

**New York State Department of Environmental Conservation
Division of Environmental Permits / Region One**

Stony Brook University

50 Circle Road, Stony Brook, New York 11790-3409

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Certified Mail
Return Receipt Requested
7004 1350 0000 5589 6461

Notice of Intent to Modify Permit

October 26, 2011

Charles Vigliotti
Great Gardens, LLC
100 Urban Avenue
Westbury, NY 11590

Re: Permit # 1-4722-03647 / 00001
Great Gardens, LLC Yard Waste Transfer Facility
Facility ID 52-T-114

Dear Mr. Vigliotti:

As you are aware, the New York State Department of Environmental Conservation ("Department" or "DEC") staff has responded to and verified numerous complaints regarding odors and dust emanating from your Great Gardens LLC facility located at 445 Horseblock Road, Yaphank, NY. We have determined that the facility has failed to effectively control off-site migration of odor and dust caused by the yard waste transfer and other activities performed at this facility.

This odor and dust condition is unacceptable and requires that this Department modify the referenced Solid Waste Management Facility permit in order to correct the situation. These conditions clearly constitute the grounds for the Department to exercise its authority pursuant to 6 NYCRR Part 621.13(a) (2), (4) and (5) [Uniform Procedures Regulations] as well as Special Conditions 19 and 12 of the permit to remove the granted variance from the requirement of 6 NYCRR Part 360-11.3(a)(3) and direct that corrective measures be implemented. Part 360-11.3(a)(3) requires that transfer stations receiving more than either 50,000 cubic yards or 12,500 tons of solid waste annually locate processing, tipping, sorting, storage and compaction areas within an enclosed building or covered area. While we recognize that you have made several good faith attempts to control odor and dust issues at the facility, DEC has determined that a portion of the odors and dust emanating from the facility are related to organic waste transfer operations.

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We have, therefore, concluded that the dust and odors have resulted in a nuisance condition of the type identified in Special Condition 19 as constituting the grounds for the rescission of the variance and justification pursuant to Special Condition 12 for the immediate implementation of any controls required by this Department. All processing, tipping, sorting, storage and compaction areas at this facility must now be located within an enclosed building.

In addition, the Department has determined that outdoor storage of unbagged wood mulch continues to cause significant off-site odors. Pursuant to Part 621.13(a) (2), (4) and (5) [Uniform Procedures Regulations], the Department intends to modify the referenced permit to limit the on-site storage of wood and/or mulch in accordance with Part 360-16.4(f), which, among other things, requires storage pile size restrictions, time limits, and cover requirements for processed or unprocessed materials.

Further, DEC intends to add a new special condition to the permit prohibiting the on-site storage of compost products that are not completely cured or matured and continue to undergo the decomposition process. The curing of compost material on-site is subject to all of the requirements of Part 360-5 and is beyond the scope of activities authorized under the permit.

The Department hereby directs the facility to submit, no later than 30 calendar days from the effective date of this Department Initiated Modification, a written narrative and site plan delineating all activities conducted within the Great Gardens LLC and Long Island Compost Corporation properties, a schedule for the implementation of the enclosure requirements under Part 360-11.3(a) (3) and an updated Part 360 Operations and Maintenance Manual.

You may submit a written statement to the Regional Permit Administrator at the above address giving reasons why the permit should not be modified, or requesting a hearing, or both, on or before November 10, 2011. If such a written statement is not received by the close of business on November 10, 2011, the modified permit will become effective on November 11, 2011.

Please contact the undersigned at (631) 444-0371 or Syed Rahman, P.E., Regional Materials Management Engineer if you have any questions. Thank you for your anticipated cooperation in this matter.

Sincerely,



George W. Hammarth
Deputy Regional Permit Administrator

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cc: C. Elgut
W. Fonda
E. Lenio
S. Rahman
P. Scully
A. Shah
file