

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9**

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Joe Martens
Commissioner

March 1, 2013

Hon. Mary Hannon, Supervisor
Town of Sardinia
12320 Savage Road
Sardinia, New York 14134

Dear Supervisor Hannon:

**CHAFFEE LANDFILL – VALLEY FILL EXPANSION
SEQR SUPPLEMENTAL STATEMENT OF FINDINGS
TOWN OF SARDINIA, ERIE COUNTY
DEC PERMIT NO. 9-1462-00001/00006 – PART 360
DEC PERMIT NO. 9-1462-00001/00013 – TITLE V**

This letter transmits the State Environmental Quality Review (SEQR) Supplemental Statement of Findings for the Valley Fill Expansion at Chaffee Landfill. The potential impacts associated with the Valley Fill Expansion were addressed in the November 2006 Final Environmental Impact Statement (FEIS) for the Western Expansion Landfill, therefore a new coordinated review under the State Environmental Quality Review Act (SEQRA) was not required for this proposed project. A Supplemental Statement of Findings was prepared based on the November 2006 FEIS and the application documents submitted in support of the 6 NYCRR Part 360 Solid Waste Management Facility (SWMF) and Title V Facility permit modifications for the proposed Valley Fill Expansion.

The Department has received the required information to consider the 6 NYCRR Part 360 SWMF and Title V Facility permit modification applications complete, however the official Notice of Complete Application has not been prepared for publication at this time. The official Notice of Complete Application for these proposed permit modifications will follow within the next few weeks. Due to the recently adopted changes to 6 NYCRR Part 201: Permits and Registrations, effective February 22, 2013, the Department's computer system is currently being updated. These changes must be incorporated into the computer system before an accurate draft Title V permit can be generated and a draft permit is required to issue a Notice of Complete Application for a Title V permit application. The Town will receive a copy of the Notice of Complete Application when it is issued.

If you have any questions regarding this letter or the Supplemental Statement of Findings for the proposed Valley Fill Expansion, please contact me at 716/851-7165.

Respectfully,

Lisa M. Porter
Deputy Regional Permit Administrator

LMP:ldg

Enclosure

ecc: Ms. Betsy A. Marsh, Town Clerk, Town of Sardinia
Mr. Alan Zylinski, NYSDEC Region 9, Division of Air Resources
Ms. Connie Laport, NYSDEC Region 9, Division of Air Resources
Mr. Mark Hans, NYSDEC Region 9, Division of Materials Management
Mr. Thomas Lewis, Waste Management of New York, LLC, Chaffee
Ms. Rebecca Zayatz, Waste Management of New York, LLC, Model City
Mr. Andrew Nichols, P.E., McMahon & Mann Consulting Engineers, P.C.

State Environmental Quality Review SUPPLEMENTAL FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and 6 NYCRR Part 617, the NYS Department of Environmental Conservation as lead agency, makes the following supplemental findings. The original Findings related to the Final Environmental Impact Statement (FEIS) filed on November 22, 2006 were issued on December 4, 2006.

Name of Action: Waste Management of New York, LLC
Chaffee Landfill
Valley Fill Expansion

Location:

The Valley Fill Expansion area is located between the currently permitted Western Landfill Expansion and on top of the Closed Landfill. The Chaffee Landfill is located at 10860 Olean Road in the Town of Sardinia.

Description of Action:

Waste Management of New York, LLC (WMNY) proposes to construct the Valley Fill Expansion waste fill footprint area, which consists of approximately 13.7 acres, to connect the Western Expansion Landfill to the Closed Landfill. 4.1 acres of this area are located on the support berm between the Western Landfill Expansion and the Closed Landfill with the remaining 9.6 acres overlying the Closed Landfill. An overliner of approximately 3.4 acres was included as part of the Western Landfill Expansion, this area was an extension of Cells 1 and 2 up and onto the support berm of the Closed Landfill. The Valley Fill Landfill Expansion extends this area over the entire western support berm and western sideslope of the Closed Landfill. A composite liner system will be constructed beneath the expanded landfill areas, providing a physical barrier between the Closed Landfill and the proposed expansion landfill waste materials. Some of the existing leachate and gas collection systems within the Closed Landfill will be modified to allow for construction of the Valley Fill Landfill. The overall leachate collection and storage system and gas collection header piping that was installed as part of the Western Landfill Expansion will be utilized with the Valley Fill Expansion with minimal piping additions. In addition, the overall site access roads and stormwater controls installed as part of the Western Landfill Expansion will continue to be used with the Valley Fill Landfill Expansion; minimal additions to drainage channels and culverts will be required. The vertical height of the landfill will not increase beyond the previously permitted maximum height of 1658 feet National Geodetic Vertical Datum (NGVD) and no changes to the rate and types of waste accepted are proposed as part of this modification.

Agency Jurisdictions: Article 27; Title 7: Solid Waste Management, 6 NYCRR 360
Article 19: Air Pollution Control Title V Air Facility Permit, 6 NYCRR 200 & 201

The overall Western Landfill Expansion project involved several other permit jurisdictions including: Article 24: Freshwater Wetlands, 6 NYCRR 663; Article 15 Title 5 Water Quality Certification, 6 NYCRR 608; and Article 17 Title 8 State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges, 6 NYCRR 750. ~~These~~ supplemental findings relate only to the agency jurisdiction under Article 27; Title 7: Solid Waste Management, 6 NYCRR 360 and Article 19: Air Pollution Control Title V Air Facility Permit, 6 NYCRR 200 & 201. The other permits will not be required to be modified by the Valley Fill Expansion project.

Date Final EIS Filed: November 22, 2006

Documents Relied Upon to Support the Decision:

In addition to the FEIS, the Department has reviewed the 6 NYCRR Part 360 Solid Waste Management Permit Modification Application which included an Engineering Report, Contingency Plan, Operation and Maintenance Manual, Environmental Monitoring Plan and Stormwater Pollution Prevention Plan, dated May 2012 and revised December 2012; the Title V Air Permit Modification Application dated November 1, 2012 and Title V Permit Application resubmission dated January 25, 2013 and the February 15, 2013 memo from Andrew J.

Nichols, P.E., Project Engineer, McMahon & Mann Consulting Engineers, P.C. to Ms. Lisa Porter, NYSDEC Region 9 Deputy Regional Permit Administrator titled Chaffee Landfill – Valley Fill Expansion.

Valley Fill Expansion for Chaffee Landfill in the Town of Sardinia:

Although design plans for the Valley Fill Expansion were not completed at the time the Western Expansion of Chaffee Landfill was approved, the November 2006 FEIS considered the impacts from the full build out of both the Western Expansion and the Valley Fill Expansion of Chaffee Landfill. The Western Expansion Landfill was designed to overlay approximately 14.9 acres of the existing Closed Chaffee Landfill, which is classified as a “Class 4” inactive hazardous waste site by the Department. The FEIS addressed the construction of the overliner in two phases. The first phase of the overliner included approximately 3.4 acres of area located on the support berm of the Closed Landfill and was located approximately 150 feet away from the “Class 4” inactive hazardous waste site. The second phase was described as covering the remaining portions of the support berm and extending up the west slope of the Closed Landfill. The first phase of the overliner was approved as part of the Western Expansion of Chaffee Landfill and the location of the proposed Valley Fill Expansion is consistent with the description of Phase 2 of the Western Landfill Expansion overliner area in the 2006 FEIS. Because a portion of the Valley Fill Expansion is proposed to overlay a portion of the Closed Landfill, a “Class 4” inactive hazardous waste site, compliance with 6 NYCRR Part 360-1.9(g) is required. Section 12 of the December 2012 Engineering Report satisfactorily addresses this requirement and determines that the Valley Fill Expansion will not compromise the effectiveness of the remedial measures presently in place at the Closed Landfill and it will not impact the ongoing monitoring program.

The Valley Fill Expansion will increase the available airspace and therefore the site life of the Chaffee Landfill, however this additional site life was included in estimates of airspace and site life in the 2006 FEIS. The FEIS stated that the Western Expansion Landfill would add approximately 10 million cubic yards (MCY) of airspace which would add 10 to 15 years of site life to the Chaffee Landfill. The December 2012 Engineering Report for the Valley Fill Expansion indicates that the Western Expansion Landfill provided approximately 8.3 MCY of airspace (9.7 years of site life) and the proposed Valley Fill Expansion will provide approximately 2 MCY of airspace (2.4 years of site life) for a total of 10.3 MCY of airspace and 12.1 years of site life. These totals are consistent with the estimates reviewed under the 2006 FEIS. In addition, the proposed Valley Fill Expansion does not include any increase in the rate of waste acceptance nor does it include any changes to the types of waste accepted at this facility.

Potential impacts related to the Valley Fill Expansion of Chaffee Landfill were incorporated within the discussion of various resources throughout the November 2006 FEIS and the December 4, 2006 Findings Statement for the Western Expansion of Chaffee Landfill. The proposed Valley Fill Expansion is within the existing landfill footprint area and no additional impacts beyond those discussed in the FEIS are anticipated as described below.

Geology/Soils – No impacts to soils beyond those discussed in the 2006 FEIS are anticipated because the Valley Fill Landfill Expansion is proposed to be in an area that is on top of the Closed Landfill; therefore the surficial soils in the project area consist of constructed landfill materials. In addition, the previous hydrogeologic studies covered the areas beneath both the Closed Landfill and Western Landfill Expansion.

Water Resources – Surface water flow from all of the constructed and proposed landfill areas will flow through the existing sedimentation basins. These basins were sized to accommodate these flows. Groundwater and surface water monitoring at the site will continue in accordance with the Environmental Monitoring Plan (EMP), Part VI of the December 2012 6 NYCRR 360 Solid Waste Management Facility permit modification application. As described in the EMP, two additional groundwater wells will be installed along Hand Road, directly north of the proposed Valley Fill Landfill Expansion.

Air Resources – The additional airspace created by this proposed permit modification was addressed in the 2006 FEIS. This proposed permit modification will increase the amount of gas generated at this facility by approximately 505 cubic feet per minute (cfm), however this increase in the gas generation rate will be controlled by the existing 3,300 cfm enclosed flare at the facility. The landfill gas management system in place will continue to be operated in a manner in which landfill gas is collected as efficiently as possible for combustion in either the power plant or the flare. No additional engines or flares are proposed as part of this modification. Because the current landfill gas management system can handle the increased gas from the proposed expansion, no additional odor impacts are anticipated. In addition, the control measures in place to minimize fugitive dust emissions will continue.

Vegetation & Wildlife, Freshwater Wetlands, and Archeological & Historical Resources – No new areas outside the existing landfill footprint are being disturbed by the proposed Valley Fill Expansion, therefore no additional impacts to these resources are anticipated.

Noise – The existing landfill days and hours of operation will remain the same; therefore no increase in noise impact is expected as a result of the proposed Valley Fill Expansion. Additionally, the proposed modification does not include any change to the waste acceptance rate or any reduction of the setback distances to sensitive receptors; therefore there should be no increase in noise impacts from this proposal. Also, the 2006 FEIS accurately estimated the site life of the Chaffee Landfill including the proposed Valley Fill Expansion; therefore the anticipated duration of noise impacts associated with this facility has not increased as a result of this proposed expansion.

Aesthetics – The proposed Valley Fill Expansion will rise to the same vertical height as the existing Chaffee Landfill, 1658 feet NGVD and the visual study and simulation conducted as part of the 2006 FEIS included the Valley Fill Expansion, therefore no additional visual impact related to the Valley Fill Expansion is expected. There is also a landscaping plan in place to minimize any visual impacts from the Western Landfill Expansion and the proposed Valley Fill Expansion.

Land Use & Zoning – No additional impact to land use and zoning is expected as a result of this proposed permit modification. The proposed Valley Fill Expansion is located within the existing landfill footprint which is on property zoned BL for use as a solid waste landfill. A special use permit from the Town of Sardinia is required for each modification to the 6 NYCRR Part 360 permit for this facility. A special use permit application is currently under review with the Town. In addition, WMNY has previously established a property value protection program which provides compensation to eligible property owners in the vicinity of the landfill who cannot sell their property at a reasonable price relative to an established fair market value.

Vector & Litter Control – The current vector and litter control practices will remain in place, therefore no additional impacts related to vectors and litter are expected as a result of the Valley Fill Expansion. These practices were discussed in the 2006 FEIS and include the use of bird and bat boxes to provide biological control of mosquito populations, minimizing the active working area of the landfill, use of daily cover, placement of temporary and permanent litter fencing at strategic locations downwind and employing personnel to pick up wind-blown litter on a routine basis.

Traffic and Transportation – The proposed Valley Fill Expansion will use existing site access roads, does not include any increase in the waste acceptance rate of the Chaffee Landfill and, as previously stated, the 2006 FEIS accurately estimated the site life of the Chaffee Landfill including the Valley Fill Expansion, therefore no additional impacts related to traffic and transportation are expected as a result of the proposed Valley Fill Expansion.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met;
2. As was correctly found in the December 4, 2006 Findings Statement, consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and adverse environmental impacts will be minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures which were identified as practicable. The Valley Fill Landfill Expansion at the Chaffee Landfill in the Town of Sardinia is within the range of options, alternatives and impacts addressed by the underlying EIS.

The New York State Department of Environmental Conservation

Name of Agency

Lisa M. Porter

Signature of Responsible Official

Lisa M. Porter

Name of Responsible Official

Deputy Regional Permit Administrator

Title of Responsible Official

March 1, 2013

Date

270 Michigan Avenue, Buffalo, New York 14203

Address of Agency

cc: Hon. Mary Hannon, Supervisor, Town of Sardinia
Ms. Betsy A. Marsh, Town Clerk, Town of Sardinia
Mr. Mark Hans, DMM, NYSDEC
Mr. Alan Zylinski, DAR, NYSDEC
Ms. Connie Laport, DAR, NYSDEC
Mr. Thomas Lewis, Waste Management of New York, LLC
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