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January 20, 2012

Ontario County Board of Supervisors
20 Ontario Street
Canandaigua, New York 14424

Honorable Supervisors,

Please accept these comments concerning the Draft Environmental Impact Statement for the Ontario County Landfill Expansion. These comments address potentially significant adverse environmental impacts. An ancillary purpose of these comments and the DEIS is the identification of regulatory complications and possible remedies. Italicized text are DEIS quotes followed by our comments.

The Town of Seneca is an involved agency and requests the appropriate level of consideration.

1. **Increasing the ultimate height of the landfill;**
   …The ultimate height of the proposed expansion is 1025 MSL, which is approximately 28 feet higher than the existing permit maximum elevation as contemplated in the OML.
   …The project's overall impact on the visual character of the area is considered to be very low to moderate, depending on the distance of the view to the proposed landfill site.
   …Although there are intrusions to the vertical and overhead planes in the landscape within the expansion boundary, these intrusions will be minimal and mitigative measures to decrease the levels of intrusions will be employed as needed.
   …The visual setting and visibility viewshed analysis discusses the character of the surrounding landscape and assesses such topographic changes to the site with regard to local landscape aesthetics. No additional mitigation measures are required.
   …Closure of the site will be progressive as the landfill operation proceeds to completion…
   a. Page References; S-1, S-5, S-6, 13, 19, 43, 46, 47
   b. The Town of Seneca acknowledges the 28' height increase as indicated in the expansion engineering diagrams submitted with the OML.

c. The Town considers the impact on the visual character of the area to be moderate to high. The level of impact is relative to the length of residency and degradation of the viewshed from pre-landfill to ultimate expansion height. The 'delta' to be considered should be from pre-landfill viewshed to expansion completion not merely current viewshed to expansion completion. "Transplanted" residents who knowingly moved into the degraded viewshed will experience less impact than members of long-standing families of several generations. The constituency is heavily weighted toward long-standing families.
d. Computer modeling estimates the additional height will result in a 5%, increased exposure during periods of little to no vegetation screening. The modeling does not realistically accommodate the pile's enhanced prominence and increased impact to existing viewshed exposures.
e. The Town requests three additional mitigating techniques;
    i. Remove and replace the existing dying or dead screening berm components along the north property line. Conifer replacements will be of similar growth; planted with the intent to provide a year-round visual barrier.
    ii. The statement, "...mitigated measures to reduce the levels of these intrusions will be employed as needed (p 101)..." does not offer an acceptable level of commitment toward mitigation. Additional screening berms to mitigate the visual impact of successive cell construction will be designed and included in the DEIS.
    iii. The multi-layer cover system will be installed as soon as practical after attaining the designed height of 1025' MSL and prior to succeeding cell construction. The finality of the top liner will inhibit the pursuit of future permitted height increases.

2. **Leachate treatment**

...site leachate generation would peak at over 21 million gallons of leachate per year. The estimates were performed assuming a worst case condition of no final cover system installation on the Phase III landfill and therefore the peak year for generation would occur in 2028.

a. Page References; 30, 43, 78
b. The Town requests this additional mitigating technique;
    i. The multi-layer cover system will be installed as soon as practical after attaining the designed height of 1025' MSL and prior to succeeding cell construction. The higher the proportion of final coverage, the further divergence from the worst case condition and therefore less leachate to collect, transport and process.

3. **Landfill gas collection and odor remediation**

Methane mitigation through collection and control is generally affected by two main factors: GCCS collection efficiency and methane oxidation in cover materials...For example; the collection efficiency default for active gas collection areas under daily cover is 60 percent. For areas under intermediate cover, the collection efficiency is estimated at 75 percent. For areas under a final soil and geomembrane cover system, the collection efficiency is estimated at 95 percent.

... Closure of the site will be progressive as the landfill operation proceeds to completion.
...Table 5; Fugitive CH4 emissions existing – estimated 7,446 tons/yr, Fugitive CH4 emissions proposed expansion – estimated 10,522 tons/yr an increase of 30%.
...Landfill gas collection and control will be the primary methane control method utilized at the site throughout the landfill expansion....

a. Page References; 76
b. The Town requests this additional mitigating technique;
The multi-layer cover system will be installed as soon as practical after attaining the designed height of 1025' MSL and prior to succeeding cell construction. A higher proportion of final coverage leads to a higher efficiency of gas collection minimizing fugitive emissions and odor.

4. **Acquiring AG land for soil borrowing**

To provide adequate soils for construction and operations of the landfill expansion, a soil borrow area is proposed to the south of the Phase III landfill adjacent to the existing County landfill property.
...The property proposed for development of the borrow area is currently private property. Acquisition and use of the proposed soil borrow area will only occur should the facility receive the permit modification for the landfill expansion.
... The proposed borrow area encompasses approximately 15.5 acres and is expected to yield approximately 922,850 CY of soil.
...This agricultural land would likely not be reclaimed as agricultural land in the future due to final contours of the borrow area following completion of the proposed soil mining area.

According to the Town of Seneca's Comprehensive Plan the town has an abundance of prime agricultural land that has allowed the area to establish itself as an agrarian community. The open space and rural character of the town adds to a high quality of life for town residents. The Plan takes a proactive approach to controlling development and ensuring that the rural character of the town is preserved
...The existing Landfill and the proposed expansion (including the proposed borrow area) would not be subject to local zoning... Because the project will have no significant adverse impacts on land use and zoning, agricultural resources and open space and recreation, there is no need to propose mitigation
...A purchase agreement has been signed with the willing landowner for the property and the property will be transferred to the County prior to operation.

a. Page References; S-5, 13, 23, 34, 85, 88, 89, 102
b. The Town established the priority of preserving our rural cultural and agricultural land decades ago. This priority is well defined in our Comprehensive Plan, Zoning Ordinance and the conduct of the Town Board, Planning Board and Zoning Board of Appeals.
c. The Town will not surrender its land use responsibility or authority and intends to follow established zoning decision precedent; likely the City of Rochester vs. Monroe County.

d. The Town requests these mitigating techniques;
    i. The Town of Seneca acquires any agriculturally zoned land destined for landfill operations.
    ii. The town follows the City of Rochester vs. Monroe County precedent of a municipality incursion on itself and implements a permissive zoning action to accommodate the excavation of borrowing soils for the landfill expansion. This is an obvious deviation from established agriculture preservation but;
        1. provides the environmental advantages of near-site soil borrowing.
        2. the town retains land use authority for any landfill expansion into the borrowing acreage.
        3. the town keeps "a seat at the table" to participate in future landfill expansion and host town compensation discussions.
        4. a sustained revenue stream accompanying future landfill expansions could be used to preserve the town's rural culture and remaining agricultural land.
        5. the town's ownership of abutting land is an appropriate evolution of our successful private-public relationship.

John Sheppard