

STATE ENVIRONMENTAL QUALITY REVIEW
POSITIVE DECLARATION
NOTICE OF DETERMINATION OF SIGNIFICANCE and
INTENT TO PREPARE A DRAFT EIS
DEC APPLICATION NUMBER 9-1462-00001/00006

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

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 Supplemental Environmental Impact Statement will be prepared after scoping.

TITLE OF ACTION:

Waste Management of New York, L.L.C. (Waste Management)
Southern Expansion of Chaffee Landfill
Town of Sardinia, Erie County

PERMIT JURISDICTION:

NYS Department of Environmental Conservation jurisdiction includes permits required by Environmental Conservation Law Article 27, Title 7 (Solid Waste Management) and Article 19 (Air Pollution Control). Town of Sardinia jurisdiction includes a special use permit and rezoning.

SEQR STATUS: Type I Action

Applicable Threshold: The physical disturbance and alteration of more than 10 acres of land (approximately 50 acres) for a purpose other than constructing residential structures.

DESCRIPTION OF ACTION:

The proposed action includes a 20-acre lateral expansion to the south of the existing landfill, 10 acres of valley fill between the proposed new cell area and the closed landfill, and a vertical expansion over the currently permitted Western and Valley Fill Expansion areas. The vertical expansion would cover approximately 24 acres and increase the height of the permitted landfill by 30 feet. The waste acceptance rate would remain the same, 180,000 tons per quarter. The landfill life would be extended approximately seven years. As part of the action, a new 11.9-acre soil borrow area is proposed to be located north of Hand Road, across Hand Road from the existing landfill on Waste Management owned property and a new 8.9-acre clay borrow area is proposed south of the expansion area, just north of Allen Road, also on Waste Management owned property.

LOCATION:

The project is located to the west of the intersection of Hand Road and NYS Route 16 in the Town of Sardinia, Erie County on land owned by Waste Management, part of which is presently operated as a landfill.

REASONS SUPPORTING THIS DETERMINATION:

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

1. The lateral expansion of the landfill will require excavation of surface and subsurface soils for on-site construction and to obtain liner and cover materials, which may result in significant impacts on land in the area. The proposed mining areas may also result in potentially significant impacts on land.
2. The overlap of the new landfill area over the existing landfill will create additional weight on top of existing landfill cells, potentially causing uneven settlement and problems with the liner and drainage systems.
3. The landfill expansion has the potential to cause increased runoff and erosion. There may be adverse water quality impacts to waters and wetlands associated with the proposed landfill construction and operation. The hydrogeological impacts must be evaluated, and potential mitigation of adverse impacts considered. Avoidance and mitigation measures to reduce impacts to water resources and wetlands will be evaluated.
4. Potential significant impacts to air quality could result from increased landfill gas production and fugitive dust emissions. Mitigative measures must be thoroughly evaluated and may be able to reduce those potential impacts.
5. The additional landfill and mining areas may create potentially significant noise and odor impacts from construction and operation. These impacts must be adequately considered.
6. There are potentially significant impacts to wildlife habitat resulting from the lateral expansion and mitigation measures must be reasonably evaluated.
7. Impacts on visual resources may be significant and possible mitigation measures must be evaluated. In addition, any potential impacts on historical/archaeological impacts must be thoroughly investigated and evaluated.
8. The landfill expansion will extend the period of time roads are subjected to truck traffic. Also, the proposed borrow area on the north side of Hand Road will generate traffic beyond that related to landfill operation. These are potentially significant impacts that require appropriate evaluation.
9. Impacts to local community services such as fire protection, public water supply and wastewater treatment (i.e. leachate), are significant potential environmental impacts that need to be analyzed.
10. Potentially significant safety and health effects could result from landfill gas migration caused by the greater horizontal extent of the landfill which may bring the decomposing waste closer to property boundaries and off-site receptors. This must be carefully considered.

11. The impact upon the agricultural district must be fully evaluated and mitigation measures analyzed.

The Department of Environmental Conservation, therefore, concludes that the project may have a significant effect on the natural 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 Supplemental Environmental Impact Statement will be prepared. In reaching this decision, the Department carefully considered the "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

FOR FURTHER INFORMATION:

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Date: 1/8/2020 
Lisa M. Czechowicz
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cc: Environmental Permits (SEQR File)
Environmental Notice Bulletin
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The Honorable Beverly Gambino, Town of Sardinia
Ms. Jennifer Bray, Town of Sardinia Town Clerk
The Honorable Mark Poloncarz, Erie County Executive
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