

STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
DEC ID 9-0232-00003/00002

This notice is issued pursuant to Part 617 of the New York State regulations for Article 8 (the State Environmental Quality Review Act) of the N.Y. State Environmental Conservation Law (ECL).

The Department of Environmental Conservation (the Department), as SEQR Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Hyland Facility Associates' Landfill (Hyland)

Permit Modification - Hyland has requested a permit modification to increase the tonnage of accepted waste. The current approved design capacity (average daily tonnage received at the facility during the quarter in which the most waste is anticipated to be received) is proposed to change from 1,200 tons per day to 1,790 tons per day. The maximum waste receipts at the landfill during any quarter will not exceed 139,500 tons and annual waste receipts at the landfill will not exceed 465,000 tons.

DEPARTMENT PERMIT JURISDICTION:

Solid Waste Management Permit Modification pursuant to Article 27, Title 7 of NY State ECL and Part 360 of 6 NYCRR (hereafter referred to Part 360 Permit) and Article 19 Air Title V Permit (hereafter referred to Air Title V Permit).

SEQR STATUS:

Applicable Threshold: The proposed modification to increase the approved design capacity is an Unlisted Action. A Coordinated Review was performed.

DESCRIPTION OF ACTION:

Hyland has requested a modification to its current Part 360 Permit to increase the tonnage rate of accepted waste (the current landfill approved design capacity) consisting of municipal solid waste, municipal solid waste incinerator ash and non-hazardous industrial waste (referred to as "waste" herein) from 1,200 tons per day to 1,790 tons per day. This tonnage rate increase will increase landfill gas generation; therefore, Hyland is also requesting a modification to their Air Title V Permit, which incorporates the increased rate of projected air emissions.

LOCATION:

Hyland is located at the end of Herdman Road, which is west of Peacock Hill Road and approximately 1.5 miles south of the Village of Angelica, in the Town of Angelica, Allegany County.

REASONS SUPPORTING THIS DETERMINATION:

During review of this project, the Department identified the following environmental concerns, which are analyzed as follows:

1. Air:

The increase in the approved design capacity will result in an increased rate of gas generation at the landfill, mainly methane gas.

The proposed project is a New Source Review (NSR) major modification for greenhouse gas (GHG) emissions. Hyland is not major for any additional attainment or non-attainment contaminants.

Hyland is subject to New Source Performance Standards (NSPS) 40 CFR 60 Subpart WWW because the facility design capacity of 8.7 million megagrams (Mg) of solid waste is greater than the NSPS threshold of 2.5 million Mg. Hyland currently is not subject to the gas collection and control requirements of the NSPS because the estimated uncontrolled emission rate of non-methane organic compounds (NMOC) is less than the 50 Mg/yr threshold.

As required by NSR regulation, 6 NYCRR Part 231-8.7, the Department has determined the Best Available Control Technology (BACT) for GHG emissions from the Hyland Landfill includes:

- (1) Early implementation of the NSPS Subpart WWW gas collection and control requirements,
- (2) Early implementation of the National Emission Standard for Hazardous Air Pollutants (NESHAP) Part 63 Subpart AAAA , and
- (3) Extended operation of the gas collection and control system beyond the NSPS closure requirements.

The proposed Air Title V Permit for this facility incorporates the BACT.

Hyland is currently operating an active landfill gas collection and control system to reduce landfill gas emissions and odors at the facility. Hyland Landfill constructed a 3-engine Landfill Gas to Energy (LFGTE) power plant. The collected landfill gas is controlled by the LFGTE power plant and/or a 3,000 cubic feet per minute (cfm) open flare. The LFGTE power plant is the primary user of landfill gas and the existing open flare system combusts the gas that is not used by the LFGTE power plant.

The potential particulate emissions from both the landfill's stationary and mobile sources were reviewed in accordance with the Department's *CP-33 Policy - Assessing and Mitigating Impacts of Fine Particulate Matter Emissions*. The results of the review indicate the potential increase of PM_{2.5} emissions will not exceed 15 tons per year. In accordance with the CP-33 policy, the modification is deemed insignificant and no further assessment is required.

Anticipated pollutant emissions are at a level which is not considered to be significant by this Department. Specified safety requirements, operating procedures, monitoring and air emission controls are expected to limit any emissions of pollutants to the environment to allowable levels. Also, no increase in nuisance odors at the landfill is expected since the method of collection of landfill gas will remain the same. No significant adverse environmental impacts to air quality are expected as a result of this action.

2. Landfill Traffic:

The Department's current permit to Hyland authorized 1,200 tons per day approved design capacity acceptance rate of waste per day to the facility. Hyland has documented that the current average daily number of waste hauling vehicles is 66, with a peak hourly rate of 20 to 25. It is anticipated that the increase in the approved design capacity to 1,790 tons per day will increase the amount of waste hauling vehicles to 93, with a peak hourly rate of 30 to 38.

Hyland completed a Traffic Impact Study (dated April 9, 2007). The study concluded that based on the proposed increase in the permitted tonnage, the traffic conditions will operate at a good Level of Service (LOS) and will have no adverse impact on the traffic operation in the area.

Also, in accordance with Department of Environmental Conservation Commissioner John P. Cahill's March 6, 1998 Decision and Judge Frank Montecalvo's December 18, 1997 Summary Hearing Report, Rulings and Order of Disposition, the Department identified that 115 truck loads per day would meet acceptable highway level of service requirements.

Accordingly, the projected number of truck loads per day that may be caused by the proposed modification is within the acceptable limits identified.

3. Life of Facility:

The facility started accepting waste in July 1998. The projected site facility life of the presently permitted landfill will be reduced from approximately 20 to 25 years to approximately 14 to 17 years based on the proposed tonnage rate increase. This potential reduction in life of facility will be determined by future contractual agreements which may or may not occur and the change is viewed as a reasonable operational modification.

4. Other Environmental Concerns

In 1997 the Department evaluated numerous potential environmental concerns during the review of Hyland's modification request that changed the waste to be accepted at the facility to include municipal solid waste and non-hazardous industrial waste, in addition to the previously permitted municipal solid waste incinerator ash waste stream. Subsequently, on July 14, 1997, the Department issued a Negative Declaration. In 2002, the Department reviewed Hyland's request for expansion of the landfill. A Supplemental Environmental Impact Statement was prepared. The Department issued a Statement of Findings (dated December 20, 2006) for the expansion request. The environmental impacts/concerns (among some others) identified during previous reviews that were thoroughly evaluated included: leachate generation, fire, odor and litter control, waste recognition and waste stream and surface water monitoring. No other issues have been identified for the proposed tonnage increase. This determination incorporates the Department's Negative Declaration and Statement of Finding discussed above by reference.

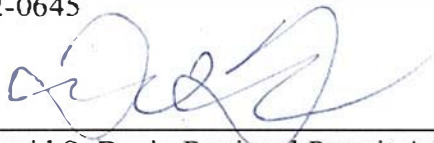
SUMMARY/CONCLUSIONS

Adherence by Hyland personnel to the present Operations and Maintenance Manual, and the Conditions of the Department's Part 360 Permit, Air Title V Permit and ECL Article 17 SPDES Permit, together with inspection and monitoring of the landfill's operations by the Department should ensure that no significant adverse environmental impacts will result from the proposed permit modification.

The Department of Environmental Conservation, therefore, has concluded that the project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations. In reaching this decision, the Department carefully considered the "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

FOR FURTHER INFORMATION:

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Date: November 30, 2011

David S. Denk, Regional Permit Administrator

cc: DEP Application File
The Honorable Robert L. Jones, Supervisor Town of Angelica
The Honorable Robin K. Robbins Mayor Village of Angelica
Mr. Joseph Boyles, Hyland
Mr. Larry Lackey, Casella Waste Management

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