

FINAL ENVIRONMENTAL IMPACT STATEMENT

CARROLL LANDFILL EXPANSION APPLICATION CARROLL, NEW YORK

Lead Agency

New York State Department of Environmental Conservation

NYSDEC Region 9

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Buffalo, New York 14203-2915

Prepared by:



2620 Grand Island Blvd.

Grand Island, New York 14072-2131

June 2018

Last Revised September 2019

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SEALAND WASTE, LLC

Prepared on behalf of:

Sealand Waste, LLC

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Rush, New York 14543

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Attachment 2 Legislative Public Comment Hearing Transcript

Attachment 3 Revised Pages for Engineering Report and Operation and Maintenance Manual

Attachment 4 Draft Host Community Benefit Agreement

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ACRONYM LIST

ACRONYM	DEFINITION
6 NYCRR	Title 6 New York Codes, Rules and Regulations
AADT	Annual Average Daily Traffic
ACM	Asbestos Containing Material
AEI	Air Emission Inventory
AQMP	Air Quality Monitoring Plan
C&D	Construction and Demolition
CCDOHHS	Chautauqua County Department of Health and Human Services
CDL	Commercial Driver License
CFR	Code of Federal Regulations
CDPO	Construction and Demolition Debris Processing Operation
CLP	Commercial Learner Permit
COA	Court of Appeals
dB(A)	Decibels, A-Weighted
DEIS	Draft Environmental impact Statement
DPM	Diesel Particulate Matter
DSWMP	Draft Solid Waste Management Plan
ECL	Environmental Conservation Law
EMP	Environmental Monitoring Plan
FCSD	Frewsburg Central School District
FEIS	Final Environmental Impact Statement
FWD	Frewsburg Water District
GCCS	Landfill Gas Collection and Control System
gpad	Gallons per Acre per Day
HCBA	Host Community Benefit Agreement
HDPE	High-Density Polyethylene

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ACRONYM	DEFINITION
H ₂ S	Hydrogen Sulfide
HWS	Highly Weathered Shale
LFGTE	Landfill Gas-To-Energy
LOS	Level of Service
LSWMP	Local Solid Waste Management Plan
mph	Miles Per Hour
MSE	Mechanically Stabilized Earth
MSW	Municipal Solid Waste
NAAQS	National Ambient Air Quality Standards
NIOSH	National Institute for Occupational Safety and Health
NPDES	National Pollutant Discharge Elimination System
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYS DOL	New York State Department of Labor
NYS DOT	New York State Department of Transportation
NYS WMP	New York Solid Waste Management Plan
Observatory	Martz-Kohl Observatory
O&M	Operations and Maintenance
OSHA	United States Occupational Safety and Health Administration
PCC	Post Closure Care
PLCRS	Primary Leachate Collection and Removal System
PVPP	Property Value Protection Plan
RHJ	Robert H. Jackson
RQD	Rock Quality Designation
Sealand	Sealand Waste, LLC
SEQR	State Environmental Quality Review

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ACRONYM	DEFINITION
SEQRA	State Environmental Quality Review Act
SIR	Site Investigation Report
SLCRS	Secondary Leachate Collection and Removal System
SO ₂	Sulfur Dioxide
SPDES	State Pollutant Discharge Elimination System
SRM	Subgrade Replacement Material
SWMF	Solid Waste Management Facility
TIS	Traffic Impact Study
USACE	United States Army Corp of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VRA	Visual Resource Assessment
WWTP	Wastewater Treatment Plant

1 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared for the Carroll Landfill Expansion on behalf of the Lead Agency, the New York State Department of Environmental Conservation (NYSDEC). The FEIS is prepared pursuant to the State Environmental Quality Review Act (SEQRA), Environmental Conservation Law, Article 8, Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 617, and its implementing regulations.

The purpose of the FEIS is to present public and agency comments on the Draft Environmental Impact Statement (DEIS) and the related documents, and to provide the Lead Agency's responses to comments raised during the formal public review of the application. This FEIS also includes two revisions to the application which are described in Section 3, and presented in Attachment 3. The first revision is an addition to the Engineering Report, which provides for the characterization of the C&D debris waste stream, the existing collection and disposal practices, and other facilities in the service area in response to a comment generated by Chautauqua County. The second revision is to the Operation and Maintenance Manual in response to a number of comments regarding the manner of enforcing the use of the approved routes for waste truck traffic to the facility.

1.1 PROPOSED ACTION

Sealand Waste, LLC (Sealand), a private enterprise headquartered in Rush, New York, entered into an agreement to purchase a 53.9-acre parcel of land which is the site of the three-acre Jones-Carroll Construction and Demolition (C&D) landfill, and the associated recycling operation, from Carol L. Jones. The site entrance is on Dodge Road in the Town of Carroll, Chautauqua County, New York, approximately one mile north of the New York/Pennsylvania State line.

Sealand intends to continue the recycling and land disposal operation, expanding beyond the three-acre landfill limit identified in NYSDEC Permit #9-0624-00025/00002-0 (expired October 31, 2007). Sealand proposes to construct, operate, close and continue post closure monitoring and maintenance of a 34.9-acre double composite liner system landfill, and operate the C&D Recyclables Handling and Recovery Facility.

1.2 PROJECT DESCRIPTION

Sealand proposes to construct, operate, close, maintain, and monitor the facility to include the recovery of re-usable and recyclable materials, and the land disposal of C&D debris and residue in a 34.9-acre double composite lined landfill. The salvageable and recyclable materials are expected to include, but not be limited to, concrete, masonry, wood, doors, door and window frames, plumbing fixtures, glass and windows, metal, paper, and other materials as appropriate. A complementary yard waste composting operation will serve the local community, providing an outlet for yard wastes and making available compost for use in reclaiming the site and for use by the Town of Carroll and its residents. The C&D processing and yard waste composting operation will include a receiving and sorting facility with a roofed shelter, process equipment, windrow composting area, and stockpiles of processed and unprocessed C&D materials, raw yard waste, and finished compost.

Ancillary and support facilities include; a weigh scale and scale house, access and queuing roadways, a leachate storage and load-out facility, a maintenance shop/office building, stormwater treatment basins, drainage control structures, and a landfill gas collection and treatment system. An extensive leachate, landfill gas, groundwater, surface water, sediment and air quality monitoring system is provided to obtain and report information related to potential environmental impacts.

The solid waste management facility will be constructed in phases. During Phase 5 operations, all waste from the existing landfill will be excavated and consolidated inside the double-composite liner system in Cell 1 and Cell 2. As landfill final grades are achieved, a final cover system will be installed and the area will revert to open field conditions.

Currently degraded streambanks will be restored using a variety of structural features and plants, providing ground cover and root penetration for erosion protection, food and shelter that will attract and sustain wildlife, including Brown Trout, and to improve water quality. Conventional hard structures including a cascade and thermal refuge will be supplemented with soft treatments including shrubs, native trees, and a native riparian seed mix to shade and cool the stream. Diversity in select areas near the streams will be enhanced with seepage wetlands relocated from

the footprint of the landfill. The remaining undeveloped area of the site consists of enhanced wetland and forest, meadow, or brush land along the site's perimeter.

When the final cover system, all drainage facilities and seeding of all final covered areas has been completed, the closure of the landfill is considered final. A closure site investigation will be completed and a report submitted to the department at least 180 days before the last receipt of waste in accordance with subdivision 363-9.2. The final cover system will be progressively applied in accordance with the requirements of the regulation, weather conditions allowing.

Post-closure activities comprise the following major elements:

- Routine inspection, regrading and slope re-stabilization of the final cover system;
- Routine inspection, maintenance and repair as needed to all drainage control structures;
- Reseeding, fertilizing and mulching of cover vegetation;
- Inspection and cleaning of the gas control system;
- Routine inspection, maintenance as needed to the final cover irrigation system; and,
- Routine inspection, maintenance and repair as needed to the groundwater and surface water monitoring systems.

The recent updates to the solid waste management facility regulations require post-closure care activities to continue until the owner or operator can demonstrate to the department's satisfaction that environmental monitoring and maintenance can be reduced. Once that demonstration is made, the owner or operator will submit a custodial care plan, and when approved by the NYSDEC, landfill cap and vegetative cover maintenance; maintenance of all drainage structures, gas venting structures, access roads, monitoring points, fencing and gates; sampling of groundwater, surface water, and leachate and annual inspections are to be carried out in perpetuity. Details of the post-closure monitoring program are provided in the Environmental Monitoring Plan.

2 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

2.1 REQUIRED PERMITS AND AGENCY REVIEWS

The Project is subject to the approval by the NYSDEC of a number of permits including:

- 6 NYCRR Part 201 – Air State Facility Permit;
- 6 NYCRR Part 360 – Solid Waste Management Facility Permit;
- 6 NYCRR Part 750 – Industrial State Pollutant Discharge Elimination System (SPDES) Permit;
- 6 NYCRR Part 601 – Water Withdrawal Permit;
- 6 NYCRR Part 608 – Protection of Waters Permit; and,
- 6 NYCRR Part 608.9 - Water Quality Certification.

Draft permits have been prepared for the Project.

Prior to the November 2, 2017 Notice of Complete Application and acceptance of the DEIS, a number of agencies in addition to the NYSDEC technical staff and the Division of Environmental Permits reviewed application documents as related to their particular jurisdiction, including:

- United States Environmental Protection Agency (USEPA);
- United States Fish and Wildlife Service (USFWS);
- New York State Department of Transportation (NYSDOT);
- United States Army Corps of Engineers (USACE);
- Chautauqua County Department of Health and Human Services (CCDOHHS); and,
- Chautauqua County Division of Transportation.

During this review process, the applicant made edits and modifications to the documents to satisfactorily address agency comments.

2.2 SEQR PROCESS

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the planning, review and permit decision making processes of state, regional and local government agencies at the earliest possible time.

Under SEQR, an agency that has jurisdiction by law to fund, approve or directly undertake an action is called an Involved Agency. An agency that lacks the jurisdiction to fund, approve or directly undertake an action, but wishes to participate in the review process because of its specific expertise or interests is an Interested Agency. One of the Involved Agencies is selected to be the SEQR Lead Agency, and that agency is responsible for managing the environmental review, making determinations and preparing documents required by the SEQRA regulations, 6 NYCRR Part 617. The NYSDEC is the SEQR Lead Agency in the environmental review process for this project.

As the SEQR Lead Agency, NYSDEC reviewed the July 9, 2004 Environmental Assessment Form and issued a Positive Declaration, determining that the Project had the potential for adverse environmental impacts and requiring that a DEIS be prepared. The scope of the DEIS was determined in a formal public scoping process, where community leaders, government agencies, interest groups and the general public helped identify the issues to be addressed. Once the DEIS had been determined complete by the SEQR Lead Agency, it was issued for public review and comment.

Once all public comments on the DEIS have been received, the Lead Agency must prepare the FEIS or cause the FEIS to be prepared. The purpose of the FEIS is to present the public and agency comments on the DEIS, and to provide responses to those comments as they pertain to the proposed action. The FEIS incorporates, by reference the DEIS, its appendices, and supporting studies as they were accepted by the Lead Agency. Any revision to the DEIS is to be described in the FEIS; accordingly, the DEIS will not be republished, but is incorporated by reference into this document.

The final step in the SEQR process is the preparation of findings by the Lead Agency at a time when a final decision is made regarding the proposed action. Findings are made no sooner than 10 days after the FEIS has been accepted by the Lead Agency.

A Findings Statement is a written document, prepared following acceptance of the FEIS, which declares that all SEQR requirements for making a decision on an action have been met. The Findings Statement identifies the social and economic, as well as environmental, considerations that have been weighed in making a decision to approve or disapprove an action. “Findings to Approve” means that, after consideration of the FEIS, the project or action can be approved, and the action chosen is the one that minimizes or avoids environmental impacts to the maximum extent practicable.

For an action which can be approved, an agency’s Findings Statement must articulate that agency’s balancing of adverse environmental impacts against the need for and benefits of the action. If the action cannot be approved based on analyses in the FEIS, a negative “Findings to Deny” must be prepared, documenting the reasons for the denial.

SEQR requires that the Lead Agency must wait at least ten days after the filing of the FEIS before making their findings and final decision on the action. This period is not a comment period, but instead allows time for the involved agencies and any interested parties to consider the FEIS. While concerned parties, or other agencies, may comment in writing to the Lead Agency on the FEIS, the Lead Agency has no obligation to respond to comments on a FEIS.

2.3 CURRENT DEIS

On receipt of all the written and oral input from the public scoping-meeting, the scope of the DEIS was prepared by the Applicant and presented in the May 2012 document titled *Draft Scope of the Draft Environmental Impact Statement for the Carroll Landfill Expansion Application*. The Applicant submitted the first version of the DEIS to the NYSDEC in January 2016. The NYSDEC required a number of revisions and clarifications prior to accepting the DEIS on November 2, 2017.

2.4 PUBLIC REVIEW AND COMMENT

The DEIS was posted on the Applicant's website and all the application documents were made available for public review at the following locations:

Town of Carroll Town Hall
5 Main Street
Frewsburg, New York 14738

NYSDEC Allegany Office
182 East Union, Suite 3
Allegany, New York 14706-1328

NYSDEC Buffalo Office
270 Michigan Street
Buffalo, New York 14203

Myers Memorial Library
6 Falconer Street
Frewsburg, New York 14738

The Public Notice of Complete Application was published on December 13, 2017 and the formal 30-day public comment period for the application was set to end on January 12, 2018. The NYSDEC accepted a written request for additional time to review the application, and extended the review period to February 12, 2018.

NYSDEC Administrative Law Judge, Molly T. McBride, moderated a February 7, 2018 legislative hearing in the Frewsburg Central School District (FCSD) Middle/High School auditorium, where public comments on the DEIS and application documents were taken and documented in a transcript of proceedings, a copy of which is included in Attachment 2 of this FEIS.

3 REVISIONS AND CORRECTIONS TO THE APPLICATION DOCUMENTS

Based on the comments and on input obtained through agency and public review, the Engineering Report and the Operation and Maintenance (O&M) Manual have been revised as described below.

3.1 ENGINEERING REPORT REVISION

In response to Chautauqua County's review of the DEIS, specifically Comment #17 from Mr. Keith Stock's letter dated February 12, 2018, text has been added to Section 1.3 of the Engineering Report. Comment (#17) states, "To comply with 6 NYCRR 360-7.4(a)(2)(i)¹, Sealand's report must *"describe the existing conditions in the proposed service area including characterization of the C&D debris waste stream by quantity, composition, source, and the basis for this characterization; and describe the existing collection and disposal practices, and other facilities in the service area;"* This analysis is missing from the engineering report. Sealand must provide the Department with a detailed analysis. This information should be used, in part, by the Department to determine whether or not the public need for this project outweighs the project's significant impact on the community and the environment."

Section 1.3 of the Engineering Report has been revised to describe the existing collection and disposal practices in the proposed service area, characterize the C&D debris waste stream, and other facilities in the service area. A copy of the revised pages is included in Attachment 3.

3.2 OPERATION AND MAINTENANCE MANUAL REVISION

A number of comments were received suggesting that it would be unlikely that truck traffic to and from the facility will travel only the designated routes to the site. The basic question was what assurances are there that the trucks will only use the proper roads.

The designation and enforcement of approved routes for waste truck traffic is a common element of landfill operations in New York State and elsewhere. As detailed in Section 6.4 of the DEIS, it

¹ Note that this application was deemed complete prior to November 4, 2017 and according to the transition rules found in 6 NYCRR Part 360.4(k), it is being reviewed for conformance with the Part 360 regulations in effect at the time of application. As such, all references to Part 360 regulations throughout the application, including this FEIS, refer to the regulations in effect prior to November 4, 2017. The transition rules also require that future construction and operation of the facility be in accordance with the regulations adopted on November 4, 2017.

has been determined that there are no alternative routes that would be more appropriate than the planned routes. As stated in Section 5.6.1.1 of the DEIS, if drivers en-route to or from the site are observed or suspected of using a route other than the planned routes, the witness is encouraged to report the incident to the Site Manager, and repeat offenders will no longer be permitted to access the site and the waste generator will retain an alternative hauler or use a different solid waste management facility. Sealand's commitment to enforce the use of the designated routes to the site has been added to Section 4.3 of the O&M Manual, and the revised pages are included in Attachment 3.

4 PUBLIC COMMENTS AND LEAD AGENCY RESPONSES

4.1 COMMENT AND RESPONSE ORGANIZATION

Public comments on the DEIS and the application documents were received by the NYSDEC during the public comment period from December 12, 2017 to January 12, 2018 and the public comment extension period from January 13, 2018 to February 12, 2018. Written comments were accepted by letter, email, fax and comment forms submitted during the February 7, 2018 Legislative Public Comment Hearing. Spoken comments were recorded during the Legislative Public Comment Hearing and transcribed to text by a registered professional court reporter.

Overall 97 letters, 1 fax, 249 emails and 51 comments from the Legislative Public Comment Hearing held on February 7, 2018 were received by the NYSDEC. The NYSDEC reviewed every comment to identify substantive comments; specifically, those that are relevant to the proposed action, and the identified impacts, alternatives, and mitigation measures discussed in the application. Comments that are not substantive or relevant are also indexed if they are raised frequently and are of local concern. Those non-substantive comments are addressed in less detail. Most, but not all speculative or subjective comments, questions, or assertions that challenge the information presented in the application but are not relevant to the project or logically supported by reasonable observation or data are indexed and a response has been prepared.

Shared comments have been re-phrased to limit redundancy and help organize a concise response. A concerted effort has been made to characterize and present all of the comments in a manner that does not alter their intent.

For organizational purposes, substantive and frequent comments are identified as excerpts of the correspondence submitted. For some of the comments the language has been slightly modified to consolidate and clarify the collective concern. However, in preparing a response, the entirety of the collective comments has been considered in preparing the response. An index of comments and copies of the complete correspondence, as submitted to the NYSDEC, are provided on a CD in Attachment 1. A hard copy of the transcript of the Legislative Public Comment Hearing proceedings is provided in Attachment 2. In total, responses are provided for 623 individual comments submitted during the public review.

4.2 COMMENT SUMMARIES AND RESPONSE

4.2.1 Community

4.2.1.1 Impact on Chautauqua County Solid Waste Management Program

Item No.	Commenter	Comment
L15	Lingenfelter, J	<p>This project is in direct competition to the county landfill. Why would the DEC permit something like this to take money from the county and put it in the hands of an independent?</p> <p>Chautauqua county already has a landfill that is more than capable of handling the waste that would otherwise be placed in Frewsburg. Our county residents already pay taxes that fund our county landfill, which presently has a methane generator in place to produce energy for the Chautauqua county residents.</p> <p>This proposed landfill is not necessary and would be in direct competition with the one we already support (Chautauqua County Landfill). ...the Chautauqua County Landfill [is] paid [for] by our tax dollars</p> <p>We also have an issue with this new landfill that this company has a history of coming in and intentionally shutting down municipally-owned landfills by offering low rates to begin with below their cost.</p> <p>The County is obligated to plan for and provide comprehensive solid waste management services for the Chautauqua County planning unit. The County was required by the State of New York to build, or contract for, adequate disposal capacity. Tipping fees from the County Landfill pay for a variety of important services in addition to waste disposal, including but not limited to, recycling programs, household hazardous waste collection, pesticide collection, electronics collection, public education programs, local transfer stations, annual allocations of [select] free disposal for local government and the long term care and maintenance of several closed landfills.</p>
L52	Lodestro, C	
L71	Crossley, E	
L304	Borello, G	
E59	Hanson, P	
H6	Borello, G	
RP18	Payne, R	

Response or Action:

Commenters are concerned the proposed facility will compete with the County's Ellery Landfill and threaten the viability of the County's non-landfill environmental programs.

The NYSDEC treats public and private facilities the same and will process applications and issue permits if all the requisite requirements are met. The Department does not regulate competition between solid waste management facilities.

The NYSDEC is not aware of Sealand having a history of intentionally shutting down municipally owned landfills.

New York State's Solid Waste Management Act provided for a structure and expectations for regional solid waste management planning units to encourage regional cooperation, and established requirements and funding for the preparation and implementation of local solid waste management plans in accordance with the hierarchy of solid waste management methods. The Act mandated that municipalities adopt and implement source separation laws or ordinances for recyclables from all generating sectors by September, 1992, but did not require planning units to build or contract for adequate disposal capacity, invest in the development and long term care of landfills, recycling facilities or any other infrastructure.

The goals of the County's solid waste management plan as described in the March 2015 draft Solid Waste Management Plan (DSWMP) are to:

- Provide cost effective disposal for all waste generated in the County;
- Fund and operate a recyclable collection service of last resort for the County's businesses and residents;
- Operate four transfer stations that accept waste and recyclables in a manner convenient to County residents;
- Provide educational services to the County's youth, businesses and residents;
- Organize and finance in part household hazardous waste collection events;
- Finance and perform monitoring and maintenance for the County's closed landfills; and,
- Develop and maintain a landfill gas collection system to fuel the County-owned Landfill Gas-to-Energy (LFGTE) plant, the revenues of which supplement the County tax base to the benefit of its residents.

The County's DSWMP recognizes that waste minimization through source reduction and recycling is a tenet of New York State's solid waste management policy.

Of the 28 solid waste management facilities in the Planning Unit, the County owns and operates five, including the Ellery Landfill and four transfer stations. The remaining 23 facilities are owned and operated by local municipalities or private businesses. Waste and recyclable collection and processing services in Chautauqua County are provided by City or Town government and private business. The County hauls solid waste from the transfer stations to the Ellery Landfill, and recyclables from the transfer stations to municipal or privately-owned Recyclables Handling and Recovery Facilities for processing.

Residents and business customers pay tipping fees at the Ellery Landfill and the transfer stations for municipal solid waste, C&D debris, waste tires, yard waste, bulky items, cathode ray tubes and monitors. Roll-off containers for glass, plastics, metals, cardboard and paper recycling are staged at the transfer stations; as well, rechargeable household batteries and non-rechargeable household batteries are collected in buckets, and all these materials are accepted without charge. Electronics are accepted at no charge except televisions and computer monitors. The County has scheduled three household hazardous waste (including pesticides) drop-off events for 2019.

Funding for the solid waste education programs through the Cornell Cooperative Extension is based on the discretion of the individual county. Chautauqua County has not renewed this funding since 2015. At this time the county's public education program consists of information posted on the County website identifying the fee structure for acceptable solid waste and recyclables, the schedule for household hazardous waste drop off events, and notice of by appointment tours of the transfer stations, and the LFGTE plant.

Per the DSWMP, the County established Enterprise Fund accounts for the self-funded, non-profit, government operation to manage and report expenditures and revenues related to the solid waste management program. Revenue sources included government grants, tipping fees, power sales and renewable energy credits. Operation of the Ellery landfill is not funded by County tax revenues.

4.2.1.2 Solid Waste Management Plan Consistency

Item No.	Commenter	Comment
L303 L317 E52 E181 RP30 H4 H9	Borrello, G Wendel, P Hanson, P Williams, D Payne, R Wendel, P Abdella, S	<p>The DEIS is wholly lacking in its analysis of the effect that the Project will have on the existing solid waste system, in both environmental and financial terms. ...the Project does not comport with any solid waste management plans within the region, and could threaten the viability of some such plans, including the County's. ... Chautauqua County is a municipal solid waste planning unit recognized and established under New York State Law.</p> <p>Chautauqua County Flow Control Law prohibits county waste from going anywhere than the tax-supported county landfill.</p> <p>The proposed Sealand Landfill is not under the Solid Waste Management Plan prepared by NY State.</p> <p>Given that the New York State Department of Environmental Conservation (NYSDEC) has adopted the <i>Beyond Waste</i> sustainable materials management strategy for New York State with landfilling as the least-favored alternative, it is counter to such a policy to approve the siting of a second landfill in Chautauqua County...</p>

Response or Action:

The studies and analyses provided in the DEIS, and the responses to comments on the public review of the DEIS, as presented in this FEIS, provide for a comprehensive assessment of the environmental impacts of the facility.

In financial terms and according to County budget summaries for 2014 through 2017, total apparent revenues for the solid waste related Enterprise Funds averaged \$11,504,204 per year, with expenditures averaging \$9,446,376 per year, and an average profit of \$2,057,828 per year. Reported transfers from the Enterprise Funds to the County's General Fund averaged \$1,881,142 per year. With respect to the financial impact on the solid waste system, in the four-year period of 2014 through 2017, annual waste receipts at the Ellery Landfill totaled between 44% and 55% of the permitted limit. As stated in the County's DSWMP: "*..tipping fee adjustments and equipment distribution can be employed to attract or discourage the use of County facilities by out-of-county generators when the need arises.*" At the currently profitable rate of disposal, it appears any effects the proposed facility may have on revenues can be offset by tipping fee adjustments that increase market share and/or by employing operational efficiencies.

As described in Section 1.8 of the Engineering Report and as summarized below, the proposed C&D management facility by design is highly consistent with the New York Solid Waste Management Plan (NYSWMP), Chautauqua County's approved Comprehensive Solid Waste Management Plan (LSWMP) and other approved LSWMPs in New York State. The services related to recovery and reuse of materials from the C&D waste stream are not now addressed by the LSWMP, nor are they available in Chautauqua County or the surrounding area. More importantly, the facility will help address a current problem identified by the NYSDEC in updating the NYSWMP; that is, how to increase the amount of C&D debris recycling in rural areas of New York State.

The Solid Waste Management Act (Environmental Conservation Law (ECL) 27-0106, the Act) of 1988 established a preferred hierarchy of solid waste management, forming the backbone of the NYSWMP, as follows:

- First, to reduce the amount of solid waste generated;
- Second, to reuse material for the purpose for which it was originally intended or to recycle the material that cannot be reused;
- Third, to recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled; and,
- Fourth, to dispose of solid waste that is not being reused or recycled, or from which energy is not being recovered, by land burial or other methods approved by the department.

Today, the NYSWMP update is embodied in the 2010 document titled *Beyond Waste: A Sustainable Materials Management Strategy for New York State*. *Beyond Waste* emphasizes the upstream sustainable management of materials to fully capture their economic value, maximize use of natural resources and minimize environmental impacts. The updated plan aims to conserve landfill airspace and identifies that there is an everlasting need for landfill capacity.

No Solid Waste Management Facility (SWMF) can materially address the first priority of the hierarchy of solid waste management; however, the Carroll C&D Management Facility provides services that satisfy the second, third and fourth priorities of the NYSWMP. As described in the application, operations at the proposed facility include screening of the incoming wastes, where

readily processed materials will be removed for reuse. Amenable wastes will be recycled/re-purposed or recovered for boiler fuel. The landfill will accept wastes that cannot be economically processed and will be available as a necessary element to dispose of residue from the recycling operation.

While the NYSWMP does not list any SWMFs by name, the approved LSWMP for Chautauqua County specifically identifies the Jones-Carroll Landfill as one of the landfills in Chautauqua County that accepts C&D debris for disposal. The LSWMP recounts that the County has in the past charged relatively high rates for C&D debris, and that remains true today. The LSWMP goes on to state that *“additional facilities will be needed to accommodate C&D debris generated during the remainder of the County’s solid waste management planning period.”*

According to the County’s approved LSWMP:

“Chautauqua County has made a commitment to encourage private sector participation in its solid waste management program. Consistent with this is the encouragement of the maximum degree of competition in the private sector in order to assure the best service and most cost effective solutions to solid waste management problems...examples of this include ownership and operation of construction and demolition waste disposal facilities”.

By incorporating this strategy in the LSWMP, the County acknowledged that managed competition is a driving force for excellence and continuing improvements in service quality. The existing landfill is specifically identified in the approved LSWMP, and the proposed facility will continue the recycling services previously available at the site while also affording material recovery/reuse services not now available in the County or surrounding areas, all consistent with the goals of the LSWMP.

Updates and revisions to Chautauqua County’s December 1992 LSWMP have been underway for many years, and the most recent revisions to the draft reflects the County’s understandable interest in preventing competition with the Chautauqua County Landfill. The draft LSWMP update no longer identifies the existing landfill as an option for C&D material management and contains a

number of statements that there is no need for a second landfill in the County. The draft LSWMP also refers to the possibility of flow control legislation, although such legislation is not yet in place.

As described in Section 1.8.2 of the Engineering Report, a review of the LSWMP's for the 16 planning units in New York State identified on the NYSDEC website with approved updates reveals that four of those planning units have instituted flow control legislation, and the proposed facility will have no effect on their solid waste management programs. The remaining 12 planning units with approved LSWMPs allow or encourage the use of SWMFs outside their jurisdiction. One of these planning units allows the export of C&D wastes only to specific facilities that apply for and receive a specific designation by the authority. Yet another planning unit with a city owned landfill will not develop new landfill capacity once that facility closes, at which time wastes are to be exported to any commercially available solid waste management facility.

4.2.1.3 Property Values

Item No.	Commenter	Comment
L30	Lundgren, R	I am very concerned that the property values of the properties bordering the site and near the site, which mine is, will be greatly decreased.
L46	Lodestro, C	
L53	Axelson, D	The impact will affect the financial value of our home and land values in the town.
L75	Davis, K	
L90	Pryll, R&S	
L102	Hanson, E Jr	The traffic alone decreases property values.
L237	Fiore, C	
L290	Young, C (Sen.)	I live ¾ of a mile from the current closed landfill...Being this close to the dumpsite would definitely decrease property value of all homes in this area, this is a huge concern to me.
E20	Yost, D&J	
E31	Danielson, M	
E38	Moffett, C	
E67	Hanson, P	Numerous trucks generating dust and noise on a daily basis would significantly degrade the surrounding environment and property values with the area. The proposed landfill is located in a thriving rural residential area with existing residences along the property boundary and nearby dairy farms and an alpaca farm.
E90	Hanson, P	
E59	Jones III, J	
E167	Miller, R	
E123	Roushey, R	
E129	Sample, Sh&St	The landfill would significantly affect these property values.
E138	Dahlgren, K	No one will want to buy property in Frewsburg or anywhere along route traveled by landfill trucks.
E164	Jones, K	
RP19	Payne, R	This will cause property values to decrease in the Town of Carroll. Property values affect taxes.
H40	Roushey, R	
H51	Jones III, J	
		Are we going to get tax breaks because the value of our homes has been diminished? Who is going to want to buy my home if it is next to the dump?

Our home value will plummet, and we will never get full value.

Fair market value protection will ensure fair market value – but from pre or post facility? If the ‘presence of expanded facility may have an adverse impact’, then how fair will the market value be if done once the facility is here?

Only structures (not vacant property) within 500 feet are eligible for the Property Value Protection Plan? This isn't much protection. As previously stated, most properties here are vacant. And only a very few are actually within the 500 foot boundary of the site to qualify. What happens if the site expands in size - will those new neighboring properties be given the PVPP? And the idea that Sealand gets first right of refusal on properties up for sale really screams of 'creepy' intentions.

Our property values here in Frewsburg will also decrease if something happens with the landfill.

Sealand has proposed that, in the event their landfill is built, they have a “property value protection plan” for property owners within 500 feet of the facility. What does Sealand have in place for homeowners outside of that measurement?

What is my property going to be worth?

Response or Action:

A proposed Property Value Protection Plan (PVPP) has been submitted to the Town Board in the draft Host Community Benefit Agreement (HCBA), which can be found in Attachment 4 of this document. The purpose of the draft HCBA was to form the basis of discussion and negotiation of the final terms of the agreement with the Town. Under the proposed PVPP, Sealand and the property owner would each retain independent appraisers to assess the property’s full market value absent the proposed facility. If Sealand’s appraisal value differs from the property owner’s, the two values would be averaged to establish the governing appraisal value. If a fair and reasonable purchase offer is made and is lower than the appraisal, Sealand would reimburse the property owner the difference. The provision in the draft PVPP that affords Sealand the option to purchase the property prior to other potential buyers does not impact the full market value of the property.

As discussed in the DEIS Section 5.7.1.1, the further a property is located from a landfill, the less the landfill might affect its market value. Facility expansion beyond the current 53.9-acre property boundary would require a modification to the Town’s zoning regulations. In the highly unlikely event the Town approves modification of the zoning code to allow landfills as an acceptable use, coverage under the PVPP would be expanded accordingly. For properties beyond the scope of the

PVPP, potential negative impact on property values will be mitigated by keeping potential for nuisance violations to a minimum during site operations and stipulating a closure plan that will produce a visual appearance consistent with the rolling terrain of the region.

The PVPP was initially described in the DEIS accepted by the NYSDEC on November 2, 2017 and publicly reviewed between December 13, 2017 and February 12, 2018. The DEIS erroneously described an early draft of the PVPP, which identified that any structure physically located within 500 feet of the site boundary is eligible for participation in the program and that vacant lots and residential structures built after the effective date of the facility permits would not be eligible; whereas, the proposed PVPP includes “any single parcel of land”. The current proposed PVPP is included in Article V Section C of the draft HCBA signed by Mr. Daniel J. Bree on August 31, 2017, a copy of which is included as Attachment 4.

Sealand is awaiting a response to its September 8, 2017 invitation to begin negotiating the final agreement. However, Town residents outside of those eligible for participation in the PVPP will benefit from the final terms of the HCBA in other ways, including increased Town tax revenues, business start-up and job opportunities, rehabilitation and maintenance of roadways near the site, traffic safety enhancements at the 5-Corners intersection and area schools, complimentary yard waste composting services, and the restoration of degraded reaches of Frews Run Creek (see Attachment 4).

4.2.1.4 Need

Item No.	Commenter	Comment
L40	Lampo, A	We have no need for the dump here.
L130	Lander, D	
L137	Wiltsie, B	My concerns are ...saturation – Chautauqua and Cattaraugus County already
L144	Pascatore-Moller, K	provide for 98% of NYC wastes.
L207	Gauger, L	
L258	Greenwood, L	The County of Chautauqua had invested millions of dollars to construct a solid
L259	Lemon, R	waste management facility within the County that could adequately handle all
L269	Fuller, C	the town’s waste disposal needs.
L291	Young, C (Sen.)	
L305	Borrello, G	The county landfill reduces property taxes for local property owners.
L315	Wendel, P	
L318	Harvey, K&R	

L343	Stock, K	The total amount of C&D debris available in the western New York disposal market is simply not enough to sustain the proposed facility. ...there is significant risk the landfill will fail and ultimately be abandoned... The DEC should require the Project applicant to provide a detailed market analysis and business projections to demonstrate the commercial viability of the Project. ... There is also no need for a regional C&D landfill located in the County, since there is already an excess of public and private disposal capacity in the western New York region.	
E8	Hodgins, K&B		
E10	Ognibene, D		
E21	Yost, D&J		
E33	Danielson, M		
E36	Mahoney, T		
E39	Moffett, C		
E49	Anderson, K		
E51	Hanson, P		
E115	Miller, D		
E176	Miller, R		
E180	Williams, D		
RP24	Payne, R		
H3	Wendel, P		The DEIS contains references on page 2-9 and 6-2 that the County's 2014 lateral expansion application stated the County needs to limit its acceptance of C&D waste in the future at the County landfill. However, there is currently no restriction on the disposal of C&D, including gypsum wallboard, at the Chautauqua County Landfill.
H5	Borrello, G		
H7	Abdella, S		
H15	Greenwood, L		
H32	Lingenfelter, R		
H43	Lemon, R		
		The County's landfill in the Town of Ellery was designed to serve not only the entire waste stream of the County but provide significant capacity for out-of-county waste from within the region.	
		We already have 'environmentally responsible and cost-effective waste management service for residents and business in the region' – paid by our tax dollars: the Chautauqua County Landfill.	
		The County landfill is looking for an expansion, an \$18 million project that we've invested in. With that said, we will have the capability of 300 years of C&D waste.	

Response or Action:

Thirty-one years after New York State first adopted a solid waste management hierarchy that prioritized waste reduction, reuse, and recycling over disposal, landfills still manage the largest portion of the waste stream generated in the State and Governor Cuomo has supported the development of landfills as needed infrastructure. It is recognized there may always be a need to dispose of waste that cannot be economically reused or recycled or combusted for energy recovery.

According to Chautauqua County Legislature's Resolution No. 186-96, the mission of the Ellery Landfill is to primarily dispose of solid waste generated within the county, landfilling solid wastes from outside the county only to the degree that these waste streams maintain the operation of the landfill for the benefit of the residents and businesses of Chautauqua County. While the County's DSWMP recognizes that waste minimization through source reduction and recycling is a tenet of New York State's solid waste management policy, the DSWMP relies on residents, municipalities,

and private businesses to accomplish the requisite minimization and recycling activities, wherein the County will collect recyclables at the transfer stations as a last resort.

The Carroll C&D Management Facility is a regional merchant waste management operation that will provide a full range of material recovery, reuse, recycling, yard waste composting; including fuel for energy recovery, as well as land disposal services. The proposed facility provides services that will help accomplish three of the four priorities of the State's solid waste management policy. The facility is intended to draw materials from an approximate 250-mile radius, well beyond the limits of Chautauqua County and Western New York.

According to the NYSDEC's Active Regulated Facility List, as of December 31, 2018 there are only three landfills in Chautauqua and Cattaraugus Counties. The Farwell Landfill in Ischua is closed, and the site is the location of a composting facility for land clearing debris. The NRG Dunkirk Ash Landfill accepted only industrial waste, and it is now considered inactive. The Chautauqua County Municipal Solid Waste (MSW) Landfill in Ellery commonly accepts waste from Allegany, Cattaraugus, Erie, Niagara and Wyoming counties, but none from New York City. Accordingly, no waste from New York City is disposed or managed in the two County area.

For private business, decisions regarding the financial feasibility of a project are left to the Applicant. The Department does not require justification on those grounds.

The Ellery Landfill has the potential to emit air pollutants at or above thresholds that define it as a major source. As a major source, the County is subject to Prevention of Significant Deterioration permitting for pollutants that will experience a significant net increase in emissions due to expansion of the landfill. The County was required to accept several permit limits to ensure none of the emission increases will exceed the limiting thresholds. Because of the recent expansion approval, two of the chemical compounds found in combusted landfill gas; carbon monoxide and sulfur dioxide, have the potential to exceed their respective limits. According to Section 5.6.2 of the FEIS for the County's landfill expansion project, one of the mitigating steps taken to reduce sulfur dioxide emissions is to no longer accept C&D fines. As well, the action plan in the DEIS prepared for the County Landfill's Expansion Application includes a contingency that, "*may result*

in further limitation on the disposal of wallboard”, a prominent component of C&D waste (URS, 2014)².

4.2.1.5 Host Community Benefit Agreement

Item No.	Commenter	Comment
E61 RP21	Hanson, P Payne, R	What are the specifics on the royalty payments to the Town?

Response or Action:

The specifics of the potential royalty payment to the town are outlined in the draft HCBA. The draft agreement can be found in Attachment 4 of this document.

4.2.1.6 Impact on Agriculture

Item No.	Commenter	Comment
L124 L154 L225 L234 L271	Lander, D Wiltsie, R Lundmark, N Coan, J&M Fuller, C	My barn which houses the alpacas is down slope ...any runoff from said dump will naturally gravitate towards the pasture and wooded area on that side of the barn. The alpacas will of course be affected by any environmental waste that accumulates in the grass or water.
E151 F5 RP9	Jones, J Kalfas, S Payne, R	Being in an Ag. District, the health of our animals, family and neighbors will be affected.
H48	Jones III, J	[Groundwater] that flows under the proposed site is most likely in the same water table as my farm’s two hundred foot deep wells and my family well that is three hundred feet deep. If this water were to become contaminated, we would not be able to source enough water to meet the needs of the families dependent on it, let alone the 400 milking cows and more than 300 replacement calves, heifers, and dry cows that we own. Contaminated water within such close proximity of so many fields that I utilize would affect our crops possibly spreading contamination to our cows and then to the milk we produce and sell for consumption.

² URS Corporation. (2014). Chautauqua County Landfill Phase IV Lateral Expansion Draft Supplemental Environmental Impact Statement. Prepared for the Chautauqua County Department of Public Facilities Division of Solid Waste, Jamestown, New York, Accepted on May 7, 2014, pg 5-27.

We operate a small farm very close to where the proposed landfill will be located. We raise our own beef for consumption because of the unknown of store bought meat. We feed these steer with hay raised off this very farm. The steers will also drink the water from the well on the farm also. The dump will defeat the very purpose we started raising our own meat.

Response or Action:

The general topography of the site slopes to the east and southeast. The alpaca farm which is subject of the first comment in this section is entirely uphill from the entire site and in no way down slope. That said, the site includes an extensive stormwater management system as described in Section 4.11 of the DEIS. Stormwater management elements have been designed in accordance with the NYS Stormwater Management Design Manual requirements. These elements will be monitored per the site's Stormwater Pollution Prevention Plan to help maintain the effectiveness of the drainage system in treating stormwater and the protection of Storehouse Run and its tributaries. The waste itself will be compacted within the active working face upon disposal and will not be allowed to migrate offsite. Windblown litter is typically not a significant issue with C&D waste, but in the event of litter problems at the site, landfill personnel will work overtime hours to manually pick up blowing litter, as described in Section 4.4 of the Contingency Plan.

As described in the Site Investigation Report (Carey, 2015), groundwater in the shallow water bearing zone at the site is perched within the upper till or glacio-fluvial deposits, and either flows down slope toward the discharge zone in the unnamed tributary of Storehouse Run, or percolates downward through the lower till and residuum entering the underlying shale bedrock (the deeper water bearing zone) where it can continue to flow down slope toward the discharge zone in Storehouse Run. Both surface waters were observed to be gaining streams, clearly accepting discharge of groundwater throughout their entire length. There are no agricultural lands between the site and the groundwater discharge zones in Storehouse Run and its unnamed tributary. The nature of the land is such that there will in all probability never be agricultural land inside the site-specific groundwater shed. No significant adverse impacts to agriculture or groundwater are expected as a result of this action.

4.2.1.7 Visual Impacts

Item No.	Commenter	Comment
L47 L122 E111 E117 E165 RP31	Lodestro, C FCSD Hanson, P Miller, D Miller, R Payne, R	<p>I am also concerned about the visual damage that the site will pose.</p> <p>How will this Project impact this recreational area [Erlandson Park Overview], especially when the landfill, upon completion, will be extremely large detracting from the view of the park as our students look out onto a mountain of debris?</p> <p>According to ... Figure 3-2, my house is situated exactly on the Sandberg Road side of the redline on the South side of the facility site. Redline on the drawing legend indicates "Easily Visible"...the thought of sitting on the porch or patio and seeing a mountainous landfill looming across the street is a dismal one indeed.</p>

Response or Action:

A Visual Resource Assessment (VRA) was completed to assess the visual impacts of the project following the NYSDEC program policy *Assessing and Mitigating Visual Impacts* (DEP-00-2).

The visual study area for the VRA extends to a five-mile radius around the site per the NYSDEC policy. The studies conducted as part of the VRA concluded that the landfill and supporting facilities will be visible at certain foreground locations up to ½ mile, and limited locations in the middle ground (½ mile to three miles) and background (three to five miles). Due to the significant distance from the site (2.2 miles) and the higher elevation of the Tom Erlandson Overview Park, the project may be visible on close examination of the broad expanse of the landscape absent vegetation, however; coupled with the prominent tree line between the Park and the site, the proposed facility will be largely obscured even at full build out. Noticeable changes in the visual character of the landscape from the foreground view will be obvious in certain locations. Because of the similarity in the form, color, and texture of the project with the screening afforded by the natural landscape, no significant adverse impact to the visual character of middle and background views was identified.

Mitigation efforts for the area immediately adjacent to the site will be primarily in the form of landscaping and landfill maintenance. Through the use of perimeter screening berms, progressive lift berming and timely planting of grasses, herbaceous vegetation and trees, the visibility and

contrast of the proposed facility will be limited to the maximum extent practicable. Upon closure, the site will visibly resemble the rolling hills in which it is nestled.

In addition to the VRA, the Tom Erlandson Overview Park was evaluated for the possibility that air pollution related haze created by the project may cause visibility impairment which would detract from the grand view. A Level 1 Screening Analysis was conducted according to USEPA guidelines. Such an evaluation is typically only performed for much more significant projects under the Clean Air Act but was included as part of this application due to community concerns. As a result of the Level 1 Screening Analysis, it was concluded that there are no physically possible conditions under which a visibility impact would occur, even under the most conservative, worst-case scenario analyzed.

For more detail, the VRA is appended to the DEIS as Appendix F, and Sections 3.11 and 5.9 of the DEIS further address visual and aesthetic considerations and the results of the Level 1 visibility analysis are presented in the Air Quality Monitoring Report prepared by Conestoga-Rovers & Associates and included in Appendix I and discussed in Section 5.11.1.

4.2.2 Groundwater

4.2.2.1 Drinking Water Supply

Item No.	Commenter	Comment
L11	Lingenfelter, J	How will the DEC guarantee that my well water will not become contaminated from this landfill?
L17	Lingenfelter, R	
L48	Lodestro, C	
L59	Crossley, E	Currently, all homes in the Town of Carroll past Oak Hill Rd. split lie outside of the Carroll Water District. This means that they get their drinking water from private wells, many of which could be adversely impacted by the proposed landfill.
L72	Davis, K	
L79	Davis, J	
L91	Pryll, R&S	
L95	Rublee, D&A	
L103	Hanson, E Jr	How will the water supplies of the people bordering the site be protected?
L108	Waite, W&D	
L109	Ekstrom, P	If [fresh water for the facility] will come from well water from the site, what will that do to the water table for neighboring wells?
L128	Lander, D	
L151	Wiltsie, R	How slight of a reduction in groundwater levels within the area directly below the landfill are we talking about - specifically? The water table that is to be intentionally lowered supplies my own well and that of my neighbors.
L230	DeLorenzo, P	
E1	Anderson, W	
E17	Yost, D&J	
E42		

E120	Anderson, K	The Town of Carroll has historically been served by a number of public water wells supplying potable water to the community. Prior to the enactment of the Waste Disposal Law, the Town of Carroll had to suspend the use of three of its five public wells as a result of groundwater contamination that was attributed to landfills in the Town. As a result of the Town's public water wells being contaminated, the Town felt that it was absolutely necessary to restrict any further operation of landfills within the Town of Carroll so as to protect the Town's water supply and the health and safety of its residents.
E137	Roushey, R	
RP16	Dahlgren, K	
E107	Payne, R	
E63	Hanson, P	
L257	Hanson, P	
E159	Greenwood, L	
H14	Jones, K	
H49	Greenwood, L	
	Jones III, J	
		The landfill sits right on top of a large aquifer...that water is most likely the same water that is at my water table and the water table from which all the local families draw water from for their wells.
		Where is the aquifer?

Response or Action:

Local Private Water Wells

The purpose of the applicable State regulations was to develop landfill siting, design, construction, and operational requirements that exceed federal requirements and would ensure the environment and public health would be protected through the State's permitting of a solid waste management facility. The water supply in the site-related groundwater shed will be protected by the total quality system approach required by the New York State solid waste management regulations (i.e., 6 NYCRR Part 360) as presented in the application.

Per paragraph 360-2.11(a)(5), Sealand conducted a survey of private water wells within one mile downgradient and one-quarter mile upgradient of the site. The results of the water well survey are shown in Figure 3-6 in Section 3.4.4 of the DEIS. Twenty-six private drinking water wells were identified through this process.

Work performed for the preparation of the Site Investigation Report (SIR) included evaluation of the hydrogeology, resulting in the definition of the areas downgradient of the site. The downgradient zone is limited to areas east and southeast of the facility to the unnamed tributary and along Storehouse run south of the facility. The flow traces resulting from both the area wide and site wide model shown in Figure 27, Figure 33 and Figure 46 indicate the approximate directions groundwater passing below the landfill will discharge in either the unnamed tributary, Storehouse Run, or under the path of Storehouse Run. Viewing Figures 3-6 and aforementioned

figures together reveals that there are 13 of the identified 26 private residential water supply wells which are hydraulically downgradient of the site. The other wells are outside of the area that could be downgradient of the facility, as are the Frewsburg Water District supply wells. The site related groundwater shed is less than 175 acres in size, and is completely removed from the watershed for the other 13 wells inside the survey limits, and the extensive Jamestown Aquifer where the Frewsburg Water District (FWD) supply wells are located.

The prescriptive requirements of 6 NYCRR Part 360 regulations for C&D landfills, including siting, design, construction, operational and monitoring requirements are protective of all downgradient wells to the site.

Section 4.7 of the DEIS states that a water supply well will be installed to supply water to the shop and sanitary facilities in the scale house. The proposed location of this well is shown on Figure 2-2 in the DEIS. To minimize demand on groundwater resources, non-potable water needs, such as dust control and watering of vegetation on the landfill, will be met by use of contact water sediment basins and the non-contact stormwater detention ponds as stated in Section 5.8.1 of the DEIS.

Numerical groundwater model simulations presented in the SIR indicate that construction of the liner system will produce a slight reduction in groundwater levels within the underlying geologic units directly below the landfill. The groundwater pumping wells, trench drain, and sump pits will be operated in the short-term to accommodate subgrade excavation and landfill liner construction activity. After initial waste placement operations, groundwater control against uplift will be afforded by the geocomposite porewater drain. Once the weight of the liner system and waste exceed the hydrostatic uplift forces by a factor of safety of 1.3, the porewater drain will be deactivated. During operation of the above groundwater control systems, the groundwater heads will vary in response to pumping rates, aquifer recharge and discharge, and climatic and seasonal fluctuations. However, flow patterns will not be materially altered, and the yield of nearby residential wells are not expected to be adversely affected by facility operations or construction as designed.

Town of Carroll's Public Water Wells

The Town of Carroll has one municipal water supply system to serve approximately 2,500 residents within the FWD. Potential sources of water for the FWD include six groundwater wells

designated Well #1, Well #2, Well #2A, Well #3, Well #4 and Well #5. All these wells are installed in the Jamestown Aquifer, which is located more than three miles away from the site and is not downgradient of the site. The site will not have an impact on the existing well field as it is not hydraulically connected to the Jamestown Aquifer. In addition, the site is not upgradient of any of the other potential aquifers that could be used by the Town as public water supplies (See the *Map of potential yields of wells in unconsolidated aquifers* in Appendix C of the SIR). Therefore, the site would have no potential to impact any future public water supplies relying on groundwater.

The issues related to the current water supply wells have been caused by their proximity to uncontrolled inactive hazardous waste disposal sites and are not indicative of conditions that are expected to occur after construction and operation of the proposed landfill.

Local Aquifers

As stated in Section 3.4.1 of the DEIS, there are two significant aquifers located in southern Chautauqua County, the Jamestown aquifer and the Conewango Creek Valley aquifer. The site is three miles or more away from either aquifer. Research conducted for the SIR concluded that not only is the site not over a primary or principal aquifer; it is not directly connected via groundwater to either the Jamestown or the Conewango aquifer.

The groundwater shed in which the site is located is quite small. All residential water wells within the local groundwater shed are located east of the site, and also lie east of Storehouse Run so the bulk of groundwater used by residents originates in the steep upland areas east of Dodge Road and outside the site related watershed.

4.2.2.2 Asbestos

Item No.	Commenter	Comment
L29	Lundgren, R	There is even a risk of asbestos contamination into our personal drinking water tables due to the location of this garbage dump.

Response or Action:

Exposure to asbestos can risk serious health problems if asbestos containing material (ACM) is disturbed in such a way that the particles become airborne and are inhaled or ingested. Asbestos is not water soluble. Accordingly, it will not dissolve in the leachate, is virtually immobile and sampling is not required by NYSDEC’s groundwater monitoring program.

In a landfill operation, this potential problem relates to the disposal of asbestos that can be easily crumbled and become airborne, which is defined as friable asbestos. Non-friable ACM will not normally break down and become airborne. Only non-friable ACM can be accepted at the facility.

Non-friable ACM will be mixed with and handled in the same manner as other wastes that do not contain non-friable asbestos, as follows:

- The working face width will be restricted to the smallest area practicable based upon peak daily incoming waste rate and other conditions as described above;
- Lift height will be a maximum of ten feet;
- Waste will be spread and compacted in layers not to exceed two feet in thickness with each layer compacted with a minimum of three passes of the landfill compactor;
- Working face slopes are approximately three horizontal to one vertical (3H:1V) during fill placement; and,
- A minimum of 12 inches of cover will be applied to areas where no additional waste will be placed for 30 days.

4.2.2.3 Liner Leakage

Item No.	Commenter	Comment
L26 L31 L58 L73 L82 L136 L146	Jones, J (Sup) Lundgren, R Crossley, E Davis, K Pope, C Wiltsie, B Pascatore-Moller, K	As was previously stated all liners leak and the possibility of any contamination to Town of Carroll water or private well contamination should be of utmost concern for this project. Leachate run off in our ground water, water wells, and small streams. Not all of this run off and leakage can be mitigated

L162	Anderson, B	“All landfills leak” is a given, therefore there WILL be contaminants entering not only this protected stream, but our groundwater and drinking wells.
L170	Anderson, K	
L178	Bender, G	Sealand’s engineer stated in 2004 “ <i>All liners leak. The question is, how much do they leak.</i> ”
L187	Kurtz, E	
L190	Saxton, W&J	
L217	Wiltsie, R	There is no way to prevent leakage and Sealand knows that.
L227	Lundmark, N	
L241	Fiore, C	Any leakage from the liner is unacceptable.
L252	Pine Grove Sup	
L264	Ridout, S	...this site will be...eternally producing leachate - which will consistently flow through the gravel base into the soil and water table.
L282	Rublee, D	
L298	Bell, P&C	...they [Sealand] also pointed out there are 292,000 gallons of water running underneath their proposed landfill, which means if there is a breach or there is a problem, the ramifications will be substantial.
L300	Engstrom, K	
E14	Magnuson, T	
E57	Hanson, P	
E62	Hanson, P	
E97	Hanson, P	
E126	Sample, Sh&St	
E136	Sitler, R	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
E158	Jones, K	
E178	Mott, K	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
F1	Kalfas, S	
L107	Waite, W&D	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
L219	Smith, M	
L233	Coan, J&M	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
L321	Larsen, J	
E3	Smith, T	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
E27	Danielson, M	
E98	Mott, K	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
H22	Caster, C	
H45	Goodell, A	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
RP9	Payne, R	
L39	Lampo, A	All landfill liners leak at some point in time. The soil makeup in this area is one that is mostly made up of gravel. Is Sealand going to ...[be responsible for] the environmental damage caused by such a failure?
RP17	Payne, R	

Response or Action:

The double composite landfill liner system for this facility exceeds the single composite liner system requirements for a C&D landfill and is protective of groundwater in that it employs four liners including two geomembrane liners and two soil liners. The double composite liner system also includes three intervening collection and removal layers to contain and remove liquids while providing internal performance monitoring data, as described in greater detail below. The base of the liner system employs hydraulic containment such that where leachate will accumulate before being pumped out for treatment, any leakage will consist of groundwater directed inward, and not leachate directed outward to groundwater.

An extensive stormwater management system will be constructed to redirect surface water runoff and to contain and treat direct precipitation. New onsite drainageways will be created to divert stormwater runoff entering the property along the north, west, and south perimeters of the site so that it will not have the opportunity to come in contact with facility operations. Stormwater runoff from site areas outside the working face, such as interim or final cover of the landfill, runoff from access roads and roofs, and other disturbed areas, will be treated by Sediment Basins 1 and 2 and the graded filters before being discharged offsite to tributaries of Storehouse Run or directly to Storehouse Run. This discharge does not include leachate or stormwater runoff that has come into contact with waste. All precipitation falling directly onto the landfills working face and that has come in contact with the waste, will be collected and managed as leachate.

As evidenced by the reporting forms in Appendix A of the Operation and Maintenance Manual and as described in Section 5.3.1.5 of the DEIS, a number of mitigation measures are included to ensure that leachate stays out of the surface water system. These measures include:

- Daily inspections for leachate outbreaks;
- Daily inspections of the stormwater and leachate management facilities;
- Use of dual-contained piping to transfer leachate from the double liner system to the leachate tank and from the leachate tank to the load-out facility;
- A high-level alarm and secondary containment for the leachate tank;
- Detailed weekly inspections of the leachate system including the storage facility;
- Biannual cleaning and inspection of the leachate tank's internal integrity;
- Containment and overflow protection provided at the leachate load-out facility.

The design of the stormwater management system along with the inspection and mitigation measures listed above, provide significant protections such that leachate poses little threat to nearby surface waters. For confirmation, the site's proposed Environmental Monitoring Plan includes quarterly sampling of surface waters at locations both up and downstream from the facility. Any expression of liner leakage or other impact from facility operations would be detected and corrective actions would be taken.

Leakage Volume

By conservatively ignoring the intragradiant condition, the short-term peak leakage rate over 34.9 acres of a double composite liner system amounts to 1.7 teaspoons per day, and the long-term rate is less than 0.05 teaspoons per day. Liner system leakage is addressed in Section 5.2.1.2 of the DEIS, as well as, Section 4.5.4 of the Engineering Report, and the associated calculations in Appendix D of that report.

For comparison, subparagraph 360-2.7(b)(9)(iv) defines the maximum allowable leakage rate from just the primary liner in a double composite liner system to be 20 gallons per acre per day (gpad). The volume of liquid removed from the Secondary Leachate Collection and Removal System (SLCRS) can be used as an indicator of leakage from the primary liner system. Therefore, this volume is monitored and should it exceed the 20 gpad limit based on a 30-day average rate of flow, it will trigger contingency measures as detailed in Section 9 of the Contingency Plan for the proposed facility. In accordance with paragraph 360-2.10(b)(2), the contingency measures include a schedule of notifications, a thorough evaluation of the situation, and remedial actions to be taken under the approval of the Department. Thus, while leakage from each individual liner is expected, when considered as a whole, the liner system manages leakage to an inconsequential rate that will not adversely impact groundwater quality.

The site is located in a sub-watershed of Storehouse Run that has a total contributory area of approximately 550 acres at the south tip of the site, which is labeled as Study Point 2 in Figure 7-2 of the Engineering Report. The reported volume of 292,000 gallons per day of water located in this large watershed is based on an annual infiltration rate of more than seven inches over the entire tributary area. At a maximum, the “leakage rate” from the double composite liner is computed to be 1.7 teaspoons per day, or 0.002 gallon per day. At Study Point 2, if this leakage were outward, this is a mere 1/146,000,000th of the total volume of groundwater. This ratio assumes that none of the leakage calculated is collected in the porewater drainage system installed below the double composite liner system, nor does it assume any reduction groundwater flow under the landfill associated with the landfill lining, drainage system or stormwater.

Gravel Subgrade

The soil layers above bedrock at the site are predominantly a mixture of clay, silt, sand and gravel. While gravel pockets are found at the site, they are small and isolated, do not govern groundwater

flow patterns, and do not amount to a gravel base for the landfill. A detailed review of the test boring and test pit information provided in the SIR does show pockets of sand and gravelly sand or sandy gravel; however, no gravel, gravelly sand, nor sandy gravels will remain under the lined landfill as designed and presented on Sheets PD-5 and PD-6 of the engineering drawings. Any materials with considerable gravel content remaining within the limits of the landfill are isolated zones within the lower till unit. The gravelly pockets within the till units contain abundant amounts of clays and silts that significantly lowers their permeability. A review of the boring lithology, proposed subgrade over excavation and baseliner profile showed only two occurrences of soil described as sand or gravelly sand that would remain below the bottom of the basal liner system. These occurred in boring PZ-11 and test pit TP-9 where the materials are isolated within the till and more than 10 feet below the bottom of the double composite liner system.

Sealand is responsible for any contingency measures, if needed. This question is answered in more detail in Section 4.2.2.4.

4.2.2.4 Contingency and Compensation

Item No.	Commenter	Comment
E109	Hanson, P	What is the plan to treat this [contaminated groundwater] if there is a leak?
E147	Eckman, K	Will they dig up the entire section, liner and all, and then do what with it? Or is the idea of the design to just let them know when and where there is a leak and no treatment is available, other than reactive (like ceasing to use water wells in the area)?
L191	Saxton, W&J	<p>If [groundwater is] contaminated [due to liner leakage] how would this water be cleaned?</p> <p>Who will be responsible for paying for the cleanup and how will the residents of the area be compensated for a lack of drinking water should their wells be contaminated?</p>

Response or Action:

The double composite liner system provides for, and the NYSDEC regulations require, pro-active action to prevent groundwater contamination. Flow rates are measured during operations and the

post-closure period in the SLCRS, and the rolling 30-day average flow rate is reported to NYSDEC. Any liquid in the SLCRS is contained by the secondary composite liner system and is removed for treatment. In the event the flow rate exceeds 20 gpad, Sealand must submit an assessment within 14 days describing the suspected cause of the excess flow and any short-term actions that have been taken or are planned to be taken. One possible outcome clearly stated in the regulations is that the NYSDEC may require that the owner cease accepting waste and the existing waste be removed from the cell such that the cell can be closed.

If the routine groundwater monitoring program indicates any parameter is in excess of a groundwater protection standard and confirmatory sampling and a review of the data support the notion that impacts from the landfill are suspected, then Sealand is required by the regulation to notify the NYSDEC within 24 hours and local government officials within seven days. A corrective measures assessment must be prepared and presented in an open meeting for public comment and input. The selected corrective measure must be approved by the NYSDEC and must be completed by the owner in a manner that protects public health and the environment. In the event the corrective measure is not timely completed the NYSDEC can seek civil or criminal penalties or other damages under State law.

In accordance with the Part 360 regulations, Sealand will be responsible to pay for any corrective measures that may be needed in the event groundwater protection standards are exceeded. In the very unlikely event groundwater protection standards are exceeded due to facility operations, a corrective actions assessment must be conducted and a corrective actions program must be implemented according to the steps outlined in section 360-2.20. This section of the regulation also mandates the proper notification and involvement of the public. In any corrective actions program, subdivision 360-2.19(d) requires a financial assurance mechanism to cover the cost of the program for the entire corrective measures period.

4.2.2.5 Groundwater Monitoring

Item No.	Commenter	Comment
L296	Williams, R	

E179	Mott, E	Groundwater contamination is a big concern. I have read that there will be test wells to assess the water quality, but if an issue is detected then it is too late.
L338	Stock, K	
L335	Stock, K	
L336	Stock, K	Will they have multiple electronic monitors/detectors around the perimeter to detect leakage? How will they know if there is a leak at the bottom of the pit?
L321	Larsen, J	
E48	Anderson, K	
L337	Stock, K	<p>The proposed Environmental Monitoring Plan ignores the perched overburden zone. The regulations permit the Department to require more extensive monitoring, where warranted. The perched overburden zone should be monitored to protect nearby residences and water quality in the stream, in addition to the bedrock zone.</p> <p>Given the close proximity to nearby residences and the stream and locally unpredictable flow paths in the overburden and the bedrock, the Environmental Monitoring Plan should include a greater density of groundwater monitoring wells. Additional monitoring well clusters should be placed.</p> <p>At local scales, flow in fractured bedrock is unpredictable. Sealand's site-wide, conceptual computer model approximates the bulk movement of water within each layer, but cannot resolve flow within individual fractures. The numerical model is a highly simplified representation... and relies on a number of assumptions about various layer properties that were not directly measured.</p> <p>Who will monitor the water flowing beneath the existing landfill for contaminated waste leaking into it? It would be unacceptable to trust this to the operator.</p> <p>What about the wells of the landowners, which are not monitored like the village wells have to be?</p> <p>Quarterly testing for 6 NYCRR Part 363 Expanded parameters should be performed for all residential wells immediately down and cross gradient from the landfill.</p>

Response or Action:

Components of Groundwater Monitoring

Before any impact would be detected in the groundwater monitoring well array, the layered design of the landfill baseliner will have provided a number of barriers that are independently monitored for the detection of liner system leakage.

Successful monitoring begins with the leachate itself. Liquids within the waste will trickle down through the waste by gravity and collect in the primary leachate collection and removal system (PLCRS). Leachate in the PLCRS will be sampled and analyzed for Part 360 baseline parameters to establish the signature of the primary leachate for comparison to other environmental samples.

Directly under the PLCRS is the secondary composite liner and below that, the SLCRS. Both the quantity and the quality of liquid removed from the SLCRS are evaluated to determine whether leakage is occurring from the primary composite liner system. As described in Section 4.3.2.2, paragraph 360-2.10(b)(2) requires a description of the actions to be taken in the event that leakage from the primary liner system exceeds 20 gpad based on a 30-day average rate of flow. Therefore, to evaluate the leakage of the primary liner, the volume of liquid that is collected by the SLCRS each day is monitored. Liquid from the SLCRS will be analyzed to detect the signature of the primary leachate. This will identify whether the liquid collected is due to leakage from the primary liner or attributable to one of the other four common sources of liquid found in the SLCRS over the life of the facility; i.e., shallow seepage entering the SLCRS at the edges of the liner system, construction water, consolidation water, or groundwater seepage.

Beneath the lowermost portions of the SLCRS a porewater drain will be installed providing a second level of liner system leak detection. Sampling and analysis of the discharge from the porewater drain sump will be performed to detect the signature of the primary leachate. A leak from the bottom of the landfill will be detected if the signature of the primary leachate is detected in the SLCRS and the porewater drain samples. Electronic methods are used in the CQA program to detect defects in the geomembrane liners after installation; however, electronic monitors will not be used to detect leakage as part of the routine groundwater monitoring program.

The site related groundwater shed is small and flow patterns are well defined and predictable such that groundwater quality can be readily monitored. An array of seven downgradient and four background groundwater wells have been established to provide adequate horizontal and vertical monitoring of the flow regime.

Monitoring Regime

The comment begins with the statement that is correct in general but assumes that the frequency of fractures within the “local scales” dimension is small and that the conductivity of just a few fractures dominates the system on the local scale. This is not true of this site.

The uppermost conductive layer continuous at the site is the Highly Weathered Shale (HWS). This is reported in the SIR Section 4.2 to be comprised of aggregated soil like particles on the order of several square inches and referenced to Crane (1966) as a “rubble zone”. This was verified by

observations at the site and reported in the test boring and test pit logs. In addition, the underlying shale below the HWS was found to be significantly broken and fractured, as evident in the log descriptions and the low rock quality designation (RQD) of the collected core samples. RQD is a gross estimate of the competency of a recovered rock core; the lower the percentage, the greater the number of fractures. The recorded RQD from the site investigation was less than 50% overall and less than 25% within 60 feet of the ground surface. The bedrock materials underlying the site within the distance below the ground surface that could be affected is sufficiently fractured to allow it to be characterized as porous media. Evidence of this is apparent in virtually all of the in-situ permeability tests conducted in the bedrock, as evidenced in SIR Figure 17. None of these tests suggest flow is governed by fracture patterns on a local scale. As such the commenter's suggestion that the concepts of site flow and model results presented by Sealand are invalid is incorrect, and not founded in or supported by the data collected.

Modeling performed on the site wide level was performed using values of permeability that were based on in-situ testing and laboratory testing. The permeability values for the bedrock were based on actual measured values, as discussed in Section 7 of the SIR and presented in the SIR figures.

The numerical modeling also included estimation of parameters based on statistical analysis using observed heads at the site. These runs, presented in Figures with "Site Model-Pest" represented variation from the horizontal and vertical permeability values by zone. It should be noted that the conclusion of the modeling presented in the SIR in Section 7.3 was that the discharge pathways were relatively insensitive to the assumed permeability values that would reproduce head patterns observed in the wells at the site.

In summary, this comment presumes the basis of flow is dominated by discrete fractures; whereas, the site behavior is dominated by bedrock and highly weathered bedrock that is well approximated as an isotropic media.

Based on analyses presented in the SIR, the HWS and the Upper Bedrock to a depth of approximately 50 feet below the HWS is the most productive water-bearing zone, conveying groundwater off-site in a south to southeast direction under current conditions. The more permeable glacio-fluvial deposits are absent in the northern (i.e., upgradient) region of the site and are discontinuous and largely unsaturated along the eastern (downgradient) part of the site where

the stratum approaches the discharge elevation to Storehouse Run. Site preparation activity will remove the majority of glacio-fluvial materials from beneath the landfill footprint. That fraction which remains below the liner system is hydraulically isolated from the downgradient glacio-fluvial materials by the subgrade replacement material; therefore, additional monitoring of the downgradient glacio-fluvial materials is not part of the monitoring plan.

Clause 360-2.11(c)(1)(i)(b) mandates minimum spacing requirements for groundwater monitoring wells of 500 feet along the downgradient perimeter of the facility in the uppermost water-bearing unit, and 1,500 feet upgradient or cross-gradient of the facility. Due to the specific placement of monitoring wells to intercept groundwater flowing from beneath the landfill in direct line with downgradient residential wells, the actual spacing of monitoring wells is between 180 and 450 feet with a total of seven downgradient wells slated for monitoring under the Environmental Monitoring Plan (EMP). This density of the proposed monitoring wells already exceeds the four to five wells required by the NYSDEC.

The internal monitoring of the double composite liner system, coupled with the strategic placement of the sentinel wells as described earlier in this Section, and the well-defined and predictable groundwater patterns, provide adequate and timely groundwater quality data for an effective and protective monitoring program.

Oversight

All laboratory reports will be reviewed, and the data will be entered into a database for statistical analysis by a third party. It should be noted that NYSDEC regulations require the use of a National Environmental Laboratory Accreditation Program (NELAP)-certified laboratory. Groundwater quality evaluations will focus on procedures that determine whether or not a significant change in the concentration of any of the parameters may have occurred at the individual monitoring locations. Narrative descriptions of the data analysis and conclusions, as well as the laboratory results and other supporting information are reported to and reviewed on a quarterly basis by the NYSDEC's Regional Materials Management Engineer for Region 9, as well as, personnel in the Department of Materials Management in NYSDEC's Albany Headquarters per the facility's draft solid waste permit.

Monitoring of Local Residential Wells

Each active residential water well immediately south and east of the landfill is assigned a sentinel well specifically positioned by a groundwater flow trace between the landfill and the residential well. Monitoring of the sentinel wells will occur quarterly under normal operations as described in the EMP.

Per request from and in cooperation with the CCDOHHS, several private water wells adjacent to the site were sampled and tested for Part 360 Baseline Parameters to establish existing water quality in those wells. As described in Section 3.6 of the EMP, Sealand agrees to work with the CCDOHHS and pay for annual baseline sampling in four residential water wells of the County's choice. This sampling is beyond what is required by the NYSDEC for a Part 360 Permit.

It is well accepted that impacts to groundwater due to leakage from a C&D landfill can be detected using a handful of indicator parameters that show a sufficient concentration contrast between the leachate and groundwater. This list contains far fewer parameters than are included in the expanded list. Quarterly testing for the expanded parameter list is required only when impacts to groundwater are confirmed, and additional sampling is deemed warranted. It will be the CCDOHHS's responsibility to coordinate with the laboratory field staff and confirm the property owner's willingness to participate in the program.

4.2.3 Surface Water

4.2.3.1 Streams

Item No.	Commenter	Comment
L5	Lingenfelter, M	
L38	Lampo, A	Why would the DEC an Environmental agency allow anyone to disturb Storehouse Run Creek a known Protected Spawning Trout Stream? What will the effects of that disturbance be?
L41	Lodestro, C	
L53	Crossley, E	
L74	Davis, K	
L92	Pryll, R&S	
L96	Rublee, D&A	Storehouse Run is a nice little trout stream. It won't be when the landfill liner fails and fills the creek's banks with toxic runoff. Toxic runoff from such a failure would have a hugely negative impact on thousands of people and hundred/thousands of miles of water.
L110	Ekstrom, P	
L120	FCSD	
L141	Hostetler, M	
L193	Saxton, W&J	

L246	Olson, B	Storehouse Run will be contaminated...The contaminants could eventually flow to the Conewango, on to the Allegany in Warren, PA...on into the OHIO and eventually into the Mississippi to the Gulf of Mexico.
L251	Pine Grove Sup	
L265	Ridout, S	
L281	Rublee, D	We are concerned about water contamination as Frew Run Creek is right behind our house and this is gravel base soil, so it will leach fast.
L340	Stock, K	
E13	Magnuson, T	
E64	Hanson, P	Who will be responsible for pollution due to runoff and how will those affected be compensated?
E132	Sample, Sh&St	
E168	Miller, R	
RP10	Payne, R	Leachate runoff during heavy rains and snowmelts is a huge concern. ...the toxic material seeping into our streams & creeks; that would not only affect the immediate future (tons of fish and birds) but would have a long term effect. "Water quality impacts due to leachate and/or petroleum products stored and used onsite" apparently means runoff is anticipated to negatively affect surface water. Stormwater along the western and part of southern sides of the site discharges to a culvert under Sandberg Road. ...The surface water monitoring proposal in Environmental Monitoring Plan ignores this part of the landfill. Additional surface water samples should be collected at the culvert and below the confluence of this flow with Storehouse Run. We have trout streams downstream from this proposed site as well as Kinzua Reservoir maintained by the Army Corps of Engineers. This lake is used by many for boating, kayaking, and fishing. This lake supplies water to the Alleghany River traveling all the way down to Pittsburgh, PA. Won't this leachate pollute the Quaint Road treatment facility as well as areas downstream for them in Falconer?
E83	Hanson, P	

Response or Action:

Potential surface water impacts, mitigation measures and stream enhancement features proposed by Sealand are discussed in detail in Section 5.3 of the DEIS.

The stream bed and bank in Storehouse Run near the site have been the subject of two separate investigations by EcoLogic, LLC of Cazenovia, New York (EcoLogic). In July 2015, EcoLogic completed a freshwater mussel survey and habitat assessment³; and in April 2016, an assessment of its physical and biologic characteristics⁴. EcoLogic reports that in the vicinity of the site the

³ Jirka, K.J. (2015). A Freshwater Mussel Survey and Habitat Assessment of Storehouse Run in the Vicinity of the Carroll Landfill. EcoLogic, LLC, dated August 20, 2015.

⁴ Jirka, K.J. (2016). Assessment of the Physical and Biological Characteristics of Four Stream Systems Related to the Proposed Expansion of the Carroll Landfill, Town of Carroll, Chautauqua County, New York, EcoLogic, LLC, dated May 15, 2016.

riparian area and stream water quality are degraded and suffering from excessive erosion, shallow depth and poor shading. Severe sloughing of the banks and the collapse of a large bluff along the west bank contribute to the deposition of silt, which is found, coating rock and sand in low flow areas. Aquatic macrophytes are generally absent.

The riparian plant community is comprised of invasive and ornamental species with a general deficiency in tree and shrub cover. The stripping of native vegetation and lack of shading promotes solar heating of the stream, with thermocouple monitoring demonstrating up to a seven degree (F) stream water temperature increase across the developed areas.

The proposed stormwater runoff treatment system combines settling pools, shaded extended detention sediment basins, sand filters and a temperature monitoring program with a comprehensive stream restoration plan that will stabilize the stream banks and the collapsed bluff, and provide a thermal refuge for native aquatic species. The plan provides for a diverse restorative planting plan intended to attract and sustain wildlife, improve water quality and provide shading and cooling of stream water. The stream restoration plan is presented in detail in the July 2016 Engineering Report supporting the 6 NYCRR Part 608 Protection of Waters Permit application. All of this work will be completed under the purview of the NYSDEC in accordance with the Protection of Waters Permit.

Several commenters associate liner leakage with surface water impacts. It is important to note the landfill design specifications outlined in Section 5.2 of the DEIS which discuss potential groundwater impacts also help prevent impacts to surface water. No significant impacts to surface water from landfill facility leachate are expected due to the design of the Facility.

The site watershed is a relatively small 136 acres (0.21 square miles), and lies wholly within the Storehouse Run watershed, not within the Frews Run watershed. There are no associated impacts to Frews Run from the proposed site as Frews Run discharges to Conewango Creek approximately seven miles upstream of the Storehouse Run discharge to Conewango Creek. Likewise, the site does not lie within the Kinzua Reservoir watershed. The Conewango Creek watershed covers nearly 900 square miles, the Allegheny River 11,600 square miles, and the Mississippi, 1,837,000 square miles. While surface water patterns are well established from the site to the Gulf of Mexico, the sheer size of the watershed and volume of water involved preclude any potential for impacts

from the site from being significant past its immediate discharge zone, as depicted in Figure 3-6 of the DEIS.

Contact stormwater, defined as runoff potentially affected by site operations, includes runoff from interim or final cover, runoff from roads and roofs, and runoff from other areas inside the constructed facility. This runoff will be managed separately from non-contact stormwater, which refers to runoff from upland areas that will be diverted along the northern and western property boundaries. Contact stormwater and non-contact stormwater do not include leachate, or any water that has been in contact with waste. Runoff from snowmelt or rainfall that does contact waste will be managed to flow downward in the relatively permeable waste materials and become leachate. Leachate is directed to the collection system for removal and treatment at an offsite wastewater treatment plant (WWTP).

Contact stormwater will be directed to and treated via settling in Sediment Basins 1 or 2 and clarification by graded filters, with discharge to Storehouse Run. Sealand will be responsible for maintaining the stormwater management system, and ensuring runoff is adequately managed prior to discharge under the auspices of the assigned NYSDEC Environmental Monitor. Environmental sampling, data analysis and routine inspections under the EMP, and the SPDES permit must be submitted to the NYSDEC such that any deviance from normal facility operations and the SPDES permit conditions will be identified and addressed.

One commenter provided a partial quotation from Section 1.4.3 of the DEIS suggesting that leachate and petroleum products stored and used onsite are anticipated to negatively affect surface water. Section 1.4 of the DEIS is a review of potential impacts and the full statement therein rightly identified leachate and petroleum products as potential surface water contaminants. Recognizing this potential, mitigation measures and environmental controls are specified to protect surface water quality, and these protections are detailed in Sections 5.3.1.4 and 5.3.1.5 of the DEIS.

Surface water runoff from west of the site that would reach the culvert under Sandberg Road is non-contact, diverted stormwater. This runoff is isolated from the facility by the perimeter contact water channel and the perimeter roadway/embankment; therefore, sampling under the EMP at the culvert under Sandberg Road is not necessary. However, SPDES Outfall 003 is in the Sandberg Road channel downstream of the non-contact stormwater discharge, and this point upstream of the

culvert will be sampled monthly for flow rate, pH, temperature, and total suspended solids in accordance with the individual stormwater SPDES Permit reporting requirements.

The Jamestown WWTP provides tertiary treatment and is fully capable of handling the leachate that would be coming from the proposed facility. Mandatory testing of the leachate per the contractual agreement provided by the Jamestown WWTP to accept the facilities leachate will confirm the treatability of the leachate. The Quaint Road facility discharges into Cassadaga Creek downstream of Falconer.

4.2.3.2 Wetlands

Item No.	Commenter	Comment
L6 L307 L329 RP11	Lingenfelter, M Borrello, G Stock, K Payne, R	<p>Commenter noted the presence of Federally Regulated Wetlands. Have you notified the Army Corp of Engineers? What will you do regarding these wetlands?</p> <p>The No Jurisdictional Wetland Impact Landfill is a viable alternative, despite the applicant's claim to the contrary. This alternative completely avoids impacts to special aquatic resources and provides the applicant with 1.27 million cubic yards of disposal capacity.</p> <p>Sealand has, so far, failed to obtain a USACE permit, or provide Corps a suitable mitigation project. Much like the Carroll disposal site, Sealand chose to acquire a purchase option on a poorly suited, steep, upland site for its proposed wetland mitigation site. Rather than find a suitable mitigation site, Sealand simply offered a different mitigation design for the optioned site.</p>

Response or Action:

The Applicant has worked closely with the USACE to evaluate and mitigate impacts to federal wetlands. These evaluations are presented in great detail in Section 3.7, Section 5.5 and Appendix D of the DEIS. The impacts of wetland disturbance and the proposed mitigation are specifically described in Section 5.5.1.4. The project alternative analysis is described in Section 6.2 *Alternative Sites* and Section 6.3 *Alternative Scale* of the DEIS.

The No Jurisdictional Wetland Impact Landfill is credibly not viable according to Sealand because the rate of return is negative; that is, the facility development costs cannot be offset by the projected revenue.

The proposed wetland mitigation site is located on 28th Creek Road in the Town of Ellington, New York and was confirmed suitable for wetland mitigation projects by the USACE⁵. The mitigation site already contains 7.06 acres of wetland, notably including 2.56 acres of shrub swamp seepage wetland along the steepest grades at the site. The existing wetlands on the mitigation site, as well as the ponds constructed on the surrounding properties confirm sufficient hydrology for creating and sustaining the proposed mitigation wetlands. At this time Sealand does not possess a USACE permit (see Section 4.2.8.4). Draft NYSDEC permits for this facility contain conditions which prohibit operation of the facility until 30 calendar days after the issuance of the USACE permit.

4.2.3.3 Storehouse Run Classification

Item No.	Commenter	Comment
L323 E70	Larsen, K Hanson, P	<p>...Storehouse Run has not been examined for many years. What fish habitat classification currently exists for Storehouse Run and why hasn't a new study been done to reflect the current environmental condition of Storehouse Run?</p> <p>Earlier it was stated that Storehouse Run was 'unofficially classified', yet here it states the DEC upgraded the classification of the same stream. Why the difference?</p>

Response or Action:

EcoLogic, LLC completed two assessments of the environmental setting in Storehouse Run near the site in 2015 and 2016 as referenced previously, determining overall the conditions in the stream are poor.

Stream classifications in New York State are based on their best use and if applicable whether or not they can support trout populations (T) or are suitable for trout spawning in addition to trout

⁵ Rowley, Joseph. (2013). Buffalo District, USACE, personal communication.

populations (TS). The official classification of Storehouse Run as listed in the regulations (see 6 NYCRR Part 800.6 Table III, Item #2) is C(T). Pursuant to 6 NYCRR Part 701.8, the best usage of Class C waters is fishing and primary and secondary contact recreation. Since Storehouse Run is not used for public swimming and recreational activity (Class B) nor is it used as a primary drinking water supply (Classes A or AA), Class C is the highest best use class it can be assigned.

In 2004, following a survey of Storehouse Run near the proposed site by personnel from the NYSDEC Division of Fish, Wildlife and Marine Resources, Region 9, it was determined that Storehouse Run supports trout spawning and should be classified as C(TS), not C(T) as stated in the regulations. This would be considered an upgrade to the classification because the (TS) classification carries with it a strict level of standards as compared to C(T) or C. Despite this assessment, the regulation was never amended to reflect this change which is why the upgraded C(TS) classification of Storehouse run is discussed as being unofficial. Thus, the upgraded or unofficial classification of Storehouse Run both refer to the same C(TS) classification.

The stormwater management system for the proposed facility was designed to adhere to the stricter Class C(TS) standards. The NYSDEC does not have a schedule or timeframe within which water bodies are assessed for reclassification. Further, the Class C(TS) standard is the highest classification at which Storehouse Run can be assessed. A downgrade in classification is the only possible change that could result from reassessment of Storehouse Run. Thus, designing for Class C(TS) standards, as was done, is the most protective approach.

4.2.3.4 Flooding

Item No.	Commenter	Comment
E4 H35	Smith, T Angrove, J	<p>...they're still building it [the proposed landfill] on top of a hill that regularly floods. Jones small landfill, closed for 10 years now, flows down hill from the property leaving debris in the road after a flood. Effecting homes and property in lower elevations.</p> <p>The watershed that this dump [in] is [at] the very headwaters of the stream that runs through our farm, and my concern deals with ...the flash flooding of that creek, it could be a real problem during construction.</p>

Response or Action:

As discussed in Section 5.3.1.2 of the DEIS, the stormwater management system for the site was designed to manage high volume storms by limiting post-development discharge flow rates to less than pre-development flow rates. These requirements are per the NYS Stormwater Management Design Manual which aims to minimize impacts due to site development. Up to the 100-year storm is analyzed. Therefore, any existing issues with flooding are expected to improve after the facility is built.

Special consideration is afforded during construction. Every construction project must be accompanied by an erosion and sediment control plan. This plan meets NYSDEC regulatory requirements.

4.2.4 Air & Odor

4.2.4.1 Landfill Gas and Waste

Item No.	Commenter	Comment
L45 L98 L139 L240 L275 L308 L310 E72 E94 F2 RP12	Lodestro, C Ruble, D&A Fiore, C Wiltsie, B Fuller, C Borrello, G Borrello, G Hanson, P Hanson, P Kalfas, S Payne, R	How will the smells of the things put in the site be controlled, and how about the smells of gas? Issues and questions arising from Section 4.8 of the DEIS...Lack of records for past odor complaints (for the existing landfill) is no basis to assume no odors will be generated. The effectiveness of an H2S removal system can be dependent on the source of C&D deliveries, which are not discussed in the DEIS. The DEIS does not discuss alternative technologies to control H2S generation in C&D landfills but proposes use of Sulfa-Treat System. At least two H2S control systems are in use in C&D landfills in NY. The DEIS States that media change-out must occur when H2S sampling at the Sulfa-Treat outlet reaches 3 ppm. The DEIS does not explain why 3 ppm was chosen, what odor conditions and SO2 emissions will occur at this level, how frequently change-outs are expected to occur, and what cost effects will ensure. High change-out cost for SulfaTreat media can deter change-out frequency, with corresponding odor and emission spikes. Generally, a concern about noxious odors and harmful gases produced during the operation of the landfill. Wouldn't that [leachate recirculation] send more particulate into the air?

Commenter attached a study entitled *Determination of Size Fractions and Concentrations of Airborne Particulate Matter Generated from C&D Processing Facilities* and postulates that the community surrounding the proposed facility will be subject to unhealthy airborne particulates, declaring it: a very accurate depiction of what is facing the citizens of the Town of Carroll.

Response or Action:

Odor at a land disposal facility can be generated by waste materials and by landfill gas. In a non-putrescible C&D landfill, odor caused by waste is generally of a minor consequence and is most commonly controlled by the placement of cover material. For a C&D landfill, fugitive odor of any significance is much more likely to be associated with landfill gas, which is managed by an active landfill gas collection and control system (GCCS).

Landfill gas is generated by the decomposition of organic matter in the waste stream. The double composite liner system will act as a barrier to subsurface migration of landfill gas; therefore, the primary potential route of gas migration is to the atmosphere. Of note is the generation of hydrogen sulfide (H₂S) gas in a C&D landfill by the anaerobic decomposition of gypsum wall board. H₂S is a colorless gas with a characteristic rotten egg odor.

The DEIS reported that during excavation of test pits in the existing landfill no offensive odors were noted. However, during excavation and removal of the existing waste to the expanded landfill, it is possible that offensive odors will be present. Section 5.9 of the O&M Manual identifies the odor control best management practices that will apply specifically to the excavation of waste from the existing landfill. Odor impacts can be controlled by conducting the excavation during the cooler seasons, keeping the excavation face as small as is practicable, and by applying cover soil to exposed waste at the end of each working day. Adherence to these best management practices and other measures stipulated in the O&M Manual will help prevent offsite odor problems. Should an offsite odor issue arise, it will be managed in a manner consistent with the Offensive Odor Action and Response Plan described in Section 4.5.1 of the Contingency Plan.

Sealand will install and operate an active GCCS in a progressive fashion, beginning with the initial operation of the landfill, and on a continuing basis throughout the construction, operation and post-closure period. An active landfill gas collection system is essentially a network of vacuum pipes

strategically located to pull landfill gas out of the waste, and convey it to the landfill gas treatment system. The details of the landfill gas collection system are presented in the Permit Drawings and the Engineering Report.

The landfill gas control (treatment) system will be composed of two SulfaTreat Adsorber Vessels in a lead-lag configuration, and an enclosed flare. SulfaTreat media adsorbers will pretreat landfill gas by removing H₂S before combustion, thereby reducing Sulfur Dioxide (SO₂) in the flare emissions. A full and complete presentation of the treatment efficiency of the control system is provided in the Air Emission Inventory (AEI), the Supplemental AEI, and the Air State Facility Permit Application.

The effectiveness of the H₂S treatment system is dependent on the H₂S concentration ranges, flow rates, gas temperature and gas pressure. Section 6.5.5 of the DEIS describes why the SulfaTreat Adsorber Vessels is the pretreatment option of choice for H₂S gas at this facility. SulfaTreat can remove H₂S gas with a minimum efficiency of 99.925%, adequately controlling sulfur dioxide odor in flare emissions. While alternative H₂S gas treatment options do exist, such as the \$15,000,000 THIOPAQ biological system, as well as iron sponge or the liquid scavengers, SulfaTreat is simple, reliable, affordable and has a proven record in applications similar to the proposed facility in size and scale.

Air quality dispersion modeling for H₂S was completed for this application as discussed in Section 5.4.1.1 and Appendix I of the DEIS. The results of the air modeling were used to determine the maximum outlet concentration of the SulfaTreat control System (i.e., 3 ppm) which would not result in an exceedance of the New York State ambient air quality standard for H₂S. This became the maximum H₂S concentration allowed in the effluent of any SulfaTreat unit in the draft State Facility Air Permit. Exhaust from the SulfaTreat system is directly fed into the enclosed flare, resulting in no H₂S odor issues from the SulfaTreat system. At the 3 ppm H₂S outlet concentration secondary SO₂ emissions from the flare are minimal.

The maintenance of the SulfaTreat system includes replacement of the media when H₂S removal efficiency begins to diminish and the lead adsorber vessel begins to experience breakthrough. The lead-lag arrangement of adsorber vessels will assure H₂S control is maintained when this occurs. When breakthrough exceeds allowable thresholds set in the Air State Facility Permit of 3 ppm, the

media will be replaced. Media replacement frequency largely depends on the influent concentration of H₂S and the total gas flow rate, both of which vary over time. The greatest replacement frequency is estimated to occur once every 205 days when the gas flow rate reaches its peak. However, assumptions on the concentration of H₂S in the landfill gas were extremely conservative and actual media replacement frequency is anticipated to be no more than once per year for the majority of the operation. The cost of media replacement will not deter proper maintenance because the media replacement frequency is set by the limits in the draft permit and the cost of violating the conditions of the permit, losing the trust of the community, and having to rebuild the reputation of the company are far greater than the cost to replace the SulfaTreat media.

As stated in the DEIS Section 5.4.2, the modeled emission levels fall below their respective thresholds for state and federal ambient air quality standards, thus the levels of potential air pollutants associated with the project do not indicate cause for health concerns; however, occasional, short-term odors have the potential to reach adjacent receptors from time to time. Should they occur, their impact will be curtailed by procedures and methods developed to manage odors as discussed in Section 5.4.1.1 of the DEIS.

Recirculation of leachate is a common practice in landfilling. Applying leachate to the waste increases its moisture content which will reduce the tendency of fines to become airborne during waste compaction. Thus, contrary to the question, leachate recirculation does not increase, but instead reduces airborne particulates.

With respect to the potential for particulate emissions and the research paper submitted in support, it is found that the study in question relates information gained through active stationary particulate sampling at an enclosed C&D processing and recycling facility without any mitigatory controls to quantify airborne particle size distribution. Air samples from an indoor C&D processing operation were compared to National Ambient Air Quality Standards (NAAQS) and United States Occupational Safety and Health Administration (OSHA) standards. The report states that airborne particulate levels were found to be higher inside of buildings even when minimal activity is taking place, but continues on to clarify that misting can significantly reduce airborne particulate matter exiting a building. The study concludes that air quality in an indoor C&D processing facility may exceed current NAAQS at certain locations but does not exceed OSHA standards. The C&D

processing operation (CDPO) proposed as part of Carroll C&D Management Facility is not enclosed and will include rotary foggers for dust control as described in Section 5.2.2.2 of the Engineering Report; accordingly, the study results cannot be applied to the proposed project. Furthermore, air quality dispersion modeling for particulate matter (i.e., dust) also was performed as part of this application as discussed in Section 5.4.1.2 and Appendix I of the DEIS. The model included dust created from operation of the equipment at the CDPO, as well as, the primary source of dust, operation of heavy equipment and waste delivery trucks on unpaved access roads, and some other smaller contributors. None of the scenarios modeled exceeded the NAAQS for particulate matter.

4.2.4.2 Traffic Induced Air Impacts

Item No.	Commenter	Comment
L21	Lingenfelter, S	I have 2 young children who play outside often and I am wondering what kind of contaminant and pollutants will be present in the air they breathe ? What safety precautions is the DEC going to put into place and guarantee my children's safety.
L33	Lundgren, R	
L37	Fuchs, R	
L57	Crossley, E	
L83	Pope, C	
L89	Pryll, R&S	Commenter references (2) research articles. Additional abstracts listed in the National Library of Medicine from around the world all come to the same conclusion: air pollution (NO2, soot, etc.) from high vehicle traffic is associated with asthma, cough, and wheeze. Diesel engine fumes are noted for their high content of these contaminants.
L127	Lander, D	
L133	Wiltsie, B	
L150	Rowley, H&J&S	
L155	Anderson, B	
L164	Anderson, K	The commenter references lung/bronchus cancer statistics. ... Adding more pollutants to our air could, in my opinion, increase these high figures over time.
L171	Bender, G	
L180	Kurtz, E	
L194	Saxton, W&J	
L195	Saxton, W&J	
L210	Wiltsie, R	Diesel exhaust from the increase in dump truck traffic hauling loads of material to the site and then return traffic after depositing their cargo. As you have been made aware, studies have proven the exhaust from this fuel contains known carcinogens.
L244	O'Connor, M&C	
L254	Pine Grove Sup	
L280	Hostetler, K	
L292	Williams, R	
L324	Sheldon, N	My concerns are...Diesel particulate, increase of traffic fumes.
E23	Brooks, S	
E40	Sandberg, D	
E44	Wiltsie, B	
E119	Roushey, R	
E142	Dahlgren, K	The pollution caused by the exhaust of the trucks could have a grave effect on my health. I have an auto-immune disease, myasthenia gravis, and any excessive fumes from exhaust will definitely affect me.
E146	Eckman, K	
E154	Jones, J	
E162	Jones, K	
F3	Kalfas, S	
		What will all that exhaust do to the clean air that we value so much and will there be any type of monitoring of the air quality?
		At what point does that truck traffic ...and the diesel fumes affect our breathing?

RP25	Payne, R	
H16	Anderson, K	The increased truck traffic would pollute this [clean country] air with diesel exhaust and particles. This poses a risk for community members that have health issues such as, but not limited to heart disease, CPOD, and asthma.
H29	Wiltzie, B	<p>Who will be responsible for enforcing the idling law?</p> <p>The increased pollution from dust and diesel exhaust can lead to increased cancer, heart disease, asthma, and lung disease.</p> <p>The diesel airborne particulate matter would increase to harmful levels in a rural district including by the school where my children attend. The pollution generated by the truck traffic could increase their risk of developing cancer, heart disease, asthma, and other diseases which would decrease their life span...</p> <p>The comments generally discuss the potential for diesel particulate matter (DPM) to become a hazard to human health due to the increase in traffic to the landfill.</p> <p>Sealand's project will result in 200 to 250 trucks coming to and departing the Dodge Road site. The truck traffic will emit DPM which is linked to respiratory and cardiovascular disease as well as a cancer causing agent that will subject the citizens and wildlife of the Town of Carroll and the surrounding areas to life threatening illness and premature death.</p>

Response or Action:

Exhaust from trucks, buses, tractors, motorhomes, trains, ships, cars and other vehicles and equipment with diesel engines contains a mixture of gases and solid particles. These solid particles are known as diesel particulate matter (DPM), containing chemicals that can be harmful to health. The highest levels of DPM are measured in densely populated cities near ports, rail yards and freeways.

One commenter forwarded 95 emails and dozens of articles related to the dangers of DPM. The commenter suggests a potentially catastrophic public health situation will arise in the Town and along the designated truck routes. The commenter does not apply the information submitted to the site-specific conditions for the proposed action. The information is dated and representative of urbanized and commercialized population centers including Los Angeles, California and the New York City metropolitan area. Many of the residents living in those congested densely populated communities are exposed to DPM in concentrations significantly higher than those found acceptable by the Center for Disease Control. However, assigning air quality data and measurements obtained from these polluted cities to the conditions in Carroll, New York and the

proposed project is not relevant and of little value in assessing potential health impacts of the proposed facility.

USEPA recognized and addressed the impacts of diesel exhaust in the 2007 Highway Rule, phased-in between 2007 and 2010 requiring heavy-duty on-road diesel engine manufacturers to reduce emissions by more than 90 percent (USEPA, 2012)⁶. Standards for non-road construction equipment began applying in 2012 and will continue to phase in over the next several years (Bailey, 2014)⁷. Estimates from the USEPA predict the new engines will reduce particulate emissions by 99% (Bailey, 2014).

While there is an unavoidable and limited increase in DPM that will occur near the site due to the proposed action, it cannot be said that the project creates a net increase in DPM emissions generally in and around the entire Town of Carroll. For DPM exposure conditions near and around the Dodge Road site, total exposure levels when the project is operating will be minimized under SubPart 217-3, Idling Prohibition for Heavy Duty Vehicles, as described in the DEIS, Section 5.4.1.3. This regulation restricts heavy duty vehicles from idling for more than five consecutive minutes when the vehicle is not in motion, unless ambient air temperatures are less than 25°F. The idling law is enforced by NYSDEC Division of Law Enforcement or Division of Air personnel.

While vehicle exhaust will not specifically be monitored, the draft Air State Facility Permit does include a provision for monitoring the stationary diesel engines included in the CDPO equipment under 6 NYCRR 227-1.3 (a). This provision requires annual monitoring of visible emissions limiting opacity to less than 20 percent (six minute average), except for one, six minute period per hour of not more than 27 percent opacity. Further, an Air Quality Monitoring Plan (AQMP) primarily for H₂S and other landfill gases has been prepared for the facility that includes quarterly monitoring of the landfill surface and up and downwind background ambient air locations. Continuous/daily monitoring of the SulfaTreat system, including the inlet and outlet of both the lead and lag vessels, continuous/daily monitoring of the enclosed landfill gas flare, and monthly

⁶ U. S. Environmental Protection Agency (USEPA). (2012). Heavy-Duty Highway Diesel Program. Website: <http://www.epa.gov/oms/highway-diesel>. Last updated on: August 8, 2012. Accessed on: October 28, 2014.

⁷ Bailey, C. (2014). Update on Diesel Health Issues and EPA Actions. U.S.EPA Office of Transportation and Air Quality. Presentation given on May 21, 2014. Website:<http://www.epa.gov/cleandiesel/diesel-health-issues-5-21-14.pdf>. Accessed on October 28, 2014.

monitoring of the landfill gas collection system as described in Section 9.2 of the O&M Manual are also included in the AQMP. Monitoring results will be evaluated and compared to allowable thresholds stipulated in the facility's Air State Facility Permit and quarterly reporting to the NYSDEC is required.

With the new engine emission standards, combined with the restrictions on idling and required opacity monitoring of onsite equipment, the limited increases in DPM both on and offsite as a result of the proposed facility are not expected to create any significant adverse environmental or health impacts.

4.2.4.3 Stationary Equipment

Item No.	Commenter	Comment
L64 RP13	Crossley, E Payne, R	. All this equipment [a tub grinder, impact crusher, shaker screen, stacking conveyor] can be mobile and will be moved around the site, but for the permit purposes they are considered stationary. If they are mobile and being moved, how are they considered stationary?

Response or Action:

Mobile sources are exempt under the applicable regulations. While the equipment listed in this comment are mobile and capable of being moved about the site, they are only operated while stationary. NYSDEC classifies this type of equipment as stationary, thus allowing them to be regulated. The emissions from this subset of mobile sources have been calculated and included in the ambient air model to estimate site emissions.

4.2.5 Ecological and Biological

4.2.5.1 Impacts on Fish and Wildlife

Item No.	Commenter	Comment
L7	Lingenfelter, M	

L8	Lingenfelter, M	Commenters are concerned about the Bald Eagle and the Great Blue Heron. Why would an environmental agency allow this habitat to be disturbed?
L18	Lingenfelter, R	
L32	Lundgren, R	
L43	Lodestro, C	This decision to add a garbage dump in this area will affect the bluebird and bald eagle populations that greatly inhabit this area of land.
L54	Crossley, E	
L55	Crossley, E	
L60	Crossley, E	Close to the site are over 50 pairs of nesting Blue birds. How will the noise, traffic, dust, gases affect them?
L104	Hanson, E Jr	
L113	Ekstrom, P	
L163	Anderson, B	Bluebird nest boxes must be located close to roads for easy monitoring, sometimes twice per week. Nest boxes are on Frew Run street, Frew Run Road, Ivory Road, Wiltsie Road, Dodge Road, Wheeler Hill, Anderson Road, and Sandberg Road.
L179	Bender, G	
L192	Saxton, W&J	
L199	Saxton, W&J	
L204	Gauger, L	Bluebird chicks confined to nest boxes may be susceptible to lung infections from road dust and particulates from the waste trucks are hauling. Noise and increased activity will cause bluebirds to leave the area.
L205	Gauger, L	
L235	Coan, J&M	
L261	Hanson, E Sr	
L270	Fuller, C	I'm concerned about ponds of contaminated run off attracting water fowl and birds of prey. Storehouse Run is a reproducing brown trout stream. If they are not destroyed they will at least be contaminated, and so will anything that eats them.
L289	Young, C (Sen.)	
E16	Yost, D&J	
E32	Danielson, M	
E46	Anderson, K	The bridge at the end of Wiltsie Road would need to be replaced. How will the replacement of that bridge affect the fish in the stream?
E73	Hanson, P	
E110	Hanson, P	
E112	Hanson, P	I am also concerned about losing the family of owls that live in our tree next to our house. The exhaust fumes and added noise levels cannot be beneficial to their well being.
E121	Roushey, R	
E128	Sample, Sh&St	
E157	Jones, K	
E170	Miller, R	I am concerned about the wildlife, particularly with the deer and turkey population. The hazardous waste leaching could do definite harm and the constant trucking will deter them from local hunting areas.
RP7	Payne, R	
H11	Crossley, E	
H17	Anderson, K	
H37	Lingenfelter, M	We enjoy hunting not only for the sport, but also the meat that the deer provide. I am I am concerned about what the deer might consume around the landfill.
		I also voiced my concern for rabbits, squirrels, turkey and especially the deer population being exposed to the extra traffic noise, the pollution from what is being dumped, the lights, etc.
		Other animals noted as viewed, great blue heron, turkey vultures, ring-neck pheasant, ruby-throated hummingbird, eastern bluebird, ovenbird, and red-winged blackbird have all been seen or heard...opossum, big brown bat, weasels, mink, striped skunk, red fox, chipmunk, both other squirrels, all mice varieties, and black bear have been viewed within a mile of the site.
		I am extremely concerned about the impact of the abundant wildlife immediately adjacent to the landfill site. ...Bears, bobcats, raccoons, fox, coyotes, deer, red squirrels, black squirrels, grey squirrels, endangered flying squirrels, chipmunks, wood frogs, and beaver.
		A bald eagle nest is apparently in the woods behind the Martz-Kohl Observatory.

Response or Action:

Bald eagles have very large territories that can reach upwards of nine million acres depending on season and the age of the bird (USEPA, 2012)⁸. During the breeding season adults will have the smallest territories, generally averaging only about 250 acres. Therefore, the sightings of bald eagles in the area would not in and of itself be a cause for concern. While generally opportunistic eaters, the majority of a bald eagles diet is comprised of fish, waterfowl, and other aquatic animals. Consequently optimal nesting, wintering, and foraging sites are typically near large water bodies such as coastlines, larger creeks and rivers, and larger ponds or lakes.

The Department has no knowledge of a bald eagle nest behind the Martz-Kohl Observatory. As stated in Section 3.7.3.5 of the DEIS, the closest bald eagle nest to the site is approximately three miles to the southwest (EO ID:19788) adjacent to Conewango Creek within or near Akeley Swamp (Pennsylvania State Game Lands Number 282). The closest nest in New York (NY 111) is within or near the Jamestown Audubon Sanctuary, approximately 4.5 miles to the west. As stated in Section 5.5.1.3 of the DEIS, according to the National Bald Eagle Management Guidelines set by the USFWS, the project maintains a sufficient protective barrier much larger than the suggested minimum of 660 feet.

The great blue heron is the largest, most widely distributed of American herons. Great blue herons are neither on the federal or any State endangered or threatened lists, nor are they a “species of concern” with the NYSDEC. Their population has been increasing primarily because they are highly adaptable. While preferred habitat for the great blue heron is often in isolated swamps or on islands, and near lakes and ponds with minimal cover bordered by forests, they can be found living in both urban and rural habitats, provided there is a good supply of small fish.

The project site is not expected to provide suitable habitat for the bald eagle, but the Blue Heron may continue to forage along streams and surface waters in the project area. No significant impacts to either species are anticipated as the result of this project.

⁸ U.S. Environmental Protection Agency (US EPA). (2012). Species Profile: Bald Eagle. Available at http://www.epa.gov/region1/ge/thesite/restofriver/reports/final_era/B%20-%20Focus%20Species%20Profiles/EcoRiskProfile_bald_eagle.pdf. Accessed on August 20, 2012.

The Applicant proposed a number of steps that can be taken to protect eastern bluebirds that may nest immediately adjacent to the area roadways. For instance, with respect to the protection of bluebird chicks from excessive dust and particulate on Wiltsie and Dodge Road; as stated in Section 5.4.1.2 of the DEIS, offsite roads will be inspected daily for muddy and/or dusty conditions. A vacuum sweeper will be employed when such conditions are identified. In addition, water from the stormwater basins applied to unpaved roads on a regular basis to help prevent particulate from becoming airborne due to site operations. Should dusty conditions become problematic onsite, extra water trucks will be utilized to prevent dust from migrating offsite.

The commenter notes that noise and increased activity will cause bluebirds to leave the area. While there will be a noticeable increase in traffic and noise on Wiltsie and Dodge Road, the anticipated increases will not substantially exceed current levels of traffic and noise on Frew Run Street, Frew Run Road and Ivory Road, where well established and productive nesting sites are reported to have thrived. Similarly, exhaust and noise from increased daytime traffic will have little effect on nocturnal species, such as owls, as they will not be active during peak operating hours and studies suggest that the roosting habits of nocturnal fowl were unaffected, “exhibiting no preference for roosting closer nor farther from noise pollution” (Yorzinski and Hermann, 2016)⁹.

The site design and operational requirements focus on preventing leachate or contaminated runoff discharge to surface waters. Stormwater runoff from the landfill and facility roadways will be diverted to and treated via settling in Sediment Basins 1 or 2 and clarification by graded filters, with discharge to Storehouse Run. Sealand will be held responsible by the assigned NYSDEC Environmental Monitor who will inspect the site to confirm the proper maintenance of the landfill cover and stormwater systems, while ensuring runoff is adequately managed prior to discharge from the site. Sampling and reporting under the routine inspection requirements, the EMP and the individual SPDES permit will identify when facility operations might require mitigation.

During the initial construction of the facility, Sealand will begin to restore the now degraded conditions in Storehouse Run, including the creation of a thermal refuge for trout and other fish species, restoration of eroded banks, incorporating biological, mechanical and ecological measures

⁹ Yorzinski, J and Hermann, F (2016) Noise pollution has limited effects on nocturnal vigilance in peahens. [PeerJ](#). 2016; 4: e2525. Published online 2016 Sep 29.

to limit erosion, control sedimentation and stabilize the soil while improving wildlife habitat, water quality and aesthetics over the long term. As discussed in Section 4.17.4 of the DEIS, the phased closure plan is intended to provide for a progressively more diverse ecology and habitat creation through careful selection of plant species that will provide wildlife forage resources over the long term.

The existing Wiltsie Road bridge over Frews Run is proposed to be replaced as part of this project. Frews Run is a Class B stream and the work will require a NYSDEC Part 608 Protection of Waters Permit, as well as a USACE Nationwide Permit #3 (Maintenance) and possibly a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. All three of these permits require environmental stewardship. Field investigation, final design and permitting to be completed by Sealand for this effort will include protections for the native species in Frews Run and their aquatic habitat.

Hazardous waste will not be accepted and there will be no hazardous waste leaching from the proposed facility. Increased truck traffic is not expected to deter deer and turkey from local hunting grounds, and animals' diets are not expected to be altered from proposed landfill activities. Wildlife is not expected to be contaminated by facility operations.

The two flying squirrel species that live in New York are the northern flying squirrel, and the southern flying squirrel (*Squirrels of New York*, NYSDEC 2002). Neither of these species are classified as threatened or endangered by the USFWS or the NYSDEC. The southern flying squirrel was identified as a potential mammal species to inhabit the project site on Table 3-5 in Section 3.7.3.2 of the DEIS, but its presence was not documented on the site. The northern flying squirrel is classified as endangered in Pennsylvania, by the Pennsylvania Game Commission, and the northern tier of Pennsylvania is the southernmost range of the northern flying squirrel. In New York the northern flying squirrel is more prevalent in the northern portion of the state, and the southern flying squirrel is more prevalent south of the Mohawk River Valley.

The preferred habitat for flying squirrels include large areas of mature deciduous or mixed forest with large trees and cavities for nesting (Kristi Sullivan, *Wild things in Your Woodlands: Flying Squirrels*, Cornell University Conservation Education Program). Northern flying squirrels prefer coniferous forests such as hemlock and spruce, while the southern flying squirrel prefers oak and

hickory forests. Northern flying squirrels also require woody debris and rotten logs covered with lichens and fungi on the forest floor, as that is an important food source (Eileen Butchkoski and Greg Turner, *Northern Flying Squirrel*, Pennsylvania Game Commission). Southern flying squirrels prefer hickory nuts and acorns. The majority of the project site does not contain the preferred habitat as approximately 0.9 acres or about 2 percent of the project site area is classified as mixed forest as shown on Figure 3-15 in Section 3.7.1 of the DEIS. The majority of the site contains relatively young even aged successional deciduous second growth forest comprised of maples and white ash trees. Because the site contains very little potential habitat suitable for flying squirrels, and no evidence of flying squirrels was reported, no significant impacts on this population are expected from the proposed project.

4.2.5.2 Vegetation

Item No.	Commenter	Comment
L127B	Gauger, L	The trees along Frew Run turn color in the fall and drop their leaves on the side facing the road long before the other trees from the exhaust generated by the existing traffic already. We will lose trees all along the truck route to and from the landfill.

Response or Action:

It is highly unlikely that the increase in traffic anticipated from the proposed project will have a significant effect on roadside trees. Many urban environments support healthy tree growth. While it is true that the life expectancy of trees is lower in urban areas, the projected traffic increases are not on par with the intense activity associated with urban environments. Also, according to the International Society of Arboriculture Science and Research Committee (2018)¹⁰, the top cited reasons for lower life expectancy of urban trees is lack of maintenance and vandalism; two factors on which this project will have no effect.

¹⁰ International Society of Arboriculture Science and Research Committee (2018). Urban Tree Mortality: A Literature Review. Available online at: https://www.researchgate.net/publication/327601357_Urban_Tree_Mortality_A_Literature_Review. Accessed on March 14, 2019.

4.2.6 Traffic and Roadway

4.2.6.1 Community Impacts

Item No.	Commenter	Comment
L2	Fletcher, L	We have over 100 trucks a day that pass our home; it shakes our house which was built in 1865. Now you want us to have over 300 a day. That would be 600 coming and going.
L24	Fuchs,R	
L56	Crossley, E	
L100	Hanson, E Jr	Sealand states there will be 110 vehicles (77 trucks included in this total) per day going in and the same number going out past our homes, our schools, our shopping establishments and restaurants, our playgrounds, daycares, and sports fields. This will definitely disturb our quiet, rural way of life.
L117	FCSD	
L140	Hostetler, M	
L143	Lemon,S	
L148	Rowley, H&J&S	
L153	Wiltsie, R	
L157	Anderson, B	
L173	Bender, G	
L182	Kurtz, E	
L202	Gauger, L	
L212	Wiltsie, R	Loads passing through Frewsburg on Route 62 and other highways, including residential, school zones (R.H. Jackson Elementary School), traveling 5 feet of sidewalks that school children use, suggests a negative impact upon on the community.
L224	Larson, E&R	
L231	Shannon, M&A	How will increased traffic impede response in times of emergency?
L236	Coan, J&M	...it is already hard to get out of our intersection now.
L243	O'Connor, M&C	Traffic of the large debris handling dump trucks will create dust and debris all along the proposed routes. There will be undoubtedly a trail of trash along the roads leading to the landfill.
L245	Olson, B	
L248	Pierce, unkns	
L249	McGreary, E	Pine Grove Sup ...there is no staging, where would all these truck be sent, downtown to the school parking lot or the municipal office parking lot? How can you enforce no queuing of trucks on Dodge Road?
L253	Pine Grove Sup	
L260	Hanson, E Sr	
E25	Crossley, J	
E35	Mahoney, T	
E37	Moffett, C	
E41	Sandberg, D	
E43	Sandberg, D	
E84	Hanson, P	
E88	Hanson, P	
E113	Hanson, P	A new more current and accurate traffic study should be done to take into consideration some of the following points that have changed since the last updated study. ... Jamestown Macadam, Inc. has opened a gravel pit just before the Frew Run and Peterson Rd. intersection.
E131	Sample, Sh&St	
E133	Sitler, R	I believe we can expect no less than 34 or more trucks per hour to rumble and jake brake their way to and from this landfill.
E85	Jones, K	As supervisors of Pine Grove Township, we are deeply concerned about the potential effects of waste traveling through our community. [And] Waste debris fallout whether it be liquid or solid.
E175	Miller, R	
H19H21	O'Boyle, S	
H24	Ekstrom, P	
H40	Caster, C	
RP1	Smith, T	It is very unreasonable to ask residents of Frewsburg and Falconer, who are located on the secondary highway that connects to I-86 taking trucks to the landfill, to put up with loud noises from 200-250 trucks per day for a total of 500 trips per day, not acceptable.
	Payne, R	

Response or Action:

As detailed and documented in the Traffic Impact Study (TIS) included as Appendix E of the DEIS, it is anticipated that 77 waste hauling trucks, ten construction and recycling related, and eight sales & delivery trucks (95 total) will enter the facility on any given day. Appendix A2 of the TIS includes a breakdown of traffic flow based on typical facility operations, detailing that up to 110 vehicles per day, including trucks and employee traffic, will pass through the gate on Dodge Road.

As described in Section 5.10.1.3 of the DEIS, a No Engine (Jake) Brake Rule has been established for facility related truck traffic. Sealand will monitor a resident hotline, where a resident may alert the Site Manager that a transporter has used an engine brake. The driver will be reminded of the No Engine Brake Rule and repeat offenders will be barred from the facility.

The TIS includes traffic count data collected on June 14, 2011 and NYSDOT historical counts between 2011 and 2014. As reported in the TIS no growth in traffic occurred between 2011 and 2014 and in many cases traffic volumes in the study area decreased. Nonetheless, a conservative 15-year traffic growth rate of 1% per year was used to project traffic level increases over time. Using that growth rate, the annual average daily traffic (AADT) volume assumed in the study for 2018 on Route 62 will have increased by 236 vehicles since the count was taken in 2011. The AADT for 2018 on Frews Run Road will have increased by 100 vehicles since the count was taken in 2011. Accordingly, the additional truck traffic due to the opening of the Jamestown Macadam gravel pit have been factored into the turning movement and safety analysis presented in the TIS.

In the Hamlet of Frewsburg, facility related truck traffic on Route 62 will constitute a three percent increase in the AADT. The only route to be used by facility related traffic in Pine Grove Township will be on Route 62, already a major truck route with a significant amount of truck traffic. Accordingly, the impact of facility related traffic on the major routes in Frewsburg and in Pine Grove will be minimal. On Frew Run Road, facility related truck traffic will add about five to seven percent to the AADT.

As discussed in Section 5.6.3.2 of the DEIS, the TIS also included an analysis of level of service (LOS), an indication of the delay a motorist will experience while travelling through an

intersection. All intersections on the traffic route from the 5-Corners intersection to the site entrance were evaluated for near and longer-term future conditions, with and without facility-related traffic. Two of a total of eleven turning movements show a reduction in the future LOS when facility related traffic is included. The computed impact on the LOS in these movements is the increased wait time by 0.2 seconds at most. This computed change in wait time will be unperceivable in practice, both to residents and emergency vehicles.

Staging of facility related vehicles is discussed in Section 5.6.3.8 of the DEIS. In short, truck drivers will be informed that there is no area for staging during off hours and arrival to the site prior to operating hours is strictly prohibited. However, once the gate is opened adequate queuing area will be available onsite to handle up to eight trucks in front of the weigh scale. Customer trucks will not be permitted to park on Dodge Road. As stated in Section 4.8 of the Contingency Plan, traffic backlog can be staged elsewhere inside the gate when necessary. The onsite access roads alone can accommodate well over 20 waiting trucks. The access road and the availability of staging areas within the site essentially preclude the possibility of vehicles staging on public roads; and, dispatch communications between the facility and inbound hauling vehicles provide for effective control of vehicular traffic at the site. There will be no off-site staging areas associated with the facility.

The traffic increase on Wiltsie Road and Dodge Road will be more significant, and it is acknowledged that traffic associated with the facility will have some unavoidable impacts related to noise, dust, litter, etc. Article V.A. of the draft HCBA includes a proposed roadway and bridge program for the Town's review. The mitigation measures for traffic impacts are presented in Section 5.6 of the DEIS which include speed limit reductions to reduce noise and enhance safety, additional signage, roadway and shoulder widening, and alignment improvements.

By law, all loads must be covered and this requirement is strictly enforced by Sealand; as well as local, county and state police forces. As is common practice for solid waste management companies, Sealand labor crews will periodically collect litter on the roads in the vicinity of the landfill throughout the year. If Sealand is notified about a specific spill or littering problem, they will request the hauler remove all spilled materials and restore the area to the satisfaction of the NYSDEC.

4.2.6.2 Roadway Wear and Tear

Item No.	Commenter	Comment
L50	Lodestro, C	With all the big trucks on the road, they will wreck the roads and our taxes will go way up.
L142	Hostetler, M	
L158	Anderson, B	Who will be pay for the upgrading and maintenance of our roads and bridges? Will we be compensated for the land we lose with the widening of the roads?
L166	Anderson, K	
L174	Bender, G	
L183	Kurtz, E	
L198	Saxton, W&J	The deterioration of the road is concerning. How will Sealand maintain the roads and who will be monitoring that? For how long?
L206	Gauger, L	
L213	Wiltsie, R	Additional volume of vehicles will require road upgrades.
L229	DeLorenzo, P	
L242	Fiore, C	Another item of concern is wear and tear on Frew Run Road; specifically, to the edges of the roadway. The pavement width and lane widths are fairly narrow on Frew Run Road (20' to 21' total pavement width). With the increase in larger truck traffic there is a concern the larger trucks will cause an increase damage to pavement edges, which can contribute to shoulder drop offs as well as the roadway edges breaking up. The pavement section would need to be widened on Frew Run Road from US 62 to Wiltsie Road, but the County has no intention or desire to widen the road.
L255	Pine Grove Sup	
L288	Young, C (Sen.)	
L299	Bell, P&C	
L314	Borrello, G	
E2	Anderson, W	
E26	Crossley, J	
E30	Danielson, M	
E102	Hanson, P	
E139	Dahlgren, K	
RP20	Payne, R	Sealand states they will make our roads wider and straighten the curves. If they widen the roads, that means residents will lose a big chunk of their front yards. That means the trucks will be even closer to their houses. If they straighten the curves and a house is on the wrong side of the curve, they may even lose their house.
		Frew Run is a County highway. Are they responsible for the extra maintenance? Wiltsie and Dodge Roads are Town of Carroll. Are we responsible for the extra maintenance? ...if Sealand is allowed to put in this landfill, we the people will foot the bill to beef up the highways in the Town of Carroll to accommodate these trucks.

Response or Action:

A preventive and continuing maintenance program for Dodge and Wiltsie Road is provided in Section 5.6.3.7 of the DEIS. Article V.A. of the draft HCBA outlines Sealand's proposed Roadway and Bridge Rehabilitation and Maintenance Program. In summary, Sealand will fully fund a rehabilitation and upgrade of portions of Dodge Road, Wiltsie Road and Frew Run Road (CR-34), including roadway widening, drainage improvement, resurfacing, and maintenance as needed during operation of the facility. These improvements are intended to allow the use of these

roadways by local residents, other truck traffic, and traffic destined for the facility, and will be based on accepted traffic and roadway engineering principals. Improvements shall only be made within the right-of-way and will not disturb private property. These improvements will be subject to the approval of the town and county highway superintendents and will be implemented at no cost to the town or county. Sealand will maintain the town roadways in accordance with the final HCBA for the active life of the facility.

An assessment of the structural integrity of the six bridges between Frewsburg and Dodge Road was completed by NYSDOT engineers, and that assessment was reviewed for the purpose of this project. As detailed in Section 3.8.1.6 of the DEIS, all bridges on CR-34 are in acceptable condition; however, the bridge on Wiltsie Road over Frews Run was determined to be structurally deficient by the NYSDOT. Sealand will replace this bridge at no cost to the Town or County with a full span arch culvert as discussed in Section 5.6.3.7 of the DEIS.

Frew Run Road (CR-34), is a Chautauqua County-owned and maintained road that runs east and west between US-62 and the Cattaraugus County line with a speed limit of 35 miles per hour (mph) in the Hamlet of Frewsburg and 55 mph to the east. Facility related truck traffic is expected to comprise between six and seven percent of the AADT on this roadway.

Pavement edge failures, primarily associated with shoulder drop offs, have been noted and it is assumed this condition will be corrected during routine maintenance. Frew Run Road is classified as a rural minor collector between US-62 and Wiltsie Road by NYSDOT¹¹ consisting of one ten-foot wide asphalt paved travel lane¹² and a four-foot wide gravel shoulder¹³ in each direction. For the 55 mph speed limit, the NYSDOT minimum lane width is 11-feet and the recommended shoulder width is five feet. Based on a comparison of the existing conditions, widening the Frew Run Road pavement and shoulder to meet NYSDOT standards would benefit the local community. This issue should be addressed by the Chautauqua County Department of Public Works and cannot

¹¹ <https://gis3.dot.ny.gov/html5viewer/?viewer=FC>

¹² NYSDOT design criteria for non- National Highway System (NHS) rural collectors identify ten-foot travel lanes for design speeds of 35 mph and 11 feet for design speeds of 55 mph.

¹³ NYSDOT design criteria for non- NHS rural collectors indicate four-foot travel lanes for occasional pedestrian and/or bicycle use, and that five feet is desirable for speeds exceeding 50 mph.

be resolved through the processing of the facility’s permit applications or issuance of the NYSDEC permits.

Proposed improvements that would be funded by the Applicant at the Frew Run Road-Wiltsie Road intersection are as shown in Figure 5-14 in Section 5.6.3.3 of the DEIS. The Applicant reports that the improvements have been reviewed by the Chautauqua County Division of Transportation¹⁴. While final approval of the design changes will not be considered until construction quality submissions are made available, the Applicant has addressed the initial comments provided by the County and proposes to work in cooperation with the County to implement these improvements.

4.2.6.3 Safety

Item No.	Commenter	Comment
L3	Fletcher, L	The business district within Frewsburg on Route 62 has a serious curve limitation followed by a hazardous intersection of Route 62, Frew Run Road and Institute Street where school buses from the Jr. Sr. High School enter and exit with no traffic signals. Continuing from the intersection to the “site” are residential areas, out of date narrow roads consisting of at least one bridge in need of replacement and a 90 degree turn onto Wiltsie Road which will be dangerous due to the size of the trucks. Add to these thoughts is the increase in gravel pit trucking from Ivory on Route 62 and also on Frew Run Road through the “5 point” hazardous intersection noted above.
L12	Lingenfelter, J	
L22	Lingenfelter, S	
L34	Lundgren, R	
L36	Fuchs, R	
L49	Lodestro, C	
L67	Crossley, E	
L68	Crossley, E	
L76	Davis, K	
L77	Davis, K	
L85	Pope, C	
L86	Lingenfelter, B&R	
L94	Ruble, D&A	
L101	Hanson, E Jr.	
L114	Ekstrom, P	...there is a summer program at the Willis Hale Town Park, also located on Frew Run. Many kids bike or walk there; how can they do this safely with the increased traffic?
L116	FCS D	
L118	FCS D	
L123	Johnson, S	
L134	Wiltsie, B	Trucks have difficulty now maneuvering around the curve in our town and often cross the center line.
L159	Anderson, B	
L167	Anderson, K	
L175	Bender, G	
L184	Kurtz, E	
L197	Saxton, W&J	Our five corners in the center of town would become a disaster with the increase of traffic... Mark my words someone will be killed due to the extra traffic.
L201	Johnson, C	
L214	Wiltsie, R	
L218	Smith, M	

¹⁴ Acknowledged via email by Alexey Brumagin December 13, 2016

Item No.	Commenter	Comment
L222	McGinnis, M	The extreme increase in heavy truck traffic where school students are walking to school and/or the Youth programs at the Trinity Church building will greatly increase the odds of an extremely sad tragedy.
L226	Lundmark, N	
L232	McIntyre, L&S	
L247	Olson, B	Commenters are concerned about traffic safety at the Elementary School. The parent pickup line requires parents to park across the road if the circle is full and cross over as the car line moves. It can get quite difficult now so added traffic of more large trucks would make it quite dangerous.
L263	Ridout, S	
L268	Fuller, C	
L278	Hostetler, K	
L285	Rublee, D	
L179	Engstrom, K	
L319	Harvey, K&R	
E5	Smith, T	The playground area is next to the sidewalk.
E7	Carlson, L	Frewsburg has a youth center at the five corners in town. How will the safety of all these kids be guaranteed with all the truck traffic coming thru that corner? I'm concerned for the safety of school buses picking up & dropping off students on the rural roads the trucks will be traveling.
E10	Ognibene, D	
E11	Magnuson, T	
E18	Yost, D&J	
E22	Brooks, S	
E124	Sample, Sh&St	The routes to the landfill include roads and intersections traveled by our school busses during peak hours of operation. This is an accident waiting to happen, especially in the "5 corners of Frewsburg" where it is already congested and is an area with reduced visibility. ... Additional traffic volume caused by the Expansion Project poses two problems: 1) students walk to school via Rt. 62 and also cross this road to get to school; and 2) traffic on NY Route 62 is already backed-up at the Elementary School during arrival and dismissal times without the extra burden.
E140	Dahlgren, K	
E144	Eckman, K	
E150	Horner, J	
E152	Jones, J	
E156	Jones, K	
E171	Miller, R	
E177	Mott, K	
E183	Williams, D	
F6	Kalfas, S	
RP2	Payne, R	If the Quaint Road water treatment plant is used to handle the treatment of wastewater associated with the Sealand Expansion Project, how many trucks, daily, are expected to take this wastewater to Quaint Road? I ask because the path of these trips runs directly past the main roads which lead to the Frewsburg Middle/High School and the Frewsburg bus garage. At dismissal time, high school students that drive themselves quickly exit the parking lot.
H2	Rensel, J	
H18	O'Boyle, S	I fear for the safety of drivers young and old. I live at the very top of the steep hill these trucks will be going down using Jake breaks to slow their descent of the steep hill. Also, just after my house there is a sharp bend in the road which passenger vehicles have a difficult time passing each other, let alone large trucks.
H20	Ekstrom, P	
H28	Wiltsie, R	
H31	Lingenfelter, R	
		There are no shoulders on several of the roads. The roads are used by farm equipment and Amish buggies where encounters with large waste trucks will become a safety concern.
		With over 77 garbage trucks per day coming and going through the town's congested intersections, past the elementary school, along rural roads with no shoulders that are used by buggies and tractors and school buses – roads unable to handle safely the current traffic – would mean certain danger to school children. We already have heavy traffic from the gravel pit on the same road.
		Narrow roads to and from the landfill would be dangerous for school buses and Amish buggies which travel the same routes as landfill trucks.
		The farm equipment of not only our farm, but the neighboring farms is wide and would have difficulty navigating these roads while passing large trucks at such constant interval.

Item No.	Commenter	Comment
		<p>I'm fearful for my grandchildren, wanting to ride their bicycles up Dodge Road.</p> <p>We have school-crossing guard issues [in the Village of Falconer] in the morning and the afternoon.</p> <p>You can't stop those big vehicles in a short amount of time.</p> <p>The safety of the school children of the area is very important. The lowball number of trucks suggested by DE of 77 trucks per day still amounts to 140 trips by noisy, dirty, difficult to navigate, heavy garbage trucks passing through the difficult twisting and turning streets of Frewsburg, past several schools where traffic jams occur twice a day.</p>

Response or Action:

Traffic and traffic safety are by far the greatest concerns expressed by the community, both as part of the public scoping process for the DEIS during the review of the application, the public comment period and legislative hearing. The existing traffic patterns, traffic volumes, safety related conditions, school times and bussing schedules, facilities on the truck route and other pertinent issues are addressed at length in Section 5.6.3.3 of the DEIS, as summarized below.

The Applicant forwarded drawings and project related information to the NYSDOT requesting their review and comment on the proposed traffic safety enhancements identified for the Hamlet of Frewsburg, including the five corners intersection and Ivory Road near the Robert H. Jackson (RHJ) Elementary School. The itemized response letter from the NYSDOT, included in Appendix E of the DEIS, describes their concurrence and acceptance of a series of high visibility crosswalks, curb ramps, signage, stop lines, extension of reduced speed limit zones near RHJ Elementary School, and lowering the speed limit near the Middle/High School. The Applicant requested the NYSDOT consider installing a traffic light at the five corners intersection. However, NYSDOT indicated the intersection does not warrant a three-color traffic signal because the traffic levels fall below those normally associated with a signal, and the accident history did not reveal any problems that would be correctable by such a signal.

In general, the hamlet of Frewsburg maintains adequate sidewalks along the truck route from north of the RHJ Elementary school on Route 62 through the transition from Frew Run Street to Frew Run Road, which should provide safe travel for pedestrian within the Town. However, there are

currently no established school walk routes for students in the Frewsburg Central School District. Sealand proposes to help fund, develop and maintain a Safe Kids Walk This Way pedestrian safety program for the hamlet of Frewsburg. The Safe Kids Walk This Way pedestrian safety program teaches children to be safe pedestrians, teaches adults to be safe drivers, and advocates for environmental improvements in places where children walk or would like to be able to walk. Bicyclists and summer pedestrians could also benefit from this program.

The designated traffic route for facility related truck traffic avoids travel through the Village of Falconer. Based on information provided in the TIS, an estimated six to twelve waste hauling trucks may be passing by the RHJ elementary school during the time morning busses are running. Approximately four trucks will be on the road when buses transport children for mid-day Pre-K, and about six to twelve facility related trucks will be travelling the roads during the afternoon bus runs starting when high school students are released at 2:15 p.m. This facility related traffic is expected to constitute about five percent of the traffic load near the schools; and therefore, is not expected to adversely affect traffic safety as is stated in one of the five main conclusions of the TIS (see page V of the TIS in Appendix E of the DEIS).

Non-school bus vehicles access the RHJ Elementary School grounds from Ivory Road, which is on the planned traffic route. It is understood that vehicles stack on this western driveway and once the driveway is full, cars stage/park in the travel lane on Ivory Road awaiting students to depart or arrive at the staged vehicles. While the vehicles are parked on the Ivory Road travel lanes, through traffic must come to a full stop in this no passing zone until sufficient space is available on school grounds for vehicles to pull off Ivory Road and on to school grounds. To help address the situation at RHJ Elementary School, NYSDOT agreed to extend the 25 mph reduced speed limit zone on Ivory Road from the original 1,000 foot long zone to the maximum allowable distance of 1,320 feet.

A review of the alignment and width of the roadway along Wiltsie and Dodge Roads, including and between the intersections of Wiltsie/Frew Run Road, Wiltsie/Dodge Road, and the site entranceway, identifies six areas where simple modifications can be made to improve traffic safety. Section 5.6.3.3 of the DEIS describes the facility related truck speed limit reductions, signage, and

proposed roadway modifications to be made within the right-of-way for Frew Run Road, Dodge Road and Wiltsie Road. No private property is to be consumed by these safety improvements.

Section IX of the TIS addresses sight and stopping distances at the intersections, concluding that the available sight distance exceeds the required stopping distance at all of the existing intersections and the proposed site driveway location.

Section XII of the TIS concludes the project will not have a significant adverse impact on safety at any of the intersections, and that there are no existing apparent traffic safety deficiencies within the study area. Commenters did not provide information data or analysis refuting the findings presented in the TIS or the DEIS.

4.2.6.4 Amish Community

Item No.	Commenter	Comment
L70	Crossley, E	Large trucks would pose an even greater problem (to the Amish community) as some horses are very frightened of large trucks.
L78	Davis, J	
L99	Rublee, D&A	
L131	Raber, J	On a good day, CR 34 is wide enough for normal vehicular traffic to travel East and West. Once Amish buggies are added to the mix, the situation becomes more precarious. I personally have witnessed two accidents involving Amish buggies that tipped over due to moving over onto the soft shoulder.
L132	Raber, L	
L149	Rowley, H&J&S	
L161	Anderson, B	
L169	Anderson, K	
L177	Bender, G	I'm concerned about all the trucks going and spooking our buggy horses.
L186	Kurtz, E	We have a lot of slow moving horse and buggy traffic on the road and lots of horses don't like big trucks, about 60% of all horse and buggy accidents are caused by horses spooking from big trucks.
L208	Gauger, L	
L216	Wiltsie, R	
L223	McGinnis, M	
L272	Fuller, C	
L277	Hostetler, K	
L283	Rublee, D	My chief concern is our horse and buggies (we are Amish) traveling the road with so many big trucks. With some horses that shy from trucks, it simply would not be safe.
L293	Williams, R	
L312	Borrello, G	
E24	Brooks, S	The DEIS contains no safety analysis regarding the ever-increasing presence of Amish horse-drawn vehicles on roadways in Chautauqua County, including the Town of Carroll.
E28	Danielson, M	
E45	Wiltsie, B	
E75	Hanson, P	
E130	Sample, Sh&St	Every year we hear more and more buggy and motor vehicle accidents in our area.
E134	Sitler, R	
E172	Miller, R	Many of my neighbors are Amish and travel to town in a horse and buggy with little children. The issue of the Amish travelers and those huge trucks full of garbage, so many of them in one day could cause an accident where there would most definitely be fatalities, it would be disastrous.
E182	Williams, D	
H23	Caster, C	
H41	Davis, J	

RP3 L179	Payne, R Engstrom, K	And then there are the narrow, rural roads where the Amish and farm equipment and school buses travel. This alone should require that the dump remain closed.
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Response or Action:

Across New York State and elsewhere, townships are experiencing dramatic population growth among horse-and-buggy driving populations. Since about 2005, New York State has experienced the fastest growth of Amish and Mennonite communities in the country, attracted by affordable and productive farmland¹⁵.

In the September 27, 2016 edition of the Jamestown Post Journal, Chautauqua County Sheriff Joseph A. Gerace stated after the third accident involving a car and an Amish buggy in 2016 to that point in time, those three accidents were preventable if only drivers took their time, slowed down when cresting hills and blind corners and observed basic traffic guidelines. Sheriff Gerace stated that buggy accidents among the Amish population are “an issue of great concern” locally, spurring the planning and development of a County wide buggy safety manual; reportedly modeled after a similar document already published several years ago in Pennsylvania. While Chautauqua County took the lead on this buggy safety manual initiative, the state of New York, due to the significant increase in the horse-and-buggy driving population and safety concerns statewide, has now formed a committee that meets on a quarterly basis to produce a New York State Buggy Safety Manual.

The routes proposed for facility related truck traffic that are also routinely used by Amish buggy traffic include US-62, Frew Run Road and Falconer-Frewsburg Road. Amish buggy traffic does not utilize Wiltsie Road or Dodge Road¹⁶.

US-62 is a high capacity NYSDOT arterial highway with six-foot wide shoulders and 12-foot wide travel lanes. A review of the TIS shows that facility related truck traffic would constitute about 2% of the AADT. Frew Run Road is a Chautauqua County highway with four-foot wide shoulders

¹⁵ Reid, Judson. (2015). Old Order Mennonites in New York: Cultural and Agricultural Growth. *Journal of Amish and Plain Anabaptist Studies*, 3(2):212-21.

¹⁶ Personal communication with Moses Hostetler, April 26, 2018 meeting in Frewsburg, New York.

and 10-foot wide travel lanes. A review of the TIS shows that facility related truck traffic would constitute about 5% to 7% of the AADT over the life of the facility. Given the projected growth rate of 1% per year, traffic at the early start of landfill operations would constitute about 6.3% of the estimated AADT in 2020 (1,508), dropping to about 5.5% in 2032. Given the relatively small percentage of facility related traffic on US-62 and Frew Run Road, no significant additional adverse impact on Amish buggy safety is expected as a result of this project. However, as discussed in Section 4.2.6.2 of this FEIS, widening of the County-owned Frew Run Road, and especially its shoulders, to meet the minimum NYSDOT standards would benefit the local community, including the Amish.

Falconer-Frewsburg Road is a Chautauqua County roadway with four-foot wide shoulders and 11-foot wide travel lanes. Normal projected facility related truck traffic on this roadway will range from none to three trucks a day hauling leachate to the Jamestown WWTP, as is demonstrated by the analysis presented in Appendix D of the Engineering Report. At peak leachate generation rates four to five trucks a day will use that route. With this minor level of increase in truck traffic, no significant additional adverse impact on Amish buggy safety on Falconer-Frewsburg Road is expected.

A search of the Jamestown Post Journal archives revealed ten accident reports involving Amish buggies between March 11, 2012 and October 26, 2017. It is expected there are other accidents that were not found in these archives. Of the ten accidents that were reported, three were alcohol related, two buggies were rear ended by cars, two involved cars passing a buggy too closely, one was caused by a distracted driver using a cell phone, and one involved unsafe speed on a slippery road. The cause of the remaining accident was not clearly reported; however, none involved a professional driver in a heavy truck.

Professional drivers hauling waste to the proposed facility are highly trained and must have a Commercial Driver License (CDL). To obtain the CDL, a prospective truck driver must obtain a Commercial Learner Permit (CLP) for the proper class and type of vehicle to be driven. To obtain a CLP, one must apply in person and already have a driver license that is not suspended, revoked or cancelled. The prospective driver must pass a knowledge test, and a skills test in a vehicle that matches the class, type and use of the CDL sought after. Most commonly formal training is a

prerequisite to taking the skills test. There are a number of infractions that CDL holders may make that will void their CDL, such as speed 15 mph or more above the posted limit, reckless driving, following too closely and many others. A CDL holder can lose their CDL for certain traffic violations in their personal vehicles. Individuals who drive a commercial vehicle without a CDL can be fined and imprisoned for the offense.

The Applicant offers to help develop a Safe Kids Walk This Way program as described above in Section 4.2.6.3 of this FEIS. The program can readily incorporate strategies that enhance horse and buggy traffic safety; for example, the recommendations outlined in the Amish Safety Strategic Plan developed by government and law enforcement officials in Geauga County, Ohio. These strategies include lowered speed limits in dangerous areas, removing obstacles that interfere with a buggy driver’s view of oncoming vehicles; or if agreeable to the Amish, increasing the standardizing lighting and reflective tape markings on black buggies so they are more visible at night and oncoming drivers know what they are seeing when approaching a buggy in the dark.

Given the above, the Applicant cannot on its own address all the actions required to improve traffic safety for the Amish community. Within the purvue of processing these applications, it appears that Sealand has mitigated the potential safety impacts to the maximum practicable extent.

4.2.6.5 Agriculture

Item No.	Commenter	Comment
L69 L80 L97	Crossley, E Jacobson, S Ruble, D&A	... gardens/produce stands would be contaminated with waste particulates the trucks are hauling.
L111 L125 L126	Ekstrom, P Lander, D Lander, D	I own a farm on Frew Run Road, one of the main routes that will be used by the trucks that will be hauling C+D waste to the proposed landfill on Dodge Rd. My garden is an organic garden and I supply herbs to the farmers market in Jamestown.
E145 E73 E155	Eckman, K Jones, J Jones, K	I feel that my herbs will be compromised with diesel trucks traveling up and down Frew Run Road.
H42 H50 RP4	Davis, J Jones III, J Payne, R	The heavy truck traffic will decrease the sales [of Amish sourced produce] as roads are not wide enough for parked cars and truck and local traffic.
		I process hay for the alpacas on both sides of Dodge Road. That means that my tractor and implements (mower, rake, baler, hay wagon) will be in direct conflict with any truck traffic that occurs due to the dump operation.

Alpacas can suffer from stress...Stress can cause fiber breakage which, if severe enough, will make that year's fleece worthless. The constant rumbling of trucks passing quite close to their (alpacas) pastures as well as the use of brakes can cause this kind of severe stress.

...my family has a dairy farm...The poor air quality generated by the increased diesel particulate matter and the dust particles from the landfill will most likely lead to decreased production by these animals as well as a decreased life span. ... I also fear that the diesel exhaust could find its way into the milk produced by the cows...

I drive my tractor up Frew Run from my house to my property across the road. Frew Run Road is not wide enough to handle the increased truck traffic.

Diesel Particulate Matter, due to the increase in traffic to the landfill, will become a health hazard to agriculture.

Our equipment is big. It's hard enough to maneuver around school buses and trucks. We don't need more trucks.

Response or Action:

By law, all waste loads must be covered to effectively isolate waste materials in the truck bed and prevent loose material from escaping by blowing or spilling out. The load covering requirement is enforced by local, County and State police agencies. As discussed in Section 5.6.1.1 of the DEIS in the context of the use of approved truck routes, drivers with multiple infractions of Company policies and permit requirements will not be allowed to utilize the facility. If Sealand is notified about a specific problem with a driver or hauling company, they will provide a written notice to the offender. Repeat offenders will be barred from the facility.

Commenters describe a condition on Frew Run Road where there is insufficient road width for parked cars, trucks and local traffic near roadside produce stands, and now a substantial number of additional heavy trucks have been added to the traffic due to gravel pit operations. As discussed in Section 4.2.6.2 above, the Applicant acknowledges that the width of Frew Run Road does not meet NYSDOT standards; however, this is an issue that must be addressed by the Chautauqua County Department of Public Works and cannot be resolved through the processing of the facility's permit applications or issuance of the NYSDEC permits.

To safely share the road with farm equipment and farm animals, facility-related traffic must have sufficient stopping sight distance. Stopping sight distance is the worst-case distance a below-

average driver must see in order to have sufficient time and space to stop before reaching a stationary object in the roadway. Truck and passenger vehicle drivers have essentially the same stopping sight distances. While it may take longer for a truck to brake, the driver has a higher vantage point and is able to recognize an obstruction earlier.

An assessment of stopping sight distance between Frew Run Road and the facility entrance along Dodge and Wiltsie Roads reveals a number of locations where, primarily due to horizontal curvature, adequate stopping sight distance is not met at the posted speed limit. At 35 mph, the stopping site distance can be met at all locations on Dodge and Wiltsie Roads. Accordingly, Sealand proposed to post a 30 mph truck speed limit on Dodge and Wiltsie Roads. Speed limit and cautionary signage is shown in the DEIS.

The potential impacts of the project on agriculture are described in Section 5.12.3 of the DEIS addressing the possible negative response from farm animals to increased traffic noise, dust and the potential conflict with moving farm equipment and animals on the roads, and the loss of farmland due to road widening.

The most prevalent reported environmental stressors for alpacas are heat stress and isolation or separation anxiety. No reference to alpacas being inflicted by stress due to traffic noise was found. Conversely, according to direct conversation with an alpaca owner (Alpaca Paradise, Ransomville, New York), alpacas adjust easily to environmental change and truck traffic does not appear to induce any adverse behaviors (personal conversation, August 26, 2012). Further, an alpaca farm was identified in Ohio whose property is bordered by US-40 to the south and Interstate 70 to the north. This farm started in 2004 with a herd of five alpacas, but according to an online company profile updated by the owner, the herd had successfully grown to 20 alpacas and one llama (Alpacanation, 2012).¹⁷ The owner of this farm has boasted “*we specialize on happy, healthy alpaca*” (Alpacanation, 2012). Given their location, it is reasonable to conclude the animals were not stressed by traffic noise.

Alpaca fleece yield is reported to be most affected by animal age with total relative economic value of alpaca fleece peaking between the age of 2 and 3 (McGregor, 2006). Clean fleece yield or the

¹⁷ Alpacanation. (2012). Alpacas, Posies & Pines (and One Llama!) Farm Page. Available at: http://alpacanation.com/farmsandbreeders/03_viewfarm2.asp?name=12534. Accessed on: January 9, 2015.

percent difference in weight between before and after washing is an important factor considered when determining the value of this commodity. Typically, pasture management and pre-shearing grooming are sufficient to optimizing clean fleece yield¹⁸. The economic value of alpaca fleece is also affected by contaminants, including vegetable matter and dust.¹⁹ The control of particulate emissions from the site is discussed in Section 5.4.1.2 of the DEIS. As stated, dusty conditions at the site will be controlled predominantly through watering. Nine supplemental Best Management Practices are listed that will mitigate dust emission to levels that will prevent adverse offsite impacts.

The impacts of the facility traffic exhaust on air quality and the mitigation measures to be taken are described in Section 5.4.1.3 of the DEIS. Diesel exhaust contributes to the production of ground-level ozone; however, this impact is mitigated through 2002 regulations requiring cleaner fuels and engines. The progressive federal regulations have served to reduce diesel emissions and exposure.

4.2.6.6 Traffic Study Traffic Patterns

Item No.	Commenter	Comment
E66 RP5	Hanson, P Payne, R	The Traffic Study was conducted during a period of unnatural traffic patterns (the annual Frewsburg Gala Days). Our traffic patterns are generally much lower than the study indicates.

Response or Action:

It appears that the commenter is mistaken. The existing traffic volume counts presented in the Traffic Study and used in the analysis were obtained on June 14, 2011 and at that time, no special event was underway.

¹⁸ Alpaca 4 Sale. (2002). A brief primer on alpaca fiber. Available at: http://www.alpacas-4-sale.com/alpaca_fiber.com. Copyright 2002. Accessed on: September 25, 2012.

¹⁹ McGregor, B. A. (2006). Production, attributes and relative value of alpaca fleeces in southern Australia and implications for industry development. *Small Ruminant Research*, **61**(2-3), 93-111.

4.2.6.7 Truck Route

Item No.	Commenter	Comment
L313 L322 E74 E87 E42 E173 RP6 H1	Borrello, G Larsen, K Hanson, P Hanson, P Sandberg, D Miller, R Payne, R Rensel, J	<p>The County’s Department of Public Facilities believes it is unlikely that traffic from the north will utilize the DEIS’ routing of NYS 60, to I-86, to US 62, to Frew Run Road to access the site. Based on review of highway mapping and the County’s experience of overweight truck permitting in the area, it is more likely that traffic traveling to the site from the north would take NYS 60 to CR 380, to CR 55, then US 62 and Frew Run Road.</p> <p>What assurances... [are there] ...that this heavy truck traffic will travel only the designated routes? In the Public Scoping Document Section 3.3 Transportation Routes describes “traffic <i>primarily</i> using the stated routes.” It also states, “or traffic is <i>expected</i> to use the stated routes.” There exist many secondary roads that will considerably cut travel distances to Dodge Road...Many of these are dirt roads subject to damage by heavy trucks traffic. ... What enforcement means will be provided to maintain truck traffic using only the stated routes?</p> <p>With a lot of waste coming from OH and PA, are all haulers planning to use I-86? No other smaller (back) roads through PA will be used to get to the site?</p> <p>How are area residents supposed to know which trucks on the road are going to your facility (in order to report them)?</p> <p>...what happens [to the truck route] if there is a mechanical breakdown or god forbid an accident tying up traffic in the area?</p> <p>How will truckers coming off I-86 that cut through the back roads from Rt. 62 (Bunce Rd to Oak Hill to Peterson to Frew Run) be controlled? Who will police the trucker’s speed and weight limits?</p> <p>There is a sign on Route 86 that invites truck traffic to get off at Exit 11 and Exit 13... The commenter notes that this will direct truck traffic to exit at the Village of Falconer (Exit 13).</p>

Response or Action:

The results of the assessment of the least impactful transportation route is presented in the DEIS and includes commitments by Sealand to enforce the prescribed routes described therein. The designation and enforcement of approved routes for waste truck traffic is a common element of landfill operations in New York State and elsewhere. As detailed in Section 6.4 of the DEIS, it has been determined that there are no alternative routes that would be more appropriate than the planned routes. These routes anticipate the majority of traffic coming from the north, east, or west which are expected to travel from I-86, southbound on US-62 to Frew Run Road, on to Wiltsie Road, then Dodge Road. A minor percentage of trucks are expected to be traveling to the site from

the south, and these vehicles are expected to use US-62 northbound to Frew Run Road. As stated in Section 5.6.1.1 of the DEIS, if drivers en-route to or from the site are observed or suspected of using a route other than the planned routes, the witness is encouraged to report the incident to the Site Manager. Trucks en-route to the site are unlikely to have any identifying characteristics. Witnesses of a suspected off-route truck should gather and report as much information about the incident as possible. Information such as date and time of day, direction of travel, name of hauling company, and a description of the truck including license plate or waste transporter number, if possible, will help identify whether the driver was indeed associated with the proposed facility.

As stated in Section 5.6.1.1 of the DEIS, if an infraction is verified, the driver and his employer if not an owner-operator, will get a warning. Repeat offenders will no longer be permitted access to the site and the waste generator will retain an alternative hauler or use a different solid waste management facility. In the event of a serious accident or other incident that impedes the normal flow of traffic along the approved traffic route, landfill-related traffic will be expected to follow the designated detour route like all other traffic that comes to such an impasse. If the detour traffic pattern is to be a long-term condition, Sealand will maintain continuing communications with the hauling vehicles via CB radio and post an employee at any problem areas to direct traffic and provide for effective control of vehicular traffic to the site. Unusual traffic conditions are addressed in Section 4.8 of the facility's Contingency Plan.

The purpose of the February 2011 Public Scoping Document was to provide background information for the February 23, 2011 public scoping meeting, where the public provided input regarding the relevant environmental issues to be addressed in the DEIS. The Public Scoping Document was by necessity prepared before the detailed environmental analysis or review of alternate transportation routes. Information presented in the DEIS, supersedes the information in the February 2011 Public Scoping Document.

4.2.7 Noise

4.2.7.1 Facility Operations

Item No.	Commenter	Comment	
L93	Rublee, D&A	What about the noise from 5:30 am to 6:00 pm throughout the week and most of Saturday? I'm concerned about...the ground moving equipment and the noise from the 1400-1600 degree incinerators [and] the back-beepers that will beep beep beep from morning to night. Will the berms around the site insulate me from the noise?	
L105	Hanson, E Jr		
L112	Ekstrom, P		
L121	FCSD		
L138	Wiltsie, B		
L239	Fiore, C		
L274	Fuller, C		
L294	Williams, R		
E91	Hanson, P		
E166	Miller, R		
E127	Sample, Sh&St		
E141	Payne, R		
RP14	Dahlgren, K		
H27	Sehl, S.A.		
			What will this project do to hunting in the area given the added noise?

Response or Action:

Aurora Acoustical Consultants utilized CadnaA, dynamic 3D state-of-the-art sound propagation software to assess future noise levels during the site operation. The noise prediction software analyzed different scenarios assuming the planned number of compactors, excavators, bulldozers and operating trucks at a speed of 15.5 mph. The predicted sound levels considered the proposed ground contours, the point source sound levels, the maximum speed limit, and a defined travel path. The contours are treated as live objects and inform whether a vehicle is traveling uphill or downhill, and using algorithms that calculate the variation in truck generated sound levels. Back-up alarms that produce an audible tone only five decibels, A-weighted (dB(A)) above the instantaneous sound level will be used as shown in Attachment 3 of the Noise Analysis Report, thereby producing only a slight increase on noise levels at the site.

Section 4.1.5 of the Noise Analysis Report in Appendix G of the DEIS identifies two stationary noise sources for the landfill gas control system, including the landfill gas blower and the enclosed flare. This equipment will be constructed during the initial landfill construction phase and operate through post-closure. Both the blower and enclosed flare are assumed to be continuously operating during the one hour daily peak noise levels. Manufacturer's source noise data for the blower and

the flare have been used in the noise model and are summarized in Attachment 2 of the Noise Analysis Report.

Operations at the working face will be sufficiently muted by use of screening berms constructed as waste filling progresses. Waste trucks traveling on onsite access roads will require additional sound barriers. Through the combination of these operational controls and temporary barriers, modeled results presented in Appendix G of the DEIS demonstrate the requirements of the 6 NYCRR Part 360 regulations will be met. Meeting these regulations will minimize potential impacts beyond the property boundary and, therefore, noise is not expected to affect hunting in the surrounding area.

4.2.7.2 Traffic

Item No.	Commenter	Comment
L23	Fuchs, R	
L35	Fuchs, R	
L66	Crossley, E	Referenced testing showing a 600 HP truck and trailer the dB level is reported to be 82.7 dB A at 35 mph which is much higher than the figures stated by Sealand for large trucks standing still and on the move.
L88	Pryll, R&S	
L156	Anderson, B	
L165	Anderson, K	
L172	Bender, G	The Myers library...will no longer be a quiet place to study.
L181	Kurtz, E	
L196	Saxton, W&J	There will be extra noise and fumes from diesel fuel.
L203	Gauger, L	
L211	Wiltsie, R	At what point (decibel level) does that truck traffic affect our hearing?
L238	Fiore, C	
L279	Hostetler, K	Sound above 85 dBs are harmful, depending on length of time and how often exposed. The presence of the proposed Sealand Waste site would generate traffic noise far in excess of 85 dBs...There will be a significant adverse noise impact from trucks.
L284	Rublee, D	
E34	Moffet, C	
E89	Hanson, P	
E92	Hanson, P	
E174	Miller, R	Have you heard of Jake breaks? These trucks driving through, the noise that is going to make is outrageous.
RP15	Payne, R	
H22	Lingenfelter, R	
H26	Sehl, S.A.	What about Jake brakes? Can that [the No-Engine Brake Rule] be enforced?
H33	Lingenfelter, R	
H39	Smith, T	

Response or Action:

There are three major diesel engine builders including Caterpillar, Cummins and Detroit, manufacturing engines with horsepower ratings ranging from 300 horsepower to 650 horsepower. It is reasonable to assume the average tractor that may haul waste to the site would be equipped with an engine of less than 600 horsepower. The rated sound pressure levels used for the modeling efforts were taken from the Federal Highway Administration's Road Construction Noise Model. The numerical model used 76 dB(A) for the sound pressure level for the average truck at 50 feet from the source. This is equivalent to 82 dB(A) at 25 feet from the truck at 35 mph, which is consistent with the sound pressure level suggested by the commenter. Reducing vehicle speed is an effective noise mitigation that lowers generated decibel levels. Speed limits posted onsite will limit normal speeds to a maximum of 15 mph for all trucks and vehicles.

Noise is a common cause of hearing loss in adults as a result of the cumulative effects of noisy workplaces, busy city streets, technology exposure, loud events and the like. The louder and more frequently one is exposed to loud noises, the greater the hearing loss. As one measure, the National Institute for Occupational Safety and Health (NIOSH) recommends the following standard for promulgation by regulatory agencies such as the OSHA and the Mine Safety and Health Administration to protect workers from hearing losses resulting from occupational noise exposure. The NIOSH Recommended Exposure Limit for occupational noise exposure is 85 dB(A), as an 8-hr time-weighted average. Exposures at and above this level are considered hazardous. This noise level is orders of magnitude greater than what would be experienced by an individual at the property boundary during site operations. Accordingly, there is no threat of hearing loss in the general population as a result of the project implementation.

The Myers Memorial library is located on the corner of Ivory Street (Route 62) and Falconer Street. Route 62 is already a major truck route with a significant amount of truck traffic. Facility related truck traffic on Route 62 will constitute a marginal increase over the existing conditions (see Section 4.2.6.1). Any change in the level of traffic noise inside the library due to this facility is not expected to be audible.

As noted earlier in Section 4.2.6.1 of this FEIS and as described in Section 5.10.1.3 of the DEIS, a no Engine Brake ("Jake Brake") rule will be established for facility related trucks traffic. Sealand

will establish a resident hotline, where a resident may alert the Site Manager that a transporter has used an Engine Brake. The driver will be reminded of the No Engine Brake Rule, and repeat offenders will be barred from the facility.

4.2.8 Regulations & Permitting

4.2.8.1 Facility Status

Item No.	Commenter	Comment
L302 L326 RP22	Borrello, G Stock, K Payne, R	<p>This permit application should be treated as an entirely new facility. This proposal is for the construction of a large merchant facility (1,000 TPD) with a wasteshed of 200+ miles. This is a significantly different proposal than the previous operation at the site, which has been closed for several years.</p> <p>The presence of a former, now long-closed, C&D disposal site on this property should not make Sealand’s application an expansion of existing landfill for the purpose of avoiding the important environmental protections offered in 6 NYCRR 360-1.7(a)(2)(iv), 6 NYCRR 360-7.4(a)(5)(i), and ultimately, 6 NYCRR 360-2.12(b). Sealand proposes to build an entirely new facility. The small, closed landfill, owned and formerly operated by Jones, will be completely exhumed and replaced by an entirely new, large, regional facility covering the entire site. The purpose of the “Existing Landfill” exemption ... is to allow communities and businesses with an ongoing, compliant operation and significant prior investment in site development and infrastructure an opportunity to expand. Sealand did not begin to investigate or design the facility until 2010, three years after the small, non-compliant, disposal site owned by Jones was closed.</p>

Response or Action:

In a June 5, 2015 conference, Richard Clarkson, P.E., Director of NYSDEC’s Bureau of Permitting and Planning, confirmed the proposed facility is an expansion of the existing landfill and is not a new facility. However, Sealand’s application has been treated as a new application with full review under the SEQRA and a number of opportunities for public involvement and comment.

See also Section 4.2.8.4 on Local Laws.

The 1989 Use Variance issued by the Town of Carroll, the Part 360 permit history for the site and the June 17, 2010 New York State Court of Appeals (COA) decision demonstrate the facility was

an approved, ongoing operation with significant prior investment in site development and infrastructure, and the expansion is not a new facility.

Sealand began to investigate the site in March 2004, and the expansion application was submitted in July 2004 when the compliant land disposal and recycling activity was ongoing. The initial application for the Section 404 Wetland Permit was submitted in August 2005, and on October 13, 2005 the USACE issued the first jurisdictional determination for the site. In 2007, the Town adopted the Waste Disposal Law making it a crime to operate a SWMF in the Town, and Jones closed the facility without achieving its permitted volume due to the threat of arrest, fines, and imprisonment.

As a result of the COA confirming a constitutionally protected right to expand the landfill, Sealand resumed work on the application in July 2010.

4.2.8.2 Alternative Sites and Site Selection

Item No.	Commenter	Comment
L306 L328 F4 H8	Borrello, G Stock, K Kalfas, S Abdella, S	<p>There is one permitted and constructed MSW landfill that has remained inactive and two MSW landfills that were permitted but never constructed. These facilities represent a potentially viable offsite option for Sealand’s enterprise.</p> <p>Alternate sites are available for development.</p> <p>The site should be rejected because Sealand did not perform a selection study in accordance with 6 NYCRR 360-2.12(b).</p> <p>...this site should be located closer to the source of much of the anticipated waste: farther east, toward New York City, perhaps.</p> <p>[This site] geographically simply doesn’t make sense. ... If this landfill’s intent is to serve Central New York and Western New York, you couldn’t get any further and stay in the State of New York.</p>

Response or Action:

6 NYCRR Part 617 requires an applicant to evaluate “...*the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor.*”

Section 6.2 of the DEIS adequately addressed alternate sites for the facility consistently with the

requirements of the SEQR regulations. As described therein, Sealand has diligently searched for a viable landfill site throughout New York and elsewhere for over 13 years, considering at least 20 different sites and shortlisting eleven for preliminary investigation, including two in Chautauqua County. Of those eleven, two comprehensive applications have been prepared, one of which was rejected by local community leaders, and the other for the Jones-Carroll site.

A point by point review of the siting criteria contained in paragraph 360-1.7(a)(2), subparagraph 360-7.4(a)(5)(i) and subparagraph 360-7.4(a)(5)(ii) is presented in Section 2 of the Engineering Report. As described therein and as supported by the relevant studies included in the application, all siting criteria are met for this project. Paragraph 360-7.4(a)(5) requires a site selection study only if the applicant proposes a site that fails to meet the requirements of subparagraph 360-7.4(a)(5)(i) and subparagraph 360-7.4(a)(5)(ii); accordingly, a site selection study is not required.

As discussed in Section 1.3 of the Engineering Report and Section 4.1 of the DEIS, it is anticipated that most of the material accepted will originate within a 200 to 250-mile radius of the site. Western New York, central New York, northwestern Pennsylvania, and northeastern Ohio will constitute the primary market.

4.2.8.3 Site Suitability

Item No.	Commenter	Comment
L327 L152 L330 L331 L332 RP23	Stock, K Wiltsie, R Stock, K Stock, K Stock, K Payne, R	<p>The property is too small. To compensate..., Sealand proposes to: 1) build out the landfill footprint right to the property line, providing minimum setbacks and virtually no buffer for private residences...; 2) rely on steepened, structurally reinforced berms and concrete gravity walls to hold back the waste mound; 3) excavate the bottom of the landfill into bedrock; and, 4) rely on a system of groundwater interceptor trenches, extraction wells, and pumps to dewater the excavation during construction and initial operation.</p> <p>All of the town of Carroll sits on a rock pile. Not a good place for a dump.</p> <p>The site is located near the terminus of the last glacial advance, which left behind a complex overburden mix of permeable (glaciofluvial) and relatively impermeable (till) materials. ... Sand and gravel deposits can be ... subject to potentially rapid groundwater flow. These zones are preferential flow paths for groundwater contamination. These deposits are poorly suited for landfill development.</p> <p>Individual sand lenses are not sufficiently mapped.... Treating the till and glaciofluvial deposits as a single unit masks the importance of the individual sand</p>

and gravel layers... Sealand should be required to determine the extent to which individual sand and gravel layers across the site are hydraulically connected.

There is a potential for rapid, unpredictable movement of water within the glaciofluvial deposits. The mix of till and glaciofluvial deposits will remain outside the footprint of the liner, where they will be present below the leachate storage/transfer facility, haul roads and stormwater management facilities. Some of the permeable sands and gravels are quite shallow and highly susceptible to contamination from leachate, fuel and hydraulic spills, and infiltration of contaminated stormwater runoff, especially with sand filter beds.

The proposed facility lies within seismic hazard zone.

Response or Action:

It is noted that the minimum setback for the limit of C&D waste in the proposed design is 100-feet, exceeding the minimum for a C&D landfill of 50-feet. The design proposals put forth by the applicant to make efficient use of the available land, as referenced by the commenter, are not outside the mainstream of contemporary landfill design as the NYSDEC has approved a number of steepened mechanically reinforced perimeter berms at landfills across the state. As well, the NYSDEC has approved temporary dewatering, and bedrock excavation and replacement for landfill liner systems for MSW landfills.

The commenter correctly notes that the site is located “near” the terminus of the last glacial advance, as was reported in Section 4.1 of the SIR, but is not within that zone.

The commenter appears to conflate the term rapid and unpredictable with unmonitorable overburden. With respect to the terms rapid and unpredictable, the clearest and most authoritative statement regarding any restriction on such sites is set forth in the State’s Solid Waste Regulations rulemaking related to its adoption. In those documents, it is stated that the regulation is intended to limit landfill sites over carbonate bedrock formations (see *Final Environmental Impact Statement and Responsiveness Summary for Revisions to Part 360*, August 1988, pg. RS 2-41).

With respect to rapid and unpredictable flow in the overburden and as discussed in Section 4.2 of the SIR, the unconsolidated glacio-fluvial deposits do contain some lenses of sands and sand and gravels. As described in the response to the comments concerning the belief the site is dominated by gravels, (see Section 4.2.2.2) nearly all of the glacio-fluvial material is being removed from

within the limits of the landfill bottom. The remaining lenses of sands and sand and gravels under the landfill are contained within the till layer and are deeper than 10 feet below the bottom of the landfill liner. It is not accurate to suggest the landfill will be located over an area that will contain significant sand and gravel deposits that will support “rapid” groundwater flow that renders the site not suited for development.

The till and glacio-fluvial deposits are not treated as one single unit in the SIR. Both units are reported on separately in the SIR. Piezometers screened in the glacio-fluvial deposits or above the lower till, with individual readings of the S series shown in Appendix B of the SIR showed that the values of head were typically well above the discharge elevation of groundwater as evidenced by the streambed elevations in the un-named tributary of Storehouse Run. Also, as stated in Section 7.2.1 of the SIR, a significant number of the wells went dry and when groundwater heads were measurable, they were significantly higher than the groundwater readings in the deeper wells. The conclusion stated in the aforementioned section of the SIR is that the behavior of the shallow piezometers shows the glacio-fluvial deposits are not connected directly to the discharge system that sustains the unnamed tributary of Storehouse Run. In addition, the excavation of the glacio-fluvial deposits under the landfill, the upslope, cut-off drain construction and the lining of the landfill and stormwater ponds will remove virtually all the glacio-fluvium under the facility and much of the recharge sources to the remaining glacio-fluvial deposits rendering them a non-continuous and non-significant transport layer, not requiring detailed mapping of each lens, nor groundwater monitoring.

With respect to elements of the facility outside the landfill liner system where leachate is to be managed, the facility design calls for engineered containment systems, beginning with double wall leachate transfer piping from the landfill to the leachate storage and loadout area. The leachate storage tank is positioned above a 60-mil high-density polyethylene (HDPE) geomembrane liner and leak detection system. Wet cast reinforced watertight concrete employing super plasticizing and waterproofing admixtures is specified for the leachate load out containment pad.

The stormwater management system has been designed in accordance with the New York State Stormwater Management Design Manual and will be sampled to confirm the effluent quality requirements of the individual stormwater SPDES permit (NY0275867), and Class C(TS) surface

water are met. The sediment basins will be lined with a 36-mil chlorosulfonated polyethylene reinforced geomembrane liner system to prevent seepage and enhance stability. Final polishing in the sand filters is designed to remove particulate and meet the strict water quality requirements for discharge to Storehouse Run.

As described in Section 5.7 and Appendix A of the Operation and Maintenance Manual, daily, weekly and monthly site inspections will identify malfunctions, deterioration, operator errors, and fugitive discharges which may cause a release to the environment. This inspection includes observation of the leachate storage and loadout facility, haul roads, stormwater management facilities, scales, cover system, and other areas of the facility. Any fuel and/or hydraulic spills, as well as any leakage from trucks or equipment on the site that may occur, will be managed in accordance with New York State regulations.

The site does not lie within or near a seismic hazard zone. As stated in Section 4.5 of Appendix F of the July 2017 Engineering Report; *“The site is not located within a seismic hazard zone. The peak ground acceleration is estimated by the USGS to be only 0.063g for a seismic event having a 2% probability of being exceeded in 50 years (mean return interval of 2475 years). This is well below the 0.1g trigger that designates the area as being within a seismic impact zone.”*

4.2.8.4 Local Laws

Item No.	Commenter	Comment
L1	Walsh, D	Why is the DEC permitting a project that is clearly illegal in the Town of Carroll?
L4	Lingenfelter, M	What right do you have to do so?
L10	Lingenfelter, J	
L16	Lingenfelter, R	Sealand has been precluded from constructing the landfill by virtue of the fact that the Town of Carroll is utilizing the Municipal Home Rule Law, and also by which the NY State Appeals Court presiding judges ruled on behalf of the Town of Carroll.
L27	Jones, J (Sup.)	
L28	Jones, J (Sup.)	Both state that Sealand was prohibited from constructing the landfill.
L81	Bauld, W	
L228	DeLorenzo, P	
L256	Greenwood, L	The Department should dismiss the application and not move forward with its review, unless and until the Town’s local law is rescinded.
L267	Ridout, S	
L286	Young, C (Sen.)	
L316	Wendel, P	There will be no permits from the Town of Carroll.
L325	Stock, K	
E53	Hanson, P	The June 17, 2010 judgment allowed Sealand to seek a DEC permit for this project based on the idea that they were grandfathered from the 2005 town law. However
E69	Hanson, P	
F7	Kalfas, S	

H12	Hanson, P	the courts said nothing other than C&D material. Yard waste is putrescible, and therefore does not qualify.
H13	Greenwood, L	
H36	Lingenfelter, M	
H46	Goodell, A	Based on the existence of the town laws, the Army Corp of Engineers 'denied without prejudice'. Why can't the DEC do the same?
RP32	Payne, R	
		In 2007, the Town of Carroll adopted a Waste Disposal Law to restrict waste disposal within the Town of Carroll so as to protect the Town's public water supply. Strict compliance with the Town of Carroll's Waste Disposal Law is in the Town's opinion, absolutely necessary in order to protect the health, safety and water supply of the Town of Carroll residents.

Response or Action:

Once an application is submitted to the NYSDEC, under New York State law, the NYSDEC is required to process it to a decision point. However, Federal law allows that where a local authorization has been denied for activities which also require a Department of the Army Permit, the USACE, may either immediately deny the Army permit without prejudice or continue processing the application to a conclusion. It appears that except for the local law, the Army permit, under appropriate conditions, could be issued. However, draft NYSDEC permits for this Facility contain conditions which prohibit operation of the facility until 30 calendar days after issuance of the USACE permit.

The COA heard arguments only regarding the 2005 Zoning Law, establishing that the right to construct the proposed facility is a vested right that runs with the property. As well, on February 9, 2018 the New York State Appellate Division, Fourth Department issued a Memorandum and Order denying the Town's and Chautauqua County's claims that the Town's 2007 Waste Disposal Law was a proper exercise of the Town's police power that did not violate the property owner's rights. The Fourth Department and the COA ruled on the Town's appeal to dismiss Sealand's claims but the case was remanded back to Chautauqua County Supreme Court. On June 11, 2018, the Supreme Court determined that a trial will be held to resolve issues of fact surrounding claims made by the parties. At this time, the New York State Appellate Division, Fourth Department is expected to hear further appeals from both the Town and Sealand in the fall of 2019.

The June 17, 2010 judgment referred to by the commenter applies to landfilled waste only. As detailed in Section 4.2 of the DEIS, source separated yard waste will not be accepted for disposal. Rather; Sealand will operate a yard waste composting operation to manage source separated yard wastes, including leaves, small brush, wood chips, grass, discarded Christmas trees, and the like.

The Town of Carroll’s public water supply system lies wholly within the FWD, and all of the district’s six supply wells are located in the Jamestown Aquifer. The project site is located more than three miles to the southeast of the closest edge of the Jamestown Aquifer, and between five and six miles south and east of the public water supply wells. Moreover, the proposed C&D Management Facility site lies in a completely different watershed that is hydrologically isolated from the Jamestown Aquifer. Groundwater and surface water associated with this facility does not flow towards the Jamestown Aquifer and the Town’s water supply.

4.2.8.5 Other Regulations

Item No.	Commenter	Comment
E82 RP36	Hanson, P Payne, R	<p data-bbox="535 1102 1438 1199">Biologically treating leachate as if it were household wastewater is a problem. Generally household wastewater doesn’t contain toxins. Won’t this leachate violate both interference and pass-through laws?</p> <p data-bbox="535 1226 1438 1283">The facility is in violation of EPA law; Title 40, Part 258, Subpart C, 258.27, 258.26, 258.12.</p>

Response or Action:

When the commenter refers to interference and pass-through laws, they mean the National Pretreatment Standards. Any WWTP in New York State which agrees to accept industrial waste is subject to the National Pretreatment Standards per 6 NYCRR 750-2.9(b). The intent of the National Pretreatment Standards is to prevent the acceptance of pollutants that would interfere with the proper function of their treatment processes or would pass-through the wastewater treatment facility un-treated. The city of Jamestown has developed local pretreatment limits in accordance with the National Pretreatment Standards. As stated in their agreement to accept leachate from the proposed site, sampling and analysis to confirm compliance with their local

pretreatment standards is required prior to acceptance of the first load. This agreement can be seen in Appendix C of the Facility's O&M Manual which was submitted as part of this application.

USEPA has approved New York State's SWMF regulations, which are stricter than the Federal regulations at 40 Code of Federal Regulations (CFR) Part 258. The facility meets and exceeds the applicable buffer distances set forth in the 40 CFR Part 258, Subpart C, as shown by the Permit Drawings. USEPA has also approved New York State's SPDES program determining it is in compliance with the National Pollutant Discharge Elimination System (NPDES) requirements, pursuant to section 402. As detailed in the Engineering Report, Section 7 and Appendix G, the site's stormwater management system, including runoff and runoff drainage features, was designed to be able to safely handle the 100-year, 24-hour storm; thereby exceeding the 25-year, 24-hour design storm required by 6 NYCRR 360-2.7(b)(8) and 40 CFR 258.26. All discharges from the active portion of the site to waters of the United States will be covered under the site's individual SPDES Permit, as required by 40 CFR 258.27. Any disturbance of a wetland will be in accordance with a federal Section 404 Permit and a NYSDEC Water Quality Certification.

4.2.8.6 Facility Design and Operation

ItemNo.	Commenter	Comment
L339	Stock, K	Sealand proposes to excavate rock and backfill a portion of the excavation with Subgrade Replacement Material (SRM). ... [On] Section B-B..., it appears structural fill rather than the Subgrade Replacement Material will be used to obtain the ten foot separation to bedrock. Sealand should be required to place a minimum of 10 feet of SRM under the entire liner system to protect water quality in the overburden, not just where Sealand desires to excavate rock...
L333	Stock, K	
L334	Stock, K	
L341	Stock, K	
L342	Stock, K	
E76	Hanson, P	The porewater drain and other drains are permeable by design and will serve to connect any glaciofluvial deposits they intersect, which were potentially discontinuous in their undisturbed state.
E81	Hanson, P	
E96	Hanson, P	
L309	Borrello, G	
E80	Hanson, P	
E105	Hanson, P	Turning off the pore water pumps, to affect an inward gradient across the liner, will create a potential pathway for contamination in the perched layers to migrate laterally between glaciofluvial deposits, and vertically from shallow deposits downward into the weathered/unweathered bedrock zone.
RP37	Payne, R	
		Sealand proposes to use Mechanically Stabilized [Earth] (MSE) embankments and concrete gravity walls to raise and buttress portions of the basal liner system and waste mound. The proposed MSE will employ HDPE geogrids tied into face protection for the steepened slope, in the form of stone-filled, galvanized wire mesh

ItemNo.	Commenter	Comment
		<p>baskets. ...The 200-foot high waste mound will remain essentially forever (geologic time scales), certainly long after the required 30-year post-closure period... Sealand should be required to re-design the facility to avoid unsustainably steep slopes and the need for concrete and MSE reinforced berms.</p> <p>Sealand's Contingency Plan must include a plausible plan for remediating groundwater contamination. The proposed design appears to meet minimum setback requirement of 50 feet between the "toe of the final cover" and the property lines. However, steep berms, stormwater management facilities, and other critical infrastructure, completely fill the space between the edge of the waste and the property lines. ... The footprint of the landfill should be reduced to provide for a viable contingency plan for groundwater remediation.</p> <p>The landfill slope depicted in the Permit Drawings is incorrect, the landfill will have a slope/pitch with a much greater percentage than is indicated and thus, will be even more significant of a threat to Storehouse Run.</p> <p>NYS has banned HVH Fracking. Inasmuch as it is improper to accept HVHF fluids and wastewater, why is wastewater soil readily accepted by this type of landfill in NYS, along with drill cuttings?</p> <p>Rainfall diversion flaps will limit, but not eliminate, tributary runoff of leachate.</p> <p>Will there be incinerators onsite?</p> <p>With regard to the intergradient (sic) design to place a leachate sump at a point lower than the water table and utilize hydraulic pressure to contain leachate seepage, are there any examples of use of this technique in New York State, and was that technique successful?</p> <p>Will this landfill be 1200 feet from the existing water wells?</p> <p>Isn't there a distance between the liner and the water table that must be maintained? And also a distance that must be maintained between the site and other bodies of water (streams, for example)? What about the federal regulation of landfills being 1000 feet from waterways? Section 402 CWA (NPDES)</p> <p>The "bottom" clay liner will fail, and the HDPE liner will also eventually fail. Opinion paper presented by the commenter suggests the use of a double composite liner with leak-detection.</p>

Response or Action:

A closer examination of Section B-B will show that Subgrade Replacement Material will be used to obtain the ten-foot separation to bedrock. There is no practical need or requirement to place Subgrade Replacement Material (SRM) across the entire footprint. Sealand proposes a double

composite liner system to provide a significant degree of groundwater protection beyond the single composite liner required for this disposal facility.

The geohydrology of the site meets with all regulatory requirements for siting the facility. The over-excavation of the subgrade base or the sideslopes for this landfill and the placement of the SRM is not unprecedented in New York State, and is designed to provide a minimum ten-foot separation between the bottom of the liner system and the top of bedrock. The use of the SRM has no relation to the composition of the unconsolidated soil matrix.

For any contaminants to escape the intragradiant liner system and enter the flooded porewater drain, the PLCRS would have to be inactive to allow leachate heads to exceed the groundwater pressure in the porewater drain and the SLCRS, would also have to be deactivated and equally flooded. Leakage would first pass through the primary composite liner system, a flooded SLCRS drain and the secondary composite liner system. This condition is highly improbable since the PLCRS and the SLCRS will be pumped to remain unsaturated across the entire extent of the landfill liner outside the sump. In the highly unlikely event these conditions were to occur, routine sampling of secondary and porewater drain water quality would detect it, and steps would be taken to draw down the excessive head levels.

The design geometry of the landfill liner system, the reinforced embankments, the retaining walls and the perimeter access roads is such that the Mechanically Stabilized Earth (MSE) berms and the concrete retaining walls can be eliminated before their service life is exceeded. In those locations, sufficient area was reserved to allow regrading of the perimeter roadways to affect the 2.7H:1V slopes that have been determined sustainable by the stability analysis presented in Appendix F of the July 2017 Engineering Report.

There is no statutory requirement that the Contingency Plan must include a plausible plan for remediating groundwater contamination. In the unlikely event an assessment of corrective measures pursuant to the provisions of the regulations is required, and in the event that assessment would then conclude pumping points must be installed, there is sufficient area around the perimeter of the facility as designed where this can be accomplished.

The landfill slope depicted in the Permit Drawings is correct and meets Part 360 design requirements. It is suspected the commenter is referring to the steepened slopes of the MSE Berm, which are not subject to restriction by the SWMF regulations.

As stated in Condition 11 of the draft Part 360 permit, bulk drilling fluids, liquids resulting from the hydro fracturing process, flowback water and related filter sludge, production brine and related filter sludge, and drill cuttings generated from operations using oil-based drilling fluids are prohibited from disposal. Drill cuttings generated from operations using air and water-based drilling fluids may be accepted for disposal. Landfills in New York State which accept drilling wastes must install and operate a fixed radiation detection unit at a location appropriate for the monitoring of all incoming waste.

It appears that the commenter may be misinterpreting the purpose of rainfall diversion flaps. The temporary rainfall diversion flaps referenced in Section 4.10 of the DEIS and shown on Sheet PD-18 of the permit drawing set are used in landfill design to divert rainwater that has not come in contact to waste away from the leachate system. Specifically, rainfall diversion flaps are constructed during the initial phases of a new landfill cell and control rainfall runoff from areas of the baseliner where waste has not yet been placed. Rainfall diversion flaps are not used to divert landfill leachate or stormwater that has come in contact with waste as suggested by the comment.

Incinerators are not part of the facility design. The proposed facility will not utilize thermal combustion (i.e., “incineration”) as a solid waste management practice.

According to paragraph 360-7.4(b)(5), a minimum of five feet of vertical separation must be maintained from the bottom of the *single* composite, C&D landfill liner system to the top of the seasonally-high water table. The lowermost areas of the proposed *double* composite liner system, and the sump in particular where leachate will accumulate before removal, are positioned below the groundwater table. For this reason, Section 4.2.2 of the Engineering Report includes a variance request which is allowed under subdivision 360-1.7(c). The primary support for the variance request is that subdivision 360-2.13(d), allows the minimum separation requirement for municipal solid waste landfills to be waived if a groundwater drainage system is installed. Since the proposed landfill design is a double composite liner system, as is required for a municipal solid waste landfill and includes a groundwater drainage system, the waiver and variance request were approved by

the NYSDEC. Also, installation of the landfill liner below the groundwater table is common in New York State and is preferred because it establishes the intragradient condition described in detail in Section 4.9.1 of the DEIS. The result is that leachate will not only be physically contained by the liner system, but will also be hydraulically contained by the intragradient nature of the groundwater pressures. This means that in the event of a leak developing in the liner system, the direction of leakage will be inward such that a small amount of groundwater²⁰ will enter the liner system, as the leachate is being pumped out of the leachate collection and removal systems. At least 65% of the 26 double lined MSW landfills in New York State are of intragradient design and include a porewater drain. Some prominent examples include the Chautauqua County Landfill in Ellery, Seneca Meadows Landfill in Seneca Falls, and Modern Landfill in Lewiston.

According to subparagraph 360-7.4(b)(2)(ii), the minimum horizontal separation distance between the limit of waste and the mean high-water level of any surface water is 100 feet. The landfill design provides sufficient horizontal separation distance from Storehouse Run. The closest downgradient residential water well is within 1,200 feet of the limit of waste. There is no minimum horizontal separation distance between the limit of waste and a downgradient water well in New York State nor is there a federal regulation requiring a minimum 1,000-foot horizontal separation distance between landfills and waterways.

The proposed facility will employ a double-composite liner (with 60-mil HDPE geomembrane liners), and an extensive groundwater monitoring system, consistent with the liner system recommended by the referenced author.

4.2.8.7 Global Impact Analysis

Item No.	Commenter	Comment
L311	Borello, G	The DEIS fails to do a global analysis of the negative environmental impacts.

²⁰ Calculated to be 1.7 teaspoons per day at the peak leakage rate, declining to 0.05 teaspoons per day long-term as discussed in Section 4.2.2.2 of this FEIS.

Response or Action:

In its July 2004 application, Sealand submitted a draft scope of the DEIS that identified the issues and impacts to be considered in the DEIS. The draft scope was modified by the NYSDEC and made available to the public and the involved agencies for review and input. Public scoping meetings were held in February 2005 and again in February 2011 for this proposed action, where the general public and local community and government leaders offered input on issues and analyses to be addressed in the DEIS. The scope of the DEIS was modified to incorporate that input, and on November 2, 2017 the NYSDEC concluded the DEIS was complete and the analyses addressed the approved scope. Accordingly, the information and analyses included in the DEIS and supplemented or clarified by the FEIS is sufficient and comprehensive enough for the NYSDEC to prepare its findings.

4.2.9 Landfilling and Operations

4.2.9.1 Facility Oversight and Monitoring

Item No.	Commenter	Comment
L14	Lingenfelter, J	How will weights and measures be monitored by the landfill themselves isn't that like the fox guarding the hen house?
L51	Lodestro, C	
L62	Crossley, E	
L129	Lander, D	How can we be sure that Sealand Waste, LLC, will in fact reject loads of C&D material that is not covered under their permit?
L189	Saxton, W&J	
L220	Smith, M	
L173	Young, C (Sen.)	Since DEC does not have enough employees to inspect each truck, no one will know what they are hauling.
L297	Williams, R	
E6	Smith, T	Who will be monitoring what really goes into the landfill?
E15	Mason, J	
E29	Danielson, M	
E47	Anderson, K	Due to the unknown composition of the construction debris accepted and processed, and the resulting dust and waste that will be generated, there is a significant threat to surface runoff and groundwater contamination.
E50	Hanson, P	
E56	Hanson, P	
E148	Eckman, K	
E81	Jones, K	
RP27	Payne, R	If I have interpreted the overview correctly, they inspect one truck a week. At conservative estimates that is 1 out of 700 trucks. Even at the lower risk less toxic waste. In their own words "contains buckets of ten gallons or less containing no more than 1 inch of residue at the bottom." Policing themselves only 1 out of a possible 1,400 trucks will be inspected a week.
E100	Hanson, P	
E78	Hanson, P	
E93	Hanson, P	
E114	Hanson, P	
H38	Smith, T	I find it really hard to believe that anyone would be able to thoroughly inspect (a dump truck load) of material before the next delivery arrives.

It will be hard enough to regulate what is considered landfill material, how do we regulate what Canada considers landfill material?

The debris filling this landfill will come from many areas, some with differing regulations...How will the material be monitored if there are differing regulations? ...Sealand's application mentions that a town official can inspect the landfill, but who would have the know-how to spot an issue if/when it comes up? Does the Town end up paying for the oversight of landfill operations instead of Sealand? ...Would testing be done on the compost material to make sure it isn't contaminated?

Sealand should not be responsible for self-monitoring because it would be against their best interest to find issues. The Town should not have to take on the financial burden of monitoring the landfill nor should tax payers by paying DEC or another private agency to do so.

...what practical recourse does the town have if Sealand violates the conditions of the permit?

Many comments generally discuss the potential for the owner to intentionally and criminally accept material that is not allowed in a C&D landfill.

How will pulverized material be monitored?

Who oversees the reduction of leachate volume via evaporation by recirculating it?

How often will OSHA, DOH and DOL inspect this facility?

Response or Action:

The delivery and monitoring of waste and quantities is described in Section 5.3 of the O&M Manual. The types of wastes that are not accepted for disposal would be clearly defined using signs posted at the entrance of the proposed facility. Facility personnel involved in any aspect of the waste handling operation would be trained in the identification of unauthorized waste and responsible for rejection of unacceptable loads delivered to the site. From visual screening of the incoming waste by the Scale Master to routine waste inspection activities include screening before waste is deposited at the working face, and after the waste has been discharged from the truck, all waste disposed in the landfill will be examined for unauthorized wastes. In the event an unacceptable waste load has been deposited at the waste screening area or the working face, the suspect waste will be removed and segregated. Segregated unauthorized solid waste will be adequately secured and removed from the property as promptly as is practicable.

There is nothing in Mr. Bree's or Sealand's past performance that would suggest unauthorized wastes knowingly will be accepted for disposal. One commenter referenced *DEE-14: Construction & Demolition Debris Landfill Enforcement Policy*, suggesting it provides proof that the proposed landfill will operate without sufficient monitoring. However, the referenced website also reads; "Placing non-C&D waste in a C&D site constitutes a violation of the law by each participant in this process, including the source of the waste (if aware of the unauthorized disposal), the transporter, the operator, and the owner of the landfill." The website then goes on to describe an enforcement strategy to ensure that these violations of the NYSDEC regulatory scheme do not go unpunished. Several means of enforcement are discussed throughout this report and the DEIS. Thus, it is clearly in any SWMF owner's and/or operator's best interest to accept only authorized wastes, as the penalty for documented disposal of unauthorized waste would be the revocation of the solid waste permit and potential criminal charges. Since the construction and operation of the facility must be in accordance with the current regulations, Sealand will be required to fund perpetual post closure care of the site and is highly motivated to employ best practices to manage long term risk and liability.

Regardless of origin in Canada or in any of the United States, all wastes received for disposal and all operational procedures employed at the landfill will be in compliance with the operating permit for the site, the C&D Waste Management Facility Guidelines, the Solid Waste Regulations and other pertinent regulations for the management of solid wastes in the State of New York as defined in Sealand's application.

Condition 52 of Sealand's draft Part 360 Solid Waste Management Facility Permit requires Sealand to fully fund a trained NYSDEC Environmental Monitor that will be specifically assigned to the facility. The Environmental Monitor will maintain a desk, phone and file space at the site and will inspect the site on a routine basis for compliance with the permit and environmental regulations. The monitor will also be responsible to review requests from Sealand related to permit applications, engineering reports, construction certifications and waste stream approvals. Sealand will also fund other environmental monitoring services to be performed by or on behalf of the NYSDEC as defined in an annual environmental monitoring work plan, which is incorporated by reference and enforceable under the SWMF Permit.

Sealand will be required to provide to the NYSDEC on an annual basis the funds necessary to support the activities set forth in the annual environmental monitoring work plan, and this fund is subject to annual revision. Failure to make the required payments will be a violation of the SWMF Permit and the NYSDEC reserves all rights to take appropriate action to enforce the payment provisions.

Working face personnel and the NYSDEC Environmental Monitor are trained to identify unauthorized wastes. As described in Section 5.3 of the O&M Manual, all incoming waste hauling vehicle traffic will be received at the scale house. Trucks will be stopped at the scale house, assessed for applicable fees and contents of load, and directed to the active working area of the landfill or the CDPO. Tarps or other waste coverings must be removed so the character of the waste can be visually screened. The best opportunity to detect unauthorized waste is when it is deposited at the landfill working face where the entire load is spread out in two-foot thick lifts, allowing for a thorough visual assessment of the waste materials in every load.

In accordance with the regulations, a minimum of one waste hauling truck will be inspected at random by the Site Manager on a weekly basis utilizing a waste screening area near the landfill working face. The Town of Carroll and the NYSDEC can inspect the facility operations at any time and unannounced, providing an independent confirmation that only authorized wastes are accepted for disposal.

In accordance with Part 360-1.4(a)(2) violation of any provision of or failure to perform any duty imposed by NYCRR, any term or condition of any permit issued pursuant to Part 360; or any final determination or order of the commissioner issued pursuant to any statutory authority under which Part 360 is promulgated is subject to all applicable civil, administrative and criminal sanctions set forth in ECL, Article 71 and, as appropriate, the Clean Water Act.

Monitoring and oversight of leachate recirculation and processed C&D debris (i.e., pulverized materials) will be as described in the O&M Manual. Per Section 8.3 of the O&M Manual, the volume of leachate recirculated each day will be recorded by Sealand personnel on a Daily Operations Log which will be maintained in the scale house office. Processed C&D debris entering or leaving the facility must be accompanied by a tracking form. Per 6 NYCRR 360-16.4(I)(1), this form must be signed and returned to the originator by the recipient within two weeks of the

date of receipt. Use of these tracking forms will help ensure all processed materials are accounted for and completed forms will be maintained in the scale house. This information on leachate recirculation and processed C&D debris is available for review at any time by the NYSDEC Environmental Monitor and is reported to the NYSDEC annually as part of the facility's annual report.

Inspections by the OSHA, the New York State Department of Health (NYSDOH), and the New York State Department of Labor (NYSDOL) are generally not conducted or required. In fact, inspections by these agencies would typically be unannounced and would only occur as part of an investigation of a complaint or a serious accident. NYSDEC will provide primary oversight of the proposed facility.

4.2.9.2 Facility Operations

Item No.	Commenter	Comment
L295 E160 E98 E99 E77 E85 E103 E95 E104 E106 E108 H10	Williams, R Jones, K Hanson, P Hanson, P Hanson, P Hanson, P Hanson, P Hanson, P Hanson, P Hanson, P Hanson, P Abdella, S	<p>My...concern is the...light levels generated by the daily operations of the landfill.</p> <p>On our farm we have to follow strict guidelines for the housing and spreading of manure. ... Will Sealand be also told to cease operation on days when we are experiencing a high volume of rain or how about on days of high wind?</p> <p>Exactly where (what specific organizations) are the trucks coming from What specific organizations are they coming from in the 250 mile radius?</p> <p>Are they using rail? Rail transport also requires DEC permits, don't they?</p> <p>Explain how materials will be coming from approved DEC facilities. And will no other materials come pulverized unless through an already approved DEC facility? Isn't Sealand applying to become an approved DEC facility?</p> <p>Fires are a real risk, especially in a wooded area like this.</p> <p>In the final covering, what will it be composed of, foundry ash and what else? After closure of the landfill, will trees become naturally seeded ... or only grasses?</p> <p>Recycling is mentioned in the document, but are you recycling on-site? What is the anticipated period of time between collection and recycling? Will you have to send materials off-site to recycle?</p> <p>The composting material that is mentioned, if such yard waste was allowable, would this composting material become contaminated by leachate or any seepage? Would there be testing done on that material to make sure it isn't contaminated?</p>

Where will the fresh water, that will be hauled to the site, come from? What is the source? And how many truck loads of this fresh water will be expected daily?

Will the soil be wetted at night as well, to keep the dust down, or only during operating hours?

...there is a concern about creep with these facilities... What was supposed to be simply a [small C&D landfill will turn] into a giant, multifaceted facility.

Response or Action:

Potential impact from lights at the facility will be minimized by utilizing 100% shielded, monochromatic outdoor light fixtures operating on demand using S Series motion sensors in the locations shown on Sheet PD-6 of the Permit Drawings. Lighting is a known sensitive issue for this site given its proximity to the Martz-Kohl Observatory. See Section 4.2.10.3 for more information on light levels.

As recognized in Section 5.6 of the facility's O&M Manual, various inclement weather conditions, including heavy rains and strong winds can directly affect the operations. Methods and procedures to handle these weather conditions are described therein. The site's stormwater management system consisting of drainage channels, diversion swales, downchutes and sedimentation basins, coupled with the use of gravel wearing and travel surfaces for operational haul roads, is expected to provide continued sitewide control of surface water drainage and access to the site during periods of wet weather. In the case of heavy rains, the Site Manager may determine that it is necessary to either modify operations, by minimizing the size or the working face for example, or temporarily suspend operations until improved weather conditions allow reestablishment of access and disposal operations. During a heavy rainfall event, facility personnel will regularly check culverts, drainage channels and sediment basins for limbs or debris which may be blocking water flow.

Regarding high winds, the proposed operational method and sequence provides for a sheltered working face during much of the operation with the active portion of the fill generally proceeding in a direction away from the prevailing west-southwest winds. During exceptionally windy conditions, Sealand will pro-actively implement a waste and litter management program to limit

the amount of waste becoming airborne. Collection of windblown litter and paper is a routine part of site operations and strategically placed downwind portable fencing will be used as needed to help control windblown litter. However, in severe cases, Section 5.6.5 of the O&M manual does require that landfill operations be suspended by the Site Manager or his/her designee when winds reach a speed of 60 mph or do not allow for reasonable control of litter.

Sealand has no contracts with any specific organizations at this time, and therefore, cannot provide an answer to this question. However, once operation begins Sealand will be required to report annually the service area in which all waste received was generated. Specific customer information is considered proprietary and will not be shared.

Sealand does not propose to accept waste shipped via rail directly to the facility.

As stated in a number of places throughout the application and as specifically stated in the draft solid waste permit, unrecognizable, pulverized or shredded C&D debris resulting from any processing technique, other than waste generated from a Department approved C&D processing facility, is prohibited. Processed C&D debris will only be accepted at the site if it accompanied by a tracking form that describes the parent material and the waste originator in accordance with 6 NYCRR 360-16.4(I)(1).

Regarding fires, the facility's O&M Manual and Contingency Plan cover prevention and emergency procedures in the event of a fire. Section 5.8 of the O&M Manual outlines the facility's fire prevention plan. In general; the special waste approval process will screen for waste streams that may present the possibility of fire. No open flames or fires will be permitted on the landfill, and smoking is not permissible on the landfill at any time. Lastly, to help reduce the possibility of engine heat or exhaust contributing to potential heating of the wastes, idling equipment will be staged on soil covered areas.

Section 4.1 of the Contingency Plan details the actions to be taken in response to a vehicle fire or a ground fire/below cover fire. In summary, the use of cover material is an effective and practical means of fire control. The earth moving equipment used regularly at the site is capable of moving and applying the amount of material needed for even a severe fire event. In addition, the equipment inventory will include a 2,000-gallon water truck, which can draw water from the onsite

stormwater basins for use in extinguishing fires. For larger or more serious outbreaks, particularly if a fire should spread to an adjacent wooded area, the local volunteer fire department would be contacted.

The final cover system proposed for the landfill has an engineered design, each layer has a function and regulatory specifications to help ensure infiltration is minimized and integrity and longevity are maximized. None of the layers contain foundry sand. As detailed in Section 4.13 of the DEIS; the final cover system will have different components depending on whether the slope is less than or greater than 25 percent. Figure 4-15 of the DEIS contains a detail of the final cover system, consisting in general, of several feet of soil layers, a geomembrane liner, and other geosynthetic layers. The top layer of the final cover system is the topsoil layer which will be seeded and mulched. Tree roots can be damaging to the geosynthetics and low permeability characteristics of soils in the final cover system. Therefore, after closure the landfill will be mowed regularly to maintain a grassland habitat and inhibit woody plant growth.

The proposed facility is to include a yard waste composting facility and CDPO. A depiction of these facilities is shown in Figure 2-2 of the DEIS. While collectively these two facilities are referred to as the onsite recycling operation, use of the word recycling may be misleading. The yard waste composting and CDPO operation are perhaps more accurately described as recovery facilities.

As described in detail in Section 5.2 of the Engineering Report, suitable material will be off-loaded at the CDPO by end dumping in the receiving and sorting area. Salvageable and recyclable materials will be separated from the waste and either set aside for direct reuse by the public (e.g., unbroken windows and doors and fixtures), accumulated in dumpsters for delivery to recycling facilities (e.g., metal, cardboard, broken glass), or stockpiled for processing onsite. Onsite processing is limited to wood waste, clean wood waste, and non-wood waste (concrete and rubble, asphalt paving, bricks, rock, and soil). Processed C&D debris will be manufactured mainly for onsite uses such as discretionary cover for the landfill operation, aggregate for use in access road construction, and clean wood bulking agent in the composting operation. However, processed C&D debris would be available for resale if an offsite use is identified, such as processed wood waste as boiler fuel for wood burning facilities.

Stockpiled materials must be processed and either used onsite or transported offsite within a timely manner to make room for incoming C&D debris. However, in no case shall processed or unprocessed materials be stored at the CDPO for greater than 30 days, unless otherwise approved by the Department. On average, less than one trip per hour of material deliveries to offsite users is expected. Deliveries from the CDPO were considered in the TIS.

As detailed extensively in Section 5.3 of the Engineering Report, the yard waste composting operation will be constructed within an engineered containment facility isolating it from the CDPO and landfilling operations such that there is no contact with C&D waste or landfill leachate. The composting facility design promotes positive drainage of stormwater runoff, minimizes the potential for leachate production from the compost, and includes adequate stormwater runoff retention structures. Daily inspection and testing percent moisture and temperature of the composting windrows is performed according to the O&M Manual to ensure proper curing and finished product quality. No additional testing on the compost material is necessary.

Section 4.7 of the DEIS states that a water supply well will be installed to supply water to the shop and sanitary facilities in the scale house. There will be no hauling of freshwater to the site.

Mitigation of airborne particulate emissions can be achieved in large part through watering of unpaved roads and work areas. The travel of trucks and heavy equipment on unpaved access roads is the most significant contributor to dust generation. When the facility is not operating, the potential for particulate emissions is low. Therefore, there is no need for watering overnight. Routine watering is only proposed during operating hours.

The Use Variance issued for this facility applies only to the current property. Any expansion beyond the property boundary would require the Town to revise the Zoning Code.

4.2.9.3 Landfill Health Effects

Item No.	Commenter	Comment
E169 RP26	Miller, R Payne, R	I am concerned about the close proximity of my home to the landfill site. My house is directly across the road, South of Phase 1 and 2. I'm concerned about the long-term effects of exposure to the chemicals and dust that will be in the air.

There is well established and well documented precedent for C&D landfills to cause damage to the environment. (See 1995 EPA study on 11 C&D landfills titled “Damage Cases: Construction and Demolition Waste Landfills.”)

Response or Action:

The main potential impacts on air quality are related to landfill gas emissions, particulate emissions and dust generated by construction and operation of the facility, and exhaust from stationary internal combustion engines, vehicle engines, and waste oil space heaters. Impacts on air quality were evaluated and are presented in the reports and correspondence included in Appendix I of the DEIS which include the Air Emissions Inventory, the Air Quality Dispersion Model and the Air Quality Monitoring Plan. In Summary, the emission levels from worst case emissions fall below their respective thresholds of state and federal ambient air quality standards. Occasional, short-term odors have the highest potential to reach adjacent receptors from time to time. Should they occur, their impact will be curtailed by procedures and methods developed to manage such an impact which includes an Offensive Odor Action and Response Plan, as discussed in Section 5.4.1.1 of the DEIS. No significant adverse impacts to the health of persons working at or living near the project site are expected.

The 1995 USEPA Study titled “*Damage Cases: Construction and Demolition Waste Landfills*” submitted by the commenter identified eleven C&D landfill sites at which environmental controls were “*typically inadequate or absent*”. Only two of the eleven sites were equipped with bottom liners and leachate collection systems in some areas of the site. Run-on or run-off controls were apparently available for only three of the eleven sites. Four of the eleven sites had no environmental controls whatsoever. Accordingly, the sites evaluated would more accurately be characterized as uncontrolled dumps, and do not in any way compare to the highly engineered landfill proposed by Sealand. Even in the face of the referenced deficient environmental safeguards, the USEPA study concluded : “*...the Agency believes that C&D facilities do not currently pose significant risks.*”

4.2.9.4 Closure and Post Closure Responsibility

Item No.	Commenter	Comment
E34	Danielson, M	When the time for the landfill is over, who is responsible for the clean-up?
E86	Hanson, P	
E163	Jones, K	Once Sealand closes the site and monitors it for 30 years, then what happens to the property? Will Sealand still have to pay business taxes on that property even though they are no longer operating? ...What is the final cover composed of?
RP29	Payne, R	
H47	Peterson, D	
		The landfill will be monitored for 30 years by Sealand, but what happens after the 30 years is up?
		...in 20-30 years, if this company [Sealand] is no longer around, taxpayer money would have to pay to clean up the mess.

Response or Action:

As detailed in Section 4.17 of the DEIS; during the active life of the facility, Sealand will establish and maintain continuous financial assurance in the form of a trust fund or reserve fund that allows for the NYSDEC to direct a third party to manage all closure and post-closure care activities should Sealand no longer be able to do so. Details of the financial assurance calculations are provided Section 8.5.2 and Appendix H of the July 2017 Engineering Report.

Recently, New York State's SWMF regulations have undergone a comprehensive revision, and Sealand will be subject to the post-closure care requirements embodied therein. In large part, the revisions clarify long-term care responsibilities following the Post-Closure Care (PCC) period. The PCC period, previously defined as a minimum of 30 years, is now defined as the period after final closure that continues until the owner or operator can demonstrate to the department's satisfaction that environmental monitoring and maintenance can be reduced. After that point in time, the owner or operator will be required to continue custodial care of the landfill in perpetuity in accordance with an approved Custodial Care Plan. As such, taxpayer dollars will not be required for long-term care of the proposed facility.

During the custodial care period, the owner or operator will annually submit to the Department for review and approval adjusted custodial care cost estimates including supporting justification to account for inflation and any changes in facility performance.

4.2.9.5 Hours of Operation

Item No.	Commenter	Comment
L276	Fuller, C.	Traffic will certainly not be limited from 5 to 7!
RP38	Payne, R	
H30	Lingenfelter, R	Based on Sealand's information, it sounds as though they are a 24 hour operation. I would like to say that they say the times the dump is going to be open, 5 a.m. to 7 p.m. That's a very long time.

Response or Action:

Sealand does not propose to operate 24 hours per day. As presented in section 4.1 of the O&M Manual, waste acceptance would occur between 7:00 a.m. and 5:00 p.m. Monday through Friday, and between 7:00 a.m. and 2:00 p.m. on Saturday. Employees will typically begin site preparations between 5:30 a.m. and 6:00 a.m., and complete daily closure activities between 5:00 p.m. and 6:00 p.m. Monday through Friday, and between 2:00 p.m. and 3:00 p.m. on Saturday. The entire facility will be closed on Sundays and six major holidays; New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

There are times when situations arise that require overtime and work outside the normal hours. This can range from repairing mechanical machines or equipment, to the maintenance of the stormwater system during or after severe storm events, or time sensitive tasks related to construction of the environmental controls including landfill liners, storage tank, condensate sumps and the like. For example, the O&M Manual requires a significant number of inspections to detect any abnormalities or deficiencies. Such abnormalities or deficiencies are, in accordance with Section 5.7 of the O&M Manual to be promptly remedied. Depending on the significance of the abnormality, the remedial work may be performed outside normal hours. The most common and likely cause of work outside normal hours would be during the construction of the facility, when weather related issues (e.g., pending rainfall) requires that a contractor work outside normal hours to complete a task or protect partially completed work from damage.

If work is anticipated outside normal hours, Sealand will notify NYSDEC’s Region 9 Materials Management Engineer prior to such work. In the event such a situation occurs unexpectedly outside normal hours, the Region 9 Materials Management Engineer will be contacted at the first available opportunity.

4.2.10 Miscellaneous

4.2.10.1 Sealand Waste, LLC

Item No.	Commenter	Comment
L188 RP28 E54	Ruhlman, H Payne, R Hanson, P	Sealand Waste, LLC has a serious problem with polluting the ground with materials that should not be dumped on the ground. ... They are a known polluter and should not be given a permit or approval for this project... Sealand is responsible for two Superfund sites...

Response or Action:

NYSDEC policy requires a review of the record of compliance of any applicant for a solid waste management facility permit; and that review confirmed there is no evidence of illegal hazardous waste disposal by Sealand or Daniel Bree. The claims that Sealand and/or Mr. Bree have a history of illegal hazardous waste disposal or unprofessional relationships with the public appear to have no basis in fact.

4.2.10.2 Martz-Kohl Observatory

Item No.	Commenter	Comment
L9 L13 L44	Lingenfelter, M Lingenfelter, J Lodestro, C	How will noise, lighting, dust, & gas be controlled so that it will not affect the Martz Observatory?
L63 L36	Crossley, E Crossley, E	The Martz-Kohl Observatory is significant asset. Dark sky would be lost.
L84 L87	Pope, C Lingenfelter, B&R	Heat would be produced from materials not taken at the landfill previously that could hamper operations...

L106	Hanson, E Jr	
L115	Ekstrom, P	Heavy equipment will be moving and packing the waste down all night. Dust rising from this activity will cause major problems with the telescopes at Martz-Kohl.
L119	FCSO	
L135	Wiltsie B	The lights needed to illuminate the area at night will interfere with the viewing of the night sky.
L145	Pascatore-Moller, K	
L147	Rowley, H&J&S	
L160	Anderson, B	[Sealand's evaluation of potential impacts on the Martz Observatory] is incomplete. Consideration of at least five additional factors are missing, misleading, or inadequate: (1) ground vibration; (2) gas flaring; (3) mathematical calculations are inaccurate and inappropriate; (4) significant historical errors figure in Sealand's assertions; (5) Sealand appears to assert that since Martz already faces some challenges, addition of more will be of no consequence. Other findings include:
L167	Anderson, K	
L176	Bender, G	
L185	Kurtz, E	
L200	Saxton, W&J	
L209	Gauger, L	
L215	Wiltsie, R	
L221	Smith, M	
L250	McGreary, E	
L262	Hanson, E Sr	
L266	Ridout, S	
L273	Fuller, C	
L287	Young, C (Sen.)	
L301	Engstrom, K	
E12	Magnuson, T	
E19	Yost, D&J	
E58	Hanson, P	
E68	Hanson, P	
E71	Hanson, P	
E116	Miller, D	
E118	Rosenberg, P	
E122	Roushey, R	
E125	Sample, Sh&St	
E135	Sitler, R	
E143	Dahlgren, K	
E149	Eckman, K	
E153	Jones, J	
E161	Jones, K	
E184	Williams, D	
H25	Nelson, G	
H34	Pickut, W	
H44	Goodell, A	
33	Payne, R	
		<ol style="list-style-type: none"> 1. Hours of operation are unpredictable, depending on undefined "special circumstance" and "the situation." Qualifications of the individual(s) making such a decision are not stated and financial pressures on Sealand against enforcing the schedule are ignored. No third party oversight or system of accountability, remedy, and enforcement are noted. 2. Sealand's claim that Martz presently tolerates an adjacent property's faulty lighting is inaccurate. The Martz facility installed an on/off switch (on corrected lighting) for the light in question for the observatory's use at their own discretion and by agreement with the adjacent property owner when the observatory is in operation. 3. Proposed portable luminaries at the site and strobe lighting on trucks are unpredictable and uncontrolled, creating potentially intrusive light pollution. 4. Light (and other) pollution created by Sealand's proposed flaring of waste-generated flammable gas at the proposed landfill site is omitted. 5. Sealand proposed an "undefined minimum" number of luminaries. This unpredictable factor, and placement of a similarly undetermined number of portable luminaries and unpredictable hours of use, invalidates variables (L, CU, S, and W) in the E_{ave} calculation and (n) in the L_v calculation. 6. Sealand's assertion that workers on-site and residents in a city are comparable is unfounded. 7. Valley fog diffuses and broadens light pollution such that the unpredictable number, placement, and hours of use of proposed landfill luminaries, which are closer than any neighboring city, could be an insurmountable problem emanating upwards toward Martz. 8. Sealand's statement that Marshal selected the site after the opening of the present smaller, closed landfill is incorrect. He selected the site many years prior to that time. 9. Turbulence is not only determined by landfill temperature and albedo, but by the temperature gradient between ground and air, increasing the probability of turbulence for winter viewing, which is particularly important due to low humidity and long nights making some winter nights prime observing times. 10. Sealand's proposal to accommodate as many as 250 waste-laden trucks traveling in and out of the region on a daily basis through rural roads adjacent to the Martz property appear to be incompatible with NYS's recent multi-million-dollar investment in nearby and regional tourism, and with the safety and convenience of observatory visitors. 11. Sealand uses the Chautauqua County Airport Wind Rose Graph from that distant, unrepresentative region to assert that wind will not carry dust from the proposed landfill to Martz. This is a faulty conjecture based on

Sealand's own assumptions about the significance of local topography and because the wind at Martz does blow predominantly from the direction of the proposed landfill.

12. Sealand funding or support for the sited research and professional opinions are not disclosed.

The peer review by Dr. Lawrence Ramsey states "...[Sealand's] mitigations are correct...if properly implemented." Proper implementation, as described by Sealand, is not guaranteed by 3rd party oversight, provides no enforcement or remedy, and is technically, practically, and administratively not feasible.

Truck lighting coming from trucks at night going uphill to the landfill in dark skies, will negatively impact the observatory.

In your document there was mention of the wind patterns measured at the airport. Well, the airport isn't Robin Hill. So based on your suggestion, really, we installed a weather station and found that although the landfill would only be a mile away, the wind comes directly from the landfill at the observatory.

You contacted Dr. Lawrence Ramsey, a famous astronomer, to write a letter for you. And he indicated that "if" you could comply, maybe it wouldn't so bad for the observatory. Unfortunately, he said "if" you can comply three different places in the letter... you said that they [i.e., portable lighting] would only be used when necessary, where necessary. That's unpredictable... And, of course, there is ground fog in the valley sometimes. But what happens is even if your lights are pointing at the ground, the fog lights up and directs light right up into the sky.

Response or Action:

Potential impacts to the Martz-Kohl Observatory (Observatory) were addressed in a specialty study (Appendix J of the DEIS; Study Report) per the approved scope of the DEIS. The study concludes that with the proposed mitigations in place, any increase in light, heat, dust, and radio telescope signal interference were determined not to pose any threat to the viewing capabilities at the Observatory, and the presence of the proposed SWMF will not have a negative impact on its operation due to the design of the proposed facility, the operational controls and its distance.

Dr. Lawrence W. Ramsey, a professional astronomer and Professor of Astronomy and Astrophysics at Pennsylvania State University, reviewed the specialty study and was reportedly compensated for his services by Sealand. Dr. Ramsey agreed with the study conclusions, stating that in his professional opinion, the analysis and mitigations are correct and if properly implemented will not degrade the Observatory's capability. Third party oversight and routine inspection of the site will be carried out and documented by the permit required NYSDEC

Environmental Monitor assigned to the facility. The mitigations considered by Dr. Ramsey are common, simple and feasible, and their proper implementation can be confirmed by the NYSDEC Environmental Monitor. The NYSDEC has full authority to enforce the stated mitigations, up to and including fines and revocation of the permit.

Section 1 of the Study Report identifies that the Observatory was constructed in the 1960s by Marshal Martz; however, the NYSDEC finds no claim or reference by the Applicant that the Jones Carroll landfill was operational before that time. Rather, Section 1.2.6 of the July 2017 Engineering Report identifies that the initial NYSDEC permit for the Jones Carroll landfill was issued in December, 1989.

Lighting/Dark Skies

The Study Report identifies the three main components of light pollution as average illuminance (E_{ave}), glare (L_v), and increase in sky glow (I). The formulas were presented in Section 6.2.1 to demonstrate the variables that affect each component of light pollution, however average illuminance and glare were never calculated for the site because the analysis in Section 6.2.2 of the Study Report showed that sky glow was the predominant component of light pollution for the Observatory. Therefore, no assumed values were developed for the variables mentioned in the comment and all calculations presented in the Study Report are considered valid.

As stated in the DEIS; sky glow generated by the city of Jamestown, and to a lesser extent, the City of Warren, significantly affect viewing in the direction of the proposed facility. This is apparent on review of the light pollution map illustrating the significant contributions of sky glow by these two cities. Furthermore, the Dark-Sky Directory reports the worst viewing horizon for the Observatory is toward the northwest in the direction of the facility, requiring a 20-degree cut off angle, placing the line of sight approximately 2,300 feet above the highest elevation of the landfill. The best viewing horizon for the Observatory is nearly directly opposite from the facility towards the south and southeast, requiring only a three-degree cut off angle²¹, also confirmed by review of the light pollution map. The 20-degree cut off angle and significant city generated sky

²¹ Dark Sky Directory. (2011). Dark-Sky Sites: New York. Website: http://www.observingsites.com/ds_ny.htm#frews. Accessed on: September 26, 2012.

glow fully mitigates any occasional and temporary lesser impacts from portable luminaries or strobe lighting that might be employed at the site after normal operating hours.

The author finds no reference to an “undefined minimum” number of luminaries in the evaluation of impacts. Section 6.2.3 of the specialty study report states the facility will “*incorporate a minimum number of properly designed low-pressure sodium light fixtures*”. Sealand proposes six 100% shielded, monochromatic outdoor light fixtures operating on demand using S Series motion sensors in the locations shown on Sheet PD-6 of the Permit Drawings.

The requirement for thermal destruction of landfill gas in a flare was added to the landfill design per request of the NYSDEC Division of Air after the scope of the DEIS was initially determined. While the flare may emit a discernible glow at the top of the enclosure at night, no flame will be visible. The shell of the enclosed landfill gas flare will reduce luminosity rendering any light pollution associated with the flare inconsequential; especially in consideration of the significant city-generated sky glow and cut off angle impacts described above. The shell on the enclosed landfill gas flare will also mitigate heat radiation. Based on the analysis of heat radiation presented in the specialty study found in Appendix J of the DEIS, no effects on the viewing capabilities at the Observatory are anticipated due to construction or operations at the proposed SWMF.

The Applicant does not appear to assert that a worker at the site is equivalent to a city resident, specifically recognizing in Section 6.2.2 that the sky glow equation is intended for population centers with a distribution of sources including street lights, residential, and commercial sources. Since luminaries at the facility will be activated by motion sensors, and the site population is zero during the optimum nighttime viewing hours at the Observatory, Sealand asserts the calculation is conservative.

Sealand proposed the number, design, location and usage of the limited number of luminaries for the site, and the NYSDEC understands that facilities of the type and design proposed are normally quite dark at night. The commenters do not offer any analysis that indicates otherwise, or that valley fog will create an insurmountable problem for the Observatory.

Operating Hours

Operating hours for the facility are discussed in Section 4.2.9.5 of this FEIS. It is recognized that the overlap of light usage for operation at the proposed facility and optimal times to view the night sky may occur during the winter months for approximately 1.5 hours in the morning between 5:30 a.m. and 7:00 a.m.; however, this is a time when the Observatory is typically not in use.

As discussed in Section 4.2.7.1, emergency situations may occur, and while rare, it is acknowledged that work outside these hours may occur to address the emergency. Such instances will be unpredictable, but decisions to work outside the normal hours would not be made lightly as the Hours of Operation are a written condition of the draft solid waste permit (Condition 21). The decision would commonly be made by, or agreed to by the Site Manager, who is responsible for the proper and efficient implementation of the operating requirements of the SWMF. In accordance with Section 2.2.3 of the O&M Manual the Site Manager must be hands on in the field, available for duty seven days a week, and on call while away from his/her post. Third party oversight will be provided by the trained NYSDEC Environmental Monitor assigned to the facility.

Wind Direction/Dust

The Chautauqua County Airport was the closest available and reliable weather station to the site at the time the study was performed. It is believed the weather station at the Observatory began collecting data on or about January 23, 2018. As stated in Section 6.4.4 of the specialty study report, winds in the project area predominantly blow from the south and west directions (towards the north and east). The wind rose produced at the airport illustrates that for 6% of the time, wind blows from the site towards the Observatory.

The proposed facility is located between compass headings of 280° and 295° west and north of the Observatory. A review of 109 days of wind direction measurements collected by the Martz Kohl weather station (KNYDODGE4) as viewed on May 11, 2018 shows that on six of those 109 days, the wind direction was from the site toward the Observatory. This would represent that for 5.5% of the time, wind blows from the site towards the Observatory, very closely consistent with and confirming the data from the Chautauqua County Airport weather station.

For the great majority of time the facility would be operating at peak rates, operations will occur at elevations significantly less than 1900, while the Observatory approximately one mile distant

through predominantly thickly wooded ground cover is located at a ground elevation about 170 feet higher than that. In stark contrast, the Observatory is immediately north and adjacent to two large active agricultural fields that encroach within less than 100 feet from the Observatory in the direction from which the wind blows most of the time. The report’s findings and Dr. Ramsey’s conclusion that what is already a small increased threat can be managed to a fully negligible level appear to be appropriate.

Vibration

Commenters are not specific about the source of ground vibration nor has any analysis been submitted that demonstrates the potential for damage to the Observatory. However, as described in detail in Sections 5.12.4.1 through 5.12.4.4 of the DEIS, the Applicant evaluated the effects of heavy truck generated ground vibrations on older buildings along Main Street in the Hamlet of Frewsburg. After conservatively selecting the requisite variables and assumptions, factors of safety against damage to historic and sensitive building less than 40-feet from the roadway ranged from 7.4 to 13.5. Given those results in modeling a much more sensitive condition, the potential for damage to the Observatory due to ground vibration at the proposed facility is considered negligible.

Turbulence

Section 6.3.1 of the specialty study report (Evaluation of Potential Impacts on the Martz Observatory, Rev. 1) recognizes turbulence is a function of the temperature gradient between ground and air. This is the example given by comparing the visible turbulence in air over hot asphalt pavement and the invisibility of heat waves emanating from a cooler grass lawn. As stated, this type of turbulence, i.e., surface turbulence, has an approximate radius of influence of 0.3 miles and the Observatory is approximately one mile away. Therefore, this type of turbulence appears to be insignificant for the proposed facility.

4.2.10.3 Slope Stability

Item No.	Commenter	Comment
L19 E101	Lingenfelter, R Hanson, P	

RP34	Payne, R	<p>My property abuts the proposed project in several early documents they have mentioned slope failure what does this mean and what will happen to my property if slope failure occurs?</p> <p>The slope calculated in the application material underestimate the slope of the final landfill. Because of a slope greater than 10%, the commenter believes that the landfill will lead to pollution from surface runoff.</p>
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Response or Action:

A slope stability analysis titled “Stability Demonstration” is presented in Appendix F of the Engineering Report. The analysis was prepared using the landfill design drawings and the site specific hydrogeologic data presented in the March 2016 SIR. The purpose of the analysis was to demonstrate that the landfill can meet or exceed the factors of safety established in Subpart 360-2.7(b)(6) of the solid waste regulations. The analysis also establishes the required properties of materials to be used in construction of the MSE berm and the double composite baseliner system.

Thirteen critical cross sections, including potential failures in the baseliner, berms, MSE berm and subgrade were analyzed. As shown by the analysis results summarized in Table 4-1 of the Stability Demonstration, factors of safety of 1.5 or greater can be achieved using the onsite soils described in the SIR, and currently available geosynthetic and other construction materials. Accordingly, the proposed landfill configuration has been designed to be stable.

As it pertains to the 2011 Scoping Document, one commenter claims there is an inconsistency between the narrative in Section 5.16 and Cross Section B-B on Figure 4 of the Concept Drawings. Section 5.16 reads “*The SEQR Positive Declaration (see Attachment 1) identifies that since a large area of the site includes ground slopes in excess of 10%, the potential for landfill slope failure must be evaluated.*” The commenter appears to have incorrectly interpreted this statement to mean landfill sideslopes will be constructed to 10%, and therefore the concept drawings are incorrect.

The same commenter is also concerned with surface water runoff from the landfill. Details and calculations pertaining to the site-wide stormwater management system are provided in Section 7 of the July 2017 Engineering Report. The demonstrations show how the peak post-development runoff from the 10-year and 100-year, 24-hour storm event will be controlled to less than pre-development rates.

4.2.10.4 Existing Landfill

Item No.	Commenter	Comment
E60 E79	Hanson, P Hanson, P	<p>Since the existing closed landfill already has 'uncontrolled leachate seepage issues' in violation of the DEC - with signs of mild groundwater impacts, when is the Jones family taking care of this?</p> <p>Only after 10-15 acres have been filled will the existing landfill be exhumed and put into the liner system. How long until that occurs? What is Jones's plan to treat this issue if the permit is denied?</p>

Response or Action:

The existing landfill was constructed, operated, and closed in accordance with Part 360 regulations which enforce less stringent monitoring criteria for landfills three acres or less in area. Leachate breakouts are addressed as soon as they are identified as part of the existing landfill's post-closure plan. The existing facility is in full compliance with the applicable regulations. It is anticipated that ten to fifteen acres of the double liner system will be available for placement of the waste in the existing landfill in three to five years after disposal operations begin. If the permit is denied or the 2007 Waste Disposal Law prevents the project, the existing landfill will remain as is.

4.2.10.5 Other Interested Agencies

Item No.	Commenter	Comment
L20 L42 E55 RP8	Lingenfelter, R Lodestro, C Hanson, P Payne, R	<p>Storehouse Run Creek flows into Pennsylvania, has the NYSDEC contacted anyone from the State of Pennsylvania fish and wildlife to let them know the possible effects of this project for them and their waterways?</p> <p>There are many other interested parties to consider in this project, specifically the DER and DEP from Pennsylvania, the Seneca Nation of Indians, the Army Corps of Engineers, and the USEPA.</p>

Response or Action:

The Pennsylvania Department of Environmental Protection and the Seneca Nation of Indians have no jurisdiction in the application. Comments on the scope of the application and the DEIS provided by Pennsylvania’s Conewango Creek Watershed Association dated March 21, 2011 have been addressed as outlined in the May 2012 Draft Scope of the DEIS. The USACE has received and reviewed the documents relevant to wetland and stream disturbance permit issuance. The design of the facility and compliance with NYSDEC regulations and draft permits will be protective of the environment and water flowing towards Pennsylvania. The USEPA has no direct role in the review of this application. The NYSDEC’s air, SPDES, and solid waste programs have been delegated to the State from the federal government and are at least as restrictive as the federal requirements. The project is not expected to have an adverse impact to the waters of New York or Pennsylvania.

4.2.10.6 Comment Period Extension

No.	Commenter	Comment
L25 RP35	Martz-Kohl Payne, R	We are only given 30 days and with the holiday season many people are not available or accessible who we would need to contact to adequately prepare our concerns. As such, we are requesting 30 additional days for our public comment period.

Response or Action:

The initial public comment period was established from December 12, 2017 to January 12, 2018. A comment extension was granted by the Lead Agency. Under the extension of the comment period, public comments were accepted from January 13, 2018 to February 12, 2018.

ATTACHMENT 1
PUBLIC COMMENTS (ON CD)

PUBLIC COMMENT INDEX

Comments have been assigned an item number, and they are summarized in Tables A1-1 through A1-5. The index tables are intended only to identify and organize comments and to provide a reference to help locate the original comment found in the digital files of this Attachment and the transcript in Attachment 2.

One commenter submitted 211 emails over the course of the 63-day comment period including 95 emails on one topic. Many digital documents including articles, news stories, opinion papers, studies or maps accompanied these emails. These comments were pooled into a separate list of item numbers as presented in Table A1-4.

TABLE A1-1: PUBLIC COMMENT INDEX (LETTERS)

Item No.	CD Filename	Commenter	Comment
L1	Letter 12.14.2017 Walsh	Walsh, D	
L2	Letter 12.16.2017 Fletcher.L	Fletcher, L	
L3	Letter 12.16.2017 Fletcher.L	Fletcher, L	
L4	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L5	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L6	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L7	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L8	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L9	Letter 12.16.2017 Lingenfelter. M	Lingenfelter, M	
L10	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	
L11	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	
L12	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	
L13	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	
L14	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	

Item No.	CD Filename	Commenter	Comment
L15	Letter 12.17.2017 Lingenfelter. J	Lingenfelter, J	
L16	Letter 12.17.2017 Lingenfelter. R	Lingenfelter, R	
L17	Letter 12.17.2017 Lingenfelter. R	Lingenfelter, R	
L18	Letter 12.17.2017 Lingenfelter. R	Lingenfelter, R	
L19	Letter 12.17.2017 Lingenfelter. R	Lingenfelter, R	
L20	Letter 12.17.2017 Lingenfelter. R	Lingenfelter, R	
L21	Letter 12.17.2017 Lingenfelter. S	Lingenfelter, S	
L22	Letter 12.17.2017 Lingenfelter. S	Lingenfelter, S	
L23	Letter 12.22.2017 Fuchs. R	Fuchs, R	
L24	Letter 12.22.2017 Fuchs. R	Fuchs, R	
L25	Letter 12.22.2017 Martz Kohl	Martz-Kohl	
L26	Letter 12.28.2017 T_Carroll	Jones, J (Sup.)	
L27	Letter 12.28.2017 T_Carroll	Jones, J (Sup.)	
L28	Letter 12.28.2017 T_Carroll	Jones, J (Sup.)	
L29	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L30	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L31	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L32	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L33	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L34	Letter 12.29.2017 Lundgren. R	Lundgren, R	
L35	Letter 12.30.2017 Fuchs. R	Fuchs, R	
L36	Letter 12.30.2017 Fuchs. R	Fuchs, R	
L37	Letter 12.30.2017 Fuchs. R	Fuchs, R	
L38	Letter 1.2.2018 Lampo. A	Lampo, A	
L39	Letter 1.2.2018 Lampo. A	Lampo, A	

Item No.	CD Filename	Commenter	Comment
L40	Letter 1.2.2018 Lampo. A	Lampo, A	
L41	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L42	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L43	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L44	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L45	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L46	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L47	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L48	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L49	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L50	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L51	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L52	Letter 1.2.2018 Lodestro. C	Lodestro, C	
L53	Letter 1.4.2018 Axelson. D	Axelson, D	
L54	Letter 1.4.2018 Crossley. E	Crossley, E	
L55	Letter 1.4.2018 Crossley. E	Crossley, E	
L56	Letter 1.4.2018 Crossley. E	Crossley, E	
L57	Letter 1.4.2018 Crossley. E	Crossley, E	
L58	Letter 1.4.2018 Crossley. E	Crossley, E	
L59	Letter 1.4.2018 Crossley. E	Crossley, E	
L60	Letter 1.4.2018 Crossley. E	Crossley, E	
L61	Letter 1.4.2018 Crossley. E	Crossley, E	
L62	Letter 1.4.2018 Crossley. E	Crossley, E	
L63	Letter 1.4.2018 Crossley. E	Crossley, E	
L64	Letter 1.4.2018 Crossley. E	Crossley, E	

Item No.	CD Filename	Commenter	Comment
L65	Letter 1.4.2018 Crossley. E	Crossley, E	
L66	Letter 1.4.2018 Crossley. E	Crossley, E	
L67	Letter 1.4.2018 Crossley. E	Crossley, E	
L68	Letter 1.4.2018 Crossley. E	Crossley, E	
L69	Letter 1.4.2018 Crossley. E	Crossley, E	
L70	Letter 1.4.2018 Crossley. E	Crossley, E	
L71	Letter 1.4.2018 Crossley. E	Crossley, E	
L72	Letter 1.4.2018 Davis. K&J	Davis, K	
L73	Letter 1.4.2018 Davis. K&J	Davis, K	
L74	Letter 1.4.2018 Davis. K&J	Davis, K	
L75	Letter 1.4.2018 Davis. K&J	Davis, K	
L76	Letter 1.4.2018 Davis. K&J	Davis, K	
L77	Letter 1.4.2018 Davis. K&J	Davis, K	
L78	Letter 1.4.2018 Davis. K&J	Davis, J	
L79	Letter 1.4.2018 Davis. K&J	Davis, J	
L80	Letter 1.4.2018 Jacobson. S	Jacobson, S	
	Letter 1.4.2018 Lingenfelter. L	Lingenfelter, L	No substantive comment.
L81	Letter 1.5.2018 Bauld. W	Bauld, W	
L82	Letter 1.5.2018 Pope. C	Pope, C	
L83	Letter 1.5.2018 Pope. C	Pope, C	
L84	Letter 1.5.2018 Pope. C	Pope, C	
L85	Letter 1.5.2018 Pope. C	Pope, C	
	Letter 1.6.2018 Bellamy. G	Bellamy, G	No substantive comment.
L86	Letter 1.6.2018 Lingenfelter B&R	Lingenfelter, B&R	

Item No.	CD Filename	Commenter	Comment
L87	Letter 1.6.2018 Lingenfelter B&R	Lingenfelter, B&R	
L88	Letter 1.6.2018 Pryll. R&S	Pryll, R&S	
L89	Letter 1.6.2018 Pryll. R&S	Pryll, R&S	
L90	Letter 1.6.2018 Pryll. R&S	Pryll, R&S	
L91	Letter 1.6.2018 Pryll. R&S	Pryll, R&S	
L92	Letter 1.6.2018 Pryll. R&S	Pryll, R&S	
L93	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L94	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L95	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L96	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L97	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L98	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L99	Letter 1.6.2018 Rublee D&A	Rublee, D&A	
L100	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L101	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L102	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L103	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L104	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L105	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
L106	Letter 1.7.2018 Hanson. E. Jr	Hanson, E Jr	
	Letter 1.7.2018 Miller. J	Miller, J	
L107	Letter 1.7.2018 Waite. W&D	Waite, W&D	
L108	Letter 1.7.2018 Waite. W&D	Waite, W&D	
L109	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L110	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	

Item No.	CD Filename	Commenter	Comment
L111	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L112	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L113	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L114	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L115	Letter 1.8.2018 Ekstrom. P	Ekstrom, P	
L116	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L117	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L118	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L119	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L120	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L121	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
L122	Letter 1.8.2018 FCSD. O'boyle. S	FCSD	
	Letter 1.8.2018 Inglesby. V	Inglesby, V	No substantive comment.
L123	Letter 1.8.2018 Johnson. S	Johnson, S	
L124	Letter 1.8.2018 Lander. D	Lander, D	
L125	Letter 1.8.2018 Lander. D	Lander, D	
L126	Letter 1.8.2018 Lander. D	Lander, D	
L127	Letter 1.8.2018 Lander. D	Lander, D	
L128	Letter 1.8.2018 Lander. D	Lander, D	
L129	Letter 1.8.2018 Lander. D	Lander, D	
L130	Letter 1.8.2018 Lander. D	Lander, D	
L131	Letter 1.8.2018 Raber. J	Raber, J	
L132	Letter 1.8.2018 Raber. L	Raber, L	
L133	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
L134	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	

Item No.	CD Filename	Commenter	Comment
L135	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
L136	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
L137	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
L138	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
L139	Letter 1.8.2018 Wiltsie. B	Wiltsie, B	
	Letter 1.9.2018 Crossley. J	Crossley, J	No substantive comment.
L140	Letter 1.9.2018 Hostetler. M	Hostetler, M	
L141	Letter 1.9.2018 Hostetler. M	Hostetler, M	
L142	Letter 1.9.2018 Hostetler. M	Hostetler, M	
L143	Letter 1.9.2018 Lemon. S	Lemon, S	
L144	Letter 1.10.2018 Pascatore-Moller. K	Pascatore-Moller, K	
L145	Letter 1.10.2018 Pascatore-Moller. K	Pascatore-Moller, K	
L146	Letter 1.10.2018 Pascatore-Moller. K	Pascatore-Moller, K	
L147	Letter 1.10.2018 Rowley. H	Rowley, H&J&S	
L148	Letter 1.10.2018 Rowley. H	Rowley, H&J&S	
L149	Letter 1.10.2018 Rowley. H	Rowley, H&J&S	
L150	Letter 1.10.2018 Rowley. H	Rowley, H&J&S	
	Letter 1.10.2018 Rowley. J	Rowley, J	Repeat of Letter 1.10.2018 Rowley. H.
	Letter 1.10.2018 Rowley. S	Rowley, S	Repeat of Letter 1.10.2018 Rowley. H.
L151	Letter 1.11.2018 Wiltsie. R	Wiltsie, R	
L152	Letter 1.11.2018 Wiltsie. R	Wiltsie, R	
L153	Letter 1.11.2018 Wiltsie. R	Wiltsie, R	
L154	Letter 1.11.2018 Wiltsie. R	Wiltsie, R	
L155	Letter 1.15.2018 Anderson. B	Anderson, B	

Item No.	CD Filename	Commenter	Comment
L156	Letter 1.15.2018 Anderson. B	Anderson, B	
L157	Letter 1.15.2018 Anderson. B	Anderson, B	
L158	Letter 1.15.2018 Anderson. B	Anderson, B	
L159	Letter 1.15.2018 Anderson. B	Anderson, B	
L160	Letter 1.15.2018 Anderson. B	Anderson, B	
L161	Letter 1.15.2018 Anderson. B	Anderson, B	
L162	Letter 1.15.2018 Anderson. B	Anderson, B	
L163	Letter 1.15.2018 Anderson. B	Anderson, B	
L164	Letter 1.15.2018 Anderson. K	Anderson, K	
L165	Letter 1.15.2018 Anderson. K	Anderson, K	
L166	Letter 1.15.2018 Anderson. K	Anderson, K	
L167	Letter 1.15.2018 Anderson. K	Anderson, K	
L168	Letter 1.15.2018 Anderson. K	Anderson, K	
L169	Letter 1.15.2018 Anderson. K	Anderson, K	
L170	Letter 1.15.2018 Anderson. K	Anderson, K	
L171	Letter 1.15.2018 Bender. G	Bender, G	
L172	Letter 1.15.2018 Bender. G	Bender, G	
L173	Letter 1.15.2018 Bender. G	Bender, G	
L174	Letter 1.15.2018 Bender. G	Bender, G	
L175	Letter 1.15.2018 Bender. G	Bender, G	
L176	Letter 1.15.2018 Bender. G	Bender, G	
L177	Letter 1.15.2018 Bender. G	Bender, G	
L178	Letter 1.15.2018 Bender. G	Bender, G	
L179	Letter 1.15.2018 Bender. G	Bender, G	
L180	Letter 1.15.2018 Kurtz. E	Kurtz, E	

Item No.	CD Filename	Commenter	Comment
L181	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L182	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L183	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L184	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L185	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L186	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L187	Letter 1.15.2018 Kurtz. E	Kurtz, E	
L188	Letter 1.16.2018 Ruhlman. H	Ruhlman, H	
L189	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L190	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L191	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L192	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L193	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L194	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L195	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L196	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L197	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L198	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L199	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L200	Letter 1.17.2018 Saxton. W&J	Saxton, W&J	
L201	Letter 1.18.2018 Johnson. C	Johnson, C	
	Letter 1.20.2018 Fuchs. R	Fuchs, R	Repeat of Letter 12.30.2017 Fuchs. R.
L202	Letter 1.24.2018 Gauger. L	Gauger, L	
L203	Letter 1.24.2018 Gauger. L	Gauger, L	
L204	Letter 1.24.2018 Gauger. L	Gauger, L	

Item No.	CD Filename	Commenter	Comment
L205	Letter 1.24.2018 Gauger. L	Gauger, L	
L206	Letter 1.24.2018 Gauger. L	Gauger, L	
L207	Letter 1.24.2018 Gauger. L	Gauger, L	
L208	Letter 1.24.2018 Gauger. L	Gauger, L	
L209	Letter 1.24.2018 Gauger. L	Gauger, L	
L210	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L211	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L212	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L213	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L214	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L215	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L216	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L217	Letter 1.24.2018 Wiltsie. R	Wiltsie, R	
L218	Letter 1.26.2018 Smith. M	Smith, M	
L219	Letter 1.26.2018 Smith. M	Smith, M	
L220	Letter 1.26.2018 Smith. M	Smith, M	
L221	Letter 1.26.2018 Smith. M	Smith, M	
L222	Letter 1.29.2018 McGinnis. M	McGinnis, M	
L223	Letter 1.29.2018 McGinnis. M	McGinnis, M	
L224	Letter 1.31.2018 Larson. E&R	Larson, E&R	
L225	Letter 1.31.2018 Lundmark. N	Lundmark, N	
L226	Letter 1.31.2018 Lundmark. N	Lundmark, N	
L227	Letter 1.31.2018 Lundmark. N	Lundmark, N	
L228	Letter 2.1.2018 DeLorenzo. P	DeLorenzo, P	
L229	Letter 2.1.2018 DeLorenzo. P	DeLorenzo, P	

Item No.	CD Filename	Commenter	Comment
L230	Letter 2.1.2018 DeLorenzo. P	DeLorenzo, P	
L231	Letter 2.2.2018 Shannon. M&A	Shannon, M&A	
L232	Letter 2.3.1208 McIntyre. L&S	McIntyre, L&S	
L233	Letter 2.5.2018 Coan. J&M	Coan, J&M	
L234	Letter 2.5.2018 Coan. J&M	Coan, J&M	
L235	Letter 2.5.2018 Coan. J&M	Coan, J&M	
L236	Letter 2.5.2018 Coan. J&M	Coan, J&M	
L237	Letter 2.5.2018 Fiore. C	Fiore, C	
L238	Letter 2.5.2018 Fiore. C	Fiore, C	
L239	Letter 2.5.2018 Fiore. C	Fiore, C	
L240	Letter 2.5.2018 Fiore. C	Fiore, C	
L241	Letter 2.5.2018 Fiore. C	Fiore, C	
L242	Letter 2.5.2018 Fiore. C	Fiore, C	
	Letter 2.5.2018 Fuchs. R	Fuchs, R	Repeat of Letter 12.22.2017 Fuchs. R.
L243	Letter 2.5.2018 O'Connor. M&C	O'Connor, M&C	
L244	Letter 2.5.2018 O'Connor. M&C	O'Connor, M&C	
L245	Letter 2.5.2018 Olson. B	Olson, B	
L246	Letter 2.5.2018 Olson. B	Olson, B	
L247	Letter 2.5.2018 Olson. B	Olson, B	
L248	Letter 2.5.2018 Pierce. unkns	Pierce, unkns	
L249	Letter 2.6.2018 McCreary. E	McCreary, E	
L250	Letter 2.6.2018 McCreary. E	McCreary, E	
L251	Letter 2.6.2018 Pine Grove Supvs	Pine Grove Supvs	
L252	Letter 2.6.2018 Pine Grove Supvs	Pine Grove Supvs	
L253	Letter 2.6.2018 Pine Grove Supvs	Pine Grove Supvs	

Item No.	CD Filename	Commenter	Comment
L254	Letter 2.6.2018 Pine Grove Supvs	Pine Grove Supvs	
L255	Letter 2.6.2018 Pine Grove Supvs	Pine Grove Supvs	
	Letter 2.7.2018 Elii. S	Elii, S	No substantive comment
L256	Letter 2.7.2018 Greenwood. L Carroll Supv	Greenwood, L (Sup.)	
L257	Letter 2.7.2018 Greenwood. L Carroll Supv	Greenwood, L (Sup.)	
L258	Letter 2.7.2018 Greenwood. L Carroll Supv	Greenwood, L (Sup.)	
L259	Letter 2.7.2018 Lemon. R	Lemon, R	
	Letter 2.7.2018 Pope. C(2)	Pope, C	No substantive comment
	Letter 2.7.2018 Pope. C(3)	Pope, C	No substantive comment.
L260	Letter 2.8.2018 Hanson. E.Sr	Hanson, E Sr	
L261	Letter 2.8.2018 Hanson. E.Sr	Hanson, E Sr	
L262	Letter 2.8.2018 Hanson. E.Sr	Hanson, E Sr	
L263	Letter 2.8.2018 Ridout. S	Ridout, S	
L264	Letter 2.8.2018 Ridout. S	Ridout, S	
L265	Letter 2.8.2018 Ridout. S	Ridout, S	
L266	Letter 2.8.2018 Ridout. S	Ridout, S	
L267	Letter 2.8.2018 Ridout. S	Ridout, S	
	Letter 2.9.2018 Fowler. S	Fowler, S	No substantive comment.
L268	Letter 2.9.2018 Fuller. C	Fuller, C	
L269	Letter 2.9.2018 Fuller. C	Fuller, C	
L270	Letter 2.9.2018 Fuller. C	Fuller, C	
L271	Letter 2.9.2018 Fuller. C	Fuller, C	
L272	Letter 2.9.2018 Fuller. C	Fuller, C	

Item No.	CD Filename	Commenter	Comment
L273	Letter 2.9.2018 Fuller. C	Fuller, C	
L274	Letter 2.9.2018 Fuller. C	Fuller, C	
L275	Letter 2.9.2018 Fuller. C	Fuller, C	
L276	Letter 2.9.2018 Fuller. C	Fuller, C	
L277	Letter 2.9.2018 Hostetler. K	Hostetler, K	
L278	Letter 2.9.2018 Hostetler. K	Hostetler, K	
L279	Letter 2.9.2018 Hostetler. K	Hostetler, K	
L280	Letter 2.9.2018 Hostetler. K	Hostetler, K	
	Letter 2.9.2018 Jones. M	Jones, M	
	Letter 2.9.2018 Lingenfelter. M(2)	Lingenfelter, M	
L281	Letter 2.9.2018 Rublee. D(2)	Rublee, D	
L282	Letter 2.9.2018 Rublee. D(2)	Rublee, D	
L283	Letter 2.9.2018 Rublee. D(2)	Rublee, D	
L284	Letter 2.9.2018 Rublee. D(2)	Rublee, D	
L285	Letter 2.9.2018 Rublee. D(2)	Rublee, D	
L286	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L287	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L288	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L289	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L290	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L291	Letter 2.9.2018 Senator Young	Young, C (Sen.)	
L292	Letter 2.9.2018 Williams. R	Williams, R	
L293	Letter 2.9.2018 Williams. R	Williams, R	
L294	Letter 2.9.2018 Williams. R	Williams, R	
L295	Letter 2.9.2018 Williams. R	Williams, R	

Item No.	CD Filename	Commenter	Comment
L296	Letter 2.9.2018 Williams. R	Williams, R	
L297	Letter 2.9.2018 Williams. R	Williams, R	
L298	Letter 2.10.2018 Bell. P	Bell, P&C	
L299	Letter 2.10.2018 Bell. P	Bell, P&C	
	Letter 2.10.2018 Crossley. E(2)	Crossley, E	
L300	Letter 2.11.2018 Engstrom. K	Engstrom, K	
L301	Letter 2.11.2018 Engstrom. K	Engstrom, K	
L302	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L303	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L304	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L305	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L306	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L307	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L308	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L309	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L310	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L311	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L312	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L313	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L314	Letter 2.12.2018 Borrello Co Exec	Borrello, G (Co. Exec.)	
L315	Letter 2.12.2018 Ch Co Legis Chrmn Wendel. P	Wendel, P (C.C. Leg.)	
L316	Letter 2.12.2018 Ch Co Legis Chrmn Wendel. P	Wendel, P (C.C. Leg.)	
L317	Letter 2.12.2018 Ch Co Legis Chrmn Wendel. P	Wendel, P (C.C. Leg.)	
L318	Letter 2.12.2018 Harvey. K&R	Harvey, K&R	

Item No.	CD Filename	Commenter	Comment
L319	Letter 2.12.2018 Harvey. K&R	Harvey, K&R	
L320	Letter 2.12.2018 Larsen. J	Larsen, J	
L321	Letter 2.12.2018 Larsen. J	Larsen, J	
L322	Letter 2.12.2018 Larsen. K	Larsen, K	
L323	Letter 2.12.2018 Larsen. K	Larsen, K	
	Letter 2.12.2018 Mason. J	Mason, J	No substantive comment.
	Letter 2.12.2018 Raber. C	Raber, C	No substantive comment.
L324	Letter 2.12.2018 Sheldon. N	Sheldon, N	
L325	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L326	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L327	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L328	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L329	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L330	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L331	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L332	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L333	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L334	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L335	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L336	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L337	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L338	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L339	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L340	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	

Item No.	CD Filename	Commenter	Comment
L341	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L342	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
L343	Letter 2.12.2018 Stock Ch Co Div Sol Wst	Stock, K (C.C. DPF)	
	Letter 2.14.2018 Petransky. W	Petransky	No substantive comment.

TABLE A1-2: PUBLIC COMMENT INDEX (E-MAILS)

Item No.	CD Filename	Commenter	Comment
	Email 1.6.2018 Mitchener S&J	Mitchener, S&J	No substantive comment.
E1	Email 1.11.2018 Wade Anderson	Anderson, W	
E2	Email 1.11.2018 Wade Anderson	Anderson, W	
E3	Email 1.24.2018 Travis Smith	Smith, T	
E4	Email 1.24.2018 Travis Smith	Smith, T	
E5	Email 1.24.2018 Travis Smith	Smith, T	
E6	Email 1.24.2018 Travis Smith	Smith, T	
E7	Email 2.1.2018 Carlson.L	Carlson, L	
	Email 2.4.2018 McChesney	McChesney, R	No substantive comment.
	Email 2.5.2018 Ridout	Ridout, S	Repeat of Letter 2.8.2018 Ridout. S
E8	Email 2.8.2018 Hodgins K B	Hodgins, K&B	
	Email 2.8.2018 LoPresti. J	LoPresti, J	No substantive comment.
E9	Email 2.8.2018 Ognibene. D	Ognibene, D	
E10	Email 2.8.2018 Ognibene. D	Ognibene, D	
E11	Email 2.9.2018 Magnuson. T	Magnuson, T	
E12	Email 2.9.2018 Magnuson. T	Magnuson, T	
E13	Email 2.9.2018 Magnuson. T	Magnuson, T	
E14	Email 2.9.2018 Magnuson. T	Magnuson, T	
E15	Email 2.9.2018 Mason. J	Mason, J	
E16	Email 2.9.2018 Yost. D&J	Yost, D&J	
E17	Email 2.9.2018 Yost. D&J	Yost, D&J	
E18	Email 2.9.2018 Yost. D&J	Yost, D&J	
E19	Email 2.9.2018 Yost. D&J	Yost, D&J	
E20	Email 2.9.2018 Yost. D&J	Yost, D&J	
E21	Email 2.9.2018 Yost. D&J	Yost, D&J	
E22	Email 2.10.2018 Brooks. S	Brooks, S	
E23	Email 2.10.2018 Brooks. S	Brooks, S	
E24	Email 2.10.2018 Brooks. S	Brooks, S	

Item No.	CD Filename	Commenter	Comment
	Email 2.10.2018 Crossley. E	Crossley, E	Repeat of Letter 2.10.2018 Crossley. E(2)
E25	Email 2.10.2018 Crossley. J	Crossley, J	
E26	Email 2.10.2018 Crossley. J	Crossley, J	
E27	Email 2.10.2018 Danielson. M	Danielson, M	
E28	Email 2.10.2018 Danielson. M	Danielson, M	
E29	Email 2.10.2018 Danielson. M	Danielson, M	
E30	Email 2.10.2018 Danielson. M	Danielson, M	
E31	Email 2.10.2018 Danielson. M	Danielson, M	
E32	Email 2.10.2018 Danielson. M	Danielson, M	
E33	Email 2.10.2018 Danielson. M	Danielson, M	
E34	Email 2.10.2018 Danielson. M	Danielson, M	
E35	Email 2.10.2018 Mahoney. T	Mahoney, T	
E36	Email 2.10.2018 Mahoney. T	Mahoney, T	
E37	Email 2.10.2018 Moffett. C	Moffett, C	
E38	Email 2.10.2018 Moffett. C	Moffett, C	
E39	Email 2.10.2018 Moffett. C	Moffett, C	
E40	Email 2.10.2018 Sandberg. D	Sandberg, D	
E41	Email 2.10.2018 Sandberg. D	Sandberg, D	
E42	Email 2.10.2018 Sandberg. D	Sandberg, D	
E43	Email 2.10.2018 Sandberg. D	Sandberg, D	
E44	Email 2.10.2018 Wiltsie. B	Wiltsie, B	
E45	Email 2.10.2018 Wiltsie. B	Wiltsie, B	
	Email 2.11.2018 Anderson. B	Anderson, B	
	Email 2.11.2018 Anderson. K	Anderson, K	Repeat of Item No. L164.
	Email 2.11.2018 Anderson. K	Anderson, K	Repeat of Item No. L167.
E46	Email 2.11.2018 Anderson. K	Anderson, K	
	Email 2.11.2018 Anderson. K	Anderson, K	Repeat of Item No. L169.
E47	Email 2.11.2018 Anderson. K	Anderson, K	
E48	Email 2.11.2018 Anderson. K	Anderson, K	
E49	Email 2.11.2018 Anderson. K	Anderson, K	
E50	Email 2.11.2018 Hanson. P	Hanson, P	

Item No.	CD Filename	Commenter	Comment
E51	Email 2.11.2018 Hanson. P	Hanson, P	
E52	Email 2.11.2018 Hanson. P	Hanson, P	
E53	Email 2.11.2018 Hanson. P	Hanson, P	
E54	Email 2.11.2018 Hanson. P	Hanson, P	
E55	Email 2.11.2018 Hanson. P	Hanson, P	
E56	Email 2.11.2018 Hanson. P	Hanson, P	
E57	Email 2.11.2018 Hanson. P	Hanson, P	
E58	Email 2.11.2018 Hanson. P	Hanson, P	
E59	Email 2.11.2018 Hanson. P	Hanson, P	
E60	Email 2.11.2018 Hanson. P	Hanson, P	
E61	Email 2.11.2018 Hanson. P	Hanson, P	
E62	Email 2.11.2018 Hanson. P	Hanson, P	
E63	Email 2.11.2018 Hanson. P	Hanson, P	
E64	Email 2.11.2018 Hanson. P	Hanson, P	
E65	Email 2.11.2018 Hanson. P	Hanson, P	
E66	Email 2.11.2018 Hanson. P	Hanson, P	
E67	Email 2.11.2018 Hanson. P	Hanson, P	
E68	Email 2.11.2018 Hanson. P	Hanson, P	
E69	Email 2.11.2018 Hanson. P	Hanson, P	
E70	Email 2.11.2018 Hanson. P	Hanson, P	
E71	Email 2.11.2018 Hanson. P	Hanson, P	
E72	Email 2.11.2018 Hanson. P	Hanson, P	
E73	Email 2.11.2018 Hanson. P	Hanson, P	
E74	Email 2.11.2018 Hanson. P	Hanson, P	
E75	Email 2.11.2018 Hanson. P	Hanson, P	
E76	Email 2.11.2018 Hanson. P	Hanson, P	
E77	Email 2.11.2018 Hanson. P	Hanson, P	
E78	Email 2.11.2018 Hanson. P	Hanson, P	
E79	Email 2.11.2018 Hanson. P	Hanson, P	
E80	Email 2.11.2018 Hanson. P	Hanson, P	
E81	Email 2.11.2018 Hanson. P	Hanson, P	
E82	Email 2.11.2018 Hanson. P	Hanson, P	

Item No.	CD Filename	Commenter	Comment
E83	Email 2.11.2018 Hanson. P	Hanson, P	
E84	Email 2.11.2018 Hanson. P	Hanson, P	
E85	Email 2.11.2018 Hanson. P	Hanson, P	
E86	Email 2.11.2018 Hanson. P	Hanson, P	
E87	Email 2.11.2018 Hanson. P	Hanson, P	
E88	Email 2.11.2018 Hanson. P	Hanson, P	
E89	Email 2.11.2018 Hanson. P	Hanson, P	
E90	Email 2.11.2018 Hanson. P	Hanson, P	
E91	Email 2.11.2018 Hanson. P	Hanson, P	
E92	Email 2.11.2018 Hanson. P	Hanson, P	
E93	Email 2.11.2018 Hanson. P	Hanson, P	
E94	Email 2.11.2018 Hanson. P	Hanson, P	
E95	Email 2.11.2018 Hanson. P	Hanson, P	
E96	Email 2.11.2018 Hanson. P	Hanson, P	
E97	Email 2.11.2018 Hanson. P	Hanson, P	
E98	Email 2.11.2018 Hanson. P	Hanson, P	
E99	Email 2.11.2018 Hanson. P	Hanson, P	
E100	Email 2.11.2018 Hanson. P	Hanson, P	
E101	Email 2.11.2018 Hanson. P	Hanson, P	
E102	Email 2.11.2018 Hanson. P	Hanson, P	
E103	Email 2.11.2018 Hanson. P	Hanson, P	
E104	Email 2.11.2018 Hanson. P	Hanson, P	
E105	Email 2.11.2018 Hanson. P	Hanson, P	
E106	Email 2.11.2018 Hanson. P	Hanson, P	
E107	Email 2.11.2018 Hanson. P	Hanson, P	
E108	Email 2.11.2018 Hanson. P	Hanson, P	
E109	Email 2.11.2018 Hanson. P	Hanson, P	
E110	Email 2.11.2018 Hanson. P	Hanson, P	
E111	Email 2.11.2018 Hanson. P	Hanson, P	
E112	Email 2.11.2018 Hanson. P	Hanson, P	
E113	Email 2.11.2018 Hanson. P	Hanson, P	
E114	Email 2.11.2018 Hanson. P	Hanson, P	

Item No.	CD Filename	Commenter	Comment
E115	Email 2.11.2018 Miller. D	Miller, D	
E116	Email 2.11.2018 Miller. D	Miller, D	
E117	Email 2.11.2018 Miller. D	Miller, D	
E118	Email 2.11.2018 Rosenberg. P	Rosenburg, P	
E119	Email 2.11.2018 Roushey. R	Roushey, R	
E120	Email 2.11.2018 Roushey. R	Roushey, R	
E121	Email 2.11.2018 Roushey. R	Roushey, R	
E122	Email 2.11.2018 Roushey. R	Roushey, R	
E123	Email 2.11.2018 Roushey. R	Roushey, R	
E124	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E125	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E126	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E127	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E128	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E129	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E130	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E131	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
E132	Email 2.11.2018 Sample. Sh	Sample, Sh&St	
	Email 2.11.2018 Sample. St	Sample, St	
E133	Email 2.11.2018 Sitler. R	Sitler, R	
E134	Email 2.11.2018 Sitler. R	Sitler, R	
E135	Email 2.11.2018 Sitler. R	Sitler, R	
E136	Email 2.11.2018 Sitler. R	Sitler, R	
E137	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E138	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E139	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E140	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E141	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E142	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E143	Email 2.12.2018 Dahlgren. K	Dahlgren, K	
E144	Email 2.12.2018 Eckman. K	Eckman, K	
E145	Email 2.12.2018 Eckman. K	Eckman, K	

Item No.	CD Filename	Commenter	Comment
E146	Email 2.12.2018 Eckman. K	Eckman, K	
E147	Email 2.12.2018 Eckman. K	Eckman, K	
E148	Email 2.12.2018 Eckman. K	Eckman, K	
E149	Email 2.12.2018 Eckman. K	Eckman, K	
E150	Email 2.12.2018 Horner. J	Horner, J	
E151	Email 2.12.2018 Jones. J	Jones, J	
E152	Email 2.12.2018 Jones. J	Jones, J	
E153	Email 2.12.2018 Jones. J	Jones, J	
E154	Email 2.12.2018 Jones. J	Jones, J	
E155	Email 2.12.2018 Jones. K	Jones, K	
E156	Email 2.12.2018 Jones. K	Jones, K	
E157	Email 2.12.2018 Jones. K	Jones, K	
E158	Email 2.12.2018 Jones. K	Jones, K	
E159	Email 2.12.2018 Jones. K	Jones, K	
E160	Email 2.12.2018 Jones. K	Jones, K	
E161	Email 2.12.2018 Jones. K	Jones, K	
E162	Email 2.12.2018 Jones. K	Jones, K	
E163	Email 2.12.2018 Jones. K	Jones, K	
E164	Email 2.12.2018 Jones. K	Jones, K	
E165	Email 2.12.2018 Miller. R	Miller, R	
E166	Email 2.12.2018 Miller. R	Miller, R	
E167	Email 2.12.2018 Miller. R	Miller, R	
E168	Email 2.12.2018 Miller. R	Miller, R	
E169	Email 2.12.2018 Miller. R	Miller, R	
E170	Email 2.12.2018 Miller. R	Miller, R	
E171	Email 2.12.2018 Miller. R	Miller, R	
E172	Email 2.12.2018 Miller. R	Miller, R	
E173	Email 2.12.2018 Miller. R	Miller, R	
E174	Email 2.12.2018 Miller. R	Miller, R	
E175	Email 2.12.2018 Miller. R	Miller, R	
E176	Email 2.12.2018 Miller. R	Miller, R	
E177	Email 2.12.2018 Mott. K	Mott, K	

Item No.	CD Filename	Commenter	Comment
E178	Email 2.12.2018 Mott. K	Mott, K	
E179	Email 2.12.2018 Mott. K	Mott, K	
E180	Email 2.12.2018 Williams. D	Williams, D	
E181	Email 2.12.2018 Williams. D	Williams, D	
E182	Email 2.12.2018 Williams. D	Williams, D	
E183	Email 2.12.2018 Williams. D	Williams, D	
E184	Email 2.12.2018 Williams. D	Williams, D	

TABLE A1-3: PUBLIC COMMENT INDEX (FAX)

Item No.	CD Filename	Commenter	Comment
F1	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F2	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F3	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F4	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F5	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F6	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	
F7	Fax Letter 2.12.2018 Kalfas. S	Kalfas, S	

TABLE A1-4: POOLED PUBLIC COMMENT INDEX

No.	Comment Letter	Commenter	Comment
RP1	Emails, various	Payne, R	
RP2	Emails, various	Payne, R	
RP3	Emails, various	Payne, R	
RP4	Emails, various	Payne, R	
RP5	Emails, various	Payne, R	
RP6	Emails, various	Payne, R	
RP7	Emails, various	Payne, R	
RP8	Emails, various	Payne, R	
RP9	Emails, various	Payne, R	
RP10	Emails, various	Payne, R	
RP11	Emails, various	Payne, R	
RP12	Emails, various	Payne, R	
RP13	Emails, various	Payne, R	
RP14	Emails, various	Payne, R	
RP15	Emails, various	Payne, R	
RP16	Emails, various	Payne, R	
RP17	Emails, various	Payne, R	
RP18	Emails, various	Payne, R	
RP19	Emails, various	Payne, R	
RP20	Emails, various	Payne, R	
RP21	Emails, various	Payne, R	
RP22	Emails, various	Payne, R	
RP23	Emails, various	Payne, R	
RP24	Emails, various	Payne, R	
RP25	Emails, various	Payne, R	
RP26	Emails, various	Payne, R	
RP27	Emails, various	Payne, R	
RP28	Emails, various	Payne, R	
RP29	Emails, various	Payne, R	
RP30	Emails, various	Payne, R	
RP31	Emails, various	Payne, R	
RP32	Emails, various	Payne, R	
RP33	Emails, various	Payne, R	
RP34	Emails, various	Payne, R	
RP35	Emails, various	Payne, R	
RP36	Emails, various	Payne, R	
RP37	Emails, various	Payne, R	
RP38	Emails, various	Payne, R	

TABLE A1-5: PUBLIC COMMENT INDEX (LEGISLATIVE HEARING)

Item No.	Commenter	Comment
H1	Rensel, J (M. Falconer)	
H2	Rensel, J (M. Falconer)	
H3	Wendel, P (C.C. Leg.)	
H4	Wendel, P (C.C. Leg.)	
H5	Borrello, G (Co. Exec.)	
H6	Borrello, G (Co. Exec.)	
H7	Abdella, S (Co. Attn.)	
H8	Abdella, S (Co. Attn.)	
H9	Abdella, S (Co. Attn.)	
H10	Abdella, S (Co. Attn.)	
H11	Crossley, E	
	Russo, S	In favor of the project.
H12	Hanson, P	
H13	Greenwood, L (Sup.)	
H14	Greenwood, L (Sup.)	
H15	Greenwood, L (Sup.)	
H16	Anderson, K	
H17	Anderson, K	
H18	O'Boyle, S	
H19	O'Boyle, S	
H20	Ekstrom, P	
H21	Ekstrom, P	
H22	Caster, C	
H23	Caster, C	
H24	Caster, C	
H25	Nelson, G	
H26	Sehl, S.A.	
H27	Sehl, S.A.	
	Dahlgren, D	In favor of the project.
H28	Wiltsie, R	
H29	Wiltsie, B	

Item No.	Commenter	Comment
H30	Lingenfelter, R	
H31	Lingenfelter, R	
H32	Lingenfelter, R	
H33	Lingenfelter, R	
H34	Pickut, W	
H35	Angrove, J	
H36	Lingenfelter, M	
H37	Lingenfelter, M	
H38	Smith, T	
H39	Smith, T	
H40	Smith, T	
H41	Davis, J	
H42	Davis, J	
	Yauchzy, S	No substantive comment.
H43	Lemon, R	
H44	Goodell, A	
H45	Goodell, A	
H46	Goodell, A	
H47	Peterson, D	
H48	Jones III, J	
H49	Jones III, J	
H50	Jones III, J	
H51	Jones III, J	

ATTACHMENT 2
LEGISLATIVE PUBLIC COMMENT HEARING
TRANSCRIPT

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

IN RE: }
IN THE MATTER OF THE }
APPLICATION OF SEALAND }
WASTE, LLC }

TRANSCRIPT OF PROCEEDINGS
LEGISLATIVE PUBLIC COMMENT HEARING

BEFORE: MOLLY T. McBRIDE
ADMINISTRATIVE LAW JUDGE

DATE: FEBRUARY 7, 2018
6:30 P.M.

PLACE: FREWSBURG MS/HS AUDITORIUM
26 INSTITUTE STREET
FREWSBURG, NY 14738

REPORTED BY: JENNY L. SCALISE, RPR
COURT REPORTER

ALJ McBRIDE: Good evening, everyone. My name is Molly McBride. I'm an Administrative Law Judge with the New York State Department of Environmental Conservation. And I will be presiding over this evening's Legislative Public Comment Hearing.

It sounds like there is an echo. Is the sound okay? Okay, thank you.

As I stated, I'm an administrative law judge with the department, and I work in the DEC's Office of Hearings and Mediation Services, which is a separate office within the DEC.

My office is separate from general counsel's office, separate from the regional offices, and separate from all program offices.

I will be presiding over today's public comment hearing regarding the application of Sealand Waste, LLC. This project involves the construction and operation of a 31.9 acre construction and demolition debris landfill with storm water management, landfill gas collection and leachate collection system, yard waste composting, recycling operations and excavation and landfilling of the existing, closed 3-acre C&D landfill.

The applicant has applied for the

following permits: A Solid Waste Management Facilities permit, Air State Facility permit, Stream Disturbance permit, Water Quality Certification, State Pollutant Discharge Elimination System permit and a Water Withdrawal permit.

A combined Notice of Public Comment Period, Notice of Completion of Draft of Environmental Impact Statement and Notice of this Legislative Public Comment Hearing was published in the Department's Environmental Notice Bulletin on January 10, 2018. And it was also published in the Post Journal on January 11, 2018.

The purpose of this hearing is to provide for the public to comment on the applications. This is not a question-and-answer session, but an opportunity for you to put your comments on the record.

The Department is accepting written and oral comments on the pending applications, and the comment period ends on February 12, 2018. Therefore, all comments must be received by the Department by that date to be considered.

The address for written comments and an e-mail address also are available at the table out in the hallway where you came in the door. We have a

sheet of paper available for you to make comments here tonight, if you would like, or information for you to submit your comments.

But, again, I ask that you make sure all comments are submitted and received by the Department by February 12th.

Anyone who wishes to make a comment this evening must fill out a speaker card. They are available at the DEC sign-in table in the hallway. We have collected approximately 24 speaker cards so far.

If you have not yet completed a card and wish to make a statement, please fill out a card. The speakers will be taken in the order that they filled out their cards, with elected officials being called first.

Because of the crowd size and number of people wishing to make comments, I'm going to limit each speaker to three minutes here this evening. As you can see, to my left, your right, is a timer with three minutes on it.

That timer will begin with each speaker. I ask that you please watch the timer. If you go over your three minutes, I will give you a gentle reminder asking you to please conclude your remarks.

I ask you to please respect the three-minute time limit so we can give everyone an opportunity to be heard this evening.

I will call your name when it is your turn to speak. If I mispronounce your name, I apologize. Please correct me when you get to the microphone. We will have everyone make their comments in the front of the room at the podium that is up here.

Please speak loudly, slowly, and clearly into the microphone when you make your comments. We have a court reporter here this evening who is making an accurate record of all comments made.

And I ask that you please make sure if you are reading from written comments, that you read slowly, so that the court reporter can make an accurate record of your comments.

If you are, in fact, reading from something you have prepared, after you make your comments, I would ask that you please put it up on the stage for me. And then we will give them to the court reporter so she can use them to help prepare the transcript. And that will ensure that your comments are accurately recorded for the Department's review.

If you are speaking on behalf of a group or another individual, please identify same when you make your comments. Again, the purpose is to make your comments. This will not be a question-and-answer session.

I would ask that everyone please remain silent for all speakers, and please show all speakers the same courtesy and respect that you would want when you are speaking yourself.

Again, if do you not wish to make a statement on the record here this evening, you may submit a written comment up until February 12th.

Before we begin with the public comments, we are going to have a brief presentation from David Denk, the Regional Permit Administrator from the DEC's Region 9 office, and then a representative of Sealand Waste will give a brief presentation. Mr. Denk.

MR. DENK: Good evening, Judge McBride, ladies and gentlemen, elected officials and representatives. My name is David Denk, and I'm the Regional Permit Administrator for the New York State Department of Environmental Conservation, Region 9.

Sealand Waste, LLC has applied to the Department of Environmental Conservation, the DEC,

for the permits necessary to construct and operate a construction and demolition debris landfill facility, also known as C&D, with construction and demolition debris recycling and yard waste composting on a 46-acre site located at 309 Dodge Road in the Town of Carroll, Chautauqua County.

The proposed action includes the construction and operation of a 31.9-acre C&D landfill with storm water management, landfill gas collection and leachate collection systems, yard waste composting, recycling operations and excavation and landfilling of the existing, closed 3-acre C&D landfill.

The purpose of tonight's legislative public hearing is to receive public comment on draft permits, permit applications, and the Draft Environmental Impact Statement for the proposed facility.

The Draft Environmental Impact Statement, draft permits, permit applications and supporting documents are available for review during normal business hours at the following locations:

The DEC Allegany Office at 182 East Union, Suite 3 in Allegany;

The DEC Buffalo Office at 270 Michigan

Avenue in Buffalo;

The Myers Memorial Library at 6 Falconer Street in Frewsburg, NY.

The Draft Environmental Impact Statement for the proposed facility can also be accessed through the applicant's website at sealandwaste.com.

There are copies of a fact sheet available here tonight. The fact sheet explains the project in greater detail and explains where you can find paper and electronic versions of the documents and how to submit written documents.

Comments will be accepted by DEC until February 12, 2018.

I would like to remind you that if you intend to make a statement here and have not filled out a speaker registration card, please do so. I'd also like to thank the Frewsburg Central School officials for the use of the auditorium tonight and thank you for your attention.

MS. ACQUISTO: Good evening. My name is Dr. Bethany Acquisto. I work with Daigler Engineering. I have limited time tonight, so I will move through my slides very quickly.

The purpose of my presentation is not to reiterate the contents of the application, but to try

to dispel some false allegations that you have heard.

Starting with the project's applicant, Sealand Waste, and its founder and owner, Daniel Bree. You may have heard that Dan Bree has a history of environmental violations, but the truth is, although he is the current owner of Sealand Waste as well as Sealand Contractors Corp, he has no relationship with any other company that may bear a similar name, including Sealand Restoration.

Also, he inherited two Superfund sites when he was part owner of Seneca Meadows. He did not create those sites; however, it was under his environmental stewardship that those sites were cleaned up.

The site has a long legal history revolving mainly around two lawsuits, one from the 2005 Zoning Law, and one regarding the 2007 Waste Disposal Law.

You may have heard that the legal battle here is over and that the town prevailed in both cases, but that is not true. While the 2005 law was upheld, the state ruled that it does not apply to this site.

And while the initial ruling in the 2007 law was in favor of Jones and overturned by the mid-

level court, it was never dismissed. It was simply sent back down to the lower court stating issues of fact. And it is at this state now where Sealand intervened. And it is not a new case, simply a continuation.

Here is a rendering of a site plan of the facility from the early development. All major elements of the project are active at this point.

I would like to point out that this is not the same as the dumps over the past where you dig a hole in the ground and bury waste.

This is a very sophisticated facility, and I encourage you to check out the displays outside and learn more about each element.

Probably the most famous quote is that all liners leak, and therefore, our ground water will become contaminated. And, yes, it was admitted that liners leak. Nothing is perfect. But the real question is how much and where to.

It was calculated that only 1.7 teaspoons per day will leak through this liner, and that the maximum and worst case scenario, not from day one, not for the 14 years they are open, not 10 or 30 years later, but at one point in time where the maximum condition happens, that's what you will get.

For comparison, the flux of ground water that flows beneath the site each day through ground water modeling was determined to be 292,000 gallons per day.

There are multiple layers of preventive measures for the protection of ground water as well. First and foremost is the double composite liner system. And you haven't checked out the full scale liner system outside, I encourage you to do so. It's really something.

That brings us to, where does it leak to? That 1.7 teaspoons, as it makes it through the liner system, will end up in a porewater drain that lies beneath the liner.

And that porewater drain, water from there is sampled. So it acts as an early detention system should anything leak. And there are many other layers, as you can see here. I'm not going to go through all of them now.

You may have heard that the landfill is going to accept pulverized, unrecognizable waste, and that that could include biomedical and hazardous waste. But this landfill will be limited to accepting C&D waste, as defined by the DEC's definition.

And that's normal everyday things that you would get from building a new home or remodeling your kitchen; recognizable things like wood, drywall, insulation. And while there will be some pulverized waste accepted, it's only from a DEC-regulated facility with paperwork to prove where it came from and what material it was to begin with.

Also, you might have heard that Sealand will unintentionally or inadvertently accept non-acceptable waste through the insufficient inspection and lack of oversight.

One of the commitments that Sealand has made is that the town can at any time perform unannounced inspections, so this should alleviate some of that fear.

But beyond that, every waste load is screened, both at a scale house when it's unloaded, and when it's spread in relatively thin layers. And there is also the more in-depth random weekly inspections.

You might have heard that the number of trucks can be anywhere from 200 up to 500 per day. But the real truth is that only 77 waste trucks are estimated to come to this facility each day; add on to that the 10 construction vehicles, which are

seasonal; the eight delivery trucks and 15 employees, and that still only adds up to 110 vehicles per day.

Also, waste handling operations will not be a 24/7 project, but it will be limited to the hours of seven and five on weekdays, and between seven and two on Saturdays.

And while some employees may be there beforehand and afterwards to clean up, the gate will be closed on Sundays and most major holidays as well.

Traffic is a big issue here. The traffic -- you may have heard that the traffic related to the facility will cause safety problems and costly repair headaches for the town.

Sealand took that very seriously. We started talking to the New York State Department of Transportation. And we came up with what we believe is a pretty good safety enhancement plan for the five corners.

We also, by talking with them, have already prompted improvements on Route 5 in front of the R.H. Jackson Elementary School. You might have already noticed the extended reduced speed zones and new signage there.

And Sealand has also offered to work with the school system to develop and fund a safety

school program for pedestrians called Safe Kids Walk This Way.

And they've also offered a road maintenance plan for Dodge, Wiltsie and Frew Run Road, including replacing of a structurally-deficient bridge and continuing general road maintenance.

You might have heard that Sealand is no longer offering a post community benefit. That is not true, as well. We just submitted in early September an updated post-community benefit agreement to the town, but it was unacted on.

And it is estimated, from what we have already discussed here today and others, that about 60 million will be invested in the community because of this project.

And that investment includes royalty payments to the town, direct annual payroll, tax payments, business with local vendors, which will, in turn, spur demand for services and supplies through the multiplier effect, as well as some other things that are listed here.

I believe I'm out of time, so I am done. Thank you very much.

ALJ McBRIDE: I'm going to begin calling our speakers. We have a member of the audience who

is hearing impaired. It's important that every speaker speak into the center of the microphone. So I will ask that everybody be aware of that please when making your comments.

Our first speaker is James Rensel. After Mr. Rensel, just so you know who's next, we have P.J. Wendel, Gorge Borrello and Steve Abdella, if you want to get ready for your comments. You'll be the next two speakers.

MR. RENSEL: I'm Jim Rensel. I am the proud mayor of Falconer. I was invited here tonight to listen to this presentation. The reason I wanted to make sure I got here, not only to talk about this, but I wanted to -- your clock hasn't started. I'm kind of watching it.

ALJ McBRIDE: Thank you.

MR. RENSEL: I wanted to take part of my three minutes to thank you for the support you gave Falconer during the couple fires we had. And I wanted to make sure I took part of my three minutes to thank you very much for that. I just can't say enough about you. We appreciate your support.

(Applause.)

The reason this interests me as the mayor of Falconer is, if you had the opportunity to

travel east on Route 86, there is a sign on Route 86 that invites truck traffic to get off at Exit 11 and Exit 13.

Well, Exit 13 is the Falconer exit. Imagine my surprise when I learned that by reading a sign on Route 86.

So this initiative here does concern us in the Village of Falconer. So I wanted to make sure I was here to listen to how the transportation portion of this is going to work as far as, I absolutely believe the truck traffic in the Village of Falconer will be increased.

We have school-crossing guard issues in the morning and the afternoon. So for the safety of the people that we represent, I wanted to make sure I made it to this presentation and listening to see how the transportation part of this works.

I just picked the literature up out front. I plan on reading that to see if it's addressed in there.

That's our interest in attending this. I appreciate the invite to attend it. I wouldn't have known about it unless I returned a phone call last night. I'm glad I did. Thank you very much. And again, thank you very much for your support when

we had our problems. We look forward to supporting you also.

(Applause.)

ALJ McBRIDE: P.J. Wendel. After Mr. Wendel, we are going to have George Borrello and then Steven Abdella.

MR. WENDEL: Thank you. I introduce myself as PJ Wendell. I'm currently the chairman of the Chautauqua County Legislature. When we heard of this, again, there was a concern. What we are focusing on, first of all, would be a response.

The County does have a written response that at the current time is 12 pages. We do speak directly to the DEIS -- and I apologize for my voice. I'm a wrestling coach. At this point in the year, I'm a little diminished.

Getting back to the case, right now the county landfill is looking for an expansion, an \$18 million project that we've invested in. With that said, we will have the capability of 300 years of C&D waste.

Now, if we take the county, if there were no other options, and we were to take in Cattaraugus County and Allegany County we could take in C&D waste for 150 years; long past any of us.

The stewardship is there, we understand. But there is not a necessity for excessive -- there is excessive C&D waste right now. So the necessity to start the landfill really doesn't coincide with what we are looking at.

Not to mention the state does have a solid waste management plan, and Sealand has not incorporated that, nor have come in with the understanding that they are going to abide by or be part of this plan.

The state legislature or the state and their beyond waste philosophy feels that landfills are the last resort if you are looking at collection of waste.

We want to look at other options. We want to look at recyclability, and we want to look at incineration in different parts of the state.

But by and large, the necessity isn't there for this landfill. There is a lot of question to that. The county has more than enough capability and space to do that, not to mention along with that, we are also required and regulated by the state for increases, if there are increases. And Sealand or any other private entity does not fall under that cap.

So the argument, well, the county is going to raise the rates because they're there by themselves; well, that isn't the case. We are regulated by the state, and we have to adhere by those laws.

At this point right now, the county is in firm support of the town in its local law. We will be submitting another response to this.

But the bottom line in conclusion is that at the present time there is not a need for a facility of this size.

And likewise, the facility coming in does not adhere to the state's solid waste management plan, nor the solid waste management plan that was originally conceived and passed in 1992 by the county legislature and is now being reviewed and implemented again. Thank you.

(Applause.)

ALJ McBRIDE: Thank you. George Borrello.

MR. BORRELLLO: Thank you. I'm George Borrello, Chautauqua County Executive. P.J. was here speaking on behalf of the county legislature. I'm here speaking on behalf of the executive branch, and we are absolutely opposed to the DEC permitting this

landfill here in this town.

Let me start off by saying, as P.J. said, the DEC has directed us in the county through the solid waste management plan, which we have to adhere to, that we are supposed to do whatever we can to divert things from going into the ground, period.

We have a landfill that has been in operation for more than 40 years here in Chautauqua County. We also oversee the closed landfills the DEC felt needed to be closed when we consolidated everything into one central location run by the people of Chautauqua County through the Chautauqua County government.

Therefore, it's our responsibility to oversee the closed landfills and to ensure we are doing everything we can to divert waste away from the landfill that we control and manage.

We also have an issue with this new landfill that this company has a history of coming in and intentionally shutting down municipally-owned landfills by offering low rates to begin with below their cost.

We are already low. We know that because we take in garbage from outside the county. We take in about 30 percent of our garbage comes from

outside the county.

That means that people can actually come here and pay our rate and still afford to truck waste here from other areas.

Therefore, we know our rates are inherently low based on the fact that, number one, we cannot profit by law on the people of Chautauqua County. In addition to that, we have low rates for those people who are outside the county.

Companies like Sealand and others come in. They come in with a very low rate. The history is try to put municipal landfills out of business. Once that occurs, they raise the rates.

What we lose is, we lose that ability to control what goes into the ground here through the government and the government's oversight of it here in Chautauqua County.

But in addition to that, we provide a lot of critically important free services to the municipalities and people of Chautauqua County.

For example, derelict structures are a huge issue here in Chautauqua County. We waive the tipping fees. Each community, each town and each village and each city, receives tipping fee credits each year which they use to take down derelict

structures.

Without the county landfill, that will go away. So it's critically important for us. And we are charged by the state to control what goes in the ground.

As P.J. said, the DEC's -- really, their -- what they want us to do is, they want us, whenever possible, not go into a landfill.

Therefore, we don't need to create extra landfill space here in Chautauqua County. It's counterintuitive to what the DEC has charged us with doing, which is to reduce, reuse and recycle whenever possible.

Therefore, creating a new landfill goes counterintuitive to what DEC has mandated in Chautauqua County, and every one in New York State, for that matter.

Therefore, we are absolutely opposed to a new landfill that is completely unnecessary within Chautauqua County. Thank you.

(Applause.)

ALJ McBRIDE: Stephen Abdella. After Mr. Abdella we are going to have Elaine Crossley.

MR. ABDELLA: Yes, thank you. As mentioned, I'm Stephen Abdella. I'm the county

attorney for Chautauqua County. Following up on the comments of County Executive Borrello and County Legislature Chairman P.J. Wendel, the County will be submitting a letter to the DEC in opposition to this permitting application.

Just to build on some of the comments made by those two officials, part of the County's concern is that the County already has a landfill. And in that respect it's taking 30 percent of the waste that goes into that landfill from outside the county.

And in that respect, the County is doing its share, so to speak, in terms of shouldering the burden of landfilling in Western New York and in the State of New York.

So it does not -- it's simply not appropriate in that regard when we are already accepting out-of-county waste, to have this county have to bear the environmental burden of a second landfill in the county, which geographically simply doesn't make any sense.

We are in the far southwest corner of the state. And this proposed landfill is in the most remote corner of Chautauqua County. If this landfill's intent is to serve Central New York and

Western New York, you couldn't get any further and stay in the State of New York in Western New York for this waste to travel here.

Buffalo, Niagara Falls, Rochester, Syracuse are much closer to other areas of Western New York, and that's where the waste would likely come from, if not Downstate New York or New York City.

So in the context of a statewide solid waste management plan which considers landfilling the least priority, Chautauqua County has nonetheless stepped up and is providing landfill capacity to the region and to the state, and for that reason should absolutely not be asked to shoulder any further burden.

It would be inconsistent with the plan. The most expensive transportation costs would be necessary to bring -- stay within the state, in this region and come to the Town of Carroll, very close to the Pennsylvania border. That makes no sense.

And lastly, I will just say that there is concern about creep with these facilities, as was seen in Allegany County, the Hyland facility. What was supposed to be simply a monofill for ash turned into a giant, multifaceted facility. We are

concerned about that too with the Town of Carroll.
Thank you.

(Applause.)

ALJ McBRIDE: I'm going to call the next five speakers. If you are in the next group, I would ask that you move forward so you can be ready with your comments. Go ahead, Ms. Crossley. Again, I remind you to speak into the microphone, please.

MS. CROSSLEY: Hello. Thank you everyone for being here. For 50 years I helped residents in my town to establish and monitor their own Bluebird Trails. My concerns are environmental.

So I also take care of my own nest boxes on county roads in the Town of Carroll. For my dedicated efforts to restore the Eastern Bluebird and for outstanding contributions in Bluebird conservation, I received the Frans Hanes Award from the New York State Bluebird Society in 2013.

I'm currently the Chautauqua County coordinator for the New York State Bluebird Society and a member of the North American Bluebird Society, and I'm a retired registered nurse.

Eastern Bluebird nesting sites are well established and productive on Frew Run Road, Frew Run Street, Ivory Road, Wiltsie Road, Dodge Road, Wheeler

Hill, Anderson Road, Ivory Road and Sander Road with over 100 fledglings this past season.

Of the 40 boxes I monitored, 22 are on Frew Run Road, Dodge and Wiltsie, with 60 boxes -- or with 60 loads of waste and five loads of leachate and 20 vehicles, 85 coming in and 85 going out. There has been many discrepancies in the scoping documents about truck traffic.

That directly impacts nest building activity and feeding of hatchlings, as they are fed every five minutes from sunrise to sunset. I documented this several years ago. I sat in my car and waited for over a half an hour, and every five minutes they were at the box.

Chicks confined to nest boxes may also be susceptible to lung infections from road dust and particulates from the pulverized waste the trucks are hauling.

The noise and activity will cause the bluebirds to leave the area because their peaceful habitat will no longer be ideal. Boxes must be located close to roads for easy monitoring, sometimes twice a week.

New York State Bluebird Society does not coordinate the relocation of nest boxes, as was

stated that Sealand was going to do on Page 5-84 of the scoping document. Individuals place boxes and maintain their own trails.

Warren, Pennsylvania is also a well-established Bald Eagle territory. And we brought -- in 1980, a Bald Eagle expert came down from Saskatchewan, Canada as part of the restoration program.

The Conewango flows through the town, our town, and I have seen them on the Conewango Creek out right back here, on Wiltsie, Dodge, Wheeler roads annually. And they were seen this past season near the Martz-Kohl Observatory.

Pennsylvania Game Commission states that during the nesting season, eagles are very sensitive and become stressed to loud noises and sudden movements. A landfill in this area would most certainly be detrimental. Thank you.

(Applause.)

ALJ McBRIDE: I will read the next five people: Steve Russo, then we will have Polly Hanson, Laura Greenwood, Kathy Anderson and Shelly O'Boyle.

MR. RUSSO: Good evening. My name is Steve Russo. I'm a member of Jamestown Macadam, Incorporated. And I'm here to talk to you tonight

about Sealand Construction.

We worked with this company over the last eight years. Our experiences are that they follow the rules, do a good job. We feel that if you guys allow a C&D landfill in your community, that this company will do a good job, follow all the rules, and I'm sure be a success. And hopefully, the community can see a little bit of money to help out their county. Thank you.

(Applause.)

ALJ McBRIDE: Polly Hanson.

MS. HANSON: Hi. I'm Polly Hanson. I reside on Dodge Road. I'm speaking on behalf of Carroll Concerned Citizens. Thank you for coming. I look out and I see standing room. This is democracy in action. Thank you, thank you, thank you.

My letter that I'm submitting to the DEC is long. And it addresses very specific environmental scoping document issues point by point. But I will not be reading that this evening. I will send that in February 12th.

Tonight, I want to address just a really important couple of key points for your consideration regarding our town law. The Town of Carroll has made its position clear by passing both the 2005 and 2007

town laws. The town has already had to defend itself in court against the family of Don Jones who owns the property in question, and now against Sealand Waste, LLC.

The scoping document was apparently last updated in May of 2015 before the unanimous court decision in favor of the town in June 2015.

As Mrs. Greenwood will state, our town has already had issues with contaminants damaging our natural resources. We have no desire to live through those lessons again, so we have passed town laws to that effect.

The town does not want to have to spend more money to defend ourselves. We have done our homework. We have researched our findings regarding the Municipal Home Rule Law, and it has held up in court.

Isn't this a futile exercise to keep going through this process year after year? As you can see from the amount of turnout on this stormy evening and the number of letters the DEC has already received, the town hasn't changed their mind.

There are representatives from neighboring towns and organizations both in New York State and in Pennsylvania who are also here to share

their concerns either tonight or through letter.

Even if Sealand qualifies for a state permit, the town law prohibits Sealand from putting a shovel in the ground.

All DEC permits require applicants to comply with local laws. It has been almost 14 years, and this town stands behind its law. That's all.

(Applause.)

ALJ McBRIDE: Laura Greenwood. I'm going to ask you if you could just hold your applause so we can get to the next speaker.

Again, I will remind you, if you are reading from something, if you could leave a copy with us up here for the court reporter, please.

After Laura we have Kathy Anderson.

MS. GREENWOOD: Good evening. My name is Laura Greenwood. I'm the supervisor for the Town of Carroll. I'm here to read a statement on behalf of the Town of Carroll town board.

The Town of Carroll is opposed to Sealand Waste, LLC's proposed project for the construction and operation of a 31.9 acre C&D landfill on the Jones property located on Dodge Road in the town.

The Town of Carroll is opposed to this

project for the following reasons:

The Town of Carroll has historically been served by a number of public water wells supplying potable water to the community.

In 2007 the Town of Carroll adopted a waste disposal law to restrict waste disposal within the Town of Carroll so as to protect the town's public water supply.

Prior to the enactment of the Waste Disposal Law, the Town of Carroll had to suspend the use of three of its five public wells as a result of ground water contamination that was attributed to landfills in the town.

In addition to three of the five wells being contaminated, the town's Well No. 4 had a high level of manganese and other minerals leading to significant problems with the use of the water from that well.

The New York State Department of Environmental Conservation had also notified the town that analysis of test wells adjacent to a closed landfill indicated the migration of a number of industrial contaminants similar to what was being experienced in Well 1 and Well 2-A.

After discussion with the New York State

Department of Health, it was concluded that Well 5, which had been producing approximately 90 percent of the town's water supply, should be suspended pending remediation of the landfill.

Given the threats posed by contaminants to Well 5 and the need to terminate the production of that well, the DEC entered into an agreement with the Town of Carroll to provide technical and financial assistance to assist the town in remedying the operational use relating to the correction of problems with Well 2-A and try to rehabilitate Well 4.

That is a result of the town's public water wells being contaminated. The Town felt it was absolutely necessary to restrict any further operation of landfills within the Town of Carroll so as to protect the town's water supply and the health and safety of its residents.

Prior to the adoption of the Waste Disposal Law, the town board conducted a public hearing in which hundreds of residents voiced their support for the law.

In addition, copies of the proposed Waste Disposal Law were also forwarded to the Chautauqua County Health Department, the county

planning department, and the DEC and adjoining towns, all of whom supported the enactment of this law.

The County of Chautauqua also invested millions of dollars to construct a solid waste management facility within the county that could adequately handle all the town's waste disposal needs.

The Town of Carroll has expended thousands of dollars, along with the DEC, to help correct and ensure that the Town of Carroll's public water supply is not being polluted.

Considering the historic problems that the Town of Carroll has had with water contamination, it would not be in the public's interest to allow landfills to be operated in the Town of Carroll, especially considering that all of the land waste generated in the Town of Carroll can be adequately handled by the County of Chautauqua. Thank you.

(Applause.)

ALJ McBRIDE: Our next speaker is Kathy Anderson. Then we have Shelly O'Boyle, Patty Ekstrom, Cathy Caster.

MS. ANDERSON: I have a very short and sweet message. I unfortunately have an autoimmune disease. I tried to research how the pollutants and

extra traffic with the diesel fuel and emissions would be on my body; and unfortunately, there is nothing founded. I am scared to death that this will bring on, you know, anybody with an autoimmune disease, serious harm.

I have had a recent crisis last July, spent five days in intensive care. And again, it's, you know, you don't know with this amount of pollution, especially, because I live right in the village near where the traffic is going to be, that -- how it will impact my health.

And so, my husband is a hunter. He has been a hunter most of his life. And we have to think about the DEC is here to protect the animals as well as us.

And I am very concerned not only for my safety and my health and the health of the community, but also with the animals and the birds, as Elaine said, and, you know, the hunting situation here. Thank you.

(Applause.)

ALJ McBRIDE: Shelly O'Boyle. Then Patty Ekstrom, Cathy Caster, Gary Nelson, Sue Ann Sehl.

MS. O'BOYLE: Good evening. I'm

speaking to you as a concerned educational leader. As the superintendent of Frewsburg schools, I welcome you to our district. I also ask you to consider the concerns I have, especially since my concerns revolve around our most important asset: Our students and their safety.

My foremost concern revolves around the potential burden caused by increased traffic volume of heavy-duty trucks associated with the proposed project.

This concern stems from the fact that the routes to the landfill includes roads and intersections traveled by our school buses during peak hours of operation.

The five corners of Frewsburg are already congested and is an area with reduced visibility. Not to mention, having ridden our buses.

I have seen firsthand our drivers navigating narrow roads, such as Wiltsie and Dodge Road, often turning around in driveways, which is harrowing enough with a 65-passenger bus, without adding heavy-duty vehicles to these areas as a result of the project.

Additionally, New York Route 62, Ivory Road, is the road that our elementary school,

Robert H. Jackson, is located. This north/south highway consists of one lane in each direction and cannot presently accommodate the traffic associated with our school.

Additional traffic volume caused by the project poses two problems. One, students walk to school via Route 62 and also cross this road to get to the school.

And two, traffic on Route 62 is already backed up during arrival and dismissal times without this extra burden.

The district has already been asked to seek ways to accommodate the traffic that occurs from parental drop-off and pickup before an accident occurs.

If additional traffic as a result of the expansion project is added, how soon before this additional traffic causes an accident or injures a student.

The traffic in the center of Frewsburg is congested and compounded by a large bend in the road which impacts visibility. Many of our students hang out in the center of town. How safe will these children be when large trucks are traveling in and out of town.

Another concern regarding the safety of our children includes response times of our volunteer fire department. Not only are we dependent on our fire department during school hours, but we are also dependent on them after-school hours during athletic events.

Many of our athletic fields are located at the elementary school with access directly off Route 62. How will increased traffic impede response in times of emergencies?

Thank you for taking the time to listen to my concerns. Your careful consideration of all the issues brought to your attention regarding this project is appreciated. Thank you.

(Applause.)

ALJ McBRIDE: Patty Ekstrom. After Patty is Cathy Caster.

MS. EKSTROM: Good evening. I didn't come here and plan on making a comment at all, but as a school bus driver -- and thank you, Shelly, that was perfect. I really don't have too much to add to that -- as a school bus driver for the past 20 years, I have seen the increased traffic at the five corners trying to get out of Frew Run, trying to turn west on Poplar Street onto Ivory Road.

Just two weeks ago, I'm sitting in front of the RHJ elementary to let a student off, and here comes a truck, goes right through the school zone, right through my red lights.

I don't know what more we can do to protect our students. We have a crossing zone. We have buses with red lights on, we are stopped, and the trucks come flying through.

We are going to have people not familiar with the area. They are going to be driving over our back country roads. You come over a knoll, and there is a school bus stopped with flashing red lights, and they are going fast.

You can't stop those big vehicles in a short amount of time. It takes time. What about on a day like today when there is snow? Those roads are narrow. It's difficult to drive a large vehicle and meet another large vehicle on our back country roads. There is no shoulders in many areas. The roads are crumbled. The shoulders are narrow.

I myself have experienced where I have had a student outside my bus with my red lights on coming up Frew Run -- which is back in the day when we still crossed students -- where a large dump truck could not stop.

And I had a student out there, and the dump truck driver is going like this (indicating) trying to get my attention, because he knew he could not stop for my bus.

I have the school students out here, and I'm trying to scream, "No, don't cross." And he fishtailed right through my red lights. What is it going to take?

I was dumbfounded when the lady said there is only going to be 77 large trucks coming through our little town.

(Laughter.)

Are you kidding me? Our little town cannot accommodate this kind of traffic. The bend in the road that Mrs. O'Boyle just talked about, you have a restaurant, The Frewsburger, where cars park.

You have the Frewsburg Pharmacy where cars park. Try to have two large vehicles meet at that corner. You just cannot go around that bend with two large vehicles; you just cannot do it.

It's going to be impossible to navigate through our small town with 77 additional trucks a day. Thank you.

(Applause.)

ALJ McBRIDE: Cathy Caster. And after

Cathy we have Gary Nelson.

MS. CASTER: My name is Cathy Caster. I am a resident of Dodge Road. I'm a wife. I'm a mom. I'm an owner of one of those driveways that the school bus turns around in on the curve on Dodge Road.

I am also one of the people who has been with this project since we first heard about it. And I will tell you, I'm tired of it. I'm tired of trying to defend our town against a company that doesn't seem to understand that we are not interested in having your business be part of our town.

And it's not because we don't like your business. It's just that -- I'm a pretty concrete person. When I look at making a decision. I get a pro and con list. The con list for this is pretty long as far as what it's going to offer our town.

They are not looking at putting something that is going to generate a lot of jobs and bring a lot of great traffic to our community and we are going to prosper from.

And I would submit that 1.7 teaspoons of anything leaking into our ground is too much. As I said, the possibilities of what can go wrong and the discrepancies that we have seen in the scoping

document -- if you look at the scoping document, there is several different references as to how much truck traffic will be coming through.

When was the traffic study done?

Because if it was done at the beginning of when this project started, our town has evolved over that.

Anyone that comes down Frew Run knows that we have quite a large Amish community. How many of you have run into a buggy? Literally, almost run into a buggy?

How many of you have seen our children jogging down by the cemetery doing their cross-country track, or coming home? Or the TRZ kids crossing the five corners to go swimming at the high school?

These are all things that as members of a small town, that's what we are about. That's what we like. We like looking out our yard and seeing 24 deer, as we did in our backyard this afternoon. That's what makes this our town.

And what makes this project not a good fit for our town is not that we don't like this company. It's that we don't like what the prospect is from what our town will benefit from, because the benefits seem to just benefit this company and not

the town. Thank you. (Applause.)

ALJ McBRIDE: Gary Nelson. After Gary we have Sue Ann Sehl, Doug Dahlgren, Randy Wiltsie.

MR. NELSON: I'm Gary Nelson from the Martz Observatory; president of the Martz Observatory. I'm glad you could all come. We are kind of the little guy in the big pond in the fact that we are a part of the environment.

Sealand, I thank you for the studies you did on us, but you never approached us and never talked to us about our concerns. You hired a professional astronomer to do that for you.

A lot of the information was not correct, and we are concerned. I'm going to start with the truck traffic. That site that we are at, we selected that back in 1954, before any dumps or anything was there.

The reason why it was sited for an observatory is because we are the second highest elevation in Chautauqua County.

You dig down into the ground, you are into bedrock 8 feet deep. A telescope has to be very stable, and we are connected right into that bedrock to keep these telescopes from moving.

To give you an example, our telescopes,

we have seen right now, one of them, we have been out 8 billion light years. That's quite far.

In fact, out of all the professional telescopes, that's more than half -- almost half of what a professional telescope would see.

By the way, we are research grade, and we are professional. We do have Penn State involved with us, and we do have Falconer involved, the school system involved with us.

We are an educational device. We cannot be moved in Chautauqua County anywhere. They can move us to another mountain. But if you build one, it will not be stable. Our telescopes will move. If they move just a half an inch or even an eighth of an inch, we can be thousands of miles off when we use our telescopes.

Trucks. We picked that site also because it was low volume traffic. In fact, there was no traffic at the time. No lights. And the town of Frewsburg, we thank you very much for not having -- turning your lights on. And you have respected us quite a bit. When we had a light problem, it was taken care of.

I had a professional astronomer from Buff State come to the observatory to give a lecture.

And he stepped out of his car. And we had about 80 or 90 people waiting inside for his lecture. And he wouldn't go inside. He was looking up at the sky. And he said, "I have never seen the Milky Way like this before up here."

Any light the -- Sealand has been very good and wrote an article about trying to help us with the lights. But there is quite a few things in that that has not been approached.

Portable lighting can affect us big time. Truck lighting coming from trucks at night going up to the landfill in dark skies, you're going up a hill. The lights go up.

When we even have car traffic go through by the observatory, it does bother us. That's why we selected that site -- not a lot of car traffic.

ALJ McBRIDE: Sir, I'm going to ask you if you can wrap up your remarks.

MR. NELSON: To wrap it up, they had not met a lot of our environmental concerns. They did not approach us. I will leave this for you. I will put it up here.

(Applause.)

ALJ McBRIDE: Thank you. Sue Ann Sehl.

MS. SEHL: Good evening, and thank you

for arranging for this hearing. Although I have a Jamestown address, I am a taxpayer and vote in the Town of Carroll.

I'm also a hearing aid wearer and am very familiar with the decibel, the measurement level of sound. The loudness of sound is measured in units called decibels.

A decibel unit expresses relative intensity of sound on a scale from zero to an average of least perceptible sound, to about 100 DB, which is near the level most people find uncomfortably loud.

Normal conversation is about 60 dBs. Sound above 85 are harmful, depending on length of time and how often exposed. The rural residential area has the lowest dB, a 40 dB and 50, respectively, whereas data in the urban and suburban is 62 and 67 respectively.

The presence of the proposed Sealand Waste site would generate traffic noise far in excess of 85 dBs. The document provided reflected estimated 50 to 60 heavy trucks -- which I heard tonight, it's different -- per day, with the possibly 28 trips per hour would be driving through the residential route area to the site.

That, in and of itself, would have a

tremendous impact on the continual noise that the residents along the travel route and those in the area around the waste site would have to contend with.

Those waste hauler trucks are fueled by diesel, which are far from light. Regardless of the size or length of these trucks, add to this the numerous other vehicles that would be involved with the site.

One of the hardest things for a project biologist is to quantify the noise associated with the actual project.

The residents of the Town of Carroll and those along the route to the site have chosen to live where they do, have lived there for many years, because of the quietness, away from the impact of environmental noise elsewhere.

There will be a significant adverse noise impact from trucks. There is no escaping it.

The equipment here in the site used among them would be bull dozers, excavators, dump trucks. Whether they are heavy equipment, stationary or impact equipment, that noise would be at a constant level from morning until night starting at 5:30.

The combined noise there in the site with the trucks and/or the equipment in addition to the waste haulers nearby would maintain a constant noise factor far above 85 DB.

The workers at the site would be wearing ear protectors, whereby the residents would not. There would be no reprieve. This is the second time. Thank you.

(Applause.)

ALJ McBRIDE: Doug Dahlgren, and after Doug Dahlgren we have Randy Wiltsie, Beverly Wiltsie. Robbie Lingenfelter.

MR. DAHLGREN: I'm not here to make friends, and I'm not here to make enemies. I'm here to speak my mind. Frewsburg had some 2,000 residents roughly -- men, woman, and children. And every day from the day you are born until the day you die, you generate waste every day.

We've got it pretty good, because all you got to do is load it up and haul it off to a transfer station, and it goes up to our friends right up there in Ellery. Dump on them.

Well, that landfill, all the water that comes off of that landfill comes right down the river right through Frewsburg. And there is not a problem

with it, is there? Not one problem.

The eagles get fish out of the river. We have fish in the river. Our animals drink out of the river. There is no problem at all.

The same thing is going to happen up here with this landfill. It's going to be built to the DEC specs. It will be just as good as the Chautauqua County landfill. There is going to be no difference.

It's not going to be built by some hillbilly business. It's going to be built by a company with millions of dollars behind them. You people have got to understand, we are not above anybody. You may think we are above people --

ALJ McBRIDE: Please don't shout out. Please let all speakers have the opportunity to make their comments.

MR. DAHLGREN: This is a good company. I researched it. They are not bad. That's all I got to say.

(Applause.)

ALJ McBRIDE: Randy Wiltsie. After Randy, we have Beverly Wiltsie, Robbie Lingenfelter, Walter Pickut and Jack Angove.

MR. WILTSIE: Good evening. I'm Randy

Wiltsie. My family and I live at 1242 Frew Run Road, Frewsburg. I believe I'm the 12th generation since our family came to this town. We were here before the town was formed.

We came here for our natural resources. We were farmers. We still are. And clean water, forestry and ground is pretty important to the agricultural industry.

My cousin still farms the original homestead, which is almost 200 years. Our water well is 32 feet deep. The water well on the place I grew up on was 36 feet deep. One of the water wells on that road is 13 feet deep. They drove a pipe in the ground.

All the Town of Carroll sits on a gravel pile. Frew Run gravel is our old farm. There is already upwards of 250 trucks a day going by our house, if you count going up and going back. I don't know, I have seen lots of numbers of what Sealand wanted to do, and 77 was the lowest one I have seen.

We don't -- it's a pretty dangerous intersection at the corner of Oak Hill Road and Frew Run right now. We don't need 200 more trucks or more, if you count going up and going back.

My son is at Alfred Tech right now

taking diesel mechanics and agriculture. He wants to come back to this area and continue the farming traditions. I hope he can. Thank you.

(Applause.)

ALJ McBRIDE: Beverly Wiltsie.

MS. WILTSIE: Can I speak from here?

ALJ McBRIDE: Try to speak up if you can. We will see if we can hear you.

MS. WILTSIE: In the '90s I was diagnosed with chemical sensitivity. Chemicals have made me sick. It was now progressed to multiple sclerosis. I live on one of the routes in town near the five corners. I will suffer from being more exposed to chemicals. Thank you.

(Applause.)

ALJ McBRIDE: Thank you. Robbie Lingenfelter and then we have Walter Pickut, Jack Angove.

MR. LINGENFELTER: I'm obviously not as sophisticated of a speaker, but I live at 263 Dodge Road, and this -- the dump -- is you take a 100-yard walk out my back door, and it is right there. If you heard the phrase "not in my backyard," my family situation is as close to that as you are going to get. It's in my backyard.

And what else I would like to say is that they say about the times the dump is going to be open, 5 a.m. to 7 p.m. That's a very long time. That's all day long. I get up about -- 7 a.m. to 5 p.m. I get up at seven, get ready, and me and my brother go to school at like 7:20.

And I'm already stretched out in the wintertime with plow trucks coming down the road. I'm trying to drive safely, and they have plow trucks. Why add 77 more work trucks to that road?

Like people said, this is not a necessity. Then why we are doing it? There is no point for it, in my opinion. So us people here defending our town, I think it's a pretty good thing. I think we need to do that, because it's not just an environmental concern. We have concerns for the people who live here, to everybody that lives here.

Have you heard of Jake brakes? Those loud brakes? I have a loud car. My car makes a loud noise. It's pretty cool. When these trucks -- when I drive in front of Frewsburg, it echos off the building. These trucks driving through, the noise that is going to make is outrageous; outrageous noise all day along. That's going to be going on all day long.

I heard of, like, Sealand wants to bring in -- these trucks probably going out to Ohio and PA, they are going to get bigger, when you think about it.

When they put this thing in, 110 trucks, that's how it's going to start. But then years from now it's going to be 500 trucks every day? We don't know that.

We know we don't want any big trucks in our town threatening the safety of the children, threatening the safety of everybody who lives here.

It's not a necessity. Why do we need it? There is no reason for it. The only thing it benefits is their company. It gives them money. Nothing they can do to us helps us. It just threatens our safety. That's all it does. Thank you.

(Applause.)

ADJ McBRIDE: Walter Pickut. Then we have Jack Angove, Michelle Lingenfelter and Travis Smith.

MR. PICKUT: I'm Walt Pickut. Some of you might know me from the Jamestown Gazette. I'm on the board of directors of the Martz Observatory, as well.

We really don't want to complain about Sealand. There is some things that you simply can't control. It's not your fault. It's not because you don't have the skill, but because you can't change the direction of the wind.

In your document there was mention of the wind patterns measured at the airport. Well, the airport isn't Robin Hill. So based on your suggestion, really, we installed a weather station and found that although the landfill would only be a mile away, the wind comes directly from the landfill at the observatory. One mile.

What we found out recently is the Palomar Observatory, the famous observatory out West, has a problem with a landfill installed ten miles away. Because of particulate matter in the air, the law requires that the land be scraped on a regular basis, and certainly, in the summertime it's going to create dust.

So it's not that we don't think you don't want to comply; it's just you can't. You contacted Dr. Lawrence Ramsey, a famous astronomer, to write a letter for you. And he indicated that if you could comply, maybe it wouldn't so bad for the observatory.

Unfortunately, he said "if" you can comply three different places in the letter. So what the letter really said is, it's not a good idea for us.

As far as lighting is concerned, you have talked about portable lighting and fixed lighting, and you said that they would only be used when necessary, where necessary. That's unpredictable. Unpredictable is a very bad thing for us.

As far as the hours of operation are concerned, it says right in your document you will comply with the hours of operation if you can. When convenient. I'm sorry, we can't count on that. That's not something that is going to do us any good.

And, of course, there is ground fog in the valley sometimes. But what happens is even if your lights are pointing at the ground, the fog lights up and directs light right up into the sky.

If there is snow, it's extremely reflective. If the lights are pointing down at the snow, the light will be in the sky. The sky glow obliterates all good viewing, unfortunately.

So whether or not you intend to do what needs to be done, we are pretty sure it's just not

going to be possible. So that's our problem. Thank you.

(Applause.)

ADJ McBRIDE: Jack Angove, then Michelle Lingenfelter, Travis Smith and John Davis.

MR. ANGOVE: My name is Jack Angove. I'm not a resident of the Town of Carroll, nor a resident of the State of New York. I'm a resident of Pine Grove Township in Warren County. I live down the road about six miles.

The watershed that this dump is the very headwaters of the stream that runs through our farm, and my concern deals with that. And it seems kind of ironic that this dump is sited at a location where there is -- no watershed in the State of New York would share the waste of the dump. It would all be flushed to Pennsylvania.

And it seems peculiar, if this were in the Chautauqua Lake Watershed, I think there would be more uproar about the water runoff from the site.

That's my concern, is environmental. Being a downstream resident and the flash flooding of that creek, it could be a possible problem during construction.

But I think the long-term effect would

exist forever, that that stream would have to take any leachate leaked down there through the Conewango watershed. Thank you.

(Applause.)

ADJ McBRIDE: Michelle Lingenfelter.

MS. LINGENFELTER: Hello. Let me just start by saying that there is a town law stating that this proposed project is illegal in the Town of Carol.

3-2 states, the town board was pressured to adopt a local law, No. 1, February 23, 2005. They were not pressured. They did their research and came to the unanimous decision that this proposed project was not in the best interest of the town or its residents.

3-6 states that there are seven species of birds and two species of amphibians that are listed to be of special concern. What are they, and could you please define special concern? What effects will this project have on them?

They were noted as declining since the last study of two decades ago. So that small 3-acre operation has done this. So this proposed 50-acre project will most likely take them to extinction.

Also, there were two unidentified

species of Hawthorn. I believe there needs to be a more in-depth study done to figure out what exactly they are and what effects they have on the environment before they are dug up and forced into extinction as well.

They are applying for a Stream Disturbance Permit. Several years ago, the stream was stopped. They came back, the DEC. They didn't find anything. They declassified the stream.

Recently -- it was like 2005, I believe -- they came out and did another study on the stream, because we, the residents, have seen and found brown trout, rainbow trout; you name it, it was there. They came out. They did a study. They shocked the stream. They found several species. They reclassified it.

The reason why they did this is because nature found a way. You can't just take and rip up what nature has found a way to protect all on its own.

In 4-1, it says, In the event the Town of Carroll agrees to allow the acceptance of non-hazardous, non-putrescible waste, Sealand will make an application for a double composite liner system.

They are already expecting us to do

exactly what they want. Hazardous waste is defined as waste that has properties that make it potentially dangerous or harmful to human health or to the environment. Therefore, nonhazardous waste would be everything else.

Putrescible waste is defined as anything that is putrid. Non-putrescible waste is basically anything that doesn't stink. And there's a fine line here.

For example, they are proposing a thousand tons per day for 14.5 years. In 2005, the then existing landfill took in 2,744 tons. If you look at the numbers, they exceeded that in three days. It will take them three days to do what they did in an entire year. Thank you.

(Applause.)

ALJ McBRIDE: Travis Smith. And then John Davis.

MR. SMITH: Good evening, everybody. It's nice to see how many people showed up for the meeting tonight. My name is Travis Smith. I'm a lifetime resident of Frewsburg and active member at the Martz Observatory. Many of my points have already been covered for this evening. I just want to make a couple more quick points. I have submitted

a letter to the DEC. And hopefully, they read it over carefully.

My concern right now -- parts that weren't covered were the dumping of 10 gallon buckets in the trucks with one inch of -- no more than one inch of residual waste at the bottom. That waste could probably be anything.

And I was just wondering who was administering the tests for the landfill, whether they are policing themselves, or the DEC is hired to come in and do these random tests, which could go any way if you use your imagination.

Another reason that I'm concerned is the noise level. And especially coming through town with the buildings and everything, and was mentioned before, the Jake brakes on the trucks.

And the traffic levels over at the Robert H. Jackson school, I dropped off my kids over there for eight years. And anybody who has lived around here has done that. It's a madhouse in the morning and the afternoon when they are scheduled to leave.

That's -- a truck, at their lowest figure, one every seven minutes. So you can imagine adding the amount of trucks that we already have.

One every seven minutes after that is greatly concerning. Thank you very much.

(Applause.)

ALJ McBRIDE: John Davis.

MR. DAVIS: Good evening. As stated, my name is John Davis. I live on Oak Hill Road in Frewsburg right at the intersection of Frew Run Road, so along the main travel route for the proposed trucking routes for Sealand.

In addition, I own property on Frew Run Road right at the bend above the Oak Hill Road split. My friends at the county level have already spoken as to the county concerns, so I'm not going to speak to that this evening. Laura spoke from the town perspective, and Mrs. O'Boyle spoke from the school perspective.

So I want to speak quickly from a personal perspective of some environmental concerns that I have. From my house, I have seen in the last two years now, two separate accidents involving Amish buggies.

My Amish neighbor's friends have been traveling down the road. Their horses have been scared by traffic that was going by, either too quickly or too closely to the buggies, and I saw

buggies tip over. Fortunately, in those situations, individuals were not hurt seriously, although the buggies were damaged.

I'm very concerned, obviously, at adding an additional -- any number of trucks to the volume of traffic going up and down Frew Run Road. It's simply not wide enough to handle the increased truck traffic, in my opinion.

I drive my tractor up Frew Run from my house to my property across the road. It is scary coming out of my property when trucks are coming down Frew Run Road, typically, at about 50, 55 miles an hour. I don't have time to stop what I'm doing; they don't have time to stop what they are doing.

So it's a concern for farmers who are traveling the roads. It's a concern for our Amish neighbors who are traveling the roads. It's a concern for our school buses, as you have heard, who are traveling the roads. All of those issues, obviously, are concerns for me.

As a teacher here in the district, I teach my students about the water cycle. We talk about clean water, and the fact we need to maintain clean water in our community.

I'm concerned that Sealand is not going

to be able to meet the needs that we have for providing clean water for this area.

I already submitted my letters to Mr. Denk. I appreciate the opportunity to do that. I hope more of you will do the same. Thank you for giving me an opportunity to speak.

(Applause.)

ALJ McBRIDE: Susan Yauchzy. Then we have Ron Lemon after that. I have another Steve Russo card.

MS. YAUCHZY: Good evening. Mine is a medical issue. You waste people, I hate you. I really do hate you. I have been diagnosed with Graves' disease. It's one of those mystery things, so guess what? It's on you.

I really, really, really, really wish I could curse you with it. It's the rest of my life. And I'm not the only one around here. I have kids that I have taught that are being diagnosed with the same thing I have got. And I can only hope they don't have the same reactions.

And they have many thyroid issues in this area and much cancer. I know I'm going to die of cancer. Thank you very much. Thank you very much for doing that to our community, doing that to people

that I care about.

You know, maybe if your family gets it, maybe it might kind of wake you up. I don't like you people.

(Applause.)

ALJ McBRIDE: Ron Lemon.

MR. LEMON: I really wasn't going to speak tonight. I felt that there was enough that has been said. But my conscious wouldn't let me stand back there and not put my two cents in, because I believe very strongly in this community and what it stands for.

And this is an issue that has brought together every political party on the same side. We all believe in the same thing and want the same thing, and that's, I believe, what is in the best interest for our town. Not 100 percent of us, but certainly a major majority of us.

So as one of those bus drivers who backs his 65-passenger bus into about six different driveways a day, some of them right on Route 62 where much of this traffic will be going, I feel it would be unsafe for Sealand to come in and force their will on us.

As a former county legislator, I voted

numerous times in favor of the expansion of the county landfill with the hopes that that would send a message to Sealand that we already have something here that's profitable to our county residents. And we really don't need, nor do I think we can afford, another landfill of this size. Man, that clock goes fast.

As a conservative Republican, most of the time I'm in favor of big business. And I like the fact that it does provide incentive monetarily and tax breaks and all of that.

But in this particular case, I'm opposed to big business forcing its will upon people who have adequately and legally said, We don't want what you are trying to do here, so please go away.

As a pastor and someone who believes in what Christ said where he said that we should love the Lord our God with all our heart and soul and mind and love our neighbor as we love ourselves, I would say to Sealand, you are big business, but try to pay attention to the second part of that, love your neighbor as you love yourself.

Because we have said to you we would not do this to you if you didn't want it, so we ask you not to do it to us, because the majority of us don't

want it.

So what it comes down to is it's your will vs. our will, your way vs. our way. What we really are saying is, We don't really want your money, we don't want your garbage, and we don't necessarily want your business here, because we think our community is doing pretty well without it.

So we would ask you to respectfully withdraw and not break the law that was established in both 2005 and 2007, please don't come and force your garbage on us, because we are not in favor of it.

And we would appreciate it -- it's the right thing to do -- to respect us and our will. So please go away peacefully and quietly, and we will be ever the more grateful for it. God bless you.

(Applause.)

ALJ McBRIDE: I have another card from Steve Russo. Did I get two cards by accident? I'm assuming it's the same one, I have two cards by accident. That was the last speaker card that I had.

Is there anyone who would like to make a comment on the record here this evening before we close the record? If anyone would like to, just raise your hand for me, and then you can come

forward.

Please come forward, sir. Come up to the microphone for me please and state your full name for us.

MR. GOODELL: Good evening. My name is Andrew Goodell, and I'm the New York State Assemblyman representing Chautauqua County. And I appreciate your attendance here. We appreciate the fact you came down to listen to the local concerns in this fine weather. For us, it's not that bad. But it might be a little bit of a challenge for you.

We also appreciate Mr. Cranson (phonetic) coming down and paying attention as well. I had a couple of points I wanted to make.

First, as a state assemblymen, we appreciate that the DEC is taking the time to listen to our concerns and carefully evaluate them.

Second, this town has unique environmental concerns that are very important, including, as you have heard, Martz Observatory a mile away downstream from the proposed landfill.

And if the landfill meets environmental requirements, it will be required to cover the waste on a daily basis. If they don't, they don't meet the DEC requirements. If they do, they run the risk of

adding air pollution and dust, which, of course, directly affects the Martz Observatory, which has been here since the 1950s.

Third, as was pointed out by Sealand, while I appreciate their desire to have a double composite liner to meet environmental standards, they also pointed out there are 292,000 gallons of water running underneath their proposed landfill, which means if there is a breach or there is a problem, the ramifications will be substantial.

It's a little bit like the Apollo 13. The systems were designed state of the art, but a small problem when you're in the middle of space creates a huge problem to those who are there.

And here, we have a landfill that is being proposed over a very active aquifer.

Four. I think it's very important for us as a state and a state agency to pay close attention to the local community's evaluation of environmental issues.

And this is not a new evaluation for the Town of Carroll. They passed not one, but two local laws dealing with this issue. One deals specifically with landfills. The second is a zoning law designed to provide for harmonious development of a community

with compatible land use.

Both local laws have been challenged in court. Both local laws have gone all the way up to the court of appeals which denied reopening a lower court decision that dismissed them.

All of those legal challenges included an evaluation of the environmental justification for restricting this type of development.

So again, thank you very much for coming here and listening carefully, and we look forward to your response.

(Applause.)

ADJ McBRIDE: Dakota Peterson.

MR. PETERSON: Hello. My name is Dakota Peterson. I live across from the elementary school. The trucking problem has been beat pretty well, so I'm going to stay away from that.

My concerns are more with the after-effects and whatnot. I worked as an employee for cleaning up the other dumps that the water problem in Frewsburg has been dealing with -- sorry.

And my concern is not with the present day, but in the future of -- this company seems to have their head on very straight about controlling this problem of the leaching and whatnot.

But in the future, say, 20, 30 years that this does somehow not work out, then the cleanup will have to happen. And the cleanup for the last problem happened on taxpayer money.

And the problem would then stem from, in 20, 30 years, if this company is no longer around or away, that taxpayer money would have to pay to clean up the mess.

I'm not saying that's going to happen. They seem to have their head on straight for what they are doing. Just that for consideration. Thank you.

(Applause.)

ADJ McBRIDE: Is there anyone else that didn't have an opportunity to make their comment? Come to the microphone and state your full name for us.

MR. JONES: Hello. I am Jack Jones, III. I have a dairy farm on Robin Hill. We have been on the farm -- my grandfather bought the farm in the '50s. Our wells are over 200 foot deep. My house is on the county line. My wells are over 300 foot deep.

Where is the aquifer? What is the dust going to do to our farm? I run 14 miles away from

our farm to get good ground to feed our cows. I'm on the road. Our equipment is big. It's hard enough to maneuver around school buses and trucks. We don't need more trucks.

A well at 200 foot is very expensive. We can go deeper. That gets more expensive for us. My money, it's tight right now. Milk price is in the hole. Tractors get more expensive. Feed gets more expensive. I can't afford to do it.

There has been a problem on the hill, I look back on the records since probably the 1900s. Sealand goes in. They are going to lose a farm that has been there that long. What is my property going to be worth? I'm right next to the observatory. We work together. That's all I have to say.

(Applause.)

ALJ McBRIDE: Is there anyone else that would like to make a comment? All right, I don't see anyone. So on behalf of the DEC, I want to thank you all for coming out. I know it's not a very nice evening. I thank you for taking the time to come out.

I will remind you that we will be taking comments until February 12th. The address is available on our table in the hallway. Please take

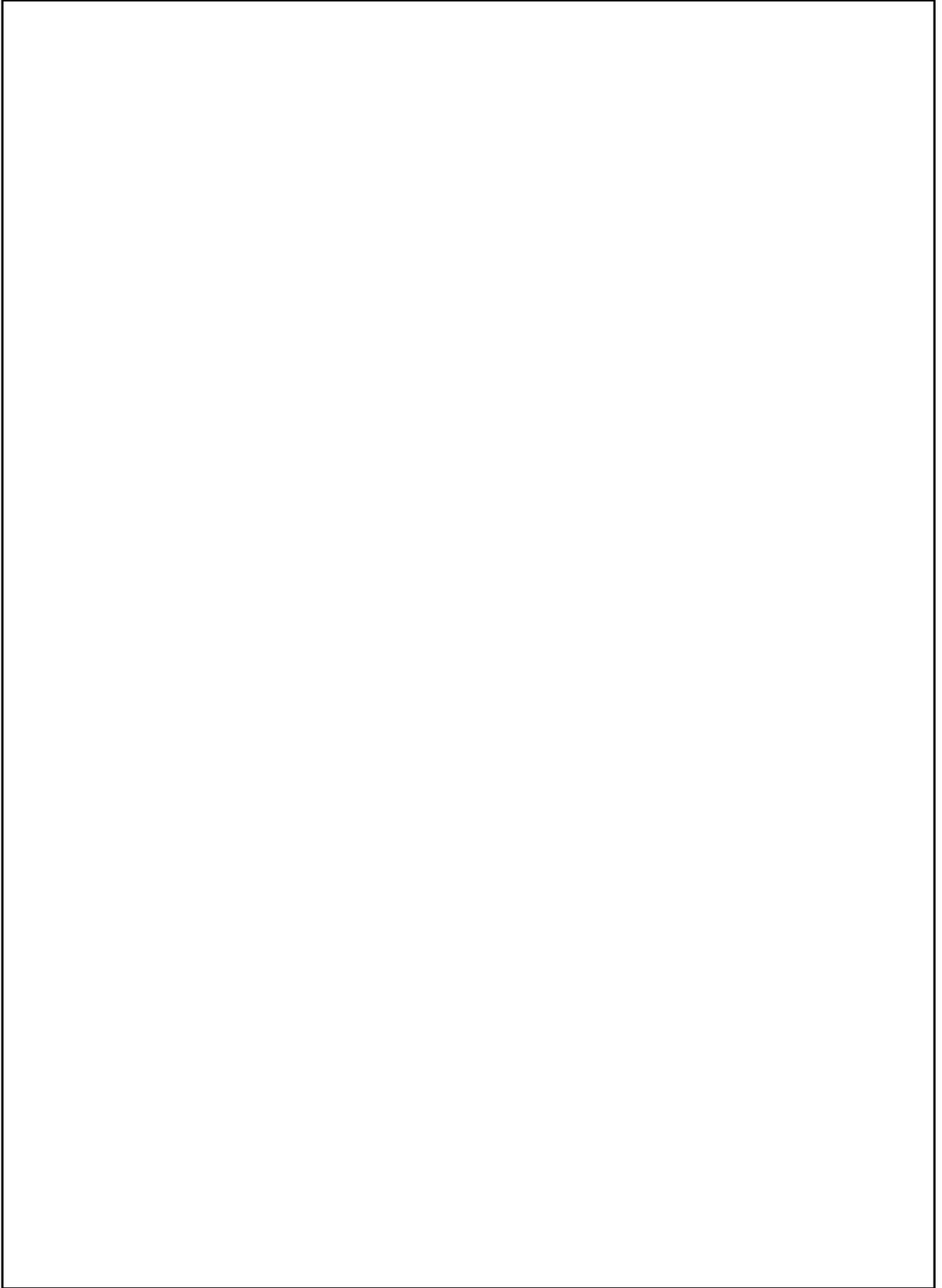
it with you in case you would like to submit some additional comments. Thank you again.

(Proceedings concluded at 7:37 p.m.)

CERTIFICATION

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

JENNY SCALISE, RPR
COURT REPORTER



ATTACHMENT 3
REVISED PAGES FOR ENGINEERING REPORT AND
OPERATION AND MAINTENANCE MANUAL

REVISED PAGES FOR ENGINEERING REPORT

- 18-inch thick barrier layer with a maximum permeability of 1×10^{-5} cm/sec;
- 24-inch thick barrier protection layer; and,
- Six-inch thick topsoil layer.

At this time, no groundwater or surface water monitoring program, or post-closure monitoring and maintenance plan or funding is required or available for this site.

Based on the Permit Drawings and field measurements, the existing landfill is estimated to contain approximately 53,000 cubic yards of C&D waste at this time. The landfill has been closed, and the topsoil layer supports a vigorous growth of fescue, clover, and rye grasses.

1.3 SERVICE AREA

The currently identified service area for this facility is the eastern United States and southern Canada; however, it is anticipated that most of the material will originate within a 200 to 250 mile radius of the site. Western New York, central New York, northwestern Pennsylvania, and northeastern Ohio will constitute the primary market, and it is estimated that approximately 1,250,000 tons of building-related, residential, commercial and public infrastructure and roadway project C&D materials are generated in this area each year.

By definition, C&D Debris is waste resulting from the construction and demolition of buildings and other structures. The specific composition of C&D waste to be accepted is stated in Section 1.4 of the Engineering Report.

More than 1.7 million tons of C&D waste is disposed in 26 MSW or C&D landfills in New York State. Out of state waste accounts for about 25% of the C&D tonnage land disposed by New York state solid waste management facilities. Eight of the MSW and C&D landfills in New York State are privately owned and 18 are publicly owned. Approximately 80% of the C&D waste disposed in New York is landfilled in a private Solid Waste Management Facility. Municipally owned landfills primarily accept wastes from local area business and residents.

Numerous transfer stations also exist throughout the state where commercial customers and residents can drop off waste for transport to a disposal facility. Waste transport is dominated by

over the road and local delivery trucks, while a small number of facilities accept rail haul of solid waste.

1.4 WASTE STREAM

For the purpose of this application, Sealand will accept for disposal only non-hazardous construction and demolition debris wastes as defined by paragraph 360-1.2(b)(38) and other materials allowed by NYSDEC for disposal in C&D landfills. Garbage as defined by Title 6 NYCRR Part 360 will not be accepted at the facility.

Typical wastes expected to be managed by the facility include, but are not limited to:

- Bricks, concrete, and other masonry materials;
- Soil, rock, and other debris from land clearing;
- Drill cuttings from oil and gas exploration/production;
- Waste soil generated by oil and gas drilling operations;
- Wood (including painted, treated and coated wood and wood products);
- Wall coverings;
- Plaster;
- Drywall;
- Plumbing Fixtures;
- Insulation;
- Roofing shingles and other roof coverings;
- Asphaltic pavement;
- Glass;
- Plastics that are not sealed in a manner that conceals other wastes;
- Empty buckets ten gallon or less in size and having no more than one-inch of residue remaining on the bottom;
- Electrical wiring and components containing no hazardous liquids; and,
- Piping and other metals that are incidental to the waste.

Also, waste contained in an illegal disposal site may be considered C&D debris if the department determines that such waste is similar in nature and content to C&D debris.

Specific waste streams that will not be accepted for disposal include:

REVISED PAGES FOR OPERATION AND MAINTENANCE MANUAL

- Recycling Operation guidance map/arrow; and,
- Active landfill section map/arrow.

Maintenance and Repair Shop:

- Maintenance and Repair Shop Identification;
- Eye Protection Requirement at each entrance;
- Employee only entrance; and,
- Clearance at vehicle entrances.

CDPO:

- Identification of Recycling Operation;
- Eye Protection Requirement; and,
- Reflective Clothing Requirement.

4.3 ACCESS AND TRAFFIC FLOW CONTROL

Trucks hauling waste to the site from the east and west will primarily use New York Interstate Route 86 (I-86), to exit 14, then south on United States Route 62 (US-62; Ivory Road, Main Street in Frewsburg), east on Frew Run Road, south on Wiltsie Road, and east on Dodge Road to the site entrance gate. Site bound trucks from the north will travel New York State Route 60 (NY-60) to I-86 and follow the above mentioned route. A minor percentage of trucks are expected to be traveling to the site from the south, and these vehicles are expected to use US-62. Trucks departing the site will use the same routes on their return trip.

Sealand will make available to the public a call in phone number to report any incident of a waste truck travelling to or from the facility on other than the planned route. If drivers en-route to or from the site are observed or suspected of using a route other than the planned routes, information including the date and time of day, direction of travel, name of hauling company, and a description of the truck including license plate or waste transporter number, if possible, will help identify whether the driver was indeed associated with the proposed facility. If an infraction is verified, the driver and his employer if not an owner-operator, will get one warning. Repeat offenders will

no longer be permitted access to the site and the waste generator will retain an alternative hauler or use an alternate solid waste management facility.

Traffic flow and access to the various areas and operations at the site are controlled primarily by signage. If needed (e.g., during periods when peak waste traffic flow combines with intermittent site construction activities), spotters will be positioned at key points of traffic intersection.

Traffic speed will be controlled by speed limit and stop signs posted strategically across the site. Directions to first time drivers of waste hauling vehicles or other vehicles that cross the scale will be provided by the Scale Master.

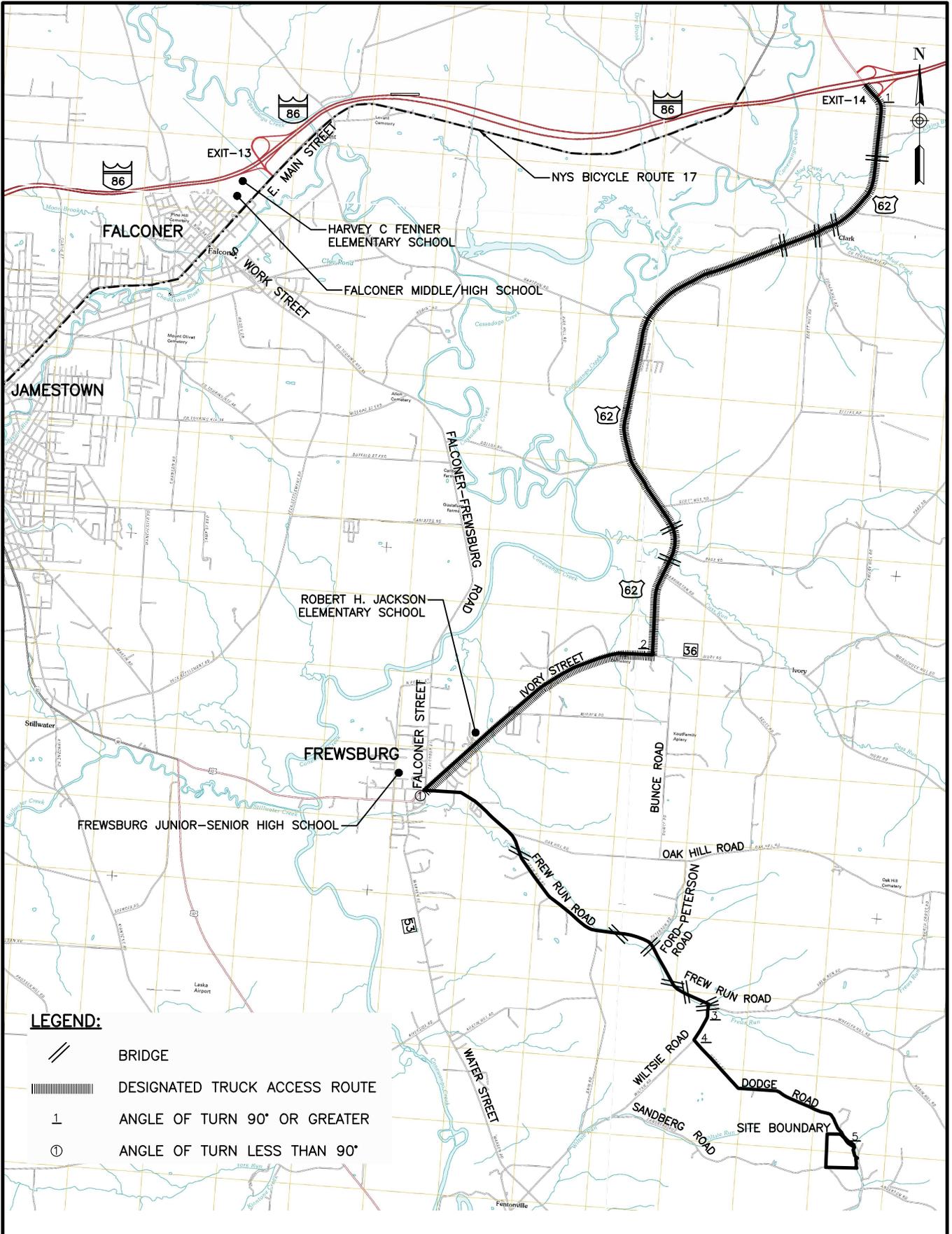
The access roadways on the site will provide a significant amount of space for the queuing of incoming and exiting vehicles. Temporary access and queuing roads for waste hauling vehicles will be constructed as close as is practicable to the working face.

Upon entering the sight the hauler will enter the scales. Once weighed, the driver will be notified if the load will be taken to the CDPO or the landfill. If routed to the CDPO, the driver will follow the route designated and proceed to the C&D Processing area. If the driver is routed to the landfill, he will proceed along the landfill access road following the signs or spotters to the landfill tipping area by the working face.

4.4 SWMF USAGE RULES AND REGULATIONS

The SWMF will be operated and maintained in conformance with the rules, regulations and guidance set forth by the NYSDEC, notably including Subpart 360-7: Construction and Demolition Debris Landfills regulations.

Specifically, operation of the SWMF will be in accordance with the application documents and Special Conditions set forth in the applicable permits. Access control, operations, maintenance, inspection, monitoring, record keeping and reporting shall be in conformance with the requirements of the NYSDEC. Only authorized wastes will be disposed at the Facility as described in Section 5.



LEGEND:

-  BRIDGE
-  DESIGNATED TRUCK ACCESS ROUTE
-  ANGLE OF TURN 90° OR GREATER
-  ANGLE OF TURN LESS THAN 90°



2620 GRAND ISLAND BLVD. GRAND ISLAND, NEW YORK 14072
 (716) 773-6872 (716) 773-6873 FAX

PLANNED TRAFFIC ROUTE			FIGURE 2
CARROLL LANDFILL EXPANSION APPLICATION			
SEALAND WASTE, LLC			
TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK	
March 2019	SCALE: NOT TO SCALE	REVISION # 0	

ATTACHMENT 4
DRAFT HOST COMMUNITY BENEFIT AGREEMENT

**CARROLL C&D MANAGEMENT FACILITY
SEALAND WASTE LLC**

HOST COMMUNITY BENEFIT AGREEMENT

THIS AGREEMENT (“Agreement”) is made this the _____ day of _____, 20__ by and between the Town of Carroll (“TOWN”), a municipal corporation formed under the laws of the State of New York, and Sealand Waste LLC (“SEALAND”) a New York State limited liability corporation with offices at 85 High Tech Drive, Rush, New York.

WHEREAS, SEALAND is a solid waste management company planning to provide waste disposal and recycling services in the Town of Carroll; and,

WHEREAS, SEALAND has contracted to purchase the existing Jones Carroll Landfill on a parcel of land (“SITE”) totaling 54 acres more or less in the southeastern portion of the Town of Carroll on Dodge Road; and,

WHEREAS, SEALAND proposes to clean up the existing waste pile at the SITE, and expand the operation into a state-of-the-art solid waste management facility (“FACILITY”) that will be designed, permitted, constructed, operated, and closed in accordance with all State and Federal regulations that may apply; and,

WHEREAS, the parties agree that the future development of the SITE into the FACILITY must proceed to the mutual benefit and protection of both the TOWN and SEALAND;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations and warranties contained in this Agreement, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree to the following:

ARTICLE I – TERM

This Agreement is contingent upon, and shall become effective upon: (A) approval of the Town Board of the TOWN; (B) repeal of Local Law No. 1 of 2007; (C) the parties to this Agreement (along with all other parties to any such litigation) entering into Stipulations of Discontinuance for all pending litigation between them, without costs, payment of damages or other relief; (D) issuance of a building permit and any other necessary permits and certificates by the TOWN for construction and operation of the FACILITY; and (E) SEALAND obtaining all other necessary permits and approvals to construct and operate the FACILITY, including all permits issued by the New York State Department of Environmental Conservation (“NYSDEC”) and the U.S. Army Corps of Engineers (“CORPS”). This Agreement shall remain effective for the term of the FACILITY’s Permits issued by NYSDEC and the CORPS.

ARTICLE II – FACILITY DESIGN

SEALAND intends to construct and operate the state-of-the-art solid waste management facility to include a modern solid waste land disposal facility (“LANDFILL”), a yard waste recycling and composting facility and a material recovery operation designed to remove selected recyclables from the waste stream as appropriate. The FACILITY will include a landfill liner system with soil and geosynthetic containment and drainage systems, as well as a landfill gas collection and control system, a storm water management system, a leachate storage system, groundwater, surface water, sediment and ambient air monitoring networks, a soil and geosynthetic closure cap, and a fully guaranteed closure, post-closure and custodial care and monitoring trust fund.

ARTICLE III – WASTE STREAMS

SEALAND will accept for disposal only non-hazardous construction and demolition debris wastes as defined by 6 NYCRR § 360-1.2(b)(38) and other materials allowed by NYSDEC for disposal in construction and demolition debris landfills. Garbage as defined by 6 NYCRR § 360-1.2(b)(73) will not be accepted at the FACILITY. The FACILITY will not accept waste at a greater annual rate than that allowed by its NYSDEC Part 360 Permit.

ARTICLE IV – OPERATIONS

The TOWN agrees that, upon SEALAND obtaining the necessary permits to construct and operate the FACILITY, SEALAND shall be allowed to construct and operate the FACILITY in accordance with the terms and conditions of those permits and the applicable State and Federal regulations. The TOWN shall not enact or adopt any rule, regulation, local law or ordinance that would prohibit the construction and operation of the FACILITY.

ARTICLE V – HOST COMMUNITY BENEFITS

Following the issuance of all necessary permits to construct and operate the FACILITY, SEALAND agrees to provide the Host Community Benefits set forth below:

A. ROADWAY AND BRIDGE

The Host Community Benefit resulting from the permitting, construction and operation of the FACILITY shall include the focused rehabilitation of Dodge Road, Wiltsie Road and Frew Run Road (CR-34), including roadway widening, drainage improvement, resurfacing, and required maintenance as necessary. SEALAND will demolish the structurally deficient Wiltsie Road bridge over Frews Run south of CR 34, and install an arch-plate culvert or similar structure to replace the crossing. These improvements shall be intended to allow the use of these roadways by local residents and traffic destined for the FACILITY, and will be based on accepted traffic and roadway engineering principles. Improvements shall be subject to the approval of the TOWN Highway Superintendent.

B. ROYALTY PAYMENTS

During the term of this Agreement, and for as long as waste materials are accepted at the FACILITY, a royalty fee shall be paid to the TOWN for every ton of waste accepted for disposal in the LANDFILL. This fee shall not apply to any beneficial use materials as defined by the NYSDEC. SEALAND shall pay to the TOWN, to be used at the discretion of the Town Board, the royalty fee of \$1.00 per ton for waste disposed in the LANDFILL. However, the initial cost of investigation, design and implementation of the Frew Run Road, Dodge and Wiltsie Road/bridge improvements shall be deducted at a rate of \$0.50 per ton disposed in the LANDFILL until such time the cost of those initial improvements is recovered by SEALAND. The royalty fee shall be as determined by the tonnage of waste

accepted for disposal at the LANDFILL as determined by scale house records. Payment shall be made to the TOWN on a quarterly basis. The TOWN or its designee has the right to inspect the scale house operation and the scale records to verify tonnages at reasonable times during regular business hours.

In the event disposal operations at the FACILITY are suspended, for any reason, royalty payments shall also be suspended until such time disposal operations continue.

C. PROPERTY VALUE PROTECTION PLAN

SEALAND is offering a Property Value Protection Plan (“PVPP”) to compensate nearby property owners for any potential negative impacts the FACILITY may have on property values. The PVPP specifics are as follows:

1. The PVPP shall be effective from the date all permits required to construct the FACILITY have been issued, until the date this AGREEMENT terminates (“PVPP EFFECTIVE PERIOD”).
2. The current title holder(s) at the time of the initiation of the PVPP EFFECTIVE PERIOD of any single parcel of land lying, in whole or in part, within 500 feet of the SITE’s property boundary, shall be eligible to participate in the PVPP (“ELIGIBLE PROPERTY OWNER”).
3. If the ELIGIBLE PROPERTY OWNER shall die or become incapacitated or incompetent, the owner’s executor, administrator or other appointed personal representative must provide SEALAND with a death certificate or certificate of appointment to the satisfaction of SEALAND, and then the successor in title will become the ELIGIBLE PROPERTY OWNER.
4. Within 60 days of the initiation of the PVPP EFFECTIVE PERIOD, SEALAND shall provide notice in writing to the ELIGIBLE PROPERTY OWNERS, notifying them that the PVPP EFFECTIVE PERIOD has begun.
5. If an ELIGIBLE PROPERTY OWNER intends to participate in the PVPP, they must provide SEALAND notice in writing, indicating that they accept the terms of the PVPP. Upon receipt, SEALAND will provide to the ELIGIBLE PROPERTY OWNER the name, address, and phone number of the property appraiser it has chosen

to appraise the property, and the ELIGIBLE PROPERTY OWNER shall allow the appraiser access to the property to perform the appraisal. The ELIGIBLE PROPERTY OWNER may also arrange and pay for its own independent property appraisal to assess its property's full market value, which shall be provided to SEALAND within 60 days of receipt by the ELIGIBLE PROPERTY OWNERS.

6. If the ELIGIBLE PROPERTY OWNER provides an appraisal, then the fair market value of the property, as determined by each of the two appraisals, shall be averaged to create the governing "APPRAISAL VALUE." If the ELIGIBLE PROPERTY OWNER does not provide an appraisal, then SEALAND's appraised fair market value shall be the APPRAISAL VALUE.
7. If the ELIGIBLE PROPERTY OWNER has received a purchase offer for their property, they must provide it to SEALAND within 10 days of receipt. SEALAND shall have the right of first refusal and may exercise that right within 48 hours after it receives notice, in which case it will purchase the property within 60 days on the terms set forth in the purchase offer, provided that the ELIGIBLE PROPERTY OWNER provides good and marketable title and pays the real property transfer tax.
8. If SEALAND declines its right of first refusal, then the ELIGIBLE PROPERTY OWNER may accept the purchase offer.
9. If the purchase offer was made at an arm's-length transaction, made in good faith, is fair and reasonable, and is lower than the APPRAISAL VALUE, then SEALAND will reimburse the ELIGIBLE PROPERTY OWNER the difference between the sale price and the APPRAISAL VALUE within 30 days of the closing date and receipt of the closing statement and such other proof that SEALAND may reasonably require. Reimbursement shall only be paid once for a property, so the purchaser of the property shall not be an ELIGIBLE PROPERTY OWNER.
10. Prior to receiving any reimbursement monies, the ELIGIBLE PROPERTY OWNER shall provide SEALAND with a written release of liability in a form acceptable to counsel for SEALAND, confirming the reimbursement and freeing the property from the PVPP.

D. SCHOOL SAFETY

There are currently no established school walk routes for students in the Frewsburg Central School District. SEALAND will fund, and assist in the development, in collaboration with the Frewsburg Central School District, concerned volunteers, transportation and law enforcement officials, a Safe Kids Walk This Way pedestrian safety program for the Hamlet of Frewsburg. The Safe Kids Walk This Way pedestrian safety program teaches children to be safe pedestrians, teaches adults to be safe drivers, and advocates for environmental improvements in places where children walk or would like to be able to walk.

SEALAND will install safety enhancements for the 5-Corners intersection and school zones in the Hamlet of Frewsburg: SEALAND will paint high visibility pedestrian crosswalks across US-62, on the north side of the intersection with Institute Street and Frew Run Road, with common cross walks added across Falconer Street, Institute Street and Frew Run Road. Curb ramps at the end of the crosswalks must exist, or will be added, or modified as necessary to bring the crosswalks into compliance with the Americans with Disabilities Act.

SEALAND will paint stop lines on each of Falconer Street, Institute Street, and Frew Run Road. The crosswalk on US-62 will be accompanied by pedestrian warning signs at the crossing and 300 feet in advance of the crosswalk for both the northbound and southbound traffic lanes. In coordination with NYSDOT, the 25 mph, reduced speed limit zone on US-62 at the Robert H. Jackson Elementary School has been extended from the original 1,000-foot long zone to the maximum allowable distance of 1,320 feet. SEALAND will coordinate with the Town to place a 25 mph, reduced speed limit zone on Institute Street and Falconer Street near the Frewsburg Junior-Senior High School.

E. COMPLIMENTARY YARD WASTE COMPOSTING

SEALAND will provide a complimentary yard waste composting operation to serve the local community, providing an outlet for yard wastes and the availability of compost for use by the TOWN and its residents.

G. FREWS RUN CREEK RESTORATION

SEALAND will, at no cost to the TOWN, subject to approval by the NYSDEC and the CORPS as replacement of the drainageway mitigation for Dodge Road site impacts, and in cooperation with the Chautauqua County Watershed Commissioner and the Chautauqua County Water and Soil Conservation District, complete embankment stabilization, habitat restoration, and streambed enhancements to the Frews Run Creek Restoration Site south and upstream of the Hamlet of Frewsburg, as described in the July 2016 application for a 6 NYCRR Part 608 Protections of Waters Permit.

ARTICLE VI – USE OF SITE

So long as this Agreement is in effect, SEALAND recognizes the applicable State and Federal regulations as those governing the permitting, design, construction, operation and closure of the FACILITY, and intends to comply as required. It is agreed by the Town that the permitting, design, construction, operation and closure of the FACILITY shall not be subject to any zoning restrictions or other local regulations, laws or ordinances which would otherwise prohibit or curtail the development of the site as contemplated by this Agreement.

ARTICLE VII – MISCELLANEOUS

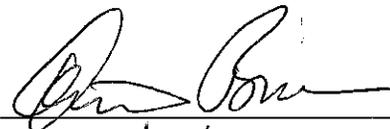
1. **Entire Agreement.** This Agreement shall constitute the entire agreement of the parties related to its subject matter, and shall supercede any previous oral or written understandings. Furthermore, it may only be amended by a writing signed by the parties.
2. **Gender and Number.** The use of one gender in this Agreement shall include all others, and the use of the singular shall include the plural and vice-versa.
3. **Notices and Communications.** All notices and communications required under this Agreement shall be accomplished by the actual delivery to the parties' addresses set forth above.
4. **Descriptive Headings.** The descriptive headings of the various provisions of this Agreement are included for convenience only, and they are not intended to affect the meaning or construction of any of the provisions of this Agreement.

5. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, and their trustees, receivers, successors, and assigns.
6. **Construction.** No rule of construction shall be applied to construe any ambiguities in this Agreement against the draftsman.
7. **Choice of Law.** This Agreement shall be governed by the laws of the State of New York.
8. **Separability.** If any provision of this Agreement is determined to be invalid or unenforceable, that shall not affect the validity or enforceability of the remaining portions of this Agreement.
9. **Counterparts.** This Agreement may be executed in multiple counterparts, and the counterparts, when combined, shall form and constitute a complete agreement. The parties further agree that facsimile signatures shall be acceptable to bind the parties.

IN WITNESS WHEREOF, the parties execute this Agreement, effective as of the day and year written above.

TOWN OF CARROLL

SEALAND WASTE LLC



 8/31/2017

by: _____

by: Daniel J. Bree

Town of Carroll Supervisor

President

Approved by resolution of the Town

Board dated _____.