

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS)
FINAL SCOPING OUTLINE**

**HAKES C&D LANDFILL EXPANSION
TOWN OF CAMPBELL, STEUBEN COUNTY**

August 2, 2017

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:

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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 project would add approximately 22.1 acres to the existing 57.9 acres of permitted Landfill cell area used for the disposal of construction and demolition debris (“C&D”). It would also include a new on-site soil borrow area of approximately 24.0 acres, from which soils would be excavated for Landfill construction and operation.

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. The type of wastes being received at the facility are also not proposed to change. In addition, the approved design capacity of the Landfill, which is 1494 tons per day (TPD), would not change. 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 5 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 6 NYCRR Part 360 (“the Part 360 permit”) and 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 SPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activities Sector L (GP-0-12-001). 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 creation of a Non-Residential Planned Development District (“N-RPDD”). The Town Board approval is preceded by review and a recommended decision from the Town Planning Board.

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. NYSDEC has been identified as the SEQR Lead Agency for this process. A positive declaration was issued on April 3, 2017 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 Final Environmental Impact Statement (FEIS) in 2006.

A scoping document describes the content and format of a DEIS and is used by the lead agency to determine when a prepared DEIS 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 final scoping document has been 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 NYSDEC finalized the scoping document, public input received on the draft scope was reviewed and considered. The public comment period on this scope ran from April 5, 2017 to May 5, 2017, and provided for the submission of written comments. A public hearing for scoping was not held. 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 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 adverse environmental issues;
 - Eliminate insignificant or irrelevant issues;
 - Identify limits of the project's impacts;
 - Identify the range of 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. DSEIS OUTLINE

An outline of the Draft Supplemental Environmental Impact Statement (DSEIS) is presented below in the form of a DSEIS Table of Contents. This outline was modified, based on comments received from involved/interested agencies and the public during the scoping process described above. The changes from the draft scope are detailed in Section VII.

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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IV. DSEIS SCOPE OUTLINE SECTION DESCRIPTIONS

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 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 plans (provided in Section 9.0 of the DSEIS). It will include all or some of the following background information:

The currently permitted 57.9-acre disposal area consists of 8 cells. Cells 1 through Cell 8C were constructed between 1999 and 2016. The last subcell, Cell 8D, is scheduled to be constructed in 2017.

The Hakes Facility is permitted to accept C&D debris at a rate of 1494 tons per day. Assuming this rate of disposal, the currently permitted cells will reach capacity in approximately 2 years.

The liner system for the existing facility is comprised of a single composite system as required by the Part 360 Regulations. A composite liner consists of a combination low permeability soil and a high-density polyethylene liner. The system includes a leachate collection system over the composite liner. A groundwater collection geocomposite underlies the Landfill footprint beneath the composite liner. This serves to eliminate excess water that is often created associated with the weight of Landfill and provides for a monitoring layer to monitor the efficacy of the Landfill liner system.

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 facility.

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. Copies of the SEQR 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

In addition, an overview of the variance that will be required from the applicable laws or regulations will be provided (i.e., under 6 NYCRR 360-1.7[c] for bedrock separation.) The description of the proposed variance should be detailed. Additional detail and environmental impact analyses will be provided in applicable portions of Sections 2.4 and 3.0 of the DSEIS to evaluate how the Landfill can be constructed in accordance with applicable regulation and remain protective of the environment.

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 reference to maps, drawings and technical reports (to be located in Sections 9.0-11.0 of the DSEIS) that provide the reader sufficient detail to clearly understand the project. The information will include the background information below, organized into the Sections 2.1 - 2.5 below. In addition, to the background information, additional items to be included are identified in each section.

Background information:

Hakes proposes an approximate 22.1-acre lateral expansion to the north of the existing landfill. The expansion will be contiguous to and overlay the existing landfill, as shown on Figure 3-2. The maximum permitted cell elevation, will remain at 1829 feet (site datum).

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

The proposed expansion will add more than 2.5 million cubic yards of disposal capacity, which will extend the site life to approximately 5 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 Regulations. Hakes will be required to obtain a Part 360 permit modification for the proposed expansion from the NYSDEC Region 8 office 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 1494 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 360 requirements; and

- Monitoring and maintenance will be the same as for the currently permitted Landfill.

Waste Types and Cell Design

The Hakes facility disposes only C&D debris. No municipal solid waste or hazardous waste, as defined in the pertinent State regulations (6 NYCRR Parts 360 and 371), are permitted to be disposed at the Landfill.

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 adequate leachate barrier. If the proposed liner system includes a liner system that requires a variance from 6 NYCRR Part 360 (e.g., a 5 foot soil layer with engineered liner rather than a 10-foot soil layer with traditional liner), the variant liner system will be described in the DSGEIS and will include discussion on how the proposal will be equally protective of the environment.

In addition, the proposed facility will be designed to have an underdrain (groundwater collection) system to ensure separation of the liner system from the seasonal high groundwater table in areas where the separation between the subgrade and groundwater is less than 5 feet.

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 north 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 50 feet from property lines, and 75 feet from the edge of pavement on Manning Ridge Road, as required by the Town of Campbell. Final post-closure grades on the cell caps of no more than 33% and no less than 4% will be used.

Operating Hours

Permitted periods of operation (related to the acceptance and disposal of waste) are Monday through Saturday from 7 a.m. to 5:30 p.m. Cell construction activities are permitted Monday through Saturday from 7 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 6NYCRR 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
- Types of C&D wastes accepted, including approximate annual quantities of each type.
- Hours of operation
- Mined Land Use Plan (MLUP)

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. The existing Landfill is approximately 3 miles north of the Village of Painted Post. Site access is from Interstate Route 86 (formerly Route 17), then east a short distance on NYS Route 415 to Erwin Hollow Road. After following

Erwin Hollow Road north for approximately ½ mile, and Manning Ridge Road north for approximately 1 mile, the entrance to the Landfill site (located on the east side of Manning Ridge Road) is reached (Figure to be provided). 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 109 acres of land east of Manning Ridge Road. The proposed additional cells (22.1 acres) and ancillary facilities (approximately 30 acres) including a proposed 24.0 soil borrow area and other support facilities, will increase the affected land area by approximately 52 acres (Figure to be provided).

The proposed 52-acre expansion area (including the areas of the proposed cell expansion, a new soil borrow area and support facilities) is presently comprised primarily of forested land. The tree line shown on Figure 3-2 indicates the approximate extent of forested and open areas in the expansion area. A portion of the expansion area is an existing soil borrow area site to the north of the existing Landfill.

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 3-2. The Landfill cell area is located on the eastern side of 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 northwest corner 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 (e.g., 6NYCRR Part 360) will be identified.
- The components of the expected Part 360 Permit Modification Application package will be identified and briefly described. These components include:
 - o Construction and Operation Plans (Part 360-2.4, 2.5 and 2.6)
 - o Engineering Report (Part 360-2.7)
 - o Quality Assurance/Quality Control Manual and Specifications (Part 360-2.8)
 - o Operation and Maintenance Manual (Part 360-2.9)
 - o Contingency Plan (Part 360-2.10)
 - o Hydrogeologic Report (Part 360-2.11)
- A construction schedule will be presented and discussed.
- The liner and cover systems will be described.
- 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 (GP-0-12-001), Sector L, and Stormwater Pollution Prevention Plan (SWPPP) will be described. In addition, the sections of the Operation and Maintenance Manual that apply to the stormwater management system will be described. Technical stormwater design support information will be included as an appendix to the DSEIS.
- The environmental monitoring plan will be described, including facilities, monitoring locations, procedures, and reporting.
- A summary detailing the thermal oxidation events within the facility will be provided. The summary will identify the conditions that may increase the frequency of thermal events, if there is potential to impact leachate or liner systems, and mitigation measures planned to eliminate the events.

- Bedrock separation distance from the Landfill liner system will be presented and discussed, including how, in particular, the required separation distance can be achieved by: 1) by soil placement or 2) by a variance which identifies that the landfill can be constructed in a manner that is compliant with regulations and protective of the environment. Also to be discussed are alternatives which may need a variance.

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 360 design requirements, and the Post Closure Monitoring and Maintenance Operation 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 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 to 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 Town of Campbell's - Site Plan Review mitigation measures/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.

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 and Lordstown, with smaller areas of Mardin. This classification is consistent with the soil types that have been encountered during construction of the existing facilities.

None of the land within the project area is currently used for agriculture. There are approximately 4.8 acres of soil classified as soil type Mardin-B which falls within NYS Soil Group 4. The remaining soil types identified on site have NYS Soil Group numbers ranging from 5 to 9, indicating relatively lower quality with respect to potential agricultural use." This site is not located within an agricultural district as defined by the State of New York Agriculture and Markets Law. None of the land within the project area is currently used for agriculture.

The New York State Soil Group Number is used to describe the potential agricultural productivity of soils. A Soil Group Number of 3 or 4 represents relatively fertile soils, while a Soil Group Number of 1 or 2 represents an area of prime agricultural importance. There are approximately 4.8 acres of soil classified as soil type Mardin-B which falls within NYS Soil Group 4. The remaining soil types identified on site have NYS Soil Group numbers ranging from 5 to 9, indicating relatively lower quality with respect to potential agricultural use.

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 provided in an appendix.

3.3.2 Significant Environmental Impacts

The DSEIS will include the following:

- The DSEIS will address geologic & engineering Landfill design evaluation. Discussion of subsurface geologic investigations, such as seismic surveys, stratigraphic test wells and relevant soil and rock sampling & testing to determine formation thickness and physical properties.
- Discussion of variance(s) needed that is (are) related to bedrock separation and other geologic/soil design requirements.
- The DSEIS will discuss the borrow area design. The DSEIS will identify potential impacts to 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.
- For any shortages of soil that are identified, discussion of alternative soil sources will be identified and impacts evaluated.
- A Mined Land Use Plan (MLUP) will be provided for the soil borrow area consistent with 6 NYCRR § 422 and included as an appendix. The MLUP 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.
- Discussion of proposed measures to demonstrate that any variance(s) related to bedrock separation and geology/soil requirements sought will have no significant adverse impacts.
- 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 MLUP provided in the appendix.

3.4 WATER RESOURCES – GROUNDWATER

3.4.1 Environmental Setting

Background Information:

A hydrogeological investigation of the Landfill site was 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 has 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 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 and the new soil borrow expansion areas. Prior to the writing of the DSEIS groundwater section, hydrogeological data and evaluations will be developed for the proposed new areas. This information will be summarized in the DSEIS. The data and supporting information will be provided in the appendix in an outline, format, and type consistent with the requirement in 6 NYCRR § 360-7.4(a)(4).
- The DSEIS will include a summary of existing groundwater data collected at the site during existing monitoring.
- An appendix containing Hydrogeologic support information will be referenced and applicable information will be summarized in the following sections:
 - o Environmental Setting
 - o Primary and principal aquifers in the vicinity of the Landfill (if any) will be identified, and their locations with respect to the Landfill described.
 - o Depth of the water bearing zones (and reasonable variability) will be described for areas under and adjacent to the cell area.
 - o Groundwater descriptions will include water quality, direction of flow, and rate of flow.

The "critical stratigraphic section" (CSS) will be described. The CSS has been determined, at this time, to include at least the overburden soils and upper bedrock zone.

3.4.2 Significant Environmental Impacts

The DSEIS will include the following:

- An evaluation detailing of 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, and the expected changes to leachate generation (e.g.: volume) due to the Landfill expansion.
- Evaluation of groundwater suppression and its potential impacts to 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 to downstream drainage and stormwater features.

3.5 WATER RESOURCES - SURFACE WATER

3.5.1 Environmental Setting

Background Information:

Surface water on the site drains to a natural channel located east of the cell area, 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.

Both Erwin Hollow Creek and Tributary 4 to Erwin Hollow Creek (identified as PA3-58-1 and PA3-58-1-4, respectively) 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 means that it is a 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.
- 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. This will include water quality monitoring for dissolved oxygen (DO), pH, turbidity, and temperature sampled at least 4 times during at least one 24-hour period – very early morning, twice during the day, and late day/early evening. A sampling effort will be undertaken both during a low-flow period, and following a moderate storm event, will also be included. Sampling locations will be developed in consultation with, and approval by, DEC staff prior to development of the study.
- 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.

3.5.2 Significant Environmental Impacts

The DSEIS will include the following:

- Potential for impacts to Erwin Hollow Creek and Tributary to Erwin Hollow Creek from the proposed landfill expansion and soil borrow area will be evaluated.
- Discussion of on-site soil characteristics (e.g., high clay content) that increase potential for turbidity in on-site and off-site water bodies.

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 fill 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 to surface waters. This will include the locations and ongoing feasibility for offsite disposal.

Storm water control facilities and procedures, as defined in the facility's existing "Storm Water Pollution Prevention Plan," will not be significantly affected by the proposed changes, although the storm water retention ponds may be enlarged. This will be developed in the DSEIS. An additional stormwater pond will be incorporated into the Mined Land Use Plan to aid in sediment removal. The proposed pond

will be incorporated into the East Pond so that additional stormwater discharge points will not be required.

Because of significant areas of soil disturbance 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 360 permit.)

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-0-12-001). Although the final SWPPP and "Hydrogeologic Study" may not be complete at the time of submittal of the DSEIS, stormwater support information with enough data and analyses to support the evaluation of potential impacts and mitigation with respect to water resources will be provided. 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. The data will be provided in an appendix in an outline, format, and type consistent with the SWPPP requirements of GP-0-12-001.

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.
- Site drainage and stormwater management systems will be described.
- The MLUP will be discussed in terms of protection of surface waters
- Minimization of the borrow area foot print 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 effectiveness of existing 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-0-12-001). 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 an appendix to the DSEIS.

- The DSEIS will describe the Development and Implementation of a Spill Prevention, Control, and Countermeasures Plan (SPCC) to reduce the risk of releases of contaminants to surface water, and to define response actions should such a release occur.

3.6 AIR RESOURCES

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 to 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.

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 the borrow area. The total combined emissions of the existing landfill and proposed expansion will also be discussed. The adequacy of existing flare capacity will be described and compared to anticipate increases in emissions. A draft Air State Facility permit application will be provided in an appendix as supporting technical information. See also the section on Odors in this DSEIS below.
- 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 policy on fine particulate matter (CP-33, issued 12/29/2003) (PM_{2.5} refers to particulate matter with 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).
- 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 impact related to Landfill gases (mainly hydrogen sulfide) are generated by the decomposition of gypsum board 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.
- 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.

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.
- Operational measures will be described including daily cover and other requirements (e.g. buffer distances).

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 5 to 10 years, and buffer distances to some off-site receptors will be reduced. Due to the reduced buffer distances, 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 (Part 360-1.14 (p)) 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 area) at the property line, and at sensitive receptors locations, will be made and compared with criteria in Part 360-1.14 (p) 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 (Reference 2). 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 to 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 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

The DSEIS will include 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.

3.10.2 Significant Environmental Impacts

The DSEIS will include the following:

- Traffic is not expected to be impacted by the proposed project. A 22-acre expansion of permitted cell area will increase the remaining active life of the facility to approximately 5 to 10 years. The average daily number of waste transport trucks passing through the facility will not change significantly, since the approved design capacity of 1494 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. Traffic evaluations are not proposed to be conducted for this DSEIS.
- 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

Since no increases in traffic are proposed, it is not anticipated that mitigation measures will be proposed for the DSEIS. However, as noted above, if off-

site soil borrow or other construction materials are required, mitigation measures for increase construction traffic will be identified.

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. Both creeks flow into Erwin Hollow Creek which is classified C(TS) which indicates trout spawning.

There are no state regulated wetlands on the site. Federally regulated wetland areas totaling approximately 2.4 acres have been identified in the proposed expansion area, of which approximately 0.9 acres are likely to 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 SEQRA process. The agency responsible for oversight of federally regulated wetlands in Steuben County is the U.S. Department of the Army, Corps of Engineers, 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 area.
- 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 to bat species.
- 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
- Describe wetland mitigation program, including size and location of replacement wetlands (if required).
- Describe permitting program for wetland impacts and mitigation.

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. This section will also include a description of the current site conditions.

3.12.2 Significant Environmental Impacts

The DSEIS will include the following:

- A description of the proposed 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 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 will be discussed.

3.13 Impact on Public Health

The DEIS will summarize the applicable state and federal regulatory requirements for landfill operations that relate to the protection of human health, and how the applicant will meet these requirements for the proposed expansion. This discussion will draw from and summarize key elements from other relevant sections of the DSEIS.

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, OFFSITE SOIL OPTIONS

5.5 ALTERNATIVE DESIGN/LAYOUT/DEVELOPMENT SCHEDULE

5.6 ALTERNATIVE LAND USE

5.7 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) (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 and diesel) 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) (iii) (e).

8.0 SOLID WASTE MANAGEMENT PLAN

In accordance with 6 NYCRR 617.9 (b) (5) (iii) (f), this section of the DSEIS will identify and discuss the impacts of the project on solid waste management and its consistency with the state or 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

Table 1.0 – Required Approvals

State Agencies		
Agency	Permit/Interest	Applicable Law/Regulation
NYSDEC	Solid Waste Permit Modification	6 NYCRR Part 360
NYSDEC	Air State Facility Permit Modification	6 NYCRR Part 201
NYSDEC	SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities (GP-0-12-001), Sector L	6 NYCRR Part 750
NYSDEC	Section 401 Water Quality Certification	6 NYCRR Part 608, Section 401 of Clean Water Act
NYSDEC	Part 360 Variance – Bedrock Separation	6 NYCRR Part 360
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 Hornby	Interested Agency	
Town of Erwin	Interested Agency	

11.0 REFERENCES

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 shall include:

- SEQR Positive Declaration
- DSEIS Final Scoping Document
- Mined Land Use Plan for the on-site soil borrow area, consistent with the requirements of 6 NYCRR Part 422
- Stormwater Support Information, which will be provided in an outline, format, and type consistent with the SWPPP requirements of GP-0-12-001:
 - o Site Plan showing direction of stormwater routing
 - o Stormwater runoff estimates for landfill expansion and borrow areas
 - o Description of additional stormwater controls
- Preliminary Air State Facility NYSDEC permit application (including calculations for hydrogen sulfide (H₂S))
- 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 Study in accordance with NYSDEC Policy DEP-00-1, "Assessing and Mitigating Noise Impacts" and 6 NYCRR Part 360-1.14(p)
- Visual Assessment in accordance with NYSDEC Policy DEP-00-2, "Assessing and Mitigating Visual Impacts"
- Draft (unsigned) preliminary Part 360 permit application Form
- Hydrogeological Support Information, which will be provided in an outline, format, and type consistent with 6 NYCRR § 360-7.4(a)(4):
 - o Soil and upper bedrock hydrologic data
 - o Top of Bedrock Contour Plan for landfill expansion area
 - o Groundwater flow contour map for landfill expansion area
 - o Surface water data
 - o Groundwater data
- Proposed Environmental Monitoring Support Information, which will be provided in an outline, format, and type consistent with 6 NYCRR § 360-7.4(a)(4) and 360-7.5(a):
 - o Map of Environmental Monitoring Locations
 - o Schedule of Sampling and Testing
- Surface Water Monitoring Plan
- Supporting Engineering Information, which will be provided in an outline, format, and type consistent with 6 NYCRR § 360-7.4(a)(2):
 - o Subgrade Plan for Expansion Area

- Final Cover Plan for Expansion Area
- Liner system detail
- Final Cover system detail

V. Issues raised during Public Scoping

In accordance with 6 NYCRR 617.8(f)(7), this section of the scoping document includes discussion of the 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. In addition, this section discusses issues raised during scoping that were included in the draft scope, and thus the final scope. And finally, this section describes issues raised during scoping that were not specifically in the draft scope, but are now being added to the final scope.

a. Drill Cuttings

The majority of the comments assert that drill cuttings and other authorized waste from drilling operations should not be permitted at the Hakes Landfill. The majority of these comments assert that radioactivity will not be managed properly and that the wastes being received at the Hakes Landfill should be characterized as radioactive waste, not solid waste. In addition, claims are made that the drill cuttings present a health risk. Many commenters suggested that drill cuttings should be treated as Technically Enhanced Naturally Occurring Radioactive Materials (TENORM) and drill cuttings are not Naturally Occurring Radioactive Material ("NORM"). Others speculate that the drilling wastes will lead to contaminated leachate. And some commenters questioned whether the leachate should be sent to the Steuben County WWTF in Bath, claiming that it was radioactive.

These questions have been raised previously and addressed in a statewide manner by the established Department program policy on drill cuttings entitled, "Program Policy Memorandum: Recommended Permit Modifications and Operating Procedures for Landfills relating to Wastes from Drilling in the Marcellus Shale Formation" dated September 18, 2015. The drill cuttings at the Hakes facility have been, and will continue to be, managed in accordance with this program policy.

The requested permit modifications before the DEC seek approval of a new cell and borrow area and a corresponding modification to the Air State Facility permit for the Landfill. These proposals do not include any change in the type of waste streams that are authorized for acceptance at the Landfill. Drill cuttings and certain other wastes from oil and gas extraction activities that are not prohibited have been previously accepted at the Hakes Landfill for years.

Drill cuttings are screened prior to disposal and must pass through radiation detectors. No drill cuttings loads have triggered the radiation detectors. The disposal in the landfill is safe and environmentally sound.

Because the current applications for permit modifications do 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 SEQRA action pending before the DEC for the expansion. Therefore, they do not require revision to the Draft Scope regarding the issues to be discussed in the DSEIS.

However, the DSEIS will include a description of all waste streams and discussion of continued operation and management related to said waste streams with respect to the expansion under Section 2, "Description of Proposed Action". Therefore, safe management of drill cuttings, as

well as all other waste streams, within the proposed expansion, will be broadly discussed in the DSEIS.

As far as the leachate from the expansion going to the Steuben County WWTF in Bath, leachate from the facility currently is sent to this facility. There are no proposed changes. All incoming waste and all outgoing leachate loads pass through the radiation detector at the scale. No leachate loads have set off the radiation detector alarms. Leachate is also analyzed semi-annually for radioactivity and sediment from the leachate storage tanks is analyzed annually. Laboratory analysis has not revealed elevated levels of radioactivity. Therefore, the DSEIS scope does not need to be revised to include this issue other than to say that the DSEIS will include discussion of safe management of all waste streams including leachate from the expansion.

b. Road Closures

Commenters alleged that Manning Ridge, Fox Hollow and/or Woodcock Roads may be blocked due to the expansion. The Applicant has confirmed that no road closures will occur as a result of the expansion proposed currently. Therefore, this issue has not be added to the final scope.

c. Health issues

Various health issues were raised in the public comments on the draft scope. The health-related environmental protections are included separately in various sections of the draft scope (and ultimately in the DSEIS), including the sections for Air Resources, Water Resources (Surface & Groundwater), and Landfill Design, Construction and Operation. Due to public comment, and to make it easier on the reader, human health protections will be reiterated and summarized in an additional section on Public Health -Section 3.13. This section will be limited to regulatory requirements put in place by state and federal regulations to protect human health, and how the applicant will meet these requirements for the proposed expansion. This will include a discussion of the various air emission and water discharge limits and associated standards that are applicable to a facility of this type and how they were established to be protective of human health.

d. Drainage pipe coming out of the landfill

A comment was made pertaining to a specific pipe coming out of the landfill. The applicant surmised that the comment was referring to a storm water drainage pipe that is installed north of Pond 4 that discharges to Tributary 4. The water discharged from the pipe is stormwater collected primarily from Manning Ridge Road. The water flows along a ditch on the north side of the site perimeter road outside the current landfill footprint. Near the northeast corner of the perimeter road, the ditch flows into a subsurface drainage pipe the discharges north of Pond 4. This water is segregated from other storm water from the landfill and from the stormwater in the north borrow area.

All stormwater pipes and other discharge points related to the expansion will be fully described and discussed in the DSEIS as required by the draft scope, which does not need to be changed.

e. Previous tree cutting issues

A commenter stated that Hakes has already had to replace a large quantity of trees in a hemlock forest that they had cut when illegally expanding the landfill into another person's property. According to the commenter, a local landowner caught this infraction. The commenter further indicated that the landfill replaced the trees, but all the new trees died. The commenter also argues that oversight would be needed to stop this isolated landfill from expanding beyond its boundaries.

The site is inspected by a landfill monitor on a regular basis however, offsite tree cutting is not within our purview unless it is related to landfill operation or construction. Therefore, the Department asked the applicant to discuss this comment and they indicated the following:

“This comment appears to relate to a drainage ditch that was installed along the north property line along Pond #4. The facility cleared and grubbed the area and installed an upstream diversion channel to collect and discharge stormwater to Tributary 4 of Erwin Hollow Creek. The landowner complained and retained a surveyor to stake out the property line. There was a discrepancy between the site surveyor and the surveyor retained by the landowner. It was agreed that the drainage channel would be replaced with a culvert, the area would be regraded and trees would be planted. This was all completed. In the meantime, the surveyors compared notes and boundary survey and it was determined that the ditch was originally on Casella property.”

f. Noise Associated with Backup Beepers

Noise from all landfill sources will be addressed in the DSEIS as required by the draft and final scope.

g. Height of the existing landfill and Projected Height of Proposed Expansion

This will be addressed in the DSEIS as required by the draft and final scope.

h. Public Safety – lack of escape routes

There are escape routes available for all nearby residences and the facility. At one point in time, Hakes proposed to block certain roads. This is no longer proposed. Therefore, there are no issues related to escape routes. Although we do not plan to address this comment specifically in the DSEIS, the maps to be included in the DSEIS will likely make it much more clear that the expansion and borrow area will not cause any issues with respect to escape routes.

i. Liner Viability - life expectancy, testing, going over liner from 1999

This will be addressed in the DSEIS as required by the draft and final scope.

j. Newspaper used

The Department typically recommends that the public notices be included in the newspaper in which the town publishes official town notices, however, this is not a requirement.

k. Odors, Sulphur odors,

Odors will be addressed in the DSEIS as required by the draft and final scope.

l. Spontaneous Fires

This will be addressed in the DSEIS as required by the draft and final scope.

m. Title V permit to include radon discussion

The Department does not regulate radon for ambient air quality. Radon is considered an indoor air pollutant which is regulated by the NYS Health Department. It is considered problematic in confined spaces, which is not the case at the landfill. Therefore, it will not be added to the DSEIS.

n. Groundwater Contamination, site runoff, leachate impacts, drinking water impacts, and air impacts

These issues will be all addressed in the DSEIS as required by the draft and final scope.

o. Frog Hollow Creek which runs in to Meads Creek will be affected

Frog Hollow will not be affected by the proposed expansion. It is in a different watershed. Therefore, it will not be added to the DSEIS.

p. Timber Rattlesnakes

Timber Rattlesnakes will be addressed in the DSEIS as required by the draft and final scope. See Section 3.11.3.

q. Waste from Hurricane Sandy

The DSEIS will discuss all waste streams including those from possible emergency events.

r. Seismic data for the area and potential impacts to liner

This will be considered in the DSEIS.

s. Is Hakes expansion required due to out of state waste and/or high-volume hydraulic fracturing (HVHF) waste?

The need for the landfill expansion will be discussed in the DSEIS.

t. How many comments were received on the scope? How do we determine when we have received enough comment to proceed to the next stage? Has it ever happened that public comment has halted the process? Will there be an opportunity to comment in a public meeting? What weight is given to public comment?

The Department received approximately 35 comments on the draft scope. The Department does not consider the number of comments when determining if we can proceed to the next stage which is preparation of a final scope; it is simply based on time frames. Significant public opposition has led to applicant's dropping a project in some cases, however, this is not relevant to this DSEIS therefore, and it will not be included in the final scope of DSEIS. The public will be given an opportunity to comment on the DSEIS in the form of written comment and legislative hearing. Public comment on the scope is reviewed in accordance with 617.8.

VI. Changes between the draft Scope Outline and the final Scope Outline

- a. Surface Water Monitoring Plan added to the Appendix 12
 - b. Public Health added to Section 3 as the new section 3.13.
 - c. Section 3.3.2 was revised to eliminate blasting as this is not required for the proposed expansion.
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