

**Appendix BB**  
**DSEIS Public Comments**

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
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May 8, 2015

Via e-mail and U.S. Mail

Michael J. Garland, PE  
Monroe County Department of Environmental Services  
50 W Main St  
Rochester, NY 14614

Re: Proposed Mill Seat Landfill Expansion  
SEQR Draft SEIS  
DEC Application No. 8-2648-00014/00011  
Town of Riga, Monroe County

Dear Mr. Garland:

The NYS Department of Environmental Conservation (DEC) has received the State Environmental Quality Review Act (SEQR) Draft Supplemental Environmental Impact Statement (DSEIS), which Monroe County has accepted and provided for review and comment on April 1, 2015. As proposed, the Mill Seat landfill expansion project includes construction of an additional 118.3 acres of double composite liner landfill area and 39.2 acres of overlay on the currently permitted landfill footprint.

Based on our review as an involved agency pursuant to SEQRA, the Department offers the following comments on the DSEIS, per our agreement to provide comments to Monroe County by May 8, 2015. The comments below are organized to follow the sections and headings or Attachments contained in the DSEIS:

1. 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.
2. 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.
3. 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 ( $L_{dn}$ ) that does not appear to be directly comparable with the predicted sound levels, which are based on a one-hour  $L_{eq}$ .

4. 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.
5. 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.
11. Attachment J, Operating Noise Impact Assessment, Section 7.2 - See comment #3 regarding the EPA noise guidance.
12. 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.

13. 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).

Thank you for the opportunity to provide written comments on the Draft SEIS for this project. The Department will continue to review the submitted Part 360, Article 24, Title V and 401 Water Quality Certification applications and anticipates providing comments on these applications by the agreed upon Completeness Determination deadline of May 29, 2015.

If you have any questions about this letter, you may contact me at (585) 226-5469 or [matthew.griffiths@dec.ny.gov](mailto:matthew.griffiths@dec.ny.gov).

Thank you.



Matthew J. Griffiths  
Environmental Analyst

ECC: Paul D'Amato, DEC Region 8  
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Scott Foti, DEC Region 8  
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Robert Ottley, Supervisor, Town of Riga  
Donald Cunningham, Supervisor, Town of Bergen

# Town of LeRoy

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Michael Welsh  
*Town Justices*



Tom Stella  
*Deputy Supervisor*

John Armitage  
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John Arneth  
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FACSIMILE TRANSMITTAL SHEET

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TO: MR MICHAEL GARLAND ATTENTION: MILL SEAT LANDFILL

FAX: 324-1237 # OF PAGES: 2

FROM: TOWN OF LEROY DATE: 5/1/15

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

MESSAGE:

*Thank you for your attention - SSA*

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April 29, 2012

Michael J. Garland, P.E.  
Monroe County Department of Environmental Services  
50 West Main St, Suite 7100  
Rochester, New York 14614-1228

**RE: MILL SEAT LANDFILL EXPANSION**

Dear Mr. Garland:

The Town of Le Roy 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 Rd. There is concern that this southward expansion and relocation of impacted wetlands will affect property owners in the Town of Le Roy.

Such a large project has the potential to alter the surrounding environment. The residents of Vallance Rd in the Town of Le Roy 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.

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.

Additionally, both the Town and Village of Le Roy 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 Le Roy. We continue to be interested in this possibility and would be willing to have discussions on this topic.

We hope that you will please consider these items as you move forward on the expansion of the landfill.

Sincerely,

Stephen Barbeau

Supervisor, Town of LeRoy

Phone (585) 768-6910 48 Main Street, LeRoy, New York 14482 Fax (585) 768-2044

cc: Shelley Stein, Genesee County Legislator, District #5