

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

October 6, 2008

Nicholas J. D'Antonio, Commissioner
City of Albany
Department of General Services
1 Connors Blvd.
Albany, NY 12204

Re: Notice of Complete Application/Acceptance of SDEIS/Notice of Legislative Hearing
Rapp Road Landfill - Eastern Expansion
Solid Waste Management Facility (DEC# 4-0101-00171/00011)
Air Title V permit (DEC# 4-0101-00171/00013)
Freshwater Wetlands (DEC# 4-0101-00171/00015)
401 Water Quality Certification (DEC# 4-0101-00171/00016)

Dear Commissioner D'Antonio:

Enclosed is a combined Notice of Complete Application, Acceptance of SDEIS and Notice of Legislative Hearing for the Rapp Road Landfill Eastern Expansion proposal. Please have the entire Notice published in the *Albany Times Union*, one time, on any day, Monday through Friday during the week commencing on October 6, 2008.

Please request that the newspaper publisher provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication please forward it to me for our files. You must provide the Proof of Publication before a decision can be rendered on your applications. You are responsible for paying the cost of publishing the Notice in the newspaper.

This notification does not signify approval of your permit applications. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your applications. Please feel free to contact me at this address or at 357-2446 should you have any questions pertaining to this notification.

Sincerely,

Angelo A. Marcuccio
Environmental Analyst

Enclosure - Notice of Complete Application

c: Honorable Gerald D. Jennings, Mayor, City of Albany, w/enclosure
Christopher Einstein, Clough Harbour & Associates, w/enclosure

**NOTICE OF COMPLETE APPLICATION
NOTICE OF COMPLETION OF SDEIS
NOTICE of PUBLIC HEARING**

Date: October 6, 2008
Applicant: City of Albany, Department of General Services
Address: 1 Connors Blvd., Albany, NY 12205
Facility: Rapp Road Landfill

Permits applied for and application numbers:

Modification to NYS Solid waste Management Facility permit (6NYCRR Part 360)
DEC# 4-0101-00171/00011

Renewal/Modification to NYS Air Title V permit (6NYCRR Part 200)
DEC# 4-0101-00171/00013

Freshwater Wetlands permit (6NYCRR Part 663)
DEC# 4-0101-00171/00015

401 Water Quality Certification (ECL Article 15)
DEC# 4-0101-00171/00016

SPDES Stormwater Management permit (ECL Article 17)

Project description and location:

The proposed project involves the expansion of the existing City of Albany landfill, located on Rapp Road, onto City-owned lands located east of the existing landfill. The proposed expansion, commonly referred to as the "Eastern Expansion," will allow the City to continue to meet the solid waste disposal needs of City residents and businesses as well as the communities that make up the Albany New York Solid Waste Energy Recovery System (ANSWERS) Solid Waste Management Planning Unit, and the Capital Region as a whole.

The main components of the landfill expansion include a landfill liner system, leachate collection and removal system and a landfill gas control system.

The Eastern Expansion of the landfill involves an overfill of approximately 23 acres of the existing landfill and a lateral expansion of approximately 15 acres that includes 2 acres within the existing landfill operations area (disturbed/developed lands) and 13 acres within undeveloped City-owned property directly to the northeast. The City proposes to relocate existing landfill infrastructure including offices, the recycling building, and other accessory uses to several privately-owned parcels totaling approximately 3.5 acres located directly east of the landfill entrance road.

The proposed expansion would have a project capacity of approximately two million tons and is projected to extend the life of the current landfill for approximately 6.5 years.

The expansion would require the direct filling 5.05 acres of wetlands and an additional 4.06 acres of wetlands would be regraded as part of the overall wetland mitigation and restoration plan. The mitigation plan for the wetland impacts will involve the creation of 22.14 acres of new wetlands in areas that are currently uplands. An additional 27.45 acres of existing wetlands would be enhanced in quality and function.

The proposed expansion involves a modification to the landfill's existing Solid Waste Management permit and a modification/renewal to the facility's Air Title V permit. It will also require a new Freshwater Wetlands permit along with a Section 401 Water Quality Certification for the proposed disturbance of State and federally regulated wetlands. A SPDES Stormwater permit is also needed for construction related activities.

State Environmental Quality Review (SEQR) Determination:

The project is a Type I action and may have a significant impact on the environment. A coordinated review was performed and a positive declaration was issued. The applicant has prepared Supplemental Draft Environmental Impact Statement (SDEIS) for this action which updates a previously prepared DEIS for this facility. The DEC, as the SEQR Lead Agency has accepted this SDEIS document as being complete.

SEQR Lead Agency: NYS Department of Environmental Conservation

Uniform Procedures Act: This project is considered a Major action under this act.

State Historic Preservation Act (SHPA) Determination: A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no adverse impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

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

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29):
It has been determined that the proposed action is not subject to CP-29.

Statutory and Regulatory Provisions:

This application was filed and reviewed pursuant to Environmental Conservation Law ("ECL") Article 3, Title 3 (General Functions), Article 8 (State Environmental Quality Review), and Article 70 (Uniform Procedures); and pursuant to Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6NYCRR") Part 617 (State Environmental Quality Review), Part 621 (Uniform Procedures), Part 360 (Solid Waste Management), Part 663 Freshwater Wetlands, and Part 608 (Protection of Waters.)

Public Legislative Hearing: A legislative public comment hearing will be held on Wednesday, November 5, 2008, commencing at 7:00 p.m. at the Polish community Center, Washington Avenue Extension, Albany. All persons having an interest in this project are urged to attend or be represented either individually or collectively and provide verbal comments on the pending applications. It is not necessary to file a written request in advance to speak at the legislative hearing. Written statements and comments on the application are encouraged and any statements and comments may be filed prior to or at the hearing, but no later than the deadline for written comments.

This hearing location is reasonably accessible to persons with a mobility impairment. Interpreter services may also be made available to deaf persons, at no charge, upon written request to the DEC Contact Person named below, no less than one week prior to the hearing, pursuant to SAPA § 202(1).

Following the hearing, the Department will make a determination on whether substantive or significant issues have been raised as defined in 6NYCRR Part 621 Uniform Procedures and whether an Adjudicatory Hearing Issues Conference should be scheduled before an Administrative Law Judge. In order to raise substantive and significant issues written comments expressing objections to or opposition to the application must explain the basis of that opposition and identify the specific grounds which could lead the Department to deny or impose significant permit conditions on the project.

Availability of Documents:

The Department has prepared a draft Air Title V permit which may be reviewed, along with the Supplement Draft Environmental Impact Statement, and supporting documentation, at the locations listed below during normal business hours:

City of Albany, Office of General Services, 1 Connors Blvd., Albany, NY 12205
City of Albany, Main Library, 161 Washington Ave., Albany, NY 12210
Town of Colonie - William K. Sanford Library, 629 Albany-Shaker Road, Loudonville, NY 12211
NYS DEC Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306

In addition, the documents are posted on the world wide web for accessibility by interested parties on the Capital Region Solid Waste Management Partnership website at:

<http://www.capitalregionlandfill.com>

Opportunity for Public Comment:

Written comments may be submitted as follows:

- 1) At the public Hearing on November 5, 2008;
- 2) Mailed to the DEC Region 4 office listed in this Notice;
- 3) Faxed to the DEC Region 4 office at 518-357-2460;
- 4) E-mailed to DEC Region 4 office at: r4dep@gw.dec.state.ny.us

All comments should be addressed to the attention of the DEC Contact person listed in this

Notice and must be received by DEC no later than Close of Business (4:45 p.m.) on November 7, 2008. Comments should include specific information relative to the project.

DEC Contact Person:

Angelo Marcuccio, Environmental Analyst
New York State Department of Environmental Conservation
Region 4 Headquarters
1130 North Westcott Road
Schenectady, New York 12306
(518) 357-2069