

# **Public Notice**

Applicant: Monroe County Published: September 29, 2015

Expires: October 28, 2015

U.S. Army Corps of Engineers **Buffalo District** CELRB-TD-R

Application No: 2006-01224

Section: NY

All written comments should reference the above Application No. and be addressed to:

US Army Corps of Engineers, Buffalo District

**Attn: Joe Rowley** 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: Monroe County, 39 West Main Street, Suite 110, City of Rochester, Monroe County, NY.

WATERWAY & LOCATION: Wetlands and tributary adjacent to Hotel Creek within the Black Creek Watershed. The project site is located at 303 Brew Road, Town of Bergen, Monroe County, NY. (Sheets 1 and 2 of 23).

**LATITUDE & LONGITUDE:** Latitude North: 43.0539 Longitude West: -77.9342

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

**EXISTING CONDITIONS:** The existing 98.6 acres Monroe County Mill Seat Municipal Solid Waste Landfill began operation in 1993. The construction of the existing landfill required no permits from the Corps of Engineers for discharges of dredged or fill material into Waters of the

U.S., including wetlands. At the current rate of disposal, the existing landfill will reach operational capacity in 2018.

Three wetland delineations were completed for the proposed Monroe County Mill Seat landfill expansion and mitigation areas. All three delineations were field verified by the Corps and approved jurisdictional determinations were issued. A total of 69.2 acres Federally Jurisdictional wetlands (Wetland A (RG-5) = 18.24 acres, Wetland B (RG-6) = 13.46 acres, Wetland D (RG-7) = 2.47 acres and Wetland D1 (RG-33) = 35 Acres) and approximately 8,525 linear feet of perennial/seasonal relatively permanent waters of the U.S. were found within the delineated parcels. Wetland areas A1, B1, C1, E1 and C (1.50 acres total) were determined to be isolated and not subject to Federal jurisdiction.

**PROPOSED WORK:** The proposed Monroe County Mill Seat Landfill expansion will increase the permitted footprint from 98.6 acres to 216.9 acres. The expansion of the existing landfill will provide Monroe County approximately 29,900,000 cubic yards of airspace with a projected life of 33 years. The proposed expansion will result in the permanent impact to 13.5 acres of Federal jurisdictional wetlands (Wetland B (RG-6) Forested/scrub-shrub) and 1,500 linear feet of intermittent stream (Tributary 1) (2 and 3 of 23).

## PROJECT PURPOSE

**Basic:** The basic project purpose is to expand an existing landfill.

**Overall:** The overall project purpose is to continue to provide a cost-efficient and reliable landfill within Monroe County.

Water Dependency Determination: The discharge of fill material into 13.4 acres of jurisdictional wetland and 1,500 LF of stream for the purpose of expanding the Monroe County Mill Seat 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 Monroe County considered for the proposed expansion of the existing landfill.

No Action Alternative – Does not allow the applicant to fulfill the project purpose, to expand the existing landfill into the adjacent area in order to continue to provide a cost-efficient and reliable Solid Waste/C&D landfill within Monroe County.

Offsite Alternative – Monroe County has determined that an offsite alternative is not practicable, and can include much greater area of disturbance and expense than an onsite alternative because the associated landfill facilities and infrastructure which already exist onsite at the Monroe County Mill Seat Landfill would require duplication.

Onsite Alternatives (Sheet 4-11 of 23) – Monroe County explored several different onsite alternatives to expand the existing landfill in order to provide a continued long-term disposal facility for residents and businesses located within and around Monroe County. All of the onsite alternatives were determined to not be viable options because of excessive cost, increase in impacts to wetlands and other aquatic resources, constructability, additional monitoring requirements and insufficient volume of new disposal capacity/site life.

**Proposed Mitigation:** To mitigate for impacts to 13.4 acres of forested/scrub-shrub wetland and 1,500 linear feet of jurisdictional drainage-way, Monroe County is proposing to construct/restore 42 acres of forested, emergent, wet meadow and wet mesic wetlands and enhance 1,965 linear feet of an unnamed tributary to Black Creek (Sheet 12-21 of 23). In addition, O'Brien Road, adjacent to the Mill Seat Landfill will be permanently closed and removed with the landfill expansion resulting in restoring the connectivity of the wetland encompassing the road (Sheet 22-23 of 23). Finally, 44 acres of native grassland will be created, enhanced and preserved around the wetland mitigation.

The wetland mitigation will be located adjacent to the landfill expansion area on the 207 acre Mahar property located on the South side of Bovee Road, Town of Riga, Monroe County, NY. The stream mitigation will be located along an unnamed tributary to Black Creek within Churchville Park located along Main Street and Kendall Road, Town of Riga/Ogden, Monroe County, NY.

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, Phase 1A/B and Phase 2 Cultural Resource Investigation Reports have been completed for the landfill expansion area and Mahar property (mitigation area) prepared by Powers & Teremy, LLC. All reports have been submitted to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for their review. To date, no opinion was issued by NYSOPRHP for the expansion area or mitigation site.

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: Northern Long Ear Bat (Myotis septentrionalis)(Threatened) and Eastern Massasauga (Sistrurus catenatus) (Candidate) 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

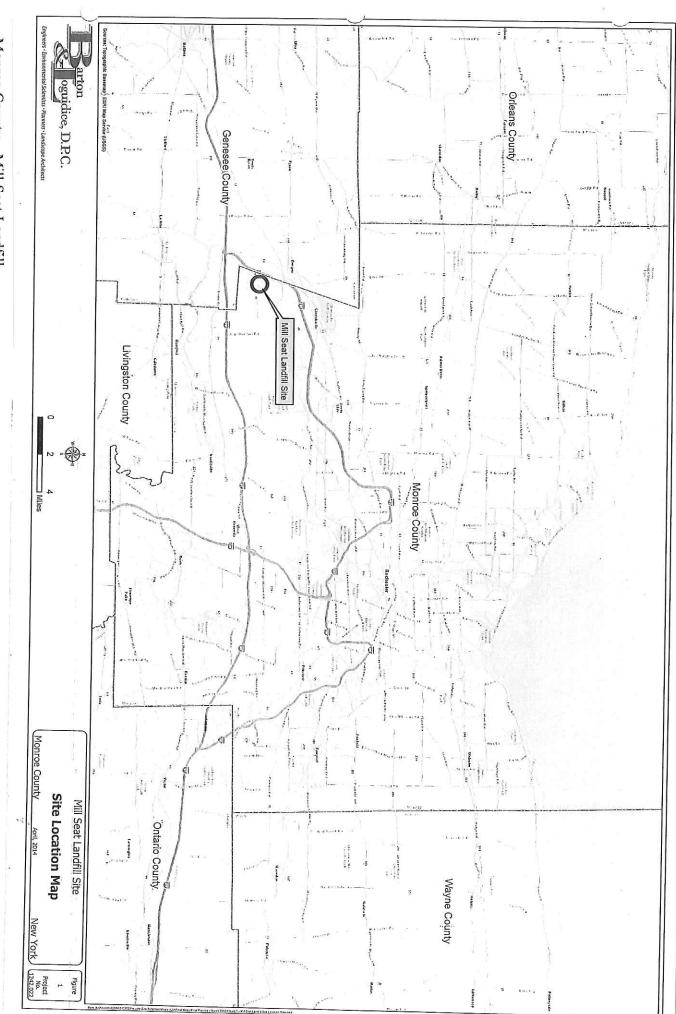
needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

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.

# SIGNED

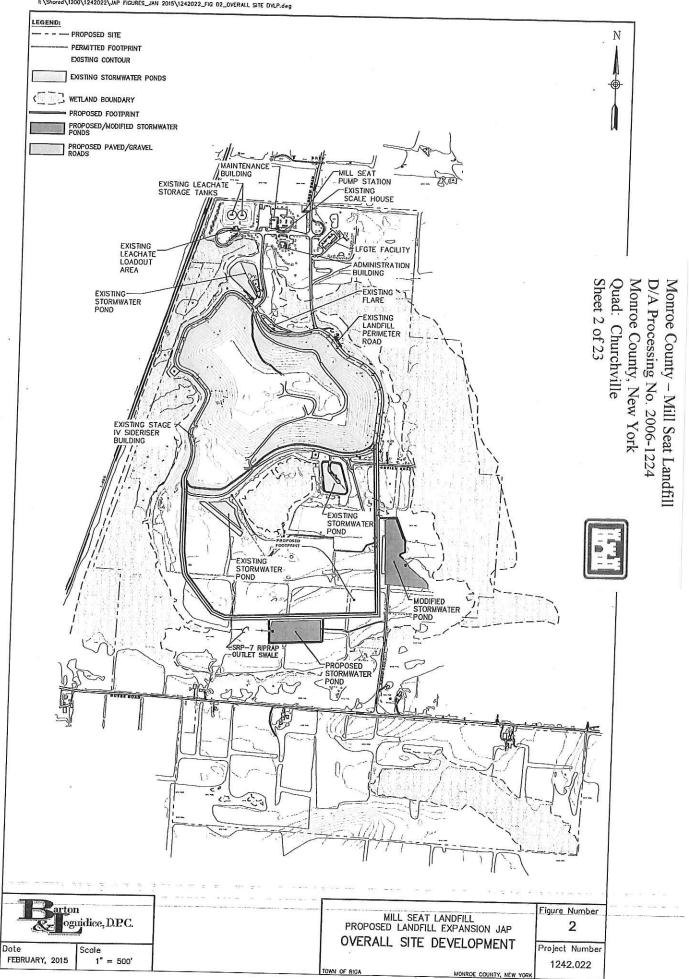
Diane C. Kozlowski Chief, Regulatory Branch

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



Monroe County – Mill Seat Landfill D/A Processing No. 2006-1224
Monroe County, New York
Quad: Churchville
Sheet 1 of 23





ALTERNATIVE #1

1" = 350" ALT-1

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Monroe County - Mill Seat Landfill

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WASTE MANAGEMENT OF NEW YORK, LLC MONROE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES MILL SEAT LAIDFILL PERMIT EXPANSION

ALTERNATIVE #2

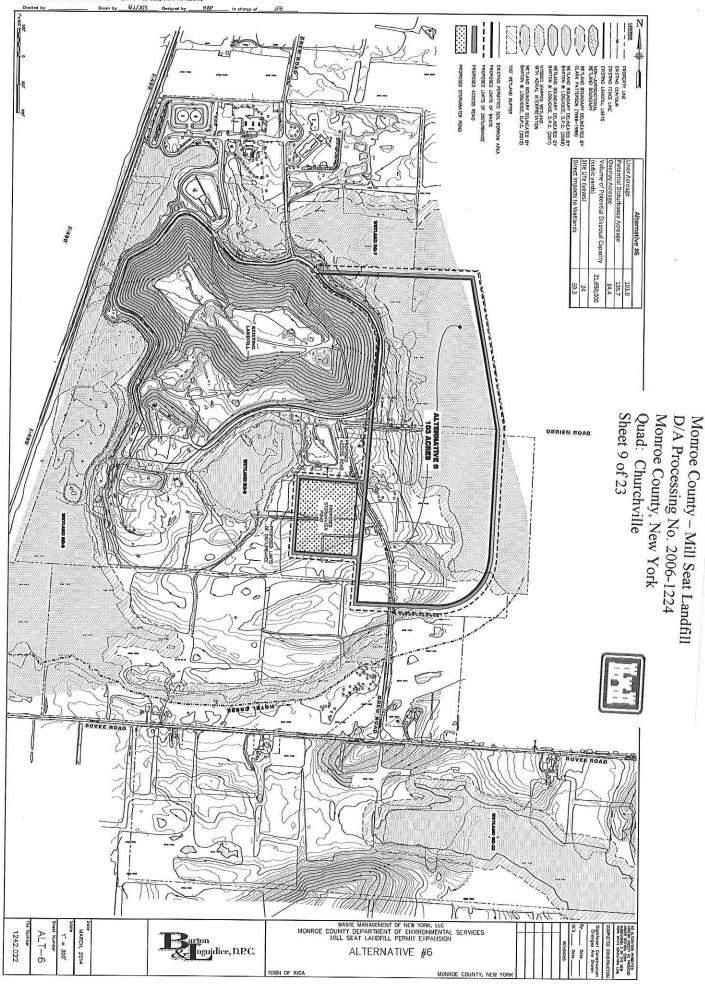
1" = 300"
Net Number
ALT-2

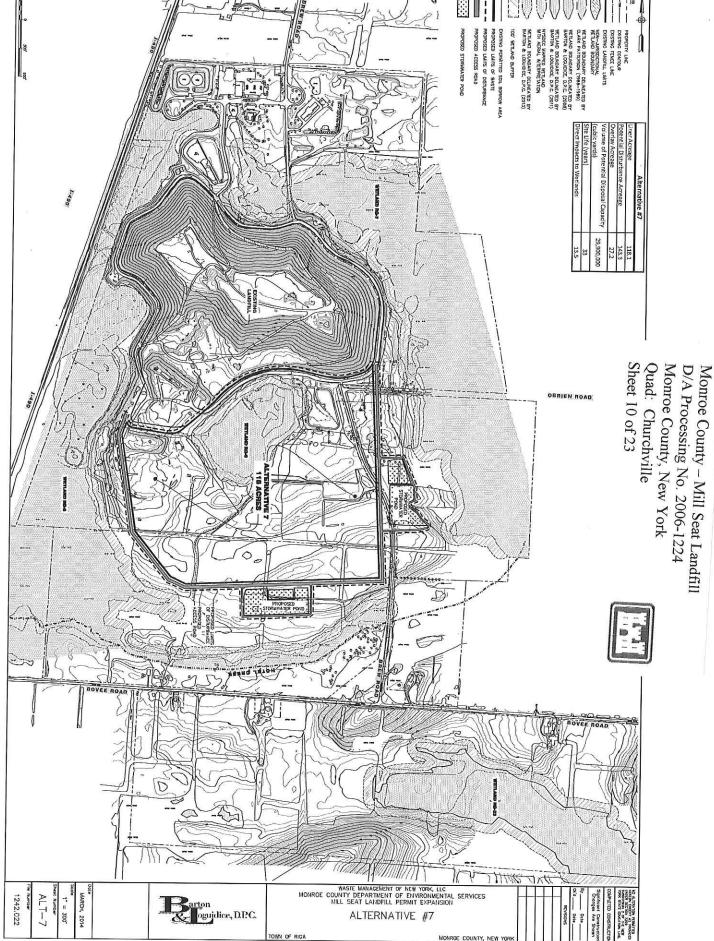
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MARCH, 2014

arton oguidice, D.P.C.

Monroe County – Mill Seat Landfill D/A Processing No. 2006-1224





Monroe County – Mill Seat Landfill D/A Processing No. 2006-1224

11/1/16

Significant Construction Changes Are Shown

WASTE MANAGEMENT OF NEW YORK, LLC
MONROE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
MILL SEAT LANDFILL PERMIT EXPANSION

ALTERNATIVE #8

MARCH, 2014

arton oguidice, D.P.C.

ALT-8

1" = 300"

1242.022

Monroe County - Mill Seat Landfill D/A Processing No. 2006-1224 Monroe County, New York Quad: Churchville Sheet 12 of 23 2-0084 www.appliedeco.com 17921 Smith Road Brodhead, WI 53520 Phone: 608-897-8641



Figure 4.

Proposed Wetland Restoration Plan (4A)

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Mill Seat Landfill Waste Management of New York, LLC Monroe County, NY



C-Wet Meadow (9 ac)

9-Disturbed Woods (2.4 ac) 8-Mesic Forest (6.4 ac) 10-Young Disturbed Woods (1.6 ac)

7-Upland Shrub Scrub (5.0 ac)

B-Wet Mesic Meadow (4 ac) A-Emergent Wetland (2 ac)

D-Forest Wetland Restoration (27 ac) NG-Native Grassland Buffer (44 ac)

Outside Mitigation Site

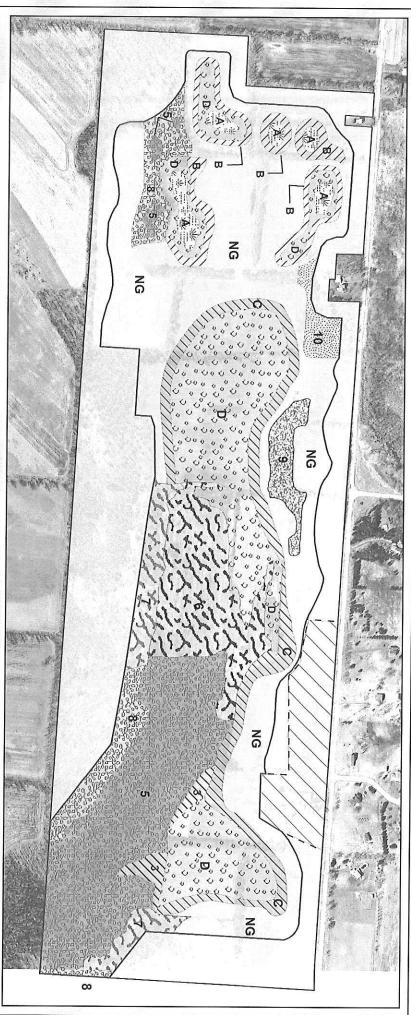
# Legend (Restoration Plan)

Proposed Outlot Proposed Wetland Mitigation Property Proposed Wetland Mitigation Area

Numbers refer to Existing Conditions Map

3-Farmed Wetland Delineated (1.4 ac) 🎜 6-Wetland Shrub Scrub Delineated (11.5 ac) 5-Wet Woods Delineated (22.7 ac) \_etters refer to New Communities





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9-0084

17921 Smith Road Brodhead, WI 53520

Phone: 608-897-8641 Email: info@appliedeco.com www.appliedeco.com



# Figure 4. Proposed Grading Plan (4B) Mill Seat Landfill

Waste Management of New York, LLC Monroe County, NY

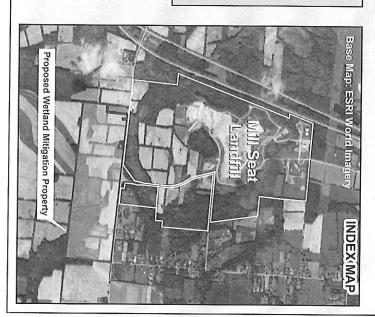


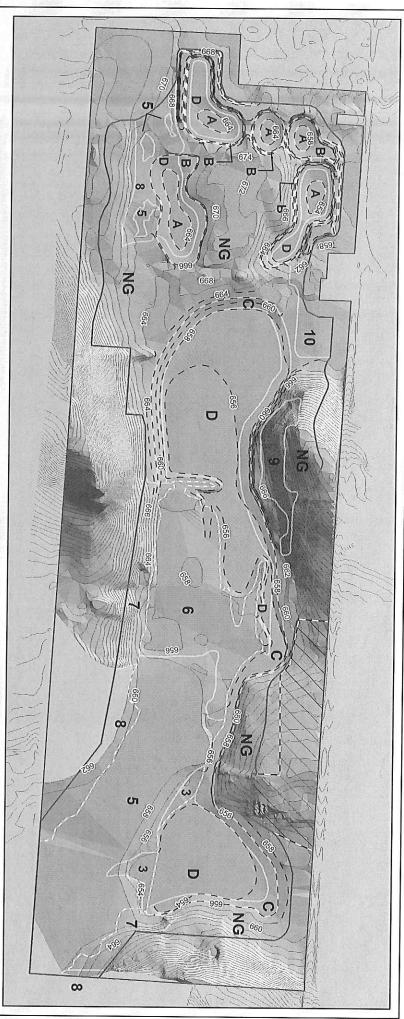
Delineated Wetlands

# Legend

Former Mahar Site Boundary (201.9 ac) Former Mahar Wetland Mitigation Property

1 Proposed Outlot Restoration Plan Outlines (With Labels) Proposed 2ft Contours Existing 2ft Contours





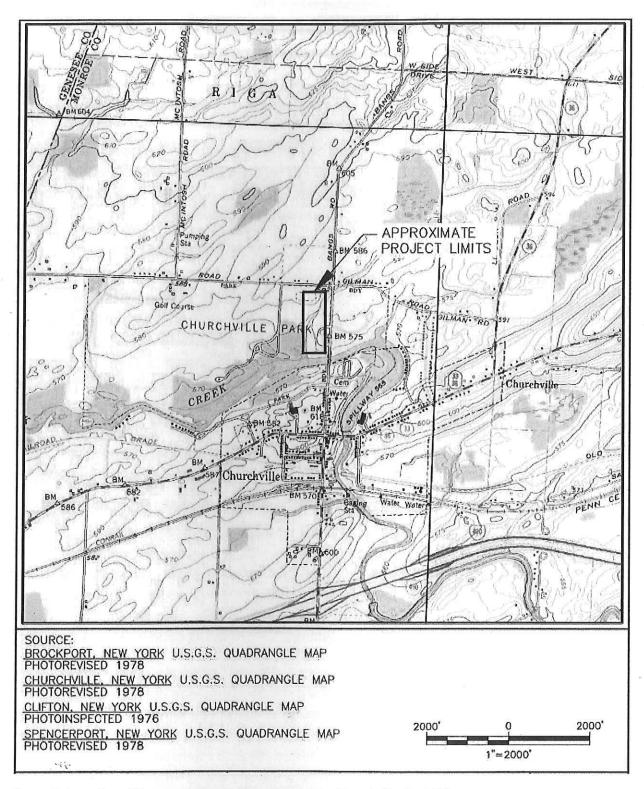


Figure 1 - Location of Proposed Stream Mitigation Area: Churchville Park Tributary

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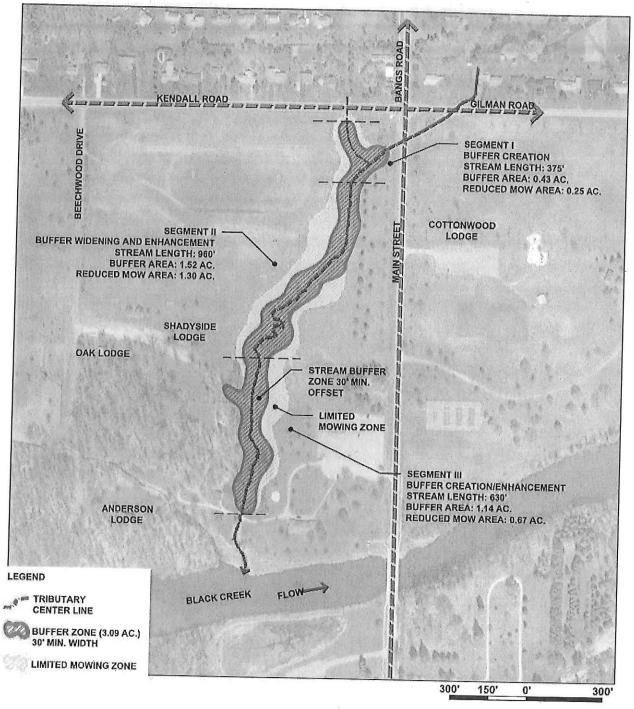


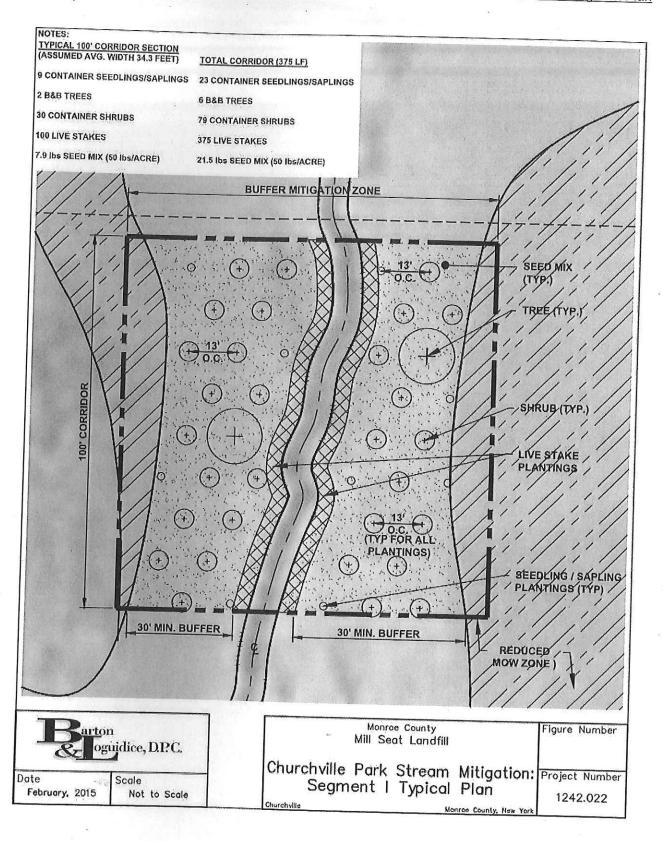
Figure 5 - Proposed Stream Mitigation Area - Buffer Enhancement Segments I, II, and III

As with Segment I, the area along Segment II to be planted during implementation of the buffer widening effort is currently maintained as laws by the County Department of Parks. Early

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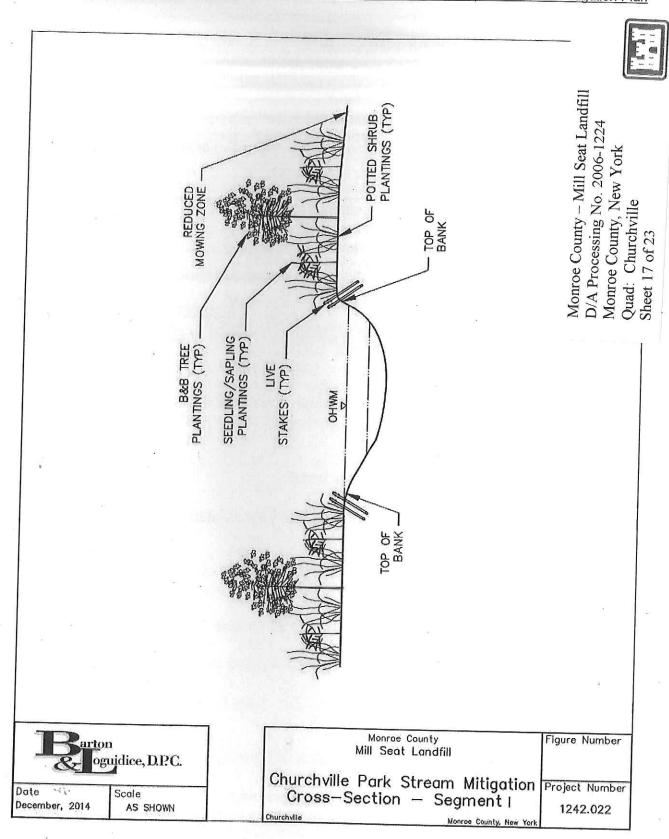


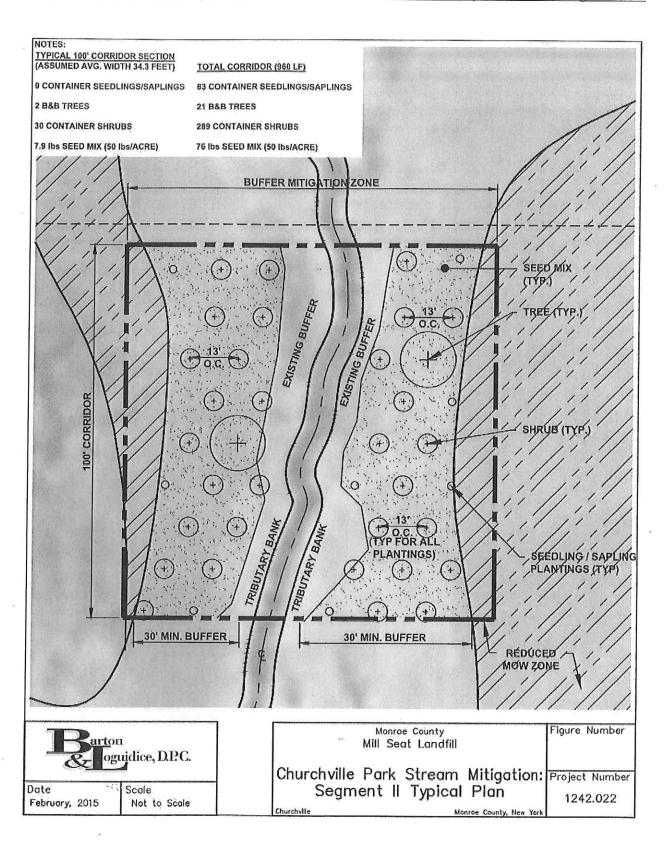
y the County Department of Parks. Early tion will include removal of sod, followed by amendment of underlying soils as necessary. within the buffer enhancement area will be



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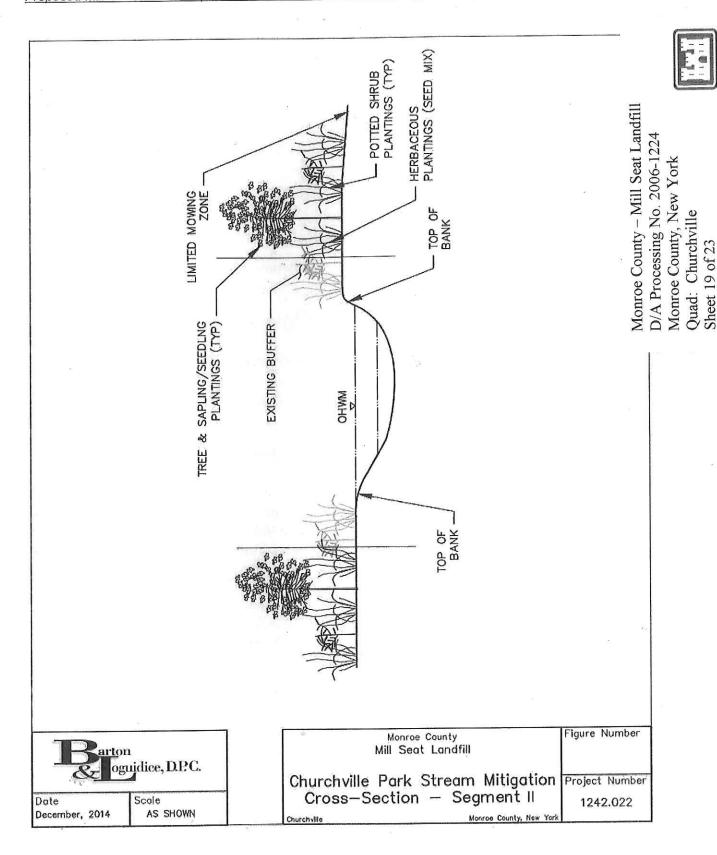


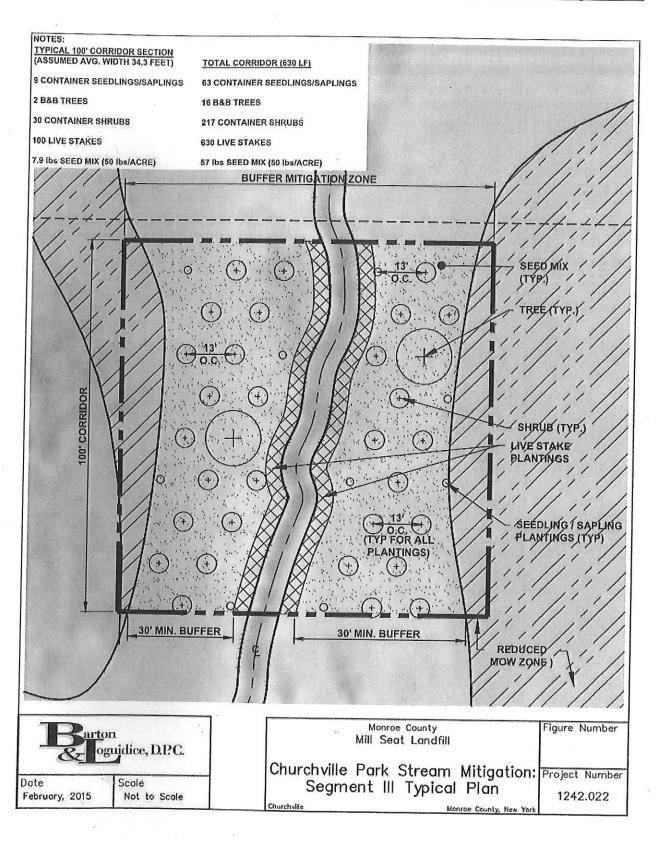




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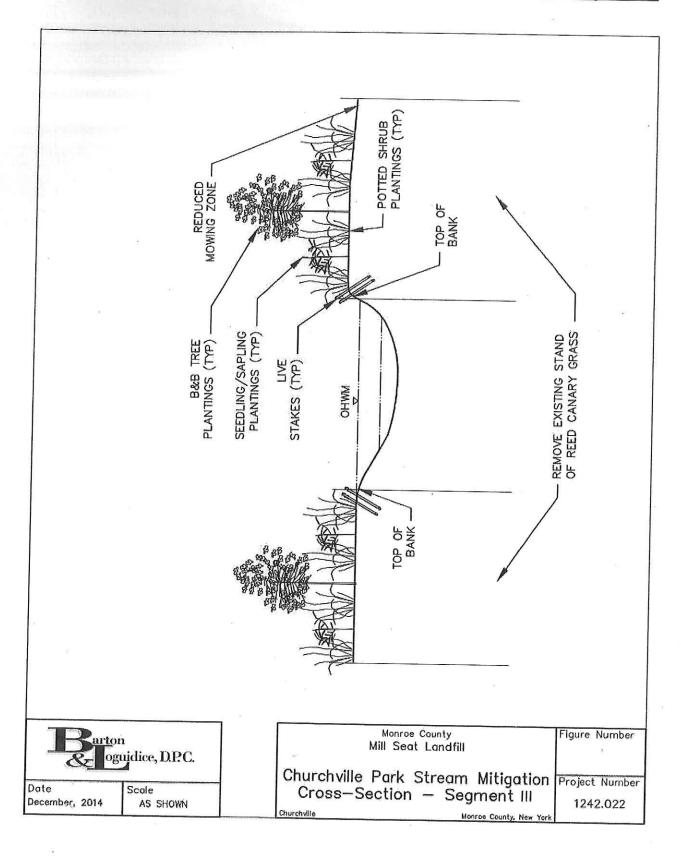






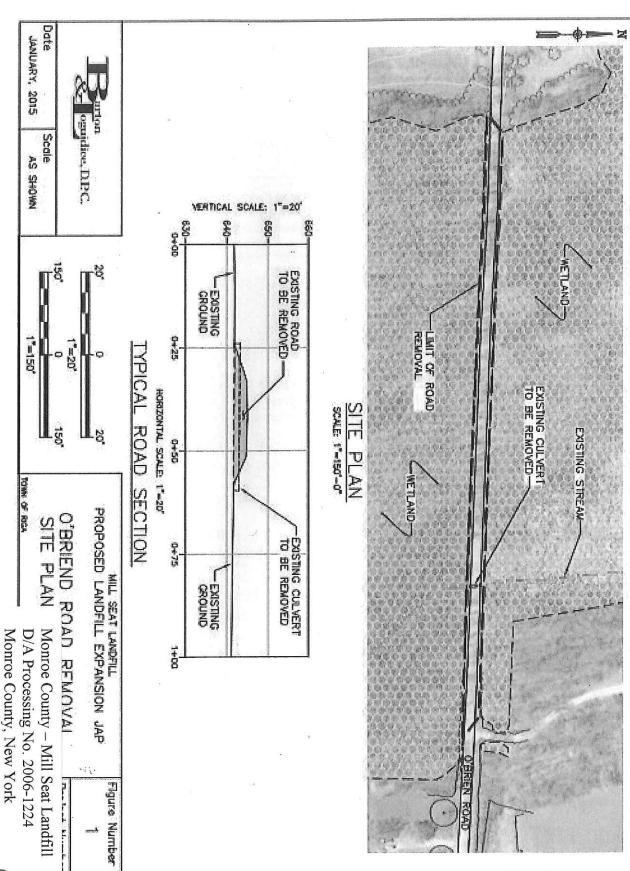
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Quad: Churchville Sheet 22 of 23

# Stream Mitigation Riparian Buffer Revegetation

## Seed Mix

<u>Cover Crop and Restoration Mix will be applied simultaneously at a combined rate of 50 lb./acre</u>

Combined Seed Mix – (0.8 acre @ 50 lb/ac) = 40 lbs.

Cover Crop - (0.8 acre @ 30 lb/ac) = 24 lbs.

- 50% Grain Rye (Secale cereale)
- 50% Oats (Avena sativa)

Restoration Seed Mix - (0.8 acre @ 20 lb/ac = 16 lbs.)

- 20% Fowl Bluegrass (Poa palustris)
- 20% Virginia Wildrye, PA Ecotype (Elymus virginicus, PA Ecotype)
- 17% Nodding Sedge, PA Ecotype (Carex gynandra, PA Ecotype)
- 10% Lurid (Shallow) Sedge, PA Ecotype (Carex lurida, PA Ecotype)
- 7% Giant Bur Reed, PA Ecotype (Sparganium eurycarpum, PA Ecotype)
- 7% Eastern Bur Reed (Sparganium americanum)
- 6% Hop Sedge, PA Ecotype (Carex lupulina, PA Ecotype)
- 3% Cosmos (Bristly) Sedge, PA Ecotype (Carex comosa, PA Ecotype)
- 3% Fringed (Nodding) Sedge, PA Ecotype (Carex crinita, PA Ecotype)
- 3% Soft Rush
- 2% Many Leaved Bulrush, PA Ecotype (Scirpus polyphyllus, PA Ecotype)
- 2% Woolgrass, PA Ecotype (Scirpus cyperinus, PA Ecotype)

The seed mix provided above is ERNST Seeds' Specialized Wetland Mix for Shaded OBL-FACW Areas (ERNMX-137) at a rate of 20 pounds per acre as specified by the distributor.

