

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
STATEMENT OF FINDINGS**

Pursuant to Article 8 [State Environmental Quality Review Act (SEQR)] of the Environmental Conservation Law (ECL) and 6 NYCRR Part 617, the Region 9 New York State Department of Environmental Conservation Office (the Department), as the SEQR Lead Agency, makes the following findings:

NAME OF ACTION: Waste Management of New York, L.L.C. (WMNY) Western Expansion of the Chaffee Landfill

LOCATION: The Western Expansion of the Chaffee Landfill is proposed to be located immediately to the west of the existing landfill, approximately 3200 feet southwest of the intersection of New York State Route 16 and Hand Road, in the Town of Sardinia, Erie County.

DESCRIPTION OF ACTION: The Western Expansion of the Chaffee Landfill has a proposed new waste footprint of 52.5 acres and a waste overliner of 14.9 acres. Currently, WMNY operates the Chaffee Landfill for the disposal of municipal solid waste and non-hazardous commercial and industrial wastes. The existing Solid Waste Permit allows the facility to receive 600,000 tons of waste per year. As presently proposed, the Western Expansion would have the same waste acceptance limits. The projected capacity of the proposed Western Expansion is about 10,000,000 cubic yards. It is anticipated that the expansion area will be operated over a 10 to 15 year time frame, after which a final cover system will be installed over the landfill. There are approximately 0.70 acre of proposed impacts to federal wetlands and construction of a wetland mitigation area of 2.15 acres adjacent to NYSDEC regulated Freshwater Wetland SD-1 is proposed. A 19.6 acre mine, which was proposed to be developed to the north of Hand Road, is no longer part of this project. In addition, presently authorized Borrow Area B will be reduced in size to comply with the Town of Sardinia zoning ordinance.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION PERMITS/APPROVALS:

- DEC No. 9-1462-00001/00006 pursuant to Article 27, Title 7 of the ECL and 6 NYCRR Part 360 (Solid Waste Management Facilities).
- DEC No. 9-1462-00001/00021 pursuant to Article 19 of the ECL (Air Pollution Control).
- DEC No. 9-1462-00001/00022 pursuant to Article 24 of the ECL and 6 NYCRR Part 663 (Freshwater Wetlands).
- DEC No. 9-1462-00001/00023 Water Quality Certification pursuant to 6 NYCRR Part 608.
- State Pollutant Discharge Elimination System General Permit for Stormwater Discharges covers activities at the entire facility pursuant to Article 17 of the ECL.

DATE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) ACCEPTED:

The FEIS was accepted by the Department on November 22, 2006.

FACTS AND CONCLUSIONS IN THE FEIS RELIED UPON TO SUPPORT THIS DECISION:

1. **Soil Materials, Land and Topography** - The western expansion of the landfill is proposed for an area which has been substantially disturbed by mining activities. Landfill construction will require excavation of surface and subsurface soils from some areas and placement of low permeability soils in other areas to meet design elevations and Part 360 landfill siting criteria. The volume of soil, gravel and stone needed for landfill construction and operation will be approximately 2.58 million cubic yards. Soil and other construction materials will be obtained from Department permitted on-site and off-site mining areas. Approximately 74,000 cubic yards will originate from the wetland mitigation area proposed to be constructed north of Borrow Area B and adjacent to regulated freshwater wetland SD-1. Landfill soil needs will exceed on-site supplies by approximately 2.5 million cubic yards. Therefore, the vast majority of soil and construction materials will be brought to the landfill from off-site.

The landform resulting from the proposed landfill expansion would permanently alter the topography of the site. The proposed landfill expansion would rise to the same elevation as the existing Chaffee Landfill, 1658 feet above sea level (National Geodetic Vertical Datum - NGVD). Drainage patterns would be altered according to plans developed for the surface water collection system. See also following sections on surface waters (2) and aesthetics (9) below for further description and mitigation measures.

2. **Surface Waters** - The expansion of the landfill has the potential to cause increased runoff and erosion. There are potential impacts to surface waters associated with the operation of the groundwater collection system. In addition, the proposed expansion could adversely impact water quality because of the potential to discharge landfill leachate to surface waters. The proposed landfill expansion would alter the drainage characteristics of the site and may increase the volume of storm water runoff. Surface water from the proposed expansion area will flow in a generally southerly direction through a surface water management system developed for the site. Discharges will be released from the last of a series of four basins to Hosmer Brook. The surface water management system incorporates existing and new features, including: reinforced landfill slopes to help prevent erosion, perimeter drainage ditches to convey water to sedimentation basins and a series of stormwater basins to collect runoff, regulate the discharge of water, remove pollutants, reduce channel erosion, prevent over bank flooding and helping control extreme flooding. The potential for significant storm water drainage impacts was minimized through the design, future construction and maintenance of the storm water management facilities and cover system. The comprehensive erosion and sediment controls developed as part of the permit application materials will be implemented and become written requirements in the Department's permits. No part of the proposed landfill expansion will be constructed in a 100 year floodplain or floodway. No perennial streams or ponds are within 200 feet of the proposed edge of waste of the landfill expansion.

3. **Groundwater** - The FEIS evaluated the potential impacts of the landfill expansion to groundwater. The proposed landfill expansion is not within the Cattaraugus Creek groundwater shed. Groundwater beneath the existing Chaffee Landfill and the expansion area flows northward away from community water supplies which utilize the federally designated Cattaraugus Creek Sole Source Aquifer. The site exhibits hydrogeologic conditions for landfill construction and operation which meet the siting requirements of 6 NYCRR Part 360 for new landfills. The design criteria of Part 360 have also been met. The landfill expansion components that are designed to protect groundwater quality include: a double composite liner system, leachate collection system, leachate storage system, surface water drainage and landfill gas collection and control systems, environmental monitoring plan, final capping plan and site security. A comprehensive groundwater monitoring program has indicated that existing or former landfill and mining operations at the Chaffee Landfill are not impacting groundwater quality. No adverse impacts to groundwater quality or quantity are expected from the landfill expansion.

4. **Dust** - Potential significant impacts to air quality which could result from fugitive dust emissions and possible mitigative measures to reduce potential impacts were evaluated carefully in the FEIS. Operations at the landfill have the potential to cause fugitive dust emissions, which, if not controlled, can be carried beyond the site boundaries by the wind. These impacts will be minimized by the stabilization of entrances to construction areas to minimize the tracking of mud by trucks and equipment, paving the main access road from Route 16 to the landfill, constructing permanent on-site roadways with gravel, cleaning of mud and debris from the main entrance road to prevent tracking of mud onto Route 16, watering of roads, prompt seeding of stockpiles of topsoil and subsoil, and re-vegetation of completed landfill cells. In addition, the impact of dust should be minimal because the nearest residential dwellings are 300 feet from the north perimeter road of the proposed landfill expansion area.

5. **Landfill Gas Emissions and Odors** - The proposed expansion of the Chaffee Landfill would result in greater quantities of landfill gas being generated. These gases have the potential to create fires or explosion hazards if not properly controlled. However, the FEIS concludes that the potential for off-site gas migration and the other identified concerns which could occur is minimal due to state-of-the-art landfill design features, the construction and operation of a landfill gas collection and control system, natural site features (i.e. tight soils), and the Department requirement of a landfill gas monitoring program.

Potential odor impacts from the expansion and landfill operations were also considered in the FEIS. WMNY is proposing to operate the landfill expansion for the disposal of municipal solid waste and non-hazardous commercial and industrial wastes. These wastes have the potential for causing odor. Expansion of the landfill will not materially impact the potential for or order of magnitude of odor impacts, only the duration of landfilling operations that have the potential to cause them. Odor impacts will be minimized by continuously operating the landfill gas collection system, applying daily cover materials over waste, applying additional cover material if typical daily cover techniques do not suppress odors, by accepting particularly

odorous materials earlier in the work day so these wastes are not near the landfill surface at the end of the work day and maintaining the landfill final cover system. Further, the Department has an on-site Environmental Monitor who routinely checks for problems, such as nuisance odors and fugitive landfill gas. If a problem is detected, measures are taken in accordance with established plans to correct the situation.

6. **Noise** - The Western Expansion of the Chaffee Landfill has the potential to affect noise levels in the surrounding locale. Equipment and trucks, similar to those presently used at the site, will be used to construct the new landfill cells and transport solid waste and construction materials. A noise survey report was conducted to assess potential impacts from landfill operations on the acoustic environment surrounding the landfill expansion area. The report concluded that proposed landfill expansion operations are expected to comply with the sound level requirements contained in Part 360. WMNY will undertake a number of mitigation measures to reduce potential noise impacts, including: regular maintenance of exhaust systems and mufflers on equipment, the use of "smart" back-up alarms to activate only when an object is in the path of the vehicle, not allowing the use of "Jake" brakes, restriction of operating hours and enforcement of speed limits on site.
7. **Vegetation and Wildlife** - Potentially significant impacts to fish and wildlife habitat resulting from the landfill expansion and mitigation measures have been evaluated in the FEIS. The phased alteration of the area to the west of Borrow Area A, primarily a shrub/scrub community, through construction of the proposed landfill expansion would cause the elimination of plant and animal habitat and will displace and reduce the population of some wildlife species. The proposed final vegetation plan for the capping of the landfill expansion area is to grassland. This habitat type has been diminishing in western New York State and is presently uncommon. A capped landfill of this type can provide suitable habitat for grassland birds, including rare species such as: Eastern Kingbird, Horned Lark, Savannah Sparrow, Grasshopper Sparrow and Meadowlark. There are no impacts to fish habitat expected since no perennial streams or ponds will be disturbed by the proposal. Water quality impacts which could lead to a loss of or diminution of fish habitat have been mitigated for, as described in the above section on surface waters (2).

There are no known rare, threatened or endangered species which will be impacted by the landfill expansion. There is a rare fen habitat within regulated Freshwater Wetland SD-1 to the south of the proposed landfill expansion. It is expected that there will be no impact to species which inhabit the fen since all disturbances are designed to be at least 100 feet away from the wetland and more than 100 feet away from the fen itself. See also following section on freshwater wetlands (8).

8. **Freshwater Wetlands** - A Class 3 State regulated Freshwater Wetland, AR-11, and a Class I State regulated Freshwater Wetland, designated as SD-1, are both located on the landfill property, but outside the limits of the proposed landfill expansion area. However, a wetland mitigation area is to be constructed on the south side of Wetland SD-1, between it and existing Borrow Area B. The wetland mitigation area, measuring about 2.1 acres, with about 1.05 acres in the

100-foot-wide regulated adjacent area, is designed to compensate for the loss of approximately 0.70 acres of Federally regulated wetlands - designated as Federal Wetlands 2 and 9. The wetland creation to loss ratio of 3:1 has been determined by the U.S. Department of the Army, Buffalo District, Corps of Engineers (COE) to be adequate mitigation for the loss of the federal wetlands. The COE has issued WMNY a permit for the filling of Federal Wetlands 2 and 9 and required creation of the mitigation area. The potential impacts to the wetlands on the property from sedimentation and erosion are minimal because of distance and are further minimized as described in the above section on surface waters (2). No other impacts to regulated wetlands on the site are expected.

9. **Aesthetics** - The potential for significant visual resource impacts and possible mitigation measures have been thoroughly evaluated in the FEIS. The landform resulting from the proposed landfill expansion would permanently alter the topography of the site. The proposed landfill expansion would rise to the same elevation as the existing Chaffee Landfill, 1658 feet above sea level (NGVD). The expansion of the landfill would result in an incremental increase in aesthetic impact when compared to the currently permitted landfill facilities. A visual impact analysis was performed for the project which showed that the landfill expansion is expected to be visible from a number of viewpoints in the area. The proposed landfill expansion would be most visible to 9 residences along Savage Road, 20 residences along Allen Road and 7 residences to the west of the landfill and north of Hand Road. Viewpoints from beyond the roads surrounding the landfill are fewer with limited areas of observation. It is difficult to see the landfill from these farther vantage points. Landscaping plans have been developed to help mitigate the aesthetic impact of the landfill expansion. The plans include: establishing vegetation on and around the facility, timely establishment of vegetative cover, planting of trees and shrubs along visual berms, other planting locations for trees and shrubs and possibly leasing portions of nearby properties to plant screening vegetation to block select viewpoints. Upon closure, the landfill expansion should have an appearance similar to surrounding vegetated hillsides.
10. **Historical/Archaeological** - No sites or structures of historic, prehistoric, or paleontological (plant and animal fossil from prior geologic periods) importance are known to exist on or near the Chaffee Landfill expansion according to records of the New York State Office of Parks, Recreation and Historic Preservation and the State University of New York at Buffalo. It is expected that the project will have no impact on cultural or paleontological resources of the State.
11. **Transportation/Traffic** - Potential transportation and traffic impacts resulting from construction and operation of the landfill expansion were evaluated in the FEIS. New York State Highway Route 16 (Rte. 16) has a State Department of Transportation (DOT) level of service designation of C, which indicates that the highway is operating satisfactorily. Approximately 9,800 vehicles per day travel on Rte. 16, 12% of which are trucks. Hand Road, to the north of the existing landfill, is a Town road, with an estimated traffic volume of less than 500 vehicles per day. In the Draft Environmental Impact Statement (DEIS), Borrow Area C was proposed to be located north of Hand Road. Two crossings of Hand Road were proposed for the

transportation of soil and equipment between the landfill and the new Borrow Area. Borrow Area C and the two road crossings are no longer proposed to be constructed. A new driveway accessing the proposed landfill expansion area is presently proposed to be located at Hand Road near the northwest corner of the existing landfill. The new driveway would be located at the crest of the road with site distances in excess of 500 feet. The number of vehicles using this new driveway is not expected to be significant or adverse. Employees' vehicles and vehicles carrying waste or soil materials will continue to enter the facility from the existing entrance on Rte. 16.

The number of trucks hauling solid waste to the landfill is not expected to increase compared to those historically entering the site since the current waste acceptance rate of 600,000 tons per year will not be changed for the landfill expansion. The rate of truck traffic would be extended for the life of the landfill expansion. WMNY currently limits truck traffic related to soil importation to 15 trucks per hour. This limit is proposed to remain in effect while the landfill expansion is constructed and operated. WMNY would limit the number of trucks per hour by retaining only one soil delivery contractor at one time. The number of trucks per hour would be specified in the contract between WMNY and the contractor. In addition, WMNY has agreed to monitor the number of contractor vehicles entering the site. No other new sources of traffic are envisioned from this proposal.

12. **Land Use, Zoning, Community Services and Other Impacts** - The expansion of the Chaffee Landfill appears to be consistent with the Town of Sardinia revised zoning ordinance adopted on October 12, 2005. The proposal is located on property that is zoned BL for use as a solid waste landfill. Borrow Area C, a 19.6 acre mine, proposed to be developed to the north of Hand Road is not compatible with local zoning and is no longer part of this project. In addition, presently authorized Borrow Area B will be reduced in size to comply with the Town of Sardinia zoning ordinance. Impacts to local community services, such as fire protection, public water supply and wastewater treatment (i.e. leachate), were evaluated. The proposed action is not expected to have any significant adverse impact on community services.

Impacts to property values from construction and operation of the landfill expansion were evaluated in the FEIS. The proposed expansion has the potential to reduce property values in areas surrounding the landfill. However, WMNY has established a "Property Protection Program for the Neighborhood of the Chaffee Landfill". This program provides compensation to eligible property owners who cannot sell their property at a reasonable price relative to an established fair market value. Impacts from wind-blown litter were evaluated in the FEIS.

Litter control methods have been established to control litter, including: keeping active working areas as small as possible, placement of temporary and permanent litter fencing at strategic locations downwind and employing personnel to pick up wind-blown litter on a routine basis.

13. **Public Health** - The potential for significant safety and health effects was evaluated in the FEIS. Since groundwater and surface water will not likely be impacted by the proposed action, the potential for public health impacts associated with possible contamination of groundwater and surface water are remote. Potential air quality impacts will be minimized through the control of the landfill gas.

CERTIFICATION OF FINDINGS TO APPROVE:

Having considered fully the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable.

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