

Mill Seat Landfill Expansion

Facility ID No. 8-2648-00014

Town of Riga, New York

Draft Supplemental Environmental Impact Statement

Attachment A

Final Scoping Document



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for a

**Draft Supplemental
Environmental Impact Statement**

July 2013



SEQRA Lead Agency: Monroe County, NY

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Draft Supplemental
Environmental Impact Statement

July 2013

SEQRA Lead Agency: Monroe County

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Glossary of Terms

Approved Design Capacity – The approved design capacity for this landfill is 1,945 tons/day. This threshold is a daily average and is based on the quantity of solid wastes accepted at the landfill during a calendar year. Solid wastes that have been approved for use as a beneficial use are not included in this limit as long as they are actually being used as approved.

County – Monroe County, New York.

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

DSD – Draft Scoping Document

DSEIS – Draft Supplemental Environmental Impact Statement

EAF – Environmental Assessment Form

EIS – Environmental Impact Statement

Footprint – A portion of a landfill site where solid waste will be disposed of within a liner system.

FSD – Final Scoping Document

FSEIS – Final Supplemental Environmental Impact Statement

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

Landfill Site – The land on which the permitted Mill Seat Landfill is located.

Lessee – In an agreement between Monroe County and Waste Management of New York, LLC (WMNY), WMNY took full responsibility for landfill operations for a 49-year period. WMNY operates the landfill on behalf of Monroe County.

Mill Seat Landfill – Currently permitted landfill and associated operations.

MSW – Municipal solid waste.

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

NYSDEC – New York State Department of Environmental Conservation.

Owner – Monroe County is the owner of the Mill Seat Landfill.

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

Proposed Action – The proposed landfill expansion and support features, including stormwater management ponds, soil borrow areas, and access roadways, and the land on which these will occur.

SEIS – Supplemental Environmental Impact Statement

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

SHPO – New York State Historic Preservation Office

Site – The land on which the permitted Mill Seat Landfill is located and the Proposed Action (proposed landfill expansion) would be located.

Wetlands – A land area that is saturated with water, either permanently or seasonally, such that it takes on characteristics that distinguish it as a distinct ecosystem. The primary factor that distinguishes wetlands is the characteristic vegetation that is adapted to its unique soil conditions. Wetlands are made up primarily of hydric soil, which supports aquatic plants.

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

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 in this document as the “Mill Seat Landfill”, and the land on which the permitted Mill Seat Landfill is located will be referred to as the “Landfill Site”. The Mill Seat Landfill is operated by Waste Management of New York, LLC (WMNY) under a lease agreement with Monroe County. The Mill Seat Landfill’s Solid Waste Management Facility Permit I.D. number is 8-2648-00014. The location of the Landfill Site is shown on Figure 1.

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 a landfill expansion and support features, including stormwater management ponds, soil borrow areas, and access roadways (to be referred to hereafter as the “Proposed Action”). The “Site” is the land on which the Mill Seat Landfill and Proposed Action would be located.

The Proposed Action is being reviewed pursuant to the New York State Environmental Quality Review Act (“SEQRA”), to identify potentially significant adverse environmental impacts and to establish methods and procedures to prevent or mitigate these potential impacts as much as possible. Because of its direct involvement as owner and permittee, and required discretionary authority over aspects of the Proposed Action, the County has been established as the SEQRA Lead Agency. The SEQRA review of the Proposed Action (more fully described in Section 2.0 of this document) must be completed before the NYSDEC, the Town of Riga and the County make formal commitments to approve and undertake the Proposed Action. NYSDEC has discretionary approval over the issuance of the permit modification and is therefore an involved agency under SEQR. The Town of Riga may have authority over possible modifications to O’Brien Road.

The Final Scoping Document (FSD) provides an overview of issues to be addressed in the Draft Supplemental Environmental Impact Statement (DSEIS). It is

intended to incorporate comments received from involved and interested agencies as well as the public on the issues to be addressed in the DSEIS.

A Public Scoping Meeting was held on May 13, 2013, at the Town Hall in the Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428. Written comments on the Scope were accepted until May 28, 2013. The notice for the Public Scoping Meeting is included as Attachment A.

The Public Scoping Meeting was advertised in the Environmental Notice Bulletin on April 24, 2013 and in the following newspapers on the dates referenced:

- The Daily Record, April 26, 2013
- Rochester Business Journal, April 26, 2013
- Suburban News South Edition, April 28, 2013, and
- Suburban News West Edition, April 28, 2013.

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 Public Scoping Meeting transcript, recorded at the meeting, is included as Attachment B. The following issues were raised by the public at the Public Scoping Meeting: potential impacts to Hotel Creek, potential impacts associated with vectors, and potential impacts associated with landfill gas. Evaluation of potential impacts associated with these issues will be addressed in the SDEIS. The NYSDEC provided written comments on the Draft Scoping Document in a letter to the County dated May 24, 2013 (included as Attachment C). The comments provided in the NYSDEC letter were related to greenhouse gas emissions, jurisdictional wetland impacts and noise. These topics have been incorporated into this FSD in Sections 3.4.2, 3.5 and 3.10, respectively. The NYSDEC's submittal comprised the only written comments submitted during the comment period that ended on May 28, 2013.

1.1 Purpose and Need

The basic purpose of the Proposed Action is to:

- provide long-term, cost effective solid waste disposal capacity in and for the County and others, that is acceptable to the local community; and
- secure additional disposal capacity in the County beyond the current useful life of the Mill Seat Landfill that will ensure that locally controlled, environmentally sound, and reliable disposal capacity will be provided without interruption for at least twenty-five (25) years to the residents and businesses located in the County.

2.0 Environmental Review Process

2.1 Purpose of SEQRA

SEQRA 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 SEQRA 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 April 19, 2013, indicating that an EIS would be prepared.

The SEQRA Lead Agency may require a supplemental EIS (SEIS), limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the original EIS for a project 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 SEQRA is the public participation component. There are opportunities for public participation within the SEQRA process when an EIS is prepared. These include conducting a Scoping Meeting related to the proposed Draft EIS content, as well as a public comment period after acceptance

of the Draft EIS, during which written comments will be received and reviewed and responses provided as part of the Final EIS. These opportunities allow other agencies and the public to provide input into the planning process.

Since a Final Environmental Impact Statement was prepared for the Mill Seat Landfill during the initial permitting process that was completed in 1990, only the potential significant adverse impacts associated with the landfill expansion project that were not addressed in the prior SEQRA analyses, will be included in the Draft Supplemental EIS. It should be noted here that an earlier Supplemental Environmental Impact Statement was produced for the Mill Seat Landfill in 1990 associated with the proposal to reduce the footprint of the landfill from one hundred four point five (104.5) to approximately ninety five (95) acres as well as for the Mill Seat Soil Borrow Area in 2011 associated with two (2) soil borrow areas, approximately twenty (20) acres and (42) acres in size.

2.2 SEQRA Process

The SEQRA process for this Proposed Action will follow the process delineated in 6 NYCRR Part 617. 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 617.2(s)). The involved agencies for this Proposed Action are listed in Section 4.0.

The SEQRA Lead Agency is the involved agency that has the responsibility to coordinate the environmental review process. The County will be the SEQRA Lead Agency for the Proposed Action. Monroe County has determined that this Proposed Action will require preparation of a DSEIS to

address impacts that were not addressed in the prior SEQRA analyses for the original permitting for the Mill Seat Landfill, the footprint acreage reduction and the 2011 soil borrow project.

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 Final Scoping Document is to expand on the description of the DSEIS content provided in the Draft Scoping Document, and to incorporate any significant environmental issues raised as part of the scoping process.

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) - Potentially significant environmental impacts associated with the Proposed Action, which were not addressed in previous SEQRA analyses prepared for the Mill Seat Landfill, will be addressed in a DSEIS.

Copies of the DSEIS and supporting documents will be made available for public inspection, and on the County's website. A minimum of thirty (30) 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 SEQRA Status

Part One (1) of a SEQRA Environmental Assessment Form (EAF) was completed for the Proposed Action and was circulated by the County to other involved and interested agencies by letter dated February 1, 2013 requesting agreement with designation of the County as SEQRA Lead Agency. The New York State Department of Environmental Conservation (NYSDEC) and the Town of Riga have been identified as other involved agencies on this Proposed Action, and they have agreed to the County as SEQRA Lead Agency.

A formal public scoping process was undertaken as outlined in Part 617.8 of the SEQRA regulations. A Public Scoping Meeting was held on May 13, 2013. Written comments on the Scope were accepted until May 28, 2013. The notice for the Public Scoping Meeting is included as Attachment A.

The Public Scoping Meeting was advertised in the Environmental Notice Bulletin on April 24, 2013 and in the following newspapers on the dates referenced:

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The DSEIS will be the principal document that describes the technical and environmental information and impacts associated with the Proposed Action. In addition to the components described in Section 5.0 of this document, the DSEIS will also include a cover sheet, a table of contents, a summary of the document's contents, and a discussion of the project's background, purpose, and public needs and benefits, including social and economic considerations.

3.0 Preliminary DSEIS Outline

Potentially significant environmental impacts associated with the Proposed Action, which were not addressed in the previous SEQRA analyses for the Mill Seat Landfill, will be addressed in a DSEIS. The following section provides an outline of the DSEIS as it relates to the Proposed Action.

Cover Sheet

The cover sheet will include the following information:

- The title will specify that this is a Draft Supplemental Environmental Impact Statement (DSEIS).
- The name of the Proposed Action (Mill Seat Landfill Expansion) will be specified.
- The location will be specified.
- The name and address of the lead agency (Monroe County) will be listed, along with the name and telephone number of the designated contact person.
- The name and address of the preparer of the DSEIS will be listed, along with the name and telephone number of the designated contact person.
- Once the DSEIS has been accepted as complete by the SEQRA Lead Agency, the:
 - o date of acceptance will be indicated.
 - o date for a public hearing and the deadline for submittal of written public and agency comments will be established.

Table of Contents

Executive Summary

The first text section of the DSEIS will consist of a summary of the content of the main body of the report.

Main Sections of DSEIS

1.0 Project Description and Background

- 1.1 Project Background
 - History of the site and a description of previous permitting, construction and operation activities.
- 1.2 Site Description
 - Description of the Site.
- 1.3 Project Description
 - Description of the Proposed Action.
- 1.4 State Environmental Quality Review Act Process
 - Description of SEQRA process and status of this Proposed Action.

- 1.5 Project Purpose
 - Discussion of how the Proposed Action should provide long-term, cost effective solid waste disposal capacity in and for the County and others, that is acceptable to the local community.
 - Current remaining life of the Mill Seat Landfill and estimated remaining life if the Proposed Action is approved.
- 1.6 Public Needs and Benefits
 - Description of regional and statewide waste disposal needs.
 - Sludge disposal need
 - Rochester's disposal needs
 - Need for local publicly controlled disposal capacity
 - Description of the objectives of solid waste disposal as it relates to the protection of public health, safety, and the environment.
 - Discussion of the Proposed Action's consistency with the objectives of the New York State Solid Waste Management Plan and the Monroe County Solid Waste Management Plan.
 - Discussion of beneficial impacts.
 - Benefits to the local area by continuing operation of the Mill Seat Landfill.
- 1.7 Alternatives Considered
 - This section refers the reader to the discussion of alternatives in Section 9 of the DSEIS.
- 1.8 Permits and Approvals
 - List of permits and approvals.
- 2.0 Proposed Action
 - 2.1 General Project Description
 - Physical dimensions and location of the Proposed Action.
 - Description of the double composite liner system, primary and secondary leachate collection systems, landfill gas collection system, and temporary and permanent erosion and sediment control features.
 - Discussion of the abandonment of Brew Road and the closure of a portion of O'Brien Road.
 - Discussion of the proposed soil borrow location(s) from off-site.
 - Discussion of the property acquisitions that will be required by the County.
 - 2.2 Definition of Service Area, Waste, and Site
 - 2.2.1 Service Area
 - Definition of the Site's service area.
 - 2.2.2 Types and Quantities of Waste
 - Description of types and quantities of waste accepted.

- 2.2.3 Site Location
 - Description of the Site, including area, boundaries, and topography.
 - Description of surrounding properties.
 - Description of current land use.
- 2.2.4 Site Description
 - Description of facilities proposed as components of the Proposed Action, and amount of area to be impacted by the Proposed Action.
- 2.3 Property Ownership and Control
 - Description of the property owner and if there are any state or local requirements for land use.
- 2.4 Project Design
 - Regulations governing the design, construction, and operation of the Proposed Action (6 NYCRR Part 360) will be identified.
 - The main components of the permit application documents will be identified and summarized.
 - o The reader will be referred to the draft permit application documents included as appendices to the DSEIS.
- 2.4.1 Site Layout
 - Description of man-made facilities presently in existence, and amount of area impacted by these facilities.
 - Description of existing key Site features.
 - A Site plan will be presented (and discussed) showing the proposed locations and configurations of the Proposed Action, maintenance and administration office buildings, on-site roads and parking areas, drainage ditches, stormwater ponds, property boundaries, and any other key features of the existing Site and/or the Proposed Action.
 - Description of the horizontal and vertical layouts and setbacks.
 - The approved design capacity (disposal rate) will be identified, as well as the increased disposal volume, and increased remaining Site life that would result from the Proposed Action.
- 2.4.2 Landfill Liner System
 - The liner and cover systems will be described and depicted with cross-section figures.
- 2.4.3 Surface Water Management
 - Stormwater management facilities and practices will be discussed, including stormwater management within the landfill footprint, final landfill drainage, perimeter drainage ditches and culverts, stormwater basins, re-vegetation and ongoing maintenance, and temporary measures including silt fences, hay bales, and drainage ditches.
 - The Stormwater General Permit and Stormwater Pollution Prevention Plan (SWPPP) will be referenced, as will the sections of the Operation and Maintenance Manual that apply to the stormwater management system.

2.4.4 Water Quality Monitoring Program

- The environmental monitoring system will be described, including water quality monitoring requirements, groundwater quality monitoring, and surface water quality monitoring.

2.4.5 Leachate Storage, Treatment, and Disposal

- The leachate collection, removal and storage system will be described.

2.4.6 Landfill Gas Collection System

- The gas management system will be described, including modifications to the existing landfill gas collection system, construction measures to contain landfill gas, and landfill gas monitoring.

2.4.7 Landfill Gas to Energy Facility

- The landfill gas to energy facility will be described, including modifications to the existing facility and landfill gas consumption at the facility.

2.4.8 Site Capacity and Expected Site Life

- The Proposed Action's disposal capacity and Site life will be described.

2.5 Landfill Construction

- Regulations governing construction of the Proposed Action (6 NYCRR Part 360) will be identified.
- Components of the Part 360 Permit Modification Application package related to the Proposed Action will be identified and summarized

The reader will be referred to the draft permit drawings, draft quality assurance/quality control plan, and the draft technical specifications included as appendices to the DSEIS.

2.6 Landfill Operation

- Regulations governing the operation of the Proposed Action (6 NYCRR Part 360) will be identified.
- The hours of operation and Site access will be described.
- The procedures for waste inspections will be discussed.
- The procedures for waste placement will be described.
- Landfill operation equipment and personnel will be discussed.
- A description of Site contingencies and controls will be discussed, such as:
 - o Contingency plan
 - o Liner system performance monitoring
 - o Odor control
 - o Dust control
 - o Litter control

- o Pest control
- o Fire control

2.7 Landfill Closure Preparation and Process

- The final cover system components will be discussed, including the topsoil layer, soil barrier protection layer, geomembrane barrier, and low-permeability soil barrier layer.
- The fill progression plan will be discussed as it relates to the final cover system.

2.8 Landfill Post-Closure Monitoring and Site Uses

- Routine post-closure activities will be described, including environmental monitoring, leachate management, Site inspections, and Site maintenance activities.
- The reclamation objective for the Site will be described.

2.9 Permits and Standards

- A description of key permits and approvals, including 6 NYCRR Part 360 Solid Waste Management Facilities Permit, State Pollutant Discharge Elimination System Permit, NYSDEC Title V Permit, and Wetland Permits.
- The reader will be referred to the draft permit application documents included as appendices to the DSEIS.

3.0 Existing Environmental Setting, Potential Significant Environmental Impacts and Proposed Mitigation Measures

- Available published maps, reports, studies, and other documents on file with various local, County, State, and Federal agencies will be utilized to the extent they provide relevant information. Information needed to address specific areas of potential significant environmental impacts is described in the following subsections. Previous studies developed by the County relevant to the Proposed Action include the following:
 - o 1989 and 1990 Draft and Final Environmental Impact Statements
 - o 2011 Draft and Final Environmental Impacts Statements for the Soil Borrow Project

The following sub-sections of the DSEIS will describe potentially significant adverse environmental impacts and proposed mitigation measures related to the Proposed Action's conceptual design, construction and operation.

3.1 Community Character: Land Use and Agricultural Resources

3.1.1 Environmental Setting

- Summary of existing land uses on-site and surrounding the Site.
- Discussion of designated agricultural districts.

3.1.2 Potential Impacts

- Discussion of potential impacts to the land use and agricultural resources.

3.1.3 Mitigative Measures

- If incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.2 Geologic Resources

3.2.1 Environmental Setting

- Discussion of the existing conditions related to the geology of the Site.
- Discussion of key findings from the hydrogeologic studies.

3.2.2 Potential Impacts

- Discussion of disturbance of soils through the excavation, filling and stockpiling activities during construction and operation of the Proposed Action.
- Discussion of the potential for instability of constructed slopes during construction of the Proposed Action.

3.2.3 Mitigative Measures

- If incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.3 Water Resources

3.3.1 Environmental Setting

- Discussion of the existing conditions related to surface water and groundwater management.
- Discussion of Hotel Creek and its Critical Environmental Area designation.

3.3.2 Potential Impacts

- Discussion of potential impacts related to soil disturbance and alteration of runoff patterns that may result in impacts to water resources.

3.3.3 Mitigative Measures

- If incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.
- Possible mitigation measures may include new stormwater ponds for erosion and sedimentation control and alteration of final grades to direct runoff to specific areas.

3.4 Air Resources

3.4.1 Environmental Setting

- Discussion of the existing air quality conditions at the Mill Seat Landfill and the surrounding area as well as a compilation of the emissions.

3.4.2 Potential Impacts

- The potential air impacts resulting from the construction and operation of the Proposed Action will be evaluated. Potential impacts to air quality from the Proposed Action include fugitive dust, vehicular emissions and landfill gas emissions.
- Air pollutant emissions associated with the Proposed Action will be estimated and evaluated.
- The air evaluations will include consideration of the impact of greenhouse gas emissions of the Proposed Action. As suggested in the NYSDEC comment letter (Attachment C), the Department's "Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement" will be utilized as a reference.
- Compliance with State and federal standards and guidelines will be determined, based on the emission calculations and air impact analyses.

3.4.3 Mitigative Measures

- If incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.5 Ecological Resources

3.5.1 Environmental Setting

- Summary of the findings of the wetland delineation, including locations and sizes of jurisdictional wetlands on-site.

3.5.2 Potential Impacts

- Identify locations and sizes of jurisdictional wetlands on-site that will be impacted.

3.5.3 Mitigative Measures

- Describe wetland mitigation program, including size and location of replacement wetlands.
- As suggested in the NYSDEC comment letter (Attachment C), a discussion of jurisdictional wetland impact avoidance and minimization will be included.

3.6 Visual and Aesthetic Resources

NYSDEC Program Policy, "Assessing and Mitigating Visual Impacts", dated July 31, 2000 will be referenced and described, and will be followed in the evaluation of potential visual impacts.

3.6.1 Environmental Setting

- Description of the existing conditions including a discussion and depiction of the photo-simulation locations.

3.6.2 Potential Impacts

- Description of the findings of the visual evaluation including final completion impacts and operational impacts.
- Description of the phased progression comparing the permitted Mill Seat Landfill to the Proposed Action.

3.6.3 Mitigative Measures

- If additional incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.7 Historic and Cultural Resources

3.7.1 Environmental Setting

- Summary of previous and updated findings by New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding historic or cultural resource sensitivity of the Site.
- A formal inquiry to the OPRHP will be conducted.

3.7.2 Potential Impacts

- For the locations that may have an impact upon significant archaeological or historic resources, a Phase IA cultural resources study will be conducted in accordance with the New York Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State.
- Where warranted by the Phase IA study for the Site, a Phase IB cultural resources study (initial field investigation) would be performed. The results of these studies will indicate if impacts to historically or archaeologically significant resources are expected.

3.7.3 Mitigative Measures

- Description of mitigation program to protect or limit adverse impacts to the historic or cultural resources, if necessary.

3.8 Transportation (Traffic)

3.8.1 Environmental Setting

- Description of the existing transportation (traffic) conditions including the existing highway system and existing traffic conditions.

3.8.2 Potential Impacts

- Discussion of the findings of the traffic study and analysis, including traffic quantities and impacts to roadways.
- Discussion of the alteration of traffic patterns due to the closure of portions of O'Brien Road and Brew Road to public traffic.
- Discussion pertaining to the soils required for construction and operation needs from one (1) or more off-site locations and how it may increase traffic related to the Proposed Action.

3.8.3 Mitigative Measures

- If additional incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.9 Odor

3.9.1 Environmental Setting

- Discussion of the existing conditions including odor sources and possible receptors.

3.9.2 Potential Impacts

- Discussion of potential odor impacts from the Proposed Action as compared to the permitted Mill Seat Landfill.

3.9.3 Mitigative Measures

- If additional incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

3.10 Noise

NYSDEC Program Policy, "Assessing and Mitigating Noise Impacts", dated October 6, 2000 and revised February 2, 2001 will be referenced and described, and will be followed in the evaluation of potential noise impacts. As recommended in the NYSDEC comment letter (Attachment C), regulatory noise requirements that apply to the Part 360 solid waste regulations at 6NYCRR Part 360-1.14(p) will be addressed.

3.10.1 Environmental Setting

- Description of the existing conditions including a discussion of the noise generation sources and possible receptors.

3.10.2 Potential Impacts

- Discussion of the findings of the noise assessment, including potential impacts during both construction and operation.
- Discussion of potential noise impacts from the Proposed Action as compared to the permitted Mill Seat Landfill.

3.10.3 Mitigative Measures

- If additional incremental impacts are identified, mitigation will be discussed to reduce or offset the incremental impacts.

4.0 Unavoidable Adverse Impacts

Potentially significant adverse environmental impacts for which mitigation measures are either not available or not feasible will be described in this section of the DSEIS. The extent and significance of any unavoidable adverse impacts will be discussed.

5.0 Irreversible and Irretrievable Commitment of Resources

This section will examine effects the Proposed Action may have on finite resources, such as land, that cannot be replaced or easily restored. The quality and availability of these resources that surround the Site, the property as a whole, and the County and region will be addressed.

6.0 Cumulative Impacts

This section will include an evaluation of impacts associated with the development of the Proposed Action, in addition to the existing Mill Seat Landfill, and future closure plans and long-term uses of both areas and the Site as a whole.

7.0 Growth-Inducing Impacts

This section will examine the potential effects that the Proposed Action may have on community growth, both residential and commercial. It will also include economic benefits that the Proposed Action may have on the surrounding community and Monroe County as a whole.

8.0 Energy Use and Conservation

This section of the DSEIS will examine the current energy use at the Mill Seat Landfill along with projected energy usage rates associated with the Proposed Action. The potential for implementation of different energy conservation measures will be discussed. This section will also examine greenhouse gas emission rates due to the Proposed Action and ways to reduce these emissions.

9.0 Alternatives Analysis

Previously conducted alternative landfill siting studies will be summarized in this section of the DSEIS. The alternatives analysis will also discuss the reasonable range of alternatives to the Proposed Action that would achieve the same objective as the Proposed Action. This analysis will include different expansion designs and site development alternatives, the usage of alternative waste disposal technologies, a “no action” alternative, and the exportation of the County’s waste to other out-of-county disposal facilities. Alternatives that do not satisfy the purpose and need for this Proposed Action will not be given further consideration. For those alternatives that could potentially address the Proposed Action’s purpose and need, they will be compared on the basis of key environmental considerations to determine which alternative(s) should be the subject of further consideration and additional environmental scrutiny. The following alternatives to the Proposed Action will be considered and discussed:

- No Action/Waste Exportation
 - o Consideration of the no action alternative and ultimately waste exportation will be discussed.
- Greenfield Site
 - o The potential for siting a new landfill will be discussed.

- Alternative Landfill Sites
 - o Discussion of the previous landfill siting study completed in August 1988 by Clark Engineers and Associates, in association with Camp Dresser & McKee, Inc. and H&A of New York.
- Alternative Scale and Magnitude
 - o Environmental effects of a larger or smaller expansion will be evaluated, including avoidance and/or minimization of wetland impacts.
 - o Eight (8) on-site alternatives will be concisely compared on the basis of key environmental factors and whether they satisfy the Proposed Action's purpose and need.
- Alternative Waste Disposal Technologies
 - o Discussion of potential alternative waste disposal technologies that could be developed today.

10.0 References

A reference section within the DSEIS will be used to support the analyses presented. Preparation dates and summaries of relevant studies and reports previously prepared for the Proposed Action and/or the Mill Seat Landfill will be cited in appropriate sections of the DSEIS.

PRELIMINARY LIST OF APPENDICES

Appendices to the DSEIS will include separate, specialized studies that are summarized in the DSEIS, draft application packages for the required permits, and other SEQRA related documents. A preliminary list of the likely Appendices is as follows:

Final Scoping Document
Initial Hydrologic Analysis
Hydrogeologic Report
Air Quality and Odor Analyses
Wetland Reports and Correspondence
Correspondence with NYSDEC Natural Heritage Program and USFWS
Transportation Analysis
Archaeological Reports and Correspondence
Visual Impact Assessment
Noise Analysis
Draft Permit Application Documents, including conceptual design drawings

4.0 Project Sponsor, Involved and Interested Agencies

Project Sponsor:

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

Landfill Operator:

Waste Management of New York, LLC
303 Brew Road
Bergen, New York 14416

Lead Agency:

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

Involved Agencies:

Mr. Paul D'Amato, Regional Director
New York State Department of Environmental Conservation
Region 8 – Division of Environmental Permits
6274 East Avon-Lima Road
Avon, New York 14415-9519

Hon. Robert Ottley, Supervisor
Town of Riga
6460 East Buffalo Road
Churchville, New York 14428

Interested Agencies:

LTC Owen J. Beaudoin, Commander and District Engineer
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Mr. Darrel Aubertine, Commissioner
New York State Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235

Ms. Ruth Pierpont, Deputy Commissioner
New York State Division for Historic Preservation
New York State Office of Parks, Recreation & Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Mr. Nicholas A. Noce, Executive Director
Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610- 0999

Hon. Nancy Steedman, Mayor
Village of Churchville
23 East Buffalo Street
Churchville, New York 14428

Hon. Donald Cunningham, Supervisor
Town of Bergen
10 Hunter Street
PO Box 249
Bergen, New York 14416

Mr. Casey Kosiorek, Superintendent
Byron-Bergen Central School
6917 West Bergen Road
Bergen, New York 14416

Mr. Paul Cummings, Chief
Bergen Fire Department, Inc.
10 Hunter Street
PO Box 428
Bergen, New York 14416

Hon. Ralph Marsocci, Mayor
Village of Bergen
PO Box 100
11 North Lake Avenue
Bergen, New York 14416

Mr. Jay A. Gsell, County Manager
Genesee County
Old Courthouse
7 Main Street
Batavia, New York 14020

Mr. Robert Traver, Acting Regional Director
NYS DOT – Region 4
1530 Jefferson Road
Rochester, New York 14623

Attachment A

Notice of Public Scoping Meeting

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 PROPOSED MILL SEAT LANDFILL EXPANSION

PROJECT DESCRIPTION:

Monroe County proposes an expansion to the existing Mill Seat Landfill located in the Town of Riga, New York. Monroe County ("the County") is the owner and permittee of the Mill Seat Landfill. The Mill Seat Landfill is operated by Waste Management of New York, LLC (WMNY), under a lease agreement with the County.

The current permitted Mill Seat Landfill and associated operations occupy four hundred and thirty five (435) acres owned by the County which includes a double composite liner ("Landfill Footprint") on which solid waste is disposed and ancillary facilities (roads, buildings, soil borrow areas, stormwater ponds, etc.) are located. The current permitted Landfill Footprint occupies approximately ninety-eight point six (98.6) acres and is estimated to reach capacity in 2018.

A total of nine hundred seventy seven (977) acres of contiguous parcels are owned by the County and WMNY. The additional Landfill Footprint may be up to one hundred eighteen (118) acres. Additional acres will be required for soil and geosynthetic stockpile areas, construction staging areas, stormwater collection, storage infrastructure and buffer.

SEQRA STATUS AND NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL 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 April 19, 2013. 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 May 13, 2013 at the Town of Riga Town Hall, 6460 East Buffalo Road, Churchville, NY 14428. Project representatives and information displays will be available beginning at 4:00 p.m. to provide details of the project to interested parties. At 7:00 p.m., the County will conduct a Scoping Meeting to accept

comments on the Draft Scoping Document. Written comments on the Draft Scoping Document will be accepted until May 28, 2013. 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 seven (7) business days before the hearing.

DRAFT SCOPING 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's website (www.monroecounty.gov/des-millseat.php); Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416; Town of Riga, 6460 East Buffalo Rd., Churchville, NY 14428; Newman Riga Library, 1 Village Park, Churchville, NY 14428; and Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416.

AVAILABILITY FOR PUBLIC COMMENT:

Comments on the Draft Scoping Document for this project must be submitted during the scoping meeting, by mail, fax or e-mail no later than May 28, 2013. 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

**PUBLIC SCOPING HEARING
IN RE: PROPOSED MILL SEAT LANDFILL EXPANSION**

PUBLIC HEARING held on Monday, May 13, 2013, at
the Town of Riga Town Hall, 6460 East Buffalo Road,
Churchville, New York, 14428, commencing at 7:00 p.m.,
before Brenda Curnow, Shorthand Reporter and Notary
Public in and for the State of New York.



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APPEARANCES:

PEG STEFFAN, Chair
Mill Seat Landfill Citizen's Advisory Board

MICHAEL J. GARLAND
Monroe County Director of Environmental
Services

JEFF RICHARDSON
Senior District Manager

KEVIN E. VOORHEES
Principal Associate from Barton & Loguidice

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HEARING

HEARING

MAY 13, 2013

(Whereupon, the Public Hearing
commenced at 7:00 p.m.)

MS. STEFFAN: Good evening, everyone,
and welcome. If we could have people take
their seats, please, so that 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 the
proposed Mill Seat Landfill Expansion.
Because we have a stenographer preparing a
transcript of this meeting, I will be reading
most of my comments.

After I finish with these opening
remarks, representatives from Monroe County,
Waste Management of New York, LLC and Barton
& Loguidice, P.C. will give further
information on the proposal, as well as
provide information on how to submit written
comments regarding the Draft Scoping Document.

The purpose of this scoping session
is to receive public comments on the Draft



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HEARING

Scoping Document, which is the first step in preparation of the Draft Supplemental Environmental Impact Statement for the proposed landfill expansion at the Mill Seat Landfill. Notice of this meeting has been published in the April 26, 2013 Rochester Business Journal; the April 26, 2013 edition of The Daily Record; the April 28, 2013 edition of the Suburban News South and West; and the DEC's Environmental Notice Bulletin on April 24, 2013. Copies of the published notice entitled: "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 PROPOSED MILL SEAT LANDFILL EXPANSION" are available at this meeting.

Starting at four o'clock earlier today, you've had an opportunity to meet with representative from Monroe County, Waste Management of New York, LLC and their consultants at an information session. Tonight's meeting is an opportunity for you

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HEARING

1
2 to provide comments regarding the proposed
3 scope of the Draft Supplemental Environmental
4 Impact Statement. You can either provide
5 comments here verbally tonight, or you may
6 submit your comments in writing to Monroe
7 County by May 28th, 2013.

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

14 I will be calling on everyone who
15 fills out a card here tonight and give them
16 an opportunity to speak. I will call your
17 name when it's your turn to speak. I think
18 for purposes of making sure that everyone can
19 hear you, I will have all speakers come down
20 to the microphone which is located at the
21 podium at the front of the room.

22 The individual sitting here at the
23 table is our stenographer for this evening.
24 When you do make your comments, I would ask
25 that you please state your full name, give



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1
2 your address and speak slowly so that she
3 can make an accurate record. We want to
4 make sure that everyone's comments here are
5 accurately recorded.

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

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

21 MR. GARLAND: Good evening, folks.
22 Thank you, Peg. Again, I'm Mike Garland.
23 I'm Director of Environmental Services for
24 Monroe County. Welcome to this evening's
25 Public Scoping Meeting.

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HEARING

1
2 The Mill Seat Landfill started out
3 as a County-operated facility, but in 2002
4 Waste Management of New York, LLC took on
5 operation of the Mill Seat Landfill through a
6 life-use lease with Monroe County. As part
7 of this ongoing public-private partnership,
8 Monroe County continues to own the landfill.
9 The landfill permits are issued to Monroe
10 County, and the County is the lead agency
11 responsible for ensuring compliance with the
12 State's environmental review process. Waste
13 Management of New York, LLC, in addition to
14 operating and maintaining the landfill, is
15 responsible for financing and building any
16 capital improvements at the landfill facility.

17 Before we get started with the
18 public comment session, we have a brief
19 presentation which will describe the Proposed
20 Mill Seat Landfill Expansion and the
21 environmental review process. I would just
22 like to introduce to you some of the people
23 that are with us tonight.

24 From Monroe County we have: Jim
25 Fumia, our Senior Deputy County Attorney;



HEARING

Russ Rutowski, our Solid Waste Engineer; Tom Goodwin, our Planning Manager; Pat Collins, who is responsible for our Environmental Outreach.

From the Town of Riga we have: Supervisor Bob Ottley; As well as Councilman Jim Fodge; Also tonight we have Councilman Dave Smith, who's also on the Citizens' Advisory Board; and we have Councilman Brad O'Brocta.

For the Mill Seat Landfill Citizens' Advisory Board, we have: Our Chair, Peg Steffan, here tonight; As well as Ken Kuter.

From Waste Management of New York, LLC we have: Jeff Richardson, Senior District Manager; Dan Dries, Operations Manager; Becky Zayatz, Market Area Engineer.

And from Barton & Loguidice, P.C., we have: Kevin Voorhees, John Brusa and Luann Meyer.

So thank you, everybody, for coming out tonight. We encourage your input and look forward to hearing from you --

AUDIENCE MEMBER: You missed Barb,

Mike.

MR. GARLAND: I'm sorry, Barbara.
Barbara Robinson is here tonight as well,
too.

We encourage your input and look
forward to hearing from you regarding the
documents that you have had an opportunity to
review. And, with that I'll turn it over to
Jeff Richardson for some more site specific
details. Thank you.

MR. RICHARDSON: All right. Thanks,
Mike. Again, I'm Jeff Richardson. I just
want to take a moment to summarize why we're
here tonight, and to explain what we are
proposing for this landfill expansion project,
and then I will be turning over the
presentation to Kevin Voorhees from Barton &
Loguidice, to explain the project in further
detail.

As an overview, the current permitted
landfill can be described in a few key
numbers:

977 acre - This is the total
property acreage owned by Monroe County and

10
HEARING

Waste Management of New York, LLC.

98.6 acres - This is the size of the lined disposal area that we refer to as the Permitted Landfill Footprint.

1,945 tons per day, which equates to 776,000 tons on an annual basis - This is the Permitted Design Capacity of the Landfill.

2018 - This is the year that the currently permitted landfill is anticipated to reach capacity under the existing permit.

The Proposed Landfill Expansion would allow the Facility to operate beyond the current permitted site life, beyond 2018, while also providing sufficient disposal capacity to satisfy the County's and community's long-term disposal needs.

Key features of the proposed expansion include: 118 acres, that's the Landfill Footprint of the Expansion.

A minimum of 25 years of Additional Site Life.

And any wetlands that would be impacted by the expansion would be replaced,



1 based upon a mitigation plan that would need
2 to be approved by State and Federal wetland
3 regulatory agencies.
4

5 There are also quite a few aspects
6 of the landfill operation that will not
7 change. For example, the following
8 components will not change with the proposed
9 Expansion:

10 Permitted Design Capacity, which we
11 referenced, that will continue at 1,945 tons
12 per day or 776,000 tons per year.

13 The site operating requirements and
14 methods all stay the same.

15 The final permitted height of the
16 landfill will not change.

17 The Hours of Operation will be the
18 same.

19 The same types of waste materials
20 will continue to be accepted for disposal.

21 And, most importantly, we will
22 continue with our strong commitment to
23 protect the environment and to be a good
24 neighbor in this community.

25 Now, I turn the presentation over to

Kevin Voorhees with Barton & Loguidice.

MR. VOORHEES: Thanks, Jeff.

As Peg mentioned a few minutes ago, we're here tonight to receive your comments on the Draft Scoping Outline in which the proposed content of the Draft Supplemental Environmental Impact Statement is outlined. The Draft Supplemental Environmental Impact Statement is a multi-chapter and potentially multi-volume document that identifies potentially significant environmental impacts associated with the Proposed Action. As we go through this public scoping process, and with the help of your input, we are looking to accomplish five key objectives:

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.

Copies of the Draft Scoping Document are available on the table located in the back of this room, and that Draft Scoping Document has also been available on Monroe County's website since April 23rd of this year.

I'm going to be outlining the basic contents of the Draft Scoping Document for you, which is available to you. The Draft Scoping Document starts with a Glossary of Terms and is followed by a brief introduction to the project, which Mike and Jeff have already touched on in their remarks.

Section-2 of the document provides an overview of the State's environmental quality review process, which includes tonight's Public Scoping Meeting which is near the beginning of that process. As shown on the display board that was in the lobby as you came in, there are a series of documents that will be prepared: There will be Draft and Final Scoping Documents, and then there will also be Draft and Final Supplemental



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1 Environmental Impact Statements. Similar to
2 tonight's meeting, once the Draft Supplemental
3 Environmental Impact Statement is completed
4 there will be another opportunity for you to
5 provide us with your comments at a public
6 hearing as well as in writing. And then the
7 last document in this environmental review
8 process is the Statement of Findings. It
9 will be based on information that is included
10 in all of the previous documents.
11

12 Continuing on with what's in the
13 scoping document, Section-3 of the Draft
14 Scoping Document provides a ten-page
15 preliminary outline of the contents of the
16 Draft Supplemental Environmental Impact
17 Statement. As you can see from a review of
18 that outline, there will be a lot of
19 information developed to make sure that the
20 relevant areas of potential environmental
21 concern are all examined to make sure that
22 the project's design, construction and
23 operation will avoid or mitigate potentially
24 significant adverse impacts on the
25 environment.

1
2 Sections-4 through-10 of this
3 preliminary outline identify the remaining
4 sections of the Draft Supplemental
5 Environmental Impact Statement, which includes
6 an examination of cumulative impacts and the
7 review of potential alternatives.

8 There will also be a number of
9 technical reports and engineering drawings
10 that will be included as appendices to the
11 Draft Supplemental Environmental Impact
12 Statement. Included in those appendices will
13 be a complete set of draft permit application
14 documents, which will provide a considerable
15 amount of technical information for review by
16 the public as well as by involved regulatory
17 agencies.

18 Now, before turning the meeting back
19 over to Peg, I'd like to let you know that
20 tonight we are at the beginning of an
21 environmental review and permitting process
22 that will occur in stages and that will
23 occur over the next year or so. There will
24 be additional opportunities for comment at
25 key points during the process. There will

1 be public notices provided prior to each
2 public comment period and you can track the
3 progress of this landfill expansion project
4 by checking the County's website for updated
5 information.
6

7 Now, at this point, I'd like to turn
8 the meeting back over to Peg.

9 MS. STEFFAN: My goal tonight is to
10 receive comments on the draft scope for the
11 Proposed Mill Seat Landfill Expansion. Once
12 the Draft Supplemental Environmental Impact
13 Statement is prepared, as Kevin just
14 mentioned, you'll have the opportunity to
15 comment on that document as well. You may
16 provide verbal and written comments on the
17 draft scope tonight, and you may submit
18 written comments until May 28th.

19 Please include your name and return
20 address when you submit a written comment.
21 This will help us to let you know when the
22 final scope is issued and then when the
23 Draft Supplemental Environmental Impact
24 Statement is ready for your review.

25 If you do not have written comments

1 ready tonight, you may e-mail them to
2 rtrutkowski@monroecounty.gov, or send them by
3 mail to: Russell P. Rutkowski, P.E., Monroe
4 County Department of Environmental Services,
5 50 West Main Street, Suite 7100, Rochester,
6 New York, 14614-1228.
7

8 Just a reminder that all comments
9 must be received by five o'clock on May
10 28th. Those addresses for both e-mailing and
11 sending written comments are also available
12 in the back of the room, should you need
13 them.

14 I have cards here to call on
15 speakers. Again, I would ask you come up
16 here to the microphone, give your full name
17 and your address. If you are representing a
18 group, please identify the group that you're
19 representing.

20 Our first speaker for tonight is Dr.
21 Richard Cherkis.

22 AUDIENCE MEMBER RICHARD CHERKIS:

23 Good evening. My name is Dr. Richard
24 Cherkis and I reside at 267 Palmer Road.
25 I've been living there since the mid '80s.

1 And I have a very unique piece of property.
2 What makes it unique is Hotel Creek goes
3 right through my property and I can bare
4 witness. Over the last 30 years I've seen
5 an active trout population in Hotel Creek and
6 every fall I see them go through the
7 spawning process. When the original landfill
8 was proposed, Hotel Creek was not even
9 mentioned in the original Environmental Impact
10 Statement. There was no mention of the
11 trout in Hotel Creek. So I went out and
12 took some pictures of the trout in my creek
13 and presented that information to the Seth
14 Green Chapter of Trout Unlimited and we
15 petitioned the DEC to come by and evaluate
16 the stream, which they did. They shocked
17 Hotel Creek and they found brown trout up to
18 26 inches in that stream; and, more
19 importantly, they found small fingerling brown
20 trout which gave proof that active spawning
21 was taking place in the stream.
22

23 After that evaluation, Hotel Creek
24 was upgraded to a TS stream, trout spawning.
25 It not only supports a trout population, but

1 the conditions in that stream are ideal
2 enough for active spawning to take place.
3 That makes Hotel Creek the highest-rated
4 trout stream in the Riga area. This stream
5 is a gem. And it's in an environmentally
6 sensitive area. The head waters of Hotel
7 Creek form on either side of the land print
8 -- the landfill. Those head waters then
9 form into Hotel Creek and, eventually, it
10 empties into Black Creek. We already put
11 Hotel Creek in jeopardy when the original
12 landfill went in there. And I just want to
13 make sure that, on record, somebody is speak
14 out for the trout population and this amazing
15 ecosystem that we have in Riga. We have a
16 TS stream in our backyard. That stream is
17 probably rated better than Oatka.

18
19 So, again, on record, I want to make
20 sure that the Environmental Impact Statement
21 takes into account the active spawning trout
22 population in Hotel Creek.

23 MS. STEFFAN: Thank you, Dr.
24 Cherkis. Our next speaker is David Trapp.

25 AUDIENCE MEMBER DAVID TRAPP: Good

1 evening. My name is Dave Trapp. I'm a
2 resident of 650 Bovee Road -- at the corner
3 of Brew and Bovee -- since 1983.
4

5 My comments here tonight are,
6 basically, in response to what my experiences
7 have been since the landfill has gone in.
8 Obviously, I was there well ahead of that.
9 And Hotel Creek runs through six or seven
10 hundred feet of my property across it. I
11 shouldn't refer to it as my property any
12 longer, at this point, because I have sold
13 it to Waste Management. And I'm not here in
14 any way, shape or form to oppose the
15 expansion of the landfill. If it has to be
16 in our County, the damage is already done
17 that we have it here in the first place.
18 So the expansion, keeping that going in our
19 area, is a good thing to some extent. I
20 see a lot of different proposals out there
21 with maps on different acreages and different
22 expansions. I didn't realize there was quite
23 that many proposed. But, as Dr. Cherkis
24 just referred, I'm very concerned about how
25 close you're proposing expanding to the

1 literal stream itself there that runs through
2 my property -- Waste Management's property.
3 Sorry. So that would be my number one
4 concern, once again. I just can't believe
5 that you can get that close to that stream
6 and then build your mountain -- whatever it's
7 going to be, six/seven hundred feet in the
8 air -- and not expect runoff to go straight
9 into that creek from such a short distance
10 away. So that's my first concern.

11
12 The other thing is, I want to share
13 some of the experiences of what it's been
14 like for me living in that area. The piece
15 of property I have there, I live on top of
16 a hill. I've got hundreds and hundreds of
17 pine trees and cherry trees. There's
18 valleys. There's forests. It's just -- I
19 call it -- my relatives used to call it
20 Walton's Mountain. It's just a thing of
21 beauty and I'm honored that God has allowed
22 me to be a caretaker of this piece of
23 property as long as he has here. But,
24 here's what I experience, now, on a daily
25 basis there.

Turkey vultures. Now, turkey vultures are a protected animal, even though they're a horribly filthy animal; they clean up the road debris. You never see any carcass. They're gone by nightfall. And the population of turkey vultures has expanded extremely. They love to roost at night in evergreens and they come to my property on a nightly basis. They tend to roost in singular trees at times, 20 or 30 of them, being 15-pound birds. And they have broken off the top -- literally 15 to 20 feet of the tops -- of Norway Spruce trees on my property. I've got them hanging there right now. They haven't been able to break off. They do their business on everything. When a turkey vulture takes a leak, it will fill a shot glass. It's an ounce to an ounce and a half of white, nasty stuff. You can go to my driveway tonight when you left this meeting, if you wanted to, and you'd see 40 or 50 of those splatters. I can tell you it's been a source of humor for my wife sometimes. She

1 was sitting in the driveway watching me go
2 down and get the mail. I walked back up
3 and one hit me in the head or shoulder. It
4 splattered on my clothes. They come there
5 to roost at night and they go to the
6 landfill during the day. So if we need to
7 get a permit -- a nuisance permit -- to be
8 able to shoot them or something through the
9 DEC, I think it's you guys's responsibility
10 to try and foster that activity for us so
11 that we can shoot them just like we can
12 shoot coyotes and things like that that
13 become a nuisance. So that would be another
14 big thing for me besides what it does to
15 your house and your car and, you know,
16 cleaning that stuff off all the time. And
17 the population has just grown tremendously.
18 There is another guy on Johnson Road. I see
19 he's got the evergreens. And they're
20 attracted to his place, too.

21
22 The other thing is: All winter
23 long, I walk two/three miles a night. And I
24 like to walk in a desolated area. So I
25 walk down Brew Road to the landfill and then

1 sometimes down O'Brien. It's gotten to the
2 point where I have to stop short in the
3 middle of wintertime now, because I can't
4 breathe the air that's coming out of all the
5 vent tubes that you've run down the fences
6 there just exhausting the methane gas into
7 open atmosphere. A methane gas takes about
8 ten years to degrade in the atmosphere.
9 It's much more powerful than CO₂, which is
10 the big complaint-of-the-day pollutant that
11 everybody seems to be wanting to address.

12
13 You know, right here in Oakfield,
14 New York we have a place called Landfill
15 Energy Systems. You can pipe it right into
16 the building. They'll come in and put up a
17 building. I don't know why we're putting
18 that into the atmosphere when we could be
19 generating electricity from that. I think
20 there is some limited amount that we're doing
21 that, at this point, but we should not be
22 venting all that methane to the atmosphere.
23 So we need to address that and recoup that.
24 The profits -- one engine driven off of that
25 methane produces a megawatt a day. I

1
2 recently applied for a job at that company
3 so I know quite a bit there. So that was
4 another issue.

5 Many, many times when I've walked
6 down there at night, they are not putting
7 the five to six inches of cover on there.
8 It seems like they try to get away with a
9 little bit more in the wintertime. You
10 know, we had foam approved at one point
11 instead of dirt for putting over it. The
12 foam being good because it compresses in with
13 the next layer on it. It makes landfill
14 last longer.

15 Other issues, you know, no one from
16 the camp board has ever come around door to
17 door to the immediate people in the border
18 right around this landfill to ask: How's it
19 going? Do you have any issues? This type
20 of thing. I've spent thousands and thousands
21 of miles riding around Monroe County Landfill
22 from the particular position I live in. All
23 the people in Riga -- everybody has water in
24 the whole place now. We've taken some of
25 those funds that we've gotten and they've

1
2 gotten benefits from it. We put up new
3 parks. We've done all kinds of things, but
4 not any type of a tax break, not any kind
5 of any remuneration to the people that are
6 most affected by the landfill. So if you
7 could please look into the perimeter group of
8 residents and some kind of compensation or
9 reduction of their tax bills, an annual
10 stipend, something. We deserve something,
11 because we are much greater impacted by it.
12 And that would actually do it for me.

13 MS. STEFFAN: Thank you, Dave.
14 Thank you very much, everyone. Is there
15 anyone else who would like to add comments
16 to the meeting at this time?

17 **(No verbal response.)**

18 MS. STEFFAN: If there is no other
19 business, then I would say we are adjourned.
20 Thank you all for coming tonight.

21 THE COURT REPORTER: How many
22 transcripts would you like to order?

23 MR. RICHARDSON: Five.

24 **(Whereupon, the Public Hearing**
25 **adjourned at 7:31 p.m.)**

CERTIFICATION

I, BRENDA CURNOW, hereby certify that
I reported in stenotype shorthand the
proceedings had on the 13th day of May,
2013, in the matter of a Public Scoping
Meeting held at the Town of Riga, County of
Monroe;

And that the foregoing transcript,
herewith numbered pages 1 through 22, is a
true, accurate and correct record of those
stenotype shorthand notes.

Brenda Curnow

BRENDA CURNOW

DATED: MAY 24, 2013

Attachment C

Comment Letter 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 14414-9519

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

Website: www.dec.ny.gov



Joe Martens
Commissioner

May 24, 2013

Via E-mail (rrutkowski@monroecounty.gov) and U.S. Mail

Russell P. Rutkowski, P.E., Associate Engineer
Monroe County Department of Environmental Services
50 West Main Street, Suite 7100
Rochester, New York 14614-1228

Re: Mill Seat Landfill Expansion
SEQRA Notice of Positive Declaration & Public Scoping
DEC Pre-application File No. 8-2648-00014/00001
Town of Riga, Monroe County

Dear Mr. Rutkowski:

The NYS Department of Environmental Conservation (DEC) has received the State Environmental Quality Review Act (SEQRA) Notice of Positive Declaration and Public Scoping referenced in Michael Garland's letter dated April 19, 2013, which we received on April 23, 2013. Enclosures with your letter included a copy of Monroe County's Positive Declaration dated April 19, 2013; a copy of a draft scoping document entitled "Proposed Mill Seat Landfill Expansion, Draft Scoping Document for a Draft Supplemental Environmental Impact Statement" dated April 2013 prepared by Barton & Loguidice; and a copy of the SEQRA Long Environmental Assessment Form dated January 29, 2013.

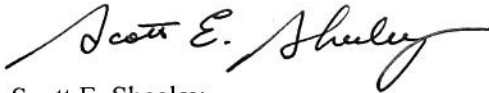
Based on our review of the information provided as an involved agency pursuant to SEQRA, the Department offers the following comments on the draft Supplemental Environmental Impact Statement (DSEIS) Scoping Document:

1. Section 3.4.2 of the draft scope indicates that the air evaluation provided in the DSEIS will also include consideration of the impact of greenhouse gas (GHG) emissions of the proposed action. The Department supports this evaluation and suggests that the Department's "Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement" may be a useful reference in this regard. The guidance document is available on our website at: <http://www.dec.ny.gov/regulations/56552.html>.
2. Section 3.5 of the draft scope indicates that the DSEIS will discuss mitigation measures involving the size and location of replacement wetlands. The DSEIS should also include a full discussion of jurisdictional wetland impact avoidance and minimization, which is required prior to wetland mitigation under the implementing regulatory programs for Section 404 of the Clean Water Act and Article 24 of the New York State Environmental Conservation Law.
3. Section 3.10 of the draft scope regarding noise impacts indicates that an evaluation of noise will be undertaken "in accordance with DEC guidance for undertaking noise assessments." Please note that the DEC Policy on "Assessing and Mitigating Noise Impacts" (DEP-00-1), indicates in Section III that there are also regulatory noise requirements that apply to certain programs, notably the solid waste regulations at 6 NYCRR Subdivision 360-1.14(p). In addition, Section V.B.5 of the policy

indicates that “Duplicative noise analysis information is not required for the permit application and the assessment of impacts under SEQR. A proper analysis can satisfy information needs for both purposes.” In light of the DEC’s policy and the applicable Part 360 regulations, we recommend that the noise limits identified in Part 360 that would apply to the proposed expansion be identified and evaluated in the DSEIS as part of the noise evaluation.

Thank you for the opportunity to provide written comments on the proposed DSEIS scope for this project. If you have any questions about this letter, you may call me at (585) 226-5382.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Ecc: Paul D’Amato, Regional Director, DEC Region 8
Michael Garland, P.E., Director of Environmental Services, Monroe County
Scott Foti, Regional Materials Management Engineer, DEC Region 8
Tom Marriott, Regional Air Pollution Control Engineer, DEC Region 8
Ed Kieda, Division of Materials Management, DEC Region 8
Scott Jones, Bureau of Habitat, DEC Region 8
Steven Metivier, US Army Corps of Engineers, Buffalo District
Jeffrey Richardson, Waste Management of New York
Kevin Voorhees, Barton & Loguidice

Attachment D

Positive Declaration

State Environmental Quality Review
POSITIVE DECLARATION

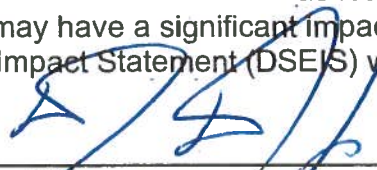
Notice of Intent to Prepare a Draft SEIS, Determination of Significance and
Availability of Draft Scoping Document for Public Comment

Project Number 8-2648-00014

Date April 19, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Monroe County as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Supplemental Environmental Impact Statement (DSEIS) will be prepared (hereinafter the "DSEIS").


Maggie Brooks, County Executive

Name of Action:

Proposed Mill Seat Landfill Expansion

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's website (www.monroecounty.gov/des-millseat.php); Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416; Town of Riga, 6460 East Buffalo Road, Churchville, NY 14428; Newman Riga Library, 1 Village Park, Churchville, NY 14428; and Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416. The Public Scoping Meeting will be held on May 13, 2013 at the Town of Riga Town Hall. Project representatives and information displays will be available beginning at 4:00 p.m. to provide details of the project to interested parties. At 7:00 p.m., the County will conduct a Scoping Meeting to accept comments on the Draft Scoping Document. Written comments on the Draft Scoping Document will be accepted until May 28, 2013. Comments should be submitted to the contact person listed below.

Description of Action:

Monroe County proposes an expansion to the existing Mill Seat Landfill located in the Town of Riga, New York. Monroe County ("the County") is the owner and permittee of the Mill Seat Landfill. The Mill Seat Landfill's Solid Waste Management Facility (SWMF) Permit I.D. number is 8-2648-00014 with an approved disposal capacity of one thousand nine hundred forty five (1,945) tons per day. The Mill Seat Landfill is operated by Waste Management of New York, LLC (WMNY), under a lease agreement with the County.

The Proposed Mill Seat Landfill Expansion will:

- provide long-term, cost effective solid waste disposal capacity for the County; and
- secure additional disposal capacity in the County beyond the current useful life of the Mill Seat landfill that ensure that locally controlled, environmentally sound, and reliable disposal capacity (ex. County biosolids disposal, City of Rochester municipal solid waste, etc.) will be provided without interruption for at least twenty-five (25) years to the residents and businesses located in the County.

The current permitted Mill Seat Landfill and associated operations occupy four hundred and thirty five (435) acres owned by the County which includes a double composite liner ("Landfill Footprint") on which solid waste is disposed and ancillary facilities (roads, buildings, soil borrow areas, stormwater ponds, etc.) are located. The current permitted Landfill Footprint occupies approximately ninety-eight point six (98.6) acres and is estimated to reach capacity in 2018.

A total of nine hundred seventy seven (977) acres of contiguous parcels are owned by the County and WMNY. The additional Landfill Footprint may be up to one hundred eighteen (118) acres. Additional acres will be required for soil and geosynthetic stockpile areas, construction staging areas, stormwater collection, storage infrastructure and buffer. Soil balance estimates are currently under development; however, it is anticipated that soil for landfill construction, operation, and closure will be obtained from one (1) or more off-site locations.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The Mill Seat Landfill is located at 303 Brew Road, in the Town of Riga, Monroe County, New York, approximately one (1) mile southeast of the Village of Bergen. Figure 1 depicts the general location of the Proposed Mill Seat Landfill Expansion ("Proposed Action").

Reasons Supporting This Determination:

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

Impact on Land Use and Agricultural Resources - Construction will occur in multiple phases and will continue for over thirty (30) years. The Proposed Action will alter the land through excavation and grading over the life of the Proposed Action. Approximately one hundred seventy five (175) acres of land would be removed from agricultural production as a result of the Proposed Action. The potential impacts will be analyzed in the Draft Supplemental Environmental Impact Statement (DSEIS). Not enough information is currently available to determine the magnitude of these potential impacts.

Impact on Water Resources - The Proposed Action would result in a large amount of excavation on the site and potentially change surface water flow direction and volume. Hotel Creek, a locally-designated Critical Environmental Area, is located near the Proposed Action. Further information needs to be gathered to determine the magnitude of these potential impacts.

Impact on Air Resources - The Proposed Action will require a Title V Air Permit Modification. The air resources will be evaluated in the DSEIS to determine the magnitude of potential impacts.

Impact on Ecological Resources - Wetlands and non-threatened, non-endangered species may be impacted by the Proposed Action. Further information needs to be gathered to determine the magnitude of these potential impacts.

Impact on Visual and Aesthetic Resources - The Proposed Action would result in a change to the visual landscape. Not enough information is currently available to determine the long-term and short-term impacts. A supplemental visual impact evaluation will be performed to determine if the Proposed Action creates significant visual impacts.

Impact on Historic and Cultural Resources - The Proposed Action will occur in areas that have not been previously disturbed. Cultural resource studies that have previously been conducted will be updated to incorporate the Proposed Action. The potential impacts will be evaluated in the DSEIS.

Impact on Transportation - The Proposed Action may result in increased traffic associated with the use of one (1) or more off-site locations for soil borrow. Additionally, impacts associated with the closure of portions of Brew Road and O'Brien Road will be evaluated. Further information needs to be gathered to determine the magnitude of these impacts.

Odor and Noise Impact - The change of noise or odor impacts related to the Proposed Action would be largely due to the reduced buffer distance to off-site receptors. Due to the reduced buffer distances, noise and odor impacts will be evaluated in the DSEIS.

The above impacts will be analyzed and addressed in the DSEIS.

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 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: Mr. Paul D'Amato, Regional Director

Hon. Robert Ottley, Supervisor, Town of Riga, 6460 Buffalo Road, Churchville, NY 14428

Persons requesting a copy - see SEQR Distribution List attached

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750

Legend

 Existing Landfill Footprint

Land Ownership

 County-Owned

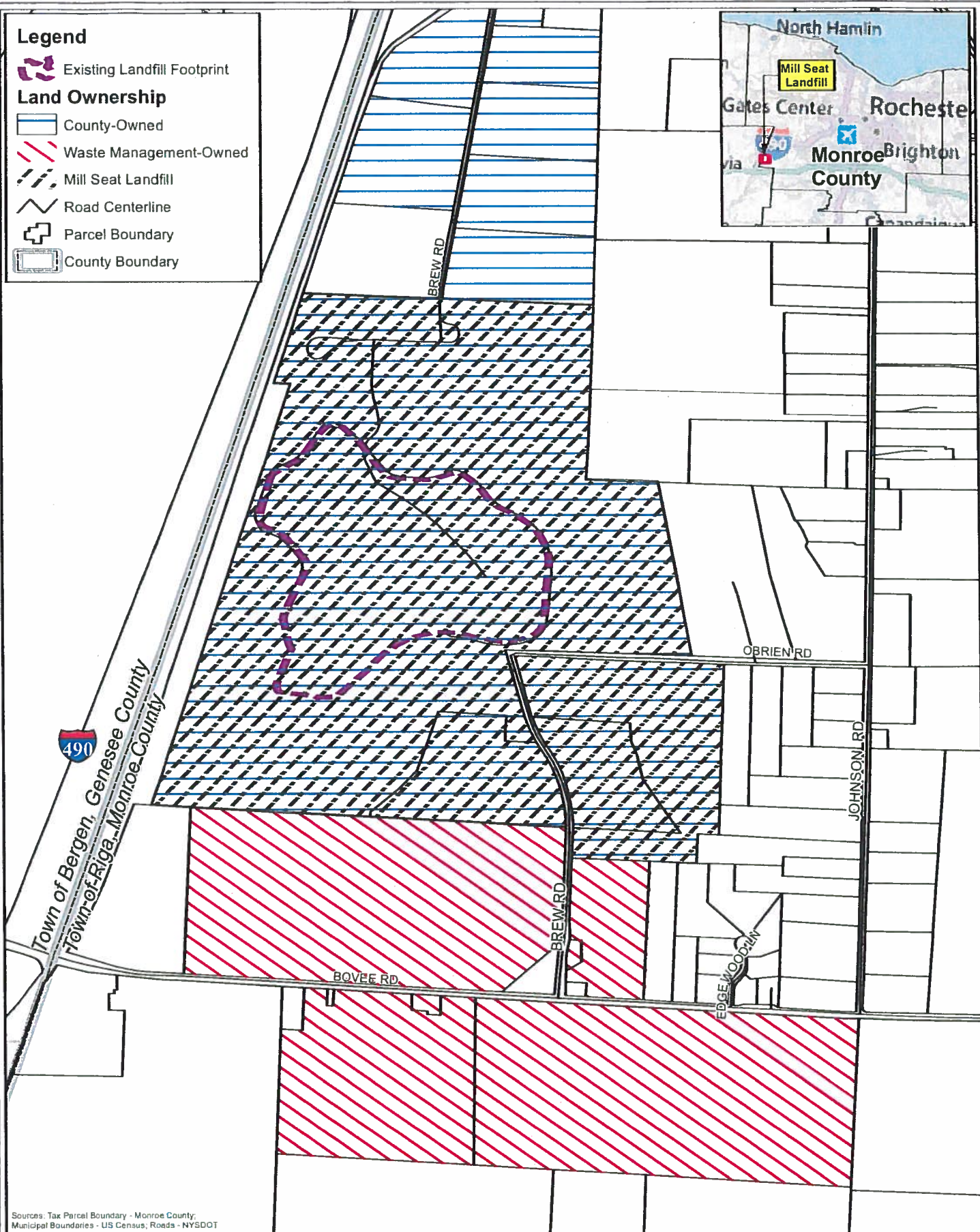
 Waste Management-Owned

 Mill Seat Landfill

 Road Centerline

 Parcel Boundary

 County Boundary



Sources: Tax Parcel Boundary - Monroe County;
Municipal Boundaries - US Census; Roads - NYSDOT



Engineers • Environmental Scientists • Planners • Landscape Architects



0 500 1,000 Feet

Mill Seat Landfill

Proposed Mill Seat Landfill Expansion

Monroe County

January 2013

New York

Figure

1

Project

No.

1242.022