

MILL SEAT LANDFILL
FACILITY ID NO. 8-2648-00014
RIGA, NEW YORK

FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

PROPOSED SOIL BORROW PROJECT

Prepared for:

Monroe County
39 West Main Street
Rochester, New York 14614

Prepared by:

McMahon & Mann Consulting Engineers, P.C.
2495 Main Street
Buffalo, New York 14214

MAY 2011

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

MILL SEAT LANDFILL
SOIL BORROW PROJECT
Town of Riga
Monroe County, New York

LEAD AGENCY: Monroe County
39 West Main Street, Suite 7100
Rochester, New York 14614

Contact Person: Michael J. Garland, P.E., Director of Environmental Services
Telephone Number: (585) 753-7600

FSEIS Prepared by: McMahon & Mann
Consulting Engineers, P.C.
2495 Main Street
Suite 432
Buffalo, New York 14214

Contact Person: Michael J. Mann, PE (at address shown above)
Telephone Number: (716) 834-8932

Date of Acceptance of FSEIS: May 18, 2011

TABLE OF CONTENTS

	Page
GLOSSARY	ii
1.0 INTRODUCTION.....	1
1.1 SEQR STATUS	1
1.2 NECESSARY PERMITS AND APPROVALS	2
2.0 DESCRIPTION OF PROPOSED ACTION AND SETTING	3
3.0 SUMMARY OF PUBLIC AND AGENCY COMMENTS AND RESPONSES	4
3.1 NYSDEC COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION – APRIL 1, 2011 LETTER.....	4
3.2 NYSDEC COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION – APRIL 28, 2011 LETTER.....	9
4.0 REFERENCES	12

FIGURES

- Figure 1-1 Site Location Plan
- Figure 1-2 Project Location Plan
- Figure 1-3 SEQR Flow Chart

TABLE

- Table 1 Calculated Sound Levels From Excavation and Transport Activities
Operational Noise Impacts at Property Line and Receptor Locations

APPENDICES

- Appendix A Combined Notice of Completion of a Draft Supplemental Environmental
Impact Statement and Notice of Public Hearing
- Appendix B Transcript of Public Hearing
- Appendix C NYSDEC Notice of Complete Application
- Appendix D NYSDEC Comments on DSEIS – Letters Dated April 1, 2011 and April
28, 2011
- Appendix E Environmental Monitoring Plan
- Appendix F Habitat Management Plan
- Appendix G Suggested Updates to the Special Conditions of the Permit
- Appendix H Stormwater Pollution Prevention Plan
- Appendix I Revised Page 26 of the DSEIS

GLOSSARY

Acronyms Used in This Report

DSEIS – Draft Supplemental Environmental Impact Statement

FSEIS – Final Supplemental Environmental Impact Statement

NYCRR – New York Codes, Rules and Regulations

NYSDEC – New York State Department of Environmental Conservation (same as DEC)

SEQR – State Environmental Quality Review

SEQRA – New York State Environmental Quality Review Act

WMNY – Waste Management of New York, LLC

Definition

Borrow Area – Location where soil is excavated for use at another location.

Parties Involved in the FSEIS Preparation

Lead Agency: Monroe County
39 West Main Street, Suite 7100
Rochester, New York 14614

Project Sponsor: Monroe County
39 West Main Street, Suite 7100
Rochester, New York 14614

Contact: Michael J. Garland, P.E.
Director of Environmental Services
(585) 753-7600

Landfill Operator: Mill Seat Landfill
Waste Management of New York, L.L.C.
303 Brew Road
Bergen, New York 14416

Contact: Gene Dries, District Manager
(585) 494-3000 Ext. 222

Ecological & Wetland Consultant: Barton & Loguidice, P.C.
290 Elwood Davis Road, Box 3107
Syracuse, New York 13220

Hydrogeology Consultant: AMEC Geomatrix, Inc.
90B John Muir Drive, Suite 104
Amherst, New York 14228

Engineering and
Permitting Consultant: McMahan & Mann Consulting Engineers, P.C.
2495 Main Street, Suite 432
Buffalo, New York 14214

1.0 INTRODUCTION

This Final Supplemental Environmental Impact Statement (FSEIS) has been prepared in compliance with Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (collectively referred to as the New York State Environmental Quality Review Act (SEQRA)). It has been prepared on behalf of Monroe County (“the County”) as the lead agency for the proposed action. The proposed action is the County’s application for a Solid Waste Management Facility Permit Modification for construction and operation of a soil borrow project at the Mill Seat solid waste disposal facility, in the Town of Riga, Monroe County, New York. The County is the owner and permittee of the Mill Seat Landfill. The Mill Seat Landfill is operated by Waste Management of New York, LLC (WMNY), under a lease agreement with the County. The Draft Supplemental Environmental Impact Statement (DSEIS) (Reference 1) prepared for this project, is incorporated into this FSEIS by reference.

The currently permitted landfill and associated operations will be referred to in this document as the “Mill Seat Facility” or the “facility” and the land on which the currently permitted Mill Seat Landfill is located will be referred to as the “landfill site” or the “site”. The landfill's Solid Waste Management Facility (SWMF) Permit I.D. number is 8-2648-00014. The location of the facility is shown on Figure 1-1 and a project plan is shown on Figure 1-2. The facility property leased to WMNY is approximately 385 acres in size.

1.1 SEQR STATUS

This project is being reviewed pursuant to SEQRA to identify potentially significant adverse environmental impacts and to establish methods and procedures to prevent or mitigate any significant potential adverse impacts. Because of its direct involvement as owner and permittee, and required discretionary authority over aspects of the project, the County has been designated SEQR Lead Agency. The SEQR review of the project must be completed before the New York State Department of Environmental Conservation (NYSDEC) and the County approve and undertake the project, respectively. NYSDEC has discretionary approval over the issuance of the SWMF Permit modification and is therefore an involved agency under SEQRA. A diagram showing the steps included in the SEQR process is included in Figure 1-3.

A very important aspect of SEQR is its public participation component. There have been various opportunities provided for public participation throughout SEQR's EIS process. This included distribution of the scoping document to all interested and involved agencies as well as holding a public scoping meeting on December 2, 2009, at the Town Hall in the Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428. In response to the scoping document distribution and scoping meeting, two individuals (including a NYSDEC representative) took the opportunity to identify issues that should be addressed in the DSEIS, by submitting written comments. The process included the lead agency conducting a SEQR public hearing on the completed DSEIS, which also was held at the Riga Town Hall on February 24, 2011. A copy of the "Combined Notice of Completion of a Draft Supplemental Environmental Impact Statement and Notice of Public Hearing" is included in Appendix A. A transcript of the public hearing is included in Appendix B. In addition, there was a 30-day comment period to receive public comments on the DSEIS, after it was accepted by the Lead Agency and made available to the public. These opportunities allowed other agencies and the public to provide input to the SEQR and permitting processes. There were no comments received on the DSEIS at the hearing, but NYSDEC submitted written questions on April 1, 2011, and on April 28, 2011.

1.2 NECESSARY PERMITS AND APPROVALS

The proposed soil borrow project will require the following permits or approvals:

<u>AGENCY</u>	<u>PERMIT</u>	<u>TYPE</u>
NYSDEC	Solid Waste Management Permit Modification	Discretionary
NYSDEC	General Permit for Stormwater Discharge	General Permit/Registration
Monroe County	DeMapping of a portion of Brew Road	Administrative

Based on their level of involvement, both NYSDEC and Monroe County are involved agencies, pursuant to SEQR. NYSDEC issued a Notice of Complete Application for the SWMF Permit modification on February 28, 2011 (see Appendix C). The NYSDEC comment period will end on April 4, 2011.

2.0 DESCRIPTION OF PROPOSED ACTION AND SETTING

The County is seeking a 6 NYCRR Part 360, SWMF Permit modification from NYSDEC to construct and operate two soil borrow areas, approximately 20 acres and 42 acres in size, which will provide on-site soils for operation of the permitted landfill. (The construction and operation of the soil borrow areas will be referred to hereafter as the “project” or the “soil borrow project.”) Currently, soils for landfill construction and operation are obtained from existing borrow areas at the Mill Seat Landfill, but there will be inadequate soil volumes from these areas to construct and operate the presently permitted footprint area.

The facility is approximately 1 mile south of the Village of Bergen. Site access is from Interstate Route 490, then east a short distance on NYS Route 33A to Brew Road. After following Brew Road south for approximately 3,000 feet, the entrance to the Mill Seat Facility is reached (see Figure 1-1). Internal roadways have been developed on-site to provide access to various parts of the facility. Access to the proposed soil borrow project would be via internal roadways, which would eliminate the need to haul soils on public roads or highways. The proposed soil borrow area limits have been shown on Figure 1-2.

3.0 SUMMARY OF PUBLIC AND AGENCY COMMENTS AND RESPONSES

The County conducted a public hearing on the completed DSEIS, at the Riga Town Hall on February 24, 2011. There were no verbal or written comments received at this hearing. The transcript of this public hearing is included in Appendix B. Members of the public and involved or interested agencies also had the opportunity to submit written comments to the County through March 7, 2011. Written comments were received from the NYSDEC on April 1, 2011. Preliminary responses to this set of comments were provided to the NYSDEC, which resulted in a second set of comments in a letter from the NYSDEC dated April 28, 2011. Copies of both NYSDEC comment letters are included in Appendix D. The written comments in the two NYSDEC letters are summarized and addressed in the following two sections.

3.1 NYSDEC COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION – APRIL 1, 2011 LETTER

Comment 1.a: Page 37, para 4.4.3 (DSEIS) – the source level (1-hour Leq) for equipment used during the operation was estimated to be 78 dB(A). How was this number obtained – manufacturer’s performance data, actual measurements from the equipment that will be used, or some other source? Please provide that data.

Response: Load out noise levels for borrow area operations were refined based on noise measurements of soil loading operations at the Mill Seat Facility made on April 22, 2011. A Cat 325C excavator was loading soils into two off road trucks: a Volvo A40D and a Cat D400E. This equipment (or similar) will be used at the soil borrow areas to move soil. Sound pressure level measurements were made at a location 50 feet from the centerline of the excavator, using a TES 1353 integrating, data logging, Type II sound level meter. The measured Leq sound level over six loading cycles, which occurred during a one hour period, was 70.2 dBA. Six loads per hour is approximately the level of soil removal expected in the East Borrow area, where operations will be closest to the property lines.

A second Leq sound level measurement was then made during a period of more intensive soil loading. The Leq sound level over two loading cycles, which occurred during a ten minute period was 72.5 dBA. This would be equivalent to twelve loads per hour, which is close to the load out capacity of the Cat 325C.

Table 1, which shows calculated noise impacts at property line and receptor locations, is included in this FSEIS. Table 1 is a revised version of Table 4-1, which was included in the DSEIS for this project. The

source level of 72.5 has been used, corresponding to the intensive soil loading Leq measurement. The highest property line noise level is estimated to be 52 dBA, well below the 6NYCRR Part 360 criterion of 57 dBA..

Comment 1.b: Page 38, para 4.4.3 (DSEIS) – the source level (1-hour Leq) for the equipment used during construction operations prior to operation of the borrow area was estimated to be 84 dB(A). How was this number obtained? Again, please provide the data.

Response: Soil stripping noise levels (which are expected to be the highest noise levels during site preparation) were estimated based on recent measurements of stripping at a gravel mine. In this situation, sound pressure measurements were taken at a point 53 feet (closest point) from the path of a CAT 623 scraper. As the scraper passed the closest point to the measurement location, sound levels peaked at 83 to 84 dBA. At scraper locations farther from the measurement point, sound levels were lower.

At a second noise investigation location, measurements were made of sound pressure levels at the working face of a landfill. The primary contributing noise sources at the working face included operational equipment (compactor and bulldozers) and waste truck unloading operations. Working face equipment operating at the landfill during the measurement period consisted of the following:

- AL-JON 81K Compactor
- John Deere 700J Bulldozer
- Caterpillar D6R LGR Bulldozer

In order to simulate peak operating conditions, the compactor and both bulldozers were operated continuously in the working face area throughout a one hour period. The 50-foot Leq for the one hour measurement period was 84.7 dBA.

Note that during soil stripping, a scraper or bulldozer will move along a path that will occasionally take it to the point closest to the property line, or off-site receptor. Thus maximum levels at receptor and property line locations will only occur during a small portion of the worst case 1-hour period, which was the basis for determining compliance with applicable criteria. Based on these data, the assumed source level of 84 dBA is a reasonable approximation of the noise level expected and believed to be a conservative estimate for such levels given the equipment to be used at the soil borrow project.

Comment 1.c: Tables 4-1, 4-2 (DSEIS) – an additional attenuation factor of 1 dB(A) reduction per 100 feet was used for ground effect. What is the source of this number, and the basis for applying it to the analysis in Tables 4-1 and 4-2? In particular, please explain why this attenuation factor should be applied to the item in Table 4-1 referring to the "East" property line location. The terrain in this area, located between the southeast corner of the east borrow area and the property line for nearest residential property (non-Waste Management owned nor non-Monroe County owned), appears to slope downhill with only a relatively narrow hedgerow of trees to block any sound from the borrow area.

Response: Additional attenuation of sound levels (beyond the distance effect) can occur due to barriers, ground effects, wind, rain, and air absorption. For the impact estimates presented in the DSEIS, additional attenuation was limited to that expected from ground effects due to propagation through shrubbery and thick grass, in addition to the distance effect. Figure 7.11 in "Noise and Vibration Control" (Reference 2) indicates noise reduction factors from ground effects ranging from 1 dB per 100 feet for an octave band center at 100 Hz (cycles per second) to 5 dB per 100 feet for an octave band center at 500 Hz, and 7 dB per 100 feet for an octave band center at 1000 Hz. Under the circumstances, a reduction factor of 1 dB per 100 feet and ignoring all other types of additional attenuation is a reasonable approach.

Comment 1.d: Figure 4-2 (DSEIS) - Does Monroe County have any noise easements with regard to the properties to the south of the landfill site that are identified as "Waste Management Property" and "Nearest Edgewood Lane Receptor?" These properties appear to be the adjacent properties that will most likely be impacted by noise from the borrow operations, and Part 360-1.14(p) restricts noise from operations at the borrow area from exceeding 57 dB(A) at or beyond the property lines at locations zoned or authorized for residential purposes. This would also apply to the Waste Management-owned property since Monroe County owns the landfill property, not Waste Management. Please provide copies of any relevant noise easements.

Response: There are no existing noise easements, however a noise easement will be executed between the County and WMNY. As discussed in detail above in the response to question 1.a, the project meets property line and receptor criteria with respect to the "Nearest Edgewood Lane Receptor" with a comfortable margin, so it would not appear that a noise easement is appropriate for that property.

Comment 1.e.: Please submit at this time any other information relevant to project compliance with Part 360 noise standards.

Response: As set forth in detail above, applicable property line and receptor criteria have been identified and

the above analysis shows that the project will comply with such standards.

Comment 2: The information to be contained in the Environmental Monitoring Plan (EMP) should be updated to reflect the proposed Borrow Area construction and operation. The EMP should include updated hydrogeological monitoring, noise monitoring, wetland monitoring, continued monitoring of Hotel Creek, etc. How will noise be monitored in the future to assure compliance with the Part 360 Noise standards? Please provide an updated EMP including an updated Noise Monitoring Plan and other plans as described above.

Have any plans in the Special Conditions Section of the permit been updated due to Engineering or Design Approvals by the Department such that the Approvals should be listed in the permit or the Plans should be updated and given a new date?

Response: The EMP has been revised and is included in Appendix E. Revisions included additional groundwater monitoring, changes to the noise monitoring program, and wetland monitoring. Hotel Creek monitoring will continue as before. In addition to the EMP, the Habitat Management Plan has also been revised and is include in Appendix F.

With respect to compliance with Part 360 noise standards, as set forth above, the analysis presented in the DSEIS as supplemented by the responses to comments 1.a through 1.d, above shows that compliance will be achieved through an executed Environmental Easement between the County and WMNY. Also, as mentioned above, the operator is also amenable to collecting actual noise measurements at the property line and receptor location during normal project operation, to determine if criteria levels are being exceeded, and will then take corrective action, if appropriate. Corrective actions could include restrictions on the types and sizes of excavation equipment used, and/or construction of berms to provide barrier attenuation.

A suggested list of updated plans for use by the NYSDEC when revising the Special Conditions of the permit is included in Appendix G.

Comment 3: Please provide the updated Stormwater Pollution Prevention Plan to include the Borrow Area.

Response: The SWPPP has been revised and in included in Appendix H.

Comment 4: The DSEIS, Section 3.4.5 states, “Based on the data collected over the past 16 years, it doesn’t appear that landfill activities have impacted the water quality in Hotel Creek.” The sampling was only related to temperature. Water quality and aquatic evaluations cannot be conclusive based on the data collected. Therefore we suggest the sentence read, “... appear that the landfill activities have impacted the water quality temperature regime of Hotel Creek,” and that the first sentence in the fourth paragraph read, “~~Aquatic Evaluation~~ Stream temperature evaluations indicate that Hotel Creek temperatures have not been significantly impacted...”

A permanent pool can potentially discharge water to a stream that is warmer than the stream. Trapezoid shaped ponds are proposed which will discharge to RG-7 and ultimately to Hotel Creek. Please provide an analysis that evaluated whether the discharge could have a warming effect on the wetland or on Hotel Creek and to demonstrate that the project will meet the water quality standards in 6 NYCRR Part 703.2 and Part 704 and that the discharge to RG-7 will not have an effect on the function and benefit that the wetland provides to Hotel Creek in accordance with the Weighing Standards in 6 NYCRR Part 663.5(e)(2).

Response: We accept the proposed revisions to the DSEIS text. The revised page is included in Appendix I. We will distribute this page to all known holders of the DSEIS and request that it be replaced in the document.

With respect to temperature impacts on wetland RG-7 or Hotel Creek, we acknowledge that water with increased temperatures could be discharged, under certain conditions, to the wetland. We contend that this is not likely to have an adverse impact on the wetland since ponds are often found adjacent to or incorporated within wetland areas, and are often (as in this case) a source of water for the wetland.

With respect to Hotel Creek, the flowpath(s) between the east borrow area pond and Hotel Creek is approximately 1200 feet long, with the last 700 feet actually within the wetland. This should provide opportunity for the pond discharge to equilibrate with atmospheric conditions, and to mix with other surface water flowing through the wetland to Hotel Creek. To put the amount of water discharging from the east borrow area pond in perspective, consider the following: the total drainage area contributing runoff to the east borrow area pond is approximately 42 acres, while the drainage area contributing runoff to wetland RG-7 is 538 acres, and the watershed contributing runoff to Hotel Creek at the point it crosses Johnson Road (just downstream from RG-7) is approximately 1800 acres. The pond drainage area is less than 8% of the wetland drainage area, and less than 3% of the Hotel Creek drainage area. During rainfall events, the relative contribution of the east borrow area pond discharge to flow into RG-7 and flow in Hotel Creek will be very

small. Finally, although the east borrow area sedimentation pond will have a permanent pool, the volume of this pool is only 8.3 acre-feet, and the pool has been sized in accordance with the NYS Stormwater Design Manual.

Of the water quality standards in 6 NYCRR Part 703.2 (Narrative Water Quality Standards), the only parameters that might be of concern with respect to the east pond discharge are turbidity, suspended solids and thermal discharges. The pond has been designed specifically to control turbidity and suspended solids, and compared to the current use of much of the land in the east borrow area (agricultural use, specifically for corn and other row crops) it is reasonable to expect that the sedimentation pond will reduce turbidity and suspended solids in the runoff from this area. With respect to thermal discharges, which are also addressed in Part 704, adverse impacts are not anticipated as discussed above.

The Weighing Standards in Part 663.5(e)(2) apply to issuance of Wetland Permits or Letters of Permission, so it would appear these regulations do not apply to this project. Nevertheless, these standards require that the action be compatible with the public health and welfare, be the only practicable alternative that could accomplish the applicant's objectives, and would minimize degradation to or loss of any part of the wetland. We have considered alternatives to the proposed borrow project in the DSEIS, and have determined the proposed borrow area project to be the most appropriate and environmentally protective way of obtaining additional soils for the landfill. There should be no significant adverse impacts to public health and welfare, as demonstrated in the DSEIS, and we would contend that continuing to supply runoff from the east borrow area to RG-7 will reduce the likelihood of degradation of the wetland.

3.2 NYSDEC COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION – APRIL 28, 2011 LETTER

First Comment – The information that was requested with regard to the operation of the borrow areas was either performance data (noise generation) from the equipment manufacturer or the equipment that would be used or actual noise measurements of the equipment that would be used during operations. According to the borrow area use plan, the minimum equipment to be used in the operation of the borrow area will be an excavator and one or two off road dump trucks. In order for the Department to determine if the noise limitations in 360-1.14(p) can be met, the correct noise generation data must be supplied. If actual noise measurements are supplied, please provide a description of the measuring equipment that is used and the methodology used during the noise measurement.

Response – The response to comment 1.a. in Section 3.1 has been modified to address this supplemental NYSDEC comment.

Second Comment – The response to Comment 1.d. (see Section 3.1) states that compliance with the noise limitations in 360-1.14(p) with respect to the adjacent Waste Management-owned property will be achieved by obtaining a noise easement from Waste Management. This is acceptable; however, the easement must be obtained before the Part 360 permit can be modified.

Response – We understand that position and concur. The executed Noise Easement will be forwarded to the NYSDEC as soon as it is available.

Third Comment – Staff suggest that noise monitoring point P3 be relocated to the nearest point on the property line adjacent to the Edgewood Lane receptor, southeast of the east borrow area. See Figures 10 and 11 in the revised Environmental Monitoring Plan. In addition, staff suggests that after the Environmental Easement has been obtained with regard to the property south of the landfill site that is owned by Waste Management, noise monitoring points P4 and P5 be relocated to the south property line of the Waste Management property. Please submit a copy of any noise easement intended to achieve compliance with the Part 360 noise limitations for the proposed borrow area project.

Response – Monitoring locations P-3, P-4 and P-5 have all been relocated as shown on the attached revised EMP Figure 10 (see Appendix E). P-3 is now located in the farthest corner of the open field on the Monroe County property. This location was selected based on accessibility. It should be noted that the new locations for P4 and P5 may be influenced by traffic noise along Bovee Road, therefore it may be prudent to obtain background noise levels at these locations prior to the start of borrow activities for comparison to the quarterly EMP monitoring.

Fourth Comment – Comment 2 (see Section 3.1) states that the operator is amenable to collecting actual noise data. However, the EMP actually includes a Noise Monitoring Plan. The response to Comment 2 should reflect the Noise Monitoring Plan in the EMP.

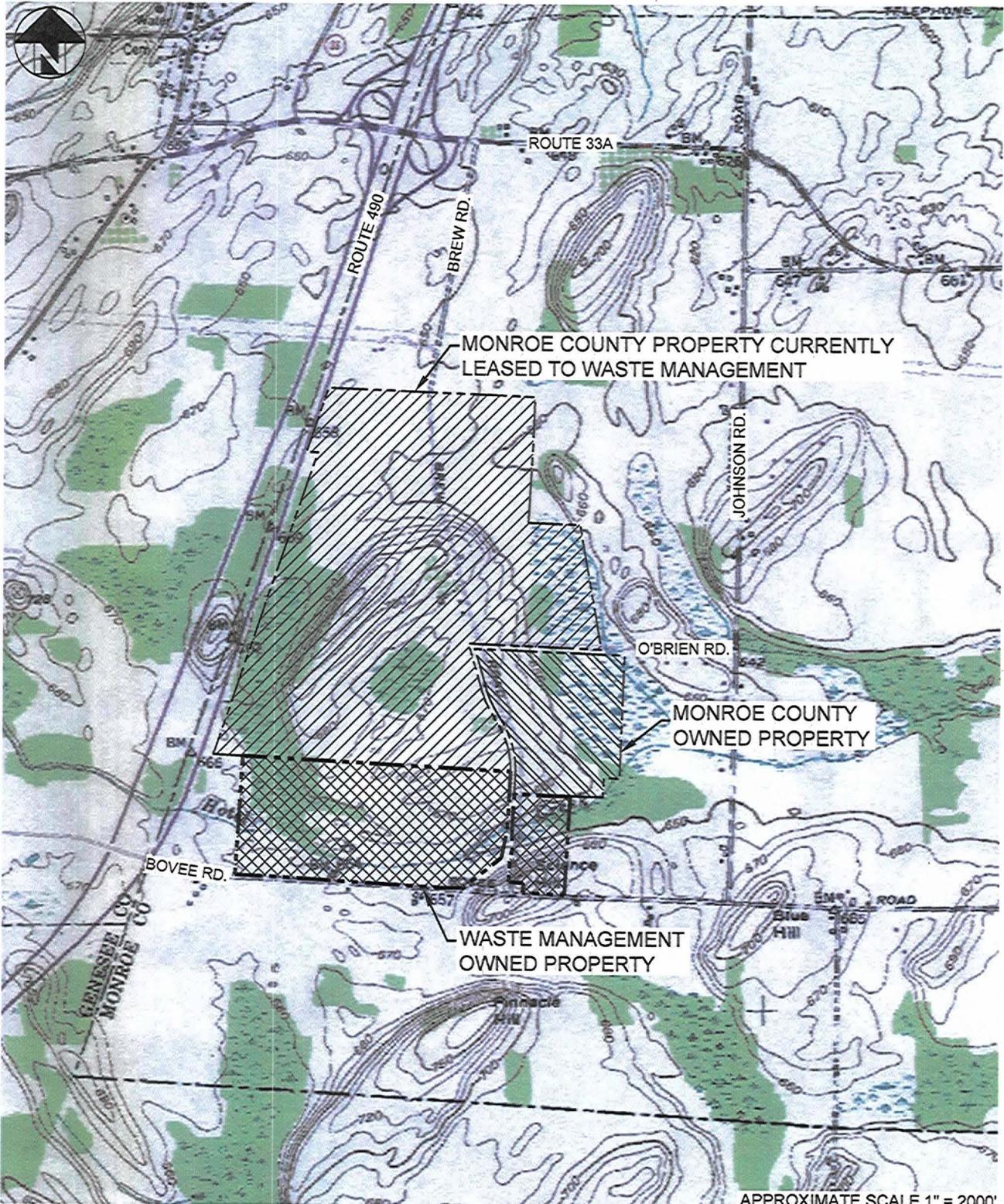
Response – The quarterly noise monitoring specified in the EMP is currently performed on pre-scheduled dates, without regard to specific operational activities. This means that EMP noise monitoring may or may not demonstrate compliance with the property line and sensitive receptor noise criteria under operating conditions. We suggest that the EMP measurements be made when borrow activities are scheduled. The monitoring should include measurement of source noise levels, documentation of borrow operations (e.g.

trucks loaded per hour, equipment in use identified, etc.) and measurement of noise levels at the designated locations.

4.0 REFERENCES

1. McMahon & Mann Consulting Engineers, P.C., "Mill Seat Landfill - Draft Supplemental Environmental Impact Statement - Proposed Soil borrow Project", January 2011.
2. Leo L. Beranek (ed.), "Noise and Vibration Control", Institute of Noise Control Engineering, Washington, DC, 1988.

FIGURES



APPROXIMATE SCALE 1" = 2000'

NOTE:

1. Base map adapted from 7.5 minute series USGS map of Churchville, NY dated 1950 and photorevised 1978.

McMahon & Mann
Consulting Engineers, P.C.

2495 MAIN STREET, SUITE 432
 BUFFALO, NY 14214

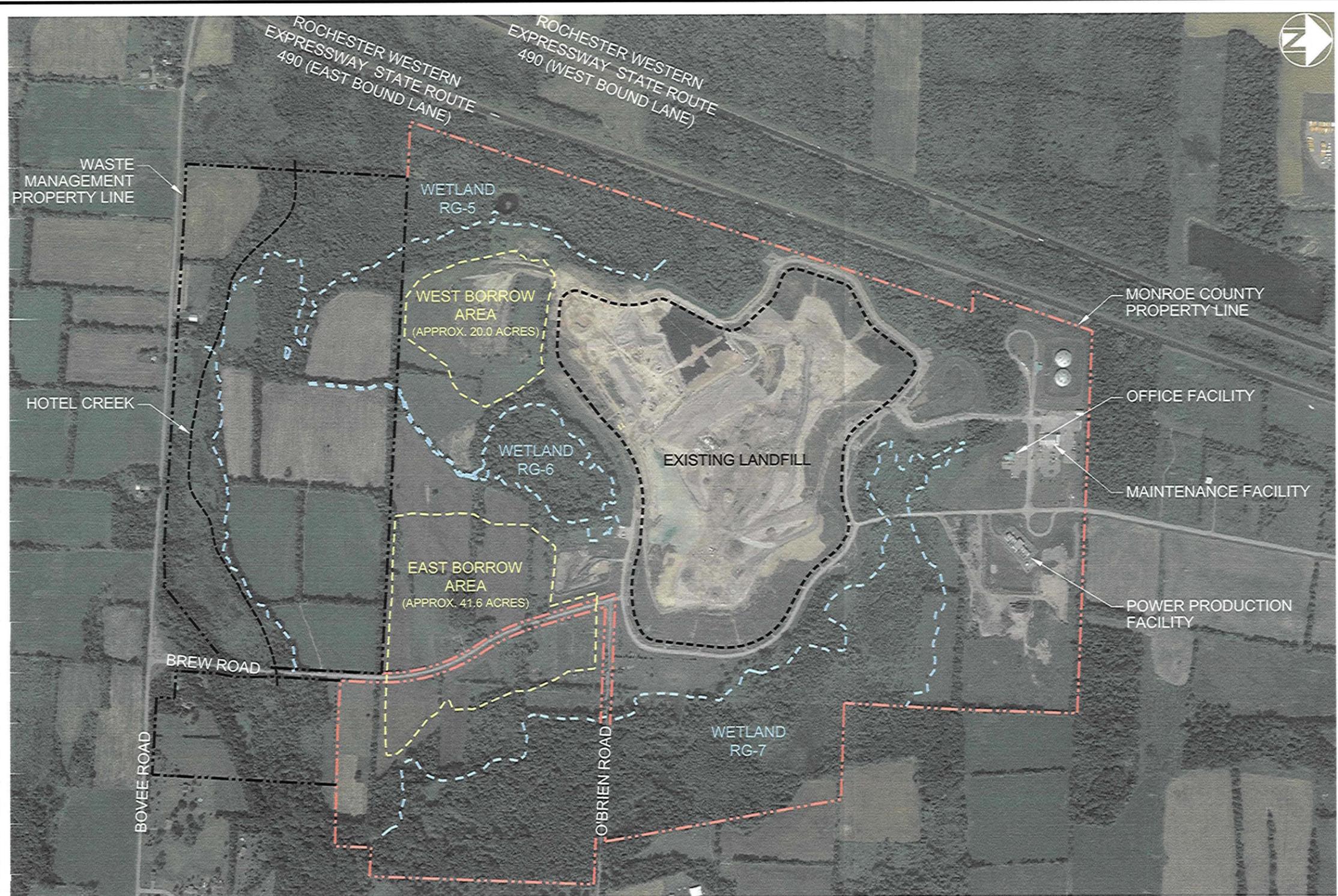
(716) 834-8932
 FAX: (716) 834-8934

MILL SEAT FACILITY
 PROPOSED SOIL BORROW AREA
 FSEIS
 MONROE COUNTY NEW YORK

SITE LOCATION PLAN

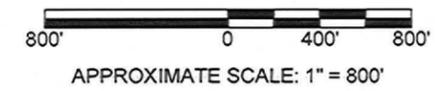
DWG. NO.08015-019b

FIGURE 1-1



LEGEND	
-----	EXISTING LANDFILL LIMITS
-----	PROPOSED BORROW AREA LIMITS
-----	MONROE COUNTY PROPERTY LINE (SEE NOTE 2)
-----	WASTE MANAGEMENT PROPERTY LINE (SEE NOTE 2)
-----	DELINEATED WETLAND LIMITS (SEE NOTE 3)

- NOTES:
1. Base map image provided by Aero-Metric from aerial photography dated July 2, 2008.
 2. Property lines were provided by Golder Associates from drawing file X07386309A-Property Line and by Passero Associates from drawing file 200765103bsBovee.
 3. Wetland boundaries and buffers are based on Barton & Loguidice, P.C. Wetland Delineation Map dated August 12, 2009.

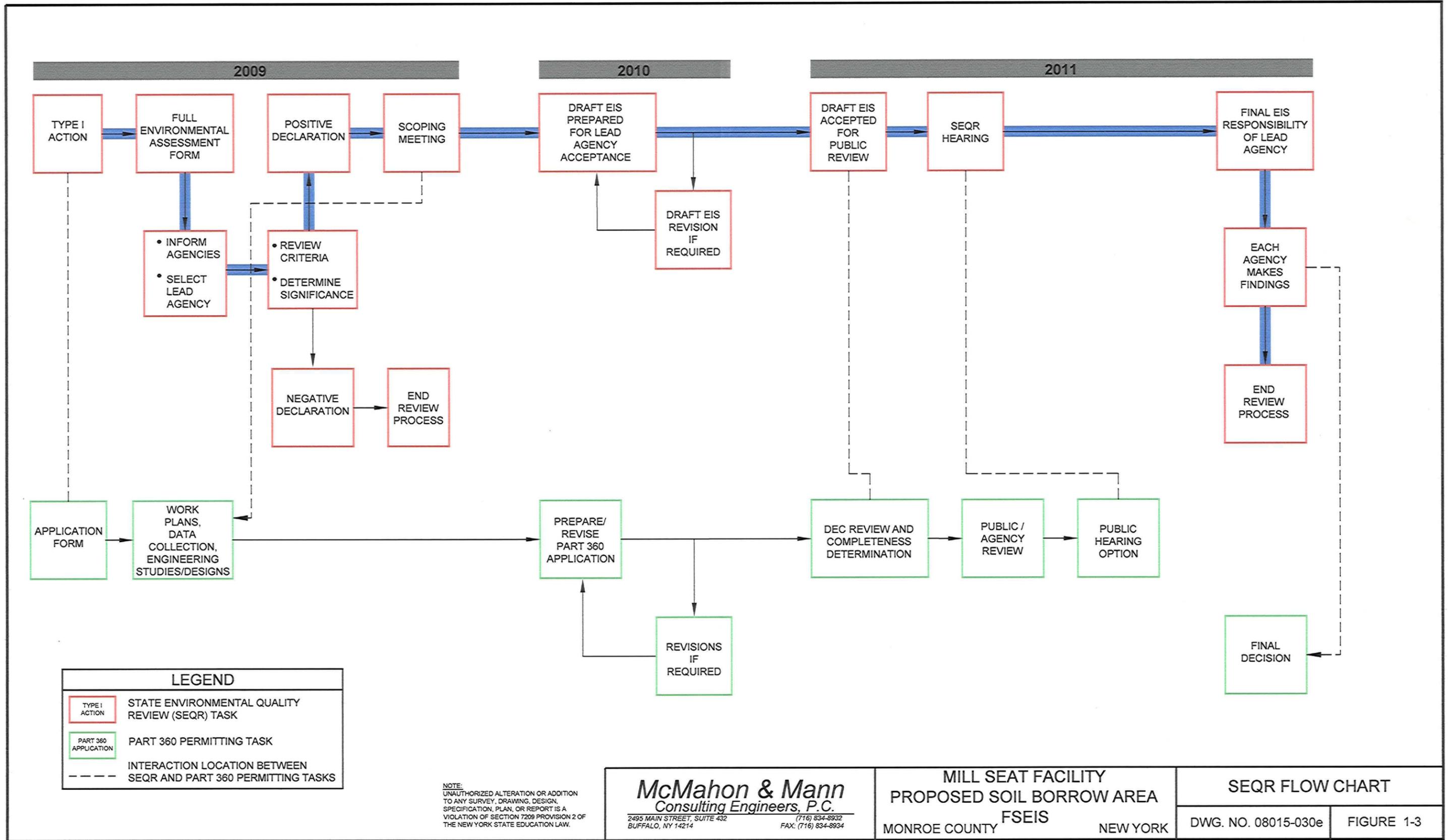


NOTE:
UNAUTHORIZED ALTERATION OR ADDITION
TO ANY SURVEY, DRAWING, DESIGN,
SPECIFICATION, PLAN, OR REPORT IS A
VIOLATION OF SECTION 7209 PROVISION 2 OF
THE NEW YORK STATE EDUCATION LAW.

McMahon & Mann
Consulting Engineers, P.C.
2495 MAIN STREET, SUITE 432 (716) 834-8932
BUFFALO, NY 14214 FAX: (716) 834-8934

MILL SEAT FACILITY
PROPOSED SOIL BORROW AREA
FSEIS
MONROE COUNTY NEW YORK

PROJECT LOCATION
PLAN
DWG. NO. 08015-029d FIGURE 1-2



TABLE

Table 1
Mill Seat Landfill Borrow Area Project
Calculated Sound Levels From Excavation and Transport Activities
Operational Impacts at Property Line and Receptor Locations
Distance and Ground Attenuation Only

		Additional Attenuation Due To Ground Effects:				
		1		dBA/100 ft.		
		<u>Excavation & Loading Activities</u>				
		<u>Distance & Ground Effects</u>		<u>Combined Sound Level Operations & Ambient</u>		
	<u>Distance (feet)</u>	<u>Distance Sound Level (dBA)</u>	<u>Sound Level (dBA)</u>	<u>Minimum Ambient Sound Levels (dBA)</u>	<u>Sound Level (dBA)</u>	<u>Estimated Increase (dBA)</u>
Source Estimate	50	72.5				
<u>Property Line Locations:</u>						
East	400	54	51	45	52	n/a *
West	700	49.6	43	45	47	n/a *
South	1600	42.4	27	45	45	n/a *
<u>Receptor Locations:</u>						
O'Brien Road	1600	42	27	45	45	0
Edgewood Lane	1200	45	33	45	45	0
Bovee Road	1600	42	27	45	45	0

* Property line noise impacts are evaluated based on the Part 360 rural daytime limit of 57 dBA. Increases over ambient background levels are not relevant since there are no sensitive receptors located along the property lines.

APPENDIX A

Combined Notice of Completion of a Draft Supplemental Environmental Impact Statement and Notice of Public Hearing

**THE COUNTY OF MONROE
MILL SEAT LANDFILL SOIL BORROW AREA PROJECT**

**COMBINED NOTICE OF COMPLETION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
AND
NOTICE OF PUBLIC HEARING**

LEAD AGENCY: Monroe County, 39 West Main Street, Rochester, New York 14614

PROJECT DESCRIPTION:

Monroe County (the County) is proposing to construct and operate two (2) soil borrow areas of approximately twenty (20) acres and forty two (42) acres in size, which will provide on-site soils for operation of the currently permitted Mill Seat Landfill, and would include related facilities such as roads, berms and stormwater control measures.

The two (2) soil borrow areas and related facilities will be located on approximately sixty two (62) acres located just south of and adjacent to the Mill Seat Landfill footprint, which is located at 303 Brew Road in the Town of Riga, Monroe County, New York. (The construction and operation of the soil borrow areas will be referred to hereafter as the “project” or the “soil borrow project.”)

A modification to the existing 6 NYCRR Part 360, Solid Waste Management Permit for the Mill Seat Landfill will be required from the New York State Department of Environmental Conservation (NYSDEC) in order to implement this project.

**SEQR STATUS AND COMPLETION OF A DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT:**

The project is a Type I action pursuant to ECL Article 8 [State Environmental Quality Review Act (SEQR)] and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, 6 NYCRR Part 617. The County is the lead agency for the SEQR review of this action, and issued a Positive Declaration of environmental significance on November 4, 2009. A draft supplemental environmental impact statement (DSEIS) scoping document was prepared and released for review to interested and involved agencies and members of the public. A public meeting was held on December 2, 2009 and the comment period ended on December 16, 2009. The County and its consultants have subsequently prepared the DSEIS.

The County, acting as the lead agency for the review of this project pursuant to SEQR, has made the determination that the DSEIS is adequate for public review. Completion and distribution of the DSEIS gives the public an opportunity to comment on the action’s environmental impacts, various alternatives regarding the action and the measures to be taken to mitigate the impacts. Substantive comments and issues raised during the public comment period will be addressed in the subsequent Final Supplemental Environmental Impact Statement.

PUBLIC INFORMATION SESSION AND PUBLIC HEARING:

A public information session and public hearing will be held on February 24, 2011 at the Riga Town Hall, 6460 East Buffalo Road, Churchville, New York 14428. Project representatives and information displays will be available from 6:00 p.m. until 7:00 p.m. to provide details of the project to interested parties. The formal public hearing will begin at 7:00 p.m. The purpose of the public hearing is to receive statements from the public, and any interested party, concerning the proposed soil borrow project and comments on the DSEIS. All persons, organizations, corporations or government agencies that may be affected by the project are invited to attend the sessions. It is not necessary to file a written request in advance to speak at the hearing. Members of the public may make oral statements or file written statements at the hearing.

Project representatives and information displays will be available beginning at 6:00 p.m. to provide details of the project to interested parties.

The SEQR hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services shall be made available to hearing impaired persons, at no charge, upon written request to the contact person listed below at least seven (7) business days before the public hearing.

DOCUMENT AVAILABILITY:

The DSEIS is available for public review at the following locations:

Monroe County Department of Environmental Services, 50 W. Main Street, Suite 7100, Rochester, NY 14614;

Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416;

Riga Town Hall, 6460 East Buffalo Road, Churchville, NY 14428;

Newman Riga Library, 1 Village Park, Churchville, New York 14428; and

Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416.

In addition, the DSEIS is available on the Monroe County website and may be accessed using the following web address:

<http://www.monroecounty.gov/des-millseat.php>

SUBMISSION OF COMMENTS:

Comments on this project may be submitted during the public hearing, by mail, fax or e-mail. Comments should be submitted to the contact person and must be received by 5:00 p.m. on March 7, 2011.

Contact Person: Michael J. Garland, P.E., Director, Monroe County Department of Environmental Services, 50 West Main Street, Suite 7100, Rochester, New York 14614-1228, phone (585) 753-7600, fax (585) 324-1207, e-mail: mgarland@monroecounty.gov

Copies of this Notice have been sent to:

Paul D'Amato, Regional Director, NYS Department of Environmental Conservation (with DSEIS)

Hon. Robert Ottley, Supervisor, Town of Riga (with DSEIS)

Interested Agencies

Environmental Notice Bulletin

NYS Department of Environmental Conservation, Division of Environmental Permits,
625 Broadway, Albany, New York 12233 (with DSEIS)

APPENDIX B

Transcript of Public Hearing

THE COUNTY OF MONROE

MILL SEAT LANDFILL SOIL BORROW AREA PROJECT

IN RE: COMBINED NOTICE OF COMPLETION OF A DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

February 24, 2011
7:00 P.M.

Town of Riga
6460 East Buffalo Road
Churchville, New York

P R E S E N T:

For the Mill Seat Landfill Citizens Advisory Board:
PEG STEFFAN, Chair

For Monroe County:

JAMES FUMIA, ESQ., Senior Deputy County Attorney
MIKE GARLAND, Director of Environmental Services
TOM GOODWIN, Planning Manager
RUSSELL RUTKOWSKI, Associate Engineer

For Waste Management of New York:

GENE DRIES, District Manager
CINDY JESSOP, Community Relations
JEFF RICHARDSON, Senior District Manager

For McMahon & Mann Consulting Engineers:

MIKE MANN
ANDREW NICHOLS

For the Town of Riga, New York:

KEN KUTER

Reported By: Kathryn M. Carangelo
Court Reporter

1

2 (The proceeding commenced at 7:01 p.m.)

3 MS. STEFAN: Good evening and welcome.

4 My name is Peg Steffan. I'm the Chair of the

5 Mill Seat Landfill Citizens Advisory Board.

6 I'll be presiding over this evening's public

7 hearing regarding the continued soil borrow

8 operations at the Mill Seat Landfill.

9 The purpose of this public hearing is to

10 receive public comments on the Draft

11 Supplemental Environmental Impact Statement

12 for the proposed soil borrow area at the Mill

13 Seat Landfill.

14 Notice of this hearing has been

15 published in the February 6, 2011 Suburban

16 News South and West editions and the DEC's

17 Environmental Notice Bulletin. A hardcopy of

18 the notice is available and will be entered

19 into the record.

20 You have had an opportunity to meet with

21 representatives from Monroe County Waste

22 Management of New York, LLC, and McMahon &

23 Mann Consulting Engineers at the information

24 session before this hearing. This hearing is

25 an opportunity for the public to make their

1
2 comments for the record. The public has the
3 opportunity to either make their comments
4 here verbally tonight, or you may submit your
5 comments in writing to Monroe County directly
6 by March 7, 2011.

7 After I make these brief opening
8 remarks, representatives from Monroe County,
9 Waste Management and McMahon & Mann will give
10 further information on the proposal, as well
11 as provide information on how to make written
12 comments regarding this application.

13 Anyone interested in commenting here
14 this evening will need to fill out a speaker
15 card. Speaker cards are available on the
16 table in the entryway. Please fill out a
17 card and give it to one of your
18 representatives, who will bring it to me.

19 I will be calling on everyone who fills
20 out a card here tonight and give them the
21 opportunity to speak. I will call your name
22 when it's your turn to speak. For purposes
23 of making sure that everyone can hear you, I
24 will have all the speakers come down to the
25 microphone, which is located at the podium at

1

2 the front of the room. The individual
3 sitting here at the table is our recorder for
4 this evening. When you do make your
5 comments, I would ask you to please state
6 your full name, your address and to please
7 speak slowly so that she can make an accurate
8 record. We want to make sure that everyone's
9 comments here are accurately recorded.

10 Please note, again, the purpose of
11 tonight's meeting is to hear from you. This
12 is not a question and answer session, and it
13 is not a debate. It is an opportunity to
14 receive your comments on the proposed
15 application.

16 Before I begin receiving public
17 comments, I would like to introduce Mike
18 Garland, who is the Monroe County Director of
19 Environmental Services. And Mike will
20 introduce the other representatives that are
21 here this evening.

22 MR. GARLAND: Thank you, Peg. Welcome,
23 everyone, to this evening's public hearing.
24 Before we get started, we have a brief
25 presentation that describes the proposed soil

1
2 borrow application and the environmental
3 review process.

4 Before we do that, I would just like to
5 introduce you to the members of our team that
6 are with us this evening.

7 First I'd like to introduce the Monroe
8 County Team: Russell Rutkowski, Associate
9 Engineer; Tom Goodwin, Planning Manager;
10 James Fumia, Senior Deputy County Attorney.
11 From Waste Management of New York, LLC, we
12 have: Jeff Richardson, Senior District
13 Manager; Gene Dries, District Manager; Cindy
14 Jessop, Community Relations. From McMahon &
15 Mann Consulting Engineers we have: Mike Mann
16 and Andrew Nichols. I do not believe we have
17 anybody present from New York State DEC.

18 Is that correct?

19 MR. RICHARDSON: Yes.

20 MR. GARLAND: Okay. And from the Mill
21 Seat Landfill Citizens Advisory Board we have
22 Peg Steffan, Chair, and Ken Kuter.

23 So thanks for coming out tonight. We
24 look forward to hearing from you. And now
25 I'm going to turn it over to Jeff Richardson

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of Waste Management to give you a brief summary of why we are here tonight.

MR. RICHARDSON: The proposal under consideration would merely allow for continued soil borrow operations, which have been occurring since the landfill began operation.

In 2008 while completing the facility's annual soil balance analysis, WMNY concluded that the operation was within three years of exhausting the permitted soil borrow source. As a result, WMNY, as the operator, and the County, as the owner and permittee, initiated conversations with the Town of Riga and the NYSDEC regarding the need to seek a permit modification to allow for future soil borrow operations. With little to no on-site permitted soil materials remaining, the ability to access additional material is critical to the operation of the existing permitted landfill. The operating life of the landfill is currently projected through 2018. Additional soils are needed for daily, intermediate and final cover operations.

1

2 Engineering estimates indicate the need
3 for an additional 1.1 million cubic yards of
4 soil. The proposed permit modification will
5 involve approximately 62 acres contiguous to
6 the current soil borrow area south of the
7 existing landfill within property already
8 owned by the County.

9 Now I am going to turn it over to Mike
10 Mann, of McMahon & Mann, who will provide you
11 with some of the technical components of the
12 application and the environmental review
13 process.

14 MR. MANN: Thank you, Jeff. Good
15 evening and thank you for being here tonight
16 to give us your input on the Draft
17 Supplemental Environmental Impact Statement,
18 EIS. As already has been mentioned, most of
19 our time here tonight will be spent on taking
20 your comments, but first I'm going to tell
21 you a little bit more about how the process
22 works.

23 The EIS is considered a Draft
24 Supplemental EIS because the environmental
25 effects and alternative actions from the

1
2 overall Mill Seat Landfill were identified
3 and evaluated in the original draft and final
4 EIS's prepared in 1989 and 1990 as part of
5 the original permitting process. Therefore,
6 only the environmental effects and
7 alternative actions associated with continued
8 soil borrow operations that were not
9 addressed in the prior State Environmental
10 Quality Review are included in the Draft
11 Supplemental EIS.

12 This is a public hearing, and the
13 subject of the meeting is the Draft
14 Supplemental Environmental Impact Statement
15 on the proposed soil borrow area for the Mill
16 Seat Landfill. The Environmental Impact
17 Statement, EIS, is part of the State
18 Environmental Quality Review, SEQR, process.

19 The SEQR process has the following
20 steps: Lead Agency, this step establishes
21 the lead agency and all agencies involved in
22 the review and permitting of the project.
23 This project is a Type I action. The full
24 EAF was completed by the County and the
25 County was established as the lead agency for

1
2 this proposal; Determine Significance, at
3 this point the lead agency makes a
4 determination of the significance of the
5 project.

6 If the project will not have significant
7 adverse impacts on the environment, a
8 negative declaration can be made. If it is
9 determined that the proposal may have
10 significant adverse impacts on the
11 environment, a positive declaration should be
12 prepared. A positive declaration indicates
13 that an EIS will be prepared to identify and
14 address potential adverse impacts.

15 Monroe County, as lead agency, issued a
16 positive declaration on November 4, 2009;
17 Scoping, scoping is the process by which
18 issues are identified for inclusion in the
19 DSEIS. A public scoping meeting was held on
20 December 2, 2009, and this process was
21 completed and a final consolidated scoping
22 document was prepared in March 2010; Draft
23 SEIS, based on both agency input and issues
24 raised by the public, the applicant prepares
25 a Draft SEIS with a full description of the

1

2 affected environment, a reasonable range of
3 alternatives, and an analysis of the impacts
4 of each alternative.

5 Beginning in 2010, the Draft SEIS was
6 prepared. The purpose of this public hearing
7 is to receive your comments on that document;
8 Final SEIS, based on the comments of the
9 Draft SEIS, the lead agency prepares the
10 Final SEIS.

11 The purpose of the Final SEIS is to
12 address comments received during the public
13 review process; Findings Statement, once all
14 of the public comments are received and all
15 information has been reviewed, the agency
16 issues a findings statement which is the
17 final step in the SEQRA process.

18 The process is designed to involve the
19 public and gather the best available
20 information in a single place so that
21 decision makers can be fully informed when
22 they make their choices.

23 I'd also like to point out that in
24 addition to the SEQRA process, the NYSDEC also
25 reviews the soil borrow area under the Part

1

2 360 Permit Process.

3 The Borrow Area Use Plan (BAUP) and its
4 attachments, hydrogeologic investigation and
5 wetlands monitoring plan, have been submitted
6 to the NYSDEC and are currently under review.

7 So that brings us again to the purpose
8 of tonight's hearing. We are here to take
9 your comments on the Draft SEIS. Your input
10 will help us identify and analyze potential
11 adverse impacts associated with this
12 proposal.

13 I will now give you a brief description
14 of the proposed soil borrow project using a
15 couple of visuals that we have put together
16 to explain the borrow area location, layout
17 and sequencing. If you need to, please move
18 closer to see the visuals.

19 These were the same posters you saw set
20 up for the information session prior to this
21 hearing and will also be available for you to
22 view afterwards.

23 The landfill uses on-site soils to cover
24 the landfill on a daily, interim and final
25 basis. Soil for operation of the landfill is

1

2 presently obtained from existing borrow areas
3 located on the Mill Seat Landfill site. At
4 the present time, there is not a sufficient
5 volume of soil available to meet ongoing
6 requirements through closure of the current
7 landfill.

8

9 The first visual shows the existing
10 aerial view of the site. You can see the
11 current landfill area, Route 490, Brew and
12 O'Brien Roads, and some other site features.

13

14 The proposed soil borrow area is located
15 south of the existing landfill and is
16 separated into two areas; the west area,
17 approximately 20 acres in size, and the east
18 area, approximately 42 acres in size.

19

20 This application includes developing
21 approximately 62 acres, which will yield
22 about 1.1 million cubic yards of borrow soils
23 for operation and closure of the existing
24 landfill. The permit modification will allow
25 soil borrow operations to continue in a
26 similar manner to current operations.

27

28 The east and west borrow areas are
29 located near NYSDEC wetlands. The proposed

1

2 borrow areas will include sedimentation
3 basins that are designed to treat the storm
4 water collected in the borrow areas, and to
5 provide a source of surface water to maintain
6 water flow to the wetlands.

7

8 The second visual we have is a plan with
9 a couple of cross-sections showing the
10 proposed reclamation of the borrow areas. As
11 you can see, we are proposing to dead end
12 O'Brien and remove a portion of Brew Road.
13 The west area will basically shave off a
14 small high spot on the site with all of the
15 drainage going to the east, through the
16 sedimentation basin and into Wetland RG-6.
17 The east area will remove up to 30 feet of
18 soil. This excavation will also drain to the
19 east, through the sedimentation basin and
20 into Wetland RG-7.

21

22 The Reclamation Plan includes the
23 creation of ponds where the sedimentation
24 basins are located, followed by the
25 establishment of native grasses and
26 vegetation in the upland and slope areas.

27

28 This concludes the technical summary of

1

2 the presentation. And now Peg.

3

MS. STEFFAN: Our goal tonight is to
4 receive comments on the Draft Supplemental
5 Environmental Impact Statement for the
6 proposed soil borrow area. You may provide
7 verbal or written comments on the Draft
8 Supplemental Environmental Impact Statement
9 tonight, and you may submit written comments
10 until March 7, 2011. Please include your
11 name and return address when you submit
12 written comments. If you do not have your
13 written comments ready tonight, you may
14 e-mail them to mgarland@monroecounty.gov, or
15 send them by mail to: Michael J. Garland,
16 P.E., Monroe County Department of
17 Environmental Services, 50 West Main Street,
18 Suite 7100, Rochester, New York 14614-1228.
19 All comments must be received by 5 p.m. on
20 March 7, 2011.

21

Those addresses for both the e-mail and
22 for sending written comments by mail are
23 available in the notice available here this
24 evening.

25

At this time is there anyone from the

1

2 public who would like to make a comment?

3 Since there is no one here wishing to comment

4 on this application, I adjourn the meeting.

5 (The matter was concluded at 7:13 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2 REPORTER CERTIFICATION

3 STATE OF NEW YORK)
4 COUNTY OF MONROE)

5 I, Kathryn M. Carangelo, do hereby certify
6 that I reported in stenotype machine shorthand,
7 CaseCatalyst software the proceedings held in the
8 above-entitled matter;

9 That the foregoing pages were prepared
10 under my direction and control, and constitute a true,
11 accurate, and correct record of those Stenotype
12 Shorthand notes.

13 I further certify that I am neither
14 attorney or counsel for any of the parties, nor a
15 relative or employee of any attorney or counsel
16 connected with the action, nor financially interested
17 in the outcome of the action.

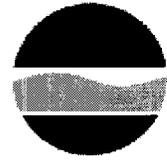
18
19
20
21 Kathryn M. Carangelo

22
23 Dated at Rochester, New York
24 this 24th day of February, 2011.

APPENDIX C

NYSDEC Notice of Complete Application

New York State Department of Environmental Conservation
Division of Environmental Permits
NYSDEC REGION 8 HEADQUARTERS
6274 E AVON-LIMA RD
AVON, NY 14414
(585) 226-2466



February 28, 2011

MICHAEL J GARLAND
DEPARTMENT OF ENVIRONMENTAL SERVICES
50 W MAIN ST STE 7100
ROCHESTER, NY 14614-1228

Re: DEC ID # 8-2648-00014/00001
RIGA/MILL SEAT LANDFILL

Dear Applicant Agent :

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 02/28/2011 on any day Monday through Friday.

SPENCERPORT SUBURBAN NEWS - WESTSIDE NEWS INC
1835 UNION ST
SPENCERPORT, NY 14559

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

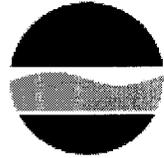
If you have any questions please contact me at the above address or phone number above.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly A. Merchant".

KIMBERLY A MERCHANT
Division of Environmental Permits

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 02/28/2011

Applicant: MONROE COUNTY
39 W MAIN ST
ROCHESTER, NY 14614-1476

Facility: RIGA/MILL SEAT LANDFILL
303 BREW RD
BERGEN, NY 14416

Application ID: 8-2648-00014/00001

Permits(s) Applied for: 1 - Article 27 Title 7 Solid Waste Management
1 - Article 24 Freshwater Wetlands

Project is located: in RIGA in MONROE COUNTY

Project Description:

The Department has made a tentative determination to issue a permit modification to the Part 360 Solid Waste Management Facility (SWMF) Permit issued to Monroe County for the Mill Seat Landfill, to construct and operate two soil borrow areas to obtain soils for daily cover and operations for the current landfill, and to construct associated roads, berms, and stormwater management. The new 62 acre borrow areas are proposed to be located directly south of the existing landfill, north of Bovee Road, west of Johnson Road, and completely within the landfill property owned by the County. Because the proposed area is onsite, use of public roads for transporting soils will not be required. The west area sedimentation basin outfall structure and discharge will encroach into the 100-foot buffer are of FWW RG-6, therefore an Article 24 permit will be required. The borrow areas will be located in the vicinity of three regulated freshwater westland (RG-5, RG-6, and RG-7),

therefore, potential impacts to the wetland will be thoroughly evaluated in the context of the draft supplemental environmental impact statement (DSEIS) which was made available by the SEQOR lead agency, Monroe County, on February 2, 2011. As a tentative determination, the Department seeks public comments prior to making a final determination. Comments regarding the Part 360 permit and Article 24 freshwater wetland permit requirements, and potential for stream or wetland impacts, and stormwater management, should be directed to the Department. The file, which includes the permit application, borrow area use plan, and the County's DSEIS, is available for review and comment at NYSDEC Region 8 Avon. SEQOR comments must be sent to Monroe County. The SEQOR comment period, which is separate from the Department's comment period, runs through March 7, 2011.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQOR) Determination

A draft environmental impact statement has been prepared on this project and is on file.

SEQOR Lead Agency Monroe County

State Historic Preservation Act (SHPA) Determination

A cultural resources survey has been completed. The report of the survey is on file. No archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 04/04/2011 or 33 days after the publication date of this notice, whichever is later.

Contact Person

KIMBERLY A MERCHANT
NYSDEC
6274 E AVON-LIMA RD
AVON, NY 14414
(585) 226-2466

CC List for Complete Notice

R. Rutkowski, Monroe County
T. Goodwin, Monroe County
E. Kieda, DMM, DEC R8
M. Domagala, DMM, DEC R8
M. Sanderson, Fisheries
B. Zayatz, WMNY
S. Army, Minerals DEC R8
J. Richardson, WMNY
ENB

APPENDIX D

NYSDEC Comments on DSEIS

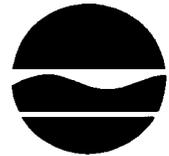
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 1, 2011

Mr. Michael J. Garland
Department of Environmental Services
Monroe County
7100 CityPlace
50 West Main Street
Rochester, NY 14614

Re: Request for Additional Technical Information
Mill Seat Landfill
Proposed 62-Acre Soil Borrow Area
8-2648-00014/00001
Part 360 Solid Waste Management
Part 663 Freshwater Wetlands
Riga (T), Monroe (C)

Dear Mr. Garland:

The purpose of this letter is to request additional information for the above referenced permit modification application pursuant to 6 NYCRR 621.14(b). The information must be provided by April 14, 2011. Please be aware that Part 621.14(b) states that failure to provide such information by the date specified may be grounds for permit denial. If the April 14, 2011 date is not practicable, please let us know as soon as possible and we can determine if a mutual suspension of the Part 621 Hearing Decision date and the Final Decision Date can be agreed to. Please provide the additional information listed below:

1. Technical review of the application has raised the concern that the application and the DSEIS does not clearly demonstrate whether the operation of the proposed borrow area can meet the requirements of 6 NYCRR Part 360-1.14 (p). Please address the following comments:
 - a. Page 37, para 4.4.3 (DSEIS) – the source level (1-hour Leq) for equipment used during the operation was estimated to be 78 dB(A). How was this number obtained – manufacturer’s performance data, actual measurements from the equipment that will be used, or some other source? Please provide that data.

- b. Page 38, para 4.4.3 (DSEIS) – the source level (1-hour Leq) for the equipment used during construction operations prior to operation of the borrow area was estimated to be 84 dB(A). How was this number obtained? Again, please provide the data.
 - c. Tables 4-1, 4-2 (DSEIS) – an additional attenuation factor of 1 dB(A) reduction per 100 feet was used for ground effect. What is the source of this number, and the basis for applying it to the analysis in Tables 4-1 and 4-2? In particular, please explain why this attenuation factor should be applied to the item in Table 4-1 referring to the "East" property line location. The terrain in this area, located between the southeast corner of the east borrow area and the property line for nearest residential property (non-Waste Management owned nor non-Monroe County owned), appears to slope downhill with only a relatively narrow hedgerow of trees to block any sound from the borrow area.
 - d. Figure 4-2 (DSEIS) - Does Monroe County have any noise easements with regard to the properties to the south of the landfill site that are identified as “Waste Management Property” and “Nearest Edgewood Lane Receptor?” These properties appear to be the adjacent properties that will most likely be impacted by noise from the borrow operations, and Part 360-1.14(p) restricts noise from operations at the borrow area from exceeding 57 dB(A) at or beyond the property lines at locations zoned or authorized for residential purposes. This would also apply to the Waste Management-owned property since Monroe County owns the landfill property, not Waste Management. Please provide copies of any relevant noise easements.
 - e. Please submit at this time any other information relevant to project compliance with Part 360 noise standards.
2. The information to be contained in the Environmental Monitoring Plan (EMP) should be updated to reflect the proposed Borrow Area construction and operation. The EMP should include updated hydrogeological monitoring, noise monitoring, wetland monitoring, continued monitoring of Hotel Creek, etc. How will noise be monitored in the future to assure compliance with the Part 360 Noise standards? Please provide an updated EMP including an updated Noise Monitoring Plan and other plans as described above.

Have any plans in the Special Conditions Section of the permit been updated due to Engineering or Design Approvals by the Department such that the Approvals should be listed in the permit or the Plans should be updated and given a new date?

3. Please provide the updated Stormwater Pollution Prevention Plan to include the Borrow Area.

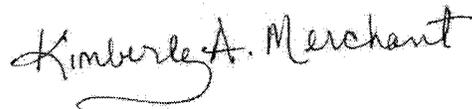
4. The DSEIS, Section 3.4.5 states, "Based on the data collected over the past 16 years, it doesn't appear that landfill activities have impacted the water quality in Hotel Creek." The sampling was only related to temperature. Water quality and aquatic evaluations cannot be conclusive based on the data collected. Therefore we suggest the sentence read, "... appear that the landfill activities have impacted the ~~water quality~~ temperature regime of Hotel Creek," and that the first sentence in the fourth paragraph read, "~~Aquatic Evaluation~~ Stream temperature evaluations indicate that Hotel Creek temperatures have not been significantly impacted..."

A permanent pool can potentially discharge water to a stream that is warmer than the stream. Trapezoid shaped ponds are proposed which will discharge to RG-7 and ultimately to Hotel Creek. Please provide an analysis that evaluated whether the discharge could have a warming effect on the wetland or on Hotel Creek and to demonstrate that the project will meet the water quality standards in 6 NYCRR Part 703.2 and Part 704 and that the discharge to RG-7 will not have an effect on the function and benefit that the wetland provides to Hotel Creek in accordance with the Weighing Standards in 6 NYCRR Part 663.5(e)(2).

In addition, we believe the information will be helpful to support DEC's issuance of a positive Findings Statement which will be required pursuant to the State Environmental Quality Review Act (SEQRA) (617.11(c)&(d)) prior to our permit decision. We suggest the County consider whether any of the information requested in this letter may be suitably addressed in the FEIS in order to support the Department's Finding Statement.

Please contact me at 585-226-5392 if you would like to discuss this further. As noted above, please provide the requested information to my attention by April 15, 2011 or call to discuss a suspension of time frames if needed.

Sincerely,



Kimberly Merchant
Deputy Regional Permit Administrator

Cc: R. Rutkowski, Monroe County Dept. of Environmental Services
T. Goodwin, Monroe County Planning
R. Zayatz, Waste Management of New York
M. Mann, McMahon & Mann Consulting Engineers
E. Kieda, Division of Materials Management, NYSDEC R8
L. Schwartz, Office of General Counsel, NYSDEC R8

Ecc: J. Richardson, Waste Management of New York
C. Prucha, Waste Management of New York
G. Dries, Waste Management of New York
J. Picciotti, Harris Beach
R. Frappa, AMEC Geomatrix
J. Condino, B&L
M. Sanderson, Fisheries, NYSDEC R8
S. Jones, Bureau of Habitat, NYSDEC R8
S. Foti, Division of Materials Management, NYSDEC Region 8
P. D'Amato, Regional Director, NYSDEC Region 8
M. Domagala, Division of Solid and Hazardous Materials, NYSDEC Region 8
J. Melito, Division of Solid and Hazardous Materials, NYSDEC Region 8
S. Sheeley, Division of Environmental Permits, NYSDEC Region 8

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

April 28, 2011

Mr. Michael J. Garland
Department of Environmental Services
Monroe County
7100 CityPlace
50 West Main Street
Rochester, NY 14614

Re: **Request for Additional Technical Information #2**
Request for Suspension of Hearing and Final Decision Dates by 30 days
Mill Seat Landfill
Proposed 62-Acre Soil Borrow Area
8-2648-00014/00001
Part 360 Solid Waste Management
Part 663 Freshwater Wetlands
Riga (T), Monroe (C)

Dear Mr. Garland:

The Department reviewed the FEIS which was submitted in response to our Request for Additional Technical Information on April 1, 2011. The purpose of this letter is to request additional clarification on some of the responses as they do not satisfactorily address the concerns.

Please provide a response to the following comments:

-The information that was requested with regard to the operation of the borrow areas was either performance data (noise generation) from the equipment manufacturer of the equipment that would be used or actual noise measurements of the equipment that would be used during operations. The response included noise measurements from equipment that was operating in a gravel mine (front end loader and a conveyor system). According to the borrow area use plan, the minimum equipment to be used in the operation of the borrow area will be an excavator and one or two off road dump trucks. In order for the Department to determine if the noise limitations in 360-1.14(p) can be met, the correct noise generation data must be supplied. If actual noise measurements are supplied, please provide a description of the measuring equipment that is used and the methodology used during the noise measurement.

-The response also states (pages 6 and 7) that compliance with the noise limitations in 360-1.14(p) with respect to the adjacent Waste Management-owned property will be achieved by obtaining a noise easement from Waste Management. This is acceptable; however, the easement must be obtained before the Part 360 permit can be modified.

-Staff suggest that noise monitoring point P3 be relocated to the nearest point on the property line adjacent to the Edgewood Lane receptor, southeast of the east borrow area. See Figures 10 and 11 in the revised Environmental Monitoring Plan. In addition, staff suggests that after the Environmental Easement has been obtained with regard to the property south of the landfill site that is owned by Waste Management, noise monitoring points P4 and P5 be relocated to the south property line of the Waste Management property. Please submit a copy of any noise easement intended to achieve compliance with the Part 360 noise limitations for the proposed borrow area project.

-Comment 2 on page 7 states that the operator is amenable to collecting actual noise data. However, the EMP actually includes a Noise Monitoring Plan. The response to Comment 2 should reflect the Noise Monitoring Plan in the EMP.

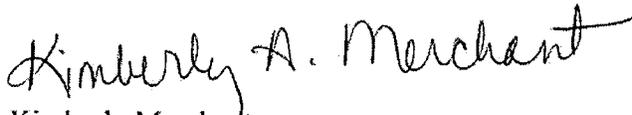
Please provide the information requested above by May 12, 2011. As we have stated previously, Part 621.14(b) states that failure to provide such information by the date specified may be grounds for permit denial. If the May 12, 2011 date is not practicable, please let us know as soon as possible, as we would have to revise the Request to Suspend Time frames to a later date.

Because we still have some outstanding questions, and the hearing decision date is April 29, 2011, we also hereby request that the Hearing Decision Date be suspended to May 27, 2011. The Department requests an additional 2 weeks from the time we receive your response (on or before May 12th) in order to make a Hearing Decision. If you provide a quick turnaround, we would likely be able to make a Hearing decision before May 27, 2011. Please sign and return the enclosed suspension request forms on or before April 29th. Otherwise, the Department will be forced to make a hearing decision without all of the required information. In addition, we request that the Final Decision date be suspended accordingly (see attached).

The Department has not completed the review of the SWPPP or the EMP. We do not have an issue, however, with the FEIS being accepted for public distribution with the existing documents. However, it is likely that we will have additional technical comments which will require revisions prior to the Department issuing the 360 permit. We defer the decision to Monroe County as to whether the FEIS is accepted now or after the EMP and SWPPP are finalized to Monroe County. The Department will be providing any comments on the EMP and SWPPP within one week or by May 5, 2011.

Please contact me at 585-226-5392 if you would like to discuss this further.

Sincerely,



Kimberly Merchant
Deputy Regional Permit Administrator

Enclosure: Requests to Suspend Time Frames

Cc: R. Rutkowski, Monroe County Dept. of Environmental Services
T. Goodwin, Monroe County Planning
R. Zayatz, Waste Management of New York
M. Mann, McMahon & Mann Consulting Engineers
E. Kieda, Division of Materials Management, NYSDEC R8
L. Schwartz, Office of General Counsel, NYSDEC R8

Ecc: J. Richardson, Waste Management of New York
C. Prucha, Waste Management of New York
G. Dries, Waste Management of New York
J. Picciotti, Harris Beach
R. Frappa, AMEC Geomatrix
J. Condino, B&L
M. Sanderson, Fisheries, NYSDEC R8
S. Jones, Bureau of Habitat, NYSDEC R8
S. Foti, Division of Materials Management, NYSDEC Region 8
P. D'Amato, Regional Director, NYSDEC Region 8
M. Domagala, Division of Solid and Hazardous Materials, NYSDEC Region 8
J. Melito, Division of Solid and Hazardous Materials, NYSDEC Region 8
S. Sheeley, Division of Environmental Permits, NYSDEC Region 8