MILL SEAT LANDFILL

FACILITY ID NO. 8-2648-00014

RIGA, NEW YORK

DRAFT SCOPING DOCUMENT
PROPOSED SOIL BORROW AREA

PREPARED FOR:
Monroe County
39 West Main Street
Rochester, New York 14614

PREPARED BY:
McMahon & Mann Consulting Engineers, P.C.
2495 Main Street, Suite 432
Buffalo, New York 14214

November 4, 2009

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1.0 INTRODUCTION

Monroe County ("the County") is the owner and permittee of the Mill Seat Landfill. The currently permitted landfill and associated operations shall be referred to hereafter as the "Mill Seat Landfill" or the "landfill" 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 Mill Seat Landfill is operated by Waste Management of New York, LLC, under a lease agreement with Monroe County. The landfill's Permit I.D. number is 8-2648-00014.

The County is seeking a 6 NYCRR Part 360, Solid Waste Management Permit modification from the New York State Department of Environmental Conservation (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 operate the presently permitted footprint area.

The project is being reviewed pursuant to the New York State Environmental Quality Review Act ("SEQR"), to identify potentially significant adverse environmental impacts and to establish methods and procedures to prevent or mitigate these potential 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 (more fully described in Section 2 of this document) must be completed before the NYSDEC and the County make formal commitments to approve and undertake the project, respectively. NYSDEC has discretionary approval over the issuance of the permit modification and is therefore an involved agency under SEQR.

This Scoping Document provides an overview of issues to be addressed in the Draft Supplemental Environmental Impact Statement (DSEIS), and is intended to provide involved and interested agencies as well as the public with the opportunity to provide input on the issues to be addressed in the DSEIS.

1.1 PURPOSE AND NEED

The County is applying for the landfill permit modification to provide additional on-site soils required for operation for the Mill Seat Landfill, as currently permitted. Soil for operation of the landfill is presently obtained from existing borrow areas and stockpiles located on the Mill Seat Landfill site, but there is not a sufficient volume of soil available to meet ongoing requirements through closure. The project is proposed to fulfill the need for additional soils in a manner that will result in the least amount of potential environmental impact while fulfilling the need for additional soils. The additional soil will be used for daily cover requirements and other uses associated with the operation of the existing landfill.

2.1 PURPOSE OF SEQR

SEQR provides a process for the identification and evaluation of potentially significant adverse environmental impacts in the early planning stages of actions that are directly undertaken, funded, or approved by local, regional, or state agencies. By incorporating a systematic interdisciplinary approach to environmental review in the early stages, projects can be modified, as appropriate, to avoid or minimize significant adverse environmental impacts.

The primary tool of the SEQR process is the Environmental Impact Statement (EIS). If the Lead Agency determines that a proposed action may have a significant adverse environmental impact, a Draft EIS is prepared to identify and evaluate potentially significant adverse impacts, and to explore ways to eliminate or minimize these impacts, or as appropriate to identify potential alternatives to the action to minimize or eliminate such impacts.

The SEQR Lead Agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:

- Changes proposed for the project; or
- Newly discovered information; or
- A change in circumstances related to the project.

An important aspect of SEQR is the public participation component. There are opportunities for public participation within the SEQR process when an EIS is prepared. These include conducting a Scoping Meeting related to the proposed DSEIS content, as well as a public comment period after acceptance of the DSEIS, during which written comments will be received and reviewed and responses provided as part of the FSEIS. These opportunities allow other agencies and the public to provide input into the planning process.

Since Draft and Final Environmental Impact Statements (see Section 10 - References) were prepared for the Mill Seat Landfill during the initial permitting process that was completed in

1990, only the potential significant adverse impacts associated with the soil borrow project that were not addressed in the prior SEQR analyses, will be included in the DSEIS. It should be noted here that earlier Draft and Final Supplemental Environmental Impact Statements were produced for the Mill Seat Landfill in 1990 associated with the proposal to reduce the footprint of the landfill from 104.5 to approximately 95 acres.

2.2 SEQR PROCESS

The SEQR process that will be followed for the soil borrow project is summarized in Figure 2-1. It is the responsibility of the SEQR Lead Agency to organize and conduct scoping. The "involved agencies" have an obligation to give the SEQR Lead Agency their agency perspective and to participate in the scoping process. As defined in the SEQR Regulations, an "involved agency" means an agency that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an "involved agency" (6 NYCRR Part 617 Section 2). The involved agencies for this project are listed in Section 7.

The SEQR Lead Agency is the agency that has the responsibility to coordinate the environmental review process. The County will be the SEQR Lead Agency for the project. Monroe County has determined that this project will require preparation of a DSEIS to address impacts that were not addressed in the prior SEQR analyses, undertaken when the original permitting for the Mill Seat Landfill was completed.

The steps in the SEQR process during which the public has an opportunity to participate include:

SCOPING – Scoping is the process in which the proposed content of the DSEIS is outlined, including identifying significant adverse environmental, social, and economic issues that need to be addressed in an EIS. The objectives of scoping are to:

1. Identify potentially significant environmental impacts;
2. Eliminate insignificant or irrelevant impacts;
3. Identify limits of the project's impacts;
4. Identify the range of reasonable alternatives to be addressed; and
5. Identify potential mitigation measures.

The County will solicit written public comments and conduct a public Scoping Meeting, to determine what should be discussed and evaluated in the DSEIS.

- DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) – Potentially significant environmental impacts associated with the proposed soil borrow project, which were not addressed in the SEQR analyses (References 1 through 4) prepared during the original landfill permitting processes, will be addressed in a DSEIS. Copies of the DSEIS and supporting documents will be made available for public inspection. A minimum of thirty days is provided following completion of the DSEIS for the public to review and comment on the content and the adequacy of the DSEIS.

- PUBLIC HEARINGS – The County intends to hold a Public Hearing following completion of the DSEIS.

2.3 SEGMENTATION

Segmentation is defined by applicable regulations as the division of the environmental review of an action such that various activities or stages are addressed under SEQR as though they were independent unrelated activities, needing an individual determination of significance. 6 NYCRR Part 617.2 (ag). NYSDEC has identified a concern with possible segmentation because of the soil borrow site could potentially be located in the same area where future landfill operations may occur. The borrow area DSEIS will discuss this issue including evaluating the segmentation issue in accordance with the regulations.

3.1 LOCATION OF ACTION

The Mill Seat Landfill site is located in the Town of Riga, Monroe County, New York. The existing landfill is approximately 1 mile south-east 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 site (located on the east side of Interstate Route 490) is reached (see Figure 3-1). Internal roadways have been developed on-site to provide access to various parts of the facility.

The presently permitted landfill footprint area will occupy approximately 95 acres of land, on contiguous parcels totaling more than 615 acres owned by Monroe County. Ancillary facilities (roads, buildings, existing borrow areas, stormwater ponds, etc.) occupy approximately 80 acres. The proposed two new soil borrow areas and related facilities (such as roads, berms, and stormwater control facilities) will affect approximately 62 acres (see Figure 3-2).

3.2 EXISTING CONDITIONS AND CURRENT LAND USE

3.2.1 Land Use and Zoning

The proposed 62-acre soil borrow project (including the areas of the two proposed soil borrow areas, future stormwater management facilities, and new access roads) is presently comprised primarily of open fields (either planted with crops or overgrown with grass and other plants), existing soil stockpiles, and forested land. An approximate breakdown of the affected acreage is provided below.

Current Land Use in New Affected Area	Acreage	Percentage
Forested Land	7	11%
Open Fields	48	78 %
Soil Stockpiles	7	11 %
Totals	**62**	**100%**

Figure 3-2 shows the approximate extent of forested and open areas in the proposed soil borrow project area.

The Town of Riga's zoning ordinance classifies the landfill site as "Agricultural/Residential." The County has a degree of immunity from local zoning and land use regulations as provided by statute and case law. Further, the landfill site, as well as the soil borrow site, are also governed by a Host Community Agreement executed by the County and the Town of Riga. The Host Community Agreement does not require that the County obtain the consent of the Town of Riga for the project. The County will collaborate with the Town of Riga and the Mill Seat Landfill Citizens' Advisory Board on the soil borrow project.

3.2.2 Soils

The surficial soil types on the site have been identified using maps prepared by the United States Department of Agriculture. The predominant soil types at the site are in the Honeoye, Lima, and Ontario groups, which are silty loam soils. A review of subsurface conditions will be conducted to assess the existing conditions and document the soil types, composition and depth of strata.

3.2.3 Vegetation

Vegetation on the soil borrow site is characteristic of abandoned or active agricultural fields, with some second growth woodland areas. No rare or endangered plant species were identified on the site during the original permitting process (Ref 1). The DSEIS will describe in detail the existing vegetation on site and will include an updated analysis of the potential presence of rare or endangered plant species.

3.2.4 Topography

The western portion of the soil borrow site (West Area) lies at the southwestern tail of a drumlin. A soil stockpile derived from the existing landfill operations has been placed within the limits of the West Area. The eastern portion of the soil borrow site (East Area) has several streamlined features that are significantly smaller than the drumlin in the West Area, but that show similar orientation. The DSEIS will further describe the existing topography of the site and the impacts the excavation will have on this resource.

3.2.5 Surface Waters

Three NYSDEC Wetlands occur in proximity to the Proposed Borrow Area; Wetland RG-5 lies to the west of the West Area; Wetland RG-6 lies between the West and East Areas; and Wetland RG-7 lies to the east of the East Area.

Surface water flow will be described in the SDEIS in particular the impact surface flow has on the existing wetlands and water flows leaving the site.

3.2.6 Groundwater

A subsurface review will be conducted to obtain an understanding of the flow of groundwater on the site. Of particular importance is the relationship between groundwater flow and the existing wetlands on site. This relationship and a detailed analysis will be included in the SDEIS.

3.2.7 Wildlife Habitat

Ecological studies of the landfill site during the original project permitting process indicated no threatened or endangered wildlife species were on the landfill site, and that there were no significant habitats. This study will be updated to determine if the Soil Borrow Project will impact any significant wildlife resources.

3.2.8 Historic and Cultural Resources

Cultural resource studies of the landfill site during the landfill permitting process included comprehensive literature and records review (Phase 1a) and a Field Survey (Phase 1b), which encompassed both a surface survey and subsurface sampling. Numerous artifacts from the mid-nineteenth century and later were identified, and two minor prehistoric artifacts (one chert flake and one biface fragment) were found. A cultural resources study will be completed for areas not covered by the previous analysis.

3.2.9 Wetlands

Three NYSDEC Wetlands occur in proximity to the Proposed Borrow Area; Wetland RG-5 lies to the west of the West Area; Wetland RG-6 lies between the West and East Areas; and Wetland RG-7 lies to the east of the East Area. There is one small wetland (less than 1 acre in size) located in the proposed East Borrow area, that is believed to be non-jurisdiction (from the US Corps of Engineers), since it is isolated. A wetland monitoring report will be completed for the project. This report will include delineations for the existing wetlands as well as detailed descriptions for a baseline assessment and subsequent monitoring in wetland RG-6.

3.2.10 Agricultural District/Agricultural Soils

The Proposed Borrow Areas are not within an Agricultural District. A portion of the site is used for agricultural production and there are areas that are fallow fields. An assessment will be completed to determine the productivity of the area and potential impact to farm operations.

3.3 DESCRIPTION OF OPERATIONS

3.3.1 Description of Existing Facility

The Mill Seat Landfill was issued a Part 360 permit and began operations in January of 1993. This permit addressed excavating soil from within the permitted landfill footprint and ancillary grading work. The approximate limits of the landfill are shown on Figure 3-1. Currently, Stage IV of the landfill is under construction; Stage IV A is complete and Stage IV B and C are yet to be completed. Additionally, two large soil stockpiles are located just south of Stage IV, and were part of the original construction. The excess soil remaining in Stage IV and the stockpiled soils will be utilized prior to the start of the proposed soil borrow project.

The original Part 360 permit application package prepared in 1990 provided estimates of the soil needs for Mill Seat's operation through closure, and determined that soil from subgrade excavation would be adequate to meet projected needs. During the pre-lease due diligence performed by Waste Management of New York, LLC in 2001, it was determined that the landfill had an operational soil deficit. The details of the original assumptions compared to current estimates will be discussed in the DSEIS.

3.3.2 Description of the Proposed Soil Borrow Areas

The County is applying for a Solid Waste Management Facility Permit Modification to construct and operate two soil borrow areas, approximately 20 acres and 42 acres in size, which will provide on-site soils for construction and operation of the currently permitted landfill. At the present time, soils for landfill operations are obtained from existing borrow areas at the Mill Seat Landfill, but there will be inadequate soil volumes from these areas to operate the presently permitted footprint area.

The proposed soil borrow project will provide more than 1 million cubic yards of soil to be used for operation of the existing permitted landfill.

Since some of the soil mining activities would occur in wooded areas, the first step will be to clear and grub the area. Surficial soils would be stripped and stockpiled for later use during the reclamation stage.

The soil borrow areas would be developed in phases. Within each phase, soils would be excavated until final grades are reached, at which point topsoil will be placed, and the area will be fertilized, seeded, and mulched. It is anticipated that stabilization of completed soil borrow areas will be initiated within two weeks of replacement of topsoil.

A Mined Land Use Plan will be prepared, and incorporated into the DSEIS, which will give a detailed description of the borrow area operations and reclamation plan.

The location of the proposed soil borrow project is to the south of the existing landfill footprint, and is within the area in which many of the potential environmental impacts were evaluated during the original landfill permitting process, which occurred from 1983 to 1990.

The DSEIS for the soil borrow project will include an evaluation of impact changes compared to the previous SEQR reviews, new impacts and any impact changes due to changes in site conditions and/or regulatory requirements. Impacts evaluated in the prior SEQR analyses will be summarized in the DSEIS.

Potential environmental impacts and associated mitigation measures, which will be addressed in the DSEIS, are identified in the following sections.

4.1 LAND USE AND ZONING

With the exception of the landfill itself, most of the land area within one mile of the proposed soil borrow area is forested, meadow, agricultural, used for roads, or low density residential.

The County has a degree of immunity from local land use regulations including the Town of Riga's regulations. The Host Community Agreement also provides the County with certain contract rights associated with the project.

The County will be undertaking a collaborative approach with the Town on the development of the project. An analysis of potentially significant impacts on existing and future land use will be addressed in the borrow area DSEIS.

4.2 WATER RESOURCES

Stormwater control facilities and procedures identified in the landfill's "Storm Water Pollution Prevention Plan," will be revised to account for areas of soil disturbance, and alteration of runoff patterns. Because of significant areas of soil disturbance, water resources on and in the vicinity of the soil borrow project will be described in the DSEIS and potential impacts due to the proposed project will be evaluated, and appropriate mitigation measures identified. Possible

mitigation measures include new stormwater ponds for erosion and sedimentation control and alteration of final grades to direct runoff to specific areas.

4.3 AIR RESOURCES

Air resources on and in the vicinity of the soil borrow site will be examined in the DSEIS to evaluate potential impacts due to the proposed project. The air evaluations will include consideration of the impact on greenhouse gas emissions of the proposed project and control of dust during operation of the soil borrow areas. Mitigation measures may include the use of water to control dust or providing a buffer between the borrow area and surrounding land uses.

4.4 ECOLOGICAL RESOURCES

A supplemental ecological study will be conducted to cover impacted areas not addressed in the original evaluation. Potential impacts on Hotel Creek, a locally designated Critical Environmental Area and trout stream, will be addressed in the DSEIS. Potential impacts to wildlife and plant resources will be described. Various databases available through NYSDEC and other sources will be evaluated to determine the potential occurrence of threatened, special concern or endangered species. This analysis will be supplemented with an on-site assessment of plants and wildlife habitat. The potential use of the area by migratory/seasonal or resident species will be determined and the likelihood that impacts will occur will be assessed. The issue of potential fragmentation of habitat will be indicated as well, as the likelihood that the area is used for breeding or as a nursery area for various species. The potential impact of invasive species populating the area will be described and mitigation measures, if needed, will be presented.

The reclamation plan prepared for the soil borrow project will outline in detail the recommendations and mitigating measures to address any long term impacts to the ecological resources.

4.5 AGRICULTURAL LAND RESOURCES

Agricultural land resources on and in the vicinity of the soil borrow site would be affected by the removal of approximately 22.4 acres of land from active agricultural use. The significance of this loss of agricultural land will be addressed in the DSEIS.

4.6 AESTHETIC RESOURCES

A visual impact assessment was included in the original Draft and Final EIS for the landfill. This assessment determined that no off-site areas would be significantly visually impacted by the landfill. The new soil borrow project could be visible at locations to the south, along Bovee Road. Therefore, a supplemental visual impact evaluation will be performed to determine if the soil borrow project would create significant visual impacts.

4.7 HISTORIC AND CULTURAL RESOURCES

Cultural Resource studies (Phase 1a and Phase 1b) of the landfill site were performed during the original landfill permitting process. The Phase 1a study will be updated to incorporate recent research findings, and the Phase 1b survey (field investigation) will be extended into the proposed borrow areas to investigate potential impacts of the proposed project in areas not previously assessed. The results of this survey will be forwarded to NYS Office of Parks, Recreation and Historic Preservation for that agency's review and a determination of whether there would be any significant impact to cultural resources. Relevant correspondence regarding this issue will be provided in the borrow project DSEIS, and as appropriate, mitigation measures in accordance with applicable regulations and guidance will be identified to address significant impacts to such resources that may be identified.

4.8 TRANSPORTATION AND TRAFFIC

The proposed closure and abandonment of a portion of Brew Road may impact transportation or traffic in the area. O'Brien Road would become a dead end road with a turnaround in the area where Brew Road would be closed. The impact of these changes on traffic flow and access will be determined and if significant, mitigation measures will be presented. Mitigation measures may include signage or improvements to ease impacts.

4.9 ENERGY

The impact of the proposed soil borrow project on energy consumption will be assessed in the DSEIS. This analysis of potential impacts will look at long-term and short-term use of energy and the impacts both primary and secondary during the life of the borrow area.

4.10 NOISE AND ODOR

The change in noise or odor impacts related to the proposed soil borrow project would be largely due to the reduced buffer distance to off-site receptors to the south of the facility. Due to the reduced buffer distances, noise and odor impacts in the vicinity of the Mill Seat Landfill will be examined in the borrow area DSEIS to evaluate potential impacts and identify appropriate mitigation measures.

4.11 GROWTH AND CHARACTER OF COMMUNITY

The potential for the proposal to induce growth or changes in the character of the community will be assessed in the DSEIS. This section will also assess the potential impact on community services.

4.12 WETLAND RESOURCES

Wetlands RG-5, RG-6, and RG-7 exist on or near the proposed site. The design of the borrow areas and an understanding of the surficial and subsurface flow of water is critical to the protection of these resources. A baseline survey will be performed in Wetland RG-6 to document present functions and values. This survey will then be used to assess potential impacts during development of the borrow areas. Specific areas of concern to be addressed will include habitat isolation and fragmentation, and impacts on wildlife presently utilizing the wetlands. Potential changes in the water regime which could impact the wetlands will be assessed to determine if the proposal will impact the flow of water into or out of the wetlands. The survey results and plans for follow-up monitoring of the wetlands will be included in the DSEIS.

A soil borrow project is necessary to provide soils for continued operation and ultimate closure of the presently permitted landfill. The range of alternatives to the proposed project which will be described in the DSEIS include: No-Action alternative, Alternative sites, Alternative size, Alternative design and Alternative sources of material. This discussion will include an analysis of the issues associated with each alternative and the process by which the proposed action became the preferred alternative.

6.0 RECLAMATION PLAN

The DSEIS will include a description of the reclamation plan for the site and will incorporate a Mined Land Use Plan, which will describe the specific objectives of the reclamation process. This will include specific measures to be used and the schedule to be followed. Details of the reclamation requirements will be described in detail in a Mined Land Use Plan prepared specifically for the proposed soil borrow project.

7.0 PERMITS AND APPROVALS REQUIRED

The proposed soil borrow project will require the following permits or approvals in addition to the permits already in place for the facility:

- NYSDEC Solid Waste Management Permit – Modification (6 NYCRR Part 360 Application Number 8-2648-00014/1-0)
- Storm Water SPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity - Modification (Permit No. GP-0-06-002)
- De-mapping and abandonment of a portion of Brew Road by Monroe County

8.0 PROJECT SPONSOR AND INVOLVED AGENCIES

Project Sponsor:	Monroe County 39 West Main Street Rochester, New York 14614
Contact:	Russell P. Rutkowski, P.E., Associate Engineer (585) 753-7515
Landfill Operator:	Mill Seat Landfill Waste Management of New York, Inc. 303 Brew Road Bergen, New York 14416
Contact:	Gene Dries, District Manager (585) 494-3000 Ext. 222

Involved Agencies:

SEQR Lead Agency:	Monroe County 39 West Main Street Rochester, New York 14614
Contact:	Russell P. Rutkowski, P.E., Associate Engineer (585) 753-7515
SEQR Involved Agency:	New York State Department of Environmental Conservation Region 8 - Division of Environmental Permits 6274 East Avon-Lima Road Avon, New York 14414-95 19
Contact:	Ms. Kimberly Merchant, Deputy Permit Administrator (585) 226-2466

SEQR Documentation

Public Participation Activities

Mined Land Use Plan

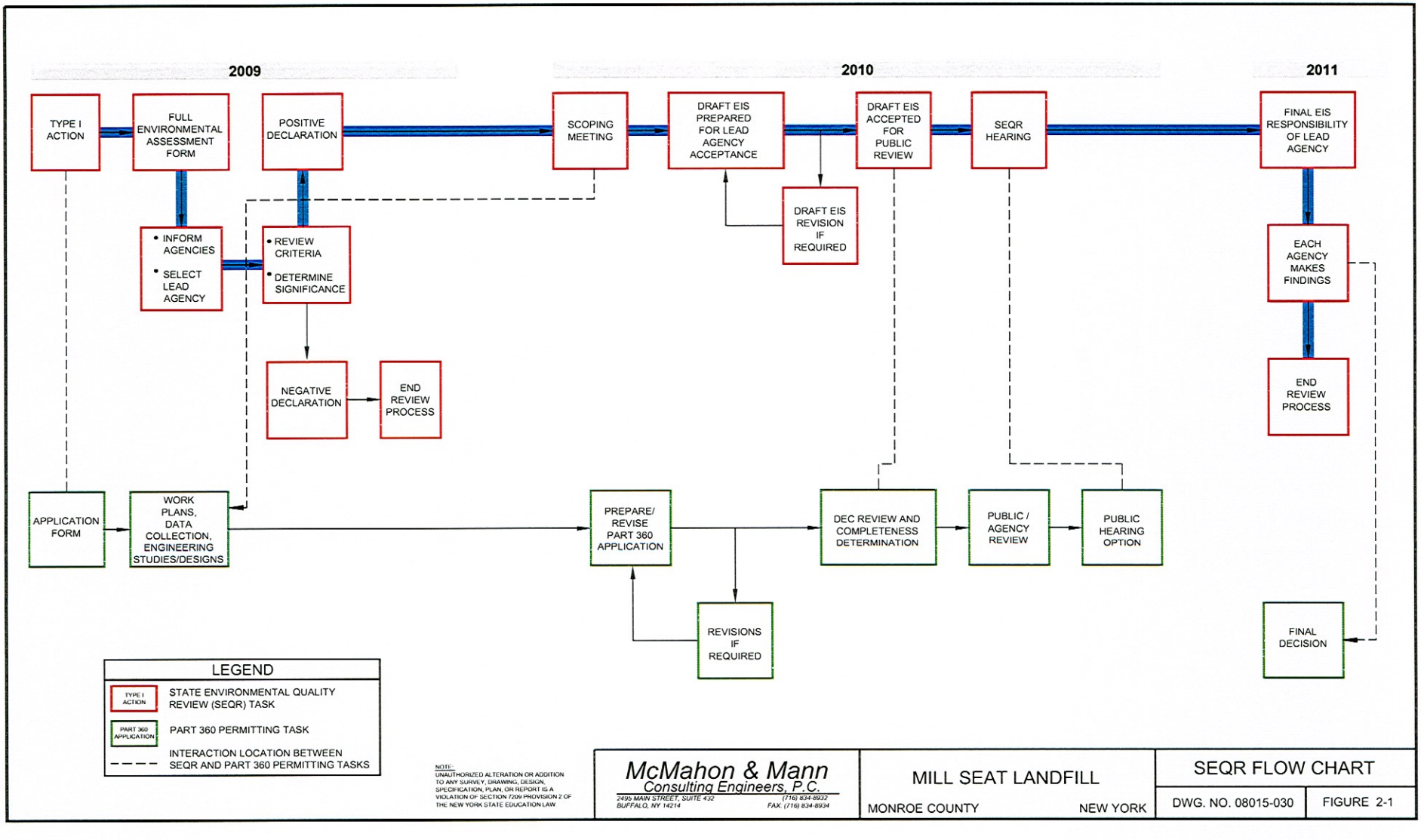
Wetland Monitoring Report

Hydrogeological Report

10.0 REFERENCES

1. Clark Engineers and Associates, "Draft Environmental Impact Statement - Mill Seat Solid Waste Landfill, Brew Road, Town of Riga, Monroe County, New York ", prepared for Monroe County, as Lead Agency, April 1989.
2. Clark Engineers and Associates, "Final Environmental Impact Statement - Mill Seat Solid Waste Landfill, Brew Road, Town of Riga, Monroe County, New York ", prepared for Monroe County, as Lead Agency, June 1989.
3. Clark Engineers and Associates, "Draft Supplemental Environmental Impact Statement - Mill Seat Solid Waste Landfill, Brew Road, Town of Riga, Monroe County, New York ", prepared for Monroe County, as Lead Agency, August 1990.
4. Clark Engineers and Associates, "Final Supplemental Environmental Impact Statement - Mill Seat Solid Waste Landfill, Brew Road, Town of Riga, Monroe County, New York ", prepared for Monroe County, as Lead Agency, October 1990.

FIGURES



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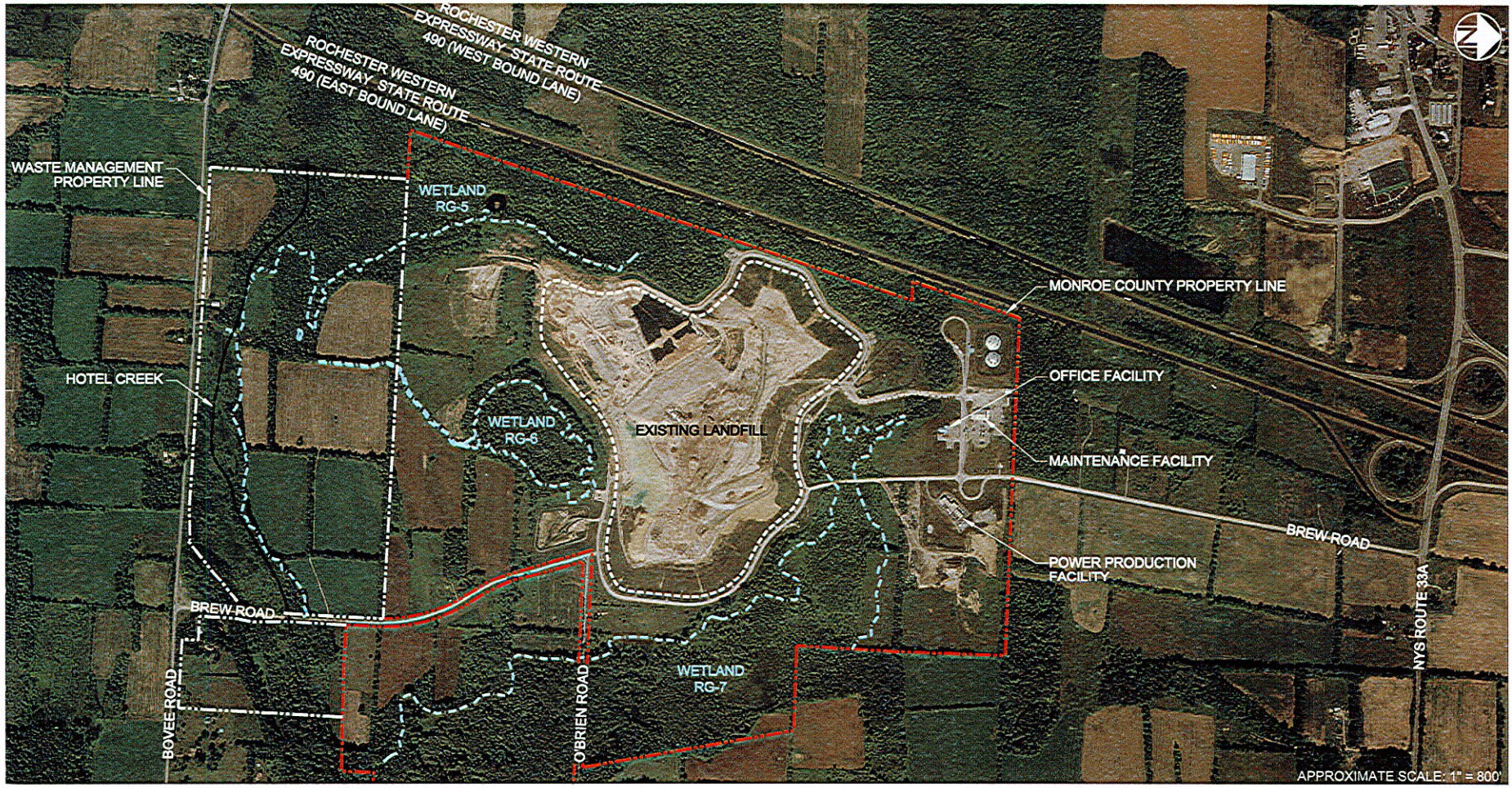
McMahon & Mann
Consulting Engineers, P.C.
2495 MAIN STREET, SUITE 432
BUFFALO, NY 14214
(716) 834-8932
FAX: (716) 834-8934

MILL SEAT LANDFILL
MONROE COUNTY NEW YORK

SEQR FLOW CHART
DWG. NO. 08015-030 FIGURE 2-1



REFERENCE NOTE:

1. Base map image provided by Aero-Metric from aerial photography dated July 2, 2008.

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BUFFALO, NY 14214
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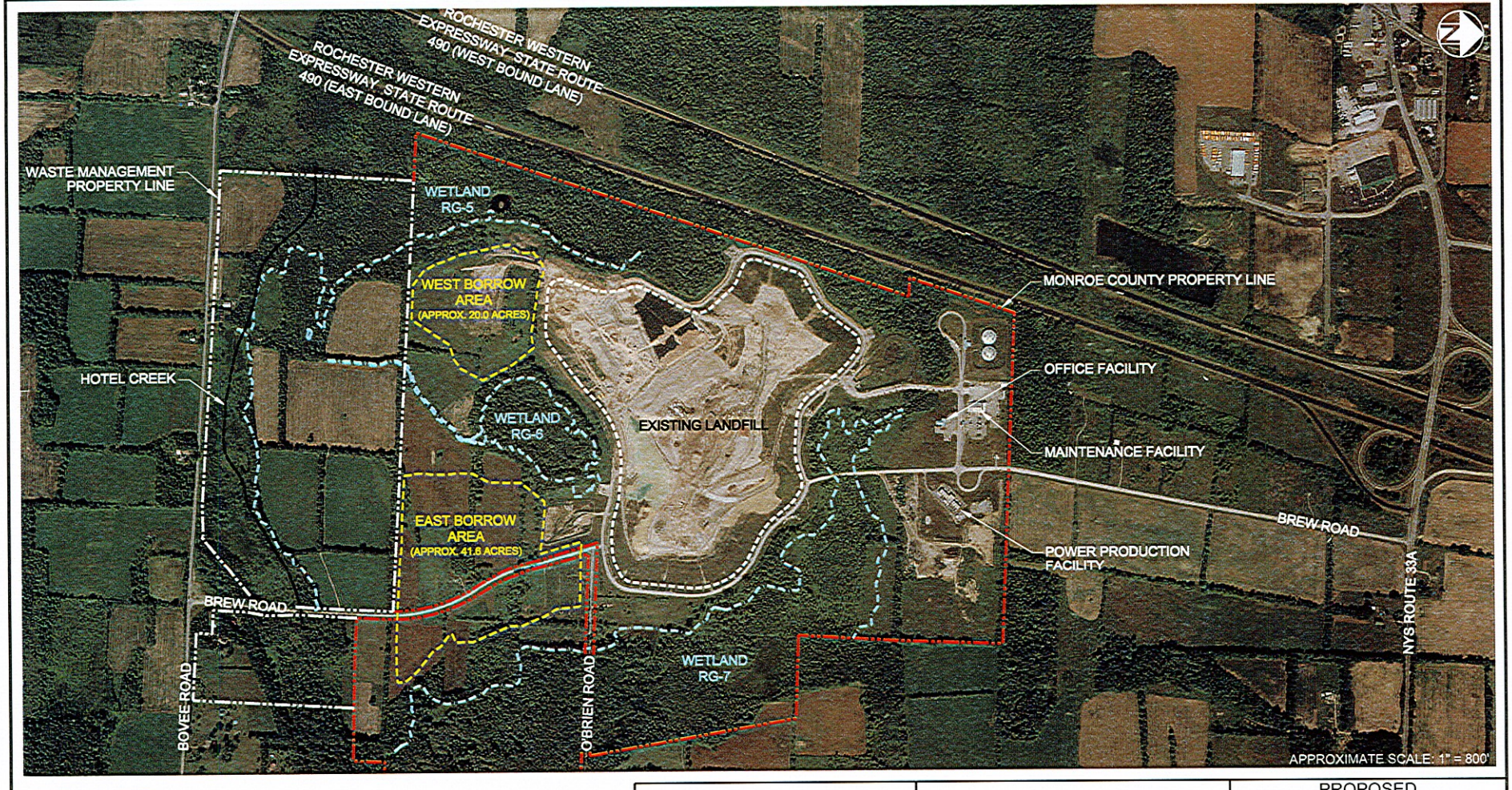
MILL SEAT LANDFILL

MONROE COUNTY NEW YORK

SITE LOCATION PLAN

DWG. NO. 08015-029a

FIGURE 3-1



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

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PROPOSED DEVELOPMENT AREA

DWG. NO. 08015-029b | FIGURE 3-2