

Tonawanda 570

104

New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7220 FAX: (716) 851-7226



May 11, 1999

[REDACTED]  
Director of Water Resources  
Town of Tonawanda  
779 Two Mile Creek Road  
Tonawanda, New York 14150

Dear [REDACTED]:

Town of Tonawanda Landfill, # 15S29  
Alternate Grading Materials for Closure

This is in response to your May 6, 1999 letter regarding the use of various materials for grading purposes during the closure of the Town of Tonawanda landfill. You have requested the Department's permission to stage "clean fill" at a designated area of the landfill which will not be affected by the proposed gas collection system or the DOE waste areas. Additionally, you have indicated that the Town is currently evaluating the use of various materials for final grading in accordance with the Department's Beneficial Use Determination (BUD) regulatory provisions.

First, I will respond to your inquiry regarding the use of "clean fill" materials. It needs to be clarified that the Department's solid waste management facilities regulations, 6 NYCRR Part 360, defines the term *Clean Fill* in 360-8.2(a)(1). This subpart **only** applies to landfills that are located on Long Island and therefore, the use of the term *Clean Fill* is **not** appropriate for issues related to the Town of Tonawanda's landfill. Having stated that, it is noted that the common use of the term clean fill is as defined in 360-7.1(b)(1)(i), which identifies certain construction and demolition debris materials that can be disposed of under certain conditions at an exempt C&D landfill site. Such materials are limited to "recognizable uncontaminated concrete and concrete products (including steel or fiberglass reinforcing rods that are embedded in the concrete), asphalt pavement, brick, glass, soil and rock." These, and only these specific materials, can be used by the Town for grading and fill at the Tonawanda landfill, without the Department's prior approval, provided that the conditions of 360-7.1(b)(1) are met. It must be clearly noted however, that the Department makes no representation as to the nature of these materials and the sole responsibility for determining if they are in fact, "recognizable uncontaminated" lies with the Town. For that reason, you are advised that any materials which the Town proposes to use for grading and fill, that may be of a questionable nature (for example, soils known or suspected to have been exposed to an oil/gasoline spill or other chemical contamination), should first be evaluated using accepted sampling and analytical protocols. For such materials, the Department should be contacted for further discussions on this matter.

TON\_00265

[REDACTED]  
May 11, 1999

Page 2.

Therefore, it is acceptable for the Town to stage and stockpile the exempt C&D materials, as identified in 360-7.1(b)(1)(i) at the landfill for use during the final site closure. As you have indicated, the Town must ensure that the materials will be staged and managed in an area of the landfill which will not impact the proposed gas collection system. Additionally, adequate precautions must be taken to protect all existing groundwater monitoring wells and piezometers at the site and it is advisable to maintain a suitable separation distance between the staging area and the residential properties located along the northern boundary of the landfill. You are also advised to check with the U.S. Army Corps of Engineers, Buffalo District Office, to verify that the staging of these materials will not impact any future work related to their Formerly Utilized Sites Remedial Action Program.

Secondly, you have raised the issue of using various waste materials for final grading under the BUD provisions of Part 360. It must be clarified that because such an application would occur within the landfill's environmental containment system, it would not be regulated under the BUD provisions, but instead would be evaluated on a case specific basis using the equivalent design criteria stated in 360-2.13(w). Typically, the Department has authorized the use of C&D as Alternate Grading Material (AGM) in only a limited number of cases. In the case of the Town of Tonawanda landfill, which is unlined, the request for use of waste materials as AGM would need to adequately demonstrate that such an application would not increase the pollution potential of the landfill. Such demonstrations typically need to provide a qualitative comparison of the pollution potential of the waste in place versus the contaminant threat from the waste being substituted for conventional grading material. Certainly, as you have suggested, the Department is willing to meet with the Town and their consultants to discuss this matter in greater detail.

Finally, for any materials which are proposed for use as AGM during the landfill closure, the Town's engineering consultant should evaluate the structural suitability of such materials to be used in this manner. Factors to be considered include the settling of the materials, attainable compaction, etc.

If you have any questions regarding this information, or wish to schedule a meeting to discuss these issues further, please call me at 851-7220.

Sincerely,

[REDACTED]  
[REDACTED]  
Environmental Engineer II

cc: [REDACTED] Regional Solid Materials Engineer  
[REDACTED], Engineering Geologist II  
[REDACTED], US Army Corps of Engineers, Buffalo District