

SEQR
617.21

**State Environmental Quality Review
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and 6 NYCRR Part 617, Monroe County as lead agency, makes the following findings.

Name of Action: Proposed Mill Seat Landfill Expansion

Date: July 13, 2015

Description of Action:

The proposal involves the expansion of the existing 98.6 acre permitted footprint of the Mill Seat Landfill with an additional 118.3 acre expansion immediately south of the existing Mill Seat Landfill. The proposal also involves the addition of ancillary infrastructure, the abandonment of a portion of O'Brien and Brew Roads, a wetland mitigation area located south of Bovee Road in the Town of Riga and a stream mitigation area in the Village of Churchville. The Permitted Site is located in the Town of Riga, Monroe County, New York. The mailing address is 303 Brew Road, Bergen, New York 14416.

Agency Jurisdiction:

Name and Address of Lead Agency:

Monroe County
39 West Main Street, Suite 110
Rochester, New York 14614

Other agencies: Various permits and approvals will be required before construction and operation of the Proposed Mill Seat Landfill Expansion may begin, as listed below:

- A 6 NYCRR Part 360 Permit modification to construct and operate a solid waste management facility. This includes a waiver of the groundwater separation requirement of five (5) feet due to the groundwater suppression system, which is the bottom layer of the proposed double composite liner system. In addition, variances are proposed for a reduction in the final cover system barrier protection layer thickness over the Permitted Footprint and Proposed Footprint, elimination of the final cover system gas venting layer over the Permitted Footprint and Proposed Footprint, construction of a solid waste facility within the boundary of a regulated wetland, and the operation of equipment with sound levels that are expected to exceed 80 dBA at 50 feet;
- USACE Section 404 Individual Permit, NYSDEC Section 401 Water Quality Certification, and NYSDEC Article 24 Freshwater Wetlands Permit for the disturbance of approximately 13.5 acres of wetland and 1,500 linear feet of stream, in addition to other temporary impacts and disturbances within regulated wetland adjacent areas;
- An update to the Mill Seat Landfill's existing *Stormwater Pollution and Prevention Plan* for compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Industrial Activities (GP-0-12-001). For landfills, General Permit GP-

0-12-001 also includes procedures for management of stormwater discharges from Construction Activities;

- A Title V Air Facility Permit for LFG and combustion emissions, pursuant to applicable requirements of Federal regulations found at Subpart WWW of 40 CFR 60.

In addition, various other easements and approvals are needed to support the Proposed Action, including:

- Extension of Landfill Lease Agreement between the County and WMNY;
- County adoption and NYSDEC approval of the County's Local Solid Waste Management Plan;
- Town of Riga approval of a portion of O'Brien Road abandonment including the O'Brien Road Wetland Restoration;
- Town of Riga approval of Brew Road abandonment and release to adjacent landowners;
- County and Town of Riga approval of land transfers;
- Execution of Noise Easements; and
- Agricultural District landowner waivers.

Draft Supplemental Environmental Impact Statement (DSEIS) Acceptance Date:
April 1, 2015

Final Supplemental Environmental Impact Statement (FSEIS) Acceptance Date:
July 1, 2015

Glossary of Terms:

6 NYCRR Part 360 – NYSDEC's solid waste management regulations, codified at 6 NYCRR Part 360 (Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York), effective May 12, 2006.

ADC – Alternative Daily Cover material

CEA – Critical Environmental Area

County – Monroe County, New York

Disposal Capacity – The amount of capacity available in the solid waste management facility available for the disposal of waste.

dBA – A weighted decibel. A sound level measurement that corresponds to the portion of the sound frequency spectrum to which the human ear is most sensitive.

DSEIS – Draft Supplemental Environmental Impact Statement

FSEIS – Final Supplemental Environmental Impact Statement

Greenfield Site – A landfill in a new, relatively undisturbed location. Due to the need for several hundred acres of land for a new landfill, including buffer areas, this would typically consist of undeveloped land that is currently agricultural or sparsely developed land.

Joint Application for Permit Application – Permit application for wetland and stream impacts submitted to NYSDEC and USACE.

Landfill Lease Agreement – The Agreement by and between Monroe County, New York (Lessor) and WMNY (Lessee) dated January 14, 2002 and any Amendments thereafter.

Leq – Equivalent steady-state sound level which contains the same acoustic energy as the time varying sound level during a selected time period.

LFG – Landfill gas

LFGTE Facility – Landfill Gas to Energy facility that utilizes LFG in internal combustion engines to generate electricity.

Limits of Disturbance – The total area impacted permanently or temporarily as part of the development of the Proposed Action, including landfill construction and operation, stormwater management, access roads, the removal of a portion of O'Brien Road and Brew Road, and the development of the wetland mitigation area.

Local Solid Waste Management Plan – A planning document prepared by Monroe County, as the solid waste planning unit, pursuant to Section 27-0107 of the Environmental Conservation Law. It includes future solid waste management and recycling goals for the County.

Mill Seat Landfill – Currently permitted landfill and associated operations.

MSW – Municipal solid waste

NYCRR – New York Official Compilation of Codes, Rules and Regulations

NYSDEC – New York State Department of Environmental Conservation

O'Brien Road Culvert Removal and Stream Improvements – An element of stream mitigation including removal of an existing culvert under O'Brien Road, stream daylighting, and floodplain restoration. This work is a component of the O'Brien Road Wetland Restoration.

O'Brien Road Wetland Restoration – The removal of O'Brien Road within the limits of Wetland RG-7 to allow the reconnection of the wetland and the hydrologic continuity of Hotel Creek's Tributary b. This restoration plan is described in Applied Ecological Services, Inc.'s *Ecological Restoration and Management Plan*, which has been submitted to NYSDEC and USACE as part of the *Joint Application for Permit*.

Permitted Footprint – The existing 98.6 acres of the Permitted Site allocated for solid waste disposal within a double composite liner system.

Permitted Site – The land on which the Permitted Footprint and associated support features (including a Maintenance Building, Administration Building, Scale House, LFG collection system, leachate collection and storage facility, stormwater management features, access roadways, two (2) soil borrow areas, three (3) petroleum aboveground storage tanks, and a LFGTE Facility) is located, and the land included as part of the Landfill Lease Agreement. The Permitted Site totals 485 acres.

Permitted Waste Acceptance Rate – The NYSDEC Approved Design Capacity for the Mill Seat Landfill is 1,945 tons per day, which equates to 597,000 tons per year. This threshold is a daily average and is based on the quantity of solid wastes accepted at the Mill Seat Landfill during a calendar year. Solid wastes that have been approved for use as a beneficial use are not included in this limit.

Primary Water Supply Aquifer or Primary Aquifer – Highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems.

Principal Aquifer – Aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.

Proposed Action – The Proposed Landfill Expansion; final cover design modifications to the Permitted Footprint; the proposed wetland impacts and mitigation; the proposed RG-6 Tail impact and mitigation; as well as required actions, including extension of the Landfill Lease Agreement between Monroe County and WMNY, abandonment of a portion of O'Brien Road and a portion of Brew Road, County and Town of Riga approvals of land transfers, and receipt of noise easements.

Proposed Footprint – The 118.3 acres allocated for solid waste disposal within the proposed double composite liner system in addition to and directly adjacent to the Permitted Footprint.

Proposed Landfill Expansion – The addition of a contiguous footprint to the south of the Permitted Footprint. This defined term is specific to the Proposed Footprint of an additional 118.3 acres, 39.2 acres of overlay onto the Permitted Footprint, and any support features (stormwater management structures, access roads, LFG collection and control infrastructure, and leachate conveyance infrastructure).

Proposed Site – The land on which the Proposed Action will be located, including the 485-acre Permitted Site, the Proposed Wetland Mitigation Property, the O'Brien Road abandonment, and any land acquisitions included in the Proposed Action. The Proposed Site totals approximately 828 acres.

Proposed Stream Mitigation Plan – The proposed plan, as required by federal regulations, to provide satisfactory compensation for impacts to the RG-6 Tail. This plan has been submitted to the NYSDEC and USACE in the *Joint Application for Permit Application*. The proposed plan consists of two (2) elements: riparian buffer enhancement along the Churchville Park Tributary and culvert removal at O'Brien Road.

Proposed Wetland Mitigation Property – Parcels located south of the Permitted Site across Bovee Road. The property is proposed as the primary location for wetland mitigation activities to offset impacts to wetlands from the Proposed Landfill Expansion.

RG-6 Tail – Non-Relatively Permanent Water (stream) that constitutes approximately 1,500 linear feet of stream habitat that receives surface water flow from Wetland RG-6.

SEQRA – State Environmental Quality Review Act, codified in Article 8 of the New York State Environmental Conservation Law with implementing regulations codified at 6 NYCRR Part 617 (Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York).

SHPO – New York State Historic Preservation Office

SPDES – State Pollutant Discharge Elimination System

SRP – Stormwater Retention Pond

State – New York State

Subcell – A sub area of the Stage

USACE – United States Army Corps of Engineers

USFWS – United States Fish and Wildlife Service

Wetlands – A land area that is inundated or saturated (or meets other primary or secondary indicators of hydrology) by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Under normal conditions, an area needs to satisfy three (3) criteria to be deemed a wetland: presence of wetland hydrology indicators, presence of hydric soil indicators, and a dominance of hydrophytic (water-loving) vegetation.

WMNY – Waste Management of New York, LLC operates the Mill Seat Landfill under a lease agreement with Monroe County.

WWTF – Wastewater Treatment Facility

Facts and Conclusions in the FSEIS Relied Upon to Support the Decision:

The County has reviewed the DSEIS and FSEIS. As Lead Agency, the County has concluded that the Proposed Action has been designed, and where necessary, revisions made to the design, to avoid, minimize or mitigate to the maximum extent practicable, adverse environmental impacts. Potentially significant adverse impacts have been satisfactorily addressed, as summarized below:

Land Use and Agricultural Resources

The Proposed Action will result in 306 acres of land currently located in the South Western Agricultural District being used for non-agricultural purposes. The landowners of these 306 acres of land in the South Western Agricultural District have consented or will consent to the non-agricultural use of their land by signing Agricultural District waivers.

Geologic Resources

Based on the existing elevations within the Proposed Footprint, the Proposed Landfill Expansion activities will involve the excavation of soils to establish subgrade at the proposed depths and soil placement to construct the Proposed Footprint perimeter berm. Excess soils obtained from subgrade cuts that are not used in berm construction will be stockpiled and utilized for daily cover. Construction will take place in phases, thereby limiting the area of exposed soils and reducing the potential for erosion.

The landfill design complies with 6 NYCRR Part 360, which requires a separation of ten (10) feet between the landfill subgrade and bedrock. As such, no impacts to bedrock geologic resources are anticipated as part of the Proposed Action.

Groundwater Resources

The regulations that govern siting, construction, operation, and closure of the Proposed Landfill Expansion (6 NYCRR Part 360) are designed to provide maximum protection to the environment including groundwater resources. The installation of a double composite liner system over relatively low permeability soils, along with a network of groundwater monitoring wells that will continue to be sampled and tested in accordance with an *Environmental Monitoring Plan*, will ensure protection of groundwater resources.

Construction of the Proposed Landfill Expansion will have a negligible impact on groundwater flow rates to Wetlands RG-5 and RG-7. Wetland mitigation activities on the Proposed Wetland Mitigation Property will have minor effects on groundwater flow directions.

The inclusion of additional mitigation measures is not necessary due to the absence of primary, principal, and sole source aquifers in the vicinity of the Proposed Site.

Surface Water Resources

The Proposed Action will incorporate stormwater management features which will protect both water quality and quantity, so that adjacent wetlands and streams will not be adversely impacted. Continued implementation of operational practices to prevent the excessive release of sediment and other materials to Hotel Creek will also help to mitigate potential water quality (turbidity) impacts. In addition, surface water monitoring of Hotel Creek and its Tributary b, which flows through a cross culvert under O'Brien Road, will continue.

The Proposed Action will result in impacts to 13.5 acres of regulated wetlands, referred to as Wetland RG-6, and will also impact 1,500 linear feet of an intermittent stream that is herein referred to as the RG-6 Tail. Impacts to these water resources cannot occur without first obtaining permits from the USACE and the NYSDEC. A *Joint Application for Permit* has been submitted to the USACE and NYSDEC, which includes a *Proposed Stream Mitigation Plan* for the RG-6 Tail and an *Ecological Restoration and Management Plan* for the Wetland RG-6 impacts.

The *Ecological Restoration and Management Plan* includes the restoration and creation of approximately 42 acres of wetlands on existing agricultural fields at the Proposed Wetland Mitigation Property, along with approximately 44 acres of native grassland buffer enhancements, to offset the loss of 13.5 acres of wetland.

Impacts to the RG-6 Tail will be mitigated by establishing riparian buffer enhancements for approximately 30 feet on each side of the Churchville Park Tributary to Black Creek, for a distance of approximately 1,965 linear feet. Due to the limited ecological functions and values associated with the RG-6 Tail in its existing condition, the proposed RG-6 Tail mitigation will compensate for these impacts.

Additional mitigation will be provided as a result of the O'Brien Road Wetland Restoration, which will result in an enhancement of Wetland RG-7 by restoring eight tenths (0.8) of an acre of wetland and an improved hydrologic connection to Hotel Creek's Tributary b.

Stormwater Resources

The change in land use will increase the amount of stormwater runoff, necessitating the need for the construction of one (1) new SRP (new SRP-7) and the modification of the existing eastern borrow area SRP (modified SRP-8) to offset the increased stormwater runoff rates from the Proposed Landfill Expansion. Accurate sizing of the proposed SRPs will ensure that no increase in peak flow exiting the Proposed Site will occur following construction of the Proposed Landfill Expansion. In order to prevent impacts to the water temperature in Hotel Creek, SRP outflows will be routed to Wetland RG-5 or Wetland RG-7 to avoid direct flow into Hotel Creek.

In addition to the permanent final stormwater system design and implementation, interim and temporary measures will be taken to ensure the mitigation of potential erosion at the Proposed Site. This will include the design and construction of intermediate SRPs for each Subcell as well as temporary erosion and sediment controls installed during each construction phase. During each construction phase, erosion and sediment control will be used consistent with the NYSDEC Practices for Erosion and Sediment Control.

Ecological Resources

No impacts to State protected or rare species or natural communities are anticipated as a result of the Proposed Action. No observations of other protected species, unique plant assemblages, or significant natural communities were noted.

Habitat considered suitable for roosting or migrating individuals or colonies of northern long-eared bats, which was formally recognized on May 4, 2015 as a federally threatened species by the USFWS, is present within the Limits of Disturbance for the Proposed Action. Though suitable northern long-eared bat habitat was identified within the Limits of Disturbance, much of the Proposed Action will be constructed on lands dominated by non-woody habitats such as

agricultural fields and meadows. This greatly minimizes any potential impacts that the Proposed Action may have on this species. Regardless, to mitigate potential impacts on northern long-eared bats, any trees greater than three (3) inch diameter at breast height that require removal will only be felled within the USFWS Time of Year Conservation Cutting Window: October 31 to March 31. This seasonal tree clearing is proposed as a conservation measure for the northern long-eared bat. Additional coordination and/or surveying activities are possible with the formal listing of the northern long-eared bat to the federal endangered species list.

Critical Environmental Area

Hotel Creek, which crosses the Proposed Site south of the Proposed Footprint, was designated as a CEA by the Town of Riga in 1990. The stream runs as close as 310 feet to the Limits of Disturbance at the southeast corner of the Proposed Landfill Expansion berm.

Through stormwater management design elements, water quality within Hotel Creek is anticipated to remain the same as what had led to the stream's designation as a CEA. Water flow rates within Hotel Creek will also remain similar to existing conditions, despite the fact that Hotel Creek will no longer receive seasonal flows from the RG-6 Tail. Instead, flows from a proposed SRP (SRP-7) located south of the Proposed Footprint will occur and will mimic the current water flow path from the terminus of the RG-6 Tail to Hotel Creek (through Wetland RG-5). Water quality monitoring of Hotel Creek will be continued, to assure that it is fully protected from potential adverse impacts.

Air Resources

An air impact analysis was performed via computer dispersion modeling, to determine the concentration of air emissions at off-site receptor locations. Utilizing a set of conservative modeling assumptions, the results of this air impact analysis indicate that all applicable air quality guidelines and standards will be met and that emissions will be below significant impact thresholds for criteria pollutants.

A slight reduction in greenhouse gas emissions is anticipated as a result of the Proposed Action, due to an anticipated reduction in on-site soil mining activities. Continued operation of the LFGTE Facility will also help offset greenhouse gases that result from the generation of electricity at fossil-fuel power plants.

Visual and Aesthetic Resources

A *Visual Impact Assessment* was completed within a five (5) mile study area to evaluate the potential visibility of the Proposed Landfill Expansion from ground level vantage points. At the request of the NYSDEC in their comments on the DSEIS, an additional vantage point was added along Bovee Road for a total of nine (9) vantage points. According to the analysis completed, portions of the Proposed Landfill Expansion will likely be visible from seven (7) of the nine (9) vantage point locations examined. These vantage points also have visual impacts from the Mill Seat Landfill. No historically significant sites are expected to be visually impacted by the Proposed Landfill Expansion.

Historic and Cultural Resources

There are no historic structures in the general vicinity of the Proposed Site that are listed on the State and National Registers of Historic Places. Consultation of the National Register of Historic Places revealed two (2) National Register Listed places within five (5) miles of the Proposed Site: Riga Academy in the Town of Riga, Monroe County and the Lake Street Historic District in the

Village of Bergen, Genesee County. These two (2) National Register Listed sites are located outside of the Proposed Site and will not be impacted. This has been confirmed through correspondence with SHPO. Furthermore, the Proposed Action is not visible from the Riga Academy and the Lake Street Historic District and therefore no impacts to these areas are anticipated.

Cultural resource investigations were undertaken for the Proposed Site in accordance with SHPO protocols and procedures. The historic and cultural resources identified in the *Phase IA/B Cultural Resource Investigation* and *Phase II Cultural Resources Study* will be avoided. The *Phase IA/B Cultural Resource Investigation* and *Phase II Cultural Resources Study* have been provided to the Seneca Nation of Indians, Tonawanda Seneca Nation and Cayuga Nation.

Transportation (Traffic)

Traffic associated with the Proposed Action is anticipated to utilize the same routes as under existing conditions. Traffic patterns may be impacted in the area surrounding the Proposed Site due to the proposed abandonment of portions of Brew Road and O'Brien Road. These proposed abandonments are both low volume rural roadways and the proposed traffic changes will have negligible impact on the surrounding roadway network.

Odor

Mill Seat Landfill odors have been effectively managed through proper landfill operations and progressive installation of an active LFG collection system. The potential for odor sources and levels associated with the Mill Seat Landfill are anticipated to be the same during operation of the Proposed Landfill Expansion. The impact to the surrounding area is not expected to be significant due to the mitigation measures proposed and those currently in place. These mitigation measures include covering waste with six (6) inches of soil or an approved ADC at the end of each working day, installing interim or final cover systems, and extending the LFG collection system as needed to capture and control LFG.

Noise

Working face operations will be the predominant source of noise at the Proposed Site. An assessment of potential noise impacts was undertaken in accordance with a NYSDEC guidance document for conducting such analyses. The assessment consisted of conservative noise propagation assumptions to determine sound levels from the Proposed Site at off-site receptor locations (nearby residential, vacant, and agricultural lands) and at the boundary of the Proposed Site.

The predicted increase in the sound level at all receptor locations is less than five (5) dBA, which is at levels in which human reactions to such noise increases ranges from unnoticed to tolerable. In addition, predicted sound levels at all off-site receptors are less than 65 dBA – which is described by NYSDEC as a maximum threshold for increases of the ambient noise level.

The applicable NYSDEC regulatory standard for landfill operations is an hourly Leq of 57 dBA at the Proposed Site property line, between the daytime hours of 7:00 a.m. and 10:00 p.m. All but two (2) locations are projected to be less than or equal to 57 dBA at the Proposed Site boundary. As mitigation for these potential noise impacts, noise easements have been obtained from both of these property owners. In an effort to reduce noise generation and propagation, the Proposed Action will also be designed and operated to minimize potential noise impacts to off-site receptors.

Additional noise analyses were undertaken in response to NYSDEC comments on the DSEIS, to examine potential noise impacts related to LFG control measures plus daily landfill activities that occur between the hours of 6:00 a.m. and 7:00 a.m. These additional noise analyses determined that projected noise levels from these activities at the Proposed Site property line would be below applicable NYSDEC regulatory noise limits and that additional noise mitigation measures are not necessary.

Unavoidable Adverse Impacts

The unavoidable adverse impacts relating to the Proposed Action include geologic resources, surface water resources, air resources and visual setting. Development of the Proposed Action will unavoidably alter the topography of the Proposed Site, both within the Proposed Footprint and the area immediately adjacent within the Limits of Disturbance. The elevation of the Proposed Landfill Expansion will remain the same as the maximum permitted elevation of the Mill Seat Landfill. The lateral extent of the double composite liner system will increase and alter the existing topography on the Proposed Site. Upon final cover system installation and closure, however, the Proposed Footprint will be vegetated with herbaceous vegetation and resemble the surrounding terrain.

The Proposed Footprint is located in areas that are already partially disturbed as part of current operations. This area also includes Wetland RG-6, which will be permanently impacted by the Proposed Action. The loss of Wetland RG-6's approximately 13.5 acres of wetlands will be replaced by the restoration and creation of approximately 42 acres of mitigation wetlands on the Proposed Wetland Mitigation Property. The removal of the RG-6 Tail is unavoidable. Impacts to the 1,500 linear feet of the RG-6 Tail will be mitigated by implementing the *Proposed Stream Mitigation Plan* which includes 1,965 linear feet of riparian buffer enhancement along the Churchville Park Tributary and culvert removal along O'Brien Road (i.e., the O'Brien Road Culvert Removal and Stream Improvements).

Construction and operation of the Proposed Action will involve excavating and relocating soils, spreading and compacting soil cover, and the travel of vehicles over unpaved roads. All of these activities have the potential to create dust. The proposed mitigation measures, which include limiting the working face areas to the minimum practicable sizes, re-vegetating exposed areas as soon as possible, and watering down haul roads, will minimize potentially significant adverse impacts to local air quality, but will not entirely eliminate the creation of fugitive dust. The minor amounts of fugitive dust created by the Proposed Action will be temporary in nature, and confined mainly to the Proposed Site.

Construction and operation of the Proposed Action will result in a continuation of vehicle emissions from waste vehicles and landfill equipment. While these emissions are greater over the long term than if there were to be no future development of the Proposed Site, they are not expected to have any significant adverse effects on air quality due to the emissions control devices installed on vehicles. There will be no change in the Permitted Waste Acceptance Rate, and therefore daily waste vehicle trips are not expected to increase. Some soil for construction and daily operations, however, will be hauled from off-site as needed which could increase traffic to and from the site by up to 16 trucks per day.

The Proposed Landfill Expansion will also result in at least 31 more years of LFG production as the waste decomposes. Even with operation and maintenance of the LFG collection system,

some fugitive emissions will escape into the atmosphere rather than enter the LFG collection system to be harnessed for energy or destroyed in the on-site flare. With an estimated LFG collection efficiency ranging from 85% to 95% or greater, it is likely that the impacts of fugitive emissions will be minimized by the aforementioned control devices. The LFG collection system will be operated in accordance with federal regulations (40 CFR Subpart WWW), which were designed to protect public health and welfare. Although these control devices will limit emissions associated with the Permitted Footprint and Proposed Footprint, both the LFGTE Facility and the flares will have emissions (primarily carbon dioxide) associated with combustion of LFG.

Construction and operation of the Proposed Action will create additional land areas from which portions of the Mill Seat Landfill, both existing and proposed, are visible. Since the Proposed Landfill Expansion will be constructed immediately adjacent to the Mill Seat Landfill, only a slight visual contrast will result for that area. This unavoidable impact is minimized due to the lack of vertical increase in the Permitted Footprint and Proposed Footprint elevation from the currently permitted elevation, as well as berming and the use of vegetative screening similar to that of the Permitted Site. Although the maximum permitted elevation of the Mill Seat Landfill has not yet been reached, the Proposed Landfill Expansion will not change this impact. Additional mitigation measures to reduce visual impacts include keeping the area of exposed soils to the smallest practicable area, strategically placing soil stockpiles, and revegetating areas of exposed soils as soon as possible to minimize the visibility of the Proposed Landfill Expansion.

Environmental impacts from the Proposed Action will be mitigated to the greatest extent practicable as outlined in the FSEIS and this Findings Statement. In addition, the proposed engineering design will minimize impacts during operation.

Irreversible And Irretrievable Commitment Of Resources

The Proposed Action will permanently remove and use soil for subgrade construction and reuse in daily operations. The use of these soils in construction and operation preclude their use for other purposes for environmental protection purposes. Wetland RG-6 and RG-6 Tail will also be permanently removed; however they will be offset through mitigation measures.

Cumulative Impacts

Although initial construction will include only a portion of the Proposed Footprint, over time the entirety of the Proposed Landfill Expansion will be constructed. Potential environmental impacts over the life of the Proposed Action have been analyzed in the DSEIS and FSEIS. The cumulative impacts have already been analyzed in the DSEIS and FSEIS over the estimated duration of the Proposed Action.

No future development or site uses are currently planned for the Proposed Site, so no other cumulative impacts are expected. Any future proposed development will undergo an environmental review at the time any such development plans are formulated for consideration.

Growth-Inducing Impacts

The Proposed Action is not expected to have a significant impact on growth of the surrounding area. It will however, allow for the continuing operation of the Mill Seat Landfill.

Alternatives

Alternatives to the Proposed Action have been analyzed in the Site Selection Report Summary and Alternatives Analysis (B&L, 2014), which evaluated alternative sites, alternative sizes,

alternative design and operation, and the "no action" alternative. Presented below is a brief overview of the alternatives considered.

No Action/Waste Exportation

The Mill Seat Landfill permit has a Permitted Waste Acceptance Rate of 1,945 tons per day. At this maximum tonnage, the Permitted Footprint is estimated to run out of Disposal Capacity by the end of 2018. Under the "no action" alternative, no additional solid waste would be accepted at the Mill Seat Landfill once its Disposal Capacity has been fully consumed. At that point in time, County waste would have to be disposed of elsewhere.

The waste exportation alternative is, therefore, the likely result of the "no-action" alternative. It would require that wastes generated within the County be disposed of at a facility not controlled by the County. Use of this alternative would subject County residents and businesses to the inherent unreliability and unpredictability associated with reliance upon non-County-controlled waste disposal. Such disposal would be subject to fluctuations in the solid waste and fossil fuel markets which could negatively impact waste disposal costs. Even though the High Acres Landfill and Recycling Center is located within the County and could accept a portion of waste that has historically been disposed of at the Mill Seat Landfill, it is not publicly-controlled. The no action/waste exportation alternative fails to meet the need for local publicly-controlled solid waste Disposal Capacity, including capacity required by contract for the County's WWTFs and the City of Rochester.

Greenfield Site

An alternative to the Proposed Action is to pursue the development of a new landfill at a Greenfield Site. Historically, the process of siting and permitting a new landfill site in the County has taken over 20 years. This means that the Mill Seat Landfill's Permitted Footprint will be out of available Disposal Capacity well before a new Greenfield Site disposal location could be ready to accept waste, which would mean that waste exportation would need to be implemented in the interim.

In addition to the drawbacks associated with the waste exportation alternative, pursuit of a Greenfield Site would eventually result in the cessation of all host community benefits that are currently associated with the Mill Seat Landfill and the Proposed Action.

The environmental benefits of consolidating the monitoring and environmental protection responsibilities to one (1) site and one (1) governing entity, as is the case with the Proposed Action, would also eventually end if the Greenfield Site alternative were to be implemented.

The Greenfield Site alternative fails to meet the need for an economical and community-accepted disposal location and would not meet local publicly-controlled waste Disposal Capacity requirements in the short term due to the lengthy siting and permitting process for another in-County landfill.

Previous Siting Options

In 1988, an independent study of previous landfill siting data was undertaken, including a review of the 1979 study by the Committee to Evaluate Landfill Sites that ultimately resulted in the permitting and construction of the current Mill Seat Landfill. The 1988 study was performed upon inception of 6 NYCRR Part 360 and utilized 6 NYCRR Part 360 criteria that are still applicable today, which means that the results of that study are still valid as a siting tool.

Potential locations for new landfill sites that were previously eliminated from further consideration based on 6 NYCRR Part 360 requirements are still valid and would not provide an alternative in-County site for landfill development. In addition, the final two (2) locations previously considered as alternatives to the selected Mill Seat Landfill site location, the Bovee Road and Davis Road sites, remain impractical for development as landfill sites. Not only do these locations have additional undesirable characteristics, but developing either one (1) as a new landfill site would involve an extensive investment of capital, time, and potentially significant adverse environmental impacts in comparison to the Proposed Action's contiguous expansion at the Mill Seat Landfill.

These alternatives fail, therefore, to meet the need for an economical and environmentally sound disposal location, and would not be able to provide local publicly-controlled waste Disposal Capacity in the required time frame.

Alternative Scale and Magnitude

Several on-site alternative layouts were developed and evaluated as part of the project development process. These alternatives were evaluated on a relative comparison basis. Environmental, cost and logistical considerations were analyzed for each alternative to determine practicability and ultimately to identify the least environmentally damaging practicable alternative that satisfies the project purpose and need. While some on-site expansion alternatives minimized impacts in one (1) area, they resulted in increased impact or conflicts in others.

Eight (8) conceptual footprint configurations were prepared for analysis as potential expansions of the Mill Seat Landfill. Each footprint configuration was analyzed for double composite liner acreage, disturbance acreage, potential Disposal Capacity, site life, and wetlands impacts. These criteria were used to determine which on-site alternative best satisfied the project's purpose and the County's need. Three (3) out of the eight (8) proposed alternatives met the site's 25-year Disposal Capacity requirement without inefficient use of resources. Of the three (3) potential alternatives, Alternative 7 (i.e., the Proposed Footprint) impacts the smallest area of wetlands.

The Proposed Footprint (Alternative #7) represents the least environmentally damaging practicable alternative for expansion of the Mill Seat Landfill due to a number of factors including acceptance by the host community, avoidance of environmental risks associated with overlaying existing leachate monitoring structures, and overall cost efficiency. Most importantly, this option provides the Mill Seat Landfill with sufficient Disposal Capacity outlined in the evaluation criteria so that this process will not need to be completed again for over 30 years.

While this alternative results in impacts to some wetlands at the Proposed Site, it avoids and will ultimately result in the protection of, the remaining wetlands on the Proposed Site. Protection of remaining aquatic resources along with restoration and enhancement activities, through the proposed wetland and stream mitigation plans, will ensure that there is no net loss of aquatic resource function as a result of the Proposed Action.

Alternative Waste Disposal Technologies

Many waste disposal technologies are available as alternatives to landfilling. Some, such as plasma arc gasification, mechanical/biological treatment, and anaerobic digestion, have not been proven environmentally or economically feasible in the United States for MSW management. Others, such as waste-to-energy, MSW mixed composting, and ethanol production, are more proven technologies but they have other limitations and disadvantages (including the amount of

time that would be required to find a suitable location and secure the necessary environmental permits and approvals to build a new MSW management facility). All would still require landfilling for the disposal of the byproducts or end products of the alternative technologies.

In summary, none of these alternative waste disposal technologies are suitable alternatives to the Proposed Action. In approaching the evaluation of alternatives, the County has complied with the requirements of SEQRA (6 NYCRR Part 617 Section 9), which state that the DSEIS should contain "a description and evaluation of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor." The County has concluded that the Proposed Action is the most appropriate alternative that meets the objectives of the proposal and minimizes adverse impacts to the greatest extent practicable.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the DSEIS and FSEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and that adverse environmental impacts will be minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable including effects disclosed in the draft supplemental environmental impact statement; and
3. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations

Monroe County
Name of Agency



Maggie Brooks
Signature of Responsible Official

Maggie Brooks
Name of Responsible Official

County Executive
Title of Responsible Official

6/30/15
Date

39 West Main Street, Rochester, New York 14614
Address of Agency

- cc: Scott Sheeley, NYSDEC, Division of Environmental Permits
 Matthew Griffiths, NYSDEC, Division of Environmental Permits
 NYSDEC Environmental Permits (Central Office)
 Hon. Robert Ottley, Town of Riga
 Hon. Nancy Steedman, Village of Churchville
 Hon. Donald Cunningham, Town of Bergen
 Casey Kosiorek, Byron-Bergen Central School
 Paul Cummings, Bergen Fire Department, Inc.
 Hon. Anne Marie Barclay, Village of Bergen
 Jay A. Gsell, Genesee County
 Joseph Rowley, Department of the Army, Buffalo District, Corps of Engineers

Richard A. Ball, New York State Department of Agriculture and Markets
Ruth Pierpont, New York State Office of Parks, Recreation & Historic Preservation
Kevin Bush, New York State Department of Transportation – Region 4
Nicholas A. Noce, Monroe County Water Authority
Michael J. Garland, Monroe County Department of Environmental Services
Russell P. Rutkowski, Monroe County Department of Environmental Services
James Fumia, Monroe County Law Department
Thomas Goodwin, Monroe County Planning and Development
Jeffrey Richardson, Waste Management of New York, LLC
Becky Zayatz, Waste Management of New York, LLC