

Negative Declaration
Notice of Determination of Non-Significance

DEC ID# 9-2999-00022/00001

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 will not have a significant effect on the environment.

Title of Action: Niagara BioEnergy Land Application Sites
Towns of Cambria, Lewiston, Pendleton, Wheatfield and Wilson
Niagara County

Permit Jurisdiction: Article 27, Title 7 of the Environmental Conservation Law
6 NYCRR Part 360 - Solid Waste Management Permit

SEQR Status: Type 1 Action. Applicable threshold: A project or action that involves the physical alteration of 10 acres for a purpose other than the construction of residential facilities.

Description of Action: The Niagara Bioenergy Land Application sites, located on various farm fields owned by the Milleville Brothers Farm in Niagara County, are proposed to be used by Sustainable Bioelectric LLC for land application of digestate (effluent) from their anaerobic digestion facilities located in the Towns of Wheatfield and West Seneca. The anaerobic digestion facilities accept manure, food waste, fats, oils, greases, sludge from wastewater treatment plants, energy crops, glycerin, stillage and other by-products from the production of ethanol and bio-diesel. Solid and liquid biomasses are ground/combined and macerated and then sent through an anaerobic digestion process which takes up to 30 days and generates biogas which is converted to electricity for sale and use on site and an effluent which can be land applied as a soil amendment.

Location: The facility is located on multiple farm fields owned by Milleville Brothers Farms in the Towns of Cambria, Lewiston, Pendleton, Wheatfield and Wilson.

Reasons Supporting this Determination:

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

Land – The total acreage of the project among the various sites is approximately 615 acres. All of the fields are owned by Milleville Brothers Farm and are used for agricultural purposes. No adverse impacts to the land are anticipated as a result of this project because no new construction is planned, the sites are relatively flat with slopes less than 10% and no unique or unusual land forms are found on the sites. Further, the material that is proposed to be land applied will be treated to meet pathogen and vector attraction reduction requirements according to 6 NYCRR Part 360 regulations. Although the sites are located within Niagara County Agricultural Districts 6, 7, and 8, the digested material is intended to be used as a soil amendment and will be applied at agronomic rates so that excess nutrients are not applied to the fields.

Surface Water/Ground Water – No adverse impacts to surface or ground water are anticipated as a result of this project. There is a NYS regulated wetland on one of the fields in the Town of Pendleton, however the wetland area will be avoided during land application due to the minimum horizontal separation distance requirements in the Part 360 Solid Waste Management Facility regulations. There are no regulated streams on the land application sites however any surface waters on the proposed sites will be avoided because the minimum horizontal separation distance requirements in the Part 360 Solid Waste Management Facility regulations apply to surface waters as well as state wetlands. Some of the land application sites are located in floodplain areas, however floodplain impacts will be minimized due to the surface water setbacks required by regulation and the fact that the material will either be directly injected into the soil or incorporated within 24 hours of application. There is no new construction or land disturbance associated with this project, therefore sediment and erosion concerns are minimal and can be addressed through incorporation of the effluent into the soil after application.

Air – There are no air emissions sources proposed as part of this project, therefore no significant, adverse impacts to air quality are anticipated as a result of this proposal.

Plants & Animals – Based upon a review of the Department's Natural Heritage Program maps, no threatened or endangered species or significant or unique habitat were identified on the land application sites. Also, the sites are already developed for agricultural use, therefore no significant, adverse impacts to plant or animal resources are anticipated.

Historic & Archeological Resources – No historic or archeological resources have been identified on the project sites. Some of the land application sites are located in archeologically sensitive areas but none are listed on the State or National Register of Historic Places. The sites are already developed for agricultural use and the land application of the digested material does not involve deep excavation; therefore no significant, adverse impacts to historic or archeological resources have been identified.

Aesthetics & Noise – There are no Scenic Areas of Statewide Importance or Scenic Byways in the vicinity of the proposed land application sites. The sites are already developed for agricultural use and the surrounding area is rural residential in character. Land application operations at these sites will be consistent with existing noise levels of agricultural operations in the surrounding area. Therefore, no significant, adverse impacts to aesthetic resources or noise levels are expected as a result of this project.

Odor and Dust – The effluent from the digester is expected to have minimal odor because the waste will have been stabilized and the volatile portion will have been converted to biogas during the anaerobic digestion process. In addition, the effluent will either be directly injected into the soil or incorporated within 24 hours of application which will minimize odors and dust. With these practices in place, no significant, adverse impacts related to odor and dust are anticipated.

Transportation – The various farm fields that will be receiving effluent for land application are accessible from several main transportation routes in Niagara County which can handle the traffic levels associated with this proposal. The effluent will be applied on an annual basis so while there may be noticeable traffic when land application is occurring, there will not be regular, daily traffic associated with this project. Therefore no significant, adverse traffic impacts are anticipated.

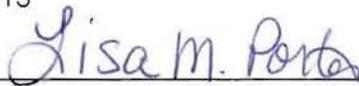
Local Land Use – As stated above, the sites identified to receive effluent for land application are already developed for agricultural use and are surrounded by rural residential properties. The proposed land application sites are currently working farms and the proposed use is not prohibited in the involved municipalities. Therefore the proposed project is consistent with existing land uses and will not impact community or neighborhood character.

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

FOR FURTHER INFORMATION:

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Date: June 14, 2013



Deputy Regional Permit Administrator

cc: Environmental Notice Bulletin
Hon. Wright H. Ellis, Supervisor, Town of Cambria
Hon. Steven L. Reiter, Supervisor, Town of Lewiston
Hon. James Reister, Supervisor, Town of Pendleton
Hon. Robert B. Cliffe, Supervisor, Town of Wheatfield
Hon. Joseph A. Jastrzemski, Supervisor, Town of Wilson

ecc: Mr. Mark Hans, NYSDEC, Division of Materials Management, Attn: Ms. Efrat Forgette
Mr. Bruce Bailey, Quasar Energy Group