

APPENDIX A

DSEIS Consolidated Scope

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

CONSOLIDATED SCOPING DOCUMENT
PROPOSED SOIL BORROW AREA

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

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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 will be referred to hereafter 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 Mill Seat Landfill is operated by Waste Management of New York, LLC (WMNY), 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 Facility, 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 Consolidated Scoping Document provides a description of issues to be addressed in the Draft Supplemental Environmental Impact Statement (DSEIS), which the County has decided will be prepared to analyze and evaluate this project, and is intended to assist involved and interested agencies, in providing input on the environmental issues to be addressed.

A public scoping meeting was held on December 2, 2009, at the Town Hall in the Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428. Written comments on the Scope were accepted until December 16, 2009. The notice for the scoping meeting is included as Attachment A.

The public scoping meeting was advertised in the Environmental Notice Bulletin on November 18, 2009 and in the following newspapers on November 15, 2009:

- the Suburban News South Edition, and
- the Suburban News West Edition.

The purpose of the public scoping meeting was to allow the public to comment on the proposed content of the DSEIS and to ensure that all relevant environmental issues are identified so that they can be adequately discussed and evaluated in the DSEIS. A copy of the meeting transcript, which was recorded at the meeting, is included as Attachment B. There were no significant environmental issues identified by speakers at the scoping meeting. The NYSDEC provided written comments on the Draft Scoping Document in a letter to the County dated December 16, 2009 (included in Attachment C). The comments provided in the NYSDEC letter have been incorporated into this consolidated scoping document. In addition, comments were submitted by David Panek in a submittal dated December 11, 2009 (also included in Appendix C). Mr. Panek's comments related to potential impacts on groundwater and archeological resources. These potential impact areas are included in the scope for the DSEIS. These two submittals comprised the only written comments submitted during the comment period that ended on December 16, 2009.

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 Facility, as currently permitted. Soil for operation of the landfill is presently obtained from existing borrow areas and stockpiles located on the 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. The additional soil will be used for daily cover requirements and other uses associated with the operation of the existing landfill.

2.0 ENVIRONMENTAL REVIEW PROCESS

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 County issued a positive declaration with respect to this project (see Attachment D) on November 4, 2009, indicating that an EIS would be prepared.

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 Facility 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 SEQRA 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 Facility in 1990 associated with the proposal to reduce the footprint of the landfill from 104.5 to approximately 95 acres.

2.2 SEQRA PROCESS

The SEQRA process that will be followed for the soil borrow project is summarized in Figure 2-1. It is the responsibility of the SEQRA Lead Agency to organize and conduct scoping. The “involved agencies” have an obligation to give the SEQRA Lead Agency their agency perspective and to participate in the scoping process. As defined in the SEQRA 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 8.

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

The steps in the SEQRA 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 has solicited written public comments and has conducted a public Scoping Meeting, to determine what should be discussed and evaluated in the DSEIS. The purpose of this Consolidated Scoping Document is to expand on the description of the DSEIS content provided in the Public Scoping Document, and to incorporate significant environmental issues raised at the public scoping meeting into the DSEIS scope.

- **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 the soil borrow site could potentially be located in the same area where future landfill operations may occur. The soil borrow project DSEIS will discuss this issue including evaluating the segmentation issue in accordance with the regulations.

3.0 PROJECT DESCRIPTION

3.1 LOCATION OF ACTION

The Mill Seat Facility is located in the Town of Riga, Monroe County, New York. The site 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 Facility (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 site footprint area will occupy approximately 95 acres of land, on contiguous parcels totaling more than 615 acres owned by the County. Ancillary facilities (roads, buildings, existing borrow areas, stormwater ponds, etc.) occupy approximately 80 acres. The proposed soil borrow project 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.

<u>Current Land Use</u>	<u>Acreage</u>	<u>Percentage</u>
<u>in New Affected Area</u>		
Forested Land	7	11%
Open Fields	48	78 %
Soil Stockpiles	7	1 %
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 soil borrow site have been identified using maps prepared by the United States Department of Agriculture. The predominant soil types at the soil borrow 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 soil borrow 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 site 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.

In the comment letter received from NYSDEC (Attachment C), the issue of potential impacts on Hotel Creek (a Critical Environmental Area located south of the proposed borrow area) was raised and specific additions to the scope of the DSEIS were suggested. These additions to the DSEIS scope are described in Section 4.4.

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

3.2.6 Groundwater

A subsurface review will be conducted to obtain an understanding of the flow of groundwater on the soil borrow 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 DSEIS.

3.2.7 Manmade Features

The most significant man-made feature on the site is the existing Mill Seat Landfill, which is directly north of and contiguous to the expansion area (see Figure 3-2). In addition to the landfill, the site facilities include offices and a shop, a scale and leachate storage tanks.

3.2.8 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.

3.2.9 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.

3.2.10 Wetlands

Three NYSDEC wetlands occur in proximity to the soil borrow site; 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-jurisdictional (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.

3.2.11 Agricultural District/Agricultural Soils

The soil borrow site is 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 Facility was issued a Part 360 permit and began operations in May 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 the facility'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 WMNY in 2001, it was determined that the facility 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 facility. At the present time, soils for facility operations are obtained from existing borrow areas at the Mill Seat Facility, 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 facility.

Since some of the soil borrow 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 site 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 Borrow Area Use Plan will be prepared, and incorporated into the DSEIS, which will give a detailed description of the borrow area operations and reclamation plan.

4.0 POTENTIAL ENVIRONMENTAL IMPACTS/MITIGATION

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 1 mile of the soil borrow site 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.

In response to a NYSDEC comment (see Attachment C), the DSEIS will include a discussion of water usage for dust control, including an estimate of quantities to be used and water sources.

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 site. 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. Specific requirements described in a comment letter from NYSDEC (Attachment C) including the chemical, physical, and biological information previously collected for Hotel Creek, and an analysis of temperature trends 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 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 potential for 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 impacts in the vicinity of the Mill Seat Facility will be examined in the borrow area DSEIS to evaluate potential impacts and identify appropriate mitigation measures. Since there will be no waste disposal or other significant odor generating activities in the borrow areas, odor issues need not be considered in the DSEIS.

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 soil borrow site 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 soil borrow site. 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.

4.13 GEOLOGIC RESOURCES

The original permitting process included evaluations of the soils and bedrock under the landfill site. Soils and bedrock in the proposed soil borrow area will be evaluated and discussed in the DSEIS. This section will also contain an estimate of the total quantity of soil to be removed from the borrow area, and discuss the range of uses (daily cover, cap construction, etc.) that the soil will be used for in the existing landfill. As suggested in the NYSDEC comment letter (Attachment C), essentially all of the soil removed from the borrow area will be utilized in the operation of the existing landfill, or used for reclamation of the borrow area.

5.0 ALTERNATIVES

It is required under SEQR (6 NYCRR Part 617 Section 9) to include in the DSEIS a “description and evaluation of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor.”

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 soil borrow site and will incorporate a Borrow Area 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 Borrow Area 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
50 West Main Street, Suite 7100
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
50 West Main Street, Suite 7100
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: Kimberly Merchant, Deputy Permit Administrator
(585) 226-2466

9.0 PRELIMINARY DSEIS OUTLINE

A preliminary outline of issues to be included in the DSEIS is presented below in the form of a DSEIS Table of Contents. This outline will be modified, as necessary, based on comments received from involved/interested agencies during their review of the DSEIS.

- 1.0 INTRODUCTION/EXECUTIVE SUMMARY
 - 1.1 DESCRIPTION OF ACTION AND SETTING
 - 1.2 IMPACTS OF ACTION AND MITIGATION
 - 1.3 ALTERNATIVES
 - 1.4 SEQR STATUS AND ISSUES TO BE DECIDED
 - 1.5 SEGMENTATION

- 2.0 DESCRIPTION OF PROPOSED ACTION
 - 2.1 PROJECT PURPOSE AND NEED
 - 2.2 LOCATION AND CURRENT LAND USE
 - 2.3 DESIGN AND LAYOUT
 - 2.4 CONSTRUCTION AND OPERATION
 - 2.5 CONSISTENCY WITH LOCAL SOLID WASTE MANAGEMENT PLAN

- 3.0 NATURAL RESOURCES ASSESSMENT
 - 3.1 GEOLOGY/SOILS
 - 3.1.1 Environmental Setting
 - 3.1.2 Significant Environmental Impacts
 - 3.1.3 Environmental Impact Mitigation
 - 3.2 WATER RESOURCES – GROUNDWATER
 - 3.2.1 Environmental Setting
 - 3.2.2 Significant Environmental Impacts
 - 3.2.3 Environmental Impact Mitigation
 - 3.3 WATER RESOURCES - SURFACE WATER
 - 3.3.1 Environmental Setting
 - 3.3.2 Significant Environmental Impacts
 - 3.3.3 Environmental Impact Mitigation
 - 3.4 AIR RESOURCES
 - 3.4.1 Environmental Setting
 - 3.4.2 Significant Environmental Impacts
 - 3.4.3 Environmental Impact Mitigation

- 3.5 TERRESTRIAL AND AQUATIC ECOLOGY
 - 3.5.1 East Borrow Area
 - 3.5.1.1 Environmental Setting
 - 3.5.1.2 Significant Environmental Impacts
 - 3.5.1.3 Environmental Impact Mitigation
 - 3.5.2 West Borrow Area
 - 3.5.2.1 Environmental Setting
 - 3.5.2.2 Significant Environmental Impacts
 - 3.5.2.3 Environmental Impact Mitigation
 - 3.5.3 Hotel Creek
 - 3.5.3.1 Environmental Setting
 - 3.5.3.2 Significant Environmental Impacts
 - 3.5.3.3 Environmental Impact Mitigation

- 3.6 WETLANDS ECOLOGY
 - 3.6.1 Environmental Setting
 - 3.6.2 Significant Environmental Impacts
 - 3.6.3 Environmental Impact Mitigation

4.0 HUMAN RESOURCES ASSESSMENT

- 4.1 HISTORICAL AND CULTURAL RESOURCES
 - 4.1.1 Environmental Setting
 - 4.1.2 Significant Environmental Impacts
 - 4.1.3 Environmental Impact Mitigation
- 4.2 TRANSPORTATION/TRAFFIC
 - 4.2.1 Environmental Setting
 - 4.2.2 Significant Environmental Impacts
 - 4.2.3 Environmental Impact Mitigation
- 4.3 LAND USE AND ZONING
 - 4.3.1 Environmental Setting
 - 4.3.2 Significant Environmental Impacts
 - 4.3.3 Environmental Impact Mitigation
- 4.4 NOISE
 - 4.4.1 Environmental Setting
 - 4.4.2 Significant Environmental Impacts
 - 4.4.3 Environmental Impact Mitigation
- 4.5 VISUAL/AESTHETIC
 - 4.5.1 Environmental Setting
 - 4.5.2 Significant Environmental Impacts
 - 4.5.3 Environmental Impact Mitigation
- 4.6 DEMOGRAPHICS

- 4.6.1 Environmental Setting
- 4.6.2 Significant Environmental Impacts
- 4.6.3 Environmental Impact Mitigation

5.0 UNAVOIDABLE ADVERSE IMPACTS

6.0 ALTERNATIVES

- 6.1 SUMMARY
- 6.2 ALTERNATIVE SITES
- 6.3 ALTERNATIVE SIZE
- 6.4 ALTERNATIVE DESIGN/LAYOUT/DEVELOPMENT SCHEDULE
- 6.5 ALTERNATIVE LAND USE
- 6.6 NO ACTION

7.0 IMPACTS ON GROWTH AND CHARACTER OF COMMUNITY

8.0 AFFECT ON THE USE AND CONSERVATION OF ENERGY

9.0 IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES

10.0 APPENDICES

SEQR Documentation

Public Participation Activities

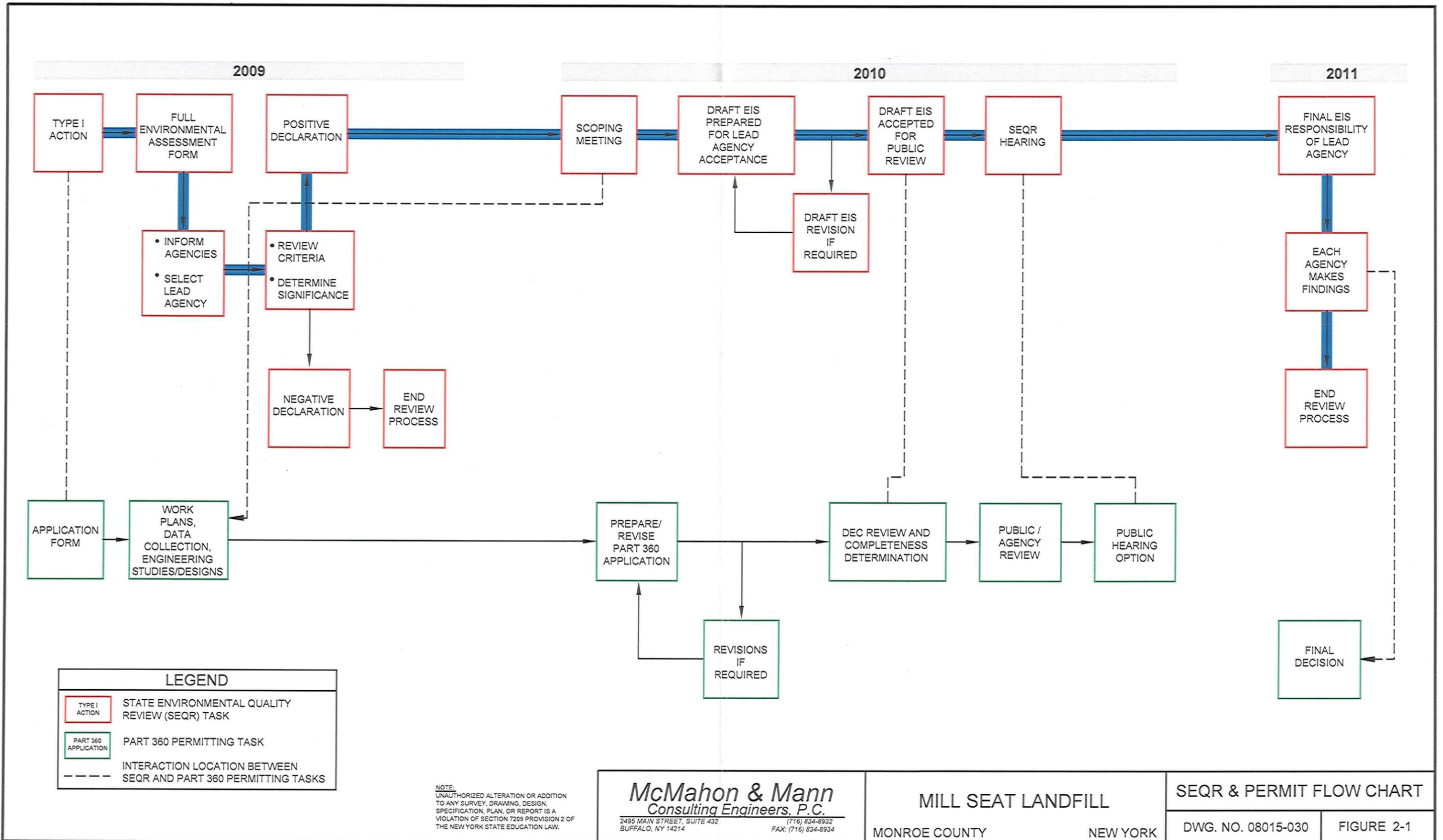
Historic and Cultural Resources Report

Borrow Area Use Plan

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





REFERENCE NOTE:

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

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
BUFFALO, NY 14214

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

MILL SEAT LANDFILL

MONROE COUNTY

NEW YORK

SITE LOCATION PLAN

DWG. NO. 08015-029a

FIGURE 3-1



REFERENCE NOTE:

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

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MILL SEAT LANDFILL

MONROE COUNTY

NEW YORK

**PROPOSED
DEVELOPMENT AREA**

DWG. NO. 08015-029b

FIGURE 3-2

ATTACHMENT A
NOTICE OF PUBLIC SCOPING MEETING

THE COUNTY OF MONROE

**COMBINED NOTICE OF
POSITIVE DECLARATION, PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
AND
NOTICE OF PUBLIC SCOPING MEETING,
AVAILABILITY OF SCOPING DOCUMENT**

FOR THE MILL SEAT LANDFILL SOIL BORROW AREA PROJECT

DEC Permit Application Number: 8-2648-00014/1-0
NYSDEC Permit Applied For: Solid Waste Management Permit
Modification

PROJECT DESCRIPTION:

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

The two soil borrow areas and related facilities will be located on approximately 62 acres located just south of and adjacent to the Mill Seat Landfill footprint which is located in the Town of Riga, Monroe County NY, approximately 1 mile southeast of the Village of Bergen.

A modification to the 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.

**SEQRA STATUS AND NOTICE OF PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT STATEMENT:**

The Project is a Type I action pursuant to ECL Article 8 (State Environmental Quality Review Act (SEQRA) and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, 6 NYCRR Part 617. The County of Monroe is the lead agency for the SEQRA review of this action, and issued a Positive Declaration of environmental significance on November 4, 2009. The Positive Declaration included a Notice of Intent to prepare a Draft Supplemental Environmental Impact Statement (DSEIS) to evaluate potential impacts of the project.

PUBLIC SCOPING MEETING:

The County will solicit written public comments and conduct a public Scoping Meeting to determine what should be discussed and evaluated in the DSEIS. The Public Scoping Meeting will be held on December 2, 2009 at 7:00 p.m. in Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428. Project representatives and information displays will be available beginning at 6:00 p.m. to provide details of the project to interested parties. Written comments on the Scope will be accepted until December 16, 2009. Comments should be submitted to the contact person listed below.

The 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 contact person listed below at least 7 business days before the hearing.

DOCUMENT AVAILABILITY:

A Draft Scoping Document for the DSEIS is available for public review and comment. Copies of the document are available at: Monroe County Department of Environmental Services, 50 W. Main Street, Rochester, NY 14614; Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416; Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428, and Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416.

APPLICABLE STATUTORY AND REGULATORY PROVISIONS:

Environmental Conservation Law of the State of New York (ECL):

- Article 27, Title 7 - 6 NYCRR Part 360;
- Article 17, Titles 7 & 8 and Article 70 - State Pollutant Discharge Elimination System - SPDES Multi-Sector General Permit No. GP-06-002 for Stormwater Discharges associated with Industrial Activity.

AVAILABILITY FOR PUBLIC COMMENT:

Comments on the DSEIS scope for this project must be submitted during the scoping meeting, by mail, fax, or e-mail no later than December 16, 2009. **Contact Person:** Russell P. Rutkowski, P.E., Associate Engineer, Monroe County Department of Environmental Services, 50 West Main Street, Suite 7100, Rochester, New York 14614-1228, phone (585)-753-7515, fax (585)-324-1207, e-mail: rrutkowski@monroecounty.gov .

ATTACHMENT B
TRANSCRIPT OF PUBLIC SCOPING MEETING

TOWN OF RIGA PUBLIC SCOPING SESSION
IN RE: CONTINUED SOIL EXCAVATION
OPERATIONS AT THE MILL SEAT LANDFILL

December 2, 2009
7:00 P.M.

Town of Riga
6460 East Buffalo Road
Churchville, New York

P R E S E N T:

PEG STEFFAN, Chair
Mill Seat Landfill Citizens Advisory Board

MIKE GARLAND
Monroe County Director of Environmental Services

RUSSELL RUTKOWSKI
Associate Engineer

TOM GOODWIN
Planning Manager

JEFF RICHARDSON
Senior District Manager

MIKE MANN
McMahon & Mann Consulting Engineers

ANDREW NICHOLS
McMahon & Mann Consulting Engineers

Reported By:

Elsa Guenther
Court Reporter

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

MS. STEFFAN: Good evening, everyone, and welcome. If we could have people take their seats, please, so we can begin.

My name is Peg Steffan, and I'm the chair of the Mill Seat Landfill Citizens' Advisory Board. I'll be presiding over this evening's scoping session regarding continued soil excavation operations at the Mill Seat Landfill. Because this is a very exact meeting, I will be reading most of my comments.

The purpose of this scoping session is to receive public comments on the draft scoping document, which is the first step in preparation of the Draft Supplemental Environmental Impact Statement for the proposed soil borrow area at the Mill Seat Landfill. Notice of this meeting has been published in the November 15, 2009, Suburban News South and West editions, and the DEC's Environmental Notice Bulletin. I will read the notice for the record:

"Positive Declaration and Public Scoping - Monroe County. The County of Monroe, as lead

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2 agency, has determined that the proposed Mill
3 Seat Landfill soil borrow area may have a
4 significant adverse impact on the environment,
5 and a draft environmental impact statement must
6 be prepared.

7 "Written comments on the draft scope will
8 be accepted until December 16, 2009. A public
9 scoping session will be held on December 2,
10 2009, at 7:00 p.m. at the Town of Riga, 6460
11 East Buffalo Road, Churchville, New York 14428.
12 Project representatives and information
13 displays will be available beginning at
14 6:00 p.m. to provide details of the project to
15 interested parties. A hard copy of the scoping
16 document is available at the following
17 locations: Monroe County Department of
18 Environmental Services, 50 West Main Street,
19 Rochester, New York 14614; Monroe County Mill
20 Seat Landfill, 303 Brew Road, Bergen, New York
21 14416; Town of Riga, 6460 East Buffalo Road,
22 Churchville, New York 14428; Byron-Bergen
23 Public Library, 13 South Lake Avenue, Bergen,
24 New York 14416.

25 "The action involves a proposal by the

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applicant and owner, Monroe County, to construct and operate two soil borrow areas of approximately 20 acres and 42 acres in size which will provide on-site soils for operation of the currently permitted landfill, and which will include related facilities such as roads, berms, and storm water control measures. The two soil borrow areas and related facilities will be located on approximately 62 acres located just south of and adjacent to the Mill Seat Landfill footprint.

"A modification to the 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, New York State DEC, in order to implement this project.

"The project is located at 303 Brew Road in the Town of Riga, approximately one mile southeast of the Village of Bergen.

"The contact for this notice is Russell P. Rutkowski, Monroe County, 50 West Main Street, Suite 7100, Rochester."

You've had an opportunity to meet with

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representatives from Monroe County, Waste Management, and McMahon & Mann Consulting Engineers at this information session before this meeting. This meeting is an opportunity for the public to make their comments for the record. The public has the opportunity to either make their comments here verbally tonight, or you may submit your comments in writing to Monroe County directly.

After I make some brief opening remarks, representatives from Monroe County, Waste Management, and McMahon & Mann will give further information on the proposal, as well as provide information on how to make written comments regarding draft scoping documents.

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

I will be calling on everyone who fills out a card here tonight, and give them an opportunity to speak. I will call your name

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when it's your turn to speak. I think for purposes of making sure that everyone can hear you, I will have all speakers come down to the microphone which is located at the podium at the front of the room.

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

Please note, again, the purpose of tonight's meeting is to hear from you. This is not a question and answer session and it is not a debate; it is an opportunity to receive your comments on the proposed scoping document. We want to ensure that everyone has an opportunity to speak, so please be concise in your comments in consideration of your neighbors.

Before I begin receiving public comments, I would like to introduce Mike Garland, who is the Monroe County Director of Environmental Services. Mike will introduce the other

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2 representatives that are here this evening.

3 MR. GARLAND: Good evening, folks. Thank
4 you, Peg. Again, I'm Mike Garland. I'm
5 Director of Environmental Services for Monroe
6 County. Welcome to this evening's public
7 scoping meeting.

8 Before we get started, we have a brief
9 presentation which will describe the proposed
10 soil borrow area -- soil borrow area application
11 and the environmental review process. Before
12 we do that, I would just like to introduce to
13 you members of the team that are with us
14 tonight.

15 For Monroe County we have The Honorable
16 Wayne Zyra, present legislator and also a
17 member of the Citizens Advisory Board; we have
18 Russell Rutkowski, he's our Solid Waste
19 Manager; Tom Goodwin, our Environmental
20 Planning Manager; Gerry Mitrano, our Deputy
21 County Attorney; Tina Stevens, our
22 Environmental Educator.

23 From the Town of Riga we have Supervisor
24 Ken Kuter; we have Supervisor Elect Bob Ottley;
25 as well as Town Councilman Jim Fodge.

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From the New York State Department of Environmental Conservation we have Peter Lent.

From the Mill Seat Landfill Citizens Advisory Board, our chair, Peg Steffan.

From Waste Management we have Jeff Richardson, our Senior District Manager; Gene Dries, our -- the District Manager; Cindy Jessop, Community Relations; Becky Zayatz, Market Area Engineer.

And from McMahon & Mann Consulting Engineers, we have Mike Mann and Andrew Nichols.

So thank you, everybody, for coming out tonight. We encourage your input and reaction to the documents that you have had an opportunity to review. And with that, I'll turn it over to Jeff Richardson for some of his points. Thank you.

MR. RICHARDSON: Thanks, Mike.

Again, I'm Jeff Richardson. The majority of people I know. I just want to take a moment and try and summarize why we're here tonight and -- you know, really, what we're seeking, but in layman's terms.

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Back in the late '80s, early '90s when the landfill was originally being permitted, as part of the permitting documents the County and their consult had to identify where borrow soils were going to come from as part of the operation of the landfill.

There's three types of soil that are used, or three uses for soil within a landfill: There's daily cover, which covers the work you face every day; there's intermediate cover, which is placed on the landfill in areas where -- let's say is not going to be active for 30 days, you place intermediate cover; then there's the final cover system, which once you achieve final grade, you would place a final cover which is consistent of some clay as well as a protection soil, which would be the onsite material and top soil.

So back in the late '80s there was an area that was defined on a drawing that said this is where the soil is going to come from for these three uses, and based on surveys and estimates and so forth, here's what we believe is available. Then there was some estimates,

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also, or calculations that were made on the consumption on an annual basis.

Now, having been out there -- Monroe County, Waste Management -- for some 15 years, we track every yard of everything that goes into the landfill, so we have a very accurate accounting of how much soil is being consumed for those three uses: Daily, intermediate, and final cover.

The conclusion in recent surveys -- and we kind of saw this coming for a while -- is that -- the 2009 estimates are that there's 1. -- a soil deficit of 1.1 million cubic yards to be able to take the existing operation -- the existing permitted facility through closure, which is currently estimated at 2018, so there is a need for the soil, and it's a critical component to the existing operation out there. So again, we need the soil; it's part of the operation through 2018.

So what we're merely asking for is to move this line further south on property that's already owned by Monroe County, and we've secured some consultants that have experience

1 11
2 in doing this to provide a layout of a facility
3 that would provide for those materials without
4 impacting the wetlands property and so forth.

5 Mike Mann is here tonight to get into
6 some more detail about the design and so forth,
7 but a couple other things that I want to note
8 and make clear -- you know, that what we're
9 proposing is not a quarry. This isn't like
10 something where it's going to be this large
11 excavation and stay open. The excavation will
12 be identical to what we have been doing for
13 years, which is in couple-acre increments.
14 We'll be excavating, using that soil as part of
15 the landfill operation, constructing search
16 work controls. It isn't as if this entire 60
17 acres is going to be opened up at once.

18 Again, Mike can probably tell us the
19 deepest excavation -- the excavation varies
20 from 2 to --

21 MR. MANN: Up to about 30 feet.

22 MR. RICHARDSON: 30 feet. So again, it's
23 not a quarry in nature; it will be a
24 modification of the topography just south of
25 the landfill on property that's already owned

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2 by the County. And again, I want to make it
3 clear that it's for the currently permitted
4 facility, to take it through closure.

5 Mike?

6 MR. MANN: Thank you, Jeff.

7 Good evening, everyone. I appreciate you
8 coming out tonight to give us your comments on
9 this project. It's a very important part of
10 the process.

11 My firm is responsible for the design of
12 the borrow areas and for the environmental
13 review process. These facilities -- anything
14 like this has to go through an environmental
15 review process, and I'm just going to -- before
16 we get your comments -- talk for a couple
17 minutes about how that process works.

18 I know most of you are probably very
19 familiar with how it works, but some may not
20 be, so I'm going to spend a minute or two going
21 through how the process works overall, where we
22 are in that process right now, and then Andrew
23 Nichols is going to talk a little bit about
24 just what we're planning to do here in terms of
25 the feed of excavation and things like that, so

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2 you get a better feel for actually what's being
3 proposed.

4 We have something that's called a draft
5 scoping document, and I don't think most of you
6 had a chance to pick up a copy because we were
7 in the side room before we walked in here
8 because the wedding was going on and we didn't
9 want to disturb the nuptials, so Andrew's got
10 some in the back.

11 It might help you to take a look at that
12 while I'm going through this discussion because
13 it has a lot of the -- the things are in it,
14 and it might be easier to see than looking at
15 these boards. If anybody wants a copy, he'll
16 come around with some copies.

17 As I mentioned, I'm going to talk a
18 little bit about the environmental review
19 process itself. In New York State, that's
20 called the SEQR process. It falls under a law
21 that's -- the acronym for it is SEQR, and
22 there's a specific flowchart you have to
23 follow.

24 Everybody -- every project has to follow
25 that flowchart when you go through a project in

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New York State, and this board right here (indicating) shows the flowchart. And it's also a figure in the back of that graph scoping document; it's Figure 2-1.

If you look way over on the left-hand side on the top, that shows the beginning of the process, and we've been working on this for a little while so some of these steps are already done.

The very first thing that you do is you look at your project and you determine what type of an action it is. This happens to be a type-one action, and about the first step is to fill out something called the Environmental Assessment Form. What that document does is it gives the agencies that are involved in the project something to look at. It's not the final environmental review document for the project, it's just the initial thing that's done that gives people an idea about what you're planning to do so people in the agencies can look at it and determine how much environmental scrutiny this project should have.

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2 So the environmental assessment is made.
3 That form is submitted to the various agencies
4 that are involved in the project; in this case,
5 the DEC -- New York State DEC is an involved
6 agency, as well as Monroe County. And the
7 involved agencies get together and come to some
8 agreement as to which agency ought to take the
9 lead -- be the lead agency for the
10 environmental review of a particular project.
11 In this case, Monroe County is the lead agency
12 under SEQOR.

13 So they -- Monroe County -- took this
14 environmental assessment form and reviewed it,
15 and in consultation with the DEC, they
16 determined that an environmental impact
17 statement would have to be done. That is
18 what's called a positive declaration, so we did
19 the full assessment form that went to the
20 agencies, the agencies looked at it, reviewed
21 it, and determined that there has to be an
22 environmental impact statement done. That
23 means that they looked at the environmental
24 assessment form and they felt that there were
25 enough issues that somebody had to sit down and

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2 do an assessment of those issues. So that's
3 what it means to do an environmental impact
4 statement.

5 This particular environmental impact
6 statement that will be done for the soil borrow
7 areas will actually be called a supplemental
8 environmental impact statement because the
9 original environmental impact statement that
10 was done for the landfill is the environmental
11 impact statement for the facility, so this is a
12 supplemental environmental impact statement.
13 The reason that it is supplemental is that it
14 looks at the supplemental impacts; those
15 impacts that are associated with the borrow
16 area part of this project, okay?

17 The impacts associated with making these
18 two borrow areas that Andrew's going to tell
19 you about are the things that are evaluated in
20 the supplemental environmental impact statement
21 for this project. Before you do that,
22 though -- before you evaluate the impacts in
23 the supplemental environmental impact
24 statement, you have to go through something
25 called scoping, and that's where we are today.

1 17
2 That's this box right here (indicating) --
3 scoping meeting. And the public -- you -- have
4 a very important contribution to scoping.

5 We put together something called the
6 draft scoping document that you have in front
7 of you, and that describes this project, and it
8 also lists some of the issues that we see need
9 to be addressed when the supplemental
10 environmental impact statement is put together.
11 But there may be some other issues that are
12 important to you that are not listed here, and
13 that's why we're here tonight.

14 We need to hear about those issues from
15 you in your comments, so we are at the point of
16 doing scoping. The next step -- after the
17 scoping meeting, we will get your comments and
18 put together something called the scope, and
19 that is what will be followed when the
20 supplemental environmental impact statement is
21 put together. That will become the outline for
22 doing this environmental impact statement.

23 After the draft environmental impact
24 statement is put together, the next process
25 that we go through is to have it be reviewed by

1 18
2 the agencies -- go back and forth, and then
3 there's a hearing and a chance for the public
4 to come and say, okay. I see the environmental
5 -- supplemental environmental impact statement
6 that you did for the borrow areas, I have some
7 comments on that. And then those comments are
8 again incorporated into the environmental
9 review and a final environmental impact
10 statement is put together. And the last thing
11 that happens is the agencies look through all
12 that and they come up with findings, and those
13 findings have to do with whether the project
14 goes forward or not.

15 So that's kind of the whole thing in a
16 nutshell. It's spelled out on the flowchart,
17 and Andrew will talk a little bit about the
18 project itself to give you an idea, and then
19 we'd be happy to take your comments. Thank
20 you.

21 MR. NICHOLS: I think everybody will
22 probably be able to hear me. I'll just stand
23 over here by the two posters that I'll be
24 talking to. If anyone wants to come closer --
25 because the aerial photo is always the easiest

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2 to talk to.

3 It's really just to kind of give you a
4 lay of the land (indicating). The existing
5 facility, the 490, Route 33, Brew Road
6 transects through the project, and the project
7 that we've been talking about -- the borrow
8 area -- it's broken into two different areas,
9 an east and a west.

10 The east area is about 42 acres, and the
11 west area is about 20 acres. And what you
12 notice is -- what's plotted is also the wetland
13 -- the lineations. That's really what
14 determined where these two areas were going to
15 be laid out, is where those existing wetlands
16 laid, because a big concern is not to affect
17 those wetlands and to maintain the quality of
18 those wetlands with the development of further
19 borrow activity to the south of the existing
20 landfill.

21 So just -- kind of as we move from those
22 two areas, the way they're going to be
23 excavated and the borrow is going to be removed
24 from them is like Jeff said, they're
25 sequential. There will be storm water basins

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2 that will be developed kind of in the low
3 points to both of these areas, which is
4 probably better depicted -- again, it's tough
5 to see, but this is a contour map showing
6 those.

7 There will be a storm water basin put in
8 here and here (indicating), but what would
9 happen is the west area would be started with a
10 pond of sedimentation base, and then they would
11 progress out of that area and excavate and
12 control that storm water so that it was clean
13 water going back in the wetland RG-6, and then
14 that would continue to flow back down into
15 Hotel Creek, which is south of the site.

16 The east borrow area -- when that area is
17 completed, that will be reclaimed and then the
18 west -- the east area will be started, and
19 again, they'll start with an excavation and
20 create a storm water basin and progress out
21 from there.

22 The one thing to note is you can see that
23 the east area is -- the proposal is to dead end
24 Brew Road. Brew Road is going to be taken out
25 and O'Brien Road is going to have to be dead

21

1

2 ended with a cul-de-sac, so there is a -- Brew
3 Road right now comes to the landfill with a
4 90-degree intersection to O'Brien. This
5 proposal will dead end the two roads at the
6 borrow area.

7 Kind of a long-term plan for both of
8 these areas that we're going to claim is
9 they're going to be permanent storm water
10 basins that will become permanent ponds because
11 the disturbed areas will be reclaimed with top
12 soil, seeded, and then natural -- some
13 vegetation will be planted and kind of a
14 natural progression of vegetation will be
15 reestablished.

16 The real goal is you have wetland,
17 wetland, wetland (indicating), and you're
18 trying to keep the habitat corridor or the --
19 allow animals and birds and everything else to
20 progress back and forth from all these wetland
21 areas that are out there, so it's kind of the
22 way we've laid it out and the way that we're
23 progressing on it.

24 If anybody wants to, they can come up and
25 look at these posters, I'm sure, afterwards,

22

1

2 and just take a look if it's easier to see what
3 we're -- the way we have it laid out.

4 I'll turn it back over to Peg.

5 MS. STEFFAN: Okay. My goal tonight is
6 to receive comments on the draft scope for the
7 proposed soil borrow area. Once the draft
8 supplemental EIS is prepared, you'll have an
9 opportunity to comment on that document, as
10 well. You may provide verbal and written
11 comments on the draft scope tonight, and you
12 may submit written comments until
13 December 16th.

14 Please include your name and return
15 address when you submit a written comment.
16 This will help us to let you know when the
17 final scope is issued, and then when the draft
18 supplemental EIS is ready for your review.

19 If you do not have your written comments
20 ready tonight, you may e-mail them to
21 russrutkowski@monroecounty.gov, or send them by
22 mail to Russell P. Rutkowski, P.E., Monroe
23 County Department of Environmental Services, 50
24 West Main Street, Suite 7100, Rochester, New
25 York, 14614-1228.

1 23

2 Just a reminder that all comments must be
3 received by 5:00 p.m. on December 16th. Those
4 addresses for both the e-mail and sending
5 written comments are also available in the back
6 of the room, should you need them.

7 I have no cards here to call on speakers.
8 Is there anyone who does wish to speak at this
9 time? Again, I would ask that you come up here
10 to the microphone, give your full name and your
11 address. If you're representing a group,
12 please identify the group that you're
13 representing.

14 So, I do have a card. Thank you, David.
15 It's nice to know someone's taking time to make
16 a comment.

17 Our first speaker tonight is David Panek.
18 His address is 7700 Chili-Riga Center Road,
19 Churchville, 14428.

20 Thank you, David, and welcome.

21 MR. PANEK: Good evening. What I need
22 for me to evaluate the work that's being done
23 is more information in the form -- and I've
24 said this before.

25 So I can speak into the microphone at the

1

2 same time -- I need to know latitude and
3 longitudes of these points of the alpined area
4 so that I can overlay this path on other maps
5 that New York State provides. And the other
6 thing I need is your cut profiles, also, how
7 you take the cross -- let me borrow your other
8 map.

9 On your second map where you've showed
10 the various elevations or depressions --
11 whatever way you want to look at it -- and you
12 did a cut profile here (indicating). I need to
13 know where that is at on the map.

14 Somehow I can reconstruct this in some
15 type of a form like a PDF, so I can take --
16 rebuild this cut profile over here onto another
17 map and take a look so I can look at the flow
18 rates across it. Because that's basically what
19 you're looking at is the flow rates to here to
20 recharge flow rates to here (indicating). I
21 just want to look at the numbers again -- make
22 sure we're doing it -- so if you can provide
23 that.

24 The other suggestion is all this
25 information, put it on either the County site

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or somebody's site. Let us know where it's at.
All these can be scanned in PDF very quickly.
Let everybody know, then they can pull the
stuff over rather than printed documents and
try to play catch-up.

MS. STEFFAN: David, thank you very much.

Is there anyone else who would like to
add comments to this meeting at this time?

(There was no response.)

MS. STEFFAN: If there's no other
business, then I would say we are in
adjournment.

I want to thank everyone for coming. I
know there was a fantastic amount of work put
into this. I look forward to seeing what the
next documents will look like. I'm sure I'll
be at the next meeting, as well, so we'll see
you all then. Happy holidays, everybody.

(The matter was concluded at 7:29 p.m.)

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REPORTER CERTIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE)

I, Elsa Guenther, do hereby certify that I reported in stenotype machine shorthand, CaseCatalyst software the proceedings held in the above-entitled matter;

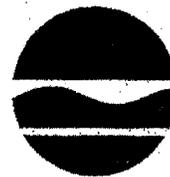
That the foregoing pages were prepared under my direction and control, and constitute a true, accurate, and correct record of those Stenotype Shorthand notes.

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

Elsa Guenther

Dated at Rochester, New York
this 6th day of December, 2009.

ATTACHMENT C
COMMENT LETTERS ON DRAFT SCOPING DOCUMENT



New York State Department of Environmental Conservation

Division of Environmental Permits - Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9516

Phone: (585) 226-5400 FAX: (585) 226-2830

Website: www.dec.ny.gov

Alexander B. Grannis
Commissioner

12/16/2009

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

Re: Mill Seat Landfill
62-Acre Soil Borrow Area
8-2648-00014/00001
Comments on Draft Scope dated November 4, 2009
Riga (T), Monroe (C)

Dear Mr. Garland:

The Department has reviewed the Draft Scoping Document for the proposed borrow area for the Mill Seat Landfill dated November 4, 2009, received November 12, 2009.

As an "involved agency" we appreciate the opportunity to review the draft Scope to provide our formal comments.

Section 3.2 & Section 4.4

The Draft Environmental Impact Statement (DEIS) should include a description of the existing conditions reflected in Hotel Creek in the vicinity of the Mill Seat Landfill. This section of the DSEIS should include a summary of the chemical, physical and biological information which has been collected over time on Hotel Creek, as part of the surface water monitoring required by the Mill Seat's Landfill Permit.

At each sampling location and for each month from April through October, the mean monthly temperature should be compared (using a linear regression) for each year of record to determine if there has been any change over time in the temperature at the surface water quality monitoring locations. Corresponding mean monthly air temperatures should also be included in the same manner on the same month's graph. A similar approach was used by O'Brien & Gere Engineers in an April 18, 2003 submission to support a modification of the Landfill's Monitoring Program. In the earlier analysis, temperature data from 1993 through 2002 from Surface Water sampling locations S-5 and S-8 were used and all mean monthly temperature trends for years of record were shown on same graph and there was no comparison with mean

original Habitat Management Plan green space and enhancements and proposal for amending the original Habitat Management Plan to incorporate the changes.

Comments on full Environmental Assessment Form

A full Environmental Assessment Form (EAF) was also included in the submission with the Draft Scoping Document. We have the following comments on items in the EAF.

- Page 7 of 21- Item 23: Water Usage per day = NA

We would anticipate that water could be used for dust suppression. If this is the case this response should be modified. The source(s) of the water should also be provided.

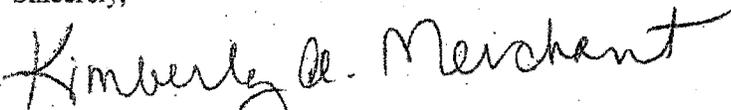
- Page 5 of 21- Item 2: Material removed from site = 1,100,000 tons/cubic yards.

This entry needs some clarification. The "Site" should be interpreted as the Mill Seat Landfill (the addition of the borrow area is considered a modification of the landfill facility and requires a modification of the landfill's Part 360).

The response to Item 2 should answer the question, in terms of how much material will be removed from the Landfill Site? We assume that this would be a minor amount of material, if any at all, because the majority of material removed from the borrow area will be used for daily and interim cover at the landfill. Also, when giving the amount indicate whether the number is for tons or cubic yards.

We would be available to discuss our comments and further develop detail on the proposing baseline and ongoing monitoring and impact analysis to natural resources. Please contact me at 585-226-5392 if you would like to discuss this further.

Sincerely,



Kimberly Merchant
Deputy Permit Administrator

DEC Permit Application Number 8-2648-000014/1-0 NYSDEC Permit
Applied for: Solid Waste Management Permit Modification For the
Mill Seat Landfill soil Borrow Area Project.

Below are the initial rejection of the DEC of concerns about
building of the Mill Seat Landfill. Those rejections along with the
most recent request to remove fill in crucial areas must be severely
question. Most of this will impact ground water and aquifers
throughout the area. Also due to the large area there is a high
probability of disturbance of native American sites. The close
proximity of Hotel creek would have drawn Native Americans to
the site for food and lodging.

Friday, October 11, 2006

3:06 PM

Comments by David Panek
7700 Chili Riga Center road
Churchville, NY, 14428

Monroe County (Mill Seat) - Commissioner Ruling, April 14, 1993
Commissioner Ruling, April 14, 1993
STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION
50 WOLF ROAD
ALBANY, NEW YORK 12233-1550

In the Matter

- of the -

Application of **MONROE COUNTY** to construct and operate the MILL SEAT SOLID WASTE LANDFILL in the Town of
Riga, Monroe County

RULING ON MOTION TO REOPEN THE HEARING

April 14, 1993

The captioned matter was the subject of an Interim Decision dated July 2, 1991 which held that there
were no issues for adjudication. The Interim Decision remanded the matter to Staff to complete certain
outstanding permit processing matters and to then issue permits for the project. A final permit to
construct was issued on August 6, 1991. The construction of the facility is now complete as is the Staff's
review of the construction and related submittals. The permit to operate is pending for issuance.
The issuance of construction permits to the Applicant was challenged in a petition filed pursuant to
Article 78 of the CPLR by some of the parties who had sought to intervene in the administrative
proceeding. On March 2, 1992, the Supreme Court, Monroe County, essentially affirmed the
Department's actions and dismissed the petition.

Discussed the soil an bedrock aquifer...

Financial Viability of the Landfill

The Petitioners contend that events subsequent to the rendering of my July 2, 1991 decision
demonstrate that the landfill is no longer an economically viable project. Specifically, they argue that the
loss of revenues from competition from private landfills may compel an increase in the tipping fee.
Most fundamentally, the economic viability of a project is a matter to be addressed by the project
sponsor. The decision on the acceptability of any given tipping fee is uniquely a local one. Furthermore,
the Petitioners have also failed to make any substantive offer of proof on the economics of the landfill.

During the economic justification the only way was to buy compost to make up for the deficient fill dirt.
This application is not new but the final acknowledgement of an economically non viable project

Summary

The Petitioners have presented no basis whatsoever to reopen the hearings or otherwise consider
modifying or revoking the Applicant's permits. Staff are directed to issue the operating permits for the
landfill as soon as possible.

IN WITNESS WHEREOF, the Department of Environmental Conservation has caused this Ruling on
Motion to Reopen the Hearing to be signed and issued and has filed the same with all maps, plans,
reports, and other papers relating thereto in its office in the County of Albany, New York this 14th day of
April, 1993.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

/s/

THOMAS C. JORLING,
COMMISSIONER

Pasted from: <http://www.dec.ny.gov/hearings/11521.html>

**Question raised during construction of over bored test holes and or intentional
dewatering to build the land fill still remain. During the time of construction there
were reports of numerous wells losing water and a drop of the water table indicating
dewatering. Well known of salt layer below the aquifer layer. Dewatering into this
structure would lead to later damage. Looking at the construction techniques used
including blasting and because of the wetlands surrounding the area, numerous
questions were raised about the source of the water. The above statement by the DEC
to permit it now is coming under question indirectly. Subsequent papers**

The Mill Seat Landfill is a state-of-the-art facility constructed in 1991
and 1992

Pasted from: <http://www.watlandforum.org/archive/accire88.htm>

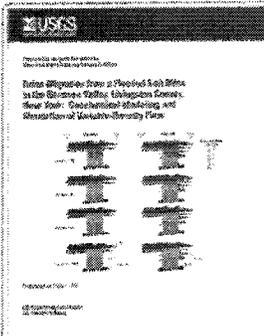
within Unit D of the Syracuse Formation approximately 160ft above the mining horizon. Such brine accumulation apparently formed from the circulation of meteoric water through vertical discontinuities that were connected to overlying fresh water aquifers long before mining began in the valley in the late nineteenth century.

Retrieved from <<http://pubs.geoscienceworld.org/onlinecontent/abstract/1611/57>>

Prepared in cooperation with the
New York State Attorney General's Office

Brine Migration from a Flooded Salt Mine in the Genesee Valley, Livingston County, New York: Geochemical Modeling and Simulation of Variable-Density Flow

By Richard M. Yager, Paul E. Misut, Christian D. Langevin, and David L. Parkhurst



ABSTRACT

The Retsof salt mine in upstate New York was flooded from 1994 to 1996 after two roof collapses created rubble chimneys in overlying bedrock that intersected a confined aquifer in glacial sediments. The mine now contains about 60 billion liters of saturated halite brine that is slowly being displaced as the weight of overlying sediments causes the mine cavity to close, a process that could last several hundred years. Saline water was detected in the confined aquifer in 2002, and a brine-mitigation project that includes pumping followed by onsite desalination was implemented in 2006 to prevent further migration of saline water from the collapse area. A study was conducted by the U.S. Geological Survey using geochemical and variable-density flow modeling to determine sources of salinity in the confined aquifer and to assess (1) processes that control movement and mixing of waters in the collapse area, (2) the effect of pumping on salinity, and (3) the potential for anhydrite dissolution and subsequent land subsidence resulting from mixing of waters induced by pumping.

The primary source of salinity in the collapse area is halite brine that was displaced from the flooded mine and transported upward by advection and dispersion through the rubble chimneys and surrounding deformation zone. Geochemical and variable-density modeling indicate that salinity in the upper part of the collapse area is partly derived from inflow of saline water from bedrock fracture zones during water-level recovery (January 1996 through August 2006). The lateral diversion of brine into bedrock fracture zones promoted the upward migration of mine water through mixing with lower density waters. The relative contributions of mine water, bedrock water, and aquifer water to the observed salinity profile within the collapse area are controlled by the rates of flow to and from bedrock fracture zones. Variable-density simulations of water-level recovery indicate that saline water has probably not migrated beyond the collapse area, while simulations of pumping indicate that further upward migration of brine and saline water is now prevented by groundwater withdrawals under the brine-mitigation project. Geochemical modeling indicates that additional land subsidence as a result of anhydrite dissolution in the collapse area is not a concern, as long as the rate of brine pumping is less than the rate of upward flow of brine from the flooded mine.

The collapse area above the flooded salt mine is within a glacially scoured bedrock valley that is filled with more than 150 meters of glacial drift. A confined aquifer at the bottom of the glacial sediments (referred to as the lower confined aquifer, or LCA) was the source of most of the water that flooded the mine. Two rubble chimneys that formed above the roof collapses in 1994 hydraulically connect the flooded mine to the LCA through 180 meters of sedimentary rock. From 1996 through 2006, water levels in the aquifer system recovered and the brine-displacement rate ranged from 4.4 to 1.6 liters per second, as estimated from land-surface subsidence above the mine. A zone of fracturing within the bedrock (the deformation zone) formed around the rubble chimneys as rock layers sagged toward the mine cavity after the roof collapses. Borehole geophysical surveys have identified three saline-water-bearing fracture zones in the bedrock: at stratigraphic contacts between the Onondaga and Bertie Limestones (O/B-FZ) and the Bertie Limestone and the Camillus Shale (B/C-FZ), and in the Syracuse Formation (Syr-FZ). The only outlets for brine displaced from the mine are through the rubble chimneys, but some of the brine could be diverted laterally into fracture zones in the rocks that lie between the mine and the LCA.

Inverse geochemical models developed using PHREEQC indicate that halite brine in the flooded mine is derived from a mixture of freshwater from the LCA (81 percent), saline water from bedrock fracture zones (16 percent), and an hypothesized bromide-rich brine (3 percent) assumed to originate from salt-bearing rocks above the flooded mine. Geochemical modeling results also indicate that halite brine entering the rubble chimneys is diluted by both bedrock water and aquifer water, and that water from the mine has not reached the bedrock surface. Forward geochemical models indicate that additional land subsidence could occur if pumping from the brine-mitigation project were to introduce either freshwater or bedrock water that is undersaturated with respect to anhydrite into the lower part of the rubble

First posted
August, 2009

• [Professional
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Paper 1611](#)

• [Animations
for report:
project
summary](#)
(use pull
down menu
on the upper
left of the
page)

• Halite
saturation

• Mine water

• Bedrock
water

• Freshwater

**For additional
information
contact:**
[Director](#), New York
Water Science
Center
U.S. Geological
Survey
425 Jordan Road
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12180-8349
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gs.gov](http://ny.water.us
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chimneys. In this unlikely scenario, the maximum subsidence rates are predicted to range from 0.6 to 1.1 centimeters per year—subsidence rates would be lower (0.1 to 0.6 centimeters per year) if ion-exchange reactions affect the water chemistry.

Variable-density, transient groundwater-flow models were constructed using SEAWAT to simulate the movement of saline water, aquifer water, bedrock water, and brine within the rubble chimneys and surrounding deformation zone during the 10.7-year period following flooding of the salt mine. Two three-dimensional models reproduced the profile of halite saturation with depth measured in September 2006 reasonably well, and neither model indicated that saline water had migrated beyond the collapse area. The models differed in the number of fracture zones represented: one zone in model A (O/B-FZ) and three zones in model B (O/B-FZ, B/C-FZ, and Syr-FZ). It is unknown whether model A or model B better represents current conditions because the lateral extents of the B/C-FZ and Syr-FZ have not been delineated beyond the collapse area.

In model A, the salinity of water in the upper part of the rubble chimneys is derived mainly from the inflow of bedrock water from the O/B-FZ, as indicated by geochemical models. Bedrock water that was pushed upward by brine during the 10.7-year simulation period formed a diffuse front above a nearly horizontal brine level in both chimneys. In model B, some of the salinity in the upper part of the rubble chimneys is derived from mine water. The rate of bedrock-water inflow from the O/B-FZ was lower in model B than in model A, and mixing with waters from the Syr-FZ and B/C-FZ transported mine water higher in the water column than in model A. Simulated brine levels in both chimneys sloped northward, reflecting lateral diversion of brine into the B/C-FZ, and less aquifer water was displaced from the collapse area than in model A.

Models A and B were used to simulate changes in water levels and salinity produced by pumping for the brine-mitigation project from September 2006 through February 2008. Both simulations indicated that current pumping rates are sufficient to offset upward migration of brine and saline water through the collapse area and, therefore, to further prevent contamination of the LCA. A greater decrease in salinity was simulated in model B, however, because the porosity of the rubble chimneys was lower (6 percent compared to 10 percent in model A), and some brine and saline waters were diverted through the B/C-FZ. Model B better simulates the influent saturation to the desalination plant, the amount of halite produced, and the observed declines in saturations than model A, which is more consistent with results of geochemical modeling. Sensitivity analyses indicate that the actual brine-displacement rate could be lower than estimated because simulated declines in saturations underpredict the observed decline from September 2006 through February 2008. Although halite saturations within the upper part of the collapse area are predicted to decrease with continued pumping, brine displacement from the flooded mine is expected to continue for hundreds of years. Simulations of a shutdown of the brine-mitigation project indicate southward migration of saline water through the LCA, extending 700 meters to the model boundary within 10 years. Continued migration of saline water would eventually form a pool in the LCA in a bedrock depression 8 kilometers south of the collapse area near Sonyea, but the large relative density of the saline water would likely prevent it from reaching overlying aquifers. Simulations also indicate that brine will migrate through bedrock fracture zones—some brine could possibly emerge up dip to the north where the subcrop area of the Bertie Limestone intersects the bedrock surface near Avon, but the projected time of travel is unknown.

Suggested citation:

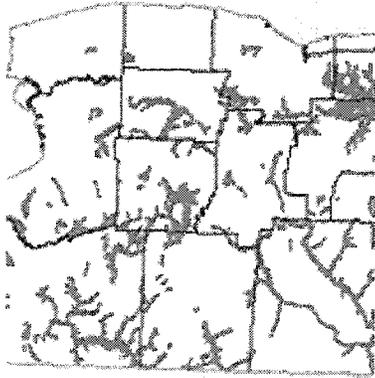
Yager, R.M., Misut, P.E., Langevin, C.D., and Parkhurst, D.L., 2009, Brine migration from a flooded salt mine in the Genesee Valley, Livingston County, New York: Geochemical modeling and simulation of variable-density flow: U.S. Geological Survey Professional Paper 1767, 59 p., also available online at <http://pubs.usgs.gov/pp/pp1767/>.

Contents

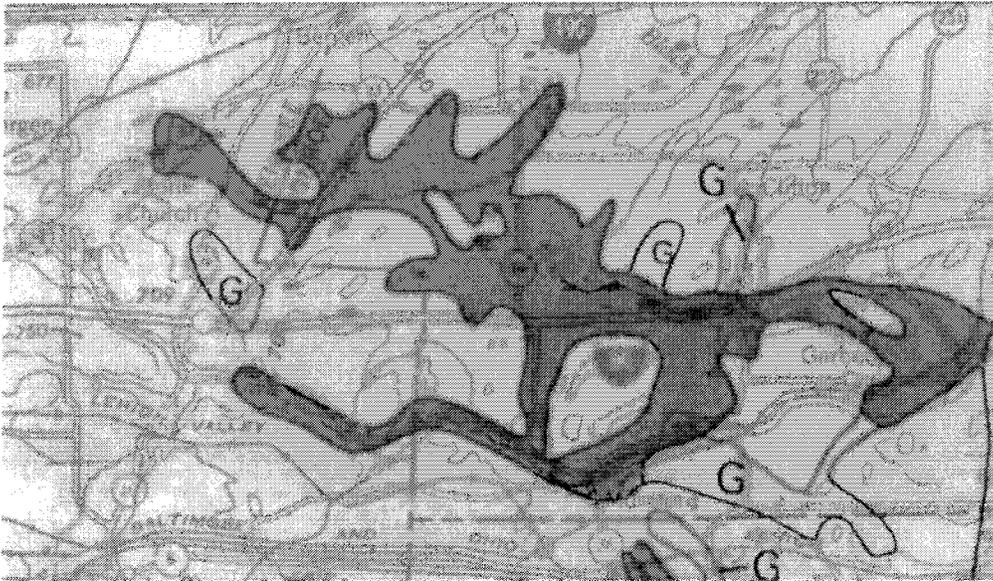
- Abstract
- Introduction
- Hydrogeologic Setting
- Mine Flooding and Aftermath
- Flooding and Formation of Rubble Chimneys
- Water-Level Recovery and Migration of Brine
- Interception of Brine and Saline Water
- Geochemical Modeling
- Inverse Models
- Forward Models
- Discussion of Results from Geochemical Modeling
- Simulated Migration of Brine and Saline Water During Water-Level Recovery
- One-Dimensional Flow
- Three-Dimensional Flow
- Model Design
- Model Calibration
- Model Results
- Discussion of Results
- Simulated Pumping of Brine and Saline Water
- Model Design
- Model Results
- Model Sensitivity
- Discussion of Results
- Implications for Future Mitigation Efforts
- Current Conditions in the Collapse Area
- Considerations for Future Mitigation
- Summary

Printed from <http://pubs.usgs.gov/pp/pp1767/>

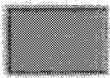
....The lateral diversion of brine into bedrock fracture zones promoted the upward migration of mine water through mixing with lower density waters. The relative contributions of mine water, bedrock water, and aquifer water to the observed salinity profile within the collapse area are controlled by the rates of flow to and from bedrock fracture zones.



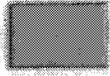
NYS Primary & Principal Aquifers Large Image - NYS Dept. of Environmental Conservation
<http://www.dec.ny.gov/lands/57251.htm>
Screen capture taken: 12/13/2008, 5:09:54



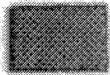
POTENTIAL YIELD OF WATER FROM WELLS THAT TAP UNCONSOLIDATED AQUIFERS



UNCONFINED AQUIFERS, 10 TO 100 GALLONS PER MINUTE--Sand and gravel with saturated zone generally less than 10 ft thick, or thicker but with less permeable silty sand and gravel. Yields in areas adjacent to streams may exceed 100 gal/min (gallons per minute) through pumping-induced infiltration, but these areas are too small to show at this scale



UNCONFINED AQUIFERS, MORE THAN 100 GALLONS PER MINUTE--Sand and gravel of high transmissivity and with saturated thickness greater than 10 ft. Many such areas are associated with a surface-water source that can provide additional water through pumping-induced recharge



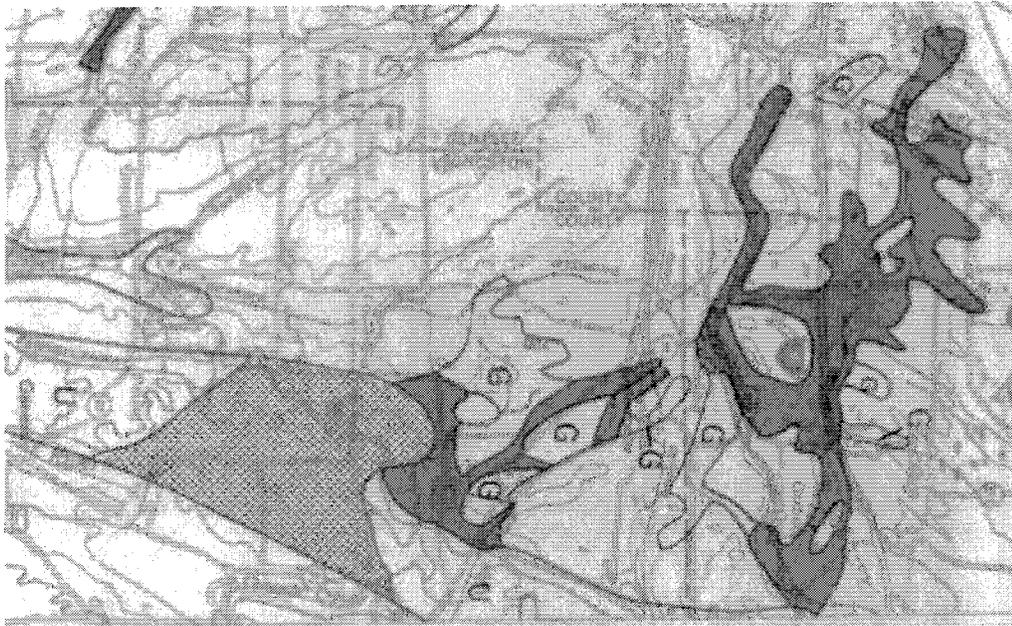
CONFINED AQUIFER UNDERLYING UNCONFINED AQUIFER, 5 TO MORE THAN 500 GALLONS PER MINUTE (from confined aquifer)--Areas where a relatively impermeable till or lacustrine, very fine sand, silt, or clay layer separates the buried sand and gravel aquifer from an overlying surficial aquifer



Kame, kame terrace, kame moraine, outwash, or alluvium--Sand and gravel of unknown thickness or saturation. Yield potential is greater where streams are present

The map below shows the major aquifer along with gravel deposits which became conduits for water to the south. The dewatering structures in place will jeopardize the wetlands surrounding the landfill for years and possibly change the nature of the discharge to Saline. The major question remains to with so much weight removed from the surface what artisian source might appear and if through fractures the saline will forever prevent Hotel creek from sustain a trout population

http://pubs.er.usgs.gov/dhwa/WRI/wrk_88_4276_n8.dwg
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http://pubs.er.usgs.gov/dhwa/WRI/wrk_88_4276_n8.dwg
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The various aquifers and sand deposits allow linkage of water as outlined above and any

changes to the overburden could cause unexpected passages of water from one level to the next. Just as the discovery of large amounts of water below the surface during construction of Mill seat caused the implementation of dewatering structures to salt layers below the action result or consequence could not be seen until years later. All of this will also have a impact on the headwater of hotel creek as outlined below.

• Expand

Salt dissolution and subsidence or collapse caused by human activities

1. Kenneth S. Johnson¹

* Author Affiliations

2. ¹Oklahoma Geological Survey, 100 E. Boyd, Room N-131, Norman, Oklahoma 73019, USA
Abstract

Salt (halite, NaCl) is the most soluble of common rocks; it is dissolved readily and forms a range of subsidence or collapse features as a result of human activities. Bedded or domal salt deposits are present in 25 of the 48 contiguous United States and underlie nearly 20% of the land area. These salts occur in 17 separate structural basins or geographic districts in the United States, and either local or extensive examples of natural or man-made salt karst are known in almost all of these basins or districts.

Human activities have contributed to the development of salt karst. Boreholes or underground mines may enable (either intentionally or inadvertently) unsaturated water to flow through or against the salt deposits, thus allowing development of small to large dissolution cavities. If the dissolution cavity is large enough and shallow enough, successive roof failures can cause land subsidence or catastrophic collapse. Because salt dissolution proceeds rapidly, human-induced karst features often develop quickly and with dramatically adverse impacts.

Posted from <http://geo.csaohs.org/content/15/10/abstract>

Screen clipping taken: 12/13/2009, 5:20 PM

Hotel Creek Critical Environmental Area (CEA)

Legend *

Hotel Creek CEA

Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data.

Please contact the designating authority for additional information regarding legal boundary descriptions.

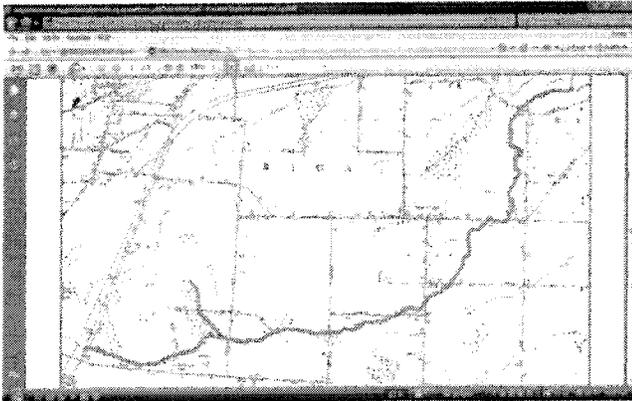
Effective Date of Designation: 3-17-90 Designating Agency: Town of Riga

Base Map: DOT 1:24,000 Planimetric Images

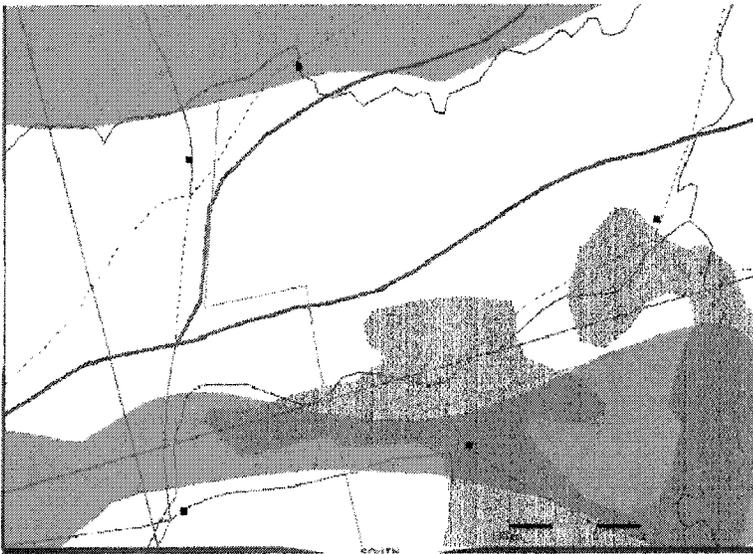
1 inch equals 3,750 feet

0 1,500 3,000 6,000 9,000 12,000

Feet



Now the last thing to consider are the carbonate rock aquifers



Map Maker - netxnatlas.gov
<http://netxnatlas.gov/NetX/NatlasStart.asp>
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Map Maker - netxnatlas.gov
<http://netxnatlas.gov/NetX/NatlasStart.asp>
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California rock aquifers

- Great and Farage aquifers-rock aquifers
- Riverside-Santa Ana aquifer system
- Central Plateau aquifer system
- Owens aquifer
- Antelope Valley aquifer
- Warner-Carrizo aquifer
- Owensan aquifers
- Upper San Joaquin aquifer
- Nevada aquifer system
- Shoshone aquifer
- New York and New England northern rock aquifers

Map Maker - netxnatlas.gov
<http://netxnatlas.gov/NetX/NatlasStart.asp>
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Aquifers of Alluvial and Glacial Origin
 Source: U.S. Geological Survey

http://neds.usgs.gov/dna/WRI/whr_88_4976_nf.dwg
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Aquifer of Alluvial and Glacial Origin

Needed also because of the large acreage involved and the location to mound. Native American review of the site per the Federal law.

The Native American Graves Protection and Repatriation Act (NAGPRA)

Reproduced from *Archaeological Method and Theory: An Encyclopedia*, edited by Linda Ellis, Garland Publishing Co., New York and London, 2000.

Francis P. McManamon

The Native American Graves Protection and Repatriation Act (Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. One major purpose of this statute (Sections 5-7) is to require that Federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms: from reburial to long-term curation, according to the wishes of the lineal descendant(s) or culturally affiliated Tribe(s).

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands (Section 3). Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act (Sec. 3 (c)(1)). This NAGPRA requirement is likely to encourage the in situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items. In many situations, it will be advantageous for Federal agencies and Tribes undertaking land-modifying activities on their lands to undertake careful consultations with traditional users of the land and intensive archaeological surveys to locate and then protect unmarked Native American graves, cemeteries, or other places where cultural items might be located. Other provisions of NAGPRA: (1) stipulates that illegal trafficking in human remains and cultural items may result in criminal penalties (Section 4); (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute (Section 10); (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute (Section 8); authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute (Section 9); and, (5) directs the Secretary to develop regulations in consultation with this Review Committee (Section 13).

"Cultural affiliation" is a key concept for implementing this statute; it is a cornerstone for repatriation requests and for asserting claims related to new discoveries on Federal or Tribal land. The statute defines cultural affiliation as

a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group (Sec. 2(2)).

This implies that contemporary groups of Native Americans of diverse backgrounds who voluntarily associate together for some purpose or purposes are not viewed as proper claimants under the provisions of the statute. Whether new discoveries from Federal or Tribal land or existing collections are being considered, it is not necessary for the agency, museum, lineal descendent, Indian Tribe, or Native Hawaiian organization to establish beyond all doubt which descendent or Native American group is a proper claimant for purposes of repatriation. This is true in situations involving cultural items in collections as well as when dealing with newly discovered materials.

The types of evidence which may be offered to show cultural affiliation may include, but are not limited to, geographical, kinship, biological, archaeological, anthropological, linguistic, oral tradition, or historical evidence or other relevant information or expert opinion. The requirement of continuity between present day Indian Tribes and materials from historic or prehistoric Indian Tribes is intended to ensure that the claimant has a reasonable connection with the materials. Where human remains and funerary objects are concerned, the Committee is aware that it may be extremely difficult, unfair, or even impossible in many instances for claimants to show an absolute continuity from present day Indian Tribes to older, prehistoric remains without some reasonable gaps in the historic or prehistoric record. In such instances, a finding of cultural affiliation should be based upon an overall evaluation of the totality of the circumstances and evidence pertaining to the connection between the claimant and the material being claimed and should not be precluded solely because of gaps in the record (Senate 1990:9).

Executing the provisions of the Graves Protection and Repatriation Act involves three primary participants: Federal agencies, all museums receiving Federal funds (including State, local, and private institutions), and Indian Tribes and Native Hawaiian organizations. Oversight and directions for the activities required of these three types of organizations are to be provided by the Secretary of the Interior and the NAGPRA Review Committee established by the statute.

The kinds of remains and the artifacts covered by provisions of the statute are: (1) human remains and associated funerary objects; (2) unassociated funerary objects; (3) sacred objects; and (4) objects of cultural patrimony.

"Human remains" are not defined in the statute, and consequently all kinds of Native American human remains are covered. This means isolated human bones, teeth, or other kinds of bodily remains that may have been disturbed from a burial site are still subject to the provisions of this statute.

"Associated funerary objects" are objects reasonably believed to have been placed with human remains as part of a death rite or ceremony. The use of the adjective "associated" refers to the fact that these items retain their association with the human remains with which they were found and that these human remains can be located. It applies to all objects that are stored together as well as objects for which adequate records exist permitting a reasonable reassociation between the funerary objects and the human remains that they were buried with.

It frequently occurs in archeological sites that artifacts seemingly from burials were not placed with the human remains as part of a death rite, rather they have been introduced into the burial later by natural processes or cultural activities unrelated to death rites or ceremonies. These latter objects would not be considered funerary objects.

"Unassociated funerary objects" are items that "...as a part of a death rite or ceremony of a culture are reasonably believed to have been placed with individual human remains either at the time of death or later...", but for which the human remains are not in the possession or control of the museum or Federal agency. These objects also must meet one of two further conditions. They must be identified by a preponderance of the evidence as either "...related to specific individuals or families or to known human remains..." or "...as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe (Sec. 2(3)(B))."

"Sacred objects" are defined in the statute as "...specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents..." (Sec. 2(3)(C)).

Further discussion of this term is supplied by the Senate Committee report:

There has been some concern expressed that any object could be imbued with sacredness in the eyes of a Native American, from an ancient pottery shard to an arrowhead. The Committee does not intend this result. The primary purpose of the object is that the object must be used in a Native American religious ceremony in order to fall within the protection afforded by the bill (Senate 1990:7).

"Objects of cultural patrimony" are defined in the statute as having "...ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual..." (Sec. 2(3)(D)). The key provision in this definition is whether the property was of such central importance to the Tribe or group that it was owned communally. The potential vagueness of this term again produced comment by the Senate Committee:

The Committee intends this term to refer to only those items that have such great importance to an Indian Tribe or to the Native Hawaiian culture that they cannot be conveyed, appropriated or transferred by an individual member. Objects of Native American cultural patrimony would include items such as Zuni War Gods, the Wampum belts of the Iroquois, and other objects of a similar character and significance to the Indian Tribe as a whole (Senate 1990:7-8).

Many objects in archeological or ethnographic collections are not subject to the statute, because they never had a burial, funerary, religious, or cultural patrimonial context in the culture that they were part of. Such objects would be retained in existing repositories with appropriate treatments and care. When archeological investigations or unanticipated discoveries on Federal or Tribal land result in the recovery of such items, they are to be treated and disposed of according to the requirements of the appropriate archeological or historic preservation laws.

Further Readings and Links

- [Native American Graves Protection and Repatriation Act](#) (25 U.S. Code 3001 et seq.), statute text.
- [Native American Graves Protection and Repatriation Act Regulations: Final Rule](#) (43 CFR 10), regulation text.

Pasted from: <http://www.nps.gov/archeology/tops/laws/NAGPRA.htm>

Tonawanda Reservation
Tonawanda Band of Senecas Council of Chiefs
Bernie Parker, Chief
7027 Meadville Rd.
Basom, NY 14013
Tel# (716) 542-4244, Fax# 542-9692

Pasted from: <http://www.indians.org/Resource/FedTribe99/Region6/region6.htm>

Seneca Nation of Indians
Seneca Nation Tribal Council
P.O. Box 231
Salamanca, NY 14779
Tel# (716) 945-1790, Fax# 532-9132

Pasted from: <http://www.indians.org/Resource/FedTribe99/Region6/region6.htm>

Cayuga Indian Nation
Cayuga Nation Tribal Council
Vernon Isaac, Chief
P.O. Box 11
Versailles, NY 14168
Tel# (716) 532-4847, Fax# 532-5417

Pasted from: <http://www.indians.org/Resource/FedTribe99/Region6/region6.htm>

ATTACHMENT D
POSITIVE DECLARATION

State Environmental Quality Review

POSITIVE DECLARATION

Notice of Intent to Prepare a Draft SEIS, Determination of Significance and Availability of Draft Scoping Document for Public Comment

Project Number: 8-2648-00014

Date: November 4, 2009

This notice is issued pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and 6 N.Y.C.R.R. Part 617 et seq. of the implementing regulations thereto ("SEQR").

Monroe County as Lead Agency, has determined that the proposed construction of soil borrow areas at the Mill Seat Landfill may have a significant adverse impact on the environment and that a Draft Supplemental Environmental Impact Statement will be prepared (hereinafter the "DSEIS").


Maggie Brooks, County Executive



Name of Action:

Construction and operation of soil borrow areas and associated facilities at the Monroe County Mill Seat Landfill (the "proposed project").

SEQR Status:

Type 1
Unlisted

Scoping:

No Yes If yes, indicate how scoping will be conducted:

The County will solicit written public comments and conduct a public Scoping Meeting to determine what should be discussed and evaluated in the DSEIS. A Draft Scoping Document for the DSEIS is available for public review and comment. Copies of the document are available at: Monroe County Department of Environmental Services, 50 W. Main Street, Rochester, NY 14614; Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416; Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428; and Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416. The Public Scoping Meeting will be held on December 2, 2009 at 7:00 p.m. in Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428. Written comments on the Scope will be accepted until December 16, 2009. Comments should be submitted to the contact person listed below.

Description of Action:

Construct and operate two soil borrow areas of approximately 20 acres and 42 acres in size which will provide on-site soils for operation of the currently permitted Mill Seat Landfill and which will include related facilities such as roads, berms, and stormwater control measures.

A modification to the 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.

Location:

The two soil borrow areas and related facilities (hereinafter collectively referred to as the "proposed project site" or the "Borrow Area") will be located on approximately 62 acres located just south of and adjacent to the Mill Seat Landfill footprint which is located in the Town of Riga, Monroe County NY, approximately 1 mile southeast of the Village of Bergen..

Reasons Supporting This Determination:

Monroe County, as Lead Agency, has found that the following potential significant adverse environmental impacts are presented by the action supporting a positive declaration under SEQRA:

- 1) Wetlands identified as RG-5, RG-6 and RG-7 exist on or near the proposed site. 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 Area. Specific areas of concern to be addressed will include habitat isolation and fragmentation, and impacts on wildlife presently utilizing the wetlands. Further, impacts from potential changes to the water regime from the proposed project which could impact the wetlands will be assessed to determine if the proposed project will impact the flow of water into or out of wetlands. The survey results and plans for follow-up monitoring of the wetlands will be included in the DSEIS and mitigation measures will be identified and implemented as appropriate.
- 2) Because of significant areas of soil disturbance, water resources on and in the vicinity of the Borrow Area will be described in the DSEIS. Potential impacts due to the proposed project area from such soil disturbance will be evaluated, and appropriate mitigation measures identified.

- 3) Air resources on and in vicinity of the Borrow Area will be examined in the DSEIS to evaluate potential impacts due to the proposed project. The air resource evaluation will include consideration of the impact on greenhouse gas emissions of the proposed project and control of dust during operation of the proposed project. Mitigation measures may include the use of water to control dust or provide a buffer between the Borrow Area and surrounding uses.
- 4) 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. Available databases 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 analyzed, 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 proposed project site area and mitigation measures, if appropriate, will be presented. Further, a reclamation plan prepared for the proposed project will detail the recommendations and mitigation measures to address any long term impact to the ecological resources in the area of the proposed project site.
- 5) Agricultural land resources on and in the vicinity of the proposed project 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.
- 6) A visual impact assessment was included in the original draft and final EIS for the Mill Seat Landfill. This assessment determined that no off-site area would be significantly visually impacted by that Landfill, however, the Borrow Area could be visible at locations to the south along Bovee Road. Therefore, a supplemental visual impact evaluation will be performed to determine if the proposed project creates significant visual impacts.
- 7) Cultural resources studies (Phase I(a) and Phase I(b)) for the permitted Mill Seat Landfill Site were performed during the original permitting process. The Phase I(a) study will be updated to incorporate recent research findings, and the Phase I(b) survey (field investigation) will be extended into the proposed Borrow Area to investigate potential impacts of the proposed project in areas not previously assessed. The results of this survey will be forwarded to the NYS Office of Parks, Recreation and Historic Preservation for that Agency's review and determination of whether there will be any significant impact to cultural resources. Relevant correspondence regarding this issue will be provided in the DSEIS, and as appropriate, mitigation measures in accordance with applicable regulations and guidance will be identified to address such significant impacts to resources as may be identified.

- 8) 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 other improvements to ease impacts.
- 9) The change of noise or odor impacts related to the proposed 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 site will be examined in the DSEIS to evaluate potential impacts and to identify appropriate mitigation measures.

For Further Information:

Contact Person: Russell P. Rutkowski, P.E., Associate Engineer, Monroe County

Address: Monroe County Department of Environmental Services, 50 West Main Street, Suite 7100, Rochester New York 14614-1228

Telephone number: (585) 753-7515

A copy of this is notice is being sent to:

New York State Department of Environmental Conservation, Region 8-Division of
Environmental Permits
6274 East Avon-Lima Road, Avon New York 14414
Attention Kimberly Merchant

[Ken Kuter, Supervisor, Town of Riga New York, 6460 Buffalo Rd, Churchville, NY 14428]

Persons requesting a copy

The Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750

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