NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) DRAFT SCOPING OUTLINE

HAKES C&D LANDFILL EXPANSION

TOWN OF CAMPBELL, STEUBEN COUNTY

December 2020
DEC Update September 2021

PROJECT SPONSOR:

Hakes C&D Disposal Inc.

4376 Manning Ridge Road

Painted Post, New York 14870

SEQR LEAD AGENCY:

New York State Department of Environmental Conservation, Region 8

6274 East Avon-Lima Road

Avon, New York 14414

CONTENTS OF SCOPING DOCUMENT:

BACKGROUND

Hakes C&D Disposal Inc. ("Hakes" or "project sponsor") is seeking to expand its existing landfill ("Landfill") located at 4376 Manning Ridge Road in the Town of Campbell ("Town"), Steuben County, New York ("project"). The location of Hakes Landfill is provided on the attached Figure 1. The project would add approximately 43.3 acres to the existing 78.9 acres of permitted Landfill cell area used for the disposal of construction and demolition debris ("C&D"). It would also include the following:

- An approximate 20.2-acre expansion to the existing 22.2-acre permitted on-site borrow area, from which soils would be excavated for landfill construction and operation;
- Relocation of ancillary facilities, such as the office and scale house, truck scale, maintenance building, and tarping station;
- Permanent closure of an existing 3,600-foot section of Manning Ridge Road (between the existing landfill entrance and Frog Hollow Road), as detailed on Figure 2; and,
- Mitigation work associated with the closure of Manning Ridge Road (refer to Part IV, Section 2 of this Draft Scoping Document).

Hakes is not seeking an increase in the existing maximum permitted Landfill height; the existing maximum elevation of 1829 feet (site datum) would remain unchanged. In addition, Hakes is not proposing to change the type of wastes being received at the facility (C&D debris), the approved design capacity of the Landfill (1,494 tons per day), or the traffic route for waste haulers. As a result, there would be no increase in truck traffic associated with the operation of the Landfill beyond existing levels of traffic. However, Landfill operation would be extended approximately 8 to 10 years, depending upon the waste volume received in any given year.

The project sponsor must obtain the following project approvals from the New York State Department of Environmental Conservation ("NYSDEC"): modification of its existing Solid Waste Management Facility permit under Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Parts 360 and 363 ("the Part 360/363 permit"), modification of its existing Air State Facility permit under Environmental Conservation Law Article 19 ("the ASF permit"); a Section 401 Water Quality Certification; and coverage under the State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges from Industrial Activities, Sector L (GP-0-17-004). Hakes must also obtain a Clean Water Act Section 404 permit to fill wetlands from the United States Army Corps of Engineers ("ACOE"), and approval from the Town Board of Campbell ("Town Board") for the establishment of a Non-Residential Planned Development District ("NRPDD") on portions of the site. Hakes will also seek approval from the Town Board for the Manning Ridge Road closure and associated mitigation work. Both approvals from the Town Board will be preceded by review by the Planning Board, which will need to approve the Site Plan for the expanded Landfill and issue a recommended decision to the Town Board regarding the expanded NRPDD.

I. SEQR AND THE SCOPING PROCESS:

This proposed project is being reviewed under the New York State Environmental Quality Review Act ("SEQR") to identify potentially significant adverse environmental impacts and to establish methods and procedures to prevent or mitigate these impacts. The SEQR Lead Agency is the agency that has the responsibility to coordinate the environmental review process. The NYSDEC has been identified as the SEQR Lead Agency for this process. A positive declaration was issued

on September 8, 2021 by the NYSDEC, requiring the preparation of an Environmental Impact Statement for the proposed expansion. A Supplemental Environmental Impact Statement (SEIS) will be prepared for this project, since the Landfill was the subject of a Draft/Final Environmental Impact Statement in 1993, and Draft/Final Supplemental Environmental Impact Statements in 2006 and 2018.

A scoping document describes the content and format of a Draft Supplemental Environmental Impact Statement (DSEIS) and is used by the lead agency to determine when a prepared DSEIS is adequate for public review. This scoping document identifies the issues to be addressed in the DSEIS, which will be prepared to analyze and evaluate this project, and is intended to assist involved parties, and interested individuals, to provide input on the environmental issues to be addressed.

This draft scoping document is being prepared in accordance with the SEQR regulations at 6 NYCRR § 617.8, which includes a requirement for public participation in the development of the scoping document. Before the scoping document can be finalized, NYSDEC must review and consider public input received on the draft scope. Additional steps in the SEQR process during which the public has an opportunity to participate are described briefly below:

- SCOPING – Scoping is a process in which the issues to be addressed in an Environmental Impact Statement (EIS) are identified. Written public comments are received on the draft scope to assist the lead agency to determine what should be discussed and evaluated in the DSEIS for the project. The objectives of scoping are to:

    - Identify significant environmental conditions and resources that may be affected by the project;
    - Focus on the relevant environmental impacts to those environmental conditions and resources;
    - Eliminate irrelevant impacts or issues or de-emphasis non-significant impacts;
    - Describe the extent and quality of information needed;
    - List available sources of information;
    - Specify study methods or models to be used to generate new information and define nature and presentation of the data to be generated by those studies and models;
    - Define reasonable alternatives to be addressed; and,
    - Identify potential mitigation measures.

- DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) -- Potentially significant adverse environmental impacts associated with the proposed expansion, which have not already been addressed in the earlier SEQR analyses, will be addressed in a DSEIS. Copies of the DSEIS and supporting documents will be made available for public review. A minimum of thirty days is provided following completion of the DSEIS for the public to review and provide written comments on the DSEIS.

- PUBLIC HEARINGS – A public hearing to receive public comments will be held following completion of the DSEIS and formal acceptance by the SEQR lead agency.

II. DRAFT DSEIS OUTLINE

A preliminary outline of the Draft Supplemental Environmental Impact Statement (DSEIS) is presented below in the form of a DSEIS Table of Contents. This outline will be modified, as necessary, based on comments received from involved/interested agencies and the public during the scoping process described above. Detailed descriptions of the analyses and information to be provided for each section of the outline are provided in Section IV further below.

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Each section below describes the information and analyses to be included in the DSEIS. In addition, background information is included to provide some preliminary information about the project itself. These sections follow the draft scope outline above.

COVER SHEET

In accordance with 6 NYCRR § 617.9(b)(3), this will include a single-page cover sheet identifying the type of document (draft, final), title of project, location, name and address of SEQR Lead Agency contact person, name and address of document preparer, date of Lead Agency acceptance, date of SEQR hearing, and deadline for acceptance of public and agency comments.

TABLE OF CONTENTS

This will list the contents of the DSEIS and page numbers for each section.

GLOSSARY

This will provide an alphabetical list of common acronyms and terms used in the report and the definitions for each.

EXECUTIVE SUMMARY

In accordance with 6 NYCRR § 617.9(b)(4), this summary will present an overview of the project, provide a brief description of the overall proposed project, and the following:

- Description of action and setting
- Purpose and need for the project
- Impacts of action
- Benefits of action
- Mitigation proposed
- Alternatives
- SEQR status and issues to be decided

1.0 INTRODUCTION

1.1 HISTORY OF THE HAKES LANDFILL AND DESCRIPTION OF EXISTING FACILITY

This section will summarize the history of the Landfill and describe the existing facility, including appropriate figures. It will include all or some of the following background information:

The currently permitted 78.9-acre disposal area consists of 9 cells. Cells 1 through Cell 9A were constructed between 1999 and 2020. The last two sub cells, Cell 9B and 9C, are scheduled to be constructed in 2022 and 2023, respectively.

The Landfill is permitted to accept C&D debris at a rate of 1,494 tons per day. Assuming this rate of disposal, the currently permitted cells will reach capacity in approximately 4 to 5 years.

The liner system for the existing facility is comprised of a single composite system as required by the current Part 363 Regulations. A composite liner consists of a combination of low permeability soil and a high-density polyethylene liner. The system also includes a leachate collection system over the composite liner. A groundwater collection geocomposite underlies the Landfill footprint beneath the composite liner in Cells 1 through 8.

A groundwater monitoring system is in place, which includes collection of samples from the leachate collection system, from the groundwater collection system, and from groundwater wells and surface monitoring points surrounding the Landfill.

1.2 SEQR STATUS

This section will provide a brief summary of the prior SEQR reviews conducted for the Landfill. The DSEIS will also provide a summary of the key decisions made in the current SEQR review, up to the DSEIS acceptance date. Note that since this is a "Supplemental" EIS, only new, incremental, and cumulative impacts will be evaluated. Reference will be made to prior SEQR reviews for evaluation of existing impacts. Copies of the SEQR Environmental Assessment Form (EAF), positive declaration, and final scoping document will be included as an appendix to the DSEIS.

1.3 APPROVALS REQUIRED

This section will provide an overview of the local, state, and federal permits and approvals presently anticipated to be required for the proposed project, the agencies responsible for the approvals, and the applicable law or regulations associated with each approval. The information will be provided in a table, and this table may be revised as additional information is obtained in the course of the scoping process or in the review of the DSEIS. A draft of Table 1.0 is attached to this draft scope. Additional approvals, to the ones listed in draft Table 1.0, if any, will be identified during the scoping process. A Part 360 application form has been submitted.

1.4 ORGANIZATION OF THE DSEIS

This will include a brief statement to instruct the reader on the organization and content of the DSEIS.

2.0 DESCRIPTION OF PROPOSED ACTION

This section will describe the proposed action subject to review in the DSEIS (i.e., the project) in accordance with 6 NYCRR § 617.9(b)(5)(i). It will be provided in narrative form, but also include references to maps, drawings, and technical reports that provide the reader sufficient detail to clearly understand the project. The information will include the background

information below, organized into Sections 2.1 - 2.5. In addition, to the background information, additional items to be included are identified in each section.

Background information:

Hakes proposes an approximate 43.3-acre lateral expansion to the west of the existing Landfill. The expansion will be contiguous to and overlay the existing landfill, as shown on Figure 2. The maximum permitted cell elevation will remain at 1829 feet (site datum). A Conceptual Plan set is available for review.

The project will include ancillary operations and facilities, including the excavation of soils for Landfill construction. A proposed soil borrow area expansion is on Hakes property to the east of Tributary 4 to Erwin Hollow Creek and north of the existing borrow area.

The proposed expansion will add approximately 6 million cubic yards of disposal capacity, which will extend the site life to approximately 8 to 10 years, depending on the rate of waste receipt.

The Landfill will be designed, constructed, and operated in accordance with the State's solid waste management regulations at 6 NYCRR Part 360 and Part 363. Hakes will be required to obtain a Part 360/363 permit modification for the proposed expansion from the NYSDEC Region 8 office located at 6274 East Avon-lima Road, Avon, New York 14414-9519. Required State and other permits or permit modifications are listed in Section 1.3 of this document.

Since some of the construction activities will occur in wooded areas, the first step will be to log, clear and grub the area. Surficial soils will be stripped and stockpiled for later use during the Landfill operation stage.

The Landfill will be developed in phases. It is anticipated that revegetation of completed cell areas will be established within three months of placement of the final cover.

The permitted disposal rate will remain at 1,494 tons per day, which means that there will be no increase in levels of truck traffic.

Landfill operations that will continue at the site as they have in the past, include the following:

- Access to the proposed Landfill expansion area will be via the same public highways;
- Final cover design will be in accordance with 6 NYCRR Part 363 requirements; and
- Monitoring and maintenance will be similar to that required for the currently permitted Landfill, and will be in accordance with 6 NYCRR Part 363 requirements.

Waste Types and Cell Design

The Hakes facility disposes only C&D debris as defined in 6 NYCRR Part 360.2(b)(61).

As required for landfills receiving this type of waste in New York State, the existing Landfill cells have been constructed with a single composite liner and a leachate collection system. The expansion cells will be constructed in the same way. This type of liner system is currently being used for the existing Landfill facility, and for other, similar C&D landfills, and provides an adequate leachate barrier.

The proposed facility may be designed to have an underdrain (groundwater collection) system to ensure separation of the liner system from the groundwater table in areas where the separation between the subgrade and groundwater is less than 5 feet. The findings of the hydrogeologic investigation in the expansion area will be used to determine if a groundwater collection system is required.

Landfilling Sequence and Method

The Landfilling operation is a phased operation, with Landfill cells to be constructed as needed, depending on market conditions for waste disposal. Expansion cells would be developed to the west of the existing cells.

Equipment used during the construction and operation of the facility is expected to include graders, crawler tractors, front-end loaders, hydraulic excavators, dump trucks, soil screens, water trucks, waste compactors, a tipper, and soil compactors; all similar to the equipment used for construction and operation of the existing Landfill.

Within each phase of the landfilling operation, final cap construction and closure will proceed on a cell-by-cell basis, as soon as practicable (i.e., after settlement), after each cell is filled.

Grading and Setbacks

All applicable NYSDEC regulations and guidance, and conditions imposed by the Town, will be followed in the implementation of landfilling activities. The proposed new Landfill disposal cells will be at least 100 feet from property lines. Final post-closure grades on the cell caps of no more than 33% and no less than 4% will be used.

Roadway Modifications

The western landfill expansion requires the permanent closure of an existing 3,600-foot section of Manning Ridge Road, as depicted on Figure 2. Hakes will fund mitigation work associated with the closure, the details of which will be determined through traffic studies and provided in the DSEIS. However, this mitigation work may include structural and geometric improvements to area roads, or realignment of Manning Ridge Road outside the perimeter of the expanded facility.

Hakes will coordinate with the Town of Campbell and all other involved agencies such that the Manning Ridge Road closure and associated mitigation work is completed in accordance with applicable town laws and zoning ordinances. Field investigation, final design, and permitting will be completed by Hakes in cooperation with the involved agencies once all permits required to construct and operate the proposed landfill expansion are obtained. The mitigation work will be completed prior to permanently closing the 3,600-foot section of Manning Ridge Road.

Operating Hours

Permitted periods of operation (related to the acceptance and disposal of waste) are Monday through Saturday from 7:00 a.m. to 5:30 p.m. Cell construction activities are permitted Monday through Saturday from 7:00 a.m. to 7:00 p.m. These hours of operation and construction are described in the existing permit, and will not change.

Storage of Materials and Disposal of Wastes

On-site storage areas for wood from clearing activities will be limited to temporary staging. Wood waste that cannot be sold for lumber or firewood is expected to be chipped and stored on-site and used as mulch during site restoration. This procedure is the same as with the existing Landfill.

Stripped overburden soils, along with the associated low-level vegetation (grasses, shrubs, etc.) will be stockpiled and used during site restoration.

Waste petroleum products (from equipment maintenance) and other wastes generated at the facility, which are not appropriate for on-site disposal, will be properly containerized and routinely transported to permitted off-site disposal or recycling facilities as required by NYSDEC pursuant to 6 NYCRR Part 364.

The DSEIS will contain the background information above as well as the following:

- Physical dimensions and location of the proposed cell expansion area.
- Details (conceptual) pertaining to the closure of Manning Ridge Road and proposed mitigation work.
- Types of C&D wastes accepted, including approximate annual quantities.
- Hours of operation.
- A summary of pertinent sections from the Borrow Area Use Plan (BAUP).

2.1 PROJECT PURPOSE AND NEED

This section will include a statement of the project's purpose and need that explains the following:

- Regional and statewide need for C&D waste disposal facilities.
- Current remaining life of the existing facility, and estimated remaining life if the expansion is approved.
- Benefits to the local area and region of continuing operation of the facility.

2.2 LOCATION, CURRENT LAND USE, AND ACCESS

Background Information:

The Landfill site ("the site") is located in the Town of Campbell, Steuben County, New York, approximately 3 miles north of the Village of Painted Post. The site is accessed from Interstate Route 86 (formerly Route 17) by traveling east a short distance on New York State (NYS) Route 415, north on Erwin Hollow Road for approximately 1.2 miles, and north on Manning Ridge Road north for approximately 1.6 miles. The entrance to the Landfill site is located on the east side of Manning Ridge Road. Internal roadways have been developed on-site to provide access to various parts of the facility.

The present Landfill operation (Landfill cells and ancillary facilities) occupies approximately 151.4 acres of land east of Manning Ridge Road. The proposed additional cells (approximately 43.3 acres), soil borrow area expansion (approximately 20.2 acres), and ancillary facilities/berms (approximately 12.8 acres), will increase the affected land area by approximately 76.3 acres as shown on Figure 2. Ancillary facilities, such as the office/scale house, truck scale, maintenance building, and tarping station, will be relocated to serve the western landfill expansion.

The landfill expansion will require the permanent closure of an existing section of Manning Ridge Road and relocation of the site entrance, as depicted on Figure 2. Access to the site for facility-related traffic (waste and leachate hauling trucks, employee/visitor vehicles, and delivery vehicles) would be unaffected.

The proposed 76.3-acre development area (including the areas of the proposed cell expansion, soil borrow area expansion, and support facilities) is presently comprised primarily of forested land, abandoned agricultural fields, and a two-lane paved roadway. The tree line shown on Figure 2 indicates the approximate extent of forested and open areas in the expansion area.

Vegetation on the site consists of a mixture of second-growth northern hardwoods and brushy, abandoned agricultural fields, which are typical for the region. Recent logging operations have removed old-growth trees. All of the habitat types which exist in the unused portions of the site are available in abundance in the surrounding area.

The topography of the site and the surrounding area is shown in Figure 2. The Landfill cell area is located on the eastern side of a ridge, where the land slopes to the southeast toward Tributary 4 to Erwin Hollow Creek, at natural grades of 10 to 15%. Elevations range from approximately 1800 feet at the northern boundary of the site, to approximately 1440 feet at the southern boundary where Erwin Hollow Creek exits the site.

This section of the DSEIS will contain the background information above, as well as the following:

- Description of the site, including the area, boundaries, topography.
- Description of access route, distance to heavily populated areas (e.g., Painted Post).
- Description of man-made facilities presently in existence, and amount of area impacted by these facilities.
- Description of facilities proposed as components of the expansion, and amount of area to be impacted by the proposed expansion facilities.

2.3 LAYOUT AND CAPACITY

This section of the DSEIS will include the following:

- A figure will be presented (and discussed) showing the proposed locations and configurations of the cell area, maintenance and office buildings, on-site roads and parking areas, drainage ditches, sedimentation ponds, property boundaries, and any other key features of the proposed expansion.
- The approved design capacity (disposal rate) will be identified, as well as the increased disposal volume, and increased remaining site life that would result from the proposed expansion.

2.4 DESIGN, CONSTRUCTION AND OPERATION

This section of the DSEIS will include the following:

- Regulations governing the design, construction, and operation of the proposed Landfill expansion (contained in 6 NYCRR Part 360 and Part 363) will be identified and described in the DSEIS.
- The components of the expected Part 360/363 Permit Modification Application package will be identified and briefly described. These components include:
    - Engineering Drawings (6 NYCRR Part 363-4.2) – These drawings show the proposed cell development location, property boundaries, adjacent land uses, and detailed construction plans, providing all details relative to the design and development of the new cell area and related facilities. These plans also indicate the sequential development and fill progression of the landfill, and describe the seeding and planting plan. In addition, these documents show the manner and methods used to close the landfill once full capacity is reached.
    - Engineering Report (6 NYCRR Part 363-4.3) – This report provides a description and analysis of the proposed facility; including a landfill liner subbase settlement analysis, structural integrity and overall slope stability analysis, seismic stability analysis, a description and analysis of the leachate collection and removal system, design information for a stormwater conveyance system, a Borrow Area Use Plan, and a closure post-closure design plan. Specifications for materials and equipment and quality assurance and control procedures are included as an appendix to the Engineering Report.

  - Facility Manual (6 NYCRR Part 363-4.6) – This manual describes the anticipated day-to-day facility operations throughout the active life of the landfill, addresses appropriate sequencing of all major landfilling activities and demonstrates how the landfill will meet the operating and reporting requirements. It includes a sustainability plan, post-construction care plan, fill progression and placement plan, waste control plan, cover management plan, environmental monitoring plan, site analytical plan, leachate management plan, odor control plan, gas monitoring and emissions control plan, winter and inclement weather operation plan, radioactive waste detection plan, emergency response plan, and end use plan.
  - Hydrogeologic Report (6 NYCRR Part 363-4.4) – This report describes the landfill site geology and hydrology in detail, and relates these factors to regional and local geology and hydrogeology.
- A general (not detailed) construction schedule will be presented and discussed.
- The liner and cover systems will be described. This will include a description of new liner and overlay liner designs.
- The anticipated Landfill progression (stages of construction) will be shown in a figure and described in the text.
- Types of equipment used for construction and operation of the Landfill will be identified.
- Leachate management (collection and removal system, and storage facilities) will be described.
- Stormwater management facilities and practices will be discussed, including drainage ditches, swales, sedimentation ponds, and seeding of disturbed areas. The requirements of the SPDES Multi Sector General Permit, Sector L (GP-0-17-004) and Stormwater Pollution Prevention Plan (SWPPP) will be described. In addition, the sections of the Facility Manual that apply to the stormwater management system will be described. Technical stormwater design support information will be referenced as being part of the Engineering Report.
- The Environmental Monitoring Plan will be described, including facilities, monitoring locations, procedures, and reporting.
- Bedrock separation distance from the Landfill liner system will be presented and discussed.

2.5 CLOSURE AND POST CLOSURE

The DSEIS will include the following:

- The final cover system will be described, with references to the 6 NYCRR Part 363 design requirements, and the Facility Manual.
- The minimum period of post closure monitoring and maintenance, and the financial and operational responsibilities of Hakes, will be specified.
- The reclamation objective for the entire site will be described.

3.0 ENVIRONMENTAL SETTING, SIGNIFICANT ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES TO MINIMIZE ENVIRONMENTAL IMPACTS

The DSEIS will describe the environmental setting (existing conditions), potentially significant adverse environmental project impacts, and mitigation measures for those impacts within each of the topic areas identified below. It will also describe those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented. Technical reports supporting the analysis provided in each section shall be included as appendices to the DSEIS in the Appendices section.

3.1 LAND USE AND ZONING

3.1.1 Environmental Setting

The DSEIS will include the following:
- The existing land use on the site and nearby properties will be described.
- Existing zoning classification(s) of the site and nearby properties will be described. A map of the zoning classification(s) will be provided.
- The DSEIS will describe the existing public infrastructure located within the proposed expansion area including, but not limited to, structures, and roads and utilities (e.g., gas, water, sewer, and telecommunications).

3.1.2 Significant Environmental Impacts

The DSEIS will include the following:
- Discussion of proposal's consistency with existing land uses and compatibility with surrounding land uses.
- Discussion of proposal's consistency with existing zoning and compatibility with surrounding zoning.
- A map of the proposed zoning classification(s) will be provided. In addition, a site plan of the facility showing proposed zoning requirements (e.g., setbacks).
- Potential impacts on public infrastructure and demands on public services (e.g., emergency services). This should include discussion of any potential impacts on nearby towns.

3.1.3 Environmental Impact Mitigation

The DSEIS will include the following:
- The DSEIS will also describe any potential measures to mitigate impacts on public infrastructure.
- The involved agencies' Site Plan Review mitigation measures or requirements for industrial use of the site will be described.
- A description of the post closure use planned for the site, including the borrow area and Landfill.

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3.2 SOCIOECONOMIC IMPACTS

3.2.1 Environmental Setting

The DSEIS will include the following:
- Data on population and income for the Town of Campbell will be summarized.
- Assessment of whether the site is within an area potentially subject to the DEC Environmental Justice Policy (CP-42).

3.2.2 Significant Environmental Impacts

The DSEIS will include the following:
- Potential impacts on population and income will be discussed.
- Number of permanent and temporary (construction related) jobs at the Landfill will be quantified.

3.2.3 Environmental Impact Mitigation

The DSEIS will include the following:
- An evaluation of potential impacts and recommendation of mitigation measures.
- Discussion of Host-Benefit Agreement

3.3 GEOLOGY/SOILS

3.3.1 Environmental Setting

Background Information:

Subsurface investigations performed at the site indicate that the soils are comprised primarily of glacial till, a dense mixture of varying amounts of gravel, sand silt and clay sized particles.

The glacial till thickness on the site ranges from 0 to approximately 60 feet. An area of exposed bedrock occurs along Erwin Hollow Creek, in an area that will not be impacted by the proposed expansion. The top of rock in the expansion area slopes down toward the southeast, resulting in deeper soils in the southeastern portion of the site.

The surficial soil types on the site were identified using maps prepared by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), entitled “Soil Survey of Steuben County, New York.” The predominant soil types are Volusia, Lordstown, and Mardin. This classification is consistent with the soil types that have been encountered during construction of the existing facilities.

The DSEIS will contain the background information above as well as the following:

- The DSEIS will identify the existing environmental setting, including the soil and rock formations that exist in the project area.
- A general description of regional geology will be included.
- A detailed description of site geology, including topography, soil and bedrock characteristics, and overburden thickness, will be provided.
- Subsurface investigations performed on the site will be summarized. Supporting technical data in the form of hydrogeologic data and calculations will be referenced as being a part of the Hydrogeologic Report.

3.3.2 Significant Environmental Impacts

The DSEIS will include the following:

- The DSEIS will address geologic & engineering Landfill design considerations. A discussion of subsurface geologic investigations, such as stratigraphic test wells and relevant rock sampling & testing to determine formation thickness and rock properties, will be provided.
- The DSEIS will discuss the borrow area design. The DSEIS will identify potential impacts on soils and the subsurface due to the soil borrow area, excavation, altered topography, and use of soils for construction of liner and cover systems. This will include estimates of overall soil quantities needed for construction and available on-site. This will include evaluation of the new liner and overlay liner systems.
- For any shortages of soil that are identified, discussion of alternative soil sources must be identified, and impacts evaluated.
- A Borrow Area Use Plan (BAUP) will be provided for the soil borrow area consistent with 6 NYCRR § 422 and included in the Part 360/363 Permit Modification Application. The BAUP will describe impacts within the soil borrow area.

3.3.3 Environmental Impact Mitigation

The DSEIS will include the following:

- The DSEIS will discuss design requirements for construction of the landfill expansion related to soils and subsurface geology. This will include bedrock separation, placement of intermediate and final cover materials, re-vegetation of the site, and erosion and sedimentation control during construction and operation.
- For the borrow area, the DSEIS will discuss measures to mitigate soil erosion during operations and discuss final reclamation requirements and objectives. This discussion will be based on the BAUP provided in the Part 360/363 Permit Modification Application.

3.4 WATER RESOURCES – GROUNDWATER

3.4.1 Environmental Setting

Background Information:

Hydrogeological investigations of the Landfill site were conducted during previous permitting processes. Additionally, as part of current Landfill monitoring activities, groundwater monitoring wells have been installed around the facility. Numerous test borings, groundwater monitoring wells, and test pits have been logged, sampled, and tested over the site area. Water level and water quality data are collected quarterly from monitoring wells to obtain representative groundwater samples from the various soil and bedrock units underlying the Landfill site. The site is not located over a primary or principal aquifer. The nearest primary aquifer is located approximately three miles to the south, near the Cohocton River (Reference 2). The sampling and testing have created an extensive database, consisting of well/test boring logs, water level data and chemical analyses, that is used to characterize and monitor hydrogeological conditions and water quality trends.

The western edge of the landfill will go over the ridge which is the groundwater divide. The DSEIS will evaluate this and include what contingencies will be put in place if a break-out were to occur on that side slope and leachate were to flow to the northwest into the adjacent watershed.

To supplement the existing data, an additional hydrogeologic investigation will be performed in the proposed project area. A Hydrogeologic Investigation Report will be prepared in accordance with 6 NYCRR § 363-4.4 and included in the Part 360/363 Permit Modification Application.

The DSEIS will contain the background information above as well as the following:

- The DSEIS will describe the existing groundwater resources located within the proposed Landfill cell and soil borrow area expansions. Prior to the writing of the DSEIS groundwater section, hydrogeological data and evaluations will be developed for the proposed expansion areas. This information will include an evaluation of the 6 NYCRR § 363-5.1 Siting Requirements and be summarized in the DSEIS.
- The DSEIS will include a summary of existing groundwater data collected at the site during existing monitoring.
- The Hydrogeologic Report, included in the Part 360/363 Permit Modification Application, will be referenced and applicable information will be summarized in the following sections:
    - Environmental Setting.
    - Primary and principal aquifers in the vicinity of the Landfill (if any) will be identified, and their locations with respect to the Landfill

described.
- Depth of the water bearing zones (and seasonable variability) will be described for areas under and adjacent to the cell area.
- Groundwater descriptions will include water quality, direction of flow, and rate of flow.
- Description of the hydrogeologic characteristics of the overburden soils and the upper bedrock zone.

3.4.2 Significant Environmental Impacts

The DSEIS will include the following:
- An evaluation detailing the potential short and long-term groundwater impacts from Landfill construction, operation, and closure, including impacts from the construction, operation and closure of the soil borrow area.
- An evaluation detailing the impact of liner construction on groundwater flow. Included will be an evaluation to consider if the landfill expansion may impact groundwater flows influencing on-site and nearby off-site surface water features.
- An evaluation detailing the impact of the proposed new borrow pit on groundwater flow. Included will be an evaluation to consider if the soil borrow pit may impact groundwater flows influencing on-site and nearby off-site surface water features.
- Chemical characterization of current leachate including radiological analytical data, and the expected changes to leachate generation (e.g., volume) due to the Landfill expansion
- Evaluation of groundwater suppression and its potential impacts on landfill construction and downstream drainage and stormwater management features.

3.4.3 Environmental Impact Mitigation

The DSEIS will include the following:
- Leachate management system (including collection, removal, storage, and transport) will be described.
- Composite liner system and leak detection measures will be described.
- The proposed environmental monitoring will be described, including proposed new groundwater sampling locations and parameters.
- Mitigation measures associated with groundwater flow impacts on downstream drainage and stormwater features.

3.5 WATER RESOURCES - SURFACE WATER

3.5.1 Environmental Setting

Background Information:

Surface water originating over the proposed expansion area drains to a roadside channel located along on the western edge of Manning Ridge Road. The channel drains to a culvert which conveys the surface water from the west side of the road to a drainage channel that crosses the southern portion of the landfill site. All surface water on the site drains through a series of ponds and discharges to a natural channel located east of the current landfill, which has been designated Tributary 4 to Erwin Hollow Creek. This intermittent stream (stream of seasonal flow) flows to the south, where it joins Erwin Hollow Creek, approximately 400 feet south of the Landfill cell area. Erwin Hollow Creek then flows west for about 300 feet, where it exits the Landfill site, and then flows generally south for approximately 3 miles to where it discharges into the Cohocton River.

Erwin Hollow Creek (PA3-58-1) and Tributary 4 to Erwin Hollow Creek (PA3-58-1-4) have water quality classifications of C. The best usage of Class C waters is for fishing. The water quality should also be suitable for fish propagation, primary (e.g., swimming) and secondary (e.g., boating) contact recreation even though other factors (such as water depth or access) may limit its use for these purposes. Erwin Hollow Creek has an additional water quality designation of TS, which designates it as protected trout stream.

The DSEIS will contain the background information above as well as the following:

- Description of the existing floodplain mapping and flood frequencies within the proposed expansion areas.
- Existing site drainage will be described.
- Existing drainage in areas of Manning Ridge Road closure mitigation work will be described.
- On-site and nearby off-site surface water features (ponds, streams) will be described, including quality and quantity. A summary of available water quality sampling data will be provided. The water quality study provided in the DSEIS will include locations, parameters, and frequency of surface water monitoring to provide baseline water quality.
- Classifications of on-site and nearby off-site surface water will be identified and discussed (e.g., C(TS) classification of Erwin Hollow Creek).
- Documentation of existing facility performance with respect to protection of water resources.
- Discussion of revised 401 Water Quality Certification Requirements

3.5.2 Significant Environmental Impacts

The DSEIS will include the following:

- Potential for impacts on Erwin Hollow Creek and Tributary to Erwin Hollow Creek from the proposed landfill expansion and soil borrow area will be evaluated.
- Potential for impacts on existing surface water features (e.g., Frog Hollow Creek, Meads Creek, etc.) along areas of Manning Ridge Road closure mitigation work will be evaluated.
- Discussion of on-site soil characteristics (i.e., high clay content) that increase the potential for turbidity in on-site and off-site water bodies.
- Discussion of impacts to surface waters due to fill of federal wetlands and associated 401 Water Quality Certification Requirements
- Leachate off-site disposal at WWTFs will be discussed

3.5.3 Environmental Impact Mitigation

Background Information:

Leachate from the Landfill is collected in tanks and periodically transported by tanker truck to the permitted Wastewater Treatment Plant(s) for processing prior to discharge. Leachate generation rates may increase since the total Landfill cell area will be increased, but the method of leachate control and management will not change materially. Leachate management will be discussed as an ongoing method of management to avoid impacts on surface waters. This will include the locations and ongoing feasibility for offsite disposal.

Stormwater control facilities and procedures, as defined in the facility's existing Storm Water Pollution Prevention Plan (SWPPP), will be affected by the proposed expansion. Specifically, changes in stormwater flow across the landfill expansion area will result in the construction and modification of stormwater conveyance channels, detention ponds, and controlled outlet structures, in order to manage runoff in accordance with the New York State Stormwater Management Design Manual. Stormwater will continue to be discharged in a controlled fashion via storm water detention ponds located near the easterly, down gradient margin of the property, so that additional stormwater discharge points will not be required.

Because of significant areas of soil disturbance, altered topography, and increased volumes of leachate generation, surface water and groundwater resources on and in the vicinity of the Landfill will be described in the DSEIS and potential impacts due to the proposed expansion of the permitted cell area and all appurtenant facilities will be evaluated. A revised "Storm Water Pollution Prevention Plan" (SWPPP) will be prepared for the construction and operation of the proposed

project. In addition, a "Hydrogeologic Study" will be performed (as required by 6 NYCRR Part 363-4.4)

Note that calculations will be prepared as part of the design to meet the Multi-Sector General Permit for Stormwater Discharges from Industrial Activities Sector L (GP-0-17-004). The information, analysis and data will be documented in the form of studies, calculations and supporting data with sufficient detail to support the preparation of the DSEIS, and will be included in the Engineering Report.

The DSEIS will include a portion of the background information and the following:

- Leachate management system (including collection, removal, storage, and transport) will be described. Composite liner system will be described.
- Leachate offsite disposal at WWTF will be discussed
- Site drainage and stormwater management systems will be described.
- The BAUP will be discussed in terms of protection of surface waters.
- Minimization of the borrow area footprint and suitable buffer distances between the borrow area and the streams, and other mitigation measures, will be discussed.
- The proposed environmental monitoring will be described including locations, parameters, and frequency of surface water monitoring. Monitoring to ensure protection of sensitive downstream resources (i.e., downstream trout-spawning waters) will be identified.
- Describe stormwater management measures for management of increase runoff volumes and patterns for protection of water resources, including the on-site tributary and Erwin Hollow Creek. This discussion will include the effectiveness of existing and proposed stormwater management facilities that will receive combined runoff from existing and proposed landfill and borrow areas. It will also describe new measures, or modification to existing measures, to meet the Sector L criteria in the SPDES Multi-Sector General Permit (GP-0-17-004). The measures will be described in sufficient detail to determine physical footprint(s) and basic design criteria (i.e., storage volume, etc.). Construction schedule, sediment and erosion control measures, and monitoring requirements will be described. Technical stormwater design support information will be provided in the Engineering Report included in the Part 360/363 Permit Modification Application.
- Measures to mitigate potential impacts surface water features along areas of Manning Ridge Road closure mitigation work will be described.

3.6 AIR RESOURCES (SEE ALSO SECTION BELOW ON CLIMATE CHANGE)

3.6.1 Environmental Setting

The DSEIS will include the following:

- The existing air quality, attainment/non-attainment will be discussed along with the current Air State Facility permit conditions and compliance.
- Nearby sensitive receptors.

3.6.2 Significant Environmental Impacts

Background Information:

A major potential impact on air resources is dust generation by construction activities and waste transport vehicles. Construction activities would not be materially different from those currently occurring at the facility, although the total time period during which construction of cells would occur would be lengthened due to the increased life of the facility. Other impacts on air resources are related to occasional odors from waste decomposition and the formation of hydrogen sulfide which is currently managed by gas collection and flaring.

This facility will maintain required buffer distances between the disposal area and off-site receptors in order to mitigate potential impacts. Air emissions from the facility are presently regulated under an Air State Facility Permit, which will be modified to accommodate the proposed expansion.

With respect to waste transportation related dust, the full length of Manning Ridge Road is now paved, and has been upgraded to provide wider paved shoulders. The use of on-site water trucks for dust control on unpaved on-site roadways and the improved surface condition of Manning Ridge Road should mitigate dust problems. This will include specific mitigation measures such as paving roads, schedule for watering the roadways, etc.

The DSEIS will include the background information above and the following:

- Potential air emissions expected to result from the landfill expansion will be identified and quantified in the DSEIS to evaluate potential impacts due to the proposed expansion of the permitted cell area and borrow area. The total combined emissions of the existing landfill and proposed expansion will also be discussed. The adequacy of existing flare capacity and landfill gas treatment system will be described and compared to anticipated increases in emissions. A draft air pollution control permit application will be provided in an appendix as supporting technical information. The facility will discuss whether the increases are TV applicable. See also the section on Odors in this DSEIS below.
- This section will include that the facility will perform a Part 212 analysis and determine if any High Toxicity Air Contaminant (HTACs or non-HTACS are over the regulatory thresholds and if further modeling might be required. They should also discuss if modeling shows if they are exceeding the Part 257-5 standard for H_2S,the Part 257-2 SO_2 standard or the National Ambient Air Quality Standard set by EPA for the 1-hour SO_2 standard of 75 parts per billion, as the 99^{th} percentile of daily maximum 1-hour SO_2 concentrations, averaged over 3 years, then they

will implement further measures if the current treatment system is not sized correctly.
- An inventory of potential fine particulate matter emissions from the existing landfill, landfill expansion and the borrow area shall be provided in accordance with NYSDEC regulations and policy on fine particulate matter (CP-33, issued 12/29/2003) ($PM_{2.5}$ refers to particulate matter with an aerodynamic diameter of 2.5 microns or less). The calculations and supporting engineering information for the inventory will be provided in an appendix to the DSEIS.
- If the emissions inventory indicates that further modeling and evaluation of fine particulate matter emissions is required, then the modeling and evaluation will be prepared and provided in accordance with CP-33.

3.6.3 Environmental Impact Mitigation

The DSEIS will include the following:
- The DSEIS will include a detailed discussion of existing and proposed air pollution control devices and emissions management (i.e., for dust).
- Potential mitigation measures will be described, including systems for collecting and treating Landfill gases and odors (see below for additional information on odors).
- The DSEIS will included a discussion of mitigation measures required to meet the Part 257 standard for H_2S and SO_2 as well as the federal NAAQS 1-hr standard for SO_2 .
- Air permitting requirements will be described.
- Compliance with CP-33 will be described.

3.7 ODORS

3.7.1 Environmental Setting

The DSEIS will include the following:
- Odor impacts related to Landfill gases (mainly hydrogen sulfide) are generated by the decomposition C&D debris in the waste stream. Existing odors from the facility will be described, including overall complaints and measures undertaken to minimized and address odors.
- Nearby sensitive receptors will be identified.
- A description of the landfill gas investigation program will be provided, including the sampling program (sampling locations, instrumentation, and testing methods) and a summary of findings to date.

3.7.2 Significant Environmental Impacts

The DSEIS will include the following:
- Potential odor impacts exist related to Landfill gases (mainly hydrogen sulfide) generated by the decomposition of gypsum board in the waste stream. It is probable that the disposal of larger quantities of gypsum

board (due to the expansion) will result in increased amounts of hydrogen sulfide generation. Due to the potential for increased hydrogen sulfide generation, odor impacts in the vicinity of the Landfill will be examined in the DSEIS to evaluate potential impacts and mitigation. This should include an evaluation the ability to meet H2S standards.

- A gas study/evaluation will also be completed to determine if the capacity of the existing gas control structure (flare) is sufficient to appropriately address the additional proposed area, and to determine what type of air pollution control permit is required from the NYSDEC for project air emissions. Alternatively, the study/evaluation may be used to determine the required capacity of a new, additional flare, located adjacent to the proposed expansion area.

3.7.3 Environmental Impact Mitigation

The DSEIS will include the following:
- Potential mitigation measures will be described, including systems for collecting and treating Landfill gases.
- Mitigation related to H2S emissions should be evaluated including the need for further treatment, air sampling by Acrulogs if modeling shows an exceedance of the Part 257 H_2S standard.
- Operational measures will be described including daily cover, intermediate cover, geomembranes, and other requirements (e.g., buffer distances, well monitoring in order to maintain negative pressure on the well field, monthly cover checks).

3.8 NOISE

3.8.1 Environmental Setting

Background Information:

The noise level of ongoing operations and waste transportation is not expected to increase significantly, but would continue for approximately 8 to 10 years. Noise impacts in the vicinity of the Landfill will be examined in the DSEIS to evaluate potential impacts and mitigation.

The DSEIS will include the following:
- Noise Standards for Solid Waste Management Facilities (6 NYCRR Part 360.19(j)) will be identified and described.
- The noise levels from the existing facility and the background noise will be described.

3.8.2 Significant Environmental Impacts

The DSEIS will include the following:

- Potentially increased impacts due to reduced buffer distances to the property line will be quantified.
- Measurements of noise levels from equipment operating at the Landfill, will be made using instrumentation that can process measured sound levels in a way so that Leq (one hour) values can be estimated.
- Calculations of estimated project generated noise levels (from both the new Landfill cells and borrow areas) at the property line, and at sensitive receptors locations, will be made and compared with criteria in Part 360.19(j) and the Department Program Policy, "Assessing and Mitigating Noise Impacts" dated October 2000.

3.8.3 Environmental Impact Mitigation

The DSEIS will include the following:

- Propose or identify noise mitigation factors (as required), such as screening by vegetation, distance from site, and topography.
- Describe the need for noise easements, and the extent of any easements that have been obtained. A map of current noise easements also will be provided.
- Description of any noise monitoring required to demonstrate compliance with Part 360 standards.

3.9 ARCHEOLOGICAL AND HISTORICAL RESOURCES

3.9.1 Environmental Setting

Background Information:

The Hakes site is not within an archeologically sensitive area, based on a review performed by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) during the previous permitting process. This review determined that there were no structures, ruins, or archeological resources on the site or structures listed on the State or National Registers of Historic Places.

The DSEIS will include the background information above and the following:

- Summarize previous and updated findings by NYS Office of Parks, Recreation and Historic Preservation (OPRHP) regarding cultural resource sensitivity of the site.
- If a Phase 1 Cultural Resource Survey has been performed, summarize findings.

3.9.2 Significant Environmental Impacts

The DSEIS will include the following:

- A description of the project will be provided to NYSOPRHP for that agency's review and a determination of whether there would be any significant impact on cultural resources. Relevant correspondence regarding this issue will be provided in the DSEIS.

3.9.3 Environmental Impact Mitigation

The DSEIS will include the following:

- Describe a mitigation program to protect cultural resources (if necessary).
- Document concurrence by OPRHP of the adequacy of the Phase 1 Survey, and proposed mitigation program (if necessary).

3.10 TRANSPORTATION/TRAFFIC

3.10.1 Environmental Setting

Background Information

Manning Ridge Road is a paved roadway approximately 22 feet wide. The maximum grade on Manning Ridge Road is approximately 16%.

The DSEIS will include the background information above and the following:

- The DSEIS will include descriptions of the traffic evaluations previously performed and site access.
- This section will describe the existing traffic (whether it has changed from previous evaluations due to the facility or other changes to the area), existing road conditions going to and from the facility, as well as any town-imposed road restrictions.
- This will also include the road history including upgrade work that has been done on both Manning Ridge Road and Erwin Hollow Road, funded by Hakes, to improve the condition and safety of these access roads.
- The DSEIS will include a description of existing conditions in areas of Manning Ridge Road closure mitigation work.

3.10.2 Significant Environmental Impacts

Background Information:

Traffic patterns in the vicinity of the Landfill site will be impacted by the permanent closure of a portion of Manning Ridge Road.

The DSEIS will include the background information above and the following:

- An evaluation of impacts associated with the permanent closure of Manning Ridge Road and associated mitigation work. The evaluation will include the effect on travel times (for residence and emergency services) to properties along Manning Ridge Road and Woodcock Road, and the estimated increase in traffic volume on surrounding roadways.
- The average daily number of waste transport trucks passing through the facility will not change significantly, since the approved design capacity of 1,494 tons per day will not increase. Truck traffic related to construction activities would not increase on a daily or hourly basis, although the total period of time during which cell construction and operation would occur would be extended.
- The total volume of leachate generated at the facility may increase due to the proposed expansion, however, this volume is not anticipated to increase significantly. The Part 360/363 Application will include a description and analysis of the leachate conveyance, storage, and disposal system. The DSEIS will include a discussion of potential truck traffic impacts related to leachate transportation. Leachate will continue to be transported along Manning Ridge Road and Erwin Hollow Road.
- If off-site soil borrow or other construction materials are identified as necessary for the project, potential changes in traffic volume will be described and quantified.

3.10.3 Environmental Impact Mitigation

Background Information:

Hakes plans to complete mitigation work associated with the permanent closure of a portion of Manning Ridge Road.

The DSEIS will include the background information above and the following:

- DSEIS will describe (in narrative form and in figures) the proposed Manning Ridge Road closure mitigation work in sufficient detail such that potential environmental impacts, mitigation, and alternatives, can be identified and evaluated. However, the details will be conceptual in nature.

3.11 TERRESTRIAL AND AQUATIC ECOLOGY

3.11.1 Environmental Setting

Background Information:

Vegetation on the site consists of a mixture of second growth northern hardwoods and brushy, abandoned agricultural fields, wetlands, and streams, which are typical for the region. No unusual, significant, or endangered plant species were identified. Recent logging operations have removed old growth trees. All of the habitat types which exist in the

unused portions of the site are available in abundance in the surrounding area.

Tributary 4 to Erwin Hollow Creek provides habitat for salamanders and minnows, and garter and rat snakes have been observed on site. Erwin Hollow Creek also provides aquatic habitat. Erwin Hollow Creek is classified C(TS) which indicates trout spawning.

There are no state regulated wetlands on the site. Federally regulated wetlands may be impacted. Characterization and delineation of these wetlands is proceeding, and any required permits for and mitigation of impacted wetlands will be evaluated and documented within the SEQR process. The agency responsible for oversight of federally regulated wetlands in Steuben County is the U.S. Department of the Army, Corps of Engineers (ACOE), located at 1776 Niagara Street, Buffalo, New York. Since the US ACOE is a federal agency, it is not considered to be an Involved Agency, but it is classified as an Interested Agency.

Also, the site is not located in or substantially contiguous to any "Critical Environmental Areas".

The DSEIS will include the background information above and the following:

- Prior to the writing of the DSEIS, the project areas will be surveyed for habitats and wildlife species. These supplemental ecological studies will be conducted, to cover impacted areas not addressed in the earlier evaluation. They will include descriptions of the forested areas, wetland areas, and surface waters within the project area. The quality of surface waters and supported aquatic biota will be described.
- The DSEIS will Identify and characterize flora and fauna on and adjacent to the expansion areas.
- Identify habitats likely to support species on the site that are state-listed endangered, threatened, rare or designated by the NYSDEC as species of greatest conservation need.
- Known records of timber rattle snakes located south of the Landfill expansion area and potential for snakes on site will be discussed.
- Summarize findings of wetland delineation, including locations and sizes of jurisdictional wetlands on site. This will include a jurisdictional determination from the US Army Corps of Engineers on the extent and location of federal wetlands. A wetland delineation report will be included in an appendix.

3.11.2 Significant Environmental Impacts

The DSEIS will include the following:

- This section will include and an assessment of impacts from the current facility and the potential for impacts from the expansion to all identified habitats and species including terrestrial and aquatic.

- Summarize applicability of existing guidance related to tree-clearing and potential impacts on bat species.
- Describe potential impacts on timber rattlesnakes due to future traffic on Erwin Hollow Road and changed traffic patterns resulting from the closure of a portion of Manning Ridge Road.
- Identify locations and sizes of jurisdictional wetlands on site that will be impacted. Describe the quality of impacted wetlands.

3.11.3 Environmental Impact Mitigation

The DSEIS will include the following:
- The DSEIS will describe any potential measures to mitigate impacts on habitats and species.
- The DSEIS will describe plans for timber rattlesnake sightings and measures to protect snakes and Landfill staff.
- The DSEIS will consider the potential effects of traffic pattern changes on timber rattlesnakes.
- Describe wetland mitigation program, including size and location of replacement wetlands (if required), mitigation ratio, and whether the mitigation would include replacement wetlands or in-lieu fee.
- Describe permitting program for wetland impacts and mitigation including US Army Corps federal permitting and NYSDEC 401 Water Quality Certification, as required

3.12 VISUAL

3.12.1 Environmental Setting

The DSEIS will include the following:
- A visual impact assessment was included in the previous DEIS for the current Landfill operation. This assessment determined that no off-site areas would be significantly visually impacted by the project. This section will describe the previous study and the previously required visual impact mitigation including trees along Manning Ridge road.

3.12.2 Significant Environmental Impacts

The DSEIS will include the following:
- A description of the expansion areas.
- The lateral expansion of the disposal area could affect aesthetic resources in the vicinity of the Landfill. Therefore, a visual impact study in accordance with NYSDEC Policy DEP-00-2, “Assessing and Mitigating Visual and Aesthetic Impacts” will be performed to determine if the lateral expansion or new borrow area create significant visual impacts.

3.12.3 Environmental Impact Mitigation

- Visual mitigation measures (if needed) will be discussed.

3.13 CLIMATE CHANGE

3.13.1 Environmental Setting

The Climate Leadership and Community Protection Act (CLCPA) became effective January 1, 2020. Among other requirements, the CLCPA directs state agencies to determine if the decisions they make are consistent with the Statewide greenhouse gas (GHG) emission limits established by the CLCPA in Environmental Conservation Law (ECL) Article 75. In the case of the DEC, this includes determining if the permits issued are consistent with or would interfere with the attainment of the Statewide GHG emission limits in ECL Article 75.

In addition, the Community Risk and Resiliency Act (CRRA) requires applicants for permits subject to the Uniform Procedures Act to demonstrate that future physical climate risk due to factors including sea-level rise, storm surge and flooding had been considered in project design. The factor most likely to apply to the Hakes facility is flooding.

DEC has developed a policy entitled “Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements”, dated July 15, 2009 (“2009 Policy”). The EIS should address the information and mitigation measures identified in the 2009 Policy. To the extent that information required to address the requirements of the Climate Leadership and Community Protection Act (CLCPA) compliments or supplements information required under the 2009 Policy, it may be also be used to assess the energy use and greenhouse gas impacts of the proposed project alternatives under the EIS per the 2009 Policy

3.13.2 Significant Environmental Impacts

The Hakes Landfill generates GHG due to the decomposition of waste in the landfill resulting in the generation of carbon dioxide and methane, as well as small concentrations of hydrogen sulfide and traces of other organic compounds. The landfill gas is collected and combusted in flares, which reduces the concentrations of methane and hydrogen sulfide, but increases the concentration of carbon dioxide. The disposal of larger total quantities of waste over the longer life of the facility would result in an increased total amount of landfill gas generation.

The Hakes facility manages stormwater runoff in accordance with its Storm Water Pollution Prevention Plan (SWPPP), as mentioned previously. Stormwater management facilities, such as stormwater conveyance channels, are designed to accommodate a 25-year storm event. Other

stormwater management facilities, such as detention ponds and controlled outlet structures, are designed to manage a 100-year storm event. However, these facilities could be inadequate if a much larger storm event were to occur.

3.13.3 Environmental Impact Mitigation

The DSEIS for the proposed Hakes facility expansion will address the requirements concerning CLCPA as given below:
"The Governor signed the CLCPA into law in July 2019, which became effective January 1, 2020. (See Chapter 106 of the Laws of 2019). Among other requirements, the CLCPA directs state agencies to determine if the decisions they make are consistent with the Statewide greenhouse gas (GHG) emission limits established by the CLCPA in Environmental Conservation Law (ECL) Article 75. For DEC, this includes determining if the permits issued are consistent with or would interfere with the attainment of the Statewide GHG emission limits in ECL Article 75.

To address Section 7(2) of CLCPA, The DSEIS will identify each GHG and calculate the project's potential to emit GHG in units of tons per year and carbon dioxide equivalents using the 20-year global warming potentials found in 6 NYCRR Section 496.5. The CLCPA analysis will also include calculations showing the project's projected GHG and CO2e emissions in the years 2030 and 2050 if possible. For purposes of the CLCPA, Statewide GHG emissions include "upstream" out-of-state GHG emissions associated with the generation of electricity imported into the State, or the extraction, transmission, and use of fossil fuels imported into the State. Accordingly, the DSEIS will include any upstream emissions in the calculations.

The Department has developed the draft document titled, "Preliminary Interim Draft Emission Factors for Use by State Agencies and Project Proponents," which includes preliminary upstream emission factors for facilities to use as they prepare analyses. As explained in the attached document, the values are intended to be presumptive, meaning a facility may use a different value in a given context, provided that a different value is supported by an appropriate justification in the analysis.

Pursuant to ECL Article 75, the CLCPA's Statewide GHG emission limits require a Statewide reduction in GHG emissions from 1990 levels of 40% by 2030 and 85% by 2050. The DSEIS will discuss how the emissions from this facility will be mitigated or reduced. If there are no feasible ways to reduce GHGs, that will be explained also . If GHG emissions will not be consistent with the Statewide GHG emission limits of the CLCPA, then that will be discussed further as well."

The DSEIS will identify each GHG and calculate the GHG and carbon dioxide equivalent emissions for the facility and project future emissions. If

there are feasible ways to reduce GHG emissions at the Hakes Landfill, the DSEIS will address them.

Additionally, as part of the design of the stormwater management facilities, the performance of the system during a 500-year storm event will be evaluated. This evaluation will be described in detail in the Engineering Report, and will be summarized in the DSEIS.

3.14 Public Health

3.14.1 Environmental Setting

Although no specific project area health studies will be conducted, available information on health conditions in the general area will be summarized.

3.14.2 Significant Environmental Impacts

Potential impacts on health, such as changes in air quality and water quality, will be described. These potential impact areas are evaluated in other sections of the DSEIS, and will be addressed in summary form in this section.

3.14.3 Environmental Impact Mitigation

Mitigation factors for potential impacts on health, specifically mitigation of air and water quality impacts, are presented in other sections of the DSEIS, and will be addressed in summary form in this section.

4.0 UNAVOIDABLE ADVERSE IMPACTS

This section of the DSEIS will identify and discuss adverse environmental impacts that cannot be avoided or mitigated if the proposed project is implemented, in accordance with 6 NYCRR 617.9(b)(5)(iii)(b).

5.0 ALTERNATIVES

This section of the DSEIS will include an evaluation of project alternatives in accordance with 6 NYCRR 617.9(b)(v). It will include the following subsections and comparative tables and figures will be provided, as needed, to summarize the evaluation:

5.1 SUMMARY

5.2 ALTERNATIVE LANDFILL SITES

5.3 ALTERNATIVE LANDFILL SIZE

5.4 ALTERNATIVE BORROW PIT SITES, SIZES, OFFISITE SOIL OPTIONS

5.5 ALTERNATIVE DESIGN/LAYOUT/DEVELOPMENT SCHEDULE

5.5.1 ALTERNATIVE LINER AND OVERLAY LINER DESIGNS
5.5.2 ALTERNATIVE LANDFILL DESIGN
5.5.3 ALTERNATIVE LAYOUT
5.5.4 ALTERNATIVE DEVELOPMENT SCHEDULE

5.6 ALTERNATIVE TRAFFIC IMPACTS AND MITIGATION

5.7 ALTERNATIVE LAND USE

5.8 NO ACTION

6.0 IMPACTS ON GROWTH

This section of the DSEIS will provide an analysis of any grow-inducing aspects associated with the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9(b)(5)(iii)(d).

7.0 AFFECT ON THE USE AND CONSERVATION OF ENERGY

Background Information:

The effect of the proposed expansion of the permitted cell volume on energy consumption would be to continue the consumption of fuels (gasoline, diesel and alternative fuels) for hauling waste to the facility, and for handling the waste (spreading, compaction, etc.) at the facility, for a longer period of time. This increase in total waste disposal at Hakes would, therefore, increase the consumption of these fuels. Looking at this issue from a more “regional” point of view, however, it is very unlikely that the proposed change in the permitted disposal capacity at Hakes will increase the total regional quantities of C&D waste generation. Therefore, additional hauling to Hakes would be offset by reduced hauling to other disposal facilities. In addition, given the economics of waste transport and disposal, there is an incentive to reduce hauling distances as a means of cost control. It is possible (though not certain) that additional disposal capacity at Hakes could reduce energy consumed in waste transportation, on a regional basis, due to these economic incentives.

Overall, on a regional basis, energy resources would not be significantly affected in an adverse way by the proposed expansion of the permitted cell volume.

The DSEIS will include the background information above and the following information:

This section of the DSEIS will provide an analysis of the effect on the use and conservation of energy of the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9(b)(5)(iii)(e).

8.0 SOLID WASTE MANAGEMENT PLAN

In accordance with 6 NYCRR 617.9(b)(5)(iii)(f) and 6 NYCRR Part 360.16(c)(5), this section of the DSEIS will identify and discuss the impacts of the project on solid waste management and its consistency with the state and locally adopted solid waste management plan.

9.0 IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES

The DSEIS will include the following:

- This section of the DSEIS will provide an analysis of the irreversible and irretrievable commitment of resources associated with the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9(b)(iii)(c).

10.0 TABLES AND FIGURES

11.0 REFERENCES

The reference list will include the following, as well as all other applicable references:

1. Fagen Engineers, “Hakes C&D Disposal, Inc. - Draft Environmental Impact Statement - Construction and Demolition Debris Landfill”, prepared in association with Three Rivers Development Foundation, Revised March 1993.

2. Fagen Engineers, “Hakes C&D Disposal, Inc. - Final Environmental Impact Statement - Construction and Demolition Debris Landfill”, prepared in association with Three Rivers Development Foundation, August 1993.

3. McMahon & Mann Consulting Engineers, P.C., “Hakes C&D Disposal – Landfill Expansion Project - Draft Supplemental Environmental Impact Statement”, February 2006.

4. McMahon & Mann Consulting Engineers, P.C., “Hakes C&D Disposal – Landfill Expansion Project - Final Supplemental Environmental Impact Statement”, May 2006

5. McMahon & Mann Consulting Engineering and Geology, P.C., “Hakes C&D Disposal – Landfill Expansion Project - Draft Supplemental Environmental Impact Statement”, January 2018.

6. McMahon & Mann Consulting Engineering and Geology, P.C., “Hakes C&D Disposal – Landfill Expansion Project - Final Supplemental Environmental Impact Statement”, December 2018.

12.0 APPENDICES

Appendices will include materials not suitable for insertion in the main body of the DSEIS, and shall include key SEQR documents, technical reports.

They are anticipated to include:

- SEQR Positive Declaration
- DSEIS Final Scoping Document
- Stormwater Pollution Prevention Plan
- Air State Facility NYSDEC permit application (including calculations for hydrogen sulfide (H2S), GHG, and carbon dioxide equivalent emissions)
- Report in accordance with NYSDEC Policy CP-33, “Assessing and Mitigating Impacts of Fine Particulate Matter Emissions”
- Ecological Study
- Wetland Delineation Report
- Archaeological Correspondence
- Noise Studies in accordance with NYSDEC Policy DEP-00-1, “Assessing and Mitigating Noise Impacts” and 6 NYCRR Part 360.19(j).
- Visual Assessment in accordance with NYSDEC Policy DEP-00-2, “Assessing and Mitigating Visual Impacts”
- Part 360 permit application Form
- Part 360/363 Permit Modification Application Package

V. ENVIRONMENTAL REVIEWS NOT PROPOSED FOR INCLUSION IN THE DSEIS

In accordance with 6 NYCRR 617.8(e)(7), this section of the scoping document is reserved for those prominent issues that are raised during public scoping and determined to be not relevant or not environmentally significant, or that have been adequately addressed in a prior environmental review.

It is noted that most comments raised during previous permitting processes asserted that drill cuttings and other authorized waste from drilling operations should not be permitted at the Hakes Landfill because of perceived risks associated with radioactivity. Public concern and commentary regarding radiological risk and potential radiological impacts from the Hakes Landfill or the disposal of drill cuttings at other New York Part 360 landfills have been comprehensively evaluated and rejected by the NYSDEC on a number of previous occasions, including in individual permitting proceedings and in the rulemaking process. Specifically, the NYSDEC evaluated these same issues during (1) environmental review associated with the final supplemental generic environmental impact statement for high-volume hydraulic fracturing (May 2015); (2) environmental reviews associated with Chemung County Landfill Expansion (July 2016); (3) comprehensive amendment to the NYSDEC's solid waste management regulations, 6 NYCRR Parts 360, 363 and 364 (November 2017); and (4) amendment/update to the NYSDEC's radioactive materials management regulations, 6 NYCRR part 380 (May 2018).

Furthermore, and specific to the Hakes Landfill, these same issues were exhaustively reviewed, analyzed, and rejected during environmental review of the prior landfill expansion application in 2018-2019. In the SEQR process, for which the NYSDEC served as lead agency, radiological issues were fully aired: (1) before the lead agency NYSDEC, culminating in a final supplemental environmental impact statement ("FSEIS") in December 2018, the Responsiveness Summary of which fully addresses these concerns and explains in detail why the NYSDEC rejected them; (2) before the Town Planning Board and Town Board, as involved agencies, culminating in local approvals in early 2019, including SEQRA Findings rejecting these issues after thorough investigation; and, again, (3) before the NYSDEC in the Part 360 permitting process, which culminated in permit approvals and a Permit Application Responsiveness Summary and SEQRA Findings in December 2019, both of which evaluated but rejected the asserted radiological issues after thorough review.

In 2020, Project opponents then commenced litigation challenging these approvals, alleging radiological risk and attendant SEQRA violations. On July 31, 2020, the Supreme Court dismissed the petition on the merits, finding no merit to the SEQRA claims and the alleged radiological impact from the Hakes Landfill. Petitioners then moved for a preliminary injunction from the Supreme Court and the Appellate Division, Fourth Department, pending appeal of the Supreme Court's decision on the merits. The Appellate Division, Fourth Department, denied Petitioners' motion on September 18, 2020; and Petitioners later withdrew their motion before the Supreme Court. Petitioners filed but failed to perfect their appeal of the Supreme Court's decision (on the merits).

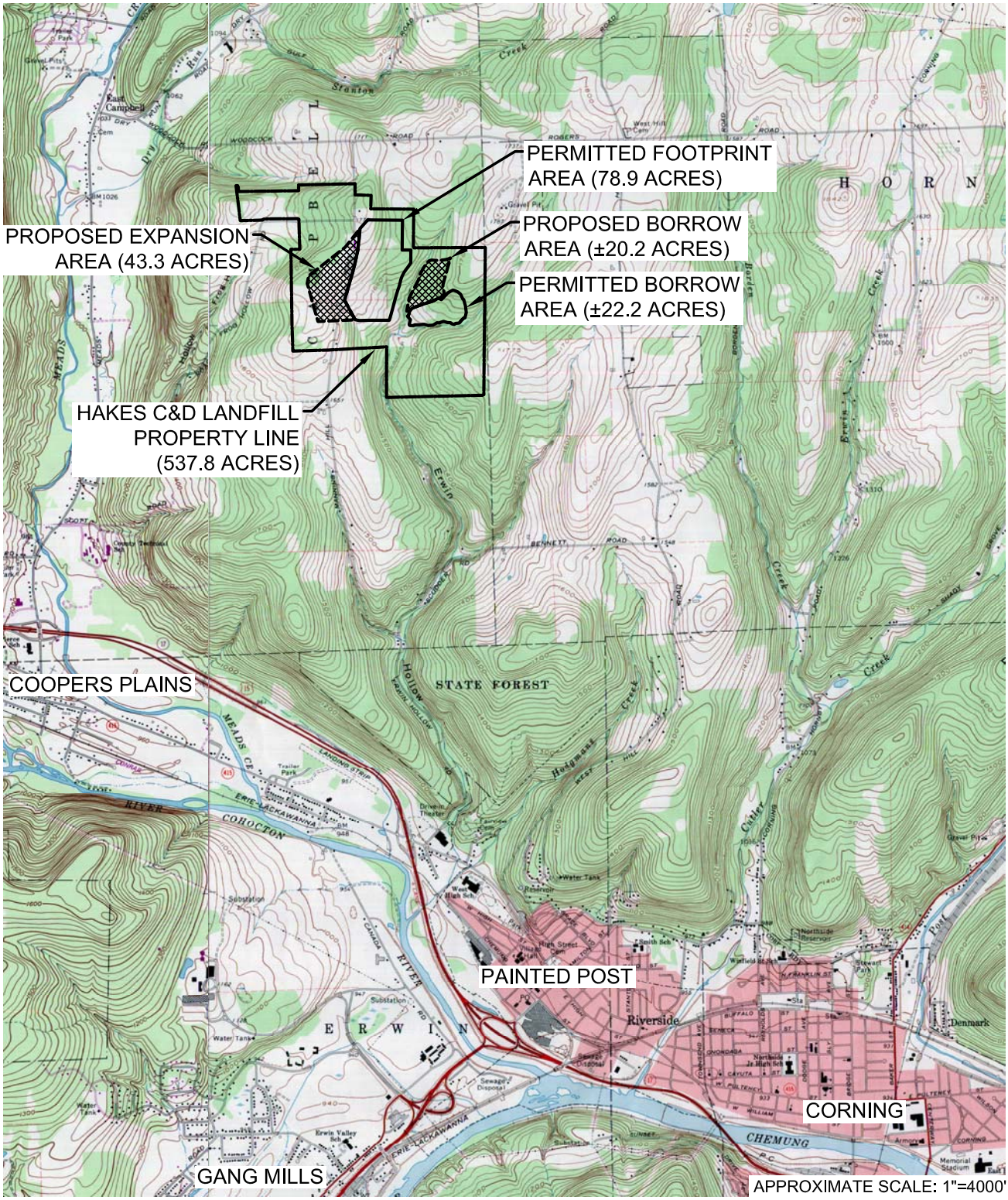
Because the current application for permit modifications does not involve a change in the wastes acceptable at the Hakes Landfill, and for the reasons stated above, comments related to drill cuttings are beyond the scope of this SEQR action pending before the NYSDEC for the

expansion. Therefore, they do not require inclusion in the Draft Scope regarding the issues to be discussed in the DSEIS.

DRAFT Table 1.0 – Required Approvals

State Agencies		
Agency	**Permit/Interest**	**Applicable Law/Regulation**
NYSDEC	Solid Waste Management Facility Permit Modification	6 NYCRR Part 360/363
NYSDEC	Air State Facility Permit Modification	6 NYCRR Part 201
NYSDEC	SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities (GP-0-17-004), Sector L	6 NYCRR Part 705
NYSDEC	Section 401 Water Quality Certification	6 NYCRR Part 608 and Section 401 of Clean Water Act
Federal Agencies		
Agency	**Permit/Interest**	**Applicable Law/Regulation**
US Army Corps of Engineers	Section 404 Permit	Section 404 of the Clean Water Act
Local Government		
Agency	**Permit/Interest**	**Applicable Law/Regulation**
Town of Campbell	Zoning Approval for “Non-Residential Planned Development District	
Town of Campbell	Site Plan Review by Planning Board and Recommended Conditions	
Town of Campbell	Manning Ridge Road Closure and associated mitigation	
Town of Hornby	Interested Agency	
Town of Erwin	Interested Agency	

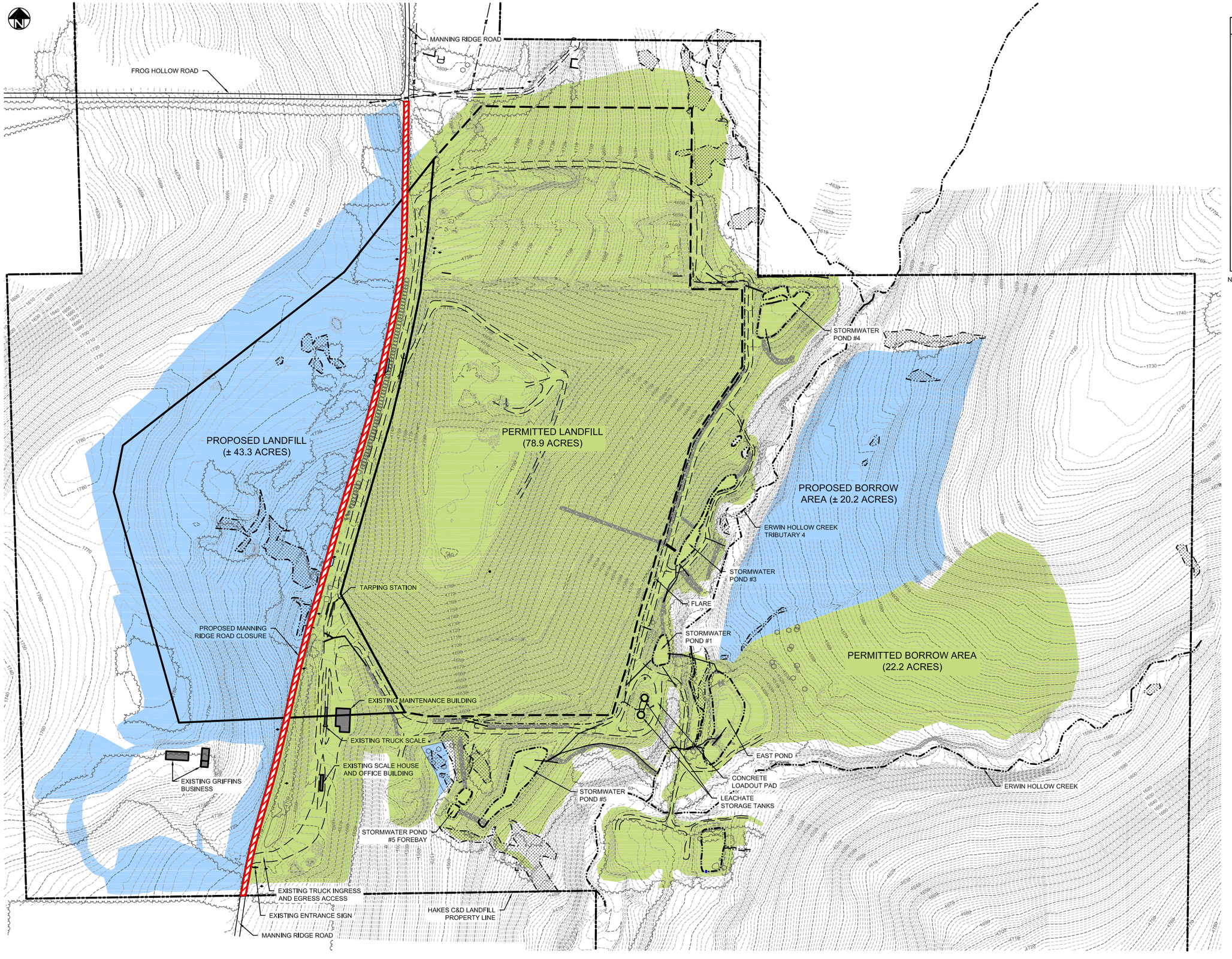
Figures



NOTE:

1. Base map image adapted from 7.5 Minute Series USGS Maps of Campbell, NY and Corning, NY.

McMahon & Mann Consulting Engineering and Geology, P.C. 2495 Main Street, Suite 432 Buffalo, NY 14214 (716) 834-8932 www.mmce.net	HAKES C&D LANDFILL EXPANSION DRAFT SCOPING DOCUMENT NEW YORK STEUBEN COUNTY	SITE LOCATION PLAN DWG. NO. 98047-1095b FIGURE 1



LEGEND

- EXISTING GROUND CONTOURS (SEE NOTE 1)
- HAKES C&D LANDFILL PROPERTY LINE
- CURRENT DEVELOPED AREA (APPROXIMATELY ± 151.4 ACRES)
- ADDITIONAL DEVELOPED AREA (APPROXIMATELY ± 76.3 ACRES)
- PROPOSED ROAD CLOSURE (APPROXIMATELY ± 3,600 FEET)
- PROPOSED WESTERN EXPANSION FOOTPRINT
- PERMITTED LANDFILL LIMIT
- ERWIN HOLLOW CREEK AND TRIBUTARY 4
- ACCESS / HAUL ROAD
- TREE LINE
- STORMWATER POND
- DELINEATED WETLAND

NOTES:
1. Existing contours compiled by using photogrammetric methods from aerial photography by TVGA Consultants dated April 4, 2004, Areo-Metric dated November 14, 2013, Quantum Spatial dated June 16, 2020 and ground survey completed by B&R Surveying, P.L.L.C. dated January 2020.

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REV 1	
REV 2	
REV 3	

HAKES C&D LANDFILL
DRAFT SCOPING DOCUMENT
PROPOSED DEVELOPMENT AREA

STEUBEN COUNTY NEW YORK

DRAWN BY:	C.R.G.
DESIGNED BY:	J.P.R.
CHECKED BY:	S.W.L.
SCALE:	AS SHOWN
DATE:	DECEMBER 2020
JOB NO.	98-047
FIGURE	2
DWG. NO.	98047-1188a
REVISION NUMBER -	0

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