

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NOTICE OF ACCEPTANCE OF DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT
NOTICE OF COMPLETE APPLICATIONS
NOTICE OF PUBLIC HEARING**

Applicant: Waste Management of New York, LLC
800 Capital Street, Suite 3000, Houston, Texas 77002

Facility: Chaffee Landfill
10860 Olean Road, Chaffee, New York 14030

Project Description: The Department has received applications to modify the Part 360 Solid Waste Management Facility permit and to renew and modify the Title V Air permit for the proposed Southern Expansion at the Chaffee Landfill in the Town of Sardinia. Waste Management of New York (WMNY), LLC is proposing to construct 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 currently permitted areas. The vertical expansion would cover about 24 acres and increase the height of the permitted landfill by 30 feet. The proposed project also includes two new soil borrow areas, 11.9 acres to the north of the existing closed landfill and an 8.9-acre clay borrow area south of the proposed expansion area. The proposed modification will extend the site life by approximately 7 years and will add approximately 5.1 million cubic yards of disposal capacity. The proposed modification will not change the approved design capacity (waste acceptance rate) of this landfill. The Title V permit maintains the two federally enforceable emission limits of nitrogen oxide for the eight stationary internal combustion engines in the Renewable Energy Facility (REF). The REF controls air emissions from the landfill gas by combusting the gas after it has been filtered, dewatered, and compressed.

The proposed modification is subject to Section 7(2) of the Climate Leadership and Community Protection Act (CLCPA) and the Climate Risk and Resiliency Act (CRRRA). The Department requested and reviewed a CLCPA Analysis and a CRRRA Review.

In accordance with title 6 of the New York Codes, Rules, and Regulations (6 NYCRR) 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6 NYCRR Part 201.

Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the Title V draft permit, and all other materials available to the Department (the "permitting authority") that are relevant to this permitting decision should contact the Department representative listed below. The Draft Title V Permit and Permit Review Report may be viewed and printed from the Department website at:
https://www.dec.ny.gov/dardata/boss/afs/draft_atv.html.

State Environmental Quality Review Act (SEQR) Status: The New York State Department of Environmental Conservation (NYSDEC), as the lead agency, determined that the proposal is a Type I Action as determined by 6 NYCRR 617.4(b)(6)(i) and issued a positive declaration. The applicant prepared a Draft Supplemental Environmental Impact Statement (DSEIS), which is now available for public review and comment. As noted further below, written public comments

will be accepted on the DSEIS until October 14, 2022. Pursuant to 6 NYCRR 617.9(a)(4), DEC has made the determination to hold a public hearing, the details of which are provided below in the legislative public hearing section of this notice.

Notice of Complete Application of Permits Applied For: The following applications for the proposed expansion of Chaffee Landfill have been submitted by WMNY, LLC and determined to be complete by the NYSDEC:

- ECL Article 27, Title 7: Solid Waste Management Facilities, DEC No. 9-1462-00001/00006
- ECL Article 19: Air Title V Facility, DEC No. 9-1462-00001/00013

Draft Permits and NYS DEC's Tentative Position: The NYSDEC has prepared a draft Solid Waste Management permit and a draft Title V Air Facility permit for the proposed expansion of the Chaffee Landfill. The draft permits represent NYSDEC's tentative determinations, and do not signify staff's approval for, or endorsement of, the proposal.

Legislative Public Comment Hearing: A public comment hearing pursuant to 6 NYCRR Parts 617 and 621 to hear and receive unsworn comments from the public will be held on **September 28, 2022 at 6:30 p.m. The hearing will be conducted electronically through the Webex Events electronic webinar platform.** Instructions for participating in and attending the webinar are provided below. All persons, organizations, corporations, or government agencies who may be affected by the project are invited to attend the hearing and comment on the permit applications and Draft Supplemental Environmental Impact Statement (DSEIS) for Chaffee Landfill's proposed modification of its existing Solid Waste Management Facility permit issued pursuant to 6 NYCRR Parts 360 and 363 and its Title V Air Pollution Control permit issued pursuant to 6 NYCRR Parts 201, 208 and 212.

Lengthy comments should be submitted in writing. Equal weight will be given to oral and written statements. The Administrative Law Judge (ALJ) may limit the time available to each person for oral comments, depending on the number of people who wish to speak, to ensure that all persons have an opportunity to be heard. **Please be advised that speakers will be called in the order they register with publicly elected officials called first.**

Because the hearing is being conducted by electronic webinar, it is reasonably accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests **must be received by September 21, 2022** and directed to the NYSDEC Office of Communication Services, either by mail (address: NYSDEC, Office of Communication Services, 625 Broadway, Albany, New York 12233-4500), by telephone (518 402-8044) or by e-mail (language@dec.ny.gov).

Written Public Comment: Written comments on this project must be **postmarked by October 14, 2022** and mailed to Lisa Czechowicz, Deputy Regional Permit Administrator at NYSDEC, 700 Delaware Avenue, Buffalo, NY 14209 or emailed to Lisa Czechowicz at chaffeeexpansion@dec.ny.gov by 5 pm on October 14, 2022. Written statements will be considered equally with oral statements given at the legislative public comment hearing, provided they are postmarked by October 14, 2022 or emailed by 5:00 p.m. on that date.

Document Availability: The DSEIS, draft permits, permit applications and supporting documents are available for review at the following locations during normal business hours:

NYSDEC Buffalo Office
700 Delaware Avenue
Buffalo, New York 14209
Contact Person: Lisa Czechowicz
(716) 851-7165

Arcade Free Public Library
365 Main Street,
Arcade, New York 14009
(585)492-1297

Sardinia Town Hall
12321 Savage Road
Sardinia, New York 14134
(716)496-8900

The Draft DSEIS, draft permits and permit applications can also be accessed through the applicant's website at:

<https://chaffeelandfill.wm.com/permit-information/index.jsp> and
<https://www.dec.ny.gov/permits/126085.html>

State Historic Preservation Act (SHPA) Determination: Cultural resource lists and maps have been checked. The proposed activity is not in an area of identified archeological sensitivity and no known registered, eligible or inventoried archeological sites or historic structures were identified or documented for the project location. No further review in accordance with SHPA is required.

Coastal Zone Management: This project is not located in a Coastal Management Area and therefore is not subject to the Waterfront Revitalization and Coastal Resources Act.

Instructions for Attending the Legislative Public Comment Hearing:

To join the hearing through the internet, visit www.webex.com and click "Join a meeting."

Event Number: 2336 222 6339
Password: Sept28-6:30PM (73782807 from phones)

To join by phone only:

Dial: +1-518-549-0500
Access Code: 2336 222 6339

Persons wishing to comment on the applications and/or DSEIS will have the opportunity to make a statement at the public comment hearing webinar. **Any person wishing to provide a public statement must register in advance of the hearing no later than 3:00 p.m. on September 27, 2022.** Any person may listen to the hearing by phone without pre-registration.

To register electronically: Persons who will login to the hearing electronically must register. To register, visit <https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?RGID=r39df48ac629b054637667ee75c0bf589>, click “Register,” and fill in the requested information. You will be asked whether you wish to make a public statement. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

On the appropriate date and time of the hearing, participants should visit <https://www.webex.com>, click “Join a meeting” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants choose to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register by telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants must register to speak in advance by calling the Department at 518-402-9003 no later than 3:00 p.m. September 27, 2022. Please provide your first and last name, address, email address if any, and telephone number and reference the Chaffee Landfill public comment hearing.

On the day and time of the hearing, use the phone access phone number, (518) 549-0500, and the appropriate access code listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. The ALJ may limit the time available per person for oral comments, as necessary to afford all participants an opportunity to be heard. We also recommend that lengthy comments be summarized for oral presentation and submitted in writing as provided above. The hearing will be stenographically recorded for inclusion in the record.

Contact Person

Lisa M. Czechowicz
NYSDEC Division of Environmental Permits
700 Delaware Avenue
Buffalo, New York 14209
(716) 851-7165
chaffeeexpansion@dec.ny.gov