

Negative Declaration  
Notice of Determination of Non-Significance

DEC ID# 9-1454-00080/00001

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: Trav-Co Farms Storage Facility  
Town of Marilla, Erie County

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

SEQR Status: Unlisted Action

Description of Action: The Trav-Co storage tank at the Stanley Travis farm will be used for storage of effluent from the Buffalo BioEnergy and Niagara BioEnergy anaerobic digestion facilities. The effluent is generated by the anaerobic digestion of wastes that include manure, biosolids from waste water treatment plants, food waste, fats, oil and greases, energy crops, glycerin, stillage and other by-products from the production of ethanol and bio-diesel. Due to weather and the seasonal nature of this geographic area, land application of the effluent is not always feasible. In these instances, the digestate (effluent from the digesters) will be trucked to this tank for storage. The storage tank was constructed 10 years ago for use by Trav-Co Farms and has a capacity of 1 million gallons.

Location: The facility is located at 2095 Eastwood Road, in the Town of Marilla. There is currently a farm operating on site.

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 site is approximately 5 acres. The project area will occupy approximately 2 acres of the property. The site is relatively flat with slopes less than 10% and no unique or unusual land forms are found on the site. No land will be cleared for project activities and no new construction is planned. Therefore, no adverse impacts to the land are anticipated as a result of this project.

Surface Water/Ground Water – No adverse impacts to surface or ground water are anticipated as a result of this project. There are no regulated wetlands or streams on the project site and the project is not located in a floodplain. The depth to ground water table is 2 feet. Solid waste will be deposited in a way that will be prevented from entering surface waters or ground water. The facility will be operated in a manner to prevent the migration of leachate into surface or ground waters. There is also a contingency plan in place should a spill occur.

Air – No air emission sources are 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 project site. 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 site. The project site is not located in an archeologically sensitive area and is not listed on the State or National Register of Historic Places. In addition, the site is already partially developed; therefore no significant, adverse impacts to historic or archeological resources have been identified.

Aesthetics & Noise – This site is already partially developed for farm/agricultural industrial use and the surrounding area is agricultural/rural in character. Operations at this facility will be consistent with existing noise levels in the surrounding area. A contingency plan will be implemented for this facility, which will respond to unexpected events that include: personal injury, explosions, fires and spills. Noise levels will be controlled to prevent transmission of sounds levels beyond property lines for residential purposes. Also, measures will be implemented to mitigate noise impacts that include: limiting operating activities to daytime hours and installing and properly maintaining mufflers of vehicles. All of these factors will reduce noise impacts therefore no significant, adverse impacts to aesthetic resources or noise levels are expected as a result of this project.

Odor and Dust – Appropriate odor and dust control practices will be put in place as described in the contingency plan that will be implemented for this facility. Odors are expected to be minimal because the waste has been stabilized through anaerobic digestion and the volatile portion has been converted to biogas. In addition, methane detectors will be present in the facility and will be set to alarm at 10% of the lower explosive limit. Also, all spills will be cleaned and flushed with water and sludge will be removed. Dust will be controlled so that it does not constitute a nuisance or hazard to health safety or property. With these practices in place, no significant, adverse impacts related to odor and dust are anticipated.

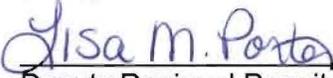
Transportation – The Trav-Co Farms Facility site is accessible from several main transportation routes in Erie County which can handle the traffic levels associated with this proposal. Also, there is sufficient room inside the site entrance to accommodate several tractor-trailers or collection vehicles to queue. It is anticipated that there will be between 3 and 4 inbound trips per day (approximately 250 days per year) as a result of the proposed project at the facility. The hours of operation will be Monday-Friday 8:00 am- 5:00 pm, therefore no significant, adverse traffic impacts are anticipated.

Local Land Use – As stated above, this site is already partially developed for agricultural use and is surrounded by rural/residential properties. The site is located in a rural, residential zoned district and the proposed use is not prohibited in the Town. 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: 6/7/13   
Deputy Regional Permit Administrator

cc: Mr. Mark Hans, NYSDEC Division of Materials Management; attn: Ms. Efrat Forgette  
Honorable George Gertz, Town of Marilla  
Mr. Bruce Bailey, Sustainable BioVolt LLC  
Stanley Travis, Trav-Co Farms