County of Franklin
Solid Waste Management Authority

Proposed Landfill Expansion

FINAL
ENVIRONMENTAL IMPACT STATEMENT

February 26, 2009

Barton & Loguidice, P.C.

Engineers • Environmental Scientists • Planners • Landscape Architects

State Environmental Quality Review Act (SEQRA)

Final Environmental Impact Statement for The County of Franklin Solid Waste Management Authority Landfill Expansion

EIS Type: Final Environmental Impact Statement (FEIS)

Proposed Action: The County of Franklin Solid Waste Management Authority (CFSWMA) is proposing to expand their current sanitary landfill facility. The total acreage of this proposed project, including property proposed for acquisition, is 586 acres with the total maximum build-out of the proposed landfill expansion footprint approximating 142 acres. The proposed landfill expansion will include the construction of a double composite liner system and will also include ancillary and support facilities such as stormwater ponds, leachate storage and conveyance facilities, pump stations, perimeter and access roads, groundwater monitoring wells, equipment storage and maintenance facilities, a landfill gas collection and control system, and fencing. The proposed project will also include a site upgrade to three-phase power.

Location of Action: Towns of Constable and Westville, Franklin County, New York

SEQR Lead Agency: County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, New York 12926

Contact Person: George Eades, Executive Director, CFSWMA

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FEIS Accepted By Lead Agency On: February 26, 2009

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I. Introduction

1. Project Summary

The County of Franklin Solid Waste Management Authority's Proposed Landfill Expansion Final Environmental Impact Statement (FEIS) is issued in accordance with Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, "SEQRA") and the regulations that implement SEQRA (6 NYCRR Part 617). The proposed action addressed in this FEIS is the expansion of an existing sanitary landfill facility in the Towns of Constable and Westville, Franklin County, New York. The agency proposing to undertake and fund this action is the County of Franklin Solid Waste Management Authority (CFSWMA). The existing CFSWMA landfill provides waste disposal services to Franklin County residents and businesses as well as to other customers. The volume of waste disposed of at the landfill is minimized by waste reduction, recycling efforts, composting, and household hazardous waste collection days performed by the CFSWMA.

The total acreage of the proposed project, including properties proposed for acquisition but not development, is estimated at 586 acres. The proposed maximum build-out of the landfill footprint is estimated at 142 acres, with the total area of disturbance approximating 165 acres. The remaining 421 acres, located both north and south of County Route 20, will be used as buffer area and will be considered for potential wetland mitigation in the future. Approximately 320 acres of private property south of CR 20 and approximately 261 acres of private property north of CR 20 will be acquired from (4) separate owners during the project's land acquisition phase. The CFSWMA currently owns approximately 378 acres of land, including the existing landfill site and surrounding parcels. A portion of the CFSWMA's current property, approximately 5 acres, is included as part of the total acreage of 586 acres for the proposed landfill expansion.

A Draft Environmental Impact Statement (DEIS) for this project, dated September 25, 2008, was made available for public review and comment following its acceptance by the CFSWMA, as the SEQRA lead agency, on September 25, 2008. A public hearing on the DEIS was held on November 5, 2008, and the written comment period for the DEIS concluded on December 1, 2008.

2. Organization of the FEIS

Section I of this FEIS (Introduction), in addition to providing a summary of the project, describes the main section of the FEIS, provides a list of locations where the FEIS is available for public review, and summarizes the opportunities for public comment subsequent to issuance of the DEIS on September 25, 2008.

Section II of this FEIS (Revisions to the DEIS) describes the changes that have been made to the DEIS. These revisions are in response to the CFSWMA's consideration of comments submitted with regard to the DEIS during the public comment period. Except for the DEIS revisions described in this FEIS, the information and environmental analyses contained in the DEIS remain unchanged and are incorporated by reference in this FEIS.

Presented below is a list of DEIS documents that identifies the location of revisions made, if any, to each document through this FEIS process.

DEIS Documents (Dated September 25, 2008)	**Location of DEIS Revisions Within FEIS (Dated February 26, 2009)**
DEIS Main Volume, including all table and figures bound therein	FEIS Main Volume, any changes to table or figures included therein
Appendix A: Two Site Specific Contingencies	No changes made
Appendix B: Hydrogeologic and Sediment Yield Study	No changes made
Appendix C: Site Investigation Report	No changes made
Appendix D: Northern Harrier Sampling and Monitoring Plan	No changes made
Appendix E: Proposed Franklin County Landfill Expansion Bird Survey	No changes made
Appendix F: Wetland Delineation Report and Supplemental Wetland Delineation Memorandum	No changes made
Appendix G: Unsignalized Intersection Summary Worksheets	No changes made
Appendix H: Visual Impact Assessment	No changes made
Appendix I: Noise Assessment	No changes made

DEIS Documents (Dated September 25, 2008)	Location of DEIS Revisions Within FEIS (Dated February 26, 2009)
Appendix J: Public Participation Plan	No changes made
Appendix K: Evaluation of Town of Westville Local Law No. 1	No changes made

The third section of this FEIS is Section III (Responses to Comments). Section III provides the CFSWMA's responses to substantive comments that were submitted either at the DEIS public hearing or in writing prior to the completion of the public comment period on December 1, 2008. The comments and their associated responses have been grouped by commenter; New York State Department of Environmental Conservation (NYSDEC) Comments – Section A, Town of Constable Comments – Section B, Town of Westville Comments – Section C, New York State Residents' Comments – Section D, and Canada Residents' and Officials' Comments – Section E. In Sections A, B and C, the comments are organized in the same order in which they were set forth in the written correspondence submitted by each of those commenting agencies. In Sections D and E, however, since there were multiple commenters, the comments and responses in those two sections have been organized by topic to facilitate the reader's review and ease of locating specific comments.

The appendices that are included with this FEIS are listed in the Table of Contents. These appendices provide additional information with regard to the DEIS revisions or the comments and responses presented in the FEIS. Specific references to these appendices are provided, as appropriate, throughout the FEIS document. The transcript of the DEIS public hearing and copies of the comment letters and emails received during the comment period are included in Appendix CC (separately bound volume).

3. Document Availability

The FEIS is being made available for public review in the same manner and in the same locations that the DEIS was made available for public review. Hardcopies of this FEIS, including a full set of the FEIS and DEIS documents (including all separately bound appendices), may be reviewed at the CFSWMA landfill office located at 828 County Route 20, Constable, New York, or at any of the following public libraries:

- Chateaugay Memorial Library, 191 East Main Street, Chateaugay, New York

- Akwesasne Cultural Center, 321 State Route 37, Hogansburg, New York
- Wead Library, 64 Elm Street, Malone, New York
- Saranac Lake Free Library, 109 Main Street, Saranac Lake, New York
- Tupper Lake Free Library (Goff-Nelson Memorial Library), 41 Lake Street, Tupper Lake, New York
- Bibliotheque Armand Frappier, 80 Rue St. Thomas, Valleyfield, Quebec, Canada
- Bibliotheque Municipal D'Ormstown, 87 Rue Roy, Ormstown, Quebec, Canada
- Bibliotheque Verte Inc., 6 Hunter Street, Huntingdon, Quebec, Canada

Electronic copies of the FEIS and DEIS for the proposed CFSWMA landfill expansion, including all separately bound documents, can be reviewed at the following website www.franklincony.org/content/Generic/View/18. A letter reporting the acceptance and availability of the FEIS was mailed or emailed to all Public Scoping Meeting and DEIS Public Hearing participants. A copy of this letter was also sent to all individuals who supplied a written comment on either the Draft Scoping Document (dated April 2008) or the DEIS (dated September 25, 2008). In addition, as was conducted with the DEIS, hard copies of the FEIS will be supplied to the following municipalities and agencies: NYSDEC, Town of Westville, Town of Constable, SCABRIC, Franklin County, Town of Burke, Consulate General of Canada, Ministère du Développement durable, de l'Environnement et des Parcs, Municipalité du canton d'Elgin, Municipalité de la paroisse de Saint-Cyprien-de-Naperville, Municipalité de Sainte-Marthe, Municipalité de Saint-Chrysostome, Municipalité de la ville d'Huntingdon, Municipalité du canton de Hinchinbrooke, Municipalité du canton de Godmanchester, Municipalité de Franklin, Municipalité de Ormstown, Municipalité du Village de Howick, Municipalité de la ville de Mercier, Municipalité de la ville de Châteauguay, MRC Le Haut-Saint-Laurent, and CRÉ Vallée-du-Haut-Saint-Laurent.

4. DEIS Public Comment Opportunities

The DEIS for the proposed CFSWMA landfill expansion was issued for public review and comment on September 25, 2008. Full sets of the DEIS were made available for public review at the CFSWMA's landfill office and at the public library locations identified above. In addition, the main volume of the DEIS was forwarded to the agencies and municipalities identified above for their review and comment. A Notice of Availability, detailing the issuance and accessibility of the DEIS, was mailed or emailed to approximately 36 persons that had participated in the SEQR Public Scoping process for the proposed project.

The DEIS Public Hearing was held at 7:00 P.M. on Wednesday, November 5, 2008, at the Malone Middle School, 15 Francis Street, Malone, New York. This hearing location is approximately nine (9) miles south of the CFSWMA landfill site. Thirty-one (31) persons presented oral comments on the DEIS at the Public Hearing, which ended at 9:58 P.M. A stenographic transcript of the hearing is available for public review at the CFSWMA's office (828 County Route 20, Constable, New York) and is also reproduced as Appendix CC of the FEIS (bound separately).

Additional written comments on the DEIS were accepted by the CFSWMA until the end of the day on December 1, 2008. These submittals are available for public review at the CFSWMA landfill office and are also presented in the FEIS as Appendix CC (separately bound).

The CFSWMA has reviewed and considered the comments and prepared written responses. The CFSWMA's responses are provided in Section III of this FEIS.

An index of persons who presented or submitted comments on the DEIS is provided in Appendix AA of the FEIS. This index identifies the page number(s) on which each person's comment(s) can be found. The CFSWMA's response immediately follows each comment.

II. Revisions to the DEIS

1. Overview of Revisions

The CFSWMA's review and consideration of comments submitted have resulted in some revisions to the DEIS. These revisions relate to the topics listed below:

- Project Description
- Recycling Analysis
- Proposed Three-phase Power Site Upgrade
- Other revisions to the DEIS

A discussion of the DEIS revisions relating to each of these topics is presented in the following sections.

1.1 Project Description

In response to comments submitted by the NYSDEC, the proposed project description throughout the DEIS has been standardized and further clarification is provided. As stated in the Introduction section of the FEIS, the total acreage of the proposed project, including properties proposed for acquisition but not development, is estimated at 586 acres. The proposed maximum build-out of the landfill footprint is estimated at 142 acres, with the total area of disturbance approximating 165 acres. The remaining 421 acres, located both north and south of County Route 20, will be used as buffer area and will be considered for potential wetland mitigation in the future. Approximately 320 acres of private property south of CR 20 and approximately 261 acres of private property north of CR 20 will be acquired from (4) separate owners during the project's land acquisition phase. The 325 acreage total stated in the DEIS reflected the total amount of proposed land acquisition south of CR 20 (320 acres) plus a 5-acre overlay of the existing landfill site. The landfill expansion is proposed to be approved, permitted, and constructed in phases, so a 142-acre landfill footprint will not be constructed at one time. Smaller phases will be proposed and constructed, if approved. Ultimately, the cumulative acreage of the proposed smaller phases has the potential to reach 142 acres in size, as conceptually designed for this SEQRA review.

1.2 Recycling Analysis

The CFSWMA, as a planning unit, only collects recyclables from residential drop offs at the transfer stations and at the landfill facility. Private haulers are responsible for curbside collection in the higher density areas (such as the Village of Malone, Saranac Lake, etc) and do not route their recyclables through the CFSWMA's system. In addition, the New York State correctional facilities also manage their own recyclables, which includes organic recycling/composting; however, the CFSWMA does manage the municipal solid waste from the correctional facilities.

As a result of the various collection systems for recyclables operating in the County mentioned above, the recycling percentages reported by the CFSWMA and in the DEIS under-count the amount of recycling that is currently being conducted in Franklin County. In fact, if calculations are adjusted in an attempt to include all the recyclable materials and organics being collected and processed, the recycling rate in Franklin County increases substantially. For instance, in 2006, the recycling rate in Franklin County would increase to 11.8% when correctional facility recycling/composting and private hauler recyclables, which do not pass through the CFSWMA's system, are accounted for. The landfill also utilizes beneficial use debris (BUD) for cover material at the landfill instead of using virgin soil. When these BUD materials are applied to the recycled quantities instead of the waste quantities, the CFSWMA's 2006 rate alone would increase to 12.4%, while the overall Franklin County rate would increase to 18.5%. A tabular summary of recyclable tonnages and percentages are included in Appendix BB.

1.3 Proposed Three-phase Power Site Upgrade

An upgrade to a three-phase power system is proposed as part of the CFSWMA landfill expansion project. A three-phase system is generally more economical than others because it uses less conductor material to transmit electric power than equivalent single-phase or two-phase systems at the same voltage. The size of motors at the landfill, such as for leachate pumps and the landfill gas blower, are currently limited due to the unavailability of three phase power at the site. The nearest three-phase power access is located approximately 4 miles west from the landfill site, at Bird Road in the Town of Westville. Due to the age

of the utility poles and transformers that currently line County Route 20, it is possible that these facilities will need to be upgraded in order to accommodate the addition of three-phase power to the site; National Grid will make the final determination.

1.4 Other Revisions to the DEIS

Following review and consideration of comments on the DEIS, a few parts of the DEIS have been clarified or amplified in this FEIS. Some errata were also identified subsequent to issuance of the DEIS. These errata have been corrected in this FEIS. These revisions are presented in the next section of this FEIS and are set forth in the same sequence and utilize the same numbering system as the sections and appendices in the DEIS.

2. Revisions to Specific Portions of the DEIS

Summary of the DEIS (DEIS pp. S-1 to S-12)

No revisions.

Glossary of Terms (DEIS pp. G-1 to G-7)

No revisions.

1.0 Project Description (DEIS pp. 1-26)

1.1 Project Overview (DEIS pp. 1-4)

The fourth paragraph in Section 1.1 states that the proposed Stage 1 of the landfill expansion would add approximately 19 years of site life to the currently permitted landfill. As had been correctly stated in Section 2.1 of the DEIS, under maximum permitted tonnage, the life expectancy of Phase 1 is anticipated to be approximately 12 years. Revise the last sentence of paragraph four of Section 1.1 from 19 to 12 years.

1.5.2 Landfill Expansion Area (DEIS pp. 8-9)

The third sentence of the second paragraph in this section has been clarified and corrected. The 325 acres stated in this section represents the total amount of acreage available for the expansion project south of County Route 20

(properties to be acquired (320 acres) plus existing landfill overlay (5 acres)). The maximum build-out of the landfill footprint is 142 acres, not 325 acres as stated.

1.6.2.4 Recycling Programs and Facilities (DEIS pp. 20-23)

The last paragraph of this section has been revised to read "Even with such recycling programs in place, there remains a portion of the CFSWMA waste stream that requires disposal. Based on 2007 data, the CFSWMA's recycling rate is currently estimated to be at 5.1 percent (%), not accounting for recycling associated with ADC/BUD usage at the landfill. Additional recyclables are collected in Franklin County by private haulers which are not processed through the CFSWMA system. In addition, recycling and food waste composting at the three correctional facilities are not processed by the CFSWMA's system; however, the CFSMWA does receive the correctional facilities MSW at the landfill. Recycling rates for the overall County increase substantially over the rates reported in the DEIS, when these recycling streams are added to the recyclables collected by the CFSMWA."

1.7 Solid Waste Management Plan (DEIS pp. 23-24)

On page 24 of the DEIS, an additional paragraph has been added between the bulleted list of SWMP updates made in 2006 and Section 1.7.2. This paragraph should read as follows:

"The County of Franklin Solid Waste Management Authority's Solid Waste Management Plan is available for review online at the following web address: www.franklincony.org/content/Generic/View/18. A copy of this document can also be reviewed at the CFSWMA landfill office located at 828 County Route 20, Constable, New York. Within the SWMP, the document's executive summary is included on page E-1 and the implementation schedule is located on page 35."

1.8 Waste Quantities and Acceptable Wastes for Disposal (DEIS pp. 25-26)

The last sentence of the first paragraph has been revised to include the words "in recent years". This sentence reads as follows, "Aside from the Counties of Franklin and Essex, materials have also been received and disposed of at the CFSWMA landfill in recent years from the following areas: St. Lawrence County, Jefferson County, Washington County, Clinton County, Quebec and Ontario, Canada."

2.0 Proposed Facility Design, Construction, Operation, Closure, and Post-Closure Plans (DEIS pp. 27-54)

2.4.1 Hours of Operation and Site Access (DEIS pp. 39-40)

The hours of operation included in paragraph one of this section have been clarified. Normal waste receiving hours for the existing landfill operation are from 7:30 A.M. to 3:30 P.M., Monday through Friday and 10:00 A.M. to 1:00 P.M. on Saturday. The CFSWMA landfill office is open from 7:30 A.M. to 4:00 P.M., Monday through Friday and closed on Saturday. The CFSWMA landfill site is closed on Sundays.

2.4.2 Waste Inspections (DEIS pp. 40-42)

In response to a comment from NYSDEC, which requested a discussion of the means by which recyclables will be excluded from out-of-county waste, add the following new paragraphs after the last paragraph of this section:

> "Recyclables will be excluded from out-of-county waste by ensuring that the landfill only accepts solid waste which was generated in a municipality that has completed or is included in a Comprehensive Recycling Analysis. This is currently a requirement in the Authority's existing landfill permit (per Special Condition #6A of that permit) and is also a requirement that the proposed landfill expansion must comply with in accordance with the DEC's Part 360 solid management regulations (per 360-1.11(h)). Implementation and enforcement of an out-of-county recycling program will be the responsibility of those out-of-county municipalities.
>
> If Authority staff identify large amounts of potentially recyclable materials in waste deliveries that have been made at the landfill, then every reasonable effort will be made to identify the origin of that waste to find out why it included recyclable materials and to notify the offending party that recyclable materials must be source separated and not commingled with waste delivered for disposal at the landfill."

3.0 Existing Environmental Setting, Potential Impacts, and Mitigation (DEIS pp 55-155)

3.2.6 Utilities (DEIS pp 143-144)

The last two sentences of this section (paragraph 2) have been revised based on the currently anticipated upgrade requirements for three-phase power. The last two sentences should be replaced with the following:

"The nearest three-phase power access is located approximately four (4) miles west of the CFSWMA landfill site at Bird Road in the Town of Westville. Based on a preliminary site assessment, it appears that the utility poles and transformers located along County Route 20 are aged and will possibly need to be upgraded in order to accommodate the addition of three-phase power to the site. The upgrade of this utility infrastructure, in addition to the upgrade to three-phase power at the CFSWMA landfill site, would be included in the design plans of Stage 1 of the landfill expansion if not addressed prior to that time by the Authority. Final design and construction of the upgrades will be by the local utility company (National Grid)."

3.2.7 Transportation Facilities and Traffic (DEIS pp. 144-147)

The first sentence in the third paragraph of this section has been revised to read, "The amount of permitted waste able to be disposed of at the landfill would not increase as part of this proposed expansion project, which in turn would not increase potential truck traffic accessing the CFSWMA Landfill beyond the levels previously analyzed in accordance with the requirements of SEQRA as part of the 2006 permit modification."

4.0 Cumulative Impacts (DEIS p. 156)

No revisions.

5.0 Unavoidable Adverse Impacts (DEIS pp. 157-161)

No revisions.

6.0 Growth Inducing Impacts (DEIS p. 162)

In response to a comment submitted by the NYSDEC, add the following new paragraph at the end of this section of the DEIS:

> "Long term recycling and composting enhancements would reduce the amount of waste requiring landfill disposal. This would, all else being equal, have the economic benefit of extending the useful life of the proposed landfill expansion without requiring any additional investment in the landfill's infrastructure. Also, any local investments and operational expenditures that may be made to enhance local recycling and composting programs would have an economic ripple effect within the community via payments to local construction contractors, suppliers, and operational personnel."

7.0 Commitment of Resources (DEIS p. 163)

No revisions.

8.0 Alternative Analysis (DEIS pp. 164-204)

8.1.2 2006 Solid Waste Plan Modification and Implementation (DEIS pp. 166-168)

Based on a comment from the NYSDEC, paragraph 4 of this section has been revised to add further clarification. The sentence stating that "Eventually, users may seek out other lower cost disposal options" was included as an example of what could result if the Authority did not establish its tipping fees at levels that are in general accord with current market prices (i.e., if the Authority's tipping fees were to greatly exceed tipping fees at other landfills). That sentence has been replaced with the following, "Even with flow control, if tipping fees were to be substantially above market prices, there may be some landfill users - particularly out-of-county waste generators - that would seek out other lower cost disposal options. If that were to occur, then the Authority would take steps to enforce its local flow control law to ensure that such market pressures do not result in waste generated within the County of Franklin being disposed of at non-Authority facilities." The loss of waste generated outside of the County of Franklin would, however, result in a corresponding reduction in landfill revenues, which the CFSWMA would need to address through budgetary cost and revenue adjustments to maintain a strong financial position.

8.1.3 Recycling Requirements and Impacts on Disposal Needs (DEIS pp. 168-172)

The fourth paragraph of this section has been revised to add further clarification regarding the analysis of the recycling numbers from the Comprehensive Recycling Analysis for Franklin County. This paragraph has

been edited to remove the sentence, “Over the last decade, recyclables diversion and collection in Franklin County has doubled” and replace it with, “Between the years 1996 and 2006, the recyclables diversion and collection in Franklin County has more than doubled.”

The seventh paragraph of this section has been revised. This paragraph has been edited to remove the phrase “[not including ADC recycling/reuse]” and replace it with “[including ADC recycling/reuse]”.

8.2.1 Waste Exportation (DEIS pp. 172-174)

Based on a comment from the NYSDEC, the third sentence of the third paragraph of this section has been revised. This sentence has been edited to read, “However, the private haulers that use the Authority’s regional landfill would have to use an Authority transfer station.” The last sentence of that same paragraph has also been revised to read as follows, “Private haulers would also likely charge their customers more, to pass along the higher costs charged to them for use of the Authority’s transfer stations.”

8.2.2 The No-Action Alternative (DEIS pp. 174-177)

The second sentence of the second paragraph of Section 8.2.2 has been revised to offer further clarification. The statement made in the second sentence, which stated that “The County could also choose to provide no disposal services of any kind . . .” is describing a hypothetical No-Action Alternative. This sentence in the DEIS has been revised as follows, “Another hypothetical No-Action Alternative would be a decision by the County of Franklin to essentially dissolve the Authority and thereby end any involvement by the County and the Authority in providing solid waste disposal services. Under this hypothetical situation, the County would be choosing to have the Authority disband and provide no disposal services of any kind, thereby leaving it to local municipalities and/or the private sector to provide such disposal services.”

8.2.4.2 Alternative Scale or Magnitude (DEIS pp. 189-193)

The fourth paragraph of this section has been revised to read as follows:

“This approach, although it would have presented an expansion plan with a 50% smaller footprint and a reduction in potential impacts as noted in the preceding paragraph, which some may consider more preferable or more advantageous than the scale of the Authority’s proposed landfill expansion, would not necessarily change future long term plans for the use of that land and

could be perceived as misleading the public regarding future intentions for the development of that land. The land included in the footprint for the proposed landfill expansion has already been examined to assess its suitability for future landfill development. At this stage in those investigations, the area identified for inclusion in the proposed landfill footprint is generally considered to be suitable for potential development as a landfill. Based on these findings, which were certainly not pre-determined or known prior to undertaking such investigations, a judgment had to be made with regard to how much of that area should be addressed in the DEIS. Instead of examining only a portion of that potentially suitable area in the DEIS, the Authority, as the SEQRA lead agency for this proposed landfill expansion project, decided to examine a potential maximum build-out for that area in the DEIS to assess potential environmental impacts of the proposed expansion project at this early stage in the landfill expansion project's conceptualization. In doing so, the Authority fully recognized that some could perceive that the scale or magnitude of the proposed landfill expansion was inappropriately large. However, on balance, the Authority believes that it is better to examine that entire area in the DEIS, as it has done, than to ignore the findings of the site suitability investigations and to somewhat arbitrarily reduce the size of the potential footprint to a smaller area. Concerns regarding what some may consider the large scale of the proposed landfill expansion can, however, be mitigated to some extent by the phased approach to future development of the landfill expansion. The potential construction of landfill cells in the proposed expansion would take place in phases, likely over the course of several decades, with each phase of the landfill expansion's development subject to review by the NYSDEC through its permit application and review processes."

The seventh paragraph of this section has been revised to read as follows:

"Year to year changes in the amount of waste requiring landfill disposal will determine the actual timing for construction of future phases of the proposed landfill expansion. The estimated useful life of the proposed landfill expansion that is presented in this DEIS is based on a set of assumptions regarding the amount of waste requiring disposal in the future. Those assumptions are not a prediction or a projection, and they are also not a requirement that must be achieved for the landfill expansion to be economical -- they have simply been made to provide an estimate of what the potential useful life of the proposed landfill expansion could be if those assumptions regarding future landfilling tonnages were to be fully realized. There are a number of factors that will determine how much waste will actually be disposed of in the future at the Authority's landfill. For example, waste reduction and recycling activities would reduce the amount of waste requiring landfill disposal. Similarly, composting of organic wastes would divert materials away from the landfill. Changes in the

economy will also influence the amount of waste requiring disposal, with the general rule of thumb being that there is typically more waste generated during good economic times than when the economy is in a recession. All else being equal, for example, using the maximum permitted annual tonnage at the landfill of 125,000 tons per year of solid waste, the initial phase of the proposed landfill expansion, consisting of the construction and use of cells 5, 6 and 7, could last for an extra three years (e.g., a 15 year useful life instead of a 12 year potential useful life), if future waste reduction and recycling efforts were to reduce the amount of waste disposed in the landfill by 20% -- from 125,000 tons per year to a total of 100,000 tons per year of mixed municipal wastes."

At the end of the last paragraph in this section, add the following:

"This means that other, non-traffic related impacts identified in this DEIS for the proposed landfill expansion will occur even if less waste is disposed of each year at the proposed landfill expansion, but, since the landfill will last longer at lower tonnage levels, those other impacts (e.g., removal of vegetation, stormwater runoff, noise, etc.) will still occur but those impacts will either take place at a later date – such as when construction of a new cell is postponed a few years because the amount of waste requiring disposal has been reduced – or those impacts will take place over a longer period of time – such as noise from landfill operating equipment that could be in use and generating noise for an additional number of years past the original useful life projected for the landfill expansion."

9.0 References (DEIS pp. 205-209)

The following sources should be added to the References section of the DEIS:

Emergency Preparedness Digest, "PCBs: What are the Risks?". Oct-Dec 1989. Vol. 16:4, pp. 23-26.

Fontana, D., NYSDEC Region 5 Division of Water, *Personal Communication with Brusa, J.F.*, February 9, 2009.

Hutchins P., Chief Plant Operator, Village of Malone Wastewater Treatment Plant, *Personal Communication with Brusa, J.F.*, February 9, 2009.

Islam M.Z. and Rowe, R.K., *Effect of Geomembrane Ageing on the Diffusion of VOCs through HDPE Geomembranes*, The First Pan American Geosynthetics Conference and Exhibition, March 2008.

Koerner RM, Hsuan YG and Koerner GR, *GRI White #6 on Geomembrane Lifetime Prediction: Unexposed and Exposed Conditions*, June 7, 2005.

Powell D., Chief Plant Operator, City of Plattsburgh Wastewater Treatment Plant, *Personal Communication with Brusa, J.F.*, February 6, 2009.

Quebec Portal, "BAPE", Nov. 2008. www.gouv.qc.ca/portail/quebec/pgs/commun/asurveiller/consultations/bape/?lang=en. Accessed December 2008.

Appendix A: Two Site Contingencies: Primary or Secondary Line System Failure and Occurrence of Seismic Activity (bound separately)

No revisions.

Appendix B: Hydrologic and Sediment Yield Study (bound separately)

No revisions.

Appendix C: Site Investigation Report – CFSWMA Proposed Landfill Expansion (bound separately)

No revisions.

Appendix D: Northern Harrier Sampling and Monitoring Plan (bound separately)

No revisions.

Appendix E: Proposed Franklin County Landfill Expansion Bird Survey (bound separately)

Appendix F: Wetland Delineation Report for the Proposed CFSWMA Landfill Expansion and Supplemental Wetland Delineation Memorandum (bound separately)

No revisions.

Appendix G: Unsignalized Intersection Summary Worksheets (bound separately)

No revisions.

Appendix H: Visual Impact Assessment (bound separately)

No revisions.

Appendix I: Noise Assessment (bound separately)

No revisions.

Appendix J: Public Participation Plan (bound separately)

No revisions.

Appendix K: Evaluation of Town of Westville Local Law No. 1 (Adopted Sept. 10, 1986) (bound separately)

No revisions.

III. Responses to Comments

A. New York State Department of Environmental Conservation Comments

A.1 Comments Requesting More Thorough Discussion

In a letter dated May 22, 2008, the NYSDEC submitted comments in response to the Draft Scoping Document for the above referenced proposal. It is the NYSDEC's opinion that certain items identified in that letter were not adequately addressed in the DEIS and should be more thoroughly discussed. Those items are reiterated below in italics, under headings (in parenthesis) linked to the May 22, 2008 letter/Draft Scoping Document.

A.1.1 NYSDEC Comment #1

(Section 1.0) Project Description
Discuss factors that went into determining the acreage/capacity needed. The DEIS discusses the physical constraints that factored into defining the proposed expansion area; however, it lacks an analysis regarding the need for the specific acreage/capacity proposed.

Response

As noted in Section 1.2 of the DEIS, the purpose of the proposed landfill expansion is to provide long-term economic, environmentally sound, and dependable disposal capacity. With regard to the need for the specific acreage/capacity proposed, there is no upper limit on the amount of disposal capacity that may be needed in the future, since, as indicated in Section 1.2 of the DEIS, even with local recycling and reuse programs there will continue to be a need for landfill disposal capacity in the foreseeable future to meet the disposal needs of Franklin County and the CFSWMA's other landfill users. Accordingly, the proposed landfill acreage/capacity is based on a potential maximum build out of an area that is considered to be technically and environmentally suitable for future construction of a landfill.

As noted in the first paragraph of Section 2.0 and the second paragraph of Section 2.1 of the DEIS:

> "New cells will be built every few years **as needed** to provide additional landfill capacity for wastes requiring disposal." (emphasis added)
>
> "The landfill expansion will not be constructed all at once. Instead, the waste disposal areas, or cells, will be constructed every few years **as needed** to provide additional landfill capacity." (emphasis added)

The proposed expansion allows for the maximum build-out on the land that will be purchased and therefore available for future landfill expansion purposes. The amount of acreage and capacity proposed will ensure a long-term waste disposal option for the County. The expansion build-out will be permitted under the Part 360 process in phases; the maximum build-out will not be permitted and constructed at one time.

As noted in the last paragraph of page 191 of the DEIS (Section 8.2.4.2):

> "The phased approach that is proposed for the future permitting and construction of the proposed landfill expansion will not only provide further assurances that all environmental requirements will be met, but it will also mean that the amount of landfill disposal capacity built and made available at any point in time can be adjusted to match what the projected waste disposal needs are at that point in time. In other words, if major changes in the economy or waste reduction and recycling activities should drastically reduce the amount of waste requiring disposal in the Authority's landfill, then fewer acres of double composite liner system could be built (or the liner acreages already built could last longer, thereby postponing the dates in which additional acres of liner system would need to be built)."

Also, there are no limits to the amount of buffer zone that may be part of a landfill site. As the buffer area for a landfill site increases, there is a greater potential to mitigate potential nuisance impacts (such as noise, odor, and litter) that might otherwise occur on nearby properties. The amount of land, including buffer areas, which will be acquired as part of the proposed landfill expansion is dependent on the outcome of property purchase negotiations.

It is not uncommon for landfills to have large buffer zones. For instance, the Development Authority of the North Country facility, located in Rodman, New York, currently owns over 1,200 acres of contiguous landfill property of which only 150 acres are currently permitted for landfill development.

A.1.2 NYSDEC Comment #2

(Section 5.4) Growth Inducing Impacts
Discuss economic benefits that long-term recycling and composting alternative/enhancements may have on the surrounding communities and Franklin County.

Response

Long term recycling and composting enhancements would reduce the amount of waste requiring landfill disposal. This would, all else being equal, have the economic benefit of extending the useful life of the proposed landfill expansion without requiring any additional investment in the landfill's infrastructure. Also, any local investments and operational expenditures that may be made to enhance local recycling and composting programs would have an economic ripple effect within the community via payments to local construction contractors, suppliers, and operational personnel.

A.1.3 NYSDEC Comment #3

(Section 5.9) Preliminary List of DEIS Appendices
Provide the Executive summary and implementation schedule of the County's Local SWMP. The Department recommends that the DEIS provide information as to where the Plan can be accessed for review.

Response

The County of Franklin's Solid Waste Management Authority's Solid Waste Management Plan (SWMP; as modified on April 14, 2006) is available for review on-line at www.franklincony.org/content/Generic/View/18 and a copy is also available at the CFSWMA office for review. The SWMP has been available on-line at this location throughout most if not all of the

DEIS public comment period. Within the SWMP, the executive summary is included on page E-1 and the implementation schedule in located on page 35.

A.1.4 NYSDEC Comment #4

(Missing Elements) Re-Use and Recycling
Discuss the means by which recyclables will be excluded from out-of-county waste.

Response

Recyclables will be excluded from out-of-county waste by ensuring that the landfill only accepts solid waste which was generated in a municipality that has completed or is included in a Comprehensive Recycling Analysis. This is currently a requirement in the CFSWMA's existing landfill permit (per Special Condition #6A of that permit) and is also a requirement that the proposed landfill expansion must comply with in accordance with the DEC's Part 360 solid waste management regulations (per 360-1.11(h)). Implementation and enforcement of an out-of-county recycling program will be the responsibility of those out-of-county municipalities.

If CFSWMA staff identify large amounts of potentially recyclable materials in waste deliveries that have been made at the landfill, then every reasonable effort will be made to identify the origin of that waste to find out why it included recyclable materials and to notify the offending party that recyclable materials must be source separated and not commingled with waste delivered for disposal at the landfill.

A.2 Specific Comments on the DEIS

In addition to the above, the NYSDEC has the following specific comments relative to the DEIS:

A.2.1 NYSDEC Comment #5

1. The DEIS indicates that the initial 6 NYCRR Part 360 permit application will seek authorization for proposed landfill cells 5, 6 and 7. Pages 2 and 192 of the DEIS state that these three cells

will add approximately 19 years of capacity at the current permitted tonnage rate; however, page 28 states that the anticipated life expectancy of cells 5, 6 and 7 is 12 years. This apparent discrepancy should be clarified.

Response

The anticipated life expectancy of Phase 1 (cells 5, 6, and 7) is estimated at 11.8 years (rounded to 12) if the maximum permitted amount of tonnage is received. The 19 year site life number was a preliminary estimate that was not updated at some locations in the DEIS. Twelve years is the correct number – this number discrepancy has been corrected in Section 2 of the FEIS.

A.2.2 NYSDEC Comment #6

2. Section 1.5.2 Landfill Expansion Area

The second sentence of paragraph 2 references the maximum build-out area as 142 acres. The next sentence refers to a 325 acre maximum build-out. This apparent discrepancy needs clarification. The Scoping Document also referred to a 325 acre build-out. The DEIS should provide discussion/clarification as to how/why the proposed build-out area has changed from 325 acres to 142 acres.

Response

The second sentence of paragraph 2, which says that 325 acres is the maximum build-out area, has been corrected in the FEIS. The 325 acre number was originally stated in the Scoping Documents and represented the total amount of acreage available for the expansion south of County Route 20 (properties to be acquired [320 acres] + existing landfill overlay [5 acres]). The 325 acre number was used as a preliminary "project area" acreage during the Scoping process. For the DEIS, preliminary designs were drafted and more detailed acreage numbers were obtained, including the 142 acres which represents just the proposed landfill footprint area. The DEIS states that the properties to be acquired south of County Route 20 total 320 acres, which is consistent with previously stated estimates. In the DEIS, disturbed acreage was

calculated in more detail, instead of using an inflated "project area" number. This acreage discrepancy has been clarified in Section 2 of the FEIS.

A.2.3 NYSDEC Comment #7

3. Section 3.2.7 Transportation Facilities and Traffic

This section states that the amount of waste being disposed of at the landfill will not increase, and references the analysis in the 2006 permit modification. The statement is misleading in that compared to the present quantity of 43,500 tons per year (TPY) of waste being taken in at the landfill, the amount may increase threefold if the facility begins taking in the currently permitted 125,000 TPY. Similarly, section 3.3 presents the same type of misleading information. These statements should be clarified.

Response

The DEC commented that "This section [3.2.7] states that the amount of waste being disposed of at the landfill will not increase…" when in fact that section of the DEIS states, on page 145, that "The amount of waste being disposed of at the landfill will not increase as part of this proposed expansion project…" (emphasis added). This means that the amount of waste permitted to be disposed of at the proposed landfill expansion will be no different that what is currently permitted to be disposed of in the existing landfill. This clarification will be added to the third paragraph of Section 3.2.7 of the DEIS (see Section 2 of this FEIS).

The CFSWMA had previously examined potential traffic impacts associated with the currently permitted tonnage limits, as part of the 2006 permit application for a tonnage increase, and found that the level of service at the maximum tonnage levels would not change the high levels of service experienced on County Route 20. The DEIS verified this previous analysis and expanded it to assess level of service conditions at four intersections that could be utilized by landfill traffic. The additional level of service analyses performed for the DEIS confirmed the previous SEQR analysis – the potential traffic that could be associated with the landfill when it operates at

its maximum permitted tonnage levels will result in no significant changes to the high levels of service currently experienced by motorists on County Route 20 and the four intersections analyzed.

A.2.4 NYSDEC Comment #8

4. Section 8.1.2 2006 Solid Waste Plan Modification and Implementation

The fourth paragraph indicates that users may seek lower cost disposal options. This is misleading since Franklin County has 'flow control'; thus options other than disposal at a county facility are prohibited.

Response

As indicated in the fourth and fifth paragraphs of Section 8.1.2 of the DEIS, even with flow control, if tipping fees were to be substantially above market prices there may be some landfill users - particularly out-of-county waste generators - that would seek out other lower cost disposal options. If that were to occur, then the CFSWMA would take steps to enforce its local flow control law to ensure that such market pressures do not result in waste generated within the County of Franklin being disposed of at non-CFSWMA facilities. The loss of waste generated outside of the County of Franklin would, however, result in a corresponding reduction in landfill revenues, which the CFSWMA would need to address through budgetary cost and revenue adjustments to maintain a strong financial position.

A.2.5 NYSDEC Comment #9

5. Sections 8.2.1 Waste Exportation and 8.2.2 The No-Action Alternative

The DEIS states that "the private haulers that use the authority's regional landfill would have to find another facility to accept their waste" and "the County could also choose to provide no disposal services of any kind, thereby leaving it up to the municipalities and/or private sector to provide such disposal services". These are inaccurate statements since the County of Franklin Solid

Waste Management Authority was created under the Public Authority Law of the State of New York to provide solid waste management services to the residents of Franklin County.

Response

In the event that the proposed landfill expansion does not take place and waste exportation ensues, the statement in the third paragraph of DEIS Section 8.2.1 that “private haulers that use the Authority’s regional landfill would have to find another facility to accept their waste” is accurate. The DEC comment seems to presume that this means that waste would be brought to an out-of-county facility. To try to avoid this misunderstanding this paragraph of the DEIS has been revised (see Section 2 of the FEIS) to clarify that private haulers would have to take their waste to a CFSWMA transfer station facility.

With regard to the statement in the second paragraph of DEIS Section 8.2.2 (The No-Action Alternative), which states that “The County could also choose to provide no disposal services of any kind…”, the DEIS has been revised (see Section 2 of the FEIS) to clarify that this hypothetical No-Action Alternative would be a decision by the County of Franklin to essentially dissolve the CFSWMA and thereby end any involvement by the County and the CFSWMA in providing solid waste disposal services.

A.2.6 NYSDEC Comment #10

6. Section 8.2.4.2 Alternative Scale or Magnitude

The first paragraph on page 192 states that "the timing for construction of future stages of the proposed landfill expansion is also expected to be different than what is currently envisioned" [emphasis added]. This statement conflicts with the Proposed Action (i.e., 125,000 TPY, 142 acres, 94.8 year service life), and therefore requires clarification.

The last sentence in the second full paragraph on page 192 states that "Other impacts associated with the proposed landfill expansion would ultimately occur under this scenario." This requires discussion/clarification.

Segmentation is not a valid reason for dismissing consideration of the Alternative Scale or Magnitude scenario presented in Section 8.2.4.2. Using the example presented in the DEIS, it is unlikely that a SEQR review for a future proposed expansion (i.e., forty years in the future) would be considered segmented. This section of the EIS should be re-written to fully consider an alternative scale/magnitude.

Response

The statements in the first paragraph of DEIS Section 8.2.4.2 (page 192) note that the potential useful life of the landfill will vary from what has been estimated based on the year to year changes in the amount of waste requiring landfill disposal. This paragraph also notes that the useful life of the proposed landfill expansion could be extended as a result of future waste reduction and recycling efforts. These summary statements have been added to this paragraph of the DEIS (see Section 2 of the FEIS) to provide the clarification requested by the DEC.

With regard to the last sentence in the second full paragraph that starts on page 192, this refers to a scenario of alternative scale or magnitude under which only waste generated from within Franklin County would be disposed of in the landfill. The complete sentence that the DEC's comment refers to is as follows, "Other impacts associated with the proposed landfill expansion would ultimately occur under this scenario, but they would take place over a longer period of time due to the slower pace of landfill development and usage." This means that other, non-traffic related impacts identified in the DEIS for the proposed landfill expansion will occur even if less waste is disposed of each year at the proposed landfill expansion, but since the landfill will last longer at lower tonnage levels, those other impacts (e.g., removal of vegetation, stormwater runoff, noise, etc.) will also occur over a longer period of time.

Regarding the DEC's comment that "Segmentation is not a valid reason for dismissing consideration of the Alternative Scale or Magnitude scenario presented in Section 8.2.4.2", the DEIS does NOT dismiss such a scenario solely on the basis of a potential segmentation consideration. This section of the DEIS provides an assessment of advantages and disadvantages associated with landfill footprints that would be at an alternative scale and magnitude and, as part of that assessment, with regard to a 50%

smaller footprint, the DEIS states that it would have resulted in a segmented environmental review of the proposed landfill expansion plan.

DEC also commented that "This section of the EIS should be re-written to fully consider an alternative scale/magnitude." In response to the DEC's comment, an expanded discussion is included in the FEIS, Section 2.

A.2.7 NYSDEC Comment #11

7. Appendix C Hydrogeologic Site Investigation Report The Hydrogeologic Site Investigation Report was attached to the DEIS for information purposes. The Department has not reviewed this report in any detail since the Authority's initial 6 NYCRR Part 360 permit application for the expansion must include a hydrogeologic report that addresses the specific criteria in section 360-2.11 of the regulations. Technical evaluation of site hydrogeologic conditions by the Department will take place during review of the permit application once it is submitted. The lack of any comments pertaining to Appendix C in this letter should not be construed as Department acceptance of the Site Investigation Report.

Response

The DEC's statement that it has not reviewed the Hydrogeologic Report that was included as an Appendix to the DEIS is duly noted.

B. Town of Constable Comments

B.1 Project Need

B.1.1 Submitted by P. Cantwell, Jr. (W-12/1/08)

The Town believes that additional justification for the expansion should be provided as well as how the authority proposes to address the concerns raised by the Department of Environmental Conservation as well as the public comments regarding the potential adverse economic and environmental impact of the expansion.

Response

Justification for the proposed landfill expansion is provided in several sections of the DEIS, including Section 1.2 (Purpose), Section 1.3 (Public Needs and Benefits), Section 1.7 (Solid Waste Management Plan), Section 8.1.1 (1991 Solid Waste Management Plan Implementation), Section 8.1.2 (2006 Solid Waste Management Plan Modification and Implementation) and Section 8.2.2 (The No-Action Alternative).

In addition, implementation of the proposed landfill expansion is consistent with the goals and objectives set forth in the Local Solid Waste Management Plan (Local SWMP) that the CFSWMA has been following, which provides the blueprint for the long term management of solid waste generated in Franklin County. In evaluating solid waste management and recycling options for Franklin County, the development of long term landfill disposal capacity was considered to be an integral component of the CFSWMA's Local SWMP in its 1991 Local SWMP and again in its 2006 Local SWMP.

Concerns raised by the Department of Environmental Conservation are addressed in Section II (A) of this FEIS. Public comments regarding potential adverse economic and environmental impacts of the proposed landfill expansion are also addressed in this FEIS, in Section III (D and E).

B.2 Additional Expense to the Town of Constable

B.2.1 Submitted by P. Cantwell, Jr. (W-12/1/08)

The Town will incur additional expenses associated with the expanded site including a decrease in property values of adjoining real estate as well as increased contractual expense such as the Town incurs with the Constable Volunteer Fire Department in providing fire protection to the landfill. The current payment to the Town as a host community does not adequately compensate for the loss of revenue both for the impact the landfill has on real property taxes or the additional expenses incurred.

Response

As indicated in Section 1.3.1 of the DEIS, the CFSWMA has invited representatives from the Town of Constable and from the Town of Westville to participate in discussions regarding the terms of future host community payments to these towns. Such discussions have been conducted subsequent to issuance of the DEIS and they have centered around the potential for additional payments to be made by the CFSWMA to the Towns. However, as of February 26, 2009, the host community payment discussions have not yet reached a conclusion. The CFSWMA continues to consider host community payments to the Towns of Constable and Westville principally as a matter of fairness, since the landfill facility currently serves and is proposed to continue serving the waste disposal needs of the entire County of Franklin.

With regard to additional expenses to the Town of Constable that might be related to a potential decrease in property values of adjoining real estate, the analysis provided in Section 3.2.5 of the DEIS indicates that there have been no negative town-wide impacts on real property values in the Town of Constable when compared to other towns in northern Franklin County. The potential for any such additional expenses (or lost tax revenues from a decrease in property values) for the Town of Constable that would be associated with the proposed landfill expansion is, therefore, speculation that does not appear to be supported by historical information on property values for the area.

B.3 Additional Need for Testing

B.3.1 Submitted by P. Cantwell, Jr. (W-12/1/08)

The testimony at the public hearing indicated that there is an additional need of testing of the stream that passes through the site as well as wells of adjoining property owners to insure that no toxic materials enter the water table or the stream and rivers that receive runoff. Such testing would help to mitigate the decline in property values in the Town that may occur due to the expanded site as well as laying the fears of the Town's Canadian neighbors.

Response

Potential impacts to surface water resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements for solid waste management facilities. Specific monitoring requirements for the proposed landfill facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site Environmental Monitoring Plan (EMP). The potential need for sampling and analysis of Briggs Creek will be considered during development of the EMP for the site, as part of the DEC permit application and review process. Although Part 360 requires that residential wells in the site vicinity be identified, the regulations do not require testing of the residential wells or their inclusion in the EMP. However, the potential need for testing of residential wells will be considered during development of the EMP.

With regard to the potential for a decline in property values in the Town of Constable that the commenter believes may occur due to the expanded site, please refer to the response to Comment B.2.1, above.

Please refer to Section III(E) of this FEIS for responses to comments that were submitted on the DEIS from Canada Residents and Officials.

B.4. Communication System

B.4.1 Submitted by P. Cantwell, Jr. (W-12/1/08)

A system should be developed to communicate with the Towns of Constable and Westville and their taxpayers so they have more complete information available to them as to what is occurring with respect to the landfill.

Response

Residents of the Towns of Constable and Westville are always welcome to attend the monthly meetings of the County of Franklin Solid Waste Management Authority Board, which are typically held on the third Thursday of every month. These meetings are open to the public. If any resident would like to receive information regarding landfill operations they are welcome to attend these meetings or to contact CFSWMA staff at the landfill office. The implementation of specific communication methods or approaches between the CFSWMA and the Towns of Constable and Westville is a matter that is currently under discussion by these parties as part of the host community agreement negotiations.

C. Town of Westville Comments

C.1 Written Comments

C.1.1 Submitted by R. Lauzon (W-12/1/08)

SUMMARY STATEMENT

THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FAILS TO COMPLY WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).

The County of Franklin Solid Waste Management Authority (the "Authority") failed its responsibility as Lead Agency under the State Environmental Quality Review Act (SEQRA) when it approved the Draft Environmental Impact Statement as complete and suitable for public comment. As discussed below, there are both procedural flaws and substantive deficiencies in the analysis of impacts and a failure to properly identify alternatives to the proposed action or to address opportunities to mitigate impacts of the project. Most importantly, the Authority illegally segmented its environmental analysis of this project in violation of law. A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT SHOULD BE PREPARED AND MADE AVAILABLE FOR PUBLIC COMMENT.

Response

Specific responses to the alleged procedural flaws and the alleged substantive deficiencies are provided below, in direct response to each specific comment submitted by the Town of Westville. As can be seen from a review of the responses set forth below, the CFSWMA sees no need for a Supplemental DEIS to be prepared for the proposed landfill expansion.

C.1.2 Submitted by R. Lauzon (W-12/1/08)

I. THE AUTHORITY HAS FAILED TO COMPLY WITH SEQRA.

A. THE ENVIRONMENTAL ANALYSIS OF ITS PERMIT MODIFICATION IN 2006 WAS INADEQUATE AND CONTRARY TO THE REQUIREMENTS OF SEQRA.

The Authority initiated a request in 2005-2006 for a modification of its permit from the Department of Environmental Conservation (the "NYDEC") seeking to expand the permitted disposal of municipal solid waste from 46,000 tons per year to 125,000 tons per year. The County of Franklin simultaneously modified its state-mandated Solid Waste Management Plan to explicitly authorize the importation of out of County wastes and authorize an expansion of the facility " in the future". The Authority, reviewing it own proposal because it declared itself lead agency under SEQRA, issued a "negative declaration" that there would not be any significant adverse environmental impacts from its decision to expand the facility and the tonnage cap for disposal.

The Authority clearly failed to contemplate the "growth inducing aspects" of this decision and the "cumulative impacts" of the action, a breach of SEQRA.

Correspondence between the NYDEC Region 5 staff and consultants to the Authority illustrate the concern of the Department staff that the vast expansion of the levels of permitted waste into the facility would either shorten the life-span of the permitted capacity of the existing facility or was an obvious prelude to a proposed expansion. (See Attachments) The failure of NYDEC to then object to the clearly inappropriate negative declaration adopted by the Authority and its issuance of the permit was a failure of its regulatory responsibilities as an Involved Agency under SEQRA.

Response

The CFSWMA's adoption of its SWMP modification, and the NYSDEC's May 23, 2006 issuance of a permit modification to allow the CFSWMA to dispose of up to 125,000 tons per year of mixed municipal solid wastes at the CFSWMA's landfill, are issues which were logically and legally separate and distinct from the current plan. Those determinations did not allow the CFSWMA to proceed with the currently proposed landfill expansion. Those determinations would have been necessary for the proper functioning of the landfill regardless of whether the CFSWMA decided to pursue the expansion plan. At the time that these decisions were made the proposed expansion was merely speculative. The SWMP and permit tonnage modifications stand

alone, and were fully evaluated at that time through an EAF. "Where seemingly related projects are, in fact, independent and not part of a larger plan of development, cumulative review is not required (see Matter of Forman v Trustees of State Univ. of N.Y., 303 AD2d at 1020; Matter of Village of Tarrytown v Planning Bd. of Vil. of Sleepy Hollow, 292 AD2d 617, 620 [2002], lv denied 98 NY2d 609 [2002]; Matter of Concerned Citizens for Envt. v Zagata, 243 AD2d 20, 23 [1998], lv denied 92 NY2d 808 [1998]); Stanford vs. Niskayuna, 50 A.D.3d 1289 [3d Dept 2008]). From a strictly legal perspective, as noted by the Town of Westville's attorney, Mr. Melewski, at the DEIS hearing, the statute of limitations for challenging the SEQRA review of the SWMP modification and the permitted tonnage increase has expired (see page 52 of the DEIS hearing transcript). The statute of limitations on such a matter is four months, pursuant to CPLR 217 (1). The four month period runs from the time that the permitting agency is definitely committed to a course of conduct. In this case the DEC committed itself by granting the tonnage increase on May 23, 2006.

C.1.3 Submitted by R. Lauzon (W-12/1/08)

B. THE AUTHORITY HAS SEGMENTED THE REVIEW OF THIS PROJECT IN VIOLATION OF SEQRA.

In 2006, the NYDEC granted the Authority its request to increase its NYDEC permit for disposal of municipal solid waste from 46,000 tons per year to 125,000 tons per year. This approval included permission to dump thousands of additional tons cover material and so-called beneficial use materials as well. This increase in the rate of disposal, if implemented, obviously fills prematurely the existing waste disposal capacity and shortens the life span of the approved waste disposal cells. An expansion of the site, the establishment of a new site or the exportation of Franklin County waste out of county would be a necessary to accommodate this increase.

The Authority, in this Draft Environmental Impact Statement, relies on the previously approved modification of its annual tonnage limit to justify its failure to now look at alternatives which would involve less than 125,000 tons per year. It also fails to properly analyze several significant environmental impacts.

It is well established in the guidance issued by NYDEC and in case law that one of the goals of SEQRA is to avoid the segmentation of projects and their review. It is also well established that the fact of segmentation of the project can become apparent well after the initial phase of the project, as it has here - where the initial action practically determines later decision-making. There is no doubt from reading the DEIS that the modification of the annual tonnage limit two years ago, was an effort to segment this project and avoid proper review under state law.

Attached to this testimony is the guidance from NYDEC posted on their website regarding segmentation and SEQRA.

Response

Contrary to what is stated in this comment, the DEIS did consider alternatives that would involve less than 125,000 tons per year. See, for example, Section 8.2.4 (Alternative Expansion Scenarios) of the DEIS and, in particular, the discussion in that section regarding alternative scale or magnitude:

> "Similarly, if the proposed landfill expansion were to only accept wastes generated within Franklin County but allowed for the acceptance of alternate daily cover materials from outside the County, as needed, then the useful life of the proposed landfill expansion would nearly triple and the amount of landfill related traffic using the Authority's landfill could roughly be cut in half…" (DEIS p. 192).

The CFSWMA's plan for an expansion of its landfill is driven by its desire to provide a long-term, environmentally sound and cost effective disposal site (see DEIS Section 1.2). The previously approved tonnage increase does not, as this comment incorrectly asserts, make a landfill expansion – or any of the other options mentioned in this comment – necessary to accommodate such a tonnage increase. The CFSWMA could, if it should choose to do so, simply close down the existing landfill once it is filled to capacity. The timing for when the existing landfill becomes full will primarily be determined by how much waste is disposed of each year, but the decision to pursue a landfill expansion or even to export waste is not necessitated by the previously approved tonnage increase.

The statue of limitations to raise this issue has expired, as also noted in the response to Comment C.1.2.

C.1.4 *Submitted by R. Lauzon (W-12/1/08)*

C. ELEMENTS OF THIS PROJECT MAY HAVE BEEN PREMATURELY COMMENCED IN VIOLATION OF STATE LAW.

Beyond the public denials beginning in 2006, that its engineering consultants were conducting soil and water sampling for a possible expansion, which reflects poorly on the Authority, the agency may have taken other actions which could constitute an improper and illegal commencement of the project in advance of the SEQRA process.

These premature actions include but are not limited to:

* Disposal of soils from the excavation of cell #4 onto private agricultural lands proposed for acquisition in the expansion.
* Approaching adjacent landowners to entering into purchase agreements or land contracts for the expansion that have not been authorized or disclosed.
* Obtaining agreements from agricultural land owners to allow the use of their lands for non-agricultural purposes pursuant to the Agricultural Districts Law.

Response

None of the actions set forth in this comment constitute an illegal commencement of the proposed landfill expansion project, as is alleged in this comment. As noted below, the allegedly premature actions listed in this comment do not commit the CFSWMA to implement the proposed landfill expansion.

Stockpiling of soil in connection with the Cell #4 construction project has no logical or legal connection with the current expansion plan or SEQRA review. The Cell #4 construction project was subject to a previous SEQRA review and received DEC approval of the revised design on April 10, 2008. The statute of limitations concerning the environmental review of the Cell #4 construction project has expired. See CPLR section 217 (1).

Adjacent landowners were approached by the CFSWMA to seek permission to undertake environmental and hydrogeologic investigations on their lands, as part of the evaluation of those lands to determine if they might be suitable for development as a landfill. Such investigations are a necessary part of the information gathering and studies that are an integral part of the SEQRA environmental review process, which explicitly acknowledges that such environmental investigation activities and studies are Type II actions that are not subject to SEQRA's environmental review requirements. See 6 NYCRR 617.5 C (18) which excepts the following type of activities from SEQRA review: "information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action."

The CFSWMA has not entered in to any land purchase agreements for the proposed landfill expansion. Furthermore, no options have been taken on any lands proposed to be used for the expansion project. If options had been taken, this would not have required a SEQRA review because taking an option to purchase land does not commit an agency to a definite course of conduct. Marshall vs. Albany, 45 A.D.3d 1064 [3d Dept 2007].

One of the landowners in the proposed landfill expansion area signed a form that waives the requirement for the CFSWMA to file a Preliminary and Final Notice of Intent in accordance with requirements of the NYS Agriculture and Markets Law. This waiver form is authorized by paragraphs (b) and (c) of Section 305(4) of the Agriculture and Markets Law. The landowner's signature on this waiver form does not represent a commitment by the CFSWMA to purchase that land nor does it represent a commitment to implement the proposed landfill expansion.

C.1.5 Submitted by R. Lauzon (W-12/1/08)

D. THE AUTHORITY FAILED TO PROPERLY NOTIFY AND CONSULT THE TOWNSHIP AS REQUIRED BY SEQRA

The Town of Westville, as further discussed below, should properly be considered an involved agency in this project, since pursuant to

its local law, the Town should be making a determination on a project application from the Authority. The Authority was required by SEQRA to notify all decision-making agencies of its intention to assume "lead agency" status. The Town of Westville was never notified of the lead agency determination by the Authority and never given an opportunity to respond, which is a violation of SEQRA.

Response

As described in Section 3.2.1 and Appendix K of the DEIS, the Town of Westville's local law attempting to prohibit landfills is superseded by the provisions of Section 2051-t of the New York Public Authorities law and the corresponding local laws of the County of Franklin. The CFSWMA's proposed landfill expansion project does not need to obtain a permit, approval, or funding from the Town of Westville, hence the Town of Westville is not an "involved agency" as that term is defined in the SEQRA regulations (see 6 NYCRR 617.2 (s)). Since only "involved agencies" are eligible to become the SEQRA lead agency for a proposed action, there was, therefore, no requirement to contact the Town of Westville regarding SEQRA lead agency status for the proposed landfill expansion project.

C.1.6 Submitted by R. Lauzon (W-12/1/08)

II. THE AUTHORITY HAS FAILED TO MAKE APPLICATION TO THE TOWN BOARD OF WESTVILLE FOR THE CONSTRUCTION OF THE SANITARY LANDFILL AS REQUIRED BY TOWN LAW

The DEIS acknowledges the Town of Westville Local Law # 1 of 1986 which prohibits the construction of a sanitary landfill in the Town of Westville unless authorized by the Town Board. The Westville Town Law preceded the creation of the Authority by the State Legislature by at least two years.
The Authority to date has not make an application for the expansion of the facility into the Town of Westville or made application to the Planning Board for a variance, which is permitted.
The legal analysis provided in the DEIS has a number of deficiencies, but the most glaring is the assumption that all sanitary landfills are prohibited in the Town of Westville except for a town-owned landfill. Certainly, at the time the local law was written, the

Town of Westville already operated a town-owned landfill. The local law gives considerable latitude to the Town Board, sating the Town may provide for a future sanitary landfill in the community if it so chooses.

At the time of the adoption of the local law, a town-owned facility was already operating. That facility was subsequently been closed in conformance with revised NYDEC regulations. The Westville Town Law does not specify that the facility be a town-owned facility. A variance procedure was also established under the same local law. The notion advanced in the DEIS that the Westville Town Law conflicts with the enabling legislation of the Authority and therefore the Authority can ignore the local laws in its planning is a false and self-serving legal presumption.

Response

The CFSWMA disagrees with the conclusions presented in this comment for the reasons delineated in Section 3.2.1 and Appendix K of the DEIS.

C.1.7 Submitted by R. Lauzon (W-12/1/08)

III. THE DRAFT EIS FAILS TO ADEQUATELY DESCRIBE THE ENVIRONMENTAL SETTING OR TO PROPOSE MITIGATION TO KNOWN ENVIRONMENTAL IMPACTS.

Response

Set forth below are specific responses to the allegedly inadequate descriptions of the environmental setting or proposed mitigation measures, in direct response to each specific comment submitted by the Town of Westville. As can be seen from a review of the responses provided below, the CFSWMA does not consider the environmental setting and mitigation descriptions in the DEIS to be inadequate.

C.1.8 Submitted by R. Lauzon (W-12/1/08)

A. EXISTING CONTAMINATION OF GROUNDWATER AND WETLANDS

Correspondence between Authority personnel and staff of the Department of Environmental Conservation, and test results from monitoring wells surrounding the facility, document that groundwater has been contaminated beyond the designated cells of the facility. The Department of Environmental Conservation has required the Authority to more intensively monitor some wells as levels of contamination have escalated.

Attached to this testimony are several examples of documents obtained through the New York State Freedom of Information Act that verify that contamination of groundwater has been documented for several years.

The presence of contamination of groundwater exceeding trigger levels for certain contaminants is ignored by the DEIS. The document instead focuses entirely on how future contamination from future construction and new waste cells will be minimized through the proposed environmental monitoring program. No action plan for reducing the increasing levels of contamination found in existing monitoring wells is proposed. There is no acknowledgement that the existing multilayer protection system has already failed.

This “head in the sand” approach leaves the surrounding residents, who depend on groundwater for drinking water and for watering their livestock out in the cold. The possible contamination of a residential well near the site is currently under investigation by the town of Westville.

At a minimum, the Authority should propose or be required to adopt a testing regimen for the water sources of adjacent or down gradient landowners conducted annually by or on behalf of the Authority. Similarly, the Briggs creek and wetlands adjacent to the landfill site should be subject to seasonal testing for water contamination. Contamination of the wetlands can also impact plants and fish and wildlife species.

Response

Beginning in the fourth quarter of 2003, contingency groundwater monitoring was implemented for several environmental monitoring points as a result of trends of increasing concentration of several monitoring parameters, particularly in monitoring well MW-17I. The trends of increasing concentration are attributed to a period of past site operations when housekeeping practices and/or site construction activities may have impacted groundwater quality. However, as noted below, the monitoring data confirm that the integrity of the existing liner system has not been compromised.

The integrity of the primary and secondary liner systems is assessed on a daily basis by monitoring the flow rates in each of these systems. The existing liner systems maintain secondary flow rates well below the 20 gallons per acre per day maximum required by 6 NYCRR Part 360, based on a 30-day average. Based on 2007 data, the overall existing landfill primary liner system efficiency was 99.8 percent (%). This means that 99.8 percent of all leachate generated in 2007 was collected by the primary (upper) leachate collection system, with the remaining 0.2 percent of the landfill leachate collected by the secondary (lower) leachate collection system.

The liner system is underlain by a pore water drainage layer that intercepts any groundwater that might come in contact with the lower liner system. Laboratory analytical data also indicates that the water collected in the pore water drainage layer beneath the landfill is not impacted by landfill leachate. In the unlikely event that the primary and secondary liner systems fail and leachate contamination of the collected groundwater is detected during landfill operation, such groundwater can be contained and transferred into the leachate collection system. Under current and anticipated future operating conditions, the pore water drainage system draws groundwater inward beneath the landfill where it can be collected and monitored. Under these conditions, potentially contaminated groundwater can not migrate away from the facility; instead, it is captured in the pore water drainage system. Accordingly, the water supplies of nearby residents are not threatened by the existing facility or the proposed expansion.

Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site Environmental Monitoring Plan (EMP). Although Part 360 requires that the residential wells in the site vicinity be identified, the regulations do not require testing of the residential wells or their inclusion in the EMP. The potential need for testing of residential wells will be considered during development of the EMP.

C.1.9 *Submitted by R. Lauzon (W-12/1/08)*

B. THE MANAGEMENT OF THE FACILITY HAS BEEN CONSISTENTLY POOR

The Facility has routinely been found to be operating out of compliance with its Part 360 Permit on routine inspections by the staff of the Department of Environmental Conservation. Three enforcement actions were initiated by NYDEC over the course of three years. The Authority was cited by NYDEC for failure to control odors in 2003, and in 2004 for failure to maintain daily cover and allowing leachate to flow outside the landfill cell contaminating groundwater. The NYDEC found the Authority to be improperly spreading sludge outside of the approved containment areas in 2005. In May of 2007, the United State Environmental Protection Agency discovered that the Authority was violating Underground Storage Tank regulations and the USEPA in May of this year proposed two fines for that failed inspection.

Blowing litter and inadequate use of cover material remain persistent problems. The persistent presence of large numbers of seagulls and turkey vultures hovering near the working face of the landfill has been repeatedly observed by both residents and the NYDEC in its infrequent inspections. The Authority proposes to greatly expand the amount of waste into the facility on a daily basis, but offers no improvements in its current and ineffective practice for dealing with this human health hazard.

Response

The CFSWMA has signed three (3) Order on Consent agreements with the NYSDEC throughout its fifteen year operational life. For information on these three (3) agreements please refer to the response to Comment D.12.1.

Two fines totaling $600 were paid to the USEPA by the CFSWMA for compliance monitoring deficiencies related to computer printout monitoring and storage requirements. There were no violations resulting from improper system operation or environmental releases.

The operational procedures for vector control required by NYSDEC regulations include adequately compacting wastes, keeping the size of the landfill's working face to the smallest practicable area, covering the working face of the landfill at the end of each work day and maintaining a 12-inch compacted thickness of cover soil over areas of the landfill where no additional wastes have been or will be deposited for 30 days. These operating procedures limit accessibility of the wastes and have been documented at other facilities to deter vectors from using the wastes as a food source. In addition, a permanent litter fence was constructed at the facility to contain potential blowing litter. These same operating procedures would be utilized within the landfill expansion cells.

The facility has been managed efficiently under the current administration. Based on the original 1994 planning estimates for the facility, the projected waste density was 0.6 tons per cubic yard. In 2008, it was confirmed that the actual landfill waste density is 0.9 tons per cubic yard. This efficient use of airspace is a result of good landfill management practices including above average compaction efforts. This efficiency has extended the life of the current facility while optimizing revenues.

C.1.10 Submitted by R. Lauzon (W-12/1/08)

IV. THE DEIS FAILS TO FULLY EXAMINE PRACTICAL ALTERNATIVES AS REQUIRED UNDER SEQRA

There are not one but many practical or likely alternatives to the current proposal that are not examined at all or are given "lip

service" in the analysis in the DEIS. They include, but are not limited to:

Response

As indicated in the responses set forth below to each specific comment, the CFSWMA disagrees with the commenter's assertion that the DEIS fails to fully examine practical alternatives as required under SEQRA.

C.1.11 Submitted by R. Lauzon (W-12/1/08)

A. LANDFILLING ON SITE FOR ALTERNATE SCALE OR MAGNITUDE

The DEIS reveals that landfilling on adjacent areas with up to three new cells would provide approximately 19 years of additional capacity, without disturbing any wetland areas as the proposed massive expansion would do. This estimate of capacity is highly conservative since it is based on a yet to be achieved annual tonnage rate of 125,000 tons per year. The DEIS at page 192 acknowledges that increased recycling would also extend that capacity life.

Response

Please refer to the responses to Comments C.2.3 and D.1.2 as a partial answer to this comment.

As Section 1.7.2 of the DEIS acknowledges, the New York State Solid Waste Management Plan places a priority on waste reduction and recycling in the management of waste. Further, the State Plan recognizes the primacy of local planning units in the development of solid waste management plans, and these plans are reviewed by the NYSDEC to assure consistency with state solid waste management policies. Section 1.7.2 of the DEIS notes that the NYSDEC approved both the initial 1991 Franklin County Solid Waste Management Plan and the 2006 Modification to Final Solid Waste Management. The CFSWMA's policies and practices regarding recycling at its facilities are described in the 2006 Plan that was approved by the NYSDEC. The Comprehensive

Recycling Analysis (CRA), which has been prepared and updated several times by the CFSWMA, is always submitted to the NYSDEC for review and approval of the proposed modifications.

The CRA notes in some detail that the CFSWMA plans to expand its recycling programs when economics allow for such an expansion. Section 8.1.3 of the DEIS acknowledges that components of an expanded recycling program in Franklin County include: stabilization of recyclables revenue; expansion of the quantity of recyclables captured; use of additional containers for recyclables to improve the efficiency of the operations; utilization of an upgraded Malone transfer station and recycling facility (facility was recently upgraded by the CFSWMA and additional staff was added to help with recycling operations); and consideration of the establishment of a dedicated recycling facility at the landfill. The CRA confirmed that the processing capability for recyclables is the weak link in the present recycling system and that a dedicated recycling facility at the landfill is probably the best solution for operation and management of the recycling system. The CFSWMA recognizes that if it can bring in additional revenue-generating materials for disposal (such as beneficial use materials), this may help generate additional capital that can be used to help the CFSWMA expand components of its existing recycling program.

C.1.12Submitted by R. Lauzon (W-12/1/08)

B. LOWERING THE ANNUAL TONNAGE CAP

The DEIS fails to consider the practical alternative of simply lowering the annual tonnage cap to as low as 44,000 tons per year of municipal solid waste . This size cap would serve the needs of Franklin County residents and greatly extend the life capacity of the three new cells. Even with existing practices of accepting waste from Essex County and other sources, the tonnage of municipal solid waste disposed at the facility annually do not approach 125,000 tons. In 2007, annual tons disposed was less than 35,000 tons (See Table 1, DEIS) The May 2006 modification of the annual tonnage permit limit immediately before this Action was commenced distorts all analysis in this document and inappropriately has been cited to justify a failure to do a comprehensive analysis.

Response

See response to Comments C.2.3 and D.1.2 as an answer to this comment.

C.1.13 Submitted by R. Lauzon (W-12/1/08)

C. INCREASED RECYCLING AND SOURCE SEPARATION

The DEIS acknowledges that the recycling rate in Franklin County is an anemic level of 6%. (Elsewhere the document asserts that this figure is 12.5%). This level of recycling is well below the average for other rural solid waste planning units in the State of New York, including regions with smaller populations. Landfill capacity can be greatly expanded if appropriate portions of the waste stream are diverted by expanded recycling, composting and source reduction efforts. The Franklin County Solid Waste management Plan, recently amended, acknowledges that recycling has suffered from the lack of a recycling coordinator and a budget.

The Authority and the County of Franklin now have flow control authority over all waste generated in Franklin County, which can require mandatory source separation by households and businesses using private haulers. The Authority can also demand comprehensive recycling in other communities utilizing the facility. The Authority should adopt a mandatory source separation program. The Department of Environmental Conservation has recently proposed an expanded program for Albany County which should be examined as a model.

The Authority can also promote increased composting of materials and other diversions from the waste stream, including household hazardous waste. The Authority now operates a household hazardous waste day once a year, alternating locations so that fully once half of Franklin County residents are too distant to participate except every other year. The diversion of household hazardous waste is an important public health and safety measure not only to divert small quantities of hazardous waste from the landfill and its leachate, but also to educate residents about alternatives to

hazardous and toxic products in the market. This program should be operated a minimum of twice yearly in locations that are convenient for residents.

Response

The CFSWMA's recycling rates will vary from year to year due to the fact that the CFSWMA, as a planning unit, only collects recyclables from residential drop offs at the transfer stations and landfill facility. Private haulers are responsible for curbside collection in the higher density areas (such as the Village of Malone, Saranac Lake, Tupper Lake, etc.) and do not route their recyclables through the CFSWMA's system. In addition, the New York State correctional facilities located in Franklin County also manage their own recyclables, including organic recycling/composting; however, the CFSWMA does manage the municipal solid waste from the correctional facilities.

The NYSDEC compiles recycling figures for each of the planning units in New York State every two years as Comprehensive Recycling Analyses (CRAs) are submitted to the NYSDEC. Based on the most recent figures provided by the NYSDEC for the individual planning units in New York State, compiled in December 2007, the CFSWMA's recycling rates are comparable to other northern New York planning units. For example, in 2006, the most recent year of compiled data, the CFSWMA's calculated rate, excluding beneficial use debris utilized at the landfill, but including yard waste collection, was 5.2%. Based on the same parameters for 2006, Clinton County's rate was 2.9% while the St. Lawrence County rate was 5.5%.

As a result of the various collection systems mentioned above operating in Franklin County, the recycling percentages reported by the CFSWMA are not representative of the County as a whole. In fact, if calculations are adjusted in an attempt to include all the recyclable materials and organics being collected and processed, the recycling rate in Franklin County increases dramatically. For instance, in 2006 the recycling rate in Franklin County would increase to 11.8% when correctional facility recycling/composting and private hauler recyclables, which do not pass through the CFSWMA's system, are accounted for. The landfill also utilizes beneficial use debris (BUD) for cover material at the landfill instead

of using virgin soil. When these BUD materials are applied to the recycled quantities instead of the waste quantities, the CFSWMA's 2006 rate alone would increase to 12.4%, while the overall Franklin County rate would increase to 18.5%. These recycling rates are also comparable to the local Canada rates. According to the Solid Waste Management Plan for MRC Haut St Laurent dated September 14, 2005, the 2005 recycling rate was approximately 5% for the Town of Elgin, 5% for Saint Chrysostome, 15% for the Town of Dundee, and 13% for the Town of Ormstown. In addition, the Town of Huntingdon does not provide recycling data due to the program being unorganized.

Please refer to the responses to Comments C.1.11, C.2.2, and D.3.2 as a partial answer to this comment.

See the response to Comment D.3.2 for a detailed discussion of current recycling activities and programs in Franklin County. The response to Comment C.2.11 summarizes planned enhancements to the CFSWMA's recycling programs and systems. Implementation of mandatory source separation and recycling by households and businesses using private haulers is not currently contemplated in the County's most recent Comprehensive Recycling Analysis – Update 2007 (CRA), but could be considered as a strategy to further enhance recycling and waste diversion in the future. The response to Comment D.1.2 addresses the size of the proposed landfill expansion in relation to possible enhanced recycling and waste diversion activities in the County.

The response to Comment E.3.6 indicates the CFSWMA's willingness to consider organics composting in the future. Consideration of increasing the frequency of household hazardous waste (HHW) collections from once every other year to twice yearly, at locations convenient to all Franklin County residents, is not currently contemplated in the County's most recent Comprehensive Recycling Analysis – Update 2007 (CRA), but could be considered as a strategy to further enhance recycling and waste diversion in the future. The CFSWMA will consider increasing the HHW collection days to twice a year.

C.1.14Submitted by R. Lauzon (W-12/1/08)

D. EXPORTATION OF WASTE

The DEIS does a poor job of examining the true economic benefits and drawbacks of exporting Franklin County waste to other sites outside the County. The adoption of the flow control law allows the County to direct waste to County operated facilities, including transfer stations. The cost estimate for a hypothetical first year of waste exportation (see p.175), asserts that County of Franklin residents would have to pay $87-$104 more per ton to export waste out of County based on the currently permitted 125,000 tons per year is completely fabricated, totally irrelevant and designed to bolster a flawed analysis. The DEIS refers to a 2006 analysis, which is not provided.

Response

See response to D.2.2 as a partial response to this comment.

The hauling cost analysis that was summarized in Section 8.2.2 of the DEIS was originally presented in Appendix B of the 2006 Modification to Final Solid Waste Management Plan (the 2006 plan update).

This analysis reviewed the costs for in-county versus out-of-county waste disposal, based on **both** 43,500 and 125,000 tons per year waste handling scenarios, not only at the higher tonnage rate suggested in the comment. Under **both** scenarios, the cost savings for an in-county solution were found to be significant. The 2006 cost analysis referenced in the DEIS is available as Appendix B of the April 2006 Modification to the Final Solid Waste Management Plan for the CFSWMA. Refer to the response to Comment C.1.22 to view details regarding the availability of this document.

C.1.15 Submitted by R. Lauzon (W-12/1/08)

E. REDUCTION OF THE TONNAGE CAP

As previously stated, the previous adoption of an annual 125,000 ton cap should not and cannot justify the failure to examine alternatives that require the importation of less waste. The current

tonnage far exceeds the legitimate needs of the residents of Franklin County, which the Authority estimates at 43,500 tons annually. The Authority presents no economic analysis that justifies the expansion it seeks . As stated previously, the Authority illegally relies on the previously authorized tonnage cap to avoid discussing other alternatives so obviously available.

The data presented in the DEIS show that the Authority has not significantly increased the tonnage into the facility even with the expanded limit in the tonnage cap. Failure to examine alternatives that involve the disposal of less waste at the site over time is a violation of SEQRA.

It is noteworthy that the representatives at the Department of Environmental Conservation at the public comment hearing also noted the failure to examine alternatives with a smaller tonnage cap.

Response

The response to Comment E.3.6 summarizes the numerous alternative waste processing and disposal technologies that were considered and ruled out, for a variety of reasons, in the DEIS for the CFSWMA proposed landfill expansion. The responses to Comments C.2.3 and D.1.2 address the impacts of a lower quantity of incoming waste requiring disposal on the needs and plans for the CFSWMA's proposed landfill expansion project.

C.1.16 Submitted by R. Lauzon (W-12/1/08)

F. THE NO ACTION ALTERNATIVE ANALYSIS

The No Action Alternative considered by the Authority is fatally flawed. The DEIS asserts that the landfill site will be at capacity by the year 2014. This calculation is based on an assumption of annual disposal of 125,000 tons per year of municipal waste and tens of thousands of tons of other wastes used for cover materials, which also have to be managed and consume landfill space.

The Authority concedes that the disposal requirements of Franklin County residents only consist of about 43,500 tons of material. The NO Action Alternative is a false choice. Accepting only waste from

Franklin County would substantially lengthen the current life of the existing landfill.

The modification of the relevant permit two years prior to the Action now under review skews the results of the analysis. It is our contention that these actions were taken in concert to achieve a predetermined result, which is a violation of SEQRA.

Response

Section 8.2.4 of the DEIS addresses the impact of lower-than-permitted tonnage deliveries to the landfill on the landfill expansion project. The responses to Comments C.2.3 and D.1.2 summarize these findings from the DEIS and indicate the benefits to the residents and businesses of Franklin County that accrue from the CFSWMA's practice of accepting wastes and beneficial use materials from out-of-county sources. These responses also address the impact of a lower quantity of incoming waste requiring disposal on the needs and timing of the CFSWMA's plans for the proposed landfill expansion project.

As indicated in the responses to Comments C.1.2 and C.1.3, the tonnage permit modification obtained in 2006, and the proposed landfill expansion examined in the 2008 DEIS, were not actions "taken in concert to achieve a predetermined result."

C.1.17Submitted by R. Lauzon (W-12/1/08)

G. ALTERNATIVE LANDFILL SITES

The discussion of alternative sites is also similarly and fatally flawed. The DEIS states that "a new landfill site could not be identified, permitted and built in time to meet Franklin County's need for new disposal capacity which is anticipated to be in the year 2014…".
This analysis presumes that 125,000 tons of municipal solid waste will be disposed on site annually. Since the request for a modification of the annual tonnage rate was approved in 2006, the Authority has barely increased the amount of municipal solid waste received at the site. The Authority controls the amount of waste actually disposed at the site annually.

Assuming disposal of 125,00 tons per year number is a false assumption that corrupts the analysis of this alternative. Reliance on the modified permit as the rationale not to look at viable alternatives is a violation of SEQRA, including but not limited to illegal segmentation of the project.

Response

The discussion of alternative landfill sites presented in Section 8.2.3 of the DEIS does not assume that 125,000 tons per year of municipal solid waste will be disposed of at the CFSWMA's landfill. The analysis of alternative sites does mention the timing for when the proposed landfill expansion could be needed, if the CFSWMA were to receive the maximum annual permitted tonnage (125,000 tons of municipal solid waste). This example of a potential timeframe for when the proposed landfill expansion might be needed did not limit or exclude the consideration of viable alternatives.

C.1.18 Submitted by R. Lauzon (W-12/1/08)

H. RECOVERY OF METHANE FROM THE SITE

The Authority, according to the DEIS, "plans to examine alternative beneficial uses for landfill gas", to mitigate its emissions. Elsewhere in the document, at 3.32, the Authority suggests that a means to offset and mitigate the impact of its additional use of electricity to power additional blowers and other equipment could be to produce electricity on site.

The Authority concedes that the existing permitted landfill emits at least an estimated 24% of its total emissions. While reducing the percentage of fugitive emissions, the proposed expansion is estimated to double the methane emissions from the site to the atmosphere. Methane is one of the more potent of greenhouse gases and the State of New York through the Department of Environmental Conservation is not only seeking to minimize emissions but also to promote the use of alternative fuels. Examination of alternatives is what is supposed to happen in this environmental analysis.

The Authority has identified an adverse impact to the environment from this project both for increased emissions of greenhouse gases and increased electricity use. It is required now to affirmatively propose a plan to mitigate that impact.

The DEIS also states that an aggressive composting program could reduce greenhouse gas emissions. This alternative is neither proposed nor further discussed. The Authority fails to describe how it will mitigate the increase in greenhouse emissions that would result from an expansion of the facility or how it will capture and control fugitive emissions from the expanded facility.

Response

The proposed landfill expansion will include installation of an active landfill gas collection and control system to reduce emissions with typical control device destruction efficiencies of 100% for methane (DEIS p.105). Fugitive gas emissions will be minimized through the implementation of a gas monitoring program (DEIS Section 3.1.6.2), which can be used to fine tune the active landfill gas collection system to ensure that it is directing landfill gas towards the control device and thereby minimizing potential fugitive emissions.

Information on potential future methane emissions is presented in Section 3.1.7.6 and in Table 11 of the DEIS, which includes emission estimates for over a 100-year period with the peak year of methane emissions projected to occur in the year 2110. As stated on page 118 of the DEIS, “Although the proposed expansion results in an increase in landfill gas production due to the increased waste mass, the proposed landfill expansion project will reduce the GHG [Greenhouse Gas] methane emission rate by approximately 11% as compared to the GHG emission rate from the existing landfill operations.”

On page 119 the DEIS indicates that the CFSWMA plans to evaluate the potential for generating electricity from landfill gas, which will not only reduce landfill gas methane emissions but will also displace fossil fuel based power on the State’s electric grid and thereby further reduce GHG emissions. This section of the DEIS also indicates that the CFSWMA may decrease the amount of landfill gas generated in the future through the development of

composting programs for organic wastes, to the extent feasible. Given that the time period examined in the DEIS for GHG emissions extends for approximately 100 years, with peak emissions predicted to occur in the year 2110, and in recognition of the reduction in the GHG emission rate that the proposed landfill expansion will provide, there is ample time for the CFSWMA to evaluate and develop – if feasible and as appropriate – more specific plans for a landfill gas to energy facility and for potential composting programs.

See Sections 2.2.6, 2.6.2, 3.1.6.2, 3.1.7.6, and 3.1.7.7 of the DEIS, as well as the response to Comment C.1.26 in this FEIS, for additional information relative to the proposed measures to control methane emissions.

C.1.19 Submitted by R. Lauzon (W-12/1/08)

V. PROPOSED TESTING AND SAMPLING IS INADEQUATE TO PROTECT PUBLIC HEALTH AND SAFETY

The proposed expansion incorporates some improvements in ground water diversion within the cells themselves, but offers the minimum measures for testing and sampling. Drinking water quality should be examined at adjacent residences on a regular protocol. Nearby wetland complexes should be tested regularly for contaminants. Briggs Creek as the identified down gradient drainage area should be regularly tested downstream before it ultimately flows into the lands of Canada.

Response

Specific monitoring requirements for the landfill facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP). Facility performance is assessed through the collection and analysis of environmental samples that may include groundwater, surface water, and sediment samples. As noted above, although Part 360 requires that the residential wells in the site vicinity be identified, the regulations do not require testing of the residential wells or their inclusion in the EMP. The potential need for testing of residential wells will be considered during development of the EMP.

C.1.20 Submitted by R. Lauzon (W-12/1/08)

VI. THE IMPACTS OF THE EXPANSION ON THE MALONE WATER TREATMENT FACILITY, ITS OPERATIONS AND THE DOWNSTREAM EFFECTS IN THE SALMON RIVER MUST BE MORE FULLY EXAMINED.

The cumulative impacts of the expansion of this facility not only include the need for added capacity to store and treat leachate, but also has significant implications for the operation of the Malone Facility as the prime leachate dilution and discharge site. The expansion of this facility cannot be done in a vacuum and comply with SEQRA.

The effect of this expansion on the current operations of the Malone facility, its need for new equipment or manpower, the capacity of the Malone facility and the effect of the significant increases in discharges into the Salmon River on the river ecology and downriver users must be considered in this DEIS as a logical outgrowth and effect of the expansion.

Response

Monitoring requirements for the Village of Malone wastewater treatment facility are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC. With upgrades completed in 1999, the plant has an operating capacity of 3.3 million gallons per day (MGD). The facility currently operates well below the maximum daily operating capacity despite the treatment of all the leachate currently produced at the landfill. Facility records indicate that the highest flows occur during the winter months and average approximately 2.4 MGD, almost 900,000 gallons per day below the facility's maximum operating potential. Assuming all leachate from the proposed expansion would be treated at the Malone facility, the quantity of leachate that is anticipated to be processed would be less than 1.7% of the daily total facility capacity. Assuming the anticipated maximum annual leachate generation from the expansion of 20,395,095 gallons, the average daily volume of leachate requiring treatment would be approximately 56,000 gallons. Working with the Malone facility, the Authority has currently been able to treat upwards of 44,000 gallons

per day with no negative effects on the facility's treatment ability. Additionally, the on-site storage tanks at the landfill facility are utilized to handle daily variations in flow by storing leachate until it can be treated. If more than 44,000 gallons per day require to be treated in the future, the Authority will work with Malone authorities to analyze increased disposal in Malone. According to the projected leachate generation outlined in Figure 2.5 of the DEIS, treating more than 44,000 gallons per day is not anticipated until after the year 2045.

As outlined in Section 2.5 of the DEIS, additional wastewater treatment facilities can be utilized, such as the City of Plattsburgh facility. If more than 44,000 gallons per day cannot be treated at the Malone facility, the Plattsburgh facility is capable of handling the excess leachate quantities. The Plattsburgh facility is averaging only 5.0 MGD, significantly under its design capacity of 16.0 MGD. Therefore, the Plattsburgh facility offers an additional 11.0 million gallons of available daily capacity for excess leachate disposal. The Plattsburgh facility has also treated the CFSWMA's leachate during the years of 1998 through 2004 with no negative effects on the wastewater treatment plant's effluent discharge.

Based on the above, the Malone and Plattsburgh wastewater treatment facilities current infrastructure and staff are capable of handling the projected leachate volumes from the proposed expansion.

C.1.21 Submitted by R. Lauzon (W-12/1/08)

VI. THE IMPACTS ON AGRICULTURAL LANDS ARE SIGNIFICANT BUT NO EFFORT IS MADE TO MITIGATE THE IMPACT

By its own analysis, the Authority concedes that the proposed project will result in the loss of 110 acres of "agriculturally important soils" according to the 2008 New York Agricultural Land Classification, and the acquisition of 325 acres of land within a state designated agricultural district with an overall loss of almost 5% of all agricultural land in the Towns of Westville and Constable.

Agricultural districts receive legal protection under New York State law. The Authority states that it has obtained a signed agricultural district waiver from all the affected farmers in the agricultural district that are included in the expansion area, effectively waiving the Agricultural District impact review procedures otherwise applied by the NYS Ag Department.

The Authority fails to produce such waiver documents in the DEIS. Their inclusion is a necessity. The DEIS further fails to consider any alternatives to the proposed action that would mitigate the loss of agricultural lands and the permanent loss of agriculturally important soils, which is contrary to the requirement for examination of practical alternatives to the proposed project under SEQRA.

Response

Refer to Appendix BB of the FEIS to review the signed agricultural district waiver obtained by the CFSWMA regarding lands currently mapped as part of agricultural district FRA01 that are included in the proposed landfill expansion area. For more details regarding this waiver or the agricultural resources surrounding the CFSWMA Landfill refer to Section 3.2.1.1 of the DEIS.

Approximately 325 acres of land included in agricultural district FRA01 are proposed to be acquired as part of the CFSWMA landfill expansion project. Out of this total acreage, approximately 62 acres, or 19 percent (%), will be disturbed as part of the proposed master build-out plan for the landfill expansion. The majority of this land is not proposed for solid waste disposal and may continue to be used for agricultural purposes under potential lease agreements after proposed CFSWMA acquisition. Even if this land does not continue to be used for agricultural purposes, there are no actions currently proposed by the CFSWMA on these lands, so the agriculturally important soils in these areas will remain intact. Approximately 110 acres of agriculturally important soils are included in the 581 acres of land proposed for acquisition; this equates to 19 percent (%). Of these 110 acres of agriculturally important soils, only approximately 56 acres are included within the proposed disturbance limits for the maximum expansion build-out. Some impacts to agricultural lands would occur as part of the proposed landfill expansion project; however, these impacts do not

largely impact the abundance or quality of agricultural lands or agriculturally important soils within the Town of Westville or within Franklin County.

C.1.22Submitted by R. Lauzon (W-12/1/08)

VII. OTHER PROBLEMS WITH THIS DEIS

1. THE DISCUSSION OF THE NO-ACTION ALTERNATIVE. THE DEIS refers repeatedly to an analysis in Appendix B of the 2006 Solid Waste Plan of Franklin County. However, this analysis is not provided for review and its assumptions are merely summarized in the DEIS, making it impossible by reviewing this document to properly review the basis for the conclusions.

Response

As indicated in the Frequently Asked Questions document issued by the CFSWMA on July 10, 2008, the 2006 Solid Waste Management Plan for Franklin County is a public document and is available for public review at the CFSWMA office located at the landfill facility. This document has also been available on the CFSWMA's page of the County of Franklin's website since July 2008. The address for this page is www.franklincony.org/content/Generic/View/18.

C.1.23 Submitted by R. Lauzon (W-12/1/08)

2. THE HISTORIC AND ARCHEOLOGICAL RESOURCES ANALYSIS.

This section concludes that the proposed expansion footprint was designed to minimize impacts to the farmstead site, which is eligible for inclusion in the state an national register of historic places. The DEIS contains no document form the NYS Office of Parks Recreation and Historic Preservation (OPRHP) indicating that there will be no impact.

Response

Refer to Appendix BB of the FEIS to review the No Effect letter from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). Details regarding the historic resources located on and adjacent to CFSWMA property are included in Section 3.2.8 of the DEIS.

C.1.24 Submitted by R. Lauzon (W-12/1/08)

3. THE LACK OF ANY ACCURATE LIST OF THE SOURCES FOR ALL WASTE DISPOSED IN THE FACILITY.

This is an obvious and curious omission from the documentation in the DEIS. The cursory statement on Page 14, citing an incomplete list of sources of both solid waste and beneficial use materials, is not adequate to provide any analysis of the regional impacts of the facility.

Response

The statement made on page 14 of the DEIS lists the New York State Counties and Provinces of Canada from which solid waste and beneficial use materials have been accepted at the CFSWMA Landfill **in recent years**. Outside of recent years, waste has also been received from New Hampshire, Vermont, and Massachusetts and sludge has been received from Albany County and Saratoga County in New York State.

C.1.25 Submitted by R. Lauzon (W-12/1/08)

4. THE FAILURE TO DISCLOSE CURRENT CONTRACTS.

The DEIS also fails to disclose any current contracts between the Authority and sources of wastes. This is especially important if the Authority has entered into long-term contracts with municipalities or private haulers that extend beyond the Authority's own projected site life for the landfill of 6.4 years. An accurate assessment of the need for additional capacity cannot be made without this information.

Response

The CFSWMA cannot legally enter into contractual agreements with private waste haulers because of their bond obligation. The CFSWMA may only contract with municipal entities. The CFSWMA currently has a contract with the City of Plattsburgh and the Village of Malone to accept the sludge from their wastewater treatment plant. The CFSWMA has historically entered into contractual agreements with the Village of Saranac Lake and Village of Tupper Lake to also accept sludge.

C.1.26 Submitted by R. Lauzon (W-12/1/08)

5. MODIFICATIONS AND UPGRADES FOR CURRENT LANDFILL GAS MANAGEMENT ARE ANTICIPATED BUT THERE IS NOT ANY DETAIL.

Why are these modifications necessary? Will these modifications affect any future decision on landfill gas management if the facility is expanded. What modifications will be necessary is only three more cells are permitted? Blower upgrades will require upgrade to three phase power at the site. What actions will be necessary to accomplish a power upgrade? Will a new power line need to be established into the facility?

Response

As with all active landfills operating an active gas collection system, the landfill gas collection system is continually being modified as waste placement advances at the site. As outlined in Section 1.6.2.3 of the DEIS, the existing landfill gas collection system will be expanded into Cell #4 by installing the perimeter gas collection line, vertical extraction wells and horizontal extraction wells, and connecting the leachate collection piping cleanouts into the blower skid and flare. Also listed in the DEIS is the upgrade of the blower skid and burner. These upgrades would consist of simply exchanging the current blowers for larger, higher horsepower blowers, as well as a burner with more capacity to handle the Cell #4 waste mass.

These modifications will not negatively affect any future decision on the landfill gas management proposed for the facility expansion. As with any engineered system, a factor of safety is applied when sizing system components. The modifications to the blower skid and burner described above will be adequate to handle Cell #4 along with additional capacity beyond Cell #4. The existing landfill gas collection system will continue to be operated and expanded into the next three cells (Phase 1). Upgrades to the blower skid and flare for the entire expansion area cannot be made at one time, but rather the upgrades will be progressive in nature. If the blowers or flare are installed with too high a flow rate, the system runs the risk of not being able to turn down enough to run at the lower gas flow rates the site currently experiences.

An upgrade to three-phase power is proposed as part of the landfill expansion project. Details regarding this action are included in Sections 3.2.6 and 3.3.2 of the DEIS. The nearest three-phase power access is located approximately 4 miles west from the landfill site at Bird Road in the Town of Westville. Due to the age of the utility poles and transformers that line County Route 20, it is likely that these facilities will need to be upgraded in order to accommodate the addition of three-phase power to the site; this determination will ultimately be made by National Grid.

C.1.27 Submitted by R. Lauzon (W-12/1/08)

6. THE DEIS FAILS TO IDENTIFY ALTERNATIVES FOR LEACHATE DISPOSAL.

On page #49, the DEIS states that the Village of Malone Wastewater Treatment Plant will be the primary leachate disposal site.

The DEIS fails to contain even a letter from the Village of Malone indicating their willingness to provide such capacity. The DEIS further states that “other wastewater treatment plants may also be utilized in the future, including at least one backup disposal site for leachate”. No such sites are identified. The environmental impact of the proposed expansion of this facility and the significant increase in leachate cannot be evaluated if no one knows what facility it is

going to and what the environmental impacts of the discharges to other water bodies may be. The failure to plan for the possibility that the Village of Malone site may not be available is particularly inappropriate.

Response

As outlined in Section 1.6.2.2 of the DEIS, the CFSWMA currently uses the Malone Treatment Plant as the primary disposal facility and the City of Plattsburgh Treatment Plant as the backup facility. The CFSWMA has leachate disposal agreements with both facilities and these agreements are anticipated to continue into the future. Agreements are available for review at the CFSWMA landfill office. Both treatment facilities and the NYSDEC Division of Water have been consulted on the treatment of the leachate volumes anticipated from the proposed expansion and all parties agree that the current plants have adequate capacity to treat the leachate generated from the expansion area. Refer to the responses to Comments D.8.1 and E.10.1 for more information regarding the leachate treatment process.

C.1.28 Submitted by R. Lauzon (W-12/1/08)

7. THE DEIS STATES THAT THE PROPOSED EXPANSION IS NOT LOCATED OVER A PRIMARY OR PRINCIPAL ACQUIFER.

Internal documents at the NYDEC, dated December 10, 2007, indicate that drilling in a proposed well location hit flowing artesian conditions in the till at about 70 feet. Estimated flow was at 25 gallons per minute. Please explain this apparent error in your evaluation, which predicted the nearest aquifer area capable of 10 gallons per minute or more to be approximately 2 miles to the southeast. Additional investigation of the hydrology of the site should be considered.

Response

The DEIS correctly noted that the proposed landfill expansion site is not located over or near a primary or principal aquifer. Nor does groundwater or surface water from the site serve as recharge to a primary or principal aquifer. The DEIS described the aquifer

potential in the site vicinity based on published mapping and noted that a potential aquifer area capable of producing groundwater yields in the range of 10 gallons per minute (gpm) to 100 gpm is located approximately two miles southeast of the site in the valley of the Trout River. The DEIS further noted that the potential aquifer is both upstream and upgradient from the site and thus could not be impacted by site development. There is no error in the evaluation provided in the DEIS.

Artesian conditions were noted during the drilling of several wells installed in the vicinity of Briggs Creek. However, the flowing artesian condition referenced in the comment occurred during the drilling of a bedrock well, not a till well. This observation simply indicates that flow is upward from the bedrock water-bearing zone towards the discharge zone (Briggs Creek) and is to be expected in this hydrogeologic setting. The referenced estimate of 25 gallons per minute was based on visual observations rather than the actual measurement of the volume produced over time.

C.1.29 Submitted by R. Lauzon (W-12/1/08)

8. RECENT PROBLEMS WITH CELL FOUR DESIGN INDICATE THAT THE SUBSURFACE IS NOT AS PREVIOUSLY ASSUMED.

Other documents at the NYSDEC indicate other problems in the engineering analysis, including the current construction of cell #4. The documents indicate that the estimated depth to bedrock for the expansion into the already permitted Cell Four were discovered to be in error, running the risk that cell design of exposed bedrock, and necessitating a change in cell design to maintain a minimum ten foot distance to bedrock as required by state regulations. Similar assumptions about the subsurface in the expansion area should be reconsidered.

Response

The Cell #4 construction project was designed in 2007 and early 2008. Construction completion is not anticipated until spring 2009. The original cell design from the 1992 permit application segregated the leachate collection to both the north and south sides of the landfill resulting in a loss of airspace and inefficient

leachate collection. During the design process in 2007, the CFSWMA requested a permit modification from the NYSDEC to revise the subgrade elevations of Cell #4 in an effort to increase available airspace and allow for more efficient leachate collection. The CFSWMA approached the NYSDEC with further confirmation of the bedrock in the cell as a proactive measure to ensure proper bedrock separation in accordance with 6 NYCRR Part 360. The NYSDEC agreed to further investigation and supported the revised cell design for its more efficient nature. The referenced correspondence related to the Cell #4 bedrock separation was after the first round of confirmation borings were completed and the bedrock was found to be higher in elevation than expected on the north end of the cell near the proposed sump. Because of the higher elevation, the cell was redesigned to allow leachate drainage to the south and the revised design was submitted to the NYSDEC for discussion purposes prior to proceeding further with the project. With the drainage to the south, the NYSDEC requested further borings to confirm proper bedrock separation at the new southern sump location. The CFSWMA agreed and further investigations were performed and confirmed that the southern drainage design was acceptable. The NYSDEC approved the Cell #4 design and permit modification on April 10, 2008.

The Cell #4 project shows how the CFSWMA is looking to continuously improve the design and operation of the landfill facility and is committed to working with the NYSDEC for an effective landfill design while ensuring compliance with the regulations.

Proper bedrock separation in accordance with 6 NYCRR Part 360 will be maintained in the proposed expansion area. The CFSWMA and its consultants will work with the NYSDEC to properly map the bedrock surface. In addition, the CFSWMA is committed to completing additional bedrock verification borings in each of the cell expansion areas prior to construction to ensure proper separation, if required by the NYSDEC. This is common practice at many active landfill facilities in New York State.

C.1.30 Submitted by R. Lauzon (W-12/1/08)

9. THE ANALYSIS OFTRANSPORTATION FACILITIES AND TRAFFIC IS FATALLY FLAWED.

The DEIS asserts at section 3.27, that the amounts of waste going to the facility will not exceed the current tonnage cap, and therefore the number of trucks and traffic that could come to the facility would not change and no further analysis is required. This is a working fiction. Only 34,909 tons of municipal solid waste were disposed at the facility in 2007 (See table 1, DEIS).

An almost four fold increase in waste disposed at the facility will significantly increase truck traffic and must be considered in the DEIS. The notion that current traffic activity is representative of future activity at the site is astonishing. A finding of no significant adverse impacts under a prior SEQRA review is irrelevant. The propriety of that past determination is clearly questionable. A reliance now on that determination also raises significant legal issues of segmentation and a failure to consider cumulative impacts as provided in the State Environmental Quality Review Act.

Response

Section 3.2.7 of the DEIS describes traffic impacts and changes in transportation facilities surrounding the landfill site that potentially would result from the proposed expansion project. All information provided in this section of the DEIS is associated with the results of a traffic study that was completed as part of the 2006 permit modification to allow for the acceptance of up to 125,000 tons per year at the CFSWMA landfill. This study analyzed the transportation infrastructure surrounding the landfill facility using the 125,000 tons of waste per year modification. The level of service analyses and conclusions stated in the traffic study and in the DEIS are based on the maximum permitted tonnage, 125,000 tons per year.

The statement on page 145 of the DEIS that indicates that “the amount of waste being disposed of at the landfill would not increase as part of this proposed expansion project” is poorly stated and

should instead indicate that the amount of waste **permitted for disposal** at the landfill would not increase as part of this proposed project.

The CFSWMA had previously examined potential traffic impacts associated with the currently permitted tonnage limits, as part of the 2006 permit application for the tonnage increase, and found that the level of service at the maximum tonnage levels would not change the high levels of service experienced on County Route 20. The DEIS verified this previous analysis and expanded it to assess level of service conditions at four intersections that could be utilized by landfill traffic. The additional level of service analyses performed for the DEIS confirmed the previous SEQR analysis – the potential traffic that could be associated with the landfill when it operates at its maximum permitted tonnage levels will result in no significant changes to the high levels of service currently experienced by motorists on County Route 20 and the four intersections analyzed (see Section 3.2.7 of the DEIS).

The commenter's assertion of segmentation appears to ignore the verification and expansion of the traffic analysis that is presented in Section 3.2.7 of the DEIS.

C.1.31 Submitted by R. Lauzon(W-12/1/08)

10. THE ANALYSIS OF FUEL USE AND CONSERVATION IS FATALLY FLAWED.

Section 3.3.1 of the DEIS states that " the development of the proposed expansion of the existing CFSWMA landfill would not result in a change in the permitted waste acceptance rate". The single paragraph that follows then concludes that there would not be any significant changes in activity at the site and no significant change in the amount of fuel consumed by trucks delivering waste. This "analysis" is conclusory and based on the same working fiction that taints most of the DEIS. Waste disposal levels will increase four-fold from current levels with the expansion. It is contrary to SEQRA to fail to conduct an analysis of the impact on fuel and conservation.

Response

As noted in the response to Comment C.1.2, in 2006 the CFSWMA examined potential impacts associated with an increase in its permitted tonnage level through an Environmental Assessment Form (EAF). The proposed landfill expansion examined in the DEIS does not include a modification of the currently permitted tonnage level for the CFSWMA's landfill, which is 125,000 tons per year of municipal solid waste. This comment attempts to turn the clock back to over two years ago, to try to undo a SEQRA analysis that was performed in 2006 for the tonnage increase. The Town of Westville's own attorney, Mr. Melewski, indicated at the DEIS public hearing that the statute of limitations for challenging the SEQRA review of that permitted tonnage increase has expired (see page 52 of the DEIS hearing transcript).

C.1.32 Submitted by R. Lauzon (W-12/1/08)

11. THE VISUAL ANALYSIS CONCLUDES THAT THE LANDFILL EXPANSION WILL BE VISIBLE TO 31% OF THE LAND AREAS WITHIN A FIVE MILE RADIUS.

The analysis then offers a list of mitigative measures that would comply with NYDEC Program Policy for Assessing and Mitigating Visual Impacts. The document asserts that the Authority will use one or more of those measures, when appropriate. This is an empty promise. The mitigation measures that will be employed should be identified and drawing or simulations should be prepared to demonstrate that mitigation of visual impacts will be achieved by these measures.

Response

Please refer to the Visual Impact Assessment included as Appendix H of the CFSWMA Proposed Landfill Expansion DEIS. This extensive analysis includes mitigative measures that will be employed to decrease visual impacts to surrounding lands as well as visual simulations that demonstrate the existing and proposed viewsheds of various locations, in the U.S. and Canada, upon completion of the proposed maximum build-out of the landfill expansion.

C.1.33 Submitted by R. Lauzon (W-12/1/08)

CONCLUSION AND RECOMMENDATIONS

THE DEIS AS PRESENTED IS LEGALLY DEFICIENT AND DOES NOT COMPLY WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW, THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND PART 617 OF THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION GOVERNING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS.

THE DEIS FAILS TO PROVIDE AN EVALUATION OF THE POTENTIALLY ADVERSE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AT A SUFFICENT LEVEL OF DETAIL. THE DEFICIENCIES INCLUDE BUT ARE NOT LIMITED TO THE FAILURE TO ADDRESS ISSUES IDENTIFIED IN THE SCOPING PROCESS, AS IDENTIFIED BY THE NYDEC, AND THE FAILURE TO ADEQUATELY DISCUSS CUMULATIVE IMPACTS, LONG-TERM IMPACTS, TRAFFIC IMPACTS, IMPACTS ON AGRICULTURALLY SIGNIFICANT SOILS IN AGRICULTURAL DISTRICTS AND IMPACTS ON USE OF CONSERVATION AND ENERGY, AMONG OTHER ISSUES. THE EVALUATION OF ALTERNATIVES TO THE PROPOSED ACTION IS INADEQUATE AND MITIGATION OPPORTUNITIES FOR KNOWN SIGNFICIANT ENVIRONMENTAL IMPACTS FROM THE PROJECT ARE MINIMIZED OR IGNORED.

THE TOWN OF WESTVILLE RECOMMENDS STRONGLY THAT THE LEAD AGENCY, THE COUNTY OF FRANKLIN SOLID WASTE MANAGEMENT AUTHORITY, PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO ADDRESS THE NUMEROUS SHORTCOMINGS OF THE ANALYSIS PRESENTED IN THIS DOCUMENT. THE PREPARATION OF A SUPPLEMENT WILL ALLOW A SECOND PUBLIC COMMENT PERIOD IN WHICH AN IMPROVED AND LEGALLY SUFFICIENT ANALYSIS CAN BE REVIEWED AND CONSIDERED BY THE INTERESTED PUBLIC AND INTERESTED AND INVOLVED AGENCIES.

THE TOWN OF WESTVILLE RECOMMENDS THAT A PROJECT APPLICATION FOR THIS ACTION BE SUBMITTED TO THE TOWN OF WESTVILLE FOR ITS REVIEW, AS REQUIRED UNDER LOCAL LAW.

Response

Responses to the statements included in this "Conclusions and Recommendations" comment are provided in the previous responses to the Town of Westville's comments in Section III(C) of the FEIS.

C.2 Transcript Comments

C.2.1 Submitted by R. Lauzon (T-24)

Instead, the authority has steadily moved toward a merchant facility, taking all comers in exchange for tipping fees.

Response

As stated in Section 1.2 of the DEIS, the purpose of this landfill expansion is to ensure a long-term economic, environmentally sound, and dependable facility that provides for the disposal of non-recyclable and non-hazardous waste generated in the County of Franklin. This landfill expansion will help guard against the costs, market fluctuations, increasing fuel prices, and potential liabilities that would be associated with the closure of the CFSWMA's existing landfill and the subsequent reliance on out-of-county disposal capacity. Even with local recycling and reuse programs, disposal capacity will continue to be needed for disposal of Franklin County wastes.

As stated in Section 1.8 of the DEIS, the CFSWMA's landfill accepts waste from multiple out-of-county sources. These include Essex County, which has no disposal site of its own and is prohibited from establishing one due to its location within the Adirondack Park, and from other counties in New York as well as from Canada. The CFSWMA accepts wastes, including some out-of-county beneficial use contaminated soil and wood incinerator ash, for use as daily cover materials. The acceptance of out-of county wastes and beneficial use materials helps provide

cooperative utility services to the CFSWMA's neighbors, conserves resources by lessening the need for use of virgin soil material for landfill cover, and saves costs and generates additional revenues that benefit the residents and businesses of Franklin County through lower tipping fees (due to cost saving and economies of scale).

C.2.2 Submitted by R. Lauzon (T-24/25)

The authority failed to acknowledge other materials coming from outside sources, including out of state, such a truck from a Vermont firm clearly marked and were document by CBC television only a few months ago.

Response

Please refer to the response from Comment C.1.24. Sludge from the wastewater treatment plant in Plattsburgh is disposed of at the CFSWMA Landfill. The City uses the services of a hauler from Vermont to truck the material from the wastewater treatment plant to the landfill. This clarifies the report of a truck from Vermont that was observed entering the landfill site.

C.2.3 Submitted by R. Lauzon (T-25)

Recycle rates in the county have fallen in the last five years and the recycling coordinator position was eliminated. Even at its best efforts today, Franklin County is diverting much less from its waste stream than other solid waste planning units.

Response

The CFSWMA's recycling rates will vary from year to year due to the fact that the CFSWMA, as a planning unit, only collects recyclables from residential drop offs at the transfer stations and landfill facility. Private haulers are responsible for curbside collection in the higher density areas (such as the Village of Malone, Saranac Lake, Tupper Lake, etc.) and do not route their recyclables through the Authority's system. In addition, the correctional facilities located in Franklin County also manage their

own recyclables, including organic recycling/composting; however, the CFSWMA does manage the municipal solid waste from the correctional facilities.

Refer to the response to Comment C.1.13 for more information on Franklin County's recycling rates.

C.2.4 Submitted by R. Lauzon (T-26)

There is no need for this expansion to meet the size - - there is no need of an expansion of this size to meet the needs of Franklin County residents.

Response

As noted in the response to Comment C.2.1, and as stated in Section 1.2 of the DEIS, the purpose of this landfill expansion is to ensure a long-term economic, environmentally sound, and dependable facility that provides for the disposal of non-recyclable and non-hazardous waste generated in the County of Franklin.

As stated in Section 1.8 of the DEIS, the CFSWMA's landfill also accepts waste from multiple out-of-county sources, for a variety of reasons outlined in that section. The acceptance of out-of-county wastes and beneficial use materials helps the CFSWMA provide cooperative waste management services to its out-of-county neighbors; conserves resources by lessening the need for use of virgin soil material for landfill cover; and reduces costs and generates additional revenues for the CFSWMA that benefit the residents and businesses of Franklin County through lower tipping fees (due to cost savings, additional revenues, and economies-of-scale operation at the landfill). Lowering of tipping fees helps the CFSWMA continue to provide economical services to Franklin County residents and businesses, consistent with the purpose of this project as stated in Section 1.2 of the DEIS. This revenue-generating material creates a need to plan for some additional landfill disposal space, beyond Franklin County's sole needs.

The response to Comment D.3.2 provides details on Franklin County's current recycling, waste diversion, and beneficial reuse activities that are occurring either in the County or, specifically, at the CFSWMA's landfill. The CFSWMA's plans to further enhance

Franklin County's recycling and waste diversion programs, and to further increase recycling rates, are summarized in the response to Comment C.2.11. As that response notes, the CFSWMA recognizes that if it can bring in additional revenue-generating materials for disposal (such as beneficial use materials), this may generate additional capital that can be used to help provide the needed funds to allow the CFSWMA to further expand components of its recycling program.

Even with local recycling and reuse programs, and further expansion of those programs, disposal capacity will continue to be needed for disposal of Franklin County wastes in the future. This expansion project helps the CFSWMA provide dependable waste disposal services for non-recyclable materials from Franklin County (even with enhanced recycling activities), consistent with purposes of the proposed landfill expansion project as stated in Section 1.2 of the DEIS.

Regarding the size of the proposed landfill expansion project, Section 8.2.4 of the DEIS described in some depth the reasoning behind alternate sizes of landfill expansions that were considered in the DEIS. One of the primary reasons for evaluating what is currently considered a full build-out plan for the proposed landfill expansion project, with an estimated site life of 95 years at the currently permitted disposal rate, is to allow full consideration of potential environmental impacts associated with the proposed landfill expansion at the earliest stage of the project (even though there is no certainty that any or every stage of the expansion project will be permitted by NYSDEC or constructed in the future). This reflects a conservative impact-analysis approach that allows for maximum consideration of environmental impacts of this project at this time.

Sections 1.1 and 2.1 of the DEIS state that the first stage of development of landfill expansion (proposed Cells 5, 6, and 7) will add approximately 2.37 million cubic yards of disposal capacity to the landfill, which is projected to last for about 12 years at current permitted disposal rates (125,000 tons per year). If additional recycling and waste diversion enhancements resulted in an additional 20% recycling and waste diversion rate, this would extend the life of this first stage expansion from 12 to 14 years. If annual disposal tonnages in the future are closer to historic

disposal rates at the landfill (currently estimated at approximately 43,500 tons per year), this could roughly triple the life expectancy of this first stage of the proposed landfill expansion. Similarly, if the landfill were to accept waste generated only from within Franklin County, and additionally continued to accept alternate daily cover materials from outside the County, as needed, then the useful life of the landfill would nearly triple (Section 8.2.4 of the DEIS).

As the previous paragraph illustrates, the demand for (and timing of) construction of new landfill expansion cells will be impacted by a number of factors that influence the quantity of waste being delivered to the landfill. Accordingly, future landfill cells would not be developed until determined by the CFSWMA to be needed. As each phase of the landfill expansion is developed, permit plans, engineering reports, and additional environmental reports will be prepared, to ensure that the expansion phases are built and operated in compliance with all applicable environmental regulations that serve to protect natural resources and the public health (DEIS Section 8.2.4). The CFSWMA's decision to evaluate environmental impacts now under this full build-out condition is consistent with the CFSWMA's stated purpose (Section 1.2 of the DEIS) of providing environmentally sound waste disposal services to Franklin County residents and businesses in the future.

By planning now for significant future landfill expansion disposal capacity (approximately 19.1 million cubic yards, and a 95 year site life based on currently permitted disposal rates, as reported in Section 2.1 of the DEIS), this landfill expansion provides long-term waste disposal dependability, consistent with the purposes of the project.

C.2.5 Submitted by R. Lauzon (T-27)

The opportunity to obtain a 98 years permit capacity will be attractive for any bid private waste firm.

But a private operator who buys the landfill, expanded landfill, will definitely be taking a hard look at literally railroading our community by hauling downstate and out-of-state waste to Franklin County.

Response

See the response to Comment E.2.4 as an answer to this comment.

C.2.6 Submitted by R. Lauzon (T-28)

First, the authority should agree to test the drinking water supplies of surrounding residents twice a year to ensure the health of the residents is protected. Results should be shared with the homeowners and the State Department of Health.

Response

Potential impacts to groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and groundwater monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with NYCRR Part 360 regulations during development of the site Environmental Monitoring Plan (EMP). Although Part 360 requires that the residential wells in the site vicinity be identified, the regulations do not require testing of the residential wells or their inclusion in the EMP. The potential need for testing of residential wells will be considered during development of the EMP.

C.2.7 Submitted by R. Lauzon (T-28)

Second, the authority should sample air quality regularly. The results should be shared with the health department and the conservation department.

Response

As stated in the New York State Department of Environmental Conservation's 6 NYCRR Part 360 Permit Regulations (Subpart 360-2.17), the CFSWMA is required to conduct ongoing gas monitoring around the landfill site to ensure adequate air quality. The type and frequency of the monitoring is approved by the NYSDEC and monitoring results are submitted to the NYSDEC following the quarterly monitoring events. CFSWMA has an

approved contingency plan to follow in the event that methane or explosive gas levels exceed the thresholds identified in the 6 NYCRR Part 360 regulations.

C.2.8 Submitted by R. Lauzon (T-28/29)

Third, millions of gallons of highly polluted leachate or contaminated water from the landfill is proposed to be trucked to Malone treatment facility, diluted into other discharge is often being dumped into the Salmon River that flows into Canada. If there was pollution of groundwater from this facility, the authority says it would flow into Briggs Creek and the Trout River, which also flows into Canada.

We need to be good neighbors. Out of respect for the concerns of our Canada friends, and frankly out of respect for border pollution treaties and agreements that we have already signed, the authority should volunteer to monitor these waterways both at the point of discharge and downstream on a regular basis, and to share this information with Canadian and state officials regardless of whether this expansion is permitted.

Response

Potential impacts to groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and groundwater monitoring requirements. For information regarding the surface water and groundwater monitoring programs implemented by the CFSWMA and information on the wastewater treatment facility in Malone, refer to the responses to Comments C.1.20, D.8.1, and E.7.4.

C.2.9 Submitted by R. Lauzon (T-29)

But I want to repeat, this expansion is not necessary. It far exceeds the true needs of Franklin County residents.

Response

See response to Comment C.2.4 as a partial answer to this comment. As that response states, in order to provide a long-term, economical, environmentally sound, and dependable waste disposal option for the residents and businesses of Franklin County, the receipt of additional waste and beneficial use materials from out-of-county sources helps the CFSWMA address the stated purpose of this project (Section 1.2 of the DEIS). Further, while a full build-out landfill expansion scenario is evaluated under the DEIS, this is a conservative impact-analysis approach. Future landfill cells will not be developed until determined to be needed and would require full environmental permitting and design approvals from NYSDEC prior to construction.

The existing landfill cells have limited remaining disposal capacity. As stated in Section 8.2.2 of the DEIS, at current landfill usage projections, the existing cells will be filled by 2014. Even at slower utilization rates, the existing cells will become filled in the relatively near future. Given the lead time required to study, site, permit, design, and construct a landfill expansion, advance planning for this landfill expansion is needed now to serve the future needs of Franklin County.

C.2.10 Submitted by B. Melewski (T-50/51)

My opinion as an environmental lawyer working for the Town of Westville, is that at the present time the document fails to meet the standards of the State Environmental Quality Review Act in several ways. Most pronounced in its failure to do a good job other than a cursory job of reviewing the alternative analysis. (T-50)

So the alternative analysis has to beefed up considerably or when you get to the findings point, but as lead agency under this law, you will not be able to take a hard look at this issue and you will fail the legal standard for review of the project. (T-51)

Response

As indicated in the responses to Comments C.1.11 through C.1.17, the CFSWMA disagrees with the commenter's assertion that the DEIS fails to adequately examine alternatives as required under SEQRA.

C.2.11 Submitted by B. Melewski (T-50/51)

It does not take much investigation to learn that Franklin County has one of the worst recycling rates in upstate counties. Many times less than counties with smaller populations. It doesn't take much investigation to learn that the state solid waste management plan in which the Franklin County solid waste management plan is based makes reduction and recycling the top priority for waste management in New York State.

Response

Please refer to the responses to Comments C.1.13, C.1.11, C.2.2, and D.3.2 for information regarding this comment.

C.2.12 Submitted by B. Melewski (T-51/52)

Similarly the DEC mentioned and I commend them for mentioning this, the 125,000 ton per year level. Two years ago the authority sought from the DEC a rate increase as we have heard, from 43,000 to 125,000 tons per year. The department expressed some considerable concern about why the agency was going forward with that with limited landfill space and asked repeatedly whether the authority had considered what the impact would be on filling up your existing capacity. And the authority went forward with a negative declaration, in other words a determination that there would be no environmental impact, cumulative impact, growth inducing impact, at all from this decision to increase your permit. I think that was a flawed decision. I think it was inappropriate and illegal. Fortunately for the authority and probably the conservation department the statute of limitations has passed on that.

However, this decision to, this chicken and egg decision, of getting the 125,000 ton per year permit in advance of any proposals, creates the dilemma that the conservation department has mentioned and taints your analysis throughout this document. You simply have to look at alternatives other than taking 125,000 tons per year. Thank you.

Response

Please refer to the responses to Comments C.1.2 and C.1.3 for a response to this comment.

D. New York State Residents' Comments

D.1 Project Description

D.1.1 Submitted by N. Gervais (W-11/26/08)

12. Other Landfills in the North Country do not need as many acres for a buffer zone. Why does this landfill need at least 3 to 4 times as much buffer zone?

Response

There are no limits to the amount of buffer zone that may be part of a landfill site. As the buffer area for a landfill site increases, there is a greater potential to mitigate potential nuisance impacts (such as noise, odor, and litter) on nearby properties. The amount of land, including buffer areas, which will be acquired as part of the proposed landfill expansion is dependent on the outcome of property purchase negotiations.

It is not uncommon for landfills to have large buffer zones. For instance, the Development Authority of the North Country facility, located in Rodman, New York, currently owns over 1,200 acres of contiguous landfill property of which only 150 acres are currently permitted for landfill development.

D.1.2 Submitted by B. Buchanan (T-37)

Any expansion should be based on actual tonnage and usage and not on the permitted tonnage.

Response

A full build-out landfill expansion scenario is identified for evaluation in the DEIS, as a conservative impact-analysis approach, so potential long-term environmental impacts of the total project (at full build-out) can be identified and addressed now. Not all cells within the expansion plan (Cells #5-15) will be developed initially. The timing of development of cells under the expansion scenario is dependent upon when new landfill capacity is needed, and even then, will only be developed in phases, as described in Section 2.1 of the DEIS.

The existing permitted landfill cells (Cells #1-4) have limited remaining disposal capacity. As stated in Section 8.2.2, at current landfill usage projections the existing cells may be filled by 2014. Even at slower utilization rates the existing cells will eventually fill. Increasing recycling and waste diversion rates within the County may further extend the life of the existing cells by some nominal amount (perhaps by 20% or so, if significant additional recycling and waste diversion could be achieved). The actual rate of filling of the existing (and future) cells is expected to vary yearly, as the result of multiple circumstances including the general state of the economy, local changes in construction activity, population changes, and the effectiveness of waste reduction measures that may be implemented at the state and national levels. However, planning for a landfill expansion is still ultimately needed to serve the long-term waste disposal needs of Franklin County.

Therefore, the disposal rate selected for the analysis of remaining landfill disposal life is not a critical factor in determining the need for a future expansion of the landfill; it only affects the timing of the future development of new landfill stages/cells. Future landfill cells will not actually be developed (i.e. designed, permitted, constructed) until existing cells approach permitted capacity, the time at which new cells are determined to be needed within a reasonable planning period.

The initial phase of landfill expansion (Cells #5-7) would add about 2.37 millions cubic yards of capacity and could last for a significant period of time (see response to C.2.4 for more details). The timing of a second phase of the expansion (beyond Cells #5-7) is dependent upon the rate of filling/utilization of the existing cells (Cells #1-4) as well as the initial expansion cells (Cells #5-7), and would not be developed until the filling of Cells #5-7 approaches a point that requires the permitting, design, and construction of further landfill expansion cells.

Still, evaluation of the potential environmental impacts of the full build-out project can and is being addressed in the DEIS at this time based on a conservative, maximum-impact full-build-out landfill expansion scenario.

D.1.3 Submitted by J. Fleury (T-92)

We're trying to get through an economic crisis and we're out buying $2 million of land for no reason at all. Why not buy 10 acres or 20 acres of adjacent land. Let it last for the next 30 years but recycle and build it the way it's supposed to be done.

Response

Recycling has always been an important component of the CFSWMA's solid waste management plan since the landfill first began accepting waste in 1994. The existing landfill site is constructed "the way it's supposed to be done." These cells, and any others that may be constructed in the future, are designed and built in accordance with all applicable state regulations for solid waste management sites (6 NYCRR Part 360). Acquiring only 10 to 20 acres of land does not fulfill the CFSWMA's plan for a long-term solid waste disposal facility. Initially, only three cells (Phase 1) will be proposed and submitted to the NYSDEC in a landfill construction permit application. The entire maximum expansion build-out will be proposed in stages, through a series of permit applications to the NYSDEC that are expected to be submitted over the course of several decades. The acquisition of surrounding property also allows the CFSWMA to establish a wider buffer of land around the proposed landfill expansion site; thus reducing the potential for impacts (i.e., odor, noise, etc.) to surrounding private property owners.

Please refer to the response to Comment D.3.2 for more information regarding the recycling numbers included in the DEIS.

D.2 Project Alternatives

D.2.1 Submitted by B. Buchanan (T-36)

The air, water, and soils in the area around the landfill are at risk. The people who live in the area surrounding the landfill are also at risk. This risk increases as the landfill mushrooms in size. Limiting the size of the landfill will somewhat mitigate the extent the pollution which it causes.

Response

As noted in Section 8.2.4 of the DEIS, the environmental impacts of a smaller landfill expansion project (a landfill half the size of the current proposal was considered) would include: disturbance of roughly half the acreage and related vegetation and other terrestrial resources; less visual impact from a smaller footprint and a potentially lower final height of the landfill; and a more segmented environmental review of the maximum build-out expansion plans. As a smaller landfill fills, the time when the additional costs and environmental impacts associated with development of a new landfill site, or with the long-distance transportation of waste to an out-of-county disposal site, will occur sooner (assuming that waste reduction and recycling measures will be implemented to the maximum extent feasible, regardless of how large or small the landfill expansion may be). A smaller footprint will also result in more than a 50% reduction in the disposal volume of the landfill, due to potentially lower final landfill heights (resulting from a narrower footprint).

If incoming waste to the landfill is limited to in-county waste plus out-of-county alternate cover materials, the resulting truck traffic would drop to about one-half of the truck traffic anticipated at the maximum daily permitted disposal rate (see Section 8.2.4 of the FEIS). However, expansion size/footprint size does not determine daily truck volume; daily truck traffic to and from the landfill will be the result of the amount and type of waste disposed therein, and not by the size of the landfill footprint.

D.2.2 Submitted by B. Buchanan (T-39)

The statement has dismissed the alternative of sending the trash out of the county as too expensive. Although it appears that no in-depth study has been undertaken to support this position.

Response

An in-depth cost analysis that compared the costs of hauling Franklin County wastes to out-of-county disposal sites versus the costs of disposing of wastes at an in-county expanded Franklin County landfill has previously been conducted. This analysis, summarized in Section 8.2.2 of the DEIS, was conducted as part of

the 2006 Modification to Franklin County's Final Solid Waste Management Plan. The cost analysis tables that were presented in Appendix B of the 2006 plan update are available for review. Refer to the response to Comment C.1.22 for information regarding the availability of this document.

As Section 8.2.2 of the DEIS summarizes, this cost analysis found that waste exportation from Franklin County to out-of-county disposal sites (that are located anywhere from 50 to 180 miles away from the population centers of Franklin County) would cost between $26 and $104 per ton **more** to Franklin County residents and businesses than the cost to dispose of wastes at an in-county expanded Franklin County landfill site. This cost comparison is dramatic, and is primarily due to the long hauling distances required to reach out-of-county disposal sites from Franklin County. Further, the recent volatility in the cost of fuel that the long-haul trucks consume, means less long-term security and stability in the costs of out-of-county hauling in the future, versus continued in-county disposal (with its associated shorter waste hauling distances).

D.2.3 Submitted by F. Moore (T-39/40)

No consideration, that I could find, has been given to completing only Phase I of the plan. This would add three cells to the four currently in existence. The document indicates that these additional three cells should provide 19 more years of life for the landfill.

Response

Details involving the phased construction and permitting of the proposed maximum build-out of the landfill expansion can be found in Section 8.2.4.2 of the DEIS. This section includes a discussion about proposing alternative scales and magnitudes in relation to the proposed project. Ultimately, even though the entire maximum build-out is being examined in the DEIS and this FEIS, as part of the SEQR environmental review process, approval from the NYSDEC will be needed following a subsequent NYSDEC permit application and review process before the CFSWMA could begin construction on even one additional landfill cell, beyond the four (4) previously permitted and constructed cells, on the site.

D.2.4 Submitted by V. Cartier (T-78)

It is our opinion that the taxpayers of Franklin County would be better off not having a landfill and begin transporting the solid waste out of the county, it would be cheaper in the long run.

Response

The CFSWMA's analysis of the costs to continue to dispose of wastes in-county versus hauling to out-of-county disposal sites directly contradicts the statement provided by this commenter. Refer to the response to Comment D.2.2.

D.2.5 Submitted by C. Glenn (T-87)

I believe if the county, through the engineers, would build an incinerator that they could take in all the garbage from the surrounding counties, be profitable. Don't let private concerns run it. Let the county run it. They can generate electricity by burning the garbage. They can sell the residue to the public, but which is safe. If we can -- if the county and engineers and the legislators would go that route or look into it, we wouldn't have a Love Canal like they had in Buffalo.

Response

As reported in Section 8.2.5.4 of the DEIS, even for a hypothetical waste-to-energy (WTE) plant sized significantly larger than the current intake rate at the landfill (750 tons per day, versus about 150-175 tons per day intake rate at the landfill now), landfilling was determined to be a significantly less expensive waste disposal option (net cost, after all WTE revenues are credited) than waste-to-energy. WTE economics (net cost per ton), for a facility size based on Franklin County's lower tonnages, are projected to be even worse than the 750 tons per day example cited.

Please see the response to Comment E.3.9 for additional information related to this comment.

D.2.6 Submitted by J. Fleury (T-91)

From what I've talked to a couple of members of the solid waste they said we can't make any money [from recycling]. We can't do it. We have to put it into a landfill, raise our tonnage, expand the landfill. We got to buy more land, spend $2 million and hire engineering companies like this here to develop more.

They love it, because we have to build more cells. But we could get by -- even if we have to have a landfill -- we have waste. We could get by with probably 40 percent of what we're putting in there now.

Response

The CFSWMA's purpose in undertaking this expansion project is, as presented in Section 1.2 of the DEIS, to ensure long-term, economical, environmentally sound, and dependable waste disposal services to its residential and business customers.

As a public entity, the CFSWMA is not driven by the need to make a profit on its operations, as private operations inherently are. Also, it is bound to provide services that protect the environment, and serve its customers in an economical way. It strives to financially support the continuation and expansion of recycling activities whenever feasible and it will not discontinue them purely as a business decision. Commodity markets that help to financially support recycling activities are historically volatile; markets that were strong six to 12 months ago have dropped significantly, due to the current recession and world economic problems.

Commodity markets do not always financially support recycling operations. Many recycling programs that were sound last year are now struggling financially. The CFSWMA strives to provide sound recycling and solid waste management services in all economic conditions and is not driven to only provide services that generate a profit.

D.3 Recycling

D.3.1 Submitted by N. Gervais (W-11/26/08)

7. According to the Document, all solid waste from another county must be received by the Authority in recycled methods. What portion of this material received was in actuality dumped into the Landfill as received? According to the regulations, you are responsible for records on this.
8. If you state that they were all recycled correctly, where are the records for comparison?
9. Essex County has records; do they match yours on the above question?

Response

It is estimated that over 99% of the material received was deposited in the facility as received. Waste inspection procedures are described in Section 2.4.2 of the DEIS. Transfer station and landfill personnel are trained in waste screening and what wastes are prohibited at the landfill. Waste is spread in thin lifts, typically 2-feet or less which allows for further screening of materials. Inspection for unauthorized waste is regulated by the NYSDEC under 6 NYCRR Part 360-2.17(q) which requires random vehicle inspections for unauthorized wastes. This procedure is also discussed in Section 2.4.2 of the DEIS. The CFSWMA performs the random waste inspections in accordance with 6 NYCRR Part 360-2.17(q).

The CFSWMA maintains waste receipt records for each delivery to the landfill including the types of waste, hauler, weight, entry time, and exit time. From time to time prohibited substances, such as tires and scrap metal, have been detected in loads at the facility during waste screening by CFSWMA personnel. These materials are extracted from the loads and either removed from the site by the hauler or pulled aside and stockpiled for proper removal off-site by a contractor hired by the CFSWMA.

In addition, the active landfill cell location and elevation of waste placement is recorded each day of operation to track the location of waste deposition. For most beneficial use materials, such as petroleum contaminated soil, laboratory test results are received

prior to delivery to ensure the material meets NYSDEC guidelines. There have been instances when beneficial use materials have not been taken at the facility based on the analytical results received prior to waste delivery.

The CFSWMA's records for waste received from Essex County and Essex County's waste shipment records are equivalent. Screening of waste deliveries from Essex County have indicated the waste loads are acceptable loads of mixed municipal solid waste per 6 NYCRR Part 360 regulations and have not resulted in evidence of unacceptable recycling practices.

D.3.2 Submitted by B. Buchanan (T-37/38)

On Page 169 of the DEIS, the following is stated, over the last decade recyclables diversion and collection in Franklin County has doubled. On Page 22 of the same document, is a table which shows that in 1995 the landfill accepted 139 tons of recyclables. And in 2007 it accepted 69 tons recyclables. Now folks, I may not be smarter than a fifth grader, but I think most fifth graders can tell that 69 is about half of 139. Not doubled.

Response

Table 2 from the Comprehensive Recycling Analysis – Update 2007 (CRA) presents CFSWMA data on waste generation and recycling in Franklin County from 1995 through 2007 (see Appendix BB of this FEIS). In Table 2, the row entitled "Total Recyclables Recovered" presents the total tons of wastes and recyclables diverted from the waste stream that are under the control of the CFSWMA. This includes recyclable materials that are brought to one of the CFSWMA's four transfer stations, materials brought directly to the CFSWMA's landfill for recycling, or in the case of wastewater treatment plant sludges, sludge that is brought to the landfill and used beneficially as alternate daily cover material in the landfilling operation.

The table referenced on Page 22 of the DEIS (Table 3) is in reference to only recyclables collected at the landfill facility. Page 169 of the DEIS references the Comprehensive Recycling Analysis (CRA), 2007 Update, published by the CFSWMA in January 2008. As discussed in the CRA, Table 1, tons of recyclables collected has

doubled from 1,717 tons in 1996 to 3,611 tons in 2006, when accounting for beneficial use of sludge materials utilized at the landfill in lieu of virgin soil.

D.3.3 Submitted by D. Fleury (T-44)

Concerning Page 24 of the document, Recyclable Collection Process, as written it appears that there is a great deal of recycling going on at the landfill. That's a laugh. The DEC and other agencies should compare the amount of recycling of these projects at the landfill located in Westville and Constable with other landfills that do recycle. The results will show a very significant difference.

Response

The commenter's specific reference to page 24 of the DEIS could not be located. Assuming the reference is to Table 3 on Page 22, the recyclables dropped off at the CFSWMA's landfill represent only a small amount of the total waste diversion, recycling, and beneficial reuse of waste materials that occurs within the CFSWMA's waste management system. Please refer to the responses to Comments C.1.13 and D.3.2 for additional information regarding recycling in Franklin County. Also, Sections 1.6.2.4 and 8.1.3 of the DEIS summarize the CFSWMA's recycling programs and facilities, as well as intentions to expand those operations in the future. Also, please see the response to Comment C.3.3.

D.4 Landfill Operations

D.4.1 Submitted by W. Gaggin (W-11/17/08)

1 . Another HHW collection was made in 2007 at Lake Clear, more than 50 miles from the Westville/Constable Landfill.

Response

Table 4 on page 22 of the DEIS correctly identifies all Household Hazardous Waste (HHW) collection days that have been held by the CFSWMA since the landfill's inception in 1993. An additional HHW collection was not conducted by the CFSWMA in 2007 at the Lake Clear Transfer Station. Of further note, it currently is not mandated by New York State to hold Household Hazardous Waste

Collection days. These days are scheduled by the CFSWMA to aid the residents of Franklin County in the proper disposal of hazardous substances from their properties.

Due to the size and population distribution of Franklin County and the cost of holding household hazardous waste (HHW) days, it has been the CFSWMA's policy to alternate the locations of HHW days to ensure that all residents are reasonably serviced.

Please refer to the response to Comment D.4.2 for additional information.

D.4.2 Submitted by W. Gaggin (W-11/17/08)

2. Not included was a HHW collection required as part of a DEC penalty for the apparent contamination of parts of the Landfill area caused by the mixing of sludge with sand and storing it on the ground.

   Of further note, the Authority was uncooperative in the releasing of information as to the circumstances of this contamination and who participated in allowing this to occur.

Response

The CFSWMA was required to hold a Household Hazardous Waste collection day as part of a Consent Order issued by the New York State Department of Environmental Conservation (NYSDEC) in September 2003. This HHW collection day, as ordered by the September 2003 Consent Order, was held at the landfill site in June 2004. The Consent Order issued by the NYSDEC that was associated with the uncontained mixing of sludge occurred in November 2005. The CFSWMA was not instructed to hold a HHW collection day as part of the penalty under the Consent Order agreement between the CFSWMA and the NYSDEC following the November 2005 mixing of sludge.

The CFSWMA cooperated fully with the NYSDEC to discontinue and then address the November 2005 sludge mixing activity. Furthermore, as a public agency its records are available for public inspection and review at the CFSWMA's landfill office. There was

no intent to be or appear uncooperative regarding the release of information to the public regarding any aspect of CFSWMA operations.

D.4.3 Submitted by W. Gaggin (W-11/17/08)

It is the responsibility of the Authority to educate the public as to the proper disposal of contaminating materials. There is little evidence on an ongoing, systematic, transparent process for meeting this responsibility.

Response

The CFSWMA issued a list of NYSDEC approved substances, which would be collected during household hazardous waste days, in spring 2004. The CFSWMA revises this list, as needed, in order to aid Franklin County residents and businesses with regard to proper disposal of household hazardous materials.

D.4.4 Submitted by W. Gaggin (W-11/17/08)

How often and by what methods will the DEC monitor and enforce HHW safety laws and regulations? Are there supervised fail-safe inspection measures that will be regularly carried out and reported to the public?

Response

During household hazardous waste collection day events, CFSWMA staff members are present along with an independent household hazardous waste contractor and chemist to oversee the collection, analysis, packing and disposal of the household hazardous waste collected. The Contractor is responsible for final transportation and disposal of the waste. Tracking paperwork to document final disposal is submitted to the NYSDEC. The quantity of household hazardous waste collected is reported to the NYSDEC by the CFSWMA and is available for public review. A summary of household hazardous waste collected at CFSWMA sponsored events in recent years is outlined on Table 22 of the DEIS.

Please refer to the response to Comment E.12.3 for further information.

D.4.5 Submitted by N. Gervais (W-11/26/08)

5. Why are the Taxpayers of Franklin County being kept in the dark about the cost of equipment that will be purchased in the next few years? What are they? The Taxpayers should be receiving the answer in writing. It is a valid and relevant question.

18. In the year 2007 the minutes state that new equipment had to be purchased and the cost was way above what was expected. What type of planning do you have for replacement of equipment at today's and tomorrows prices?

Response

The CFSWMA's yearly budget reflects proposed equipment purchases for each upcoming fiscal year as well as the purchases that were made and their costs from the previous fiscal year. Proposed equipment purchases are based on need, include estimated costs, and are usually lease purchases. Best estimates of proposed equipment purchases and prices are put together for each upcoming fiscal year's proposed budget. Details associated with equipment purchases, as well as the CFSWMA's entire budget, are public information and are issued at the end of every fiscal year (the fiscal year runs from July 1 to June 30). All CFSWMA financial records are also submitted to New York State, Franklin County, bond holders, and trustees at the end/beginning of every fiscal year.

D.4.6 Submitted by N. Gervais (W-11/26/08)

14. The Taxpayers want to know why the "experiment of mixing sludge and sand was performed at the Landfill?
15. Where was all the paperwork necessary for performing a study or "experiment"?
16. Why did the Board not talk to the Press about the "experiment?
17. Why did the Board feel they did not have a responsibility to the Taxpayers of Franklin County to uniform the Public?

Response

The sludge mixing experiment was intended to improve the handling and use of sludge for use as alternate daily cover at the landfill. It was undertaken on a temporary basis and was not a part of any study or a specific written plan.

Please refer to the response to Comment D.4.2 for additional information related to this comment.

D.4.7 Submitted by N. Gervais (W-11/26/08)

32. The document states you are possibly the most economical solid waste authority in the area. If that is the case, why does the St Regis Reservation transport their solid waste to Plattsburgh landfill?
33. Is it more economical and cheaper for them to transport it that much further?

Response

The St. Regis Reservation is recognized as a Mohawk Sovereign Nation. The Franklin County flow control law (Local Law 3) that was passed on August 2, 2007, recognizes Sovereign Nations as exempt from this regulation. The Reservation received bids from hauling companies to transport their waste off the Reservation. Waste Stream submitted the lowest bid. Since Waste Stream contracts with Clinton County Landfill for their waste disposal activities, that is where the waste from the St. Regis Reservation is transported.

D.4.8 Submitted by B. Buchanan (T-38)

The children who live in the area can't play outside because of the seagull droppings and the disgusting toxic stench from the poorly covered landfill. Instead of beautiful pristine farmland, mountains and wetlands, the residents views are now of mountains of garbage teeming with rats and legions s of turkey vultures.

Response

Odors are addressed in Section 3.1.6.5 of the DEIS. Since being implemented in 2002, the CFSWMA's active gas collection and control system has significantly reduced landfill related odors by drawing a vacuum on the waste mass to collect the gas from the landfill for combustion in a burner. The existing gas collection system will be updated and expanded to manage landfill gas from the expansion area with the potential to produce electricity or to be utilized in other beneficial applications.

As mentioned in Sections 3.1.6.4 and 3.1.6.5 of the DEIS, daily and intermediate cover will be applied to the expansion area waste mass in accordance with 6 NYCRR Part 360. Proper cover management aids in odor control, active gas collection system efficiencies, and pest control. The CFSWMA maintains proper daily and intermediate cover practices in accordance with 6 NYCRR Part 360 and pests, including birds, are kept to a minimum.

The visual setting for the area and a viewshed analysis are discussed in Section 3.2.9 and Appendix H of the DEIS. The area of the proposed expansion is distinguished by flat lands with gently rolling topography. Visual impacts of the proposed expansion are considered to be very low to moderate, depending on the distance of view to the proposed landfill site.

D.4.9 Submitted by D. Fleury (T-43/44)

Concerning Page 14 of the report, contingency plan. The written statement, "in the event that the existing permitted landfill space becomes filled prior to adding a new landfill disposal capacity permitted and constructed the authority's contingency plan will be to export waste to out-of-county disposal facilities."

If such a situation should occur based on the solid waste material received from the taxpayers of Franklin County, it would occur because of poor management practices by the authority.

With proper management practices, this situation should never occur.

Response

Though the event that existing landfill space will run out prior to the construction of additional landfill cells is not likely or anticipated, the landfill is required to assemble a contingency plan for such a situation and many other events that could occur at the landfill site, as required by NYSDEC Part 360. Because the timeframe involving the acquisition of NYSDEC and federal permits for the proposed landfill expansion is unknown, such a contingency plan has been drafted should the above scenario occur. If this contingency plan is put into effect in the future, it will not be due to the poor management of the landfill or the landfill's daily operational procedures.

D.4.10 Submitted by C. Glenn (T-87)

The engineers should be well aware of the fact and in Buffalo, New York, they had a landfill there and after 70 or 90 years, apartment building were built on top of the landfill. No one knew about it when the apartment building were built. People moved in and they became sick.

Response

No citation is provided regarding the specified event, so factual information could not be obtained for review. Given the timeframe stated in the Comment, the landfill in question is assumed to be an unregulated, unlined landfill; the type that commonly existed in many Towns throughout New York State, including the Town of Westville, prior to the issuance of the 6 NYCRR Part 360 Solid Waste Management regulations. Any health risks that resulted from the existence of this landfill in Buffalo, New York, occurred because the landfill was not designed, engineered, or constructed per the State requirements that are currently in existence for such sites. The current CFSWMA landfill was designed, is constructed, and currently operates in compliance with the regulations included in 6 NYCRR Part 360. These regulations were established to protect the public health and the environment from potential adverse impacts of solid waste disposal sites. All future constructed landfill cells at the CFSWMA Landfill will also comply with the 6 NYCRR Part 360 regulations.

Please refer to Sections 2.6 and 2.7 of the DEIS for more information about the landfill closure process and potential post-closure site uses.

D.4.11 Submitted by D. Van Gulick (T-89)

We also had talked to other neighbors and friends in the area, they talked about, is there a possibility that raw sewage is also spread on the landfill? And trucks that come in through the open gate at the night time – that doesn't sound too kosher to me, I don't know why? Maybe it should be investigated.

Response

Raw sewage is a liquid waste (wastewater) that has not been treated. Raw sewage is not spread anywhere on landfill property. Sludge, the residual, semi-solid material left from the wastewater treatment process, is accepted from various wastewater treatment plants and disposed of at the CFSWMA landfill, and sometimes it is utilized as alternate cover material.

Waste haulers are not allowed access to the landfill site when the landfill scales are not open and employees are not present. The scales are open from 7:30 a.m. to 3:30 p.m., Monday through Friday, and 10:00 a.m. to 1:00 p.m. on Saturday. Some waste haulers have been known to park outside the landfill gate during non-operating hours and wait for the landfill to open at 7:30 a.m. to dispose of their load.

D.5 Property Acquisition

D.5.1 Submitted by N. Gervais (W-11/26/08)

6. Why are the Taxpayers of Franklin County being kept in the dark about the cost of purchasing, renting, leasing or other ingenious methods of procuring the additional land, residences, and farms in the area? What are they? The Taxpayers should be receiving the answer to this in writing. It is a valid and relevant question.

Response

As of the date of this FEIS, no lands, residences, or farms have been acquired by the CFSWMA as part of the proposed landfill expansion project. Purchase offer negotiations between the CFSWMA and the affected landowners have not been completed and are currently stalled until after this FEIS and the remaining steps in the SEQR review process are completed. Purchase offers have not been made and contracts have not been signed with owners of the properties currently under consideration for possible future acquisition; therefore, no costs can be provided. Residents interested in the future proceedings between the CFSWMA and the landowners are welcome to attend the CFSWMA Board's monthly meetings.

Please refer to the response to Comment D.5.2 for additional information.

D.5.2 Submitted by A. Brady (T-74)

The environmental impact statement discussed the acquisition of properties necessary for the expansion of this landfill. However, lacking in the document is any detailed information about any of the process or processes that have previously begun or are in progress, either verbally or in writing, with the owners of the property to be acquired. Do you propose to purchase or have you already purchased this property?

Response

As of the date of this FEIS, the private properties proposed for acquisition as part of the landfill expansion project have not been purchased. Going forward, the CFSWMA does anticipate the purchase of the identified properties. The purchase price for these lands will be determined through negotiations conducted between the CFSWMA and each of the affected landowners. Preliminary negotiations with these landowners have been conducted; however, the costs of such land acquisition have not yet been determined. Once such negotiations have been completed, the purchase price paid by the CFSWMA will be a matter of public record.

D.6 Water Resources

D.6.1 Submitted by N. Gervais (W-11/26/08)

25. How many feet below the Landfills watershed is the Canadian watershed as it is significantly below the level of the Landfill?

Response

Natural elevations within the proposed expansion area range from 240 feet above mean sea level in the southern portion of the proposed expansion site to a height of approximately 280 feet above mean sea level at the northeast corner of the proposed expansion area. Elevations at the international border are less than 200 feet above mean sea level.

D.6.2 Submitted by E. Clary (T-41)

I have a question that if the dump is on high ground and you say the flow of water travels south to Bries Creek [Briggs Creek], where does Bries Creek drain into to? And I believe that's the little Trout River which goes by our house.

Response

Details regarding the flow paths, water resource classifications, and drainage patterns of the surface waters located within and contiguous to the proposed landfill expansion area are included in Section 3.1.1.2 of the DEIS.

D.6.3 Submitted by N. Gervais (T-45)

The scope response Page 24, six lines down it says, "this review process is not limited to geographic boundaries." I agree. However, there is a small stream on the landfill property that flows into Briggs Creek. Briggs Creek flows into our neighbors to the north, Quebec, Canada. In the DEIS Paragraph 3.1.1.2 states that the Class D waters are not included in the definition of a protected stream. Does that mean that the landfill could then contaminate and pollute Briggs Creek?

Response

No, that statement in Section 3.1.1.2 of the DEIS does not mean that the landfill would be allowed to pollute Briggs Creek.

All waters located within New York State are provided a class and standard designation based on existing or expected best usage of each water or waterway segment. According to 6 NYCRR Part 608 (Use and Protection of Waters) regulations, a protected stream is defined as "any stream or particular portion of a stream for which there has been adopted by the department or any of its predecessors any of the following classifications or standards: AA, AA(t), A, A(t), B, B(t) or C(t). Streams designated (t)(trout) also include those more specifically designated (ts)(trout spawning)."

A stream designated as a Class D water is afforded no protection under the NYSDEC's 6 NYCRR Part 608 regulations. That being said, there are still other regulatory programs, such as the State Pollution Discharge Elimination System permit process, the U.S. Army Corps of Engineers' Section 404 Waters of the U.S. protection program, and the NYSDEC's Section 401 Water Quality Certification, that afford protection to water resources within the United States and New York State. These regulatory programs specify certain thresholds, which if exceeded by a proposed activity, would require the issuance of permits and/or approvals prior to conductance of that proposed activity. The regulations implemented through these permit programs do not allow for the unauthorized contamination of any water body in New York State.

D.7 Groundwater Monitoring

D.7.1 Submitted by N. Gervais (T-45/46)

And I kind of feel that some contaminants and pollution would flow into the Briggs Creek area and then into Canada. However, no one did any testing. Tests should be performed on the landfill site with the waters going down there.

Response

Potential impacts to surface water resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

Please see pages S-6 thru S-8 of the DEIS for additional information related to this comment.

D.8 Groundwater Contamination

D.8.1 Submitted by N. Gervais (W-11/26/08)

22. Are you accepting responsibility for any potential contamination of the Salmon River by all the residual products released from the Sewage Treatment Plant after processing not limited to Mercury Cadmium, Nitrates, Lead and other Household Hazardous Waste (over 40 of them)?

Response

Assuming all leachate from the proposed expansion is treated at the Malone facility, the quantity of leachate that is anticipated to be processed would be less than 1.7% of the total plant capacity. The CFSWMA cannot assume blanket responsibility for a speculative future contamination of the Salmon River since many factors besides the landfill facility could be associated with a potential release of contamination. It should be noted that the Malone wastewater treatment facility has no record of citations and has successfully treated the landfill leachate for many years. The facility operates under New York State Pollutant Discharge Elimination System (SPDES) Discharge Permit No. NY-003 0376 and is well within its effluent permit discharge limits. The Malone facility tests the effluent for BOD5 (1/week), flow (continuous), suspended solids (1/week), settleable solids (2/day), pH (2/day), Nitrogen as NH_3 (1/week) and temperature (2 /day). The effluent is also tested for whole effluent toxicity on a quarterly basis. Test results have been

within acceptable discharge limits in accordance with their SPDES permit. In addition, the effluent discharge was tested for an extended list of parameters in 2007 which included total metals (including cadmium and lead), volatiles (EPA 624), and semi-volatiles (EPA 625). There was no detection of volatiles, semi-volatiles, cadmium or lead. Nitrates were measured at 6.3 mg/l, well below the federal drinking water standard of 10 mg/l (mg/l = parts per million).

According to the landfill's environmental monitoring reports submitted to the NYSDEC, mercury levels in the CFSMWA landfill leachate have been non-detectable except for one result of 0.0002 mg/l from a September 2002 sample. That particular, isolated result of 0.0002 mg/l is equal to the surface water standard for mercury set by 6 NYCRR Part 360. According to the Malone wastewater treatment plant's Chief Operator, mercury levels in the plant effluent have not been an issue of concern (Hutchins, 2009).

In 2008, the treatment plant conducted a low level mercury monitoring program of the plant's influent and effluent over a three month period in accordance with the facility's SPDES permit. Influent monitoring results indicated low levels of mercury at 50ng/l, 30ng/l, and 10.5 ng/l (ng/l = parts per trillion). As anticipated, effluent monitoring results indicated even lower levels of mercury at 4.9ng/l, 8.0 ng/l, and 5.0 ng/l, significantly below the surface water standard of 0.0002 mg/l set by 6 NYCRR Part 703.

Based on these results and the mercury testing results for the landfill's leachate, the landfill is not contributing to any substantial mercury levels at the Malone wastewater treatment facility.

D.8.2 Submitted by N. Gervais (W-11/26/08)

26. What is the potential risk of contamination of the Canadian watershed level from the Landfill as water finds its own levels that the Authority cannot in any way control?

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a

release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan.

New York State regulations (6 NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources were significantly impacted. A variety of proven methods is available to control and remediate contaminated groundwater on the landfill site, in the unlikely event of a release from the facility. Accordingly, there is no reasonably foreseeable risk of contamination of the Canadian watershed from the proposed landfill expansion.

D.8.3 Submitted by N. Gervais (W-11/26/08)

34. There was an analysis of testing presented at the meeting about possible contamination near the landfill. Why hasn't the landfill conducted test on all areas surrounding the landfill to ensure non-contamination of the area and to ensure a level of public health to the citizens residing in the area?

Response

The CFSWMA Landfill site conducts an Environmental Monitoring Program (EMP) that includes quarterly groundwater sampling and multi-annual surface water sampling at designated locations surrounding the existing landfill limits. As part of the proposed landfill expansion, the CFSWMA's existing EMP will be updated to continue compliance with the regulations established in 6 NYCRR

Part 360. Details regarding the CFSWMA's EMP are included in Section 3.1.3.7.4 of the DEIS. For the written response to the comments made by Daniel Green at the DEIS Public Hearing, which is the analysis of testing mentioned in this comment, please refer to Comment E.8.3.

D.9 Contingency Plan

D.9.1 Submitted by W. Gaggin (W-11/17/08)

Page 14 of the report outlines a Contingency Plan. It states, in part, "in the event that the existing permitted landfill space becomes filled prior to having the new landfill disposal capacity permitted and constructed, the Authority's contingency plan will be to export waste to out-of-county disposal facilities".

This Contingency Plan action, if based on the solid waste material generated and received exclusively from the taxpayers of Franklin County, would likely occur as a result of poor management practices by the Authority. It has been often stated in previous reporting, (which, it should be noted, stands in contradiction to the concerns outlined in the Contingency Plan) that generation of Franklin County solid waste was insufficient and additional waste from areas outside of Franklin County was brought into the landfill as compensation for the shortfall. With proper management practices, this situation should not develop. If the Landfill is restricted to the sole use of Franklin County residents, there is no obvious reason to support Landfill expansion.

Response

This comment appears to be referring to page 14 of the CFSWMA's "Modification to Final Solid Waste Management Plan" dated April 14, 2006. Pages 14-16 of the CFSWMA's 2006 SWMP modification describe a contingency plan that was requested by NYSDEC officials during their review of the plan, to ensure that local residents and businesses will continue to be provided with a reliable and uninterrupted disposal service in the event that the proposed landfill expansion is not operational prior to the use of all remaining disposal capacity in the CFSWMA's existing landfill.

Municipal solid waste from outside the County is currently primarily received from Essex County. With the prohibition of landfilling inside the Adirondack Park, Essex County is forced to export their waste. By accepting the Essex County waste, the CFSWMA is assisting Essex County with complying with their planning unit's solid waste management plan.

As discussed in Section 1.6.2 of the DEIS, material is received by the CFSWMA's landfill from outside of the County include beneficial use materials. These materials are utilized as alternate cover material on the interior slopes of the landfill instead of using virgin on-site soil. If these out-of-county beneficial use materials were not brought in, the airspace at the landfill would still be consumed by virgin soil to maintain proper cover.

One of the tasks that has been undertaken by CFSWMA staff is to strike a balance among several factors: (a) the amount of waste and BUD materials to accept at the landfill from out-of-county sources, (b) the need for the revenue that comes with such waste deliveries, (c) the disposal capacity remaining in the existing landfill, and (d) the progress being made to implement the proposed landfill expansion, including an estimated date for receiving all required permits and approvals that are needed to commence construction and operation of the first phase of the proposed landfill expansion. Given the number of uncertainties involved in these factors, particularly with regard to the timing for construction and the operation of the proposed landfill expansion, it is prudent to have a contingency plan in place that can be implemented in the event it becomes necessary to export wastes to another disposal facility until such time as the proposed landfill expansion is operational. It is the CFSWMA's intent to avoid having to implement such a contingency plan for temporary waste exportation, but it will do so if and when it becomes necessary.

D.9.2 Submitted by N. Gervais (W-11/26/08)

29. Why on page 14 of your report, "Contingency Plan" state "in the event that the existing permitted landfill space becomes filled prior to having the new landfill disposal capacity permitted and constructed, the Authority's contingency plan will be to export waste to out-of-county disposal facilities" is such a plan ever considered?

30. How could the above ever occur based on the solid waste from Franklin County?
31. Couldn't management see this at least 2 years ahead of time and prevent such an occurrence by limiting disposal and increase recycling? What is your plan and answer to this in writing

Response

These comments appear to be referring to page 14 of the CFSWMA's "Modification to Final Solid Waste Management Plan" dated April 14, 2006, which is also referred to on page 24 of the DEIS (Section 1.7.1). As noted in the previous response, this contingency plan would be put into effect, on a temporary basis, should the existing landfill (remaining Cells 2, 3, and 4) be completely filled prior to when Cells 5, 6, and 7 have been designed, permitted and constructed such that they can be placed into service. This contingency procedure is for prudent planning purposes, and as a precaution, ensures that safe and reliable waste disposal services continue to be available to serve the residents and businesses of Franklin County without interruption, as this expansion project is implemented.

While it is uncertain whether the event described in the above paragraph would actually occur, if Cells 2, 3, and 4 are filled prior to the point that new landfill Cell #5 is designed, permitted, and constructed, then the contingency plan would be implemented. The CFSWMA will take all measures within its control to ensure that this does not occur, or if it does, that the contingency plan is implemented for only a short period of time.

The CFSWMA could consider diverting out-of-county wastes to another disposal site as a temporary measure to delay the closure of the final cells of the existing landfill, until the new landfill cell is open. However, the impact of lost tipping fee revenues from waste diverted away from the Franklin County landfill would need to be considered.

Regarding increasing recycling to delay the filling of the existing landfill cells, the CFSWMA has plans to enhance its existing recycling program, as described in Section 8.1.3 of the DEIS, when it is economical to do so, but this would be done as part of a long-

term, permanent recycling program enhancement, and may not be a very effective short-term tool to extend the life of the existing landfill cells for a few months.

D.10 Leachate Generation and Treatment

D.10.1Submitted by N. Gervais (W-11/26/08)

19. Has the Authority discussed thoroughly with the Village of Malone the anticipated amount of leachate that will be expected to be handled by the Sewage Treatment Facility?
20. If not, why Not?
21. Have you included this in your anticipated cost including an increase of payment to the Village for their handling the leachate?

Response

Yes, the CFSWMA has discussed the anticipated amount of leachate that will be expected from the expansion with the Village of Malone wastewater treatment facility and its consultant had follow up conversations with the treatment plant (Hutchins, 2009). The CFSWMA's consultant has also discussed leachate treatment from the expansion with the City of Plattsburgh wastewater treatment facility and the NYSDEC Region 5 Division of Water (Powell, 2009) (Fontana, 2009). The CFSWMA maintains current leachate disposal agreements with the Village of Malone and the City of Plattsburgh facilities and these agreements are anticipated to be renewed in the future. The CFSWMA has discussed anticipated leachate quantities with the Village of Malone.

The costs of future leachate disposal are considered every year by the CFSWMA during its annual budget process. The proposed landfill expansion costs, including future leachate disposal costs, will be considered and reviewed by the CFSWMA periodically during the environmental and permit review phases of the project, and will eventually be included in the CFSWMA's annual budgetary process much like the current landfill operation is examined annually. Actual costs of leachate disposal in future years will be determined by mutual agreement between the CFSWMA and the wastewater treatment facilities that accept and treat the leachate from the CFSWMA landfill.

D.10.2 Submitted by N. Gervais (T-115/116)

The landfill leachate was sent to village of Malone water treatment plant for processing. According to the local manager of the treatment plant about 25,000 gallon of leachate is processed each day which is part of approximately two million gallons of water going through plant each day. My problem according to the Telegram is the outflow of the plant -- treatment sewage plant was tested over 10 years ago. It was apparently safe then, but the metals not eliminated through the plant process did not meet the standard for concern. Probably in those days the leachate was a maximum between 1,000 to 1500 gallons per day.

Want to know whose checked for the safety of contaminated metals like mercury, cooper, lead et cetera these past 10 years at the treatment plant?

Response

Monitoring requirements for the Village of Malone wastewater treatment facility, which discharges to the Salmon River, are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC. Analytical data for the Malone wastewater treatment plant is available either from the Village of Malone or the NYSDEC. Please refer to the response to Comment E.10.3 for more information.

The Malone treatment plant processes an average of 25,000 gallons of leachate per day. Based on recent disposal testing, the treatment facility has the ability to treat 44,000 gallons of leachate per day without negatively impacting the plant's treatment process. The plant's total design capacity is 3.3 millions gallons per day (MGD) and currently averages 2.4 MGD.

The statement that testing was performed over 10 years ago is incorrect if it was intended to indicate that no more recent testing has been performed at that facility. The Malone wastewater treatment facility tests both influent and effluent flows at the plant on a daily, weekly, monthly and quarterly basis depending on the parameters. The testing is performed in accordance with the treatment plant's New York State Pollutant Discharge Elimination

System (SPDES) Discharge Permit No. NY-003 0376. The Malone Plant is effective at removing metals from the wastewater, has no record of citations and has successfully treated the landfill leachate for many years.

Please refer to response to Comment D.8.1 for additional information.

D.10.3 Submitted by N. Gervais (T-116/117)

Have you consulted with the village to determine the limit the present sewage treatment system can handle? And how much contamination might come through there from mercury? Have you discussed with the village the potential harm that these metals that pass through the sewage treatment system can have on a living -- on people living north of the plant? Have you discussed potential contamination of the river by these metals?

Response

The treatment facility is required to meet strict discharge standards enforced by the NYSDEC, and the treatment facility was designed to 3.3 million gallons per day. Even at peak projected leachate generation rates for the proposed expansion, leachate from the proposed landfill facility would constitute less than 1.7 percent of the current design capacity of the treatment plant. In addition, analytical data from the existing landfill facility indicates that leachate from the existing landfill facility is relatively low strength, consistent with the nature of the community it serves, and readily treatable at the treatment facility. The results of the most recent analyses of samples from the primary and secondary leachate collection systems and the leachate holding tank indicate that mercury was not detected in any of these samples. Mercury and other metals are typically of low solubility and readily adsorb to fine particulate matter, including treatment plant sludges. Accordingly, these metals are typically retained in the treatment process and are not likely to pass through the treatment plant.

Monitoring requirements for the Village of Malone wastewater treatment facility are established by NYSDEC and are the responsibility of the treatment plant operator. The CFSWMA has consulted with the Malone wastewater treatment plant and the NYSDEC Division of Water relative to the plant's ability to handle leachate from the expansion, including metals.

Refer to the responses to Comments D.8.1 and E.10.1 for more information.

D.11 Property Values

D.11.1 Submitted by M. Armstrong (T-79)

The landfill becomes a real loss as properties in the immediate area decline in value. Homes located near landfills are more difficult to sell because potential buyers fear the prospect of odors, possible contaminations, et cetera.

In addition there is a loss of tax revenue from land that is now considered nonprofit and taken off the tax role.

Response

The CFSWMA is currently under negotiations with the Towns of Westville and Constable to seek an agreement on an official, signed Host Community Benefit package for the two host communities. This agreement would provide the two towns with monetary compensation for the potential loss in tax base that would occur as a result of the proposed property acquisition. For information regarding the effects of the proposed landfill expansion on surrounding property values, refer to Section 3.2.5 of the DEIS.

Please refer to the response to Comment B.2.1 for additional information.

D.12 Environmental Regulations

D.12.1 Submitted by N. Gervais (W-11/26/08)

13. The Taxpayers of Franklin County need to know in writing: How many times this Authority has received notices of violations from

the DEC in writing and verbally? In addition, the cost originally assessed to the Authority by the DEC and how much actually was paid in settlement to the DEC for these violations?

Response

The County of Franklin Solid Waste Authority has signed three (3) Orders on Consent with the NYSDEC since the landfill first opened in 1994. The first Order on Consent was signed in September 2003 (File No. R5-20030117-311). No fine was issued by the NYSDEC as a result of this signed agreement. The second Order on Consent (File No. R5-20041026-480), signed in May 2005, resulted in the CFSWMA being assessed a $27,000 fine. The CFSWMA paid $3,000 with the remaining sum to be suspended as long as the CFSWMA continued to comply with the terms and conditions of the Order. The third Order on Consent was signed in October 2005 (File No. R5-20050809-534). This agreement resulted in the CFSWMA being assessed a $5,000 fine. The CFSWMA paid a sum of $4,000, with the remaining $1,000 suspended as long as the CFSWMA continued to comply with the terms and conditions of the Order and the facility's permit.

D.12.2 Submitted by N. Gervais (W-11/26/08)

23. The State of New York is presently suggesting changes to 6 NYCRR part 360 which apparently will affect pollution from waste streams coming from Sanitary Landfills. What is the present Authority's plan for Briggs Creek based on these proposed changes?

Response

At present, the proposed changes to 6 NYCRR Part 360 are not expected to significantly impact the environmental monitoring program for the proposed landfill. Specific monitoring requirements for the proposed landfill facility will be established in accordance with the 6 NYCRR Part 360 regulations in force during development of the site Environmental Monitoring Plan (EMP). Modifications to the EMP as a result of future regulatory changes would be implemented in accordance with regulatory requirements.

D.12.3 Submitted by N. Gervais (W-11/26/08) and N. Gervais (T-46)

27. Are you in compliance with the Joint International Agreement of 1909 between Canada and the United States as it relates to Briggs Creek? (W-11/26/08)

And of course, if the landfill does contaminate Briggs Creek and in my estimation it's a violation of the joint international agreement of 1909 and possibly other international agreements between the U.S. and Canada that have been initiated since then. (T-46)

Response

The Joint International Agreement of 1909 is actually called the "Treaty Between the United States and Great Britain Relating to Boundary Waters and Questions Arising Between the United States and Canada." It is often referred to as the "Boundary Waters Treaty." The entity which oversees the administration of the Treaty is the International Joint Commission.

That Treaty defines boundary waters as follows: "For the purpose of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary."

Since Briggs Creek is a tributary and not a Boundary Water, as defined by the Treaty, issues concerning Briggs Creek are not jurisdictional under the Boundary Waters Treaty. There are no issues involving the proposed landfill expansion which are jurisdictional under the Boundary Waters Treaty.

D.12.4 Submitted by N. Gervais (W-11/26/08)

28. Are you in compliance with the many Commissions related to the "eco system" between the two countries? There are more then ten of them.

Response

The resident posing the question did not specify which commissions he was referring to. The only ones known to the CFSWMA are the "Boards" created by the International Joint Commission (IJC) in furtherance of its duties with respect to Boundary Waters. Those Boards are as follows:

- Accredited Officers for the St. Mary-Milk Rivers
- Council of Great Lakes Research Managers
- Great Lakes Science Advisory Board
- Great Lakes Water Quality Board
- International Air Quality Advisory Board
- International Columbia River Board of Control
- International Kootenay Lake Board of Control
- International Lake of the Woods Control Board
- International Lake Superior Board of Control
- International Niagara Board of Control
- International Osoyoos Lake Board of Control
- International Rainy Lake Board of Control
- International Rainy River Water Pollution Board
- International Red River Board
- International Souris River Board
- International St. Croix River Watershed Board
- International St. Lawrence River Board of Control

Current task forces and study boards are as follows:

- Health Professionals Task Force
- International Missisquoi Bay Study Board
- International St. Mary and Milk Rivers Administrative Measures Task Force
- International Upper Great Lakes Study Board

Briggs Creek is not a Boundary Water, as defined by the Treaty. Therefore, none of these Boards have jurisdiction over any issues concerning that water.

Of all the Boards created by the IJC, the only one with a potential jurisdictional interest in the CFSWMA's proposed landfill expansion project is the Great Lakes Water Quality Board. That Board was established by the IJC in compliance with another agreement

between the United States and Canada called the Great Lakes Water Quality Agreement. It is a board with the obligation to study and make recommendations. It does not have any permitting jurisdiction.

That Board has defined certain geographical "Areas of Concern", including two on the St. Lawrence located at Massena, NY and Cornwall, Ontario, Canada. Such Areas of Concern are subjects of "Remedial Action Plans." There is no Area of Concern or Remedial Action Plan with respect to any area near the existing and proposed landfill expansion site.

D.12.5 Submitted by V. Cartier (T-77)

In our opinion it is a document that fulfills the bureaucratic justification for continuing the extension of the landfill by the authority without any consideration of the citizens, the taxpayers of Franklin County.

Response

The DEIS that was completed for the proposed CFSWMA landfill expansion project details the potential environmental impacts that may occur as a result of the proposed project so that these potential impacts can be considered equally with potential social and economic effects. An alternatives analysis was included in the DEIS to summarize different waste disposal technologies, landfill footprint designs, and other long-term solid waste disposal options for Franklin County. The potential impacts that this project may have on the residents of Franklin County has been detailed in the DEIS, and will continue to be examined as the State Environmental Quality Review (SEQR) process for this project moves forward.

The citizens of Franklin County have had the opportunity to review the CFSWMA's plans for the proposed landfill expansion during the on-going SEQR review process, and will continue to have the opportunity for input in the future as the CFSWMA submits permit applications to the NYSDEC – which conducts its own environmental review process during the consideration of such permit applications.

A substantial amount of information on the proposed landfill expansion project has been made available for public review on the County of Franklin's web site. Please refer to Section I(3) (Introduction) of this FEIS for additional information.

D.13 Air Quality/Odors

D.13.1Submitted by N. Gervais (W-11/26/08)

24. Has the Authority made plans to comply with all the parts of 6NYCRR part 200 related to air quality standards that may affect the odors from the Landfill?

Response

The CFSWMA currently complies with all regulations established by the NYSDEC in 6 NYCRR Part 200 and fully anticipates continued compliance with these regulations in the future. The details regarding the CFSWMA's landfill gas emissions are included in Section 3.1.6.2 of the DEIS. This Section also includes information on the changes that will occur to the CFSWMA's air quality permitting as a result of the proposed landfill expansion project.

D.13.2 Submitted by N. Gervais (W-11/26/08)

35. Why isn't the number of complaints on strong odors coming from the Landfill recorded in the Document?
36. Why aren't the answers given by the Landfill to citizens who have called to the above, recorded in the document?

Response

Multiple odor complaints were recorded by the CFSWMA prior to fall 2002 when the landfill's gas collection system went from a passive system to an active system. After the active gas collection system went on-line, the number of odor complaints greatly decreased; however, verbal complaints have since been noted. An odor log was kept by the CFSWMA until October 2005. Since May 2006, odor inspections were added as an item to the daily site inspection logs. These logs show a recent history of air quality compliance.

Odor generation at the landfill is dependent upon atmospheric conditions. Also, the combustion device implemented as part of the landfill's active gas collection system will sometimes become extinguished, creating a more odorous condition than when that device is lit and working properly. These instances are few. When verbal or written odor complaints are made by area residents, the CFSWMA attempts to alleviate the situation by checking the active gas collection system to make sure it is working properly. If odor complaints are filed with other agencies besides the CFSWMA, it is difficult for the CFSWMA to take care of the problem and to mitigate potential odor problems.

D.13.3 Submitted by D. Van Gulick (T-88)

Over the years I have made over fifty phone calls reporting the odor and never got a response. Agents spoke of coming to our farm and putting monitors on our property to help monitor the air quality. I called as far as Warrensburg, even Albany.

Response

Given the use of the word 'agents' in the comment, it is assumed that the phone calls regarding potential odor issues at the CFSWMA landfill were not made to the CFSWMA, but to other agencies or hotlines throughout New York State. The most effective way to report odor issues is to contact the CFSWMA office directly. There is a full-time landfill employee who completes daily site inspections, including odor inspections. There is also a contact number in case of emergencies during the overnight hours. Historically, odor complaints were common at the landfill site due to the use of a passive gas collection system. In order to mitigate odor impacts at the landfill site, the CFSWMA voluntarily upgraded their passive system to an active gas collection system in fall 2002. Since the upgrade, odor complaints have been greatly reduced.

D.14 Monetary Considerations/Host Community Benefit Agreement

D.14.1Submitted by N. Gervais (W-11/26/08)

I. Why is the Cost Analysis -Landfill expansion sheet listed at 125,000 tons of MSW per year so inaccurate in cost per ton per year? The present figures do not really tally up, as you will not be

receiving 125,000 tons per year at present according to your document What is the truth about the number of tons of expansion per year starting in 2009?

Response

The cost analysis performed in April 2006 was completed for two different tonnage limits. One using the permitted tonnage at that time of 43,500 tons/year and another using the tonnage limit that the CFSWMA had applied for of 125,000 tons/year. As indicated in the DEIS, the landfill is now permitted to accept up to 125,000 tons/year of mixed municipal solid wastes. These two analyses represent the minimum and maximum waste tonnages to be received at the facility. The "cost per ton of waste" numbers given are accurate for the tonnage levels indicated, but due to the annual fluctuation in waste acceptance rates, do not reflect the exact cost per ton of waste for any specific year. Table 1 lists the historic annual waste tonnage received at the CFSWMA Landfill. Future tonnages accepted will depend heavily on disposal trends in the service area.

D.14.2 Submitted by N. Gervais (W-11/26/08)

2. If the Cost Analysis -Landfill expansion sheet listed at 43,500 tons of MSW per year is accurate, it does not say much for the management of the Landfill, as the cost will be exorbitant to the Taxpayers of Franklin County. At those rates, wouldn't it be better to close the Landfill in 2014 to 2017 and pay off our debt? The Taxpayers certainly could not afford the cost. Here again, it makes one wonder about who did the figures and why?

   Response

   The solid waste management system is financed through user fees collected at the regional landfill facility and transfer stations and not through taxes collected from residents of Franklin County. The cost benefit analysis has shown that it is more cost effective to keep the landfill facility operational than to pursue other disposal options. This analysis was performed by Barton & Loguidice, P.C. on behalf of the CFSWMA in order to provide the CFSWMA with the information needed to update their Solid Waste Management Plan.

D.14.3 Submitted by N. Gervais (W-11/26/08)

3. Why in your analysis of the above items mentioned is there no figures for the BUD that comes into the Landfill? In 2006, it was approximately 40,000 plus tons. Doesn't that produce income and lower the cost?
4. Based on #3 above what is the actual cost per ton at 43,500 tons taken into the Landfill? Why should the Taxpayers trust these figures in the document?

Response

The BUD tonnages were not included in the 2006 cost analysis due to the unpredictable nature of this waste stream and the variable tipping fees charged for these types of materials. Inclusion of these tonnages would, in fact, decrease the cost per ton of landfilling waste at the CFSWMA Landfill.

As discussed above, the unpredictable nature of the BUD waste stream and associated tipping fees makes it difficult to prepare long-term cost projections with accurate net BUD costs per ton. The actual costs per ton experienced by the CFSWMA are available for review in its annual financial statements. Also, the CFSWMA's annual budget includes estimates of the following year's overall program costs and projected revenues, which can be reviewed to determine an overall cost per ton for that particular budget year.

D.14.4 Submitted by N. Gervais (W-11/26/08) and N. Gervais (T-46/47)

10. Why are you still receiving a cash flow each month of over $444,000.00 and increasing to over $500,000.00 from the Taxpayers of Franklin County?
11. If you are so efficient why do you need the money for a 3 5-day period? (W-11/26/08)

The cost of the taxpayers of the 18 towns of Franklin County, is the monthly cash flow amount received from the treasurer's office from Franklin County. At the present time the check is written at the beginning of each month in the amount of, and listen to this, $444,830.19 of your taxpayers' money made out to the authority. They have to pay it back in two or three weeks. (T-46/47)

Response

The Solid Waste Management Services Agreement (SWMSA) went into effect on May 1, 1993. This agreement was made between the CFSWMA and the Franklin County Legislature prior to the inception of the CFSWMA's Landfill. This agreement details that the County is to pay the CFSWMA a Service Fee from its General Fund. Beginning on July 1, 1994, the County began paying the CFSWMA one-twelfth of the Estimated Service Fee on the first day of each month of each Fiscal Year. The CFSWMA reimburses the County one-twelfth of the Estimated Service Fee within five (5) days after the end of each month.

This agreement was initiated "in consideration of the Authority's performance of certain activities relating to Solid Waste disposal" (SWMSA). The CFSWMA has always reimbursed the County the full amount of every Service Fee payment since the 1994 fiscal year within the required time periods.

The net effect of this agreement and the payments between the County and the CFSWMA, therefore, is that the CFSWMA pays for all of its program costs while at the same time satisfying financial conditions that are of importance to the banks and bondholders that loaned money to the CFSWMA for the construction of its facilities.

D.14.5 Submitted by N. Gervais (W-11/26/08)

37. Most important-Can the Taxpayers of Franklin County afford this expansion based on the present economics of the Federal Government, the State Government, the County Government, and the present Liabilities of the Authority?

Response

As indicated in the responses to Comments D.14.2 and D.14.4, the taxpayers of Franklin County do not pay for the CFSWMA's current facility costs and programs. This is not expected to change. Revenues from users of the CFSWMA's facilities will continue to be

set at rates that are sufficient for the CFSWMA to pay for the full costs of construction and operation of its facilities and programs, without requiring any subsidies from county taxpayers.

D.14.6 Submitted by D. Fleury (T-41/42)

In the present economy and the foreseeable economic times, is it appropriate for any authority of Franklin County to begin a process of expanding and borrowing millions of dollars over the years that will add to the tax burden of the county. We would request a special meeting to held with the residents of Franklin County where all the financing and additional costs associated with the landfill would be spelled out in layman's terms. Your comprehensive review in the proposed scope is great for a class in Economics, but is insufficient for the tax payers to understand.

Response

Please refer to the responses to Comments D.14.2, D.14.4 and D.14.5.

D.14.7 Submitted by D. Fleury (T-42/43)

From a layman's perspective it appears that if the landfill were to close on its original date, 2014, there would still be a great deal of debt that Franklin County, the taxpayers, would be the responsible for. There is very confusing and should be explained.

Response

Refer to the response to Comment D.14.4 for details regarding the financial agreement between the CFSWMA and the Franklin County Legislature. It should be noted that no taxpayer money is used for current landfill operation activities at the CFSWMA landfill. No taxpayer money will be used to fund any portion of this proposed expansion project.

Please also refer to the responses to Comments D.14.2 and D.14.5.

D.14.8 Submitted by N. Gervais (T-48/49) and V. Cartier (T-75/76)

I notice in the cost analysis the landfill expansion for the 125,000 tons M.S.W. for years for county landfills. The sheet made up by your concern and I'm not a statistician or mathematic person. It seems kind of funny that if they go to 125,000 tons, that we've been paying about $2,500,000 debt per year off. But in 2010 if they go to 125,000 tons, we're going to have a lot of expenses as mentioned elsewhere. Our cost or their cost to pay off debt would be over $4 million a year. And it goes from $4 million in 2011, 2012, 2013. Goes up from $4 million to $574 million in 2014. That's a lot of money for the county and the taxpayers to worry about because we have debt in the state. (Gervais)

At the previous public hearing the taxpayers involvement was discussed. It was the contention of the parties representing the landfill that the taxpayers are not paying for the landfill. Where does this revenue come from? The people of Westville and Constable interpret this in a different manner. In reality the authority is from the county and receives its approval from the county and some direct finances from the taxpayers of Franklin County. In addition, the people in this county contribute indirectly to a majority of the revenue for the operation of the landfill. As taxpayers we pay for the garbage and send it the landfill, so we are involved. (Cartier)

Response

Please refer to the responses to Comments D.14.2, D.14.4, D.14.5., and D.14.7 for more information regarding the financial agreement between the CFSWMA and the Franklin County Legislature and for an explanation of how user fees pay for the CFSWMA's costs rather than taxpayers.

D.14.9 Submitted by A. Brady (T-74)

What is the financial impact on the authority that eventually affects the taxpayers of Franklin County? As mentioned before, this is really taxpayers' money. As the taxpayers pay indirectly through fee, loss of property values, decrease in tax base et cetera for this landfill.

Response

Please refer to the responses to Comments D.14.2, D.14.4, D.14.5, D.14.7 for information regarding the financial agreement between the CFSWMA and the County of Franklin and for an explanation of how user fees pay for the CFSWMA's costs rather than taxpayers.

As of the date of this FEIS, the Towns of Westville and Constable are negotiating with the CFSWMA to develop a mutually acceptable Host Community Benefit package which would provide the two host towns with monetary compensation. Please refer to the responses to Comments D.11.1 and B.2.1 for more information.

E. Canadian Residents' and Officials' Comments:

E.1 Landfill Design

E.1.1 Submitted by A. Stolecki (W-11/30/08)

6. At the first public meeting it was mentioned that should the two-membrane system leak and the test wells begin to show leachate contamination, as a safeguard the groundwater could be pumped.
   a. How is this possible and with what technology?
   b. What volumes of water would be involved if such a pumping were undertaken?

Response

As described in Section 2.2.3 of the DEIS, leachate and groundwater are collected from each landfill cell area through the use of a sideriser pumping station. This system involves the use of large diameter piping to allow for pumps to be lowered into the sump of each leachate collection layer of the liner system as well as below the liner system to the groundwater sump. Automated explosion proof electric pumps are utilized in the application. The pumps remove the leachate and groundwater from the layers to a sideriser building located at the perimeter of the landfill where the quantities are recorded using flow meters.

The volume of groundwater collected by the pore water drainage system can vary greatly depending on the time of the year and the elevation of the landfill subgrade. However, the volume of groundwater collected is anticipated to be similar to the volume of clean groundwater metered at the existing facility, approximately 700 gallons per day per acre.

Section 2.1 and Figure 1.3 of the DEIS outline the development of the landfill expansion and how the landfill is divided into various cell areas. The reason the landfill is sectioned into these individual cell areas is to reduce the monitoring area, instead of monitoring the entire landfill area as one unit, to allow for more efficient leachate collection and to isolate an individual cell in the unlikely event that it requires remediation. If groundwater was collected during a remediation event over the largest combined drainage area (Cells

#12A-D), then the anticipated volume of remediation water to be collected for treatment would be estimated at 23,000 gallons per day. This volume can be adequately handled by the proposed leachate storage facility expansions at the site as well as additional leachate hauling efforts.

E.1.2 Submitted by H. Dressel (W-11/30/08)

This also makes it clear that as well as its unexplained size, location on an international border in the middle of a wetland, lack of proper maintenance funding and of modern recyling methods, the Westville dump is a primitive, undesirable and unworkable approach to modern solid waste disposal and *is therefore highly likely to come under toxic tort review.*

Regarding the design of this landfill, it is a basic principle that the "dry tomb," of which the Westville project is an example, has to drastically "minimize the liquid entering the facility, to preclude leachate from exiting the facility....To the extent such a design prevents the escape of pollution from the facility, cleanup and third-party liability that may occur due to pollution should be minimized." It is not possible, however, in the Franklin County site, surrounded by streams, rivers and wetlands and situated in a high-snow area directly below drain-off from the Adirondack mountain system, to "minimize the liquid entering the facility." Such a basic design flaw opens the possibility of serious "toxic tort liability" to both the engineering firm and the County of Franklin Solid Waste Management Authority.

Response

The double composite liner system design proposed for this landfill expansion is considered to be state-of-the-art technology that is well proven and in conformance with applicable State and Federal regulations governing modern landfill designs. The “dry tomb” concept mentioned in the comment is the basis of the current 6 NYCRR Part 360 regulations that govern landfills in New York State. Those regulations do not currently favor wet landfilling techniques such as leachate recirculation, although such methods can be pursued through research and development permits and other special permit conditions, following the development of engineering reports and design submittals that must be reviewed by

the NYSDEC prior to issuance of the required permits and approvals.

There are currently twenty-seven landfills operating in New York State that are permitted to dispose of mixed municipal solid wastes, including the existing CFSWMA landfill located in the Towns of Constable and Westville. All of these landfills utilize the double composite liner system design that is required by the State's 6 NYCRR Part 360 regulations and that is proposed for the CFSWMA's landfill expansion, and most if not all of them are located in areas of relatively high precipitation with nearby water bodies including wetlands. There is no reason to believe that the proposed landfill expansion is any more likely than these other landfills to come under toxic tort review, as is theorized by this commenter.

E.1.3 Submitted by H. Dressel (W-11/30/08)

Nowhere in the Draft Scoping Document, however, is there mention of the only known method of mitigating these breaks, a "leak-detectable cover," to be placed on the landfill once cells are closed, only the "double-composite liner," used while open, and "a plastic cover" is mentioned. The presence of both needs to be clarified.

The law firm Lee and Jones-Lee, involved in ascertaining liability dangers in California landfill operations in the late 1990s, states that "Installing a leak-detectable cover and its *ad infinitum* operation and maintenance can create a true 'dry tomb' [the type of landfill we are being told is used here] that will prevent leachate formation; *however, these covers must be operated and maintained forever."* [see http://www.gfredlee.com/msw-hwll.htm, accessed 24 Nov, 2008]

Response

The landfill monitoring and containment system being proposed by the CFSWMA as a whole, including but not necessarily limited to, the double composite liner system, leak detection systems, monitoring well network, gas collection system and final cover system, when properly constructed and operated, provides the proven environmental protection from possible landfilled waste

derived contamination. The system is in compliance with the New York State laws and regulations and exceeds the current landfill containment requirements of the Province of Quebec, Canada.

The double composite liner system for the proposed expansion is described in detail in Section 2.2.3 and depicted in Figure 2.1 of the DEIS. The proposed composite capping system (final cover system) for the expansion is described in detail in Section 2.6.3 and depicted in Figure 2.6 of the DEIS. The term “plastic cover” is not mentioned in the DEIS. The proposed expansion is regulated by the NYSDEC and 6 NYCRR Part 360 regulations. Specifically, 6 NYCRR Part 360-2.15 regulates the type of final cover system required for the facility. The proposed final cover system described in the DEIS meets the requirements of the 6 NYCRR Part 360-2.15 regulations. The CFSWMA does not plan to utilize a leak detectable cover system for the expansion. There are no known leak detectable covers constructed or operated in New York State. The proposed cover system design, combined with the double composite liner system, allows for continual monitoring of the final cover system effectiveness through the monitoring of the volume of leachate collected by the double composite liner system.

E.1.4 Submitted by H. Dressel (W-11/30/08)

Therefore, can we assume that the County of Franklin Solid Waste Management Authority has the funds for monitoring and maintaining the cover in perpetuity, and for exhuming the 125,000 yearly tons that would have to be dug out in case of a liner or cover failure? After a mere 2 decades, that would be 2.5 million tons of wastes to be exhumed and re-treated (Where? How?) in a probably vain attempt to salvage the area's groundwater.

Response

Appendix A of the DEIS outlines the contingencies to be followed upon determining a primary and secondary liner system failure including potential waste removal for liner system inspection and the eventual closure of the landfill. Section 2.1 and Figure 1.3 of the DEIS outlines the development of the landfill expansion and how the landfill is divided into various cell areas. As described in Section 2.2.3 of the DEIS, the cell areas are graded to allow for leachate collection and individual cell leak detection and metering. The

reason the landfill is sectioned into these individual cell areas is to reduce the monitoring area to a more manageable size, instead of monitoring the entire landfill area as one unit, to allow for more efficient leachate collection and to isolate a potential defect to a smaller section of the landfill. Therefore, if waste removal is necessary as outlined in Appendix A, the volume of waste necessary for removal can be limited to a manageable quantity instead of excavating the entire landfill footprint.

E.1.5 Submitted by L.A. Hine (T-92/93)

Listening to the opening presentation about all the layers and I quote that "great track record" that you claim to have in New York State for your liner system and then it seem to be – I understand in the presentation that it was 14 years you're basing that on, doesn't make me feel very secure for a dump that's going to be open for – I'm not actually – I've heard a few different things. Ninety-eight years and 94 and someone else made reference to 30, but either way, even when it is closed it's going to be sitting there for a long time. So my question is about the track record of how long you are basing these standards that you are proposing here.

Response

The 14 years referenced in the presentation is the age of the existing landfill facility. Other liner systems in New York State have been in operation for over 20 years and have acceptable liner system performance in accordance with 6 NYCRR Part 360. The double composite liner system currently in use at the landfill is performing in conformance with the 6 NYCRR Part 360 regulations. The proposed expansion will also be utilizing a double composite liner that is mandated by the NYSDEC and exceeds United States Environmental Protection Agency (USEPA) Subtitle D requirements for municipal solid waste landfill liner designs. Laboratory simulation testing of geosynthetics in liner systems indicate life spans between 270 and 449 years at anticipated landfill temperatures (Geosynthetic Research Institute, White Paper #6, Geomembrane Lifetime Prediction: Unexposed and Exposed Conditions, RM Koerner, YG Hsuan, GR Koerner, June 2005).

E.1.6 Submitted by G. Leroux (T-97)

The weak point of any liner system is the joint, because the liner is not one piece. So it's either glued or welded and if it's not properly tested it could leak. And that is a real concern. And no where in the document have I seen any procedure or even assurances that it would be tested; that the basin would be tested to make sure that it is leak proof.

Response

Section 2.3.2 of the DEIS outlines the quality assurance and quality control of landfill construction including verification testing of the seams of the geomembranes as well as the drainage media and soils. Geomembranes used in landfill liner construction are typically seamed together with a fusion welder which heats adjacent sheets of material, compresses them together forming the seam resulting in a continuous layer.

Besides testing the sheets, Section 2.3.2 of the DEIS states the CFSWMA's commitment to use state of the art electrical resistivity testing on the primary geomembrane prior to depositing waste in a new landfill cell. Electrical resistivity not only tests the seams of the geomembrane but the entire sheet to find the minutest defects.

E.1.7 Submitted by M. Théorét (T-107)

How long is the guarantee for these twin liners? Who is liable in case of failure, the supplier or the operator? Who would remedy? Again, on the barrier, how efficient is this barrier to contain toxins contained in the ground? Could some pollutants be smaller than the interstice within the plastic and escape the surface?

Response

The proposed expansion will also be utilizing a double composite liner that is mandated by the NYSDEC and exceed USEPA Subtitle D requirements for municipal solid waste. Laboratory simulation testing of geosynthetics in covered liner systems indicate life spans between 270 and 449 years at anticipated landfill temperatures when properly constructed and operated (Geosynthetic Research

Institute, White Paper #6, Geomembrane Lifetime Prediction: Unexposed and Exposed Conditions, RM Koerner, YG Hsuan, GR Koerner, June 2005).

The material manufacturer is responsible if it is determined that a failure is a result of a manufacturing defect or error. The CFSWMA has overall responsibility for the facility and is responsible for remediation of a liner system failure not associated with a manufacturing defect.

The double composite liner system is very effective at containing the waste and associated contaminants, hence the reason it is required by NYSDEC. As outlined in Section 1.6.2.1 of the DEIS, the 2007 primary composite liner system data for the site indicates an overall primary liner system efficiency of 99.8%. The remaining 0.2% of the leachate not collected in the primary collection system was collected in the secondary leachate collection system. Testing of the pore water drainage layer and testing of the monitoring well network does not show evidence of contaminate migration through the double composite liner system at the existing facility. This high leachate collection efficiency performance is typical of the active double composite lined landfills in the New York State.

High Density Polyethylene (HDPE) geomembrane is utilized in landfill liner systems because of its high strength, ability to effectively seam the material, resistance to degradation from leachate, and resistance to stress cracking. HDPE geomembrane is also proven to be very effective in resisting inorganic contaminate migration by diffusion. However, studies have shown that some organic compounds have the ability to diffuse through HDPE geomembrane under certain circumstances but the diffusion rates are relatively low and depend on many factors including concentration differential. Recent studies (Islam & Rowe, March 2008) have also shown that as the HDPE geomembrane ages, the ability of HDPE geomembrane to resist organic diffusion increases as a result of the crystalline structure of the HDPE, which in turn provides increased effectiveness. When coupled with the geosynthetic clay liner in the primary composite and secondary soil liner in the secondary composite, further retention or retardation of contaminates occurs – thereby resulting in increased liner system

effectiveness. Therefore, the double composite liner system as a whole provides superior protection against contaminate diffusion compared to HDPE geomembrane alone.

E.1.8 Submitted by S. Brown (T-110)

You have mention tonight you have a successful track record of engineered liners, suitable geology of soils at your landfill site. But by whose authority are they safe? By whose authority are they suitable; the company operating the site or an independent agency?

Response

The NYSDEC is an independent government agency responsible for the environmental permitting oversight of the landfill siting, permitting, design, and construction of the landfill. The NYSDEC regulates the liner system design and performance requirements through the 6 NYCRR Part 360 regulations and the associated Part 360 permit for the existing landfill and for the proposed landfill expansion.

E.2 Project Alternatives

E.2.1 Submitted by S. Bourdon (W-11/5/08)

We suppose, here, that the promoter's hidden agenda is to please their principal investors and in order to do so chose to establish their project where the next door neighbors will be the one with the whole risk. Is this the mandate that the American citizens have entrusted the County of Franklin Solid Waste Management Authority in order to solve there garbage problem?

Response

The County of Franklin Solid Waste Management Authority (CFSWMA) was established pursuant to state law for the purposes of managing the solid waste generated within the County of Franklin. The CFSWMA is authorized to provide solid waste management services and to develop appropriate solid waste management facilities for the benefit of the County. New York State has implemented strict guidelines and regulations pertaining

to the design, construction, and operation of solid waste facilities in the state. The proposed CFSWMA landfill expansion has been progressed in compliance with these policies and regulations.

For more information regarding the SEQR process that the proposed project has gone through refer to the response to Comment E.13.1 and Section 1.0 of the DEIS. For more information on the regulatory reviews and approvals that will be required as part of this landfill expansion project refer to Section 2.8 of the DEIS.

Potential impacts that this project may have on surrounding lands both in the United States and Canada are included throughout the DEIS.

E.2.2 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

- Are you aware of the work being done with plasma incinerators? How would they be used to eliminate the use of sewage sludge as a component in the landfill cover?

Response

Sewage sludge use as cover material at the landfill is an example of beneficial use of materials that generate additional revenue to support operations, conserve disposal capacity in the landfill cells, and conserve the use of virgin soils as landfill cover. Therefore, the investment of additional capital facilities to process sewage sludge, and to eliminate its beneficial use as alternate cover material at the landfill, is inconsistent with economical, revenue-generating landfill operations, as described in the response to Comment C.2.4.

In addition, plasma incinerators are currently considered a developing (i.e. not yet proven) technology for the processing of mixed municipal solid waste. The relatively high amount of energy consumed by plasma incinerators is also a concern associated with this capital intensive technology.

E.2.3 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

On page 27 the EIS indicates that the expanded landfill would have an approximate 95 year operating life at the 125,000 ton per year rate.

- Why is the landfill being planned for such an extremely long time line?
- What if new technologies are introduced over the next 95 years that could reduce or eliminate the need for this type of landfill?

Response

See the responses to Comments C.2.4 and D.1.2 as partial answers to this comment. The CFSWMA's current choice of waste disposal technology is the continuation of landfilling, and the CFSWMA does not currently envision this changing. If, in the future, the CFSWMA selects an alternate waste processing/disposal technology, it is believed that any such alternate waste technology employed by the CFSWMA will still produce a residual requiring disposal in a landfill. Therefore, a landfill facility would still be required under this scenario.

Should this happen in the future, the CFSWMA's current approach of developing future landfill cells in phases based on need, is consistent with a hypothetical future switch from landfilling as a primary disposal technology to a secondary one. Using this phased construction approach, the CFSWMA can be assured that it will not overbuild future landfill cells beyond what is required to manage the continuing disposal needs of its customers.

E.2.4 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

Has the CFSWMA considered the option of selling the landfill to private concerns?

Response

As stated in Section 8.2.6 of the DEIS, the sale or lease of the CFSWMA's landfill, and/or the sale of the CFSWMA's transfer station facilities, are not currently contemplated or proposed by the CFSWMA. In the event that such sales or leases become a serious consideration, the CFSWMA would then undertake appropriate

environmental reviews and analyses in accordance with SEQRA. Section 8.2.6 of the DEIS lists a number of benefits resulting from the continued public ownership and operation of the CFSWMA's facilities.

Please refer to the response to Comment D.3.3 for additional information.

E.2.5 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

- With the new assumptions of aggressive recycling combined with a greatly reduced tipping rate how can you justify the need to expand the existing facility if the existing facility can be demonstrated to have an expected life-span extending decades into the future?

Response

See response to Comment D.1.2 as an answer to this comment.

E.2.6 Submitted by A. Stolecki (W-11/30/08)

11. What guarantees can the CFSWMA make against any future sale and privatization of the landfill?

Response

See response to Comment E.2.4 as an answer to this comment.

E.2.7 Submitted by H. Dressel (T-65/66)

One of the reasons we have to redesign solid waste, and why they already have in many parts of the world, in Europe and in places like Edmonton and Halifax, because you can't get rid of these compounds by just dumping them on the ground. You have to control them at the source. You have to get them back into the industrial stream or have you to stop using them. This is an anti-diluvian method of dealing with solid waste that we're talking about here.

Response

The CFSWMA is supportive of waste reduction at the source, and of waste recycling prior to landfilling. However, waste reduction measures – such as product stewardship initiatives – are most effective when implemented at a State or Federal level since they impose responsibilities on manufacturers to become responsible for the end-of-life management and disposal/recycling of their products. Also, for the foreseeable future there will always be a need for proper disposal of waste (after recycling and waste diversion) to support the residents and businesses of Franklin County.

Landfilling of waste through a double composite liner system is a safe and proven waste disposal technology. The double composite liner system for the proposed expansion is described in detail in Section 2.2.3 and depicted in Figure 2.1 of the DEIS. The expansion does not include depositing waste or other compounds without a properly designed, constructed and operated double composite liner system in conformance with 6 NYCRR Part 360 regulations.

As stated in Section 1.2 of the DEIS, the purpose of the proposed landfill expansion is to ensure a long-term economic, environmentally sound and dependable facility that will provide for the disposal of all non-recyclable and non-hazardous waste generated in Franklin County.

Section 8.1.3 of the DEIS describes the actions that the CFSWMA is currently undertaking, or plans to undertake, to encourage recycling and to divert/ recycle waste prior to it reaching the landfill in the future. To the extent that waste requiring disposal can be further minimized at the source, this will help to further extend and preserve the life of the expanded disposal facility.

E.2.8 Submitted by R. Critchley (T-81)

As for necessity, we were astonished when we realized that the size – the proposed size of the dump will be roughly equivalent to the size of the Town of Huntingdon.

Response

See the responses to Comments C.2.4 and C.2.9 as an answer to this comment.

E.2.9 Submitted by G. Leroux (T-96)

Is the choice of Westville being 1.5 miles from the border and being uphill from the border is a very poor site in my estimation.

Response

The siting of the County of Franklin Solid Waste Management Authority Landfill was a multi-year process that looked at multiple sites through sections of Franklin County not located within or adjacent to the Adirondack Park. For details of the landfill siting process that was completed for the CFSWMA Landfill refer to Sections 1.6.1 and 8.2.3.1 of the DEIS.

E.3 Recycling/Composting

E.3.1 Submitted by J.P. Proulx (W-12/1/08)

Why is there not a stronger recycling component in the proposed project. If there was, it would seem logical that the landfill would not have to expand to the proposed size. There are other alternatives to burying mountains of waste and in reviewing the DEIS we do not feel they have been adequately explored.

Response

The response to Comment D.3.2 discusses in detail the recycling activities that are currently in place in the County; the response to Comment C.2.11 summarizes planned enhancements to the CFSWMA's recycling programs and systems. The response to Comment D.1.2 addresses the size of the proposed landfill expansion in relation to possible enhanced recycling and waste diversion activities in the County. The response to Comment E.3.6 describes a list of alternate waste processing and disposal alternatives to landfilling that were considered during preparation of the DEIS, and the references to sections of the DEIS where those options were considered.

E.3.2 Submitted by D. Drummond (W-12/1/08)

The landfill in Westville is referred to as a "state of the art" facility. This is an oxymoron. How can a facility be referred to as state of the art when vast quantities of recyclable materials are being buried in the ground.

Response

Sections 1.6.2.4 and 8.1.3 of the DEIS summarize the CFSWMA's recycling programs and facilities, as well as intentions to expand those operations in the future.

Regarding the use of a state-of-the-art landfill technology in this landfill expansion, Section 2.2.3 of the DEIS contains a technical description of the proposed double composite liner system to be used; this technology works regardless of, and independent of, the amount of recycling and waste diversion that occurs prior to landfilling.

Please refer to the response to D.3.2 for additional information.

E.3.3 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

On page 24 you state that you are complying with New York State's Solid Waste Management Plan focusing on waste reduction and recycling.

- In the light of CFSWMA's dismal track record when it comes to recycling and the poor attitude of the landfill manager, how can your commitment to recycling be defended?
- How can you be seen as in compliance with the New York State Solid Waste Management Plan?

Response

For a response to the question on the information contained in Table 3 of the DEIS and the recycling programs and results of the CFSWMA, please refer to the response to Comment D.3.2.

The CFSWMA is committed to maintaining and expanding Franklin County's recycling programs, and to complying with the mandates of the NYS Solid Waste Plan, as documented in detail in its Comprehensive Recycling Analysis – Update 2007. Please refer to the response to Comment C.2.11.

E.3.4 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

In section 8.22 [8.2.2] the 'no-action option' is briefly discussed.

- In view of the fact that many jurisdictions in North America and Europe have achieved 60% recycling and higher, if the CFSWMA were to increase recycling and restrict the importation of garbage to Franklin County, how long would it take to fill the existing landfill?

Response

Based on the hypothetical and currently unrealistic 60% recycling rate mentioned in this comment, it would take approximately sixteen years to fill the remaining disposal capacity at the existing landfill. However, since, to date, recycling programs in the County of Franklin are not economically self-sustaining, their success depends upon receiving revenue subsidies from the CFSWMA's landfilling operations. Hence, any decrease in tonnage disposed of at the landfill, while preserving disposal capacity at the existing landfill, would also have the effect of reducing the amount of funds that are available to help support the continuation and potential expansion of the CFSWMA's recycling programs. In the current economic climate, it seems unlikely to expect significant federal or state funding to enhance local recycling programs such as those run by the CFSWMA. Therefore, this situation is likely to continue until State and Federal laws take effect that shift the responsibility for end-of-life disposal/recycling management to product manufacturers through the adoption of product stewardship legislation.

E.3.5 Submitted by I. Hristova (W-12/3/08)

(5) Franklin County has an inadequate recycling program: its recovery rate is around 12%, or 60 kg of recycled materials per household per year. If a good recycling program were put in place, this figure could reach 200 kg.

Response

It is believed that Franklin County has unaccounted for waste diversion and recycling activities that significantly increase the actual recycling/diversion rate over the rate that the CFSWMA officially reports. Please refer to the response to Comment C.1.13 for additional information.

E.3.6 Submitted by A. Stolecki (W-11/30/08)

Austria, Denmark and Belgium dispose of between 60 and 70% of their solid trash through composting and recycling. Montreal, only 60 miles north of Westville, has recycling and composting programs that deal with 60% of the garbage produced. The tables in the DEIS indicate that current rates of recycling at the Westville landfill average between 6 and 10% and very little is said about recycling in the plans for the proposed expansion.

a. How does the CFSWMA explain such woefully low recycling rates?

b. What will the CFSWMA do to correct this situation? Why does the CFSWMA not get involved in much more ambitious recycling, as well as legislation to help stop pollution at source?

c. What recycling, composting or other waste-reducing initiatives such as Huntingdon's anti-plastic bag bylaw, were considered before resorting to this landfill expansion plan, which is clearly the least desirable option?

Response

The DEIS examined alternatives to the proposed expansion of the CFSWMA's landfill, including waste exportation (Section 8.2.1), no-action (Section 8.2.2), pyrolysis (Section 8.2.5.2), biogasification (Section 8.2.5.3), combustion waste-to-energy (Section 8.2.5.4 and composting/ co-composting (Section 8.2.5.5). All of these options were ruled out for reasons presented in those respective sections of the DEIS.

Some regions or areas of the world may experience factors that are more adaptable to composting in conjunction with recycling, such as lack of a disposal site, excessively high tipping fees for waste disposal, a high amount of compostable waste, or a larger population to support the financing of a project, to name a few

possibilities. The CFSWMA has stated that it will keep an open mind to look at composting in the future as a possible processing technology for the organic portion of the waste stream, but this will not negate the need for long-term landfill disposal in Franklin County, at least for non-compostables and residues.

The anti-plastic bag bylaw option cited by the commenter would appear to have little impact on potentially reducing the waste stream requiring disposal, given the relatively small amount of plastics believed to be in the County's waste. Regarding the potential for waste diversion/recycling of plastics from the waste stream, the CRA projected the estimated composition of the waste stream (using surrounding counties' analyses as well as national estimates and studies), and also projected the potential for recycling of materials in the County's waste stream. In this analysis, the plastics component of the County's waste was estimated to be 7%. Of this, 1.5% was estimated to be HDPE bottles that are easily recycled, and the remaining 5.5% was made up of other plastic resins with little or no local markets. Also, plastics recycling is a difficult task due to its light, bulky nature which makes it difficult to ship to markets economically. The CRA estimated the quantity of potentially recyclable plastics that currently exist in the waste stream at about 3% of all potential **recyclable** materials found in the waste stream. Therefore, the potential impact of increased plastics recycling on the need for a landfill expansion is believed to be relatively insignificant.

Please refer to the responses to Comment C.2.2 and Comment D.3.2 for additional information.

E.3.7 Submitted by H. Dressel (W-11/30/08)

Why does the County of Franklin Solid Waste Management Authority not get involved in much more ambitious recycling, as well as legislation to help stop pollution at source, such as Huntindon's anti-plastic bag bylaw, instead of creating a time bomb of pollution and cost for its residents and neighbours?

Response

The CFSWMA's current and proposed enhancements to its recycling programs are summarized in Section 8.1.3 of the DEIS.

The anti-plastic bag bylaw option cited by the commenter would appear to have little impact on potentially reducing the waste stream requiring disposal, given the relatively small amount of plastics believed to be in the County's waste. Please refer to the response to Comment E.3.6 for a further discussion of plastics reduction from the waste stream.

The CFSWMA has invested in improving recycling in the County. In 2008, the CFSWMA purchased four new 40 cubic yard units and two new 20 cubic yard units for collection and handling of recyclables. The CFSWMA encourages recycling and household hazardous waste collection. Radio and newspaper advertisements have been purchased by the CFSWMA prior to household hazardous waste collection days. At the CFSWMA's Malone transfer station, a designated recycling employee has been assigned to ensure residents are properly separating their recyclables upon delivery.

Waste management and environmental legislation is more effectively set forth by the State and Federal governments. The CFSWMA upholds the laws and regulations put forth by New York State and the United States federal government.

Please refer to the response to Comment D.3.2 for additional information.

E.3.8 Submitted by G. Perron-Piché (T-68/69)

Let me give you a few examples. For instance in Germany, more than 65 percent of the waste generated is recycled and zero percent is landfill. What are the fundamental differences between Germany and the United States that forced the Franklin County to landfill 88 percent of its waste and recycle only 12 percent? Should these differences be identified? Why would there not be a review of possible manners to overcome them rapidly. The 30 percent by 2020 recycling target is not a very ambitious target.

Response

Please refer to the responses to Comments E.3.4, E.3.5, E.3.6, E.3.7, C.2.2, and D.3.2 for information regarding recycling within Franklin County.

E.3.9 Submitted by G. Perron-Piché (T-71)

By significantly increasing recycling rates and implementing, for instance, a small waste energy plant in the county, there will be little or no need for the landfill expansion. It would reduce drastically the greenhouse gas emissions associated with landfilling and with the soaring energy crisis, the gate fee of waste to energy would become increasingly more competitive than landfilling.

Response

Section 8.2.5.4 of the DEIS considered and ruled out waste-to-energy as a feasible or economical alternative for Franklin County. Based on stringent air pollution control requirements, the low tonnage of wastes available to burn in Franklin County, high capital costs for a waste-to-energy plant, the need for landfilling waste-to-energy plant ash and bypass waste, and the fact that a recent case study in New York State determined that waste-to-energy may cost two to three times as much as landfilling (as reported in the DEIS), waste-to-energy is not believed to be a practical alternative to, or an economical component of, the proposed CFSWMA landfill expansion project.

Please see the response to Comment D.1.2 for additional information.

E.3.10 Submitted by R. Critchley (T-81/82)

We are also kind of awe struck by the notion that there would be expansion at a time when recycling is at the very heart of our town's policies.

Response

Please refer to responses to Comment E.2.7 and Comment E.15.2 as a response to this comment. Recycling is an important component of the CFSWMA's services, but is only one component of the solid waste management and recycling services that the CFSWMA provides to its customers.

E.4 Landfill Operations

E.4.1 Submitted by I. Hristova (W-12/3/08)

(6) Garbage trucks are not inspected when they arrive at the landfill.

Response

See response to Comment E.5.3.

E.4.2 Submitted by A. Stolecki (W-11/30/08)

2. According to the EIS, up to 125 000 tons of waste could be deposited annually at the proposed expanded landfill. Given these extremely large amounts:
   a. Where is the CFSWMA planning to get all this waste?
   b. How will the CFSWMA monitor all waste entering the site to ensure that no unpermitted substances get deposited?
   c. What budgets will be allocated for inspections and other monitoring mechanisms?

Response

Under their current permit, the CFSWMA is allowed to accept up to 125,000 tons per year of mixed municipal solid waste. The CFSWMA receives waste from Franklin County, Essex County, portions of the Mohawk Reservation located in the Provinces in Quebec and Ontario, Canada, and occasionally from other out-of-county sources. Most out-of-county materials received at the landfill consist of beneficial use materials. Current and future waste inspection procedures used at the CFSWMA Landfill are detailed in Section 2.4.2 of the DEIS. Monetary allocations currently budgeted for personnel training and presence at the landfill site to inspect waste entering the landfill site are not anticipated to increase or decrease in the near future.

E.4.3 Submitted by H. Dressel (W-11/30/08)

Since self-policing and monitoring is not acceptable to the many residents and businesses which may be damaged by the failure of the landfill in two countries and three counties, does the County of

Franklin Solid Waste Management Authority agree to accept the findings of outside scientific bodies employed by Canadian municipal, provincial or federal governments regarding the presence of leachate in waters coming across the border? If not, why not?

Response

Refer to the response to Comment E.7.3.

E.4.4 Submitted by H. Dressel (T-65)

And then what happens to the landfill is that it's closed. And who takes responsibility for a closed landfill? The local taxpayers, that's who. And how long will you have to be testing this and mitigating it and trying to contain toxic material? Well, probably to the end of time. At any rate, for several hundred years. These small village agricultural communities, this is what you're expecting them to do. This is what you're asking.

Response

Refer to response to Comment E.9.5.

E.4.5 Submitted by G. Leroux (T-100/101)

Everybody says it smells like rotten eggs, well it's hydrogen sulfide. And hydrogen sulfide gas is a very intoxicated gas. It can kill you. It can kill firemen. I don't see anywhere except that it's mentioned that there's hydrogen sulfide gas, what level is anticipated and what plans if any are in place to handle it?

Response

Hydrogen sulfide gas is a minor constituent of landfill gas. Landfill gas generation is a byproduct of anaerobic decomposition of landfilled waste. Since hydrogen sulfide concentrations in landfill gas are not regulated and there is no monitoring requirement for this constituent, the specific concentration of hydrogen sulfide within the CFSWMA landfill's gas is unknown. Concentrations of hydrogen sulfide at landfill sites can vary greatly depending on the

types and quantities of disposed waste. The main component of landfill gas is methane, commonly comprising 40 to 60 percent, with the remaining percentage primarily carbon dioxide. The CFSWMA currently controls the emission of methane and other anaerobic decomposition byproducts through the operation of an active gas collection and control system. For more information on how this landfill gas system works refer to Sections 2.2.6 and 2.6.2 of the DEIS.

E.5 Wastes Accepted at Landfill

E.5.1 Submitted by S. Gendron and R. Critchley (W-12/1/08)

We do not understand why the dump must be enlarged to a point beyond which local garbage is accommodated.

Response

See response to Comment C.2.4 as an answer to this comment.

E.5.2 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

On page 25 of the EIS you mention that the current landfill accepts materials such as sewage sludge, asbestos, and petroleum contaminated soils as "cost-saving and revenue generating measures". Your landfill manager has been quoted as saying that expansion of the dump is necessary if profitability is to be achieved.

- How are you addressing the inherent tension between environmental risks and bottom-line considerations?
- What sort of trust fund is being set aside to deal with future lawsuits?

Response

As a public solid waste management agency, the CFSWMA is not driven by the profit motive. Its mission is to provide a public service in an environmentally sound and cost-effective manner, for the greater good of the residents and businesses of the County of Franklin and the other users of its landfill. As such, the CFSWMA has been implementing a long term solid waste management plan that, in many ways, is implemented and updated every year during the annual budget preparation and review process. Those planning

and budgeting processes provide the institutional mechanisms for the CFSWMA to secure the funding necessary to develop and operate facilities and programs that are needed to fulfill its mission.

As of the date of this FEIS, a specific trust fund to deal with future lawsuits has not been established by the CFSWMA.

E.5.3 Submitted by A. Stolecki (W-11/30/08) and A. Stolecki (T-105)

1. Members of the Rural Coalition of the Haut-Saint-Laurent have serious concerns about the nature of the waste that is currently being deposited at the Westville NY landfill site.
   a. What substances get deposited in the landfill?
   b. How does the CFSWMA monitor the contents of the landfill, what inspection measures are in place?
   c. How can the CFSWMA prove that prohibited substances are not deposited?
   d. Is the CFSWMA aware of any eyewitness accounts of prohibited substances being deposited? If so, how does the CFSWMA respond? (W-11/30/08)

And my question is what exactly goes into this dump? We've heard about trucks rolling in in the middle of the night, trucks coming in from Vermont, sewage sludge, which may contain any number of toxins and possibly 125,000 tons going in every year for God knows how many years. Obviously, it's well and good to say only domestic waste will be going there, but exactly what kind of domestic waste and how exactly can you guarantee that to us? (T-105)

Response

A detailed description of the wastes accepted at the landfill is described in Section 1.8 of the DEIS. In general, the landfill accepts mixed municipal solid waste (MSW) generated by residents, institutions, and commercial entities. The facility also accepts selected industrial wastes, sludge, ash, asbestos, petroleum soils, and construction and demolition debris. Regulated hazardous waste, radioactive wastes, tires, scrap metal, liquid wastes, pesticides, and other chemicals are not disposed at the facility.

Waste inspection procedures are described in Section 2.4.2 of the DEIS. Transfer station and landfill personnel are trained in waste screening and what wastes are prohibited at the landfill. Waste is spread in thin lifts, typically 2-feet or less which allows for screening of materials. Inspection for unauthorized waste is regulated by the NYSDEC under 6 NYCRR Part 360-2.17(q) which requires random vehicle inspections for unauthorized wastes. This procedure is also discussed in Section 2.4.2 of the DEIS. If unauthorized wastes are discovered during operation of the expansion, the wastes will be removed from the site by the hauler which delivered the unauthorized waste. If the hauler cannot be identified, the CFSWMA will segregate the waste from the remainder of the waste stream and arrange for an authorized disposal firm to collect and properly dispose of the unauthorized waste.

The CFSWMA maintains waste receipt records for each delivery to the landfill including the types of waste, hauler, entry time, and exit time. In addition, the active landfill cell location and elevation of waste placement is recorded for each day of operation to track the location of waste deposition. For most beneficial use materials, such as petroleum contaminated soil, laboratory test results are received prior to delivery to ensure the material meets NYSDEC guidelines. Based on test results, there have been instances when beneficial use materials have not been taken at the facility.

From time to time prohibited substances, such as tires and scrap metal, have been detected in loads at the facility during waste screening. These materials are extracted from the loads and either removed from the site by the hauler or pulled aside and stockpiled for proper removal off-site by a contractor hired by the CFSWMA.

E.5.4 Submitted by I. Hristova (T-95)

I'm very concerned about this project because in New York State there is no – any law which puts in for the citizen to manage safety of their hazardous waste. I mean old paint, used oil and all these commodities we have in our houses which are toxic. The participation in the safe collection is voluntarily. There is no inspection of it into the domestic garbage so could it contain paints and all this stuff I mentioned already which is dangerous and which is in the landfill.

Response

The double composite liner system proposed for the expansion will be the main defense to prevent contamination of the groundwater. The High Density Polyethylene (HDPE) geomembranes used in the liner system are required by the United States Environmental Protection Agency (USEPA) and NYSDEC due to their ability to resist degradation from leachate. The double composite liner system is very effective at containing the waste and associated contaminates hence the reason it is required by NYSDEC.

Refer to the response to Comment E.12.3 for further information.

E.5.5 Submitted by G. Leroux (T-98)

So if the permit is for solid municipal waste why is there asbestos or why has asbestos been stored in the existing site? Why has cleanings from lake bottoms been accepted? I guess my question is that's fine to put the stuff in there, but do we have any analysis for this stuff. Do we know what it is? Do we know what's in it?

Response

Asbestos is an acceptable waste material at a municipal solid waste landfill according to NYSDEC and USEPA regulations, so long as special handling procedures are undertaken. Lake bottom cleanings are also acceptable as long as the dredging product is brought to the site with more than 20% solids and analytical results determine the material is non-hazardous. These materials mentioned are required to be pre-tested prior to delivery to the site. Asbestos must be delivered wrapped and wetted.

The CFSWMA performs waste screening procedures in accordance with 6 NYCRR Part 360. Refer to the response to Comment E.5.3 for further information.

E.5.6 Submitted by G. Leroux (T-100)

There's some rumor circulating. I have to mention it because I was asked to. One is the BCP from St. Zasile Le Grand (phonetic spelling) ended up in Westville.

Response

Materials or substances from St-Basile-Le-Grand were not disposed of at the CFSWMA landfill in Westville, New York. The event that occurred at St-Basile-Le-Grand happened in 1988, six (6) years prior to the opening of the CFSWMA landfill. The following excerpt is from the article titled "PCBs: What are the Risks?", included in the Emergency Preparedness Digest published by Emergency Preparedness Canada (Vol. 16, No. 4, October-December 1989, pages 23-26): "The opposition flared up again this summer when PCB wastes, including some from the Saint-Basile-le-Grand fire, were shipped to Great Britain for incineration. Although Canada had sent other PCBs to Britain for incineration and followed international protocols in this case, the shipment was turned away by British dockworkers. The wastes were brought back to Canada and unloaded at Baie-Comeau, in the face of citizen protests, and at one point, a court injunction. Soon after, the chemicals were trucked, under police guard and against citizen blockades, to a Hydro-Quebec storage site at the nearby Manic-2 power project."

E.5.7 Submitted from G. Leroux (T-100)

The other rumor that I'm hearing is that garbage from New York City is coming into Westville. That's why they need the 125,000 ton a year permit so they can accept garbage from New York City.

Response

The CFSWMA does not dispose of solid waste or other materials from New York City. The potential acceptance of wastes from New York City was not one of the reasons why a tonnage increase was sought in 2005 and is not a topic that is currently being considered by the CFSWMA.

E.6 Water Resources

E.6.1 Submitted by I. Hristova (W-12/3/08)

(4) Since the mechanics of groundwater flow are still not fully understood, any risk of contamination will be borne by the users of the Quebec part of the Châteauguay watershed.

Once leachate has entered the system, decontamination is impossible.

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements.

New York State regulations (6 NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources, including those in the Province of Quebec, Canada were significantly impacted. A variety of proven methods is available to control and remediate contaminated groundwater in the unlikely event of a release from the facility.

E.6.2 Submitted by A. Stolecki (W-11/30/08)

8. In the draft environmental impact study you mention that the nearest aquifer is located uphill from the landfill site. In a catastrophic event in Mercier, Quebec, several years ago, contaminated products leached into an aquifer and they have been found to be migrating up the aquifer because their density is less than water.
   a. In what way have you taken a situation such as this into account in your assertion that the aquifers in the area are out of harms way?

Response

This comment refers to a well-known case of groundwater contamination that occurred as the result of the disposal of industrial wastes into abandoned, unlined sand and gravel pits in Ville Mercier, Quebec. The disposal activity at the Ville Mercier site reportedly occurred in the late 1960s/early 1970s and involved the disposal of substantial quantities of liquid hazardous wastes, including chemicals known as dense, non-aqueous phase liquids (DNAPLs). Similar sites are known in the United States from this time period, and it is sites like these that, in large part, prompted the development of comprehensive Federal and State regulations governing the disposal of solid and hazardous wastes.

Among the lessons learned from the disposal practices of that era include the segregation of industrial hazardous wastes from domestic solid wastes and the development of regulations governing the siting, design, and operation of municipal solid waste landfills. As a result, wastes of the type that were responsible for the contamination at Ville Mercier are specifically prohibited from being disposed of at the CFSWMA landfill. In addition, the regulations now require geologic conditions suitable for landfill development, including sufficient thicknesses of low permeability unconsolidated sediment, such as the glacial till materials that underlie the proposed landfill site. Areas that are subject to rapid or unpredictable groundwater flow in bedrock are specifically prohibited unless it can be demonstrated that the bedrock system would not be subject to impact from the facility.

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

E.6.3 Submitted by G. Leroux (T-96/97)

We talked about the river. The risk of contamination of the underground water aquifer is real. It could happen. And it's a concern to myself and to other citizens that live near the border. It's also a problem if it does occur it can't be fixed. There's no way to clean up an underground water aquifer.

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site Environmental Monitoring Plan (EMP).

New York State regulations (6 NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources were significantly impacted. A variety of proven methods is available to control and remediate contaminated groundwater in the unlikely event of a release from the facility.

E.6.4 Submitted by M. Théorét (T-108)

We know that there's some storms and all this stuff and there are storms every year, every 10 years, every 25 years. I wonder if this

means that at least every 10 years residents downstream of the landfill have to expect water having been in contact with the landfill to flow into their surface water? Even if it's not technically and economically feasible to contain a 10-year storm, this is a danger that people would have to live with.

Response

Potential impacts to water resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. All waters in contact with solid waste materials are managed within the proposed landfill's containment system and would be collected as leachate and delivered to a wastewater treatment plant.

Stormwater detention ponds have been designed to manage stormwater on the site that does not come in contact with solid waste materials. These ponds have been designed to comply with the requirements of the SPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity (GP-0-06-002) and the 6 NYCRR Part 360 Regulations. As such, the ponds must provide treatment of the Water Quality Volume (the 90 percent runoff event as described in the New York State Stormwater Management Design Manual), the Channel Protection Volume (24-hour extended detention of the 1-year, 24-hour storm), Overbank Flood Control (attenuation of the peak discharge from the 10-year, 24-hour storm), and Extreme Flood Control (attenuation of the peak discharge from the 100-year, 24 hour storm). The Part 360 requirements also require attenuation of the peak discharge from the 25-year, 24-hour storm. The proposed stormwater detention ponds have been sized to provide a "no net increase" of stormwater exiting the site following construction of the landfill expansion.

E.7 Groundwater Monitoring

E.7.1 Submitted by A. Stolecki (W-11/30/08)

Using 'access to information' CFSWMA test results from monitoring wells have been obtained. Preliminary analysis indicates that the existing dump may be having an adverse effect on groundwater.

a. Are you aware of any test results which call into question the stellar report you give the existing test wells?

Response

It is not clear what this comment refers to regarding the "stellar report" given to the existing test wells.

Beginning in the fourth quarter of 2003, contingency groundwater monitoring was implemented for several environmental monitoring points as a result of trends of increasing concentration of several monitoring parameters, particularly in monitoring well MW-17I. The trends of increasing concentration are attributed to a period of past site operations when housekeeping practices and/or site construction activities may have impacted groundwater quality. However, as noted in the response to Comment E.7.2, the monitoring data confirm that the integrity of the existing liner system has not been compromised.

E.7.2 Submitted by A. Stolecki (W-11/30/08)

b. If the test data in question does indeed indicate leakage from the existing cells, how will this affect the proposed expansion, given that it will be using the same technology?

Response

The monitoring data confirm that the integrity of the existing liner system has not been compromised. The integrity of the primary and secondary liner systems is assessed on a daily basis by monitoring the flow rates in each of these systems. The existing liner systems maintain secondary flow rates well below the 20 gallons per acre per day maximum required by 6 NYCRR Part 360, based on a 30-day average. Based on 2007 data, the overall existing landfill primary liner system efficiency was 99.8 percent. This means that 99.8 percent of all leachate generated in 2007 was collected by the primary (upper) leachate collection system, with the remaining 0.2 percent of the landfill leachate collected by the secondary (lower) leachate collection system.

The liner system is underlain by a pore water drainage layer that intercepts any groundwater that might come in contact with the lower liner system. Laboratory analytical data also indicates that the water collected in the pore water drainage layer beneath the landfill is not impacted by landfill leachate. In the unlikely event that the primary and secondary liner systems fail and leachate contamination of the collected groundwater is detected during landfill operation, such groundwater can be contained and transferred into the leachate collection system. Under current and anticipated future operating conditions, the pore water drainage system draws groundwater inward beneath the landfill where it can be collected and monitored. Under these conditions, potentially contaminated groundwater can not migrate away from the facility; instead, it is captured in the pore water drainage system.

E.7.3 Submitted by A. Stolecki (W-11/30/08), C. DeBellefeuille (W-12/1/08)

Given Canada's proximity to the landfill:

a. What access to test wells will Canada have?
b. What other kinds of supervisory, monitoring or inspection access will be granted to Canada?
c. Does the CFSWMA agree to accept the findings of outside scientific bodies employed by Canadian municipal, provincial or federal governments regarding the presence of leachate in waters coming across the border? If not, why not? (Stolecki)

Could a study, conducted by independent experts, be done on the environmental impacts on Canadian soil? (DeBellefeuille)

Response

The monitoring well network is on the landfill property and access to the test wells will be limited to the CFSWMA staff and the independent laboratories and consultants working for the CFSWMA. Monitoring of the wells and review of the laboratory results are overseen by the NYSDEC in accordance with 6 NYCRR Part 360. Monitoring reports are submitted to the NYSDEC on a quarterly basis and are available for public review upon request. The NYSDEC meets with Quebec government officials at least once a year to discuss environmental matters. At this annual

meeting a CFSWMA Regional Landfill update is provided by the NYSDEC to Quebec officials including a discussion of water quality analyses.

The CFSWMA is willing to review the results by outside scientific bodies employed by Canadian municipal, provincial or federal governments, but the CFSWMA – as the owner/operator of the landfill – must preserve its right to review and verify the validity/applicability of methods and results of any such testing that may be undertaken by others.

E.7.4 Submitted by S. Evett (T-54) and M. Ferland (T-84)

And when this project says that they're going to have a review annually or four times a year, what does that mean? What's a review? Who's looking at it? Who's checking it? Who's doing the testing? Is it their tester or are they independent testers? And I would, I would request also that the independent testers on any project that has to do with anything environmental, would be to the advantage of the population of the earth in general, because once a corporation gets involved of course they're going to have their other interest at stake. (Evett)

That brings us to my second question, which is the degree of contamination of the leachate at present. We would like to have the analysis in laboratory and if possible, of the accredited laboratory. (Ferland)

Response

New York State regulations require that existing water quality be characterized prior to development of the landfill facility to serve as a baseline for future comparison of operational water quality. This baseline includes the establishment of statistical trigger levels that are used during operational monitoring to assess whether changes in water quality may be occurring. Operational water quality is assessed through the collection and analysis of environmental samples that may include groundwater, surface water and sediment samples. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

Samples are collected on a quarterly basis (i.e., every three months) and are submitted to an independent, New York State-certified analytical laboratory for the analysis of a comprehensive list of constituents. Constituents that are termed the "Routine Parameters" are analyzed each quarter; in addition, additional constituents termed the "Baseline Parameters" are analyzed on an annual basis. The annual Baseline analytical results are required to be validated by an independent, third-party data validator, while the results of the routine quarterly monitoring events are validated by the New York State-certified analytical laboratory. The results of the monitoring program are required to be submitted to NYSDEC within 90 days of sample collection and include a comparison to regulatory standards and to the trigger levels established during the assessment of existing water quality.

Under the existing environmental monitoring plan for the operational landfill, environmental samples are collected by Upstate Laboratories, Inc. of Syracuse, New York. Data validation services are provided by Dataval, Inc. of Endwell, New York, and quarterly and annual data reporting is provided by Fagan Engineers, Inc. of Elmira, New York. Finally, the data are submitted to and reviewed by the NYSDEC.

All leachate test results are available for public review through the NYSDEC or at the CFSWMA's office. Leachate testing has been performed by an accredited laboratory in accordance with 6 NYCRR Part 360 and the NYSDEC's approved Environmental Monitoring Plan for the facility.

E.7.5 Submitted by R. Critchley (T-83)

And what really troubles us is nobody seems to be asking for more test wells on our side of the border or close to the border so that we can monitor this effectively.

Response

Potential impacts to groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring

requirements for the proposed landfill facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

Environmental monitoring of the proposed facility will include a variety of approaches, including monitoring the volume of flow in the primary and secondary collection systems and the pore water drainage system, as well as monitoring the quality of the primary and secondary leachate, the quality of the water collected in the pore water drainage system, and the quality of the groundwater in both the overburden and bedrock water-bearing zones on a quarterly basis.

The integrity of the primary and secondary liner systems is assessed on a daily basis by monitoring the flow rates in each of these systems. By way of example, the existing liner systems maintain secondary flow rates well below the 20 gallons per acre per day maximum required by 6 NYCRR Part 360, based on a 30-day average. Based on 2007 data, the overall existing landfill primary liner system efficiency was 99.8 percent. This means that 99.8 percent of all leachate generated in 2007 was collected by the primary (upper) leachate collection system, with the remaining 0.2 percent of the landfill leachate collected by the secondary (lower) leachate collection system.

The liner system is underlain by a pore water drainage layer that intercepts any groundwater that might come in contact with the lower liner system. Laboratory analytical data also indicates that the water collected in the pore water drainage layer beneath the landfill is not impacted by landfill leachate. In the unlikely event that the primary and secondary liner systems fail and leachate contamination of the collected groundwater is detected during landfill operation, such groundwater can be contained and transferred into the leachate collection system. Under current and anticipated future operating conditions, the pore water drainage system draws groundwater inward beneath the landfill where it can be collected and monitored. Under these conditions, potentially contaminated groundwater can not migrate away from the facility; instead, it is captured in the pore water drainage system.

A network of groundwater monitoring wells installed in both the overburden (glacial till) and bedrock forms the final component of the monitoring strategy. Samples are collected from the wells on a quarterly basis (i.e., every three months) and are submitted to an independent, New York State-certified analytical laboratory for the analysis of a comprehensive list of constituents. Constituents that are termed the "Routine Parameters" are analyzed each quarter; in addition, additional constituents termed the "Baseline Parameters" are analyzed on an annual basis. The annual Baseline analytical results are required to be validated by an independent, third-party data validator, while the results of the routine quarterly monitoring events are validated by the New York State certified analytical laboratory. The results of the monitoring program are required to be submitted to NYSDEC within 90 days of sample collection and include a comparison to regulatory standards and to the trigger levels established during the assessment of existing water quality.

This comprehensive and redundant monitoring strategy obviates the need for monitoring wells at or beyond the international border, as a potential release from the facility would be detected long before any conceivable impact could be detected at such a distant array of monitoring wells.

E.7.6 Submitted by G. Leroux (T-101)

We've read in the papers about the quality of Trout River being better on the American side and then it gets worse as it crosses the border into Huntingdon. That's fine. But has there been any such studies on the Briggs Creek or Salmon River. Are there any plans for such a study. It would seem that the true test that the dump is effectively sealed is if the water quality doesn't change and to do that it has to be monitored. I didn't see anything about that. Is the monitoring of the Trout River going to continue and are there any plans to monitor the Salmon River?

Response

The comprehensive requirements of NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by

the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

The EMP will likely include monitoring of surface water quality in Briggs Creek; however, monitoring in the Salmon River or Trout River would likely not be included in the monitoring plan due to their distance from the site. If impacts were to be detected to Briggs Creek at some future date, the need for monitoring in these larger water bodies could be revisited.

New York State regulations require that existing water quality be characterized prior to development of the landfill facility to serve as a baseline for future comparison of operational water quality. This baseline includes the establishment of statistical trigger levels that are used during operational monitoring to assess whether changes in water quality may be occurring. Operational water quality is assessed through the collection and analysis of environmental samples that may include groundwater, surface water and sediment samples.

See the response to Comment E.7.5 for more information regarding the groundwater monitoring conducted at the CFSWMA landfill site.

E.8 Groundwater Contamination

E.8.1 Submitted by S. Evett (T-53/54)

And I have spoken with Mr. Lamonte (phonetic spelling), the chief hydrogeologist of Quebec and he has told me that there is really no way that we can really understand groundwater. Where it is and how it, who we infiltrate it, how it infiltrates us to a certain point. And with that in mind, and the fact that Quebec already has had one project in the Town of Mercea (phonetic spelling), where they said it was fine to put a dump or burn these things or whatever, and it ended up being a huge environmental disaster.

Response

The commenter is apparently referring to a well-known case of groundwater contamination that occurred as the result of the disposal of industrial wastes into abandoned, unlined sand and gravel pits in Ville Mercier, Quebec. Refer to the response to Comment E.6.2 for information regarding this event.

E.8.2 Submitted by C. DeBellefeuille (T-57)

Has there ever been any consideration of the landfill site's potential impact on public health and on the availability of drinking of water? In the event of an incident, what arrangements have been made for cleaning up ground and surface water?

Response

New York State regulations (6 NYCRR Part 360) require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. Potential impacts to groundwater and surface water resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

E.8.3 Submitted by D. Green (T-59/60)

Now, I'm not saying that our sampling results indicate that the current landfill is polluting the environment. All I'm saying is that the preliminary results seem to indicate a grading in pollution. The closer I sample, the highest the pollution. The further I sample, the lowest pollution. Is this pollution coming from the landfill site? I don't know. Is it not coming from the landfill site? I don't know either.

Response

The submittal of Daniel Green during the DEIS Public Hearing summarized the results of two surface water samples collected by Mr. Green and one or more interns on July 14, 2008. The two samples were identified as WLC-1 and WLC-2 and were reportedly located at distances of 940 meters (~3,083 feet) and 730 meters (~2,394 feet) from the landfill, respectively. The samples were reportedly analyzed for ammonia nitrogen, biological oxygen demand (BOD), phenol(s), total suspended solids (TSS), lead, and total oil and grease. No information regarding sampling and analytical protocols was provided by Mr. Green either in written form or in his presentation at the public hearing. In addition, there is no indication that a field blank sample was collected to assess the potential for cross-contamination during the sample collection process. No formal laboratory report was provided to support the data summarized on Mr. Green's submittal. The absence of these fundamental aspects of sample collection and analysis (unknown protocols and methods, absence of blank and/or duplicate samples, etc.) render the results suspect at best. Moreover, no opportunity was afforded CFSWMA to either observe the collection of the samples or to arrange for the analysis of split duplicate samples to assess the accuracy and precision of the laboratory analyses.

It is important to note at the outset that site groundwater elevation data indicates that groundwater in the vicinity of the landfill in both the overburden and bedrock flows towards the pore water pressure relief system installed beneath the operational landfill and does not directly discharge in any significant quantity to the adjacent surface water system. Thus, under the current operating conditions a hypothetical release from the landfill containment system would be captured in the pore water pressure relief system and would not reach the underlying groundwater. In addition, water quality monitoring of the pore water pressure relief system indicates that water quality in this system reflects background conditions and meets NYS groundwater quality standards.

Nonetheless, even if one provisionally accepts Mr. Green's data, there is little that can be concluded on the basis of two surface water samples located at such significant distances from the landfill. Mr. Green has suggested that there might be a gradient of decreasing concentration with distance from the landfill. This

supposition is apparently based on the observation that ammonia nitrogen, phenols, and total suspended solids are slightly higher in samples from WLC-2 than in WLC-1. However, a trend or gradient can not be reliably determined on the basis of only two data points. Moreover, despite its relatively closer location, sample WLC-2 is more likely to be influenced by land use activities and groundwater flow from the south than by any discharge from the landfill. This is due to its location on the south side of the ponded wetland area, which is very unlikely to receive any type of discharge from the landfill facility.

Even if one were to assume that the reported results might bear some relation to the landfill site, it would be logical to assess whether these parameters are present at elevated concentrations in the groundwater or surface water at the landfill facility. Accordingly, recent data from the routine environmental monitoring conducted at the facility were compiled to assess whether the landfill could be contributing to the alleged increases noted in Mr. Green's data.

The site data indicated that ammonia nitrogen was not detected in any of the site monitoring points during the first two quarterly monitoring events in 2008. These monitoring points include wells installed in the overburden water-bearing zone and the bedrock, as well as the pore water pressure relief system. Similarly, there were no detections of total phenols during this same time period in any of these environmental monitoring points. These results are consistent with the data from the hydrogeologic investigation of the proposed expansion area, which similarly showed no detections of either ammonia nitrogen or total phenols in any of the groundwater samples in either the overburden or bedrock wells. Total suspended solids are not measured in the groundwater monitoring program for the facility and thus can not be assessed as part of this analysis. The results of recent surface water sample collected on-site at location SWS-3 are similar, with no detections of ammonia nitrogen or total phenols. Total suspended solids in the sample from SWS-3 were reported to be 22 mg/l, which although somewhat higher than the two samples reported by Mr. Green, easily meets even the most stringent regulatory standard that could be applied to the facility (daily permitted maximum: 88 mg/l; 30-day average: 27 mg/l). The surface water sampling is conducted in accordance with the requirements of the facility's State Pollutant Discharge Elimination System (SPDES) permit, which calls for the

collection of the surface water sample within 30 to 60 minutes of a rainfall event of at least 0.1 inches of precipitation. As such, the analyses are likely to yield higher concentrations than are observed under more typical conditions.

Based on the available data it is likely that the observed variability between Mr. Green's sampling points is the result of natural variations in surface water quality and/or variations due to sampling and analytical methods. There is no evidence to suggest a landfill impact upon adjacent surface waters. Abundant groundwater quality data indicate that groundwater collected from the pore water pressure relief system directly beneath the operational landfill meets groundwater quality standards.

E.8.4 Submitted by H. Dressel (T-63/64)

Now, he [Daniel Green] has found, he tells me, I don't understand it as well as he does, but he has found evidence of more pollution closer to your landfill. Now we are told to have confidence in an expansion because of all these layers and clay bits and glacial till bits. But it is already leaching substances.

Response

The CFSWMA conducts monitoring on groundwater wells and at surface water points surrounding the existing landfill. During the years of monitoring there has never been an indication that any substances have been or are currently leaching from the landfill site. Refer to the response of Comment E.8.3 for information regarding the lack of scientific evidence that would support such a theory.

E.8.5 Submitted by R. Hart (T-85)

What I'm wondering about this is all the water that is taking in the town of Huntingdon and their well water comes from the Trout River. So that make us dealing what is the possibility of contamination coming down to our plant.

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's Environmental Monitoring Plan (EMP).

New York State regulations (NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected long before any conceivable impact could occur at such a distant location.

E.8.6 Submitted by S. Brown (T-110)

So what guarantee can you provide Huntingdon County residence that their land, their water will not be polluted in the coming 15 years let alone 20, 25 years after you have enlarged your landfill site when your records of landfill are simply not that long.

Response

Refer to the response to Comment E.8.5 for information pertaining to the surface water and groundwater monitoring activities conducted at the CFSWMA landfill site. The comprehensive and redundant monitoring strategies described ensure that a potential release from the facility would be detected long before any

conceivable impact could occur in the Town of Huntingdon. Monitoring will continue during the operational life of the facility and a 30-year post-closure period. NYSDEC Part 360 regulations require the CFSWMA to provide financial assurance to maintain and monitor the integrity of the landfill for a minimum of thirty (30) years after closure of the landfill.

E.9 Contingency Plan

E.9.1 Submitted by D. Drummond (W-12/1/08)

If the surface and ground water in the Chateauguay Valley become polluted as a result of a failure in the protection system employed at the landfill site who will pay the costs to fix the problem? When asked about this by a journalist from The Gleaner newspaper George Eades replied that the site had an insurance policy for "environmental liabiltiy coverage" for 2 million dollars. Does this coverage extend to Canadian territory? If so do you really think this sum is anywhere near adequate, given the scale of the project? It is our position that we are being asked to mortgage our water, farmland, environment and public health to a foreign country and this is unacceptable.

Response

It is the CFSWMA's understanding that its environmental liability insurance coverage would apply to any location or circumstance in which the CFSWMA's facilities were deemed responsible for damaging the environment, either in the United States or in Canada. However, it should be emphasized that the environmental safeguards that are in place at the existing landfill and that will be incorporated in the proposed landfill expansion make it extremely unlikely for the CFSWMA's landfill to ever cause contamination of surface and ground water in Canada. Please refer to the response to Comment E.7.5 for more information on these environmental safeguards.

E.9.2 Submitted by S. Gendron and R. Critchley (W-12/1/08)

We do not understand how the expansion can take place without aforethought for corrective measures in case of disaster affecting the Canadian side of the border.

Response

As stated in Section 8.2.4 of the DEIS, this landfill expansion project is subject to review in accordance with all pertinent review criteria of SEQRA. Further, following completion of the EIS and the SEQRA review process, each phase of the landfill expansion will be the subject of a NYSDEC permit application/review process to ensure compliance with all applicable environmental regulations that serve to protect natural resources and public health. As stated in Section 2.2.5 of the DEIS, the proposed double composite landfill liner system will ensure protection of groundwater resources.

In addition, Section 2.4.5 of the DEIS notes that, as part of the 6 NYCRR Part 360 permit application for each phase of the permit expansion, a contingency plan will be prepared that addresses a variety of environmental and disaster planning considerations, including a hypothetical landfill liner system failure and proper response to such an event. The contingency plan will address and plan responses to these hypothetical environmental impact events, regardless of the location of the impact on the United States or the Canada side of the border.

E.9.3 Submitted by A. De Martin (W-11/27/08), F. Blackburn (W-12/1/08), and R. Critchley (T-82/83)

What written guarantees are being offered to the population of Quebec to ensure we will continue to have high quality water supplies in the future? (De Martin)

How do DEC and the County foresee the restoration of groundwater and surface water if there is an accident? (Blackburn)

What further troubles us is that the question of correction. What happens if there's a disaster? What happens if there's a problem? How do you correct it? When do you correct it? (Critchley)

Response

New York State regulations (6 NYCRR Part 360) require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water

supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

A comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources were significantly impacted. A variety of proven methods is available to control and remediate contaminated groundwater in the unlikely event of a release from the facility. Monitoring will continue during the operational life of the facility and a 30-year post-closure period. NYSDEC Part 360 regulations require the CFSWMA to provide financial assurance to maintain and monitor the integrity of the landfill for a minimum of thirty (30) years after closure of the landfill.

Please refer to the responses to Comments E.7.5 and E.9.1 for more information.

E.9.4 Submitted by A. Stolecki (W-11/30/08), H. Dressel (W-11/30/08)

7. How is the CFSWMA prepared, both technologically and economically, to exhume whatever quantity of waste has been deposited in the landfill in order to take care of any leaks which may happen either while in operation, or after closure? (Stolecki)

Is the County of Franklin Solid Waste Management Authority prepared, both technologically and economically, to exhume whatever quantity of waste has been deposited in the landfill in order to take care of the inevitable leaks, which may happen either while in operation, or after closure? This is the only means of treating detectable leachate.

G. Fred Lee and Anne Jones-Lee, in "Recommended Design, Operation, Closure and Post-Closure Approaches for Municipal Solid Waste and Hazardous Waste Landfills" of 1995 [G. Fred Lee, Ph.D. and Anne Jones-Lee, Ph.D, G. Fred Lee & Associates, El Macero, CA] recommend that engineers and project directors should not only have the double-composite liners of the Westville landfill project, but must require that that "when the owner/operator cannot stop leachate from occurring in the leak detection system between the two composite liners, that the wastes in the landfill must be removed from the landfill."

They recommend strongly that engineers allow only *in situ* treatment of leachate from double-composite lined landfills. (Dressel)

Response

Refer to the response to Comments E.1.3 and E.10.1 for more information regarding in situ treatment of leachate and the exhumation of waste.

E.9.5 Submitted by H. Dressel (W-11/30/08)

Who will determine damage and liability if, or rather, when, there is a failure of the double-composite liner or the plastic cover on closed cells at the proposed new Westville, NY landfill? According to the current management plan, the body that will be held liable for damages, that is, the County of Franklin Solid Waste Management Authority, is also the body that will test and decide if any leakage is going on. Since that is obviously an unacceptable conflict of interest, residents both of New York and of Quebec will be using the services of independent scientists, who will test both surface and groundwater for tell-tale substances that could be coming from Westville leachate, both in New York and in Canada.

Response

Per 6 NYCRR Part 360 regulations and as described in Section 2.2.5 of the DEIS, the CFSWMA is required to establish and maintain financial assurance for landfill closure and post-closure care. On an annual basis, the CFSWMA receives a third party assessment of costs to close the largest active portion of the landfill (i.e., the areas of the landfill without existing final cover) as well as the costs to operate and maintain the landfill following closure for a minimum of 30 years. The costs are reviewed and approved by the NYSDEC. The CFSWMA uses the annual assessments to establish the amount of the tipping fee that needs to be diverted to a reserve fund for future closure and post closure activities.

The CFSWMA currently utilizes a third party laboratory as well as a third party engineering firm to sample, analyze, and report the groundwater quality for the facility. The groundwater monitoring

reports are submitted to and reviewed by the NYSDEC. The CFSWMA and the NYSDEC are responsible for the environmental integrity of the project.

Please refer to the responses to Comments E.7.4, E.7.5 and E.9.1 for more information.

E.9.6 Submitted by C. DeBellefeuille (W-12/1/08)

The expansion proposed by the County of Franklin Solid Waste Management Authority (CFSWMA), the landfill site manager, in order to treat greater quantities of waste material has generated unrest among citizens, municipalities and organizations who fear that their drinking water will be contaminated because the dump connects with the Châteauguay River watershed. Quebec farmers are on the alert; could the food they produce be affected by an environmental disaster caused by an incident or accident?

What measures and compensations have been provided for in case of environmental disaster or health problems?

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's EMP.

New York State regulations (NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources were significantly impacted. Accordingly, farm products grown in the Province of Quebec are not at risk from the proposed landfill.

Please refer to the responses to Comments E.7.4, E.7.5 and E.9.1 for more information.

E.9.7 Submitted by C. DeBellefeuille (T-58) and A. Stolecki (T-106)

Can you guarantee local residence or Canadian's across the border that they will be safe from the tons and tons of garbage that will be flowing into this dump for decades to come? What are your inspection methods? Exactly how are you going to guarantee what is going through there? And if anything that shouldn't be in there gets in there, how are you going to get it out? Are your liners going to be effective in keeping out certain kind the chemicals and toxic waste. If there's a leak at the very bottom of that how are you going to deal with that? (DeBellefeuille)

Has risk assessment been done of the possible repercussions on the drinking water supply and on public health in this region of Quebec? (Stolecki)

Response

New York State regulations concerning groundwater and surface water quality were developed to ensure protection of the water resources of the State and the health of the public who use and consume those resources. New York State's solid waste regulations were in large part developed to serve these same goals. Potential impacts to groundwater and surface water resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring requirements. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted. These actions would be implemented before any potential impact to the health of the residents of New York State or the adjacent Province of Quebec could occur.

Refer to the responses to Comments E.5.3, E.7.4, E.7.5, E.9.1 and E.9.4 for more information.

E.10 Leachate Generation and Treatment

E.10.1 Submitted by H. Dressel (W-11/30/08)

Porter & Hedges [http://www.porterhedges.com] note, "where toxic tort plaintiffs prevail, the recoveries can be enormous." We are also told that if leachate occurs, it will be run through the water treatment plant in Malone. What will be done with the toxins thus removed? Will they be re-buried in Westville to start the process all over again, or will Malone have to deal with them? But in facilities like this, *in situ* treatment utilizing clean water has been considered the necessary standard for at least a decade, and the transport of leachate to the overburdened water treatment of a town like Malone is yet another serious design flaw in this project.

Response

The CFSWMA had temporarily practiced leachate recirculation for less than a five year period; the CFSWMA has noticed an improvement in leachate quality as a result. Leachate recirculation is not in practice at this time until further investments can be made at the site, including an upgrade to the site's power service. NYSDEC approval must also be obtained to practice leachate recirculation. The CFSWMA has not used clean water and does not plan to use clean water to cleanse the waste after leachate recirculation. Adding clean water to the waste mass increases the quantity of leachate generated resulting in increased load on the leachate system and the receiving wastewater treatment facility. The practice of clean water cleansing of landfill waste is not currently practiced at any facility in New York State.

It is the responsibility of the Malone treatment facility to manage the sludge and discharges from the plant. The CFSWMA currently accepts the sludge from the Malone Wastewater Treatment Plant for disposal at the landfill. In-situ treatment of the leachate in the landfill waste mass is not considered the standard in the industry and there are no known facilities in New York State utilizing clean water cleansing of the waste mass.

The Malone Wastewater Treatment Plant is not overburdened and is not anticipated to be overburdened by the leachate from the proposed expansion. With upgrades completed in 1999, the plant has an operating capacity of 3.3 million gallons per day (MGD). The facility currently operates well below the maximum daily operating capacity despite the treatment of all the leachate currently produced at the landfill. Facility records indicate that the highest flows occur during the winter months and average approximately 2.4 MGD, almost 900,000 gallons per day below the facility's maximum operating potential.

Assuming all leachate from the proposed expansion would require treatment at the Malone facility, the quantity of leachate that is anticipated to be processed would be less than 1.7% of the daily total facility capacity. Assuming the anticipated maximum annual leachate generation from the expansion of 20,395,095 gallons, the average daily volume of leachate requiring treatment would be approximately 56,000 gallons. Working with the Malone facility, the CFSWMA has currently been able to treat upwards of 44,000 gallons per day with no negative effects on the facility's treatment ability. Additionally, the on-site storage tanks at the landfill facility are utilized to handle daily variations in flow by storing leachate until it can be treated. If more than 44,000 gallons per day require to be treated in the future, the CFSWMA will work with Malone authorities to analyze increased disposal in Malone. According to the projected leachate generation outlined in Figure 2.5 of the DEIS, treating more than 44,000 gallons per day is not anticipated until after the year 2045.

As outlined in Section 2.5 of the DEIS, additional wastewater treatment facilities can be utilized, such as the City of Plattsburgh facility. If more than 44,000 gallons per day cannot be treated at the Malone facility, the Plattsburgh facility is capable of handling the excess leachate quantities. The Plattsburgh facility is averaging only 5.0 MGD, significantly under its design capacity of 16.0 MGD. Therefore, the Plattsburgh facility offers an additional 11.0 million gallons of available daily capacity for excess leachate disposal. The Plattsburgh facility has also treated the CFSWMA's leachate during the years of 1998 through 2004 with no negative effects on the wastewater treatment plant's effluent discharge.

E.10.2 Submitted by D. Green (T-61/62)

Again, the water and the discharge of the Malone treatment plant flows ultimately in Canadian waters. And will be important and I really hope that the county and the people writing the EIS will be looking at the impacts of the treatment of the leachate with the expansion and the impact of that treatment on the discharge at the Malone sewage treatment plant.

Response

Monitoring requirements for the Village of Malone wastewater treatment facility are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC. Refer to Responses E.10.1 and D.8.1.

E.10.3 Submitted by D. Green (T-62)

We would like to have access to all the monitors, all surface water monitors. We would like to have access to the data on the physical qualities of the current leachate being produced. The quantity of leachate being proposed. Also we would like to have data, maybe the DEC can provide this to us, the current discharge of the Malone sewage treatment plant that is receiving water.

We would like you to make public the results of your sampling on the tributary of the Trout River as well as Briggs Creek. We want once again, all the parameters analyzed in laboratory.

Do you have, in a radius of two miles to the site of hiding some analysis of the groundwater, and which are the results?

Response

Environmental monitoring data reports for the existing facility are submitted to NYSDEC in accordance with Part 360 requirements and are publicly available documents. These reports include the results of groundwater, surface water, and leachate analyses for the facility's environmental monitoring points. The estimated quantity of leachate projected for the proposed landfill expansion

was discussed in Section 2.5 of the DEIS. Analytical data for the Malone wastewater treatment plant would be available either from the Village of Malone or NYSDEC.

E.10.4 Submitted by M. Ferland (T-84)

So can we have a copy of the recess results of the analysis of the affluent and the effluent of this station of treatment? Moreover, we would like to note that it is the maximum loading of design of the treatment plant of used water. Its current load and the load which you envision to add to if following the finalization of the enlarging of the landfill site.

Response

Monitoring requirements for the Village of Malone wastewater treatment facility are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC, and analytical data for the Malone wastewater treatment plant would be available either from the Village of Malone or NYSDEC. The treatment facility was designed to treat 3.3 million gallons per day. Even at peak projected leachate generation rates for the proposed expansion, leachate from the proposed landfill facility would constitute less than 1.7 percent of the current design capacity of the treatment plant. In addition, analytical data from the existing landfill facility indicates that leachate from the existing landfill facility is relatively low strength and is readily treated at the treatment facility.

The Malone wastewater treatment facility tests both influent and effluent flows at the plant on daily, weekly, monthly and quarterly basis depending on the parameters. It should be noted that the Malone wastewater treatment facility has no record of citations and has successfully treated the landfill leachate for many years. The testing is performed in accordance with the treatment plant's New York State Pollutant Discharge Elimination System (SPDES) Discharge Permit No. NY-003 0376.

Please refer to the response to Comment E.10.1 for additional information.

E.10.5 Submitted by R. Hart (T-86)

I know that in Huntingdon and not, if we take some sludge, us, before we could do anything with it, we have to test it. Test it for heavy metal, mercury, lead, how many P.P.M. there is and they have two other tests we have to do is dioxin and fluran (phonetic spelling).

Response

For information regarding the monitoring and treatment processes of the Malone Wastewater Treatment Plant refer to the responses to Comment D.8.1 and Comment E.10.1. The Malone Wastewater Treatment Plant does not accept outside sludge. The sludge from the Malone facility is not land spread but is delivered to the CFSWMA landfill for disposal. The sludge is tested annually in accordance with 40 CFR Part 258 which includes total metals (EPA 6010), mercury (EPA 7471), total volatile solids (EPA 160.4), and many other parameters. Test results have been acceptable and indicate the sludge to be non-hazardous. Results are submitted to the USEPA and NYSDEC. Results are available for review at the Malone Wastewater Treatment Plant or the NYSDEC.

E.10.6 Submitted by L.A. Hine (T-93/9)

The second question I have has to do with trucking the leachate of the sludge that's going to be coming out of here. I would like to know exactly when you get that sludge the number of toxins, chemicals that are in there. The names of what comes out of there and exactly how they are handled and treated because I know they are not able to be removed from -- regular water treatment plants do not treat this. So is there a special facility that these go to manage this? Because I haven't heard any in-depth talk about that. So if you could clarify that, please.

Response

Monitoring requirements for the Village of Malone wastewater treatment facility are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC, and the treatment facility was designed to treat 3.3

million gallons per day. Even at peak projected leachate generation rates for the proposed expansion, leachate from the proposed landfill facility would constitute less than 1.7 percent of the current design capacity of the treatment plant. In addition, analytical data from the existing landfill facility indicates that leachate from the existing landfill facility is relatively low strength; consistent with the nature of the community it serves, and readily treated at the treatment facility. Refer to Responses D.8.1 and E.10.1.

E.10.7 Submitted by G. Leroux (T-101/102)

The water treatment plant from Malone is going to be released into the Salmon River and that's ultimately going to make its way into Canada and into the St. Lawrence River. Is the quality of this effluent going to be monitored? Are the results of the monitoring going to be transparent? Are Canadian citizens, Canadian authorities going to know about it?

Response

Monitoring requirements for the Village of Malone wastewater treatment facility, which discharges to the Salmon River, are established by NYSDEC and are the responsibility of the treatment plant operator. The treatment facility is required to meet strict discharge standards enforced by the NYSDEC, and analytical data for the Malone wastewater treatment plant would be available either from the Village of Malone or NYSDEC. Refer to Responses D.8.1 and E.10.1.

E.10.8 Submitted by M. Théorét (T-107/108)

The sewage sludge from the Malone wastewater treatment plant is then landfill, in the Westville landfill. The circle is the sewage sludge from Malone will be processed transported and landfilled in Westville, the leachate from this very landfill will be collected, stored, transported to the Malone wastewater treatment plant, which will process the leachate and evacuate its sludge again towards Westville, looks like you got invented perpetual cycle.

Response

The commenter correctly notes that leachate from the landfill is treated at the Malone wastewater treatment plant and that residual treatment plant sludge is in turn disposed at the landfill. The important point to note regarding this relationship is that this process represents responsible management of waste materials such that discharges to the environment are minimized and the natural resources of the State and the public health are protected.

E.11 Health Risks

E.11.1 Submitted by F. Blackburn (W-12/1/08), H. Dressel (W-11/30/08)

Have they considered the impact of an accident of the supply of drinking water and public health? (Blackburn)

The leachate from this dump, which, even if does not do so immediately, *will eventually* find its way into wells, rivers and water systems of Quebec, will contain large amounts of heavy metals and cancer-causing petrochemicals, as well as medications like antibiotics, hormone residues and other pollutants from home waste like bi-phenol plastics. There is less than 12 percent recycling in this part of New York, and little oversight on industrial use of municipal waste services. Already there is some evidence of phenols, chemicals related to industrial and not farm waste, in the surface waters surrounding the existing dump [see testing done by Daniel Green, part of the submissions to the Draft Scoping Document]. (Dressel)

Response

The comprehensive requirements of 6 NYCRR Part 360 require a detailed investigation of the site hydrogeologic conditions and a demonstration that the site can be adequately monitored to detect a release from the facility. Potential impacts to surface water and groundwater resources at the site will be significantly minimized by the proposed landfill design and hydrogeologic setting of the site location, and by adhering to 6 NYCRR Part 360 regulations regarding design standards and environmental monitoring

requirements. Specific monitoring requirements for the facility will be established in accordance with 6 NYCRR Part 360 regulations during development of the site's EMP.

New York State regulations (NYCRR Part 360) also require the development of a Contingency Plan to address, among other potential issues, the possibility of groundwater and surface water contamination, including a potential impact upon drinking water supplies. The Contingency Plan will address actions to be taken in the unlikely event that groundwater or surface water was to be impacted.

This comprehensive and redundant monitoring strategy ensures that a potential release from the facility would be detected and could be remediated before off-site water resources were significantly impacted. A variety of proven methods is available to control and remediate contaminated groundwater in the unlikely event of a release from the facility. Monitoring will continue during the operational life of the facility and a 30-year post-closure period. NYSDEC Part 360 regulations require the CFSWMA to provide financial assurance to maintain and monitor the integrity of the landfill for a minimum of thirty (30) years after closure of the landfill.

This comment also refers to the potential that phenols in surface water in the site vicinity based upon data collected by Mr. Daniel Green might be related to site operations. To test this hypothesis, it would be logical to assess whether this parameter is present at elevated concentrations in the groundwater or surface water at the landfill facility. Accordingly, recent data from the routine environmental monitoring conducted at the facility were compiled to assess whether landfill could be contributing to the alleged increases noted in Mr. Green's data.

The site data indicated that total phenols were not detected in any of the site monitoring points during the first two quarterly monitoring events in 2008. These monitoring points include wells installed in the overburden water-bearing zone and the bedrock, as well as the pore water pressure relief system. These results are consistent with the data from the hydrogeologic investigation of the proposed expansion area, which similarly showed no detections of total phenols in any of the groundwater samples in either the overburden or bedrock wells. The results of a recent surface water sample

collected on-site at location SWS-3 are similar, with no detections of total phenols. The surface water sampling is conducted in accordance with the requirements of the facility's State Pollutant Discharge Elimination System (SPDES) permit, which calls for the collection of the surface water sample within 30 to 60 minutes of a rainfall event of at least 0.1 inches of precipitation. As such, the analyses are likely to yield higher concentrations than are observed under more typical conditions.

Based on the available data it is likely that the observed variability between Mr. Green's sampling points is the result of natural variations in surface water quality and/or variations due to sampling and analytical methods. There is no evidence to suggest a landfill impact upon adjacent surface waters, and abundant groundwater quality data indicate that groundwater collected from the pore water pressure relief system directly beneath the operational landfill meets groundwater quality standards.

E.11.2 Submitted by C. DeBellefeuille (W-12/1/08)

As part of this issue, we must consider not only the physiological risks for citizens, but also the psychological and social risks associated with waste disposal (National Research Council (NRC), 2000). To explain, environmental contamination, whether real or unjustifiably perceived, can affect the psychological and social conditions of communities living near a waste landfill site. Many studies from around the world have corroborated this, for example, in Norway (Dalgard, O.S. et al., 1998) and Great Britain (Elliot, S. et al., 1998; Gee, G. et al., 2004).

Have you in fact accounted for these effects on the population of the Regional County Municipality of Haut-Saint-Laurent, Quebec?

Response

Psychological and psychosocial conditions that may affect communities or individuals adjacent to the landfill site are likely a result of inadequate knowledge regarding the design components, safety measures, and contingency plans put in place at solid waste disposal sites in New York State. The National Research Council source referenced in the above comment is solely based on the health risks associated with waste incineration, a very different

waste disposal method than land disposal. This source states, "It is also important to keep in mind that the committee was not asked to compare the health risks attributable to waste incineration with those attributable to other waste-management alternatives, such as land disposal." Therefore, the NRC's recommendations included in this reference were not considered as part of this project since no waste incineration facilities are being proposed.

The three (3) remaining sources referenced in the above comment also do not directly deal with community affects from landfill sites; some not even mentioning the word 'landfill'. Conclusions documented in the Gee reference are directly related to exposure to physical and chemical hazards and their potential affects on the health of racial minorities. Details on potential impacts by the proposed landfill expansion on environmental justice areas are included in Section 3.2.2.1 of the DEIS.

The preceding paragraphs in this response should not be construed as a dismissal of the potential for communities or individuals to experience psychological conditions from solid waste disposal sites. Conditions of this nature have not been reported to the CFSWMA during its fifteen years of operation. The proposed project consists of an expansion of an existing landfill facility, not the siting and construction of a new facility on a new location, which would be more apt to affect surrounding communities on a psychological level. It should be noted that the Chateaugay River Watershed, within the limits of Canada, includes solid waste disposal facilities. Quebec only recently revised their landfill regulations to include safety standards and design measures similar to those used on landfill sites in the United States for over two (2) decades.

E.11.3 Submitted by R. Critchley (T-82) and G. Leroux (T-99)

We're scared enough to tell our firemen be careful if you go to Westville, be careful if you go to the dump because you might not have the apparatus to deal with hazardous waste. And we told them in a sense not to go. (Critchley)

Just following up on what is going into the dump, we have concerns as Rod mentioned it a while ago, for the firemen. Firemen are part of our mutual aid system. It's a good system. It works well and the

fireman from Godmanchester will come to Westville if necessary, but we have a real concern about what is burning, because we don't know.

So I guess the question is, are there any plans to identify what is coming in there and keep some kind of a register of what is in there so we can know, if cell number sixty is on fire what we're facing – what the firemen are facing, what kind of gases are coming off. (Leroux)

Response

Every event that a firefighter is called to respond to is a potentially hazardous situation. Firefighters complete training programs and simulated activities to aid them in being able to properly deal with situations that may be hazardous. Hazardous waste, however, is not disposed of in the CFSWMA landfill. The landfill disposes of municipal solid waste, construction and demolition debris, asbestos, and sludge, not hazardous waste. There are specific state and federal regulations that must be followed when dealing with hazardous waste disposal. The CFSWMA is in compliance with these regulations and does not dispose of hazardous waste in its landfill. All hazardous waste collected during CFSWMA sponsored Household Hazardous Waste days are properly disposed of according to the regulations established in 6 NYCRR Parts 370, 371, 372, 373, 374, and 376 and 40 CFR Parts 260-268. For information on the wastes that are acceptable and not acceptable for disposal at the CFSWMA landfill, refer to Section 1.8 of the DEIS.

The CFSWMA maintains waste receipt records for each delivery to the landfill including the types of waste, hauler, entry time, and exit time. In addition, the active landfill cell location and elevation of waste placement is recorded each day of operation to track the location of waste deposition. Therefore, if work of any kind needs to be performed, the types of waste in the area requiring work can be estimated.

E.12 Environmental Regulations

E.12.1 Submitted by S. Gendron and R. Critchley (W-12/1/08), A. De Martin (W-11/27/08), F. Blackburn (W-12/1/08), C. DeBellefeuille (W-12/1/08), C. DeBellefeuille (T-58)

We do not understand why Canadian authorities, in concert with our American neighbours, have not been advised to put in place an infrastructure monitoring potential risk. (Gendron and Critchley)

Nevertheless, and this is what is important for residents of Huntingdon County, the Draft EIS does not include any proposals for protective agreements to be signed between the state of New York and the province of Quebec to guarantee future generations will always have access to a clean environment and the highest quality of drinking water. (De Martin)

Therefore, as a Quebec resident and as a politician representing the interests of Huntingdon County in the province of Quebec, we are asking for a written guarantee, an agreement to be signed by the province of Quebec and the state of New York, that our natural water resources will be protected for future generations and proposed terms of compensation if our water resource in ever jeopardized. (De Martin)

Rather than implement a project, which could have an irreversible effect, on the environment of their neighbors, the SCABRIC members are concerned by this expansion project and propose:

- The establishment of a protocol agreement
- Mechanisms for regional consultation
- An action plan
- A designated zone, free of all activity which could be harmful to the environment, on both sides of the border. (Blackburn)

Could an agreement be signed by the Government of Canada and the United States in order to establish compensatory, financial and technical measures should an incident or accident occur at the landfill, regardless of the NYSDEC ruling on the request to expand the Westville landfill site? (DeBellefeuille, W-12/1/08)

Has a memorandum of understanding been established between the governments of Quebec and State of New York to cover any incident? (DeBellefeuille, T-58)

Response

The implementation of new regulations, monitoring programs, or protective agreements between the governments of New York State, United States and Quebec, Canada, or the countries of Canada and the United States themselves, is not part of the proposed CFSWMA landfill expansion project. The proposed project is being progressed in accordance with all applicable state and federal regulations within New York State, United States, the location of the project area. The project is being proposed by the CFSWMA, not the government of New York State or the United States. The implementation of such regulations or programs is beyond the authority of the CFSWMA.

E.12.2 Submitted by B. Lecluse and J. Quinn (W-11/30/08)

- Can the D.E.C. rescind a permit once emitted?

Response

Yes, if the permit holder has violated the terms of its permit to such an extent that the NYSDEC considers permit rescission to be warranted and appropriate to the circumstances.

E.12.3 Submitted by I. Hristova (W-12/3/08)

(2) New York State has no laws regulating the disposal of household hazardous waste or computer equipment.

Response

Household hazardous waste is not a regulated hazardous waste and is therefore exempt from the hazardous waste regulations. NYSDEC regulation 6 NYCRR Part 373 does provide requirements on the permitting, handling, storage and recordkeeping for household hazardous waste facilities and collection events. Similar to Quebec, however, New York State does not have laws mandating the disposal of household hazardous waste or electronic

waste (e-waste) separate from MSW. Disposal of household hazardous waste and e-waste in special collection events is voluntary but strongly encouraged by the CFSWMA and the State of New York. The CFSWMA has been proactive in household hazardous waste collection by holding household hazardous waste collection days and collects e-waste at the household hazardous waste collection events for proper disposal by a NYSDEC approved contractor.

E.12.4 Submitted by A. Stolecki (W-11/30/08)

3. Preliminary test results taken by a biologist from surface water adjacent to the current landfill indicate that the dump may be leaking toxins into the surrounding watershed. The CFSWMA has no discharge permit. If this is indeed the situation:

a. How does this impact the plans to expand the landfill, given that the expanded landfill will use the same technology which may currently be polluting?
b. What steps are being taken to guard against the inevitable lawsuits which will be launched to force the CFSWMA to act within its permits?

Response

The CFSMWA does have a New York State Pollution Discharge Permit associated with Industrial Activities issued by the NYSDEC (Muti-Sector General Permit 0-06-002, Permit NYR00D523). The CFSWMA is in conformance with the permit and analytical results are within the limits of the permit. The analysis information is submitted to the NYSDEC on an annual basis and is available for public review.

Please refer to the responses to Comments E.5.2, E.7.5, E.8.3, E.9.1 and E.9.2 for additional information regarding the steps that the CFSWMA is taking and proposes to take with regard to environmental protection measures for the existing landfill and the proposed landfill expansion.

E.12.5 Submitted by C. DeBellefeuille (W-12/1/08)

I feel that an agreement between Canada and the United States is vital so that compensatory measures - technical and financial - will

be provided for should an incident or accident occur at the landfill, regardless of the NYSDEC ruling on the request to expand the Westville landfill site. Despite the *Environmental Cooperation Agreement* between the Government of Quebec and New York State, which provides for assistance in case of accident, there is no specific description of restorative or compensatory measures (Article 5 of the Agreement).

Response

As described in the response to Comment E.7.5, in the event that there is an accident at the landfill there are a number of safeguards that will protect Canada's environment from landfill related contamination. These environmental safeguards are well established and are generally deemed effective environmental protection measures by NYSDEC, which includes most if not all of these requirements as part of its solid waste management regulations (6 NYCRR Part 360).

With regard to any potential agreement between Canada and the United States, that is a matter for those two governments to determine. Please refer to the response to Comment E.12.1 for additional information.

E.12.6 Submitted by S. Bourdon (T-127)

They try maybe give some answers, but the risk -- you know, we learn in the document that they can't make landfill sites in the Adirondack Park. There's law like this. They can't make -- there's a buffing zone around the park where they can't build. Why can't they have a buffing zone in between the two countries?

Response

Currently, there are no federal or international regulations identifying buffer zones around International borders where solid waste management facilities may not be sited. The implementation of such a policy is beyond the CFSWMA's jurisdiction and project scope. Refer to the response to Comment E.12.1 for more information.

E.13 Environmental Review Process

E.13.1 Submitted by J.P. Proulx (W-12/1/08), A. De Martin (W-11/27/08), A. Stolecki (W-11/30/08)

It is essential that an independent environmental impact study be done on the proposed expansion that would include impacts on the Canadian side of the border. (Proulx)

The June 2008 Proposed County of Franklin Solid Waste Management Authority Landfill Expansion Final Scoping Document states, in part, *"The environmental performance of the current landfill demonstrates that there is no need to undertake a special or extraordinary consideration of potential impacts on Canada."* (De Martin)

Therefore, the proposed future expansion of the Westville landfill site is of special and extraordinary concern to residents on the Canadian side of the border as the Canadian water supply is potentially at risk. (De Martin)

Given that the Westville dump is located directly adjacent to an international border, and that almost half of the five mile radius around the dump which is under study is in Canada:

a. Why is there no data in the EIS on the potential effects of the expansion on this area within Canada? (Stolecki)

Response

The proposed CFSWMA landfill expansion project is being progressed according to the environmental review process as outlined by the State Environmental Quality Review Act (SEQRA), a New York State review process. The statement made in the Final Scoping Document was not meant to indicate that there was a lack of environmental review of potential impacts to lands in Canada, it referred to the fact that an additional and separate Environmental Report was not going to be completed for Canada. Under SEQRA, the potential impacts of a project are identified, analyzed, and mitigated appropriately, no matter where these impacts may potentially occur. During the SEQR Environmental Impact Statement (EIS) process, analyses and investigations were not

terminated at the International Boundary between the United States and Canada – the entire scope of potential environmental impacts to lands within both Countries were identified and included in the EIS documents.

E.13.2 Submitted by D. Drummond (W-12/1/08)

Because the site sits very near to the Quebec border and the fact that ground and surface water flows north we do not feel that a proper environment impact study has been done to show potential impacts on our water resources on this side of the border.

Response

As part of the NYSDEC's 6 NYCRR Part 360 permit process that the CFSWMA will need to go through upon completion of the SEQR process, the CFSWMA will be required to complete an extensive hydrogeologic site investigation report, more detailed than the report included as Appendix C of the DEIS. This report will include existing geologic conditions observed within the proposed landfill expansion area as well as contingencies set aside to monitor potential impacts to groundwater and surface water resources. Please refer to the responses to Comments E.7.5 and E.13.1 for more information.

E.13.3 Submitted by D. Drummond (W-12/1/08), I. Hristova (W-12/3/08), A. Stolecki (W-11/30/08)

When this site was chosen in 1993 a similar group of Quebec citizens voiced concerns that we feel were never fully addressed. An agreed upon structure for ongoing mutual consultation was not honoured. (Drummond)

(3) No Canadian organization has the authority to oversee the sampling or monitoring of the water table in New York State. In 1993, when the Westville landfill was built, Franklin County officials promised to monitor the quality of groundwater and water sources nearby, but this data was never given to Canadian environmental groups. (Hristova)

12. In 1993 citizens were assured that the then new Westville landfill would be closed once it was full. Less than 20 years later, we are faced with this expansion project.
    a. Why will the 1993 commitment to close the existing landfill once full not be respected?
    b. Should this proposed expansion of the Westville landfill go through, what assurances are there that there won't be yet more land purchased, and more cells opened in the future?
13. Why should concerned citizens believe any assurances that will be made regarding the proposed expansion given that 1993 promises were broken? (Stolecki)

Response

Since many individuals that are currently involved in the proposed landfill expansion were not involved in the original siting of the landfill site, this topic cannot be discussed in much detail. The Draft and Final Environmental Impact Statements would not have been accepted by the CFSWMA and the NYSDEC during the original (early 1990's) landfill siting and permitting process had adequate concerns been left unanswered at the culmination of the SEQR and permit review processes.

Subsequent to construction of the landfill in 1993, CFSWMA has monitored the quality of groundwater and surface water surrounding the site based on NYSDEC permits and approved protocols and procedures. Results of these monitoring efforts are submitted quarterly to the NYSDEC.

The CFSWMA is not aware of any commitments that may have been made in the early 1990's to provide Canada with sampling and monitoring procedures or results or that indicate any promises that the landfill would be closed once Cells #1-4 were filled.

The scope of the proposed landfill expansion is as described in the DEIS. The CFSWMA has given no consideration to any potential landfill expansions beyond what is currently presented in the DEIS.

Please refer to the response to Comment E.7.4 regarding the availability of landfill testing data.

E.13.4 Submitted by I. Hristova (W-12/3/08)

(1) The environmental impact report was done by the same company that drew up the plans and the estimate for the project—not by an independent organization such as the BAPE in Quebec.

Response

The United States does not have a public organization equivalent to the Bureau d'audiences publiques sur l'environnement (BAPE). However, the BAPE's purpose is to "inform and consult the population on questions related to the quality of the environment or on any project likely to have significant environmental effects." They also hold "hearings in the community in question to allow people to participate more easily and voice their concerns" (Québec Portal). The purposes of the BAPE compare to the reasons behind the implementation of the State Environmental Quality Review Act. As part of the SEQR process for the proposed CFSWMA landfill expansion, comments and questions from the public were documented on two (2) occasions, one being a public scoping meeting and the second the DEIS public hearing. The proposed CFSWMA landfill expansion project is following the SEQR process since the project is located in New York State, United States.

E.13.5 Submitted by C. DeBellefeuille (W-12/1/08)

A request for a permit to expand the site has been filed with the New York State Department of Environmental Conservation (NYSDEC) along with an environmental impact study commissioned by the manager, and NYSDEC approval is expected.

Response

It should be noted that a permit to expand the landfill site has not yet been filed with the NYSDEC, as this comment states. It is anticipated that a 6 NYCRR Part 360 permit application will be submitted to the NYSDEC shortly after the conclusion of the SEQR process for this project.

E.13.6 Submitted by C. DeBellefeuille (W-12/1/08)

Given the geographic location of the Westville landfill site, I feel that environmental impact studies should be conducted to gather independent expert advice. More joint action by environmental authorities and elected officials, both American and Canadian, would also be advisable.

Response

All environmental investigations conducted to date with regard to the proposed CFSWMA landfill expansion project have followed documented protocol and methodologies. Data collected accurately depicts the characteristics and features of the existing landfill site and the proposed expansion area. During the NYSDEC permit review process, more detailed information will be obtained and compiled in order to apply for the NYSDEC permits that are required to build and operate the proposed landfill expansion. Should the Canadian government choose to fund such research, any variety of environmental impact studies could be conducted on Canadian soil. However, there is no plan for such a study to be undertaken by the CFSWMA since potential environmental impacts to lands within the United States and Canada are included in the DEIS for this proposed landfill expansion project. Please refer to the response to Comment E.13.1 for more information.

E.13.7 Submitted by S. Evett (T-53)

And that I would ask that those items that the DEC referred to be addressed in such a way that we all have the response from this organization that's requesting to enlarge the landfill.

Response

Please refer to Section III(A) of the FEIS to review the responses to the comments submitted by the New York State Department of Environmental Conservation.

E.13.8 Submitted by C. DeBellefeuille (T-56/57)

Such a major expansion of a landfill site on the "administrative" border of our two countries requires consultation not only with the American citizen but also with their next-door neighbors.

Response

Consultation with the public has been conducted by the CFSWMA on two occasions during the State Environmental Quality Review Act (SEQRA) process:

1) Public Scoping Meeting and comment period
   a. The public scoping meeting was held on May 22, 2008, and the comment period ran from April 24, 2008 to May 30, 2008.
2) DEIS Public Hearing and comment period
   a. The DEIS public hearing was held on November 5, 2008, and the comment period ran from October 23, 2008 to December 1, 2008.

On both occasions, United States and Canada residents and officials were present and provided verbal comments which were documented by a stenographer. Written comments were also received by residents and officials of both Countries during the comment period for each public meeting.

E.13.9 Submitted by N. Rennie (T-66)

The province of Quebec and the United States of America are neighbors and so there is a social, moral, spiritual aspect that must not be ignored.

Response

The CFSWMA's intentions are to continue to provide a public waste management and recycling service, which includes the proposed landfill expansion, and to do so in the spirit of cooperation with all of its neighbors – including those who live near the landfill on Trout River Road and those who live across the border in Canada.

E.13.10 Submitted by M. Partridge (T-111)

Is somebody going to answer these questions? I don't know your protocol. I don't know your policies.

Response

All substantive comments that were made either verbally at the proposed CFSWMA landfill expansion DEIS hearing on November 1, 2008, or received electronically or in the mail by December 1, 2008, have been responded to and are included in this section of the FEIS.

E.13.11 Submitted by M. Partridge (T-114)

But will you make a point that our members of Parliament will get something really in writing or do we have to go on some sort of site and find it?

Response

All individuals who are on the project mailing list, this includes participants from the public scoping meeting and the DEIS public hearing who supplied their address or email, will receive an email or a notice in the mail (depending on which contact information was provided) when the FEIS has been approved and issued by the CFSWMA. This notice will also include information on where it is available for review. The proposed CFSWMA landfill expansion FEIS is available for review at the CFSWMA landfill office located at 828 County Route 20 in Constable, New York, and at the following libraries in the United States: Chateaugay, Hogansburg, Malone, Saranac Lake, and Tupper Lake, and at the following libraries in Canada: Valleyfield, Ormstown, and Huntingdon. The FEIS and all of its appendices are available for review on the County of Franklin's website at the following address: www.franklincony.org/content/Generic/View/18. In addition, as was done with the DEIS, hard copies of the FEIS will be supplied to the following municipalities and agencies: NYSDEC, Town of Westville, Town of Constable, SCABRIC, Franklin County, Town of Burke, Consulate General of Canada, Ministère du Développement durable, de l'Environnement et des Parcs, Municipalité du canton d'Elgin, Municipalité de la paroisse de Saint-Cyprien-de-Naperville,

Municipalité de Sainte-Marthe, Municipalité de Saint-Chrysostome, Municipalité de la ville d'Huntingdon, Municipalité du canton de Hinchinbrooke, Municipalité du canton de Godmanchester, Municipalité de Franklin, Municipalité de Ormstown, Municipalité du Village de Howick, Municipalité de la ville de Mercier, Municipalité de la ville de Châteauguay, MRC Le Haut-Saint-Laurent, and CRÉ Vallée-du-Haut-Saint-Laurent.

E.14 Monetary Considerations

E.14.1 Submitted by A. De Martin (W-11/27/08)

As well, what will be done in terms of compensation if there's ever unfortunately, a leak of waste contaminates, of any kind, into our water supplies from the County of Franklin Solid Waste management Authority Landfill site located in Westville, New York?

Response

In the unlikely event that any such landfill contamination should occur, then the CFSWMA would be responsible for remediating the contamination and for providing compensation that is adequate for the specific circumstances of that situation.

E.14.2 Submitted by F. Blackburn (W-12/1/08), A. Stolecki (W-11/30/08), H. Dressel (W-11/30/08), C. DeBellefeuille (T-57)

Have they determined exactly how they will compensate the affected property owners of some of the richest agricultural lands in Quebec, as well as ordinary citizens and municipalities? (Blackburn)

c. What funds have been allocated to defend Franklin County against the inevitable lawsuits that will be launched should test wells show groundwater contamination?
d. Why is there no mention in the EIS of the establishment of a Designated Trust Fund which is the normal economic protection against such legal suits?
b. Should there be contamination of Canadian water and soil as a result of the expansion, what funds have been allocated to defend Franklin County against the international lawsuits that will certainly follow?

c. What designated funds does the CFSWMA have to monitor, operate and maintain this landfill site in perpetuity, which is the only way to protect the county from tort lawsuits originating locally or in Canada? (Stolecki)

Is there a designated budget to pay for monitoring the leak-detectable cover (mentioned below), or the liners planned for this facility, that takes into account not only monitoring costs for as long as the landfill is in the county, that is, in perpetuity, but mitigation costs of exhuming wastes in the case of a leak? In other words does the County of Franklin Solid Waste Management Authority have sufficient *designated funds* to monitor, operate and maintain this landfill site *in perpetuity,* which is normal, modern procedure in landfill design, as it is the only way to protect county ratepayers from tort lawsuits originating locally or in Canada? (Dressel)

Since monitoring means responding to a possible problem, where will the funds be found if a problem does arise? Franklin County taxpayers should be very clear on this. (Dressel)

What financial compensation would there be for owners of agricultural land that is among the best in Quebec, and for neighboring residents and municipalities? (DeBellefeuille)

Response

The environmental safeguards included in the CFSWMA's existing landfill and that will be incorporated in the proposed landfill extension are intended to protect the environment and public health, to ensure that no off-site contamination ever occurs. These environmental safeguards are summarized on pages S-6 to S-8 of the DEIS and are delineated in the responses to Comments E.7.4 and E.7.5 in this FEIS.

Nonetheless, in the unlikely event that any such landfill contamination should occur off-site, then the CFSWMA would be responsible for remediating the contamination and for providing compensation that is adequate for the specific circumstances of that situation. It is the CFSWMA's understanding that its environmental liability insurance coverage would apply to any location or circumstance in which the CFSWMA's facilities were

deemed responsible for damaging the environment, either in the United States or in Canada. As of the date of this FEIS, a specific trust fund to deal with future lawsuits has not been established by the CFSWMA.

Appendix A of the DEIS outlines the contingencies to be followed upon determining a primary and secondary liner system failure including potential waste removal for liner system inspection and the eventual closure of the landfill. Section 2.1 and Figure 1.3 of the DEIS outlines the development of the landfill expansion and how the landfill is divided into various cell areas. As described in Section 2.2.3 of the DEIS, the cell areas are graded to allow for leachate collection and individual cell leak detection and metering. The reason the landfill is sectioned into these individual cell areas is to reduce the monitoring area to a more manageable size, instead of monitoring the entire landfill area as one unit, to allow for more efficient leachate collection and to isolate a potential defect to a smaller section of the landfill. Therefore, if waste removal is necessary as outlined in Appendix A, the volume of waste necessary for removal can be limited to a manageable quantity instead of excavating the entire landfill footprint.

The CFSWMA's annual budget allocates funds to pay for future expenses, including foreseeable expenses for future capping and post-closure monitoring of the landfill site. In the event that the CFSWMA's proposed landfill expansion becomes operational, it will have an on-going source of funds (its tipping fee revenues) to help pay for the capping and monitoring of portions of the landfill that have been filled and capped.

E.14.3 Submitted by G. Perron-Piché (T-68)

This landfill is likely to be a financial burden for the citizens of Franklin County, while moving early to better waste management policies would better protect the environment and could become a significant source of wealth and expertise.

Response

Refer to the response to Comment D.14.4 for information regarding the monetary agreement between the CFSWMA and the Franklin County Legislature. Landfilling is not the only waste disposal

method that has the potential to impact surrounding environmental resources. The maximum effects of some new waste management processes have not even been fully studied. Even if other processes were utilized to dispose of solid waste material, there are always remnant substances and byproducts that require landfilling because there is no other method to dispose of them. The fact that there are multiple active landfill locations in New York and in Quebec indicates that these alternative methods of solid waste disposal are not 100% effective in taking care of all materials and products requiring disposal. The CFSWMA also provides a public service in that it provides the recycling facilities for use by County residents and it sponsors household hazardous waste collection days to aid people in the proper disposal of harmful household products.

E.15 Economic Concerns

E.15.1 Submitted by G. Perron-Piché (T-68)

Is there any assessment how many jobs would be created by significantly increasing recycling rates and implementing an innovative, safer waste disposal method.

Response

Please refer to the response to Comment E.3.6 regarding the variety of waste processing and disposal options that were considered as alternatives to landfilling, and to the response to Comment E.15.2 regarding the CFSWMA's purpose in pursuing this landfill expansion project.

While the CFSWMA is supportive of job creation, it is primarily tasked with providing an environmentally sound, economical and dependable waste disposal service to the residents and businesses of Franklin County. While continuing to take steps to provide economical services, and at the same time enhance recycling in the County, as described in Section 8.1.3 of the DEIS, it constantly strives to invest in recycling activities that it can afford and that it has the funds to invest in. An assessment of how many jobs could potentially be created by significantly increasing recycling rates has not, however, been undertaken by the CFSWMA.

As stated in Section 3.2.3 of the DEIS, the implementation of an expanded landfill at its current location helps retain existing employment opportunities in the area, will create new jobs during construction, and will help keep money in the local economy that can contribute to the funding of public services and can help generate demand for secondary support services. The CFSWMA considers and evaluates need, reliability, environmental impact, cost and other factors, in addition to prospects for job creation, in selecting components of its waste management strategies.

E.15.2 Submitted by G. Perron-Piché (T-68)

Why the landfill expansion? Considering that the President elected yesterday as well as his opponent spoke clearly in favor of carbon cap and trade. Considering that the prices of commodities and therefore recyclable materials are soaring, considering that the energy prices are skyrocketing and that the energy supplies are everyday lowered, the odds are that the proposed landfill won't be profitable for long.

Response

For the reasons that the CFSWMA is pursuing this project, please see the response to Comment E.2.7. Economic issues in the recycling industry can be very volatile. As the world economy struggles with the current recession, the recycling market sector is affected just as are most sectors of the economy. Recyclables markets that were soaring just six months ago are now almost universally lower, impacted by lower consumer demand for materials and cutbacks in most manufacturing sectors. However, our residents and businesses continue to generate waste, and the CFSWMA continues to meet its obligations to the residents and businesses of the County to provide environmentally sound, economical and dependable waste recycling and disposal services, both now and in the future.

E.15.3 Submitted by G. Perron-Piché (T-69/70)

Has an economic assessment of jobs creation by this landfill expansion showed that it would surpass the jobs creation that better waste management policies would give? And does the

expertise gained through this expansion outweigh the expertise that could be developed and exported out of the county by the implementation of better waste management policies?

Response

Please refer to the response to Comment E.15.1 as a partial response to this question. In reviewing alternate waste disposal technologies, the reliability and dependability of the various available technologies, the economics of the alternatives, and the proven environmental security of the alternatives were all factors considered. The impact on local employment was not a significant factor in the evaluation of waste disposal alternatives. The CFSWMA's purpose in undertaking this project is clearly stated in the response to Comment E.15.1; while the CFSWMA generally supports the creation of new jobs in the County, its primary mission is to provide environmentally sound, economical and dependable recycling and solid waste management services to the residents and businesses of Franklin County. To focus primarily or solely on job creation may significantly increase the overall cost of its services to its customers, which could directly conflict with The CFSWMA's stated purpose described in Section 1.2 of the DEIS.

E.16 Property Values

E.16.1 Submitted by J.P. Proulx (W-12/1/08)

As a small community with a small tax base, how will we be compensated for a decrease in property values or for having to supply water to our residents in the event of a disaster related to the site?

Response

In the unlikely event that landfill contamination should occur off-site, the CFSWMA would be responsible for remediating the contamination and for providing compensation that is adequate for the specific circumstances of that situation. It is the CFSWMA's understanding that its environmental liability insurance coverage

would apply to any location or circumstance in which the CFSWMA's facilities were deemed responsible for damaging someone's water supply.

For more information regarding the potential property value impacts that this project may have, refer to Section 3.2.5 and Table 16 in the DEIS.

Appendix AA

Index of Persons Who Submitted Comments

Exhibit AA

Index of Persons Who Submitted Comments

The names of persons who submitted comments on the DEIS are listed below in alphabetical order. Next to each person's name is the page number(s) on which a summary of his or her comment can be found. The CFSWMA's response immediately follows each comment. The transcript of the November 5, 2008 public hearing on the DEIS and the comment letters are reproduced in Appendix CC (separately bound volume).

Index of Persons Who Submitted Comments
- Continued -

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- Continued -

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- Continued -

Index of Persons Who Submitted Comments
- Continued -

Appendix BB

Correspondence and Other Materials

RECYCLING SUMMARY
COUNTY OF FRANKLIN SOLID WASTE MANAGEMENT AUTHORITY
YEARS 1996 - 2007

Category	Calendar Year											
	1996	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**
Total Municipal Solid Waste[1]	16,223	20,348	24,834	21,532	20,868	23,140	25,202	23,506	25,512	26,593	25,547	25,303
Recycled Beneficial Use Debris (BUD) [2]	656	582	540	1,011	1,024	1,422	1,752	1,511	1,797	1,985	2,105	2,298
Total CFSWMA Recycling & Yard Waste[3]	1,061	1,364	673	1,104	1,172	1,781	1,534	1,829	1,532	1,641	1,506	1,491
Total CFSWMA Recycling & Yard Waste including BUD:	1,717	1,946	1,213	2,115	2,196	3,203	3,286	3,340	3,329	3,626	3,611	3,789
Total Franklin Co Waste Stream through CFSWMA:	17,940	22,294	26,047	23,647	23,064	26,343	28,488	26,846	28,841	30,219	29,158	29,092
CFSMWA RECYCLING RATE w/ BUD:	**9.6%**	**8.7%**	**4.7%**	**8.9%**	**9.5%**	**12.2%**	**11.5%**	**12.4%**	**11.5%**	**12.0%**	**12.4%**	**13.0%**
CFSWMA RECYCLING RATE w/o BUD:	**5.9%**	**6.1%**	**2.6%**	**4.7%**	**5.1%**	**6.8%**	**5.4%**	**6.8%**	**5.3%**	**5.4%**	**5.2%**	**5.1%**
Total Recycling by Private Haulers[4]:								1215	942	1,285	1,112	1,005
NYS Correctional Facility Recycling[6]:											141	148
NYS Correctional Facility Composting[5]:											925	925
Total Outside CFSWMA Recycling/Composting:											2,178	2,078
Total Waste Stream through CFSWMA & Outside System:											31,336	31,170
TOTAL FRANKLIN COUNTY RECYCLING RATE w/ BUD:											**18.5%**	**18.8%**
TOTAL FRANKLIN COUNTY RECYCLING RATE w/o BUD:											**11.8%**	**11.5%**

Notes:

1. Municipal Solid Waste includes MSW collected in Franklin County only. Data complied from CRA.
2. Beneficial Use Debris (BUD) consists of sludge utilized as ADC at the landfill in leiu of natural soil. Data compiled from CRA.
3. CFSWMA Recycling includes recycables collected at CFSWMA transfer stations, landfill facility and yard waste excluding BUD. Does not include HHW collections. Data compiled from CRA.
4. Total Recycling by Private Haulers provided by NYSDEC. Includes recyclables collected within Franklin County but not processed through CFSWMA system.
5. NYS Correctional Facility Composting in Franklin County estimated by NYS Corrections based on compost rates per inmate.
6. 2006 NYS Correctional Facility Recycling estimated by NYS Corrections information for the Clinton Hub, with the Franklin County Facilities separated. 2007 data provided by NYSDEC.
7. Shaded area indicates incomplete data.

WAIVER

I am the owner of approximately 367-acres of active farmland located at Tax Map SBL# 25.-5-2, 25.-6-7, and 25.-6-8 on County Route 20 in the Town of Westville, Franklin County, which is proposed to be acquired by the County of Franklin Solid Waste Management Authority in Franklin County Agricultural District FRA01, Agricultural District #32 and portions of 13, as indicated on the attached Figure 1. Pursuant to Section 305(4)(d) of the Agriculture and Markets Law of the State of New York, I hereby waive the requirement that the County of Franklin Solid Waste Authority file with the Commissioner of Agriculture and Markets and the County Agricultural and Farmland Protection Board a Preliminary and Final Notice of Intent in accordance with paragraphs (b) and (c) of Section 305(4) of the Agriculture and Markets Law.

Marshall McIrath

Name: Marshall McIrath
Address: 775 County Rt 20
Constable NY 12926
Phone: (518) 483-7395

ACKNOWLEDGEMENT

STATE OF NEW YORK

ss.:

COUNTY OF FRANKLIN

On the 2 day of May, in the year 2008, before me, the undersigned, personally appeared Marshall McIrath, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JILL A. WOOD
Notary Public, State of New York
No 01SH6024326
Qualified in Franklin County
Commission Expires May 10, 20 11

Jill A. Wood
Notary Public

OFFICE OF PARKS, RECREATION, HISTORIC PRESERVATION
NEW YORK STATE

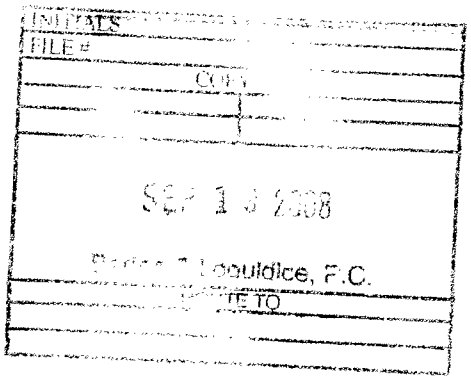
David A. Paterson
Governor

Carol Ash
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

September 12, 2008



Johanna E. Duffy
Environmental Scientist III
Barton & Loguidice, P.C.
290 Elwood Davis Road
Box 3107
Syracuse, New York 13220

Re: DEC – Landfill Expansion
Franklin Co. Solid Waste Auth.
Westville, Franklin County
07PR03445

Dear Ms. Duffy:

Thank you for your letter of July 31, 2008, by which you submitted a revised proposal for the landfill expansion that retains the historic brick farmhouse with a buffer of 350 to 400 feet from any landfill activity.

The Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed this submission in accordance with Section 14.09 of the Parks, Recreation and Historic Preservation Law and finds that the proposal, as revised, is an acceptable compromise that may allow for future preservation and use of this historic property. Although the historic setting is degraded to a degree, it is the OPRHP opinion that the revised project will not adversely impact the farmhouse and barns.

If you have any questions regarding this review, please call me at (518) 237-8643, extension 3283 or email me at james.warren@oprhp.state.ny.us.

Sincerely,

James Warren
Historic Sites Restoration Coordinator

cc: Denise Wagner, DEC Region