APPENDIX A

Final Public Scoping Document

PUBLIC SCOPING DOCUMENT

For the Draft Environmental Impact Statement

CARROLL LANDFILL EXPANSION

CARROLL, NEW YORK

Prepared on behalf of:

Sealand Waste, LLC
85 High Tech Drive
Rush, New York 14543

Prepared by:

DAIGLER ENGINEERING P.C.
1711 Grand Island Blvd.
Grand Island, New York 14072-2131

In Cooperation With:

The New York State Department of Environmental Conservation
SEQR Lead Agency

February 2011

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1 INTRODUCTION

1.1 PROPOSED ACTION

Mr. Daniel Bree, sole owner and president of Sealand Waste, LLC (Sealand), a private enterprise headquartered in Rush, New York, is proposing to purchase the 54.1-acre parcel of land containing the existing Carroll Landfill, a Construction and Demolition (C&D) Debris landfill in the Town of Carroll, Chautauqua County, New York from Donald J. Jones and Carol L. Jones. Sealand intends to continue the C&D landfill activity beyond the three acre limit allowed by the New York State Department of Environmental Conservation (NYSDEC) Permit (#9-0624-00025/00002-0 expired October 31, 2007) and add demolition debris recycling and yard waste composting to the operation.

Sealand's main office is located at 85 High Tech Drive, Rush, New York 14543. The corporation documents for Sealand were filed with the New York State Department of State on August 23, 2004. Sealand is a subsidiary company of the privately held Sealand Waste Corp., also with headquarter offices at 85 High Tech Drive in Rush. Mr. Daniel J. Bree is the sole founder and is President of Sealand Waste Corp. and Sealand. Mr. Bree is a former part owner of Seneca Meadows, Inc. (SMI), a 6NYCRR Part 360 Municipal Solid Waste (MSW) landfill in the Town of Seneca Falls, Seneca County, New York (see Section 2.6.1 for additional information regarding Seneca Meadows Landfill).

The Carroll landfill is situated on a parcel of property with a total area of 54.1 acres. The property was originally the site of a small surface mine; however, on depleting the saleable mineral resources, permits were issued by the NYSDEC and the Town of Carroll Town Board for development of the construction and demolition debris landfill. At this time, the existing three-acre landfill has been capped with a soil barrier layer and topsoil layer. The topsoil layer supports a vigorous growth of a mixture of fescue, clover, and rye. This landfill is estimated to contain approximately 100,000 cubic yards of waste. All waste loads delivered to the site were previously registered by container volume. Other areas of the site are undeveloped, or were used for stockpiling of metal scrap for resale, and cover soil borrow areas. A metal pole building

houses tools and equipment for minor repairs to landfill equipment. A small office trailer is located onsite, as well. Currently, no landfilling, recycling, or other operations are occurring at the site.

Sealand proposes to remove the existing waste from the three-acre footprint, and place the material inside the proposed single composite liner system for the expanded approximate 38-acre landfill footprint in accordance with the applicable local, state and federal requirements. It is noted here that the acreages, soil volumes, and waste capacities cited herein are representative but approximate at this early point in the permitting process. Numerous investigations, sampling events, field studies and engineering designs are yet to be completed by Sealand's consultants, as required by the applicable regulations and as referred to throughout this scoping document, to complete the final design. The final development plan for the facility and other/support operations will be determined based on the results of the pending investigations (e.g. the hydrogeologic site investigation) and final engineering design computations to be prepared for the application.

The proposed facility will accept C&D waste as described in more detail in Section 4.4 of this document. An approximate additional 8.5 acres of the 54.1 acre parcel will be developed with ancillary and support facilities to include a scale house, office building, access roadways, leachate storage facility, maintenance building and storm water management basins and structures. The remaining 7.6 acres of the site are expected to be undeveloped forested and meadow or brush land.

In support of landfill operations, the proposed solid waste management facility will also include C&D waste recycling and yard waste composting to manage source separated yard waste delivered to the site. Other ancillary operations will include the excavation and placement of onsite structural fill soils, the screening of onsite soils for liner and leachate collection system construction, and the import of approximately 135,000 cubic yards of drainage aggregate for a portion of the primary leachate collection system drainage layer.

1.2 PURPOSE OF THE PUBLIC SCOPING DOCUMENT

The purpose of this public scoping document is to present the relevant environmental issues identified to date to be addressed in a Draft Environmental Impact Statement (DEIS) that will be prepared as part of Sealand's application for the necessary landfill expansion approvals. Scoping must include the opportunity for public input, and this document is intended to provide background information for a public scoping meeting.

Once comments and input are received at the public scoping meeting, a final scope will be prepared, providing the framework for preparation of the DEIS.

1.3 OBJECTIVE OF THE PUBLIC SCOPING DOCUMENT

Scoping narrows the issues and helps ensure that the DEIS will be a concise, accurate and complete document that is adequate for purposes of public review and regulatory approval.

This scoping process promotes the following objectives:

- Focuses the DEIS on the potentially significant adverse environmental impacts;
- Eliminates non-significant and non-relevant issues;
- Identifies the extent and quality of information needed;
- Identifies the range of reasonable alternatives to be discussed;
- Provides an initial identification of mitigation measures; and,
- Provides the public with an opportunity to participate in the identification of issues and impacts.

This scoping document addresses the following items to help satisfy the above objectives:

- A description of the State Environmental Quality Review Act (SEQR) process;
- A description of the project setting;
- A description of the proposed action;

- Potentially significant adverse impacts, including an identification of those particular aspects of the environmental setting that may be impacted;
- Type of information proposed to adequately address each potentially significant impact, including in part, the methodologies for obtaining new information as required;
- An initial identification of mitigation measures; and,
- Reasonable alternatives to be considered.

2 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

2.1 PURPOSE OF SEQR

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional and local government agencies at the earliest possible time. When a government agency makes a decision, SEQR compliance is required. Figure 1 on the following page provides a flow chart of the SEQR process.

Pursuant to SEQR, no state or local governmental agency may undertake, fund or approve an action until the agency has performed an adequate environmental review consisting of an evaluation of the nature, type, size and scope of the action and an assessment of whether the action has the potential to have a significant environmental impact. If the action is one that may have a significant adverse environmental impact, an Environmental Impact Statement (EIS) must be prepared.

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 called an interested agency. One of the involved agencies is selected to be the SEQR Lead Agency. The SEQR Lead Agency is responsible for managing the environmental review, making determinations and preparing documents required by the SEQR regulations, 6NYCRR Part 617.

All notices required by the SEQR regulations are required to be published in the NYSDEC Environmental Notice Bulletin, an electronic publication that can be found on the NYSDEC website: www.dec.ny.us.

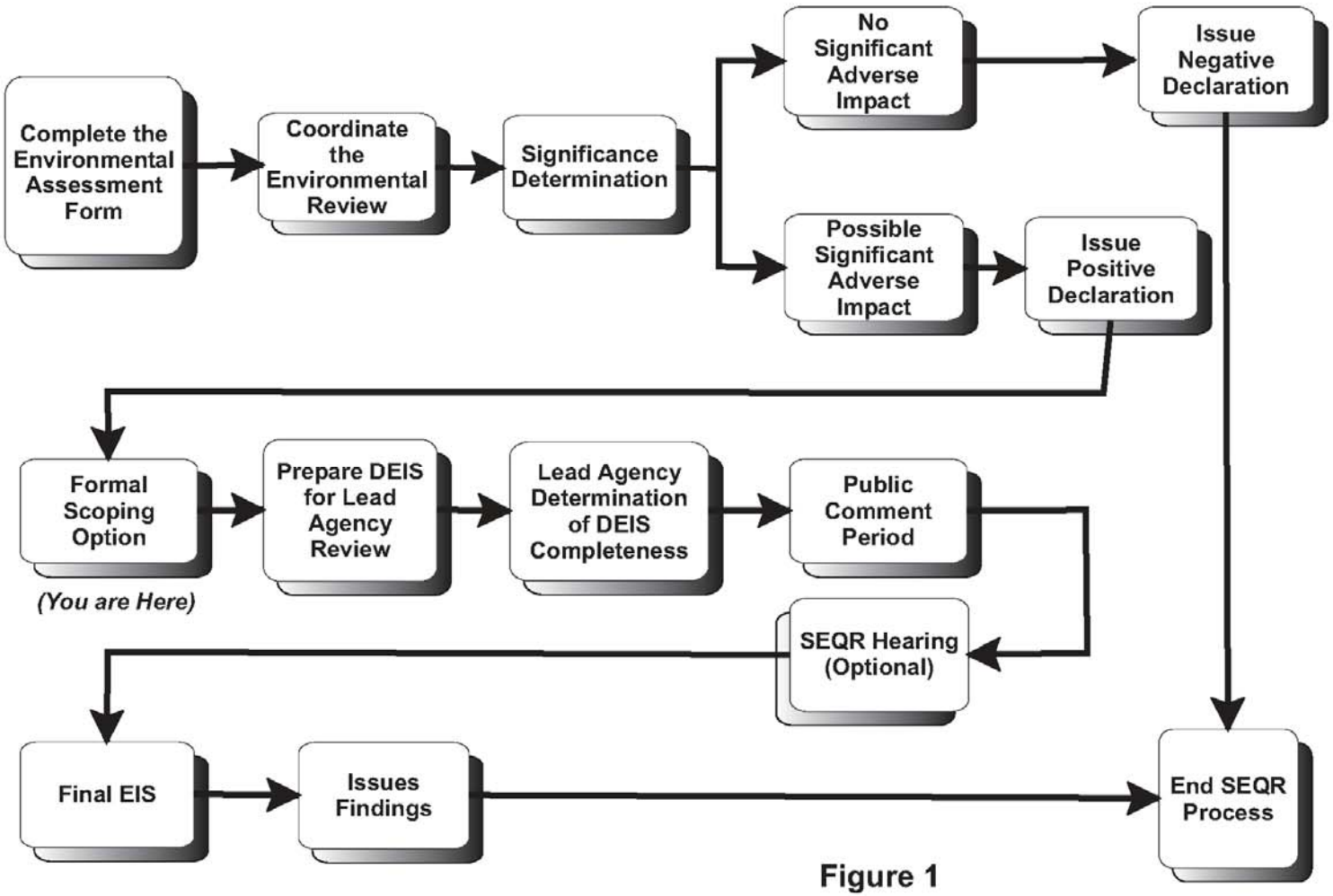


Figure 1

SEQR Flow Chart

2.2 ENVIRONMENTAL ASSESSMENT FORM

An Environmental Assessment Form (EAF) must be completed for all projects where a discretionary approval is required by an agency. The completed EAF for this project was provided in Part 2 of the July 9, 2004 Application for a Solid Waste Management Facility Permit submitted by Sealand to the NYSDEC and the Town of Carroll. The EAF includes information about the proposed action, identifies the agencies responsible for the approvals required and summarizes the currently identified potential environmental impacts.

After preparation and submittal of the EAF, the involved agency receiving the EAF and supporting documents must circulate the information to the other involved agencies identified for the purpose of coordinating the review and establishing the lead agency. The SEQR Lead Agency must determine the significance of the proposed action; that is, to issue a negative declaration (i.e. the proposed action will not have a significant environmental impact), or a positive declaration (i.e. the project may have a significant environmental impact).

Significance is determined based on a review of the full scope of the action, the EAF and other available information. If the SEQR Lead Agency determines that the action will not have any significant adverse environmental impacts, it will issue a negative declaration and the SEQR process is at an end. If the SEQR Lead Agency determines that the proposed action may have a significant adverse environmental impact, it will issue a positive declaration and the project sponsor must prepare an EIS.

The NYSDEC is the SEQR Lead Agency in the environmental review process for this project, and has issued a positive declaration requiring that a DEIS be prepared. A copy of the positive declaration is included in Attachment 1 of this Scoping Document.

The DEIS provides a means for agencies, project sponsors and the public to systematically consider potentially significant adverse environmental impacts, alternatives and mitigation. A DEIS facilitates the weighing of social, economic and environmental factors early in the planning and decision making process.

2.3 DRAFT ENVIRONMENTAL IMPACT STATEMENT

Prior to DEIS preparation, the scope of the DEIS is usually determined. It is a standard practice of the NYSDEC to perform formal scoping, which is a public process. A stenographer will be present at the public scoping meeting to prepare a transcript of all statements and comments made at the meeting. A copy of this stenographic record will be given to the Town of Carroll Town Board and NYSDEC, and will be made available to the general public via public repositories identified in Section 2.4.

After its preparation, the DEIS must be submitted to the SEQR Lead Agency for review. Once the DEIS has been formally accepted by the SEQR Lead Agency, it is subject to review and comment by any other involved or interested agencies and the public. The DEIS generally includes the following:

- A description of the proposed action, its purpose, public need and benefits, including social and economic considerations;
- A description of the environmental setting sufficient to understand the impacts of the proposed action and alternatives;
- A statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence;
- A description of any mitigation measures;
- A description and evaluation of the range of reasonable alternatives to the action that are feasible (considering the objectives and capabilities of the applicant). The impact evaluation for the alternatives must be sufficient to allow an objective comparison with the impacts of the sponsor's proposed, preferred action;
- The action's consistency with State policies; and,
- A list of reference materials and appended copies of any original underlying studies, reports or other information considered in preparing the DEIS, including the final written scope.

Upon receipt of the DEIS, the SEQR Lead Agency will determine whether the document is adequate for public review and comment. If the document is inadequate, the SEQR Lead Agency will identify the deficiencies and the applicant must provide the necessary revisions. If the SEQR Lead Agency determines the DEIS is adequate, it will issue and publish a Notice of Completion of a DEIS.

2.4 PUBLIC COMMENT

The filing of the Notice of Completion of a DEIS starts the public comment period of not less than 30 days, during which all concerned parties are encouraged to review the application documents and provide comments to the SEQR Lead Agency. The SEQR Lead Agency will also decide whether a public hearing is to be held, and if so determined will prepare and file a Notice of Public Hearing in the NYSDEC's Environmental Notice Bulletin (ENB), as well as The Post-Journal and the local Pennysaver, newspapers of general circulation in the area of the potential impacts.

If a public hearing is convened, a stenographer will be present to prepare a transcript of all statements and comments made at the hearing. This stenographic record will be made available to the Town of Carroll Town Board, the NYSDEC, the applicant and the general public.

Two local repositories for studies, reports, public meeting and hearing transcripts and other information related to the project have been set up by the Town of Carroll Town Board. These local repositories are the Myers Memorial Library on Ivory Street, and the Town of Carroll Town Hall at 5 Main Street, both in Frewsburg, New York. The librarian and the Town of Carroll Town Clerk will be asked to set aside and dedicate specific areas in their respective buildings where all documents related to the application will be made available for convenient public review.

Once the public review comments have been received, the sponsor must address those comments determined to be significant and substantive. After the response to comments has been approved by the SEQR Lead Agency, those responses will become a substantive part of the Final

Environmental Impact Statement (FEIS). The FEIS must consist of the DEIS, copies or a summary of the substantive comments on the DEIS received during the comment period and their source, and the responses to all substantive comments.

2.5 STATEMENT OF FINDINGS

The final step in the SEQR process is the preparation of the Statement of Findings, which supports either the approval or disapproval of the proposed action. If the proposed action is approved, the Statement of Findings must positively demonstrate that the action minimizes or avoids the adverse environmental impacts identified for the project to the maximum practicable extent, and that the project incorporates environmentally reasonable mitigation measures identified during the SEQR process, or that the public benefits of the project substantially outweigh any remaining unmitigated significant adverse impacts. Each involved agency is required to prepare a Statement of Findings, before issuance of any discretionary approvals or permits.

All involved agencies' Findings must be based on the regulatory requirements and the facts and conclusions derived from the FEIS. The Statement of Findings identifies the considerations that have been weighed and the Involved Agencies' rationale for approval or disapproval of the action. All Involved Agencies will issue a Statement of Findings based on the FEIS and their regulatory requirements.

2.6 APPLICANT

The Applicant is Sealand located at 85 High Tech Drive, Rush, New York 14543. Mr. Daniel J. Bree, sole founder and President of Sealand, is a former part owner of Seneca Meadows, Inc. (SMI). Mr. Bree has entered into an agreement with Donald J. Jones and Carol L. Jones to purchase the 54.1-acre property once all the required permits and approvals are in-hand. At that time Mr. Bree will become the sole owner of the property and the solid waste management facility.

2.6.1 Applicant's Credentials

In 1983, SMI purchased and began operating the Seneca Meadows Landfill, a Part 360 MSW landfill in the Town of Seneca Falls, Seneca County, New York in NYSDEC's Region 8.

During his tenure as Chief Operating Officer at SMI, Mr. Bree was responsible for implementing the strategy of the Company revolving around the remediation of two pre-existing uncontrolled hazardous waste disposal areas at the site, and the management, permitting, construction and operation of the MSW landfill and support facilities. SMI also initiated yard waste composting, and developed a comprehensive landfill gas recovery facility supplying landfill gas to an 11.2 MW energy plant, sufficient for the electrical needs of over 10,000 homes. As well, SMI designed, permitted and built a waste tire recycling operation and a state-of-the-art leachate recovery, storage and transportation facility.

In 2003, IESI acquired the stock of SMI. IESI is the full and proper name of that Company, and is not an acronym for any other name. IESI is a non-hazardous solid waste management company headquartered in Fort Worth, Texas. At the time of its sale to IESI in October, 2003, the Seneca Meadows Landfill was recognized as a premier solid waste management facility in New York State. This status as a leader in the industry is related not only to their state-of-the-art facilities, the quality of the operation and the staff at SMI, but also its strong dedication and commitment to the community. SMI was recognized by the Seneca County Chamber of Commerce as the Business of the Year for 2003. This award included a proclamation from the Congress of the United States, which read:

> ***… "Whereas, Seneca Meadows has been a driving force in the local economy … Whereas, Seneca Meadows has been committed to preserving the environment…. Whereas Seneca Meadows has dedicated its time, talent and resources to the betterment of Seneca County …Now, therefore, be it resolved that the Congress of the United States join all in congratulating Seneca Meadows as being honored as the Seneca County Chamber Business of the Year. We are proud to have such a company in our community."***

The Chamber of Commerce acknowledged "the many contributions SMI had made to Seneca County as a valued contributor to their economy and as a generous donor to charity and

community programs." The Seneca County Chamber of Commerce acknowledged SMI for that company's tremendous beneficial impact on the community, including the emphasis on the purchase of local goods and services, and substantial contributions in state and local taxes.

Improvements for roads, water and sewer systems, community projects and downtown revitalization were beneficiaries of the host community agreement. SMI's commitment to the community is also manifested in its property value protection program and a 24/7 hotline, whereby any area resident can call with concerns or complaints regarding the operation of the facility at any time.

SMI serves on the Seneca County Emergency Planning Board and has made significant contributions to improvements in the County emergency communication system and vehicles. SMI has been recognized for its unselfish assistance to County Emergency coordinators and crews in the containment and cleanup of petroleum spills, and provisions of equipment and materials, while assisting with the control of a major tire fire in the Village of Seneca Falls. Local community leaders appreciate SMI as a generous donor to a host of charitable and community programs, as well as offering educational programs to local schools, focusing on waste management and environmental issues.

The applicant's contact person for this project is James A. Daigler, P.E., owner of Daigler Engineering, P.C. who can be reached using the following contact information:

James A. Daigler, P.E.
Daigler Engineering, P.C.
1711 Grand Island Blvd.
Grand Island, New York 14072

Phone (716) 773-6872 ext. 205
Fax: (716) 773-6873

The application for the proposed action, signed and dated July 8, 2004 has been assigned Application Number 9-0624-00025/00002 by the NYSDEC.

2.7 INVOLVED AGENCIES

Any agency that is a New York State or local government agency that has the authority to undertake, fund or approve a proposed action, is known as an Involved Agency. Involved Agencies with approval authority are those required to make discretionary approval decisions regarding an action. Discretionary decisions are those where there are choices to be made that will determine whether or not and how an action may occur. Non-discretionary or ministerial approvals, which are those based entirely on a given set of facts or regulatory standards prescribed by law or regulation without the use of judgment or discretion, are not subject to the requirements of SEQR.

2.7.1 NYSDEC

The SEQR Lead Agency for the coordinated review of this proposed action is the NYSDEC. Specific discretionary approvals anticipated to be required from the NYSDEC are as follows:

- Article 27, Title 7 NYS Environmental Conservation Law – 6 NYCRR Part 360 Solid Waste Management Facilities;
- Article 19 NYS Environmental Conservation Law – 6 NYCRR Parts 201, 203 and 215 Air Pollution Control;
- Article 15, Title 5 NYS Environmental Conservation Law – 6 NYCRR Part 608 Protection of Waters; and,
- 6 NYCRR Part 608, Water Quality Certification, required by Section 401 of the Federal Water Pollution Control Act, Title 33 United States Code 1341.

Specific ministerial approvals anticipated to be required from the NYSDEC are as follows:

- Article 17, Title 10 NYS Environmental Conservation Law – 6 NYCRR 612-614 Control of the Bulk Storage of Petroleum (for combined petroleum product storage capacity greater than 1,100 gallons, if required); and,
- Article 17, Title 7 & 8 NYS Environmental Conservation Law – State Pollutant Discharge Elimination System (SPDES) for Storm Water Discharges covered under

SPDES General Permit No. GP-0-10-001 (for construction activities) and GP-0-06-002 (for industrial activities including all facility operations).[1]

The NYSDEC may be reached using the following contact information:

Charles Cranston
Deputy Regional Permit Administrator
or,
Mary E. Hohmann
Environmental Analyst 1
New York State Department of Environmental Conservation
182 East Union, Suite 3
Allegany, New York 14706-1328

Phone: (716) 372-0645
Fax: (716) 372-2113

or,

David Denk
Regional Permit Administrator
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2915

Phone: (716) 851-7165
Fax: (716) 851-7168

The NYSDEC website can be found at www.dec.ny.gov.

2.7.2 Town of Carroll

The Town of Carroll is identified as an Involved Agency. Specific discretionary and ministerial approvals anticipated to be required from the Town of Carroll include:

- Highway Work Permit[2] (discretionary); and,
- Building Permits (ministerial, as required).

[1] The issuance of a SPDES Permit for storm water discharges may be discretionary if the action cannot be covered by the cited General Permits.
[2] The Town Highway Superintendent indicates that, while he is unaware of any specific code requirements, he will require that Sealand apply for and receive a permit for any proposed roadway and drainage work.

The Town of Carroll is represented by:

Jack Jones
Town Supervisor
Town of Carroll
5 West Main Street
P.O. Box 497
Frewsburg, New York 14738-0497

Phone: (716) 569-5365
Fax: (716) 569-6331

Paul V. Webb, Jr., Esq.
Town Attorney
Erickson, Webb, Scolton & Hajdu
414 E. Fairmount Avenue
Jamestown, New York 14701

Phone: (716) 488-1178
Fax: (716) 488-1448

Alan Gustafson
Code Enforcement Officer
Town of Carroll
5 West Main Street
P.O. Box 497
Frewsburg, New York 14738-0497

Phone: (716) 569-5365
Fax: (716) 569-6331

Russell Payne
Planning Board Chairman
Town of Carroll
5 West Main Street
P.O. Box 497
Frewsburg, New York 14738-0497

Phone: (716) 569-5365
Fax: (716) 569-6331

Thomas E. Allison
Highway Superintendent
Town of Carroll Highway Department
Frewsburg, New York 14738

Phone: (716) 569-6161

2.7.3 Chautauqua County Department of Public Facilities

As described in Section 4.3 of this Scoping Document Sealand has completed an initial assessment of the condition of the area roadways. During this preliminary assessment, Sealand found that the County Route 34 bridge near Peterson Road is in disrepair, and was advised by Town of Carroll representatives at that time that the County has targeted this bridge for replacement. As part of this action, Sealand proposes to investigate alternative bridge replacement designs, and if required, possibly assist or compensate the County in the installation of a replacement bridge or box culvert at this location.

In the event Sealand becomes involved with the bridge replacement, the Chautauqua County Department of Public Facilities would become an involved agency, and would issue:

- Highway Work Permit[3] (discretionary).

The County would be represented by:

George Spanos, P.E.
Director of Public Facilities
454 N. Work Street
Falconer, New York 14733-1197

Phone: (716) 661-8400
Fax: (716) 661-8451

[3] The Director indicates that, while he is unaware of the specifics of any future possible proposal for bridge replacement, the County would require that Sealand apply for and receives a permit for any proposed work in the Right-of-Way.

2.8 INTERESTED AGENCIES

Any agency or local county government in New York State that lacks the jurisdiction to fund, approve or directly undertake an action, but wishes to participate in the review process because of its specific authority, expertise or interests is called an interested agency.

2.8.1 Chautauqua County Department of Planning and Economic Development

Mark Geise
Deputy Director
200 Harrison Street
Jamestown, New York 14701

Phone: (716) 661-8912
Fax: (716) 483-6679

2.8.2 Chautauqua County Department of Public Health

Christine Schuyler
Director
Hall R. Clothier Building
7 North Erie Street
Mayville, New York 14757

Phone: (716) 753-4314
Fax: (716) 753-4794

2.9 OTHER AGENCIES

The U.S. Army Corps of Engineers (USACE) is not an involved agency for the purpose of SEQR since it is not an agency of New York State or its local governments. However, because of the presence of federally regulated wetlands and the potential alteration of an unnamed tributary to Storehouse Run (also known as Dodge Creek), for the purpose of storm water quality management controls, the following approvals are anticipated to be required from the USACE:

- Section 404 of the U.S. Clean Waters Act – Nationwide or Individual Permits.

The contact person for the USACE is:

Diane Kozlowski
Regulatory Branch Chief
Buffalo District - US Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Phone: (716) 879-4322
Fax: (716) 879-4310

The USACE Buffalo District website can be found at http://www.lrb.usace.army.mil.

3 PROJECT SETTING

3.1 LOCATION

The project site is located in the Town of Carroll, Chautauqua County, New York. The southeast corner of the property is approximately 2,000 feet northwest of the intersection of Dodge Road and Sandberg Road in the southeastern corner of the Town of Carroll, approximately one mile north of the New York/Pennsylvania border, as shown on Figure 2. The entrance gate and access road for the existing landfill is located off the west side of Dodge Road, as illustrated in finer detail on Sheet 1 of the Drawings included in Attachment 2.

3.2 ZONING AND LAND USE

The subject property and lands in the area surrounding the site are zoned AR-1, Agricultural/Residential District 1. In the vicinity of the site, the land is characteristic of a rural setting consisting of wooded lands, agricultural fields, and residences.

On July 9, 2004 when the application for expansion of the landfill was submitted, sanitary and demolition landfills were a permitted special use in AR-1 under the Carroll Zoning Law. Since that time, the Town of Carroll Town Board has amended the zoning law by Local Law # 1 for the year 2005, effective March 16, 2005. The purpose of Local Law # 1 for 2005 was to eliminate sanitary and demolition landfills in AR-1. The passage of Local Law # 1 for 2005 prompted a series of legal proceedings by Jones and the Town of Carroll, effectively postponing the permit application activities for over five years. The pertinent history of this extended litigation is described in the following paragraphs.

In 1984 Donald and Carol Jones purchased the subject property to continue the gravel mining operation that had begun on the site. By 1989 the gravel had been exhausted, and Donald Jones applied for a Use Variance to operate a C&D landfill on the property. On August 7, 1989 the Town Zoning Board of Appeals issued a Use Variance permitting a 54.1 acre C&D Landfill at the site. In 2002, the Town of Carroll Town Board passed a zoning amendment allowing the operation of sanitary and demolition landfills by special use permit and in February 2004, Jones and Bree entered into an agreement that allowed Sealand to pursue the permits required to complete the planned development of the facility.

Because of resident concerns and vocal opposition to the planned development of the facility, the Town of Carroll Town Board was pressured to adopt Local Law #1 on February 23, 2005 to eliminate sanitary and demolition landfills in AR-1. In or about June of 2005 subsequent to the adoption of Local Law #1 of 2005, Jones commenced and Article 78 proceeding to declare Local Law #1 invalid as it relates to his property. The Supreme Court, Chautauqua County converted the Article 78 Proceeding to a declaratory judgment action, and declared Local Law #1 of 2005 invalid as it relates to the Jones property. The Town of Carroll appealed this decision to the Supreme Court of the State of New York Appellate Division, and on September 22, 2006 that court ruled the Article 78 was properly converted to a declaratory judgment but further determined that neither Jones or the Town of Carroll were afforded the opportunity to make a motion in the declaratory judgment action, kicking the process back down to the Supreme Court, Chautauqua County.

In and about March 2007, the parties conducted discovery consisting primarily of depositions by the involved individuals, and the Supreme Court, Chautauqua County again declared Local Law #1 invalid as it relates to the Jones property. Once again the Town of Carroll filed a Notice of Appeal on that decision to the Supreme Court of the State of New York Appellate Division, and on September 21, 2007 that court ruled in favor of the Town of Carroll's decision to extinguish Jones business operation.

Jones, on June 25, 2009 then appealed the Appellate Division's decision to uphold Local Law #1 of 2005 to the New York Court of Appeals. On June 17, 2010 by unanimous decision, the New York Court of Appeals reversed the Appellate Division decision and declared that Jones adequately demonstrated a vested property right to operate a C&D landfill on the entire parcel, and determined the Town of Carroll may not extinguish that use. On July 16, 2010 the Town of Carroll prepared and submitted a motion to re-argue the New York Court of Appeals decision, which was denied by the Court, with sanctions against the Town of Carroll, on September 14, 2010.

In addition to Local Law #1 of 2005, the Town of Carroll Town Board passed Local Law #1 for 2007 in January 2007 making the operation of a landfill in the Town of Carroll a criminal act. This matter is still pending in the court system.

3.3 TRANSPORTATION ROUTES

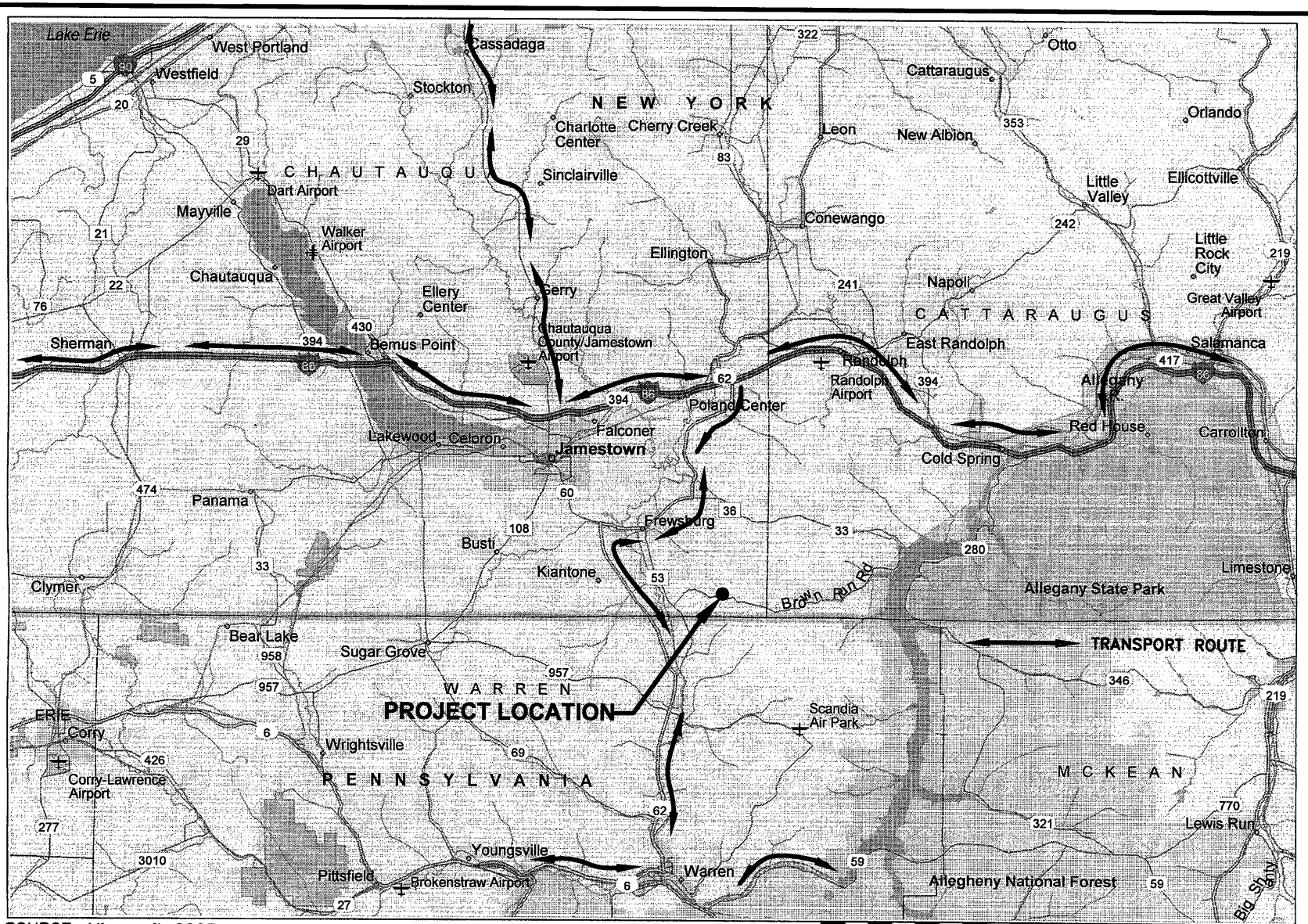
In the vicinity of Chautauqua County and the Town of Carroll, traffic traveling on major highways to the site from the east and west will primarily use New York Interstate Route 86, and from the north - United States Route 62 and New York State Route 60. Traffic traveling to the site from the south is expected to use United States Route 62. Routes are as indicated in general terms in Figure 2 and Figure 3 on the following pages.

Arterial roads are those that connect with area highways, allowing for access from towns and cities in the immediate area of the project. Access to the landfill site is now, and would in the future, be afforded by traveling Frew Run Road (Chautauqua County Route 34), a two lane paved roadway, to Wiltsie Road. Wiltsie Road, a Town of Carroll roadway, is a two-way paved roadway connecting Frew Run Road to Dodge Road, another Town of Carroll roadway. Facility bound traffic will travel in a southeasterly direction approximately 8,000 feet along Dodge Road to the landfill entrance gate.

3.4 FORMER OPERATIONS AND CURRENT CONDITIONS

The property was initially developed and operated as a gravel mine from the 1960's into the 1980's. In March of 1990 operations as a NYSDEC permitted and Town of Carroll approved Construction and Demolition Debris (C&D) landfill began. The now closed facility (NYS Solid Waste File No. 07D44) is owned and was operated by Donald J. Jones of Frewsburg, New York. The operation of a C&D debris landfill was authorized by 6 NYCRR Part 360 Permit No. 9-0624-00025/00002-0. The previously approved capacity of the landfill cells built onsite was exhausted before the end of 2006.

During the landfill's years of operation, approved C&D waste material was hauled to the site and, if amenable, segregated by hand to recover copper, steel, aluminum, and cardboard. Recovered material was periodically hauled to a scrap yard or other recycling facility, and residue from the picking operation was disposed in the landfill.



SOURCE: Microsoft 2003

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SEALAND WASTE, LLC		REGIONAL MAP	FIGURE 2
SCALE: As Shown	REVISION # 0	CARROLL LANDFILL EXPANSION	
August 2010	TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK

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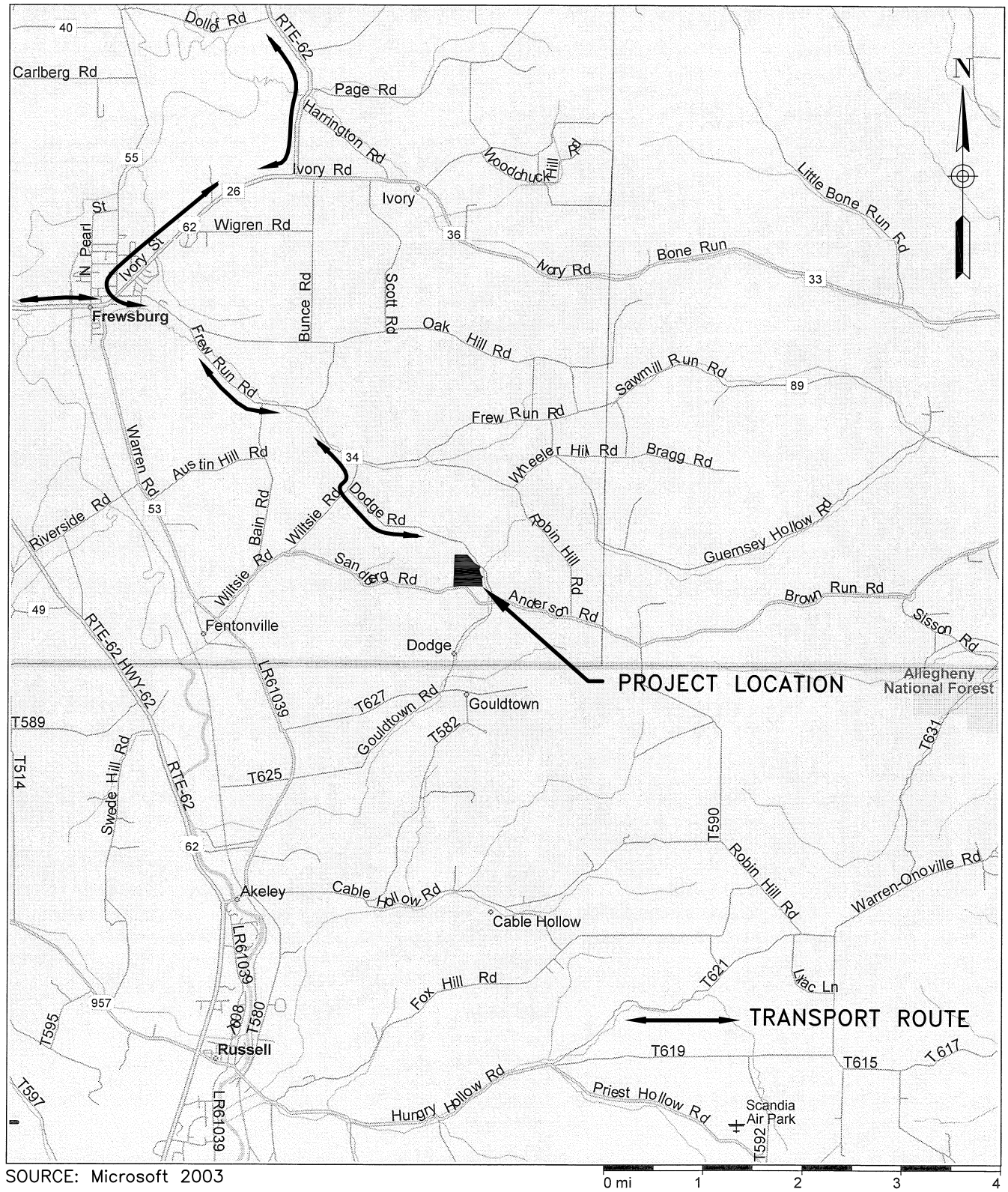

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VICINITY MAP

CARROLL LANDFILL EXPANSION

SEALAND WASTE, LLC			FIGURE 3
TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK	
August 2010	SCALE: As Shown	REVISION # 0	

At the time the landfill's Part 360 permit expired in October 2007, all three permitted acres of the C&D landfill were filled to capacity. The C&D landfill has been properly closed; the area was covered with a soil cover system and vegetated in the summer of 2007. The closed landfill is situated near the center of Mr. Jones' land in a rural, wooded and shrub/scrub setting. A small office trailer, a metal pole building and a lockable entrance gate are the only onsite structures.

As stated previously, Sealand has entered into an agreement to purchase the 54.1-acre property for the purpose of continuing C&D landfill activities and developing a recycling and composting facility at the site. Once the necessary permits are issued, Mr. Bree will purchase the property and become the sole owner and operator of the solid waste management facility.

3.5 TOPOGRAPHY AND SOILS

A list of the surficial overburden soils present on the site, as obtained from the U. S. Natural Resources Conservation Service (NRCS) Chautauqua County Soil Survey will be provided in the DEIS. Any limitations noted by the NRCS will be included in the DEIS, including copies of pertinent information from the Appendix of the Soil Survey. Information from existing literature will be used to characterize topography and geology, including seismic history and potential of seismic activity within the project area.

Additional investigations to be completed at the site will provide detailed information related to specific soil types and the depth to bedrock. Additional work will include a test pitting, exploratory borehole, observation well and geotechnical laboratory testing program to provide additional data, such that the site can be designed in accordance with applicable environmental monitoring and engineering requirements.

3.6 VEGETATION AND WILDLIFE

Environmental Design & Research, PC (EDR), of 238 West Division Street, Syracuse, New York 13204, completed an ecological assessment to determine the potential presence or absence of threatened, endangered, or rare plant or animal species, any unusual habitats and habitats that may be important for more common species. The task consisted of a database review, correspondence with the New York State Natural Heritage Program, correspondence with the U.S. Fish & Wildlife Service, and field verification by two wildlife biologists. Mr. John D.

Hecklau and Mr. William A. Trembath completed the ecological survey of the property on July 22nd and 23rd, 2004. Their January 2005 Vegetation and Wildlife Survey Report documents the results of that assessment.

The project site includes seven distinct habitats; successional deciduous forest, disturbed/developed area, successional old field, successional shrubland, wetlands and intermittent streams/groundwater seeps, conifer plantation, and mixed forest (listed in approximate order of abundance). The successional deciduous forest comprises more that half the site "and is characterized by relatively young, even-aged, second growth forest" with patches of understory growth and ground-plain vegetation[4].

Wildlife species identified as possible inhabitants of the area including those species actually found during the field survey were generally common species. No species were identified as threatened or endangered. Seven species of bird and two species of amphibians that inhabit the area surrounding the site are currently listed as of "special concern" by the NYSDEC[5] due to a decline in the number of sightings between now and two decades ago.

A total of 112 different plant species were documented onsite during the two-day field investigation[4]. All species identified are relatively common to New York State and no threatened or endangered species have been recorded in the vicinity of the site. The plant species list does contain unidentified species of sedge and hawthorn[4].

The significant findings of this report and the possibility of adverse impacts to area ecology both on and offsite will be investigated further and discussed in greater detail in the DEIS as appropriate. The report itself will become an appendix of the DEIS.

3.7 Surface Water

A small intermittent watercourse is present on the site near its east central center, joining Storehouse Run, a perennial trout stream near the eastern property boundary. Storehouse Run

[4] Environmental Design & Research, PC (2005) Vegetation and Wildlife Survey – Carroll Landfill Site, Town of Carroll, Chautauqua County, New York, January 2005.
[5] New York State Department of Environmental Conservation (2010) *List of Endangered, Threatened and Special Concern Fish and Wildlife Species of New York State*, http://www.dec.ny.gov/animals/7494.html, accessed on August 12, 2010.

crosses the state line into Pennsylvania approximately 1.4 miles west of the Chautauqua/Cattaraugus county line, and eventually discharges to Conewango Creek, at a point about four miles southwest of the property.

Storehouse Run, Waters Index Number Pa 59 and its tributaries are assigned a Water Quality Class of C, and Standards of C(T) by 6 NYCRR Part 800.6 Table III, Item #2. Discharge standards for Class C(T) surface water bodies are established by the water quality regulations. Pursuant to 6 NYCRR Part 701.8, the best usage of Class C waters is fishing, and those waters shall be suitable for fish propagation and survival. Water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

On September 1, 2004, under the request of Mr. Kenneth Taft, Deputy Permit Administrator of the NYSDEC Division of Permits, personnel from the NYSDEC Division of Fish, Wildlife and Marine Resources, Region 9, conducted a survey of Storehouse Run by electrofishing at two sites. Both sites included the fish species, mottled sculpin, blacknose dace, creek chub, and brown trout. All brown trout were of wild origin. Based on the results of their survey, the NYSDEC noted that the proper classification for Storehouse run from its source to where it enters Pennsylvania should be C(TS), not C(T). The difference between the two classifications is C(T) designates trout supporting waters, while C(TS) designates water suitable for trout spawning, which raises the value of Storehouse Run's fishery resource. In the case of the T designation, the dissolved oxygen specification for trout waters shall apply; and for TS the dissolved oxygen specification for trout spawning waters shall apply. A copy of a letter describing the survey is included as an attachment to the EDR's Wildlife and Vegetation Survey,[4] which will be included as an appendix to the DEIS.

Because of these designations and classifications, storm water discharges will be managed to meet the discharge standards for Class C(TS) streams, as established by 6 NYCRR Part 700 through Part 706, administered by NYSDEC. Notable among the standards for Class C(TS) is that any surface water discharge to the stream not exceed a temperature of 70º F, raise or lower the temperature of the stream by more than 2º F between June and September, or raise the temperature of the stream more than 5º F or cause an exceedance of 50º F maximum (whichever is less) between October and May. The selected strategies for controlling the temperature of the

discharge will be included in the final application documents based on the final design of the storm water management system. However, the most likely approach to controlling the temperature and other important water quality parameters, such as total suspended solids (turbidity), will likely include batch discharging sediment ponds during the warm summer months, measuring temperature and other important parameters of the contained storm water runoff and in Storehouse Run prior to discharge, and carefully controlling erosion and sedimentation in the watershed.

3.8 GROUNDWATER

A groundwater study will be performed in accordance with the requirements of Subpart 360-7, with test wells installed on the site to characterize groundwater flow systems and groundwater quality and quantity.

3.9 WETLANDS

According to the United States Fish and Wildlife Service (FWS) - National Wetlands Inventory (NWI) and official NYSDEC freshwater wetland map references available for the area, there are no mapped wetlands on the site. However, in 2004 Sealand retained EDR an ecological consultant to complete a site inspection and flag the boundaries of suspected wetland areas in accordance with criteria set forth in the *1987 Corps of Engineers Wetlands Delineation Manual.* The wetland delineation report prepared by EDR was submitted to the USACE, with copy to the NYSDEC, on August 30, 2005. On October 11, 2005 personnel from the USACE Buffalo District office and the NYSDEC jointly completed an onsite inspection of the flagged wetland boundaries. On October 13, 2005 the USACE verified and approved the delineation by issuance of their jurisdictional determination. Due to the delay in the project, this initial jurisdictional determination has since expired on October 13, 2010, five years from the date of issuance, requiring the onsite wetlands to be redelineated.

Sealand recently retained Earth Dimensions, Inc (EDI) to complete the redelineation of wetlands onsite under the guidelines specified by the *1987 Corps of Engineers Wetlands Delineation Manual,* and the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region.* EDI performed the delineation on November 2nd and 3rd, 2010 and identified five wetland areas and some associated drainageways, including two

possible jurisdictional wetlands totaling 6.03 acres. EDI prepared the wetland delineation report and submitted it to the USACE, with a copy to the NYSDEC on November 12th, 2010. On November 19th, 2010 personnel from the USACE Buffalo District office completed an onsite inspection of the flagged wetland boundaries. A jurisdictional determination from the USACE which verifies and approves the delineation is expected in the near future.

The project's impacts on wetlands will be detailed in an updated alternatives analysisand evaluated in the DEIS. A copy of the joint application form for a Section 404 Permit from the USACE and a Section 401 Water Quality Certification from the NYSDEC will be included in an appendix.

3.10 CULTURAL RESOURCES

A search of the New York State Office of Parks, Recreation and Historic Preservation (OPHRP) Geographic Information Systems (GIS) map data reveals that a portion of the site has been recently identified as archeologically sensitive. There are no listed structures reported for the site, nor is the site adjacent to any other sites listed on the state or national register of historic places. Also, there are no historically significant structures or buildings on the property meeting the criteria for registration, such as historically unique buildings or those greater than 50 years in age.

Information regarding OPHRP and that agency's mission can be found on its website, at www.nysparks.state.ny.us.

3.11 AGRICULTURAL RESOURCES

The site is not located in an Agricultural District pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304; however, Agricultural District 12 borders the site to the north.

The New York State Land Classification System provides a procedure for ranking U.S. Department of Agriculture soil map units into agricultural soil groups according to their relative potential agricultural productivity. This system, established by the New York State Department of Agriculture and Markets as required by the State Agricultural Districts Law, is codified in

1NYCRR Part 370. The system uses the NRCS soil map units, together with slope, drainage characteristics and other attributes and limitations, to rank soils in 10 groups. Soil groups 1, 2 and 3 are considered "prime agricultural soils" and group 4 includes "important agricultural soils". Higher ranked groups have increasing limitations to agricultural use and productivity as indicated by the group number.

While there are no Group 1 or Group 3 soils at the site, about 2.3 acres of Group 2 soils have been identified. The remaining 51.8 acres of the site surficial soils are classified in Soil Group 5 (39.3 acres), Group 7 (6.8 acres) and Group 8 (5.7 acres).

4 PROJECT DESCRIPTION

4.1 GENERAL

Sealand proposes to finance, design, permit, construct, operate, close and monitor a single composite liner system landfill facility for the disposal of C&D waste streams, as generally described in this scoping document[6] and as illustrated in conceptual form on the drawings included in Attachment 2. In the event the Town of Carroll agrees to allow the acceptance of non-hazardous, non putrescible waste streams, Sealand will make an application to construct a double composite liner system at the site in accordance with the requirements of Subpart 360-2 of the solid waste management facility regulations. It is likely that such an application for permit modification will require the preparation of a new draft environmental impact statement or a supplemental draft environmental impact statement.

The expanded landfill is expected to consist of about five separate cells, as shown in the drawings. The application seeks an approved design capacity of 1,000 tons per day (tpd). The waste volume afforded by the proposed facility is estimated at this time to be approximately 5,187,000 cubic yards, with a site life of approximately 14.5 years. The previous Part 360 Permit did not specify any limits on waste receipts; however, the most recently available annual report, which includes a full year of operation, indicates that 2,744 tons of waste were accepted in 2005. At this time, it is estimated that approximately 100,000 cubic yards of waste have been placed to date in the existing landfill.

The landfill and supporting facilities will be designed, constructed, operated and closed in accordance with the applicable regulations, which are primarily the 6NYCRR Part 360 regulations entitled, Solid Waste Management Facilities. The landfill and associated support facilities will be constructed in phases on an as-needed basis as market conditions warrant. In general, the lowermost areas of the landfill will be constructed initially, with progression in a generally uphill direction, with each cell operated and closed in sequence. Individual landfill cells to be constructed during any single season are expected to range in size between five to ten acres.

[6] See Section 4.5.1 for a discussion of the liner system design and construction.

4.2 SITING EVALUATION

Section 360-2.12 and paragraph 360-1.7(a)(2) of New York State's Part 360 Solid Waste Management Facility regulations establish siting restrictions for new and expanded landfill facilities. These siting restrictions address the following criteria:

- Agricultural land;
- Floodplains;
- Endangered Species;
- Wetlands;
- Horizontal Separation from Reservoirs;
- Primary Water Supplies and Principal Aquifers;
- Proximity to Airports;
- Unstable Areas;
- Un-monitorable or un-remediable areas;
- Fault Areas;
- Seismic Impact Zones;
- Complex Hydrogeologic Conditions; and,
- Thickness and Character of Unconsolidated Soils.

Sealand will complete a comprehensive siting evaluation to determine the site's suitability in meeting the Part 360 siting criteria. The final siting analysis will be included in the DEIS.

4.3 TRANSPORTATION SYSTEM

An initial assessment of County Route 34 and Dodge Road indicates some roadway improvements are likely as part of the proposed landfill expansion. Any need for such improvements, and the exact nature of the improvements will be confirmed and finalized as a result of detailed investigations as to the adequacy of the existing system to safely and efficiently manage additional traffic flow resulting from the proposed project.

At this time the areas of interest include the five corner intersection at State Route 60 and County Road 34. An assessment of turning movements will be completed to establish the potential need

to widen the intersection for existing and proposed traffic conditions. Sealand also understands the County Route 34 bridge near Peterson Road is in disrepair, and that the County has targeted this bridge for replacement. As part of this project, Sealand proposes to investigate alternative designs, and if required, install a replacement bridge at this location. In addition, Sealand anticipates completing an investigation of the suitability of Dodge Road to manage the expected traffic conditions. It is probable the Dodge Road subgrade and drainage conditions will be improved, travel lanes will require widening within the existing Right-of-Way, and bituminous pavement will be applied to the road surface.

The above anticipated improvements to the roadways will be made at the sole expense of Sealand.

4.4 WASTE TO BE ACCEPTED

4.4.1 General

Prior to the passage of Local Law #1 for 2005, Sealand and the Town of Carroll Town Board agreed that only non-hazardous construction and demolition debris (C&D) wastes, and other non-putrescible, non-hazardous wastes but not including domestic wastewater treatment plant sludge or putrescible household wastes would be accepted for disposal. In accordance with the initial discussions with the Town of Carroll Town Board, "Garbage" as defined by Title 6 NYCRR Part 360 would not have been accepted.

While the current application seeks approval only for construction and demolition debris (C&D) wastes as defined by 360-1.2(b)(38), Sealand does not discount the possibility that, once the acceptable operation and performance of the C&D debris landfill facility is demonstrated, Town of Carroll representatives may reconsider approving additional waste streams for disposal. In that event, Sealand would prepare an application to the NYSDEC to convert the C&D debris landfill facility design, construction, and operation to meet the requirements of Subpart 360-2. The most significant differences would seem to be the incorporation of a double-composite liner system rather than the single composite now proposed, and revisions to the environmental monitoring program. Each industrial or commercial waste stream that would be placed in the double-lined landfill would be characterized and profiled by the generator, all information

regarding that characterization would be certified by the generator and sampling technicians and the data will be provided to the NYSDEC for staff review and approval. It is noted that such an application for permit modification likely will require the preparation of a new draft environmental impact statement or a supplemental draft environmental impact statement.

The currently identified wasteshed for this facility is the eastern United States and southern Canada. Given the practical market limitations dictated by transportation costs and logistics however, it is anticipated that most of the waste managed at the site will originate within a 200 to 250 mile radius of the site. It is expected that western and central New York, northwestern Pennsylvania, and northeastern Ohio will constitute the primary market.

4.4.2 C&D Waste Streams for this Application

For the purpose of this application, Sealand will accept for disposal only non-hazardous construction and demolition debris (C&D) wastes as defined by 360-1.2(b)(38). 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, in concert with the Part 360-1.2(b)(38) definition of C&D waste includes, but are not limited to:

- **Bricks, concrete, and other masonry materials;**
- **Soil, rock, and other debris from land clearing activities;**
- **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.**

Specific waste streams that will <u>not</u> be accepted for disposal in the landfill at any time include:

- **Putrescible waste;**
- **Hazardous waste, including waste exhibiting a toxic characteristic;**
- **Liquid wastes;**
- **Sludge or other waste with a solids content less than 20%;**
- **Radioactive waste;**
- **Lead acid batteries;**
- **Medical waste;**
- **Friable asbestos;**
- **Source separated yard waste;**
- **Containers larger than 10 gallon capacity which have not been rendered incapable of holding liquids and crushed;**
- **Whole tires;**
- **White goods or discarded vehicles; and,**
- **Authorized waste not transported by a properly permitted hauler.**

Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a NYSDEC-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding. 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.

The facility will not accept a volume of waste greater than that allowed by the NYSDEC Part 360 Permit.

A Waste Approval Plan will be prepared for approval by the NYSDEC that details the solid waste receiving and monitoring process, including the methods and procedures used to identify and characterize solid wastes to be received at the facility.

Sealand personnel will be responsible for the proper identification, characterization, and formal documentation of all waste disposed at the facility, and to comply with the pertinent permit requirements, laws, and regulations. Facility staff will be held responsible to assure that the proper procedures are followed prior to and during waste handling operations. A Contingency Plan, to include a detailed description of the courses of action to be undertaken in response to the receipt of waste not authorized for disposal at the facility, will be submitted to the NYSDEC for review and approval.

All records and procedures associated with the receipt of solid waste will be subject to random inspection, observation and verification by NYSDEC and Town of Carroll officials.

4.5 LANDFILL DESIGN

4.5.1 Subpart 360-7 Baseliner System

For C&D waste streams identified in Section 4.4.2, the landfill will be designed to meet or exceed the construction and operation requirements outlined in 6 NYCRR Part 360, Subpart 7. The exception to the requirements of Subpart 360-7 is that the buffer distance between the waste limit and the property boundary will be increased from 50 feet, as required by Subpart 360-7, to 100 feet, as required by Subpart 360-2.

For this facility a single composite baseliner system, with an underlying groundwater collection system, is proposed to prevent groundwater infiltration into the landfill and leachate migration to groundwater. The proposed single composite baseliner system design is illustrated on Sheet 5 of the drawings included in Attachment 2.

In brief, a composite liner system addresses the potential for leakage from individual liner components, consisting of a geomembrane liner overlying a low permeability soil liner. Leachate is conveyed to a sump for recovery and treatment within a gravel or sand drainage

blanket and pipe system above the geomembrane liner. The combination of the overlying drainage media, the control of liquid levels above the geomembrane and the removal of leachate from the landfill precludes leakage and the potential for groundwater contamination in violation of State groundwater standards[7].

The landfill baseliner will be constructed by sequential installation of individual cells. Construction of each individual cell will be inspected by an independent Professional Engineer, registered to practice engineering in the State of New York, who will prepare a detailed certification report verifying the proper construction of the facility. The report detailing this independently certified construction activity will be reviewed and must be approved by NYSDEC prior to waste placement in any individual cell.

4.5.2 Phasing

Operational phases will be selected to address the following:

- Facility economics;
- Waste volume requirements;
- Storm water control;
- Leachate minimization; and,
- Operational access.

A temporary operational separation berm will be constructed to separate each of the individual cells from undeveloped areas.

4.5.3 Leachate Management

The design slope of the baseliner will be such that it will facilitate the efficient conveyance of leachate to a leachate collection piping network and the low point (sump) of the liner system. Leachate that has been gravity-fed to the sump will then be pumped or drained to a leachate storage basin or above ground tank for eventual transportation to a NYSDEC approved wastewater treatment plant (WWTP).

[7] Reference FEIS for Revisions/Enhancements to 6NYCRR Part 360 Solid Waste Management Facilities, May 1993, page RS 2-1.

Secondary containment will be provided for any leachate storage facility, and the load out pad used by over the road tank trucks required to haul the leachate to the WWTP. If a basin design is selected, the basin will include a double liner system with leak detection and removal. In the event an above ground tank is selected, the tank will be constructed over a leak detection and removal system, and the tank will be placed within a lined spill containment berm capable of containing at least 110% of the volume of the tank. Loading areas will similarly be contained, with any potential spillage directed back to the storage facility.

4.5.4 Final Cover System

The intent of the final cover system is to contain the landfilled materials and inhibit storm water infiltration to the maximum extent practicable. The final cover design consists of an integrated system of layers that will meet the requirements of Part 360-2.15(d), as follows, in ascending order:

- **12-inch thick subgrade soil layer above solid waste;**
- **Geosynthetic or aggregate landfill gas venting layer (materials to be determined during final design);**
- **Geosynthetic Clay Liner (GCL) (slopes less than 25%);**
- **40-mil (minimum) geomembrane liner;**
- **Geocomposite drain and geotextile cushion as required (see drawings);**
- **24-inch thick barrier protection layer; and,**
- **6-inch thick topsoil layer and vegetation.**

Landfill gas will be controlled by the application of the final cover system including the gas venting layer. The gas-venting layer will serve to convey landfill gas to the vents and/or treatment system as required.

Details illustrating the final cover system design for this project are illustrated in the drawings presented in Attachment 2 of this scoping document.

4.5.5 Storm Water Drainage

Storm water will be conveyed to a series of detention basins located near the base of the landfill. Sampling and analysis of sediment and storm water will be as specified in the Environmental

Monitoring Plan and will provide for the identification of any potential impacts related to the management of storm water at the facility.

4.6 ENVIRONMENTAL MONITORING PLAN

A comprehensive Environmental Monitoring Plan (EMP) will be submitted as part of the Application. This EMP will be based in large part on the findings of the hydrogeologic report presenting the findings of the site investigation. Both the EMP and hydrogeologic report will be completed in accordance with the requirements of Subpart 360-7. The EMP will specify the leachate, groundwater and surface water monitoring array that will allow for the detection of any potential release at the facility.

This EMP will describe all proposed monitoring points, sampling schedules, analyses to be performed, statistical methods and reporting requirements. The EMP will also include a schedule for the construction of groundwater monitoring points based on the site specific hydrogeology, to be established as part of the site investigation, and the sequencing of the landfill cell construction.

4.7 CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING

Sealand's construction and demolition debris processing operation (CDPO) provides a means to recover and reuse recyclable materials found in the C&D waste stream. The CDPO is expected to manufacture daily cover for the landfill operation (primarily fines and grit from the processing operation) and aggregate for use in access road/embankment construction. The CDPO will also produce metal for resale to scrap metal processing facilities, and recover any re-usable items such as household fixtures, doors, etc for donation or sale.

Materials expected to be processed at the CDPO include uncontaminated brick, concrete, soil, rock, wood, land clearing debris, plaster, drywall, plumbing fixtures, non-asbestos insulation, non-asbestos roofing and siding, asphalt, glass, electrical wiring, and metals incidental to any of these materials. Only those select waste loads that contain sufficient quantities of recyclable or re-useable materials, as determined based on an inspection by the site foreman, will be accepted at the CDPO. Select waste loads will be deposited in a sorting area where easily picked

materials (e.g. plumbing fixtures, plastics, piping, re-usable lumber) will be manually removed and placed in metal containers. Remaining material will be processed once a sufficient stockpile of raw material has accumulated; that is, the operation of the CDPO is expected to be intermittent.

The CDPO will be designed and built to be mobile while promoting efficient unloading, processing and storage of materials, while accommodating the expected traffic flow in a safe manner. Once at the CDPO, the material will be off-loaded by end dumping in one of the designated areas and the hauling vehicles will retrace their path back to the scale house to weigh-out and/or receive a ticket. The process equipment ultimately selected for the CDPO will be a function of the final overall site design; however, it is expected that grinder, screen, and conveyor like equipment will be employed. The mobile CDPO will require approximately one to three acres of area. At the time only the first two or three phases of the landfill liner system are constructed, the CDPO will be positioned immediately outside the lined area. As the landfill develops and the final phases of the liner system are built and operating, the CDPO will be re-positioned to a location inside the landfill footprint. During the final stages of landfilling, most likely within two years of final closure, the CDPO will be dismantled and closed.

Potential impacts to air resources from the CDPO include airborne dust generated by the equipment and related traffic. The control of air emissions will be addressed in accordance with NYSDEC's Air Guide 1 (DAR-1), which outlines a stepwise procedure for ambient air quality impact analysis. Airborne dust will be controlled primarily by limiting vehicle speed and the use of water as a dust suppressant. A nominal increase in noise levels in close proximity to the CDPO is expected, and the noise levels will be addressed through a noise impact analysis. Typical noise controls include screening berms or barriers and the use of adequate equipment mufflers.

Closure of the CDPO will include the removal and appropriate disposition of all processed and un-processed materials. The processing equipment will be salvaged or sold. The containment and subgrade materials will be left in-place inside the landfill. When closure is complete, Sealand will submit a closure certification statement to the NYSDEC documenting that the

facility has been closed in accordance with the conditions stated above. Section 4.10 below describes in additional detail the closure and post-closure conditions and requirements for the facility.

4.8 YARD WASTE COMPOSTING

Sealand plans a simple, low tech yard waste composting operation to manage source separated yard wastes generated within the Town of Carroll that may be delivered to the facility. For safety reasons, a separate "residential drop off" area will be provided to isolate residents and small private contractors from the regular waste vehicle traffic. The facility would accept leaves, small brush, wood chips, grass and discarded Christmas trees, etc. It is anticipated that the facility will manage approximately 4,000 tons of yard waste per year, maximum.

Private landscapers and the general public would normally bring in source separated yard waste. It is expected that this material will be managed by windrow composting, where organic material is formed into windrows. These windrows will be relatively long piles with a triangular cross section that are turned or stirred to provide aeration. Frequent turning of the material provides aeration, mixes the material, helps control temperature and redistributes moisture. Turning will usually be accomplished by using a front end loader. With proper management, windrow composting will produce a high quality product that may be used for mulch and landscaping.

Composting would take place within the footprint of the landfill in an area away from the working face using windrows. Once the final stages of landfilling in cells 4 and 5 commence, the yard waste composting operation will be closed. The compost generated by the operation would be made available to the Town of Carroll and its residents for use in parks, residential developments and home use for public greening projects.

4.9 LANDFILL MATERIAL ESTIMATES

Initial volume estimates associated with earthwork, construction and waste capacity of the landfill have been prepared based on the concept design presented in Attachment 2 of this scoping document. While the final design geometry of the facility will be prepared after the data

and information from the site specific studies are completed, an initial estimate of the material volumes can be made from the concept drawings.

These volume estimates are as follows:

CONCEPTUAL LANDFILL DESIGN DATA	
Item	**Quantity (cubic yards)**
Excavation Volume	860,000
Berm/Grading Soil Volume	250,000
Soil Liner/Layer Volume	176,000
Leachate Collection Layer Volume	123,000
Final Cover Volume	215,000
Intermediate Soil Cover Volume	219,000
Waste/Intermediate Cover Volume	5,406,000
Waste Volume	5,187,000

Based on an initial assessment of the project requirements, the proposed approved design capacity for the landfill is 1,000 tons per day.

4.10 Closure and Post-Closure Plan

Upon completion of landfilling operations, the facility will be properly closed and returned to open space, similar to surrounding lands. Sheet 3 of the accompanying concept drawings illustrates the final grading scheme for the landfill.

Sealand will prepare a detailed written estimate, in current dollars, of the cost of hiring a third party to close the largest active portion of the landfill requiring a final cover when the extent and manner of its operation would make closure the most expensive, and this cost estimate must be approved by the NYSDEC. During the active life of the landfill, Sealand will annually adjust the closure cost estimate for inflation and submit a copy of the adjusted estimate to the NYSDEC for approval.

After the landfill closure is completed, the facility will be inspected and monitored for the minimum required 30-year post-closure period in accordance with the approved Post-Closure Plan and Post-Closure Monitoring and Maintenance Manual, which will be submitted as part of the NYSDEC Part 360 Permit application.

Similar to the closure cost financial assurance mechanism, Sealand will prepare a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct post-closure care for the landfill that accounts for the total costs of conducting post-closure care based on the most expensive costs of post-closure care. During the active life of the landfill and during the post-closure care period, Sealand will annually adjust the post-closure cost estimate for inflation and submit a copy of the adjusted estimate to the NYSDEC for approval.

Sealand will establish 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 for the facility. This fund(s) will provide continuous coverage, until Sealand is released from financial assurance requirements by the NYSDEC upon demonstrating compliance with the Part 360 regulations related to closure and post-closure care.

5 POTENTIAL ENVIRONMENTAL IMPACTS AND THEIR MITIGATION

5.1 GENERAL

The DEIS will provide an evaluation of the impacts of the action on each of the resources described in Section 3, Setting. The potential impacts and the associated mitigation measures expected to be addressed include those outlined below.

5.2 ZONING

On August 7, 1989 the Town of Carroll Zoning Board approved the entire 54.1 acre parcel for C&D landfill operations by issuing a Use Variance. By Local Law #1 of 2005 the applicable zoning ordinance was amended to eliminate sanitary/demolition landfills as a use allowed by special permit. However, based on the New York Court of Appeals decision issued June 17, 2010, the owners of the Carroll Landfill "adequately demonstrated that they acquired a vested right to operate a C & D landfill on their entire parcel, subject to regulation by DEC, and that the 2005 local law could not extinguish their legal use of the land for that purpose." Therefore, no changes to the existing zoning ordinance are required for this action.

5.3 WATER RESOURCES

Water resources include surface water and groundwater. Storm water runoff from the site will be within the drainage area for Storehouse Run. Storm water run-off will be discharged in a controlled fashion from the landfill area via storm water detention ponds located near the easterly, down gradient margin of the property. Furthermore, storm water at the site will be regulated under the State Pollutant Discharge Elimination System (SPDES) Permit that must be issued by the NYSDEC for operation of the facility. The SPDES Permit will specify storm water sampling and discharge quality requirements. An acceptable Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the facility to include measures and controls addressing site specific requirements for storm water management, as well as administration of the SWPPP to help prevent the discharge of contaminated storm water from the site.

Storm water management facilities will be designed to meet discharge requirements associated with Class C(TS) streams. Discharge requirements will be in accordance with NYSDEC 6 NYCRR Parts 700-705, and the SPDES Permit issued for the facility. Details regarding the storm water management system will be developed based on further study and investigation.

A simple wheel wash unit will be installed near the outbound scale to minimize any tracking of soil outside the site access roads. A street broom or other similar equipment will be available to remove any accumulated soils from area roads in the event that any significant amount is accidentally tracked offsite.

Given the proposed storm water measures and controls to be used at the facility, including the required storm water permits and approvals, significant adverse environmental impacts to Storehouse Run associated with storm water discharges are not anticipated. However, a thorough assessment of surface water impacts will be provided in the DEIS.

A potable water supply will be available by hauling fresh water to the site. A constant non-potable water supply to support facility operations will be provided in the form of a storm water detention basin. This basin will be designed to contain approximately one million gallons of fresh water to be used to control dust, water freshly planted grasses and other vegetation identified for the operation in the fill progression and landscape plans, and for any other onsite purpose as required. Sanitary sewage generated at the facility will be directed to a temporary storage tank, and the waste will be hauled offsite for treatment at an approved wastewater treatment facility.

By using storm water runoff to supply non-potable fresh water in support of the site operation, and by hauling generated wastewaters offsite for proper treatment, any potential impacts to local fresh water and sewage resources are expected to be minimized or eliminated.

Groundwater flow patterns, quality, and quantity onsite will be well characterized prior to final design of the facility. A survey of potable water wells within the area will be performed as well. Based on this information, the facility will be designed and operated to ensure there will be no impacts to groundwater. Design measures include a single composite baseliner system, with a

leachate collection and removal system, and an underlying groundwater collection system, the combination of which will prevent leachate migration to groundwater. Operational measures include active groundwater monitoring under a NYSDEC approved EMP. This monitoring program will detect any potential breaches of the engineering design measures before any potential effects reach nearby offsite water wells. A full assessment of the potential impacts on groundwater and nearby residential water wells, and mitigation measures will be provided in the DEIS.

5.4 AIR RESOURCES

Potential impacts to air resources include landfill gas emissions and airborne dust generated by site related traffic, earthwork construction and waste placement activities.

Vigorous landfill gas generation is commonly associated with a putrescible waste mass when anaerobic conditions develop in organic rich waste streams in the presence of water or high moisture conditions. Since the landfill will not accept putrescible wastes, this form of vigorous gas generation is not expected. Some limited gas generation is anticipated due to the presence of the construction wastes; notably, wood fiber and gypsum wallboard.

The C&D waste stream of wood fibers and other slowly decomposing organic wastes, such as incidental vegetative, paper and cardboard wastes, are expected to generate minor amounts of methane gas, and under certain conditions, gypsum wallboard may produce hydrogen sulfide gas. Any landfill gas that might be generated would generally be expected to consist of 30 to 40% Nitrogen, 10 to 20% methane, 20 to 50% CO_2 and trace compounds including H_2S. While the best generation rate information is obtained during active gas management, for the purpose of this document, a peak landfill gas recovery rate of 200 to 400 standard cubic feet per minute (scfm) is suggested. At these anticipated methane concentrations, any landfill gas that will be generated will not be explosive. To mitigate the potential for nuisance conditions developing as a result of landfill gas generation, Sealand will install appropriate gas collection and control equipment (e.g. dry adsorption technology) as required by Part 360 and Part 201. Justification (investigations, studies and literature references) for the gas constituents and concentrations suggested above will be included in the DEIS.

The primary sources of dust emissions; from waste placement activities, from vehicular traffic, and from the CDPO, will be mitigated through adherence to proper waste placement procedures, control of vehicle speed and application of dust suppressants. Proper waste placement activities that mitigate dust emissions include cover soil management and maintaining a minimum active working face size. Vehicle speed limits will be established for each area of the facility. Water obtained from an onsite storm water detention basin will be used to dampen road surfaces and is commonly applied using a tank truck/sprayer. Paving of the entrance area and main haul roads between the scale and Dodge road will occur immediately in order to help control possible fugitive dust conditions.

Ventilating systems for landfill gases, where the systems are vented directly to the atmosphere, and the ventilating system has been required by, and is operating under, the conditions of a valid Part 360 Permit, are exempt from permitting requirements at non-Title V facilities pursuant to 6 NYCRR Part 201-3.2(20). To confirm the facility is non-Title V, Sealand will complete an evaluation to estimate total emissions from potential sources.

The technical guidelines for control of air contaminants in New York are addressed in NYSDEC's Air Guide 1 (DAR-1). DAR-1 outlines a stepwise procedure for ambient air quality impact analysis and a comparison of potential emissions to guideline concentrations and air quality standards. Sealand will retain a qualified consultant to prepare an estimate of the potential for emissions and air quality impact. The results of this analysis will be compared to the appropriate guideline concentrations and air quality standards, and will be presented to NYSDEC for review. The results of the ambient air quality impact analysis will be summarized in the DEIS.

5.5 ECOLOGICAL RESOURCES

Portions of some ecological populations and habitats will be lost or displaced by construction and operation of the landfill expansion. This will be the inevitable result of clearing and grubbing activity as the vegetative cover is stripped and removed. The potential effects of this project on habitats, vegetation, and wildlife onsite and in the surrounding area will be addressed in the DEIS along with mitigation measures. Particular attention will be paid to those organisms

identified as endangered, threatened, rare, or "of special concern" by the federal government or New York State. Significant habitats, especially known federally jurisdictional wetlands onsite also will be covered in detail in the DEIS.

Mitigation of impacts to ecological resources is expected to include the following measures. The disturbance of ground covers will be mitigated with a phased, incremental approach to land preparation before earthwork construction. While a net loss in wooded land will result, the overall impact is considered temporary, in that once landfill operations cease, a great majority of disturbed areas will be properly graded, dressed with topsoil and seeded. Slopes will be vegetated with a variety of clover and grass to provide a different, yet suitable meadow-like ecological habitat that will provide some diversity to the surrounding wooded areas. Areas that will be paved or utilized for leachate management will be maintained after landfill closure to support post-closure monitoring and maintenance activities. Disturbances to federally jurisdictional wetland will be mitigated through a USACE approved mitigation plan. The DEIS will include a complete presentation of the potential adverse impacts on wetlands, and the proposed mitigation of those impacts.

5.6 AESTHETICS

In the review of any application for a permit, NYSDEC staff must evaluate the potential for adverse visual and aesthetic impacts on receptors outside of the facility or property. When a facility is potentially within the viewshed of a designated aesthetic resource, the NYSDEC will require a visual assessment, and in the case where significant impacts are identified, will also require the applicant to employ reasonable and necessary measures to eliminate, mitigate or compensate for adverse aesthetic effects.

This NYSDEC website at www.dec.ny.gov contains a memorandum providing direction to Department staff for evaluating visual and aesthetic impacts generated from proposed facilities. This guidance also defines important technical concepts and provides a mechanism for complying with the balancing provisions of the SEQR with respect to environmental aesthetics.

The landfill will be constructed among the hills and rolling topography of the region. One initial and important step will be to define the geographic area from which the proposed landfill may be seen, commonly called the viewshed. A viewshed analysis will identify and inventory sensitive receptors and aesthetic resources, to evaluate the potential for adverse visual impacts to those receptors and resources. At a minimum, a line-of-sight-profile, or, depending upon the scope and potential significance of the activity, a digital viewshed may be used to determine if a significant property is within the potential viewshed of the proposed facility. The viewshed analysis will be performed to evaluate the extent and severity (i.e. strong, moderate, weak or negligible) of aesthetic impacts, and to provide a basis for developing a mitigation plan. Aesthetic impacts occur when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place.

Mitigation may reduce or eliminate the visibility of the project, or alter the project's effect on the identified resource in some way. Mitigation strategies can include design elements, such as vegetative, soil berm or fencing to act as a screen, relocation of facilities to areas not viewable, downsizing, or reduction in lighting.

Given the proximity of the Martz Observatory east of the site, the focus of the lighting plan will be to maintain dark skies above the facility. Since the bulk of the operation will occur during daylight hours, outdoor lighting will be limited to only those areas where needed for safety of limited work activity. For instance, a limited number of energy efficient, high-pressure sodium or metal halide light fixtures averaging less than 150 or 200 watts are expected to be sufficient for this operation. Cutoff or full cutoff fixtures designed to limit upward illumination can be used to meet the facility requirements. Motion sensors will be used as appropriate for safety, to conserve energy and limit the amount of artificial light produced at the site.

Potential mitigation measures for adverse visual and aesthetic impacts will be evaluated in the DEIS.

5.7 HISTORIC AND ARCHAEOLOGICAL RESOURCES

Based on recent information obtained from the New York State Office of Parks, Recreation and Historic Preservation (OPHRP) Geographic Information Systems (GIS) map data, a portion of the site has been recently identified as archeologically sensitive. The required paperwork to request a consultation has been submitted to the OPHRP under their environmental review process. Upon a preliminary request for information from the OPHRP, it was found that the site (A01303.000032) is a historic foundation of un-mortared stone contained entirely on the proposed landfill site. The structures origins and date of erection were not positively identifiable from historic records.

The results of the OPHRP consultation and any required archeological follow-up studies of the site will be discussed in the DEIS along with mitigation measures, if necessary. A Structural Archaeological Assessment Form (SAAF) will be completed and included in the DEIS, as well. The OPHRP website containing information regarding historic and archeological resources and that Agency's evaluation criteria can be found at www.nysparks.state.ny.us.

5.8 OPEN SPACE AND RECREATION

Access to the property is currently restricted by posting and a gated entrance roadway. The majority of the surrounding area is wooded and rural in nature, including pockets of agricultural activity. There are no parks or other recreational areas in the vicinity of the site that would be impacted by the landfill expansion. An inventory of existing recreational facilities in the Town of Carroll will be provided in the DEIS for the purpose of assessing whether the project will impact any existing facilities; however, no project impact to recreational facilities is anticipated at this time.

5.9 TRANSPORTATION AND TRAFFIC

The operation of the facility will result in an increase in traffic on roadways in the surrounding area when compared to current levels. Additional traffic will consist of waste haulers, employee vehicles, construction personnel, visitors, deliveries and the like.

The potential impacts to bridges and the operating conditions (e.g. number of lanes, lane and shoulder width, vehicle types, traffic controls, etc.) levels of service and the transportation system in general will be evaluated in detail through a Traffic Impact Study, which will be presented in the attachments to the DEIS. This separate study will address, for example, the current condition and adequacy of the transportation network and traffic safety, the anticipated additional traffic and its distribution, future intersection operating conditions and potential mitigation, as appropriate.

5.10 ENERGY

The proposed landfill will have little effect on energy consumption. Energy consumption in the context of this proposed expansion would be in the form of fuel consumption, rather than electric or hydroelectric use. Energy (gasoline and diesel fuels) would be consumed during construction and operation of the facility and as waste is accepted at the landfill.

5.11 NOISE

There may be a nominal increase in noise levels in close proximity to the landfill as a result of the expansion project. Equipment backup alarm noise levels will be controlled by the use of strobe lights as allowed by law. Operational controls to limit noise will primarily focus on landfilling the outer slopes first on any given lift, thereby resulting in the final slopes of the landfill providing for a noise barrier. The nature of the increase in noise levels will be addressed through a noise impact analysis.

Existing noise levels and projected noise levels due to the proposed landfill activities and the CDPO will be measured or modeled to determine and quantify the increase. Mitigation of noise levels, if required based on the finding of the analysis, would be accomplished using a combination of design, operational and scheduling alternatives. Any potentially significant adverse impact from facility generated noise will be identified in the noise modeling effort.

The Town of Carroll Zoning Code does not contain a more restrictive noise ordinance. Therefore, in accordance with 360-1.14(p), noise levels resulting from equipment or operations at the facility must be controlled to prevent transmission of sound levels beyond the property line

at locations zoned or otherwise authorized for residential purposes to exceed the following Leq energy equivalent sound levels:

Character of Community	**Leq Energy Equivalent Sound Levels**	
	7 a.m.-10 p.m.	**10 p.m.-7 a.m.**
Rural	57 decibels (A)	47 decibels (A)
Suburban	62 decibels (A)	52 decibels (A)
Urban	67 decibels (A)	57 decibels

The Leq is the equivalent steady-state sound level, which contains the same acoustic energy as the time varying sound level during a one-hour period. To establish the Leq, it is not necessary that any measurements be taken over a full one-hour time interval, but sufficient measurements must be available to allow a valid extrapolation to a one-hour time interval.

5.12 PUBLIC HEALTH

To address potential impacts to the health of the public, the facility will be designed, constructed, operated and closed in accordance with applicable federal and state regulations. A host of operational procedures and contingency protocols will be developed and implemented to meet or exceed regulatory and health standards.

The governing regulatory framework is strict and ongoing oversight and involvement of the regulatory agencies is part of that framework. Agencies including but not limited to the Occupational Safety and Health Administration (OSHA), the New York State and Chautauqua County Departments of Health (DOH), the New York State Department of Labor (DOL) and others, all promulgate regulations and policies aimed at the protection of public health. Sealand will adhere to all relevant and appropriate requirements of the agencies, and cumulatively, these requirements will prevent significant adverse impacts to public health.

5.13 GROWTH AND CHARACTER OF THE COMMUNITY

The growth and character of the community in the vicinity of the landfill expansion project will be examined in detail within the DEIS. Sealand understands that the future development of the site into a state-of-the-art solid waste management facility must proceed to the mutual benefit and protection of both the residents of the Town of Carroll and Sealand.

The socio-economic impacts of the project will be evaluated, including the potential impacts on existing waste management facilities in the same wasteshed[8] that are authorized to accept the same waste. The consistency of the proposed landfill expansion project with the Chautauqua County Solid Waste Management Plan will be evaluated. As well, the Town of Carroll is required, as articulated in Section 27-0106 of the Environmental Conservation Law (ECL), to enact local recycling laws under General Municipal Law § 120-aa. In essence any municipality in New York State must adopt a local law or ordinance to require that solid waste left for collection or delivered by the generator to a solid waste management facility, shall be separated into recyclable, reusable, or other components for which economic markets for alternate uses exist. An evaluation of the impact or consistency of the proposed facility on the local solid waste plans and policies will be discussed and presented in the DEIS.

Many socio-economic impacts are mitigated through the negotiation of a Host Community Agreement with the Host Municipality. Sealand has provided the Town of Carroll Town Board with a Preliminary Draft Host Community Benefit Agreement (HCBA) and a Draft Community Involvement Program (CIP) for consideration based on the acceptance of non-hazardous, non-putrescible wastes as previously agreed by the Town of Carroll Town Board. The Draft HCBA provided for roadway improvements and royalty payments to the Town of Carroll, and was to be supplemented with a Property Value Protection Plan (PVPP) and a Roadway Maintenance Program. The Draft CIP was provided to address the concerns and needs of the residents of the Town of Carroll with regard to the development of the site. Because the current Town of Carroll Town Board approval allows only the acceptance of C&D wastes as defined by 360-1.2(b)(38),

[8] A wasteshed is defined as the region or area where waste materials that are managed at the facility originate. For the Carroll Landfill, the wasteshed is the eastern United States and southern Canada, although transportation costs will likely limit the practical wasteshed to within a 200 to 250 mile radius of the site.

Sealand is not in a position to offer royalty payments to the Town of Carroll, and that benefit is not available as part of the current mitigation proposal.

Sealand is aware that neighbors are concerned about property values, and the effects of the project on property values will be evaluated in the context of being a consequence of a specific significant adverse environmental impact(s). The details of the Property Value Protection Plan are considered during preparation of the DEIS; however, in general, if anyone within a specified distance from the landfill is unable to sell their home at full market value due to impacts from the operation, Sealand will reimburse the homeowner the difference.

The Roadway Maintenance Program will encompass activities completed by Sealand associated with maintaining Dodge and Wiltsie Roads in a condition that meets all applicable Town of Carroll structural integrity and public safety standards during operation of the facility, and to ensure these roadways meet those same standards at the time of landfill closure. The DEIS will describe the applicable standards and how the Roadway Maintenance Program addresses them.

The primary goals of the Draft CIP are as follows:

1. **Information** – To disseminate accurate information within the community regarding the proposed project, especially as it relates to potential impacts on the community;
2. **Feedback** – To maintain regular communication with Town of Carroll officials and the general public to address specific information needs and concerns as they arise;
3. **Response** – To respond to feedback received from Town of Carroll officials and residents; and,
4. **Ongoing Dialogue** – Promote an ongoing dialogue through the development of a communication network; for instance, involving the creation of a Community Advisory Board (CAB), comprised of Town of Carroll officials and members from the general public.

The proposed project is expected to result in a total direct, indirect and induced employment impact of approximately 30 to 40 jobs or more. The project is expected to generate about 10 full

time jobs at the site, preferentially to be filled by local residents. On-going construction at the site is expected to generate up to 30 or more seasonal jobs. Increased demand for services and supplies generated by the construction and operation requirements of the facility and induced spending from the wages paid to workers are considered positive benefits to the community, as described below in Section 5.14. Sealand intends to utilize local services and business to the extent such services are available.

The DEIS will include a detailed review of the impacts on the growth and character of the community.

5.14 INDUCED IMPACTS

Induced impacts from the proposed facility are primarily economic in nature. It is expected that the project will have a positive impact on the local area economy. The principal economic benefits will be employment, income, procurement of goods and services, local government revenue through taxes and local business development.

Impacts associated with the development of new businesses, such as truck maintenance services, restaurants, convenience stores or other services produce induced impacts on the local community of their own.

The potential for induced impacts and the multiplier effect will be discussed and presented in the DEIS. Any known actions will be discussed using specifics; however, many of the potentially induced impacts are expected to be conceptual in nature, and will be addressed generically.

5.15 MARTZ OBSERVATORY

One specialty study has been identified for this project to assess potential impacts on situations unique to the project location. The Martz Observatory is located approximately 1.1 miles east of the Carroll Landfill location. The observatory is home to a 24-inch telescope and provides educational services to amateur astronomers, school children, and universities. Potential impacts from construction and operation of the Carroll Landfill on the effectual operation of the Martz Observatory will be evaluated. Appropriate mitigation measures will be investigated and

described in the DEIS, as necessary. Known potential impacts at this time include light pollution, particulate matter pollution, and excessive heat, which could obscure a dark and clear night sky necessary for the proper functioning of the observatory.

5.16 SLOPE STABILITY

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. A comprehensive geotechnical analysis of the facility design will be prepared, based largely on the information collected during the site investigation. This geotechnical analysis will evaluate and summarize the site conditions, critical areas of the site from a stability perspective, and compute factors of safety against slope failure. The DEIS will include a summary of the findings of this geotechnical analysis.

6 DRAFT ENVIRONMENTAL IMPACT STATEMENT OUTLINE

6.1 PROPOSED OUTLINE OF THE DEIS

The following pages present a generalized outline of the Draft Environmental Impact Statement:

1.0 EXECUTIVE SUMMARY

1.1 Description of Action and Setting
1.2 Impacts and Mitigation
1.3 Alternatives
1.4 SEQR Issues

2.0 DESCRIPTION OF PROPOSED ACTION

2.1 Site History
2.2 Purpose of Undertaking
2.3 Public Need
2.4 Benefits of Proposed Action
2.5 Permits, Standards and Approvals

3.0 SETTING

3.1 Surficial and Subsurface Soils and Geology
3.2 Groundwater
3.3 Surface Water
3.4 Meteorological and Air Quality Characteristics
3.5 Ecological and Biological Communities
3.6 Traffic and Transportation
3.7 Land Use and Zoning
3.8 Demographics and Community Services
3.9 Visual and Aesthetic Considerations
3.10 Noise
3.11 Cultural Resources
3.12 Other Resources (e.g. other landfills)

4.0 PROJECT DESCRIPTION

4.1 Service Area

7 ACRONYMS

C&D	Construction and Demolition Debris
CAB	Community Advisory Board
CDPO	Construction and Demolition Debris Processing Operation
CIP	Community Involvement Program
CDPO	Construction and Demolition Debris Processing Operation
CV	Curriculum Vitae
DAR-1	NYSDEC's Air Guide 1
DEIS	Draft Environmental Impact Statement
DOH	Department of Health
DOL	Department of Labor
EAF	Environmental Assessment Form
ECL	Environmental Conservation Law
EDR	Environmental Design & Research, P.C.
EIS	Environmental Impact Statement
EMP	Environmental Monitoring Plan
ENB	Environmental Notice Bulletin
FWS	United States Fish and Wildlife Service
GCL	Geosynthetic Clay Liner
GIS	Geographic Information Systems
HCBA	Host Community Benefit Agreement
IESI	Solid waste management company that purchased SMI
MSW	Municipal Solid Waste
NOV	Notice of Violation
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
NYSDEC	New York State Department of Environmental Conservation
OPHRP	State Office of Parks, Recreation and Historic Preservation
OSHA	Occupational Safety and Health Administration
PVPP	Property Value Protection Plan
SAAF	Structural Archaeological Assessment Form
SEQR	State Environmental Quality Review Act
SMI	Seneca Meadows, Inc.
SPDES	State Pollutant Discharge Elimination System
SCFM	Standard Cubic Feet per Minute
Sealand	Sealand Waste, LLC (the project sponsor)

SWPPP	Storm Water Pollution Prevention Plan
USACE	U.S. Army Corp of Engineers
WWTP	Wastewater Treatment Plant

8 IMPORTANT COMMITMENTS FOR THIS APPLICATION AND THE CONTINUED OPERATION OF THE FACILITY AND ITS CLOSURE, IF PERMITTED

1. **For the immediate application,** Sealand will accept for disposal **only non-hazardous construction and demolition debris (C&D) wastes as defined by 360-1.2(b)(38). Waste types not to be accepted at the facility at any time include:**

- Domestic wastewater treatment plant sludge;
- Putrescible household wastes;
- Garbage as defined by Title 6 NYCRR Part 360; or,
- Others as defined in Section 4.4 of the Scoping Document.

2. A **Waste Approval Plan** that details the solid waste receiving and monitoring process, including the methods and procedures used to identify and characterize solid wastes to be received at the landfill will be **submitted to the NYSDEC for review and approval**.

3. **All records and procedures associated with the receipt of solid waste** will be made **available for random inspection, observation and verification by NYSDEC and Town of Carroll officials.**

4. The landfill will be designed to **meet or exceed the stringent performance requirements of 6 NYCRR Part 360, Subpart 7 for a single composite baseliner** system.

5. After the landfill is completed, the **facility will be inspected, maintained, and monitored for the minimum required 30-year post-closure period** in accordance with the approved Post-Closure Plan and Post-Closure Monitoring and Maintenance Manual.

6. Sealand will **maintain the required closure and post-closure surety instruments** as required by the Part 360 regulations.

7. A **fair Host Community Benefit Agreement** (HCBA) will be offered and negotiated with the Town of Carroll Town Board to provide for roadway improvements. The HCBA will be

supplemented with a **Property Value Protection Plan** (PVPP) and a **Roadway Maintenance Program**.

8. A **Community Involvement Program** will be implemented to address the concerns and needs of the residents of the Town of Carroll with regard to the development of the site.

9. In the event of any sale of the proposed facility by the permittee, the above commitments will be understood and agreeable to the buyer.

ATTACHMENT 1

SEQR Positive Declaration

STATE ENVIRONMENTAL QUALITY REVIEW ACT
POSITIVE DECLARATION
NOTICE OF DETERMINATION OF SIGNIFICANCE and
INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT
DEC FILE NO. 9-0624-00025/00002

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

The Department of Environmental Conservation (the Department), as SEQR Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement (EIS) will be prepared after scoping.

TITLE OF ACTION: CARROLL C & D DISPOSAL EXPANSION AND MODIFICATION
Project Sponsor: Sealand Waste, L.L.C.

DEPARTMENT PERMIT JURISDICTION:

- Article 27, Title 7 ECL & 6NYCRR Part 360, Solid Waste Management Facility
- Article 17, Title7 & 8 ECL, State Pollutant discharge Elimination System (SPDES) for Storm Water Discharges
- Article 15, Title 5 ECL & 6NYCRR Part 608, Protection of Waters and Water Quality Certification*
- Article 19 ECL & 6NYCRR Parts 201, 203 and 215, Air Pollution Control*

[Jurisdictions indicated by asterisk (*) are potential and require more information from the applicant in order to determine applicability]

OTHER INVOLVED AGENCIES: Town of Carroll Town Board

SEQR STATUS: Type I Action.
Applicable threshold: The expansion of an existing facility that will cause the physical alteration of 5 or more acres of land (actually an expansion of 46.5 acres) for a purpose other than constructing residential structures.

DESCRIPTION OF ACTION:

Sealand Waste is proposing to acquire the existing construction and demolition debris (C & D) landfill, currently permitted to Mr. Donald J. Jones, and to expand the landfill from the currently approved 3 acres to 49.5 acres. Sealand Waste also proposes to accept, in addition to non-hazardous construction and demolition debris waste, other non-putrescible waste such as petroleum contaminated soil, ash, slag, foundry sand and tire chips, but not including wastewater treatment plant sludge, putrescible household waste and garbage. It is proposed to use some of this additional waste material as "alternate daily cover." The proposed design capacity is 1,000 tons per day and the estimated life is approximately 12 years.

LOCATION:

The site is in the Town of Carroll, Chautauqua County, within 54.1 acres of land presently owned by Mr. Jones, located on the southwest side of Dodge Road and north of Sandberg Road, approximately 1,000 feet northwest from their intersection and 1 mile north of the New York/Pennsylvania border.

REASONS SUPPORTING THIS DETERMINATION:

During review of this project, the Department identified the following significant and/or potentially significant adverse environmental impacts:

1. Because there will be an estimated 50 to 60 trucks per day (approximately 28 truck trips per hour), there

is likely to be a significant adverse impact on the physical integrity and capacity of local highways and traffic within the hamlet of Frewsburg and between Frewsburg and the site.

2. There may be significant adverse noise and visual impacts on nearby residences.

3. There is a potential for significant adverse impacts on the aquatic ecology of Storehouse Run Creek, including its naturally reproducing Brown trout population.

4. There is a potential for adverse impacts on groundwater and nearby residential water wells.

5. Because 70% of the existing slopes on the site exceed 10% the potential for landfill slope failure, must be evaluated.

6. Several small wetlands on the site, possibly federally regulated, would be eliminated by the Landfill.

SUMMARY/CONCLUSIONS:

The Department, therefore, has concluded that the project may have a significant effect on the natural and/or human resources of the State and/or the health, safety and welfare of the public, and may not be consistent with social and economic considerations. Therefore, a Draft EIS must be prepared. In reaching this decision, the Department carefully considered the "Criteria" for Determination of Significance listed in the SEQR Regulations at 6NYCRR 617.7.

FOR FURTHER INFORMATION:

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Date: November 12, 2004
(Revised November 26, 2004)

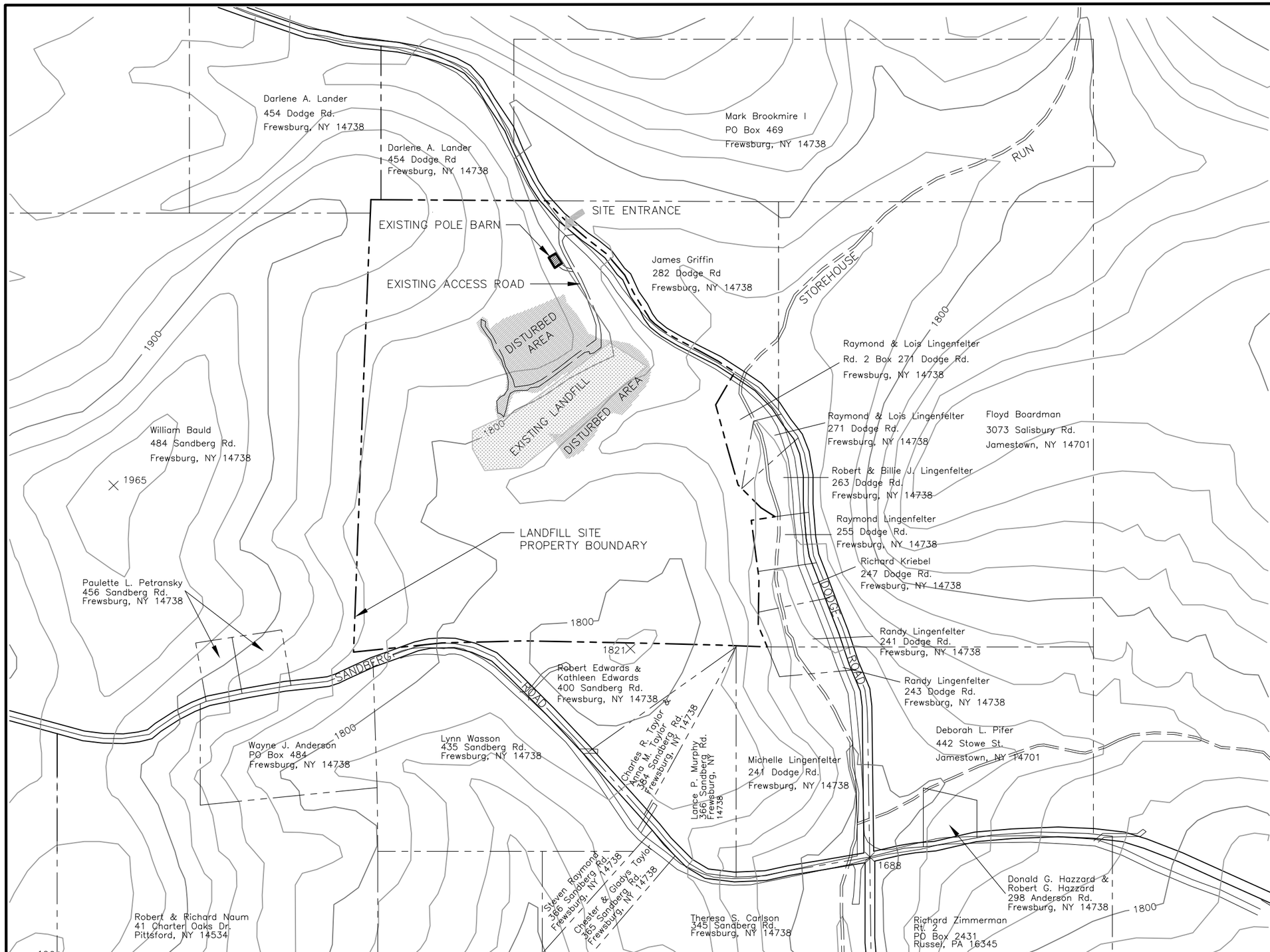
Deputy Regional Permit Administrator
Region 9

DISTRIBUTION:

DEC Files
Town of Carroll
Chautauqua County Department of Public Facilities
Chautauqua County Department of Planning and Development
Sealand Waste, L.L.C.
J.A. Daigler & Associates

ATTACHMENT 2

Concept Drawings



NOTES:

1. THE GROUND SURFACE CONTOURS, SPOT ELEVATIONS, ROADWAY AND STREAMBED LOCATION INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM THE 1:24,000 USGS IVORY QUADRANGLE MAP FOR THE PURPOSE OF ILLUSTRATING THE NATURE OF THE SURROUNDING AREA, AND THEY ARE APPROXIMATE. EXACT ELEVATIONS AND LOCATIONS MAY VARY.

2. ADJACENT PROPERTY OWNER AND BOUNDARY INFORMATION HAS BEEN OBTAINED FROM TAX MAPS AVAILABLE IN THE CARROLL TOWN HALL, AND IS APPROXIMATE

3. PROPERTY BOUNDARY INFORMATION FOR THE JONES LANDFILL SITE IS APPROXIMATE, AND HAS BEEN OBTAINED INDIRECTLY FROM A BOUNDARY SURVEY COMPLETED BY MICHAEL J. RODGERS LAND SURVEYOR, P.C. OF JAMESTOWN, NEW YORK.

LEGEND

- PROPERTY BOUNDARY
- 1800 — MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- 1964 — SPOT ELEVATION
- CREEK BED

Q:\Sealand\02-0104 Carroll Landfill\01 Public Scoping Document\AutoCad\Sheet 1 Existing Cond Prop Owners.dwg 8/18/2010 5:01 PM

NO.	REVISION	BY	DATE

JAMES A. DAIGLER, P.E.
NYSPE NO. 061689

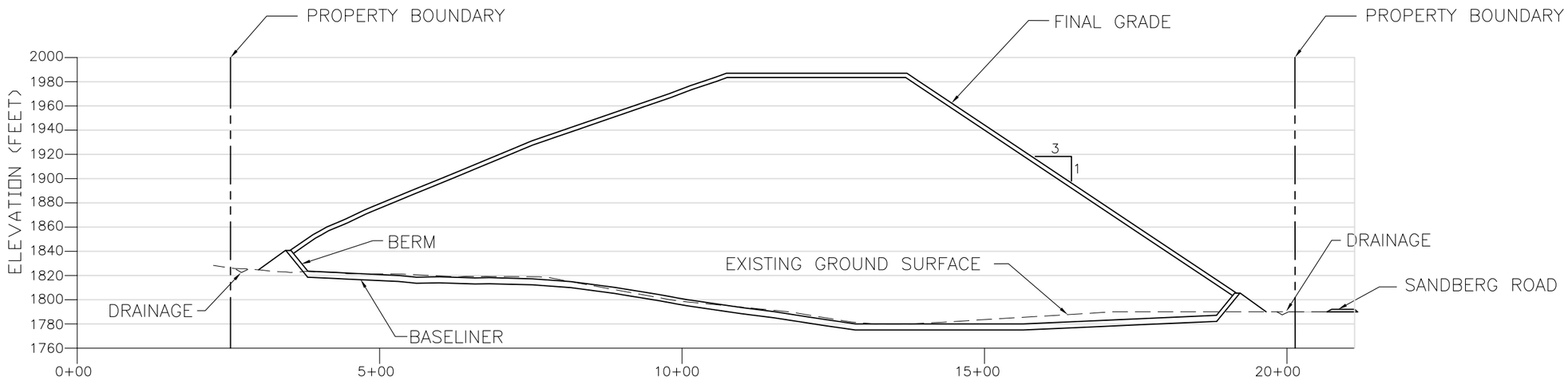
DAIGLER ENGINEERING P.C.
.....engineering..science..design.....

DATE: August 2010

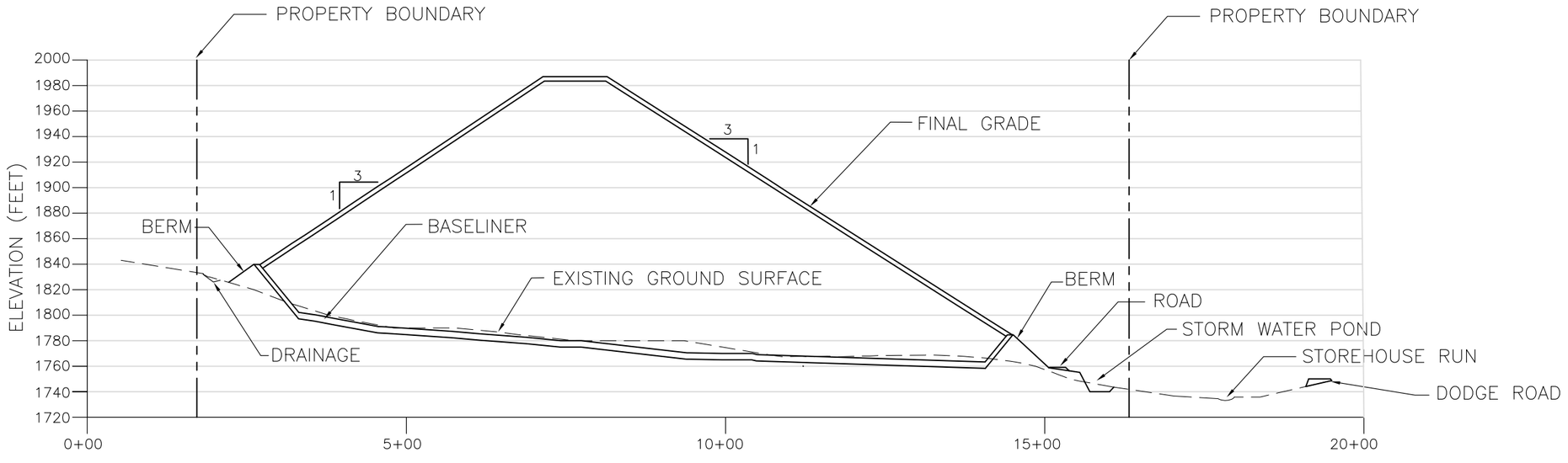
SCALE: 1"=400'

PREPARED FOR: SEALAND WASTE, L.L.C.			SITE CONDITIONS AND ADJACENT PROPERTY OWNERS CARROLL LANDFILL EXPANSION CONCEPT DRAWINGS
DES. BY:	DRW. BY:	CHK. BY:	
DWG: Sheet 1 Existing Cond Prop Owners.dwg	TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK

SHEET 1



CROSS-SECTION A-A



CROSS-SECTION B-B

NO.	REVISION	BY	DATE

JAMES A. DAIGLER, P.E.
NYSPE NO. 061689

DAIGLER ENGINEERING P.C.

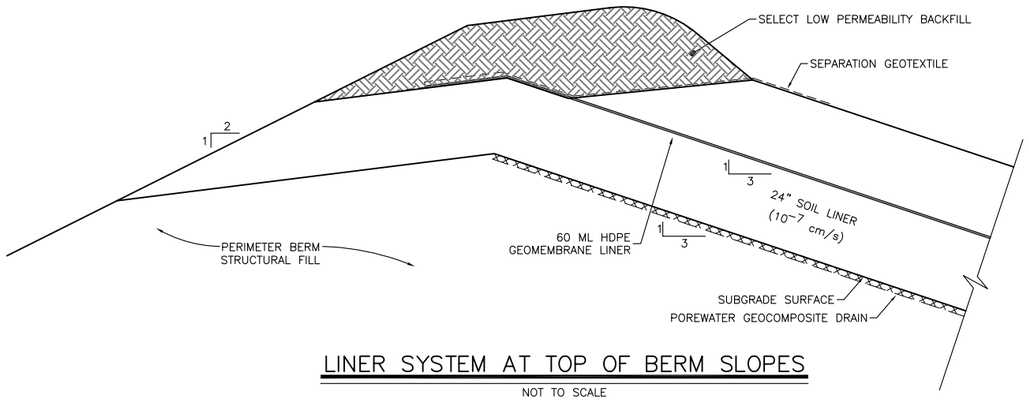
.....engineering..science..design.....

DATE: October 2010

SCALE: NOT TO SCALE

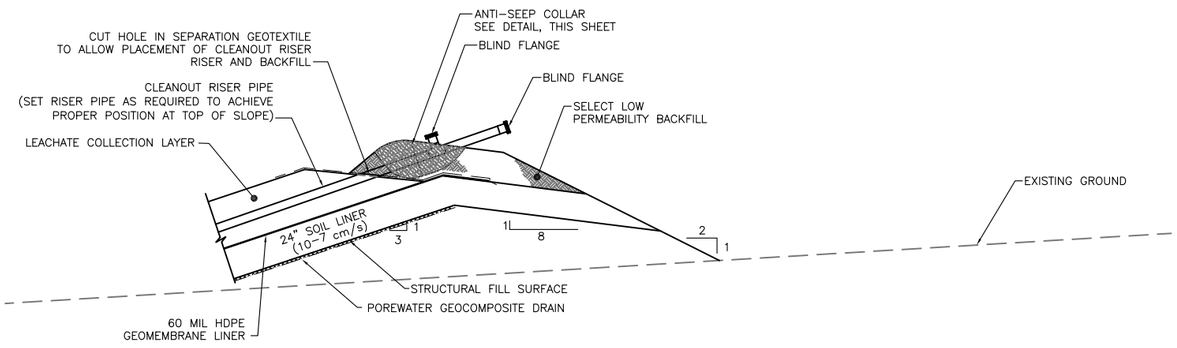
PREPARED FOR: SEALAND WASTE, L.L.C.			LANDFILL CROSS SECTIONS	FIGURE 4
DES. BY:	DRW. BY:	CHK. BY:	CARROLL LANDFILL EXPANSION CONCEPT DRAWINGS	
DWG: FIGURE 4 REVISED CROSS SECTIONS.dwg	TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK	

Q:\Sealand\02-0104 Carroll Landfill\01 Public Scoping Document\AutoCad\FIGURE 4 REVISED CROSS SECTIONS.dwg 10/1/2010 12:00 PM



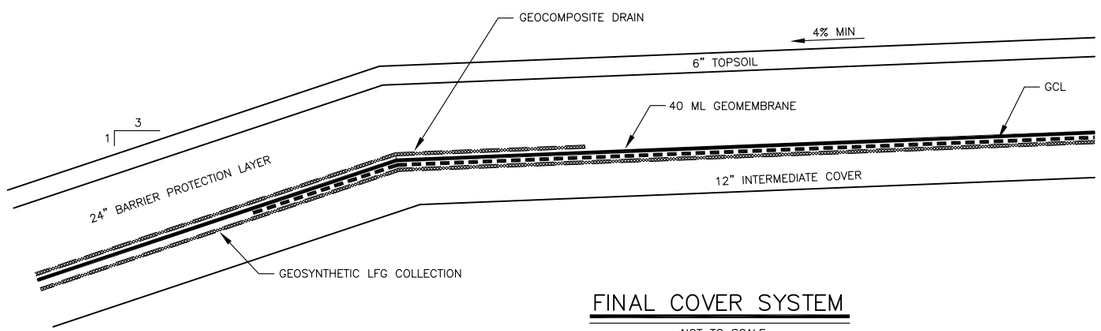
LINER SYSTEM AT TOP OF BERM SLOPES

NOT TO SCALE



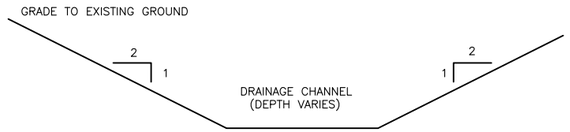
CLEANOUT RISER AT TOP OF SLOPE

NOT TO SCALE



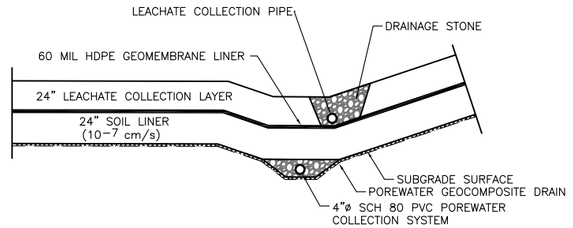
FINAL COVER SYSTEM

NOT TO SCALE



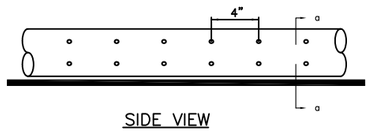
PERIMETER DRAINAGE CHANNEL DETAIL

NOT TO SCALE

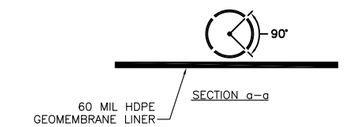


BASELINER SYSTEM AT TOE OF SLOPE

NOT TO SCALE

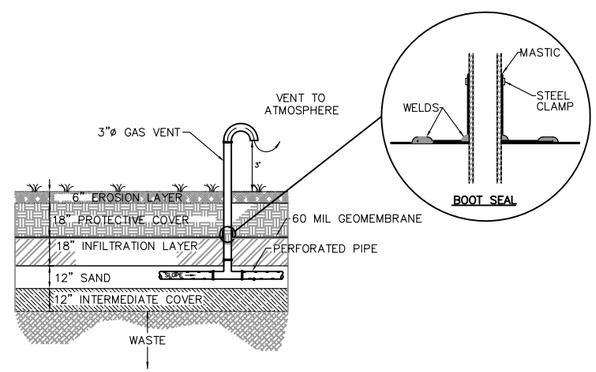


SIDE VIEW



LEACHATE COLLECTION PIPE DETAIL

NOT TO SCALE



LANDFILL COVER & GAS VENT DETAIL

NOT TO SCALE

NOTE:
THE USE OF A GCL AND OTHER GEOSYNTHETIC AND SOIL MATERIAL COMBINATIONS IS SUBJECT TO THE FINDINGS OF THE ENGINEERING AND GEOTECHNICAL ANALYSIS TO BE INCLUDED IN THE ENGINEERING REPORT

NO.	REVISION	BY	DATE

JAMES A. DAIGLER, P.E.
NYSPE NO. 061589

DAIGLER ENGINEERING P.C.
.....engineering..science..design.....

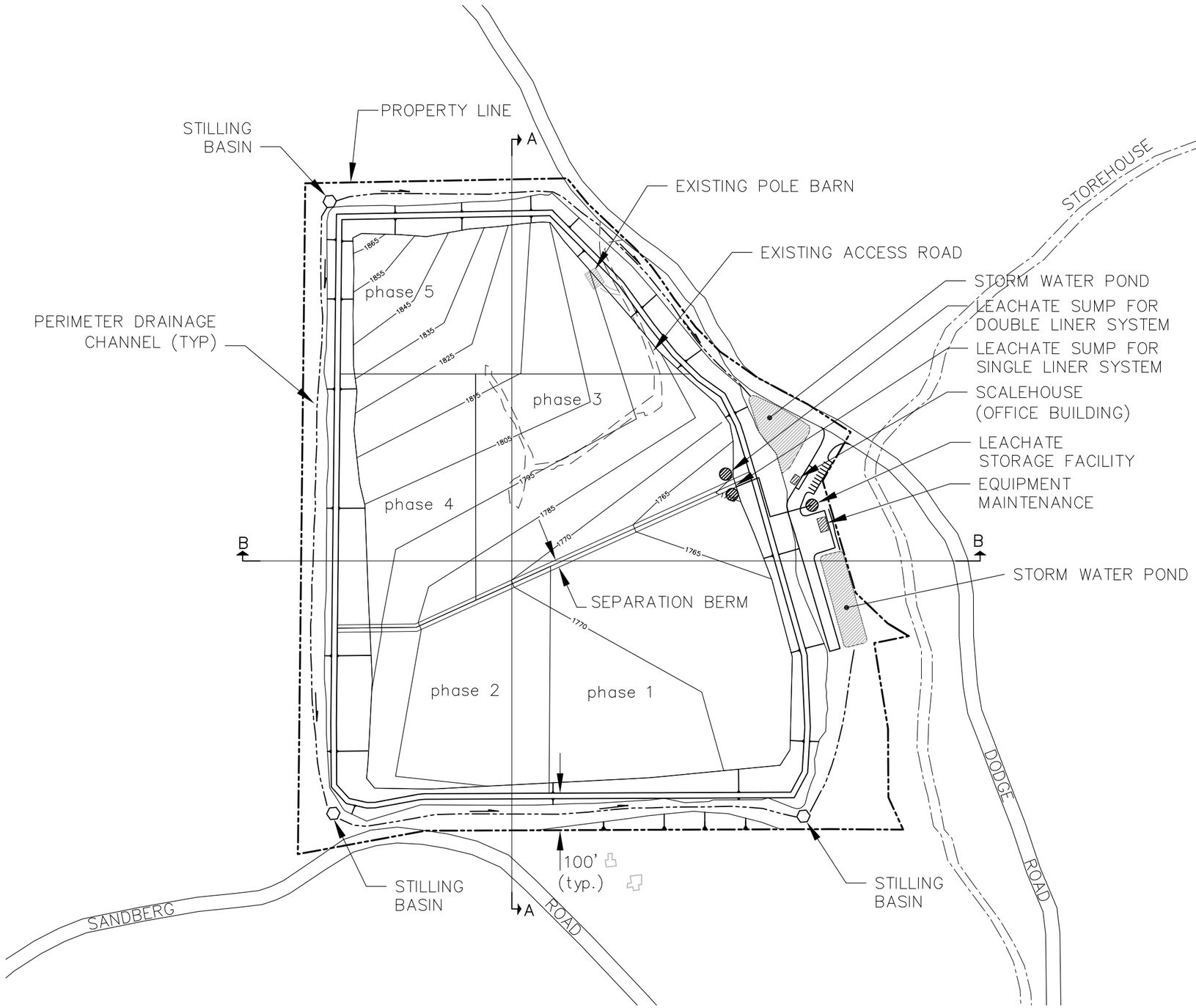
DATE: December 2010

SCALE: NOT TO SCALE

PREPARED FOR: SEALAND WASTE, L.L.C.			SINGLE LINER DETAILS CARROLL LANDFILL EXPANSION CONCEPT DRAWINGS
DES. BY:	DRW. BY:	CHK. BY:	
DWG: FIGURE 5 REVISED SINGLE LINER DETAILS.dwg	TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK

FIGURE 5

Q:\Sealand\02-0104 Carroll Landfill\01 Public Scoping Document\AutoCad\FIGURE 5 REVISED SINGLE LINER DETAILS.dwg 12/3/2010 9:07 AM



N

NOTES:

1. GROUND SURFACE CONTOURS FOR THE AREA BELOW THE PERIMETER BERM HAVE BEEN OBTAINED THROUGH A FIELD TOPOGRAPHIC SURVEY COMPLETED BY MICHAEL J. RODGERS LAND SURVEYOR, P.C. OF JAMESTOWN, NEW YORK. GROUND SURFACE CONTOURS SHOWN IN THE CENTRAL PORTION OF THE SITE ARE MODIFIED CONTOURS ORIGINATING FROM THE 1:24,000 USGS IVORY QUADRANGLE MAP, AND THEY ARE APPROXIMATE. EXACT ELEVATIONS MAY VARY.

2. PROPERTY BOUNDARY INFORMATION SHOWN ON THE DRAWING IS APPROXIMATE AND HAS BEEN OBTAINED INDIRECTLY FROM A BOUNDARY SURVEY COMPLETED BY MICHAEL J. RODGERS LAND SURVEYOR, P.C. OF JAMESTWON, NEW YORK.

3. THE EXISTING LANDFILL WASTE TO BE EXCAVATED AND PLACED IN THE LINED LANDFILL AREA.

4. BASELINER ELEVATIONS, CELL PHASING AND BERM GRADES ARE ILLUSTRATIVE ONLY. FINAL DESIGN WILL BE PREPARED BASED ON COMPLETED TOPOGRAPHIC SURVEY, FINDINGS OF THE HYDROGEOLOGIC INVESTIGATION AND OPERATIONS ANALYSIS.

5. SEE SECTION 4.5 OF THE SCOPING DOCUMENT FOR A DESCRIPTION OF THE LANDFILL DESIGN.

LEGEND:

1800 EXISTING GROUND CONTOUR

1815 PROPOSED LANDFILL CONTOUR FOR SINGLE GEOCOMPOSITE LINER SYSTEM

1815 PROPOSED LANDFILL CONTOUR FOR DOUBLE GEOCOMPOSITE LINER SYSTEM

PROPERTY BOUNDARY

TOP OF SLOPE
SLOPE LINE
BOTTOM OF SLOPE

NO.	REVISION	BY	DATE

JAMES A. DAIGLER, P.E.
NYSPE NO. 061689

DAIGLER ENGINEERING P.C.
.....engineering..science..design.....

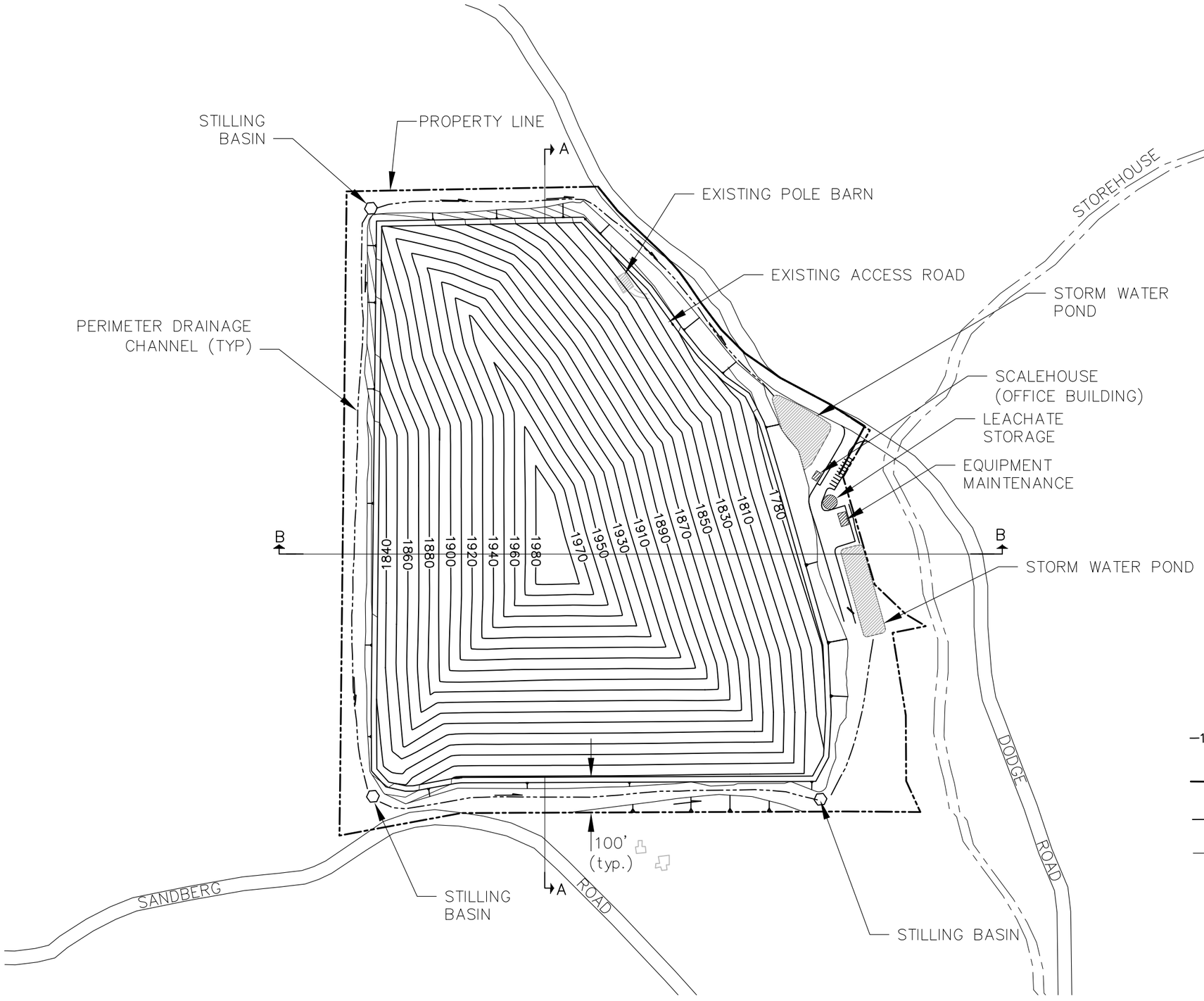
DATE: October 2010

SCALE: 1"=300'

PREPARED FOR: SEALAND WASTE, L.L.C.			CONCEPTUAL BASE GRADING PLAN CARROLL LANDFILL EXPANSION CONCEPT DRAWINGS
DES. BY:	DRW. BY:	CHK. BY:	
DWG: FIGURE 2 REVISED BASE GRADING.dwg	TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK

FIGURE 2

Q:\Sealand\02-0104 Carroll Landfill\01 Public Scoping Document\AutoCad\FIGURE 2 REVISED BASE GRADING.dwg 10/6/2010 9:50 AM



N

NOTES:

1. GROUND SURFACE CONTOURS FOR THE AREA BELOW THE PERIMETER BERM HAVE BEEN OBTAINED THROUGH A FIELD TOPOGRAPHIC SURVEY COMPLETED BY MICHAEL J. RODGERS LAND SURVEYOR, P.C. OF JAMESTOWN, NEW YORK. GROUND SURFACE CONTOURS SHOWN IN THE CENTRAL PORTION OF THE SITE ARE MODIFIED CONTOURS ORIGINATING FROM THE 1:24,000 USGS IVORY QUADRANGLE MAP, AND THEY ARE APPROXIMATE. EXACT ELEVATIONS MAY VARY.

2. PROPERTY BOUNDARY INFORMATION SHOWN ON THE DRAWING IS APPROXIMATE AND HAS BEEN OBTAINED INDIRECTLY FROM A BOUNDARY SURVEY COMPLETED BY MICHAEL J. RODGERS LAND SURVEYOR, P.C. OF JAMESTWON, NEW YORK.

3. THE EXISTING LANDFILL WASTE TO BE EXCAVATED AND PLACED IN THE LINED LANDFILL AREA.

4. FINAL COVER AND BERM GRADES ARE ILLUSTRATIVE ONLY. FINAL DESIGN GRADING WILL BE PREPARED BASED ON COMPLETED TOPOGRAPHIC SURVEY AND FINDINGS OF THE ENGINEERING INVESTIGATION.

LEGEND:

EXISTING GROUND CONTOUR

–1870– PROPOSED FINAL CONTOUR

PROPERTY BOUNDARY

TOP OF SLOPE
SLOPE LINE
BOTTOM OF SLOPE

Q:\Sealand\02-0104 Carroll Landfill\01 Public Scoping Document\AutoCad\FIGURE 3 REVISED FINAL GRADING.dwg 10/1/2010 11:41 AM

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JAMES A. DAIGLER, P.E.
NYSPE NO. 061689

DAIGLER ENGINEERING P.C.
.....engineering..science..design.....

DATE: October 2010

SCALE: 1"=300'

PREPARED FOR: SEALAND WASTE, L.L.C.			CONCEPTUAL FINAL GRADING PLAN CARROLL LANDFILL EXPANSION CONCEPT DRAWINGS
DES. BY:	DRW. BY:	CHK. BY:	
DWG: FIGURE 3 REVISED FINAL GRADING.dwg			
TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK	

FIGURE 3