

STATE ENVIRONMENTAL QUALITY REVIEW  
POSITIVE DECLARATION  
NOTICE OF DETERMINATION OF SIGNIFICANCE  
AND INTENT TO PREPARE A DRAFT SEIS  
DEPARTMENT APPLICATION NUMBER 9-0636-00006/00013

This notice is issued pursuant to Part 617 of the State regulations for Article 8 (the State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law. The New York State Department of Environmental Conservation (the Department), as SEQRA Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Supplemental Environmental Impact Statement will be prepared after scoping.

TITLE OF ACTION:

Chautauqua County Landfill Lateral Expansion  
Town of Ellery, Chautauqua County

PERMIT JURISDICTION:

The Department's jurisdiction includes permits required by Article 27, Title 7 (Solid Waste Management), Article 17 (State Pollutant Discharge Elimination System) and Article 19 (Air Pollution Control). No discretionary regulatory approvals from other agencies, the Town of Ellery or Chautauqua County have been identified.

SEQRA STATUS:

Type I Action - Applicable Threshold: The expansion of an existing nonresidential facility causing a physical disturbance and alteration of more than 10 acres of land pursuant to 6NYCRR Part 617.4(6)(b)(i).

DESCRIPTION OF ACTION:

Chautauqua County owns and operates the Chautauqua County Landfill, a municipal solid waste disposal facility in the Town of Ellery, New York. The existing landfill footprint occupies about 81 acres and is located on approximately 813 acres of contiguous land. This action involves a lateral expansion of the waste placement area (approximately 53 acres) to the west of the existing landfill. The landfill area together with the perimeter berms, channel and access roads, plus stormwater control ponds totals approximately 74 acres. The proposed action would extend the life of the landfill by about 20 years. The height of the lateral expansion area would be equal to the current design elevation of 1,850 feet. The proposed rate of waste acceptance would not be changed from the existing rate of 1,883 tons per day.

## LOCATION:

The Chautauqua County Landfill is located at 3889 Towerville Road, Jamestown, New York 14701, in the Town of Ellery, Chautauqua County.

## REASONS SUPPORTING THIS DETERMINATION:

During review of this project, the Department identified the following significant and/or potentially significant adverse environmental impacts which must be evaluated in respect to avoidance and potential mitigation of adverse impacts for permit/approval decision purposes:

1. The proposal may adversely affect surface and groundwater water quality due to landfill construction and operation activities, including the potential for surface and ground water to be adversely affected by landfill leachate contamination.
2. The landfill expansion has the potential to cause increased runoff and erosion. There may be adverse impacts to waters and wetlands associated with the proposed landfill construction and operation.
3. Potential significant impacts to air quality could result from increased landfill gas production and fugitive dust emissions. Potentially significant safety and health effects could result from landfill gas migration and release. Impacts on electric power generation will be analyzed in the DSEIS
4. The additional landfill area may create potentially significant adverse noise and odor impacts from construction and operation.
5. There may be potentially significant impacts to natural resources on the site resulting from the lateral expansion.
6. Potentially significant impacts may result from changes to the physical landscape and from construction in areas with relatively steep slopes.
7. Impacts on visual resources may be significant. The landfill expansion will extend the period of time roads are subjected to truck traffic.
8. Impacts to local community services such as fire protection, public water supply and wastewater treatment (i.e. leachate), will be analyzed in the DSEIS.

The Department of Environmental Conservation concludes that the project may have a significant effect on the natural resources of the State and/or the health, safety and welfare of the public and may not be consistent with social and economic considerations. Therefore, a Draft Environmental Impact Statement will be prepared. In reaching this decision, the Department carefully considered the "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7).

FOR FURTHER INFORMATION:

Contact Person: David S. Denk, Deputy Permit Administrator  
New York State Department of Environmental Conservation  
270 Michigan Avenue, Buffalo, New York 14203  
716-851-7165

Date: October 27, 2010

---

David S. Denk  
Regional Permit Administrator

cc: Mr. Mark Hans, NYSDEC, Division of Solid & Hazardous Materials  
Mr. Larry Sitzman, NYSDEC, Division of Air Resources  
Honorable Catharine M. Young, Assemblywoman 149th District  
Honorable Gregory J. Edwards, Chautauqua County Executive  
Honorable Arden E. Johnson, Supervisor, Town of Ellery