

Public Notice

ISSUED: August 8, 2014

EXPIRES: September 8, 2014

U.S. Army Corps
of Engineers
Buffalo District

Application No: 2005-00198 -Section: NY

All written comments should reference the above Application No. and be addressed to:
U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Sealand Waste, LLC, 85 High Tech Drive, Town of Rush, Monroe County, New York 14543.

WATERWAY & LOCATION: Federal jurisdiction wetlands and tributaries adjacent to Storehouse Run within the Conewango Creek Watershed. The project site is located northwest of the intersection of Dodge/Sandberg Road in the Town of Carroll, Chautauqua County, New York (Sheets 1&2 of 12).

LATITUDE & LONGITUDE: Latitude North: 42.01336
Longitude West: -79.08760

PREVIOUS IMPACTS: After performing an in-house review, it was determined no previous impacts to Waters of the U.S. took place at the proposed project site in the past.

EXISTING CONDITIONS: The 54.1 acre Jones Property contains a closed, 3 acre construction & demolition (C&D) debris landfill referred to as the Carroll Landfill. The landfill was closed in 2007 because it reached its allowable capacity and the NYSDEC Part 360 permit expired. The C&D landfill was properly closed with a soil barrier cap and a topsoil layer per 2007 regulations.

Wetland delineation was completed at the 54.1 acre Jones Property (Carroll Landfill) on November 15, 2010 and was officially verified on November 19, 2010 by USACE personnel. A combination preliminary and approved jurisdictional determination was made indicating the location contained 6.06 acres of Federally jurisdictional wetlands (Wetland 1= 5.97 acres, Wetland 5=0.06 acres) and approximately 3,036 linear feet of seasonal relatively permanent waters of the U.S. Wetland areas 2, 3 & 4 (0.06 acres total) were determined to be isolated and not subject to Federal jurisdiction (Sheets 3 & 4 of 12).

PROPOSED WORK: Sealand Waste, LLC is proposing to purchase the 54.1 acre Jones Property and reopen and expand the Carroll Landfill. Sealand proposes to relocate the C&D debris (estimated at 100,000 cubic yards) from the 3-acre, closed landfill to the adjacent, proposed expansion area. The existing waste from the outdated containment system without leachate collection or environmental monitoring will be relocated to a composite lined landfill with a leachate collection system and a comprehensive monitoring program. The reconfiguration and expansion of the Carroll Landfill will provide Sealand Waste, LLC approximately 5,753,100 cubic yards of airspace with a projected life of 11.5 years. The proposed reconfiguration and expansion will result in the permanent impact to 5.76 acres of Federal jurisdictional wetlands (5.70 acres of forested and 0.06 acres of emergent wetlands) (Sheet 7 of 12). In addition, the proposed reconfiguration and expansion will result in the permanent impacts to 2,844 linear feet of intermittent streams (Channels B-H) (Sheet 7 of 12).

PROJECT PURPOSE

Basic: The basic project purpose is to construct a landfill.

Overall: The overall project purpose is to provide a cost-efficient and reliable C&D landfill within Chautauqua County.

Water Dependency Determination: The discharge of fill material into 5.76 acres of jurisdictional wetlands and 2,844 LF of streams for the purpose of reconfiguring and expanding the Carroll Landfill is not a water dependent activity because it does not require access or sitting within the special aquatic site in question to fulfill its basic purpose. Therefore, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise

Avoidance and Minimization Information: Outlined below are the alternatives Sealand Waste, LLC considered for the proposed expansion of the existing landfill.

No Action Alternative – Does not allow the applicant to fulfill the project purpose, to relocate the 3 acre closed landfill and the expand the landfill into the adjacent area in order to provide a cost-efficient and reliable C&D landfill within Chautauqua County (Sheet 5 of 12).

Offsite Alternative – Sealand Waste, LLC explored various offsite alternatives and has determined this alternative is not practicable because (the seller) through a series of court cases demonstrated a vested property right to operate a C&D landfill on the entire 54.1 acre parcel and determined the Town of Carroll may not extinguish that use. In addition, the offsite alternatives are private property and are not readily available as the proposed expansion site. Finally, the proposed expansion site has existing ground water monitoring well development and various other forms of infrastructure in place from the previous operated landfill that has since been closed.

Onsite Alternatives (Sheet 6 of 12) – Sealand Waste, LLC explored one onsite alternative to reconfigure and expand the existing closed landfill in order to provide a continued long-term C& D facility. The onsite alternative was determined to not be viable option because it would not generate sufficient revenue to implement the proper closure and monitoring of the closed 3-acre landfill onsite.

Proposed Mitigation: To mitigate for impacts to 5.76 acres of federal wetlands and 2,844 linear feet of jurisdictional drainage-way, Sealand Waste, LLC is proposing to construct 12.7 acres of wetland and 11,905 linear feet of drainageway at a replacement ratio of 2.2:1 for wetland impacts and 4:1 for

drainageway impacts. The mitigation will be constructed at an offsite, 35.8 acre parcel located in the Town of Ellington, Chautauqua County, New York (Sheets 8-12 of 12).

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Mr. Joseph Rowley, who can be contacted at the above address, by calling (716) 879-4279, or by e-mail at: joseph.m.rowley@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

To date, a Phase 1A Cultural Resource Investigation Report dated November 22, 2011 was completed by the Rochester Museum for the 54.1 acre Jones Property. The report was submitted to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for their review. On December 21, 2011, NYSOPRHP issued an opinion that the proposed project will have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places. However, no opinion was issued for the mitigation site because no Phase 1A Cultural Resource study was completed. The mitigation area, as shown on Sheets 8 of 12 does not appear to be located within an archaeologically sensitive area as identified by the NYSOPRHP or properties listed in, or eligible for listing in, the National Register of Historic Places based on preliminary findings. This notice constitutes initiation of consultation with the NYSOPRHP per Section 106 of the National Historic Preservation Act for the mitigation area. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Clubshell (*Pleurobema clava*) (Endangered), Rayed Bean (*Villosa fabalis*) (Endangered) and Northern Long Ear Bat (*Myotis septentrionalis*) (Proposed Listing) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

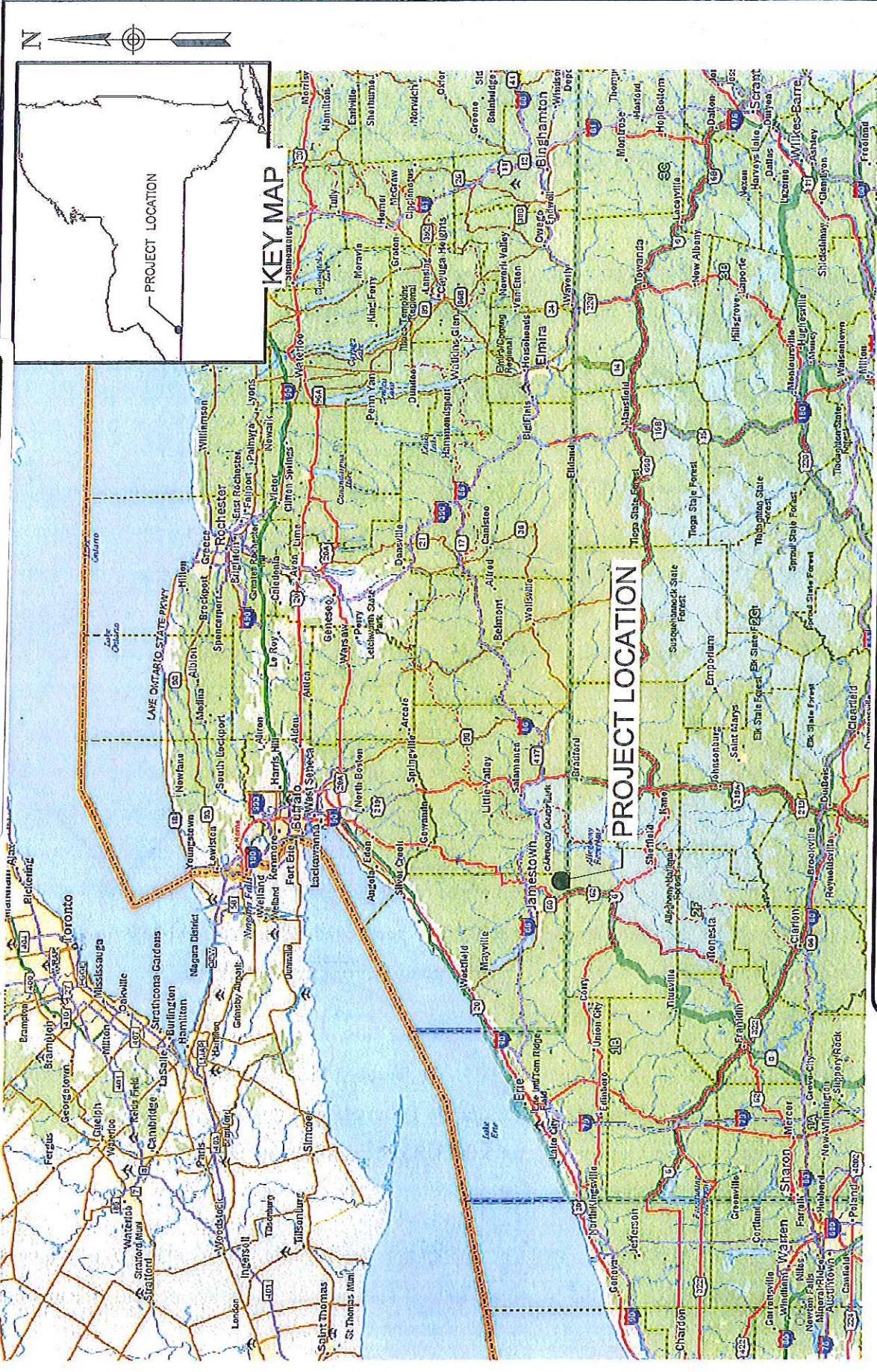
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


For Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauqua County, New York
 Quad: Ivory
 Sheet 1 of 12



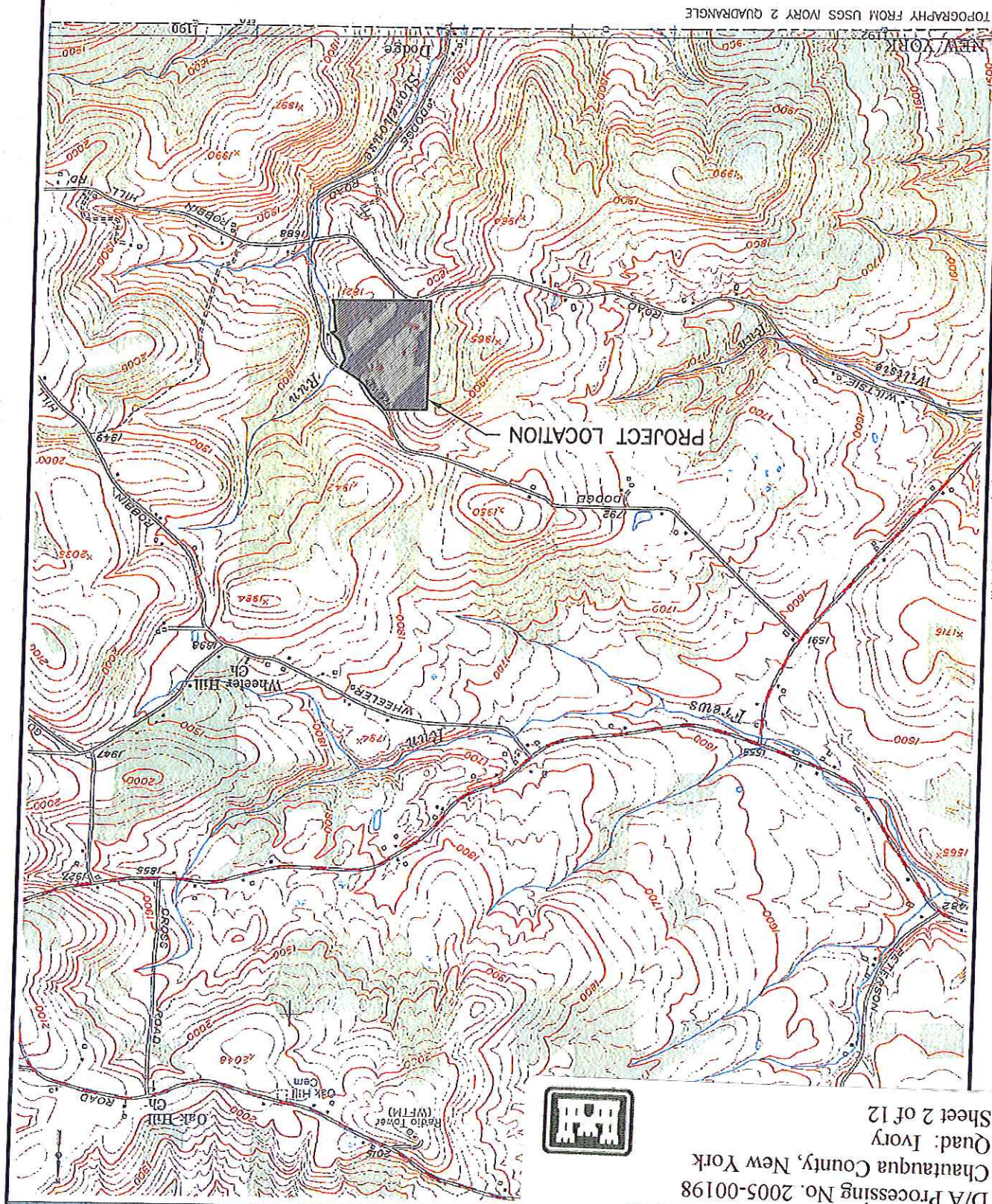
REGIONAL MAP	
SEALAND WASTE, LLC	CARROLL LANDFILL EXPANSION APPLICATION-ALTERNATIVES ANALYSIS
SCALE: NOT TO SCALE	REVISION # 0
November 2013	TOWN OF CARROLL
CHAUTAUQUA COUNTY	
NEW YORK	

DAIGLER ENGINEERING P.C.
 engineering • science • design
 1711 GRAND ISLAND BLVD. GRAND ISLAND, NEW YORK 14072

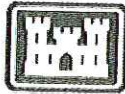
FIGURE 1

DAIGLER ENGINEERING P.C.
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 GRAND ISLAND, NEW YORK 14022
 1711 GRAND ISLAND BLVD.

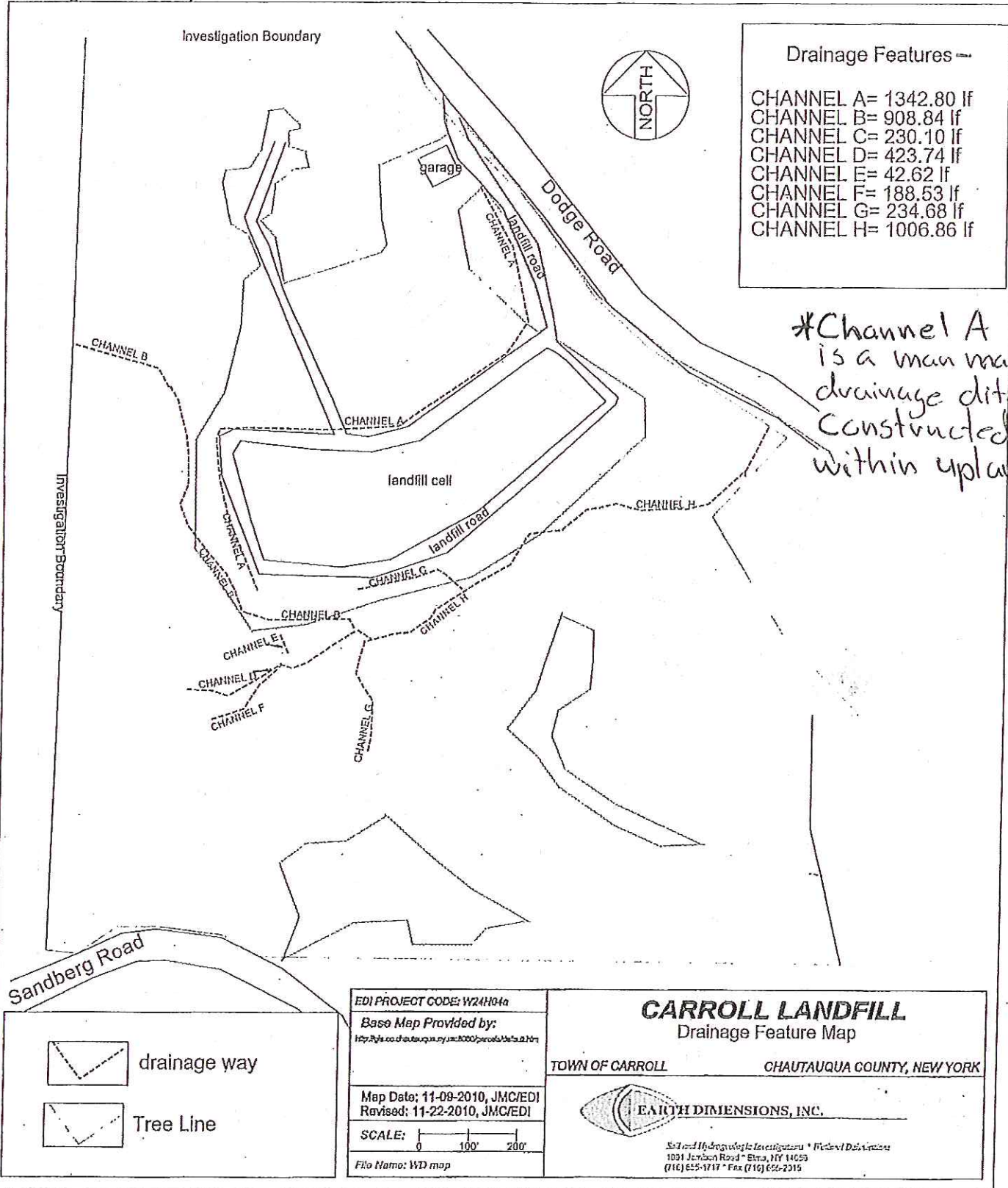
VICINITY MAP		SEALAND WASTE, LLC.	
		TOWN OF CARROLL	CHAUTAUGUA COUNTY
CARROLL LANDFILL EXPANSION APPLICATION-ALTERNATIVES ANALYSIS		REVISION #	0
November 2013		SCALE:	NOT TO SCALE
FIGURE 2			



Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauqua County, New York
 Quad: Ivory
 Sheet 2 of 12



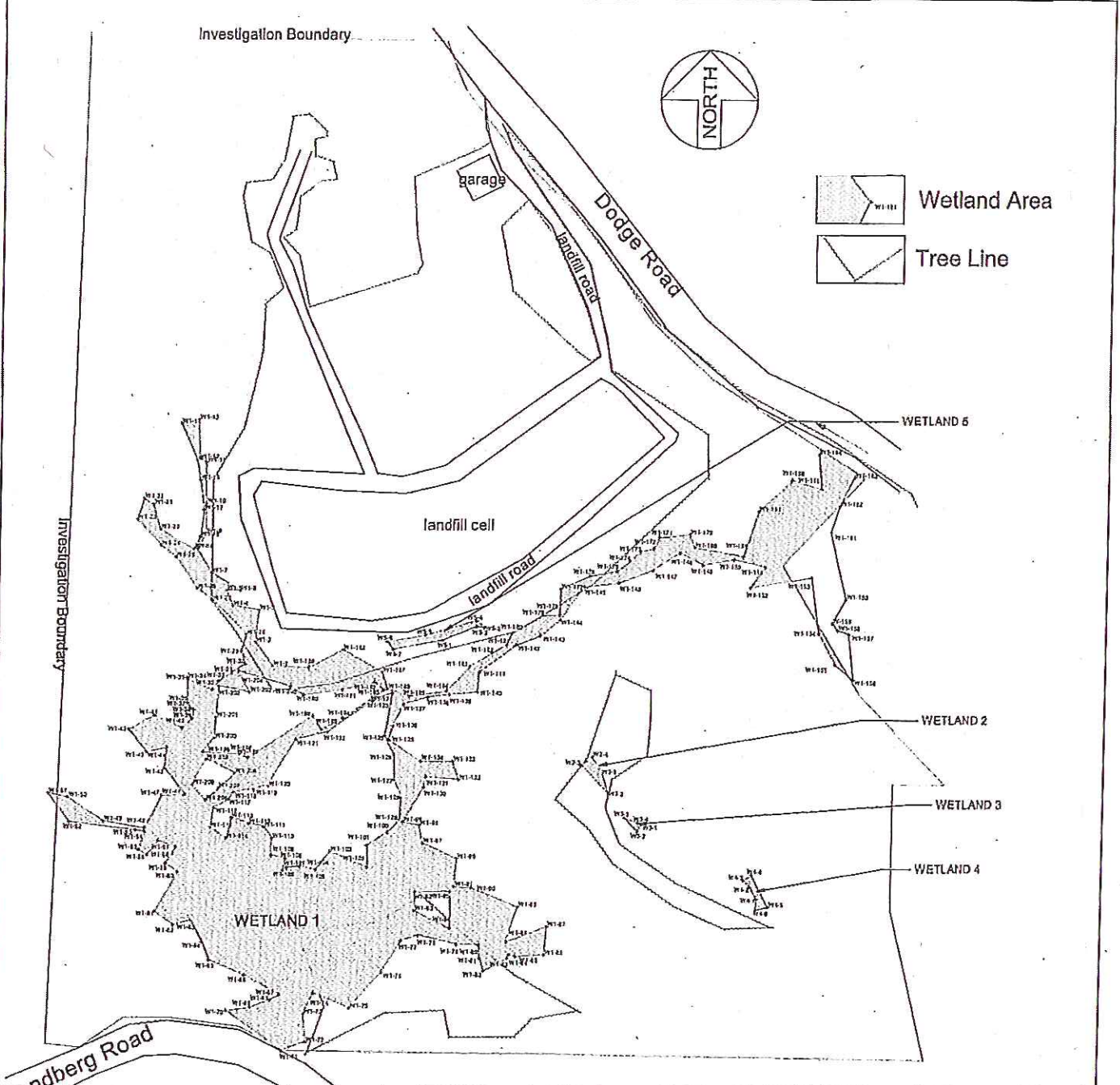
Drainage Feature Map



** Drainage features regulated under PTD*



Wetlands Only map



Wetland Summary	
Wetland 1:	5.97± acres
Wetland 2:	0.03± acre
Wetland 3:	0.01± acre
Wetland 4:	0.02± acre
Wetland 5:	0.06± acre
Wetland Total on-site: 6.09± acres	

EDI PROJECT CODE: W24104a
 Base Map Provided by:
<http://sds.computergraphics.com>
 Map Date: 11-09-2010, JMC/EDI
 Revised: 11-22-2010, JMC/EDI
 SCALE: 0 100' 200'
 File Name: Wetlands Only map

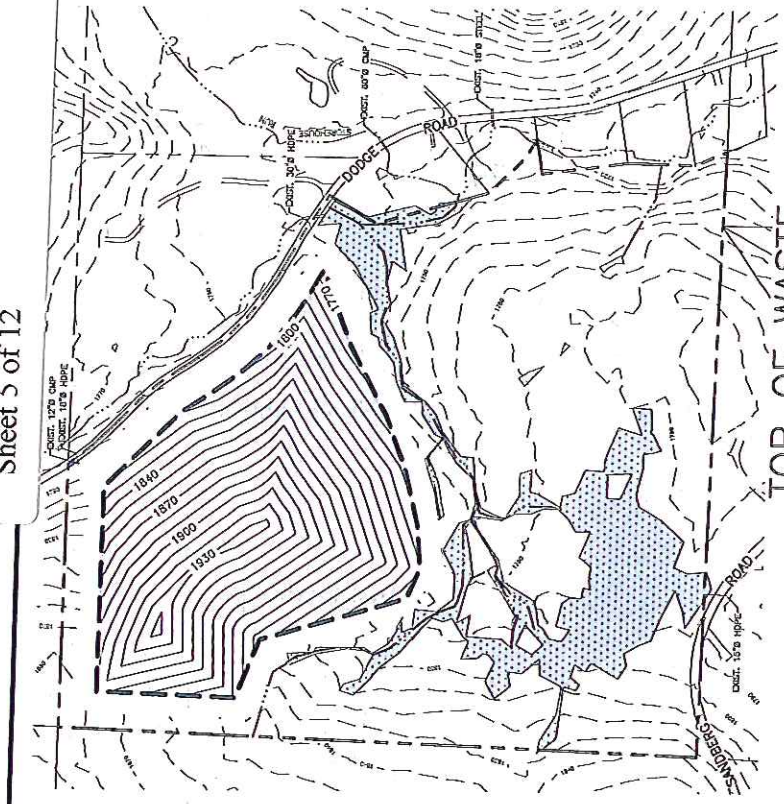
CARROLL LANDFILL
 Wetlands ONLY Map
 TOWN OF CARROLL CHAUTAUQUA COUNTY, NEW YORK

EARTH DIMENSIONS, INC.

Soil and Hydrogeologic Investigations • Wetland Delineations
 1031 Junction Road • Elms, NY 14059
 (716) 655-1717 • Fax (716) 655-2016

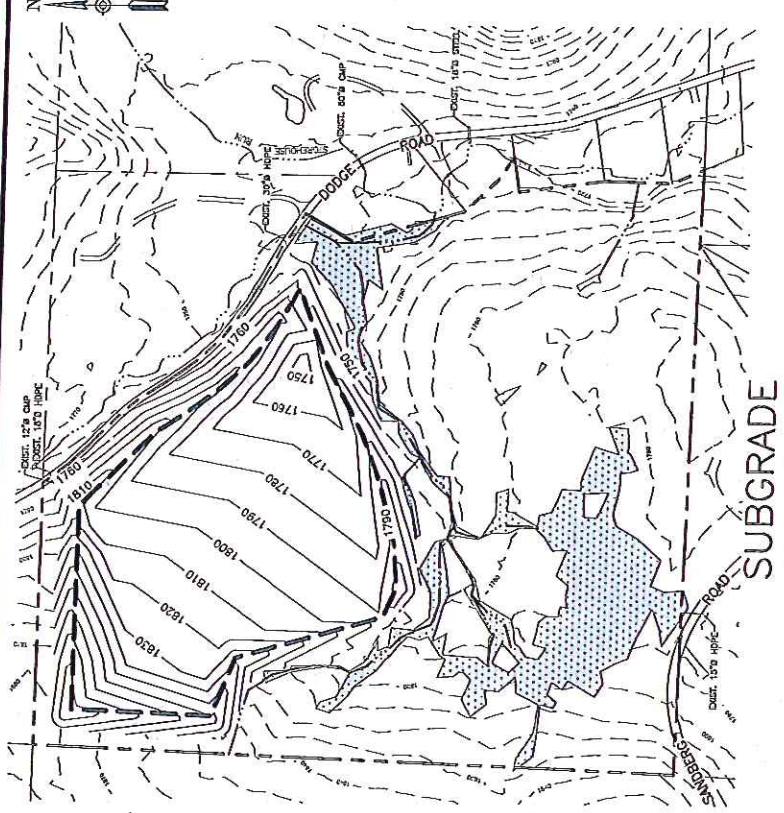
Wetland 1, 5 regulated under PJD
 Wetland 2, 3, 4 regulated under an approved JD

Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauqua County, New York
 Quad: Ivory
 Sheet 5 of 12



SCALE: 1"=500'

IMPACTED WETLANDS
 TOTAL: 0 ACRES



SCALE: 1"=500'

SOIL VOLUME SUMMARY TABLE	
SOIL AVAILABLE	284,000 CY
SOIL REQUIRED:	
EMBANKMENT	116,800 CY
BASELINER	62,100 CY
FINAL COVER	84,700 CY
COVER SOIL	37,900 CY
TOTAL SOIL REQUIRED	301,500 CY
SOIL BALANCE	-17,500 CY
AIR SPACE	1,264,800 CY

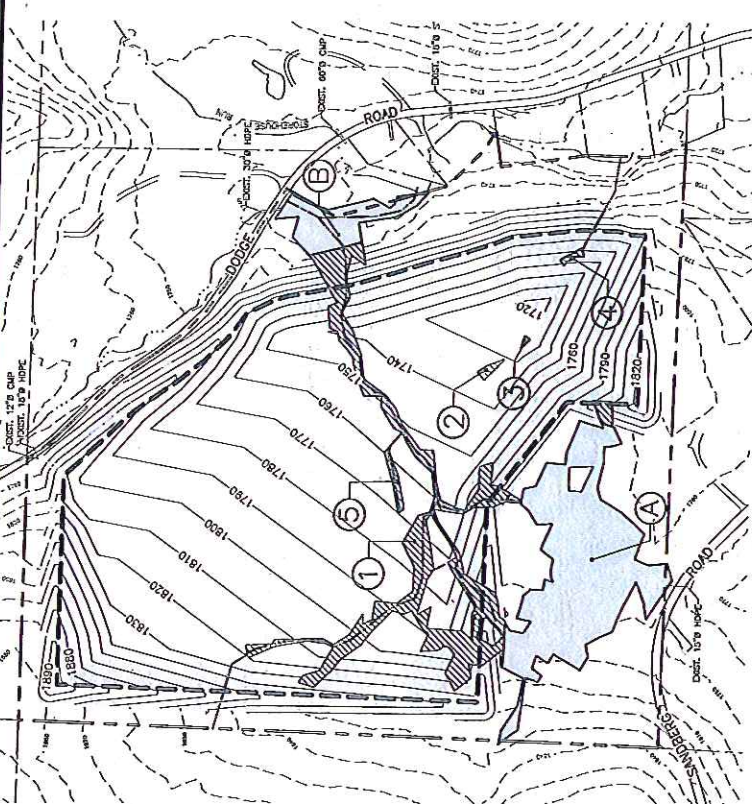
- EXISTING GROUND CONTOUR
- PROPERTY BOUNDARY
- LIMIT OF WASTE
- WATER COURSE
- WETLAND AREA

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 GRAND ISLAND, NEW YORK 14072

FIGURE 8

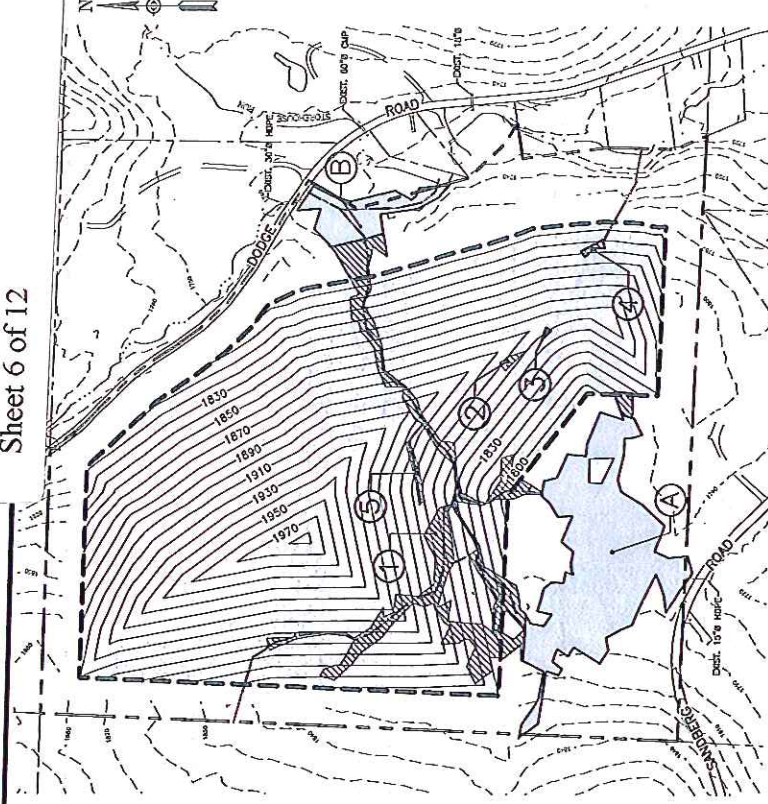
OPTION 2-NO IMPACT LANDFILL
 CARROLL LANDFILL EXPANSION APPLICATION-ALTERNATIVES ANALYSIS

TOWN OF CARROLL CHAUTAQUA COUNTY NEW YORK



SUBGRADE
 SCALE: 1"=500'

TOP OF WASTE
 SCALE: 1"=500'



- EXISTING GROUND CONTOUR
- PROPERTY BOUNDARY
- LIMIT OF WASTE
- WATER COURSE
- IMPACTED WETLAND AREA
- NON-IMPACTED WETLAND AREA

SOIL VOLUME SUMMARY TABLE	
SOIL AVAILABLE	708,000 CY
SOIL REQUIRED:	
EMBANKMENT	287,600 CY
BASELINER	133,100 CY
FINAL COVER	185,100 CY
COVER SOIL	119,400 CY
TOTAL SOIL REQUIRED	725,100 CY
SOIL BALANCE	-17,100 CY
AIR SPACE	3,980,600 CY

IMPACTED JURISDICTIONAL WETLANDS	NON-IMPACTED WETLANDS
① 2.09± Acres	Ⓐ 3.54± Acres
⑤ 0.06± Acres	Ⓑ 0.71± Acres
Total: 2.15± Acres	Total: 4.25± Acres

JURISDICTIONAL DRAINAGE WAY IMPACTED
 2.805 LF

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 GRAND ISLAND, NEW YORK 14072

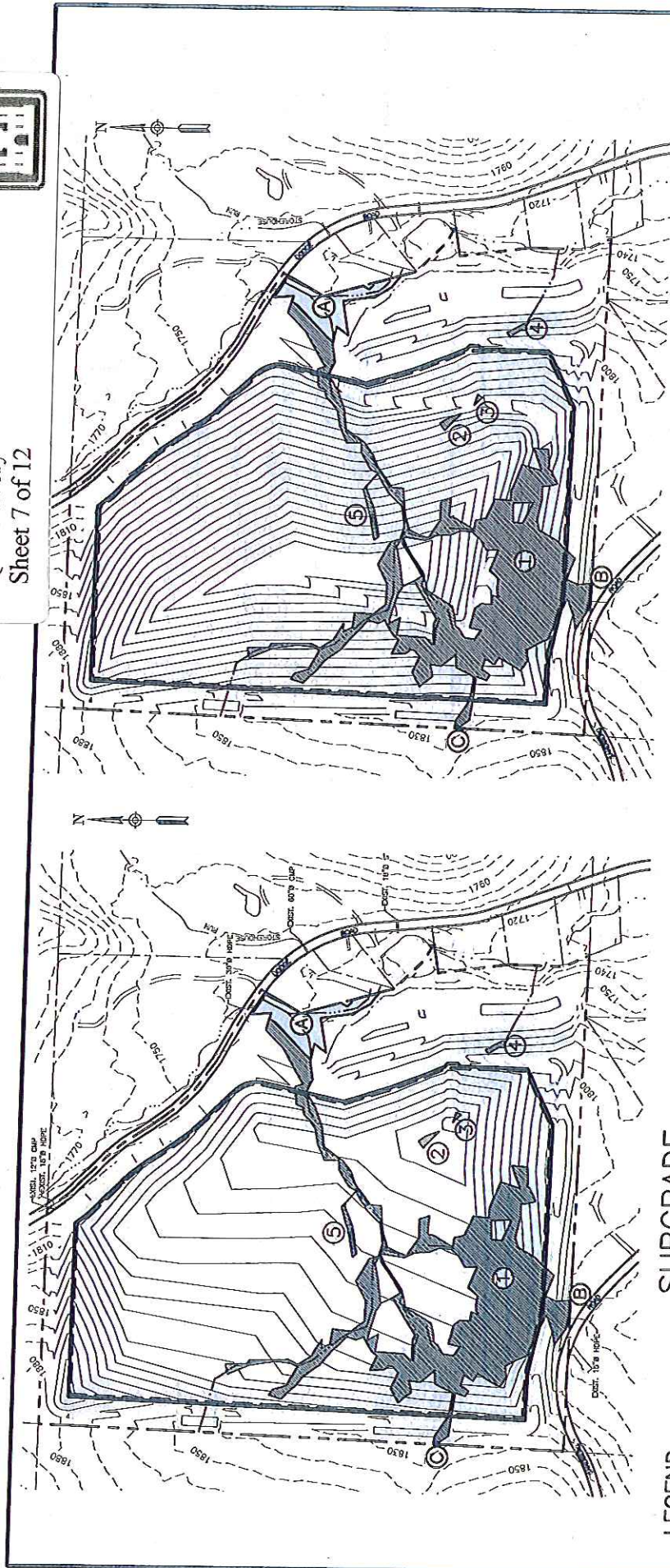
SEALAND WASTE, LLC
 SCALE: 1"=500' REVISION # 0
 January 2014

TOWN OF CARROLL CHAUTAUQUA COUNTY NEW YORK

OPTION 3-LIMITED IMPACT LANDFILL
 CARROLL LANDFILL EXPANSION APPLICATION-ALTERNATIVES ANALYSIS

Q:\Sealand\02-0104 Carroll Landfill\Wetland\Alternatives Analysis\ACAD\FIGURE 9 - OPTION 3 LIMITED IMPACT.dwg 1/6/2014 1:35 PM

Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauqua County, New York
 Quad: Ivory
 Sheet 7 of 12



TOP OF WASTE
 SCALE: 1"=500'

IMPACTED JURISDICTIONAL WETLANDS		NON-IMPACTED WETLANDS	
①	5.7± Acres	A	0.65± Acres
⑤	0.06± Acres	B	0.01± Acres
		C	0.00± Acres
Total:	5.76± Acres	Total:	0.66± Acres

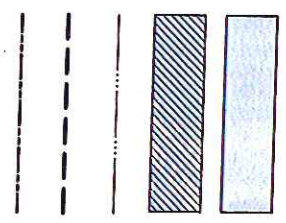
JURISDICTIONAL DRAINAGE WAY IMPACTED
 2,844 LF

SOIL VOLUME SUMMARY TABLE	
SOIL AVAILABLE	1,141,200 CY
SOIL REQUIRED:	
EMBANKMENT	364,900 CY
BASELINER	147,900 CY
FINAL COVER	207,000 CY
COVER SOIL	172,000 CY
TOTAL SOIL REQUIRED	891,800 CY
SOIL BALANCE	249,400 CY
AIR SPACE	5,735,100 CY

SUBGRADE
 SCALE: 1"=500'

- EXISTING GROUND CONTOUR
- PROPERTY BOUNDARY
- LIMIT OF WASTE
- WATER COURSE
- IMPACTED WETLAND AREA
- NON-IMPACTED WETLAND AREA

LEGEND



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 GRAND ISLAND, NEW YORK 14072

SEALAND WASTE, LLC
 SCALE: 1"=500' REVISION # 0
 January 2014

OPTION 4-FULL BUILD-OUT LANDFILL
 CARROLL LANDFILL EXPANSION APPLICATION-ALTERNATIVES ANALYSIS

TOWN OF CARROLL
 CHAUTAUQUA COUNTY
 NEW YORK

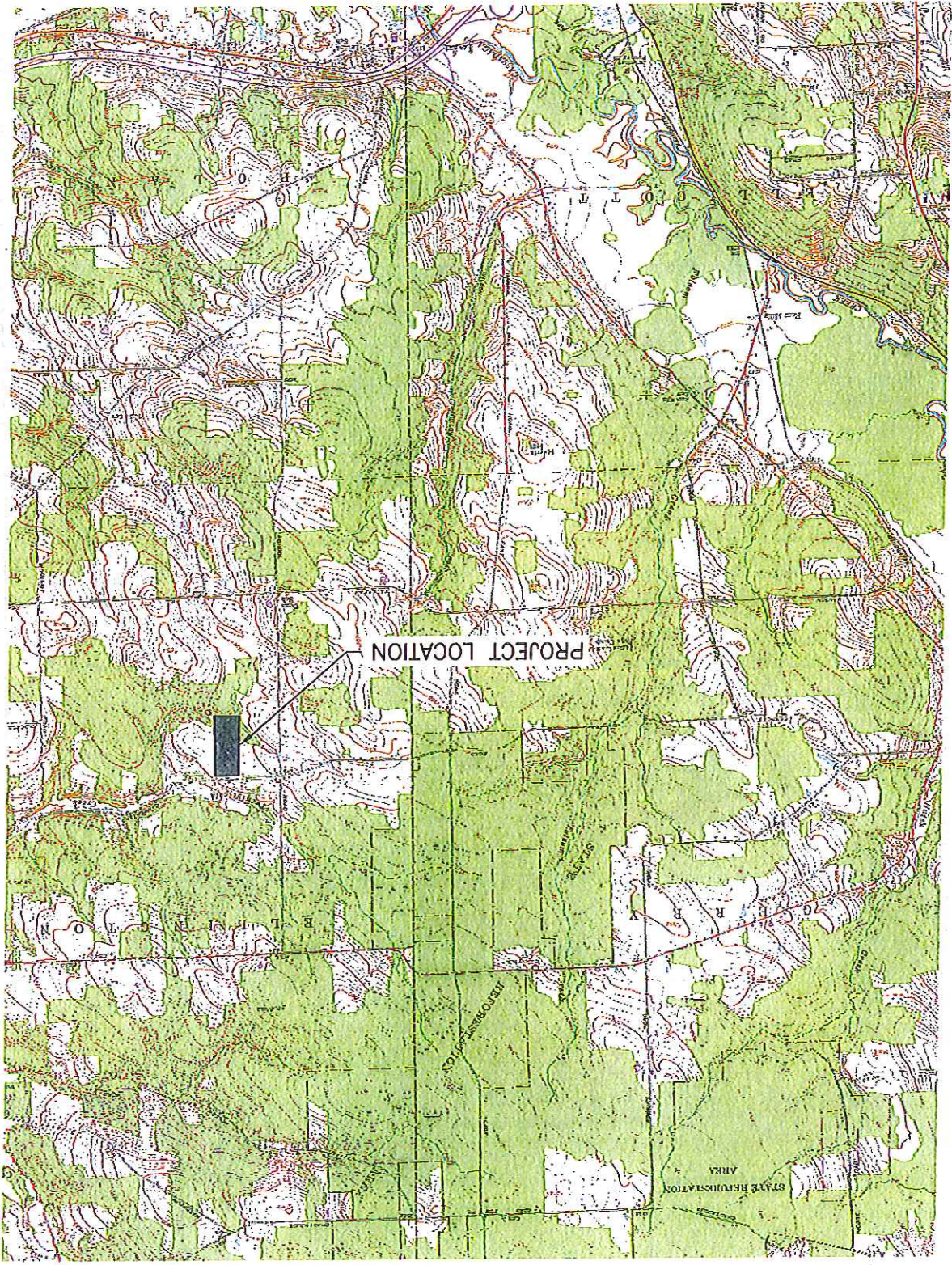
FIGURE 10

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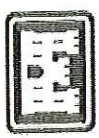
VICINITY MAP CARROLL LANDFILL EXPANSION APPLICATION		
SEALAND WASTE, LLC		
TOWN OF CARROLL	CHAUTAUQUA COUNTY	NEW YORK
January 2014	SCALE: NOT TO SCALE	REVISION # 0

FIGURE 2

TOPOGRAPHY FROM USGS GERRY, NY 7.5 MINUTE QUADRANGLE



Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauqua County, New York
 Quad: Ivory
 Sheet 8 of 12

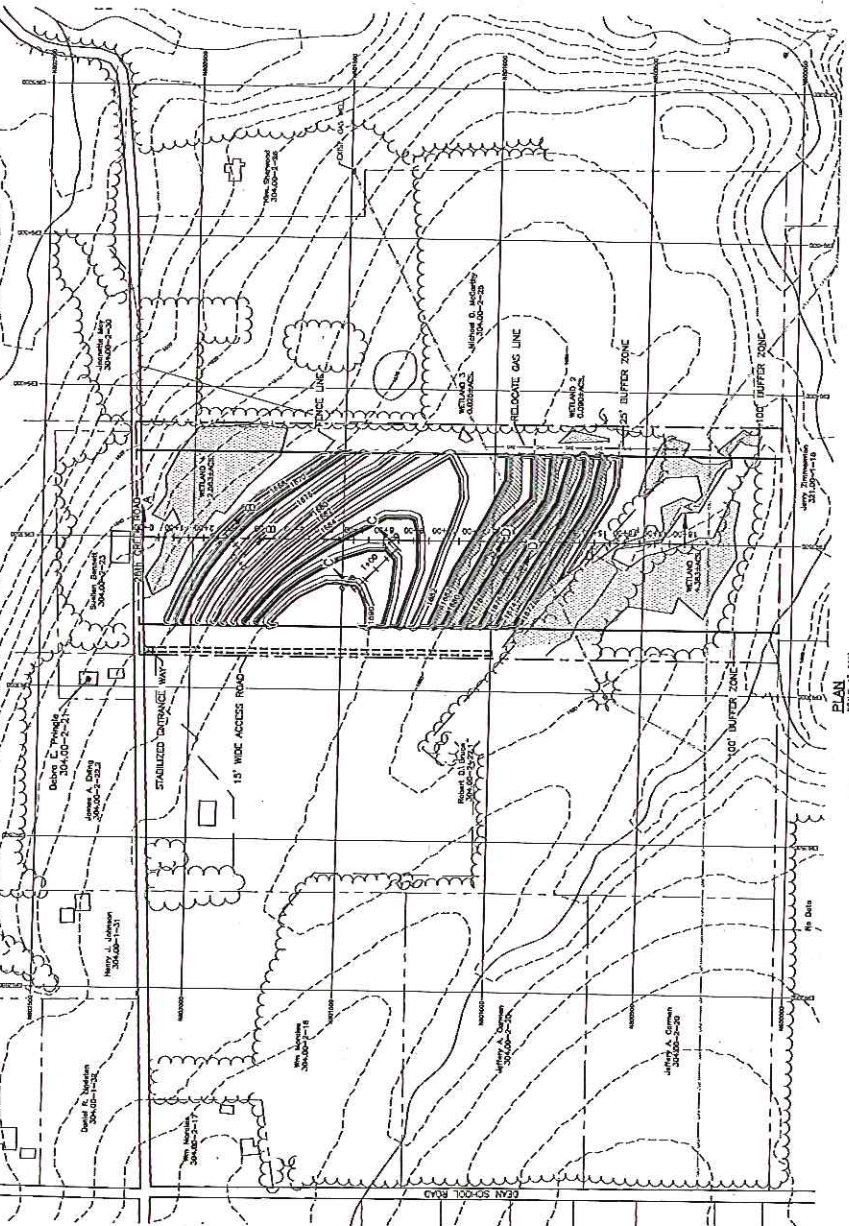


Mitigation Location

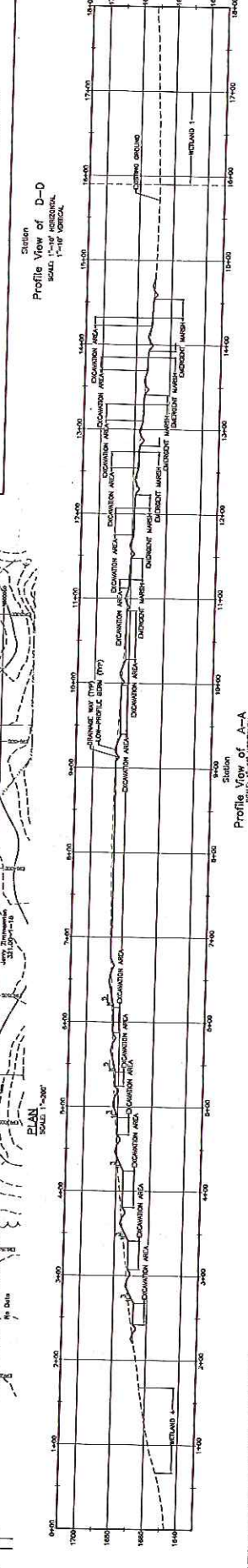
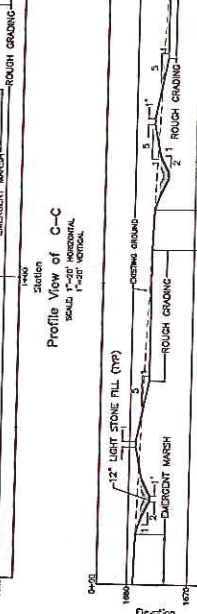
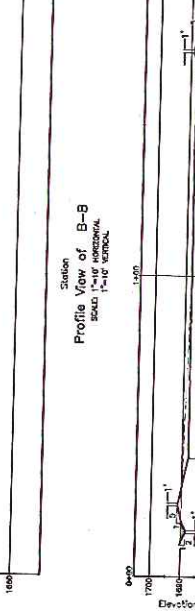
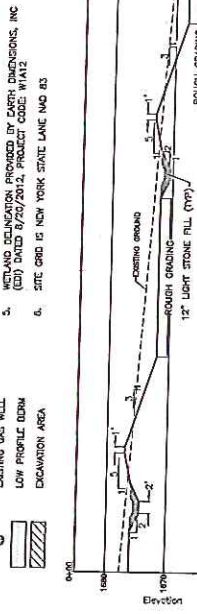
Mitigation Area - Proposed Mitigation



- LEGEND:**
- EXISTING GROUND CONTOUR
 - PROPERTY LINE
 - STREAM OR POND
 - TREE LINE
 - BUILDING
 - EXISTING WETLAND
 - EXISTING GAS PIPELINE
 - EXISTING GAS WELL
 - LOW PROFILE DIRM
 - EXCAVATION AREA



- GENERAL NOTES:**
1. PROPERTY LINES ARE NOT TO SCALE AND WERE OBTAINED FROM THE CHAUTAUQUA COUNTY ASSESSOR'S OFFICE. PROPERTY VECTORS ARE NOT TO SCALE AND WERE OBTAINED FROM THE CHAUTAUQUA COUNTY ASSESSOR'S OFFICE. PROPERTY VECTORS ARE NOT TO SCALE AND WERE OBTAINED FROM THE CHAUTAUQUA COUNTY ASSESSOR'S OFFICE.
 2. THE GENERATION OF THE SITE PLAN WAS NOT PROVIDED FOR THIS PROJECT.
 3. EXISTING GROUND CONTOURS WERE OBTAINED FROM A DIGITAL ELEVATION MODEL (DEM) AND OBTAINED FROM WWW.GEONAMES.COM.
 4. OTHER PLANIMETRIC FEATURES WERE OBTAINED FROM GOOGLE EARTH 2012.
 5. WETLAND DELINEATION PROVIDED BY CARRI DIMENSIONS, INC. (CDI) DATED 8/25/2012, PROJECT CODE W1A12.
 6. SITE GRID IS NEW YORK STATE LANE AND B3.



DAIGLER ENGINEERING P.C.
 171 DUNDAS BLVD., GRAND ISLAND, NEW YORK 14072
 DATE: December 2013
 SCALE: 1"=30'

PREPARED FOR: SEALAND WASTE, LLC
 DRAWN BY: MITIGATION PLANING
 CHECK BY: CARRI DIMENSIONS, INC.

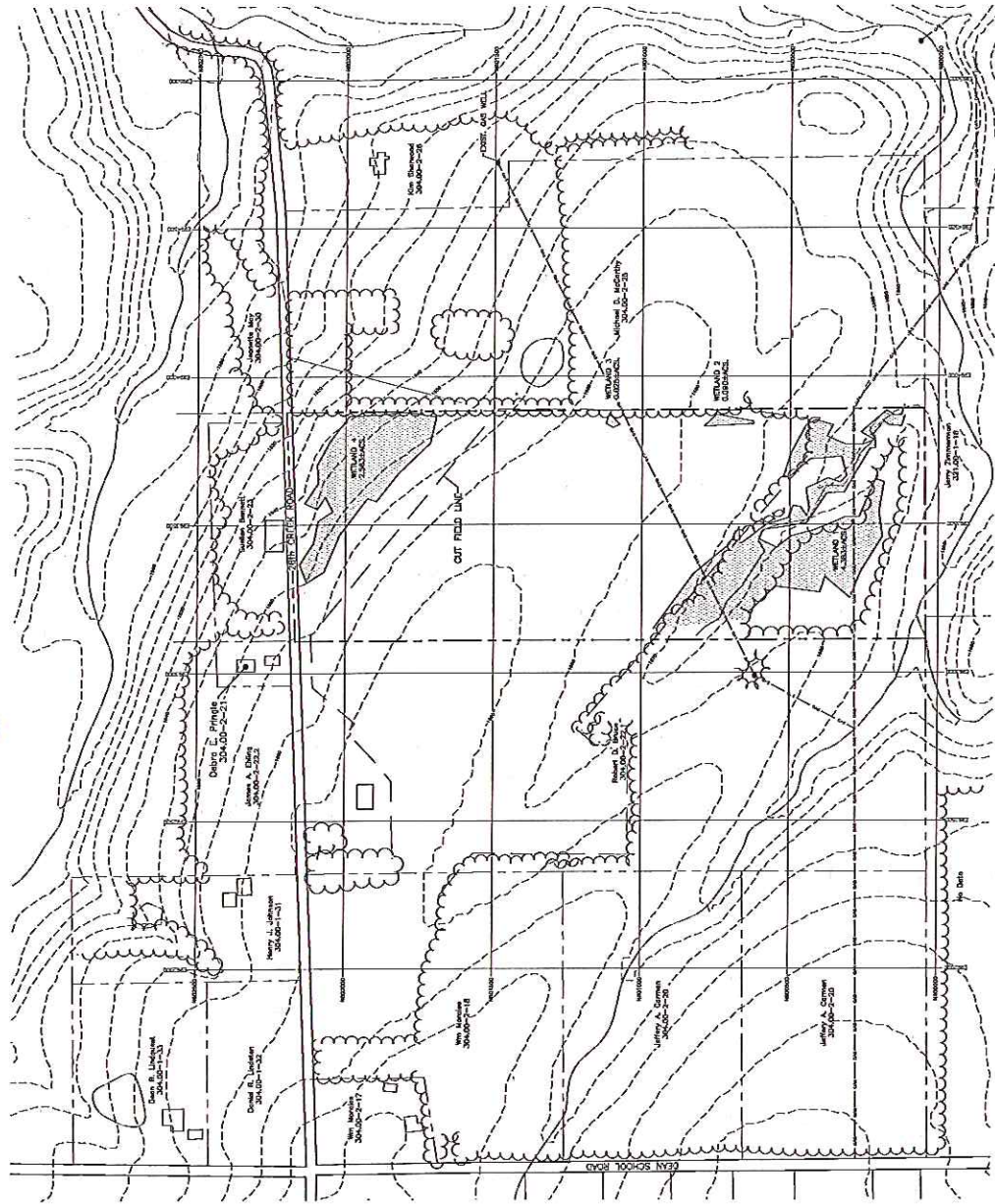
STATE OF NEW YORK
 CHAUTAUQUA COUNTY

WETLAND MITIGATION PLAN
 CARROLL LANDFILL D/A REDEVELOPMENT APPLICATION

SHEET 2



Mitigation Area - Existing Conditions



- LEGEND:**
- EXISTING GROUND CONTOUR
 - PROPERTY LINE
 - STREAM OR POND
 - TREE LINE
 - BUILDING
 - WETLAND
 - GAS
 - EXISTING GAS PIPELINE
 - EXISTING GAS WELL

- GENERAL NOTES:**
1. PROPERTY LINES ARE NOT TO SCALE AND WERE OBTAINED FROM THE CHAUTAUQUA COUNTY GIS PROPERTY VECTOR.
 2. A PROPERTY BOUNDARY SURVEY WAS NOT PROVIDED FOR THE GENERATION OF THIS SITE PLAN.
 3. EXISTING GROUND CONTOUR GENERATED FROM A DIGITAL ELEVATION MODEL (DEM) AND OBTAINED FROM TERRACON/CONTOUR.
 4. METRIC FEATURES OBTAINED FROM GOOGLE EARTH 2012.
 5. WETLAND DETERMINATION PROVIDED BY EMMI ENVISIONS, INC (EVI) DATED 8/20/2012, PROJECT CODED W1412.
 6. SITE GRID IS NEW YORK STATE LANE NO. 83.

SITE PLAN
 SCALE: 1"=200'

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

NO.	REVISION	BY	DATE

DAIGLER ENGINEERING P.C.
 INCORPORATED IN NEW YORK STATE
 1711 GRAND ISLAND BLVD., GRAND ISLAND, NEW YORK 14072

JAMES A. DAIGLER, P.E.
 DATE: December 2012 SCALE: 1"=200'

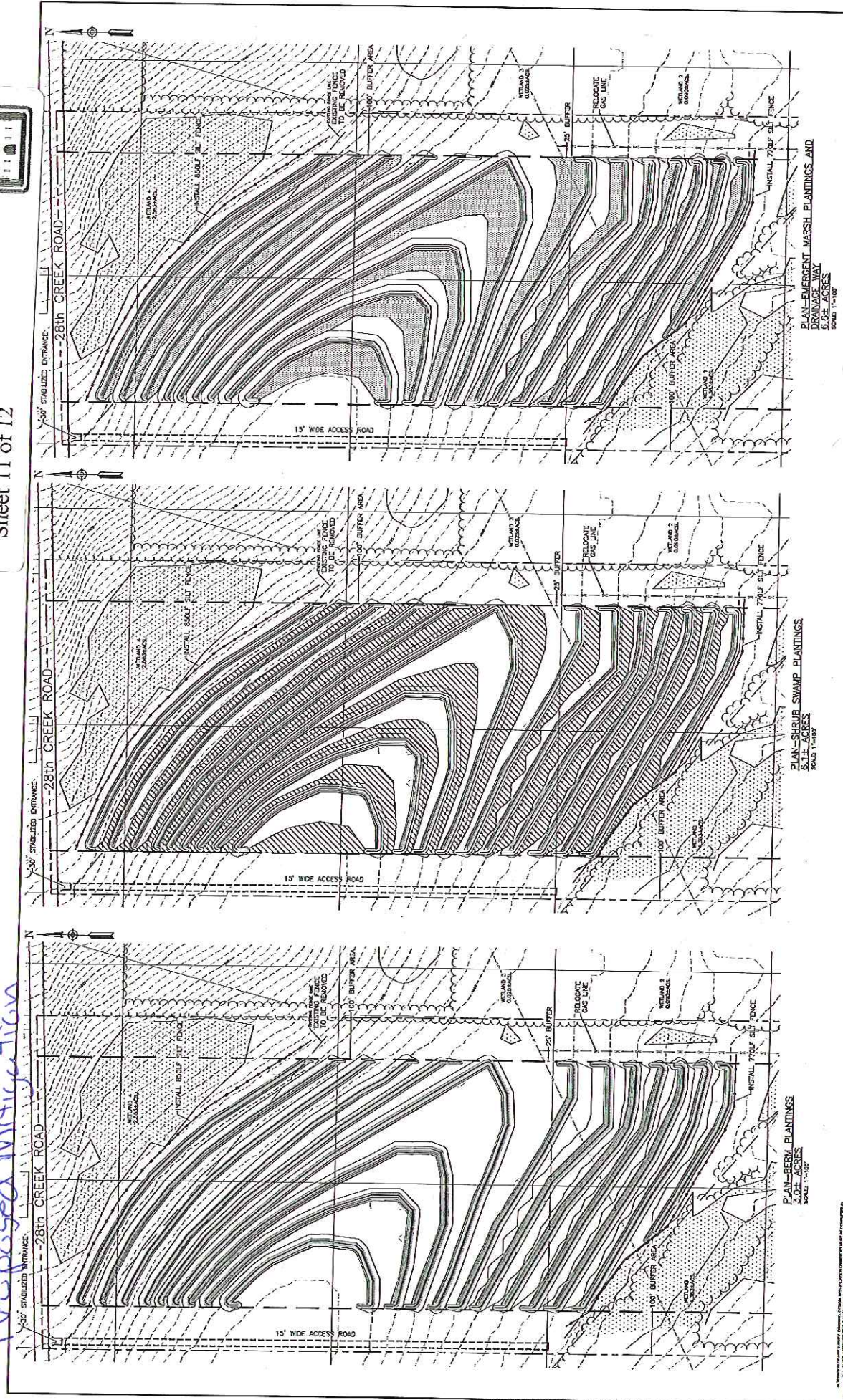
PREPARED FOR: SEALAND WASTE, LLC
 DESIGNED BY: DAIGLER, INC. DRAWN BY: DAIGLER, INC.
 DIVISION: SITE PLANNING

TOWN OF FORTNEY CHAUTAUQUA COUNTY STATE OF NEW YORK

Sealand Waste, LLC - Carroll Landfill
 D/A Processing No. 2005-00198
 Chautauque County, New York
 Quad: Ivory
 Sheet 11 of 12



Proposed Mitigation



PREPARED FOR: SEALAND WASTE, LLC DRAWN BY: [] DATE: []		WETLAND MITIGATION PLANTING PLAN CARROLL LANDFILL DEPOSITION APPLICATION CHAUTAUQUE COUNTY STATE OF NEW YORK	
SHEET 3		TOWN OF RUSHMOT	

DAIGLER ENGINEERING P.C. 1741 GRAND ISLAND BLVD. GRAND ISLAND, NEW YORK 14052	SCALE: [] NOTED: []
JAMES A. DAIGLER, P.E. LICENSE NO. []	DATE: []

NO.	REVISION	BY	DATE

