SECTION II
RESPONSE TO PUBLIC COMMENT

Both written and verbal comments on the Supplemental Draft Environmental Impact Statement (SDEIS) were provided during the SEQR public comment period and are included in SFEIS Appendices A and B. This section addresses the substantive comments by topic. Below is a listing of individuals, organizations, municipalities, and agencies that have provided comments, cross-referenced with the responses. The numbers provided after each comment correspond with the number column of these tables.

Public Comments

Number	Name	Date of Correspondence	Response Locations (Section/Comment #)
1	Allied Waste Services	12/3/08	Letter of Support
2	Arthur, Andy	12/3/08	A10, E3, F9, G1, H1, M8, M9
3	Bogedain, Frank	12/3/08	C3, J6
4	Boyle, John & Anna	11/30/08	H1
5	Britenbaker, Alice	12/12/08	F8, I1, J6
6	Cammer, Cheryl	12/8/08	D6, M1, M10
7	Clark, Richard	12/4/08	C2, D1, F9, G1,G2, J6, J8, M9
8	Coager, Lauren	12/10/08	B1, F9, G1, J6, J8
9	Commisso, Frank	12/8/08	M1, M3
10	Cummiongs, Sally	12/10/08	A1, E3, J6, J8
11	D'Arco, Lawrence	12/3/08	J6, M4, M5
12	Downtown Business Approval District	12/3/08	Letter of Support
13	Ellis, Tom	12/14/08	A1, A4
14	International Union of Operating Engineers	11/26/08	Letter of Support
15	Miller, Mannix et al.	11/6/08	Letter of Support
16	Morreale, Charles & Margie	12/1/08	H2, J12
17	Morrison, Freida	11/25/08	F9, G1, J6
18	Nichols, Grace	12/14/08	B1, F2, F6, F9, G1, H1
19	Nichols, Grace	12/15/08	J8
20	Nichols, Grace	12/10/08	A1
21	Nichols, Grace	12/3/08	B8, D3, F2, F3
22	Powell, Gary	12/3/08	A6, B9, F4, I1, J7, J8
23	Robinson, George	12/10/08	D1, D4, K2
24	Scarff, Tom	12/3/08	B2, F9, G1
25	Schou, Bert	12/3/08	B2, E2, E3, E4, E5, J6
26	Schroll, Linda	12/8/08	J6
27	Skinner, Timothy	12/2/08	I1, J6, M4

28	Sorsby, Patrick	12/11/08	A1, M3
29	Sorsby, Patrick	12/15/08	A5, B1, M3
30	Travers, James	12/19/08	B1, C1, F1, F6
31	Wolcott, John	12/15/08	D5, M7
32	Wolcott, John	12/19/08	D15, L1

Municipality Comments

Number	Name	Date of Correspondence	Response Locations (Section/Comment #)
33	Albany Local Development Corporation	12/15/08	Letter of Support
34	City of Albany Common Council	11/28/08	Letter of Support
35	Town of Colonie, Supervisor	12/3/08	J6
36	Village of Colonie, Mayor	12/3/08	B7, B19, J4, J5

Agency & Citizen Group Comments

Number	Name	Date of Correspondence	Response Locations (Section/Comment #)
37	Albany Pine Bush	12/8/08	D1, D7-D16, F10, G4, G5, I2, J6
38	Citizens' Environmental Coalition	12/12/08	A1, A2, B1-B6, C1, E1, F1, J1-J3, M2
39	Henner, Peter	12/15/08 & Justification Doc. Part 1	A1, A3, A5, A8, A9, A11, B1-B3, B9-B19, C2, C3, E2, E3, E5, F5-F7, F9, G1, G3, G4, J6, J9- J11, M1, M6
40	Henner, Peter	12/5/08	A1
41	Save the Pine Bush, Inc.	12/15/08	A1, B1, D1, F9, G11, J6, M1

A. GENERAL COMMENTS

1. **Comment:** *Comment period should be extended and additional meetings held by the City with NYSDEC present to allow question and answer. One commenter requested a 60-day extension, while another requested an extension to January 31, 2009. (10, 13, 20, 28, 38, 39, 40, 41 & 50)*

   Response: The City's applications have been publicly available for months, and the City held multiple meetings with members of the public, Common Council, the members of the Planning Unit and the Albany Pine Bush Preserve Commission to discuss the application, the Habitat Restoration Plan, the status of the Solid Waste Management Plan for the Planning Unit, and the results of air testing in the vicinity of the landfill. Members of the public participated in those meetings, and Department Staff were available to answer questions at some of these meetings as well. The Department's applicable regulations, 6 NYCRR §§ 617.9(a)(3) and 621.7(b)(6) provide for a minimum public comment period of 30 days. The Notice of Completion/Notice of Public Hearing was issued by NYSDEC on October 6, 2008, and provided for an approximately 31 day public comment period, expiring on November 7, 2008. Despite the multiple meetings, the Department determined, via a revised Notice of Completion/Notice of Public Hearing, to extend the close of the public comment period November 7, 2008 to December 15, 2008. This is a total of 70 days for the public to review the application, well in excess of the Department's regulatory requirements, and more than reasonable to provide comments.

2. **Comment:** *Why didn't NYSDEC finalize the draft solid waste permitting policy before allowing this permit to move forward? (38 & 66)*

   Response: The permit application was reviewed in accordance with current Solid Waste Management Facility Part 360 regulations. It should be noted that this review included a requirement that the Solid Waste Management Plan in effect for the Planning Unit be modified to account for inadequacies in the existing Solid Waste Management Plan. The current Solid Waste Management Facility Permitting policy is under review and under consideration for updating. There is no projected date for finalization of a new policy.

3. Comment: *The City has no long term plan for management of solid waste and will come back to DEC for another expansion. (39, 41, 43, 44 & 57)*

Response: The Commenter is in error. The City is a member of the Capital Region Solid Waste Management Partnership Planning Unit (formerly known as the ANSWERS Planning Unit), which has a solid waste management plan addressing the needs of the region through 2013. That Plan called for a long term landfill, ultimately determined to be sited in the Town of Coeymans. As discussed in Section 5.0 of the SDEIS, that proposal has been delayed. As a result, the Department required the City to prepare a modification to its SWMP to address deviations from the plan. This SWMP Modification was approved by the City on November 17, 2008 after extensive review and input from NYSDEC. Among other important tasks, this document addressed the process for moving forward with a new SWMP. Preparation of the new SWMP is underway. A steering committee has been selected and the first meeting of that committee was held on November 24, 2008. Based on the current schedule, the plan should be completed in spring or summer 2010. This plan will define a way forward for the City and the Planning Unit.

With respect to any further expansion at the Rapp Road Landfill, the City has agreed to deed over the remaining City-owned lands within the Albany Pine Bush Preserve to the Albany Pine Bush Preserve Commission, or implement such other mechanism to prevent any further expansion of the landfill.

4. Comment: *How are the Part 360 permit application, the SDEIS, and the Solid Waste Management Plan (SWMP) Modification related? (13)*

Response: The Part 360 permit application is required for an expansion of the landfill. This permit application addresses the technical issues associated with the expansion, including the expansion design. The granting of a permit by a State agency, in this case the NYSDEC, for a project of this magnitude requires that the agency evaluate the potential environmental impacts of the project through the State Environmental Quality Review Act (SEQR). Acting as the Lead Agency for the SEQR process, NYSDEC determined that the potential for significant impacts warranted the preparation of an Environmental Impact Statement (EIS). Since the project involves the expansion of an existing facility and the previous expansions also involved preparation of EISs, this EIS is considered a supplemental to the previous EISs. The SEQR process must then be

completed prior to the Lead Agency and all other involved agencies making decisions on the project (permits and approvals). The SWMP Modification was required by the NYSDEC since the original SWMP determined a new long term landfill facility was to be built in the Town of Coeymans. Since the Coeymans site has encountered significant delays, the SWMP Modification allows for the proposed expansion and sets a course for a new SWMP to address long term needs. The SWMP Modification is a separate process from the proposed Eastern Expansion. Many of the results of the SWMP Modification were incorporated in the SDEIS but the process for approval was separate. This document has been made available along with the SDEIS because there are recycling goals and other issues that the public may find useful while reviewing the alternatives presented in the SDEIS.

5. **Comment:** *The City is requesting a landfill expansion to provide time to permit a new landfill in Coeymans. The City should not be looking at only one alternative. If Coeymans fails, the City's only choice is to request another expansion. (29, 39, 43, & 50)*

   Response: The Coeymans landfill alternative is but one alternative considered in the SDEIS. A complete analysis of the alternatives is presented in SDEIS Section 5.0. This analysis included an evaluation of potential sites within the City of Albany. The Eastern Expansion will provide appropriate time to prepare a new SWMP and implement the preferred alternative from that process. The new SWMP will address the Planning Unit's long term solid waste management needs. As currently proposed in the SDEIS, another expansion beyond the Eastern Expansion cannot occur. The City intends to deed over all remaining City-owned lands surrounding the landfill to the Albany Pine Bush Preserve Commission, or implement such other mechanism as requested to prevent any further expansion.

6. **Comment:** *NYSDEC has not adequately addressed the impact of the expansion on those not benefiting from the landfill. This is presented under the heading of environmental justice or environmental discrimination. (22 & 60)*

   Response: The impacts to all land uses, residents and businesses alike are thoroughly addressed in the SDEIS under each scope item. State policies regarding environmental justice are focused on underprivileged groups of people where race, ethnicity or socioeconomic status is a factor. NYSDEC defines environmental justice as follows:

> *Environmental justice* means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies (Commissioner Policy 29).

Past issues with odors from the landfill have impacted residents and businesses both within and outside of the Capital Region Solid Waste Management Partnership (CRSWMP) Planning Unit (formerly ANSWERS). However, the intent of the environmental justice policy is to address disproportionate impacts to low-income and minority groups. Commissioner Policy 29 further defines a "potential environmental justice area" as: "…a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies." The residential and business community in the vicinity of the landfill are generally described as middle class.

The 2000 Census data was reviewed for the project area to provide a better sense of the ethnic and household income characteristics of the area and specifically in the Village of Colonie where the population density is highest near the landfill and where most of their solid waste goes to either the Colonie Landfill or other regional facility. First addressing ethnicity, the population of the Village is 92 percent white, which does not constitute a minority community. Second, the poverty rate in the Village is 4%, compared to 11% in Albany County and 15% statewide. Additionally, the median household income is $54,597 which is higher than both the County ($42,935) and the State ($43,393). This data is provided in Appendix C. Therefore, the area within the region of the landfill cannot be considered to be disproportionately impacting any minority or low-income population.

7. Comment: *NYSDEC should require the City to dedicate all lands currently owned by the City to the Albany Pine Bush Preserve, including lands that are part of the Habitat Plan. They should also be restricted from purchasing other lands within the Pine Bush for future expansions. (43)*

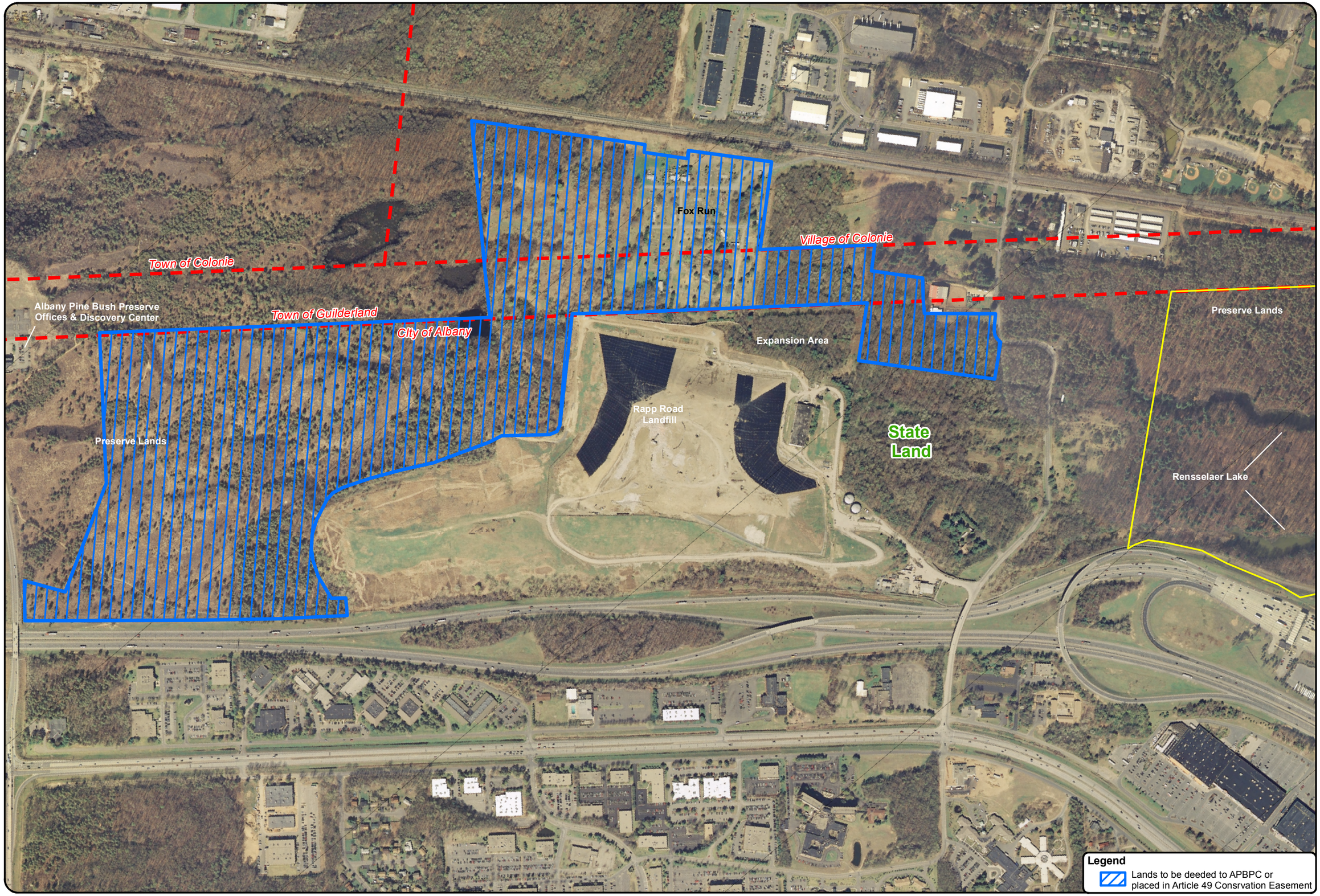
Response: The City has committed to deed lands over to the Albany Pine Bush Preserve Commission (APBPC) as stated in SDEIS Section 1.1, third bullet on page 1-6. For those lands within the City, an Article 49 Conservation Easement is being considered and is favored by both APBPC and NYSDEC. See SFEIS Figure II-1 that illustrates the lands to be deeded and/or placed in conservation easement. The City will not deed over the landfill itself since it will need to maintain the landfill after closure. However, easements will be granted to APBPC for access and maintenance and the landfill will become part of the Preserve. Please also see Response to Comments A.3 and A.5.

8. Comment: *Yearly waste tonnage numbers are not consistent and the differences are not explained. Two different numbers are used to identify capacity of the landfill (1500 lbs/cy and 1800 lbs/cy). Also, numbers describing recycling and landfill life benefits don't appear to make sense. (39)*

Response: The solid waste capacity that is gained through the construction of the Eastern Expansion is approximately 2,867,042 cubic yards (cy). This capacity is based on the configuration of the Eastern Expansion liner system and final closure grading and the final closure elevation of the existing landfill.

The landfill life (total time of operations) gained through construction of the Eastern Expansion is estimated using the design capacity (2,867,042 cy) and the waste acceptance rates permitted by the NYSDEC. Since no change in the waste acceptance rates are proposed in the permit application, the currently permitted average rates of 1,050 tons per day of solid waste and 200 tons per day of petroleum contaminated soil/alternative daily cover are used to estimate landfill life.

Other factors that are considered in the estimation of site life include the in-place density of the material that is placed in the landfill and the amount of time the landfill operates. Based on historical operations at the site, a conservative in-place density of 1,500 lbs per cy and 22 days of operations per month was used to estimate site life. We are unclear as to where the 1,800 lbs/cy figure comes from, as mentioned in the comment. If it was



No.	Submittal / Revision	App'd	By	Date

City of Albany
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Rapp Road Landfill
Eastern Expansion

City Owned Lands to be Conveyed or Impressed with a Conservation Easement

Issue Date: 04/09 Project Number: 12260 Scale: 1" equals 600'

Figure II-1

included in the SDEIS or in other documents it was likely a typographical error. The correct figure is 1,500 lbs/cy and to the best of our knowledge has been used consistently for all the landfill life calculations.

Based on the preceding information, a total of up to approximately 330,000 tons of solid waste and PCS/ADC can be placed in the landfill per year. Using the design capacity of 2,867,042 cy and the in-place density of 1,500 lbs per cy for material placed in the landfill, the resulting landfill life is estimated to be 6.5 years.

9. **Comment:** *Section 2.3 of the SDEIS states that 109,853 tons of waste was collected at municipal drop-off stations, which is about 1/3 of what can be expected from the CRSWMP wasteshed. Even though the total waste collected is less than 277,000 tons/yr the SDEIS claims that the majority of waste comes from CRSWMP. (39)*

   Response: The SWMP Modification examined waste generation, recycling and disposal and confirmed the total waste generation estimates presented in the SDEIS. According to the SWMP Modification (see Table 2) total waste generation from the planning unit in the year 2007 was 356,570 tons, of which 118,466 tons were recycled and 238,104 tons were disposed of. While some of the waste disposed of at the Rapp Road Landfill is from local sources outside of the Planning Unit, some solid waste that is generated in the planning unit is disposed of at other facilities. As demonstrated in the SDEIS and the SWMP Modification (get page/table references, please), the waste from the Planning Unit which goes to other facilities besides the Rapp Road Landfill is roughly equal to the potential amount of waste coming from the Rapp Road Landfill which is not from the Planning Unit, and therefore, the amount of waste handled at the Rapp Road Landfill approximates the amount of waste requiring disposal in the Planning Unit.

10. **Comment:** *The City should get out of the trash business and allow private businesses, subject to DEC regulations, to handle waste and materials recovery. The City should regulate private haulers and ensure compliance with state and local law, but should allow freedom of contract to haul to any landfill that is legally allowed to accept waste under respective local laws. (2)*

    Response: The vast majority of waste generated within the Planning Unit is handled under contract with private haulers. Only the City of Albany and the Village of Green Island provide municipal pickup to their residents. The City of Albany provides solid

waste removal services for its residents who live in buildings with four housing units or less. The remainder, most multifamily housing units, businesses, offices, including State offices, and single-family homes in municipalities without municipal pickup, contract with private haulers to take their wastes. The City does not "mandate" that these haulers use the Rapp Road Landfill. Rather, these haulers are free to take their wastes to whatever landfill with which they have agreements. Whether or not a load comes to the Rapp Road facility will depend largely on proximity to the landfill at the end of their run. For example, it may be that a private hauler begins the day in Guilderland but ends the day in north Colonie. If they have a contract or agreement with the Colonie landfill then they are likely to dump their load there.

The City does have several contracts with private haulers and other municipalities in the Planning Unit allowing those entities to utilize the landfill that the City is obligated to honor. Should the landfill not be available for use, those entities would need to haul that waste to a different disposal facility. In the Capital District, the only other permitted disposal facility is the Colonie Landfill. The Colonie Landfill currently operates close to or at its permitted capacity meaning there is no additional capacity for waste currently going to the City's landfill. As a result, it is anticipated that if the City's landfill were not available, haulers would be forced to transport the waste relatively long distances and residents, commercial entities and institutions would incur significantly higher costs for waste disposal. *See* SDEIS Section 5.5.

11. Comment: *The economic hardship discussed in the SDEIS and Aquifer Variance Report is self-created due to the use of the landfill as a revenue source. Records show both an increase in yearly tonnage accepted at the landfill since 1999 and a decrease in tipping fees for haulers providing 300 tons per day or more. There has also been an increase in the amount of petroleum contaminated soils and other alternative daily cover accepted at the landfill. All this has occurred despite the fact that space is limited. The City should have been conserving its capacity at the landfill to allow time to identify and implement a long term alternative for solid waste management (39 & 50).*

Response: SDEIS Section 2.3 provides extensive discussion and documentation of waste generated in the CRSWMP wasteshed and brought to the Rapp Road landfill. This information shows that the landfill supports the population and businesses of the wasteshed. A reduction in the amount of waste handled at the Rapp Road Landfill in order to preserve its capacity would result in residents of the wasteshed having to pay

more for solid waste disposal (See SDEIS, Section 5.5, containing a cost per ton calculation of the cost to long-haul waste outside of the Capital District). The economic hardship that will occur, not only to the City of Albany, but also each and every resident in the Capital Region if the Landfill Expansion is not approved is a very serious matter, and will have a significant adverse effect on the City and the residents in the member communities. The long term alternative for solid waste management, as discussed in response to Comment A.10, above, after the permit for the P-4 Expansion was granted, was proved to not be an immediate viable alternative. The economic hardship is not, as demonstrated above, self-created.

12. Comment: *If DEC allows the expansion, they are going to impose a huge tax upon their residents, to repay the bonding for the expansion. (64)*

Response: If the City could not justify the costs of the expansion and the Habitat Plan, the expansion option would not have been proposed. The fact is that the only other viable alternative to address short term solid waste management is the long haul of solid waste to a regional facility. The costs of such an effort are provided in SDEIS Section 5.5, beginning on page 5-29. The potential future tax burden on City residents as well as the costs to residents within CRSWMP to dispose of wastes would be much greater under the long haul alternative. If the Eastern Expansion is permitted to move forward, revenues will continue to be generated at the landfill that will help defray the costs of constructing and maintaining the landfill and the Habitat Plan.

13. Comment: *The city needs to adopt a rational solid waste policy that does not include importing garbage to balance the city budget.(51)*

Response: The City does not "import" garbage to balance the City's budget. Although it is very difficult to determine the origins of all solid waste entering the landfill due to the use of private waste collection companies by most of the CRSWMP communities and by all the commercial and institutional uses, as demonstrated in SDEIS Section 2.3, the amount of waste arriving at the landfill is consistent with the population and workforce within CRSWMP.

14. Comment: *A new organization for solid waste management that involves the elected officials from the 5-county Capital District should be created with a focus to develop a modern recycling facility and a waste to energy plant. (61)*

Response: The City agrees that a regional approach to solid waste management is appropriate, which is why the Planning Unit covers so many municipalities. The City also agrees that increasing recycling is an important issue. The Planning Unit is currently considering all options for long term solid waste management, which will include an evaluation of all potential technologies, including a waste-to-energy plant, as part of the new SWMP planning process.

15. Comment: *What is the capacity of the landfill for just Albany Garbage alone? (63)*

Response: As show on SDEIS Table 2-3, of the total 123,813 tons of municipal solid waste disposed of at the Rapp Road Landfill in 2007, approximately 15,409 tons represents the waste collected by the City of Albany from one and two family houses. However, this does not take into account the remainder of the waste generated within the City which is disposed of at the landfill by private haulers, and does not take into account that the Rapp Road Landfill is designated as the disposal site for all waste generated within the CRSWMP Planning Unit.

The City of Albany is a member of the CRSWMP Planning Unit (formerly ANSWERS) that includes several Capital District communities. The Rapp Road landfill provides waste disposal for each community within the Planning Unit as required by State regulations. In order for the City to limit its remaining landfill space to just the City, it would have to resign as a member of CRSWMP and develop its own solid waste management plan. This is contrary to the recommendations and timetable established in the SWMP Modification and would be counterproductive to providing effective and efficient solid waste management for the region. The most reasonable approach is to continue to provide solid waste disposal capacity to the CRSWMP Planning Unit and concurrently identify and implement a long term solution for the Planning Unit.

16. Comment: *We have had consistent violations of the terms of DEC permits relative to the manner in which the landfill is operated. The City has done nothing to correct these. (44)*

Response: The City is currently in full compliance with the Part 360 Permit conditions. Contrary to the comment, the City has undertaken significant efforts to address concerns such as odors and blowing trash. Several practices/policies have been instituted at the Landfill in order to minimize impacts due to odor. These include placement of daily

cover and placing impermeable capping on filled/closed areas. The landfill has also established an odor hotline for use in reporting any odor complaints. These complaints will be investigated and logged to provide insight into causes of specific odors and methods to better address them. The City no longer accepts processed construction and demolition (C&D) debris and will not do so again in the future as long as the material continues to contain gypsum-based drywall. Gypsum based drywall can generate hydrogen sulfide gas as it decomposes, resulting in potential odors to the surrounding area.

The City is also expanding its gas collection capabilities to capture most of the gas generated by the landfill and will further expand to cover the proposed Eastern Expansion upon closure. In addition, NYSDEC solid waste personnel conduct site investigations at the landfill each week.

Blowing wastes are being addressed through the construction of tall fencing to the north and east of the landfill.

17. Comment: *Turn the management of the landfill over to the local communities, operate it as a regional resource. (44)*

Response: The Rapp Road landfill is currently operating as a regional resource. Although the landfill is located in the City and is owned and operated by the City, it accepts wastes from the CRSWMP Planning Unit of which the City is a member. It provides the communities within CRSWMP with reasonably priced, predictable, and environmentally sound solid waste disposal. The creation of a regional agency or authority to develop and manage solid waste facilities must be accomplished by the State legislature. The original SWMP for the ANSWERS planning unit contemplated the creation of a regional authority, but this did not occur. This issue will be revisited in connection with the preparation of the new SWMP.

B. PART 360 PERMIT APPLICATION

1. **Comment:** *Landfill expansions are not allowed over a primary aquifer. The landfill has leaked contaminants into the aquifer and should enter a corrective phase rather than an expansion.(8, 18, 29,30, 38, 39, 41, 46, 50, 51, 64 & 66)*

   Response: The City is applying for a variance to allow landfilling beyond December 31, 1995 over an area identified as a principal aquifer. The Part 360 Variance Application Form and Aquifer Variance Report are included in Section 2 of the Part 360 Permit Application.

2. **Comment:** *The City has ignored the need for a variance to be sited over a primary aquifer. Groundwater at this site is 2 feet below the surface. The City proposes to use five feet of fill to provide separation, but the regulations require a minimum of 20 feet of unconsolidated deposits with low permeability. (24, 25, 38 & 39)*

   Response: Contrary to this comment, the City has not ignored the need for a variance, and in fact has applied for the variance. The Part 360 Variance Application Form and Aquifer Variance Report are included in Section 2 of the Part 360 Permit Application.

   Part 360 Regulations require a 5-foot separation between high groundwater elevations and the bottom of the landfill liner system. Based on historic water elevations at the site, the landfill expansion has been designed to maintain the minimum 5-foot separation.

   In accordance with 360-2.12(2), the Department can allow expansion of landfills operating after November 4, 1992 in compliance with a Part 360 Permit in areas where unconsolidated deposits are less than 20 feet. In accordance with subparagraph 360-2.12(2)(ii), a minimum of 10 feet of unconsolidated deposits (with no permeability requirement) must exist; and this is the case within the Eastern Landfill Expansion area.

3. **Comment:** *Landfills are prohibited from being located where threatened and endangered species or critical habitat may be impacted. A memo from the City's consultants identifies the site as globally imperiled and critically imperiled in New York. (38 & 39)*

Response: The memo cited in the comment states that the Albany Pine Bush is recognized as globally imperiled and critically imperiled in New York, not the project site specifically. As thoroughly documented and discussed in SDEIS Section 3.3 and Appendix G, the proposed expansion area contains degraded habitats that are not conducive to the threatened and endangered species known to occur within the Pine Bush. Furthermore, the lands immediate surrounding the expansion area are also degraded to the extent that they do not provide Pine Bush habitat in their current state and would require significant modification in order to provide that habitat. The choice of this site for the expansion was based on considerable outreach to APBPC, the Nature Conservancy and NYSDEC as various alternatives were identified. Northern and western expansions were considered and rejected based on the potential to impact viable Pine Bush and known sites of threatened and endangered species.

4. **Comment:** *The City has not demonstrated that the site for the proposed expansion meets Part 360 stability requirements. (38)*

Response: The City has, in fact, demonstrated that the site for the proposed expansion meets Part 360 stability requirements. Section 2.6.1 of the Engineering Report for the Eastern Landfill Expansion summarizes the stability analysis that was performed for the proposed project. Detailed stability calculations are included in Appendix B of the Engineering Report. The stability calculations include all input parameters used in the analysis. Based on the degree and height of the proposed landfill slopes, the resulting factors of safety meet the applicable requirements of 6 NYCRR Part 360.

5. **Comment:** *The City may be accepting more than 1,000 tons per day. Daily logs of waste received are supposed to be maintained. (38)*

Response: The current landfill permit allows the acceptance of up to 1,050 tons of solid waste per day, based on a rolling 30-day operating average. Contrary to the comment, daily scale house records of waste accepted at the landfill are maintained and submitted to the NYSDEC on a quarterly basis demonstrating compliance with the permit limit. The permit application does not propose a change in the waste acceptance rate for the Eastern Landfill Expansion.

6. Comment: *The City should have acted on the Coeymans' site and should have had alternative plans when wetlands were found there and Coeymans pulled out of the planning unit. The City is now claiming an emergency. (38)*

Response: SDEIS Section 2.1 provides a very detailed and clear history of the efforts to identify a long term solid waste management option for the Planning Unit. The Planning Unit has been very active in seeking a viable solution since the first solid waste management plan (SWMP) was adopted in 1992. The Coeymans site was first investigated in 1994 but the process was bogged down by a number of lawsuits filed by the Town of Coeymans and others that prevented the City from preparing a complete permit application for the site. This delay resulted in the need to expand the landfill (P-4 Expansion) to meet the pressing need of dwindling landfill capacity. Meanwhile, the City continued to successfully defend these lawsuits. In 2004, with the lawsuits behind them and the P-4 expansion constructed, the Planning Unit's efforts and resources were once again refocused on the Coeymans site, consistent with the SWMP recommendations to construct a new landfill. These efforts, that included key agency meetings, revealed that the site could not be permitted in its entirety within the time frame of the P-4 expansion and that the potential for full use of the site from a regulatory perspective was questionable and dependent on the success of future mitigation. Additionally, NYSDEC provided no indication if the impacts proposed to State regulated wetlands on the site would even meet their standards for permit issuance.

Once again the Planning Unit was faced with the need for short-term disposal capacity in order to prepare for the long term solution. In the fall of 2005 the City began planning the proposed expansion of the Rapp Road Landfill. The City initially planned a northern expansion in the area of the City owned Fox Run Mobile Home Park as the City felt expanding into an area that was significantly disturbed would impose the least environmental impact. During this time, the City met with the Albany Pine Bush Commission, the Nature Conservancy and the NYSDEC to discuss these preliminary expansion plans. During these meetings, these organization expressed concerns about the northern expansion as it would continue to separate the eastern and western portions of the Pine Bush. These discussions led to the on-site alternatives that are presented in the SDEIS. Subsequent meetings with the aforementioned organizations indicated that the proposed Eastern Expansion was the most acceptable of the alternatives. The evaluation of the alternatives and the meetings held with the various organizations all took a reasonable amount of time leading to the schedule now being implemented. Preparation

of the SDEIS for the Eastern Expansion began in fall 2006. The project has been under formal review by the regulatory agencies and the public since the SDEIS was first submitted to the Department in August 2007. With the capacity of P-4 projected to be reached by November 2009, the Planning Unit's sense of urgency is well founded.

7. **Comment:** *Restrictions should be placed on the amount and type of solid waste permitted at the landfill and that regular inspections be undertaken. (36 & 53)*

   Response: The existing permit contains restrictions on the amount and type of solid waste permitted at the Rapp Road Landfill, and regular inspections are undertaken. The current landfill permit allows the acceptance of up to 1,050 tons of solid waste per day, based on a rolling 30-day average. Daily scale house records of waste accepted at the landfill are maintained and submitted to the NYSDEC on a quarterly basis. The current permit specifically identifies what types of waste may and may not be accepted at the landfill. The Operations and Maintenance Manual included in the permit application requires that loads of waste be inspected to ensure compliance with the permit requirements. In addition, Department staff regularly inspects the Rapp Road Landfill to determine compliance with Part 360 and the City's permit. The permit application does not propose a change in the waste type or acceptance rate for the Eastern Expansion.

8. **Comment:** *Is the landfill safe in extreme weather? Could the slopes collapse? Are the existing methods of retaining trash on site capable of withstanding increasingly stronger winds? (21 & 56)*

   Response: The landfill is safe in extreme weather conditions. Adverse weather conditions (including wind) will have no effect on the stability of landfill slopes that are maintained in accordance with the guidelines set forth in the Operations and Maintenance Plan included in the Permit Application. The interim and final slope of the Eastern Landfill Expansion have been designed in accordance with 6 NYCRR Part 360-2.13 (landfill construction requirements), 2.15 (landfill closure and post-closure criteria), and 2.17 (landfill operation requirements); which are promulgated with a margin of safety to account for these types of conditions.

9. **Comment:** *Tipping fees should be increased significantly to discourage use and provide time to identify greener alternatives. (22, 39 & 66)*

Response: Setting the tipping fee at an artificially high rate may decrease the amount of waste that comes to the landfill. However, that would not necessarily provide additional time to identify a greener alternative, as any waste from the Capital Region which is not disposed of at either the Rapp Road Landfill or the Colonie Landfill (which is currently operating at its maximum daily rate and therefore, does not have capacity to take any additional waste not sent to the Rapp Road Landfill), would need to be hauled via truck to another landfill in the western part of New York State, with an increase in GHG emissions and increased fuel costs.

10. Comment: *The Part 360 Permit application is not complete since the applicant did not provide a solid waste management plan. (39)*

Response: The Planning Unit has been operating under a Department-approved SWMP since 1992. The P-4 expansion was permitted under this SWMP, and the City believes that the Eastern Expansion was consistent with that SWMP. However, NYSDEC determined that since the proposed expansion is not explicitly addressed under the SWMP, a modification to the SWMP should be prepared. The Department also indicated that the Part 360 permit application would not be deemed complete by NYSDEC until an approvable SWMP Modification was completed. In a letter dated September 24, 2008, the Department determined that the SWMP Modification has provided a substantive consideration of the elements set forth at Section 27-0107 of Environmental Conservation Law and 6NYCRR 360-15.11. The SWMP modification is available for public review on the Capital Region Solid Waste Management Partnership website (capitalregionlandfill.com).

11. Comment: *Landfill slopes will exceed 33% as shown on the drawings but the application states that maximum 33% slopes will not be exceeded. (39)*

Response: The commenter is incorrect that the drawings indicate that the final landfill slopes will exceed 33%. The proposed closure grading for the Eastern Expansion shown on permit drawing G-11 depicts a maximum proposed slope of 3H:1V (33 %); which meets the requirements of Section 360.2.15. Permit drawings G-8, G-9, and G-10 depict the proposed grading for the Eastern Expansion Liner System. The proposed slopes shown on these drawings also meet the requirements of Part 360 for liner systems of 2% minimum and 33% maximum.

It appears that the comment may be based on inspection of existing waste mass slopes shown on the permit drawings. These are slopes within the active landfill and represent a temporary condition, which is permitted under the Part 360 regulations.

12. Comment: *The Part 360 permit application fails to provide a leachate analysis prior to disposal to the sewer system. The method of testing and on-site treatment, if necessary, could result in hazardous pollutants emitted to the air. (39)*

Response: The commenter is incorrect in his assertion, and speculates as to emissions of hazardous pollutants depending upon the method of testing and on-site treatment. Management of leachate generated from the Eastern Expansion is described in the Engineering Report, Operations and Maintenance Manual, and Contingency Plan. Section 2.5.1 of the Engineering Report describes how the City has developed a sufficient history as to the quality of the leachate that the Albany County Sewer District has agreed to direct disposal of leachate into the sewer system. Section 11.3 of the Operations and Maintenance Manual describes how the quality of the leachate will continue to be monitored on a semi-annual basis. Section 2.7, 6.0, 6.1 and 6.2 of the Contingency Plan details the method to determine the handling of leachate should the quality of the leachate prevent discharge into the sewer system. Alternative method for handling of the leachate includes trucking of leachate to an acceptable treatment facility as well as on-site pre-treatment.

13. Comment: *There is no discussion in the closure plan of the contingencies for a breach in the secondary leachate containment system or how leachate will be recovered in the event of a breach in the liner. (39)*

Response: The commenter is correct that the closure plan does not contain these contingencies. However, the Contingency Plan and the Operations and Maintenance Manual included with the application does contain contingencies for a breach in the secondary leachate containment system, and describes how leachate will be recovered in the event of a breach in the liner.

The design requirements found in 6 NYCRR Part 360 for the double composite liner system were developed based, in part, on a risk assessment. The design requirements therefore incorporate redundant systems that make breaching of a double composite liner system highly unlikely. However, in the unlikely event that a breach occurs, such a

breach would occur in a progressive manner that would first include abnormal leakage of the primary composite liner system. This leakage would be detected in the secondary leachate collection system and would trigger contingency measures, including investigation into the source of the abnormal leakage and repair of the liner system as applicable. In the event that a problem could not be identified over the short term, contingency measures would include increased groundwater monitoring to ensure integrity of the secondary composite liner system. In the unlikely event of a breach of the secondary liner system, as shown through groundwater monitoring, contingency measures would include development and implementation of a mitigation plan that may include additional investigations and liner repairs, closure of a portion of or the entire landfill cell, and implementation of pump and treat methods to mitigate potential groundwater contamination. The NYSDEC would be notified immediately of any problems with the liner system, and would play an active role in decisions made with regard to contingency measures taken. These measures are described in Sections 8 through 11 of the Contingency Plan and Section 11 of the Operations & Maintenance Manual.

14. Comment: *The contingency plan fails to address loss of electrical power, access to confined spaces for monitoring and maintenance, detection and control of explosive landfill gas, contingencies for dealing with unauthorized wastes, release of toxic materials to the environment, contamination of private water supply, overflow of the leachate tank, location and description of the alarm system, and failure of the leachate pumps. (39)*

Response: In general, the operational issues listed in the comment are addressed within the Contingency Plan and Operations and Maintenance Manual (updated versions included in Addendum No. 1 to the Permit Application) for the Eastern Expansion as follows:

Contingency Plan:

- Loss of electric power (Section 7.1)
- Confined space entry (Section 3.1)
- Release of toxic materials to the environment (Section 9.0)
- Groundwater contamination (Section 10.0 & 11.0)
- Inoperable leachate pumps (Section 7.2)

Operations and Maintenance Manual:

- Detection and control of landfill gas (Section 12.0)
- Un-authorized waste deposited or received (Section 8.0)

Additional operational issues listed in the comment are addressed as follows:

- Leachate tank overflow – The leachate level in the leachate storage tanks is continuously monitored with ultra-sonic level indicators in each tank. Should a high leachate level be detected in a leachate storage tank, a high level alarm is triggered and reported to the alarm system. The alarm system notifies facility personnel of a high leachate level via phone and visual/ audible alarms. The facility is staffed 24 hours per day, 7 days per week to respond to the high level alarm. The leachate storage tanks have secondary containment that would contain any leachate overflow from the tanks.

- Description and location of alarm systems – The facility has an alarm system that monitors many of the automated operations including, but not limited to, pump stations, leachate storage tanks, and the back up generator. The alarm system is located in the scale house and maintenance building at the facility. At the pump stations, the alarm system monitors the operation of the leachate pumps and the leachate level in the station. As noted above, the alarm system monitors the level of leachate in the leachate storage tanks. The alarm system monitors the operation of the back up generator to ensure continuous power to the facility. The existing alarm system is currently being updated with a Supervisor, Control and Data Acquisition (SCADA) System that will also allow for monitoring of landfill operations via the internet.

15. <u>Comment</u>: *A construction contingency plan is required. (39)*

<u>Response</u>: The QA/QC Plan included in the Part 360 Permit Application details a contingency plan to be submitted by the contractor that is awarded the construction

contract for the Eastern Expansion. In addition, Section 12.0 of the Contingency Plan for the details construction related contingencies as required by 6 NYCRR Part 360.

16. Comment: *Monitoring of surface water in the ditch draining to Lake Rensselaer should be part of the Environmental Monitoring Plan. (39)*

Response: Water quality issues that may be occurring in Lake Rensselaer cannot be directly attributable to the unlined portion of the landfill. The southern tributary to Lake Rensselaer passes through a large wetland complex that has been ditched and fed by drain tiles located throughout this wetland. The resulting dewatering of the wetland accelerates the decomposition of organic material (peat) built up in the wetland. This in turn can provide a significant nutrient source to the stream that feeds the lake. High nutrient load results in poorer water quality and accelerated eutrophication.

However, based on a similar technical comment that was provided by NYSDEC in response to the original Part 360 Permit review, the Environmental Monitoring Plan has been revised to include monitoring of the surface water quality of the drainage ditch/unnamed tributary that flows to Rensselaer Lake. The revisions are documented in CHA's April 3, 2008 response letter to NYSDEC's comments, which included a revised version of the report and is included with the Part 360 documents previously provided for public review and available on the project web site (capitalregionlandfill.com).

17. Comment: *More frequent monitoring of the leak detection layer should be required. The Environmental Monitoring Plan proposes semi-annual monitoring. (39)*

Response: The monitoring frequency that is proposed for the leak detection layer is consistent with 6 NYCRR Part 360(c)(3), which requires that leachate sampling be performed on a semi-annual frequency. The proposed semi-annual frequency is considered sufficient to meet the objective of the leak detection layer sampling program, which is to obtain a representative characterization of the nature of the liquids collected in the secondary leachate collection and removal system. There has been no need to increase the schedule as a result of any operational issues.

18. Comment: *The seismic analysis does not conform to USGS MF2120. (39)*

Response: 6 NYCRR Part 360 references United States Geological Survey Map MF 2120 entitled Probabilistic Earthquake Acceleration and Velocity /maps for the United States and Puerto Rico. These maps provide a means for determining the peak probabilistic horizontal bedrock acceleration for the landfill site vicinity. However, the United States Geological Survey (USGS) has now made available an internet based ground motion parameter calculator that also provides the peak probabilistic horizontal bedrock accelerations. The tool determines the most accurate seismic parameters available to date based on the latest research completed. The data base is searched by input of USGS coordinates or zip code. This method is more accurate for determining parameters in a vicinity than interpolating from a large scale map such as USGS MF 2120.

The USGS ground motion parameter calculator was used to determine the peak probabilistic horizontal bedrock acceleration in the vicinity of the Eastern Expansion Site. This parameter was used in the seismic stability calculations included in Appendix B of the Engineering Report. The stability calculations were completed in accordance with state of the art design methods for solid waste management facilities accepted by NYSDEC.

19. Comment: *NYSDEC should require certain conditions that include:*

- *An approvable solid waste management plan submitted within 6 months of the permit issuance. The plan should provide a long term solution or a time table for developing such a solution.*
- *All City-owned land in vicinity of landfill should be immediately conveyed to the Albany Pine Bush Preserve along with other easements and real property documents to preclude a future expansion.*
- *Reinstate an environmental monitor.*
- *Restrict waste accepted at the landfill to residents of the CRSWMP wasteshed. NYSDEC should also consider limiting waste to just the City, eliminating State sources, and reducing the daily tonnage limit from the current 1,050 tons. The City should not be allowed to use the landfill as a revenue source. (36, 39 & 53)*

Response: The response to each bullet item is provides below:

- In a letter dated September 24, 2008, the NYSDEC determined that the SWMP Modification has provided a substantive consideration of the elements set forth at Section 27-0107 of Environmental Conservation Law and 6NYCRR 360-15.11. The SWMP Modification includes a timetable for developing a long term solution, and the Planning Unit is in the process of preparing a new SWMP that will identify long term solid waste management practices once the proposed expansion space is utilized. It is anticipated the new SWMP will be completed by the end of 2010 or beginning of 2011, thus allowing at least a 2 to 3 year period for the selected alternative to be permitted, designed and constructed. This schedule is consistent with the anticipated life of the proposed landfill expansion. The NYSDEC has been integral in the development of this schedule.
- All City-owned land adjacent to the landfill on its north, east and west sides is proposed to be either conveyed to the Albany Pine Bush Preserve Commission, and/or deed restricted as part of the landfill expansion proposal.
- There is no need for an environmental monitor. Two NYSDEC Solid Waste Engineers visit the landfill on a weekly basis to observe the facility and meet with the Landfill Manager.
- The landfill accepts daily tonnage at the facility that is consistent with what the Planning Unit produces on a daily basis. While some commercial haulers may bring waste from Capital District communities that are not technically part of the Planning Unit (i.e. Colonie, Schenectady) waste generated in the Planning Unit is also hauled to other disposal facilities (Colonie Landfill) by commercial haulers. Limiting the amount of waste the City accepts at the Rapp Road Landfill would only hurt residents of the wasteshed and the Capital Region, as there is no other landfill in the region with capacity to handle waste turned away from the Rapp Road Landfill. This would result in long-hauling of waste to a landfill several hundred miles away, with increased emissions of GHG, as well as increased costs. *See* SDEIS Section 5.5 that discusses the increased costs associated with long-hauling of wastes. Furthermore, accepting a limited amount of waste at the landfill would not be economically feasible due to operational and capital costs that would be incurred even with the reduce tonnage.

20. Comment: *The DEC is proposing to grant a waiver from regulatory requirements with respect to the placement of cover over the landfill. The City is proposing a spray on cover. There is no basis for this variance. (50 & 67)*

Response: The comments are incorrect. The City has had a waiver from the requirements of 6 NYCRR § 360.2.17(d), regulating intermediate cover, since the original permit for the Albany Interim Landfill was granted in 1990. The City is asking the Department to continue this variance for the type of material used for intermediate cover. The City currently uses, and proposes to continue to use, a commercially available spray on material that is designed and produced to be used for landfill cover. Many landfills in the United States use this material as it provides a cost effective alternative to natural soil and it is acceptable to many state regulatory agencies including the NYSDEC. This material preserves space in the landfill for additional waste material but also preserves soil which is a natural resource.

C. SOLID WASTE MANAGEMENT PLAN

1. **Comment:** *Recycling improvements proposed in the SWMP Modification are inadequate. (30, 38 & 68)*

   Response: The recommendations of the SWMP Modification underwent considerable review and contain aggressive goals for the Planning Unit. Achievement of the specified numerical goals will take time and success will be contingent on a number of factors that are beyond the control of the City and the member municipalities. Among these factors are the markets for recyclable material. Currently the markets for many recyclable materials are experiencing a severe economic downturn, and in some cases markets are demanding payment to accept these materials. While these market conditions are expected to turn around with an improving economy, this emphasizes a significant element of program success that is beyond the City's control. Nevertheless, through adoption of the SWMP Modification and the execution of the IMA, the City and the constituent municipalities of the Planning Unit have agreed to implement significant program improvements to increase waste reduction and recyclable materials recovery.

2. **Comment:** *When will a new SWMP be prepared? The City provides no indication in the SWMP Modification when an update will occur. It appears the City is not planning to figure out how to manage its solid waste until sometime after the permit is granted. (7& 39)*

   Response: The commenter is incorrect. The SWMP Modification contains a schedule which includes numerous elements related to the preparation of a new SWMP in Table 4. It is anticipated that the new SWMP will be issued in draft form, along with any applicable SEQR documentation, in the 4th quarter of 2009. The public review and comment process necessary to finalize the new SWMP is expected to continue into 2010, and additional time may be necessary to receive formal DEC approval.

3. **Comment:** *Any long term option for solid waste management will take a minimum of 10 years to design and implement. Therefore, the expansion will still result in a lag between available capacity and the new option. (3 & 39)*

Response: The City is currently undertaking the preparation of the new SWMP that will address alternatives for long term solid waste management. This is expected to be a 12-18 month process after which a preferred alternative will be selected. Depending on the alternative selected, it may take another 2-3 years to permit, design, and implement the facility. This time frame is in line with the estimated landfill life for the Eastern Expansion. Should the City decide to move forward with Site C-2 in Coeymans or undertake another siting study for a regional landfill, the time frames could extend out as suggested in the comment. Under these circumstances the Planning Unit may need to use the long haul alternative for a short period of time while a new site is permitted and constructed.

D. HABITAT PLAN

1. **Comment:** *$12.5 million to restore the landfill to pine bush is not a good use of funds. (41)*

   Response: The City disagrees with this comment. The Landfill represents the largest single non-habitat opportunity within the Albany Pine Bush that can be restored back to pine bush habitat. Because of the value the state, USA and world have placed on the pine bush ecosystem, the City believes the benefits of reconnecting currently fragmented areas of the Pine Bush preserve across the landfill property warrants the costs.

   Lastly, the total cost for restoration of $15-20 million includes significant restoration efforts on lands adjacent to the landfill. This includes total restoration of the mobile home park to the north and significant enhancement efforts for the lands to the north and east.

2. **Comment:** *The City should be required to identify bonding or establish an escrow to ensure funds will be available for the Habitat Plan. (7, 23, 37, 42 & 49)*

   Response: It is anticipated that the city will be required to provide sureties to the federal and state agencies as a part of permit approvals, to demonstrate that funding for the habitat plan is available and secure during the entire life of the project remedial and long term maintenance phases of the projects. In addition, contractors involved in construction will also likely be required to provide sureties to secure their participation and performance in the restoration and implementation of the Habitat Plan.

3. **Comment:** *There should be a study of the areas where sands will be excavated and transported to the landfill for restoration work. Disturbed sands in the Pine Bush are prone to erosion. (21)*

   Response: There are likely to be two sources of sand for the project, which may come from several locations within the extent of Glacial Lake Albany. The first are local sources associated with development. Development and redevelopment projects occur within the Pine Bush study area fairly regularly. The City is actively seeking opportunities to obtain excess sands from those projects. These sites are generally well

contained with erosion and sediment controls in place. The second source includes approved sand and gravel mines located throughout the region. These sites are also generally well contained and operate under permits from NYSDEC. Once transported to the landfill, the sands will be stockpiled on the landfill or in the mobile home park and will be appropriately contained and protected with erosion and sediment control measures. Depending on when the sands become available, they may be directly applied to a restoration area. Therefore, it is not anticipated that there would be any significant erosion concerns relating to sand proposed to be used as part of the Habitat Plan.

4. **Comment:** *The issues associated with the Fresh Kills Landfill are not discussed in the Habitat Plan. They include steep slopes and highly erodible soils, poor soils, harsh winds, settlement, invasive species, and landfill gas release into the growth zones. The plan should include measures to address these issues. The plan should also be vetted through advanced testing and scientific scrutiny. (23)*

   Response: The typical problems, stressors, risks, and sensitivities in stabilizing, establishing and maintain native vegetation plantings on landfills have been considered and will continue to be considered through the final design phases of the restoration design. The Rapp Road landfill does not have the severe conditions as found on the Fresh Kills landfill. The thermal mass of the landfill, height and related exposure, openness of surrounding landforms and landscapes are all significantly different at Albany and present less of a concern and constrain compared to Fresh Kills landfill. Slopes will average gentler than at Fresh Kills and at the Rapp Road landfill, the restoration plantings will be installed into an additional 18-36 inches of high quality pine bush soil materials placed on top of a final, closed Part 360 landfill cap. At the Fresh Kills landfill, plantings were conducted directly into the Part 360 landfill cap, which contributed to the poor rooting medium and growing conditions.

   The restoration on the Rapp Road landfill will begin on currently closed areas in the western portion of the landfill. Extensive testing and monitoring will be conducted to vet strategies for topsoiling, vegetation establishment, erosion control, invasive plant management, and overall remedial and maintenance restoration phase management and maintenance of the vegetation plantings. A very high level of scientific scrutiny will occur from final design through implementation phases of the restoration work on and off the landfill.

5. **Comment:** *The original landfill destroyed a portion of "The Kings Highway" and the last expansion bisected the best example of an echeloned line of parabolic sand dunes in the Pine Bush. The proposed restoration only involves one dune. This one dune would be mediocre compared to the echeloned line. (31)*

   Response: The Habitat Plan is not intended as mitigation for the Albany Interim Landfill, the Wedge, or the P-4 Expansion, each of which incorporated substantial mitigation measures which benefitted the Pine Bush. Rather, the Habitat Restoration Plan is intended to take the existing conditions, and restore and enhance those conditions to the extent possible. The proposed restoration involves the restoration of multiple dune areas. First, in the existing mobile home park, a truncated dune along the east property line of the trailer park will be reconstructed and extended westward to again form the drainage divide between the two streams that used to traverse this trailer park area. Secondly, in the northwestern areas of the existing landfill, the truncated dunes currently present outside the margins of the perimeter haul roads at the toe of the landfill, will be reconstructed and extended to match grades and form dune systems that merge with the landfill slopes. Thirdly, on the landfill surface itself, low relief dunes will be constructed on the relatively level areas of the final landfill surface to establish habitat variability on this large restored surface.

6. **Comment:** *Does it make sense ecologically to restore Pine Bush ecosystem over top of a capped landfill?(6)*

   Response: Yes. The landfill currently is a large habitat gap present in important areas of the Pine Bush preserve. Native Pine Bush grassland plant species are some of the easiest native plants to establish on a landfill surface, particularly in this case because the vegetation would be established above the actual Part 360 landfill cap on an additional sand rooting substrate. Planting native vegetation on these substrates on the landfill cap will secure a very large area (~ 100 acres) of new pine bush habitat, containing some of the rarest dry prairie types needed by the Karner Blue butterfly and other rare species. Other landfill closures have successfully created Karner Blue butterfly habitat on closed landfills, demonstrating an expansion in the range and use of the habitat by the butterfly.

7. **Comment:** *The City's restoration plan attempts to mitigate for past cumulative impacts but does not replace the lost acreage. The project will also eliminate a NYSDEC easement for access to State lands. As a result, the mitigation should include*

replacement of land at a 2:1 ratio. The land should be of equal or greater habitat and economic value. The value should be certified by the NYSDEC and the Commission. (37 & 49)

Response: As noted in Response to Comment D.5, the Habitat Plan is not intended to mitigate for past impacts associated with the landfill. Each of the past landfill permit applications included substantial mitigation for the Pine Bush. The purpose of the Habitat Plan is to address the proposed impacts of the Eastern Expansion. It should be noted that the magnitude of the plan was first envisioned when the City was considering a Western Expansion that would have had some direct impacts on dedicated Preserve lands and viable pine barrens. Many public and private projects were developed in the Preserve, causing habitat fragmentation, long before the Preserve was established. Although not a requirement by most regulatory standards, the City is proud to offer a plan with broad benefits to the Preserve that will address not just the current landfill impacts but some of the past cumulative impacts of development by many other entities that have resulted in the loss and fragmentation of the Pine Bush in this area.

Although the replacement of land for impacts to the Preserve has been a standard, it is only one possibility for mitigation. The project site consists of degraded habitat that is not currently nor has it been viable pine barrens for a long time. Drainage tiles placed in the adjacent wetlands suggest the area was farmed long ago. Although the 2002 Management Plan identifies this area for Full Protection, its primary purpose is to serve as a buffer as stated in the Management Plan. The surrounding lands have also been degraded by numerous activities including residential uses, utility ROW, and past farming. Significant restoration effort is required to bring these areas back to viable pine barrens and wetlands. The proposed habitat plan far exceeds any mitigation, restoration and enhancement proposal for past projects in the Preserve by any public or private entity. Furthermore, it represents the single greatest investment in the Preserve since its establishment.

What should also be considered is the fact that the City began discussions with NYSDEC, APBPC, the Nature Conservancy and others beginning in late 2005 on the identification of a suitable expansion option. As a result of this effort, the least environmentally damaging alternative was selected by the City at greater cost to the City resulting from the need to relocate buildings and facilities. Early consideration was given to the use of State lands to the east to accommodate the relocated buildings but concerns

with the use of State land and the presence of wetland prompted the City to move towards the purchase of adjacent private properties to accommodate these facilities, thus increasing the costs further.

The City has made concessions at every critical point in this process, each time adding significant costs to the project. In addition, the City retained the services of a highly regarded and nationally respected ecological restoration firm with particular experience in pine barren communities to develop the proposed habitat plan. What this plan envisioned would likely never be realized without a project such as this. The cost to the environment is approximately 8 acres of previously disturbed lands. The cost to the City will amount to approximately $15 million. It is difficult for the City to justify the purchase of additional lands or other costly mitigation when a comprehensive plan of this magnitude has been offered to address some significant needs in the Pine Bush.

Lastly, in 6-7 years the Eastern Expansion will be closed and the final phase of restoration will occur that will essentially convert the entire landfill into pine barrens. Although the City will retain ownership of the landfill for liability and maintenance purposes, it will become part of the preserve and thus essentially become a 100 acre donation of restored lands to the Preserve.

8. **Comment:** *Restoration work within the Preserve will require a Temporary Revocable Permit from the Commission, coordination with Commission staff, and on-site approval prior to implementing each phase of restoration/enhancement. (37)*

   Response: The City and its consultants recognize the importance of oversight by both the Commission and NYSDEC during implementation/construction and monitoring of the Habitat Plan. All required permits will be obtained before beginning work and a process will be established, agreeable to all involved parties, relative to oversight.

9. **Comment:** *The restoration plan should focus on restoring Karner blue butterfly habitat in all applicable upland areas. Closed canopy forest is only desirable as a buffer along the Thruway. Areas 10 and 4-B should be thinned and restored to pitch pine-scrub oak barrens. Eliminate the stepping stones in area 1-E. (37)*

   Response: The stepping stones have been eliminated and applicable upland areas with suitable dry to dry mesic soil settings, currently growing in closed canopy forest and

dense shrub understory will be restored through thinnings and prescribed burning to pitch pine-scrub oak barrens, as detailed on the updated restoration plans provided in SFEIS Appendix D.

10. Comment: *One single, large pine barrens vernal pond is preferred to the two small bogs currently proposed. (37)*

Response: The locations on the landscape with appropriate hydrological conditions where vernal ponds can be constructed are small areas located between existing dune systems with native vegetation present. The two separated small bog areas have been designed to fit into the landform in the most appropriate locations and to avoid significant excavation. The City's preference is to maintain two separate bog restoration areas.

11. Comment: *Restoration contractor qualifications should be identified. In addition, a Habitat Management Plan Team should be established, consisting of the Commission, NYSDEC, and the City's scientists/representatives to review and select habitat restoration contractors. A Habitat Management Plan coordinator should also be established to provide supervision during construction and post-construction monitoring. (37 & 49)*

Response: The City of Albany has committed to only considering restoration contractors with a demonstrated experience in the successful restoration of Pine Bush habitat types and believes that the existing very experienced design team will oversee final design and may build the restoration project, because of their unique qualifications and experience in this specific project site design and research. Draft contractor qualifications are provided in SFEIS Appendix E. Discussions on establishing the equivalent of a habitat management team to participate in the review, such as quarterly or phase triggered review, have begun with NYSDEC, Pine Bush staff, and with several regional scientists. Also discussed has been the establishment of internal (on the contractors team) and external (comprised of Pine Bush staff and a NYDEC wildlife expert) management plan coordinators for the life of the project. Said arrangements will be finalized during final design of the restoration plans.

12. Comment: *The Habitat Management Plan Team should also oversee the final detailed plans. These plans need to clarify all logistical and scientific details necessary to successfully implement and maintain the restoration work. (37)*

Response: The habitat management plan team is anticipated to be directly involved in the final detail plan review to ensure successful implementation, management and monitoring occurs through the life of the project.

13. Comment: *All plant species used to implement the plan must be native to the Pine Bush and all plant material must originate from northeastern genetic stock, preferably within a 50 mile radius of the Preserve. (37)*

Response: The design project team's stated goal in the plan is to have all native plant species origin be the Pine Bush preserve, except for cover crops (e.g. barley, oats, annual rye grass, smartweed, etc) which are short lived and used for initial stabilization. On similar projects, the restoration contractor has collected and propagated all seed and plant stock from adjacent nature preserves, such as the Pine Bush Preserve and that is what is proposed in the restoration plans.

14. Comment: *The Habitat Plan should address how the existing residents of the mobile home park will be treated, including the life estate. (37)*

Response: The revised restoration plans provided in SFEIS Appendix D show the proposed location for the remaining trailers during the restoration work in the mobile home park. The trailers are permitted to remain in the mobile home park until 2015, when the park must be entirely vacated. During the extended stay within the park, the City has the right to relocate the trailers as needed to accommodate use of the park. It is anticipated that some residents will leave prior to 2015. The exception to the City's right to relocate trailers and eventually close the park to residential use is the single life estate. At present, the restoration plans have designed around this parcel and have assumed that the parcel will remain. However, the City is under no obligation to provide utilities to this residence but will maintain an unpaved access drive to the trailer, as shown on the plans.

15. Comment: *Mitigation should be provided for the impact to the dune within the expansion area. (32 & 37)*

Response: The restoration plan includes dune restoration in four specific locations in the proposed restoration project, as described in D.5 above. These areas are accounted for as

upland habitat mitigation. The dune within the expansion area is a very narrow remnant of a slope from a historic dune that was removed decades ago. The dune expansions and restoration will more then compensate on an acreage basis for the loss of the remnant slope. In addition, soils and plant materials from the dune slope will be salvaged and used in restoration of the proposed dunes in the restoration plan.

16. Comment: *The City's long term responsibilities for the closed landfill should be identified. (37)*

Response: The city has a 30 year ground water monitoring and annual reporting requirement under regulation and is perpetually responsible for slope failures and other structural maintenance needs on the closed landfill. This land will remain City property and the City will maintain responsibility.

E. WATER RESOURCES

1. **Comment:** *The use of petroleum contaminated soils as cover material will result in contaminants leaching into the Pine Bush. (38)*

   Response: Haulers that wish to dispose of petroleum contaminated soil (PCS) must provide analytical testing of representative samples at a frequency of one test per 1,000 tons of material disposed at the landfill. Contaminants in the PCS must be below specific regulatory limits to qualify the material for disposal at the municipal solid waste management facility. Since the Eastern Expansion is a cell that will be constructed with a double composite base liner system with primary and secondary leachate collection and removal systems, any contaminants in the PCS will be prevented from leaching into the Pine Bush. The City has been accepting PCS as alternative daily cover since the Albany Interim Landfill was permitted in the 1990s, and there has been no incidence of contaminants leaching into the Pine Bush from PCS. This operating history should speak for itself.

2. **Comment:** *The P-4 expansion project stated that a contamination plume study would be conducted for the unlined landfill. This work did not occur based on the lack of public water supply. However, Lake Rensselaer is the City's emergency water supply. (25 & 39)*

   Response: Pursuant to Special Condition 25 of the City's 6 NYCRR Part 360 Permit (effective date 2/29/00) for the P-4 Expansion, the City conducted a Feasibility Study in February-July 2002 to determine if it was feasible to implement remediation of all or part of the groundwater plume associated with the unlined Greater Albany Landfill (GAL). The study concluded that no further action was necessary regarding the remediation of groundwater plume due to the fact that active collection and treatment was not expected to have overall long-term effectiveness and would only result in nominal improvements to the groundwater quality. The results of the study are documented in C.T. Male's July 31, 2002 report entitled *Feasibility Study; Environmental Benefit Project for the P-4 Project*.

3. Comment: *The landfill expansion will leach toxins into the groundwater that will contaminate the 6-mile Waterworks (Lake Rensselaer), which is the City's emergency water supply. There is a plume of contaminated groundwater from the older unlined section of the landfill. A SUNY study of Patroon Creek shows a leachate indicator at the southern tributary which leads to a culvert under Rapp Road. Further water studies are needed. A feasibility study to investigate this plume concluded a no action recommendation, largely due to clean up costs. If clean up was required, would the City have the fiscal resources for clean up? (2, 10, 25, 39, 45 & 51)*

Response: Based on the historical monitoring data collected for the lined AIL, the existing double liner system that was used in the construction of the AIL has proven to be effective in eliminating impacts to groundwater. The proposed Eastern Expansion will also be constructed using a double liner system that will be as protective to groundwater as the existing AIL liner system and as a result, the Eastern Expansion is not expected to adversely impact groundwater quality.

The Feasibility Study that was performed in early 2002 to evaluate the potential of implementing remediation of all or part of the groundwater plume was associated with the unlined Greater Albany Landfill (GAL) and not the lined Albany Interim Landfill (AIL). The results of the study are detailed in C.T. Male's July 31, 2002 report entitled *Feasibility Study; Environmental Benefit Project for the P-4 Project*. Although cost was considered in the recommendations presented in the Feasibility Study (as noted by the comment), the report concluded that the groundwater collection/remediation system would not be effective in the long-term. In addition, it was also concluded that the remediation system would result in only a nominal groundwater quality improvement. These factors, in addition to cost, were considered in evaluating the feasibility of remediating the groundwater impacts associated with the unlined GAL.

Unlike the GAL, groundwater impacts are not expected to occur from the proposed Eastern Expansion. Potential impacts to groundwater will be minimized through the use of a double liner system. However, in the event that significant impacts to groundwater are identified, NYSDEC could require that active remediation be implemented by the City. The recommendations presented in the July 2002 Feasibility Study do not limit the future actions that could be taken, or otherwise imposed by NYSDEC, for impacts that are identified to be associated with the AIL or the proposed Eastern Expansion.

4. **Comment:** *Since the last expansion there have been a number of liner leaks resulting in leachates into the secondary layer, and there were pump failures. (25)*

Response: The proposed double liner system has proven to be successful in eliminating impacts from the Rapp Road Landfill. The Hydrogeologic Report that was submitted with the Part 360 Permit Application provides a summary of the water quality associated with the existing Landfill and documents that there have been no adverse impacts to groundwater that are attributable to the Rapp Road Landfill as a result of a failure of the liner.

As noted by the comment, there have been documented pump failures associated with the secondary leachate collection layer and the Action Leakage Rates (ALR) for several cells have exceeded the regulatory limit. Corrective actions taken by the City have reduced the ALR below the regulatory limit. The City of Albany has implemented procedures to ensure immediate replacement of damaged pumps. As noted above, however, there has been no adverse impacts to groundwater that are attributable to the Rapp Road Landfill.

5. **Comment:** *The Eastern Expansion site has groundwater at or near the surface, presenting concerns for contamination. The proposed double liner has proven to be unsuccessful at the landfill. The landfill quarterly reports and NYSDEC correspondence document violations, leaks, pump failures, and high ALRs. The aquifer variance should be denied based on the ease of failure from construction activities, lax placement of wastes and pump failures combined with shifting waste, ground movement, animal burrowing, and decomposition of the liner. The SDEIS states that the double liner system has been effective for the landfill and cites a number of factors that could have resulted in the existing groundwater issues but fails to include the multiple leaks and pump failures. (25 & 39)*

Response: The proposed double liner system has proven to be successful in eliminating impacts from the landfill. The Hydrogeologic Report that was submitted with the Part 360 Permit Application provides a summary of the water quality associated with the existing Rapp Road Landfill and documents that there have been no adverse impacts to groundwater that are attributable to the Rapp Road Landfill as a result of a failure of the liner.

As noted by the comment, there have been documented pump failures associated with the secondary leachate collection layer and the Action Leakage Rates (ALR) for several cells have exceeded the regulatory limit. Corrective actions taken by the City have reduced the ALR below the regulatory limit. The City of Albany has implemented procedures to ensure immediate replacement of damaged pumps.

F. ECOLOGY

1. **Comment:** *New landfills and lateral expansions should not be located in federal wetland without a permit. The project will directly impact 5-7 acres of wetland and impact another 31 acres of adjacent wetlands. (30, 38 & 66)*

   Response: In order for the project to proceed, it will be necessary to obtain a Section 404 permit from the U.S. Army Corps of Engineers (USACE) and an Article 24 Freshwater Wetlands permit from NYSDEC. The wetlands in question are under both State and federal jurisdiction. A permit application has been submitted to both agencies and the SDEIS serves as the documentation for those permits. As a point of clarification, the project will impact 5.05 acres of wetland for the expansion and an additional 0.30 acre of degraded wetland will be graded and filled to accommodate the biofilters and stream corridors associated with the habitat plan. The intent of the habitat plan relative to wetland communities is to repair and replace these communities where they once occurred, prior to development of the mobile home park and ditching and draining of the wetlands to the east. A total of approximately 50 acres of restored and enhanced wetland communities will be realized as part of this plan. The project will not involve adversely impacting 31 acres of adjacent wetlands as stated in the comment. A thorough discussion of the wetland impacts and proposed mitigation and other enhancements is provided in SDEIS Section 3.3.2.

2. **Comment:** *The City may be using rodenticides that according to Ward Stone, the State's Wildlife Pathologist, could directly impact predators such as the hawks. There is concern that both the Cooper's hawk and the sharpshinned hawk, which are State listed species of special concern, could be impacted. Feather tests should be done on the hawks and rodents should also be tested. (18, 21 & 56)*

   Response: The City does not currently use rodenticides on or in the landfill operations area. However, rodenticides are used to control rats and other rodents at the administration building and the scale house. These rodenticides are applied professionally by a licensed pesticide applicator. In any event, the Coopers hawk and sharp shinned hawk are almost exclusively bird predators and consume few if any rodents in their diet, and therefore, the likelihood that these two birds would be impacted by current use of rodenticides is low. Understanding that rodenticides are a concern raised

by the public, the City has agreed to discontinue the use of rodenticides at the administration building and scale house. The City's pesticide contractor has been notified and therefore rodenticides are no longer used anywhere at the Rapp Road facility.

3. **Comment:** *Have whippoorwills and woodcock been surveyed in or near the expansion area as part of NYSDEC's 2008 survey? (21 & 56)*

   Response: Informal bird surveys were conducted by the restoration design team during the 2007 and 2008 breeding seasons while conducting the vegetative community studies. Noteworthy birds and other wildlife were recorded in all the restoration areas, expansion area, existing landfill areas, and trailer park. No whippoorwills or woodcock were seen.

4. **Comment:** *Operation of the landfill results in an increasing scavenger species problem (gulls and crows) in surrounding areas. The expansion will make this worse. (22)*

   Response: The City will continue to use bird deterrent methods that have proven successful at Rapp Road and in other New York landfills. In addition, by maintaining a small working landfill face, receiving daily fill, and also by using daily cover over the daily fill, the city will reduce the exposure and access to the landfill by such problem bird species. The city expects to control, maintain and not experience a worsening condition with the nuisance wildlife by using the above strategies.

5. **Comment:** *The SDEIS provides no analysis of whether or not the expansion area is critical habitat for the Karner blue butterfly. (39 & 46)*

   Response: The commenter is incorrect. The SDEIS included a survey of the habitat in and around the landfill (SDEIS Section 3.3). This documentation has been consolidated and is provided in SFEIS Appendix F. The proposed expansion site was not identified as critical habitat for the Karner blue butterfly. As noted in the SDEIS, approximately 7 acres of the expansion area is already developed and occupied by a detention basin, an existing building, roadways, staging areas for trucks, and road margins. The remaining area is dense overgrown brush and forest cover habitat that would not be used during any life cycle stage by the Karner blue butterfly. The project team believes that consensus has been reached on this issue with both the Albany Pine Bush Preserve Commission staff and NYSDEC. The proposed Habitat Plan provides details on how the degraded

lands adjacent to the landfill, such as the mobile home park, as well as the landfill itself will be transformed into viable Karner blue butterfly habitat.

6. **Comment:** *The City is proposing to expand the landfill in known habitat of an endangered species. (18, 30 & 39)*

   Response: The commenter is incorrect. There is no documented or known habitat of an endangered species present within the proposed expansion area. A thorough discussion of the potential presence of threatened and endangered species is provided in SDEIS Section 3.3. This documentation has been consolidated and is provided in SFEIS Appendix F. See also response to F.5 above.

7. **Comment:** *The City has not provided any information or studied the significance of the habitat within the proposed expansion area. (39)*

   Response: The commenter is incorrect. The City has conducted a very detailed study of the significance and ecological condition of the habitat present in the proposed expansion and restoration areas. This is provided in SDEIS Section 3.3.

8. **Comment:** *Is the landfill safe for wildlife?(5)*

   Response: The restored surface of the future landfill will be safe for wildlife, as has been documented in other landfills closed and restored to similar wildlife habitat. There is no evidence to suggest the habitats to be restored on the landfill surface will not be safe and useable by Pine Bush wildlife. *See also* Response to Comment D.6.

9. **Comment:** *The project will result in the irreplaceable loss of 15 acres of Pine Bush habitat.(2, 7, 8, 17, 18, 24, 39, 41, 44 & 66)*

   Response: The landfill expansion area is not existing Pine Bush habitat. The expansion area is listed in the 2002 Pine Bush Management Plan as proposed buffer area. As stated in response to Comment F.5, approximately 7 acres of the expansion area is developed landfill property, the remaining expansion area (8 acres) is degraded habitat that includes spoil piles from dredging of a ditch by former agricultural activities that is now the stream traversing the area. There are also remaining active subterranean tile lines that serve to dewater the remnant forested wetlands present on the adjacent property, and a

maintained powerline easement that traverses the area. The Habitat Plan, as discussed in SDEIS Section 2.8 and provided in SFEIS Appendix D, provides mitigation that more than replaces the habitat losses by most regulatory standards. In addition, the restoration plan will salvage substrates from the remaining habitat areas, and salvage plant materials for their beneficial reuse in the restoration areas. In essence, the project will retain the genetic resources present in long lived seeds in the soil seed bank and also root stock and trees and saplings that will also be salvaged by the Habitat Plan.

10. Comment: *The SDEIS assertion that the project will have no significant impact on rare, threatened or endangered species is not supported by the information provided. The restoration area includes Preserve lands that support rare species. Since no systematic wildlife surveys were conducted, the SDEIS is inadequate in identifying potential impact to listed species and species of greatest conservation need. Mitigation is required to address the short term impacts of the expansion and operation of the landfill. (37)*

Response: The first step in identifying the need for detailed surveys for listed species or any species of particular concern is to identify whether or not the habitat is present. If the habitat is absent, it is highly unlikely that the species will be present. Both federal and state agencies accept this approach. The habitat for listed threatened and endangered species as well as species of greatest conservation need has been identified and discussed in SDEIS Section 3.3 and provided in SFEIS Appendix F. Based on very detailed assessment of the vegetative communities within all areas proposed for impact or restoration, habitat for the species of concern is not present. To further support these conclusions, casual and some limited systematic focused surveys throughout the expansion and restoration areas were conducted and revealed no occurrences of listed species or species of greatest conservation need. The restoration and expansion areas include lands that do not support the habitat types known to be used by special status plants and animals including the existing landfill surface, existing developed areas in the landfill operations, and the highly disturbed mobile home park environs. Furthermore, because there is no active management to create or maintain wildlife habitat in the expansion areas, they are believed and are documented to offer little wildlife habitat value or use, under current conditions.

The short term impacts to common wildlife species are envisioned to be minor and likely not measurable. Both short term and permanent impacts (expansion area) are more than compensated for through the very large investment in restoration. Additionally, phasing

of the restoration efforts will start with areas that currently provide little or no wildlife habitat values.

The restoration of the mobile home park and western end of the existing closed landfill to dry prairie, wetlands and riparian forested wetlands will occur within the first two phases of the Habitat Plan implementation timeline and will within a period of less then 1 growing season after construction will begin to provide substantially more habitat values for wildlife, perhaps including special status species, than the existing degraded habitat conditions have provided for many years on end. The project is expected to have a very fast overall net benefit to wildlife. This wildlife response will be documented against baseline conditions contributed by data collected to data in the project area, and to be collected under the monitoring program as the project progresses.

11. Comment: *What are the environmental costs of the project? Are they minor or is the natural landscape and ecology of the site going to be forever eliminated? (43)*

Response: The environmental impacts and mitigation for the proposed project are thoroughly discussed throughout the SDEIS. The project will impact approximately 8 acres of existing forested land that has been degraded by past agricultural activities and active draining via ditching and drain tiles. These impacts are being compensated through a comprehensive Habitat Plan discussed in SDEIS Section 2.8. This plan will provide much higher quality habitat than currently present and will help to advance important goals for the Albany Pine Bush Preserve.

12. Comment: *The Karner blue butterfly population on the Coeymans site needs to be investigated. Additionally, the amount of wetland on site needs to be clarified. (64)*

Response: To the best of the City's knowledge, there are no Karner blue butterfly populations documented by the agencies at site C-2 in Coeymans nor does the habitat exist there. The site is mostly wetland and the soils are comprised of silt loams that are not conducive to blue lupine and other important Karner blue butterfly nectar species. Wetlands on this site have been delineated. At this time site C-2 is not being considered as a viable alternative to the proposed Eastern Expansion. No further investigations are warranted at this time.

G. ALBANY PINE BUSH PRESERVE

1. **Comment:** *The project will impact 15 acres of Pine Bush ecosystem. (2, 7, 8, 17, 18, 24, 39, 41, 44 & 66)*

   Response: The proposed Eastern Expansion will impact approximately 8 acres of degraded forested upland and wetland. The 2002 Management Plan for the Preserve identifies this site as suitable for buffer and does not purport this land to be viable pine barrens habitat. The residential properties proposed for the construction of landfill facilities are disturbed areas with trees consisting mostly of black locust.

2. **Comment:** *The City should identify all plots of land to be dedicated to the Albany Pine Bush Preserve Commission and a time table for action. (7)*

   Response: The lands proposed to be deeded to the Albany Pine Bush Preserve Commission or placed in an Article 49 conservation easement are shown on SFEIS Figure II-1, provided in response to comment A.7. This will occur upon agreement with the Commission and after receiving all approvals and permits for the proposed expansion, including the federal wetland permit.

3. **Comment:** *Based on the existing characteristics of the expansion area, the SDEIS assumes that the area is only viable as a buffer to the preserve. (39)*

   Response: The existing conditions and habitat quality of the expansion area has been thoroughly addressed in SDEIS Section 3.3 and Appendices D and G. This documentation has also been consolidated and provided in SFEIS Appendix F. Its characterization as a buffer is taken from the 2002 Management Plan for the Preserve.

4. **Comment:** *A transfer, dedication or conveyance of an Article 49 NYS conservation easement to NYSDEC and/or the Commission is needed to encumber all City-owned lands adjacent to the landfill and prevent any future expansions. (37, 39 &49)*

Response: For those lands within the City of Albany, an Article 49 conservation easement will be used. For those properties outside the City, the City's preferred method of transfer is to deed the lands over to the Commission.

5. **Comment:** *The tipping fee provided to the Commission as mitigation has fluctuated over the years and was higher prior to the P-4 expansion than the current rate. This rate needs to be tied to the landfill's gross receipts. A rate of 3-4% is a reasonable request. (37 & 49)*

Response: The proposed Habitat Plan represents the largest single investment in the preserve by any municipality or private entity. This is a very significant and costly project that will have far reaching benefits. To put this in perspective, using a total estimated capacity of 2,150,282 tons for the Eastern Expansion and a cost for the Habitat Plan of $15,000,000 (low end of range), the equivalent tipping fee would be $6.98 per ton. The current tipping fee donated to the Preserve is $0.75/ton.

H. LAND USE AND COMMUNITY CHARACTER

1. **Comment:** *The landfill is not compatible with the increasingly populated/urban surroundings. Toxic odors are a nuisance and health hazards are a concern. (2, 4 & 18)*

   Response: The landfill's presence in the landscape has not hindered growth surrounding it. In fact, there has been considerable growth in the area around the landfill since it was first opened. The City fully recognizes that the end of waste disposal at the Rapp Road landfill is nearing. This spurred a siting study in 1991 that led to the choice of Site C-2 in Coeymans. Although not dismissed as an alternative, it is recognized that development of this site as a landfill would be difficult due to the regulatory hurdles.

   Considerable effort has been taken over the past year to address odor issues and by and large has been successful in significantly reducing the incidents and severity of odors. These measures will continue and the City is confident it can manage the odor problem. The City undertook a year-long study to evaluate the health impacts from the landfill, which is attached as Appendix I to the SDEIS. This study concluded that air emissions from the landfill did not represent a health concern.

2. **Comment:** *Why should a dump positioned in an urban area be allowed to accept garbage from rural areas? (16)*

   Response: The Rapp Road Landfill accepts waste from the member municipalities of the local planning unit and well as from other local sources. There are 13 municipalities that are currently members of the planning unit, including 3 cities, 3 villages and 10 towns, representing a mix of urban suburban and rural communities in the Capital District. This regional solid waste system has existed since the 1980's and was developed in response to a recognized need to provide reliable, cost effective and environmentally sound waste disposal systems. The origin of this regional system was the result of forward thinking local leaders, and was an example that was later followed throughout the State of New York in response to new regulatory requirements established in the 1980s to eliminate unlined landfills, open dumps, and other obsolete solid waste disposal practices that were harming the public health, safety and welfare.

I. VISUAL RESOURCES

1. **Comment:** *The landfill is a visual impact on the gateway to the Capital District. (5, 22, 27, 49, 58 & 63)*

   Response: The Visual Impact Analysis (VIA), included as Appendix H to the SDEIS, contains a series of photosimulations which show the existing landfill height, the previously approved P-4 landfill height, and the proposed landfill height with the expansion. The location of the photosimulations was determined based on the viewshed analysis plan (methodology explained in the VIA). The photosims were prepared from the end of Petra Lane, from the South Frontage Road, from the Thruway Exit 24 approach, from the Thruway westbound and from Route 155 at the I-90 overpass. When viewing the existing condition photograph against the already approved landfill height for the P-4 expansion, it is easy to see that the landfill is not at its currently approved height. When viewing the P-4 expansion photosimulation against the proposed landfill expansion it can be determined that the visual impact resulting from the expansion is insignificant.

2. **Comment:** *The proposed expansion will have impacts on the Preserve. Final grades will be visible from Karner Barrens East, Karner Barrens West, Kings Road Barrens, Rapp Road Barrens, and Blueberry Hill sections of the Preserve. Currently, the landfill is only visible from Karner Barrens East. (37)*

   Response: Photosimulations for the locations within the Pine Bush Preserve are provided in SDEIS Appendix H. They include photosimulations 7 – 15. The location of these photosimulations was determined through a field visit with a representative from the Albany Pine Bush Preserve Commission where it was felt there would be the greatest potential sensitivity. Photosims 7 – 11 show the existing condition photograph (landfill currently visible), the approved P-4 expansion height and the proposed expansion height. As noted in the response to Comment I.1 above, the visual difference between the P-4 height and the proposed height is not significant. In photosimulations 12-15, the landfill is not visible in its current state nor will it be visible once the expansion is completed

3. **Comment:** *The landfill is 4-5 times taller than the retaining wall at Fox Run and is now covered with raw garbage. It is not holding back garbage or odors. (47)*

Response: The wall at Fox Run is a sound wall, constructed to mitigate noise levels from cells 1-6 of the Albany Interim Landfill only. The wall has out-lasted its intended purpose and will be removed as part of the Eastern Expansion.

J. AIR QUALITY & ODOR CONTROL

1. **Comment:** *Air pollutant quantities are not documented in the draft Air Permit. What are the annual emissions (VOC's, methane, NOx, particulate matter, and hazardous pollutants). What is the status of the gas collection system? What is being done to upgrade the system and what percentage of the landfill gas is being collected?(38)*

   Response: Pollutants generated by the landfill are identified and discussed in SDEIS Section 3.8. The facility holds a Title V Air Permit. Air pollutant emission quantities/limits are not specified in Title V permits. Facilities applying for Title V permits estimate potential (or maximum) air pollutant emissions in the application and then, once the permit is issued, are required to complete an Annual Emission Statement by April 15th of each year. The Annual Emission Statement lists actual (rather than potential) emissions from the engines, flares and the landfill for the previous calendar year. The facility then pays an annual fee based on actual emissions for the year. The actual emissions, and therefore the fees, vary from year to year due to the fact that the amount of waste placed in the landfill, the amount of landfill gas generated, and the amount of landfill gas collected and combusted in the engines and flares vary from year to year. For the three most recent years (2005-2007) for which Annual Emission Statements have been submitted, the amount of landfill gas generated has varied from 37,860,000 m^3/yr to 59,110,000 m^3/yr, while the percentage of landfill gas collected has varied from 70% to 85%. Pollutant emissions have been reported in the Annual Emission Statements as follows:

	2006 tons/yr	2007 tons/yr
VOC	18.6	20.24
Methane	6030	6521
NO_x	70.78	71.03
PM	9.62	9.93
HAP	0.49	0.78

(It should be noted that NO_x and PM are primarily products of combustion. Thus, as the percentage of landfill gas combusted increases, the methane and VOC emissions will decrease, while the NO_x and PM emissions will increase.)

The gas collection system is continually evaluated and expanded to ensure effective collection of landfill gas generated. The landfill gas collection system is evaluated each

day by monitoring over 20 points of the collection system to ensure continual collection of the landfill gas. The system is also monitored with bi-monthly tuning of the entire well field to evaluate each landfill gas collection point to ensure optimal collection of landfill gas. Should an issue be identified during the monitoring or tuning events, repairs to the collection system are instituted immediately. As waste placement progresses in the landfill, the gas collection system is expanded with the installation of additional landfill gas collection points and associated headers and laterals. The collection system is expanded regularly based on the amount of waste placed and on the evaluation of readings taken during monitoring and tuning events.

2. **Comment:** *The City proposes to use petroleum contaminated soils. This will generate VOC's and other hazardous air pollutants. These emissions have not been quantified in the draft Air Permit and has not been addressed in the EIS. (38)*

   Response: Petroleum contaminated soils are considered solid wastes, not hazardous wastes, and can be disposed of in DEC authorized municipal solid waste landfills. NYSDEC has established a Petroleum-Contaminated Soil Guidance Policy. While reuse of contaminated soil is preferred under this policy, disposal at an authorized landfill is often the only approved alternative due to economics or site constraints. Petroleum contaminated soils meeting the applicable Part 360 concentration limits may also be used as cover material with minimal or no impact on air quality. VOC from petroleum-contaminated soil, whether it is disposed of or being used as cover, will be collected and controlled in the same manner as VOC released from other placed waste

3. **Comment:** *The draft Air Permit and EIS should quantify all emissions from on-site equipment including delivery trucks in order to evaluate health impacts from the site. (38)*

   Response: On-site equipment and delivery trucks are mobile sources. The Part 201 air permit program in New York State covers stationary sources only. Mobile sources are specifically exempted from permitting; therefore, on-site equipment and delivery trucks are not included in the Title V Air Permit. The amount of on-site equipment and the number of delivery trucks will not change as a result of the proposed expansion. The amount of on-site equipment and the number of deliveries made are anticipated to remain similar to current levels. The environmental impact due to traffic at the landfill was addressed in Section 3.7 of the EIS.

4. **Comment:** *Odors will continue to impact Village of Colonie residents and businesses. The Village acknowledges that the City has undertaken efforts to control odors and these efforts have improved conditions. However, there are no assurances that these efforts will continue in the future. (36, 53 & 65)*

   Response: The City of Albany's efforts to control off site odor impacts from the landfill will continue in the future. The implementation of daily monitoring and bi-monthly tuning of the gas collection system will ensure that the landfill gas collection system is operating effectively and indentifies any problems with the system. Problems identified will continue to be addressed immediately. In addition, the continual expansion of the landfill gas collection system will ensure any additional landfill gas generated with new waste placement will be collected and controlled. All these efforts and others that have been employed over the past two years have resulted in far fewer and much less intensive odor problems. It is likely that NYSDEC will impose special conditions to monitor and enforce the City's compliance with the Part 360 permit.

   In the past, some of the odor problems have been a result of the ownership of the gas collection system. Until recently, NEO Albany, LLC owned major portions of the gas collection system, and operated the system with the view towards maximizing electricity production, not minimizing odors. The City now owns the entire gas collection system, so now control of odors can be better managed.

5. **Comment:** *Cook Park is the Village's urban park and is well attended with many amenities. The Park is in close proximity to the landfill and is impacted by the odors from the landfill. (36, 47 & 53)*

   Response: The City's efforts to date to control odors resulted in far fewer and much less intensive odor problems. The City understands the concerns of the residents of the Village of Colonie and elsewhere and is committed to continue these efforts and expand the gas collection system to eliminate the potential for future significant odor incidents. It is believed that residents will be able to take full advantage of the amenities of Cook Park. Currently, the City coordinates any construction work that might result in off site impacts with the Village to ensure such work is not performed during special events at Cook Park. The City will continue this coordination.

6. Comment: *Odors from the landfill are a continuing problem. (3, 5, 7, 8, 10, 11, 17, 19, 25, 26, 27, 35, 37, 39, 41, 44, 45, 46, 47,49, 51, 55, 58, 59, 62, 63, 64 & 65)*

Response: Odors from the landfill are being controlled with the collection of landfill gas. The City of Albany has implemented a number of measures to reduce off site odor impacts that have resulted in a significant decrease in the complaints to the City regarding odors from the landfill. These efforts are discussed in SDEIS Section 3.8.2.2, beginning on page 3-104. The City maintains a complaint hotline to receive and respond to complaints regarding the landfill. Each complaint is investigated and any gas collection system issues identified are immediately corrected. Over the past two years, complaint calls into the hotline have declined significantly.

7. Comment: *Landfill is not receiving proper daily cover that is resulting in bad odors. (22)*

Response: The type of daily cover utilized at the landfill is not the cause of the odors. The City of Albany uses daily cover in accordance with their permit and Part 360 regulations. *See* Responses to Comment J.6.

8. Comment: *NYSDEC has not adequately addressed the health issues of the landfill odors. (7, 8, 10, 18, 22, 52, 54, 56, 59 & 60)*

Response: NYSDEC does not have specific regulations concerning odors. Odors are addressed in a general manner under the air regulations. 6NYCRR Section 211.2 states that

> *No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic, or duration which are injurious to human, plant, or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.*

Odor causing constituents are a subset of the VOC and HAP emissions that were evaluated. These evaluations, which were included in the SDEIS Section 3.8, indicated

that worst case concentrations of all contaminants, including odor causing contaminants, were below both short term (SGC) and annual (AGC) guideline concentrations that have been established by the state for protection of public health and the environment.

Nonetheless, the City of Albany included in the SDEIS a year-long ambient air quality and odor assessment, which was prepared by RTP Environmental Associates, Inc for the facility between May 2007 and January 2008. A copy of the report is provided in SDEIS Appendix I. That report concludes that air emissions from the landfill do not present a health risk.

9. **Comment:** *The City may not be properly applying Posi-Shell, which has resulted in odor problems. (39)*

   Response: The commenter is speculating that improper application of Post-Shell is resulting in odors. The City of Albany applies Posi-Shell as a NYSDEC approved alternative for daily cover. The Posi-Shell is placed properly and assists with controlling off site odor impacts from the landfill.

10. **Comment:** *The City has not proposed any new odor control measures despite proposing to move the landfill closer to residents. Additional measures should be required such as additional cover, changing operations, stricter monitoring of waste components and quantity and characteristics of the waste.(39)*

    Response: New and more aggressive efforts by the City to control odors began approximately two years ago and have resulted in a significant decrease in the number of odor complaints received by the City. These efforts are discussed in SDEIS Section 3.8.2.2, beginning on page 3-104. These efforts will continue in the future. In addition, the implementation of daily monitoring and bi-monthly tuning of the gas collection system will ensure that the landfill gas collection system is operating effectively and indentifies any problems with the system. If problems are encountered, they will be addressed immediately. The continual expansion of the landfill gas collection system will ensure any additional landfill gas generated with new waste placement will be collected and controlled.

11. **Comment:** *The odor analysis does not explain whether 1051 meters and 549 meters are distances from the landfill or elevations. (39)*

Response: 1051 meters and 549 meters are distances. As discussed in the EIS, screening level air dispersion modeling was performed to evaluate the potential for off-site impacts from landfill emissions. The maximum gas generation rate will occur in 2017 for the proposed expansion area. Emissions were calculated for both the existing and the expansion areas for 2017. The screening analysis indicates that the maximum impact in 2017 from the existing landfill occurs at a distance of 1051 meters (3448 feet) from the center of the landfill. The maximum impact from the expansion area in 2017 will occur at a distance of 549 meters (1801 feet) from the center of the landfill. The screening results for the existing landfill and the expansion area were combined at both 1051 meters and 549 meters for the maximum gas generation year in order to estimate worst case conditions. Screening level results indicated that the maximum concentrations of all six compounds examined for odor potential are predicted to remain below detection thresholds at both of these worst case distances.

12. Comment: *What is the composition of the exhaust from the burning going on? Has a study been done to see if the burning poses a health hazard to the area residents?(16)*

Response: The facility does not burn the waste it receives. All waste is properly landfilled. The gas generated from decomposition of the landfilled waste is collected and combusted in engines and flares. The exhaust products from combustion consist of SO_2, NO_x, CO, NMOC and PM. The potential impacts from these combustion products was examined as discussed in SDEIS Section 3.8.2. The maximum concentrations of these contaminants were estimated using very conservative assumptions. The results for the combined maximum concentrations from all engines and flares were found to be below National Ambient Air Quality Standards, indicating that there will be no significant impact on air quality due to combustion source emissions. In addition, the SDEIS includes an air quality analysis at Appendix I, which takes into account all emission sources at the landfill. That analysis concludes that the emissions from the landfill site do not present a health hazard.

K. NOISE

1. **Comment:** *Increasing the height of the landfill will result in unobstructed views that will increase noise impacts. (49)*

   Response: Noise is generally not a function of view. The biggest factor in the reduction of noise is distance from the source to the receptor. The current visual obstructions relative to most of the viewpoints identified in the SDEIS are trees and other vegetation. These elements are poor noise reducers. In actuality, as the landfill activities increase in elevation they will also be moving further away from the receptors and thus the noise will lessen.

2. **Comment:** *Enlarging the landfill will increase noise from nuisance bird management. (23)*

   Response: It unlikely that the landfill expansion will increase noise from bird management since P-4 will be closed and the focus of management will be on the new working face of the landfill. In other words, the work area will not get bigger. Currently, The City contracts with the United States Department of Agriculture for bird management and permit compliance (including federal permits). The USDA employs 'bird banger' pyrotechnics, shotguns, traps and rocket nets to harass and/or euthanize birds. The pyrotechnics are intended to emit a loud noise to scare the flock. These measures are used at many, if not most, landfills to control flocks and have been used at the Rapp Road landfill for at least the past 10 years.

L. CULTURAL RESOURCES

1. **Comment:** To *the east of the landfill entrance road, where landfill facilities are proposed to be relocated, are sensitive to cultural resources. Flint chips were discovered in that area back in 1973. Testing in this area should be at frequent intervals and deeper than the first "sterile sub-soil" encountered because of the wind blown sand deposits. Furthermore, two early 18th century taverns were located nearby. (32 & 67)*

   Response: The City's archaeological consultant's work in this vicinity located a small precontact archeological site that will be avoided by the project. The methods used were standard NYAC-approved hand-excavated shovel test pits at a 50-foot interval. In the vicinity of the small precontact site, the interval was narrowed to a lesser interval to determine the bounds of the site. This is standard practice that has been approved by OPRHP. Deeper testing in this vicinity was not warranted since the precontact finds were not deeply buried. The eighteenth-century taverns were located nearby and were covered in the literature review. No evidence of the taverns or similar historic sites were encountered in the project area during Phase IB testing. Historic map overlays were used to determine the positions of map-documented structures and we found no evidence in that examination of a tavern *in* the project area. Cultural resources reports for the project area are provided in SDEIS Appendix J.

M. ALTERNATIVES

1. **Comment:** *The EIS fails to address alternatives for limiting garbage brought to the landfill, such as City only or CRSWMP only garbage. (6, 9, 39, 41, 44, 46, 64, 66 & 69)*

   Response: Accepting City-only waste would be inconsistent with the City's obligations as part of the CRSWMP planning unit. The Rapp Road facility serves as an important solid waste management resource for the Capital District. As discussed in SDEIS Section 2.3, the amount of waste reaching the landfill for disposal is consistent with the estimated amount of waste produced in the CRSWMP planning unit. Due to the use of private waste haulers in most of the CRSWMP communities it cannot be determined if all the waste is CRSWMP-only. A private hauler may begin the day in Colonie and end in Guilderland. The logical place to dispose of the load is at Rapp Road. Conversely, the opposite route might occur and if they have a permit to dispose waste at the Colonie landfill, they may do so rather than back tracking to Rapp Road. Although there may be some sharing of wastes, the estimates are consistent with the population and business uses within CRSWMP.

2. **Comment:** *The City should have addressed raising the tipping fees for commercial haulers to $90 per ton, which is the full replacement cost of the landfill. This would eliminate the commercial haulers and extend the life of the landfill, providing time for the City to implement other alternatives. (38)*

   Response: Such a move would be inconsistent with the City's obligations as part of the CRSWMP planning unit. The Rapp Road facility serves as an important solid waste management resource for the Capital District. Most CRSWMP communities outside of the City of Albany are served by private waste haulers. See also Response to Comment B.9.

3. **Comment:** *The City has proposed a "pay-as-you-throw" alternative that could be used as a revenue generator and could extend the life of the landfill, providing the time necessary to address a long term solution for solid waste management. (9, 28, 29, 46, & 63)*

Response: The "pay-as-you-throw" concept is one potential alternative that is first mentioned in the Solid Waste Management Plan (SWMP) Modification and will be further considered during preparation of the new SWMP. The City has not proposed this as a viable alternative at this time. As part of the SWMP Modification the City has committed to studying the feasibility of PAYT during calendar year 2009. Even if a PAYT program was determined feasible and implemented as soon as possible, the Eastern Expansion would still be necessary to provide sufficient time for other aspects of a long term disposal solution to be developed.

4. **Comment:** *The City should consider constructing a modern recycling/waste to energy facility that would burn waste delivered to the landfill as well as wastes already buried in the landfill to generate electricity. (11, 27 & 61)*

   Response: The development of such a facility is being evaluated as part of the new SWMP. The new SWMP process will not likely be concluded until 2011. If such a facility is determined to be feasible and desirable as part of the new SWMP, it will take many years to have such a facility developed, and thus would not displace the need for the Eastern Expansion.

5. **Comment:** *The City should partner with RecycleBank that has helped other communities in Massachusetts increase their recycling rates through household incentives. (11)*

   Response: This was considered in connection with the preparation of the recent SWMP Modification, and while such a partnership was not a recommended outcome, other measures were outlined to increase recyclable recovery rates in the planning unit communities. In any event, partnering with RecycleBank is not precluded in the future.

6. **Comment:** *The siting study provided in the SDEIS is inadequate since it only looks at sites within the City and involves the same sites used in 1989. The study should be looking at other potential sites within the CRSWMP communities.(39)*

   Response: SEQR only requires that a project sponsor evaluate alternative sites which are under the control of the project sponsor. The City does not have the power of eminent domain outside its municipal boundaries, and therefore, it was entirely proper for the

alternatives analysis to only cover sites within the City of Albany, and sites outside the City under the City's control (*i.e.*, Site C-2 in the Town of Coeymans).

7. **Comment:** *The City should have a zero waste management program with a recycling center and completely abandon their landfill in the Pine Bush. The responsibility of waste management should be returned to the local municipalities as it formerly was. Taking waste from outside the City should cease. (31, 54, 67 & 69)*

Response: This alternative is not feasible at this time. While the concept of zero waste (equivalent to total waste reduction and recycling) has been suggested elsewhere before, it represents a significant shift from the current paradigm of solid waste management in the United States and has not yet been demonstrated to be fully effective. The policy of the City of Albany and the State of New York, as embodied in the SWMP and the SWMP Modification, is to minimize waste requiring land disposal by maximizing waste reduction and recycling, to the extent economically practicable. The comment regarding returning solid waste management responsibility to local municipalities and ceasing to take waste from outside the City is inconsistent with New York State policy which promoted the regionalization of solid waste management. The current arrangement provides economic, social and environmental benefits to both the City and the surrounding communities. As pointed out in section 5.5 of the SDEIS, there will be significant adverse economic consequences if the proposed landfill expansion is not approved.

8. **Comment:** *To make up for a short fall associated with closing costs of the Rapp Road Landfill, a tax on waste generation in Albany County is needed. This money could be used to pay for restoration of the Pine Bush. A waste generation tax would make organics and technical material recovery more cost competitive. (2 & 42)*

Response: The City does not have the authority to levy a tax on waste generated in Albany County. The example cited by the commentator in Vermont seems to refer to a statewide tipping fee surcharge in that state. New York State has not enacted the legislation which would be required to have a similar surcharge in this state. Notwithstanding the lack of authority for this tax levy, if individual municipalities or counties were to enact such a tax, rather than achieving the commentator's objective of raising additional revenue for the City to pay for Landfill closure or Pine Bush

restoration, it would instead create economic incentive for waste generators to find other lower priced disposal facilities which are not burdened with a waste generation tax.

9. **Comment:** *There is plentiful landfill space across the Nation for waste exportation. The department is currently considering a 300-acre, 700-acre and 1,500-acre expansions of large commercial MSW facilities that would not take land as rare as the proposed expansion. Landfill operators across the country would welcome the business of the City. While there may be slightly higher costs associated with exporting trash, these higher costs would encourage waste reduction, more recycling, and material recovery. (2, 7, 42 & 43)*

   Response: The SDEIS has already considered this alternative of long haul waste export and disposal (see Section 5.5). There would be significant adverse economic consequences that would result and at this time such an alternative is not practicable.

10. **Comment:** *An alternative to the expansion should be the reduction of waste by NYS agencies whose waste is not managed by the Office of General Services. Office workers are not encouraged or educated to reduce the amount of trash they generate. (6)*

    Response: The recent SWMP Modification identifies a number of measures that will be implemented in the short term to increase the level of recycling at commercial, industrial, and institutional waste generators, including NYS agencies. However, this anticipated increase in recycling will not eliminate the need for the landfill expansion.

11. **Comment:** *Not all feasible alternatives to expanding the landfill were investigated. There is no mention of turning the landfill into a resource recovery park or constructing a resource recovery park in a location other than the Pine Bush. The goal of these parks is zero waste. (43 & 51)*

    Response: The alternatives examined and presented in the SDEIS were the result of a public scoping process. Alternatives to the landfill expansion must be able to be implemented and operating by the anticipated closure date of the existing Rapp Road Landfill. The development of typical facilities that constitute a resource recovery park could not be completed within the required time frame. Development of such a park would be more appropriately considered in connection with the development of long term solid waste solutions as part of the new SWMP process.