

**SECTION I**  
**INTRODUCTION**

The following is the Supplemental Final Environmental Impact Statement (SFEIS) for the expansion of the existing City of Albany Rapp Road Landfill onto City-owned lands located east of the existing landfill (Eastern Expansion), in order to continue to meet the solid waste disposal needs of City residents and businesses as well as the communities that make up the Capital Region Solid Waste Management Partnership (CRSWMP, formerly ANSWERS) Planning Unit, and the Capital Region as a whole. CRSWMP is comprised of a consortium of communities that include the cities of Albany, Rensselaer and Watervliet, the towns of Berne, Bethlehem, Guilderland, Knox, New Scotland, Rensselaerville, East Greenbush, and Westerlo, and the Villages of Green Island, Voorhesville, and Altamont. The purpose of this SFEIS is to respond to comments on the Supplemental Draft Environmental Impact Statement (SDEIS) provided during the comment period.

## **A. PROJECT BACKGROUND**

The project involves two interrelated components that take a holistic approach to the expansion and closure of the landfill in a manner that will meet the waste management needs of the Planning Unit and will ultimately return the landfill to viable pine barrens habitat. The first component is the eastern expansion of the landfill involving an overfill of approximately 23 acres of the existing landfill and a lateral expansion of approximately 15 acres that includes 7 acres within the existing landfill operations area (disturbed/developed lands) and 8 acres within undeveloped City-owned property directly to the northeast. Existing landfill infrastructure including offices, the recycling building, and other accessory uses will be relocated to three parcels totaling approximately 3.5 acres located directly east of the landfill entrance road off of Rapp Road.

The State Environmental Quality Review Act (SEQR) is the process by which the environmental implications of projects that are directly undertaken, permitted, approved or funded by a State, county or local agency are assessed. Based on the need for various permits and approvals and the extent of land disturbance, the SEQR process was initiated with the preparation of a Full Environmental Assessment Form (FEAF). Part 1 of the FEAF was prepared and submitted to NYSDEC as the likely agency to assume Lead Agency status and run the SEQR process. NYSDEC undertook coordinated review with Involved Agencies and was declared Lead Agency without dispute.

A Positive Declaration stating there is a potential for significant impacts from the proposed project was filed on January 22, 2007, which required the preparation of this Fourth Supplemental Draft Environmental Impact Statement (SDEIS).

A supplemental EIS is prepared when there is a modification of a project that was previously subject to the preparation of an EIS. In 1988, the first EIS for the landfill was prepared in support of a Part 360 permit application. Expansion of the landfill over the years required permit modifications and supplements to the original EIS. The first supplemental EIS was prepared in 1994 and was the subject of a permit renewal. In 1996, a second supplemental EIS was prepared for the “wedge” expansion (see Section 2.1 for the history of landfill expansion), followed by the third supplemental EIS associated with the P-4 Expansion in 1999.

A public scoping session on the fourth SDEIS was held on February 21, 2007 to solicit public comment on the Draft Scope. The comment period for the Draft Scope was originally scheduled to close on February 23, 2007 but was extended by NYSDEC to March 10, 2007. Based on the results of the scoping session, the Final Scope was prepared and filed by the Lead Agency on February 4, 2008 and amended by the Lead Agency on April 18, 2008. A copy of the Final Scope is provided in Appendix A for reference. The Final Scope is the framework for the studies and other documentation provided in this SDEIS.

The SDEIS was prepared and determined complete on October 6, 2008 and subsequently filed along with a Notice of Complete Application, Notice of Completion of SDEIS, and Hearing Notice (collectively referred to as the “Notice”) pursuant to 6 NYCRR 617.8(d). The Notice was reissued on October 17, 2008 in order to reschedule the public hearing and extend the comment period. The public hearing was held on December 3, 2008. A transcript of the hearing is provided in Appendix B of this SFEIS. The close of comment period for the SDEIS was extended from November 7, 2008 to December 15, 2008.

Concurrent with the SEQR process, the U.S. Army Corps of Engineers (USACE) reviewed the City’s permit application for impact to wetlands and other waters of the U.S. pursuant to Section 404 of the Clean Water Act. A Public Notice was issued by USACE on January 20, 2009 and expired on February 19, 2009. An additional two weeks were provided to those who requested the extra time to submit comments. Comments on the Public Notice were similar and in some cases identical to the comments on the SDEIS. Responses to Public Notice Comments were provided to USACE in three separate letters dated March 17, 2009

(response to U.S. Environmental Protection Agency), March 20, 2009 (response to U.S. Fish and Wildlife Service), and April 1, 2009 (response to general public comment). These responses are provided in SFEIS Appendix C.

## **B. DOCUMENT ORGANIZATION & SUMMARY**

The SFEIS provides the responses to substantive comments raised during the comment period. These responses provide clarification to the documentation provided in the SDEIS. No significant new information is provided or required as a result of the comments.

Pursuant to 6 NYCRR 617.14(I) this SFEIS includes the SDEIS by reference (*Rapp Road Landfill Fourth Supplemental Draft Environmental Impact Statement*, Clough Harbour & Associates LLP, September 2008).

Substantive comments were taken from the written comments submitted to the Lead Agency and those comments made during the public hearing. Written comments are provided in SFEIS Appendix A and the public hearing transcript is provided in SFEIS Appendix B.

Comments raised during the comment period covered many issues addressed in the SDEIS. The most frequent comments were focused on odors, surface water and groundwater quality, threatened and endangered species, and alternatives, particularly those that involved reduction of the waste stream, reuse of materials, and recycling. The responses to these comments involved reference to sections of the SDEIS where the issue was addressed and clarification of the information provided in the SDEIS. Comments from the Albany Pine Bush Preserve Commission requested further refinement of the Habitat Restoration Plan, which has been incorporated by response and by inclusion of updated plans.

## **C. MINOR REVISIONS & PERMITTING**

This section addresses minor revisions to the SDEIS by the Lead Agency (NYSDEC) that are not addressed in the response to comments (Section II of this SFEIS) and documentation from the federal public notice process relative to the Section 404 permit required for the proposed wetland and stream impacts.

Through further discussions during review of the permit documents, it was noted that Table 2-5, Anticipated Permit and Approvals, should be revised to include Temporary Revocable Permits (TRP). A TRP will be required from the Albany Pine Bush Preserve Commission (APBPC) for Habitat Plan work within dedicated Preserve lands. A TRP will also be required by NYSDEC for Habitat Plan work within the State-owned lands located east of the landfill that have not yet been dedicated to APBPC.

A comparison of the proposed limits of disturbance for the Habitat Restoration Plan with a map of the areas investigated for cultural resources revealed two areas that had not been previously surveyed for cultural resources. A Phase 1B survey was conducted that revealed one very small pre-contact site located within an area proposed for grading to create a vernal pond in the fields immediately west of the mobile home park. An historic marker was also found. The Habitat Restoration Plan has been revised to avoid both of these sites. The Phase 1B report and the revised drawings are provided in SFEIS Appendix H. The NYS Office of Parks, Recreation and Historic Preservation determined that the project will have no adverse effect on cultural resources (letter dated May 19, 2009 – SFEIS Appendix H).

Based on comments from the Lead Agency through the permitting process, changes were made to the Aquifer Variance Report. A copy of the revised report and the response to NYSDEC comments is provided in SFEIS Appendix I.

Several comments were received during the U.S. Army Corps of Engineers' (USACE) public notice process. The applicant was requested to respond to these comments. The responses are provided in SFEIS Appendix C. In addition, the regulatory agencies requested that the analysis of threatened and endangered species provided in the SDEIS be consolidated and included in this SFEIS. This is provided in SFEIS Appendix G and includes protocol for pre-construction surveys for listed species to ensure that any unforeseen encounters with a listed species are properly addressed to avoid impact. Given the disturbed conditions of the expansion and restoration areas of the project, any such encounter would be unusual. However, upon completion of the restoration, the habitat will be much improved and may provide very suitable habitat for listed species known to occur in other, higher quality areas of the Pine Bush.

## **D. FUTURE ACTIONS**

Following the filing of this SFEIS, there will be a ten-day period provided for agencies and

the public to consider the SFEIS. Comments on the SFEIS may be submitted by agencies and the general public, however, this not an official comment period. Such comments may be considered by the Lead Agency during preparation of the Findings Statement but there is no obligation to respond to these comments.