

# Mill Seat Landfill Expansion

Facility ID No. 8-2648-00014

Town of Riga, New York

## Final Supplemental Environmental Impact Statement



June 2015

**Mill Seat Landfill Expansion  
Facility ID No. 8-2648-00014**

**Town of Riga, New York**



**Final Supplemental Environmental  
Impact Statement**



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Final Supplemental Environmental Impact Statement

For The Proposed Mill Seat Landfill Expansion  
303 Brew Road  
Town of Riga, Monroe County, New York

FSEIS Prepared for:

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June 2015

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## Table of Contents

<u>Section</u>	<u>Page</u>
Glossary of Terms .....	G-1
I. Introduction.....	1
A. Proposed Action .....	1
B. Organization of the FSEIS .....	4
C. Document Availability .....	5
D. DSEIS Public Comment Opportunities .....	5
II. Revisions to the DSEIS .....	7
A. Overview of Revisions .....	7
B. Revisions .....	7
III. Responses to Comments .....	15
A. Residents' Comments.....	15
B. Department of Environmental Conservation Comments.....	17
C. Town of Le Roy Comments .....	22

### Appendices

- Appendix AA – DSEIS Public Hearing Transcript
- Appendix BB – DSEIS Written Public Comments
- Appendix CC – Revisions to the Attachments to the DSEIS
  - Figure 23 – Noise Assessment
  - Attachment G – Visual Impact Assessment
  - Attachment J – Operating Noise Impact Assessment

## Glossary of Terms

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

*6 NYCRR Part 360 Permit Application* – In order to modify the permit, the County must demonstrate compliance with the design, construction, operation, and closure requirements of 6 NYCRR Part 360. The plans and reports listed in Section 2.4 have been submitted as the 6 NYCRR Part 360 Permit Application to demonstrate the expansion’s compliance with current regulations.

*BUD* – Beneficial Use Determination. BUD is a designation made by the NYSDEC as to whether the 6 NYCRR Part 360 regulations have jurisdiction over waste material which is to be beneficially used. Once the NYSDEC grants a BUD, the waste material ceases to be considered a solid waste (for the purposes of 6 NYCRR Part 360) when used in accordance with the NYSDEC’s BUD determination.

*CEA* – Critical Environmental Area

*County* – Monroe County, New York

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

*dB* – Decibel. A measurement of sound.

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

*DSEIS* – Draft Supplemental Environmental Impact Statement

*EAF* – Environmental Assessment Form

*FSEIS* – Final Supplemental Environmental Impact Statement

*Hydrogeologic Investigation Area* – The area studied for bedrock and groundwater characteristics for siting the Proposed Action. This area stretches across the Proposed Site over the existing monitoring well network and various borings, test pits, and piezometers installed as part of previous and current hydrogeologic investigations. This area stretches north to the existing landfill infrastructure, south across Bovee Road to the Proposed Wetland Mitigation Area, and is bounded to the east and west by Wetlands RG-7 and RG-5, respectively and the Proposed Wetland Mitigation Property.

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



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

*Lessee* – In an agreement between Monroe County, New York and WMNY, WMNY took responsibility for landfill operations for a 49-year period. WMNY operates the Mill Seat Landfill on behalf of Monroe County.

*Lessor* – In an agreement between Monroe County, New York and WMNY, the County is the owner of the Mill Seat Landfill.

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

*LFG* – Landfill gas

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

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

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

*Mill Seat Landfill* – Currently permitted landfill and associated operations.

*MSW* – Municipal solid waste

*MW* – megawatt

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

*NYSDEC* – New York State Department of Environmental Conservation

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

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

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

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

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

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

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

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

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

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

*Proposed Stream Mitigation Area* – A section of the Churchville Park Tributary to Black Creek approximately 1,965 linear feet in length. Improvements to the riparian buffer adjacent to this unnamed tributary are proposed as a component of mitigation for impacts to the RG-6 Tail.

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

*Proposed Wetland Mitigation Area* – The existing and proposed wetland areas within the Proposed Wetland Mitigation Property proposed as remediation to mitigate wetland impacts. Details related to the mitigation are provided in Applied Ecological Services, Inc.’s *Ecological Restoration and Management Plan*, which has been submitted to the NYSDEC and USACE in the *Joint Application for Permit Application*.

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

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

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

*SRP* – Stormwater Retention Pond

*State* – New York State

*USACE* – United States Army Corps of Engineers

*USFWS* – United States Fish and Wildlife Service

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

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

*WWTF* – Wastewater Treatment Facility

## Numbers Referenced in DSEIS

Number Referenced in DSEIS	Number Defined
828 acres	The Proposed Site. Total acreage dedicated for the Proposed Action including any land transactions. It includes parcels of 485 acres, 133.6 acres, 206 acres, 2.91 acres, and 0.8 acres.
485 acres	Total acreage owned by the County. Identified as the Permitted Site.
385 acres	Total acreage included in the Landfill Lease Agreement between WMNY and the County.
98.6 acres	Permitted Footprint of the Mill Seat Landfill.
133.6 acres	WMNY owned property identified as WMNY Parcel A (Tax Parcel ID 183.01-1-1). Includes a house and surrounding area to be subdivided out and maintained under WMNY ownership (22 acres).
206 acres	WMNY owned property identified as Proposed Wetland Mitigation Property. (Tax Parcel IDs 183.01-1-12.1 and 183.01-1-8). Includes a house and surrounding area to be subdivided out and maintained under WMNY ownership (15 acres).
254 acres	Acreage designated for landfill use (within the 485 acres).
370 acres	Approximate total acreage currently owned by WMNY.
303 acres	Approximate acreage expected to be transferred to the County by WMNY.
2.91 acres	Approximate acreage of parcel expected to be transferred from the Town of Riga to the County (Tax Parcel ID 183.01-01-002).
29.9 million cubic yards	Disposal Capacity associated with the Proposed Landfill Expansion.
31 years	Site Life associated with the Proposed Landfill Expansion.
118.3 acres	Proposed Footprint.
39.2 acres	Proposed Landfill Expansion overlay.
216.9 acres	Permitted and Proposed Footprints.
30 acres	Support facilities associated with the Proposed Landfill Expansion (stormwater management structures, access roads, LFG collection and control infrastructure, and leachate conveyance infrastructure).
0.8 acres	O'Brien Road Wetland Restoration limits of disturbance.
0.7 miles	Length of Brew Road abandonment from O'Brien Road to Bovee Road.
0.4 miles	Length of O'Brien Road abandonment from Brew Road to a location west of the O'Brien Road Turnaround (a separate action being completed by the Town of Riga)
13.5 acres	Proposed impacts to Wetland RG-6.
1,500 linear feet	Proposed impacts to the RG-6 Tail.
1,965 linear feet	Proposed Stream Mitigation Area in Churchville Park.
86 acres	<p>Proposed Wetland Mitigation Area (excludes existing or delineated wetlands); based on Applied Ecological Services, Inc. <i>Ecological Restoration and Management Plan</i> dated February 2015 that has been submitted to the NYSDEC and USACE as part of the <i>Joint Application for Permit Application</i>.</p> <p>Includes restoration and creation of: 2 acres of emergent wetland, 4 acres of wet mesic meadow wetlands, 9 acres of wet meadow wetlands, 27 acres of forested wetlands, and 44 acres of native grassland buffer.</p>

<b>Number Referenced in DSEIS</b>	<b>Number Defined</b>
136 acres	Existing and proposed wetland areas within the Proposed Wetland Mitigation Property; includes Proposed Wetland Mitigation Area (86 acres) plus existing wetlands or upland woods within the mitigation property (1.4 acres of farmed wetland delineated, 11.5 acres of scrub-shrub wetland , 22.7 acres of wet woods delineated, 5 acres of upland scrub-shrub, 6.4 acres of mesic forest, 2.4 acres of disturbed woods, and 1.6 acres of young disturbed woods).
243.6 acres	Limits of Disturbance associated with the Proposed Landfill Expansion, Proposed Wetland Mitigation Area and Proposed Stream Mitigation Area.

## **I. Introduction**

### **A. Proposed Action**

This FSEIS is issued in accordance with Article 8 of the Environmental Conservation Law (SEQRA) and the regulations that implement SEQRA (6 NYCRR Part 617). The County is the Owner and permittee of the Mill Seat Landfill. The Mill Seat Landfill is operated by WMNY under a Landfill Lease Agreement with the County. The County and WMNY have been community partners for over 20 years. The Mill Seat Landfill's Solid Waste Management Facility NYSDEC Permit I.D. number is 8-2648-00014. The Permitted Site is located in the Town of Riga, Monroe County, New York. The mailing address is 303 Brew Road, Bergen, New York 14416.

The Proposed Action includes an expansion of the Permitted Footprint and associated support facilities. The Proposed Action will allow the Mill Seat Landfill to continue to operate beyond the permitted Disposal Capacity, providing sufficient capacity to satisfy the community's long-term disposal needs. The Proposed Landfill Expansion is expected to include 118.3 acres of additional double composite lined landfill directly south of the Permitted Footprint, 39.2 acres of overlay on the Permitted Footprint, and associated support facilities for operation of the Proposed Landfill Expansion including stormwater management structures, access roads, LFG collection and control infrastructure, and leachate conveyance infrastructure. Other actions included as part of the Proposed Action are final cover design modifications to the Permitted Footprint; the proposed wetland impacts and mitigation; the proposed RG-6 Tail impact and mitigation; as well as other required actions that include extension of the Landfill Lease Agreement between the County and WMNY, abandonment of a portion of O'Brien Road (O'Brien Road Wetland Restoration), abandonment of a portion of Brew Road, County and Town of Riga approvals of land transfers, and receipt of noise easements. The total Limits of Disturbance associated with the Proposed Landfill Expansion, Proposed Wetland Mitigation Area, and Proposed Stream Mitigation Area is calculated at 243.6 acres. The "Proposed Site", excluding the Proposed Stream Mitigation Area, is the land on which the Proposed Action will be located and includes the Permitted Site.

The Proposed Action will be designed in accordance with the requirements of 6 NYCRR Part 360 regulations. A multi-layer double composite liner system, including low-permeability soil and geomembrane layers, will be constructed beneath the Proposed Footprint, with the exception of areas

overlaying the Permitted Footprint, which already has a double composite liner system. The double composite liner system will be installed over a prepared subgrade that will be designed to provide adequate support for the double composite liner system and waste materials.

Primary and secondary leachate collection systems will be integrated into the double composite liner system. The primary leachate collection system will be used to collect liquids which drain to the base of the waste materials. The secondary leachate collection system will be used to collect and remove any liquids which may move through the primary liner system but are still contained in the underlying secondary liner system.

Leachate removal from the primary and secondary leachate collection systems will be directed through a dual-contained piping network. The leachate will be discharged into the Mill Seat Pump Station and subsequently to the County Pure Waters District at a predetermined rate to the WWTF. This leachate management process is consistent with current leachate collection, storage, and disposal techniques.

As the waste placement reaches the final permitted elevations, a multi-layer final cover system will be constructed. The final cover system will provide isolation of the waste material from vectors and the elements and prevent stormwater infiltration into the waste mass. The top layer of the final cover system will be a vegetated topsoil layer to prevent erosion and LFG emissions while also maintaining the integrity of the final cover system.

Future LFG collection system components will continue to be constructed in the Proposed Footprint as more waste is placed in order to maintain LFG collection and combustion and renewable energy generation as required by the Mill Seat Landfill's Title V Air Facility Permit. The proposed LFG collection system components will tie into the Mill Seat Landfill's existing active LFG collection system, which conveys LFG generated in the Proposed Landfill Expansion to the LFG combustion devices, including flares and the LFGTE Facility, for destruction and renewable energy generation. This system consists of an extensive network of vertical extraction wells and horizontal collection trenches connected by a series of HDPE lateral pipes to a main collection header.



A comprehensive series of temporary and permanent erosion and sediment control features will be installed throughout construction and operation of the Proposed Action. These measures will be designed and implemented to ensure that surface water flows from the Proposed Site will be controlled to prevent off-site sedimentation impacts. Protection of Hotel Creek will be a priority of site stormwater management. As part of the Proposed Action, the Mill Seat Landfill's *Stormwater Pollution Prevention Plan* has been updated to include the necessary erosion and sediment controls.

Development of the Proposed Footprint south of the Mill Seat Landfill will require modification to existing roads intersecting the Proposed Site. The southern portion of Brew Road and the western end of O'Brien Road will be abandoned to accommodate the Proposed Action. Brew Road has been previously modified to limit public access to the Mill Seat Landfill but will be completely abandoned from its intersection with the Proposed Footprint perimeter road and O'Brien Road, south to its intersection with Bovee Road. A private drive will be maintained to allow access to the residential driveway at the south end of Brew Road. The south end of Brew Road will be abandoned and will no longer serve as a connection between O'Brien Road and Bovee Road. O'Brien Road will be abandoned from the County's eastern property line to the existing Brew Road intersection.

Waste quantities for disposal may vary according to economic conditions, waste processing procedures, recycling and waste reduction measures, legal issues, and population changes. The Mill Seat Landfill can only accept a limited amount of waste based on the Permitted Waste Acceptance Rate, regardless of waste quantities generated. The Mill Seat Landfill currently has a Permitted Waste Acceptance Rate of 1,945 tons per day, not inclusive of BUD material. No modification of the Mill Seat Landfill's Permitted Waste Acceptance Rate or waste acceptance origin is proposed as part of the Proposed Action.

According to a field survey performed January 2, 2015, an assumed waste placement density of 0.80 tons per cubic yard, and the current Permitted Waste Acceptance Rate including BUD materials of 776,000 tons per year, it is anticipated that the Permitted Footprint will no longer have usable airspace for waste placement beyond 2018. Construction of the first Stage of the Proposed Landfill Expansion is scheduled to commence in 2016 to allow for adequate construction time and contingencies. Overall, the Proposed Landfill Expansion will increase the available Disposal Capacity by approximately 29.9 million cubic

yards, which is anticipated to provide adequate Disposal Capacity for an additional 31 years depending on actual waste acceptance rates and in-place waste density.

A DSEIS for the Proposed Action, dated April 2015, was made available for public review on April 1, 2015. A public hearing on the DSEIS was held on April 16, 2015, and the written comment period for the DSEIS concluded on May 1, 2015.

**B. Organization of the FSEIS**

This FSEIS addresses comments to the DSEIS submitted by involved and interested agencies and members of the public. Terms used in this FSEIS have the same meaning as those included in the Glossary of Terms contained in the DSEIS. Section I of this FSEIS (Introduction), in addition to providing a summary of the Proposed Action, describes the main section of the FSEIS, provides a list of locations where the FSEIS is available for public review, and summarizes the opportunities for public comment subsequent to issuance of the DSEIS on April 1, 2015.

Section II of this FSEIS (Revisions to the DSEIS) describes the changes that have been made to the DSEIS. These revisions reflect the County's consideration of substantive comments submitted with regard to the DSEIS and its continued review of the DSEIS during the public comment period. Except for the DSEIS revisions described in this FSEIS, the information and environmental analyses contained in the DSEIS remain unchanged. The DSEIS date April 1, 2015 is hereby incorporated by reference in this FSEIS.

Section III provides the County's responses to substantive comments that were submitted either at the DSEIS public hearing or in writing during the public comment period. The comments and their associated responses have been grouped by commenter: Residents Comments – Section A, NYSDEC Comments – Section B, and Town of Le Roy Comments – Section C.

The appendices that are included with this FSEIS are listed in the Table of Contents. The transcript of the DSEIS public hearing is included in Appendix AA and copies of the comment letters received during the comment period are included in Appendix BB.

### C. Document Availability

This FSEIS has been filed pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. Hardcopies of this FSEIS, including a full set of the FSEIS and DSEIS documents (including all separately bound appendices), have been filed at:

- Monroe County Department of Environmental Services, CityPlace 7100, 50 W. Main Street, Rochester, NY 14614;
- Monroe County Mill Seat Landfill, 303 Brew Road, Bergen, NY 14416;
- Town of Riga, Town Hall, 6460 East Buffalo Rd., Churchville, NY 14428;
- Central Library of Rochester and Monroe County, 115 South Avenue, Rochester NY 14604;
- Newman Riga Library, 1 Village Park, Churchville, NY 14428;
- Byron-Bergen Public Library, 13 South Lake Avenue, Bergen, NY 14416.

Electronic copies of the FSEIS and DSEIS for the Proposed Action, including all separately bound documents, can be reviewed at the following website: [www.monroecounty.gov/des-millseat.php](http://www.monroecounty.gov/des-millseat.php) . A public notice has been issued in the Environmental Notice Bulletin informing the public of the acceptance of the FSEIS. Hard copies of the FSEIS have been supplied to all involved agencies and NYSDEC.

### D. DSEIS Public Comment Opportunities

The DSEIS for the Proposed Action was issued for public review and comment on April 1, 2015. Full sets of the DSEIS were made available for public review at the locations listed above and digitally through the County website.

A Notice of Availability dated April 1, 2015, detailing the issuance and accessibility of the DSEIS and the date and time of the public hearing for the DSEIS, was provided to the involved agencies and published in the March 27, 2015 Rochester Business Journal, the April 1, 2015 edition of The Daily Record, the March 29, 2015 edition of the Suburban News South and West, and the NYSDEC's Environmental Notice Bulletin on April 1, 2015.

The DSEIS Public Hearing was held on April 16, 2015 at 7:00 p.m. at the Town of Riga Town Hall, 6460 East Buffalo Road, Churchville, NY 14428. Two (2) people, both residents of the Town of Riga, presented oral comments on the DSEIS at the Public Hearing. A stenographic transcript of the hearing is

available for review in Appendix AA of the FSEIS. The DSEIS Public Hearing was preceded by a Public Information Session from 4:00 – 7:00 p.m.

In addition to the public hearing, written comments on the DSEIS were accepted by the Director of the County's Department of Environmental Services until the end of the day on May 1, 2015. These submittals are presented in the FSEIS as Appendix BB. The NYSDEC and the Town of Le Roy submitted comments in writing on the DSEIS. The County has carefully reviewed and considered each substantive comment and prepared written responses, which are provided in Section III of this FSEIS.

## II. Revisions to the DSEIS

### A. Overview of Revisions

Following review and consideration of comments submitted with regard to the DSEIS, in addition to the County's continued review of the DSEIS during the public comment period, portions of the DSEIS have been revised in the FSEIS. These revisions are presented in this section and are set forth in the same sequence and utilize the same numbering system as the sections of the DSEIS.

### B. Revisions

#### Section: Summary

##### S.5.1 Land Use and Agricultural Resources (DSEIS page S-6)

The last sentence of the third paragraph is revised to read as follows: "The landowners of these 306 acres of land in the South Western Agricultural District have consented or will consent to the non-agricultural use of their land by signing Agricultural District waivers."

##### S.5.4 Surface Water Resources (DSEIS page S-8)

The mitigation ratio for Forested wetlands in the table following the third paragraph has been revised to a ratio of two to one (2:1) to accurately reflect the proposed credit ratio. The table is revised as follows:

#### **Mitigation Acreages and Proposed Credits for the Proposed Wetland Mitigation Area**

<b>Community</b>	<b>Acres Impacted</b>	<b>Acres Restored</b>	<b>Proposed Credit Ratio</b>	<b>Total Credits Proposed</b>
Forested wetlands	13.5	27	(2:1)	27
Emergent wetlands	0	2	(1:1)	2
Wet meadow wetlands	0	9	(1:1)	9
Wet Mesic meadow wetlands	0	4	(2:1)	2
Native Grassland Buffer	0	44	(10:1)	4.4
<b>Totals</b>	<b>13.5</b>	<b>86</b>	<b>-</b>	<b>44.4</b>

#### S.5.6 Ecological Resources (DSEIS page S-10)

The third sentence of the second paragraph is revised to read as follows: “This greatly minimizes any potential impacts that the Proposed Action may have on this listed species.”

#### S.5.9 Visual and Aesthetic Resources (DSEIS page S-11)

The *Visual Impact Assessment* has been revised to address comments received during the public comment period. As a result, the fourth sentence of the first paragraph has been revised to reflect the addition of a vantage point where the Proposed Landfill Expansion will be visible. This sentence is revised to read as follows: “According to the analysis completed as part of the *Visual Impact Assessment*, portions of the Proposed Landfill Expansion will likely be visible from seven (7) of the nine (9) vantage point locations examined.” The revised *Visual Impact Assessment* is included in Appendix CC of this FSEIS.

#### S.5.10 Historic and Cultural Resources (DSEIS page S-12)

The following sentence has been added to the end of the last paragraph: “The *Phase IA/B Cultural Resource Investigation* and *Phase II Cultural Resources Study* have been provided to the Seneca Nation of Indians, Tonawanda Seneca Nation and Cayuga Nation.”

#### S.5.13 Noise (DSEIS page S-14)

The last sentence of the third paragraph is revised to read as follows: “In addition, predicted sound levels at all off-site receptors are less than 65 dBA – which in accordance with a NYSDEC guidance document is a maximum threshold for increase of the ambient noise level since it allows for undisturbed speech at a distance of approximately three (3) feet.”

The reference to the EPA noise guidance has been removed from the fourth paragraph, which is revised to read as follows: “The worst case nature of this noise analysis should be noted – this analysis assumes that the working face is operating closest to the off-site receptor, with the loudest side of operations directed towards the receptor, during the loudest hour of daily activity.”

## Section 1.0: Project Description and Background

### Section 1.7 Consistency with Local and State Solid Waste Management Plans (DSEIS page 21)

The last sentence of the first paragraph has been revised as follows, to reflect the determination by the NYSDEC that the County's draft *Local Solid Waste Management Plan* is an approvable plan: "This draft *Local Solid Waste Management Plan* recently completed its public comment period and the NYSDEC has determined that it has provided substantive consideration of the elements set forth in New York State Environmental Conservation Law, Section 27-0107 and it constitutes an approvable plan. The County is currently preparing the final *Local Solid Waste Management Plan*."

## Section 2.0 Proposed Landfill Expansion

### Section 2.1 General Project Description (DSEIS page 25)

The fifth sentence of the last paragraph is revised to read as follows: "One (1) other parcel owned by the Town of Riga at the Bovee Road and Brew Road intersection will be transferred to the County following approval by the Town Board."

### Section 2.4.6 Water Quality Monitoring Requirements (DSEIS page 39)

The first sentence of the first paragraph has been revised to reflect that the updated *Environmental Monitoring Plan* is under review by the NYSDEC, which will ultimately determine whether it satisfies all of the applicable requirements of 6 NYCRR Part 360. This revised sentence reads as follows: "The updated *Environmental Monitoring Plan* has been prepared to address the requirements of 6 NYCRR Part 360 and is capable of detecting whether there are any landfill-derived impacts to groundwater and surface water."

### Section 2.9 Permits and Approvals Required for Proposed Action (DSEIS page 62)

The third sentence in the second bullet has been revised as follows, to include a proposed variance regarding equipment noise levels: "In addition, variances are proposed for a reduction in the final cover system barrier protection layer thickness over the Permitted Footprint and Proposed Footprint, elimination of the final cover system gas venting layer over the Permitted Footprint and Proposed Footprint, construction of a

solid waste facility within the boundary of a regulated wetland, and the operation of equipment with sound levels that are expected to exceed 80 dBA at 50 feet.”

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

#### Section 3.1 Land Use and Agricultural Resources

##### Section 3.1.3 Proposed Mitigation Measures (DSEIS page 67)

The first sentence of this section is revised to read as follows: “The proposed non-agricultural use of 306 acres of land in the South Western Agricultural District has been or will be consented to by the landowners.”

#### Section 3.4 Surface Water Resources

##### Section 3.4.3 Proposed Mitigation Measures (DSEIS page 95)

The mitigation ratio for Forested wetlands in Table 7 following the fifth paragraph under the sub-heading “Wetland Mitigation” has been revised to a ratio of two to one (2:1) to accurately reflect the proposed credit ratio. Table 7 is revised as follows:

**Table 1 - Mitigation Acreages and Proposed Credits for the Proposed Wetland Mitigation Area**

<b>Community</b>	<b>Acres Impacted</b>	<b>Acres Restored</b>	<b>Proposed Credit Ratio</b>	<b>Total Credits Proposed</b>
Forested wetlands	13.5	27	(2:1)	27
Emergent wetlands	0	2	(1:1)	2
Wet meadow wetlands	0	9	(1:1)	9
Wet Mesic meadow wetlands	0	4	(2:1)	2
Native Grassland Buffer	0	44	(10:1)	4.4
<b>Totals</b>	<b>13.5</b>	<b>86</b>	<b>-</b>	<b>44.4</b>

#### Section 3.6 Ecological Resources

##### Section 3.6.1 Existing Environmental Setting (DSEIS page 109)

The first paragraph from the sub-heading “Northern Long-Eared Bat” is revised to read as follows: “The northern long-eared bat has recently been added as a threatened species to the federal Endangered Species Act,



effective May 4, 2015. Therefore, potential impacts to the northern long-eared bat should be considered and addressed for any project funded, approved, or undertaken by a federal agency.”

#### Section 3.6.2 Potential Significant Environmental Impacts (DSEIS pages 113-114)

The last sentence of the first paragraph from the sub-heading “Northern Long-Eared Bat Impacts” is revised to read as follows: “This greatly minimizes any potential impacts that the Proposed Action may have on this species.”

The last sentence of the third paragraph from the sub-heading “Northern Long-Eared Bat Impacts” has been deleted and the third paragraph is revised to read as follows: “The habitat assessment and suitability details, and proposed conservation measure, will be provided to the USFWS for their consideration and comment. Further coordination will be completed with the USFWS during the federal permitting process with the USACE.”

#### Section 3.6.3 Proposed Mitigation Measures (DSEIS page 115)

The fourth sentence from the sub-heading “Threatened and Endangered Species Mitigation Measures” is revised to read as follows: “This greatly minimizes any potential impacts that the Proposed Action may have on this species.”

The last sentence from the sub-heading “Threatened and Endangered Species Mitigation Measures” is revised to read as follows: “Additional coordination and/or surveying activities are possible with the formal listing of the northern long-eared bat to the federal endangered species list.”

### Section 3.9 Visual and Aesthetic Resources

#### Section 3.9.2 Potential Significant Environmental Impacts (DSEIS pages 137-138)

As a result of updating the *Visual Impact Assessment*, the fourth paragraph has been revised as follows to reflect the addition of a vantage point where the Proposed Landfill Expansion will be visible: “The field evaluation was conducted using a balloon-fly technique. Three (3) helium-filled balloons were floated and used to determine the visibility of the Proposed Landfill Expansion from the surrounding area. Once the three (3) balloons were elevated, a field crew traveled along adjacent roadways to eight (8) specific vantage points within the five (5) mile radius study area. At each vantage point, documentation was collected to determine whether or not the Proposed Landfill Expansion will be seen from these

locations. Photographs and GPS coordinates were taken at every vantage point location. The photographs were used to create visual simulations of the view of the Proposed Landfill Expansion from each vantage point. The simulations were adjusted based on the known diameter of the inflated balloons and existing known land elevations to subsequently reflect the maximum design elevation and/or breakpoints in slope. An additional photograph was collected from a ninth vantage point within the five (5) mile radius study area at a later date when the balloons were not flying. This simulation from Vantage Point 9 was adjusted based on the existing known land elevations and topographic model generated for the Mill Seat Landfill and the Proposed Landfill Expansion. These visual simulations can be found in the *Visual Impact Assessment*, included as Attachment G. As indicated in Attachment G, portions of the Proposed Landfill Expansion will likely be visible from seven (7) of the nine (9) vantage point locations examined. These vantage points also have visual impacts from the Mill Seat Landfill. See Figure 1 of the *Visual Impact Assessment* (Attachment G) for the viewshed map.”

The revised *Visual Impact Assessment* is included in Appendix CC of this FSEIS.

### Section 3.10 Historic and Cultural Resources

#### Section 3.10.1 Existing Environmental Setting (DSEIS pages 140-142)

A new paragraph is added at the end of this section, as follows: “The *Phase IA/B Cultural Resource Investigation* and *Phase II Cultural Resources Study* have been provided to the Seneca Nation of Indians, Tonawanda Seneca Nation and Cayuga Nation.”

### Section 3.13 Noise

#### Section 3.13.1 Existing Environmental Setting (DSEIS pages 152-153)

As a result of updating the *Operating Noise Impact Assessment*, the fifth and sixth paragraphs in this section have been revised to read as follows, reflect the addition of nighttime (pre-waste placement) and flare noise analyses:

“The measured community sound levels ranged from a low of 43 dBA east of the Mill Seat Landfill along O’Brien Road, to a high of 55 dBA at the entrance to the Proposed Site. Data obtained from these measurements was compared to 6 NYCRR Part 360 noise

standards for daytime (7:00 a.m. and 10:00 p.m.) and nighttime (pre-waste placement prior to 7:00 a.m.) hours in rural areas. The NYSDEC regulatory standard for landfill operations between 7:00 a.m. and 10:00 p.m. is an hourly Leq of 57 dBA received beyond the Proposed Site property line at rural areas zoned or otherwise available for residential purposes. The NYSDEC regulatory standard for landfill operations between 10:00 p.m. and 7:00 a.m. is an hourly Leq of 47 dBA received beyond the Proposed Site property line at rural areas zoned or otherwise available for residential purposes. All background levels monitored were less than the 57 dBA during daytime operations and less than 47 dBA during maintenance activities performed prior to 7:00 a.m.

Working face noise levels were measured with calibrated sound level meters at various locations on the working face to determine operational noise levels, during both typical daytime operations after 7:00 a.m. and daily cover removal activities prior to 7:00 a.m. This data was used in the *Operating Noise Impact Assessment* to determine potential impacts from the operation of the Proposed Landfill Expansion. In order to estimate worst case noise levels at each offsite location identified for evaluation, the outer limits of waste disposal were used as the locations for these projections. The noise levels were analyzed at the Proposed Site boundary for 6 NYCRR Part 360 compliance, as well as at nearby residential receptors for any potential increase in noise levels.”

The revised *Operating Noise Impact Assessment* is included in Appendix CC of this FSEIS.

### Section 3.13.2 Potential Significant Environmental Impacts (DSEIS pages 155-156)

The second sentence of the third paragraph from the sub-heading “6 NYCRR Part 360 Compliance” is revised to read as follows: “One (1) property is owned by the Town of Riga located at the intersection of Bovee and Brew Road. This property will be transferred to the County and therefore no noise easement is necessary.”

The first paragraph has been removed from the sub-heading “Receptor Impacts.” The following sentence has been inserted in the second paragraph following the third sentence: “Predicted sound levels at all off-site receptors are less than 65 dBA, which in accordance with the NYSDEC program policy is a maximum threshold for increase of the

ambient noise level since it allows for undisturbed speech at a distance of approximately three (3) feet.”

The fourth sentence of the second paragraph under the sub-heading “Receptor Impacts” has been revised as follows, to remove the reference to the EPA noise guidance: “The worst case nature of this noise analysis should be noted – this analysis assumes that the working face is operating closest to the off-site receptor, with the loudest side of operations directed towards the receptor, during the loudest hour of daily activity.”

Section: Figures

Figure 23 – Noise Assessment

Figure 23 – Noise Assessment has been revised (see FSEIS Appendix CC) to replicate Figure 2 in Attachment J, which includes the applicable tax parcel numbers.

### III. Responses to Comments

This section contains the substantive comments received on the DSEIS. Each comment shown below includes the name of the commenter, whether the comment was provided at the April 16, 2015 public hearing or submitted in writing, and the date of the comment. The County's response immediately follows each comment, and is shown *in italics* to help distinguish the responses from the comments. The revised visual and noise assessments referenced in the responses set forth below are both included in Appendix CC of this FSEIS.

#### A. Residents' Comments

##### **Lisa Hochreiter (Public Hearing – 4/16/15)**

“Reading though this I noticed some things about Hotel Creek monitoring, but I didn't really see anything what happens if there is a problem. Like what are the guidelines if something changes in the creek? How do we know? How do the neighbors know if there is a problem?”

*Response: Existing conditions for Hotel Creek, along with potential impacts and mitigation measures with regard to Hotel Creek, have been addressed in Section 3.7 of the DSEIS. As described in Section 3.7.3 of the DSEIS, impacts to water quality in Hotel Creek are not expected due to proposed mitigation measures. Furthermore, Hotel Creek will be monitored in accordance with the Updated Environmental Monitoring Plan included in Attachment C of the DSEIS. Surface water quality monitoring at the Mill Seat Landfill and Proposed Landfill Expansion will be performed on a quarterly basis as required by the Environmental Monitoring Plan. Surface water quality monitoring will include sampling of on-site SRPs when flowing, locations in downgradient wetlands, and several locations along Hotel Creek – two (2) of which will be located in the areas where Hotel Creek receives indirect runoff from the Proposed Action and locations farther downstream. Data obtained from the surface water quality monitoring will be reported to the NYSDEC within 90 days of concluding the sampling event. The reporting of the analytical data will be completed in accordance with 6 NYCRR Part 360-2.11(c)(5)(iv). In addition, the Citizens Advisory Board receives a copy of the sampling reports.*

*When the Mill Seat Landfill was initially permitted, a Citizens Advisory Board was established to provide a formal liaison between the local community and the County regarding the design, construction and operation of the Mill Seat Landfill. The Citizens Advisory Board meets on a quarterly basis and is intended to*

*perform several functions including to provide: a vehicle for dissemination of information regarding site design, construction and operation; local community oversight of the Mill Seat Landfill; and the local community with a forum for making suggestions to the County and/or WMNY. Neighbors are welcome to attend the quarterly Citizens Advisory Board meetings and/or contact the members of the Board to become more informed of the design, construction and operations associated with the Mill Seat Landfill and Proposed Landfill Expansion.*

*Should a change occur in the water quality at Hotel Creek, the NYSDEC and the Citizens Advisory Board would be notified and contingency measures would be implemented to determine the reason for the change and to determine whether additional sampling would be required.*

“And the other question I have is the taxes -- the taxes assessment at where I live -- I just got a letter from the town that my County taxes are going up another \$10,000. So I don't understand. I live really close to the landfill. Why are my taxes going up and I am so close where people in the Town of Riga that live on the other side of the town, you know, I am not sure what the - why they chose to have it that way? If you're closer, I don't think you should have as much tax.”

*Response: Comment noted. The tax increases mentioned in this comment are not related to the Proposed Landfill Expansion. Please see Section 1.6.2 of the DSEIS for a description of benefits associated with the Proposed Landfill Expansion, which includes monetary benefits to the Town of Riga.*

“And I don't want the County landfill to expand in my opinion. I work in the medical field and I feel that there are other resources available before you start expanding the landfill. And that's all I have tonight.”

*Response: The public purpose and need for the Proposed Landfill Expansion are described in Sections 1.5 and 1.6 of the DSEIS. Section 9.0 of the DSEIS provides an analysis of alternatives to the Proposed Landfill Expansion.*

#### **Al Turcott (Public Hearing – 4/16/15)**

“The only question I have is how are the trucks going to come in there? Are they going to change to a different route or are they still going to get

off at Exit 2 and come down North Brew Road around into the new part of the landfill?”

*Response: Comment noted. Traffic associated with the Proposed Action is anticipated to utilize the same routes as under existing conditions.*

B. Department of Environmental Conservation Comments

**Submitted by Matthew J. Griffiths – Environmental Analyst (Letter – 5/8/15)**

Water Resources

“Summary S.5.4 Surface Water Resources and Section 3.4 of the DSEIS - With regards to the proposed Ecological Restoration and Management Plan , the Department would like to see remaining on-site wetlands (RG-5 and RG-7) protected in perpetuity as part of the mitigation for the loss of RG-6 and long-term plan for the site. For example, this may take the form of a conservation easement held by an appropriate non-municipal third party.”

*Response: As described in more detail in the sections of the DSEIS referenced in this comment, the loss of 13.5 acres from Wetland RG-6 will be mitigated by the restoration and creation of approximately 42 acres of wetlands plus native grassland buffer enhancements on an additional 44 acres at the Proposed Wetland Mitigation Property. Additional wetlands mitigation will be provided as a result of the O'Brien Road Wetland Restoration, which will result in an enhancement of Wetland RG-7 by restoring eight tenths (0.8) of an acre of wetland and an improved hydrologic connection to Hotel Creek's Tributary b. This mitigation plan will result in the restoration or creation of more than three (3) acres of wetland for each acre of Wetland RG-6 that will be impacted by the Proposed Landfill Expansion, thus ensuring that there will be no net loss of wetlands as a result of the Proposed Action.*

*With regard to the suggestion that the NYSDEC would like to see Wetlands RG-5 and RG-7 protected in perpetuity as mitigation for the loss of Wetland RG-6, neither of those wetlands will be impacted by the Proposed Action and both Wetlands RG-5 and RG-7 are NYSDEC Class II mapped wetlands that are afforded substantial protections from development pursuant to both NYSDEC (6 NYCRR Parts 663 and 664) and USACE (Parts 320-332 of Title 33 of the Code of Federal Regulations) wetland regulations. For the purposes of the County's SEQRA review of the Proposed Action, the mitigation measures proposed in the DSEIS*

*for the loss of Wetland RG-6, a NYSDEC Class III wetland, are believed to be appropriate and sufficient to mitigate and minimize adverse environmental impacts to the maximum extent practicable. The County has an obligation to utilize public lands in the best interest of the public. Restricting the County's use of public lands in perpetuity obviates the County's responsibility for the public interest.*

*With regard to the suggestion that the NYSDEC would like to see Wetlands RG-5 and RG-7 protected in perpetuity as part of the long-term plan for the Proposed Site, that comment is related to a topic beyond the scope of the DSEIS as there is currently no long-term plan for the Proposed Site that extends beyond the Proposed Landfill Expansion. The DSEIS describes the environmental setting, potential significant impacts, and proposed mitigation measures related to the full build-out and operation of the Proposed Landfill Expansion for an approximately 31-year period plus an additional 30 years after final closure of the Proposed Landfill Expansion. The County has not begun to consider longer-term plans for the Proposed Site such as that suggested in this comment. This would require consideration of solid waste management planning that would be applicable starting in approximately the year 2050. Such a planning effort would extend several decades beyond the 10-year planning period that is called for by the NYSDEC for Local Solid Waste Management Plans, including the Draft Local Solid Waste Management Plan dated December 2014 that the NYSDEC has considered as approvable in their May 20, 2015 letter.*

“Section 2.4.6. Water Quality Monitoring Requirements - The Department has not yet completed its technical review of the updated Environmental Monitoring Plan (EMP); therefore, it is too soon to state that the updated Environmental Monitoring Plan (EMP) satisfies the requirements of Part 360. However, it is accurate to state that the approved EMP in effect for the existing landfill satisfies Part 360 requirements.”

*Response: Comment noted.*

#### Historic and Cultural Resources

“Summary S.5.10 Historic and Cultural Resources - At the end of the second paragraph add an additional sentence indicating that the cultural resources reports have also been provided to the Seneca Nation of Indians, Tonawanda Seneca Nation and Cayuga Nation.”

*Response: As requested, a sentence has been added at the end of the second paragraph of the Summary S.5.10 Historic Resources section of the DSEIS indicating that the cultural resources reports*



*have also been provided to the Seneca Nation of Indians, Tonawanda Seneca Nation, and Cayuga Nation.*

### Noise

“Summary S.5.13 Noise and Section 3.13 .2 Receptor Impacts - Reference to the EPA noise guidance should be removed. The Part 360 regulations and Division of Environmental Permits Program Policy DEP-00-1 already provide a time-tested framework for evaluating noise associated with landfills. Further, the 55 dBA standard in the EPA guidance is a day-night equivalent sound level (Ldn) that does not appear to be directly comparable with the predicted sound levels, which are based on a one-hour Leq.”

*Response: The reference to the EPA noise guidance has been removed from the DSEIS Summary (S.5.13 Noise), Section 3.13.2 (Receptor Impacts), and Attachment J (Operating Noise Impact Assessment).*

“Section 2.6.1. Hours of Operation – Landfill operation, including daily cover placement, is proposed to begin at 6 a.m. This appears to be in conflict with Section 3.1 of the Operating Noise Impact Assessment in Attachment J, which states that anticipated hours of operation will be during the daytime period. The noise assessment will need to be revised to take into account operational noise occurring before 7 a.m. to ensure that the 47 dBA sound level in Part 360-1.14(p) will not be exceeded.”

*Response: The 6 NYCRR Part 360 Permit Application does not propose any changes from current operational hours or daily cover soil operations. Based on site measurements and observations at the Permitted Site, working face operations which commence at 7:00 a.m. are the primary source of noise for the Permitted Site. Between 6:00 a.m. and 7:00 a.m., only basic maintenance activities, such as daily equipment preparation and removal of daily cover from the working face with a bulldozer, are performed. However, further analysis was performed to address compliance with 6 NYCRR Part 360-1.14(p). Additional operational noise data was collected on May 18, 2015, which included the operation of two (2) bulldozers between 6:00 a.m. and 7:00 a.m. to remove alternate daily cover comprised primarily of autofluff. The removal of the autofluff from the working face lasted 12 minutes. The sound level measurement taken at 250 feet from the approximate centroid of the working area of one (1) of the bulldozers was 60 dBA. A second bulldozer was operating farther from the main working face and was not in the direct line-of-sight of the noise meter due to a stockpile of autofluff. The Operating Noise Impact Assessment has been revised to include this data and the potential impacts to*

*receptors. Based on the revised analysis, the sound levels at all receptors meet the 6 NYCRR Part 360-1.14(p) 10:00 p.m. to 7:00 a.m. noise requirements of 47 dBA under these operating conditions.*

“Attachment J, Operating Noise Impact Assessment, Section 5.1 – Based upon the measured working face sound levels and distances to working face operations provided in Table 5, it appears that a variance from Part 360-1.14(p)(4) will be required for the Part 360 application based on expected equipment sounds levels at 50 feet (must not exceed 80 dbA at 50 feet).”

*Response: This variance application has been prepared and appended to Attachment J, Operating Noise Impact Assessment, of the FSEIS.*

“Attachment J, Operating Noise Impact Assessment, Section 6.2 – Please include the cross sectional profiles between the landfill and the various noise monitoring locations as it is difficult to evaluate the noise propagation calculations in Appendix A without them.”

*Response: An additional site plan depicting the locations at which the cross sections were cut and the corresponding cross-sectional profiles have been included as an additional figure in Attachment J (Operating Noise Impact Assessment).*

“Attachment J, Operating Noise Impact Assessment, Section 7.0 – Please include the sound level measurements recorded for each location (in graph form with respect to time) and the instrument calibration logs.”

*Response: The sound level measurement data and calibration logs have been added as an additional Appendix to Attachment J (Operating Noise Impact Assessment).*

“Attachment J, Operating Noise Impact Assessment, Section 7.2 – See comment #3 regarding the EPA noise guidance.”

*Response: Comment noted. This reference has been removed from Attachment J.*

“Attachment J, Operating Noise Impact Assessment, Figure 2 – It is difficult to locate the properties with environmental easements that are listed in Appendix B relative to the proposed landfill footprint. Please identify these specific properties on Figure 2 and include the applicable tax parcel numbers.”

*Response: Figure 2 in Attachment J has been revised to include the applicable tax parcel numbers.*

“Attachment J, Operating Noise Impact Assessment, Section 5.0 – The noise assessment should also be revised to address potential noise impacts due to any changes in gas control associated with the expansion that will occur through flares or the gas-to-energy facilities. This would include any changes in the location(s) of existing flares, or the addition of new flares, and any changes proposed at the gas-to-energy facility related to the landfill expansion. Any potential noise impacts associated with these components of the facility should be addressed in a manner consistent with the Department's program policy on "Assessing and Mitigating Noise Impacts" (DEP-00-001).”

*Response: Flare noise is negligible compared to working face noise and will not adversely impact receptors. The Operating Noise Impact Assessment has been revised to include additional data and assessment to account for the operation of the flares. Sound level measurements taken at a distance of 50 feet from the existing flare resulted in a Leq of 63 dBA at 50 feet. The nearest receptor to the flare is 1,870 feet east of the flare and would experience a sound level from the flare of 32 dBA due to distance doubling. The proposed flare will be smaller in capacity than the existing flare. As a worst case scenario, if both flares emit the same sound level and operate in close proximity, which would equate to 66 dBA at 50 feet, a sound level of 35 dBA would be experienced at the receptor due to distance attenuation. Both sound levels experienced at the receptor are seven (7) to ten (10) decibels below the ambient sound level, which would result in at most a one (1) dBA increase in sound pressure level at the receptor. In addition, there are no proposed changes to the locations of the existing flares, nor will the proposed flares be located any closer to potential receptors than the existing flares. No changes to the LFGTE Facility are proposed as part of the Proposed Action.*

#### Visual Impact Assessment

“Attachment G, Visual Impact Assessment, Section 4.5 – Based upon the topographic survey from the 2014 annual facility report and site visits by NYSDEC staff, the permitted and proposed conditions for Vantage Point #1 appear to understate the final profile of the landfill. The top of the existing landfill is currently at an elevation of approximately 810 feet according to the survey. The maximum permitted final cover elevation is 875 feet, a difference in vertical distance of about 65 feet. The photos do not appear representative of this change in vertical distance.”

*Response: The rendered photos were taken to the balloon elevation observed at Vantage Point 1, which was at the permitted height of 875 feet. However, the rendering was reviewed again to confirm its accuracy. Based on the overlay of the permitted and proposed topography on the existing photograph, the original*

*analysis was found to be correct. No changes to the rendering at Vantage Point 1 are necessary.*

“Attachment G, Visual Impact Assessment, Section 4.5 – Bovee Road should be included in the analysis since Figure 1 Viewshed Map indicates landfill visibility in this area. The addition of some tree plantings should be considered along affected segments of Bovee Road.”

*Response: A new rendering has been added to address the view from 845 Bovee Road facing north. With the addition of this rendering, the text of Attachment G has been revised to include the addition of a vantage point (Vantage Point 9) and any impacts that may be associated with it. Much of the area along Bovee Road directly south of the Proposed Landfill Expansion is wooded. From Vantage Point 9, the Proposed Landfill Expansion is visible during certain seasonal periods. During months when the leaves are on the trees, this view will be buffered by the deciduous trees located between Bovee Road and the Proposed Landfill Expansion. The area between Hotel Creek and Bovee Road south of the Proposed Landfill Expansion is also occupied by wetlands associated with Wetland RG-5, which provides sufficient vegetative buffering.*

C. Town of Le Roy Comments

**Submitted by Stephen Barbeau, Town of LeRoy Supervisor (Letter – 4/29/15)**

“The Town of LeRoy has been made aware of the plans for the proposed expansion of the Mill Seat Landfill. The plans expand the landfill to the south and relocate impacted wetlands south of Bovee Road. There is concern that this southward expansion and relocation of impacted wetlands will affect property owners in the Town of LeRoy.”

*Response: Potential significant environmental impacts related to the Proposed Landfill Expansion are described in Section 3.0 of the DSEIS, but no such impacts on property owners in the Town of LeRoy have been identified. Additional information is provided in the response to the next comment.*

“Such a large project has the potential to alter the surrounding environment. The residents of Vallance Rd in the Town of LeRoy are concerned that their private wells and septic systems may be affected by the relocation of wetlands south of Bovee Rd. The relocated wetlands have the potential to alter the groundwater and hydrogeology of this area.”

*Response: Vallance Road, in the Town of LeRoy, is situated within the Oatka Creek Watershed. The Oatka Creek Watershed occupies 138,092 acres (216.8 square miles) across portions of Wyoming,*

*Genesee, Livingston and Monroe Counties of New York State (Source: Oatka Creek Watershed Characterization Report, 2014). Hydrogeologic studies have demonstrated that the Proposed Landfill Expansion and the western portion of the Proposed Wetland Mitigation Area (areas west of Science and Pinnacle Hill Drumlins) lie within the Hotel Creek Subwatershed of the Black Creek Watershed. Hydrologic impacts, if any, would manifest themselves in the Black Creek Watershed and not the Oatka Creek Watershed. Wetland RG-33, which is located on the eastern/central portion of the Proposed Wetland Mitigation Property, ultimately discharges to the Oatka Creek Watershed. Less than 20 acres of land bordering Wetland RG-33 would be altered to create additional wetland areas within the Oatka Creek Watershed. This area represents approximately 0.01% of the total surface area of the Oatka Creek Watershed. Septic systems and water supply wells located on Vallance Road would not be adversely affected by either the Proposed Landfill Expansion or the wetland mitigation activities.*

“The Monroe County Water Authority has plans for water mains to be installed along Vallance Rd to connect to the Genesee County Water System they operate. The potential impact to private wells along Vallance Rd could be mitigated with the installation of this water main.”

*Response: Comment noted. Based on the operating history of the Mill Seat Landfill and the mitigation measures delineated in the DSEIS, it is anticipated that there will be no landfill-derived impacts to groundwater nor to the wells along Vallance Road, thereby negating the need for any additional mitigation measures to be undertaken for the wells along Vallance Road. Please see Section 3.3 of the DSEIS for a description of the environmental setting, potential significant environmental impacts, and mitigation measures for groundwater resources that could be affected by the Proposed Landfill Expansion.*

“Additionally, both the Town and Village of LeRoy have made past inquiries to Monroe County Executive Maggie Brooks relative to the possibility of investigating the feasibility of extending public sewer from the Mill Seat Landfill into LeRoy. We continue to be interested in this possibility and would be willing to have discussions on this topic.”

*Response: Comment noted.*