

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
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www.dec.ny.gov

June 15, 2022

Re: Responsiveness Summary
DEC Application# 8-4422-000051/00001
County Line MRF Proposal
1313 Recycle Lane
Town of Cayuta, Schuyler County

Dear Interested Individual,

Thank you for the comments you provided during the extended public notice periods of the above-referenced permit application. The New York State Department of Environmental Conservation (the Department) has reviewed all of the comments you and others submitted on this project and offers the following responses:

- 1) Traffic** – The comments received expressed concern with traffic on State Route 13 due to the potentially increased levels of truck traffic.

Response: The facility is served by NY State Route 13 (Elmira Road). The entrance to the facility is approximately one-mile northeast of the intersection with NY-224 along a stretch with good sight lines. Incoming waste vehicles enter the facility from NY-13 and travel north along the access road into the facility. The facility entrance has been made to accommodate several tractor-trailers or collection vehicles for queuing. If conditions warrant, vehicles will queue along the gravel access road. In the event that traffic becomes congested, County Line MRF employees will manage traffic.

The New York State Department of Transportation (DOT) has reviewed this project and no specific transportation impact concerns were raised by DOT. As of a letter dated September 28, 2020, they had no environmental or traffic concerns and a DOT Highway Work Permit for the project was issued on December 3, 2020.

All vehicles using this road are subject to all applicable NYS traffic laws, and any specific speeding or other traffic law concerns should be directed to the county Sherriff's office, or the NYS Troopers.

- 2) Surface Water/Stormwater** - The comments received expressed concern about storm and/or floor drain water from the facility reaching the nearby stream which flows downstream from the facility.

Response: The facility will disturb approximately 0.412 acres within a 7.4-acre property. The facility obtained permit coverage under the General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, on August 8, 2019 and began construction activities shortly after. As per the General Permit, authorization under GP-0-20-001 is not effective until all necessary Department permits subject to the Uniform Procedures Act have been obtained. The



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Department warned the permittee of this requirement and then issued a Notice of Violation requiring the facility to be stabilized and construction activities ceased until all other necessary permits had been obtained for the proposed facility. The facility complied with the requirements of the issued Notice of Violation and has temporarily ceased construction activities.

Erosion and sedimentation controls will be used. No significant amount of vegetation will be removed therefore the erosion potential is low.

A Federally mapped freshwater wetland lies to the east of the facility and completely off the facility's property. In coordination with the US Army Corps of Engineers (USACE) and with the US Environmental Protection Agency (EPA), the USACE and EPA have stated that they consider the County Line MRF project non-jurisdictional. The eastern facility border is near a Class C non navigable stream, #931-16. It is tributary to a Class C(T) stream approximately $\frac{3}{4}$ of a mile downstream. Standard Stormwater, and erosion and sedimentation controls will be used. No significant amount of vegetation will be removed and therefore the erosion potential is low.

A drain in the floor of the loading bay will convey liquids, including leachate, to a double-walled 4,000 gallon holding tank with an overflow alarm. The contents of the holding tank are to be periodically hauled offsite by Clean Earth Septic Service LLC and taken to Ithaca Area Wastewater Treatment, or the Chemung County Wastewater treatment plant should the Ithaca Area plant be closed. In review of the stormwater and potable water for this facility, staff from the DEC, from Hornell District Office of the New York State Department of Health, and from the Schuyler County Watershed Protection Agency either approved or found no concerns with the proposed designs.

Therefore, no significant adverse impacts to surface waters are anticipated as a result of the project.

- 3) **Groundwater** – The comments received expressed concern about floor drain or other liquids from the facility escaping and the potential for groundwater impacts to nearby wells with regards to water quality.

Response: A drain in the floor of the loading bay will convey liquids, including leachate, to a double-walled 4,000 gallon holding tank with an overflow alarm. The contents of the holding tank are to be periodically hauled offsite by Clean Earth Septic Service LLC and taken to Ithaca Area Wastewater Treatment, or the Chemung County Wastewater treatment plant should the Ithaca Area plant be closed. In review of the stormwater and potable water for this facility, staff from the DEC, from Hornell District Office of the New York State Department of Health, and from the Schuyler County Watershed Protection Agency either approved or found no concerns with the proposed designs.

- 4) **PFAS** – The comments received expressed specific concerns about PFAS or other contaminants that may present in runoff or the working floor from the facility escaping, and the concomitant potential for impacts to surface waters and/or groundwater.

Response: Last year Governor Andrew M. Cuomo announced that New York State has adopted a first-in-the-nation drinking water standard for the emerging contaminant 1,4-Dioxane. New York State has also set maximum contaminant levels for

emerging contaminants PFOA and PFOS in New York's drinking water, which are among the lowest in the U.S. The new regulations require public water systems in the state to regularly test and monitor for these chemicals to ensure the health of public users of their systems.

New York State agencies have taken unprecedented action to investigate and clean up PFAS contamination and to ensure New Yorkers have access to clean water. To support this effort, the Department of Environmental Conservation works with our partners at the State Department of Health and numerous entities, including local health departments, drinking water providers and authorities, and federal, state, county, and municipal governments to ensure groundwater and surface water resources are protected and clean. New York State has dedicated significant resources to assess emerging contaminants like PFAS and 1,4-Dioxane across the state.

5) Visual Resources – The comments received expressed concern about the degradation of the area's visual and aesthetic resources due to the proximity of the project facility to public recreational lands.

Response: The project is less than 5 miles from a State Game Refuge (Connecticut Hill Wildlife Management Area) and a State Forest (Newfield State Forest), categories of areas that are considered aesthetic resources of statewide significance per DEC guidance contained in DEP-00-2 Assessing and Mitigating Visual and Aesthetic Impacts.

The Connecticut Hill Wildlife Management Area (WMA) lies north east of the facility's property line. The nearest WMA hiking trail to the facility is approximately 2.7 miles away. The facility is not visible from the publicly accessible hiking trail.

The Newfield State Forest lies on the other side of Route 13, with the nearest trail (a snowmobile trail) laying approximately 2.4 miles northeast of the facility in question. The project will be partly visible, but with other buildings along Route 13 including a bar and grill across the street, several residences, and an auto repair facility 2/3 mi. north, some development is existent and visible in the area and therefore the project is not in sharp visible contrast with other existing land uses in the area. A limited portion of the project may be visible with vegetation, distance and topography screening and softening the visibility of it.

6) Noise – The comments received expressed concern about excessive noise from the proposed operations.

Response: 6 NYCRR Part 360.19(j) regulates noise levels at solid waste management facilities including this project. The owner or operator of a facility must ensure that noise (other than that occurring during construction of the facility) resulting from equipment or operations at the facility does not exceed the following energy equivalent sound levels beyond the property line owned or controlled by the owner or operator of the facility at locations authorized for residential purposes (with the exception of properties for which a regulatory variance or noise easement have been obtained):

Noise Level Limit for a rural setting
From 7 a.m. – 10 p.m.: 57 dBA
From 10 p.m. – 7 a.m.: 47 dBA

The noise analysis included an ambient noise study with a measured ambient Leq of 64 dBA which was used as the ambient sound level at the "Donald Philips Property Line". The two other Points A and B were assumed to be further from the road and were held to the above-referenced Noise Level Limits for a rural setting of 57 dBA, since hours of operation are from 8 am to 6 pm Monday through Friday and from 8 am to 3 pm Saturday.

The application notes that background sources contributing to the measured ambient noise level included traffic traveling at speed along NYS Route 13 (55 MPH zone), and the wood mill that is located southwest of the project on NYS Route 224.

Calculations of final projected facility-generated noise levels were, from north to south respectively:

Study Point A: 55dBA
Study Point B: 58dBA
Donald Philips Property Line: 63dBA.

Given the ambient Leq of 64 dBA for the Donald Philips Property Line, the Leq sound levels from facility sources and background sources when combined do not exceed the Leq sound level of the background sources alone.

Given the 57 dBA limit applied to points A and B, the Leq sound levels from facility sources and background sources when combined do not exceed the Leq sound level of the background sources alone by more than three decibels (A).

The projected sound takes into account the building walls, trees/vegetation and distance to neighboring property lines, and a proposed 8 foot high, 2 foot thick block wall at the location of the loudest noise source (a tub grinder, at 91dBA, to be onsite intermittently). Much of the facility equipment is operated within the building or on the northern side of the building which will act as a barrier to reduce sound from the nearest neighbors to the south. Drivers entering the facility will be warned of faulty exhaust systems and advised to have them repaired prior to re-entry. Internal combustion-powered equipment used at the facility is equipped with mufflers.

Per 360.19 Operating requirements, the noise analysis indicates that sound levels at the points of reception at the property lines will not be perceptible, similar to or only slightly elevated as compared to ambient conditions, and therefore no further evaluation is required. No significant adverse noise impacts are expected to result from this project.

The Department has been provided with copies of executed easement rights relative to noise in connection with the construction, operation and management of the Facility on and over the two adjacent properties which are both under control of the owner, Robert L Mente Jr. The two properties are identified on the tax maps of the Town of Cayuta as Tax Map No.109.00-2-50.32 (BAAM Properties, LLC) and Tax Map No. 109.00-2-50.4 (Robert L. Mente, Jr).

7) Odors – The comments received expressed concern over the generation of odors from materials and waste that would be onsite.

Response: Control of odors and dust will be achieved by cleaning waste handling and

storage areas on a regular basis. A cleanup time will be observed at the end of each day of operation in order to prevent odors and other nuisance conditions. Material will be consolidated into containers. Odor neutralizers and deodorizers will be used as needed to control any short-term problems. Trucks are not permitted to idle their engines for longer than three minutes.

Hopefully, this information is helpful to your understanding of the DEC review of this permit application. DEC believes that the issues raised in your comment letter have been addressed during the permit application review and therefore, DEC has issued the Solid Waste Management permit for this project. I have enclosed a copy of the permit for your information.

Any compliance issues related to the topics addressed above may be reported to the Division of Materials Management in Region 8:

Division of Materials Management
Department of Environmental Conservation Region 8
6274 Avon-Lima Rd
Avon, NY 14414
Phone: 585-226-5373.

As ever, we value and appreciate public comments and thank you for your involvement in the permitting process. If you have any questions about this letter, please call me at (585) 226-5391 during office hours or email anytime at guillermo.saar@dec.ny.gov.

Sincerely,



Guillermo Saar
Environmental Analyst