

Typically Asked Questions

Development Authority of the North Country Solid Waste Management Facility Proposed Southern Expansion

The purpose of this “typically asked questions” document is to address questions of common concern associated with the environmental review and permit process for landfill expansion projects. Information is presented in response to typical questions that may arise in the environmental review and permit process associated with the proposed Southern Expansion project at the Solid Waste Management Facility (“SWMF”) operated by the Development Authority of the North Country (“Development Authority” or “Authority”) in Rodman, New York. This document will be updated periodically and posted to the Authority’s website (www.danc.org) as additional questions arise during the environmental review and permit process.

The Development Authority is a New York State public agency that serves the common interests of Jefferson, Lewis and St. Lawrence Counties by providing technical services and infrastructure, which enhance economic opportunities in the region and promote the health and well being of its communities. The Development Authority is committed to environmental stewardship, fiscal integrity and partnerships. To achieve these objectives, the Development Authority works with its municipal partners through shared service solutions using advanced technology and fostering municipal cooperation to achieve cost-effective services for the region.

A. Questions concerning the proposed Southern Expansion project:

1. What is the proposed Southern Expansion project?

The Authority proposes to expand its existing landfill by permitting, building, and operating an approximately 146-acre expansion located on contiguous property directly south of its landfill disposal area in the Town of Rodman in Jefferson County (see Figure TAQ-1). In addition, pending the outcome of ongoing discussions regarding the specifics of a land use agreement, the project may include approximately 20 acres of potential borrow area located immediately adjacent to the southeast corner of the Authority’s property on reforestation lands owned by Jefferson County.

The proposed Southern Expansion project will be built in phases. New landfill liner cells will be built over the next fifty (50) to sixty (60) years as additional disposal capacity is needed. A total of eight (8) new landfill liner cells are planned. The first cell will likely be built in 2021, that is, before the disposal capacity in the existing landfill is expected to be completely filled. This approach will allow for the use of the existing landfill as a backup disposal area after operations begin in the landfill expansion area.

2. *Why is the Southern Expansion project needed?*

The Authority's existing landfill provides a reliable, environmentally sound disposal service for the residents, businesses and institutions of four Counties – Jefferson, Lewis, St. Lawrence and Hamilton. The available disposal capacity in the existing landfill is limited, and at current landfill usage rates is expected to be filled to capacity during the year 2023 if an expansion of the landfill is not implemented.

The proposed Southern Expansion will extend the life of the existing landfill to benefit the residents, businesses and institutions located in Jefferson, Lewis, St. Lawrence and Hamilton Counties, including the growing Fort Drum military installation. This expansion will secure uninterrupted, long-term disposal capacity that is locally controlled, environmentally sound, and cost efficient; a critical resource for the economic stability and security in the region.

B. Questions concerning the environmental review and permitting process:

1. *What are the main steps in the environmental review and permitting process?*

There are three main steps in the environmental review and permitting process for the proposed landfill expansion: (i) federal wetlands permitting, (ii) the State Environmental Quality Review Act ("SEQRA") process, and (iii) New York State Department of Environmental Conservation ("NYSDEC") permitting. A brief introduction to these steps is provided below.

- Federal Wetlands Permitting -- The United States Army Corps of Engineers ("USACE") is currently undertaking an environmental review of the proposed expansion project, with a focus on federal wetlands and water resources, in response to the Authority's application for a federal wetlands permit. The Authority must obtain a federal wetlands permit before it can obtain a construction permit from the NYSDEC for the proposed landfill expansion. The USACE published a public notice for the project on October 11, 2011; the associated public comment period expires on November 10, 2011. The public notice can be viewed at <http://www.lrb.usace.army.mil/regulatory/notices.htm>.
- SEQRA – The SEQRA process involves an evaluation of the known or potential environmental consequences of a project. If significant adverse environmental impacts from the proposed landfill expansion are identified, they will be examined in an Environmental Impact Statement ("EIS"). Completion of – and compliance with – the SEQRA review process must occur before the Authority can obtain a construction permit for the proposed landfill expansion from the NYSDEC. More information with regard to the SEQRA process is provided below.

- NYSDEC Permitting – The NYSDEC has primary responsibility at the state level for environmental oversight and regulation of solid waste management facilities. The NYSDEC enforces a stringent set of solid waste regulations (found at 6 NYCRR Part 360; see <http://www.dec.ny.gov/regs/2491.html>), which include requirements that must be satisfied before it can issue a permit (known as a Part 360 permit) to the Authority for the construction and operation of the proposed landfill expansion project. The permit application materials for a Part 360 permit include an extensive set of engineering reports and drawings. The Authority will make drafts of these permit application materials available to the public and the NYSDEC during the SEQRA process.

2. What is SEQRA?

The State Environmental Quality Review Act is set forth in Article 8 of the New York State Environmental Conservation Law. The Act's implementing regulations can be found at 6 NYCRR (Codes, Rules and Regulations of the State of New York) Part 617. SEQRA establishes a process for the consideration of environmental factors in the planning stages of discretionary actions that are directly undertaken, funded or approved by local, regional and state agencies. These agencies include districts, special boards and public authorities. SEQRA requires the approving or sponsoring entity to identify and mitigate the significant adverse environmental impacts of the activity it is proposing, funding or permitting.

3. What steps in the SEQRA environmental review process will apply to the proposed landfill expansion?

The SEQRA process involves a number of steps that must be completed before the Authority can proceed with the proposed landfill expansion. The outline below describes these steps.

- The magnitude of the landfill expansion project requires coordination of the SEQRA process among the various agencies having approval authority over the project. These agencies are known as "involved" agencies under SEQRA. Coordination of the environmental review among the involved agencies requires one of the agencies to act as Lead Agency. The Development Authority declared its intent to be the SEQRA Lead Agency and completed Part 1 of two (2) Environmental Assessment Forms ("EAF"), one for on-site activities and one for off-site activities, which provide preliminary information on the proposed project. These EAFs are available for public review at www.danc.org. This statement of intent was sent by the Authority to the other involved agencies with a copy of Part 1 of the EAFs and a request for their consent to the Development Authority's serving as the Lead Agency for the proposed expansion project. By regulation, the other involved agencies were provided thirty (30) days to respond to the lead agency request. The SEQRA Lead Agency is responsible for making a

determination of significance relative to the environmental impacts of the proposed project, and for issuing a positive declaration and requiring the preparation and filing of an EIS if one or more significant adverse impacts on the environment are identified.

- The Development Authority's role as the SEQRA Lead Agency has been established. The Authority's Board of Directors reviewed Parts 2 and 3 of the EAFs and made a determination of significance. Since a potential for one or more significant adverse impacts to the environment were identified in the EAFs for the Southern Expansion project, the Board will issue a positive declaration and a Draft Scoping Document ("DSD") for public review during their Board Meeting on November 2, 2011. The positive declaration indicates the Lead Agency's intent to prepare an EIS; the DSD will define the initial scope of the EIS. The EIS will be prepared to ensure a thorough review of any significant adverse environmental impacts that may be associated with the proposed project. The public and the involved agencies, as well as other agencies expected to have an interest in the project ("interested agencies"), will be provided the opportunity to submit comments during the EIS review process. In addition, the Development Authority will issue public notices regarding the availability of all SEQRA documents online (see www.danc.org) and the time and place for the public scoping meeting. Details regarding the scoping meeting and the public review and comment period are included on the Notice of Public Scoping Meeting, located at www.danc.org.
- Following the public scoping meeting, revisions to the DSD will be made based upon the Development Authority's review and consideration of public comments received on the DSD. Those revisions will be incorporated into a Final Scoping Document ("FSD"), which will serve as the blueprint for preparation of a Draft EIS for the proposed Southern Expansion project. The Development Authority's Board of Directors will be asked to accept the FSD. After its acceptance, the FSD will be posted on the Authority's website for public review and information.
- After the FSD is published, environmental investigations and analyses will be undertaken – as delineated in the FSD - to gather information needed for inclusion in the Draft EIS. It could take a year or more before a Draft EIS is ready for submittal to the Development Authority's Board of Directors for review and consideration for public issuance. If accepted for public issuance, the Draft EIS for the proposed landfill expansion will be posted on the Authority's website and made available for public review and comment.
- A public hearing will be held to receive comments on the Draft EIS. Written comments on the Draft EIS will also be accepted during a public comment period that will be at least 30 days long.

- The Authority will prepare written responses to substantive comments received on the Draft EIS, and revisions to the Draft EIS may be prepared based on the public comments received. These written responses will be presented in a Final EIS, along with any revisions that are made to the Draft EIS. The Final EIS will be presented to the Development Authority's Board of Directors for review and consideration for public issuance. As with all other SEQRA documents related to the proposed landfill expansion project, the Final EIS will be posted on the Authority's website (www.danc.org) for public review.
- Following acceptance of the Final EIS, a Statement of Findings will be prepared for review and considered for adoption by the Development Authority's Board of Directors. A Statement of Findings is a written summary that considers the relevant environmental impacts presented in the EIS, weighs and balances them with social, economic and other essential considerations, and provides a rationale for the Authority's decision while certifying that the applicable requirements of SEQRA have been met. Adoption of the Statement of Findings is the last step in SEQRA's EIS review process. Following the presumed adoption of the SEQRA Statement of Findings, the environmental review process for the proposed Southern Expansion project will be completed, and the focus of activity will shift to the permit application and review process that will be administered principally by the NYSDEC.

4. *At what points in the SEQRA process will public comment be accepted?*

During the SEQRA process, public comments will be accepted in oral or written form during the public scoping process for the Draft EIS, and following the release of the Draft EIS. These public comment periods will be for specified durations, which will be announced at the appropriate stages of the SEQRA environmental review process. Comments provided during a formal comment period and issued in association with the release of the documents mentioned above, need to include the name and contact information for the commenter; no anonymous comments will be reviewed or answered.

In addition to the formal comment periods (detailed above), the Development Authority encourages the public to informally comment and ask questions throughout the entire review process. The Development Authority seeks to keep the public informed and involved throughout the environmental review and permitting process of the proposed Southern Expansion. Project documents and resources will frequently be uploaded to www.danc.org for public review. Comments and questions may be submitted to the Development Authority in writing at Dulles State Office Building, 317 Washington Street, Watertown, New York 13601 or by email at INFO@DANC.ORG.

5. *Once the SEQRA process is completed, will there be any more opportunities for public review and comment?*

Yes. In addition to public comment opportunities that will be provided during the SEQRA review process, once permit applications have been submitted to the New York State Department of Environmental Conservation for the proposed landfill expansion project, the NYSDEC will solicit public comments as part of its permit review process. The timing and duration of those public comment opportunities will be determined by the NYSDEC.

6. *Does what I have to say in support or opposition of the proposed landfill expansion project really make a difference?*

Yes. All comments and concerns made during the public comment period during the scoping process for the Draft EIS will be reviewed and taken into consideration during preparation of the Final Scoping Document. Also, frequently asked questions and concerns will be addressed in this “Typically Asked Questions” document, which will be updated periodically to provide the public with a better understanding of the proposed project and the environmental review process that is underway. All substantive comments submitted during the Draft EIS public comment period will be specifically addressed in the Final EIS for the proposed landfill expansion. Public comments and concerns help ensure that no significant adverse environmental impacts are missed during the review process and that all potential impacts are minimized and/or mitigated appropriately.

7. *What important documents are going to be generated as part of the SEQRA review process?*

The key documents that will be prepared during the SEQRA review process are listed below. These documents will be posted to the Development Authority’s website at www.danc.org after the Board of Directors has authorized their release. These SEQRA documents are listed in the order in which they will be made public.

- Draft Scoping Document
- Final Scoping Document
- Draft Environmental Impact Statement
- Final Environmental Impact Statement
- SEQRA Statement of Findings

8. *At what point will the environmental questions be answered?*

The Draft EIS will describe the results of all environmental investigations performed and the conclusions of all environmental reports prepared as part of the proposed landfill expansion project. This Draft EIS will explain the existing conditions of all environmental resources at the landfill site, the proposed changes, and the potential impacts to the environment that may take place. All appropriate measures will be implemented to ensure that significant adverse environmental impacts are minimized and/or mitigated to the greatest practicable extent. The Final EIS will include written

responses to all substantive comments that are received during the public comment period for the Draft EIS.

9. How long will the SEQRA review process take?

The SEQRA process began in the fall of 2011. Based on the timeframes required for preparation of the various SEQRA documents and for public comment opportunities at key points during the process, it is estimated to extend over a two to three year period.

10. Once the SEQRA review process is completed, how will the federal wetlands and NYSDEC permitting process proceed and what permits are required?

In addition to reviewing potential environmental impacts through the SEQRA process, prior to commencing construction of the proposed landfill expansion, the Development Authority must obtain permits from regulatory agencies such as the NYSDEC and the USACE. A Section 404 individual permit will be required from the USACE for impacts to presumed federally regulated wetlands. A Joint Permit Application has been prepared and submitted to the USACE to initiate this individual permit process. Reviews and approvals that are anticipated to be required from the NYSDEC for the proposed project include:

- Permit to Construct and Operate a solid waste management facility issued pursuant to 6 NYCRR Part 360;
- Temporary Revocable Permit (TRP) for the Use of State Lands to complete proposed off-site wetland and stream mitigation activities;
- Freshwater Wetlands Permit to complete wetland restoration work within the 100-foot regulated buffer of NYSDEC-regulated wetland E-1 (to be acquired through Ducks Unlimited's General Permit for Article 24/15 actions) pursuant to Article 24 of the New York Environmental Conservation Law;
- Update of the Authority's existing Stormwater Pollution Prevention Plan (SWPPP) for compliance with the existing landfill's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Industrial Activities (GP-0-06-002);
- Air emission permit for landfill gas emissions that will include controls required pursuant to the federal regulations found at Subpart WWW of 40 CFR (Code of Federal Regulations) Part 60; and
- Section 401 Water Quality Certification.

Both the USACE and the NYSDEC will provide additional opportunities for public review and comment during their permit application review processes.

C. Questions concerning protection of groundwater resources:

1. What environmental safeguards will be included in the proposed landfill expansion to protect local groundwater resources?

The Development Authority's current landfill incorporates numerous measures to help protect the environment. These environmental safeguards will continue to be in place and will also be included in the proposed landfill expansion. A primary focus of these environmental safeguards is the protection of groundwater that is ensured through a combination of several features: locating the proposed landfill expansion in an area underlain by clay, construction of a double composite liner system, a network of groundwater monitoring wells surrounding the lined waste disposal area, and monitoring activities that track the effectiveness of the liner system.

The landfill expansion is proposed to be located in an area where the soils have a high clay content, which will restrict the quick movement into the groundwater of any water that might contain contaminants. The clays will provide a natural protective barrier for nearby off-site groundwater resources. In the unlikely event leachate resulting from the natural movement of storm water through the landfill waste were ever to leak through the double landfill liners, the extremely slow movement of water through the clayey soils will provide ample time for corrective actions to be taken to contain and remediate any leachate outbreaks on-site.

The liner system design, construction certification, and environmental monitoring activities during operation will ensure that off-site groundwater resources are not adversely impacted. The double composite liner system provides the first two lines of defense, the groundwater suppression/drainage system underneath the liner provides a third line of defense, and a network of groundwater monitoring wells around the perimeter of the lined disposal area provides another means of determining if the liner system is performing as intended. These key groundwater protection measures are described further in the following paragraphs.

Municipal solid waste will be deposited on top of a double composite liner system at the landfill. The top portion of the liner system (i.e. the primary liner system) will be designed to collect leachate (i.e., water that comes into contact with solid waste) and to pipe the leachate to an on-site storage tank. The bottom portion of the liner system (i.e. the secondary liner system) collects any leachate that passes through the primary liner system. The amount of leachate collected from the secondary system is monitored daily to measure the performance of the primary liner system. With the primary liner system functioning as designed, minimal amounts of leachate flow to the secondary collection system. In the event that such daily monitoring activities identify concerns regarding the primary liner system's performance, a series of steps would be initiated to investigate and to take appropriate corrective action. The nature of any such corrective actions would depend on the specific circumstances, but could include, for example,

repairing an exposed portion of the liner system where surface water has been found to infiltrate the secondary leachate collection system.

Underneath the bottom portion of the liner system is a groundwater suppression/drainage layer from which groundwater is either pumped or gravity drained. In the event that the daily monitoring of the volume of leachate collected in the bottom portion of the liner system is above specified trigger levels, the groundwater from this drainage layer will be tested to determine if it has been contaminated with leachate. If it is, then any groundwater would be collected and conveyed to the on-site leachate storage tank. Presently, all leachate is hauled to the City of Watertown's Publicly Owned Treatment Works and treated as required by the NYSDEC. Groundwater collection and treatment would continue until appropriate corrective actions have been taken to ensure that the double composite liner system is functioning as designed.

In addition to the monitoring that will occur in the liner system, the landfill cells in the expansion area will be surrounded with groundwater monitoring wells, which will be monitored quarterly to identify whether any contaminants have escaped the liner system and entered the groundwater. These monitoring wells will be tested more frequently in the event that potential problems are detected. The Authority's landfill monitoring program also includes the periodic testing of water quality in nearby residential wells.

Double composite liner systems have proven to be highly reliable and have been in use at the Development Authority's landfill site since it opened in 1992. A cross section of the Authority's double composite liner system can be viewed on its website at www.danc.org.

2. *Will groundwater contamination occur as a result of the proposed landfill expansion?*

Based on the numerous safeguards of the landfill's liner system, groundwater contamination is highly improbable. During the past 20 years of landfill operations at the site, groundwater contamination has never been identified; this level of protection is attributed to the safeguards that are put in place during design, construction, and operation and the natural characteristics of the site. The high clay content and other characteristics (i.e. low hydraulic conductivity) of the soils in the proposed expansion area will also further protect local groundwater resources, since they will function as a natural impediment to groundwater movement – thereby allowing time to remediate any problems on site before any off-site impacts can occur.

3. What happens if contamination does occur to nearby residential drinking water wells?

If landfill-related contamination were to affect a residential drinking water supply well, the Authority would provide the affected residences with a backup drinking water supply to protect the safety and health of these residents. The Authority would provide affected properties with a new source of water, either by construction of a new well in an uncontaminated area or by bringing in another source of water. If these corrective actions are not satisfactory, the Authority would work with the affected residents to arrive at a mutually agreeable solution. It should be understood, however, that such contamination events are not likely to occur given the multiple and highly engineered safeguards and natural characteristics associated with the existing landfill site and development of the Southern Expansion. No groundwater contamination incidents have occurred over the past 20 years of operation of the existing landfill.

D. Questions concerning waste volumes, noise and odors:

1. Will waste volumes increase?

The Authority has no plans to request from NYSDEC an increase in the amount of waste that is allowed to be disposed of in its landfill each year. The proposed landfill expansion will be designed to provide for the environmentally sound disposal of all solid waste generated in the Authority's four-county service area, including waste from the growing Fort Drum military installation, which requires landfill disposal.

In fact, the Authority is working with its county and municipal partners to implement waste reduction alternatives and recycling measures that will strive to reduce the amount of waste requiring landfill disposal in future years. Waste disposal is not the Development Authority's sole focus; the Authority continues to implement and improve waste diversion and reduction activities at its SWMF, including entering into a regional waste diversion program. In 2010, the Development Authority introduced a public education campaign effort to focus on regional recycling improvements and benefits. Additional information about the Development Authority's recycling efforts can be found at the following websites: www.danc.org/operations/solid-waste-management/regional-recycling and www.NorthCountryRecycles.org.

2. Will noise or odors increase?

The Draft EIS will include an analysis of potential odor and noise impacts. It is anticipated, however, that most individuals in the vicinity of the landfill will find that landfill-related odor and noise levels will decrease during operation of the proposed southern expansion because the primary source of potential odors and noise (the active landfill disposal area) will be located a greater distance from Route 177. Additional information regarding these issues will be provided during the SEQRA environmental review process.