes	Included in accompanying drawing sets. The DEC design drawing set provides scales of 1:120 for the overall plan view	D2-D12

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN			
Check List Item	Applicability	Comments	Page Ref. or Drawing Ref.
		and 1:60 for the work areas. These scales were cleared by the Village Engineer.	
10. North Arrow pointing generally up	Yes	Included in accompanying drawing sets.	
11. Surveyor's Certification	N/A	No lot subdivision is being proposed.	
12. Surveyor's seal and signature	N/A	No lot subdivision is being proposed.	
13. Name of adjoining owners	Yes	To be provided by the Planning Board pursuant to application instructions, post initial review. Danskammer will conduct the appropriate mailings.	
14. Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements	Yes	Please see addendum for map of wetlands and intermittent streams based on review prepared by the ACOE on January 8, 2021, Exhibit 7.	P. 46-69
15. Flood plain boundaries	Yes	Included in accompanying drawing sets.	D3
16. Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989	N/A	Based on discussions with Village Engineer. No new sewerage systems proposed to be installed.	
17. Metes and bounds of all lots	N/A	No new lots / sub-divisions proposed.	
18. Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street	N/A	None of the lots in scope are adjacent to any public streets.	
19. Show existing or proposed easements (note restrictions)	Yes	Survey with easements included in accompanying physical drawing sets, Exhibit 12.	Physical Survey
20. Right-of-way width and Rights of Access and Utility Placement	Yes	Survey with easements included in accompanying physical drawing sets, Exhibit 12.	Physical Survey
21. Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)	N/A	No new road construction proposed. Not adjacent to any public roads.	
22. Lot area (in sq. ft. for each lot less than 2 acres)	N/A	All lots are existing with no proposed subdivision.	
23. Number of lots including residual lot	N/A	All lots are existing with no proposed subdivision.	
24. Show any existing waterways	Yes	Included in accompanying drawing sets. The Hudson River runs along the east boundaries of Danskammer's property and has been marked on maps. No proposed work or clearing or grading will be in proximity to the Hudson.	D3
25. A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable	N/A	No new proposed road construction.	

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN			
Check List Item	Applicability	Comments	Page Ref. or Drawing Ref.
26. Applicable note pertaining to owners review and concurrence with plan together with owner's signature	Yes	Included in application.	P. 5,10,12, 14,15
27. Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.	Yes	Included in accompanying drawing sets.	D3, D5, and D9-D12
28. Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivide	N/A	All lots are existing with no proposed subdivision.	
29. Show topographical data with 2 or 5 ft. contours on initial submission	Yes	Included in accompanying drawing sets.	D2-D5, D8-D12
30. Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number	N/A	All lots are existing with no proposed subdivision.	
31. If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed	N/A	No new road construction, all roads existing.	
32. Number of acres to be cleared or timber harvested	Yes	Included in accompanying drawing sets. Approximately 0.07 acres.	D3
33. Estimated or known cubic yards of material to be excavated and removed from the site	Yes	Included in accompanying drawing sets. Approximately 566 CY to be removed.	D3
34. Estimated or known cubic yards of fill required	Yes	Included in accompanying drawing sets. Approximately 2,272 CY included road materials.	D3
35. The amount of grading expected or known to be required to bring the site to readiness	Yes	Included in accompanying drawing sets. Landfill footprint area: 12.5 acres / Areas outside the landfill: 1.34 acres	D3
36. Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.	Yes	None. Wetlands are delineated on drawing sets and in Exhibit 7.	P. 46-69 Drawing Sets
37. Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.	N/A	None.	
38. List of property owners within 500 feet of all parcels to be developed (see attached statement).	Yes	To be provided by the Planning Board pursuant to application instructions, post initial review. Danskammer will conduct the appropriate mailings.	

PROJECT NARRATIVE:

Danskammer Energy, LLC (“Danskammer” or the “Company”) operates the Danskammer Solid Waste Ash Facility landfill (the “Landfill”), Solid Waste Management Facility No. 36-A-01, located in Newburgh, Orange County, NY. The Landfill is permitted by the New York Department of Environmental Conservation (“NYSDEC”), under New Permit No. 3-3346-00011/00018 (the “Permit”). Danskammer is seeking the required permits from the Town of Newburgh Planning Board in relation to: 1) Site Plan Review of the designs for the final closure of the remaining open cell and related stormwater management upgrades; and 2) Clearing and Grading permit in relation to the grading and trenching within the Landfill for final cover installation and related stormwater management upgrades. Under the current Permit, Item E: SEQR, the NYSDEC lists the landfill as an Unlisted Action (please see Exhibit 11).

The final closure will consist of primarily re-grading the materials within the Landfill, preparing an anchor trench for the cover, installation of a final cover system and upgrading stormwater outfalls. The final cover system will consist of a NYSDEC approved synthetic geomembrane closure materials called ClosureTurf®, which is manufactured by Watershed Geo (please see Exhibit 9), and will cover an area of approximately 14.2 acres. In addition, to account for increased stormwater run-off, post installation of the final cover system, new stormwater enhancements will be made to existing stormwater run-off paths to direct the flow of storm water run-off to the Hudson river (collectively the “Project”). The Landfill closure is governed under NYSDEC regulations 6 CRR-NY 363-9.3 and was conditionally approved by the NYSDEC on July 1, 2021 (the “NTP”) (attached as Exhibit 10). Pursuant to condition #11 of the NTP, Danskammer is required to secure all of the necessary local permits prior to commencing the closure activities.

The Project’s closure plan and related stormwater run-off enhancements (the “Closure Plan”) was designed by Zack Christ, PE. The Project is anticipated to take 6-7 months from mobilization to completion. Following receipt of all Planning Board required permits and weather permitting, Danskammer intends to conduct preliminary clearing and grading activity on the northern stormwater outfalls with Ridge Enterprises in the fall (October / November 2021). Certain aspects of the final cover installation are temperature sensitive and cover installation can be challenging due to weather and daylight hours post October. As such, Danskammer intends to commence full mobilization along with final closure activities with the General Contractor Aptim Environmental & Infrastructure, LLC (“AEI”), beginning in the spring of 2022 (please see Exhibit 13) for a projected construction schedule. In Table 1 below we have provided estimates of the volume and area of materials to be graded and cleared within and outside of the landfill.

Table 1: Proposed Work Area Clear and Grading							
Work Areas Inside the Landfill Footprint			Work Areas Outside the Landfill Footprint			Work Area Parcels	
						Tax ID	Acreage
Landfill Grading Area	12.50	AC	Total Cut	1,775	CY	8-1-75.212	24.9
Landfill Cut	68,792	CY	Total Fill	2,351	CY	8-1-75.22	24.1
Landfill Fill	68,792	CY	Total Imported Fill (Includes Road Materials)	2,272	CY	8-1-75.3	22.3
Landfill Net	0	CY	Total Proposed CY to be removed from site	566	CY	8-1-75.42	31
			Grading Area	1.34	AC	Total	102.3
			Tree Clearing Area	0.07	AC		
			Surface Clearing Area	0.94	AC		

SITE PLAN REVIEW – APPLICATION INFORMATION	
1. Title of Subdivision/Site Plan (Project name):	Danskammer Energy, LLC – Solid Waste Ash Facility Final Closure
2. Owner of Lands to be Reviewed:	
Name:	Danskammer Energy, LLC
Address:	994 River Road, Newburgh, NY 12550-1115
Phone:	Primary Contact: John McGahan – Plant Manager: +1 (845) 563-9117
3. Applicant Information (if different from Owner):	
Name:	Same
Address:	Same
Representative:	John Furst <i>Catania, Mahon & Rider, PLLC</i>
Phone:	+1 (845) 569-4377
Fax:	+1 (845)-565-1999
Email:	jfurst@cmrlaw.com
4. Subdivision/Site Plan prepared by:	
Name:	SCS Engineers
Address:	100 Illinois St. Suite 200, St. Charles, IL 60174
Phone/Fax:	Phone: +1 (630) 465-4590
5. Location of lands to be reviewed:	Town of Newburgh, NY – Danskammer Energy, LLC 994 River Road, Newburgh, NY 12550
6. Zone:	Industrial
Fire District:	Middlehope Fire District
Acreage:	Total acreage of all SBLs: ~102
School District:	Marlboro Central School District
Tax Map: Section-Block-Lots:	8-1-75.212 8-1-75.22 8-1-75.42 8-1-75.3
7. Project Description and Purpose of Review:	
Number of existing lots / Number of proposed lots	Not applicable – No proposed sub-division.
Lot line change	Not applicable – No proposed lot line changes.
Site plan review	Yes
Clearing and grading	Yes
Other	Not applicable
Provide a written single page description or narrative of the project	Please see Addendum.
8. Easements or other restrictions on property:	
Describe generally:	Easements include overhead power lines and underground utility infrastructure (gas and water). Provided on separate survey in Exhibit 12.

CLEARING AND GRADING – APPLICATION INFORMATION	
Name of Applicant:	Danskammer Energy, LLC
Name of Owner of Premises:	Danskammer Energy, LLC
Address of Owner:	994 River Road, Newburgh, NY 12550-1115
Telephone Number of Owner:	Primary Contact: John McGahan – Plant Manager: +1 (845) 563-9117
Telephone Number of Applicant:	Primary Contact: John McGahan – Plant Manager: +1 (845) 563-9117
State whether applicant is owner, lessee, agent, architect, engineer or contractor:	Owner
Location of land on which proposed work will be done:	994 River Road, Newburgh, NY 12550-1115
Section-Block-Lots / Size of Lot(s):	8-1-75.212 / ~24.9 acres 8-1-75.22 / ~24.1 acres 8-1-75.42 / ~31.0 acres 8-1-75.3 / ~22.3 acres
Zoning District of Property:	Industrial
Area of Lot(s) to be Cleared or Graded:	Please see narrative.
Proposed Completion Date:	September 30, 2022
Name of contractor/agent, if different than owner:	APTIM Environmental & Infrastructure, LLC (“AEI”) Ridge Enterprises (“RE”)
Address and Telephone Numbers:	<p>General Contractor #1: APTIM Environmental & Infrastructure, LLC (“AEI”) Primary Contact: Sid Archinal - Director of Operations Primary Contact Phone: +1 (609) 588-6305 Primary Address: 17 Princess Road Lawrenceville, NJ 08648 Primary Contact E-Mail: Sid.archinal@aptim.com</p> <p>General Contractor #2: Ridge Enterprises, Inc. Primary Contact: Richard Futrell Primary Contact Title: Owner / CEO Primary Contact Phone: +1 (845) 527-5371 Primary Address: P.O. Box 439 Pine Bush, NY 12566 Primary Contact E-Mail: rwfutrell1@gmail.com</p>
Date of Planning Board Approval:	

LIST OF EXHIBITS

- Exhibit 1: Short Form – Environmental Assessment Form
- Exhibit 2: Images of Application Fee Checks
- Exhibit 3: Tax Map Data – Section-Block-Lot
- Exhibit 4: Site Plans
- Exhibit 5: Clearing and Grading Plans
- Exhibit 6: Erosion Control Plan
- Exhibit 7: A.C.O.E. Wetlands Delineation Confirmation Letter and Maps
- Exhibit 8: Flood Plan Boundaries
- Exhibit 9: Watershed Geo – ClosureTurf® Brochure
- Exhibit 10: NYSDEC Conditioned Approval of Landfill Closure
- Exhibit 11: NYSDEC Solid Waste Ash Residue Disposal Facility Permit
- Exhibit 12: Easement Surveys
- Exhibit 13: Construction Schedule

**EXHIBIT 1:
SHORT FORM ENVIRONMENTAL
ASSESSMENT FORM**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

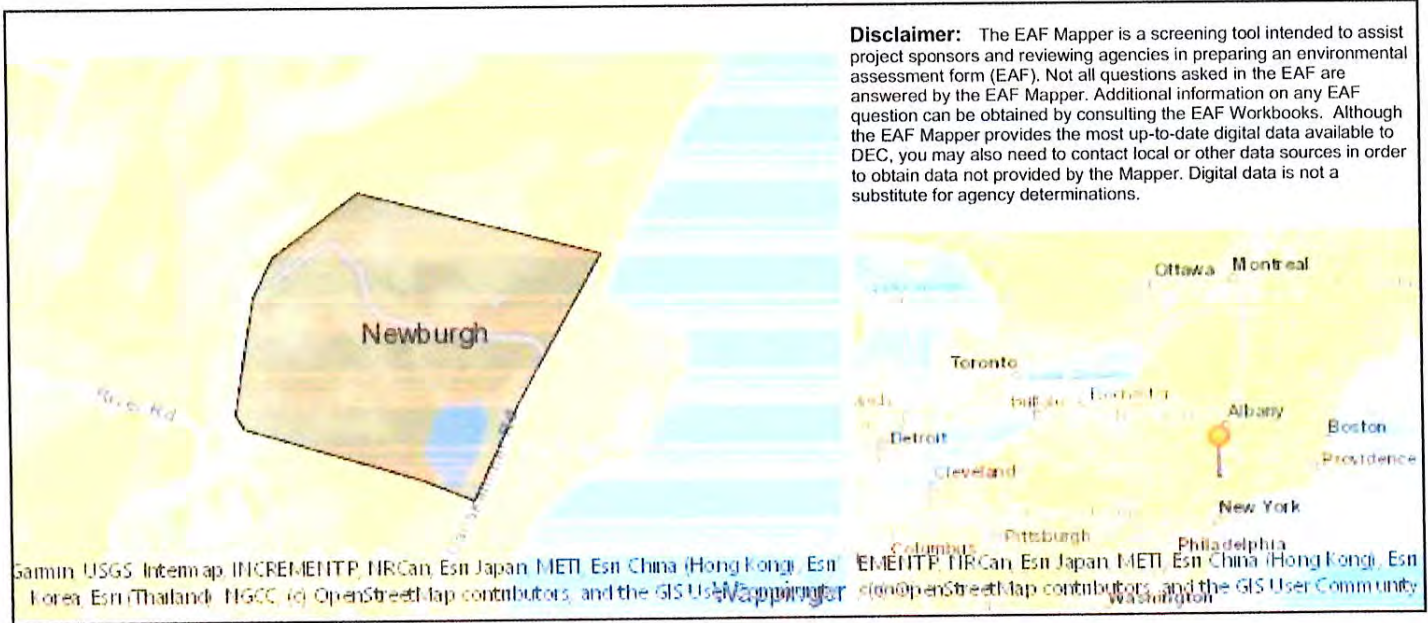
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Danskammer Energy, LLC ("Danskammer")			
Name of Action or Project: Danskammer Energy, LLC – Solid Waste Ash Facility Final Closure			
Project Location (describe, and attach a location map): 994 River Road, Newburgh NY 12550-1115 SBLs: 8-1-75.212, 8-1-75.22, 8-1-75.42, 8-1-75.3			
Brief Description of Proposed Action: Danskammer operates the Danskammer Solid Waste Ash Facility landfill (the "Landfill"), Solid Waste Management Facility No. 36-A-01, located in Newburgh, Orange County, NY. The Landfill is permitted by the New York Department of Environmental Conservation ("NYSDEC"), under New Permit No. 3-3346-00011/00018 (the "Permit"). Danskammer is seeking the required permits from the Town of Newburgh Planning Board in relation to: 1) Site Plan Review of the designs for the final closure of the remaining open cell and related stormwater management upgrades; and 2) Clearing and Grading permit in relation to the grading and trenching within the Landfill for final cover installation and related stormwater management upgrades. Under the current Permit, Item E: SEQR, the NYSDEC lists the landfill as an Unlisted Action (please see Exhibit 11). The Landfill closure is governed under NYSDEC regulations 6 CRR-NY 363-9.3 and was conditionally approved by the NYSDEC on July 1, 2021 (the "NTP") (attached as Exhibit 10). Pursuant to condition #11 of the NTP, Danskammer is required to secure all of the necessary local permits prior to commencing the closure activities. Please see narrative within the Planning Board Application for additional information.			
Name of Applicant or Sponsor: John McGahan		Telephone: 845-863-9114 E-Mail: jmcgahan@danskammerenergy.com	
Address: 994 River Road			
City/PO: Newburgh		State: NY	Zip Code: 12550-1115
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: See attached.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 102 acres	
b. Total acreage to be physically disturbed?		_____ 15.6 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 181 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A The landfill does not connect to potable water sources. Water trucks will be used for dust control during closure activities. Trucks will be filled from non-potable water sources on Danskammer's property, which has been approved by the NYSDEC.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A - Leachate collected from the landfill is captured through an existing well system and channeled to on-site wastewater treatment facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Bald Eag... Please Note: The proposed action will not have any impact on sturgeon species.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: <hr/> Stormwater from a previously disturbed area will be directed to currently existing outfalls 16 and 17 to the Hudson River, and the north culvert to the Hudson River pursuant to Danskammer's SPDES permits.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
The proposed Closure Plan applies to an area that is within the existing permitted Danskammer Solid Waste Ash Facility Landfill.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
A portion of the property (sludge drying beds and wastewater lagoons) remain under investigation, while other aspects have been closed out. These areas will not be distributed or worked around in relation to the proposed action.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: John McGahan		Date: August 20, 2021
Signature:		Title: Plant Manager

PRINT FORM



- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] Yes
- Part 1 / Question 15 [Threatened or Endangered Animal - Name] Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon, Indiana Bat
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] Yes

**EXHIBIT 2:
IMAGES OF APPLICATION FEE CHECKS**

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428545	CKRQ071321	07/13/21	550.00	550.00	0.00	550.00

004749

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER - THE BACK CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

BancorpSouth

** Void after 90 days **

Danskammer Energy, LLC
910 Louisiana, Suite 2400
Houston, TX 77002

CHECK # 004749
DATE 07142021
M M D D Y Y Y Y
\$ *****550.00

PAY Five Hundred Fifty and 00/100----- Dollars

TO THE TOWN OF NEWBURGH
ORDER OF 21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NY 12550

Syrene Waymire

Authorized Signature

BORDER CONTAINS MICROPRINTING

⑈004749⑈ ⑆084201278⑆ 78826500⑈

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428545	CKRQ071321	07/13/21	550.00	550.00		550.00

004749

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428546	CKRQ071321-2	07/13/21	150.00	150.00	0.00	150.00

004752

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER - THE BACK CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

BancorpSouth

** Void after 90 days **

Danskammer Energy, LLC
910 Louisiana, Suite 2400
Houston, TX 77002

084201278
CHECK # 004752
DATE 07142021
M M D D Y Y Y Y
\$ *****150.00

PAY One Hundred Fifty and 00/100----- Dollars

TO THE TOWN OF NEWBURGH
ORDER OF 21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NY 12550

Synne Waymire

Authorized Signature

BORDER CONTAINS MICROPRINTING

⑈004752⑈ ⑆084201278⑆ 78826500⑈

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428546	CKRQ071321-2	07/13/21	150.00	150.00		150.00

004752

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428547	CKRQ071321-3	07/13/21	3,500.00	3,500.00	0.00	3,500.00

004753

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER - THE BACK CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

BancorpSouth

** Void after 90 days **

Danskammer Energy, LLC
910 Louisiana, Suite 2400
Houston, TX 77002

084201278
CHECK # 004753
DATE 07142021
M M D D Y Y Y Y
\$ *****3,500.00

PAY Three Thousand Five Hundred and 00/100----- Dollars

TO THE TOWN OF NEWBURGH
ORDER OF 21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NY 12550

Synne Waymire

Authorized Signature

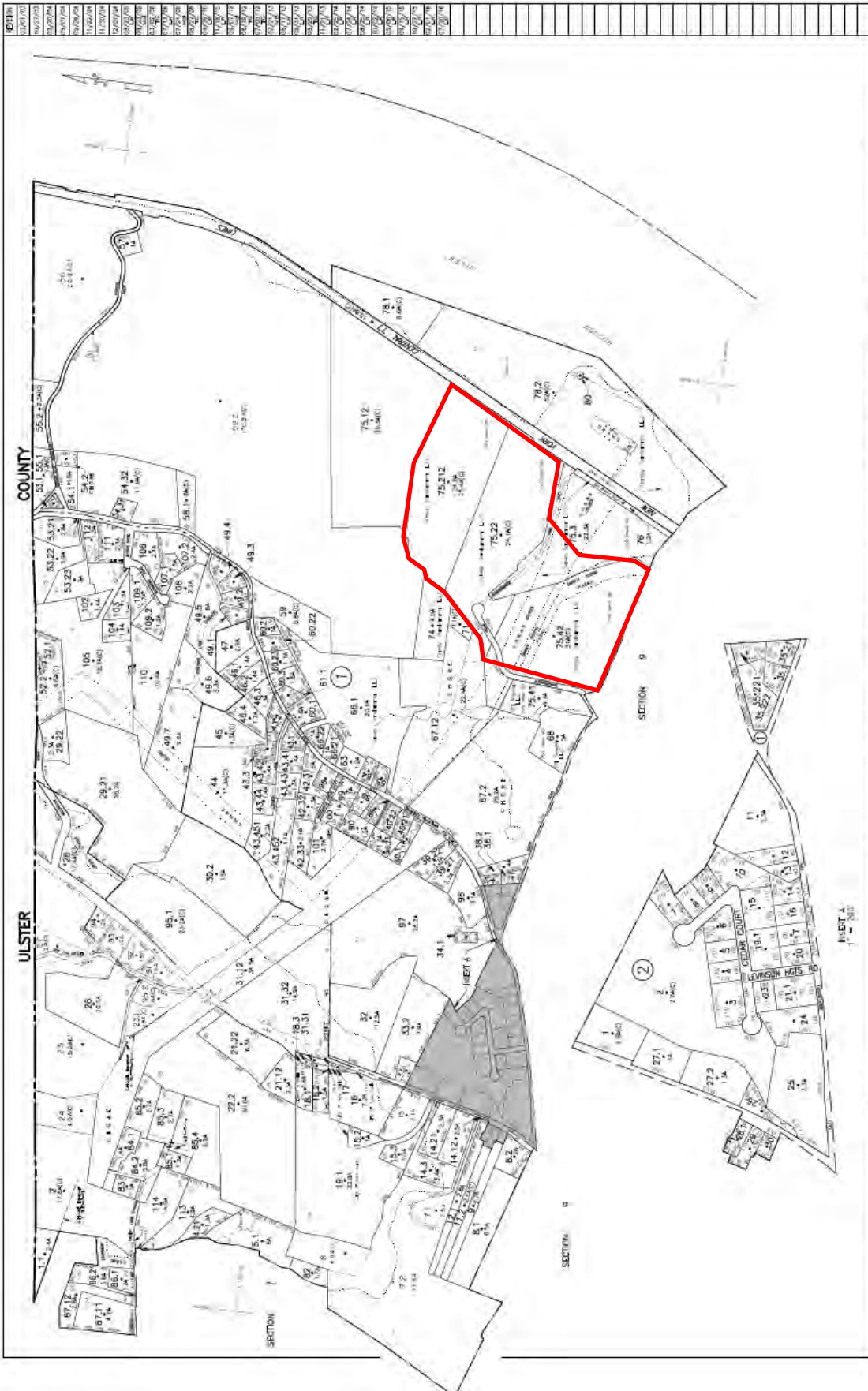
BORDER CONTAINS MICROPRINTING

⑈004753⑈ ⑆084201278⑆ 78826500⑈

TOWLAN Ref Nbr	TOWN OF NEWBURGH Invoice Nbr	Danskammer Energy, LLC Invc Date	Invoice Amount	Amount Paid	Disc Taken	7/14/2021 Net Check Amt
428547	CKRQ071321-3	07/13/21	3,500.00	3,500.00		3,500.00

004753

EXHIBIT 3:
TAX MAP DATA: SECTION-BLOCK-LOT



ORANGE COUNTY - NEW YORK
TOWN OF NEWBURGH
 Scale 1" = 500' Section No. 9

LEGEND

LOT LINE	SOLID LINE	LOT AREA	ACRES
BLOCK LINE	DASHED LINE	TOTAL AREA	ACRES
SECTION LINE	THICK SOLID LINE	TOTAL LOT AREA	ACRES
SECTION	SECTION NO.	TOTAL SECTION AREA	ACRES
SECTION	SECTION NO.	TOTAL SECTION AREA	ACRES

UNITS: 1" = 500'

ADJOINING REFERENCE

34400

1880

**EXHIBIT 4:
SITE PLANS**

Please see accompanying physical site plans.

**EXHIBIT 5:
CLEARING AND GRADING PLANS**

Please see accompanying physical site plans.

**EXHIBIT 6:
EROSION CONTROL PLAN**

Please see accompanying physical site plans.

EXHIBIT 7:

**A.C.O.E. WETLANDS DELINEATION
CONFIRMATION LETTER AND MAPS**



**DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090**

January 8, 2021

Regulatory Branch

**SUBJECT: Permit Application Number NAN-2020-00454-WOR
by Danskammer Energy LLC**

Kaitlin McCormick
TRC
1099 Wall Street West, Suite 250B
Lyndhurst, New Jersey 07071

Dear Ms. McCormick:

On April 20, 2020, the New York District of the U.S. Army Corps of Engineers (USACE) received a request for a Department of the Army jurisdictional determination for the above referenced project. The site consists of approximately 103.90 acres, in the Hudson River watershed, located on Danskammer Road in the Town of Newburgh, Orange County, New York. The proposed project would involve the upgrade of the existing Danskammer Generating Station site.

In the letter received on April 20, 2020, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. The USACE concurs with the submitted and revised delineation.

Based on the material submitted, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system; the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark, high tide line or mean high water mark of a water body as determined by known gage data or by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the enclosed drawings entitled "Danskammer Energy, LLC Danskammer Energy Center Delineation Flagging Map Series Town of Newburgh Orange County, NY", Figure 6 and Figures 6-1 through 6-19, prepared by TRC, dated January 6, 2021. These drawings indicate that there are three (3) principal wetland areas, two (2) intermittent streams and a portion of the Hudson River within the project boundary, which are part of a tributary system, and are considered to be waters of the United States. The area within the project boundary

consists of three separate areas enclosed by the "Project Site" lines, as shown on the above referenced drawings, and are a total of approximately 103.90 acres.

The first wetland (W-WH-1) is located on the northeastern portion of the project boundary and is approximately 0.50 acres within the project boundary. The second wetland (W-WH-2) is located on the eastern portion of the project boundary and is approximately 0.09 acres. The third wetland (W-WH-3) is located on the southern portion of the project boundary and is approximately 0.06 acres. The first stream (S-WH-1) is located on the northeastern portion of the project boundary and is approximately 0.021 acres within the project boundary. The second stream (S-WH-8) is located on the northeastern portion of the project boundary and is approximately 0.097 acres within the project boundary. The Hudson River, below the Mean Higher High Water line, is located on the eastern portion of the project boundary and is approximately 0.77 acres within the project boundary.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Approved Jurisdictional Determination Form (Interim) Navigable Water Protection Rule, promulgated by the Corps of Engineers in June 2020. **As documented on that form, three (3) retention ponds (RP-WH-1, RP-WH-2 and RP-WH-3) and seven (7) linear features (S-WH-2, S-WH-3A, S-WH-4A, S-WH-4B, W-WH-5, S-WH-6 and S-WH-9) were determined to be excluded from Clean Water Act jurisdiction.** A copy of that document is enclosed with this letter, and will be posted on the New York District website at: <http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/RecentJurisdictionalDeterminations.aspx>

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Naomi Handell, Regulatory Program Manager, CENAD-PD-OR
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 9, 2021. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

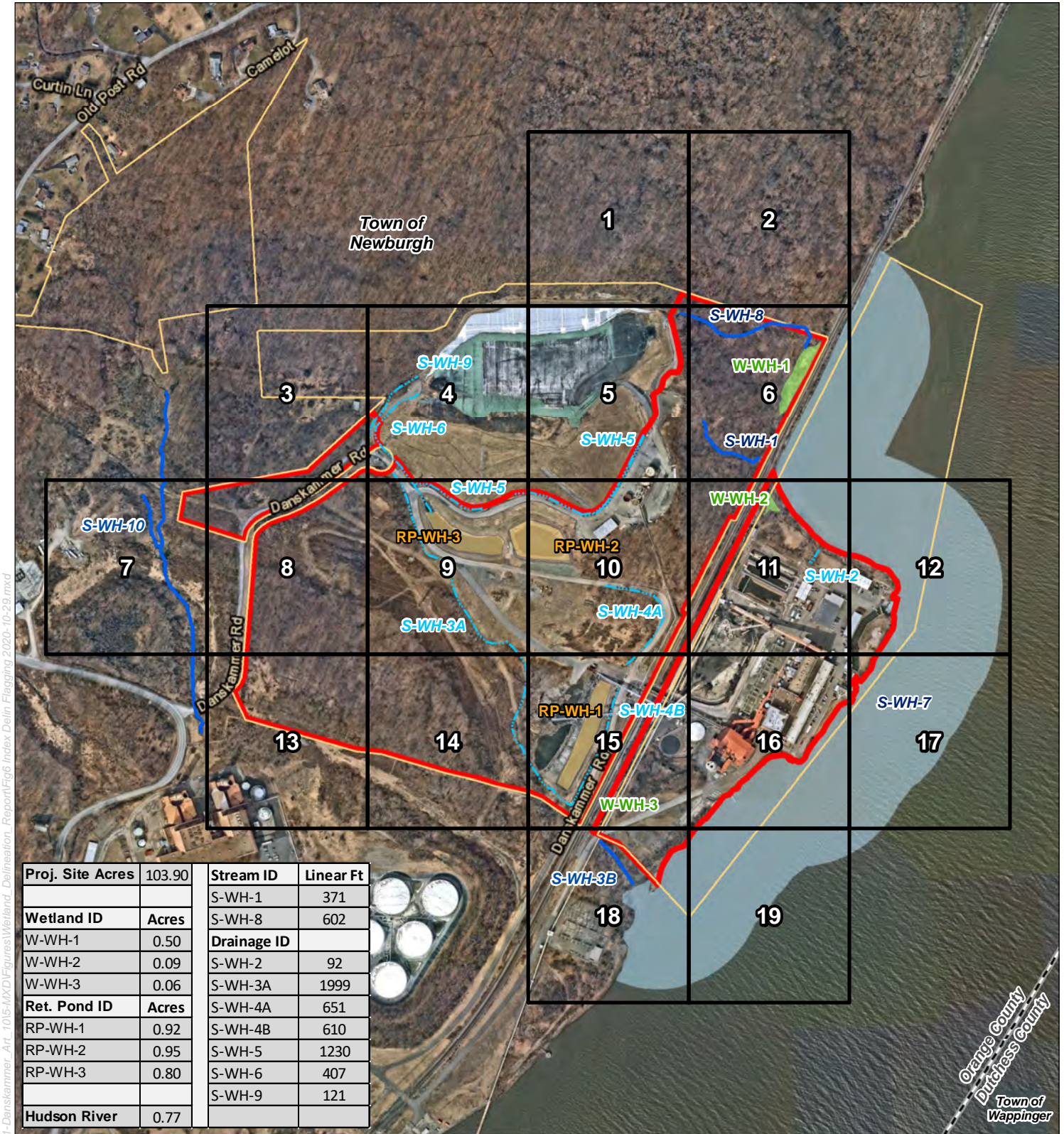
In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at Brian.A.Orzel@usace.army.mil.

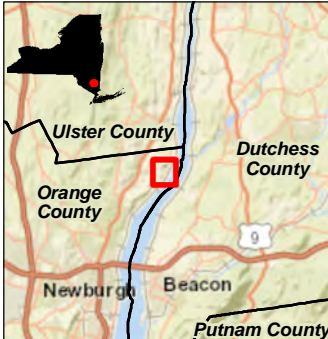
Sincerely,

Rosita Miranda
Chief, Western Section

Enclosures



Proj. Site Acres	103.90	Stream ID	Linear Ft
		S-WH-1	371
		S-WH-8	602
Wetland ID	Acres	Drainage ID	
W-WH-1	0.50	S-WH-2	92
W-WH-2	0.09	S-WH-3A	1999
W-WH-3	0.06	S-WH-4A	651
Ret. Pond ID	Acres	S-WH-4B	610
RP-WH-1	0.92	S-WH-5	1230
RP-WH-2	0.95	S-WH-6	407
RP-WH-3	0.80	S-WH-9	121
Hudson River	0.77		



- Project Site
- Property Owned by Danskammer
- Municipal Boundary
- County Boundary
- Non-Jurisdictional Drainage
- Delineated Stream Line
- Delineated Waterbody/Retention Pond
- Delineated Wetland
- Estuarine and Marine Deepwater

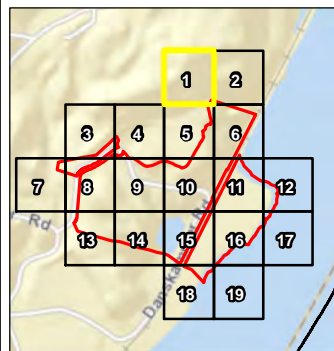
Data: TRC, NYSGIS
Base Map: Nearmap - March 2019

Danskammer Energy, LLC

Danskammer Energy Center
 Figure 6
 Map Index
 Delineation Flagging Map Series
 Town of Newburgh
 Orange County, NY

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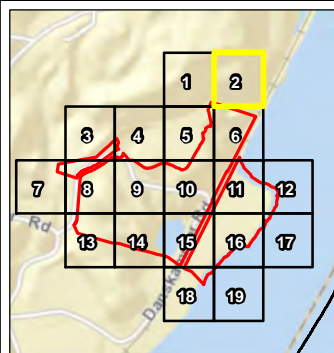
Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
Delineated Wetland	Contours (2')	
Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

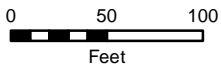
Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-1
Delineation Flagging Map Series
Town of Newburgh
Orange County, NY

Prepared on 1/6/2021 by TRC



- ▭ Project Site
- Property Owned by Danskammer
- ⋯ Non-Jurisdictional Drainage
- Delineated Stream Line
- Delineated Waterbody/Retention Pond
- Delineated Wetland
- Estuarine and Marine Deepwater
- Wetland Flag
- Stream Flag
- Drainage Flag
- Mean Higher High Water Line (MHHW)
- Project Site Located Below MHHW
- Contours (2')
- Municipal Boundary
- County Boundary

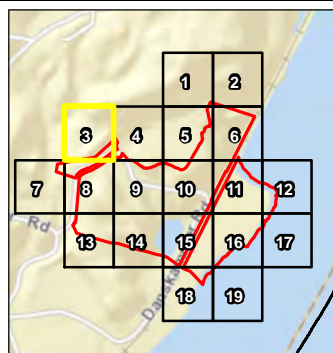


Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

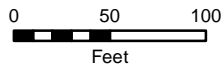
Danskammer Energy Center
Figure 6-2
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

Prepared on 1/6/2021 by TRC



- Project Site
- Property Owned by Danskammer
- Non-Jurisdictional Drainage
- Delineated Stream Line
- Delineated Waterbody/Retention Pond
- Delineated Wetland
- Estuarine and Marine Deepwater
- Wetland Flag
- Stream Flag
- Drainage Flag
- Mean Higher High Water Line (MHHW)
- Project Site Located Below MHHW
- Contours (2')
- Municipal Boundary
- County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019



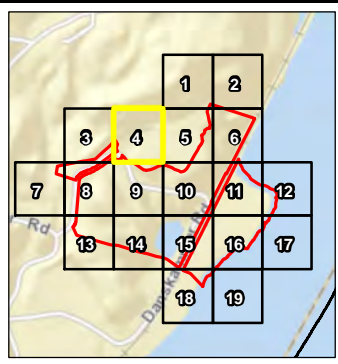
Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-3
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

Prepared on 1/6/2021 by TRC



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Project Site	Wetland Flag
Property Owned by Danskammer	Stream Flag
Non-Jurisdictional Drainage	Drainage Flag
Delineated Stream Line	Mean Higher High Water Line (MHHW)
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW
Delineated Wetland	Contours (2')
Estuarine and Marine Deepwater	Municipal Boundary
	County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019

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Feet

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-4

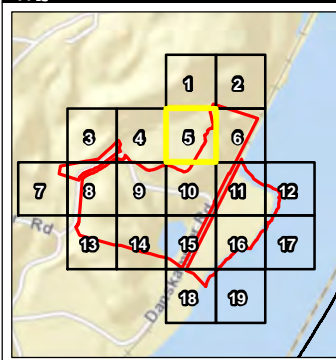
Delineation Flaggng Map Series

Town of Newburgh

Orange County, NY

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Project Site	Wetland Flag
Property Owned by Danskammer	Stream Flag
Non-Jurisdictional Drainage	Drainage Flag
Delineated Stream Line	Mean Higher High Water Line (MHHW)
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW
Delineated Wetland	Contours (2')
Estuarine and Marine Deepwater	Municipal Boundary
	County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-5

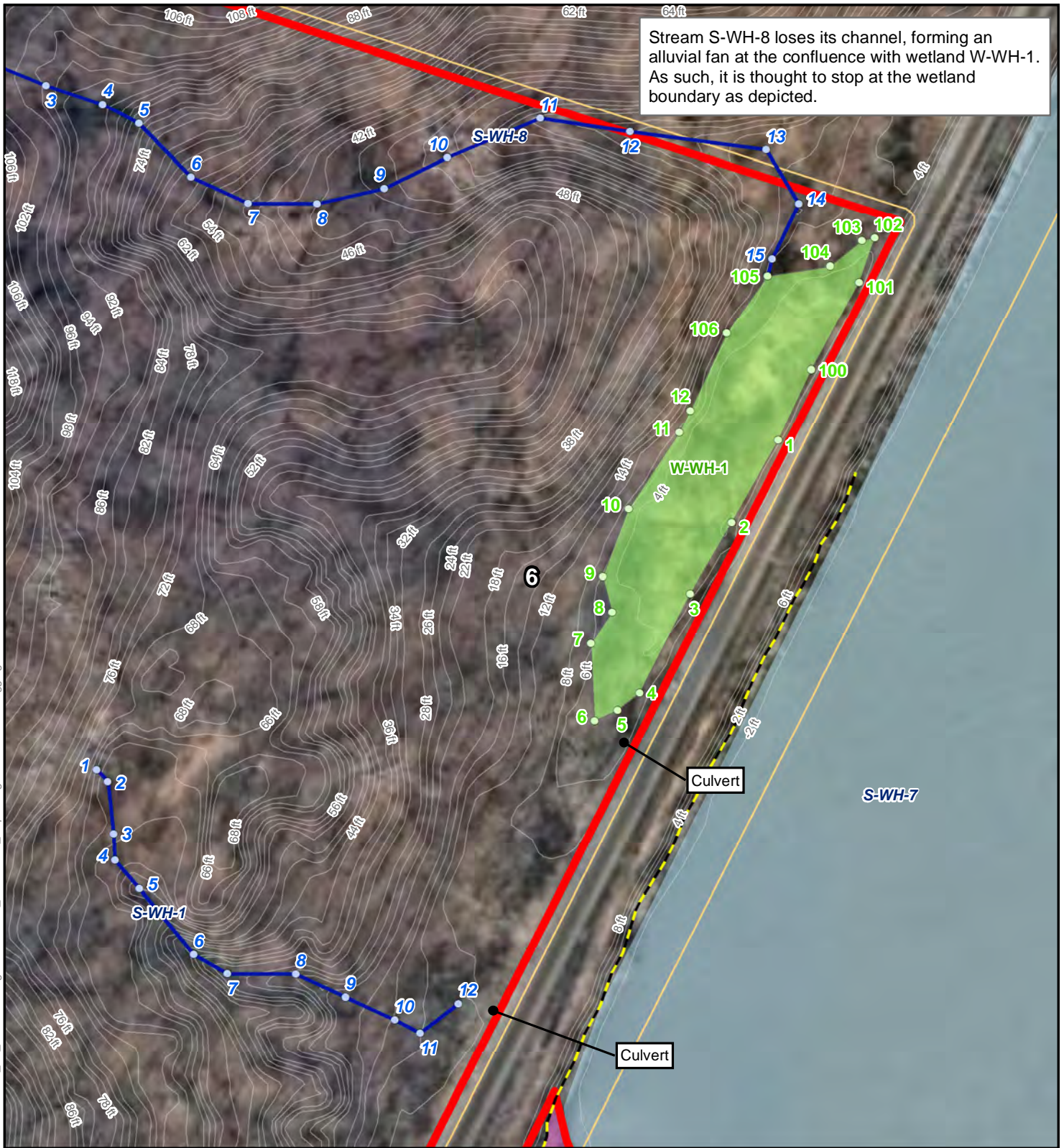
Delineation Flaggng Map Series

Town of Newburgh

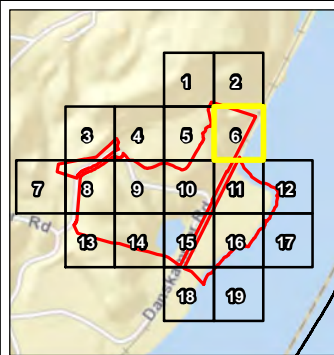
Orange County, NY

Prepared on 1/6/2021 by

Stream S-WH-8 loses its channel, forming an alluvial fan at the confluence with wetland W-WH-1. As such, it is thought to stop at the wetland boundary as depicted.

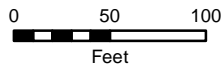


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- ▬ Project Site
- Property Owned by Danskammer
- ⋯ Non-Jurisdictional Drainage
- Delineated Stream Line
- Delineated Waterbody/Retention Pond
- Delineated Wetland
- Estuarine and Marine Deepwater
- Wetland Flag
- Stream Flag
- Drainage Flag
- Mean Higher High Water Line (MHHW)
- Project Site Located Below MHHW
- Contours (2')
- Municipal Boundary
- County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019



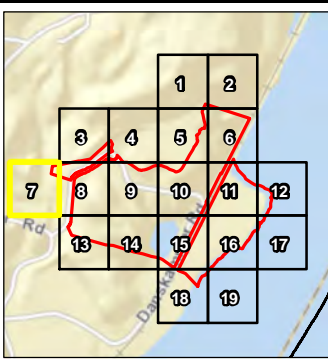
Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-6
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
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Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

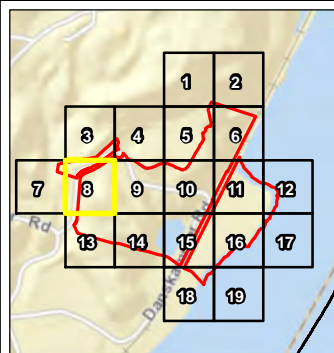
Figure 6-7

Delineation Flaggng Map Series

Town of Newburgh

Orange County, NY

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	Project Site		Wetland Flag
	Property Owned by Danskammer		Stream Flag
	Non-Jurisdictional Drainage		Drainage Flag
	Delineated Stream Line		Mean Higher High Water Line (MHHW)
	Delineated Waterbody/Retention Pond		Project Site Located Below MHHW
	Delineated Wetland		Contours (2')
	Estuarine and Marine Deepwater		Municipal Boundary
			County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-8

Delineation Flaggng Map Series

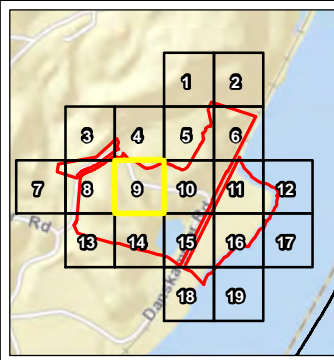
Town of Newburgh

Orange County, NY

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Feet

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Project Site	Wetland Flag
Property Owned by Danskammer	Stream Flag
Non-Jurisdictional Drainage	Drainage Flag
Delineated Stream Line	Mean Higher High Water Line (MHHW)
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Estuarine and Marine Deepwater	Municipal Boundary
	County Boundary

Data: TRC, NYSGIS
Base Map: NearMap, 2019

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Feet

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-9

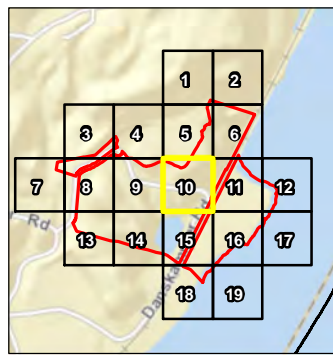
Delineation Flaggng Map Series

Town of Newburgh

Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
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	County Boundary	

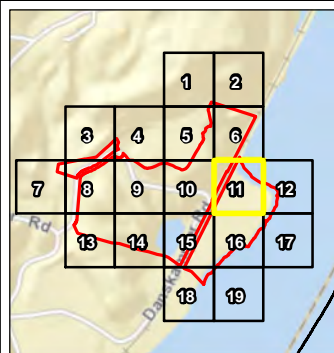
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Base Map: NearMap, 2019

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Figure 6-10
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
Delineated Wetland	Contours (2')	
Estuarine and Marine Deepwater	Municipal Boundary	County Boundary

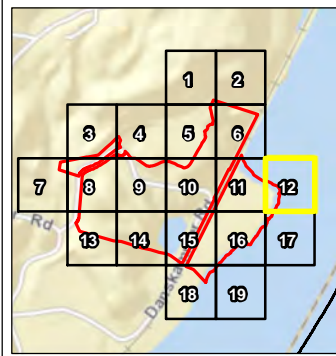
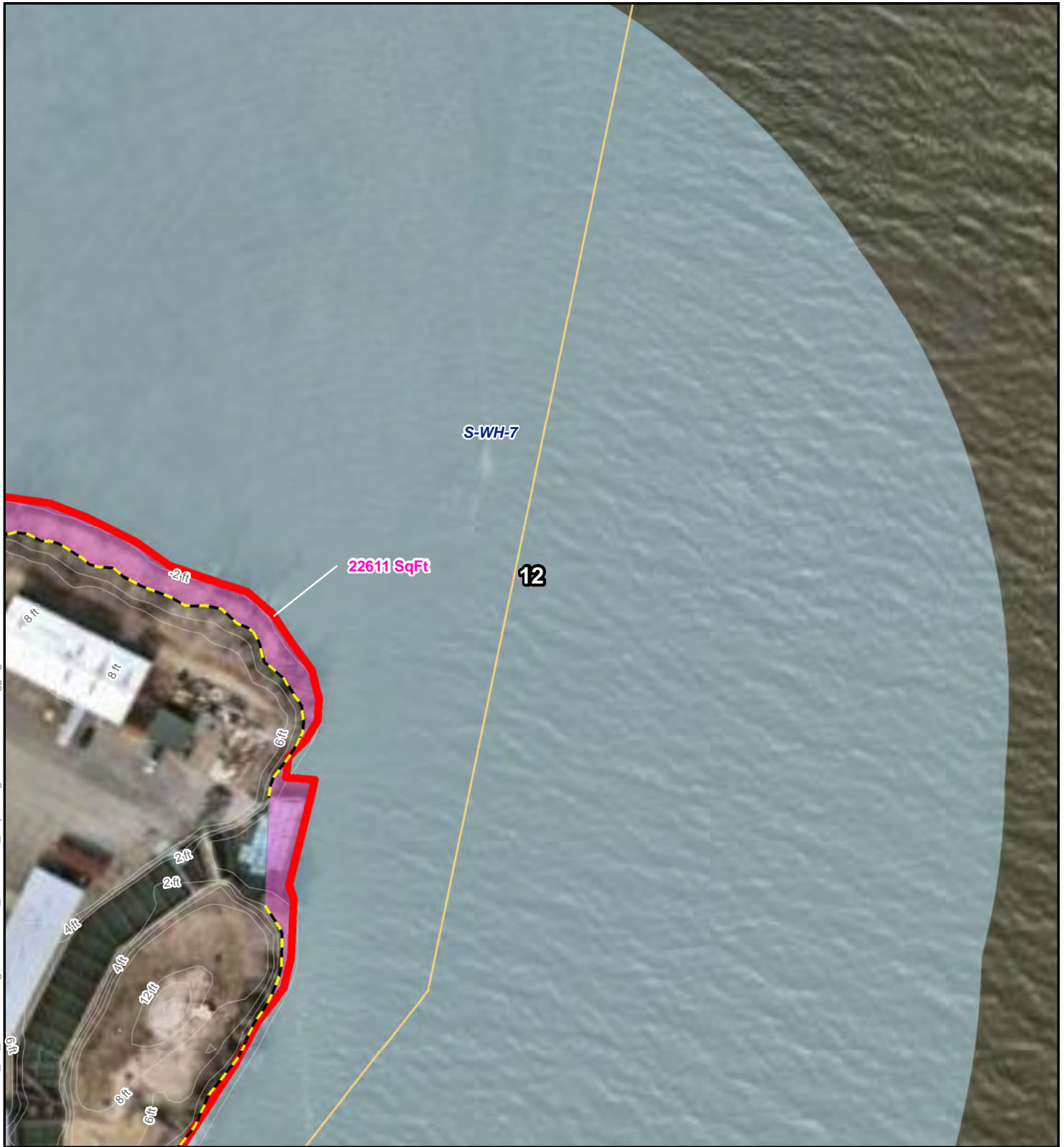
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Base Map: NearMap, 2019

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Figure 6-11
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
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Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

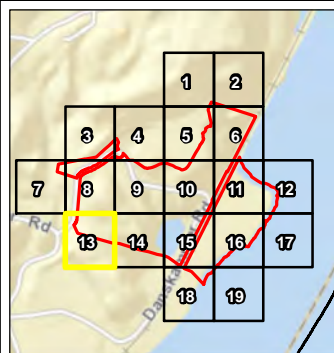
Figure 6-12

Delineation Flaggng Map Series

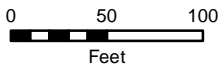
Town of Newburgh

Orange County, NY

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- Project Site
- Property Owned by Danskammer
- Non-Jurisdictional Drainage
- Delineated Stream Line
- Delineated Waterbody/Retention Pond
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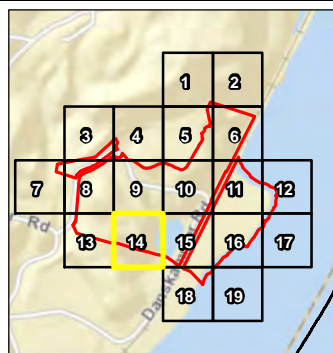
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Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-13
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

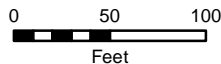
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- Project Site
- Property Owned by Danskammer
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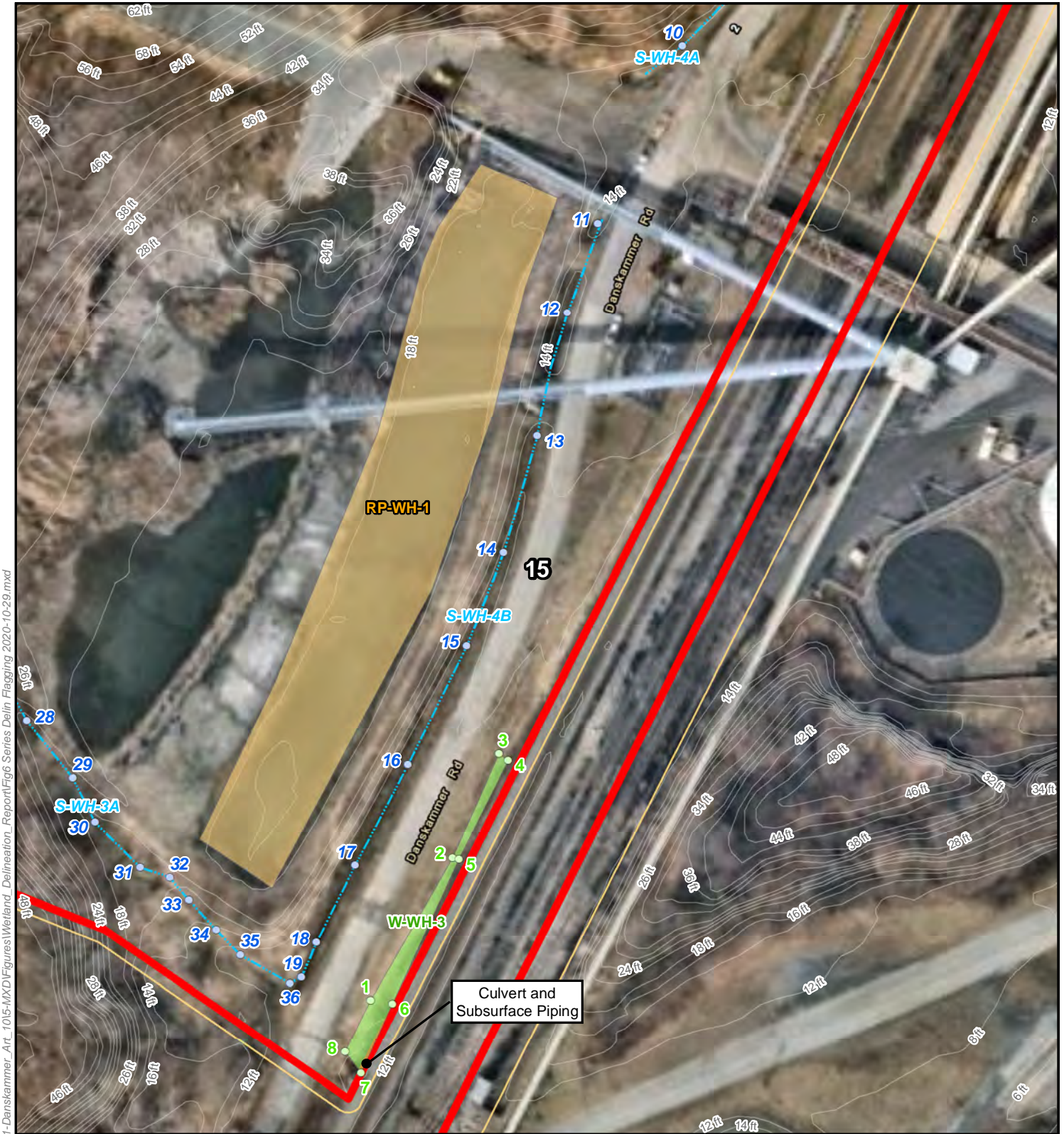
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Base Map: NearMap, 2019



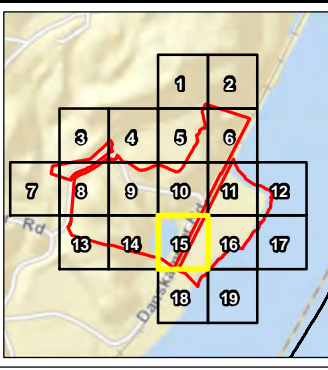
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Figure 6-14
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
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Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

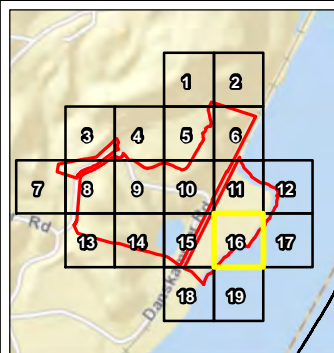
Danskammer Energy Center

Figure 6-15

Delineation Flaggng Map Series

Town of Newburgh
Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
Delineated Waterbody/Retention Pond	Project Site Located Below MHHW	
Delineated Wetland	Contours (2')	
Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

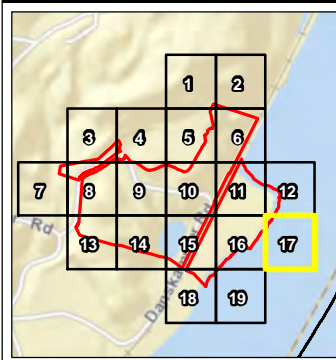
Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-16
Delineation Flaggng Map Series
 Town of Newburgh
 Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
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Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-17

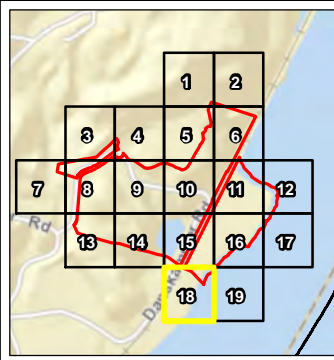
Delineation Flaggng Map Series

Town of Newburgh

Orange County, NY

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
Delineated Stream Line	Mean Higher High Water Line (MHHW)	
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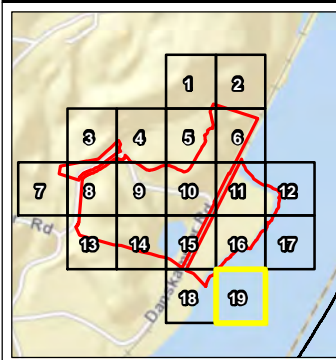
Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center
Figure 6-18
Delineation Flaggng Map Series
Town of Newburgh
Orange County, NY

Prepared on 1/6/2021 by TRC

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Project Site	Wetland Flag	
Property Owned by Danskammer	Stream Flag	
Non-Jurisdictional Drainage	Drainage Flag	
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Estuarine and Marine Deepwater	Municipal Boundary	
	County Boundary	

Data: TRC, NYSGIS
Base Map: NearMap, 2019

Danskammer Energy, LLC

Danskammer Energy Center

Figure 6-19

Delineation Flagging Map Series

Town of Newburgh

Orange County, NY

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EXHIBIT 8:
FLOOD PLAIN BOUNDARIES

Please see accompanying physical site plans.

EXHIBIT 9:
WATERSHED GEO - CLOSURETURF®
BROCHURE

ClosureTurf®
**A PREDICTABLE BENCHMARK OF
PERFORMANCE**





Soil Slopes Don't Work, Although They Keep You Working

Soil erosion continually plagues the ongoing management of landfills, industrial waste sites, CCR storage areas, and other environmental containment applications requiring constant rebuilding of slopes weakened by rain and wind. In addition to ongoing maintenance headaches, traditional systems utilizing soil as their main component are costly to maintain, slow to install and introduce unwanted slope stabilities. ClosureTurf® is the only solution that provides a predictable benchmark of performance.

A prescriptive cover is effectively an engineered structure reliant upon vegetation and weather to perform as designed. With this in mind, ClosureTurf was designed to provide an engineered solution to Subtitle D requirements that would perform under all conditions. It is quickly becoming the closure system of choice across the country for engineers, owners, government agencies and many others who are seeking the best solution for their containment challenges. The ClosureTurf system offers exceptional stability, long-term protection and natural aesthetics all for a comparable price to traditional designs.



ClosureTurf® Makes Erosion Control Easy—It's Virtually Install and That's All.

ClosureTurf is a patented, three-component system comprised of a structured geomembrane, an engineered synthetic turf and a specified infill. The ClosureTurf system provides predictable performance over a vegetated Subtitle D landfill cover by:

- Reducing construction and long-term maintenance costs
- Exceeding technical performance factors
- Withstanding extreme weather conditions
- Lasting well beyond the post-closure care period
- Easily incorporating into existing gas collection systems
- Improving storm water quality
- Allowing for incremental closures for quicker gas control, odor control and leachate reduction

With a footprint of over 1,500 acres, ClosureTurf has proven to be superior in performance when compared to other cover solutions. Because of its consistent ability to meet and/or exceed compliance and performance standards, ClosureTurf is the preferred method in landfill final cover designs for many.

A PREDICTABLE PERFORMANCE CHECKLIST



Crazy Horse Landfill, CA



Baldwin County Landfill, GA



Portola Landfill, CA

Construction Benefits

- Installs at least 50% faster than traditional soil caps
- Eliminates on average 550 truck trips of soil per acre from local roadways
- Allows for incremental closures
- Eliminates 2 feet of soil; no borrow soil
- Easily adapted during or after construction for solar field development

Technical Performance

- Prevents common erosion, storm water and siltation problems—even during severe weather events
- Utilizes the highest interface friction geomembrane available in the market for greater stability on steeper grades and eliminates the need to rebuild slopes
- With a design life of 100+ years, the lifespan of the ClosureTurf system extends well beyond the post-closure maintenance period
- Protects against driving forces, severe weather conditions heat and wind uplift

Cost Savings

- Reduces maintenance and post closure care by around 90% compared to a soil cap
- Reduces sediment loading clean out to surrounding channels and sedimentation/detention basins

Environmental Impacts

- Provides clean runoff with very low turbidity
- No soil, chemicals or fertilizers to contaminate the water
- Obtain control over gas collection sooner than later ("close as you go")
- Reduces overall surface emissions
- Lowers the production of leachate with incremental closures
- Durable system construction designed to safely convey internal gas pressures, reduce unwanted releases and avoid slope stability issues
- Requires no irrigation, fertilizing, seeding or mowing
- Reduces environmental carbon footprint by up to 80% during construction



11 NTU

371 NTU

*Runoff from a typical 1" rainfall
(same site); ClosureTurf (left);
traditional soil cover (right)*



Port Angeles Landfill, WA

TAKE A CLOSER LOOK AT CLOSURETURF

ClosureTurf is a patented, three component system comprised of a structured geomembrane, an engineered synthetic turf and a specified infill. The foundation of the system is an impermeable, highly transmissive structured geomembrane. It provides for the highest interface friction values available in the market. The engineered synthetic turf component gives the system its natural look and feel of grass while protecting the geomembrane from extreme weather conditions for the long term. The specified infill component is placed between the blades of the engineered turf and allows the system to be trafficked while also providing additional protection from weathering. While ClosureTurf incorporates easily into existing gas collection systems, the patented gas relief valve protects against build-up/ballooning if the gas collection system malfunctions. ClosureTurf is fast and easy to install for an aesthetically pleasing, cost-effective landfill closure solution.

STRUCTURED GEOMEMBRANE

- Studs on top provide quick drainage of high intensity rainfall events
- Spikes on bottom provide high friction to subgrade
- Exceeds most regulatory thickness requirements by 20%

ENGINEERED SYNTHETIC TURF

- Dimensional stability
- High interface friction
- Aesthetically pleasing
- Virtually maintenance free
- Superior resistance to:
 - Extreme weather
 - Long-term UV exposure
 - Heat

SPECIFIED INFILL

- Supports heavy traffic loads
- Provides additional UV protection
- Lab tested in high rainfall events
- Creates a non-exposed system
- Superior weathering protection
- Reduces heat absorption



WASTE

ClosureTurf is specifically designed for long-term slope stability in the wake of severe weather events such as intense rainfall, hurricane force winds and earthquakes.

Gas relief valve for unplanned system malfunctions

GTRI Wind Tunnel Tested up to 120 mph (Factor of Safety > 2.0)

Tested at Storm Intensities of over 6 Inches Per Hour*

* Most significant rainfall event to date is 22 inches over 24 hours with no damage to the ClosureTurf system.

WASTE

AFFILIATIONS:

Geosynthetic Institute (Partner)
Georgia Tech Research Institute (Partner)
Industrial Fabrics Association International (Member)
Colorado State University - Engineering Research Center (Partner)
Florida Atlantic University (Partner)
Iowa State University (Partner)

CLOSURETURF IS TESTED IN ACCORDANCE WITH:

GTRI-SSWT - Aerodynamic Shear & Uplift
CSU USACE - Hydraulic Wave Overtopping
ASTM D5201 - Mass per Unit Area
ASTM D4632 - Grab Tensile Properties
ASTM D4595 - Wide - Tensile
ASTM D2256 - Tensile and Elongation
ASTM D4716 - Hydraulic Transmissivity
ASTM D5321 - Interface Shear
ASTM D6460 - Large Scale Channel Hydraulics
ASTM D6241 - CBR Puncture
ASTM D6459 - InFill Stability
ASTM D4884 - Seam Strength
G147(G2) & G145/G7 - UV Resistance & Stability
UL94 Modifiers - Flammability
ASTM D7277 - Steady State Hydraulic Overtopping
ASTM E 108 - Burning Brand

770.777.0386 • watershedgeo.com

CLOSURETURF®, HYDROTURF®, VERSACAP®, SOLATICS®, EASYFLOW™ AND SOLID-I-BAG™ are U.S. registered trademarks which designate a product from Watershed Geosynthetics, LLC. This product is the subject of issued U.S. and foreign patents and/or pending U.S. and foreign patent applications. All information, recommendations, and suggestions appearing in this literature concerning the use of our products are based upon tests and data believed to be reliable; however, this information should not be used or relied upon for any specific application without independent professional examination and verification of its accuracy, suitability and applicability. Since the actual use by others is beyond our control, no guarantee or warranty of any kind, expressed or implied, is made by Watershed Geosynthetics, LLC as to the effects of such use or the results to be obtained, nor does Watershed Geosynthetics, LLC assume any liability in connection herewith. Any statement made herein may not be absolutely complete since additional information may be necessary or desirable when particular or exceptional conditions or circumstances exist or because of applicable laws or government regulations. Nothing herein is to be construed as permission or as a recommendation to infringe any patent.



WG WatershedGeo®
Unearthing Solutions

EXHIBIT 10:
NYSDEC CONDITIONED APPROVAL OF
LANDFILL CLOSURE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Solid Waste Compliance Unit, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

P: (845) 256-3000 | F: (845) 255-3414

www.dec.ny.gov

July 1, 2021

John McGahan - Plant Manager
Danskammer Energy, LLC
Danskammer Solid Waste Ash Residue Disposal Facility
994 River Road
Newburgh, NY 12550

RE: Landfill Closure Plan (Plan)
Danskammer - Solid Waste Ash Facility
Permit # 3-3346-00011/00018

Dear John McGahan:

The Department has completed its review of the response to Department's April 13, 2021 comment letter on the Landfill Closure Plan submitted in December 2020/January 2021, dated May 28, 2021 (with revised attachments dated in May 2021) and the associated revised plan sheets dated May 27, 2021. The revised submittals are signed and certified by Zachary Christ, P.E.

The Department conditionally approves the Landfill Closure Plan provided the following conditions are met.

1. 6 NYCRR Part 360 Series regulations effective November 4, 2017 requires the facility referenced above to conduct post closure activities under a permit issued in accordance with Part 360 Series regulations. The permittee shall submit a permit application within 60 days upon receipt of this letter for the post closure activities pursuant to 6 NYCRR Part 363-9.
2. The use of present value in the post closure care cost estimate is not appropriate for this facility. The permittee shall submit a revised Post-Closure Plan with the updated post closure care cost estimates in current value for review and approval by the Department within 30 days upon receipt of this letter.
3. The permittee shall provide a construction schedule to Department once it becomes available.
4. The permittee shall notify the Department the date of commencement for the construction work at least 5 days in advance. The notification shall include the name and contact information of an on-site contact for construction work.

5. The permittee shall notify the Department immediately of any emergencies, including but not limited to fires, spills, releases to the environment, complaints, and other unplanned events or incidents.
6. The permittee shall maintain copies of this approval, the associated approved plans, the applicable health and safety plan and documentation that site personnel have been trained pursuant to the health and safety plan at the site during construction.
7. The permittee shall notify the Department if there is any major delay in the construction timeframe and if the construction cannot be completed before the current permit expiration date of November 13, 2021.
8. Any modification or revision to the approved plan must be approved by the Department.
9. Appropriate measures shall be implemented to prevent the release of leachate during construction. Stormwater appurtenance should be maintained to prevent inundation of the rail tracks.
10. Appropriate stormwater protection measures must be implemented and maintained during construction.
11. This approval does not relieve the permittee's obligations to comply with all other applicable federal, state, and local laws and regulations or other involved entity such as CSX Transportation, including but not limited to acquiring applicable local permits and approval and coverage for discharge of stormwater.
12. The permittee shall notify the Department not less than 2 days prior to construction meetings. In addition, construction meeting minutes shall be provided to the Department within 5 business days to David.pollock@dec.ny.gov and lin.lin@dec.ny.gov.
13. Department staff shall have the right to inspect the landfill, any equipment, structure or land located thereon, to take samples, to perform tests, and have access to and photocopy records, and to otherwise monitor compliance with this approval and all environmental laws and regulations administered by the Department.
14. No later than ninety (90) days after the date of completion of the Landfill Closure Plan, the permittee shall submit for review and approval by Department a construction certification report includes the following in addition to the requirements in the approved Plan and Part 360 Series regulations prepared by a professional engineer licensed in the State of New York:
 - a. Final as-built plans that incorporate all modifications and alterations, in any, made during construction.
 - b. A narrative that discusses any modifications made to the approved plan.

- c. A professional engineer's certification that the requirements of the Part 360 Series regulations, the approved plan, generally accepted engineering practice and this approval have been complied with.

Please feel free to contact me at 914-803-8145 or lin.lin@dec.ny.gov if you have any questions regarding this letter.

Sincerely,



Lin Lin, P.E.
Professional Engineer I

ecc: S. May
D. Pollock
W. Salis

EXHIBIT 11:
NYSDEC SOLID WASTE ASH RESIDUE
DISPOSAL FACILITY PERMIT



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

Danskammer Energy, LLC

994 River Road, Newburgh, NY 12550

Facility Name and Address:

DANSKAMMER SOLID WASTE ASH RESIDUE

DISPOSAL FACILITY

994 River Road, Newburgh, NY 12550

Operator: Danskammer Energy, LLC

Facility Owner: Danskammer Energy, LLC

Facility General Location:

NEWBURGH, ORANGE COUNTY, NY

Facility Reference Point:

NYTM-E: 552487

NYTM-N: 4584357

Authorized Activity: To continue to operate and then close this coal ash landfill in accordance with approved final landfill closure plan by the expiration date of this permit. The permittee is subject to all terms and conditions of this permit, in accordance with the plans and reports listed in the Special Conditions of this permit and as may be further conditioned herein.

Permit Modification #2:

Authorizes non-ash related materials associated with the decommissioning of the coal and ash systems and the reserve and active coal pile storage areas to be disposed in the ash landfill. Items include: ash, rocks, residual coal, dirt, clay, geo-fabric, pyrites, and sediments from the landfill leachate collection system. Permit Conditions associated with this most recent modification include Solid Waste Management Permit Conditions No. 38 through No. 46.

Permit Authorizations

Solid Waste Management – Under Article 27, Title 7

PERMIT ID 3-3346-00011/00018

Renewal

Effective Date: October 3, 2005

Expiration Date: October 2, 2010

Renewal/Modification

Effective Date: April 19, 2013

Expiration Date: August 19, 2018

Renewal

Effective Date: November 14, 2018

Expiration Date: November 13, 2021

Modification#2

Effective Date: December 5, 2018

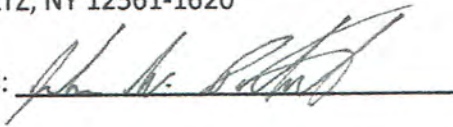
Expiration Date: November 13, 2021



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.

JOHN W. PETRONELLA, Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS ROAD
NEW PALTZ, NY 12561-1620

Authorized: 

Issue Date: 12/5/2018

PERMIT COMPONENTS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

PERMIT COMPLIANCE

1. **Part 360 Series:** The facility must operate in conformance and compliance with 6 NYCRR Part 360 Series Solid Waste Management Facilities Regulations or any revisions hereafter promulgated and any State law, rule, code, or regulation; and, the special and general conditions of this permit.

Failure of the permittee to meet any of the terms and conditions of this permit is a violation of Part 360 and may subject the permittee to enforcement action.



- 2. Compliance:** Initial issuance or renewal of this permit shall not be construed as a determination by the Department that the facility is in compliance with applicable regulations or with the permit conditions. That determination will be made by the Department by means of periodic facility inspections and compliance audits.

REQUIRED SUBMITTALS AND PROCEDURES

- 3.** Unless otherwise specified, all submittals required by this permit shall be submitted as follows:

One paper copy and one electronic copy to:

Regional Materials Management Engineer (RMME)
Division of Materials Management – Region 3
New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York, 12561-1620

One paper copy and one electronic copy to:

Bureau of Permitting and Planning
Division of Materials Management
New York State Department of Environmental Conservation
625 Broadway, 9th Floor
Albany, New York 12233-7258

All approvals required by this permit shall be obtained in writing from the RMME, the Regional Permit Administrator (RPA) or his designee.

- 4.** The permittee shall submit to the Department, for its review and approval, any supplementary information requested in writing by the Department. Supplementary information shall be submitted to the Department within a reasonable time-frame acceptable to the Department.
- 5.** The permittee must submit revised plans and reports at any time that such revisions are necessary to comply with revised 6 NYCRR Part 360 series regulations and/or whenever the permittee is notified by the Department that revisions are necessary to comply with applicable 6 NYCRR Part 360 series regulations, regardless of whether or not the plans or reports had been previously approved.
- 6. Adjacent (Trap Rock) Quarry Operation Monitoring.** The permittee shall submit to the Department an approvable monitoring plan capable of monitoring the quarry blasting energies upon the adjacent quarrying activity moving within 500 feet of the active landfill foot print. This plan shall be submitted no later than 60 days from the time of the quarry operation moving to within 500 feet of the landfill's footprint. Blasting may not take place until the Department approves the Monitoring Plan. Monitoring of the quarry blast energies shall commence under this plan within 30 days of the



Department's written approval of this plan. The monitoring plan shall be developed to adequately assess the peak horizontal accelerations which were determined by the landfill's design engineer to be critical to ensure landfill stability as referenced in Section 3.8.1.6 and Appendix E of the April 1999 version of the Engineering Report, prepared by EMCON. The monitoring plan shall establish a typical accelerogram for the actual quarry blasting at this site and compare that to the synthetic accelerogram used to demonstrate landfill stability in the Engineering Report. The monitoring plan shall include identification and the location of all monitoring equipment and sensors necessary to ensure that critical blast energies are adequately monitored.

NOTIFICATIONS

7. The permittee shall notify the Regional On-site Environmental Monitors Coordinator by telephone (845) 256-3138 or e-mail (david.pollock@dec.ny.gov) **immediately** of any emergency situations, including fires, receipt of unauthorized waste, spills, a cessation of operation at the facility, liquid detected in any secondary containment system, or if any structure or component becomes damaged or malfunctions in any way. The notification shall describe the nature of the emergency, emergency actions taken or proposed, and the schedule for implementation of the emergency actions. These emergency incidents must be further documented in the facility's annual report.
8. Notice of the commencement of all portions of on-site construction activities, except for emergency repairs, must be made in writing to the Regional On-site Environmental Monitors Coordinator at least 5 business days in advance of the activity. These activities include, but are not limited to, clearing and grading of any areas, placement of the liner for any section, construction of any building or other structure, the installation of any monitoring wells, and the construction of any sections of interim or final caps.
9. In the event that the action leakage rate (ALR) threshold of 20 gallons per acre per day based on a 30-day average is exceeded, the permittee shall immediately notify the Regional On-site Environmental Monitors Coordinator in writing and comply with the Department approved Contingency Plan (dated February 2010).
10. Should the leachate collection and removal system's efficiency become impaired or be damaged in any way, the permittee shall notify the Regional On-site Environmental Monitors Coordinator in writing within five days.
11. In the event that any structure or component of the facility becomes damaged or malfunctions in any way, the permittee shall notify the Regional On-site Environmental Monitors Coordinator in



writing within five days of the nature of the problem, the nature of emergency repairs which will be undertaken, and the schedule for completing the emergency repairs.

12. Notice of planned on-site activities, other than routine daily or weekly operations, must be made to the Regional On-site Environmental Monitors Coordinator in writing at least 5 business days prior to the activity. These activities include, but are not limited to: water quality sample collection; landfill gas migration monitoring; leachate storage basin cleaning, inspection and repair of the leachate collection and removal system, including repair and flushing. The permittee shall obtain prior Department approval for any activity, other than emergency repairs and routine daily/weekly activities (such as vehicle maintenance, etc.), that may take place outside of normal operational hours. This information will be provided to the Regional On-site Environmental Monitors Coordinator at least 24 hours in advance.
13. The Regional On-site Environmental Monitors Coordinator shall be notified immediately by the permittee if the ALR of 20 is exceeded in any 24-hour period for the two leachate storage basins.
14. The permittee shall notify the Regional On-site Environmental Monitors Coordinator within 14 days of receiving analytical results if any parameter other than a routine or field parameter is detected in a water quality monitoring point at a concentration above the applicable water quality standard, groundwater protection level or trigger value established in the facility's environmental monitoring plan. Such notification is not required in cases where the parameter in question has been previously detected above the level of concern in the affected monitoring point and has already triggered contingency monitoring.
15. To monitor liner system performance, the following measurements shall be made and recorded daily by the permittee for all portions of the landfill and the expansion:
 - a) Volumes of liquid accumulating in each separately monitored portion of the secondary leachate collection and removal system;
 - b) Volumes of leachate removed from each separately monitored portion of the primary leachate collection and removal system;
 - c) The action leakage rate for each phase of the landfill containing a secondary leachate detection zone calculated on a 30-day average; d) Precipitation at the landfill;
 - e) Liquid levels in the leachate storage basins;
 - f) Volumes of liquid accumulating in the secondary leachate collection and removal zone for each leachate collection basin;
 - g) Daily action leakage rate detection in the leachate detection zone of both leachate basin 1 and 2.

On April 15th, July 15th, October 15th, and January 15th of each year, the data for the previous quarter shall be submitted to the Regional On-site Environmental Monitors Coordinator in a Leachate Management Report which compares and correlates daily flows measured in the secondary leachate collection and removal system(s) with daily flows in the primary leachate



collection and removal system(s), daily precipitation rates, and daily leachate basin levels and secondary leachate collection and removal flows. The quarterly report shall identify any relationship between the various measurements and any discernible trend in secondary leachate collection removal system flow rates. This quarterly report shall also include copies of the complaints log for that quarter.

16. Sediment from the cleaning of the leachate storage basins shall be tested to determine whether it has hazardous waste characteristics and results of this analysis shall be sent to the Regional On-site Environmental Monitors Coordinator with identification of the final disposal location for the waste sediments.

17. **Annual Reporting:** The Permittee shall submit an annual report including, but not limited to, the items listed in 6 NYCRR Part 363-8.2(a) and the items listed below. This report shall be submitted to the Department no later than 60 days after the first day of January of each year and shall provide the following information:

- a) The amounts of leachate collected in both the primary and secondary component of each separately monitored portion of the landfill's leachate collection and removal system, and leachate storage basins (primary and secondary);
- b) A revised site plan reflecting the extent of the previous year's fill progression and the proposed fill progression for the next year;
- c) A compilation and evaluation of the analytical data collected on the fly ash, bottom ash and pyrite waste streams;
- d) The amount of leachate treated on-site, the amount shipped off-site for treatment and the facilities used for off-site treatment;
- e) An evaluation of the remaining disposal capacity and expected site life of the facility;
- f) The leakage rate for each separately monitored portion of the landfill and storage basins.

18. The permittee shall maintain a log of all complaints related to the solid waste management facility. Information contained in the log shall include the date and time of the incident, name of complaint and person reporting incident, location of incident, weather conditions, direction of location relative to landfill, wind direction and speed at time of incident, apparent source of the problem, corrective measures taken, and effectiveness of corrective measures. The logs shall be kept on-site and available for inspection by Department staff throughout the duration of this permit and a copy of the logs shall be submitted to the Regional On-site Environmental Monitors Coordinator with the quarterly ALR data every month.



CONSTRUCTION

19. Unless otherwise specified within this permit, at least ninety (90) days prior to the commencement of any new construction not already approved by this permit, including subsequent phases other than construction related to emergency repairs addressed above, the permittee shall submit to the Department for its review and approval, engineering plans for such construction which are in compliance with 6 NYCRR Part 360 series regulations. No construction shall commence until written approval is received from the Department.
20. All construction shall be in strict conformance with the provisions of:
- a) General and special conditions of this permit;
 - b) 6 NYCRR Part 360 series regulations and any revisions thereafter promulgated; and,
 - c) The following engineering plans and reports prepared by EMCON and any revisions to these plans and reports which are approved in writing by this Department:
 - I. *Revised Engineering Design Report* (October 1999 revision), *Construction Plans, Quality Assurance/Quality Control Plan* (October 1999 revision), *Technical Specifications* (October 1999 revision), and *Contingency Plan* (May 2000 revision), submitted by EMCON;
 - II. Additional response to comments dated December 23, 1999 submitted by EMCON;
 - III. Revised Hydrogeologic Investigation Report Comments, dated April 29, 1999 submitted by EMCON;
 - IV. *Environmental Monitoring Plan*, prepared by Synapse Risk Management, LLC dated March 2005 (revised March 7, 2005, approved by the Department on April 8, 2005);
 - V. *Revised Danskammer Generating Station Solid Waste Management Facility Phase III Expansion Siting Study Evaluation*, dated March 8, 1999;
 - VI. Variance Application - Bedrock Separation, dated June 23, 1999, as modified on July 23, 1999 to include the double liner system;
 - VII. *Corrective Measures Assessment*, dated August 2000, revised January 2005; and,
 - VIII. Construction Drawings dated October 6, 1999.
 - d) The following engineering plans, reports, and submissions and any revisions to these plans and reports which are approved in writing by this Department:
 - I. *Certification Report, Phase III Landfill Expansion Construction* - Shaw Environmental & Infrastructure Engineering of NY, P.C. (NYSDEC-approved, May 26, 2006);



- II. *Construction Certification Report, Dynegy Northeast Generation, Inc.: Phase II Ash Landfill - Partial Closure* (The Chazen Companies, 1 December, 2008);
- III. *Environmental Monitoring Plan [Draft]* (Synapse Risk Management LLC, March 2010), as further conditioned in Special Condition No. 33 of this permit;
- IV. *Site Analysis Plan [Draft]* (Synapse Risk Management, LLC, March 2010); as further conditioned in Special Condition No. 33 of this permit;
- V. *SWMF Phase III Landfill Update Operations Plan* (Cerenzio & Panero, P.C., March 2010); and,
- VI. *Danskammer Phase III Fill Progression Drawing*, dated March 22, 2010, prepared by Cerenzio & Panaro PC, Consulting Engineers.

In the event that any aspect of the above referenced plans are found to be in conflict with the applicable 6 NYCRR Part 360 series regulations and/or a Special Conditions of this permit, the applicable 6 NYCRR Part 360 series regulations and the Special Conditions of this permit shall be complied with unless a variance from a specific Part 360 series provision, a permit modification, or other written authorization, is issued by the Department.

21. Construction of landfill liners and placement of waste shall be coordinated to avoid, to the greatest extent possible, exposure of the liner to freezing temperatures without an adequate cover of suitable insulating material. If all or part of the liner is in-place during the period of December through March without being covered by at least 3 feet of drainage material, solid waste and/or other insulating material, the permittee shall notify the Department in writing and shall not place waste in the affected portions of the facility until it has been demonstrated to the satisfaction of the Department that the permeability and/or physical integrity of the liner has not been adversely affected by freezing temperatures. If this concern cannot be addressed through appropriate engineering calculations, the Department may require physical testing and re-certification of the liner.

OPERATION AND MAINTENANCE

22. The previously approved variance from 6 NYCRR Part 360-2.17 (c) (6 NYCRR Part 360 regulations effective prior to November 4, 2017) requirement for daily cover is hereby continued. If at any



time the Department, in its discretion, determines that the lack of daily cover is resulting in Part 360 series violations that the facility and/or is creating nuisance or other problem conditions, such as but not limited to, waste becoming airborne or the development of odors, the facility will begin use of conventional soil cover immediately upon written notification from the Department. This written notification may include a determination by the Department that these variances are revoked.

23. The landfill shall be operated in strict conformance with the provisions of:

- a) General and Special Conditions of this permit;
- b) 6 NYCRR Part 360 regulations and any revisions hereafter promulgated; and,
- c) The following engineering plans and reports prepared by EMCON and any revisions to these plans and reports which are approved in writing by the Department:
 - I. *Revised Engineering Design Report, Construction Plans, Quality Assurance/Quality Control Plan, Technical Specifications, Contingency Plan and its addendum, Operations and Maintenance Report Closure and Post-Closure Estimate, dated October 7, 1999, submitted by EMCON;*
 - II. *Additional response to comments dated December 23, 1999 submitted by EMCON;*
 - III. *Revised Hydrogeologic Investigation Report Comments dated April 29, 1999 submitted by EMCON;*
 - IV. *Environmental Monitoring Plan dated March 2005 (revised March 7, 2005, approved by the Department on April 8, 2005) and prepared by Synapse Risk Management, LLC;*
 - V. *Revised Danskammer Generating Station Solid Waste Management Facility Phase III Expansion Siting Study Evaluation, dated March 8, 1999; and,*
 - VI. *Corrective Measures Assessment, August 2000, revised January 2005.*
- d) The following additional engineering plans, reports, and submissions and any revisions to such which are approved in writing by the Department:
 - I. *Certification Report, Phase III Landfill Expansion Construction, prepared by Shaw Environmental & Infrastructure Engineering of NY, P.C. (approved by NYSDEC May 26, 2006);*
 - II. *Construction Certification Report, Dynegy Northeast Generation, Inc.; Phase II Ash Landfill- Partial Closure, prepared by The Chazen Companies, dated December 1, 2008;*



- III. *Environmental Monitoring Plan [Draft]*, prepared by Synapse Risk Management, LLC, dated March 2010 (as further conditioned in Special Condition No. 33 of this permit);
- IV. *Site Analysis Plan [Draft]*, prepared by Synapse Risk Management, LLC, dated March 2010 (as further conditioned in Special Condition No. 33 of this permit);
- V. *SWMF Operations and Maintenance Manual, Danskammer Generating Station Solid Waste Management Facility*, prepared by Dynegy, Inc. for Dynegy Northeast Generation, Inc., dated February 2010;
- VI. *SWMF Contingency Plan, Danskammer Point Generating Station Solid Waste Management Facility*, prepared by Dynegy, Inc. for Dynegy Northeast Generation, Inc., dated March 2010;
- VII. *SWMF Phase III Landfill Update Operations Plan* prepared by Cerenzio & Panero, P.C., dated March 2010;
- VIII. *Danskammer Phase III Fill Progression Drawing*, prepared by Cerenzio & Panaro PC, Consulting Engineers, dated March 22, 2010;
- IX. *Proposal to use EC46 Polymer Suppressant/Soil Stabilizer from Syntech Products Corporation*, for windblown ash control at the Danskammer facility, approved by NYSDEC by letter dated March 21, 2012 to Eric Shaw, Dynegy Northeast Generation;
- X. *Proposal regarding use of low-grade acid in the primary leachate collection system of Phase III*, letter dated October 19, 2012 from Eric Shaw, Dynegy Northeast Generation and approved by NYSDEC December 3, 2012;
- XI. *Danskammer Ash-fill Waste Management Facility, Phase III Leachate Collection System Depositional Obstruction Evaluation*, dated October 13, 2011, prepared by Tectonic Engineers;
- XII. Application for Renewal and Modification of Permit No. 3-3346-00011-000018:
Submittal of Application Materials for Renewal of Permit No. 3-3346-0001100018 to Continue Operation of the Danskammer Phase III Ash Placement Cell, dated April 2, 2010, submitted by Mark L. McLean, Regional Environmental Director, DYNEGY, INC.;



- XIII. Supporting Documentation for Application for Renewal and Modification of Permit No. 3-3346-00011-000018: Permit Modification/Renewal Review, Solid Waste Management Facility, Danskammer Generating Station, [Permit No. 33346-00011-00018], dated March 2010, prepared by Synapse Risk Management LLC for Dynegy, Inc.;
- XIV. Application for Modification of Permit No. 3-3346-00011-000018: Request for Modification of Special Conditions 25 and 29 Pertaining to Operation of the Danskammer Solid Waste Management Facility, dated February 10, 2011, submitted by Mark L. McLean, Regional Environmental Director, DYNEGY, INC.; and,
- XV. *2012 Financial Assurance Cost Estimate for Closure and Post-Closure*, dated December 28, 2012, prepared by Henningson, Durham, and Richardson Architecture PC (HDR) for Dynegy Northeast Generation.

In the event that any aspect of the above-referenced plans are found to be in conflict with the applicable 6 NYCRR Part 360 series regulations and/or a Special Condition of this permit, the applicable 6 NYCRR Part 360 series regulations and the Special Conditions of this permit shall be complied with unless a variance from a specific Part 360 series provision, a permit modification or other written authorization, is issued by the Department.

24. The facility is authorized to accept up to 1,700 tons per week of:
- a) Ash and pyrite wastes resulting from combustion at the Danskammer Plant.
 - b) All other industrial, municipal, commercial or hazardous wastes are prohibited.
25. An ash and pyrite waste composition monitoring program must be carried out which includes semiannual collection and analysis of samples of the ash and pyrite waste. The following analysis must be completed on each sample:
- a) total compositional analysis by weight;
 - b) TCLP analysis for, at a minimum, arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver;
 - c) analysis to determine the leaching potential of organic and inorganic constituents upon exposure to both acid and non-acid liquids; and,
 - d) analysis for volatile matter by weight in compliance with Part 362-1.5(d).
26. Due to pyrite's potential to contaminate the ash and reduce its recycle ability, the pyrite wastes shall not be mixed with or disposed of in the same portion of the landfill as the ash wastes, adequate documentation must be maintained that identifies the location of pyrite waste. This documentation must be made available to the Department for review.



27. Radio or telephone communications between the landfill office and the landfill working face shall be provided at all times during operating hours.
28. Routine operations at this facility involving the waste receipt and waste placement activities shall be limited to the following:

Monday thru Saturday 8:00 a.m. to 4:00 p.m.

The facility shall not operate on New Years Day, Memorial Day, July 4th (Independence Day), Labor Day, Thanksgiving Day, Christmas Day or on any Sunday.

29. The permittee shall require that vehicles transporting waste or cover material on-site be appropriately covered and/or secured so as to prevent dust, discharge from vehicle, and/or other nuisance problems at the facility. All vehicles transporting ash waste (whether or not the ash has been issued a BUD) from the facility must be appropriately covered.
30. The permittee shall regularly observe the condition of those on and off-site roads which provide immediate access to and from the facility, to determine if dirt, mud or coal ash/dust from the facility or from vehicles using the facility is being deposited thereon. The permittee shall take such steps as may be necessary to prevent such conditions or to correct them promptly if they develop.
31. In the event that any structure or component of the facility becomes damaged or malfunctions in any way, the permittee shall immediately notify the Department as conditioned elsewhere herein and shall make emergency repairs as necessary to abate or mitigate adverse impact to public health, public safety and/or the environment. Repairs shall be made in a manner which conforms to the approved Contingency Plan and which will restore the damaged structure or component to a condition which conforms with Part 360 series, the Special Conditions of this permit, and the approved engineering plans. A report detailing the emergency repairs together with as built plans, including modifications to original design, shall be submitted to the Department within 14 business days following completion of the repair. Any modifications to the previously approved design which result from the emergency repair are carried out at the permittee's risk. In the event that such modifications are found unacceptable by the Department, the Department may require further work to restore the structure or components to a condition which conforms to requirements of Part 360 series regulations, Special Conditions of this permit and/or the previously approved engineering plans.



32. In the event the permittee intends on separating the storm water from the leachate collection, removal and storage system, the permittee must first submit a plan to the Department for review and approval.
33. Water quality monitoring was previously carried out in accordance with the approved Environmental Monitoring Plan, prepared by Synapse Risk Management, LLC and dated March 2005, revised March 7, 2005.

Water quality monitoring for this permit shall be carried out in accordance with the draft Environmental Monitoring Plan (EMP) [Draft], prepared by Synapse Risk Management, LLC, dated March 2010, and the Site Analysis Plan (SMP) [Draft], prepared by Synapse Risk Management, LLC, dated March 2010, both submitted as part of the renewal/modification process. This plan shall govern monitoring at the facility except as further conditioned as follows:

Within 60 days following the effective date of this permit, the permittee shall submit a report providing revised statistical trigger values (STVs) for each parameter at each monitoring point. The revised STVs shall be based, to the greatest extent possible, on upgradient and/or preoperational data. In cases where no pre-operational data or upgradient data is available, the Department may allow use of operational data provided that it can be demonstrated that any data used is not affected by operation of the facility. STVs which are based on means and standard deviations shall only be used if it can be demonstrated that the data set is normally distributed. In cases where the data is not normally distributed, STVs shall be based on a nonparametric statistic such as the 90th percentile of upgradient, pre-operational and/or operational data which is acceptable to the Department. Until such time as a STV has been approved by the Department, contingency monitoring shall be triggered by any result exceeding and applicable water quality standard or guidance values (SGVs).

LEACHATE MANAGEMENT

34. There shall be no recirculation of leachate through the landfill without prior written Department approval.
35. Sediment removal from, and inspection of, the sedimentation basins must occur at a minimum of once every 5 years. More frequent inspections and sediment removal must occur under the conditions such as, but not limited to, the following:
 - a) When the volume of sediment exceeds 25% of the functional capacity of either basins. The functional capacity of basin# 1 equals 8,610 cubic yards, and functional capacity of basin #2 equals 6,915 cubic yards.
 - b) When the Action Leakage Rate (ALR) I of 20 gallons per acre per day, for either basin is exceeded.
 - c) When the accumulation of sediment interferes with the operation of either basin.



PERFORMANCE STANDARD FOR THE LEACHATE COLLECTION SYSTEM

36. a) If performance of the system appears to be impacted, the permittee must inspect the leachate collection system immediately regardless of the next inspection/flushing scheduled event.
b) Each inspection/flushing event must include the use of a video camera prior to flushing the system. All interior walls of the primary collection pipes must be videotaped. Particular attention must be given to assessing any biological or chemical/crystalline growth. One copy of the subsequent tape must be submitted to the Department after completion of the inspections/flushing event.
37. In the event that the action leakage rate of 20 gallons per acre per day is exceeded in either leachate storage basin, the basin shall be emptied within 14 days. The basin shall then be cleaned, repaired and inspected within 60 days. At a minimum, a certification/report must be submitted in accordance with Part 360.6(a) for review and approval prior to use. Notification to the Department shall be provided as conditioned elsewhere herein.

PERMIT MODIFICATION FOR CLEAN UP OF ACTIVE AND RESERVED COAL STOCKPILE AREA #38-46

38. This permit modification allows for the ash landfill to accept additional waste including ash, rocks, residual coal, dirt, clay, geo-fabric, pyrites, and pond sediment from the dismantle and cleanup of the active and reserved coal stockpile area as described in the submittal listed in permit condition #39 **ONLY**.
39. The permittee shall operate in conformance with the permit conditions, Part 360 series regulations, following permit modification submittal, and any other applicable federal, state, and local regulations pertaining to activities approved in this modification.
 - a. NOIA dated on January 25, 2017, June 8, 2017, and October 31, 2017 certified, stamped, and signed by Richard Southorn, P.E.
40. Remedial Closure Report of the active and reserved coal stockpile area shall be submitted with 45 days upon the project completion, and report be certified, signed, stamped, and dated by Professional Engineer licensed in NYS.
41. This permit modification approval is **ONLY** valid for the above mentioned activities for a maximum of 18 months period upon the issuance of this permit.



42. Landfill operation shall be overseen by a certified landfill operator.
43. A stabilizing cover acceptable by the Department must be applied and maintained on all landfill surfaces where no additional waste has been or will be placed within 30 calendar days of the last placement of waste.
44. Within 90 days of this approval, the permittee shall submit a modified final grading plan for approval.
45. Area(s) meets the approved final grade shall be covered within 15 days.
46. The permittee shall immediately begin the process of final landfill closure upon the completion of the landfill activities allowed under this modification unless otherwise approved by the Department.

FINANCIAL ASSURANCE

47. **Instrument:** In accordance with 6NYCRR Part 360.22 and Part 373-2.8 of this title, the permittee shall maintain with the Department a form of Financial Assurance acceptable to the Department, in the minimum amount as determined by an acceptable closure cost estimate for closure and post-closure monitoring of this facility. Such financial document shall clearly state any expiration date assigned by the financial institution or permittee. Neither the provision of the Financial Assurance, nor any act of the Department in drawing upon the financial funding shall relieve the permittee of their obligation to comply with this permit and the requirements to close the facility properly. The surety shall be in a form acceptable to the Department, and submitted to:

Regional Materials Management Engineer
Division of Materials Management – Region 3
New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561-1620

An update to the financial assurance, closure, and post-closure cost assessment shall be provided annually. Any financial assurance instrument must be in place and in effect prior to operation of the facility.

48. **Adjustment:** The Department reserves the right to adjust the amount of the Financial Assurance to account for changing closure costs and for non-compliance with any conditions of this permit or any requirement of Part 360.
49. **Termination:** In the event that the financial institution or permittee proposes to terminate the Financial Assurance at any time, the permittee shall, no less than thirty (30) days prior to the effective date of such termination, provide a substitute Financial Assurance in the same amount and



form, or other form acceptable to DEC. If an acceptable substitute has not been provided by thirty (30) days prior to the termination date, DEC may draw upon the Financial Assurance for its amount and hold the amount drawn as a cash collateral guarantee until such time as an acceptable substitute is provided or if necessary during the time prior to the provision of a substitute Financial Assurance, may expend such sums as may be required in the event of the permittee's default of its obligations regarding compliance with this permit, the Permit to Operate this facility or its closure.

OTHER OPERATING CONDITIONS

- 50. Waste Reclamation:** If the permittee wishes to reclaim waste in areas of the landfill either operating/active or already closed, the permittee must submit a plan to the Department for approval in accordance with Part 363-11.
51. Representatives appearing in an official capacity from the Department shall have access to the facility and all records and reports pertaining to the facility for the purpose of making inspections of the operation or collecting samples any time the site is open and in operation.
52. Monthly meetings may be required by the DEC to discuss with the permittee the facility's compliance.
53. The permittee shall maintain the notice in the property deed that states that upon any transfer of ownership of the landfill property, or any portion thereof, the subsequent owner(s) of the site shall be responsible for compliance with the terms of this permit, and indicating the period of time through which the property has been used as landfill, a description of the wastes contained within, and the fact that the records for the facility have been filed with the Orange County Clerk, showing the limits of the land filled areas within the property. This notice with the Orange County Clerk shall be modified upon certification of each new cell constructed. This revised notice shall be submitted to the Department immediately upon acceptance by the County Clerk.
54. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
55. The Department may require additional conditions to be imposed on the permittee in response to requests by the permittee for special approvals of activities on a temporary or permanent basis.
56. The permittee must not accept solid waste that originates from a municipality that has not completed a comprehensive recycling analysis (CRA) satisfying the requirements of 6 NYCRR Part 360.11 and



implemented the recyclables recovery program determined to be feasible by the analysis, unless within 12 months after the date of permit issuance and for the service area of the proposed facility, either a municipality prepare such an analysis and the Department approves it and that analysis addresses the waste stream of that municipality; or a local solid waste management plan that addresses all components of such an analysis, takes effect.

CHANGES in OWNERSHIP or MANAGEMENT

57. **Transfer Process:** Pursuant to 6 NYCRR Part 621, prior to a change in the owner(s) or the operator(s) of the facility, the permittee is required to submit for approval, on Department approved forms, information needed by the Department to determine the fitness of the individual or company who will assume operation or ownership of the facility. The following requirements apply:
- a) If the permittee intends to contract with an individual or company to become a new operator of the facility, the permittee must notify the Department (Regional Materials Management Engineer, or RMME) in writing at least thirty (30) days prior to the proposed change in operator and the proposed operator must submit a completed Record of Compliance (ROC) form.
 - b) For a corporate permittee, whose stock is privately held, if there is any change in officers, principals, directors or stockholders of the permitted company, the permittee must notify the Department RMME at least thirty (30) days prior to this change and submit a completed ROC form for each officer, principal, etc. that is proposed to change.
 - c) If an individual or another company acquires any or all of the stock of the permitted company, the stock buyer must notify the Department at least thirty (30) days prior to the proposed change in stock ownership and submit a completed ROC form. If the stock buyer is a non-publically traded company, then any officer, principal, director or stockholder of the company acquiring the stock, as well as the company itself, must submit a completed ROC form. If the new stockholder is a publically traded company, any stockholder of it who owns (or increases their stock ownership to) at least 25% of the publicly traded stock must submit a "30 day prior notification" and a completed ROC form to the Department.

ENVIRONMENTAL MONITOR

58. **Assignment:** Pursuant to Part 360.20 upon written notification by the Department or if the account already exists, the permittee shall fund or continue to fund an on-site environmental monitor (OSEM). Department employees shall act as OSEMs at the facility. The OSEM shall be present during all aspects of facility operation and construction at times designated by the Department. It is not the intention of this condition to prevent the permittee from conducting such activities as are otherwise authorized by this permit if the OSEM is unable to be present at any particular time.



59. Facilities: The permittee shall provide office space which shall at a minimum include a desk, chair, phone, internet connection, and any other appropriate office equipment required by the OSEM to undertake normal duties. This office space and equipment must be acceptable to the Department.

60. Monitor Account: The account to fund the environmental monitor(s), shall continue as follows:

- A. The Permittee shall continue to fund environmental monitoring services to be performed by or on behalf of the Department. These monitoring services will include, but not be limited to, the scope of work in an annual environmental monitoring work plan which is incorporated by reference and enforceable under this Permit.
- B. The Permittee shall provide to the Department on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan. The sum to be provided will be based on the annual budgeted amount and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit or until the environmental monitoring services are no longer necessary, whichever comes first.
- C. The Permittee shall be billed annually, prior to the start of each State Fiscal Year (SFY) (April 1). If this Permit is to first become effective subsequent to April 1, the initial bill will be for an amount sufficient to meet the anticipated cost of the environmental monitoring services through the end of the current SFY.
- D. The Department may revise the required annual bill on an annual basis to include all of the Department's estimated costs associated with the environmental monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in the fringe benefits rate, changes in operating hours and procedures, changes in non-personal service costs (including travel, training, sampling and analytical, and equipment costs, etc.), an increase or decrease in the level of environmental monitoring services necessary, and an increase or decrease in the number of environmental monitors. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any revisions.
- E. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review, an annual environmental monitoring work plan that the Department will undertake during the year.
- F. Payments are to be made in advance of the period in which they will be expended and shall be made in full within 30 days of receiving a bill from the Department. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.



- G. Failure to make the required payments shall be a violation of this Permit. The Department reserves all rights to take appropriate action to enforce the above payment provisions.
- H. The environmental monitor shall, when present at any of the Permittee facilities, abide by all of the Permittee health and safety and operational requirements and policies, if such requirements and policies exist and provided they are not inconsistent with Department policies and labor management contracts, and further provided, however, that this shall not be construed as limiting the environmental monitor's powers as otherwise provided for by law and shall not result in the environmental monitor being afforded less protection than otherwise provided to the environmental monitor by State and Federal health and safety requirements.
- I. The environmental monitor shall receive from the Permittee all general and site-specific safety training which is normally given to new facility/site employees for all areas of the facility or site. This training will be a supplement to the health and safety training that the environmental monitor receives from the Department.
- J. Upon selection of the environmental monitor, the Permittee shall immediately furnish to the environmental monitor any facility/site health and safety and operational requirements and policies. Within five (5) days of any revision to the facility/site health and safety and operational requirements and policies, the Permittee shall furnish to the environmental monitor the health and safety and operational requirements and policies.
- K. The environmental monitor shall be permitted to use environmental monitoring and data collection devices (e.g., photo ionization detectors, cameras, video recording devices, computers, cell phones, etc.) deemed necessary by the Department to evaluate and document observed conditions. Copies of the data or images collected from areas where confidentiality is a concern shall be provided to the Permittee upon their request. The Permittee may request the data and images be considered confidential information if appropriate.
- L. It will remain the responsibility of the Permittee to contact the Spill Hotline or any Division within the Department regarding any required notification of any spill, release, exceedances etc. Notification to the environmental monitor will not be considered sufficient to replace any required notifications.

CLOSURE REQUIREMENTS

- 61. **Closure:** Unless this permit is renewed, the permittee shall close the site prior to the expiration date of this permit or prior to the expiration of any renewals of this permit in accordance with the closure requirements in 6 NYCRR Part 360.21, and any approved closure plan.

Within forty-five 45 days of the completion of the closure activities, the permittee shall submit to the RMME a certification, prepared and stamped by a Professional Engineer licensed to practice engineering in New York State, that the facility has been closed in accordance with 6 NYCRR Part 360 series regulations; and certifying that the need for further maintenance or corrective actions is



minimized and that adverse environmental or health impacts such as, but not limited to, contravention of surface water and groundwater quality standards, gas migration, odors and vectors are prevented or remedied.

CESSATION of CONSTRUCTION or OPERATIONS

62. Cessation: The facility must routinely and regularly receive authorized solid waste during the permit period. All equipment necessary for the safe and compliant operation of the facility, and required by the approved Engineering Report, O&M Manual, Contingency Plan, and the terms of this permit, must be in place and functional at all times. If construction or operation activities allowed under this permit cease for a period of twelve (12) consecutive months, the permit automatically expires on the last day of the 12th month following cessation of activities. There is no automatic expiration when the cessation of construction or operation is caused by factors beyond the reasonable control of the permittee, as determined by the Department, or when such cessation is in accordance with the provisions of the permit.

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 of 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. Submissions of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD NEW
PALTZ, NY12561 -1620

4. Submission of Renewal Application: The permittee must submit a renewal application at least 180 days before permit expiration.

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 rightsof-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.

Item E: SEQR

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance for this project.

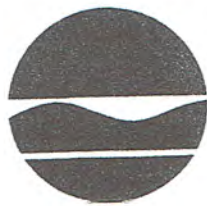
Distribution List:

D. Pollock, DEC R3 DMM

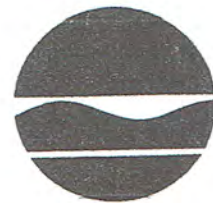
J.Petronella, DEC R3 DEP

Orange County Health Department

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Danskammer Energy, LLC Permit No. 3-3346-00011/00018

Effective Date: December 5, 2018 Expiration date: November 13, 2021

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

John W. Petronella
Division of Environmental Permits, Region 3
Telephone (845) 256-3041

- Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505; in addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

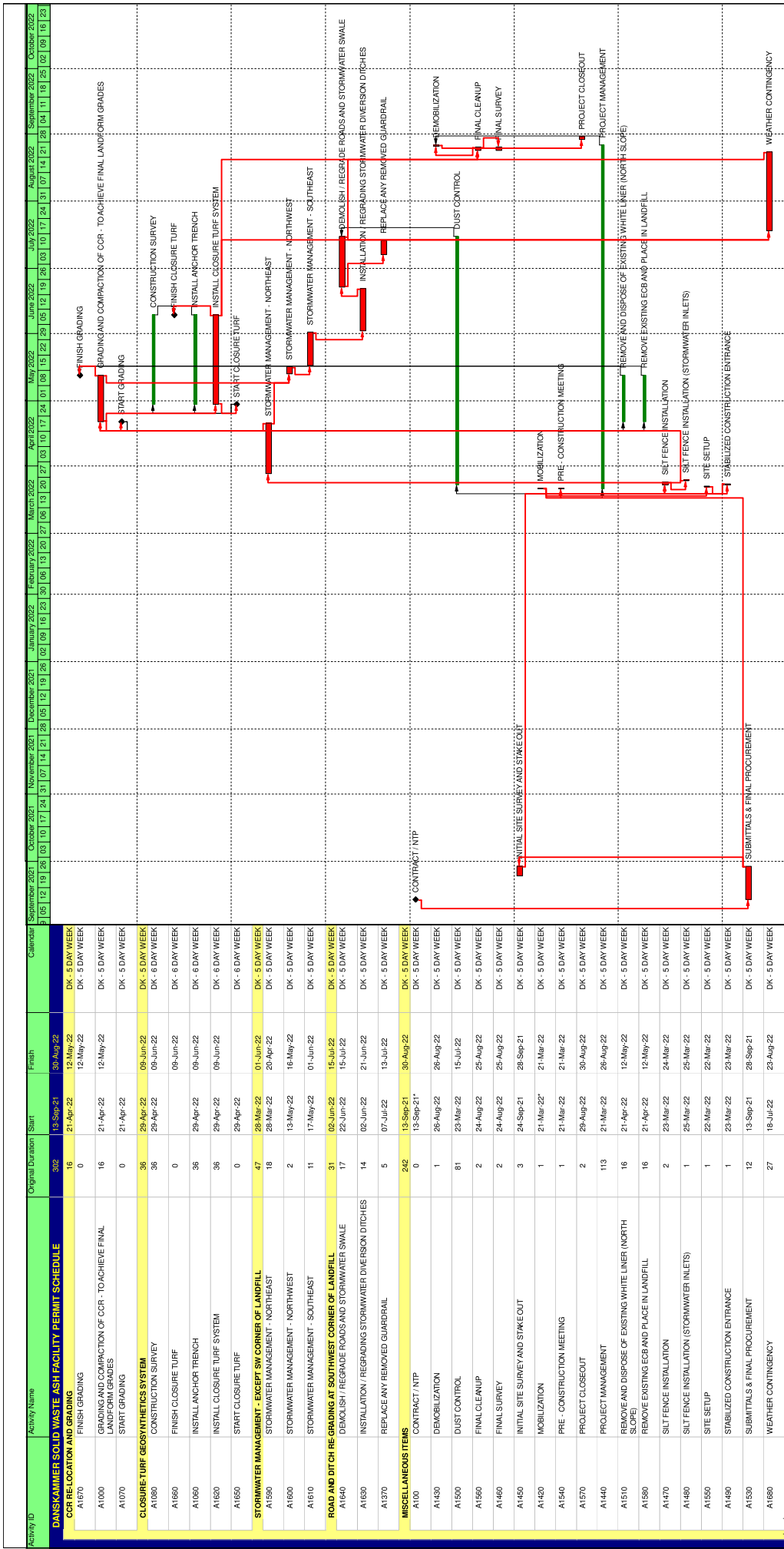


Department of
Environmental
Conservation

**EXHIBIT 12:
EASEMENT SURVEYS**

Please see accompanying physical survey with easements.

EXHIBIT 13:
CONSTRUCTION SCHEDULE



Activity ID	Activity Name	Original Duration	Start	Finish	Calendar	September 2021	October 2021	November 2021	December 2021	January 2022	February 2022	March 2022	April 2022	May 2022	June 2022	July 2022	August 2022	September 2022	October 2022	
DANSKAMMER SOLID WASTE ASH FACILITY PERMIT SCHEDULE																				
CCR RELOCATION AND GRADING																				
A1670	FINISH GRADING	0	21-Apr-22	30-Aug-22	DK - 5 DAY WEEK															
A1000	GRADING AND COMPACTION OF CCR - TO ACHIEVE FINAL LANDFORM GRADES	16	21-Apr-22	12-May-22	DK - 5 DAY WEEK															
A1070	START GRADING	0	21-Apr-22	12-May-22	DK - 5 DAY WEEK															
CLOSURE-TURF GEOSYNTHETICS SYSTEM																				
A1080	CONSTRUCTION SURVEY	36	29-Apr-22	09-Jun-22	DK - 5 DAY WEEK															
A1680	FINISH CLOSURE TURF	0	29-Apr-22	09-Jun-22	DK - 6 DAY WEEK															
A1080	INSTALL ANCHOR TRENCH	36	29-Apr-22	09-Jun-22	DK - 6 DAY WEEK															
A1620	INSTALL CLOSURE TURF SYSTEM	36	29-Apr-22	09-Jun-22	DK - 6 DAY WEEK															
A1650	START CLOSURE TURF	0	29-Apr-22	09-Jun-22	DK - 6 DAY WEEK															
STORMWATER MANAGEMENT - EXCEPT SW CORNER OF LANDFILL																				
A1590	STORMWATER MANAGEMENT - NORTHWEST	47	28-Mar-22	01-Jun-22	DK - 5 DAY WEEK															
A1600	STORMWATER MANAGEMENT - NORTHWEST	16	28-Mar-22	20-Apr-22	DK - 5 DAY WEEK															
A1600	STORMWATER MANAGEMENT - NORTHWEST	2	13-May-22	16-May-22	DK - 5 DAY WEEK															
A1610	STORMWATER MANAGEMENT - SOUTHEAST	11	17-May-22	01-Jun-22	DK - 5 DAY WEEK															
ROAD AND DITCH RE-GRADING AT SOUTHWEST CORNER OF LANDFILL																				
A1640	DEMOLISH / REGRADE ROADS AND STORMWATER SWALE	31	02-Jun-22	15-Jul-22	DK - 5 DAY WEEK															
A1630	INSTALLATION / REGRADING STORMWATER DIVERSION DITCHES	17	22-Jun-22	15-Jul-22	DK - 5 DAY WEEK															
A1630	INSTALLATION / REGRADING STORMWATER DIVERSION DITCHES	14	02-Jun-22	21-Jun-22	DK - 5 DAY WEEK															
A1370	REPLACE ANY REMOVED GUARDRAIL	5	07-Jul-22	13-Jul-22	DK - 5 DAY WEEK															
MISCELLANEOUS ITEMS																				
A1630	CONTRACT / NTP	242	13-Sep-21	30-Aug-22	DK - 5 DAY WEEK															
A1430	DEMOLITION	0	13-Sep-21	30-Aug-22	DK - 5 DAY WEEK															
A1500	DUST CONTROL	1	26-Aug-22	26-Aug-22	DK - 5 DAY WEEK															
A1500	DUST CONTROL	81	23-Mar-22	15-Jul-22	DK - 5 DAY WEEK															
A1560	FINAL CLEANUP	2	24-Aug-22	25-Aug-22	DK - 5 DAY WEEK															
A1460	FINAL SURVEY	2	24-Aug-22	25-Aug-22	DK - 5 DAY WEEK															
A1450	INITIAL SITE SURVEY AND STAKE OUT	3	24-Sep-21	28-Sep-21	DK - 5 DAY WEEK															
A1420	MOBILIZATION	1	21-Mar-22	21-Mar-22	DK - 5 DAY WEEK															
A1540	PRE - CONSTRUCTION MEETING	1	21-Mar-22	21-Mar-22	DK - 5 DAY WEEK															
A1570	PROJECT CLOSEOUT	2	29-Aug-22	30-Aug-22	DK - 5 DAY WEEK															
A1440	PROJECT MANAGEMENT	113	21-Mar-22	26-Aug-22	DK - 5 DAY WEEK															
A1510	REMOVE AND DISPOSE OF EXISTING WHITE LINER (NORTH SLOPE)	16	21-Apr-22	12-May-22	DK - 5 DAY WEEK															
A1580	REMOVE EXISTING ECG AND PLACE IN LANDFILL	16	21-Apr-22	12-May-22	DK - 5 DAY WEEK															
A1470	SILT FENCE INSTALLATION	2	23-Mar-22	24-Mar-22	DK - 5 DAY WEEK															
A1480	SILT FENCE INSTALLATION (STORMWATER INLETS)	1	25-Mar-22	25-Mar-22	DK - 5 DAY WEEK															
A1550	SITE SETUP	1	22-Mar-22	22-Mar-22	DK - 5 DAY WEEK															
A1490	STABILIZED CONSTRUCTION ENTRANCE	1	23-Mar-22	23-Mar-22	DK - 5 DAY WEEK															
A1530	SUBMITTALS & FINAL PROCUREMENT	12	13-Sep-21	28-Sep-21	DK - 5 DAY WEEK															
A1680	WEATHER CONTINGENCY	27	18-Jul-22	23-Aug-22	DK - 5 DAY WEEK															

- Remaining Work
- Critical Remaining Work
- Actual Level of Effort
- Actual Work
- Remaining Level of Effort
- ◆ Milestone

Date		Revision		Checked		Approved	

1 of 1

**DANSKAMMER LANDFILL CAPPING
PERMIT SCHEDULE**

631021644-PR-1