Final Environmental Impact Statement

Amsterdam Materials Recycling Project
Edson Road
City of Amsterdam, Montgomery County, New York

Lead Agency:
Amsterdam Industrial Development Agency (AIDA)
Amsterdam City Hall
61 Church Street
Amsterdam, New York 12010

February 20, 2007

Project Sponsor:

Amsterdam Material Recycling, LLC
20 Gurley Avenue
Troy, New York 12182

Prepared By:

Crescent Environmental Engineering. P.C.
301 Nott Street
Schenectady, New York 12305

Final Environmental Impact Statement
Amsterdam Materials Recycling Project
City of Amsterdam. Montgomery County, New York

Location:	Edson Street Industrial Park City of Amsterdam Montgomery County, New York
Lead Agency:	Amsterdam Industrial Development Agency (AIDA) Amsterdam City Hall 61 Church Street Amsterdam, New York 12010
Lead Agency Contact:	Mr. Michael Chiara, Chairman (518) 841-4333
Project Sponsors:	Amsterdam Materials Recycling, LLC 20 Gurley Avenue Troy, New York 12182
Contact:	Mr. Robert Noel (518) 272-8142
DEIS Prepared By:	Crescent Environmental Engineering, P.C. 301 Nott Street Schenectady, NY 12305
Contact:	A. Jeffrey Mirarchi, P.E., Principal Engineer 518-377-7377
	The Chazen Companies Capital District Office 20 Gurley Avenue Troy, New York 12182
Contact:	Kim L. Baines, Managing Environmental Scientist 518-235-8050

Consultants:

Traffic Study
Creighton Manning Engineering, LLP
4 Automation Lane
Albany, New York 12205-1683
Telephone (518) 446-0396
Thomas R. Johnson, P.E., PTOE

Cultural Resources Study
Landmark Archaeology, Inc.
6242 Hawes Road
Altamont, New York 12009-4604
Telephone (518) 861-8293
Dirk Marcucci, RPA

Counsel to AMR, LLC
Bond, Schoeneck & King, LLP
111 Washington Avenue
Albany, New York 12210
Telephone (518) 462-7421
Robert R. Feller

Consulting Engineer for AIDA
Holt Consulting
P.O. Box 660
Valatie, NY 12184

Telephone (518) 784-9021
Jeffrey R. Holt, P.E., C.P.G.

TABLE OF CONTENTS

1.0 OVERVIEW OF THE PROPOSED ACTION 1

2.0 PERMITS AND APPROVALS 3

3.0 SEQR PROCESS 4

3.1 Draft Environmental Impact Statement (DEIS) 4
3.2 Final Environmental Impact Statement (FEIS) 5

Appendices

APPENDIX A: Table of Contents, Final Revision-DEIS

APPENDIX B: Response to Public Comments

APPENDIX C: Public Comments

1.0 OVERVIEW OF THE PROPOSED ACTION

This Final Environmental Impact Statement (FEIS) has been prepared to assess the potential impacts associated with the proposed development of a construction and demolition (C&D) debris[1] material recycling and disposal facility on a 39.0 ± acre portion of the Edson Street Industrial Park owned by the Amsterdam Industrial Development Agency (AIDA), in the City of Amsterdam, Montgomery County, NY. AIDA intends to sell or lease the property to Amsterdam Materials Recycling, LLC (AMR), who will operate and manage the facility.

The AIDA's industrial park is located north of NYS Route 5 and the Mohawk River, in the southeast corner of the City of Amsterdam, West of County Route 8 (Widow Susan Drive) and south and east of NYS Route 67. The project site is located in the southern portion of the industrial park, adjacent to and south of Sam Stratton Road. The project is currently a vegetated undeveloped parcel, the central portion of which is traversed by a 70-foot wide Niagara Mohawk overhead power line and high pressure natural gas transmission line easement.

The proposed action involves the following program elements:

- A C&D debris materials landfill cell will be located on the northwestern portion of the project and will comprise approximately 14 ± acres of the 39.0 ± acre project site. Bedrock will be excavated in the cell area to generate gravel needed for site development, to create adequate storage for the construction debris and to balance cut and fill materials on the site. The landfill will be constructed in accordance with NYS Department of Environmental Conservation 6 NYCRR Part 360 requirements. C&D wastes will be accepted from all sources, regardless of geographic location. To avoid handling non-conforming wastes, AMR will enforce a strict quality assurance program. The landfill will have a life of approximately 6 to 10 years.

- Approximately 6.4 acres of the southeastern portion of the project site will be used to construct and operate a material storage and recycling center. Operations to be performed at the recycling center will include materials recycling and sorting, to the extent necessary to separate recyclable materials from the C&D waste. Recyclable materials such as concrete, brick, metals and wood will be separated and temporarily stored on-site. Some level of crushing, compaction and wood chipping/grinding may be integrated with the recycling operation to render materials re-usable and

[1] Construction and demolition debris consists of the waste generated during construction, renovation, and demolition projects and includes materials such as wood, concrete, steel, brick, and gypsum.

shippable. The nature and extent of sorting and recycling operations will be driven by market conditions. However, AMR will endeavor to maximize the amount of recovered/recycled materials and minimize the quantities to be disposed in the landfill. When sufficient material quantities are accumulated, materials will be transported off-site to a re-use location or facility. The remainder of the construction debris, which is not recycled, will be placed into the landfill on the site.

The recycling center includes a 150-foot by 200-foot partially covered pad, for dumping, sorting and loading the incoming debris. Approximately one-half of the pad will be uncovered for dumping and initial segregation of the debris, with the other half under a roof for final sorting and loading. The remaining area is for processing of the recycled materials, such as by crushing concrete and chipping wood, and storage of the recycled materials in containers or stockpiles until pick up for off-site shipping

The recycling center is surrounded by a high berm. The purpose of the berm is two-fold. 1) The berm is a convenient location to hold soil from the landfill construction, the soil will be used at the end of the active life of the landfill for restoration; and 2) it provides substantial noise and visual buffer to surrounding land uses.

- The remaining portions of the site will be used for other project related activities including access roadways, stormwater management areas, greenspace buffer areas, (both existing[2] and proposed utilities), and berm areas.

- The entire 39-acre site will be surrounded by a security fence with a single gated entrance to ensure safety and security of operations. A second gated access will be provided for use in emergency situations only.

Upon completion of the project, the landfill will be capped in accordance with NYSDEC Part 360 requirements. Following closure, the closed landfill site will be monitored and maintained for a period of no less than 30 years in accordance with Part 360 to ensure the integrity of the cell. AMR will be solely responsible for maintaining the environmental and structural integrity of the closed landfill and the post-closure monitoring.

To facilitate the access to AMR's facilities, an access road will be constructed from NYS East Main Street to allow ingress and egress of transfer vehicles from the Route 5 Corridor.

[2] The Niagara Mohawk overhead power line transmission easement

The project will require the establishment of two at-grade crossings. A 60-foot wide railroad crossing will be required on the southern project area and a crossing will be required across the existing Niagara Mohawk electric utility right-of-way which traverses the central site area. Appropriate agreements/permits will be obtained to establish these crossings.

The project will be subject to one or more agreements between AIDA, the City of Amsterdam and AMR. The agreement(s) will encompass the leasing or sale of land from AIDA to AMR, the financing of the Project through AIDA tax-exempt bonds and a commitment by AMR to construct additional infrastructure in the industrial park. The agreement(s) will also provide host benefit compensation to AIDA, the City of Amsterdam, and residential neighbors of the project site.

2.0 PERMITS AND APPROVALS

Permits and approvals that are required from involved agencies for construction and operation of the proposed project include:

- City of Amsterdam: zoning amendment, subdivision approval, site plan review, special use permit (possible), curb cut permit for access to East Main Street. Agreement to deliver leachate to City Wastewater Treatment Plant.

- Amsterdam Industrial Development Agency (AIDA): land acquisition and associated contracts.

- NYSDEC: Permit to Construct, 6 NYCRR Part 360 and variance from Part 360-7.3(b)(5) (separation from groundwater rule); SPDES General Stormwater Permit for Construction and for Industrial Activities; Section 401 Water Quality Certification (6 NYCRR 608.9); Mined Land Reclamation Permit, 6 NYCRR Part 421.

In addition, the project will require permits and approvals an advisory opinion from the following interested agencies:

- Montgomery County Planning Department: General Municipal Law Section 239-M Advisory Review

Although not subject to SEQRA, the proposed project may also require the following federal approvals and/or private agreements:

- CSX Transportation Inc.: Private Road Crossing Agreement

- Niagara Mohawk: Utility right-of-way crossing permit

- United States Army Corps of Engineers (USACOE): Disturbance of jurisdictional wetland areas exceeding one-tenth of an acre will require approval.

3.0 SEQR PROCESS

This Final Environmental Impact Statement (FEIS) has been prepared pursuant to the State Environmental Quality Review Act (SEQR) Article 8 of the New York Environmental Conservation Law and the regulations promulgated under 6 NYCRR Part 617.

The required elements of an FEIS are provided in 6NYCRR Part 617.9(b)(8) as follows:

> (8) A final EIS must consist of: the draft EIS (DEIS), including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.

3.1 Draft Environmental Impact Statement (DEIS)

The dates associated with key elements of the DEIS are as follows:

DEIS Public Scoping Session:	**August 27, 2003**
DEIS Accepted:	**December 22, 2003**
DEIS Comment Period Begins:	**December 29, 2003**
Public Hearing:	**January 21, 2004**
DEIS Comments Due:	**February 13, 2004**

As a result of the initial public hearing and public comment period, the Lead Agency instructed the project sponsor to revise and resubmit the DEIS. The dates pertaining to the resubmission of the DEIS are as follows:

Revised DEIS Accepted: **June 1, 2006**

Revised DEIS Comments Due: **August 4, 2006**

As directed by the Lead Agency, the Project Sponsor prepared a response to Public Comments and revised the DEIS accordingly for incorporation into an FEIS.

3.2 Final Environmental Impact Statement (FEIS)

As provided in 6NYCRR Part 617.9(b)(8), this FEIS consists of the following documents:

1. "Final Revision-Draft Environmental Impact Statement" prepared by Crescent Environmental Engineering, P.C., dated February 20, 2007 incorporating revisions necessary to address the public comments. The Final Revision-DEIS is incorporated by reference and consists of the following:

   - Volume 1 Main Text;
   - Volume 2 Appendices A-C
   - Volume 3 Appendices D-K

   For reference purposes, Appendix A of this FEIS contains a copy of the table of contents of the Final Revision-DEIS.

2. "Response to Public Comments" dated February 20, 2006, contained in Appendix B of this FEIS; and,

3. Copies of the Public Comments contained in Appendix C of this FEIS.

A

Appendix A

Table of Contents
Final Revision DEIS

TABLE OF CONTENTS

EXECUTIVE SUMMARY XI

I. OVERVIEW OF THE PROPOSED ACTION XI
II. PURPOSE, NEED AND BENEFIT OF THE PROPOSED ACTION XIII
III. PERMITS AND APPROVALS XIV
IV. SEQR PROCESS XV
V. POTENTIAL ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES XVI
VI. ALTERNATIVES ANALYSIS XXVI

1.0 INTRODUCTION 28

1.1 PURPOSE AND PROCESS OF THE DEIS 28
1.1.1 Purpose of the DEIS 28
1.1.2 DEIS Process 28
1.2 PROJECT PURPOSE AND NEED 29
1.2.1 Project Purpose 29
1.2.2 Project Need and Benefit 30
1.3 PROJECT LOCATION 41
1.4 PROJECT SPONSOR 42
1.4.1 Role of the Amsterdam Industrial Development Agency 44
1.5 REQUIRED APPROVALS 45

2.0 PROJECT DESCRIPTION 48

2.1 PRE-DEVELOPMENT ACTIVITIES 48
2.2 CONSTRUCTION ACTIVITIES 50
2.1.1 Site Preparation Activities 50
2.2.2 Landfill and Recycling Center Earthwork Activities 51
2.3 OPERATIONS ACTIVITIES 58
2.3.1 Operator Training Requirements 58
2.3.2 Site Access 58
2.3.3 Waste Processing Activities 60
2.3.3.1 Waste Types Accepted 61
2.3.3.2 Non-acceptable Waste Types 61
2.3.3.3 Waste Generation 61
2.3.3.4 Waste Processing 62
2.3.4 Waste Handling and Disposal Activities 62
2.3.5 Landfill Leachate Management 63
2.3.6 Landfill Cover Material Management 63
2.3.7 Landfill Drainage and Erosion Controls 64
2.3.8 Landfill Gas Generation Control 64
2.3.9 Fugitive Dust Control 65
2.3.10 Noise Control 65
2.4 POST-CLOSURE USE AND MONITORING 65
2.4.1 Closure and Post-Closure Maintenance and Monitoring 67
2.4.2 Post-Closure Use 67
2.5 FUNDING 68

3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES 71

3.1 TOPOGRAPHY AND SLOPE 71
3.1.1 Existing Conditions 71
3.1.2 Potential Impacts 74
3.1.3 Mitigation Measures 75
3.2 SOILS AND SURFICIAL GEOLOGY 75
3.2.1 Existing Conditions 75
3.2.2 Potential Impacts 80
3.2.2.1 Soil Suitability 81
3.2.2.2 Soil Erosion 81
3.2.2.3 Fugitive Dust 81
3.2.2.4 Excess Cut Material 82
3.2.3 Mitigation Measures 82
3.2.3.1 Soil Suitability Analysis 82
3.2.3.2 Erosion and Sediment Control 83
3.2.3.3 Dust Control 90
3.2.3.4 Excess Cut Material 90
3.3 BEDROCK GEOLOGY 90
3.3.1 Existing Conditions 90
3.3.2 Potential Impacts 92
3.3.2.1 Blasting 92
3.3.2.2 Excess Cut Material 95
3.3.3 Mitigation Measures 96
3.3.3.1 Blasting 96
3.3.3.2 Excess Cut Material 106
3.4 HYDROGEOLOGY 106
3.4.1 Existing Conditions 106
3.4.1.1 Literature Review 107
3.4.1.2 Water Well Survey 107
3.4.1.3 Hydrogeologic Investigation 108
3.4.2 Potential Impacts 110
3.4.2.1 Leachate Contamination of Groundwater 110
3.4.2.2 Bedrock Blasting and Excavation 111
3.4.2.3 Pore-Pressure Relief System Dewatering 111
3.4.3 Mitigation Measures 112
3.5 SURFACE WATER RESOURCES 112
3.5.1 Existing Conditions 113
3.5.2 Potential Impacts 115
3.5.3 Mitigation Measures 115
3.5.3.1 Stormwater Management 115
3.6 WETLANDS 119
3.6.1 Existing Conditions 119
3.6.1.1 NWI Wetlands 119
3.6.1.2 NYSDEC Freshwater Wetlands 119
3.6.1.3 Wetland Delineation Survey 121
3.6.2 Potential Impacts 125
3.6.3 Mitigation Measures 125
3.7 FLORA AND FAUNA 126
3.7.1 Existing Conditions 126

3.7.1.1 Vegetation 126
3.7.1.2 Wildlife 132
3.7.1.3 Threatened and Endangered Species 132
3.7.2 Potential Impacts 133
3.7.3 Mitigation Measures 133
3.8 AIR RESOURCES 133
3.8.1 Existing Conditions 133
3.8.1.1 Ambient Air Quality 133
3.8.1.2 Wind Data 142
3.8.2 Potential Impacts 146
3.8.2.1 Construction Equipment Combustion Gas Emissions 146
3.8.2.2 Fugitive Dust Generation 146
3.8.2.3 Landfill Gas Generation 147
3.8.3 Mitigation Measures 148
3.8.3.1 Construction Equipment Combustion Gas Emission Control 148
3.8.3.2 Fugitive Dust Control 148
3.8.3.3 Landfill Gas Control 151
3.9 CULTURAL RESOURCES 155
3.9.1 Existing Conditions 155
3.9.2 Potential Impacts 156
3.9.3 Mitigation Measures 156
3.10 LAND USE 156
3.10.1 Existing Conditions 157
3.10.2 Potential Impacts 159
3.10.3 Mitigation Measures 159
3.10.3.1 Visual Character 159
3.10.3.2 Noise 159
3.10.3.3 Landfill Gas Odors 160
3.11 PLANNING AND ZONING 160
3.11.1 Existing Conditions 160
3.11.2 Potential Impacts 162
3.11.2.1 Zoning 162
3.11.2.2 Solid Waste Planning 164
3.11.3 Mitigation Measures 165
3.12 VISUAL CHARACTER 165
3.12.1 Existing Conditions 165
3.12.2 Potential Impacts 166
3.12.3 Mitigation Measures 173
3.13 NOISE 176
3.13.1 Existing Conditions 176
3.13.2 Potential Impacts 181
3.13.3 Mitigation Measures 188
3.14 LIGHTING 190
3.14.1 Existing Conditions 190
3.14.2 Potential Impacts 190
3.14.3 Mitigation Measures 190
3.15 VIBRATION 190
3.15.1 Existing Conditions 190
3.15.2 Potential Impacts 191

3.15.3 Mitigation Measures 191
3.16 TRAFFIC 191
3.16.1 Existing Conditions 191
3.16.2 Potential Impacts 191
3.16.3 Mitigation Measures 196
3.17 WATER SUPPLY 200
3.17.1 Existing Conditions 202
3.17.2 Potential Impacts 202
3.17.3 Mitigation Measures 202
3.18 SEWAGE DISPOSAL 203
3.18.1 Existing Conditions 203
3.18.2 Potential Impacts 203
3.18.2.1 Sanitary Wastewater 204
3.18.2.2 Leachate 204
3.18.3 Mitigation Measures 204
3.19 PRIVATE UTILITIES AND INFRASTRUCTURE 210
3.19.1 Existing Conditions 210
3.19.1.1 Electric Service 210
3.19.1.2 Natural Gas 210
3.19.1.3 Other Utilities and Infrastructure 210
3.19.2 Potential Impacts 211
3.19.3 Mitigation Measures 211
3.20 COMMUNITY SERVICES 212
3.20.1 Existing Conditions 212
3.20.1.1 Fire Protection Services 212
3.20.1.2 Police Protection Services 213
3.20.1.3 Emergency Medical Services 213
3.20.1.4 Educational Facilities 214
3.20.1.5 Public Recreational Facilities 216
3.20.2 Potential Impacts 217
3.20.2.1 Fire Protection Services 217
3.20.2.2 Police Protection Services 218
3.20.2.3 Emergency Medical Services 218
3.20.2.4 Educational Facilities 218
3.20.2.5 Public Recreational Facilities 218
3.20.3 Mitigation Measures 218
3.21 FISCAL CONDITIONS 219
3.21.1 Existing Conditions 219
3.21.2 Potential Impacts 220
3.21.3 Mitigation Measures 221
3.22 COMMUNITY CHARACTER 222
3.22.1 Existing Conditions 222
3.22.2 Impacts 222
3.22.3 Mitigation Measures 223

4.0 ALTERNATIVES 224
4.1 NO-ACTION ALTERNATIVE 224
4.2 ALTERNATIVE DEVELOPMENT PLAN 224
4.3 ALTERNATIVE SITES 225
5.0 IRREVERSIBLE AND IRRETRIEVABLE RESOURCE COMMITMENTS 226
5.1 SOIL RESOURCES 226
5.2 WATER RESOURCES 227
5.3 FLORA AND FAUNA 227
5.4 WETLAND AREAS 227
5.5 ENERGY RESOURCES 228
6.0 UNAVOIDABLE ADVERSE IMPACTS 229
7.0 GROWTH INDUCING ASPECTS 230
8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY 231
8.1 ENERGY USE AND CONSUMPTION 231
8.2 ENERGY CONSERVATION MEASURES 231
REFERENCES & LITERATURE CITED 233

LIST OF FIGURES

FIGURE 1-1: NEW YORK STATE LANDFILLS WITHIN A 100-MILE RADIUS OF THE PROJECT SITE 34

FIGURE 1-2: SITE LOCATION MAP 43

FIGURE 2-1: LANDS TO BE SUBDIVIDED AND ACQUIRED 49

FIGURE 2-2: CONSTRUCTION GRADING PLAN 52

FIGURE 2-3: PROPOSED C&D LANDFILL LINER AND COVER CROSS SECTIONS 57

FIGURE 2-4: PROPOSED SITE PLAN 59

FIGURE 2-5: FINAL CLOSURE PLAN 66

FIGURE 3-1: SITE SLOPES MAP 72

FIGURE 3-2: SITE SURVEY MAP 73

FIGURE 3-3: SITE SOIL CLASSIFICATION MAP 77

FIGURE 3-3.1: EROSION CONTROL PLAN 84

FIGURE 3-3.2 BEDROCK EXCAVATION PLAN 94

FIGURE 3-3.3: BEDROCK EXCAVATION CROSS-SECTIONS 95

FIGURE 3-4: SURFACE WATER RESOURCES MAP 115

FIGURE 3-5: NYSDEC WETLANDS MAP 121

FIGURE 3-6: ACOE WETLANDS MAP 123

FIGURE 3-7: WIND ROSE 145

FIGURE 3-8: LAND USE MAP 159

FIGURE 3-9: ZONING MAP 162

FIGURE 3-10: EXISTING CONDITIONS VIEW 169

FIGURE 3-11: REPRESENTATIVE VIEWPOINT FOR VISUAL ASSESSMENT 171

FIGURE 3-12: OPERATIONAL PHASE VIEW 172

FIGURE 3-13: POST-CLOSURE PHASE VIEW 173

FIGURE 3-14: PROFILE AT EAST MAIN STREET 175

FIGURE 3-15: TRAFFIC STUDY INTERSECTIONS MAP 193

FIGURE 3-16: PROPOSED TRUCK ROUTE 201

FIGURE 3-17 LEACHATE COLLECTION SYSTEM PLAN 206

FIGURE 3-18 LEACHATE PIPING AND STORAGE SYSTEM PLAN 208

LIST OF TABLES

TABLE 1-1: NEW YORK STATE LANDFILLS WITHIN A 100-MILE RADIUS OF THE SITE 35

TABLE 1-2: REQUIRED PERMITS AND APPROVALS 45

TABLE 2-1: PRO-FORMA FORM 69

TABLE 3-1: COMPARISON OF PRE-DEVELOPMENT & POST-DEVELOPMENT STORMWATER DISCHARGES DURING PHASE 1, LANDFILL CONSTRUCTION/OPERATION 118

TABLE 3-2: COMPARISON OF PRE-DEVELOPMENT & POST-DEVELOPMENT STORMWATER DISCHARGES DURING PHASE 2 , LANDFILL POST CLOSURE.. 118

TABLE 3-3: SITE VEGETATION 128

TABLE 3-4: SITE FLORA AND INDICATOR STATUS 128

TABLE 3-5: CRITERIA AIR POLLUTANT STANDARDS 138

TABLE 3-6: ANNUAL AVERAGE SULFUR DIOXIDE CONCENTRATIONS 1991 – 2001 NYSDEC REGION 4 HUDSON VALLEY AIR QUALITY CONTROL REGION .. 140

TABLE 3-7: ANNUAL AVERAGE INHALABLE PARTICULATE CONCENTRATIONS 1991 - 2001 NYSDEC REGION 4 HUDSON VALLEY AIR QUALITY CONTROL REGION 140

TABLE 3-8: ANNUAL AVERAGE CARBON MONOXIDE CONCENTRATIONS 1991 - 2001 NYSDEC REGION 4 HUDSON VALLEY AIR QUALITY CONTROL REGION 141

TABLE 3-9: ANNUAL AVERAGE OZONE CONCENTRATIONS 1991 – 2001 NYSDEC REGION 4 HUDSON VALLEY AIR QUALITY CONTROL REGION 141

TABLE 3-10: ANNUAL AVERAGE INHALABLE PARTICULATES-SULFATE, NITRATE FRACTION CONCENTRATIONS 1991 - 2001 NYSDEC REGION 4 HUDSON VALLEY AIR QUALITY CONTROL REGION 141

TABLE 3-11: COMMON NOISE LEVELS 176

TABLE 3-12: HUMAN PERCEPTION OF NOISE 177

TABLE 3-13: PRE-DEVELOPMENT MEASUREMENT SUMMARY 180

TABLE 3-14: PRE-DEVELOPMENT MEASUREMENT DATA 181

TABLE 3-15: PREDICTED EQUIPMENT NOISE GENERATION 182

TABLE 3-16: POST DEVELOPMENT NOISE ESTIMATES 183

TABLE 3-17: LEQ AND LMAX – PRE-DEVELOPMENT VS. POST DEVELOPMENT 184

CONSTRUCTION PHASE 184

TABLE 3-18: UNSIGNALIZED INTERSECTION LEVEL OF SERVICE SUMMARY . 197

TABLE 3-19: THE PUBLIC SCHOOLS OF THE GREATER AMSTERDAM CENTRAL SCHOOL DISTRICT 215

TABLE 3-20: PRIVATE SCHOOLS IN THE CITY OF AMSTERDAM 215

TABLE 3-21: PUBLIC RECREATIONAL LANDS IN THE CITY OF AMSTERDAM .. 216

TABLE 3-22: INVENTORY OF RECREATIONAL FACILITIES IN THE CITY OF AMSTERDAM 217

TABLE 3-23: PROPERTY AND SCHOOL TAXES CURRENTLY DERIVED FROM PROPOSED PROJECT PARCELS 220

APPENDICES

APPENDIX A: AIDA Bond Counsel Opinion Letter
APPENDIX B: Geologic And Hydrogeology Report
APPENDIX C: Stormwater Management Plan
APPENDIX D: Wetland Delineation Report
APPENDIX E: Correspondence
APPENDIX F: Cultural Resources Report
APPENDIX G: Visual Analysis
APPENDIX H: Noise Study
APPENDIX I: Traffic Impact Study
APPENDIX J: Leachate Quality Literature
APPENDIX K: Slope Stability Analysis

B

Appendix B

Response to Public Comment

RESPOPNSE TO PUBLIC COMMENT

Draft Environmental Impact Statement

Amsterdam Materials Recycling Project
Edson Road
City of Amsterdam, Montgomery County, New York

Lead Agency:
Amsterdam Industrial Development Agency (AIDA)
Amsterdam City Hall
61 Church Street
Amsterdam, New York 12010

February 20, 2007

Project Sponsor:

Amsterdam Material Recycling, LLC
20 Gurley Avenue
Troy, New York 12182

Prepared By:

Crescent Environmental Engineering. P.C.
301 Nott Street
Schenectady, New York 12305

TABLE OF CONTENTS

INTRODUCTION **1**

POTENTIAL BURIED ASBESTOS **4**

TRAFFIC **5**

NOISE **7**

FUGITIVE DUST **12**

LANDFILL GASES **17**

VISUAL IMPACT **21**

GROUNDATER IMPACTS **23**

3.4.2 Potential Impacts 23
3.4.2.1 Leachate Contamination of Groundwater *24*
3.4.2.2 Bedrock Blasting and Excavation *24*
3.4.2.3 Pore-Pressure Relief System Dewatering *25*
3.4.3 Mitigation Measures 25

CONSTRUCTION ACTIVIIES AND SEQUNCE **27**

2.2 CONSTRUCTION ACTIVITIES 27
2.1.1 Site Preparation Activities *27*
2.2.2 Landfill and Recycling Center Earthwork Activities *28*

LEACHATE COLLECTION, STORAGE AND TREATMENT **34**

3.18.2.2 Leachate *34*
2.3.6 Landfill Cover Material Management 41
2.3.3 Waste Processing Activities 42
2.3.3.4 Waste Processing *42*
2.3.1 Operator Training Requirements 42
2.3.2 Site Access 43

BLASTING **44**

3.3.2 Potential Impacts 44
3.3.2.1 Blasting *44*
3.3.3 Mitigation Measures *48*
3.3.3.1 Blasting *48*

SLOPE STABILITY AND EROSION CONTROL **59**

3.1.3 Mitigation Measures 59
3.2.3.2 Erosion and Sediment Control *61*

FINANCIAL ASSURANCE, CLOSURE/POST-CLOSURE CARE **69**

2.4.1 Closure and Post-Closure Maintenance and Monitoring 69

SOLID WASTE PLANNING **71**

ENVIRONMENTAL JUSTICE **76**

LIST OF NEW/REVISED FIGURES

FIGURE 2-2: CONSTRUCTION GRADING PLAN **29**

FIGURE 3-17 LEACHATE COLLECTION SYSTEM PLAN **36**

FIGURE 3-18: LEACHATE PIPING AND STORAGE SYSTEM PLAN **39**

FIGURE 3-3.1: BEDROCK EXCAVATION PLAN **45**

FIGURE 3-3.2: BEDROCK EXCAVATION CROSS-SECTIONS **46**

FIGURE 3-2.1: EROSION CONTROL PLAN **63**

INTRODUCTION

This Response to Public Comment has been prepared to address comments received during he Public Comment Period for the Draft Environmental Impact Statement for the following Project:

Draft Environmental Impact Statement
Amsterdam Materials Recycling Project
City of Amsterdam. Montgomery County, New York

Location:	Edson Street Industrial Park City of Amsterdam Montgomery County, New York
Lead Agency:	Amsterdam Industrial Development Agency (AIDA) Amsterdam City Hall 61 Church Street Amsterdam, New York 12010
Lead Agency Contact:	Mr. Michael Chiara, Chairman (518) 841-4333
Project Sponsors:	Amsterdam Materials Recycling, LLC 20 Gurley Avenue Troy, New York 12182
Contact:	Mr. Robert Noel (518) 272-8142
DEIS Prepared By:	Crescent Environmental Engineering, P.C. 301 Nott Street Schenectady, NY 12305
Contact:	A. Jeffrey Mirarchi, P.E., Principal Engineer 518-377-7377
	The Chazen Companies Capital District Office 20 Gurley Avenue Troy, New York 12182
Contact:	Kim L. Baines, Managing Environmental Scientist 518-235-8050

Consultants:

Traffic Study
Creighton Manning Engineering, LLP
4 Automation Lane
Albany, New York 12205-1683
Telephone (518) 446-0396
Thomas R. Johnson, P.E., PTOE

Cultural Resources Study
Landmark Archaeology, Inc.
6242 Hawes Road
Altamont, New York 12009-4604
Telephone (518) 861-8293
Dirk Marcucci, RPA

Counsel to AMR, LLC
Bond, Schoeneck & King, LLP
111 Washington Avenue
Albany, New York 12210
Telephone (518) 462-7421
Robert R. Feller

Consulting Engineer for AIDA
Holt Consulting
P.O. Box 660
Valatie, NY 12184

Telephone (518) 784-9021
Jeffrey R. Holt, P.E., C.P.G.

The notification of acceptance by the Lead Agency, the Amsterdam Industrial Development Agency (AIDA), of the DEIS was published in the NYSDEC Environmental Notice Bulletin on June 1, 2006 and the public comment period was scheduled to run until July 14, 2006. At the request of the NYSDEC, the comment period was extended to August 4, 2006.

During the public comment period, 50 written public comments were received by the AIDA as Lead Agency.

As required by Article 8 of the New York Environmental Conservation Law and the regulations promulgated under 6 NYCRR Part 617, this Response to Public Comment is an integral component of the Final Environmental Impact Statement. The required elements of a Final Environmental Impact Statement are provided in 6NYCRR Part 617.9(b)(8) as follows:

> (8) A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.

POTENTIAL BURIED ASBESTOS

Comment Item Numbers: 7, 30, 32, 37, 39

The possible presence of buried asbestos has not been known to the project sponsors and was not included in the DEIS scoping document. To date, the project sponsors have only rumor and anecdotal information regarding the possible disposal of demolition debris containing asbestos within the Edson Industrial Park. This potential issue will be addressed in much the same manner as the reported sediment/soil contamination at the project site related to the Ward Products operations.

The following paragraph has been added to the end of Section 2.2.2 to include provisions to assess and remediate, if necessary, any solid wastes or related potential contamination encountered during construction of the subject facility.

> *2.2.2 Landfill and Recycling Center Earthwork Activities (at end)*
>
> If solid wastes or suspect contamination (including asbestos) are encountered, local construction activities will be postponed, and the suspect material sampled and characterized. Any confirmed wastes or contamination will be managed in accordance with applicable state and federal regulations.

TRAFFIC

Comment Item Numbers: 10, 23, 31, 39, 45

A Traffic Impact Study (TIS) for the proposed project, prepared by Creighton Manning Engineering, LLP, is include in Appendix I and summarized in Section 3.16 of the DEIS.

As stated in Section 3.16 of the DEIS, the traffic impact study was based on assumed operational traffic volumes as follows:

1. 36 waste trucks per day entering and exiting the facility (72 truck trips per day);
2. 1 fuel truck per day entering and exiting the facility (two truck-trips per day);
3. 15 employees entering and exiting the facility during peak morning and afternoon rush hours (30 vehicle trips per day).

To evaluate worst-case traffic condition, the TIS is based upon a peak volume of 25 vehicle-trips during both morning and afternoon rush hours. For the morning rush hour, this peak volume of 25-vehicle-trips per hour consists of 15 employee vehicles and 5 waste trucks arriving at the site and 5 waste trucks leaving the site during peak morning rush hour traffic. For the afternoon rush hour, this peak volume of 25-vehicle-trips per hour consists of 5 waste trucks entering the site, plus 15 employee vehicles and 5 waste trucks leaving at the site during peak afternoon rush hour traffic. In summary, the TIS is based upon 5 waste trucks entering and leaving plus 15 employee vehicles (entering in the morning and leaving in the afternoon).all during peak rush-hour volume. The TIS determined that the roadway approaches to the project site operate at good levels of service and are expected to operate at good levels of service with the additional peak operational traffic described above.

The TIS was conducted for operational phase traffic. However, significant traffic is also expected during the construction phase for the shipment of excess rock excavated during construction. As provided in Section 3.3.2.2 of the DEIS, rock shipments during construction are estimated at 70 trucks per day, or 8.75 trucks per hour assuming rock shipment occur during eight hours of the 9-hour construction day. This rate is equivalent to 17-18 truck-trips per hour for the shipment of rock during the construction phase. The DEIS in, Section 3.16.2, concluded the construction phase traffic is not a significant deviation from the operational phase traffic evaluated in the TIS.

As additional clarification, Section 3.16.2 has been modified as follows to provide more information related the construction phase traffic as compared to the operational phase As follows:

The temporary increase in truck traffic associated with the transportation of excess cut material during construction is not considered a significant deviation from the operational conditions analyzed in the TIS. As described below, the vehicle trips per hour for the construction phase are actually less than the peak operational vehicle trips analyzed in the TSI and will not coincide with rush-hour traffic.

1. The estimated peak construction phase traffic is less than the operational phase traffic estimates of the TIS. The operational phase analysis is based upon 25 vehicle-trips per hour (15 employee vehicle trips and 10 waste vehicle trips) while the construction phase traffic is estimated at 16 rock truck-trips per hour;

2. During the construction phase, the employee traffic is not added to the rock-shipment traffic as it will not be occurring simultaneously. The construction employees will need to arrive on-site, attend to daily start-up activities, and begin loading trucks before the actual truck traffic can get underway.

3. Significant rock shipment traffic will likely not occur during peak rush hour as was assumed for the operational phase traffic analysis of the TIS. Rock truck shipments will primarily occur between 8:00 am (after the morning rush hour) and 4:00 pm (before the evening rush hour).

In addition, the end of Section 3.16.3 has been corrected to clarify the analysis and conclusions are based on a peak operational project traffic volume of 25 vehicle trips per hour consisting of 15 employee vehicle trips and 10 waste vehicle trips all occurring during peak rush hours.

During the construction phase, peak truck volume of 17-18 truck-trips per hour is greater than the operational phase peak truck volume estimates of 10 truck-trips per hour. However, the overall traffic impact during the construction phase is less than the peak volumes evaluated in the TIS since the construction phase trucking is not cumulative with employee traffic and does not occur during rush-hours.

NOISE

Comment Item Numbers: 6, 10, 11, 19, 22, 31, 32, 33, 39, 45,

Potential noise impacts are discussed in Section 3.13 of the DEIS with a more detailed analysis contained in the Noise Study in Appendix H of the DEIS. Recognizing the potential noise impacts, the proposed project contains the following mitigation measures:

1. Workdays will be limited to weekdays (Monday-Friday) for both the construction and operation phases;

2. Work hours will be limited to 8:00 am to 5:00 pm for both the construction and operation phases;

3. Construction operations will be sequenced to maximize natural noise attenuation provided by site topography and existing vegetative buffers along the site perimeter;

4. A new site access road is planned to be constructed off East Main Street to minimize construction and operational traffic noise impacts in other adjacent areas of the City and Town of Amsterdam;

5. A traffic noise barrier will be constructed along the new access road to minimize noise impacts to adjacent properties;

6. A 20-foot tall earthen berm will be constructed around the he recycling center to minimize noise impacts from waste sorting and processing activities; and

7. Landfilling activities will be performed in a manner that shields adjacent residential areas from landfill operational noise to the maximum extent practical. Much of the landfill operation will be performed below existing grade. However, as a portions of the landfill reach existing grade, the elevation of the perimeter of the landfill will be maintained higher than the interior working face such that the dumping, spreading an compacting of the debris is shielded from the residential properties to the south and west.

The noise study presents the findings of a Baseline Noise Survey conducted in August 2003 at 15 locations along the proposed project boundaries. The locations of the monitoring locations are shown in Figure 1 of the Noise Study (Appendix H of the DEIS). The intent of the baseline survey is to establish existing conditions to evaluate potential future noise impacts related to

construction or operation activities conducted for the proposed project. The baseline noise levels are summarized in Table 3-14 of the DEIS.

Noise levels for both the construction phase and the operation phase were calculated in accordance with NYSDEC Guidance "Assessing and Mitigating Noise Impacts" and are summarized below:

To assess potential noise impacts during construction activities, the noise study evaluated both mobile and stationary sources. The number, type and operational parameters for the construction equipment, and mitigating factors such as topography, weather, natural buffers, etc., are difficult to predict with precision. Recognizing these inherent difficulties, the Noise Study for the construction phase analyzed construction phase noise impacts under the following assumed worst-case conditions (all occurring simultaneously):

- Stationary noise sources for crushing the excavated bedrock consisting of a rock crusher, two pieces of heavy equipment (e.g. excavator/loader), and a dedicated haul truck;

- Mobile noise sources consisting of heavy equipment and haul trucks operating within the site. Since the exact location of the mobile equipment cannot be predicted, the Noise Study assumes as a worst-case condition, that the equipment operates at the site perimeter (nearest the off-site receptors) at a rate of ten passes per hour; and

- Heavy truck traffic along the southern access road at a peak volume of 17-18 truck-trips per hour for the off-site shipment of excess rock.

Under these assumptions, with a traffic noise barrier along the southern access road, the maximum construction noise level (Leq) at the property line to the south and west of the facility near various potential residential receptors was estimated at 62.5 dBA, an increase of 6.4 dBA over pre-construction conditions. The DEIS concluded that this impact was not significant since the Leq of 62.5 dBA is below the NYSDEC Part 360 Noise Regulation of 360-1.14(p) of 67 dBA for an urban residential area. Additionally, the increase of 6.4 dBA over pre-existing conditions only slightly exceeds the 3-6 dBA range cited by the NYSDEC as indicating the potential for adverse noise impacts only in cases where the most sensitive of receptors are present

To assess potential noise impacts during the operational phase, the noise study evaluated both mobile and stationary sources. The Noise Study for the operational phase analyzed noise impacts under the following assumed worst-case conditions (all occurring simultaneously):

- Stationary crushing and grinding operations occurring within the bermed area of the recycling center;

- Landfill compactor operating at the closest point to the property line at a rate of 10 passes per hour; and,

- Peak waste truck volume of 12 truck-trips per hour operating along the southern access road and landfill perimeter road;

Under these assumptions, with a traffic noise barrier along the southern access road, the maximum operational noise level (Leq) at the property line to the south and west of the facility near various potential residential receptors was estimated at 62.7 dBA with a maximum increase of 7.1 dBA over pre-construction conditions. The DEIS concluded that this impact was not significant since the Leq of 62.7 dBA is below the NYSDEC Part 360 Noise Regulation of 360-1.14(p) of 67 dBA for an urban residential area. Additionally, the increase of 7.1 dBA over pre-existing conditions only slightly exceeds the 3-6 dBA range cited by the NYSDEC as indicating the potential for adverse noise impacts only in cases where the most sensitive of receptors are present.

Public comments have been submitted suggesting the noise impacts may have been under estimated and that the proposed mitigation measure may not be sufficient. To address the public comments received regarding potential noise impacts while avoiding the need for assessing an endless combination of potential noise source combinations, Section 3-13.2 of the DEIS has been modified and Section 3-13.3 has been added to more clearly present the proposed mitigation measure discussed above. In addition to the mitigation measures proposed, the following stipulation regarding noise impacts has been added to the new Section 3-13.3:

- During the construction phase, noise impacts at the southern and western property line will be limited to a Leq of 67 dBA in compliance with the NYSDEC Regulatory thresholds of 6NYCRR Part 360-1.13(p) for an urban residential community. In addition, general construction phase noise at the southern and western property line shall not exceed pre-existing conditions by more than 6 dBA. Temporary exceedances of up to 10 dBA shall be allowed for required construction activities near the property line such as bedrock removal, road construction and installation of the traffic noise barrier. These temporary exceedances shall not occur at any monitoring location for more than 5 workdays out of any consecutive 15 workdays. These temporary exceedances shall be minimized in both duration and magnitude to the maximum extent practical using additional mitigation measures such as the

temporary shut down or relocation of other noisy equipment and/or the installation of temporary noise barriers.

- During the operational phase, noise impacts at the southern and western property line will be limited to a Leq of 67 dBA in compliance with the NYSDEC Regulatory thresholds of 6NYCRR Part 360-1.13(p) for an urban residential community. In addition, general operational phase noise at the southern and western property line shall not exceed pre-existing conditions by more than 6 dBA. If the proposed mitigation measures discussed above are not sufficient to meet these levels, additional operational modifications shall be instituted as necessary to meet these noise levels. If necessary, concrete crushing and or wood grinding operations will be performed under very limited conditions or not performed at the facility.

- The project sponsor will hire an independent third-party consultant to perform a baseline noise survey prior to construction and to provide daily noise monitoring throughout construction. In addition, operational noise monitoring will be performed at the start of operations and after any significant change in operations, such as an increase in trucking volume or the use of any equipment with a Sound Pressure Level exceeding 70 dBA at 50 feet.

- Should the noise monitoring indicate any exceedance of the stipulated noise thresholds, AMR will immediately take corrective actions to eliminate the offending noise source(s) and will not restart the equipment/operation until additional sound mitigation BMPs as listed in the NYSDEC guidance are instituted and determined through independent 3rd part sound monitoring to be effective.

The NYSDEC Noise Regulation for Solid Waste Facilities, 6NYCRR 360-1.14(p) prohibits sound levels at the property from exceeding certain thresholds. The thresholds are determined based on the "Nature of the Community". For communities with an Urban Residential character, the threshold is 67 dBA. For communities with a Suburban Residential character, the threshold is 62 dBA. The DEIS estimated the community character as Urban for the following reasons:

1. The project is located completely within the City of Amsterdam;
2. The project site is completely within the Edson Industrial Park and is currently zoned Light Industrial;

3. The narrow corridor of residential/commercial properties to the south of the proposed facility is currently within a Commercial Zone for the City of Amsterdam and a Manufacturing Zone for the Town of Amsterdam. This corridor contains a number of active and inactive commercial operations including an auto service shop, motel, and a restaurant/conference facility. This corridor is bordered on the north by the industrial park and an active industrial railroad spur serving the park. To the south, this corridor borders State Route 5, a 55-mph 4-lane divided highway and overlooks the numerous manufacturing operations on the south side of Route 5.

4. To the west, across steep wooded ravine from the project site, is an urban residential community, typical of upstate New York cities such as Amsterdam.

FUGITIVE DUST

Comment Item Numbers: 4, 8, 10, 11, 16, 23, 26, 32, 33, 44

Fugitive dust generation and mitigation are discussed in Section 3.8.2.2 and 3.8.3.2 respectively of the DEIS.

Section 3.8.2.2 has been modified to include rock drilling and blasting as a potential source of fugitive dust.

Section 3.8.3.2 has been modified to specifically reference the NYSDEC Guidance Document, "Technical and Administrative Guidance Memorandum -- Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites. (TAGM 4031) for the monitoring and control of dust during construction and operation of the facility.

The following excerpts from TAGM 4031 have been adapted for use on this project and included in Section 3.8.3.2 in the FEIS as follows:

> The following fugitive dust suppression and particulate monitoring program will be employed at the facility during construction and operation:
>
> 1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.
>
> 2. Particulate monitoring must be employed during construction activities such as the rock drilling/blasting, excavation, grading, or placement of soil and along any unpaved stretches of haul roads and during the operational phase for debris handling, processing and landfilling.
>
> 3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:
>
> Object to be measured: Dust, Mists, Aerosols
> Size range: <0.1 to 10 microns
> Sensitivity: 0.001 mg/m3
> Range: 0.001 to 10 mg/m3
> Overall Accuracy: ±10% as compared to gravimetric analysis of stearic acid or reference dust

Operating Conditions:
Temperature: 0 to 40oC
Humidity: 10 to 99% Relative Humidity
Power: Battery operated with a minimum capacity of eight hours continuous operation
Automatic alarms are suggested.

4. Particulate levels will be monitored immediately downwind at the working site and integrated over a period not to exceed 15 minutes. Consequently, instrumentation shall require necessary averaging hardware to accomplish this task; the P-5 Digital Dust Indicator as manufactured by MDA Scientific, Inc. or similar is appropriate.

5. In order to ensure the validity of the fugitive dust measurements performed, there will be appropriate Quality Assurance/Quality Control (QA/QC to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.

6. The action level will be established at 150 ug/m3 over the integrated period not to exceed 15 minutes. While conservative, this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m3, the upwind background level must be measured immediately using the same portable monitor. If the working site particulate measurement is greater than 100 ug/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see Paragraphs 8 and 9).

7. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. Since this situation has the potential for off-site impacts, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as rock drilling/crushing or debris sorting and loading will require the need for special measures to be considered.

8. The following techniques have been shown to be effective for the controlling of the generation and migration of dust and are applicable for the construction phase of the project:

   - Applying water on haul roads.
   - Wetting equipment and excavation faces.
   - Maintaining overburden and/or wetting rock drilling/blasting operations.
   - Spraying water on buckets during excavation and dumping.
   - Hauling materials in properly tarped or watertight containers.
   - Restricting vehicle speeds to 15 mph.
   - Dust suppressants, such as calcium chloride, may be used in certain areas to control the generation of fugitive dusts. It is anticipated that calcium chloride will be applied to constructed access roads to control the generation of dusts prior to the pavement of these roadways. Chemical suppressants selected for the site will be approved by the NYSDEC, City and other agencies prior to use and their use will be in accordance with applicable guidelines.
   - Covering excavated areas and material after excavation activity ceases.
   - Reducing the excavation size and/or number of excavations.
   - Construction workers shall park in designated parking area(s) to help reduce dust emissions.
   - All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains shall be removed immediately.

9. The following techniques have been shown to be effective for the controlling of the generation and migration of dust and are applicable for the operation phase of the project:

   - A vegetative covering will be maintained around the project perimeter. A natural vegetative cover will serve to confine the

migration of fugitive dusts, should they reach the perimeter of the project area.

- A daily cover will be placed on the landfill cell to minimize the generation of dusts from the waste mass.

- Most materials handling within the landfill cell will occur below the surrounding grade and, therefore, will minimize the migration of airborne dust beyond the project limits.

- Material sorting will be performed within the recycling area only. This area is surrounded by a 20-foot high berm. Additionally, actual sorting procedures will be performed below a roofed structure to minimize airborne particle development. If necessary, materials will not be sorted during periods of high velocity winds.

- In the landfill cell area, leachate generated within the cell, water from the stormwater management pond located north of the cell, or a water tanker truck will be utilized to mist debris within the cell and minimize dust generation. Leachate for dust control is only proposed for application within the active landfill cell. The application of leachate for dust control within the landfill cell is subject to NYSDEC approval under the Part 360 Permit process and is anticipated not to have any adverse impacts considering the nature of C&D leachate and the small amounts needed for dust control.

- Haul vehicles transporting soil into or out of the property shall be covered.

- Vehicles entering or exiting the facility shall travel at a speed which minimizes dust emissions. Based on guidance documentation on dust control during construction activities, a maximum speed limit of 15 mph will be established and enforced.

- Dust suppressants, such as calcium chloride, may be used in certain areas to control the generation of fugitive dusts. It is anticipated that calcium chloride will be applied to constructed access roads to control the generation of dusts prior to the pavement of these roadways. Chemical suppressants selected for the site will be approved by the NYSDEC, City and other agencies prior to use and their use will be in accordance with applicable guidelines.

- Mitigation measures will be employed to control the generation of dust from crushing operations. The crusher will be located within the recycling facility area, which is surrounded by a 20-foot high berm. The crusher will be equipped with water spray dust suppression nozzles at the hopper, jaws and discharge conveyor.

LANDFILL GASES

Comment Item Numbers: 8, 10, 11, 16, 18, 23, 26, 32, 33, 44

Landfill gases generation and mitigation are discussed in Section 3.8.2.3 and 3.8.3.3 respectively of the DEIS.

The current DEIS provided details on the operational measure planned to minimize the creation of landfill gases, including hydrogen sulfide. To address public comment, the following additional details have been added to Section 3.8.2.3 and 3.8.3.3 to clarify landfill gas monitoring protocols and response actions if the operational controls are not effective.

Landfill gas is produced by the microbial breakdown of waste and debris materials. Landfill gas consists primarily of carbon dioxide and methane with trace amounts of other gases, such as hydrogen sulfide. Although certain components of landfill gas mixtures are heavier than air (e.g. carbon dioxide and hydrogen sulfide), according to EPA, they *"... will not separate by their individual density.."*, but rather move, ".. *as a mass in accordance with the density of the mixture and other gradients such as temperature and partial pressure*". This usually results in landfill gas moving upward through the landfill surface into ambient air.

A detailed landfill gas program will be prepared as part of the Operation and Maintenance Plan for the Part 360 Permit for both operational and post-closure phases of the project and is subject to review and approval by the NYSDEC. Based upon guidance documents prepared by the Massachusetts Department of Environmental Protection, the landfill gas plan will include operational measure to minimize the production of objectionable odors, periodic odor surveys, periodic real-time air monitoring, and response action to address exceedances of qualitative odor thresholds and/or quantitative air monitoring criteria.

Operational Controls

Operational measures to control landfill gases and odors include the following:

- Exposed debris materials in the landfill cell will be covered on a daily basis and intermediate and final cover systems will be installed in phases to limit the exposure of debris to ambient air;

- Stormwater will be managed to minimize contact with debris within the landfill cell, thus minimizing the potential for methane and hydrogen sulfide generation from debris decomposition;

- Leachate management practices will limit exposure of debris to leachate and saturated conditions; and,

- A landfill gas control system will be incorporated into the post-closure landfill design. The landfill gas control system will be designed and operated in accordance with 6 NYCRR Part 360 requirements to manage the migration of landfill gas.

Odor Survey

To determine if an odor nuisance exists, AMR will conduct an odor survey on a weekly basis or in response to complaints. The odor survey will be conducted at predetermined locations within the facility and adjacent community locations selected based upon the proximity to the landfill, potential sensitive receptors, topography, meteorology, predominant wind direction, accessibility and other potential sources of odors and emissions.

In general an odor nuisance shall be deemed to occur if the survey determines that one of the following conditions exist beyond the property line of the facility:

1. The odor characteristic (or type of odor, separate from the intensity of the odor, example: rotten egg type or garbage odor) is deemed to be unpleasant or objectionable and the average odor intensity is determined by the inspector to constitute a level of three (3) or greater for a period of 15 minutes or greater. Odor "observations" shall be made at least twice during the 15-minute period and shall be noted in a logbook or form.

2. The odor characteristic (or type of odor, separate from the intensity of the odor, example: rotten egg type or garbage odor) is deemed to be unpleasant or objectionable and the odor intensity is determined by the inspector to constitute a level four (4) or greater for any period of time.

3. The odor characteristic (or type of odor, separate from the intensity of the odor, example: rotten egg type or garbage odor) is deemed to be unpleasant or objectionable and the odor intensity is determined by the inspector to constitute a level of two (2) or between levels two (2) and three (3) for a period of 60 minutes or greater. Odor "observations" shall be made at least three (3) times during the 60-minute period.

AMR proposes to use a five (5) point odor intensity field reference scale as noted below:

0-Odor not detectable.

1 - Very Light Odorant present in the air which activates the sense of smell, but the characteristics may not be distinguishable.

2 - Light Odorant present in the air, which activates the sense of smell and is distinguishable and definite but not necessarily objectionable in short durations but may be objectionable in longer durations.

3. - Moderate Odorant present in the air which easily activates the sense of smell, is very distinct and clearly distinguishable and may tend to be objectionable and/or irritating.

4 - Strong Odorant present in the air, which would be objectionable and cause a person to attempt to avoid it completely.

5 - Very Strong Odorant present which is so strong it is overpowering and intolerable for any length of time.

Ambient Air Monitoring Protocols for Hydrogen Sulfide

Action Levels for hydrogen sulfide in ambient air at the facility property line are proposed as follows:

- greater than or equal to 15 ppm averaged over 8 hours; or,
- greater than or equal to 30 ppb averaged over one hour.

To determine if a hydrogen sulfide Action Level has been exceeded, ambient air monitoring will be performed on a monthy basis or more frequently if hydrogen sulfide is detected or if odors are present.. Please note that the determination of an odor nuisance condition discussed can be entirely separate from determining the ambient air concentrations of hydrogen sulfide. Hydrogen sulfide is only one of many compounds that could be emitted from a landfill that may cause an odor nuisance

AMR proposes that the following protocols be used for determining if hydrogen sulfide concentrations in ambient air are greater than the established Action Levels:

- Stationary or portable continuous monitoring device(s) (e.g. Jerome meter or similar device)

- method detection limit of approximately 3 ppb;
- sampling interval of approximately 10-15 minutes

The "Jerome meter" is a portable hydrogen sulfide meter manufactured by Arizona Instrument LLC, that has a detection range of 3 ppb to 50,000 ppb. The Jerome meter, or similar device, can be used as a portable or stationary continuous monitoring device with the use of the data logger. Monitoring will be conducted at facility property line in the predominant downwind direction of the landfill, in low-lying areas, and in the direction of the nearest receptor(s) or in the area with the greatest number of odor complaints.

Response Actions

Odor and Hydrogen Sulfide Action Level Event investigations and response actions are required upon the receipt of a complaint, detection of odors off-site at nuisance levels, or exceedance of the hydrogen sulfide Action Levels. In addition to off-site odors, landfill personnel will be cognizant of odors that exist on-site that have the intensity and duration to potentially migrate off-site. AMR will take all necessary actions as soon as possible when an odor is detected on site, even before a complaint is placed.

AMR will undertake the following assessment, monitoring and response actions to be implemented in response to an Odor Action Level Event or an exceedance of the Hydrogen Sulfide Action Level:

1. AMR will immediately log the complaint/detection of odors;
2. AMR investigate to determine the source and extent of the odors;

3. AMR will implement the following management practices;

    a. cease acceptance of any material that has the potential to contribute to odorous landfill gas emissions, on at least a temporary basis; and
    b. place additional daily or intermediate cover soils or apply other cover technologies to reduce odorous landfill gas emissions to ambient air.

4. AMR will conduct landfill gas monitoring if verified odors have not been traced to a particular source and remediated;

5. AMR will conduct additional investigations including, but not limited to, landfill gas characterization, emission monitoring, near-surface landfill gas monitoring and ambient air monitoring. This monitoring shall be performed to determine the nature, source and extent of the emissions ongoing at the landfill site.

VISUAL IMPACT

Comment Item Numbers: 23, 31,39,44

The results of a Visual Impact Assessment (VIA) are contained in Appendix G and summarized in Section 3.12 of the DEIS. The Visual Impact Assessment was performed in accordance with the DEIS scoping process and the NYSDEC Policy Document "Assessing and Mitigating Visual Impacts". As provided in the NYSDEC Policy, the scope of the Visual Impact Assessment is intended to assess visual impacts to aesthetic resources of statewide significance.

The VIA uses digital elevation modeling to identify surrounding areas in which the landfill might be visible based upon the maximum extent and elevation of the landfill during the post-closure phase. Forty potential viewpoints were selected within these areas for further evaluation of potential visual impacts. The viewpoints were selected based upon a three-point selection criterion, including the requirement that the viewpoint have a reasonable high frequency of viewers and/or long view duration. Based upon field reconnaissance, site activities would be visible at only nine of the 40 potential viewpoints. Of the nine locations, Viewpoint 13 is the nearest and is located along Route 5S, some 3,300 feet south of the proposed facility. Although a bit further away, Viewpoint 40, located along the Thruway some 4,700 feet south of the proposed facility, is considered to have the largest potential visual impact since it represents the highest frequency of views for the longest duration.

Visual impacts at Viewpoint 40 were assessed by computer simulation of anticipated site conditions during both operational and post closure phases. These conditions are described in Section 3.12.2 and illustrated in Figures 3-12 and 3-13 of the DEIS.

Potential views to the south of the landfill along Chapman Drive/East Main Street were evaluated based upon a viewpoint located at approximately the driveway to the former Ledges Property. The viewpoint was selected since it is representative of the highest potential for longer duration views by a higher frequency of viewers. Viewpoints within residential properties on the north side of Chapman drive were not specifically selected since they do not meet the criteria of a longer duration view by a higher frequency of viewers. Also, the line-of site analysis provided as Figure 3-14 of the DEIS indicates these properties will have only a partial view of the top of the landfill, and that view will be screened by intervening vegetation.

Potential views in the residential areas to the west of the landfill were approximated at the intersection of Vrooman Avenue and Hibbert Street. Related to intervening structures, topography and vegetation, the landfill is not

visible in this area. The potential views within other areas of this neighborhood, such as along Mathias and Mason Avenues, were not specifically evaluated since they are of a low frequency/short duration and are screened by the heavy-vegetation and steep ravine towards the landfill to the east.

It must be recognized that the NYSDEC guidance for Visual Impact Assessment is directed at identifying and mitigated potential visual impacts of a statewide significance, rather than of a local significance. To address potential local visual impacts, AMR has proposed mitigation measures within Section 3.12.3 of the DEIS consisting of vegetation and berms to visual screen the proposed facility from nearby residences. Section 3.12.3 of the DEIS has been modified to clarify that the mitigation measure for visual screening will be incorporated within the Site Plan Review process and subject to review and approval by the City Planning Board.

GROUNDATER IMPACTS

Comment Item Numbers: 31, 32, 39, 44

Section 3.4.1.3 of the DEIS describes existing groundwater contamination identified at the Ward Products facility upgradient of the proposed landfill.

Section 3.4.1.3 has been modified to describe that the groundwater contamination plume from the Ward products site has migrated approximately 350 feet south-southwesterly to just south of the intersection of Sam Stratton Road and Edson Street. At this location, the plume is still some 750 feet upgradient of the proposed landfill and has stabilized with no appreciable migration towards the proposed landfill. The justification for determining the plume is supported by the NYSDEC as summarized in a letter dated January 5, 2005 from Normandeau Associates, Inc., consultants for the Ward Products Facility. In this letter, the NYSDEC has agreed that the extent of the contaminant plume has been delineated, with the contaminants of concern (chromium and volatile organic compounds) attenuating to concentrations below the NYSDEC standards upgradient of the AMR wells and is not advancing to the AMR wells.

Section 3.4.1.3 has also been modified to clarify that the IRMs previously performed at the Ward Products Site consist of source controls (excavation and off-site disposal of contaminated soils and sludge).

Potential impacts to groundwater are identified in Section 3.4.2 of the DEIS to include potential groundwater contamination from leachate and reduced groundwater flows related to the collection of groundwater in the pore-pressure relief system.

Section 3.4.2 and 3.4.3 have been revised to more clearly identify bedrock blasting and excavation as potentially creating adverse impacts to groundwater as follows:

> 3.4.2 Potential Impacts
>
> Potential impacts to groundwater from the proposed project include:
>
> - the potential for adverse impacts to groundwater quality from waste disposal and/or leachate contamination and the potential for impacted groundwater to migrate off-site;
>
> - Potential impacts to groundwater flows resulting from bedrock blasting/dewatering/excavation activities; and

- Potential impacts to groundwater flows resulting from the collection and removal of groundwater within the pore-pressure relief system of the landfill;

3.4.2.1 Leachate Contamination of Groundwater

Characteristic leachate from C&D landfills consists of iron, nitrogen compounds often including ammonia, and manganese. Appendix J contains reference literature describing the general quality of leachate from C&D landfills. The primary difficulty with iron and manganese is aesthetic, resulting in discoloration in streambeds if leachate reaches open water bodies, or discoloration of fixtures if elevated iron enters home plumbing systems via wells. Elevated nitrogen compounds stimulate vegetation growth in environmental settings and nitrate has been linked with oxygen deficiency effects in infants.

Releases of any of these compounds or other landfill leachate contaminants could require remediation of groundwater quality and/or points of environmental discharge.

3.4.2.2 Bedrock Blasting and Excavation

The bedrock in the vicinity of the project site (Chuctanunda Dolostone) is described by Fisher (1980) as having no primary permeability. Where fractures are encountered, groundwater will migrate southward toward the Mohawk River. Rates of groundwater migration will be slow because dissolution activity is generally negligible in dolomitic formations which are less susceptible to solution widening. Permeability testing of bedrock and soil formations on the site identified very low geologic permeability, and no notable fractured zones in the bedrock formations. Dolomite is also not a cave-forming geologic formation, so no karst formations would be suspected on this site and no chemically widened joints or fractures were found during site studies

Bedrock blasting, dewatering and excavation activities could impact the bedrock permeability and potentially impact groundwater uses in the vicinity of the project. In addition, the groundwater contamination plume of chlorinated solvents identified approximately 750 feet northeast of the project site could be impacted if the groundwater flow regime is altered by the site activities.

Blasting of bedrock formations can produce localized increases in permeability related to the back-blast energy increasing the size, amount, and interconnectivity of the bedrock fractures within the remaining bedrock

formation adjacent to the blasted/excavated areas. In addition, existing fractures can be widened if the back-blast energy dislodges mineral precipitates within the existing fractures.

However, increased permeability effects are anticipated to occur only within a very small (likely less than 10 feet) region of bedrock immediately adjacent to the blasted face of the bedrock. The increased permeability of this small region will not have any impact on the overall bedrock groundwater flow regime as the very low permeability of the bedrock will remain unchanged in all other areas surrounding the landfill. For this reason, bedrock blasting and excavation is not anticipated to have any impact on groundwater.

3.4.2.3 Pore-Pressure Relief System Dewatering

Approximately 3.5 gpm of groundwater which would otherwise migrate through site soils and bedrock, toward the Mohawk River, will be intercepted beneath the landfill liner in the pore pressure relief system, monitored as part of the site-wide environmental monitoring program under the Part 360 Permit, and discharged as leachate to the City POTW. Calculations supporting the estimated volume of groundwater intercepted in the pore-pressure relief system are presented in Appendix B, in the Geologic and Hydrogeology Report.

To protect the landfill liner from hydrostatic uplift forces, the pore-pressure relief system will drain groundwater from beneath the liner resulting in a lowering of the water table in the immediate vicinity of the landfill. This localized lowering of the water table in the bedrock is expected to have no impact on surrounding upgradient, cross gradient and downgradient water levels since low bedrock and overburden soil permeability and low rate of groundwater removal (3.5 gpm) limits the radial impacts of drawdown. In addition, the minimum elevation of the pore pressure relief system is at 340 feet above mean sea level which is above the ground surface of the residential properties to the south and well above the elevation of the pumps in any groundwater wells reported in the area.

3.4.3 Mitigation Measures

A leachate collection and management system will be implemented to collect, store and treat leachate generated within the landfill as well as surface water which has come into contact with the landfill debris mass. As described in more detail in Section 3.18, all leachate generated at the site will be conveyed to storage tanks at the recycling center. The collected leachate will be directed to the Amsterdam Municipal Sanitary

Sewer System for treatment in the City of Amsterdam Publicly Owned Treatment Works (POTW). Federal and State regulations do not require any pretreatment of the leachate from C&D debris landfill sites. Studies have concluded that such leachate does not contain any contaminants that could not be adequately handled by municipal sewage treatment plants.

The landfill leachate system will be designed in accordance with 6 NYCRR Part 360 requirements and will be capable of managing the leachate which would be generated at the facility during a 25-year 24-hour storm event. In accordance with Part 360, the system will be designed to maintain less than a one-foot depth of leachate on the landfill cell liner. Additional information pertaining to leachate management is provided in Section 3.18.

CONSTRUCTION ACTIVIIES AND SEQUENCE

Comment Item Numbers: 31, 44

Section 2.2 of the DEIS provides a general description of the landfill construction activities and sequence. To address public comments in these areas, Section 2.2 has been revised to provide a clearer description of the landfill construction activities. In addition, Figure 2.3 has been modified and incorporated as Figure 2.2, depicting the landfill excavation phases.

2.2 Construction Activities

This section will describe the activities required to undertake the proposed project, including required grading and construction activities

Construction of the proposed project could be anticipated in late 2007 or early 2008 following review and finalization of the DEIS and receipt of all necessary permits and approvals. The construction period is estimated to be 6 months.

2.1.1 Site Preparation Activities

- Prior to initial excavations, contaminated sediments (from the former Ward Products operations) will be removed from the drainage ravines for proper off-site disposal.

- Site preparation activities will begin with the installation of soil temporary erosion and sediment controls at the periphery of the proposed work areas, adjacent to streams, wetland areas and ravines and where appropriate. Drainage swales may be constructed, as necessary to direct and control stormwater flow from the development area. Additional information pertaining to erosion and sediment control measures is provided in Section 3.2 and Appendix C of this report.

- Staging areas will be established within the project site to be used for equipment and materials storage during project construction. Signage, fencing or other measures will be taken to designate and restrict unauthorized access to the staging areas.

- Prior to the onset of construction activities in the cell area, the installation of the stormwater management controls (retention ponds, ditches and storm sewers) throughout the site will take place. The controls will re-route the existing storm water around the proposed cell area, thereby, minimizing the erosion potential. Erosion controls

measure will be installed and maintained as specified in a NYSDEC Storm Water Pollution Prevention Plan for Construction Activities.

- Site preparation activities will also include the installation of temporary access roadways to be used during construction activities and site grading. It is anticipated that the project site will be accessed along the southwestern area off East Main Street and a second temporary access road may be installed off Sam Stratton Drive or D'Andreano Drive. Construction signage and perimeter fencing will be used to define the work perimeter and prevent unauthorized access.

2.2.2 Landfill and Recycling Center Earthwork Activities

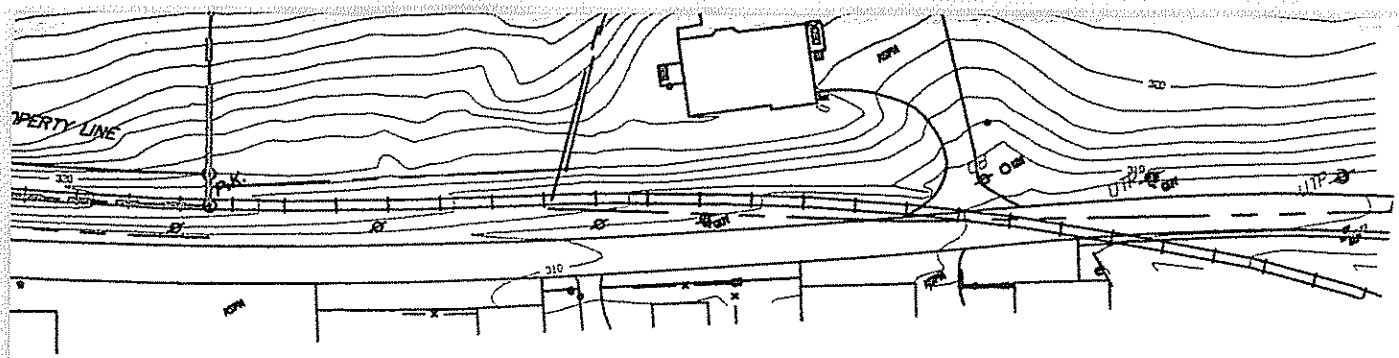
At this time it is anticipated that the clearing and excavation phase of the project will begin in the southern portion of the proposed cell area moving northwest, with three distinct phases, as shown on Operational Grading Plan, Figure 2.2. Working in this manner allows for additional maintenance of storm water controls and minimizes erosion.

Concurrently with excavation in Phase I, construction of the proposed access road off of East Main Street will begin utilizing fill soils removed from the cell area. To minimize construction noise impacts to residential properties, the traffic noise barrier along the southern access road will be installed as the road is constructed.

Initial construction activities, consisting of clearing and grubbing vegetation and striping topsoil, will begin within the Phase 1 Area. The general sequence of excavation and fill operations is as follows:

- Overburden clay and till will be excavated to design grades and/or to the top of bedrock. A layer of soil will likely be left in the areas of bedrock blasting to control the noise, dust, and fly rock associated with blasting operation.

- The removed soil will be used to construct the southern access road and to begin the filling operation within the recycling center area.



AMSTERDAM MATERIALS RECYCLING

CONSTRUCTION GRADING PLAN

City of Amsterdam, Montgomery County, New York

drawn AJM	checked
date 1/15/07	scale AS SHOWN
project no.	
sheet no. FIG-2-2	

- The bedrock will be removed to a depth of 10 feet below the elevation of the landfill liner. The bedrock removal operation, which is discussed in more detail in Section 3.3, consists of drilling core holes using pneumatic or hydraulic rock drills and detonating charges placed in the holes. To properly evaluate and control the blasting operations, bedrock removal will be initiated in the northern portion of Phase I, furthest from potential receptors and proceed towards the southern perimeter of the landfill.

- As space allows, a rock crushing and screening operation will be initiated within the excavated cell to process the removed bedrock for use as an on-site construction material. The processed rock will be used on-site as structural fill, road base, drainage stone, and rip-rap. As excess rock is generated, it will be shipped off-site as discussed in Section 3.3

- A retention pond/sump area will be constructed within the excavated cell for stormwater management. The stormwater/groundwater collected in the excavated cell will be pumped to the other site stormwater ponds installed during the site preparation phase.

- As the final excavation grades are reached in Phase I, clearing, grubbing and excavation within the Phase II area will begin. The clay and till removed from The Phase II area will be used to construct the 10-foot bedrock separation layer and the clay liner component within the Phase I Area and to continue the fill operations at the recycling center. Excess soil generated in Phase II Area will be stockpiled in the Phase II Area, outside the limits of area requiring bedrock removal, and will be used to construct the 10-foot bedrock separation layer in Phase II. As excess rock is generated, it will be shipped off-site as discussed in Section 3.3

- Concurrent with the excavation operations in Phase II, the landfill liner components, consisting of the pore-pressure relief system, clay liner, synthetic liner, and leachate collection system will be constructed in the Phase 1 Area.

- As the final excavation grades are reached in Phase II, clearing, grubbing and excavation within the Phase III area will begin. The clay and till removed from the Phase III area will be used to construct the 10-foot bedrock separation layer and the clay liner component within the Phase II Area and to complete the fill operations at the recycling center. Excess soil generated in Phase III Area will be stockpiled in the Phase III Area, outside the limits of area requiring bedrock

removal, and will be used as the to construct the 10-foot bedrock separation layer and clay liner in Phase III. As excess rock is generated, it will be shipped off-site as discussed in Section 3.3.

- Concurrent with the excavation operations in Phase III, the landfill liner components, consisting of the pore-pressure relief system, clay liner, synthetic liner, and leachate collection system will be constructed in the Phase II Area.

- As the final excavation grades are reached in Phase III. The clay and till removed from the Phase III area will be used to construct the 10-foot bedrock separation layer and the clay liner component within the Phase III Area. As excess rock is generated, it will be shipped off-site as discussed in Section 3.3.

- Upon completion of the fill operations in Phase III, the landfill liner components, consisting of the pore-pressure relief system, clay liner, synthetic liner, and leachate collection system will be constructed in the Phase III Area.

- It is anticipated that filling in the recycling area will begin in the southwest corner of the proposed site to establish the site access road in this area. Filling will continue in a northeast direction across the recycling area to obtain a level platform. Once the level platform is achieved, construction of the engineered berm structures around the recycling center will begin.

One of the goals of the project is to attempt to minimize excess earthwork cut and volumes by utilizing the as much of the excavated materials on-site for construction of the proposed landfill and recycling area as possible. The excess excavated bedrock materials will be shipped off-site for processing and resale.

The proposed grading plan for the landfill consists of 1,190,000 cubic yards of excavation and 1,000,000 cubic yards of fill with a net of 190,000 cubic yards of excess materials. The material breakdown for the excavated volumes is 290,000 cubic yards of rock, 640,000 cubic yards of clay, and 260,000 cubic yards of till. All of the clay and till soils will be used for fill during construction of the landfill and the recycling center pad and berm. The excess 190,000 cubic yards of materials are bedrock, which will be shipped off site for processing. Approximately 100,000 cubic yards of rock will be processed on-site and used as on-site construction materials. All of these volumes are critical to the planning and strategy of how the site will be constructed and is described below.

The excavation of rock will be to a minimum depth of 10' below the bottom of liner. Once the final depth of excavation has been reached, the excess till material will be placed back into the ground in compacted lifts to the bottom of the liner excavation to form the required bedrock separation layer. The majority of the clay material will be stockpiled and used to create the soil barrier layer of the composite liner and final cap system over the landfill. Soil materials (clay and topsoil) to be stockpiled for use in landfill closure activities will be used to construct the recycling center berms, and later excavated during facility closure activities.

> The proposed project will involve substantial grading across the site. Preliminary grading (i.e. cut-fill) of the site will be conducted concurrently with development of the landfill cell and recycling center areas. The amount of grading, excavation and fill will be the minimum necessary to accommodate the proposed action. Figure 2-2, Operational Grading Plan, illustrates the proposed grading across the project site.

The landfill cell will be constructed in a single phase and will be filled and operated over the estimated 6 to 10-year operational period. As areas of the cell reach capacity, these areas will be covered with an engineered capping system in accordance with NYSDEC guidelines. At this time we anticipate that only 3-5 acres of the cell will be operational at one time. Use of an intermediate cover system over areas of the cell not in current use will be provided during the life of the facility and the final cover system will be installed in 2-acre increments as required by NYSDEC Part 360 regulations.

> The proposed liner and cover system for the AMR C&D debris materials landfill will be a single composite liner system designed in accordance with 6NYCRR Part 360 regulations or an alternate liner system designed in accordance with 6 NYCRR Part 360 requirements and approved by the NYSDEC. Figure 2-3 illustrates a typical liner and cover cross sections. Final selection of the liner system components is subject to NYSDEC review and approval under the Part 360 Permitting Process.
>
> Construction of buildings, parking areas and roads will be completed. Site structures will be located on the eastern portion of the site, within the materials recycling/sorting area. Site structures will include a 150-foot by 100-foot concrete pad covered by a metal roof which will be used for initial materials dumping and sorting, an adjacent 150-foot by 100-foot concrete pad to be used for further sorting and stockpiling activities, and two leachate storage tanks within a concrete secondary containment structure.
>
> Several 20-40 cubic yard metal materials storage containers (roll-off containers) will be located adjacent to the sorting pads and will be used for

the temporary storage of recyclable materials. Facility operations will be coordinated within a portable office/trailer which will be located in the materials sorting and recycling portion of the site.

Vegetative buffers will be established and open areas will be seeded and stabilized. Once site soils are fully stabilized, temporary erosion control measure will be removed.

Construction activities will be limited to daytime operations (8 am to 5 pm) and all lighting will adhere to the provisions outlined in Section 3.14 of this report.

If solid wastes or suspect contamination (including asbestos) are encountered, local construction activities will be postponed, and the suspect material sampled and characterized. Any confirmed wastes or contamination will be managed in accordance with applicable state and federal regulations.

LEACHATE COLLECTION, STORAGE AND TREATMENT

Comment Item Numbers: 6, 31, 32, 39, 6, 31, 33, 37, 39, 44,

Leachate Collection, Design Storm

The leachate management system evaluated in Section 3.18 of the DEIS is consistent with the NYSDEC Part 360 Regulations. Specifically, the leachate management system is designed to maintain the leachate depth within the landfill to less than 1-foot and be capable of managing the rainfall associated with the 25-year, 24-hour storm.

The leachate storage system designed is capable of managing the 25-year, 24-hour design storm required by regulation. Comments were received during the public comment period regarding the configuration of the leachate management system and the capability of the system to handle storms larger than required by regulation or to handle smaller storms occurring just after a larger storm.

In response to public comment, The leachate collection system has been modified, Figures 3.17 and 3.18 have been added to the DEIS, and the following additional descriptions have been added to Section 3.18 of the DEIS:

> *3.18.2.2 Leachate*
>
> A leachate collection and management system will be implemented to collect, and store leachate generated on the project site. For the purposes of the project, leachate will be considered as any liquid that is generated within the landfill cells or recycling pad.
>
> Organic materials, such as wood and gypsum wallboard, are typically found in C&D debris and such organic material can produce leachate as the debris mass decomposes and comes into contact with water. While the chemical composition of C&D landfill leachate is dependent upon many factors such as the debris materials present and landfill conditions, research has been performed by several organizations (including the USEPA, the National Association of Demolition Contractors, and the Florida Center for Solid and Hazardous Waste Management) which provides a general characterization of C&D landfill leachate. Representative reports regarding C&D leachate quality are presented in Appendix J. While leachate quantity and chemical composition vary and are dependent upon various site characteristics, research indicates that

compounds which may be found in C&D landfill leachate include heavy metals, such as cadmium, chromium, arsenic, zinc and lead. Volatile organic compounds such as trichloroflouromethane, 1,2 dichloroethane and trichloroethane were also identified as potential leachate parameters.

In accordance with 6NYCRR Part 360, the system will be designed to maintain less than a one-foot depth of leachate on the landfill cell liner during the prescribed design storm event. The leachate collection system will be designed such that hydraulic conductivity, transmissivity, and chemical and physical qualities are not adversely affected by the waste placement, operation, equipment, or the leachate generation.

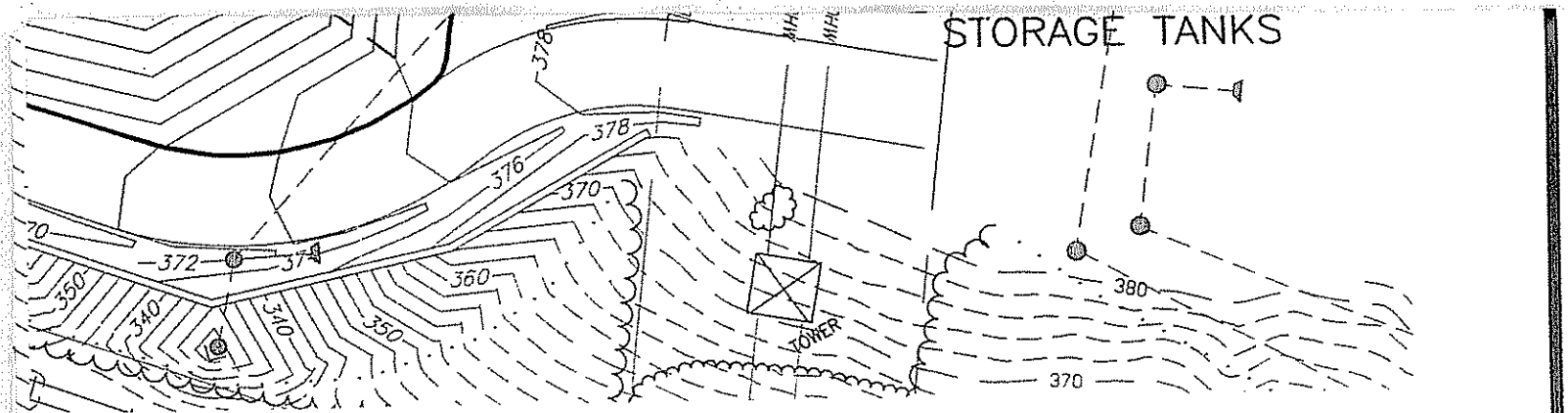
The leachate collection system, as shown in Figure 2.3, consists of a composite geosynthetic drainage material located on top of the synthetic liner and a granular drainage layer. A series of perforated collection pipes is also used within the granular drainage layer in the base of the landfill to ensure the peak-flow of the design storm can be collected and removed quickly from the landfill.

To minimize the volume of leachate generated in the landfill, the landfill will be constructed with internal berms to separate clean stormwater collected within the unused portions of the landfill from leachate generated within the active portions. These inter-cell berms will be constructed on top of the liner system and will isolate the leachate collection layers in the active cell(s) from the inactive cells. Water collected within an active cell(s) will be managed as leachate. Water collected within unused cell(s), will be managed as stormwater.

The configuration of the proposed inter-cell berms and the leachate collection system is shown in the Leachate Collection System Plan, Figure 3-17. In general, waste disposal operation will begin in the eastern portion of the landfill, Cell 1, and proceed to the west, into Cells 2 and 3.

To reduce leachate generation within each Cell, the final cover system will be constructed in 2-acre increments over completed portions of the cell as waste disposal operations are completed in an area and the wastes have reached final grades.

Once landfill operations begin, leachate collected in Cell 1 will be pumped from Sump 1, up a side-slope riser and through underground piping to the leachate storage tanks at the recycling center. Stormwater collected from unused landfill cells in Sump 2 will be pumped up a sideslope riser and discharge as stormwater into the perimeter ditch along the south of the landfill.



AMSTERDAM MATERIALS RECYCLING

LEACHATE COLLECTION SYSTEM PLAN

City of Amsterdam, Montgomery County, New York

drawn AJM	checked
date 1/15/07	scale AS SHOWN
project no.	
sheet no.	FIG. 3-17

When landfill operations begin in Cell 2, Sump 1 will be used for the collection and removal of leachate generated in both Cells 1 and 2. Sump 3 will be activated to manage stormwater from the inactive Cell 3, and will discharge through a sideslope riser to the perimeter drainage ditch. When Cell 3 becomes active, Sump 1 will be used for the collection and removal of all leachate from the landfill.

Peak leachate flow rates and volumes occur when there is little waste disposed in the landfill, and the largest Cell, Cell 1, is open with no areas of installed final cover.

Maximum Leachate Generation Rates are calculated as follows:

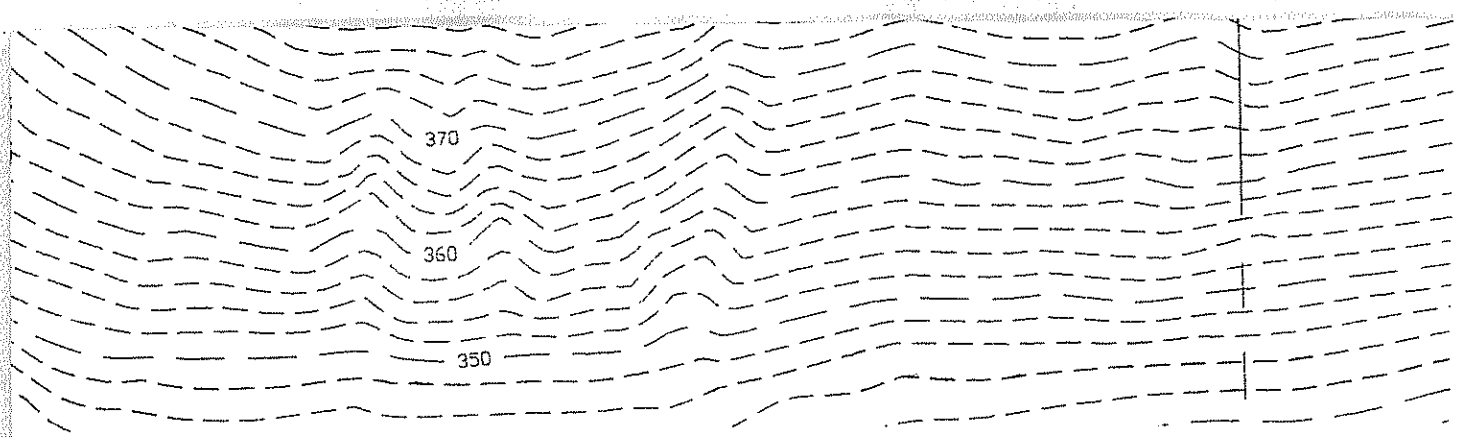
Cell 1 Area:	208,652	square feet
Recycling Pad Area (uncovered)	22,500	square feet
Total Area:	**231,152**	**square feet**
Rainfall-Annual	**36**	**inches**
Rainfall 24-Hour, 25-Year Storm	**4.7**	**inches/day**
Annual Leachate Generated in Cell 1	**5,187,060**	**gallons/year**
Average Daily Leachate Generated in Cell 1	**14,211**	**gallons/day**
Leachate Generated in Cell 1 during 25-year Design Storm	**677,199**	**gallons/day**

The piping and storage tanks will be constructed, installed and maintained in accordance with 6 NYCRR Part 360 requirements and will be designed to allow the efficient collection and removal of landfill leachate. As shown in Figure 3.18, Leachate Piping and Storage System Plan, Leachate generated in the landfill cell will be conveyed via double-walled underground piping to leachate storage tanks located in the recycling area. The leachate storage system will consist of two storage tanks with a capacity of approximately 1 million gallons, within a concrete secondary containment structure. The leachate storage tanks will have the capacity to store the maximum leachate volume generated during the design storm, with an additional capacity of over 300,000 gallons for contingency events.

As designed, the leachate storage system has the capacity to store the entire volume of the 25-year storm, with a buffer of over 300,000 gallons. The impact of additional storms occurring after the 25-year, 24-hour design storm is estimated as follows:

Storm	Rainfall (inches)	Maximum Leachate Volume (gallons/day)
2-Year, 24-Hour	2.7	389,029
5-Year, 24-Hour	3.5	504,297
10-Year, 24-Hour	3.9	561,931

Once the 25-Year, 24-Hour Storm is collected and in storage, assuming a discharge rate of 50,000 gallons per day to the POTW, the 2-Year Storm could be accommodated in two days, the 5-Year Storm in four days, the 10-Year Storm in less than six days, and another 25-Year Storm in eight days. This analysis demonstrates the design capacity of the leachate storage system can store the entire 25-year storm and other significant storm events that might occur in quick succession.



AMSTERDAM MATERIALS RECYCLING

LEACHATE PIPING AND STORAGE SYSTEM PLAN

City of Amsterdam, Montgomery County, New York

drawn	checked
AJM	
date	scale
1/15/07	AS SHOWN
project no.	
sheet no.	

FIG. 3-18

The collected leachate in the storage tanks will be discharged through a new pressure sanitary sewer main installed along D'Andreano Drive to the existing 12" gravity sewer main at the intersection of Sam Stratton Drive for treatment at the City of Amsterdam's Publicly Owned Treatment Works (POTW). Flow equalization requirements and discharge rates will be established in coordination with the City of Amsterdam. However, the City engineer has indicated that daily flows of up to at least 50,000 gallons should not pose a problem at the wastewater treatment plant.

As a contingency measure, should the City of Amsterdam's POTW, be unable to accept the leachate, the leachate will be pumped into tanker trucks and delivered to an alternate treatment facility. Using standard 8,000-gallon tanker trucks, a additional two trucks (four truck-trips) per day would be required to remove the maximum average daily flow. This temporary additional truck traffic would not have significant impacts based upon the Traffic Impact Study discussed in Section 3.16.

The leachate storage tanks will likely be in operation until shortly after the closure of the final Cell, Cell 3. At this time, daily leachate generation rates will likely fall to below the peak daily discharge rates allowed by the City POTW. The tanks will be removed and the leachate pump directly to the sanitary sewer system without intermediate storage and/or flow equalization. Decommissioning of the storage tanks will regulated under the post-closure plan/permit and will be subject to the approval of the City.

LANDFILL OPERATIONS

Comment Item Numbers: 18, 23, 30, 31,37, 44

Daily Cover

In response to public comment, Section 2.3.6 of the DEIS has been modified as follows to clarify the landfill cover operations:

> 2.3.6 Landfill Cover Material Management
>
> A daily cover will be placed on materials within the landfill cell at the end of each workday. The cover material will be applied in accordance with NYSDEC requirements. The primary source of daily cover is anticipated to be re-useable flexible geosynthetic materials that will be rolled over the active face at the end of the shift and removed on the next shift prior to the start of filling operations. This approach will minimize the use of imported soils for daily cover materials, which will preserve landfill airspace for disposal of waste materials. As an alternative daily cover material (ADC) subject to the approval of the NYSDEC, sorted and screened incoming waste materials may be used for daily cover.
>
> In accordance with Part 360 requirements, a progressive final cover system will be designed and implemented. Typical cross-sections for the proposed cover systems are provided in Figure 2.3. Current regulations allow closure within two-acre increments, installed when the specified acreage of the landfill attains final elevation and installed within 90 days after such elevation is attained. A final landfill cover and cap will be installed at the completion of the project. A vegetative cover will be established on all exposed final cover material as soon as possible, but not later than four months after placement. Detailed information pertaining to the landfill cover material management will be specified in the facility permit application.

Miscellaneous Operating Procedures

In response to public comment, various portions of Section 2.3 of the DEIS has been modified as follows to clarify the landfill QA/QC Program, Employee Training Program, Emergency Response Procedures, and the access road configuration.

2.3.3 Waste Processing Activities

The proposed project will include the acceptance, sorting, and disposal of C&D materials and the sorting, processing and storage of recyclable materials. These activities will be performed within the recycling center area located on the southeastern portion of the project site (Figure 2-4, *Proposed Site Plan*).

All waste entering the facility must be delivered to the Recycling Center pad. Wastes can not be delivered directly to the landfill. Only approved waste streams will be accepted at the recycling center. For approval, the waste generator will be required to submit a Waste Profile Form describing the source, nature, anticipated quantity of the waste, and analytical data if the materials are potentially contaminated.

> Only waste haulers permitted by AMR for a specific profiled waste will be allowed to transport waste into the Recycling Center. The hauler permits will specify, at a minimum, the designated hauler truck route, the date and time of delivery, and the source of the waste loads.

2.3.3.4 Waste Processing

C&D debris and recycling materials will be trucked onto the site from the southwestern side of the facility via a newly constructed access road which will extend northeast off East Main Street. Trucks entering the site will travel eastward along this roadway to the materials recycling center located on the southeastern portion of the site (Figure 2-4). The trucks will be weighed and will proceed to the materials sorting pad where debris materials will be unloaded, inspected and sorted by trained facility staff.

Incoming waste will be initially tipped on an outside concrete pad for initial sorting and inspection using trained operators using small construction equipment (skid steers, bobcats, small loaders, etc.). During the initial inspection/sorting, any non-conforming wastes (i.e. materials not meeting the definition of C&D debris) will be segregated and returned to the generator and removed from the AMR Facility for proper off-site management. The NYSDEC will be contacted as required by regulations, permit conditions, or in the cases of apparent intentional mismanagement of hazardous wastes. Waste generators delivering wastes significantly different than the approved waste profile will not be approved for future waste deliveries at the AMR facility.

2.3.1 Operator Training Requirements

Facility operators and other facility staff will complete training on the operation and maintenance of a C&D debris landfill and materials recycling facility. In accordance with 6 NYCRR Part 360-1.14(u), facility staff will complete, prior to working at the facility, a course of instruction in solid waste management practices. The course will be approved by the NYSDEC and will include, but will not be limited to discussion of the following topics: basics of landfill design and operation, regulatory aspects of C&D debris management, leachate and stormwater, gas and odor, groundwater monitoring, waste control, non-routine operations, employee health and safety, contingency planning, and closure and post closure requirements.

In addition, the operators/inspectors will be properly trained to identify and respond to incidents involving suspect hazardous materials, including training under the Hazardous Waste Operations (HAZWOPER) Requirements of OSHA 29 CFR 1910.120. To respond to minor incidents, AMR will maintain a ready supply of spill response equipment such as real-time monitoring equipment, personal protective equipment, spill absorbents, hand tools, and waste containers/drums. Incidents beyond the capabilities of the AMR staff will be managed by an off-site contractor under a stand-by contract arrangement. AMR site management will be responsible for reporting such incidents to the NYSDEC and local authorities.

2.3.2 Site Access

As illustrated on Figure 2-4, Proposed Site Plan, the facility will be accessed on the southwestern side via a proposed access road which extends northeast off East Main Street. Trucks entering the site will travel eastward along this roadway to the materials recycling center located on the southeastern portion of the site. To prevent the tracking of mud and dirt off-site, and to minimize traffic noise, the access road will be paved. The access road will be designed and maintained to provide for truck queuing during busy periods and will provide sufficient space for trucks to enter and exit the facility.

BLASTING

Comment Item Numbers: 10, 16, 17, 18, 22, 23, 28, 31, 32, 33, 39, 41, 44, 49

Numerous comments were received requesting addition information on the proposed bedrock blasting protocols, potential risks to the neighborhoods around the blasting site, and mitigation measures to reduce or eliminate the potential risks. To address these comments, the following modification to the DEIS have been made:

3.3.2 Potential Impacts

The proposed project involves the removal of bedrock materials in the landfill area. Potential impacts to the subsurface geology result from blasting and rock removal in areas of shallow bedrock, on site crushing/processing of some of the removed rock, and off-site trucking of the excess excavated rock.

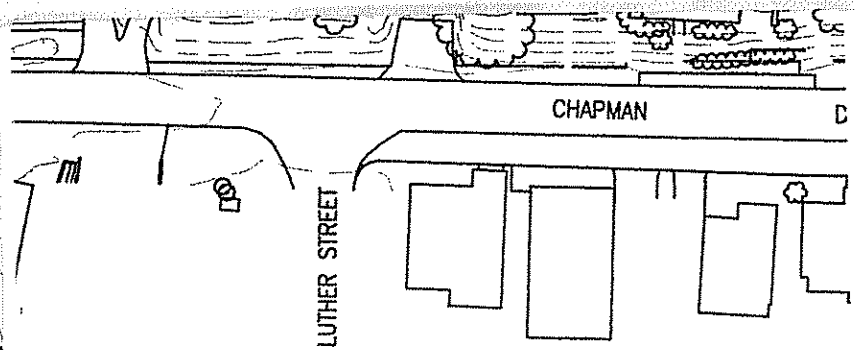
3.3.2.1 Blasting

Shallow bedrock is located on portions of the site and blasting may be necessary in these areas. It is anticipated that blasting of bedrock will occur to the extent necessary to fulfill NYCRR Part 360 requirement to maintain a 10-foot separation between the bottom of liner and top of bedrock. Subsurface investigations have been conducted and indicate that bedrock will be encountered during the excavation process.

The estimated limits of bedrock removal and the grades for the final excavation are shown in Figure 3-3.1, Bedrock Excavation Plan and representative cross-sections are shown in Figure 3-3.2, Bedrock Excavation Cross-Sections.

The US Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) identify the following main adverse effects of blasting:

- Airblast;
- Flyrock; and
- Ground motion.

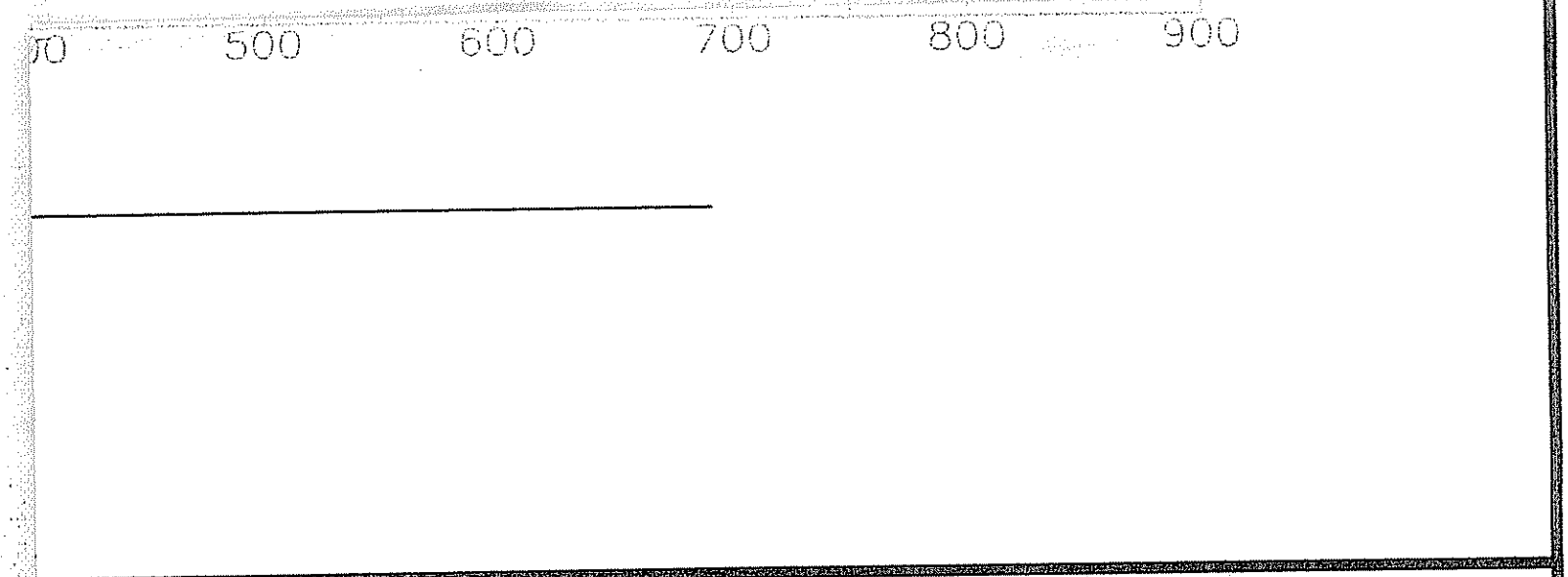


AMSTERDAM MATERIALS RECYCLING

BEDROCK EXCAVATION PLAN

City of Amsterdam, Montgomery County, New York

drawn AJM	checked
date 1/15/07	scale AS SHOWN
project no.	
sheet no. fig. 3-3.1	



AMSTERDAM MATERIALS RECYCLING

BEDROCK EXCAVATION CROSS-SECTIONS

City of Amsterdam, Montgomery County, New York

drawn AJM	checked
date 1/15/07	scale AS SHOWN
project no.	
sheet no. 3-3.2	

Excerpts from OSMRE's Blasting Guidance Manual are provided below:

Airblast

Airblast, also referred to as "air overpressure", is an airborne shock wave resulting from the detonation of explosives, and may or may not be audible. The loudness of an event is no indication of the potential impacts of the airblast. Likewise, inaudible events may still produce a significant air blast as the airblast energy is often transmitted at low frequencies that can not be heard by the human ear. According the OSMRE, real structural damage caused by airblast is very rare. Nonetheless, airblast is commonly perceived by humans, and although not structurally damaging, effects such as rattling windows can be unsettling. For these reasons, strict monitoring and controls over the airblast are discussed below in Section 3.3.3.1.

Flyrock

Flyrock refers to rock that is propelled through the air from a blast. Excessive flyrock can be caused by poor blast design or unexpected zones of weakness in the rock. As discussed below in Section 3.3.3.1, flyrock will be controlled to prevent rock fragments from travelling off-site.

Ground Motion

Ground motion is a shaking of the ground caused by the elastic wave emanating from a blast. Excessive ground motion (vibration) can cause damage to structures. Ground motion can cause damage to neighboring structures, most commonly the aggravation of pre-existing minor cracks.

The subjective perception of ground motion is probably as serious a problem as the possibility of actual physical damage. When subjected to any significant ground motion, the perceptible shaking of a residence will cause some degree of subjective reaction by the occupants of the building.

At a particular site, the three primary variables effecting ground motion are as follows:

- Distance from blasting to receptor;
- Explosive charge weight per delay;

- Frequency of vibration.

The controls and monitoring of these three variables to prevent damage by ground motion are discussed in Section 3.3.3.1 below.

3.3.3 Mitigation Measures

3.3.3.1 Blasting

All blasting operations will adhere to New York State ordinances governing the use of explosives by an experience, insured contractor. The State regulations are contained in 12 NYCRR 39 and Industrial Code Rule 53, and include such requirements as: licensing of operators; magazine (explosive storage) certification; and rules for conducting operations in a safe manner. Proper program guidelines will be established as necessary between the State, the Project Engineer, City of Amsterdam, General Contractor, and the blasting contractor prior to undertaking these activities.

All pertinent safety regulations and standards shall be applied as required for safety, security and other related details for any blasting deemed necessary. Such regulations include:

- US Army Corps of Engineers Safety Manual EM 385-1-1
- Code of Federal Regulations A.T.F. Title 27
- Institute of Makers of Explosives Safety Library Publications No. 22
- New York State Industrial Code Rule 53
- 29 CFR 1926.900-.914 OSHA Construction Standard
- Blasting Guidance Manual of the US Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE). All blasting shall be conducted, monitored and recorded by a New York State Department of Labor licensed blaster.

In addition to obtaining applicable blasting certifications and complying with all blast safety requirements, a Blasting Plan shall be pre-pared by the blasting contractor.

The elements of such a Blasting Plan are to include, but are not limited to:

Blast Design

The blast design shall contain sketches of the drill patterns, delay periods, and decking and shall indicate the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as a discussion of design factors to be used, which protect the pubic and meet the applicable airblast, flyrock, and ground-vibration standards.

The blast design shall be prepared and signed by a certified blaster.

The regulatory authorities may require changes to the design submitted.

The blast design and any special mitigation measure must be coordinated with National Grid regarding the protection of the gas main and electrical distribution lines adjacent to the project site.

Preblasting Survey

At least 30 days before initiation of blasting, the operator shall notify, in writing, all residents or owners of dwellings or other structures located within 1000 feet of the project area how to request a preblasting survey.

- A resident or owner of a dwelling or structure within 1000 feet of any part of the project area may request a preblasting survey. This request shall be made, in writing, as specified in the notifications made by the blasting contractor.

- The blasting contractor shall promptly conduct a preblasting survey of the dwelling structure and promptly prepare a written report of the survey.

- The blasting contractor shall determine the condition of the dwelling or structure and shall document any preblasting damage and other physical factors that could reasonably be affected by the blasting. Structures such as pipelines, cables, transmission lines, and cisterns, wells, and other water systems

warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

- The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the regulatory authorities and to the person requesting the survey.

- If the person requesting the survey disagrees with the contents and/or recommendations contained therein, he or she may submit to both the blasting contractor and the regulatory authorities a detailed description of the specific areas of disagreement.

- Any surveys requested more than 10 days before the planned initiation of blasting shall be completed by the blasting contractor, including reporting, before initiation of blasting.

Blasting Schedule

Surrounding landowners located within a 1000 feet radius of the blast site will be notified either by letter at a minimum of two days prior to the blast or by a published newspaper notice in the local newspaper in the week preceding each blast. The notifications shall include the expected date and time of the blast and also the alternate date and time should weather or other conditions warrant postponement of the blast. If the exact blast time is not known the expected blast period will be indicated.

The Blasting Contractor shall add additional names of residents or businesses to the notice list upon request of any part or parties.

The NYS Department of Labor shall be notified of all updates to the list within 1 week of said additions.

The blasting schedule shall contain, at a minimum:

- Name, address, and telephone number of operator;

- Identification of the specific areas in which blasting will take place;

- Dates and time periods when explosives are to be detonated;

- Methods to be used to control access to the blasting area; and,
- Type and patterns of audible warning and all-clear signals to be used before and after blasting.

A storm alert monitoring device will be used by the blasting contractor to detect any electrical build-up in the atmosphere at the blast area while using electrical caps.

Blasting will not occur during adverse weather conditions.

Blasting Signs, Warnings, and Access Control

The Blasting Contractor shall conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right-of-way, and at the point where any other road provides access to the blasting area and at all entrances to the project area from public roads or highways, place conspicuous signs which state:

> Warning! Explosives in Use," which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the project area. "

Warning and all-clear signals of different character or pattern that are audible within a range of 1000 feet from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within 1/2 mile of the permit area shall be notified of the meaning of the signals in the blasting schedule.

Control of Adverse Effects

Blasting shall be conducted to prevent injury to persons, damage to public or private property, adverse impacts on any underground mine, and change in the course, channel, or availability of surface or ground water outside the project area.

Air Blast Limits

Airblast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the project area:

0.1 Hz high-pass system	134 dB
2 Hz high-pass system	133 dB
5-6 Hz high-pass system	129 dB
c=slow (events not exceeding 2-sec duration)	105 dB

The Blasting Contractor shall conduct periodic monitoring to ensure compliance with the airblast standards. The regulatory authorities may require airblast measurement of any or all blasts and may specify the locations at which such measurements are taken.

The measuring systems shall have an upper-end flat-frequency response of at least 200 Hz.

Flyrock

Flyrock travelling in the air or along the ground shall not be cast from the blasting site:

- More than one-half the distance to the nearest dwelling or other occupied structure; or,
- Beyond the property line.

Soils will be saturated prior to blasting and appropriate stemming and blast matting will be used to minimize lifting of rock and debris and to control dust during blasting.

Ground Motion

In all blasting operations, the maximum ground vibration shall not exceed the values approved in the blasting plan.

Each blast shall be monitored using a calibrated seismograph. The seismograph must be able to record the entire blast event documented on paper, measuring radial, transverse and vertical components, and/or provide vector sum measurements for ground vibration, and must also be capable of measuring air blast. A blasting record/log shall be prepared for each blast. The seismograph will be placed on the ground surface of the property boundary to monitor each blast attempt.

The maximum ground vibration for protected structures shall be established in accordance with either the:

- Maximum peak-particle-velocity limits;
- Scaled-distance equation of paragraph; or,
- Blasting-level chart.

All other structures in the vicinity of the blasting such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines, shall be protected from damage by establishment of a maximum allowable limit on the ground vibration, submitted by the blasting contractor in the blasting plan and approved by the regulatory authorities.

Distance (D) from the Blasting Site (ft)	Maximum Allowable Peak Particle Velocity (Vmax) for Ground Vibration, (in/s)*	Scaled Distance (Ds)to be Applied without Seismic Monitoring**
0-300	1.25	50
301-5,000	1.00	55
5001 and beyond	0.75	65

* Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.
** Scale-distance equation. The Blasting Contractor may use the scaled-distance equation, W=(D/Ds)/2, to determine the allowable charge weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring where W=the maximum weight of explosives, in pounds; D=the distance, in feet, from the blasting site to the nearest protected structure; and Ds=the scaled-distance factor, which may initially be approved by the regulatory authority using the values for scaled-distance factor listed above.

The Blasting Contractor may use the ground-vibration limits in Figure 1 below to determine the maximum allowable ground vibration.

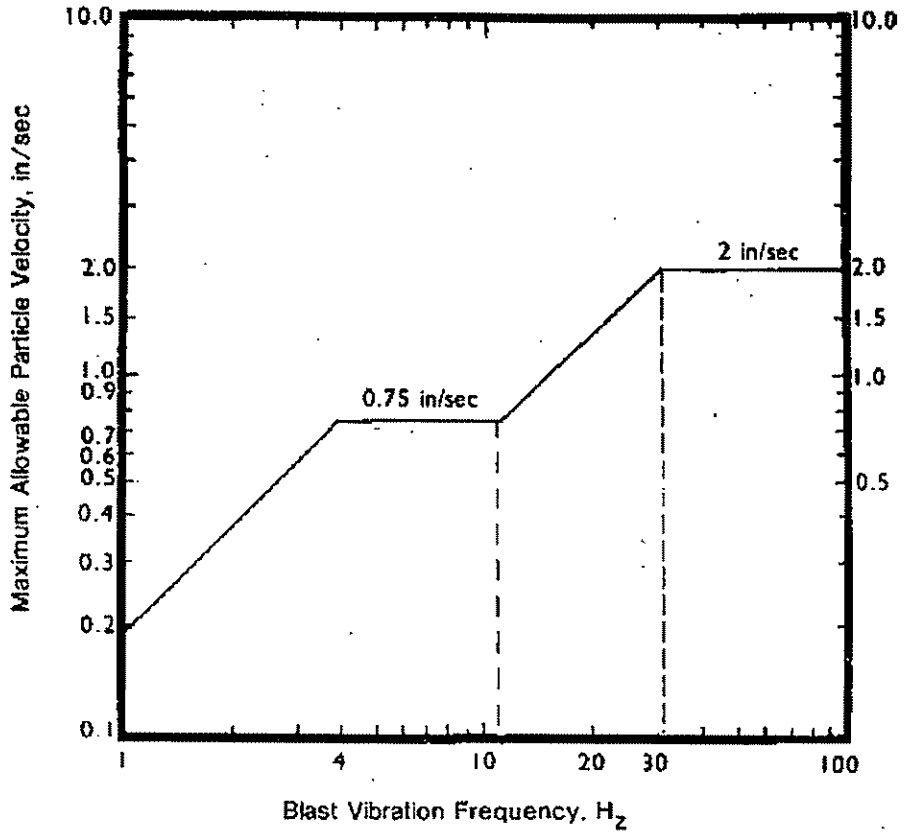


Figure 1. Alternative blasting level criteria.
(Source: Modified from figure B-1, Bureau of Mines RI 8507)

If the limits in the Figure 1 below are used, a seismographic record including both particle velocity and vibration frequency levels shall be provided for each blast. The method for the analysis of the predominant frequency contained in the blasting records shall be approved by the regulatory authorities before application of this alternative blasting criterion.

The maximum allowable ground vibration shall be reduced by the regulatory authorities beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.

Operations Records of Blasting

The operator shall retain a record of all blasts for at least three years. Upon request, copies of these records shall be made available to the regulatory authorities and to the public for inspection.

All blast records are to be completed by the end of the workday following the day in which the blast occurred, and will be maintained by the blasting operator. Records will include the following information:

- Name of the operator conducting the blast;
- The location, date and time of the blast;
- Name, signature and license number of the licensed blaster;
- Type of material blasted;
- Number of holes, burden and spacing;
- Diameter and depths of the holes;
- Number of rows;
- Initiation system;
- Type and length of stemming;
- Type of explosive used;
- Total weight of explosive used;
- Weight of explosives used per hole;
- Maximum weight of explosives detonated within any eight milli-second period.
- Maximum number of holes or decks detonated within any eight milli-second period.

- Initiation system, including number of circuits and the timer interval, if a sequential timer is used;
- Sketch of the blast pattern showing all holes, delay pattern, location of free faces and previously blasted material, and a north arrow;
- Type of detonator and delay periods used, in milli-seconds; and,
- Distance and scaled distance to the slowest protected structure.

Seismographic and airblast records, if required, which shall include:

Type of instrument, sensitivity, and calibration signal or certification of annual calibration;

Exact location of instrument and the date, time, and distance from the blast;

Name of the person and firm taking the reading;

Name of the person and firm analyzing the seismographic record;

The vibration and/or airblast level recorded.; and

Reasons and conditions for each unscheduled blast.

Storage and Handling of Explosives

Storage of all explosive materials shall be located on the site at a location approved by the blasting engineer. Explosives shall be stored on the site in accordance with all applicable rules and regulations. Procedures for the storage of explosives shall include, but not be limited to:

- Caps or other detonating devices will not be stored with Class A explosives. Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives or blasting agents. Design of the powder magazine shall be in accordance with the references above.

- The security for explosives and blasting materials stored on-site will be in accordance with safety requirements and the blasting engineer.
- Smoking and open flames shall not be permitted within 50 feet of explosives and detonator storage magazine.
- No explosives or blasting agents shall be left unattended at the blast site.
- Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within 50 feet of loaded holes.
- No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.
- All explosives shall be accounted for at all times.
- Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them.
- The blasting operator shall maintain an inventory and use record of all explosives. A daily tally of all explosives delivered, used and stored will be maintained.
- The designated storage site, explosive transporting vehicles, and areas where explosives are being used shall be clearly marked and will display the required warning signs.
- Appropriate signs will be erected in the area of blasting activities. The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1000 feet of blasting operations.
- Delivery and transportation of explosives from the powder magazines to the blast area will be by vehicles specifically designed for this use by the criteria outlined in the safety requirements. Procedures relating to the transport of explosives which will be implemented shall include, but not be limited to:
- Only authorized persons will transport and handle the explosives as designated by the authority of those licensed for this purpose. At all times federal, state, and local ordinances will be followed concerning the transportation and storage of explosives.

- No person shall smoke, or carry matches or any other flame-producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives.

- Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps (including electric) shall not be transported in the same vehicle with other explosives.

- Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

- Every motor vehicle or conveyance used for transporting explosives shall be marked with the appropriate placards.

- Each vehicle used for transportation of explosives shall be equipped with a fully charged approved fire extinguisher of not less than 10-ABC rating. The driver shall be trained in the use of the extinguisher on his/her vehicle.

- No motor vehicle transporting explosives shall be left unattended.

- Vehicles equipped with radio transmitters and portable 2-way radios will not be permitted within 250 feet of blasting operations.

Mitigation Measures

Where necessary adjustments will be made to the following blasting design parameters to further mitigate the potential impacts from blasting:

- Amount of explosive per delay;
- Delay interval of the detonators;
- Distance between drilled blast holes;
- Hole pattern;
- Number of rows;
- Type and length of stemming.
- Direction of initiation of blast.

Through the use of these mitigation measures, significant adverse impacts from blasting are not anticipated.

SLOPE STABILITY AND EROSION CONTROL

Comment Item Numbers: 10, 30, 31, 32, 33

Slope Stability

In response to comments slope stability analysis, Section 3.1.3 has been modified to include more details on the slope stability evaluation and the computer results of the slope stability analysis are include as a new Appendix K.

3.1.3 Mitigation Measures

To evaluate the stability of the constructed slopes of the landfill and recycling center berm, a slope stability analysis was conducted as part of a geotechnical investigation for the project site.

The analyses were performed using Galena Slope Stability Software. Soil input parameters were determined through field investigation and laboratory testing of the on-site soils. Undisturbed soil samples, collected by shelby tubes, were used to determine the strength parameters of in-place soils. Remolded samples were used to determine strength parameters for placed and compacted fills. Soil testing was performed by Atlantic Testing Laboratories of Clifton Park, New York.

The results of the slope stability analysis presented in Appendix K show that the designed slopes required for the liner system, as well as the construction of the recycling center itself are safe and have an approximate factor of safety against failure ranging from 1.7 to 2.5. When a seismic load of 0.15g is added to the model it reduces the factor of safety of the slopes to 1.25 to 1.5. Standard practice dictates that a factor of safety greater than 1.0 constitutes a safe slope. The factors of safety determined, for both cases described above, are acceptable and therefore, no mitigation measures are necessary with respect to slope stability.

Appendix K
Galena Slope Stability
Results File

Licensee: The Chazen Companies
Project: Amsterdam
File: S:\9\90300-90399\90303_00\Eng\Geotech\SlopeAnalysis.gmf
Processed: 16:02:20 08 Dec 2003

DATA: Analysis 1
Berm Area: Cut #1 - 8/21/03

Material and Water Properties

Number of defined material types: 7

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	2360.00	0.0	18	108.30	1.10	Brn sandy, silty, CLAY
5	2360.00	0.0	11	111.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock
7	2360.00	0.0	16	112.00	1.10	Compacted On-Site Soils

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY

0.00	423.78	54.15	422.00	54.58	422.00
84.80	420.00	101.28	418.00		
112.75	416.00	255.58	392.00	272.30	390.00
290.31	388.00	313.29	386.00		
341.26	384.00	378.91	382.00	378.92	382.00
378.94	382.00	442.04	374.00		
463.46	372.00	481.52	368.00	486.98	366.00
490.17	364.00	517.90	346.00		
518.79	346.00	536.18	344.00	548.92	344.89
550.13	346.00	554.60	348.00		
559.82	349.00	595.86	346.00	597.94	346.00
614.47	344.00	623.46	342.00		
628.40	340.00	632.49	338.00	646.90	336.00
664.46	334.00	688.86	332.00		
768.33	332.00	786.18	330.00	799.75	328.00
803.99	328.00	824.59	326.00		
828.98	324.00	836.85	320.00	840.67	318.00
844.73	316.00	854.69	312.00		
857.92	310.00	866.05	308.00	866.32	308.00

Profile number 2 co-ordinates: (6 points) Material type: 5 - Dk gry till

0.00	393.50	101.00	377.50	400.00	324.00
615.00	317.00	751.00	291.00		
866.32	291.00				

Profile number 3 co-ordinates: (6 points) Material type: 6 - Bedrock

0.00	373.00	101.00	357.00	400.00	319.00

615.00 311.00 751.00 285.00
866.32 285.00

Profile number 4 co-ordinates: (2 points) Material type: 7 - Compacted On-Site Soils
0.00 450.00 866.32 450.00

Slope Surface

Slope surface co-ordinates: (48 points)
0.00 423.78 60.87 422.35 72.55 422.00
85.41 422.00 90.91 420.30
91.90 420.00 97.26 420.00 97.91 420.33
117.37 430.00 123.26 430.00
125.31 428.98 163.26 410.00 163.86 409.97
164.00 409.97 237.52 408.94
242.85 408.96 345.75 408.83 420.94 410.00
430.69 410.00 432.82 411.02
472.21 430.00 474.69 430.00 478.44 430.00
479.78 429.36 553.05 394.00
559.23 394.00 586.27 394.00 587.31 393.67
617.43 384.00 619.86 382.83
746.21 322.00 753.09 322.00 757.43 322.00
759.49 323.03 775.67 331.08
778.64 332.00 786.18 330.00 799.75 328.00
803.99 328.00 824.59 326.00
828.98 324.00 836.85 320.00 840.67 318.00
844.73 316.00 854.69 312.00
857.92 310.00 866.05 308.00 866.32 308.00

Phreatic Surface

Phreatic surface co-ordinates: (6 points)
0.00 410.00 400.00 368.00 525.00 338.00
700.00 330.00 800.00 330.00
867.00 305.00

External Distributed Loads

Number of external distibuted loads: 8

Load number	X-Left	Load Left	X-Right	Load Right
1	163.26	250.0	163.86	250.0
2	163.86	250.0	164.00	250.0
3	164.00	250.0	237.52	250.0
4	237.52	250.0	242.85	250.0
5	242.85	250.0	345.75	250.0
6	345.75	250.0	420.94	250.0
7	420.94	250.0	430.69	250.0
8	553.05	250.0	586.27	250.0

Pseudo-Static Earthquake Effect

Specified earthquake (or seismic) coefficient: 0.150

Failure Surface

Initial failure circle for critical search with specified circle data: XL,XR,R
Circle centre: XC: 741.80 YC: 746.47 Circle radius: R: 451.66
Intersections: XL: 437.09 YL: 413.08 XR: 857.93 YR: 310.00

Generated failure surface co-ordinates: (20 points)
437.09 413.08 455.06 397.50 473.83 382.89

493.33 369.29 513.53 356.74
534.36 345.26 555.77 334.90 577.69 325.68
600.06 317.63 622.83 310.76
645.93 305.10 669.29 300.67 692.86 297.47
716.56 295.52 740.33 294.81
764.10 295.36 787.82 297.16 811.40 300.21
834.80 304.49 857.93 310.00

Variable Restraints

Parameter descriptor:	XL	XR	R
Range of variation:	50.00	50.00	100.00
Trial positions within range:	10	10	10

RESULTS: Analysis 1
Berm Area: Cut #1 - 8/21/03

Spencer-Wright Method of Analysis - Circular Failure Surface

Critical Failure Circle Search using Multiple Circle Generation Techniques

Factor of Safety for initial failure circle approximation: 1.24

There were: 701 successful analyses from a total of 1001 trial circles
300 analyses aborted due to unacceptable geometry

Critical (minimum) Factor of Safety: 1.24

Final Angle of Interslice Forces: 8.5 degrees

Negative interslice forces exist on one or more slices
Examine slice data and consult the Galena Users' Guide

Effective stress line of thrust for one or more slices is not within middle third of slice
Examine slice data and consult the Galena Users' Guide

Circle Data and Results Summary

Lowest 40 calculated values of Factor of Safety

Circle FoS	X-Centre	Y-Centre	X-Left	Y-Left	X-Right	Y-Right	Radius
1 1.237	744.06	785.79	428.76	410.00	860.71	309.31	490.55
2 1.242	728.78	755.01	428.76	410.00	849.60	314.05	457.22
3 1.244	711.96	735.33	423.20	410.00	838.49	319.14	434.99
4 1.244	741.80	746.47	437.09	413.08	857.93	310.00	451.66
5 1.245	719.69	767.86	417.65	409.95	844.04	316.34	468.33
6 1.245	736.29	787.64	423.20	410.00	855.15	311.71	490.55
7 1.246	713.35	724.14	428.76	410.00	838.49	319.14	423.88
8 1.248	726.88	800.46	412.09	409.86	849.60	314.05	501.66
9	721.21	756.75	423.20	410.00	844.04	316.34	457.22

1.249							
10	722.63	722.46	434.31	411.74	844.04	316.34	423.88
1.250							
11	737.78	776.56	428.76	410.00	855.15	311.71	479.44
1.251							
12	737.88	753.63	434.31	411.74	855.15	311.71	457.22
1.252							
13	728.52	789.42	417.65	409.95	849.60	314.05	490.55
1.253							
14	722.65	745.61	428.76	410.00	844.04	316.34	446.10
1.254							
15	722.99	699.32	439.87	414.42	844.04	316.34	401.66
1.255							
16	702.41	748.57	412.09	409.86	832.93	321.99	446.10
1.256							
17	746.88	797.89	428.76	410.00	860.71	309.31	501.66
1.258							
18	703.96	737.43	417.65	409.95	832.93	321.99	434.99
1.258							
19	730.09	778.35	423.20	410.00	849.60	314.05	479.44
1.259							
20	711.55	769.94	412.09	409.86	838.49	319.14	468.33
1.260							
21	705.45	726.25	423.20	410.00	832.93	321.99	423.88
1.261							
22	720.74	791.14	412.09	409.86	844.04	316.34	490.55
1.261							
23	747.09	775.10	434.31	411.74	860.71	309.31	479.44
1.261							
24	738.44	730.76	439.87	414.42	855.15	311.71	434.99
1.262							
25	706.85	715.04	428.76	410.00	832.93	321.99	412.77
1.263							
26	713.14	758.84	417.65	409.95	838.49	319.14	457.22
1.264							
27	731.67	744.28	434.31	411.74	849.60	314.05	446.10
1.264							
28	731.57	767.26	428.76	410.00	849.60	314.05	468.33
1.265							
29	739.04	799.75	423.20	410.00	855.15	311.71	501.66
1.266							
30	716.11	713.36	434.31	411.74	838.49	319.14	412.77
1.266							
31	722.38	780.08	417.65	409.95	844.04	316.34	479.44
1.266							
32	714.67	747.72	423.20	410.00	838.49	319.14	446.10
1.268							
33	716.11	736.57	428.76	410.00	838.49	319.14	434.99
1.271							
34	723.94	769.00	423.20	410.00	844.04	316.34	468.33
1.272							
35	738.58	707.68	445.42	417.09	855.15	311.71	412.77
1.272							
36	740.57	788.69	428.76	410.00	855.15	311.71	490.55
1.273							
37	732.22	721.35	439.87	414.42	849.60	314.05	423.88
1.273							
38	731.21	801.54	417.65	409.95	849.60	314.05	501.66
1.274							
39	747.81	752.37	439.87	414.42	860.71	309.31	457.22
1.275							
40	740.79	765.86	434.31	411.74	855.15	311.71	468.33
1.276							

Critical Failure Circle Data

Circle centre: XC: 744.06 YC: 785.79 Circle radius: R: 490.55
Intersections: XL: 428.76 YL: 410.00 XR: 860.71 YR: 309.31

Generated failure surface co-ordinates: (20 points)

428.76	410.00	447.69	394.89	467.34	380.74
487.67	367.58	508.63	355.43		
530.16	344.34	552.21	334.32	574.73	325.40
597.66	317.60	620.94	310.95		
644.53	305.45	668.36	301.12	692.38	297.97
716.52	296.02	740.72	295.26		
764.94	295.69	789.11	297.32	813.16	300.14
837.05	304.14	860.71	309.31		

Slice Geometry and Properties (58 slices)

Slice	X-Left	Width	Y-Top	Y-Base	Base	Base	Base	Total
	PoreWater	Side Force	l/h	l'/h				
	Force	(LHS)	(LHS)	(LHS)	Angle	Mat'l	Cohesion	Weight
1	428.76	1.93	410.00	409.23	38.6	7	2360.00	167.01
	0.00	0.00	0.00	0.00				
2	430.69	2.13	410.51	407.61	38.6	7	2360.00	692.35
	0.00	-4961.10	0.41	0.41				
3	432.82	7.43	412.81	403.79	38.6	7	2360.00	7509.91
	0.00	-10375.47	0.31	0.31				
4	440.25	7.43	416.39	397.86	38.6	7	2360.00	15432.24
	0.00	-24912.86	0.29	0.29				
5	447.69	9.83	420.55	391.36	35.8	7	2360.00	32135.08
	0.00	-32666.21	0.31	0.31				
6	457.52	9.83	425.29	384.28	35.8	7	2360.00	45135.79
	0.00	-33128.44	0.36	0.36				
7	467.34	4.87	428.83	379.17	32.9	7	2360.00	27060.55
	0.00	-23264.61	0.53	0.53				
8	472.21	2.48	430.00	376.79	32.9	7	2360.00	14779.79
	0.00	-15510.94	0.77	0.77				
9	474.69	3.75	430.00	374.77	32.9	7	2360.00	23195.57
	0.00	-10833.44	1.10	1.10				
10	478.44	9.23	427.78	370.57	32.9	7	2360.00	59169.24
	0.00	-3137.81	3.71	3.71				
11	487.67	10.48	423.02	364.54	30.1	7	2360.00	68623.59
	0.00	17320.26	-0.62	-0.62				
12	498.15	10.48	417.97	358.47	30.1	7	2360.00	69816.02
	0.00	39065.56	-0.22	-0.22				
13	508.63	10.32	412.95	352.77	27.3	7	2360.00	69557.07
	0.00	61620.44	-0.07	-0.07				
14	518.95	10.32	407.97	347.45	27.3	7	2360.00	69948.26
	0.00	81680.53	0.00	0.00				
15	529.27	8.49	403.43	342.81	24.7	4	2360.00	57558.50
	0.00	101985.01	0.06	0.06				
16	537.76	8.49	399.33	338.96	24.4	4	2360.00	57207.02
	0.00	116680.27	0.09	0.09				
17	546.24	5.97	395.85	335.67	24.4	4	2360.00	40001.52
	498.62	130929.54	0.12	-0.34				
18	552.21	7.02	394.00	332.93	21.6	4	2360.00	47635.62
	1729.09	140820.34	0.14	-0.33				
19	559.23	7.75	394.00	330.00	21.6	4	2360.00	54997.92
	3253.35	151444.86	0.15	-0.33				
20	566.98	7.75	394.00	326.93	21.6	4	2360.00	57591.04
	4664.99	164527.13	0.16	-0.33				
21	574.73	11.54	394.00	323.44	18.8	4	2360.00	90220.01

	9151.32	178961.34	0.17	-0.33					
22	586.27	11.39	392.18	319.54	18.8	4	2360.00	91502.92	
	11557.90	198807.05	0.17	-0.33					
23	597.66	9.89	388.76	316.19	16.0	5	2360.00	79325.20	
	11719.09	218637.78	0.19	-0.33					
24	607.54	9.89	385.59	313.36	16.0	5	2360.00	78947.05	
	13242.29	232379.02	0.19	-0.33					
25	617.43	2.43	383.41	311.60	16.0	5	2360.00	19292.28	
	3487.83	245960.41	0.20	-0.33					
26	619.86	12.34	379.86	309.76	13.4	5	2360.00	95595.84	
	18688.67	249251.55	0.21	-0.33					
27	632.20	12.34	373.92	306.89	13.1	5	2360.00	91421.60	
	20496.27	261168.94	0.22	-0.33					
28	644.53	11.92	368.08	304.37	10.3	5	2360.00	83842.62	
	21080.96	271068.28	0.24	-0.33					
29	656.45	11.92	362.35	302.20	10.3	5	2360.00	79035.66	
	22304.33	274928.28	0.25	-0.33					
30	668.36	12.01	356.59	300.33	7.5	5	2360.00	74365.84	
	23302.92	276931.69	0.27	-0.33					
31	680.37	12.01	350.81	298.76	7.5	5	2360.00	68657.66	
	24076.78	273868.22	0.29	-0.33					
32	692.38	12.07	345.01	297.49	4.6	5	2360.00	62825.71	
	24624.90	269061.03	0.32	-0.33					
33	704.45	12.07	339.20	296.51	4.6	5	2360.00	56205.16	
	25309.28	259808.64	0.35	-0.33					
34	716.52	8.92	334.15	295.88	1.8	5	2360.00	37071.08	
	19006.87	248968.33	0.39	-0.33					
35	725.44	4.15	331.00	295.67	1.8	4	2360.00	15894.38	
	8903.17	238393.03	0.42	-0.33					
36	729.59	11.13	327.32	295.43	1.8	4	2360.00	38443.91	
	24023.64	233217.92	0.44	-0.33					
37	740.72	5.49	323.32	295.30	-1.0	4	2360.00	16643.43	
	11877.80	218647.41	0.50	-0.33					
38	746.21	6.88	322.00	295.42	-1.0	4	2360.00	19808.51	
	14850.08	210298.78	0.54	-0.33					
39	753.09	4.34	322.00	295.52	-1.0	4	2360.00	12448.21	
	9340.38	199673.70	0.53	-0.33					
40	757.43	2.06	322.51	295.57	-1.0	4	2360.00	6010.76	
	4426.12	192964.45	0.52	-0.33					
41	759.49	5.45	324.39	295.64	-1.0	4	2360.00	16968.64	
	11688.26	189794.66	0.49	-0.33					
42	764.94	8.56	327.87	295.98	-3.9	4	2360.00	29562.85	
	18211.69	181561.25	0.44	-0.33					
43	773.50	2.17	330.54	296.34	-3.9	4	2360.00	8040.42	
	4569.90	167645.92	0.37	-0.33					
44	775.67	2.97	331.54	296.51	-3.9	4	2360.00	11272.91	
	6220.50	164178.97	0.35	-0.33					
45	778.64	7.54	331.00	296.87	-3.9	4	2360.00	27889.05	
	15624.58	159456.03	0.34	-0.33					
46	786.18	2.93	329.78	297.22	-3.9	4	2360.00	10319.08	
	5998.54	147393.23	0.34	-0.33					
47	789.11	10.64	328.78	297.94	-6.7	4	2360.00	35556.96	
	21440.21	142662.80	0.34	-0.33					
48	799.75	4.24	328.00	298.81	-6.7	4	2360.00	13402.80	
	8122.13	123338.60	0.33	-0.33					
49	803.99	1.85	327.91	299.17	-6.7	4	2360.00	5764.23	
	3373.68	115584.84	0.31	-0.33					
50	805.84	7.32	327.46	299.71	-6.7	4	2360.00	22003.41	
	12300.06	112204.93	0.31	-0.33					
51	813.16	11.43	326.55	301.09	-9.5	4	2360.00	31515.94	
	15810.22	98804.45	0.29	-0.33					
52	824.59	4.39	325.00	302.42	-9.5	4	2360.00	10736.22	
	4885.00	75763.14	0.26	-0.33					

53	828.98	7.87	322.00	303.45	-9.5	4	2360.00	15814.70
	7107.09	66874.59	0.26 -0.33					
54	836.85	3.82	319.00	304.51	-12.2	4	2360.00	5993.67
	2688.72	50914.79	0.27 -0.33					
55	840.67	4.06	317.00	305.37	-12.3	4	2360.00	5111.56
	2254.28	42684.55	0.28 -0.33					
56	844.73	9.96	314.00	306.91	-12.3	4	2360.00	7650.13
	2890.72	33949.79	0.29 -0.33					
57	854.69	2.70	311.17	308.29	-12.3	4	2360.00	838.92
	137.43	12653.96	0.28 -0.34					
58	857.39	3.32	309.72	308.95	-12.3	4	2360.00	277.74
	0.00	6960.81	0.35 -0.35					
	860.71							
		-0.11	0.00 0.00					

DATA: Analysis 2
Landfill Area: Cut #3 - 8/26/03

Material and Water Properties

Number of defined material types: 7

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	2360.00	0.0	18	108.30	1.10	Brn sandy, silty, CLAY
5	2360.00	0.0	11	111.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock
7	2360.00	0.0	16	112.00	1.10	Compacted On-Site Soils

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY

0.00	397.00	15.00	396.00	33.00	394.00
50.00	392.00	66.00	390.00		
70.00	388.00	97.00	386.00	148.00	384.00
194.00	384.00	216.00	378.00		
220.00	378.00	232.00	379.00	245.00	378.00
250.00	376.00	272.00	376.00		
286.00	384.00	291.00	386.00	295.00	388.00
301.00	390.00	315.00	394.00		
345.00	400.00	382.00	402.00	430.00	402.00
445.00	400.00	466.00	396.00		
474.00	394.00	489.00	390.00	495.00	388.00
501.00	386.00	525.00	378.00		
545.00	370.00	551.00	368.00	555.00	366.00
571.00	358.00	578.00	356.00		
583.00	354.00	590.00	352.00	595.00	350.00
629.00	338.00	646.00	336.00		
657.00	330.00	664.00	328.00	669.00	326.00
677.00	324.00	691.00	322.00		
712.00	320.00	723.00	318.00	737.00	310.00

Profile number 2 co-ordinates: (5 points) Material type: 5 - Dk gry till
0.00 382.50 148.00 369.50 325.00 372.00
619.00 327.00 737.00 295.00

Profile number 3 co-ordinates: (5 points) Material type: 6 - Bedrock
0.00 362.00 148.00 349.00 325.00 367.00
619.00 321.00 737.00 289.00

Profile number 4 co-ordinates: (2 points) Material type: 7 - Compacted On-Site Soils
0.00 450.00 737.00 450.00

Slope Surface

Slope surface co-ordinates: (45 points)
0.00 430.00 386.36 430.00 487.55 386.00
519.57 386.00 523.78 384.60
525.57 384.00 529.57 382.00 533.58 380.00
537.58 378.00 541.58 376.00
545.59 374.00 549.59 372.00 553.59 370.00
557.60 368.00 561.60 366.00
565.60 364.00 569.60 362.00 573.61 360.00
577.61 358.00 580.80 356.00
586.26 354.00 594.44 352.00 597.84 350.00
605.75 348.00 611.99 346.00
616.89 344.00 621.67 342.00 626.79 340.00
631.38 338.00 647.40 336.00
650.99 334.00 654.48 332.00 658.51 330.00
665.05 328.00 672.68 326.00
678.70 324.00 692.76 322.00 713.68 320.00
715.79 320.00 723.94 318.00
727.98 316.00 731.73 314.00 735.34 312.00
736.76 310.81 737.00 310.00

Phreatic Surface

Phreatic surface co-ordinates: (4 points)
0.00 390.00 272.00 371.00 413.00 395.00
737.00 305.00

External Distributed Loads

Number of external distibuted loads: 2

Load number	X-Left	Load Left	X-Right	Load Right
1	0.00	250.0	385.00	250.0
2	490.00	250.0	520.00	250.0

Pseudo-Static Earthquake Effect

Specified earthquake (or seismic) coefficient: 0.150

Failure Surface

Initial failure circle for critical search with specified circle data: XL,XR,R
Circle centre: XC: 570.27 YC: 660.44 Circle radius: R: 327.84
Intersections: XL: 337.08 YL: 430.00 XR: 630.83 YR: 338.24

Generated failure surface co-ordinates: (20 points)
337.08 430.00 349.23 418.32 361.97 407.28
375.26 396.90 389.07 387.23
403.35 378.27 418.08 370.07 433.20 362.63
448.69 355.97 464.51 350.13

480.60 345.10 496.93 340.91 513.45 337.56
530.12 335.07 546.90 333.43
563.74 332.66 580.60 332.76 597.43 333.72
614.19 335.55 630.83 338.24

Variable Restraints

Parameter descriptor:	XL	XR	R
Range of variation:	50.00	50.00	50.00
Trial positions within range:	10	10	10

RESULTS: Analysis 2
Landfill Area: Cut #3 - 8/26/03

Bishop Simplified Method of Analysis - Circular Failure Surface

Critical Failure Circle Search using Multiple Circle Generation Techniques

Factor of Safety for initial failure circle approximation: 1.59

There were: 1001 successful analyses from a total of 1001 trial circles

Critical (minimum) Factor of Safety: 1.53

Negative normal stresses exist on the base of one or more slices
Examine slice data and consult the Galena Users' Guide

Circle Data and Results Summary

Lowest 40 calculated values of Factor of Safety

Circle	X-Centre	Y-Centre	X-Left	Y-Left	X-Right	Y-Right	Radius	FoS
1	531.05	647.17	312.08	430.00	605.83	347.97	308.40	1.531
2	546.74	678.42	312.08	430.00	616.94	343.98	341.73	1.534
3	538.71	663.03	312.08	430.00	611.39	346.19	325.06	1.538
4	556.03	682.54	317.64	430.00	622.50	341.68	347.28	1.543
5	532.76	653.30	312.08	430.00	605.83	347.97	313.95	1.547
6	547.10	650.06	323.19	430.00	616.94	343.98	313.95	1.548
7	547.85	667.30	317.64	430.00	616.94	343.98	330.62	1.549
8	548.44	684.44	312.08	430.00	616.94	343.98	347.28	1.549
9	539.76	651.87	317.64	430.00	611.39	346.19	313.95	1.551
10	540.42	669.10	312.08	430.00	611.39	346.19	330.62	1.553
11	565.30	686.67	323.19	430.00	628.05	339.45	352.84	1.558
12	557.76	688.53	317.64	430.00	622.50	341.68	352.84	1.558
13	533.78	642.12	317.64	430.00	605.83	347.97	302.84	1.560

14	557.12	671.43	323.19	430.00	622.50	341.68	336.17
1.561							
15	534.47	659.41	312.08	430.00	605.83	347.97	319.51
1.563							
16	550.13	690.44	312.08	430.00	616.94	343.98	352.84
1.563							
17	556.33	654.26	328.75	430.00	622.50	341.68	319.51
1.564							
18	549.59	673.34	317.64	430.00	616.94	343.98	336.17
1.564							
19	548.03	638.87	328.75	430.00	616.94	343.98	302.84
1.565							
20	548.89	656.15	323.19	430.00	616.94	343.98	319.51
1.565							
21	540.74	640.68	323.19	430.00	611.39	346.19	302.84
1.566							
22	541.50	657.96	317.64	430.00	611.39	346.19	319.51
1.568							
23	542.11	675.15	312.08	430.00	611.39	346.19	336.17
1.569							
24	535.52	648.25	317.64	430.00	605.83	347.97	308.40
1.576							
25	558.89	677.43	323.19	430.00	622.50	341.68	341.73
1.577							
26	566.39	675.57	328.75	430.00	628.05	339.45	341.73
1.579							
27	536.16	665.48	312.08	430.00	605.83	347.97	325.06
1.579							
28	551.31	679.35	317.64	430.00	616.94	343.98	341.73
1.580							
29	558.15	660.31	328.75	430.00	622.50	341.68	325.06
1.581							
30	550.66	662.21	323.19	430.00	616.94	343.98	325.06
1.581							
31	549.85	644.99	328.75	430.00	616.94	343.98	308.40
1.583							
32	542.52	646.80	323.19	430.00	611.39	346.19	308.40
1.583							
33	557.24	643.09	334.30	430.00	622.50	341.68	308.40
1.584							
34	543.23	664.03	317.64	430.00	611.39	346.19	325.06
1.584							
35	543.79	681.17	312.08	430.00	611.39	346.19	341.73
1.584							
36	565.55	658.45	334.30	430.00	628.05	339.45	325.06
1.584							
37	560.66	683.41	323.19	430.00	622.50	341.68	347.28
1.593							
38	537.26	654.35	317.64	430.00	605.83	347.97	313.95
1.593							
39	570.27	660.44	337.08	430.00	630.83	338.24	327.84
1.594							
40	537.85	671.53	312.08	430.00	605.83	347.97	330.62
1.595							

Critical Failure Circle Data

Circle centre: XC: 531.05 YC: 647.17 Circle radius: R: 308.40
Intersections: XL: 312.08 YL: 430.00 XR: 605.83 YR: 347.97

Generated failure surface co-ordinates: (20 points)

312.08 430.00 324.22 418.41 336.98 407.49
350.31 397.28 364.17 387.82

378.53	379.12	393.35	371.22	408.57	364.13
424.15	357.89	440.05	352.50		
456.22	347.99	472.61	344.36	489.18	341.63
505.87	339.80	522.63	338.88		
539.42	338.88	556.18	339.80	572.87	341.62
589.44	344.35	605.83	347.97		

Slice Geometry and Properties (57 slices)

Slice	X-Left	Width	Y-Top	Y-Base	Base Angle	Base Mat'l	Base Cohesion	Total Weight
	PoreWater Force	Normal Stress	Test Factor					
1	312.08	6.07	430.00	427.10	43.7	7	2360.00	1970.95
	0.00	-897.07	1.38					
2	318.15	6.07	430.00	421.30	43.7	7	2360.00	5912.78
	0.00	-247.80	1.38					
3	324.22	6.38	430.00	415.68	40.6	7	2360.00	10230.93
	0.00	535.13	1.32					
4	330.60	6.38	430.00	410.22	40.6	7	2360.00	14129.56
	0.00	1146.44	1.32					
5	336.98	9.67	430.00	403.79	37.4	7	2360.00	28377.23
	0.00	2005.56	1.26					
6	346.64	3.66	430.00	398.69	37.4	4	2360.00	12828.90
	0.00	2571.54	1.26					
7	350.31	6.93	430.00	394.92	34.3	4	2360.00	27098.79
	0.00	3106.54	1.21					
8	357.24	6.93	430.00	390.18	34.3	4	2360.00	30642.63
	0.00	3617.70	1.21					
9	364.17	1.46	430.00	387.38	31.2	4	2360.00	6875.81
	0.00	4039.62	1.17					
10	365.63	6.45	430.00	384.98	31.2	4	2360.00	32142.77
	1178.15	4298.14	1.17					
11	372.08	6.45	430.00	381.08	31.2	4	2360.00	34865.01
	3534.40	4720.04	1.17					
12	378.53	7.83	430.00	377.03	28.1	4	2360.00	45699.49
	7064.98	5224.06	1.13					
13	386.36	6.99	428.48	373.08	28.1	4	2360.00	42603.03
	8883.23	5275.28	1.13					
14	393.35	7.61	425.31	369.45	25.0	4	2360.00	46695.14
	11971.12	5418.35	1.10					
15	400.96	7.61	422.00	365.91	25.0	4	2360.00	46793.88
	14505.04	5431.36	1.10					
16	408.57	7.79	418.65	362.57	21.8	4	2360.00	47799.75
	16937.29	5516.90	1.08					
17	416.36	7.79	415.26	359.45	21.8	4	2360.00	47478.34
	17565.30	5475.65	1.08					
18	424.15	5.73	412.32	356.92	18.7	4	2360.00	34616.52
	12913.26	5516.04	1.06					
19	429.88	5.08	409.97	355.08	18.7	5	2360.00	30380.36
	11562.12	5453.61	1.06					
20	434.97	5.08	407.76	353.36	18.7	5	2360.00	30096.17
	11666.26	5397.68	1.06					
21	440.05	8.09	404.90	351.37	15.6	5	2360.00	47061.23
	18328.45	5390.41	1.04					
22	448.14	8.09	401.38	349.11	15.6	5	2360.00	45921.40
	18334.63	5249.43	1.04					
23	456.22	7.20	398.06	347.19	12.5	5	2360.00	39781.96
	16020.91	5182.39	1.02					
24	463.42	9.19	394.49	345.37	12.5	5	2360.00	49002.17
	20170.16	4991.17	1.02					
25	472.61	7.47	390.87	343.74	9.4	5	2360.00	38222.74
	15899.41	4863.81	1.01					

26	480.08	7.47	387.62	342.51	9.4	5	2360.00	36593.87	
15501.15	4645.72	1.01							
27	487.55	1.63	386.00	341.76	9.4	5	2360.00	7823.94	
3326.52	4551.21	1.01							
28	489.18	5.91	386.00	341.30	6.2	5	2360.00	28695.03	
11768.03	4901.21	1.01							
29	495.09	5.91	386.00	340.66	6.2	5	2360.00	29104.87	
11398.75	5005.30	1.01							
30	501.00	4.87	386.00	340.07	6.2	5	2360.00	24287.88	
9108.75	5071.51	1.01							
31	505.87	6.85	386.00	339.61	3.1	5	2360.00	34567.13	
12262.29	5211.12	1.00							
32	512.72	6.85	386.00	339.24	3.1	5	2360.00	34889.67	
11607.41	5258.24	1.00							
33	519.57	3.06	385.49	338.97	3.1	5	2360.00	15516.82	
4974.01	5020.44	1.00							
34	522.63	2.94	384.49	338.88	0.0	5	2360.00	14605.68	
4631.64	4969.25	1.00							
35	525.57	4.00	383.00	338.88	0.0	5	2360.00	19222.78	
6062.88	4805.58	1.00							
36	529.57	4.01	381.00	338.88	0.0	5	2360.00	18389.90	
5799.75	4585.89	1.00							
37	533.58	4.00	379.00	338.88	0.0	5	2360.00	17465.22	
5507.66	4366.19	1.00							
38	537.58	1.84	377.54	338.88	0.0	5	2360.00	7736.47	
2439.65	4205.83	1.00							
39	539.42	1.43	376.72	338.92	-3.1	5	2360.00	5884.60	
1856.87	4195.67	1.00							
40	540.85	4.74	375.18	339.09	-3.1	4	2360.00	18603.35	
5845.70	4009.11	1.00							
41	545.59	4.00	373.00	339.33	-3.1	4	2360.00	14643.68	
4570.80	3744.81	1.00							
42	549.59	4.00	371.00	339.55	-3.1	4	2360.00	13674.58	
4238.64	3502.52	1.00							
43	553.59	2.59	369.35	339.73	-3.1	4	2360.00	8352.39	
2570.44	3304.77	1.00							
44	556.18	1.42	368.35	339.87	-6.2	4	2360.00	4387.05	
1347.89	3264.96	1.01							
45	557.60	4.00	367.00	340.17	-6.2	4	2360.00	11671.85	
3542.40	3086.34	1.01							
46	561.60	4.00	365.00	340.61	-6.2	4	2360.00	10616.14	
3153.70	2822.41	1.01							
47	565.60	4.00	363.00	341.04	-6.2	4	2360.00	9560.44	
2764.99	2558.50	1.01							
48	569.60	3.27	361.18	341.44	-6.2	4	2360.00	7036.78	
1973.06	2318.60	1.01							
49	572.87	4.74	359.18	342.01	-9.4	4	2360.00	8853.74	
2373.84	2122.79	1.01							
50	577.61	3.19	357.00	342.66	-9.4	4	2360.00	4970.77	
1244.61	1812.13	1.01							
51	580.80	5.46	355.00	343.38	-9.4	4	2360.00	6897.35	
1469.43	1517.14	1.01							
52	586.26	3.18	353.61	344.09	-9.4	4	2360.00	3289.93	
471.16	1289.15	1.01							
53	589.44	3.29	352.82	344.71	-12.5	4	2360.00	2903.74	
172.50	1223.79	1.02							
54	592.73	1.71	352.21	345.27	-12.5	4	2360.00	1298.64	
0.00	1099.09	1.02							
55	594.44	3.40	351.00	345.83	-12.5	4	2360.00	1921.05	
0.00	905.97	1.02							
56	597.84	4.86	349.39	346.74	-12.5	4	2360.00	1412.62	
0.00	631.58	1.02							
57	602.70	3.05	348.39	347.62	-12.5	7	2360.00	261.64	

0.00 426.77 1.02

DATA: Analysis 3
Landfill Area: Cut #2 - 8/26/03

Material and Water Properties

Number of defined material types: 7

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	2360.00	0.0	18	108.30	1.10	Brn sandy, silty, CLAY
5	2360.00	0.0	11	111.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock
7	2360.00	0.0	16	112.00	1.10	Compacted On-Site Soils

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY

0.00 432.00 48.45 430.00 75.10 429.33
129.37 428.00 130.34 428.00
146.79 428.00 183.90 427.68 200.86 427.47
202.03 427.42 203.85 427.41
243.26 426.00 247.29 426.00 256.73 426.00
257.57 425.89 272.01 424.00
277.45 423.87 345.51 422.00 346.77 422.00
438.95 422.00 445.92 421.58
448.24 421.52 479.36 420.00 483.70 420.00
507.26 420.00 514.91 419.53
534.41 418.00 537.95 418.00 542.20 418.00
569.95 416.00 587.69 414.00
599.72 412.00 614.45 410.00 614.50 410.00
627.10 408.00 630.51 407.40
638.24 406.00 641.96 405.29 649.05 404.00
657.27 402.19 658.11 402.00
665.93 400.00 677.74 396.80 680.86 396.00
687.06 394.09 687.34 394.00
691.62 392.61 693.48 392.00 695.75 391.32

Profile number 2 co-ordinates: (4 points) Material type: 5 - Dk gry till

0.00 418.00 384.00 408.00 581.00 399.00
695.75 368.32

Profile number 3 co-ordinates: (4 points) Material type: 6 - Bedrock

0.00 400.50 384.00 375.00 581.00 372.50
695.75 298.32

Profile number 4 co-ordinates: (2 points) Material type: 7 - Compacted On-Site Soils

0.00 450.00 695.75 450.00

Slope Surface

Slope surface co-ordinates: (38 points)

0.00	432.00	48.28	430.01	48.45	430.00
75.10	429.33	125.93	428.24		
129.37	428.00	130.34	428.00	146.79	428.00
183.90	427.68	184.60	427.67		
186.53	427.64	187.53	427.65	188.52	427.63
189.81	427.63	191.12	427.61		
192.47	427.60	193.81	427.58	195.41	427.55
196.43	427.54	198.26	427.49		
199.04	427.48	199.79	427.48	200.86	427.47
202.03	427.42	212.49	427.10		
242.71	417.04	444.17	350.00	465.61	345.51
490.41	341.85	495.92	340.87		
502.89	340.00	522.83	339.30	524.59	339.22
548.07	338.38	552.08	338.20		
572.70	337.44	693.40	338.98	695.75	339.49

Phreatic Surface

Phreatic surface co-ordinates: (3 points)

0.00	425.00	500.00	415.00	694.00	385.00

Pseudo-Static Earthquake Effect

Specified earthquake (or seismic) coefficient: 0.150

Failure Surface

Initial failure circle for critical search with specified circle data: XL,XR,R

Circle centre: XC: 378.09 YC: 579.27 Circle radius: R: 290.01

Intersections: XL: 130.66 YL: 428.00 XR: 540.00 YR: 338.67

Generated failure surface co-ordinates: (20 points)

130.66	428.00	144.39	407.55	159.81	388.33
176.80	370.50	195.24	354.17		
215.01	339.46	235.95	326.49	257.91	315.34
280.74	306.09	304.28	298.81		
328.35	293.56	352.77	290.37	377.38	289.27
402.00	290.25	426.44	293.32		
450.53	298.46	474.10	305.62	496.98	314.75
519.00	325.80	540.00	338.67		

Variable Restraints

Parameter descriptor:	XL	XR	R
Range of variation:	50.00	50.00	100.00
Trial positions within range:	10	10	10

RESULTS: Analysis 3
Landfill Area: Cut #2 - 8/26/03

Bishop Simplified Method of Analysis - Circular Failure Surface

Critical Failure Circle Search using Multiple Circle Generation Techniques

Factor of Safety for initial failure circle approximation: 7.11

There were: 1001 successful analyses from a total of 1001 trial circles

Critical (minimum) Factor of Safety: 6.78

Negative normal stresses exist on the base of one or more slices
Examine slice data and consult the Galena Users' Guide

Circle Data and Results Summary

Lowest 40 calculated values of Factor of Safety

Circle	X-Centre	Y-Centre	X-Left	Y-Left	X-Right	Y-Right	Radius	FoS
1	377.07	593.99	105.66	428.67	565.00	337.72	317.79	6.784
2	380.20	609.79	105.66	428.67	565.00	337.72	328.90	6.792
3	373.80	577.50	105.66	428.67	565.00	337.72	306.68	6.804
4	383.22	625.06	105.66	428.67	565.00	337.72	340.01	6.815
5	380.86	596.72	111.22	428.56	565.00	337.72	317.79	6.815
6	370.37	560.16	105.66	428.67	565.00	337.72	295.57	6.815
7	377.61	580.49	111.22	428.56	565.00	337.72	306.68	6.817
8	375.27	596.90	105.66	428.67	559.44	337.93	317.79	6.819
9	383.98	612.33	111.22	428.56	565.00	337.72	328.90	6.830
10	378.39	612.51	105.66	428.67	559.44	337.93	328.90	6.832
11	372.02	580.67	105.66	428.67	559.44	337.93	306.68	6.840
12	374.20	563.46	111.22	428.56	565.00	337.72	295.57	6.843
13	381.42	583.39	116.77	428.44	565.00	337.72	306.68	6.844
14	375.83	583.57	111.22	428.56	559.44	337.93	306.68	6.849
15	384.66	599.39	116.77	428.44	565.00	337.72	317.79	6.851
16	368.61	563.63	105.66	428.67	559.44	337.93	295.57	6.853
17	379.07	599.56	111.22	428.56	559.44	337.93	317.79	6.853
18	370.24	583.74	105.66	428.67	553.89	338.13	306.68	6.856
19	373.47	599.74	105.66	428.67	553.89	338.13	317.79	6.857
20	381.41	627.60	105.66	428.67	559.44	337.93	340.01	6.859
21	378.03	566.64	116.77	428.44	565.00	337.72	295.57	6.859
22	387.00	627.42	111.22	428.56	565.00	337.72	340.01	6.860
23	372.45	566.82	111.22	428.56	559.44	337.93	295.57	6.867
24	382.18	614.97	111.22	428.56	559.44	337.93	328.90	6.873
25	376.59	615.15	105.66	428.67	553.89	338.13	328.90	6.875
26	385.24	586.20	122.33	428.32	565.00	337.72	306.68	

6.877							
27	366.86	567.00	105.66	428.67	553.89	338.13	295.57
6.877							
28	379.65	586.37	116.77	428.44	559.44	337.93	306.68
6.879							
29	387.78	614.79	116.77	428.44	565.00	337.72	328.90
6.879							
30	374.06	586.55	111.22	428.56	553.89	338.13	306.68
6.883							
31	381.87	569.72	122.33	428.32	565.00	337.72	295.57
6.884							
32	376.28	569.90	116.77	428.44	559.44	337.93	295.57
6.886							
33	368.46	586.75	105.66	428.67	548.33	338.37	306.68
6.891							
34	382.88	602.15	116.77	428.44	559.44	337.93	317.79
6.892							
35	388.47	601.97	122.33	428.32	565.00	337.72	317.79
6.892							
36	377.28	602.33	111.22	428.56	553.89	338.13	317.79
6.893							
37	370.70	570.08	111.22	428.56	553.89	338.13	295.57
6.895							
38	371.67	602.53	105.66	428.67	548.33	338.37	317.79
6.898							
39	370.58	545.37	111.22	428.56	565.00	337.72	284.45
6.903							
40	379.60	630.08	105.66	428.67	553.89	338.13	340.01
6.904							

Critical Failure Circle Data

Circle centre: XC: 377.07 YC: 593.99 Circle radius: R: 317.79
Intersections: XL: 105.66 YL: 428.67 XR: 565.00 YR: 337.72

Generated failure surface co-ordinates: (20 points)

105.66	428.67	121.09	405.67	138.45	384.10
157.64	364.12	178.49	345.88		
200.84	329.53	224.54	315.19	249.39	302.97
275.22	292.96	301.82	285.24		
328.99	279.86	356.52	276.86	384.21	276.28
411.85	278.11	439.22	282.34		
466.12	288.93	492.34	297.84	517.69	309.01
541.97	322.33	565.00	337.72		

Slice Geometry and Properties (54 slices)

Slice	X-Left	Width	Y-Top	Y-Base	Base	Base	Base	Total
	PoreWater	Normal	Test					
	Force	Stress	Factor		Angle	Mat'l	Cohesion	Weight
1	105.66	3.93	428.63	425.74	56.2	4	2360.00	1233.11
	0.00	-205.33	1.80					
2	109.59	5.23	428.53	418.91	56.2	4	2360.00	5452.94
	2253.80	524.03	1.80					
3	114.82	6.26	428.41	410.34	56.2	5	2360.00	12336.72
	8631.24	1451.15	1.80					
4	121.09	4.84	428.29	402.66	51.2	5	2360.00	13609.79
	9578.25	2376.99	1.59					
5	125.93	3.44	428.12	397.52	51.2	5	2360.00	11561.87
	8533.50	2928.93	1.59					
6	129.37	2.95	428.00	393.55	51.2	5	2360.00	11183.52
	8470.92	3356.07	1.59					

7	132.32	6.13	428.00	387.90	51.2	6	9999.00	27930.35
20982.51	2634.49	1.35						
8	138.45	8.34	428.00	379.76	46.2	6	9999.00	47994.00
31837.71	4012.68	1.25						
9	146.79	10.85	427.95	369.77	46.2	6	9999.00	78373.80
51004.20	5366.57	1.25						
10	157.64	10.42	427.86	359.56	41.2	6	9999.00	90885.79
53736.86	7024.25	1.18						
11	168.06	10.42	427.77	350.44	41.2	6	9999.00	104750.82
61434.91	8265.90	1.18						
12	178.49	5.41	427.70	343.90	36.2	6	9999.00	59565.25
32427.64	9427.90	1.12						
13	183.90	2.63	427.66	340.96	36.2	6	9999.00	30052.26
16332.49	9829.70	1.12						
14	186.53	1.99	427.65	339.27	36.2	6	9999.00	23228.98
12610.84	10061.84	1.12						
15	188.52	2.60	427.63	337.59	36.2	6	9999.00	30982.32
16804.42	10291.57	1.12						
16	191.12	2.69	427.60	335.66	36.2	6	9999.00	32807.74
17777.40	10555.61	1.12						
17	193.81	2.62	427.56	333.72	36.2	6	9999.00	32685.67
17697.16	10819.20	1.12						
18	196.43	2.61	427.50	331.81	36.2	6	9999.00	33276.85
18004.96	11078.08	1.12						
19	199.04	2.99	427.47	329.76	34.3	6	9999.00	39007.72
20595.16	11462.68	1.10						
20	202.03	10.46	427.26	325.65	31.2	6	9999.00	142479.73
72632.70	12173.44	1.07						
21	212.49	12.05	425.09	318.84	31.2	6	9999.00	173241.08
89451.06	12902.22	1.07						
22	224.54	8.25	421.72	313.17	26.2	6	9999.00	122332.10
61497.01	13610.44	1.04						
23	232.78	9.93	418.69	308.70	26.2	6	9999.00	150431.34
76991.99	14015.80	1.04						
24	242.71	6.68	415.93	304.62	26.2	6	9999.00	103231.01
53659.27	14454.96	1.04						
25	249.39	10.79	413.02	300.88	21.2	6	9999.00	169114.42
85976.78	15088.70	1.01						
26	260.19	15.03	408.72	295.87	21.2	6	9999.00	239192.61
124507.98	15574.83	1.01						
27	275.22	13.30	404.01	291.03	16.2	6	9999.00	213851.08
110899.66	16256.96	1.00						
28	288.52	13.30	399.58	287.17	16.2	6	9999.00	214565.33
114007.54	16566.58	1.00						
29	301.82	13.58	395.11	283.89	11.2	6	9999.00	218633.63
116605.73	17030.76	0.99						
30	315.40	13.58	390.59	281.20	11.2	6	9999.00	216819.09
118695.09	17162.90	0.99						
31	328.99	13.77	386.04	279.11	6.2	6	9999.00	216615.75
120268.47	17445.21	0.99						
32	342.75	13.77	381.46	277.61	6.2	6	9999.00	212214.66
121323.90	17396.25	0.99						
33	356.52	8.79	377.70	276.77	1.2	6	9999.00	132743.20
77398.30	17537.02	1.00						
34	365.31	9.45	374.67	276.58	1.2	6	9999.00	139020.70
83162.01	17334.92	1.00						
35	374.76	9.45	371.52	276.38	1.2	6	9999.00	134847.36
83168.18	17078.42	1.00						
36	384.21	13.82	367.65	276.74	-3.8	6	9999.00	188451.38
121363.74	16904.98	1.01						
37	398.03	13.82	363.06	277.65	-3.8	6	9999.00	177024.77
120334.73	16343.00	1.01						
38	411.85	13.69	358.48	279.16	-8.8	6	9999.00	162827.86

118787.91	15920.49	1.04						
39	425.53	13.69	353.92	281.28	-8.8	6	9999.00	149137.84
116724.42	15173.71	1.04						
40	439.22	4.95	350.82	282.94	-13.8	6	9999.00	50398.52
42366.13	14857.53	1.07						
41	444.17	10.72	348.88	284.86	-13.8	6	9999.00	102935.47
90326.05	14376.42	1.07						
42	454.89	10.72	346.63	287.49	-13.8	6	9999.00	95098.80
88367.82	13756.11	1.07						
43	465.61	12.40	344.60	290.86	-18.6	6	9999.00	99939.16
101787.80	13254.29	1.11						
44	478.01	12.40	342.77	295.08	-18.8	6	9999.00	88696.21
98261.19	12427.78	1.11						
45	490.41	1.93	341.68	297.51	-18.8	6	9999.00	12815.69
15001.49	11941.93	1.11						
46	492.34	3.58	341.19	298.63	-23.8	6	9999.00	22823.85
28397.11	11949.66	1.17						
47	495.92	6.97	340.43	300.95	-23.8	6	9999.00	41278.66
54204.38	11510.12	1.17						
48	502.89	14.80	339.74	305.75	-23.8	6	9999.00	75479.93
108662.41	10596.74	1.17						
49	517.69	5.14	339.39	310.42	-28.8	6	9999.00	22326.71
37097.86	9972.35	1.24						
50	522.83	9.57	339.11	314.45	-28.8	6	9999.00	35403.34
65594.69	9238.21	1.24						
51	532.40	9.57	338.77	319.71	-28.8	6	9999.00	27368.96
61006.87	8284.65	1.24						
52	541.97	6.10	338.49	324.37	-33.8	6	9999.00	12912.23
38287.74	7685.52	1.33						
53	548.07	4.01	338.29	327.75	-33.8	6	9999.00	6340.75
23929.46	7078.43	1.33						
54	552.08	12.92	337.96	333.41	-33.8	6	9999.00	8828.93
70344.29	6062.02	1.33						

DATA: Analysis 4
Berm Area: Cut #2 - 8/25/03

Material and Water Properties

Number of defined material types: 7

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	1000.00	0.0	20	120.00	1.10	Brn sandy, silty, CLAY
5	1000.00	0.0	20	120.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock
7	1000.00	0.0	25	110.00	1.10	Reworked fill

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY
0.00 397.00 15.00 396.00 33.00 394.00

50.00 392.00 66.00 390.00
70.00 388.00 97.00 386.00 148.00 384.00
194.00 384.00 216.00 378.00
220.00 378.00 232.00 379.00 245.00 378.00
250.00 376.00 272.00 376.00
286.00 384.00 291.00 386.00 295.00 388.00
301.00 390.00 315.00 394.00
345.00 400.00 382.00 402.00 430.00 402.00
445.00 400.00 466.00 396.00
474.00 394.00 489.00 390.00 495.00 388.00
501.00 386.00 525.00 378.00
545.00 370.00 551.00 368.00 555.00 366.00
571.00 358.00 578.00 356.00
583.00 354.00 590.00 352.00 595.00 350.00
629.00 338.00 646.00 336.00
657.00 330.00 664.00 328.00 669.00 326.00
677.00 324.00 691.00 322.00
712.00 320.00 723.00 318.00 737.00 310.00

Profile number 2 co-ordinates: (5 points) Material type: 5 - Dk gry till
0.00 382.50 148.00 369.50 325.00 372.00
619.00 327.00 737.00 295.00

Profile number 3 co-ordinates: (5 points) Material type: 6 - Bedrock
0.00 362.00 148.00 349.00 325.00 367.00
619.00 321.00 737.00 289.00

Profile number 4 co-ordinates: (2 points) Material type: 7 - Reworked fill
0.00 450.00 737.00 450.00

Slope Surface

Slope surface co-ordinates: (47 points)
0.00 430.00 386.36 430.00 487.55 386.00
519.57 386.00 523.78 384.60
525.57 384.00 529.57 382.00 533.58 380.00
537.58 378.00 541.58 376.00
545.59 374.00 549.59 372.00 553.59 370.00
557.60 368.00 561.60 366.00
565.60 364.00 569.60 362.00 573.61 360.00
577.61 358.00 580.80 356.00
586.26 354.00 594.44 352.00 597.84 350.00
605.75 348.00 611.99 346.00
616.89 344.00 621.67 342.00 626.79 340.00
631.38 338.00 647.40 336.00
650.99 334.00 654.48 332.00 658.51 330.00
665.05 328.00 672.68 326.00
678.70 324.00 692.76 322.00 713.68 320.00
715.79 320.00 723.94 318.00
727.98 316.00 731.73 314.00 735.34 312.00
736.76 310.81 737.65 310.00
738.70 309.95 743.86 309.76

Phreatic Surface

Phreatic surface co-ordinates: (3 points)
0.00 425.00 500.00 415.00 694.00 385.00

Pseudo-Static Earthquake Effect

Specified earthquake (or seismic) coefficient: 0.150

Failure Surface

Failure surface is the critical surface from the previous analysis (critical seed)
Circular failure surface with specified circle data: XL,XR,R
Circle centre: XC: 366.08 YC: 612.13 Circle radius: R: 317.79
Intersections: XL: 105.66 YL: 430.00 XR: 565.00 YR: 364.30

Generated failure surface co-ordinates: (20 points)

105.66	428.67	121.09	405.67	138.45	384.10
157.64	364.12	178.49	345.88		
200.84	329.53	224.54	315.19	249.39	302.97
275.22	292.96	301.82	285.24		
328.99	279.86	356.52	276.86	384.21	276.28
411.85	278.11	439.22	282.34		
466.12	288.93	492.34	297.84	517.69	309.01
541.97	322.33	565.00	337.72		

RESULTS: Analysis 4
Berm Area: Cut #2 - 8/25/03

Bishop Simplified Method of Analysis - Circular Failure Surface

Factor of Safety: 6.01

Slice Geometry and Properties (51 slices)

Slice	X-Left	Width	Y-Top	Y-Base	Base Angle	Base Mat'l	Base Cohesion	Total Weight	PoreWater Force	Normal Stress	Test Factor
1	105.66	3.93	430.00	425.74	56.2	7	1000.00	1842.72	0.00	220.41	1.80
2	109.59	11.49	430.00	414.24	56.2	7	1000.00	19922.48	10885.05	1485.65	1.80
3	121.09	8.57	430.00	400.35	51.2	7	1000.00	27949.75	18881.20	3055.09	1.59
4	129.65	8.57	430.00	389.71	51.2	7	1000.00	37982.31	27810.23	4225.86	1.59
5	138.22	14.19	430.00	376.95	46.3	4	1000.00	83792.27	57791.61	5733.32	1.45
6	152.41	5.23	430.00	366.84	46.2	5	1000.00	37220.34	25936.28	6946.03	1.44
7	157.64	14.48	430.00	357.78	41.2	5	1000.00	118826.48	76727.21	8060.38	1.33
8	172.12	6.37	430.00	348.67	41.2	6	9999.00	59816.28	38444.56	7507.67	1.16
9	178.49	11.18	430.00	341.80	36.2	6	9999.00	116824.47	68719.49	8771.31	1.10
10	189.66	11.18	430.00	333.62	36.2	6	9999.00	130874.25	75590.39	9945.64	1.10
11	200.84	11.85	430.00	325.95	31.2	6	9999.00	152388.47	82020.73	11313.09	1.06
12	212.69	11.85	430.00	318.78	31.2	6	9999.00	165260.81	88011.98	12339.76	1.06
13	224.54	12.43	430.00	312.14	26.2	6	9999.00	186292.89	93541.10	13611.96	1.03
14	236.97	12.43	430.00	306.03	26.2	6	9999.00	198061.28	98607.17	14515.02	1.03
15	249.39	12.91	430.00	300.47	21.2	6	9999.00	216777.56			

	103191.22	15617.37	1.01					
16	262.31	12.91	430.00	295.46	21.2	6	9999.00	226981.05
	107293.52	16377.72	1.01					
17	275.22	13.30	430.00	291.03	16.2	6	9999.00	243910.02
	110899.66	17403.54	0.99					
18	288.52	13.30	430.00	287.17	16.2	6	9999.00	253008.02
	114007.54	18066.47	0.99					
19	301.82	13.58	430.00	283.89	11.2	6	9999.00	266236.56
	116605.73	18922.96	0.99					
20	315.40	13.58	430.00	281.20	11.2	6	9999.00	272723.81
	118695.09	19390.12	0.99					
21	328.99	13.77	430.00	279.11	6.2	6	9999.00	280506.44
	120268.47	19989.35	0.99					
22	342.75	13.77	430.00	277.61	6.2	6	9999.00	282993.66
	121323.90	20168.16	0.99					
23	356.52	13.85	430.00	276.72	1.2	6	9999.00	285660.28
	121857.74	20555.67	1.00					
24	370.37	13.85	430.00	276.42	1.2	6	9999.00	285470.53
	121870.73	20542.07	1.00					
25	384.21	2.15	430.00	276.35	-3.8	6	9999.00	44254.54
	18940.28	20837.23	1.01					
26	386.36	12.74	427.23	276.84	-3.8	6	9999.00	257186.27
	111816.59	20419.46	1.01					
27	399.10	12.74	421.69	277.69	-3.8	6	9999.00	247044.28
	110941.63	19615.50	1.01					
28	411.85	5.19	417.79	278.51	-8.8	6	9999.00	97577.52
	45313.85	19322.42	1.04					
29	417.04	11.09	414.25	279.77	-8.8	6	9999.00	201550.11
	95776.61	18839.54	1.04					
30	428.13	11.09	409.43	281.48	-8.8	6	9999.00	192186.56
	94421.85	18270.76	1.04					
31	439.22	12.10	404.38	283.82	-13.8	6	9999.00	197914.89
	102845.85	17885.63	1.07					
32	451.32	12.10	399.12	286.79	-13.8	6	9999.00	184557.25
	100350.43	17070.04	1.07					
33	463.42	2.70	395.90	288.60	-13.8	6	9999.00	39303.96
	22025.55	16567.93	1.07					
34	466.12	10.71	392.99	290.75	-18.8	6	9999.00	148593.70
	88141.12	16325.22	1.12					
35	476.84	10.71	388.33	294.39	-18.8	6	9999.00	136211.58
	85418.31	15408.74	1.12					
36	487.55	4.79	386.00	297.03	-18.8	6	9999.00	57542.28
	37341.50	14809.09	1.12					
37	492.34	8.66	386.00	299.75	-23.8	6	9999.00	100071.88
	68053.92	14654.13	1.18					
38	501.00	8.35	386.00	303.49	-23.8	6	9999.00	91363.90
	63001.14	13954.54	1.18					
39	509.35	8.35	386.00	307.17	-23.8	6	9999.00	86203.16
	60175.11	13224.96	1.18					
40	517.69	1.88	386.00	309.52	-28.8	6	9999.00	18647.77
	13708.98	13087.10	1.26					
41	519.57	4.21	385.30	311.19	-28.8	6	9999.00	40341.02
	30104.56	12728.86	1.26					
42	523.78	5.79	383.45	313.94	-28.8	6	9999.00	51678.00
	39952.52	12102.33	1.26					
43	529.57	4.01	381.00	316.63	-28.8	6	9999.00	32922.91
	26686.29	11452.89	1.26					
44	533.58	4.00	379.00	318.82	-28.8	6	9999.00	30502.41
	25817.40	10922.05	1.26					
45	537.58	4.00	377.00	321.02	-28.8	6	9999.00	28165.96
	25016.14	10391.76	1.26					
46	541.58	4.01	375.00	323.41	-33.3	6	9999.00	25776.53
	25399.78	10122.83	1.34					

47	545.59	4.00	373.00	326.09	-33.8	6	9999.00	23093.69
24483.66	9541.45	1.35						
48	549.59	4.00	371.00	328.76	-33.8	6	9999.00	20477.21
23495.42	8928.22	1.35						
49	553.59	4.01	369.00	331.44	-33.8	5	1000.00	17942.47
22561.77	6919.59	1.20						
50	557.60	4.00	367.00	334.11	-33.8	5	1000.00	15652.97
21516.30	6444.50	1.20						
51	561.60	3.40	365.15	336.59	-33.8	4	1000.00	11541.92
17512.78	6005.47	1.20						

DATA: Analysis 5
Berm Area: Cut #3 - 8/26/03

Material and Water Properties

Number of defined material types: 7

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	1000.00	0.0	20	120.00	1.10	Brn sandy, silty, CLAY
5	1000.00	0.0	20	120.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock
7	1000.00	0.0	25	110.00	1.10	Reworked Fill

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY

0.00	417.00	6.00	416.00	59.00	414.00
108.00	412.00	143.00	412.00		
150.00	414.00	165.00	414.00	169.00	412.00
173.00	410.00	181.00	408.00		
240.00	406.00	280.00	404.00	318.00	402.00
338.00	403.00	359.00	402.00		
398.00	400.00	425.00	398.00	451.00	396.00
461.00	394.00	474.00	392.00		
500.00	386.00	518.00	380.00	525.00	378.00
531.00	376.00	536.00	374.00		
562.00	366.00	567.00	364.00	571.00	362.00
578.00	360.00	584.00	358.00		
590.00	356.00	597.00	354.00	603.00	352.00
612.00	350.00	619.00	348.00		
626.00	346.00	635.00	344.00	645.00	342.00
653.00	340.00	683.00	334.00		
696.00	332.00	703.00	330.00	711.00	326.00
714.00	324.00	718.00	322.00		
732.00	320.00	744.00	312.00	748.00	310.00

Profile number 2 co-ordinates: (5 points) Material type: 5 - Dk gry till

0.00	402.50	143.00	397.50	338.00	379.00
673.00	321.00	748.00	295.00		

```
Profile number  3 co-ordinates: ( 5 points)     Material type:  6 - Bedrock
      0.00    382.00          143.00    377.00          338.00    374.00
673.00    315.00          748.00    289.00

Profile number  4 co-ordinates: ( 2 points)     Material type:  7 - Reworked Fill
      0.00    450.00          748.00    450.00

Slope Surface
-------------
Slope surface co-ordinates: ( 2 points)
      0.00    450.00          748.00    325.00

Phreatic Surface
----------------
Phreatic surface co-ordinates: ( 3 points)
      0.00    425.00          500.00    415.00          694.00    385.00

Pseudo-Static Earthquake Effect
-------------------------------
Specified earthquake (or seismic) coefficient: 0.150

Failure Surface
---------------
Circular failure surface with specified circle data: XL,XR,R
Circle centre:  XC:      521.04   YC:      799.90      Circle radius:  R:      500.00
Intersections:  XL:      200.00   YL:      416.58    XR:      700.00   YR:      333.02

Generated failure surface co-ordinates: (20 points)
    200.00    416.58          221.94    399.22          244.82    383.12
268.56    368.32          293.10    354.88
    318.34    342.82          344.23    332.20          370.66    323.05
397.57    315.38          424.86    309.23
    452.46    304.62          480.26    301.56          508.20    300.06
536.18    300.13          564.11    301.76
    591.90    304.94          619.47    309.68          646.74    315.95
673.61    323.74          700.00    333.02

------------------------------------------------------------------------------
-----------------------------------------

RESULTS: Analysis  5
Berm Area: Cut #3 - 8/26/03

Bishop Simplified Method of Analysis - Circular Failure Surface
---------------------------------------------------------------

Factor of Safety:  6.10
-----------------------

Slice Geometry and Properties (42 slices)
-----------------------------
Slice    X-Left     Width      Y-Top     Y-Base     Base    Base      Base       Total
   PoreWater     Normal    Test
                                                    Angle   Mat'l  Cohesion    Weight
     Force       Stress   Factor
  1      200.00     12.18     415.56     411.76     38.3      7     1000.00     5090.70
    8835.91      620.14    1.28
  2      212.18      9.76     413.73     403.08     38.3      4     1000.00    11790.58
   13651.12     1510.72    1.28
  3      221.94     15.13     411.65     393.90     35.1      4     1000.00    31416.11
   30600.09     2508.32    1.22
  4      237.07      7.75     409.74     385.85     35.1      5     1000.00    21928.17
   20308.95     3365.13    1.22
```

5	244.82	12.65	408.03	379.18	31.9	5	1000.00	43454.05
37932.81	4079.58	1.18						
6	257.47	11.10	406.05	371.78	31.9	6	9999.00	46622.16
39132.04	3937.42	1.07						
7	268.56	4.68	404.73	367.04	28.7	6	9999.00	22265.81
17489.93	4663.52	1.05						
8	273.24	9.93	403.51	363.04	28.7	6	9999.00	51751.86
39840.82	5160.78	1.05						
9	283.17	9.93	401.85	357.60	28.7	6	9999.00	57832.27
43544.15	5833.35	1.05						
10	293.10	12.62	399.96	351.86	25.5	6	9999.00	81472.63
58610.79	6666.17	1.03						
11	305.72	12.62	397.86	345.84	25.5	6	9999.00	89614.35
63650.46	7397.94	1.03						
12	318.34	12.94	395.72	340.17	22.3	6	9999.00	99477.34
68375.72	8212.34	1.01						
13	331.29	12.94	393.56	334.86	22.3	6	9999.00	106350.74
72785.48	8841.17	1.01						
14	344.23	13.22	391.37	329.91	19.1	6	9999.00	114062.73
76872.37	9495.19	1.00						
15	357.44	13.22	389.16	325.34	19.1	6	9999.00	118714.52
80638.27	9957.48	1.00						
16	370.66	13.45	386.93	321.13	15.9	6	9999.00	124770.35
84076.91	10502.05	0.99						
17	384.12	13.45	384.69	317.30	15.9	6	9999.00	127918.05
87187.02	10853.50	0.99						
18	397.57	13.65	382.42	313.85	12.7	6	9999.00	132137.31
89963.59	11286.71	0.99						
19	411.21	13.65	380.14	310.77	12.7	6	9999.00	133711.14
92408.49	11524.94	0.99						
20	424.86	13.80	377.85	308.08	9.5	6	9999.00	135956.59
94517.20	11844.22	0.99						
21	438.66	13.80	375.54	305.78	9.5	6	9999.00	135905.41
96289.07	11967.25	0.99						
22	452.46	13.90	373.23	303.86	6.3	6	9999.00	136082.69
97720.61	12170.42	0.99						
23	466.36	13.90	370.90	302.33	6.3	6	9999.00	134375.66
98813.41	12176.60	0.99						
24	480.26	13.97	368.57	301.19	3.1	6	9999.00	132449.81
99565.56	12261.81	0.99						
25	494.23	13.97	366.24	300.44	3.1	6	9999.00	129078.73
99833.97	12139.70	0.99						
26	508.20	13.99	363.90	300.08	-0.1	6	9999.00	125064.51
98261.31	11988.01	1.00						
27	522.19	13.99	361.57	300.11	-0.1	6	9999.00	120038.82
96344.88	11639.56	1.00						
28	536.18	13.96	359.23	300.53	-3.3	6	9999.00	114002.89
94088.12	11367.27	1.01						
29	550.14	13.96	356.90	301.35	-3.3	6	9999.00	107355.70
91492.26	10899.42	1.01						
30	564.11	13.90	354.57	302.55	-6.5	6	9999.00	99422.53
88561.23	10505.95	1.03						
31	578.00	13.90	352.25	304.15	-6.5	6	9999.00	91205.95
85294.15	9918.84	1.03						
32	591.90	13.79	349.93	306.13	-9.8	6	9999.00	81544.04
81695.14	9403.82	1.04						
33	605.69	13.79	347.63	308.50	-9.8	6	9999.00	71829.85
77766.77	8697.92	1.04						
34	619.47	9.53	345.68	310.78	-13.0	6	9999.00	43587.85
51885.22	8185.13	1.07						
35	629.00	9.53	344.09	312.97	-13.0	6	9999.00	38149.79
49646.98	7608.95	1.07						
36	638.54	8.20	342.61	315.01	-13.0	6	9999.00	28456.20

40917.71	7071.66	1.07						
37	646.74	7.88	341.26	317.10	-16.2	6	9999.00	23226.39
38182.03	6666.20	1.09						
38	654.61	12.84	339.53	320.10	-16.2	5	1000.00	29800.61
58398.40	5523.43	1.04						
39	667.46	6.15	337.95	322.85	-16.2	4	1000.00	11053.20
26288.11	5006.98	1.04						
40	673.61	11.50	336.47	325.76	-19.4	4	1000.00	14573.56
46773.90	4494.59	1.06						
41	685.11	11.50	334.55	329.81	-19.4	4	1000.00	6342.82
42347.18	3787.72	1.06						
42	696.60	3.40	333.31	332.42	-19.4	7	1000.00	329.01
0.00	154.50	1.06						

DATA: Analysis 6
Landfill Area: Cut #1 - 8/26/03

Material and Water Properties

Number of defined material types: 6

Type	Cohesion	Phi	PI	Gamma	Ru	Description
1	1000.00	0.0	20	120.00	1.10	Brn fm SAND and SILT
2	1000.00	0.0	20	120.00	1.10	Brn fm SAND and CLAY
3	1000.00	0.0	20	120.00	1.10	Brn sandy SILT
4	1000.00	0.0	20	120.00	1.10	Brn sandy, silty, CLAY
5	1000.00	0.0	20	120.00	1.10	Dk gry till
6	9999.00	45.0	0	150.00	1.10	Bedrock

Unit weight of water: 62.40 Unit weight of water/medium above ground: 62.40

Material Profiles

Number of material profiles: 4

Profile number 1 co-ordinates: (48 points) Material type: 4 - Brn sandy, silty, CLAY

0.00	432.00	48.45	430.00	75.10	429.33
129.37	428.00	130.34	428.00		
146.79	428.00	183.90	427.68	200.86	427.47
202.03	427.42	203.85	427.41		
243.26	426.00	247.29	426.00	256.73	426.00
257.57	425.89	272.01	424.00		
277.45	423.87	345.51	422.00	346.77	422.00
438.95	422.00	445.92	421.58		
448.24	421.52	479.36	420.00	483.70	420.00
507.26	420.00	514.91	419.53		
534.41	418.00	537.95	418.00	542.20	418.00
569.95	416.00	587.69	414.00		
599.72	412.00	614.45	410.00	614.50	410.00
627.10	408.00	630.51	407.40		
638.24	406.00	641.96	405.29	649.05	404.00
657.27	402.19	658.11	402.00		
665.93	400.00	677.74	396.80	680.86	396.00
687.06	394.09	687.34	394.00		
691.62	392.61	693.48	392.00	695.75	391.32

Profile number 2 co-ordinates: (4 points) Material type: 5 - Dk gry till

0.00	418.00	384.00	408.00	581.00	399.00

695.75 368.32

Profile number 3 co-ordinates: (4 points) Material type: 6 - Bedrock
0.00 400.50 384.00 375.00 581.00 372.50
695.75 298.32

Profile number 4 co-ordinates: (2 points) Material type: 3 - Brn sandy SILT
0.00 450.00 748.00 450.00

Slope Surface

Slope surface co-ordinates: (38 points)
0.00 432.00 48.28 430.01 48.45 430.00
75.10 429.33 125.93 428.24
129.37 428.00 130.34 428.00 146.79 428.00
183.90 427.68 184.60 427.67
186.53 427.64 187.53 427.65 188.52 427.63
189.81 427.63 191.12 427.61
192.47 427.60 193.81 427.58 195.41 427.55
196.43 427.54 198.26 427.49
199.04 427.48 199.79 427.48 200.86 427.47
202.03 427.42 212.49 427.10
242.71 417.04 444.17 350.00 465.61 345.51
490.41 341.85 495.92 340.87
502.89 340.00 522.83 339.30 524.59 339.22
548.07 338.38 552.08 338.20
572.70 337.44 693.40 338.98 695.75 339.49

Phreatic Surface

Phreatic surface co-ordinates: (3 points)
0.00 425.00 500.00 415.00 694.00 385.00

Pseudo-Static Earthquake Effect

Specified earthquake (or seismic) coefficient: 0.150

Failure Surface

Circular failure surface with specified circle data: XL,XR,R
Circle centre: XC: 409.93 YC: 777.02 Circle radius: R: 500.00
Intersections: XL: 50.00 YL: 429.96 XR: 650.00 YR: 338.43

Generated failure surface co-ordinates: (20 points)
50.00 429.96 74.66 406.09 100.89 383.96
128.58 363.69 157.60 345.36
187.81 329.07 219.06 314.89 251.21 302.88
284.11 293.11 317.60 285.62
351.53 280.44 385.73 277.61 420.05 277.12
454.32 279.00 488.38 283.21
522.07 289.76 555.23 298.60 587.71 309.69
619.35 322.99 650.00 338.43

RESULTS: Analysis 6
Landfill Area: Cut #1 - 8/26/03

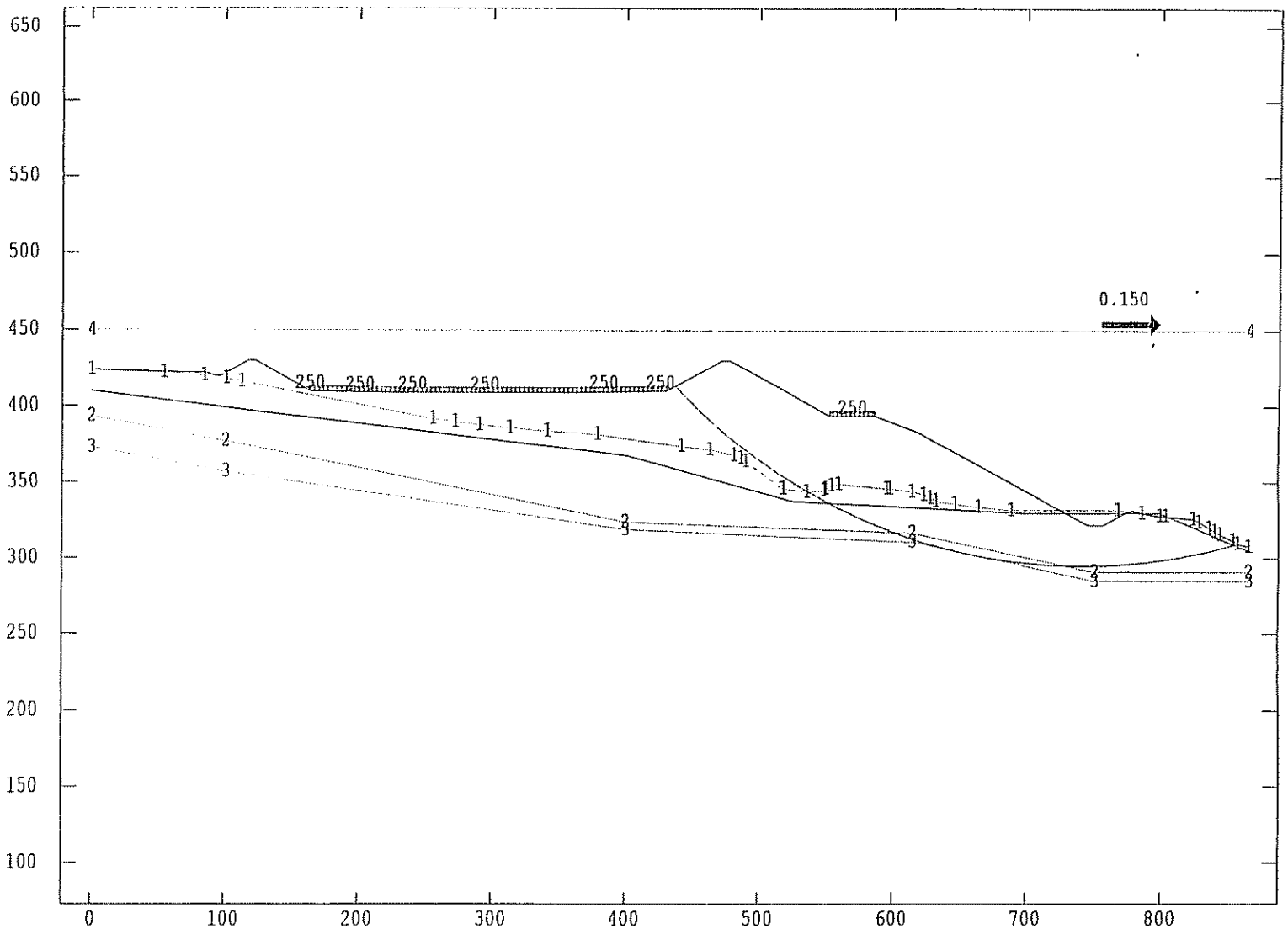
Bishop Simplified Method of Analysis - Circular Failure Surface
---

Factor of Safety: 6.15

Slice Geometry and Properties (56 slices)

Slice	X-Left	Width	Y-Top	Y-Base	Base	Base	Base	Total
	PoreWater Force	Normal Stress	Test Factor		Angle	Mat'l	Cohesion	Weight
1	50.00	6.29	429.88	426.92	44.1	4	1000.00	2236.20
	0.00	198.27	1.39					
2	56.29	7.79	429.71	420.10	44.1	4	1000.00	8976.45
	2499.20	994.81	1.39					
3	64.08	10.58	429.47	411.21	44.1	5	1000.00	23188.09
	11397.58	2034.31	1.39					
4	74.66	13.57	429.19	400.36	40.1	5	1000.00	46955.83
	25489.71	3322.42	1.31					
5	88.23	12.66	428.91	389.30	40.1	6	9999.00	62060.16
	34944.90	3358.35	1.15					
6	100.89	12.52	428.64	379.38	36.2	6	9999.00	79268.32
	42094.14	4882.98	1.11					
7	113.41	12.52	428.37	370.21	36.2	6	9999.00	95764.16
	50725.65	6119.63	1.11					
8	125.93	2.65	428.15	364.66	36.2	6	9999.00	22397.62
	11860.99	6862.17	1.11					
9	128.58	18.21	428.00	357.94	32.3	6	9999.00	171320.03
	86409.18	7975.91	1.07					
10	146.79	10.81	427.95	348.78	32.3	6	9999.00	116214.71
	58388.71	9242.63	1.07					
11	157.60	13.15	427.85	341.82	28.3	6	9999.00	154608.75
	74490.99	10405.23	1.04					
12	170.75	13.15	427.74	334.72	28.3	6	9999.00	168075.23
	80858.18	11381.12	1.04					
13	183.90	2.63	427.66	330.47	28.3	6	9999.00	35229.59
	16936.24	11965.76	1.04					
14	186.53	3.28	427.64	328.90	26.0	6	9999.00	44676.76
	21020.74	12310.13	1.03					
15	189.81	2.66	427.61	327.56	24.4	6	9999.00	36745.16
	17064.77	12578.89	1.02					
16	192.47	2.94	427.58	326.29	24.4	6	9999.00	41145.60
	19105.71	12752.81	1.02					
17	195.41	2.85	427.53	324.97	24.4	6	9999.00	40414.45
	18766.06	12930.90	1.02					
18	198.26	2.60	427.48	323.74	24.4	6	9999.00	37296.19
	17318.46	13098.12	1.02					
19	200.86	11.63	427.28	320.51	24.4	6	9999.00	172157.69
	79992.91	13526.61	1.02					
20	212.49	6.57	426.01	316.38	24.4	6	9999.00	100182.19
	46956.90	13961.46	1.02					
21	219.06	13.72	422.63	312.32	20.5	6	9999.00	211788.84
	98871.27	14362.28	1.01					
22	232.78	9.93	418.69	307.91	20.5	6	9999.00	154828.19
	74271.70	14625.41	1.01					
23	242.71	8.50	415.63	304.47	20.5	6	9999.00	133706.88
	65454.67	14928.84	1.01					
24	251.21	8.98	412.72	301.55	16.5	6	9999.00	141803.64
	69136.62	15377.70	1.00					
25	260.19	11.96	409.23	298.44	16.5	6	9999.00	189324.91
	94403.44	15607.15	1.00					
26	272.15	11.96	405.25	294.89	16.5	6	9999.00	189699.67
	96983.25	15869.31	1.00					
27	284.11	16.75	400.48	291.24	12.6	6	9999.00	264655.06
	136966.92	16302.70	0.99					
28	300.86	16.75	394.90	287.49	12.6	6	9999.00	262306.03

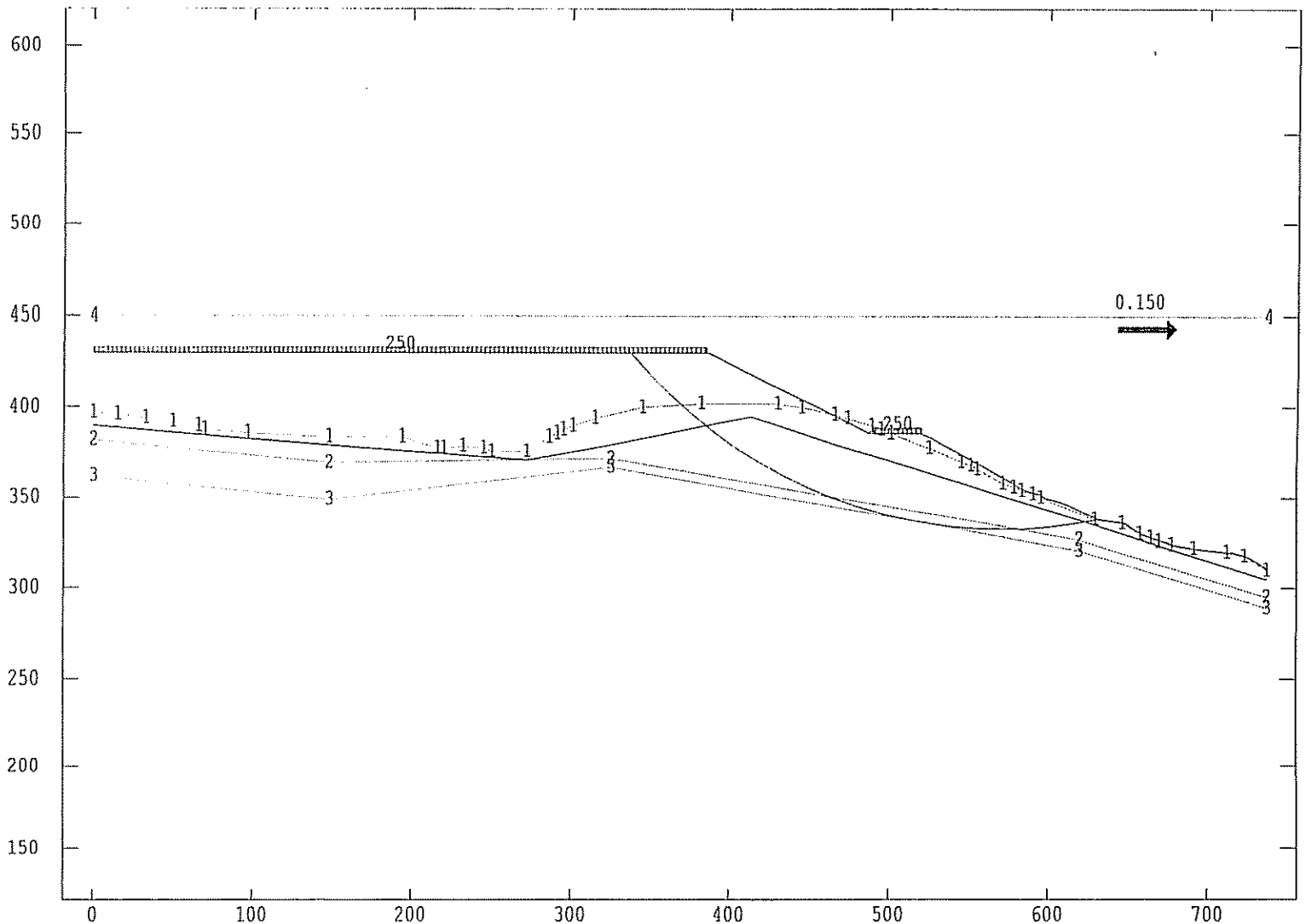
	140618.70	16490.22	0.99						
29	317.60	16.96	389.30	284.33	8.7	6	9999.00	261782.33	
	143647.92	16795.91	0.99						
30	334.57	16.96	383.65	281.74	8.7	6	9999.00	256302.20	
	146055.44	16807.16	0.99						
31	351.53	13.78	378.53	279.87	4.7	6	9999.00	203227.83	
	119065.10	16949.08	0.99						
32	365.31	10.21	374.54	278.88	4.7	6	9999.00	146504.28	
	88674.97	16791.44	0.99						
33	375.52	10.21	371.14	278.03	4.7	6	9999.00	142597.89	
	89085.66	16611.05	0.99						
34	385.73	17.16	366.59	277.49	0.8	6	9999.00	229330.88	
	149509.67	16477.60	1.00						
35	402.89	17.16	360.88	277.24	0.8	6	9999.00	215257.50	
	149401.00	15993.35	1.00						
36	420.05	12.06	356.02	277.45	-3.1	6	9999.00	142126.84	
	104778.58	15708.87	1.01						
37	432.11	12.06	352.01	278.11	-3.1	6	9999.00	133675.19	
	104100.29	15239.77	1.01						
38	444.17	10.15	348.94	278.72	-3.1	6	9999.00	106895.99	
	87078.13	14863.18	1.01						
39	454.32	11.29	346.69	279.70	-7.1	6	9999.00	113470.41	
	96627.59	14688.09	1.03						
40	465.61	11.38	344.67	281.10	-7.1	6	9999.00	108556.55	
	96258.48	14279.98	1.03						
41	476.99	11.38	342.99	282.51	-7.1	6	9999.00	103279.80	
	95086.30	13901.54	1.03						
42	488.38	7.54	341.54	283.95	-11.0	6	9999.00	65149.71	
	62898.73	13723.51	1.05						
43	495.92	6.97	340.43	285.36	-11.0	6	9999.00	57584.67	
	57445.03	13398.98	1.05						
44	502.89	19.18	339.66	287.90	-11.0	6	9999.00	148923.73	
	152602.59	12819.77	1.05						
45	522.07	2.52	339.28	290.10	-14.9	6	9999.00	18600.40	
	19750.06	12525.66	1.08						
46	524.59	11.74	339.01	292.00	-14.9	6	9999.00	82791.17	
	89685.43	12139.69	1.08						
47	536.33	11.74	338.59	295.13	-14.9	6	9999.00	76540.02	
	85936.16	11506.05	1.08						
48	548.07	4.01	338.29	297.23	-14.9	6	9999.00	24700.42	
	28494.06	11079.35	1.08						
49	552.08	3.15	338.14	298.18	-14.9	6	9999.00	18885.52	
	22080.27	10884.28	1.08						
50	555.23	17.47	337.76	301.58	-18.9	6	9999.00	94801.89	
	119254.67	10403.73	1.12						
51	572.70	15.01	337.54	307.13	-18.9	6	9999.00	68446.47	
	94476.10	9365.37	1.12						
52	587.71	15.82	337.73	313.02	-22.8	6	9999.00	58644.83	
	93366.47	8498.19	1.16						
53	603.53	15.82	337.93	319.67	-22.8	6	9999.00	43348.17	
	83628.61	7324.57	1.16						
54	619.35	14.68	338.13	326.69	-26.7	6	9999.00	25191.49	
	70469.55	6271.95	1.22						
55	634.02	6.82	338.27	332.10	-26.7	6	9999.00	5848.13	
	29366.12	5253.81	1.22						
56	640.84	9.16	338.37	336.12	-26.7	5	1000.00	2469.55	
	36080.16	3730.16	1.12						



Project: Amsterdam
Berm Area: Cut #1 - 8/21/03
File: SlopeAnalysis.gmf

Analysis: 1

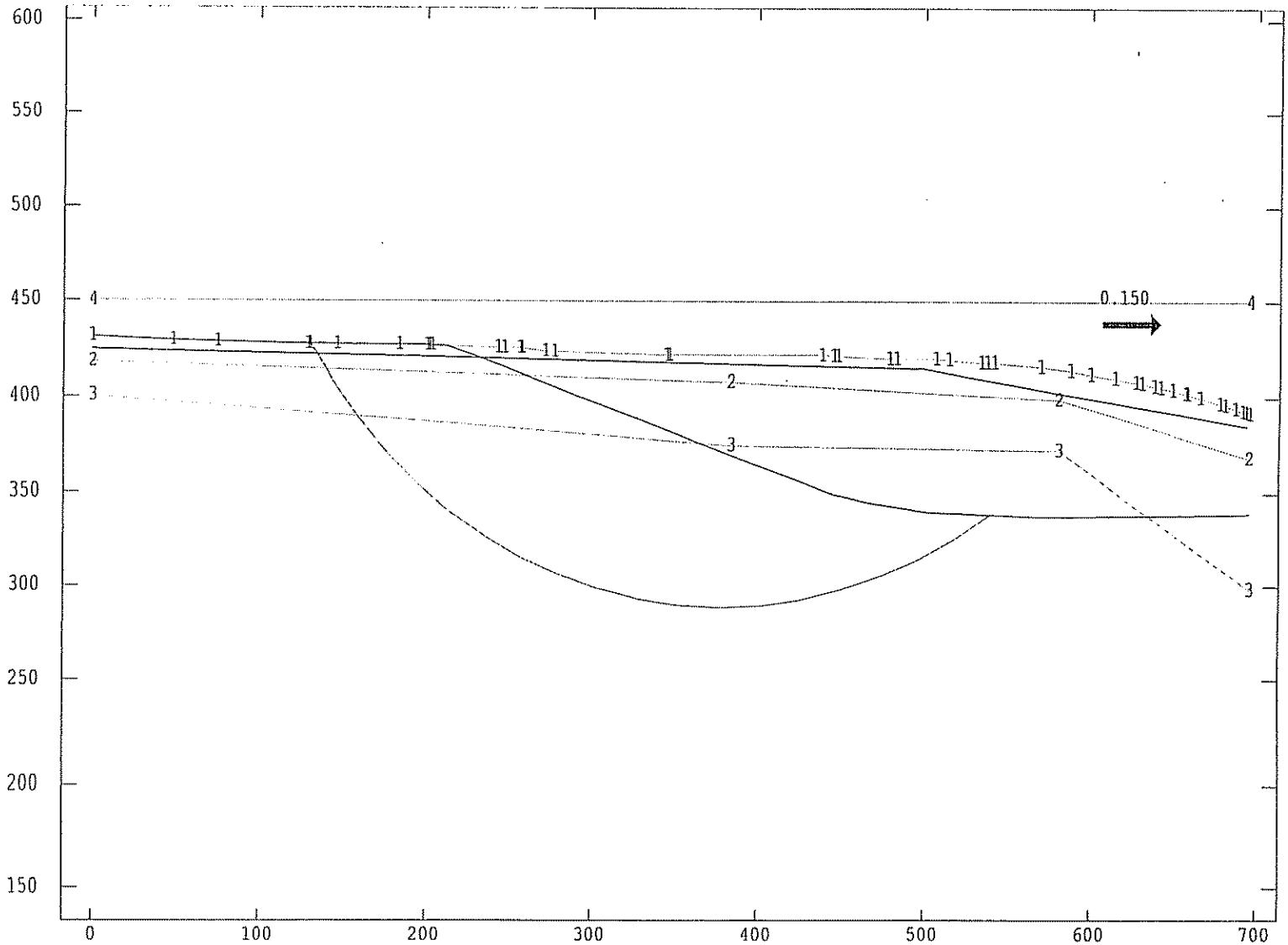
GALENA
EVALUATION Version 3.01



Project: Amsterdam
Landfill Area: Cut #3 - 8/26/03
File: SlopeAnalysis.gmf

Analysis: 2

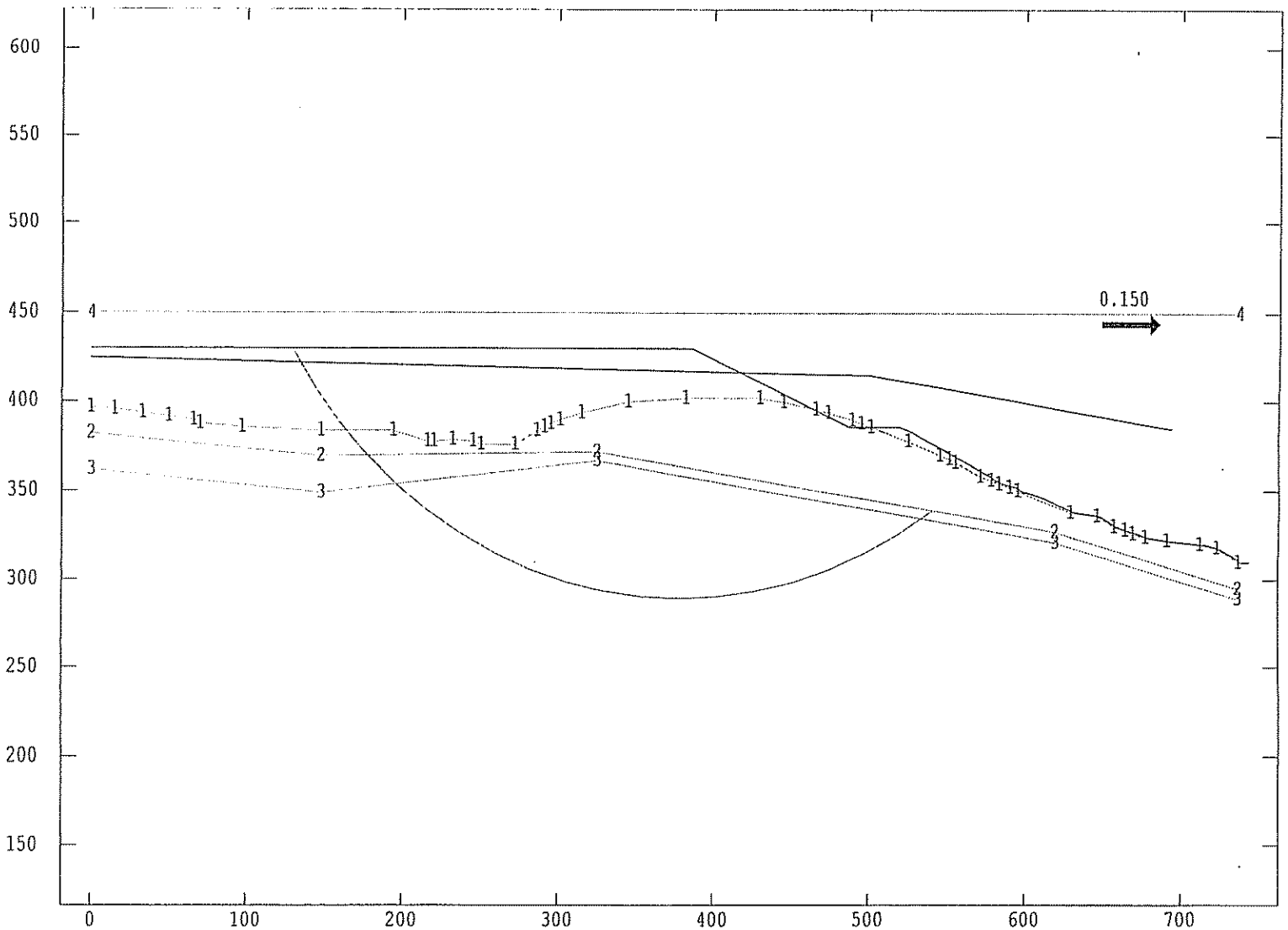
GALENA
EVALUATION Version 3.01



Project: Amsterdam
Landfill Area: Cut #2 - 8/26/03
File: SlopeAnalysis.gmf

Analysis: 3

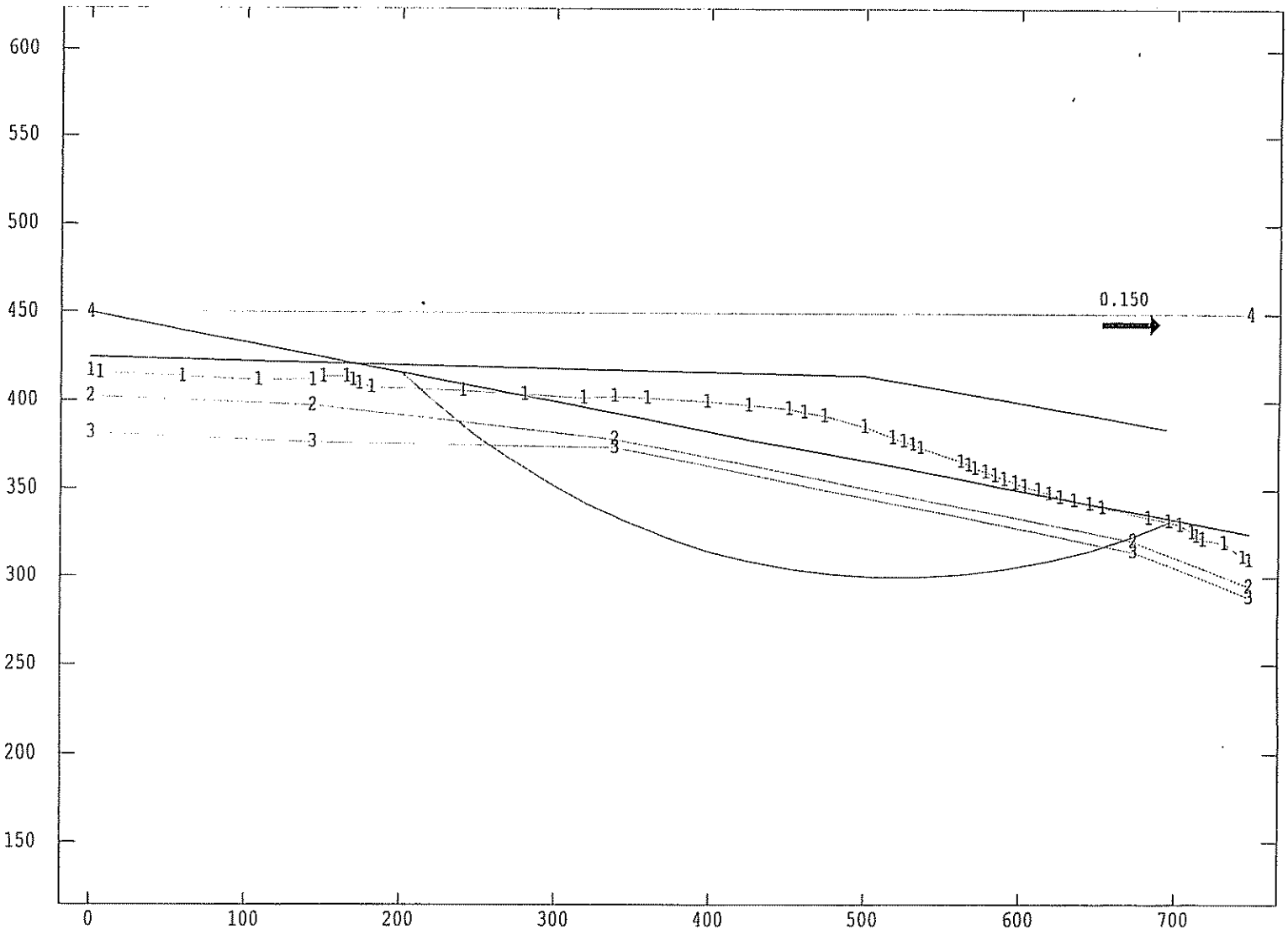
GALENA
EVALUATION Version 3.01



Project: Amsterdam
Berm Area: Cut #2 - 8/25/03
File: SlopeAnalysis.gmf

Analysis: 4

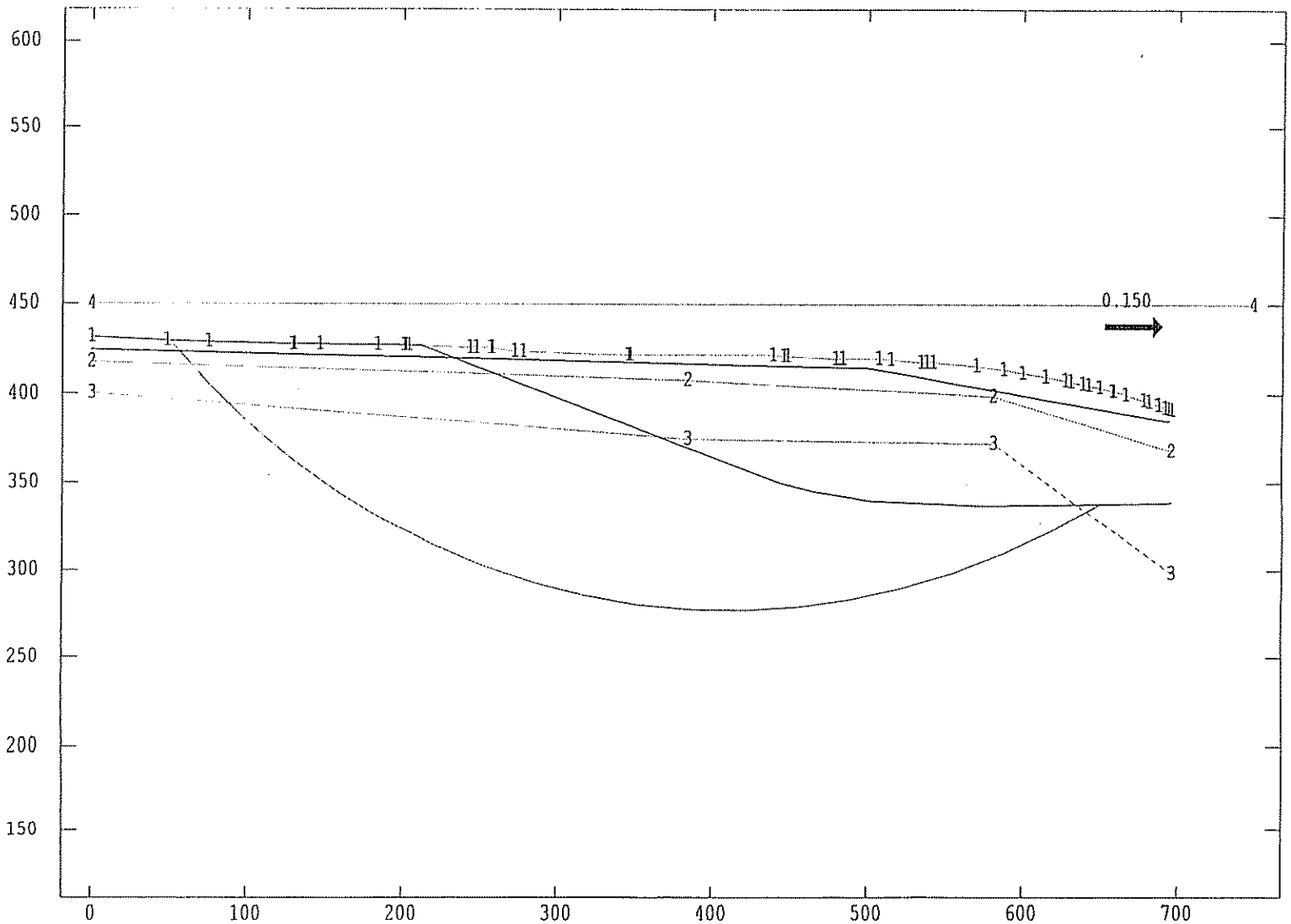
GALENA
EVALUATION Version 3.01



Project: Amsterdam
Berm Area: Cut #3 - 8/26/03
File: SlopeAnalysis.gmf

Analysis: 5

GALENA
EVALUATION Version 3.01



Project: Amsterdam
Landfill Area: Cut #1 - 8/26/03
File: SlopeAnalysis.gmf

Analysis: 6

GALENA
EVALUATION Version 3.01

Erosion Control

3.2.3.2 Erosion and Sediment Control

Erosion and sediment control measures will be implemented to provide site stabilization, slope and drainage way protection. Erosion and sediment control will include best management practices and measures as follows:

Best management vegetative practices, which will include, but are not limited to:

- Creation and maintenance of a buffer zone along the western and southern limits of the landfill cell. Factors such as slope, hydrology and structure will be considered in the design and maintenance of the buffer zone. Vegetation within the buffer zone will be maintained and enhanced, as necessary.

- Disturbed areas will be stabilized using permanent plantings, sod or other vegetative practices and mulched with hay or straw mulch at a rate of 8 tons per acre within 14 days.

Best management structural practices may include but are not limited to:

- Use of silt fences around the perimeter of the construction area. Contour, hydrology and other conditions will be considered during the selection and placement of silt fences. Silt fencing will be monitored and inspected regularly and modified or reinforced as necessary.

- Use of stabilized construction entrances consisting of coarse gravel at all entrances/exits from the construction areas to prevent the tracking of soils out of the construction zone and onto nearby streets.

- Use of rip-rap in areas around the perimeter of the construction site (i.e. on slopes and areas where conditions are not conducive to vegetative growth, within drainage channels etc.)

- Sediment traps will be constructed where necessary to detain sediment-laden runoff and impound stormwater. Sediment will be periodically removed from the trap to maintain the required volume.

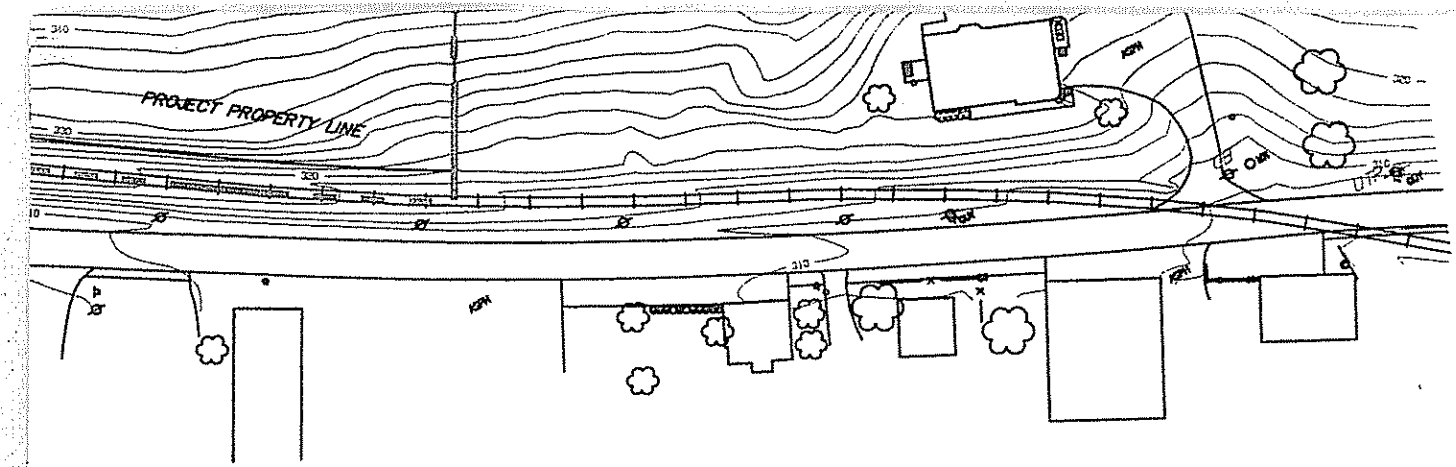
- Temporary erosion and sediment control measures will be monitored regularly and modified as necessary.

A copy of the Erosion Control Plan is included as Figure 3-2.1

Following construction, permanent erosion and sediment control measures will be implemented, managed and maintained consistent with the recommendations in the New York Guidelines for Urban Erosion and Sediment Control, (Empire State Chapter, 1997) including, but not limited to:

- On-going operation, monitoring, and maintenance of the stormwater retention basins;
- Installation, monitoring and maintenance of slope benches and diversion berms as necessary on long slopes, including the landfill liner and cover system.
- Regular cleaning of catch basin sumps;
- Riprap at outfalls will be either cleaned or replaced when overburdened with silt or sediment.
- Drainage areas damaged by erosion will be repaired.
- All silt or sediment accumulations will be cleaned from stormwater quality and management basins.
- All drainage swales will be kept free of debris and the vegetation will be maintained to allow unobstructed flow of stormwater
- Any slopes or embanks which have damaged vegetation will be re-seeded and mulched as necessary.
- All grass swale areas will be mowed regularly to facilitate unobstructed flow of stormwater.

The Storm Water Pollution Prevention Plan (SWPPP) presented in Appendix C has been prepared in response to the US Environmental Protection Agencies (USEPA) and New York State Department of Environmental Conservation (NYSDEC) Phase II Stormwater Regulation, effective March 10, 2003. The general contractor, and all subcontractors involved with construction activity that disturb site soil or who implement



AMSTERDAM MATERIALS RECYCLING

EROSION CONTROL PLAN

City of Amsterdam, Montgomery County, New York

drawn	checked
AJM	
date	scale
1/15/07	AS SHOWN
project no.	
sheet no.	

FIG. 3-2.1

pollutant control measures identified in this Storm Water Pollution Prevention Plan (SWPPP) are responsible for complying with the requirements set forth in the National Discharge Elimination System (NPDES) General Permit, NYSDEC, SPDES Permit GP-02-01 and any local governing agencies having jurisdiction with regards to erosion and sediment control.

The SWPP is subject to review and approval during the NYSDEC permitting process and the City of Amsterdam Site Plan review process. Key design elements to be reviewed with the City and revised as required include the suitability, longevity and any potential maintenance issues for stormwater elements to remain after the closure of the facility.

The requirements of the NPDES and SPDES Permit GP-02-01 are as follows:

1. The Owner must sign the Notice of Intent (NOI) presented in Appendix D, and forward to the following agencies at least 5 (five) days prior to starting any construction activities.

   NYS Department of Environmental Conservation
   Division of Water
   625 Broadway
   Albany, New York 12233
   (800) 952-2490

   City of Amsterdam Engineer
   City Hall
   61 Church Street
   Amsterdam, NY 12010
   (518) 841-4331

2. The contractor shall send all notifications via certified mail with return receipt. Copies of mailing receipts shall be kept on record at the project site with the SWPPP and shall be considered part of the contract documents.

3. The Contractor shall hold a pre-construction conference at the site with the, Owner and its qualified inspector, NYSDEC, and the City of Amsterdam representatives at least one week prior to commencement of construction. The contractor shall provide

copies of the SWPPP to the Owner, the Engineer, and the City of Amsterdam once all signatures and attachments are complete.

4. A copy of the Notice of Intent (NOI) and a description of the project must be posted in a prominent place for public viewing at the project site.

5. A complete copy of the SWPPP, including copies of all inspection reports, plan revisions, etc., must be retained at the project site at all times during working hours and kept as part of the permanent project records for a duration no less than three years following submission of the Notice of Termination (NOT).

6. The general contractor must provide names and addresses of all subcontractors working on the project who will be involved with the major construction activities that will result in soil disturbance. This information must be retained as part of the SWPPP.

7. The general contractor and all subcontractors involved with construction activities that disturb site soil must sign a copy of the certification statement.

8. Regular inspections must be made by a qualified professional to determine the effectiveness of the SWPPP. It should be modified as needed to prevent pollutants from discharging from the site. The inspector must be a person familiar with the site, the nature of the major construction activities, and qualified to evaluate both overall system performance and individual component performance. Additionally, the inspector must either be someone empowered to implement modifications to the SWPPP and the pollutant control devices, if needed, in order to increase effectiveness to an acceptable level, or someone with the authority to cause such events to happen.

9. The SWPPP must be updated each time there is a significant modification to the pollutant prevention system or a change of contractors working on the project who may disturb site soil. The general contractor must notify the governing agency(s) as soon as these modifications are implemented.

10. Discharge of oil or other hazardous substances into the storm water is subject to reporting and cleanup requirements. Refer to Part III.B of the NPDES General Permit for additional information.

11. Once the site reaches final stabilization, the site inspector must complete and submit a Notice of Termination (NOT). A blank form is included as Appendix I.

12. The SWPPP intends to control water-borne and liquid pollutant discharges by some combination of interception, filtration, and containment. The general contractor and subcontractors implementing the SWPPP must remain alert to the need to periodically refine and amend the SWPPP in order to accomplish the intended goals.

13. The SWPPP must be amended as necessary during the course of construction in order to keep it current with the pollutant control measures utilized at the site. Amending the SWPPP does not mean that it has to be reprinted. It is acceptable to add addenda, sketches, new sections, and/or revised drawings.

14. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated must be maintained until the NOT is filed.

15. Regular inspections by the owner should continue post-construction to ensure the pollutant control devices are adequate and the storm water management system is maintained and operating properly.

The SWPP includes a discussion of the initial construction sediment and erosion control measures to be implemented at the site, as well as a description of the storm water management plan to be implemented during the operation of the landfill and following the closure of the landfill. Phase 1 involves the construction of the storm water management facilities that are to be utilized during the construction/operation of the landfill. Phase 2 involves the construction of the storm water management facilities that are to remain in place following the closure of the landfill.

The SWPPP includes the elements necessary to comply with the national baseline general permit for construction activities administered by the U.S. Environmental Protection Agency (USEPA) under the National Pollutant Discharge Elimination System (NPDES) program and local governing agency requirements. The SWPPP must be implemented at the start of construction.

Construction phase pollutant sources anticipated at the site are disturbed (bare) soil, vehicle fuels and lubricants, chemicals associated with building construction, and building materials. Without adequate control there is the potential for each type of pollutant to be transported by storm water.

Project construction will primarily consist of site grading, paving, storm drainage, water supply and sewage collection to facilitate the development of the materials recycling center and landfill.

The SWPP considers the impacts associated with the intended development with the purpose of:

1. Maintaining existing drainage patterns as much as possible while continuing the conveyance of upland watershed run-off;

2. Controlling increases in storm water run-off resulting from the proposed development without adversely altering downstream conditions; and

3. Mitigating potential storm water quality impacts and preventing soil erosion and sedimentation resulting from storm water run-off both during and after construction and upon completion.

To demonstrate this, existing and proposed storm water run-off conditions were estimated and proposed storm water management facilities have been described and evaluated.

The hydrologic and hydraulic analyses were completed in accordance with the following standards and guides: the "New York State Stormwater Management Design Manual" (Dated October, 2001); the "New York State Department of Environmental Conservation - Reducing the Impacts of Stormwater Runoff From New Development" and the "New York State Guidelines for Urban Erosion and Sediment Control" (1997).

Described below are the major construction activities that are the subject of the SWPPP. The major construction activities are presented in the order (or sequence) they are expected to begin, but each activity will not necessarily be completed before the next begins. Also, these activities could occur in a different order if necessary to maintain adequate erosion and sedimentation control:

1. Selective and limited clearing to facilitate the installation of erosion and sediment control measures.

2. Construct stabilized construction entrance rock pads at all construction entrances/exits. This shall be the first construction work on the project.

3. Install sediment barriers down slope from construction activities that disturb site soil;

4. Install temporary sediment basin adjacent to the access to intercept sediment laden storm water generated during initial construction activities;

5. Construct rock surface for temporary parking;

6. Clear and grub the improvement areas. Sediment barriers shall be in place down slope;

7. Rough grading necessary to form ponds and drainage channels;

8. Rough grading necessary to form the building pad and pavement areas;

9. Install underground utilities – Sediment barriers shall be utilized as required to bound the down slope side of utility construction and soil stockpiles;

10. Final Grading – Sediment barriers will be maintained down slope from disturbed soil during this operation; and

11. Completion of on-site stabilization.

The actual schedule for implementing pollutant control measures will be determined by project construction progress. Down slope protective measures must always be in place before soil is disturbed.

Through the implementation of best management practices and other measures pertaining to erosion and sediment control, the proposed project will not have a significant adverse impact to soils on the site and surrounding project area.

FINANCIAL ASSURANCE, CLOSURE/POST-CLOSURE CARE

Comment Item Numbers: 28, 22, 23, 31, 49

Comments were received regarding the financial responsibility for closure and post closure care. This topic is currently addressed in the revised DEIS as follows:

> 2.4.1 Closure and Post-Closure Maintenance and Monitoring
>
> NYSDEC rules establish standards for closing landfills and for monitoring and maintaining landfills after closure. The proper closure of the landfill is intended to ensure the integrity of the facility and prevent, to the extent possible, the intrusion of water into the landfill cell and the release of leachate from the facility. In the post-closure period, maintenance of the integrity of the soil cover, cover vegetation and drainage structures is required. In addition, groundwater monitoring points must be maintained and sampled for at least 30-years after closure.
>
> To ensure that there will be funding adequate to close the facility to NYSDEC standards and to perform all of the monitoring and maintenance activities required in the post-closure period, AMR will provide financial security according to the approach set forth in the NYSDEC rules (6 NYCRR Part 360-2.19). The approach calls for AMR to provide estimates of the cost of these activities. The NYSDEC must approve these estimates and the annual updates of the estimates. The estimates are based on the cost of hiring a third-party to perform all of the required actions. Based on the approved estimates, AMR will provide financial security according to one of the methods accepted by the NYSDEC.

The approved methods of demonstrating financial assurance include the establishment of a trust fund, providing a surety bond that guarantees payment or performance, a letter of credit or insurance. The NYSDEC rules set forth the terms upon which these instruments are provided in order to ensure they serve their intended purpose.

As a additional step towards establishing adequate funding for closure and post-closure monitoring and in addition to the financial assurance mechanisms of Part 360, AMR proposes to escrow $2.00 for each ton of C&D material delivered and accepted at the gate. This escrow account will generate at least $2 million over and above the funding for the Bond/Trust Fund required by the NYSDEC.

Comments were received questioning the financial risks to the City and or AIDA should AMR cease to exist as a business entity. However, as stated above, the

financial assurance mechanisms required by the Part 360 Permit Program are not dependent on the existence of AMR as a business entity. Although AMR fully expects to continue business operations, the financial assurance mechanisms (e.g. bond, insurance, trust) required as part of the Part 360 Permit process will remain in place even if the AMR Corporation is dissolved or insolvent. It should also be noted that AMR has pledged a separate escrow account, estimated at $2 million over and above the financial assurance requirements of the NYSDEC.

Additionally, the closure and post closure care cost estimates are re-estimated throughout the life of the permit, including the minimum 30-year post closure care period, and additional funds must be set aside if the associated are anticipated to increase. With this regulatory scheme, there is little risk of the financial burden of the facility would be transferred to the City of Amsterdam or AIDA.

SOLID WASTE PLANNING

Comment Item Numbers: 21, 30, 31, 35, 39, 45

To address a comment related to the "C&D deficit" described in Section 1.2.2, Project Need and Benefit, the following clarification have been made in that section:

> The proposed facility would help remedy a deficit in cost-competitive C&D debris management capacity in the eastern and central areas of New York State. Current tipping fee (January 2007) for C&D debris in the area of the project average $70-$80 per ton. Tipping fees at Seneca Meadows and High Acres Landfills, located approximately 250 miles west of the proposed facility, are currently in the $28-$32 per ton range.

The following Comments and Responses are directly related to the Solid Waste Planning/GAT issues raised by MOSA, and also address other comments on the same topics.

Comment: DEIS erroneously states that "NYSDEC Rules do not require merchant facilities (i.e. private facilities that are intended to serve the needs of any community or region and accept wastes from many locations) to demonstrate consistency with the state, regional or local solid waste management plans." Based upon this presentation it appears that the AMR Project developers feel that their plans take precedence over the plans and investments already made by the larger community.

MOSA also notes that the requirements of DEC's solid waste regulation 6 NYCRR 360-1.9(e)(4)(vi) have not been met.

Response: The statement in the DEIS is correct as presented. The statement has nothing to do with any arrogance on the developer's part as is implied. It is merely an accurate statement of the law.

The DEC rules draw a sharp distinction between applications submitted on behalf of a municipality and those that are not. For municipal applications, DEC rules require a demonstration, "...that the proposed facility is consistent with the local solid waste management plan in effect for the municipality." 6 NYCRR 360-1.9(e)(4)(v).

On the other hand, applications that are not submitted on behalf of a municipality need only "... include an assessment of the proposed facility's impact on the local

solid waste management plans, if any, of the planning unit in which the facility is located and the planning units from which solid waste is expected to be received." 6 NYCRR 360-1.9(e)(4)(vi).

As stated in the DEIS and repeated in MOSA's comment, the impacts of the proposed facility on local solid waste management plans is difficult to assess and such an assessment is also well beyond the scope of the DEIS. They are difficult to analyze because the sponsor expects to receive C&D debris from all over the state, if not beyond. The difficulty concerns analyzing the impact on many different, and possibly inconsistent, plans. Nonetheless, to the extent required by Part 360, AMR will perform such an assessment.

More importantly, the lead agency never made any such analysis part of the scope of the DEIS. MOSA's comments repeatedly confuse the requirements of the DEIS with those of Part 360. Clearly, there are many issues that will have to be addressed in the context of permit applications but only those questions that are designated by the lead agency as a result of the scoping process are treated in the DEIS. As required by law, the scoping process was a completely open and public process. MOSA chose not to participate in that process and is now obligated to limit its comments to the scope established by the lead agency.

Comment: The DEIS states that no C&D facilities are within 100 miles of proposal. This overlooks the MOSA transfer station. This "alternative" of delivering C&D to MOSA's transfer stations should be evaluated, not ignored.

Response: The referenced statement appears on page 35 of the DEIS. In context it is abundantly clear that it refers to C&D debris landfills, not any C&D debris facility, such as a transfer station.

MOSA failed to quote the beginning portion of the sentence which states, "As indicated in Table 1.1, limited opportunities exist with respect to C&D debris management within a 100-mile radius of the City of Amsterdam" Table 1.1 contains New York State **Landfills within a 100-mile radius of the Site**." Moreover, the five other references to this 100-mile radius that appear in the DEIS all explicitly state that it is the proximity of **landfills** are being analyzed.

It is unclear what MOSA intends when they suggest delivery to its transfer stations as "an alternative" to the proposed project. Nonetheless, as stated above, if MOSA sought the analysis of such "an alternative," the time to do so was in the public scoping process, not now.

Comment: The DEIS speaks to the fact that there is no other 28-acre tracts of land available within the city limits. Given that the City is part of a larger planning unit, it would seem to be appropriate to search the entire service area for an appropriate tract of land that would give equal or greater benefit to the region as a whole.

Response: First, it is a well-established principal of SEQRA review that a private applicant will not be asked to analyze alternative sites that are beyond its control. This is precisely the situation here. The tentative agreement the applicant has with AIDA arguably makes sites within the City available to AMR and hence sites within the City were examined. No such ability to make sites available outside the City exists.

The comment is also incorrect because it makes the implicit assumption that this project is intended for the benefit of a region (i.e. MOSA's solid waste planning area). It is unknown where MOSA arrived at such a startling conclusion but it is completely incorrect.

The DEIS makes the point repeatedly that the proposed project would be a merchant facility that would serve all locations whether inside or outside the MOSA service area. Indeed, in a concession to MOSA's concerns about the impact on its own revenues, AMR has offered to refuse C&D debris from within the MOSA service area, other than the City of Amsterdam. The project is designed to confer specific benefits on the City of Amsterdam, not because it is in the MOSA service area but rather in spite of that fact, due to its status as the host community.

Finally, as stated above, the determination of which alternatives need to be addressed in the DEIS is determined by the lead agency as a result of the public input from the scoping process. MOSA chose not to participate in that public process and, like all other interested parties, must limit its comments to those alternatives identified in the scope.

Comment: There is no mention of the risks inherent in assuming success with all phases of a multi-layered project requiring approvals and funding from many directions over a relatively short period of time. This could result in financial liabilities for the City that could negate the benefit received. The DEIS does not provide enough information to judge the sustainability of the overall plan.

Response: The comment is non-specific in terms of the risks of concern. The financial risk of the success of the project is entirely on the project applicant. In the event that the project encounters a problem in the operational phase, during

closure or post closure, there are substantial financial guarantees that will be pledged to the benefit of both the City and the State of New York to provide them the means to address any such problem.

Comment: The AMR Project may well be at the expense of the other county taxpayers.

Response: The DEIS is intended to examine potential adverse **environmental** impacts of a project, not the economic issue raised by MOSA. Nonetheless, there is little, if any, chance that the AMR project could have any adverse economic impact on the taxpayers of other counties MOSA serves.

The potential customers of AMR are wholly different in character to those that currently deliver to the MOSA transfer stations. AMR would service transporters with large loads of C&D debris that can meet its high quality standards and can prearrange transport to the site. A review of the customer list of MOSA shows that few would qualify. In addition, MOSA does not offer the recycling services that would be offered at AMR.

In fact, far from hurting taxpayers, the AMR facility has the potential of substantially reducing MOSA's cost of C&D debris disposal, a result that would substantially benefit these taxpayers. AMR has attempted to work out an arrangement with MOSA that would provide mutual cost savings. Since AMR's tipping fee is only roughly half of what MOSA is currently paying, it seems that such an arrangement would be possible if MOSA were willing to cooperate.

To provide further assurances that the county taxpayers would not be adversely affected, AMR has even offered to refuse to accept C&D debris generated in the participating counties (with the exception of the City of Amsterdam).

Comment: The DEIS discusses Montgomery County's obligation under the Service Agreement relative to the delivery of GAT waste. It further indicates that flow control is not an option to assure the delivery of Montgomery County waste to the Authority. Not only have the Counties been effecting economic flow control for several years, based on decisions handed down by the Second Circuit of the U.S. Supreme Court legislative flow control is legal and remains an option for municipalities. Legislative flow control is currently being implemented in other New York State counties. Montgomery County might find it necessary to implement flow control to sustain/uphold the commitments made to regional planning for its solid waste management needs. This should be given consideration in the DEIS.

Response: MOSA's comment ignores the fact that the DEIS does make mention of the recent second circuit court case that "...opens the possibility of implementing flow control in a non-discriminatory way." (See DEIS 3.11.2.2., footnote 13). It is unknown to what extent municipal flow control laws will be upheld in light of this decision.

Notwithstanding, there would be no impact to the project if such a flow control law were adopted by Montgomery County. The project sponsor has stated repeatedly that the project is in no way dependent economically on the receipt of C&D debris from Montgomery County or from the MOSA service area, more generally. In fact, if Montgomery County were to adopt such a law it would put to rest any issues related to the potential adverse economic impact the facility could have on its taxpayers (see comment and response above).

ENVIRONMENTAL JUSTICE

Comment Item Numbers: 39, 45

As indicated in the comment letter from the NYSDEC, Comment Item # 45, the applicant will prepare and submit an Environmental Justice Plan for NYSDEC review as part of the environmental permitting phase of the project, and once approved, implement the Plan.

C

Appendix C

Public Comments

AIDA DEIS-06 Comment Period Submissions

Comment Summary 8/30/06

	Name		Affiliation	Date	Format	Issues/Concerns Raised	Add'l FEIS Discussion Rquired	1. General Satisfaction	2. General Dissatisfaction	3. Comment not specific to DEIS	4. Buried Asbestos	5. Traffic	6. Noise	7. Air / LF Gas	8. Visual	9. Ground Water - Wells	10. Leachate Collection	11. Site Plans incomplete	12. LF Operations / Process	13. Blasting / Structure Survey	14. Soil / Slope Stability	15. Financil - Legal	16. Post-Closure Care / Costs	17. Environmental Justice
1			Mont Cty Brd Superv's	5/23/06	Resolution				X															
2	Zamorski	Gene	CCSA	5/27/06	Report				X	X														
3	Krupczek	Ambrose		5/31/06	Note				X	X														
4	Carter	Dorothy		6/2/06	Letter				X	X														
5	Lyford	Phil	CCSA	6/7/06	Req. Extension																			
6	Smith	Mary Ann		6/20/06	Letter		X		X								X	X						
7	Valikonis	Lynn		6/27/06	Ltr. to Editor		X				X													
8	Sperduto	Josephine		6/29/06	Letter				X	X														
9	Valikonis	John (Mr./Mrs.)		6/30/06	Letter				X	X														
10	Olechowski	Carol		7/5/06	Letter		X					X												
11	Parlapiano	Eleanor/Joanne		7/6/06	Ltr. To DEC				X	X														
12	Lyford	Philip	CCSA	7/7/06	Letter																	X		
13	Feller	Robert	AMR	7/10/06	Letr. to Cnty PB																			
14	Carlucci	Joseph/Roxanne		7/10/06	Letter				X	X														
15	Garrasi	Michael		7/10/06	Letter				X	X														
16	Gaweriski	Christin		7/10/06	Letter				X	X														
17	Gomula	Kathlyn		7/10/06	Letter				X	X														
18	Krzynowek	David		7/10/06	Letter		X							X					X	X				
19	Lyford	Mary		7/10/06	Letter				X	X														
20	Walton	Theresa		7/10/06	Letter				X	X														
21	Chichester	Gilbert	MOSA	7/11/06	Letter																	X		
22	Thomas	John/Cecilia		7/11/06	Ltr. To DEC				X	X														
23	Twardzik	Karen		7/11/06	Letter		X					X			X				X	X				
24	Feller	Robert	AMR	7/12/06	Ltr. To Cnty PB																			
25	Janetsky	Robert		7/12/06	Letter																			
26	Sanford	Agnes		7/12/06	Letter				X	X														
27	Slezak	Jane		7/12/06	Letter				X	X														
28	Wierzbowska	Jo		7/12/06	Letter				X	X														

AIDA DEIS-06 Comment Period Submissions

Comment Summary 8/30/06

	Name		Affiliation	Date	Format	Issues/Concerns Raised	Add'l FEIS Discussion Rquired	1. General Satisfaction	2. General Dissatisfaction	3. Comment not specific to DEIS	4. Buried Asbestos	5. Traffic	6. Noise	7. Air	8. Visual	9. Ground Water - Wells	10. Leachate Collection	11. Site Plans incomplete	12. LF Operations / Process	13. Blasting / Structure Survey	14. Soil / Slope Stability	15. Financil - Legal	16. Post-Closure Care / Costs	17. Environmental Justice
29	Marks	James	AIDA	7/13/06	Letter																		
30	Wills	William	C / Amsterdam 4th Wd	7/13/06	Report		X				X								X	X	X	X		
31	Fritz	Jack	County PB	7/13/06	Report		X		X			X		X	X		X	X	X		X	X	X	X
32	Semon	Kurt	CSCA	7/13/06	Letter		X		X		X													
33	Semon	Kurt	CSCA	7/13/06	03 scope com,ts				X								X				X			
34	Higgins	Michael	DEC	7/13/06	Req. Extension																			
35	Tonko	Paul	NYS Assembly	7/13/06	Letter				X															
36	Caprara-Vines	Gail		7/13/06	Ltr. to Mayor				X	X														
37	Mikolaitis	Peter		7/13/06	Letter						X						X		X					
38	Blanchard	Arleen		7/14/06	Letter w/ attch				X	X														
39	Henner	Peter	Town Amsterdam	7/25/06	Reports		X				X	X	X	X	X	X	X							
40	Briff	Patricia & John		7/25/06	Letter				X	X														
41	Herrington	Joan		7/30/06	Letter				X	X														
42	Frank	Anne		7/31/06	E-mail				X	X														
43	VanWert	Patricia		8/2/06	Letter				X	X														
44	Fonda	Sandra	Rainbow Alliance	8/3/06	Report				X						X		X	X	X					
45	Higgins	Michael	DEC	8/4/06	Letter							X	X											X
46	Wancwicz	Mike	CSCA	?	2004 Ltr fr. DEC																			
47	Lenz	Diane		?	Ltr. To Noel				X	X														
48	Natale	Mary		?	Note				X	X														
49	Olechowski	Kristin		?	Letter				X	X														
50	Sukoconti	Robert (& Mrs.)		?	Note				X	X														

AMR C&D Landfill DEIS
AIDA Technical Review Comments
Close of Public Comment Period

A review of the submitted AMR DEIS along with a review of public comments received during the SEQRA public comment period has indicated that several areas of improvement and additional information will be required in the preparation of the Final EIS.

The comments included here relate to technical and engineering issues. An assessment or discussion of public policy, financial, legal or regulatory issues are not included herein.

The discussion below is generally organized into major groups of Project aspects or potential impacts, and summarizes relevant issues not made clear in the DEIS, or raised as questions arising from public review of the DEIS during the SEQRA public comment period.

Much of the information noted as absent includes information that will be presented upon completion of engineering and permit application applications. I do not in all instances agree with the assessment of the DEIS presented by other submittals, however some of the comments made by others, particularly those relating to soil erosion and slope stability and to storm water handling, are significant and should be responded to.

Traffic

1. There is in some instances confusion over truck trip counts and the distinction between on-road and off-road truck trips. Clarification of the total truck trip count, and the computation for determining these counts, should be provided for both on- and off-road trucks, both during operational and construction periods.

Noise

2. The noise created by site clearing and bedrock blast hole drilling is not identified, yet has the potential to be a significant source during clearing and the period of blasting activities. This would include chain saws, logging equipment, diesel air compressors and pneumatic percussion drills.

3. How will AMR decide where noise barriers are placed, and with what oversight by City agencies or AIDA? How will AMR enforce "high performance" mufflers & brakes on vendor delivery trucks?

4. What are the proposed noise monitoring procedures during construction and operational periods? Who will perform noise monitoring and at what frequency or triggering events? What contingency plans will be implemented if noises exceed those anticipated in the DEIS?

Fugitive Dust Control

5. When will fugitive dust control measures be implemented? Under what conditions? What thresholds? How are these determined? How are these initiated? By community complaints? Or by routine monitoring?

6. What is the planned use of leachate applied for dust control? Is this intended only within the landfill cell or elsewhere?

7. A significant source of dust during the period of blasting operations will be preparation of blast holes by pneumatic percussion drills. This is not specifically identified or addressed. Discussion and assessment and should be provided in the FEIS.

Landfill Gas Control

8. There has been much concern expressed regarding landfill gas, and particularly hydrogen sulfide. The DEIS identifies operational measures to be taken to minimize the generation of landfill gas, but is un-clear on what measures will be taken to control landfill gas if it does become a nuisance. The FEIS should clarify what contingency plans will be implemented to control gas migration if necessary.

9. The FIES should also clarify what gas monitoring procedures will be implemented, and at what frequency or triggering event.

Visual Impacts

10. The DEIS states that the worst-case condition is at closure. This relates to highest elevation only, not to a subjective impact. Worst-case subjective impact would be during last year of operation, at close to final elevation, with operations on-going and cover vegetation not established. This difference should be acknowledged.

11. What specific screening will be done? How will these locations be determined and when will plantings and berms/walls be constructed? Most attention has been directed towards the southern landfill periphery, however the western periphery, the City's 4th Ward, may also be impacted and benefit from visual screening and this has not been addressed. Additional assessment of visual impacts and need for visual screening between the landfill and these properties should be discussed.

12. Can a plan of plantings/berms/etc used as visual screening be prepared and presented for E. Main Street and Chapman Drive now, or if not, then state that the screening plan would be subject to review & approval of AIDA and the City Planning Dept.

Ground Water & Wells

13. Show Ward Products TCE plume location in DEIS. What are the interim remedial measures (IRMs) undertaken thus far? What is the justification for concluding that the contaminant plume is not moving?

14. The FEIS should clarify and further discuss why changes in ground water flow do not occur in response to the anticipated soil and rock excavation, and how ground water interacts with the location and function of the pore water pressure relief system.

15. Will water collected by the pore water pressure relief system be routinely tested? What contingency plan will be implemented if this water is found to be contaminated?

Construction Activities

16. What is the sequencing of landfill excavation and fill, and when will "excess" excavation requiring off-site trucking be implemented? To what extent will excess cut material (rock) be transported directly off-site during construction? What measures will be taken to prevent truck/tire borne mud from tracking onto area roadways?

17. A graphical depiction of the construction sequencing plan with the sequence of excavation & fill shown in stages would be very helpful in understanding the construction sequence.

18. What are the anticipated issues regarding construction dewatering and storm water management within the excavation? How is collection and handling of excavation stormwater sequenced and treated with regard to over-all site storm water management feature construction?

19. What are the determining factors in designing the facility to the primary liner design or the "alternate liner system"?

20. Clay and topsoil are stockpiled for final cap use. What type of material is to be used for cover and what is the source of daily or intermediate cover material? Till? Other stockpiled clay? Will "alternative cover materials" be used as cover material? If it is imported, is cover material transportation included in the traffic analysis?

Leachate Collection & Treatment

21. How is leachate removed from the cell, and how is it transported? Is there a contingency plan in the event that the POTW cannot accept flows, or sewer lines are inoperative?

22. Where are the leachate storage & re-cycling water tanks located? What is the basis and computation of the leachate generation (and storage) quantities that are presented in the DEIS?

23. The flow of sewage and leachate from the project collection points to the City sanitary sewer system are not shown on the Site Plans, and the description is not sufficient to determine these locations and paths. Additional discussion and depiction on site plans will be required.

24. Can the POTW accept the anticipated quantities of discharged leachate/water? Provide some indication (document) that the POTW is able to, and willing to accept the necessary sewer flow rate, quality, and quantities. What contingency plans will be implemented if the POTW is not able to accept leachate generated by the Project?

Leachate Management

25. The collection and storage locations of leachate (two 75-ft dia tanks) are not shown on the site plans or described in the text.

26. The design storm indicates about 1.25 MM GPD of leachate produced within the design 24-hour period. On-site storage is about 1.32 MM Gallons, which is just sufficient for the design storm. The City POTW will accept a project discharge of 50,000 GPD (?), which implies a 25 day period required to discharge the stored design storm leachate. This allows no stored leachate prior to the design storm event, and no significant rainfall for a significant period after the design storm event.

Prepare a leachate collection-storage-discharge analysis reasonably assuming storms of greater frequency (annual or 2-yr storms) than the design storm (25-yr/24-hr), considered with the average daily leachate generation and allowed POTW discharge rate.

27. The DEIS should discuss contingency plans to remove stored leachate from the site by alternate means, or allowance by the City POTW to increase leachate discharge acceptance rates after heavy storm events.

28. What is the disposition of the two leachate storage tanks after landfill closure? Or will they be required during the post-closure period?

Utilities & Infrastructure

29. A description of leachate discharge from the landfill cell to the leachate storage tanks and then to the City sanitary sewer is not provided. It is assumed that this will require pumps for either or both, but no energy impacts are identified or described. The use of electric pumps for leachate discharge could require considerable electric capacity.

30. Would back-up diesel generator capacity be required?

Landfill Operating Procedures & Processes

31. What is the source of daily cover?

32. Training of staff only promises that staff will take the DEC facility operators course within 12 months of employment. (This could be 20% of facility life). Staff needs training before, or concurrent with, assuming job responsibilities (Might be addressed in staff training requirements in Part 360 permit application).

33. Are all roads to the unloading pad paved? What is the truck que capacity and queing location? How will mud be kept from tracking onto public roads?

34. A further discussion of the incoming waste and sorting procedures should be presented, detailing the means of the Project staff to adequately monitor all incoming waste. What contingency plans will be implemented in the event that un-acceptable waste is discovered? What hazardous material identification and removal procedures will be implemented?

Blasting & Structure Surveys

35. Show the Till/Rock interface on the excavation grading plan. How much rock blasting is done at an elevation below the adjacent (southern) grade of about elevation 360 ft. (a greater possible control of fly rock & air blast)? What methods will be employed to control fly-rock and vibration? Are special protections necessary for the National Grid high pressure gas main? Will National Grid impose other restrictions on excavation blasting to protect the gas main? How long will blasting activities continue (how many months)? And how frequently will blasts occur?

36. Plans for the storage of blasting materials & security should be subject to the approval of the City of Amsterdam Police/Fire/Public Safety Departments.

37. Rock drilling for blasting (air compressors and pneumatic hammer drills) is a significant source of noise during the construction (rock blasting) period. This should be identified and addressed in Noise Impacts section.

38. The purpose and intent of the pre-blasting structural survey should be further discussed and clarified. Who will perform the survey and what criteria will be used to assess pre-blasting and post-blasting differences?

39. "Architectural damage" may be addressed and mitigated through the structural survey and damage liability agreements, but human perception of vibration is sensitive at much lower levels than those that would cause damage, and these may still be disturbing in daily life. How is this evaluated and assessed?

Soil Stability & Erosion Potential

40. How was slope stability factor of safety determined? Was the analysis done on basis of in-situ lab strength (on Shelby tube samples), or re-molded strength (in Proctor molds)? Was the local history of failure of similar adjacent-area slopes taken into account and compared to the Project stability analysis performed? A discussion and the computation analysis should be provided.

41. The project operational grading creates long slopes into the landfill cell (275 foot run). There are no benches or breaks in slope shown on the DEIS site plans. What is the stormwater treatment during the early periods of operation, or pre-operation? Can storm runoff be directed southward with slope benches and diversion berms until the cell fill reaches higher elevations. The potential for erosion on these slopes without runoff breaks is considerable.

42. Final closure grades also do not show any breaks in slope with benches or drainage diversion berms. The closure slope is a 360 foot run. (I assume more detail will be presented in the Part 360 permit application drawings)

43. There is increased erosion potential of the Project slopes after clear-cutting and stripping of vegetation but before filling and establishment of new vegetative cover. This has the potential to overload and damage constructed storm water control and conveyance features. What contingency plans will be implemented to prevent and repair these potential damages?

Stormwater Collection

44. The included Storm Water Pollution Prevention Plan (SWPPP) appears to be very detailed and complete, however the included site plan sheet is difficult to follow. This should be improved in the FEIS with additional sheets, or revised line types or line weights to make the grading and water conveyance more readily understandable.

45. How is stormwater removed from the cell during the early operational period. How is it segregated from leachate (a berm is mentioned - is this on top of the liner drainage layer? Or is the liner system interrupted at the berm?) Does the site stormwater plan account for flows to the site drainage ways from a discharge point from the cell stormwater collection?

46. What is the rainfall intensity of the design storm and other defined-frequency storms? How does this compare to recent very heavy rain storms and flooding in the Project area?

47. What is the probability of a 10/25/50/100 yr storm within 8 years? 30 years? (the "average" estimated landfill operating life, and the AMR-responsible post-closure period).

Post-Closure Care / Contingencies

48. How does post-closure care work? Will AMR continue to exist as an entity and manage the post-closure period? Or are funds just set aside and secured for AIDA use, which means that AIDA must coordinate and manage the post-closure care.

49. Post closure care includes maintenance of leachate collection and the pore pressure system, but AMR responsibility ends after the 30-year period. The pore pressure relief system will continue to generate flows, and continued leachate generation is also possible. These systems are <u>not</u> gravity drained but rely on pumping. What is the estimate of flows and maintenance/power costs to maintain these systems beyond the 30-year post-closure period.

* * *

RECEIVED

JUN 14 2006

(1)

RESOLUTION NO. 182 of 2006

DATED: Fonda, New York, May 23, 2006

RESOLUTION EXPRESSING OPPOSITION TO PROPOSED LANDFILL - CITY OF AMSTERDAM

Resolution By Supervisor: Full Board **Seconded By:**

WHEREAS, the siting of a landfill for the disposal of construction and demolition debris material in the Edson Street Industrial Park, City of Amsterdam, has been proposed, and

WHEREAS, the members of the Montgomery County Board of Supervisors believe that the siting of such a landfill would be detrimental to the economic climate and quality of life within Montgomery County and specifically within the City and Town of Amsterdam,

RESOLVED, that the Montgomery County Board of Supervisors hereby expresses its vehement opposition to the siting of a landfill in the City of Amsterdam or within any other community in Montgomery County, and

FURTHER RESOLVED, that this resolution should be considered a formal response to the Draft Environmental Impact Statement prepared for the proposed landfill project.

RESOLUTION ADOPTED with Aye(1868). (5/23/2006)

County Attorney

cc: County Clerk
County Treasurer
AIDA
MOSA
EOD Director ✓
City of Amsterdam Clerk
Town of Amsterdam
City of Amsterdam Common Council

Voting Record

Cechnicki	(D)	Aye	66
DiMezza	(D)	Aye	219
Dybas	(D)	Aye	136
Greco	(R)	Aye	139
Haak	(D)	Aye	96
Johnson	(D)	Aye	137
Jonker	(D)	Aye	115
Mancini	(D)	Aye	137
McMahon	(R)	Aye	143
Paton	(R)	Aye	147
Quackenbush	(R)	Aye	158
Schumann	(D)	Aye	139
Strevy	(R)	Aye	103
Thomas	(R)	Aye	84
Walters	(R)	Aye	49

STATE OF NEW YORK County of Montgomery ss.:

This is to certify that I, the Undersigned, Clerk Of The Board of Supervisors of the County of Montgomery, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Board of Supervisors of said County on the 23rd day of May, 2006, a majority of all the members elected to the Board voting in favor therof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have set my hand and the official seal of the Board of Supervisors this 24th day of May, 2006.

Totals:	Aye	1868
	Nay	
	Abstain	
	Absent	

(2)

CITIZEN PERSPECTIVE ON PROPOSED C&D LANDFILL in AMSTERDAM

Presented to AIDA

Prepared By

Gene Zamorski
Co-Chairman
Citizens for a Clean and Safe Amsterdam

251 Church Street
Amsterdam, NY 12010
518 843-5028

May 27, 2006

cc: Joseph Emmanuelle
Amsterdam Mayor
Bill Wills
4th Ward Alderman
Kurt Semone
Chairman, CCSA
Editor
Amsterdam Recorder

INTRODUCTION

Landfills, transfer stations, material recovery operations, and other solid waste facilities are vitally important to society. However, when improperly sited, designed, or managed solid waste facilities can cause severe harm to area residents and businesses. The purpose of this paper is to provide the citizen perspective on the proposed C&D Landfill at the Edson Industrial Park and its negative impact on the residents of Amsterdam and surrounding communities.

HOW SOLID WASTE FACILITIES MAY HARM AREA RESIDENTS

The negative impacts reported by those living or working in the vicinity of solid waste facilities are:

- increased truck traffic which increases noise, safety concerns, and may cause vibration damage to structures.
- concerns about the quality of well water and other aquatic resources,
- release of noxious odors, smoke, or dust.
- pest infestations, and
- loss of property value.

Each of these impacts has occurred at one or more solid waste facilities in New York and other states. Following is further detail on the citizen perspective regarding each impact.

Truck Traffic

Locating a solid waste facility at Edson Industrial Park site will increase local truck traffic by 100 to 200 trips per day and may go as high as 800 truck trips per day.[1] The increased truck traffic associated with solid waste facilities will cause a sense of diminished safety among those traveling the affected roads. Following are some of the specific safety issues identified at existing facilities within New York:

- A number of incidents have occurred in which trucks transporting waste have overturned, spilling contents onto a road and tying up traffic;
- At some facilities trucks will queue near the entrance in the early morning hours while waiting for the landfill to open. If adequate off-road parking is not available, then traffic flow is impeded;
- High-speed truck operation, tail-gating, and crossing of centerlines all impart a sense of a threatening situation among other motorists sharing a road with a high volume of truck traffic;

Noise and vibration is also a concern for those living along affected roads. These issues are particularly acute since the proposed facility is to be established along a narrow winding rural road and residential streets. In this case roads/streets effected will be Rt 5, Rt 30, Rt 67, East Main Street, Edson Street, Chapman Drive and Widow Susan Rd.

[1] Residential noise damage costs caused by motor vehicles, Transportation Research Record 1559:84-95.

An increase in truck traffic can lower the value of homes located near the affected roads. The loss of value results from increased noise. A study of the impact of traffic noise documented an average of a 0.4% decrease in property value for each decibel increase above 55dBA.[1] At 50 feet a heavy truck produces 90 dBA which would yield a 14% decline in property value. Heavy trucks may have an effect on property value which is 150 times greater than that caused by an equivalent increase in passenger car traffic.

Quality of Well Water & Other Aquatic Resources

There is a great deal of concern about the potential impact of a landfill upon water quality. And there is good cause for this concern. Studies show that metals and other contaminants in rubblefill leachate exceed water quality criteria by up to 500 fold. [2] Concern is particularly high among those who rely upon wells located in the vicinity of landfills. Though this concern has declined somewhat where liners and leachate collection systems are required, it has not been completely dispelled. Nearby residents worry about the long term effectiveness of a liner-leachate collection system in preventing the release of contaminants into ground and surface water. At The Port Washington Landfill on the eastern portion of Manhasset Neck which borders Hempstead Harbor, Nassau County, New York on-site and off-site contamination of groundwater and soil gas has been attributed to a section of municipal landfill called L4. A residential area is 100 feet west of the landfill.

Odors, Smoke & Dust

Significant odor problems have occurred at a number of landfills in New York. In the early 1990s a severe odor problem developed at The Port Washington Landfill on the eastern portion of Manhasset Neck which borders Hempstead. Due to operational problems large amounts of hydrogen sulfite gas migrated offsite. The problem persisted for months. During this period area residents were forced to seal their homes. The impact was particularly severe for low-income residents who could not afford to air-condition their homes during the summer.

[1] Residential noise damage costs caused by motor vehicles, Transportation Research Record 1559:84-95.

[2] Investigation of groundwater impacts at construction and demolition waste landfills, presented at the 17th International Madison Waste Conference. September 21-22, 1994, Department of Engineering Professional Development. University of Wisconsin-Madison.

Data was provided in a letter from Ms. Annette DeHavilland, Ohio Division of Solid & Infectious Waste, to Richard Klein, of Community & Environmental Defense Services.

Data Evaluation: Construction and Demolition Debris, New York Department of Environmental Conservation. Division of Environmental Enforcement, 50 Wolf Road, Albany, NY 12233-5500. Two of the 20 C&D landfill included in this study were included in the USEPA report Construction and Demolition Waste Landfills. Office of Solid Waste. U.S. Environmental Protection Agency, Washington, D.C. 20460.

The odor of hydrogen sulfide has been a problem at several New York rubble landfills. This gas has the aroma of rotten-eggs. The gas forms when gypsum wallboard decomposes in a wet, organically-rich environment. Hydrogen sulfide releases from rubble fill have been detectable up to three miles away and have caused nearby residents to suffer nausea and severe headaches. According to the U.S. Public Health Service the clinical effects of hydrogen sulfide are:

- At 0.1 part per million (ppm) of hydrogen sulfide (H_2S) is detectable as an unpleasant, rotten-egg odor.
- At 250 ppm H_2S causes irritation of mucous membranes, bronchitis and pulmonary edema.
- At 500 ppm symptoms include headache, nausea, weakness, disorientation and coma.
- Exposure to concentrations greater than 500 ppm results in severe toxicity and death. Respiratory paralysis and death may be noted within 30 to 60 minutes.
- Other health effects include respiratory depression, tremors, blurred vision, cyanosis, convulsions, and tachycardia.

Hydrogen sulfide levels as high as 5,000 ppm have been detected above a landfill containing large amounts of gypsum wallboard.[1] Those who live near existing New York rubble landfills commonly reported smelling hydrogen sulfide three miles away. The nearest residents would frequently suffer severe headaches and nausea.[2] Therefore it is reasonable to assume that the H_2S concentration may have been at or near 500 ppm. A slight increase may have lead to far more severe health effects.

At The Port Washington Landfill on the eastern portion of Manhasset Neck which borders Hempstead Harbor, Nassau County, New York on-site and off-site contamination of groundwater and soil gas has been attributed to a section of municipal landfill called L4. A residential area is 100 feet west of the landfill. In the past, landfill soil gas had migrated westward into this residential neighborhood. People have been exposed to contaminated soil gas from the landfill, either through sub-surface migration into homes or through ambient air. The landfill soil gas plume may has migrated to as many as 20 homes and several minor explosions have been documented. The area is served by a public water supply system using groundwater wells. The closest public water supply well is 1,300 feet west of the landfill and was taken out of service after low levels of volatile organic compounds (VOCs) were detected in the water.

During the fall of 1990 operational problems at the then active disposal cell, called the L5 Field 3, led to the production of large amounts of hydrogen sulfide gas which migrated off-site. People in the community complained of odors and were concerned about short-term health effects. In March 1991 the Agency for Toxic Substances and Disease Registry (ATSDR) completed a health consultation in response to citizen concerns over the hydrogen sulfide emissions from the L5 portion of the Port Washington Landfill. The ATSDR concluded that the concentrations of hydrogen sulfide which were measured on- and off-site posed a potential health threat to on-site workers and sensitive individuals living next to the landfill. The ATSDR recommendations in the health consultation reiterated the need for the actions which have since been taken.

[1] This statement is based upon measurements made at the Coquitlam municipal landfill, British Columbia.

[2] Affidavits regarding the hydrogen sulfide effects on those living near rubble landfills are available (410) 329-8194. Service, to Richard Klein, of Community & Environmental Defense Services.

Based on the information reviewed, the Port Washington Landfill represented a public health hazard because of past exposures to site-related contamination in soil gas, groundwater and ambient air. The town installed active and passive gas venting systems to control the off-site migration of soil gas. The Nassau County Department of Health (NC DOH), the New York State Department of Health (NYS DOH) and the New York State Department of Environmental Conservation (NYS DEC) directed the Town of North Hempstead to perform remedial measures to reduce or eliminate hydrogen sulfide emissions. The Town of North Hempstead performed these measures by February 1991 and greatly reduced the emissions.

The NYS DOH has made further recommendations to (1) control and monitor landfill gas emissions, (2) address the landfill's role as an on-going source of groundwater contamination and treat existing groundwater contamination, and (3) conduct additional health studies.

The data and information developed in the public health assessment for the Port Washington Landfill, North Hempstead, New York, have been reviewed by the ATSDR's Health Activities Recommendation Panel for appropriate follow-up with respect to health activities. The panel agreed that fact sheets and public meetings should continue to be used by county, state and federal agencies to provide health information. The panel also determined that a review of health statistics and education of local health professionals are needed. In addition, the panel determined that the site be considered by the NYS DOH for inclusion in the state VOC registry.

Public health actions have been taken and/or are planned. (1) The NYS DOH evaluated the cancer incidence in census tracts north and west of the Port Washington Landfill for the years 1978-1984. The 1987 study showed a significant excess of brain cancer among males in a small portion of the study area. (2) As a follow-up, the NYS DOH is conducting a study of cancer incidence near a number of landfills in New York State which are known to be generating landfill gases, including the Port Washington Landfill. (3) The NYS DOH and the NC DOH have provided, and will continue to provide information in response to residents' health concerns. (4) Landfill closure measures will be taken which will prevent on-site contact with contaminated media and reduce human exposure due to the migration of contaminants from the site. (5) The construction of a groundwater treatment facility is planned. (6) An operation and maintenance plan for the landfill gas withdrawal system will be developed. (7) The selected clean-up remedy for the site will include a long-term monitoring plan to determine the effectiveness of the remedy.

At two Maryland rubble landfills, Al-Ray and Brandywine Enterprises, nearby residents have reported several impacts upon quality of life due to the combined effects of hydrogen sulfide and dust. Some years the problem was so severe that residents were forced to keep their windows closed all summer long. They could not hang wash outside or host cook-outs in their backyard. In the early 1990s the Jett land clearing debris landfill in southwest Baltimore County caught fire. The fire persisted for months and could frequently be smelled by commuters on the Baltimore beltway six miles to the east. Thus the smoke affected the quality of life for thousands of area residents.

Pest Infestations

Cockroach infestation were a problem at the Oak Avenue rubble landfill in Harford County and the Jett land clearing debris landfill. The Oak Avenue infestation affected approximately 100 nearby homes.

Loss of Property Value

Several researchers have examined the direct effects of solid waste facilities upon property value. Whether, and to what extent, a landfill negatively impacts nearby property values is of interest for several reasons. First, property value differences reveal information about the landfill's welfare impact on nearby households. Second, property owners are keenly interested n knowing the degree to which their asset is or will be devalued by a landfill. Third, estimates of property value impacts can be inputs in a cost-benefit or regulatory impact analysis.

In Pennsylvania, the state Department of Environmental Protection is required to consider property value impacts as part of a harms-benefit analysis when making landfill permiting decisions.

Several studies have estimated empirical relationships between residential property values and proximity to a landfill or set of landfills. These studies estimate a hedonic price function, where the price of a house is regressed on both characteristics of the house and its proximity to a landfill. Many of these studies have found that houses located near a landfill sell for lower prices than similar houses located farther away. A widely-cited study is that by Nelson, Generoux and Generoux (1992), who found that property values were depressed within 2 miles of the landfill studied, with an estimated property value gradient of 6.2% per mile. There has not yet been a study that conclusively demonstrated small or nonexistent property value impacts from a landfill.

A simple meta-analysis of all available hedonic regressions showed that the average landfill depresses nearby property values at a rate of 4.12% per mile of distance, but that the impact varies among landfills. The value of a house located immediately adjacent to the average landfill is depressed by 9.21%, relative to a similar house located outside the landfill's area of influence. [1]

BLR Real Estate Appraisal studied the effect of two Maryland landfills upon property value. In a study of the value of a property located near the Scarsboro municipal landfill, in Harford County, the appraisal study documented that contamination of the well serving the property lowered the value by 90%. A study of the effect of a Prince George's County rubble landfill showed that the value of homes within one mile was lowered by 10%. [2]

[1] Do Landfills Always Depress Nearby Property Values? *by* Richard C. Ready May, 2005
Rural Development Paper No. 27 ©2005 The Northeast Regional Center for Rural Development
Located at: The Pennsylvania State University, 7 Armsby Building, University Park, PA 16802-5602
Phone: 814-863-1656 FAX: 814-863-0586

[2] BLR Real Estate Appraisal, 2316 Franklin's Chase Court, Fallston, Maryland 21047, (410) 557-9787

SUMMARY

The proposed C&D Landfill at the Edson Street Industrial Park Area is the worst location in the county or city from a traffic stand-point and poses adverse impact on the nearby residents within a three mile radius. The design and measures to counter the impact of this operation near a residential area are inadequate by any standard. C&D Landfill facilities should not be seen, heard or smelled to not have adverse impact on local citizens.

Gas control

There are no control measures for methane and nitrogen sulfite other than partial covering with soil. Gas will migrate into the air through the open landfill area and other paths of least resistance like a perforated liner. During Winter gas will travel under the frostline following water and gas pipes into nearby residential and commercial buildings.

Dust

Exposed open soil berms necessary for the landfill operation on a Mohawk Valley hill prone to high winds will cover the neighboring areas with dust. There is insufficient buffer zone between the site and nearby homes and businesses.

Well water

Due to the hilly site location there is a greater potential for well water pollution to nearby residents. There is no failsafe landfill liner system in existence today.

Inadequate noise control.

According to NYS publications it is very difficult to provide 15 decibel noise reduction in most locations with noise barriers. A heavy truck generates 90 decibel noise level during normal operation. Noise barriers are typically 15 to 20 feet high unlike the proposed AMR 10 foot remedy.

Traffic control

AMR shows routes the trucks should follow after construction phase but there is no plan for their enforcement. During construction AMR trucks have no limitations whatsoever and will cause major disruption in the area for up to a year or more. Will AMR really require their drivers to limit themselves just to Rt. 30 and East Main Street once in operational phase?

Visual Impact

Due to the proposed site location it is impossible to hide it from view. Any proposed vegetative cover will take 10 - 15 years to mature and will not be sufficient at that point in time anyway.

Real Estate Values

AMR recognizes that there will be an adverse impact on the real estate value of homes and land with its buyout mitigation plan. Real estate buyout plan is inadequate since it does not take appreciation into consideration and puts the company in total control of the sale in reality forcing the owner to sell based on the company's yet to be defined guidelines.

May 31, 2006

Dear Mike

Cadmium is in the DEIS, take out in the landfill.

Look up Cadmium on the internet.

I will talk with you anytime.

God bless. Anbrose Krupczak

(3)

104 Holly St
Amsterdam, N.Y. 12010
June 2. 2006

(4)

Dear AIDA Board,

I am a resident living downhill from the proposed landfill.

My family and I have enjoyed the water we receive from our back yard well. Please don't put it in jeopardy by putting the landfill in. There are many more appropriate locations than on Elson St.

My other concerns are blasting dust, traffic, noise and any results from such.

I am not in favor of this landfill.

Sincerely
Dorothy Carter

2 Norris Street
Amsterdam, NY 12010

June 7, 2006

Mr. Paul Wollman, Esq.
AIDA Attorney
41 Market Street
Amsterdam, NY 12010

Dear Mr. Wollman:

I am applying for an extension of the Comment Period on the Draft Environmental Impact Statement for the proposed landfill in the Edson Street Industrial Park. The report was accepted by AIDA on May 18, 2006 and available to the public at the Amsterdam Library on May 19th.

In order to thoroughly examine this important document and its impact on our city, I and the members of Citizens for a Safe and Clean Amsterdam are requesting a forty-five day extension of the Public Comment Period.

Thank you

Phil Lyford

Wollman Law Firm
41 MARKET STREET
AMSTERDAM, NEW YORK 12010
Telephone (518) 842-2813
Facsimile (518) 842-3428
Service not accepted by Facsimile

PAUL L. WOLLMAN
JOSEPH D. WOLLMAN

NADINE A. BLOOM

June 8, 2006

(5)

Mr. Phil Lyford
2 Norris Street
Amsterdam, New York 12010

Re.: Extension of Time for Comments

Dear Mr. Lyford:

Please be advised that the required amount of time for comments on the Draft EIS on the proposed AMR Construction and Demolition Debris Landfill Recycling Center is 30 days and the agency elected to have a 45 day period for written comments as we previously had hearings where all comments were considered.

The notification of acceptance by AIDA of the Draft EIS was published as required by law in the Department of Environmental Conversation Environmental Notice Bulletin on June 1, 2006, wherein the date for written comments was stated as July 14, 2006.

AIDA published a public notice in the Amsterdam Recorder to that effect even though there was no requirement to do so.

In the event that AIDA decides to extend the time beyond July 14, 2006 upon receipt of written comments, I will advise you.

Thank you for your cooperation and courtesies in this matter.

Very truly yours,

PAUL L. WOLLMAN

PLW/dmc

cc: AIDA

13

To: Michael Chiara Chair AIDA,

Comments Regarding the DEIS brought forwarded to be presented to Amsterdam Industrial Development Agency

6

PROJECT PROPOSED: AMSTERDAM MATERIALS RECYCLING PROJECT PROPOSED AS A C & D LANDFILL IN THE EDSON ST INDUSTRIAL PARK CITY OF AMSTERDAM

A CITIZEN'S CONCERNS 06/20/2006 RESIDENT CITY OF AMSTERDAM

I am a citizen and taxpayer in the City of Amsterdam and have many concerns regarding the DEIS put forward by the Limited Liability Corp Amsterdam Materials Recycling

I will outline them as to what I feel is their gravity and the impact environmentally as well as economically on the community

- One of the most serious concerns is the business structure of AMR as a limited liability company. When such an entity engages in a project such as that proposed, which can indeed have a long term unproven effect on the environment, it is of the utmost importance that this company not be of such a structure that it can dissolve with a 30 days notice. The impact on the environment might not happen immediately or during the 6 -10 year proposed life of the project but could occur at a much latter date. But at that time because the utility of the formation of this company has served its purpose none of the responsible parties will be available or legally responsible to remediate the problems which may occur. This is especially true of one of the partners Peter Marx who has an ongoing company presently which assets are NOT tied to this project.

- It is also difficult to discern what exactly the monetary benefits will be to the city as those politicians who have involvement in this project are quoting higher rates than those mentioned in the DEIS and claim they have renegotiated so the City gets more . I see this as an alteration if this is so, in the most recent DEIS proposal and am wondering what else has been altered without the knowledge of the DEC and the citizenry. These statements to the public are very misleading and need to be corrected or submitted as another proposal.

- Wetlands may be affected and there is no mention of the trade off requirements in the DEIS.

- AMR claims that mining is permitted in a L1 zone and THEY WILL SEEK CONFIRMATION WHEN THIS IS NOT SO AS MINING IS NOT ALLOWED EXCEPT BY SPECIAL PERMIT BY THE CITY ZONING DEPARTMENT

- In all public pronouncements the Head of the AIDA board has said AIDA will be there to merely lease the land when clearly in the DEIS it states ""(AIDA will bring about) the financing of the project through AIDA tax-exempt bonds." However when questioned they (AIDA) claim no they will have no liability or involvement in financing

- AMR proposes to store leachate on site but mentions nothing about the method except for storage tanks. Nor do they mention the impact, however they do mention they will discharge it to the municipal sewer POTW . There is a severe danger that our sewer system which is being constantly cited for the quality of its discharge can handle such leachate. Nothing is mentioned also as to the process used to accomplish this procedure.

- The DEIS mentions stormwater, which during the spring and fall is extensive, will be managed and the runoff will eventually drain into the Mohawk River. As a resident in proximity to this area, I am aware that the flooding in this area is a severe problem and as recently as a year ago we had a washout of both the roads and the land at and near the proposed site, which caused the State to invest thousands to restore and rebuild the roads off Chapman and East Main St .With the amount of State resources used to regenerate the river, and rebuilding the road one would wonder if this is what the State really wants.

- The Sound claims seem to be confusing also as the decibels taken in August 2003 had to have been much less than stated as August was a month where most industrial noise was abated due to employees having vacations and manufacturing being down. Additionally without Ward products which has left the park since 2003 (2005) the sound quality is considerably lower. The very fact that AMR states they will if necessary only use the crusher or grinder and not use them simultaneously indicates that the noise level will be extreme. Then I question who or how these noises will be measured. I am not aware the City has equipment to monitor sounds and no dbs are mentioned in the City Code. AMR mistakenly stated that there was no NOISE ORDINANCE in the city ***but in fact there is***. which reads as follows:

154-1. Legislative intent.

A. The Common Council finds that:
   (1) Unnecessary noise degrades the environment of the city to a degree which:
      (a) Is harmful and detrimental to the health, welfare and safety of its inhabitants.
      (b) Interferes with the comfortable enjoyment of life, property and recreation and with the conduct and operation of business and industry.
      (c) Causes nuisances.
   (2) No one has any right to create unnecessary noise.
   (3) Effective control and elimination of unnecessary noise is essential to the furtherance of the health and welfare of the city's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

B. The Common Council recognizes that many inhabitants of the City of Amsterdam must sleep during the daylight hours in order that they may be employed in the nighttime and that infants, invalids and illness require that unnecessary noise be eliminated; and the Council is mindful of the fact that a busy city creates sufficient noise by its own activity which cannot be eliminated. Therefore, it is in the public interest that unnecessary noise, especially unnecessary recreational noise, be eliminated within the corporate limits.

§ 154-2. Prohibited acts; exceptions.

A. It shall be unlawful for any person within the City of Amsterdam to make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

B. The construction or repairing of buildings. The creation of noise associated with an excavation, demolition,
   (2) alteration or repair of any building within the city, other than between the hours of 6:00 a.m. and 9:00 p.m., except in the case of urgent necessity or the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be renewed for periods of three days while the emergency continues.
   (4) Radios and phonographs: use on private property. Playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound is prohibited if such sound is loud enough to be clearly heard 25 feet from the boundary of the property on which the sound is produced or reproduced.

§ 154-4. Standards for determining violations.

A. It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud or unnecessary or unusual noises, hereinabove defined, which disturb the peace and quiet of any neighborhood or which cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The standard which may be considered in determining whether a violation of the provisions of this section exist may include but not be limited to the following:

(1) The level of the noise.

(2) Whether the nature of the noise is usual or unusual.

(3) Whether the origin of the noise is natural or unnatural.

(4) The level and intensity of the background noise, if any.

(5) The proximity of the noise to residential sleeping facilities.

(6) The nature and zoning of the area within which the noise emanates.

(7) The density of the inhabitation of the area within which the noise emanates.

(8) The time of day and night the noise occurs.

(9) The duration of the noise.

(10) Whether the noise is recurrent, intermittent or constant.

- AMR is discounting the impact this project will have on the City residents who are mostly affected that this is the idea of what the new AIDA board misguidedly sees as economic development. They are not discussing the smells and the results that the ***hydrogen sulfide*** which will be produced by the rotting gypsum will have on the residents nor are they acknowledging that there might be health dangers as seen in the state of Wisconsin and addressed by the Center for Disease Control. Many homes mostly on Mathias Ave , Kreisel Terrace, and lower Mason Ave in the City are less than **150** ft from this proposed site. At the beginning you will notice that maps do not include ANY streets in the City. This leaves us questioning the intent of AMR and AIDA to be completely honest in their information dissemination.

- Currently the City of Amsterdam has a property financed by a Federal HUD Grant which is in default so the taxpayers currently own it. It is a restaurant built into the ledge rock connected and in the path of the mining which will be done to build a receptacle for the quarry in which this proposed C & D Landfill will be situated.. It has an all Glass front which will surely be destroyed with the blasting. Additionally the dump will have a negative impact on the value of this particular property and it is a possibility that the taxpayers will also have to pay back the Government should this property loose its resale value due to the proximity of both the dump and the proposed truck route.

Please consider these comments a sincere concern for the environment and quality of life for the Citizens of our City and the residents of the Town of Amsterdam who will be harmed by this project in many ways environmentally, physically, and economically.

Mary Ann Smith
5 Mason Ave
Amsterdam, NY 12010

FYI

LT Michelle Colledge
Environmental Health Scientist
Division of Regional Operations
Agency for Toxic Substances and Disease Registry
U.S. Department of Health and Human Services
on
ATSDR's Public Health Activities in Warren Township, Ohio
before
The Economic Development and Environment Committee Ohio State Senate

May 11, 2005

Introduction
Mr. Chairman and Members of the Committee, thank you for inviting me to testify before your committee. My name is Michelle Colledge, and I am an Environmental Health Scientist in the Division of Regional Operations, at the Agency for Toxic Substances and Disease Registry (ATSDR). ATSDR is a federal agency within the United States Department of Health and Human Services. The mission of ATSDR is to "serve the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances."

ATSDR testimony is not intended to address the specific provisions or merits of any proposed legislation. Today, I will provide the committee with information about Construction and Demolition debris landfills, an overview of the toxicity of hydrogen sulfide gas, and a summary of ATSDR's public health activities in Warren Township, Ohio. I will include an overview of ATSDR's investigation concerning the Warren Recycling facility, any conclusions drawn and recommendations stemming from our involvement there, and potential health effects from exposures to hydrogen sulfide.

Construction and Demolition (C&D) Debris Landfills
Debris from construction and demolition (referred to as C&D waste) is a substantial waste stream in the United States, with hundreds of millions of tons of C&D waste being generated each year(1). The United States Environmental Protection Agency (USEPA) defines C&D debris as waste material that is produced in the process of construction, renovation, or demolition of structures. It consists of concrete, asphalt, wood, metals, gypsum wallboard, and roofing.

Of the components of C&D waste materials, drywall is of special concern. It is a major component of C&D wastes, and its disposal in C&D landfills can result in the production of hydrogen sulfide. Drywall is composed of a core of gypsum ($CaSO_4 \cdot 2H_2O$), covered on both sides with a paper facing and backing(2). When the sulfate in the gypsum is exposed to water, it becomes solubilized in the landfill leachate, and hydrogen sulfide gas is produced through an anaerobic conversion process(3).

Effects of Hydrogen Sulfide Exposure
Hydrogen sulfide is a colorless, flammable gas under normal conditions. In air, people can smell hydrogen sulfide at levels as low as 0.5 parts per billion (ppb), and the odor is usually characterized as smelling like "rotten eggs" or "sewage." Because hydrogen sulfide is ubiquitous in the natural environment, low-level exposures are not

uncommon. Natural sources account for approximately 90% of the amount of hydrogen sulfide in the atmosphere. Background concentrations of hydrogen sulfide in outdoor air are typically less that 1 ppb(4).

Short-term exposures to high levels of hydrogen sulfide may cause adverse health effects, including: airway constriction in individuals who have asthma5; decreased lung function6; inability to smell gas (olfactory fatigue)(7-8); and eye irritation (keratoconjunctivitis, punctate corneal erosion, blepharospasm, lacrimation, and photophobia)(9-15). Severe injury and death have been observed with short-term exposures to hydrogen sulfide levels exceeding 100 ppm4, (16-17). Acute exposures to elevated levels of hydrogen sulfide can result in pulmonary edema and central nervous system effects including dizziness, nausea, headache, and physical collapse (18-21).

Long-term exposures to hydrogen sulfide may also result in adverse health effects. These include: neurologic effects (fatigue, loss of appetite, nausea, headache, vomiting, irritability, poor memory, depression, motor skills, and dizziness)(9, 22-23) and respiratory effects (nosebleeds, breathing abnormalities)(23-25). Several studies have been conducted which show neurologic effects from chronic low-level exposures. These studies have documented deficits in cognitive function, reduced perceptual motor speed, impaired memory, impaired balance, and abnormal mood status. These effects were still evident months and sometimes years after exposures ceased (22-23, 26). The magnitude of exposure in these studies ranged in low parts per billion to low parts per million. As an attachment to my written testimony, I have included a table that outlines current health-based guidance values for hydrogen sulfide exposures.

SEE ENTIRE ARTICLE @ http://www.hhs.gov/asl/testify/t050511.html

CC: Mr. William Clarke
Regional Permit Administration
NYSDEC Region 4
1150 N Westcott Rd
Schenectady, NY 12306

Att: Editor
The Amsterdam Recorder
1Venner Rd
Amsterdam NY 12010

June 27, 2006

7 ✓

Dear Editor,

This letter is directed to AIDA and our elected officials who are in favor of the infamous C&D Landfill. I am not a person who normally engages in publicly advertising my views on local politics, but I feel my time has come. I am outraged over the proposal of this negligent and ludicrous project. My outrage culminated after reading the June 27th article regarding possible prior asbestos contamination of the industrial park site. I reside on upper Mathias Ave(much too close for comfort). I have a 6 year old child to raise in the home that we own and I would be remiss not to express my overwhelming concern and anger about this project. Negative public health impact now appears imminent in addition to all the previous issues that have been voiced if this plan is allowed to fruition.

What I would like to know is; How could a recent, supposedly reliable, environmental impact study overlook the possibility of previous asbestos contamination? The conclusion is easy. It is the same dirty pool that has been played in the past. With this knowledge how can we trust what our officials are trying to sell us? I urge all residents of Amsterdam opposed to this project to make your voice heard. To AIDA and our elected "yes-men"; How would you feel about this fiasco being in your backyards? Really, how do you sleep at night?!

Lastly, kudos to Mr. Wills and the CSCA!!!

Signed,

Lynn M. Valikonis

Lynn Valikonis
106 Mathias Ave
Amsterdam NY 12010

June 29, 2006

Josephine Sperduto
8 Peter Lane
Amsterdam, NY 12010

8

I am a concerned citizen of Amsterdam and am very much troubled by the possibility of the C & D landfill located off of Edson Street.

I am concerned about the air pollution and truck traffic, the blasting that may damage homes, the ground pollution, should the liners leak, the appearance of the area and especially the odors that will come from such landfills. Most of all, the location is to close to residents.

Please read a special report to the Recorder written by Gene Zamorski. It appeared on June 1, 2006. He has had experience and has much knowledge about C & D landfills. Please find another location for this and not near residents. Don't allow our city to be ruined. No amount of money is worth this.

Sincerely

Josephine Sperduto

In addition, there is the issue of wear and tear on both state and local roadways to be used by trucks traveling to and from the site. Section 2.3.3.3. of the DEIS notes: "Preliminary calculations based on regional projections estimate that between 600-700 tons [of C&D debris and recyclable material] *per day* will be received at the facility" [emphasis added]. A total of 1.2 million to 1.4 million pounds of debris transported by 35 trucks daily calculates to a minimum of 34,285 pounds, or more than 17 tons, of debris per truckload per day. Is our infrastructure capable of handling this volume of traffic?

Stormwater and Leachate: During the past year, Amsterdam has experienced a number of severe storms, such as those that inundated parts of Montgomery County last week. On July 1, 2005, a series of thunderstorms that kept re-forming over eastern sections of Amsterdam and the Town of Amsterdam caused extensive damage to both residences along Chapman Drive, which is just below the area designated for the proposed "landfill," and the roadway itself. The DEIS claims, in Section V(p): "Stormwater will be managed on the project site through the use of culverts, drains and retention basins. Stormwater runoff from the property will discharge to existing drainage culverts and adjacent surface waters and ultimately to the Mohawk River. Stormwater which comes into contact with the waste mass will be treated as leachate and disposed of at the City's wastewater treatment plant."

Can you and AMR, LLC, guarantee that "culverts, drains and retention basins" will not be undermined during storms of the magnitude of those of July 2005 and June 2006? Can you ensure that Town of Amsterdam homeowners' properties will not be flooded and that their drinking water supplies will not be compromised? As you know, Lock 10 at Cranesville – just a mile or two east of Amsterdam on Route 5 – was seriously damaged in the flooding last week. The city's own Riverlink Park also flooded and is now being cleaned. Is it realistic to expect the Mohawk River, swollen beyond capacity and overflowing its banks during a torrential rainstorm, to absorb even more water – and possibly contaminated runoff? By encouraging more runoff into the river, are you and AMR, LLC, setting up a scenario for disaster, such as the loss of life and/or property?

Fugitive Dust: According to Section 2.3.9. of the DEIS, "Site operations, including material sorting, moving and placement within the landfill cell, may generate fugitive dusts. Fugitive dust is a particulate matter which becomes airborne and contributes to air quality as a nuisance and potential threat to human health and the environment."

This wording is confusing and inaccurate. It is clear that fugitive dust makes *no* "contribution" to air quality, save a negative one. What the DEIS fails to specify is that fugitive dust, and the landfill gases likely to accumulate at the site, might exacerbate or cause allergies, asthma, and other respiratory ailments. Despite the written assurances that "facility design," "daily cover," "vegetated covering," and "material handling procedures and dust suppression techniques" will mitigate fugitive dust, this issue merits further discussion, as does the concern about landfill gases and their potential effects on human health.

Noise: During the construction phase, equipment that produces steady noise will or may be used for blasting, mining, and other operations. In Table 3-11, "Common Noise Levels" (Section 3.13 of the DEIS), a backhoe at 50 feet registers a decibel (dB) level of 83-86; a primary and

secondary crusher at 100 feet, 89; a wood chipper at 50 feet, 89; a heavy truck at 50 feet, 90; and a bulldozer at 50 feet, 105. From what I understand, a decibel level of 86 is "a loud but not dangerous level of sound, *if it is not maintained for very long*" [emphasis added], while 110 dB is "a dangerously loud but survivable level" (School of Physics, The University of New South Wales, Sydney, Australia; http://www.phys.unsw.edu.au/~jw/dB.html). As you can see, the levels for the various types of equipment cited in the DEIS certainly fall within that 86-110 dB range.

The DEIS goes on to state that, during the operational phase, "waste processing and other site activities will involve the use of the following equipment: concrete crusher, tub grinder, trash compactor, heavy trucks." Those pieces of equipment, the DEIS adds, record decibel levels of 91, 91, 80, and 91, respectively, at 60 feet (the crusher and the grinder) and at 50 feet (the compactor and the truck). With noises at these levels for sustained periods, it would seem that hearing problems are likely to manifest themselves in city and town residents whose properties adjoin the proposed "landfill."

Decline of Property Values and Quality of Life: Although this issue was relegated to the seventh item down on Page 199 of the DEIS – just 14 pages from the end of the document – and merited only one brief sentence, it is an overriding concern for Amsterdam residents. Many of the people in the Fourth Ward are elderly; they have lived in their homes all or most of their lives and ask nothing more than to remain there in peace. Others include young families who find Amsterdam a more affordable place than Clifton Park or Guilderland or Delmar in which to raise their children. When their properties are devalued by proximity to a "landfill," where are they to go in a real estate market where even a modest one-family home commands $150,000 or more?

A "landfill" will contribute nothing to our community. I understand that you and other city administrators are excited at the prospect of bringing $1 million to $3 million annually – by your estimates, although the amount denoted in the DEIS is at the low end of that range – into Amsterdam's coffers. However, I hope you will abandon this quest to locate a "landfill" in our midst and work instead to attract safer, healthier, more viable long-term businesses to our area.

Sincerely,

Carol Olechowski

cc: New York State Department of Environmental Conservation
U.S. Army Corps of Engineers
William Wills, Alderman, Fourth Ward, City of Amsterdam
Joseph Emanuele, Mayor, City of Amsterdam
Barbara Johnson, Chair, Montgomery County Economic Development, Planning, and Agriculture Committee
Eugene Zamorski, Chair, Citizens for a Safe and Clean Amsterdam

(11)

Mr. William Clarke
Regional Permit Administrator
NYS DEC Region 4
1150 North Westcott Rd.
Schenectady, NY 12306
July 6, 2006

Dear Mr. Clark,

As a homeowner on Mathias Ave., we have profound concerns as to how the C&D Landfill will impact upon our property. The backyard of our property will look directly upon the dump. During summer, the deciduous growth may slightly block our view, but for more than half the year when the trees are bare, we will be forced to look completely and directly at this travesty to our area.

Our property is only 250 feet from the proposed C&D Landfill site. That is less than a football field away. This is contrary to City Hall statements which tell us that there are no homes near the site. It appears the public has been misinformed.

We have been informed that the estimated life of this landfill will range from seven to ten years. On top of that, prior to the time at which this site would become operational, it will take six months to be prepared for use. This site is a stone quarry, which means we will be forced to endure blasting. This leads us to wonder what damage will be done to our property, including the old water, gas, and sewer pipes.

During the duration of this C&D Landfill, our quality of life will be directly impacted by the project. We now live in one of the very few old neighborhoods that are still considered to be a desirable place to live. The reason that houses in our area sell rapidly is because of the cleanliness and quietness of the neighborhood. However, how long will this last with a "dump" as a neighbor?

The noise level will also greatly increase according to the DEIS (pg.151.) The noise level from the project is anticipated to surpass 10DB to 20DB. There goes our quiet neighborhood.

The smell factor will also become an issue. Although primarily an issue for solid waste landfills, C&D Landfills can also produce landfill gases such as methane, carbon dioxide, and hydrogen sulfide, giving our neighborhood the characteristic "rotten egg" smell. The hydrogen sulfide and other landfill gases will cause aesthetic impacts and be a nuisance to our way of life.

The dust factor will be another impact on our quality of life. Construction activities associated with the proposed project will result in the generation of fugitive dust both during the activities (i.e. excavation, demolition, vehicle traffic, human activity), and as a result of wind erosion over the exposed surfaces. Fugitive dust is a

(5)

particulate matter which becomes airborne and causes a direct decline as to air quality, causing a nuisance and a potential threat to human health and the environment.

This area which includes two elementary schools will be subjected to seven to ten years of air pollution, noise, and smells. This can be a problem not only to the children that attend these schools, but to every resident of the area, people ranging in age from young children to many over 90. For those residents who are elderly, this project could last them the rest of their lives.

Our family has owned this property since 1941, and has taken pride in keeping it updated. We do not look forward to looking at a dump, or enduring the smell, noise, and air pollution for the next ten years.

We ask you to do what you can in helping us fight off this demon of a landfill that is trying to rip our neighborhood apart. Anything and everything that you can do to help us will be greatly appreciated by not only us, but by our neighborhood and the entire city.

Sincerely,

Eleanor Parlapiano
Joanne Parlapiano

Eleanor and Joanne Parlapiano

CC: Mr. Michael Chiara
City Planning Board

JUL 10 2003

3353

Mr. Michael Chiara
Chairman of AIDA
Amsterdam City Hall
61 Church St
Amsterdam, NY 12010

July7, 2003

Dear Mr. Chiara,

Enclosed please find my comments on The DEIS which was submitted by AMR. With your background in accounting you should have little trouble understanding my discussion.

Is there going to be a Public Hearing on the DEIS?

Sincerely Yours

Philip Lyford

Philip Lyford
2 Norris St
Amsterdam NY 12010

In the DEIS which was submitted by Amsterdam Material Recycling to Amsterdam Industrial Development Agency for approval and study, I found troubling differences between the therein stated financial structures and the financial structures projected by the members of AIDA and the City officials. As a citizen, I can only interpret the value of this project to myself and our community based upon the information in the DEIS. I will go through the projected revenue as put forth in the DEIS and show how the amounts are irreconcilable with the amounts being advanced by the Deputy mayor's office.

At the information meeting held at City Hall on May 30, 2006 Deputy Mayor Nicosia presented a schedule as follows:

C&D
Construction and Demolition Landfill
Potential Economic impact to the City by a "Host" Agreement

Potential per year of 200,000 tons at $15 a ton or $3,000,000.00 (THREE MILLION) base Benefit to the city for 6 years $18,000,000: 10 years $30,000,000

These figures are impossible on the basis of the physical capacity of the project, the projected recycling percentages, and the indicated dollar amounts put forth in the DEIS

On page 28 the capacity of the project is stated as 1,000,000 tons. On the same page the rate of filling of the site is stated as 200,000 tons a year. Assuming no recycling, the lifetime of the project would be 5 years. Jeff Mirarchi, an engineer for AMR, has suggested that recycling rates would be between 15% and 20%. At a rate of 20% recycling, 160,000 tons per year of capacity would be used in the project. At this rate, the project would have a possible lifetime of 6.25 years. For the project to have a life time of ten years, and a value off $30,000,000 as projected by Mr. Nicosia, the rate of recycling would have to be %50 with an incorporation into the project of only 100,000 tons a year. Of course, the life time of the project could be greater than 6.25 years if the tonnage at the gate is less then the 200,000 tons a year.

Money Flow *see Page 35*

"The project sponsor has committed to pay to the AIDA and /or the City of Amsterdam $10 per ton accepted at the facility.6.....At the expected capacity for the landfill, the expected cash flow would amount to approximately $1-$2million for six to ten years 7"

Footnote 6:
In addition and separate from the $10 per ton, the sponsor has also agreed to pay AIDA and or the CITY $2 per ton to support new infrastructure for the industrial park and $2 per ton to guarantee proper facility closure and long term monitoring and maintenance

Footnote 7:
Based on the estimated disposal capacity alone, the total revenues enjoyed by the City would reach $10 million. The amount of C&D debris that is recycled would add to this revenue

At this point I see $10 million to the city spelled out three times. I also see $2 per ton ($2 million) to support new infrastructure for the industrial park and $2 per ton ($2 million) for facility closure and maintenance. It cannot be questioned what monitoring and maintained means, but on page 37 the meaning of "new infrastructure for the park" is elucidated as follows...

> *"AMR's proposal includes a new*
> *Access road directly off state route 5.*
> *In addition, AMR has agreed to*
> *Escrow $2 per ton of materials received*
> *At the facility for the purpose of*
> *Providing upgrades to the access road*
> *After the useful life of the park"*

I interpret this to mean that the AMR is initially going to sink $2 million into the Park so that it will be usable as a dumpsite. The statement "provide upgrades to the access road after the useful life of the park" makes me question who ultimately is being served and when. What ever it means, the $2 million or $2 a ton is not going to the City for tax relief.

Other reference point in DEIS of $10 ton and $2ton [illegible] and $2 ton for Closure

Please see pg 65 Pro-forma Form

"This scenario is based on payments of $10 per ton, 1 million total tons over a five year period" - Again sounds like $10 million, not $18 million or $30 million, as put forth by Deputy Mayor Nicosia.

Where is the figure of $15 dollar a ton for 10 years coming from one may ask?

See pg 65
"AMR will escrow $2 per ton of C&D materials received at the gate. These funds will be paid to AIDA at the end of the useful life of the project to upgrade the industrial park's infrastructure."

See pg 66
" An additional $2 per ton is also being provided for post closure care"

These are the same $2 per ton X2, which is mentioned on pages 35 and 37. Unless the DEIS is being renegotiated and there are money structures which the Citizens are not aware of, Deputy Mayor Nicosia is making misleading and incorrect fiscal projections. As can be seen in four examples the "HOST" agreement spells out only $10 a ton which will go to the city, and any escrow for closure and park upgrade could not possibly be used for tax relief or city projects.

The AMR backers seem to lump the $4 per ton devoted to escrow and upgrade into the "$15 per ton" rate, and with this amount come up with $3,000,000 per year when dumping capacity is 200,000 tons a year. Again I don't see this in the DEIS which has been submitted at this time. The AMR backers have asked the Citizens repeatedly to adhere to written information and have accused critics of being "misinformed."

Finally, in the June 30th edition of The Amsterdam Recorder, it was stated by AMR that "This dollar amount ($15/ton $ 3 million per year) is higher than the DEIS shows." It is to be hoped that the higher amount is not the result of book keeping gimmicks that would inflate the value of the project. The DEIS was submitted for review on May 17th, 2006 and only at the late date in June was public acknowledgement made by AMR that the figures therein have to be revised. For a project of such magnitude it is essential that the Citizens of Amsterdam have accurate information so they can make an informed decision as to the actual value of this project to the City and to their lives. For five weeks we were told that the DEIS was the standard by which to judge the project, but only two weeks before the Comment Period is to close are citizens formally notified that negotiations on the actual dollar amount per/ton are ongoing between AMR and the Amsterdam Common Council.

Whatever final numbers come out of negotiation, hopefully they will be presented in a less biased and more transparent manner than those presented during the past five weeks.

Thank You

Philip Lyford

Philip Lyford
2Norris St
Amsterdam NY
July 6,2006

BOND, SCHOENECK & KING, PLLC
ATTORNEYS AT LAW ▪ NEW YORK FLORIDA KANSAS

(13)

July 10, 2006

Hon. Douglas E. Landon, Esq.
County Attorney
Montgomery County
3 Market Street
Amsterdam, NY 12010

Re: Amsterdam Materials Recycling, LLC (AMR)
Application for C&D Landfill & Recycling Center

Dear Mr. Landon:

This letter relates to the review process by the County concerning the AMR applications.

On May 23, 2006, the County Board of Supervisors adopted a resolution expressing its opposition to the proposed facility. The resolution stated that the "siting of such a landfill would be detrimental to the economic climate and quality of life within Montgomery County and specifically within the City and Town of Amsterdam."

AMR is disappointed that this resolution was passed without any prior notification to AMR let alone an opportunity for company officials to address the concerns of the Board of Supervisors. A copy of the resolution itself was not even forwarded to AMR until I specifically requested one from your office.

There has been considerable misinformation disseminated about the parameters of the project and its impact, both environmental and economic. That is why it is so important for the County to understand all sides before judging the project's merits.

From the outset, AMR has sought to provide substantial benefits to the community that would make Amsterdam a better place. It has always been our understanding that the County was trying to establish a business-friendly environment. For precisely this reason, we find the process followed by the County very troubling.

We are led to understand that the County Board of Supervisors has concerns about the economic impact the project might have on MOSA and the guaranteed annual tonnage required of each of

the member counties. Our analysis which is separately being provided to the governing bodies of the three member counties and MOSA shows there would be little affect at all as little waste now going to the MOSA transfer stations would likely be diverted to AMR.

From the outset, instead of treating the AMR proposal as an opportunity to lower its cost structure, MOSA has rigidly defended its turf. This is symptomatic of an organization that is not looking to serve its constituency but rather is only concerned with protecting its own bureaucratic interests. Disappointingly, even after experiencing so many problems with the management of MOSA, the County seems not to have independently looked into the impacts of the AMR project but has trusted MOSA's conclusions without any independent questioning or analysis.

MOSA is one of many reasons the City of Amsterdam and other parts of the tri-county service area have had difficulty attracting new businesses. Presented with an opportunity for new disposal capacity, most local governments would leave no stone unturned to ameliorate the burdens caused by MOSA and would find a way to use the AMR facility to avoid costly shipments across the state. The signal sent by the resolution of the County Board of Supervisors is that it too willing to acquiesce in conclusions reached by MOSA and is unprepared to aggressively challenge MOSA for the benefit of county taxpayers.

AMR is also concerned about the effect the County Supervisor's resolution may have on members of the County Planning Board. As I believe you know, a referral pursuant to General Municipal Law §239-m concerning a proposed zoning change for the project.has been made to the County Planning Board. The Board of Supervisors has the authority to appoint and remove members of the Planning Board and this resolution will make it more difficult for the Planning Board to objectively address the referral on its merits.

I believe we are already seeing the influence this resolution is having on the members of the County Planning Board. In an article that appeared on June 21, 2006 in the Saratoga County edition of the Daily Gazette, the Chairman of the County Planning Board was quoted several times concerning the Board's review of the draft environmental impact statement (DEIS). He made numerous statements that completely ignore or contradict statements in the DEIS.

For example he stated that, "[T]here's a lot of stuff here that can put the city and AIDA in the position of liability, and this company (AMR) can go bankrupt and walk away. ..... There's no security in this for the city, for AIDA or for Montgomery County." The DEIS specifically identifies that financial securities that the project will minimally require (DEIS §§ 2.4.1; 3.9.2; 3.20.2 and Section II of the Executive Summary). AMR has also offered to provide additional financial security to both the City and AIDA.

The article also reports that AMR would control inspections at the site which would mean little scrutiny of what gets "dumped" at the facility. The Chairman was quoted as stating, [T]here's no

oversight." In fact, the DEIS makes several references to monitors by third parties (DEIS §§1.2.1 and 2.3.4). On many occasions, AMR officials have publicly stated their commitment to fund monitors by the City and AIDA and their willingness to extend that commitment to monitors from the community as well.

These statements and others suggest that the Planning Board is not interested in objectively reviewing the AMR application but is merely carrying out the wishes of the Board of Supervisors as embodied in their resolution. This is extremely troubling and raises some fundamental questions about fairness and due process.

I would appreciate your looking into these matters. Please notify me before meetings by county agencies concerning the AMR proposal are held and please send any rules or procedures of the County Planning Board to me. If I can provide any information about the project that would be useful to you or other county officials, please let me know.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

Robert H. Feller

RHF:chv

cc: Michael Chiara, AIDA Chairman
Paul Wollman, Esq., AIDA Counsel
Robert Going, Esq., Amsterdam Corporation Counsel
Montgomery County Board of Supervisors
Otsego County Board of Supervisors
Schoharie County Board of Supervisors
MOSA Board Members
Bob Noel, AMR

July 10, 2006

Mr. William Clarke
Regional Permit Administrator
NYS DEC Region 4
1150 North Westcott Rd
Schenectady, NY 12306

(14)

Re: Amsterdam Material Recycling
C & D Landfill

Dear Mr. Clarke:

We are homeowners of a small two family house at 46-48 Mathias Ave in Amsterdam, NY. The main reason for buying it about three years ago was the neighborhood. It is quiet and the homes are well maintained by people who care for their homes. These are one and two family older houses and would certainly not stand up well to the proposed activities in such close proximity. We would certainly not have bought in the area if we had known then, that there was a landfill in the future. Normally, any house in this area is bought up as soon as it's put on the market. Due to the threat of the landfill, this no longer the case.

We are in a position to see the landfill six months of the year and of course, hear it the time. I won't go into the noise created. Proponents are claiming thirty five trucks per Have they considered that these same truck

have to leave the facility. As an asthmatic I am concerned with the air quality due to the smell and dust to be created. Anyone with this condition would be. They are also claiming that these trucks will enter from route 5. That is true for those coming from the east, however the residents of that area won't agree any more than we do. Those trucks coming from the west, south and north will have to come right through the city. This is more traffic than Amsterdam needs, as anyone who travels those routes can tell you.

We greatly appreciate any consideration you may give to this letter and those of other opponents of the landfill. If it seems that we have mounted a serious campaign, you're right. This is a serious matter for us and the future of Amsterdam.

Thank you for your attention.

Sincerely,

Joseph and Roxanne Carlucci
46 Mathias Ave
Amsterdam, NY 12010-5211

07/10/06

(15)

Dear Mr. Chiara,

I have lived in Amsterdam all my life and never have I seen so many people in our city opposed to anything more than the proposed dump / landfill. Just look at all of the Anti-Dump Signs posted throughout our great city. You and your agency really need to hear what the people of Amsterdam are saying. We the city residents, taxpayers and people who have elected the city officials, which you represent, don't want a dump / landfill in our beautiful city. If we did then you would see a huge show of support from city residents with signs supporting it. The bottom line is you don't see this happening. It's that simple. This issue is about what the city residents and taxpayers want, not what AIDA, 3 Aldermen and a Landfill Developer want.

AIDA's job is to bring new business development into our city, not chase it away. Having a landfill in Amsterdam is no way to attract future business developers and new homebuilders. It will drive them away from us. Let's continue to keep Amsterdam moving forward and stop from taking a HUGE step backwards. We as city residents deserve better than having a dump placed in our own backyard. It would be a shame if we were known as "Amsterdam - Home of the Dump".

Let's take pride in our beautiful city!

Thank you for your time.

Sincerely,

Michael A. Garrasi
City Resident & Taxpayer

July 10, 2006

(16)

Mr. Michael Chiara
Chairman of AIDA
Amsterdam, City Hall
61 Church St.
Amsterdam, NY 12010

CC: Mr. William Clarke
Regional Permit Administrator
NYS DEC Region 4
1150 North Westcott Rd.
Schenectady, NY 12306

CC: City Planning Board
Attn: Chairman
Amsterdam City Hall
61 Church St.
Amsterdam, NY 12010

As a home owner that resides at 10 Lower Mason Ave. Amsterdam, New York. I have concerns about the proposed landfill. My home is about 250 feet away from the proposed pile. I am a single mother with a 12 year old son. I have pets and enjoy feeding the wild birds in my yard. I enjoy looking in my backyard at the trees. I also enjoy gardening.

I however, DO NOT appreciate this proposed landfill. I DON"T want to hear blasting and trucks coming in and out of it, dumping their debris. I DO NOT want to smell rotten eggs or breathe in dust, having my son's lungs violated just or someone can make a few bucks, and walk away from this. And, for what price do you have the right to take away the quality of life for my son and myself.

This neighborhood is a lovely, quiet, peaceful place to live. For you to come here and try to take this away from us is a sin. Do the people of Amsterdam realize the homes that border this proposed C&D Landfill on Lower Mathis Mason and Kreisel Terrance?

If this is such a good idea, ask Bob Noel why he doesn't keep it in Rensselaer and build up his community with all this money that's to be made. This, will not help Amsterdam, it will hurt it. We will then be known as the city with a dump or in other words AMSTERDUMP.

Sincerely,

Christin Gawerlski

Michael Chiara
Chairman, AIDA
City Hall
61 Church St.
Amsterdam, New York 12010

7-10-06

17

In regard to the proposed C & D Landfill in the city of Amsterdam, my concerns and comments are:

- The idea is inconceivable that any government agency or municipality would even consider a dump as:
  1.) an industry
  2.) a revenue producing vehicle

  The resulting long term detrimental effects far outweigh any possible short term financial benefit; overall, the negative impact on both the city and town is greater than any positive, however improbable, benefit.
- This area is a lovely green space with woods and wildlife; it is not a wasteland.
- This operation will not be a pristine, surgically clean process with no impact on the surrounding residences (which are in close proximity), regardless of AMR's advertising campaign.
- The trucks, following the stated truck routes through the primarily residential neighborhoods, are large canvas-covered tractor-trailers that can only be dirty, unsightly, and rumbling by nature. There will not be just a handful daily but a long line of large trucks. The Rte. 5–East Main Street area is particularly densely populated, with children playing on sidewalks and the street. A dangerous situation.
- The dump preparation will require blasting through bedrock, contiguous to residences. How house foundations, the water system, wells, sewer, and septic systems fare without resulting liability remains to be seen. (This is before the dump is even there.)
- If the dump were to become a reality, the operation would be both extremely noisy and dirty. Remember, this is not in the middle of a large tract of land but right in a residential neighborhood.
- The constant unloading of the debris will be extremely noisy, causing all kinds of dust, odors, and airborne toxic contaminates. The idea that each load of construction and demolition waste will be inspected carefully, practically microscopically, to insure that no toxic contaminants will be included is both ludicrous and impossible. This procedure was asserted by Robert Noel, president of AMR, LLC, at an informational meeting.
- Dump liner failures occur in the majority of landfills. This will result in water and soil pollution. Chapman Drive residents have wells from a clear, pristine aquifer. This does not supply a few houses, but most of the road in both directions. Who will be responsible for their water supply when it is contaminated? AMR, LLC has limited liability. Never forget what happened

to the residents of Woburn, Massachusetts, when their wells were polluted by industrial wastes.

- The area of the city of Amsterdam is less than 6 square miles. Everyone will be near this unsightly, foul-smelling "industry".
- Real estate values on land in the area, in both the city and town, will go down. If a property loses value, the tax assessment will go down permanently, resulting in loss of income. If the dump brings in any money, as alleged, it will be temporary, with financial liabilities outstripping any money to be made.
- The Chamber of Commerce can never and will never tout this as an asset of the area. It is not an asset, it is an embarrassment that this proposal could ever be taken seriously, much less promoted by city officials. The betrayal of a way of life for any amount of money cannot be defended.
- Air, water, and land pollution will follow. Amsterdam will be threatened by this and an endless stream of traffic, creating noise, dust, and danger.
- A dump is not the industrial development, quality of life enhancement, and advancement to the area that AIDA was commissioned to strive for. Shameful.

Kathlyn Gomula
160 Baldwin Road
Amsterdam, New York 12010

David Krzynowek
256 Chapman Drive
Amsterdam, NY 12010

July 10, 2006

(18)

Mr . Michael Chiara
61 Church Street
Amsterdam, NY 12010

Dear Mr. Chiara:

Submitted for your review are my comments to the document entitled Draft Environment Impact Statement - Amsterdam Materials Recycling Project dated March 20, 2006 (volume 1). The document was obtained from the website www.amsterdamedz.com.

- Page 49, paragraph 2.3.3.4 Waste Processing
"AMR will enforce a strict quality assurance program."
This statement lacks details about the plan. What does the quality assurance program include ? What is the process of inspecting waste upon arrival ? Who will ensure "cocktailing" of unacceptable waste doesn't occur ? Is this based on the "honor system"?

- Page 50, paragraph 2.3.4 Waste Handling and Disposal Activities
"Daily cover soil or an approved alternative material will be used to cover the waste mass at the end of each workday."
This statement lacks details about the soil cover or alternative material. For example, how thick is the cover (either soil or an alternative)?

- Page 53, top paragraph
"Construction signage and perimeter fencing will be used to define the work perimeter and prevent unauthorized access."
How tall is the fence expected to be ? Will the fence prevent any unauthorized disposal of waste - in other words, will the fence be high enough to stop someone from throwing trash over the fence and into the site area ?

- Page 70, paragraph 3.1.2 Potential Impacts
"The remaining 190,000 cubic yards of bedrock will be shipped offsite for processing and resale."
Who benefits from the resale of this bedrock - the city or AMR ?

- Page 83, paragraph 3.3.3.1 Blasting
"Prior to any blasting, a structural integrity survey will be performed at nearby residences."
What determines which residences are included in the survey ? Also, what agency will perform the survey ?

- Page 106, paragraph 3.6.3 Mitigation Measures (Wetlands)
"The mitigation plan will likely involve the creation, enhancement, and/or protection of wetlands in suitable off-site areas..."
No details are provided about the plan. Additionally, no specifics are provided about the "suitable off-site areas".

- Page 131, paragraph 3.8.3.3 Landfill Gas Control
"A detailed landfill gas management plan will be prepared as part of the post-closure..."
No details are provided regarding landfill gas mitigation. For example, will torches be erected to burn off the gas ? Assuming torches are erected, will the city be responsible for their operation ?

- Page 161, fourth bulleted item regarding noise mitigation
"...the applicant will conduct test measurements..."
Will a third party verify the noise measurements, or will the measurements be based on "honor system"?

- Page 164, bottom paragraph regarding noise mitigation
"...the railroad tracks immediate south of the property line provide an additional buffer zone..."
Railroad tracks are flat and no more than a few inches in height - how can these buffer noise?

Thank you considering my comments.

Best regards,

David Krzynowek

Mr. Michael Chiara
Chairman of AIDA
Amsterdam City Hall
61 Church St
Amsterdam NY 12010

19

Dear Mr. Chiara

Please see the following letter wherein I have discussed the problems of noise from the C&D Landfill which is being proposed for Amsterdam NY.

A Summary of my critisim is that at sites 1,2,and3, the Pre-Development Leq (dBA) averages 53-55(dBA) while Post Development Lmax(dBA) averages between 91(dBA) and 80(dBA). I feel comparing these two values is valid because the document states that the Dominant Noise source at Post Development would be Heavy Truck, Heavy Equipment. There would be continuous noise production through out the workday almost at equilibrium concentration, while the Leq(max) during the Pre-Development Phase at site is from sporadic vehicle traffic, brooks and woods

I do not know if this differential qualifies as the increase of noise in the sense implied in the DEIS but an increase of noise over a number of months is just as objectionable to residents as an occasional and intermittent loud sound.

These sites are closest to the City residents and would be most directly impacted

Thank You *Mary Lyford 2 Norris St*
Amsterdam NY 12010

1

19

July 10, 2006

I am a homeowner in Amsterdam and am convinced that there will be a sharp deterioration of daily life due to the overall ugliness that will occur if a landfill is placed in our midst. My concerns include noise, smell, dust, runoff, and geological fissures, as well as the negative visual impact of the landfill. These degrading consequences are all alarming, however, this comment on the DEIS of the Amsterdam Materials Recycling Project will focus on the increase in noise that the landfill will generate.

There have been many studies that show that people who are happy where they live say that they like it because it is quiet. Conversely and logically people who are unhappy say they don't like where they live because it is too noisy. I am often amazed at the beauty and quiet of my home in the middle of the city. Occasionally I am disturbed by a loud car stereo intruding on my thoughts as I work or relax in my yard. The loud stereo I attribute to an inconsiderate driver who may not fully realize how his stereo is impacting my life. How perplexing to realize that some people wish to begin blasting, heavy trucking, crushing, grinding, and compacting near my home.

The DEIS has several pages on noise including page 153 that lists noise increases as small as 5-10 dBA as intrusive. Turning to page 161 of the DEIS the performance standard states that there will be no more than a 10dBA increase at the residential property lines. This 10dBA increase would be unacceptable since the DEIS itself states (p. 153) that an increase of 5-10dBA is intrusive.

Furthermore the noise increases will probably be greater then 10dBA since on page 157 a concrete crusher and a tub grinder at 60 feet are listed at 91dBA each. At 200 feet the tub grinder with a berm around it is listed as 71dBA in the noise appendix. Compare this to a train whistle, which is 96dBA at 100 feet. The heavy truck and the trash compactor have similar noise intensities. Noise will be even louder when certain combinations of equipment, which will include concrete crushers, tub grinders, trash compactors and heavy trucks, are running simultaneously.

The table on page 159 compares pre vs. post development noise and shows that the Lmax dBA increase ranges from .8 to 10.9 dBA and the Leq dBA increase ranges from 1.9 to 10.8dBA. However the intrusive and very noticeable reaction due to these differences in noise intensities will be even greater then these numbers indicate.

When one compares the pre Leq range to the post Lmax range the differences grow to 35dBA for several of the sites listed on page 159. It is valid to compare pre Leq to post Lmax values because a homeowner will perceive the differences in sound over a certain time period not the differences in maximum sound from pre landfill to post landfill conditions. The table on page 153 lists increases of over 20dBA as "very objectionable to intolerable". These noise increases will have a detrimental effect on the life of many Amsterdam residents and should be avoided by not allowing the landfill to be built.

Thank-you,

Mary Lyford

Mary Lyford

115 Grand St
Amsterdam, NY
12010-4205
July 10 - 2006
phone 842-430

(20)

Mr Michael Chiara
AIDA chairman
City Hall
Amsterdam, NY 12010

Dear Mr Chiara,

In the past I always thought of you a the "Champion" for the City of Amsterdam you always had the welfare of the City and its citizens at heart. On the issue of the Landfill, however, you seem to me to have developed tunnel vision. You view only a temporary fix of the financial woes of the city. Amsterdam needs a future to wor for - clean air - green vegetation - pure wate peace + harmony... none of these being offer by the placement of a dirty - smelly - rodent + bug infested landfill in our beautiful Mohaw Valley. Please think of the future for Amsterda and do not put your stamp of approval on the terrible plot to kill off Amsterdam. Put your energy toward plans to attract families + employers - restore the Cliffside Restaurant for example. Such a beautiful restaurant just going to waste. Thank you.

Yours truly
Theresa Walton

GILBERT L. CHICHESTER
EXECUTIVE DIRECTOR

MONTGOMERY - OTSEGO - SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY

July 11, 2006

21

Amsterdam Industrial Development Agency
Amsterdam City Hall
61 Church Street
Amsterdam, N.Y. 12010

Attn: Mr. Michael Chiara, Chairman

Re: Amsterdam Materials Recycling Project
Comments to Draft Environmental Impact Statement

Dear M. Chiara:

The Montgomery-Otsego-Schoharie Solid Waste Management Authority ("MOSA") is the solid waste-planning unit for the Counties of Montgomery, Otsego and Schoharie. MOSA hereby submit the following comments regarding the Draft Environmental Impact Statement ("DEIS") for the Amsterdam Materials Recycling Project (" AMR Project"). The comments are primarily in the areas of planning, fiscal impacts and alternatives analysis.

1. The Current Plan

The Authority was created in 1987 by an act of the New York State Legislature at the request of the three Participating Counties. Subsequent to its formation, a Service Agreement structure was put in place by and between the three Participating Counties and the Authority to facilitate MOSA's financing of the acquisition and closing of the then-existing landfills in Montgomery County, the acquisition and renovation of existing transfer stations and the construction of new transfer stations to implement the local solid waste management plan adopted by MOSA as the planning unit for the three-county service area.

The DEIS makes mention in Section 3.11.2.2 that the AMR Project could impact Montgomery County's ability to facilitate the delivery of waste to the Authority. However, it is stated that the impact of shortages would be very difficult to analyze and are beyond the scope of the DEIS. Additionally, the DEIS erroneously states that "NYSDEC Rules do not require merchant facilities (i.e. private facilities that are intended to serve the needs of any community or region and accept wastes from many locations) to demonstrate consistency with state, regional or local solid waste management plans." Based upon this presentation, it appears that the AMR Project developers feel that their plans take precedent over the plans and investments already made by the larger community.

6NYSCRR Part 360 Solid Waste Management Facilities regulations indicate in Section 360-1.9(e)(4)(vi) that submittals "for applications which are not submitted by or on behalf of a municipality in a planning unit, include an assessment of the proposed facility's impact on the local solid waste management plans, if any, of the planning unit in which the facility is located and the planning units from which solid waste is expected to be received."

The AMR Project developers have not fulfilled their responsibilities relative to assessing the impact of their proposed actions on the implementation of the plans in place with the Authority as well as with the other municipalities from which they will accept waste. Agreements were made, funds were borrowed and it is imperative that the Participating Counties and the municipalities therein continue to honor these commitments.

No attempt was made by the City of Amsterdam to relate to the Authority relative to any special solid waste planning needs they may have.

2. Alternative Analysis

Table 1-1 of the DEIS purports that there is no facility within a 100 mile radius of the AMR Project site that would be able to take C & D material. This omits MOSA's transfer stations and potentially other competing facilities. One of MOSA's transfer stations is located in the City of Amsterdam. While MOSA does not currently have a C & D recycling facility, it does accept C & D waste at that transfer station. The DEIS should evaluate, not ignore, this alternative.

Additionally, Table 1-1 indicates that some facilities take in C & D by contract, but do not accept private C & D material. There is a difference between the ability of a private, competing entity, to establishing a relationship with these facilities and the ability of another planning unit to develop working relationships. This was never pursued with MOSA and thus was not addressed in the DEIS.

3. Active Planning

MOSA operated a landfill up until December 31, 1996. Following the closure of the landfill, MOSA determined to dispose of waste through private contractors rather than commencing construction of a new landfill at that time. After a public solicitation of proposals, the lowest cost disposal alternative was determined to be a contract for transportation and disposal through Riccelli Enterprises. The current contract runs to December 31, 2010.

At the same time that the terms of the latest transportation and disposal agreement were being negotiated, the Governing Board of the Authority determined it to be necessary and appropriate to push forward in planning for the ongoing current and future needs of the Service Area. Professionals are being engaged to assist with the development of a full service solid waste management organization. The goal is to develop and implement a strategy that will balance service with competitiveness.

Clearly, the AMR Project speaks to the need for local disposal options on a regional basis that is sustainable over the long term. Maintaining a full range of solid waste services over an extended period of time at competitive prices is preferable to minimal services for a short period with added cost to the Participating Counties.

The DEIS speaks to the fact that there is no other 28 acre tract of land available within the City limits. Given that the City is part of a larger planning unit, it would seem to be appropriate to search the entire service area for an appropriate tract of land that would give equal or greater benefit to the region as a whole.

4. Sustainability

The City's stated need for the facility is based on the large quantity of vacant and abandoned commercial and residential properties. The DEIS notes, however, that the City does not have the resources for a clear demolition and renewal program. In other words, although the City has materials within its jurisdiction, which could be placed in the facility, the City does not have sufficient available funds to cause the demolition to occur, nor pay the disposal costs. The host community benefits are to be used for such purposes as well as to substantially reduce taxes for property owners. Therefore, the C & D facility must be substantially larger than the City's needs alone in order to produce sufficient outside revenue to support the host community payments and provide profits for the developer above and beyond development and operating expenses. This is all in hopes that economic development will produce sufficient cash flow to sustain the economic development initiatives and sustain the lower level of taxes.

The DEIS speaks of leveraging some of the host community benefits by using them as the local share to facilitate grants to provide for demolition that relates to urban renewal / economic development initiatives with no details being given on the latter initiatives as to the probability of timely results. There is no mention of the risks inherent in assuming success with all phases of a multi-layered project requiring approvals and funding from many directions over a relatively short period of time. This could result in financial liabilities for the City that could negate benefit received. The DEIS does not provide enough information to judge the sustainability of the overall plan.

The AMR Project may well be at the expense of the other county taxpayers. The Counties are currently each using a subsidization arrangement tailored to the particular County's needs in order to cause waste from the County to be brought to the MOSA facilities as required by the Service Agreement. The Service Agreement itself does not require subsidization. The subsidization effects economic flow control. However, the burden is heavy. Montgomery County's payments for the subsidy program were $661,290 for 2002, $732,288 for 2003, $998,760 for 2004, and $873,915 for 2005. In addition, under certain circumstances, the County is responsible for payments when shortfalls in waste deliveries occur. The Counties may not be able to sustain the financial burden of subsidization.

The DEIS discusses Montgomery County's obligation under the Service Agreement relative to the delivery of GAT waste. It further indicates that flow control is not an option to assure the delivery of Montgomery County waste to the Authority. Not only have the Counties been effecting economic flow control for several years, based upon decisions handed down by the Second Circuit of the U.S. Supreme Court legislative flow control is legal and remains an option for municipalities. Legislative flow control is currently being implemented in other New York State counties. Montgomery County might find it necessary to implement flow control to sustain / uphold the commitments made to regional planning for its solid waste management needs. This should be given consideration in the DEIS.

5. In Conclusion

The Authority was established so as to take advantage of economies of scale to develop an integrated and sustainable solid waste management system for the region. The AMR Project is trying to develop a business plan to use a small solid waste facility to jump-start a local economy and reduce taxes.

MOSA has developed and implemented plans with the support and commitment of the Participating Counties. The planning process continues with many alternatives being considered from many points of view including environmental, economic and social. It is necessary for the Participating Counties, along with the municipalities therein, to plan together so as to capitalize on the investments already made.

The AMR Project developers need to more directly relate to the planning units involved. Alternatives need to be more thoroughly considered. Risks need to be given greater scrutiny. This is all in keeping with the regulatory requirements presented above.

Please contact me with any questions regarding the above comments.

Sincerely,
Montgomery-Otsego-Schoharie
Solid Waste Management Authority

Gilbert L. Chichester,
Executive Director

John J. & Cecilia M. Thomas
112 Sanford Avenue
Amsterdam NY 12010
(518) 842-3791
cmjjthomas@verizon.net

22

Mr. William Clarke
Regional Permit Administrator
NYS DEC Region 4
1150 North Westcott Rd.
Schenectady, NY 12306

Dear Mr. Clarke,

My wife and I are residents of the 2nd ward, and have lived in the city all of our lives. My grandfather built our home on Sanford Avenue in the early 1900's.

Our concerns, along with many other opponents of this "landfill", are what will be the damage to our aging infrastructure when the blasting of this area begins? How will it affect the 3 schools in that area? What of the 3 cemetery's in the general area dating back to the 1800's? We are very concerned with the noise which will generated, the pollution, heavy traffic in populated areas. This does not even take into account the beautiful residential area that borders the proposed "landfill". Many of these homes have been maintained with pride by the homeowners (taxpayers), how must they feel to have this monstrosity in their backyards? In the pre-development of the "landfill" it will be necessary to blast. This blasting and removal of the bedrock will create a dust problem for everyone in the area, and possibly affecting the whole city, as this dust will carry on the wind.

If this "landfill" is created, monies coming from this project will be going to AIDA's coffers, how will this be transferred to the city? This has not been clearly addressed. What will happen when the money stops coming in? With the tax cap in place, this will create a huge shortfall in the city's budget.

The DEIS also does not go into how long this leachate from the "landfill" will be monitored. Who will be responsible? After 10-20 or more years, who will be responsible ? Will AMR still be in business to take care of this problem, or will we be faced with another sludge plant fiasco?

There are many more questions which the DEIS does not answer which the concerned citizens of our city have a right to know. It appears that the short term fix will not solve Amsterdam's problems. It will only compound them.

Very truly yours,

John J Thomas 7/11/2006
Cecilia M. Thomas 7/11/06

Cc: Mr. Michael Chiara
Cc: Chairman, City Planning Board

July 11, 2006

Recv'd
JUL 1 3

(23)

Mr. Michael Chiara
Chairman of AIDA
Amsterdam City Hall
61 Church St
Amsterdam, NY 12010

Dear Mr. Chiara,

The following are my questions, comments and concerns regarding the proposed dump/landfill project located at the Edson Street Industrial Park:

1. You will not know if the loads delivered by the transporters contain "non-conforming" materials until the load is placed on the designated "concrete pad". What will the procedure be if hazardous materials are found? Will there be a "haz-mat" team on site at all times?

2. How many "inspectors" will there be at the Edson Street site as well as the point of origin? What qualifications do these people need to become inspectors?

3. Will the dump material be transported from out-of-state?

4. What route will the construction vehicles take during the estimated 6 months of the construction period of the dump project?

5. Since "spot zoning" is not allowed, amending the zoning ordinance will allow the whole area to become a potential dump site

6. As per the DEIS, site excavation will result in the generation of dust (particulates). The larger particulates will "settle out" within a short distance from the site.

   A. How big are the large particulates?

   B. In inches, feet, yards and miles, how far will the large particulates "settle out"?

   C. What about the small particulates? In inches, feet, yards and miles, How far will the small particulates "settle out"?

7. Describe the "natural vegetative buffer". How high is it and how big of an area does it cover.

8. How often will the dump gases be emitted? If the emissions are constant, how can they be controlled?

9. The dump compactor, concrete crusher and wood grinder will all be in operation at the same time. It will be impossible to minimize the noise even though the DEIS states that a noise barrier will be used in the form of an "isolation berm". Describe "isolation berm".

10. When blasting occurs, will the industrial park as well as the surrounding neighborhood have to be evacuated? If so, for how long?

11. As per the DEIS, a structural evaluation of residences will be performed to establish baseline conditions (cracks, etc) prior to blasting. What if some homes have hair-line cracks in their foundations that have no impact on the integrity of the foundation (they're strictly cosmetic). Then, after blasting, those hair-line cracks become much larger and are now considered to be a serious problem. Who is responsible?

12. I currently live on a street that is **not** a "designated" truck route to the Edson Street Industrial Park. The City of Amsterdam has placed a sign on our street that shows a truck with a red circle and slash through the center indicating "no trucks allowed". The truck drivers, however, have made this street a "designated" truck route because it is the easier way to the industrial park. This is a perfect example of how Mr. Noel's "designated" truck route cannot be enforced.

13. How high will the dump be when it is completely filled and closed.

14. If this project is such a "guaranteed" money-maker, why aren't the surrounding cities, villages and towns, who are in the same financial situation Amsterdam is in, competing for this project? Why isn't Mr. Noel placing this project in his city? Is his city so financially secure that taxes don't need to be reduced, streets don't need to be improved, the DPW doesn't need new equipment and most of all, his city doesn't need the estimated $3,000,000 per year he says the project will generate?

The DEIS paints a very rosy picture, but you have to ask why no other city, town or village has placed a dump in any of their neighborhoods. I think the answer is common sense ruled. Thank you

Sincerely,

Karen Twardzik

Karen Twardzik

BOND, SCHOENECK & KING, PLLC
ATTORNEYS AT LAW ▪ NEW YORK FLORIDA KANSAS

July 12, 2006

Mr. Jack Fritz
Chairman, Montgomery County Planning Board
230 Gombar Road
Espearance, NY 12066

Re: AMR Application for Zoning Change

Dear Chairman:

I represent Amsterdam Materials Recycling, LLC (AMR), the sponsor of a construction and demolition (C&D) landfill and recycling center that is proposed to be sited in the Edson Street Industrial Park in the City of Amsterdam. There currently is a referral to your Board from the Amsterdam Common Council in relation to a zoning change request at the Edson Street Industrial Park. The zoning change would permit the construction and operation of a construction and demolition (C&D) debris landfill and recycling center in the rezoned area.

I request that I be notified when the matter will be on your agenda for discussion so that I am able to attend the meeting. If the Commission has any policies or procedures that would pertain to this application, please send a copy to my office.

I would also like to bring to your attention that fact that a petition opposing the C&D debris facility was recently submitted to AIDA. I have been advised that one or members of the Montgomery County Planning Board may have signed the petition. We are currently reviewing the petition to verify whether this is indeed the case.

While any of the members of the County Planning Board are free to express their opinions on any project, doing so on a matter that is coming before them raises a serious question of whether they can keep an open mind and vote objectively. Accordingly, I request that any Board member who signed the petition be recused from participating in all aspects of the deliberations on this matter including, of course, voting. Any participation by such a member would deny AMR the due process to which it is entitled.

I am also concerned that the same problem may exist in situations where a spouse or other close family member has likewise signed the petition, even if the Board member himself or herself has

not. In such cases, I would like to have the opportunity to establish whether or not the member can be objective. Depending upon the result of this inquiry, I would reserve the right to request such person's recusal as well.

I look forward to your response to this request.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

Robert H. Feller

cc: Doug Landon, Esq.
Michael Chiara, AIDA
Paul Wollman, Esq.

July 12, 2006

(25)

Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, NY 12010

Re: DEIS – comments

To: Mr. Chiara, Board Chairman and AIDA Board Members

Let me state right off I am a current member of the AIDA Board, being appointed in March, 2006.
I have read the re-vised DEIS Document to the best of my ability – it seems fairly comprehensive and encompassing.
I have tried to remain as impartial and objective as possible considering I am a native, resident and taxpayer in the City of Amsterdam and only want the best for this community.
I have listened to the comments, read the newspapers, listened to "interested" citizens, politicians, AMR representatives, fellow board members, counsel, neighbors and strangers. I am not going to give you my decision on how I wish to vote in these comments, but I do wish to express that AIDA's purpose is to bring and allow business the opportunity to work in our community – AMR is one of those opportunities, bearing in mind I have lived in this area for many years and seen the struggles Amsterdam has grappled with - a "opportunity" to increase Tax revenues by any of these figures is greater than any opportunity I have seen or heard about in quite some time – if there is one better including the idea of selling the Golf Course I can listen, but I have not heard it.

On the other hand it is a C&D Landfill not a "Dump" as all the detractors would have you say and believe. I feel for the people living close to the site (I grew up on Brookside Ave behind all the Mills with truck traffic, noise etc.). Progress is sometimes tough to deal with.
If the detractors have a revenue plan that comes close to this (selling the Golf Course still would reduce the "quality" of life despite the revenue) I am more than willing to listen, support and work with.
I have been listening and watching all of the comments – it is good to see the involvement from all interested citizens. I do not wish to see anyone lose property value, nor do I want Amsterdam labeled a "Dump" city; everyone outside of the City of Amsterdam certainly makes their fair share of comments about the City despite the fact that many of their "roots' come from the city.

It will be a tough decision (I am not obligated to anyone as has been inferred), but I will make the right one when the time comes as each of the other Board members must do as well!

Respectfully submitted;

Robert Janetsky
8 Brown St
Amsterdam, NY 12010

(26)

JUL 13 2006

Mr. Michael Chiara, Chairman of AIDA
Amsterdam City Hall
61 Church St.
Amsterdam, NY 12010

The following are my concerns with the proposed C&D landfill to be located within the city limits of Amsterdam.

1. Site Noise - It is my understanding that the noise levels at the site are predicted to increase by 10 DB(A) with two sites to surpass 20 DB(A). The DEC noise policy states that human reaction to increases of noise by 10 DB(A) are considered to be intrusive while increases between 15 and 20 DB(A) are considered to be objectionable.

2. Truck Noise - There is a matter of the 35 trucks that will be coming in to the site every day. These trucks, fully loaded, create a potential road safety hazard to the families who live along their routes and anyone who shares the roads. Thirty-five trucks coming in means thirty-five truck leaving everyday from the proposed site. That amounts to 350 truck coming and going from this site every week, 1,400 trucks coming and going from this site every month and 16,800 truck coming and going in one year through the city of Amsterdam to the proposed landfill site. The noise and exhaust associated with so many heavily loaded dump trucks traveling through the neighborhoods in Amsterdam is instrumental in decreasing the quality of life.

3. Smell - Even though solid waste landfills are associated with more smell issues, C&D landfills can also produce landfill gases such as methane, carbon dioxide and hydrogen sulfide. Given its low odor threshold and its characteristic "rotten egg" smell, hydrogen sulfide and other landfill gases may cause aesthetic and nuisance impacts.

4. Dust - Construction activities associated with the proposed project will result in the generation of fugitive dust both during the activities (i.e. excavation, demolition vehicle traffic and human activity and as a result of wind erosion over the exposed surfaces. Fugitive dust is a particulate matter, which becomes airborne and contributes to air quality as a nuisance and a potential threat to human health and the environment.

5. Asbestos - Every piece of literature concerning this proposed landfill all indicated that it would be a "CLEAN AND SAFE" construction and demolition debris landfill. However, when it was brought to the attention of the city leaders that there may already to a contaminated landfill near the site of the proposed site that may contain asbestos, Mr. Noel who represents AMR immediately responded that his company would empty the contaminated site and put it in his proposed "CLEAN AND SAFE" site. This makes no sense to me. The site cannot be "CLEAN AND SAFE" and contaminated at the same time.

To sum it up, as a life long resident of Amsterdam and a 46 year resident of the 4th Ward, I feel that our leaders are selling out our city. I have spent considerable time walking in the wooded area that they now propose to make into a dump. I would like to continue to enjoy this area, as well as the wildlife that reside there, and not have AMR use our city to line their pocketbooks. I'm ashamed to be part of the generation that I'm sure future generations will be blaming for the mess they are left to deal with and I hope that my words are taken seriously.

Please stop the dump in Amsterdam. Don't allow the landfill to be located so near city and town residents. Imagine how you would feel if a landfill were to be located anywhere near your homes. Let Mr. Noel and his backers locate a dump near their homes. Then they can reap all the benefits that they are so anxious to give to Amsterdam. Dumps are never relocated. This one will be there forever.

Agnes Sanford
257 Church St.
Amsterdam, NY 12010

Agnes Sanford
7/12/06

To: AIDA-Amsterdam,NY

From: Jane Slezak

(21)

JUL 13 2006

Date: July 12,2006

Re: public comment on the C&D dump

It seems that the letters AIDA no longer mean "industrial development". When public money is spent on ball fields and movie screens under the pretense of "quality of life", then AIDA's mission has been altere

I challenge the aldermen(excluding Bill Wills) to drive through the fourth ward -- and,in fact, the entire city of Amsterdam. Count "no dump" signs and "for sale" signs. Is anyone at City Hall paying attentic to the exodus of people and businesses from Amsterdam?

How, I ask, is a dump going to help attract people and business? It will be a "quick fix" for our dismal financial condition,but the long term consequences are bleak. Someday, all of you dump advocates, yo children and grandchildren will be straddled with clean up costs and possibly suffer from health deterioration from the inhalation of asbestos fibers, dust and who knows what else,from this "dump".

If any of you elected officials care one bit about your fellow Amsterdamians(there are only 17,000 of us left here), you will dismiss AMR and Mr Noel, to find another site,closer to HIS home.

Jane Slezak

Copy sent to Recorder

3 Crane Street
Amsterdam, New York 12010
July 12, 2006

(28)

Mr. Michael Chiara - AIDA
Amsterdam City Hall
61 Church Street
Amsterdam, New York 12010

Dear Mr. Chiara:

A dump for Amsterdam - what a novel idea for a city that has numerous problems resulting from other "wonderful projects" and solutions that left the city with financial woes.

The land fill will not be an asset to Amsterdam but in the long term another colossal problem. Why hasn't the presence of asbestos at the site been researched before this? More dubious fill will be brought in from places unknown and even such materials as drywall, when wet, produce a bad odor.

A major concern is blasting that will be necessary to create a pit. Inspecting properties prior to and after blasting does not address the problem. Homes continue to settle for many years after blasting. Will inspections and compensation for damages continue after AMRC,LL leaves Amsterdam? Property values will decrease and noise, dust and debris will be everywhere. Is this a healthy environment for the people who pay taxes?

Amsterdam Materials Recycling, LLC is a limited liability company and can leave the city and its taxpayers with a problem that is beyond assessment at this time. Please do not look at this dump as the savior for Amsterdam. It is not. Perhaps AIDA considers this an answer to the city's financial problems. For the citizens of Amsterdam it is a nightmare and a calamity waiting to happen. You can help avoid it and I hope that in your conscience you will do so.

Sincerely,

Jo Wierzbowska

Jo Wierzbowska
3 Crane Street
Amsterdam, New York 12010
842-8757

James D. Marks
Amsterdam Industrial Development
Agency, Board Member and
Treasurer
14 Arnold Avenue
Amsterdam, New York 12010

29

Michael Chiara
Amsterdam Industrial Development
Agency, Chairman
61 Church Street
Amsterdam, New York 12010

July 13, 2006

Dear Chairman:

I would like to refute several statements made by Mr. Kurt Semon in a letter to *The Recorder* published July 13, 2006.

I believe I was reappointed to the agency board because I had previously been removed by opponents of the landfill project which we had begun to investigate during my previous tenure. I had thoroughly studied the issues involved and stated I would keep an open mind as to whether or not such a project should be supported for our city.

After my reappointment, I was called by the owner of radio station WCSS, I was asked questions regarding the landfill and I answered them to the best of my ability. My information was in conflict with one of the previous board members who had been on a WCSS talk show. That member, an attorney, misstated information regarding bonding for the landfill, materials which would be allowed in the landfill, truck routes to be used and the ability of the city to receive proceeds from the project. As I understand it, the attorney's misstatement of facts was the reason for the removal from the board. I felt the corrections needed to be made public and was pleased to be of assistance.

My appointment to the board requires that I make critical judgments on the various projects before our agency. I also stated, and continue to state, that I am studying the issues involved with the landfill and have not formulated my final opinion. Because the facts which I state tend to be favorable for the landfill, people assume that I am in favor of the project at this point. Mr. Semon, as usual, has disseminated incorrect information.

Sincerely,

James D. Marks

James D. Marks

4th Ward Alderman, William D. Wills, Comments on the DEIS for the Proposed AMR C&D Landfill
July 13, 2006

30

I want to thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) prepared by Crescent Environmental Engineering, P.C. on behalf of Amsterdam Material Recycling, LLC (AMR). After the initial DEIS was found to be flawed it took AMR approximately two years to revise and resubmit a new DEIS. However, the Amsterdam Industrial Development Agency (AIDA) only allowed the public forty five (45) days in which to comment on a document that consists of three volumes of material well over a thousand pages long. My request for an extension through the City Council which regulates and oversees the AIDA was denied.

There was no format in which to reply which makes one wonder how the comments received will be reviewed and documented. My comments will center on the DEIS itself. However, like the DEIS I will digress from the purpose of the DEIS in offering up comments.

The purpose of an environmental impact statement is to address all issues related to the possible impact a particular project will have on the environment it is affecting. For the most part this DEIS does just that. However, an inordinate amount of time and language is used to impress upon the reader the financial benefits that this project, a Construction and Demolition Landfill (C&D dump) will have. In fact, so much time and effort was expended in this document that I thought it was a Draft Financial Impact Statement (DFIS) rather than a DEIS I was reading. Unfortunately that was the same weakness of the prior DEIS, where many of the environmental issues raised by the public during the public hearings were not addressed or adequately addressed in the subsequent DEIS. Again probably a reason why both the AIDA Attorney and the Dept. of Environmental Conservation declared the original DEIS flawed and a revised edition ordered.

First to digress as did the DEIS and address the financial impact as stated in the DEIS. AMR is declaring that they will accept an estimated total of 1,000,000 tons of C&D debris. With $10 set aside for the City of Amsterdam (the City) as part of a host benefit agreement that does not exist yet, the total revenue to be realized by the City will be $10 million dollars with approximately $700,000 additional benefits according to a host benefit agreement which again does not exist. This equals to $7 million over ten years or the life of the landfill for a grand total of $17 million as direct monetary assets to the City. Because the financial impact seems to be the major emphasis by not only the DEIS but subsequent literature being distributed to the public as to its benefit, then it contradicts the $20 or $30 million figures quoted by AMR aside from its own DFIS, I mean DEIS. Maybe it is to account for more money the City will ask for potentially in its host benefit agreement.

Now back to the DEIS. Mining (pg. xii) is not a permitted use in the LI zone. That is one of the reasons a zoning change is required. The DEIS down plays the mining portion of this project, yet approximately 169,000 cubic yards of excessive cut material will be transported off-site. On page 49 there is mention of 190,000 cubic yards of excess materials along with 290,000 cubic yards of rock and notes that "The excess materials are bedrock...". So what is it? This

project will net 190,000 cubic yards of limestone rock which will be sold off site. At a conservative estimate of $7 – 13 per yard for limestone rock, this site will potentially realize $4 – 7.4 million dollars for AMR. According to mining experts, blasting is required to remove limestone rock from its bed. The type of blasting and number of occurrences is not well addressed in the DEIS nor is the proximity to National Grid's main gas line that runs under the high tension wires through the park and adjacent to the proposed dump site. In fact, National Grid's main gas line is within 50 feet of the proposed dump and appears also to be on the limestone rock bed that will be affected by the blasting. This limestone rock bed is part of the Trenton and Black River Bedrock Groups and the Lower Ordovician-aged Beekmantown Bedrock Group one or both of which extend through part of the 4th Ward on which exist houses and the City's infrastructure, water, sewer, and gas lines. The concern here which is not addressed is the impact a good size blast will have vibration wise on these items particularly those in the immediate vicinity of the proposed C&D facility. No remediation plan is mentioned if the costs associated with a blast go into millions of dollars of damage. Blenheim in Schoharie County is a good example of what could go wrong. Additionally, no mention is made of "fly rock" which is present in all blasting and how it will be minimized particularly in light of the residential neighborhood with small children and elderly present during blasting hours that will be affected by such material resultant from even a modest blast. The severity and amount of material to be mined should necessitate its own DEIS as the mining process may have more of an environmental impact than the C&D landfill itself. Using information on pg. 82, I calculated that a total of 11,429 truck shipments will be required to handle 190,000 cubic yards of limestone. That projection is well over the number of daily trucks that will traverse the immediate City streets during the "construction" phase mentioned elsewhere in the DEIS.

The DEIS is not meant to be an editorial. However, license was taken by its author to do quite often. A couple of examples can be found on page xx (i) Planning and Zoning, a parting comment under ® Community Services found on page xxiv, and the comment made under the heading Utilize public funds to stimulate private investment found on page 36. So if I may take a moment to editorialize here in my comments, I would like to state that the information given in the DEIS is what I would determine to be accurate. The information given by AMR to the public in both a recent full page ad and in its recent handout are exaggerations to entice the public and its elected officials to "sell their souls" for the sake of lower taxes. Personally when I am in negotiations with AMR and/or AIDA regarding a "host benefit agreement" I will be requesting more than what is being proposed in light of the $7.4 million dollars to be realized from the mining of limestone alone at the site. In fact I will be requesting an additional $20 million dollars in host benefits in order to pay taxpayers of the 4th Ward who will be directly affected at least $10,000 each for their "hardship, pain and suffering" during the C&D operation.

Back to the DEIS. The DEIS has some incorrect statements. One of which is found on page 154 which states that the City doesn't have a noise ordinance. The City in fact has a noise ordinance and it is found under Chapter 154 of the City Charter and Codes Book. The City Fathers are looking to strengthen that ordinance to make it more restrictive. One of the two following statements from the DEIS is incorrect: "C&D wastes will be accepted from all sources, regardless of geographic location. … The facility would be what is commonly referred to as a "merchant facility"... " or "Only permitted waste haulers will be allowed to transport waste onto the site." Which one is it? The DEIS which states that the "projected cost of C&D debris

management (i.e. tipping fee and transportation costs) would be approximately half as much as the cost to delivery of such materials to MOSA" seems to imply that there would be no adverse affect on MOSA but an advantage to those that need to landfill C&D material in the area. However, due to the arrangement that the County of Montgomery has along with Schoharie and Otsego Counties in the formation of MOSA, the diversion of C&D materials from MOSA will have a negative affect on revenues and on the "Guaranteed Annual Tonnage" (GAT) assessed that of Montgomery County and the City of Amsterdam being part of Montgomery County would see its County taxes increase as the result of a potential shortfall of C&D waste at the Eastern transfer station. The amount of increase has not been determined by this writer. "The character of the community will not be altered by any physical changes occasioned by the project." Page 192. Unless they are stating that the City already looks like a dump (and some have referred to parts of the City as such already) this statement is obviously out of line and incorrect. In addition, there is a recognition that there is a stigma attached to living next to a landfill project which could adversely affect the values of those properties and this could affect those landowners who tried to sell their property as well as the City because of lower tax revenues but then there is a statement made in the "benefits package" that the City will realize $1 million dollars in revenue to offset taxes. Has a cost benefit analysis been done to show the actual result. No. In addition, what happens after the City realizes the $1 million dollars in revenue to offset taxes, the landfill erodes the tax base, and it is now post landfill time with the 3% cap on tax increases from the previous year and no more annual $1 million dollars to offset the taxes with? Disaster.

Part of the DEIS is missing and part of it repeats itself. Pages 48-53 are repeated on pages 56-61 in Volume 1 the Main Text. The final closure plan mentioned on page 53 is missing. I was told that I had been given a complete set. Additionally, for those who wanted a full set were either referred to the EDZ website or were given a CD. Neither had the appendices on it. I checked the website myself and found no appendices listed.

The DEIS notes that "AIDA will retain ownership of the project property and will lease or sell these lands to AMR through the duration of the project." A question here is how can you sell the property and still retain ownership. The DEIS further states that "at the end of the operational phase, AIDA will take back full control of the lands, except that AMR will maintain the closed cell and sample wells during the post-closure monitoring period." The concern here is what happens when AMR which is an LLC goes out of business (similar to what happened to the LLC that was formed to run the infamous Sewage Treatment Plant that never worked although that LLC didn't actually go out of business it just has no money)? Who will be responsible for whatever is left to do, i.e. closure of the landfill, monitoring, etc.? What if the funds set aside in the State mandated fund account are not sufficient to pay the costs associated with whatever may be necessary to do, i.e. remediation, monitoring, etc.? What if a freak occurrence should happen like a ruptured gas main that destroys millions of dollars of infrastructure and property and the LLC is broke or out of business? Who is responsible? Understandably you can hypothesize about anything but in light of the recent flooding and all of its damage which was not projected to occur except once in every one hundred years anything can and as some say will happen. Again the adjacent National Grid Gas Main is a main concern here along with the blasting of rock out of a vein that extends beyond the project site itself.

Of concern although down played in the DEIS is the stability of the silts without disruption let alone during the construction phase and after. East of the site we have seen over the past years two major "mudslides" that disrupted west bound traffic on Route 5 for days. The makeup of that soil is similar if not exactly like that found at the proposed dump site. No mention is made of the "mudslides" in the DEIS for probably good reason (sorry for the editorializing). The DEIS does note that one of the silts found on the project site is Lansing silt loam which as the DEIS says "is suited to hay, pasture, and woodland however the **hazard of erosion** limits its use for row crops." And "The disturbance and excavation of soil presents concerns for erosion during construction, during the operational project period and after project completion during the post-closure and monitoring period."

Now back to a brief editorial. The DEIS says that "the proposed project will not accept solid waste which is not C&D debris (even if resulting from construction and demolition activities) including (but not limited to) radioactive waste; medical waste; liquid wastes; asbestos waste....." and that the project would provide funds for the City to hire someone to monitor the activity of the C&D facility to make sure that nothing other than acceptable waste makes its way into this facility. An article in The Recorder, June 28th edition on this project in reaction to the possible presence of asbestos on the proposed site as the result of its previous use as a C&D dump has Mr. Robert Noel who will be part of this project cited that we can take care of the asbestos if present by removing it and putting it in our landfill. This is something no DEIS can insure the City of Amsterdam on, that uncontaminated materials will not make its way into the facility. If a gentleman like Mr. Noel who represents AMR makes such a statement and doesn't even retract it after finding it was wrong, then AMR cannot be trusted. Trust is what the DEIS was attempting to provide the public. The Department of Environmental Conservation (EnCon) noted in an intraoffice memorandum found on their website that they cannot oversee the number of landfills in the State with the current staffing level particularly those C&D landfills. So if EnCon is unable to control the C&D waste stream and an AMR representative makes a statement that causes one to think that hazardous materials will make their way into this site, what can you expect a poor single individual getting paid by AMR as part of the City's oversight can do to monitor onsite operations that involve "8,333 to 16,666 cubic yards of C&D debris and recyclable materials each month... and a flow of thirty-six (36) trucks per day."

Back to the DEIS. No mention is made in the DEIS of a former C&D landfill at the proposed site. This C&D landfill was apparently not required to be permitted by EnCon nor subject to a SEQR evaluation. AIDA allowed the dumping of C&D materials from the demolition of the Grossman Buildings located on the corner of Prospect and Church Street. This was an Urban Renewal Project conducted in 1988. EnCon halted the project for a period due to the presence of asbestos in the rubble found at the demolition site. It was undetermined if any asbestos had made it to Edson Street dump. Attempts to retrieve information on this from the AIDA office were unsuccessful. The City of Amsterdam has no record of a dump permit as AIDA never filed for permits with the City even when many of the now existing buildings were constructed. However, the Urban Renewal Agency has some documentation with regards to sites that the demolition debris were trucked to but that information was not available to this person during the allotted public comment period. There were two Recorder articles that verify this information, one dated October 21, 1988 and another in September 29, 1989. A check with the Chazen company's test borings which are part of this DEIS shows no evidence of asbestos in

the area where the dump exists. Suggest further test borings around the Wards Building which was actually built on the C&D debris placed there from the Grossman Buildings demolition project.

The DEIS mentions that AMR will remediate historic wetland impacts. The DEIS notes that "historic operations by AIDA may have resulted in the filling of on-site wetlands without approvals." It goes further to state that the U.S. Army Corps of Engineers cited AIDA for the historic filling and indicated its intent to seek the wetland restoration/mitigation related to these impacts. These historic fillings are most likely causing the periodic flooding/washouts behind the homes on Chapman Drive which are adjacent to the land owned by AIDA that seem to have occurred more prevalently since the fillings. These historic fillings were never permitted by any permitting Agency and if so, records of such permitting were not available in the AIDA office. The fillings attributed to the alterations of a number of drainage corridors which is also cited in this DEIS. Again the number of recent incidences of washouts/flooding along Chapman Drive are evidence that something negative has occurred up hill. What used to be many drainage corridors is now a few causing what this layman will refer to as a "funnel effect" which cannot handle the amount of run off from the high ground above. With the fillings and the previous dumping on top of unstable silt, silt which is similar if not alike that of the mudslide areas east of the project site, is not a catastrophic slope erosion in the making or at least a possibility that should be looked into?

Finally the DEIS states that "Unless the City Council determines that the proposed activities are consistent with the comprehensive plan, the project will not move forward." For the record there is a resolution approved by the Council opposing the citing of such dump anywhere in the City of Amsterdam. For the record the Mayor of the City of Amsterdam, the honorable Joseph Emanuele, has publicly stated his opposition to the dump. The City's comprehensive master plan makes no mention of the utilization of AIDA land as a landfill. Petitions with a total of 900 signatures from across the City were filed with the City Clerk noting strong objection to this project. The apparent approval buyout tactic of AMR to proceed with this project despite the overwhelming objection unfortunately even made its way into this DEIS.

MONTGOMERY COUNTY PLANNING BOARD
OLD COUNTY COURTHOUSE, 9 PARK STREET
PO BOX 1500
FONDA, NY 12068-1500

(518) 853-8334 FAX (518) 853-8336
WWW.CO.MONTGOMERY.NY.US

31

July 13, 2006

Mr. Michael Chiara, Chairman
Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, NY 12010

Re: Amsterdam Materials Recycling Project
Draft Environmental Impact Statement

Dear Mr. Chiara,

The Montgomery County Planning Board has carefully reviewed and discussed the Draft Environmental Impact Statement for the AMR C&D Landfill at several recent meetings.

As an interested agency, we have serious concerns about the potential impacts of this project on the City of Amsterdam, its neighboring Towns, and the County as a whole. We respectfully submit the attached comments on the DEIS for your review. Please include and address these comments in the Final Environmental Impact Statement.

Sincerely,

Jack Fritz, Chairman
Montgomery County Planning Board

Cc: William Clarke, NYSDEC Region 4 Permit Administrator
Mayor Joseph Emanuele
City of Amsterdam Common Council
City of Amsterdam Planning Commission
Montgomery County Board of Supervisors

Montgomery County Planning Board
Comments on the Amsterdam Materials Recycling Project DEIS

The Montgomery County Planning Board is an interested agency in the SEQR review of the Amsterdam Material Recycling project due to the General Municipal Law §239-m review of the proposed zoning change and site plan. The Planning Board is made up of representatives from the County's ten towns and the City's five wards. We have carefully reviewed the revised Draft Environmental Impact Statement for the AMR C&D Landfill project and submit the following compilation of our questions and comments:

Although the DEIS states that interested agencies received a copy of the draft scoping document, we did not receive one and were not notified of or involved in the scoping process. Many questions and comments included in our response to the 2004 DEIS were not addressed in the current document and therefore have been reiterated in this response. The revised DEIS is very similar to the previous document and suffers from the same generalities and lack of detail. Assurances are repeatedly offered that the design, construction, operation, maintenance, closure and monitoring of the landfill will meet DEC Part 360 requirements, yet few details are given. This makes it extremely difficult if not impossible to evaluate the prospective environmental impacts. Much of the DEIS is dedicated to downplaying the potential adverse impacts and emphasizing potential benefits that are speculative at best.

The Montgomery County Board of Supervisors issued Resolution 182 on May 23, 2006 expressing their vehement opposition to the landfill. The Board believes the landfill would be detrimental to the economic climate and quality of life within the County, the City and the Town of Amsterdam. A copy of this resolution is attached. An aerial map is also attached which clearly illustrates the site's context, especially its close proximity to residential neighborhoods and the existing heavy vegetation.

1.2 Project Purpose and Need

The purpose of an environmental impact statement is to document that all potential impacts of a project have been identified, and any adverse impacts have been mitigated to the greatest extent possible. It must further demonstrate that the need for the project outweighs its adverse impacts. In order to justify the construction of a C&D landfill in the City of Amsterdam, the DEIS appears to manufacture a number of needs and exaggerate others. It states that the project is intended to serve the following needs, but presents no data to support its claims:

- *The project will provide disposal and recycling capacity for the C&D debris generated in the City of Amsterdam. Removal of C&D materials will be needed as part of the City's urban renewal effort.* No figures are presented which quantify this need. Has the volume of Amsterdam's need for C&D waste disposal been calculated in cubic yards or tonnage? The burned out Mohasco site has recently been demolished and the debris removed. How does this affect the need for the project as it significantly reduces the amount of material destined for the landfill? There is also no proposed demolition timeline or assurance that space will be available in the landfill when the City needs it. The landfill could be filled in as little as six years according to this document, and it is extremely unlikely that the City could demolish and dispose of the majority of its derelict properties in this time.

- *The proposed facility would help remedy a deficit in C&D debris management capacity in the eastern and central areas of New York State.*
  This statement implies that the City of Amsterdam should make the sacrifice to help out the waste disposal industry in general and AMR in particular. Amsterdam is in no position to squander its assets and commit to future financial burdens to benefit the C&D waste disposal industry including AMR and its owners.

- *The project will provide an unrestricted source of funding to the City for other projects.*
  While any additional funding to the City is welcome, this source comes with such restrictions and future liabilities that it is not worth the risk. The most optimistic dollar figures of City revenue (the $15-$20 million cited in the DEIS has grown to an unrealistic $30 million in recent public relations meetings and materials) would not create the turnaround that the City needs, and the cost of maintenance and future repairs could easily exceed these benefit projections. In addition, the projected revenue is a short-term fix that is not self-sustaining, with no income produced during the 30 years of closure and maintenance.

- *The project will provide a number of site improvements in the industrial park that will benefit the community:*

  AIDA approved a $1.2 million expansion plan for the Edson Street Industrial Park in 1994. A copy of this plan, and the park's original master plan, should be included in the DEIS. They are critical in determining the appropriateness and need for this project. In 2000 the City made application to the federal Economic Development Agency to fund a 14 acre park expansion, including grading, roads and infrastructure. Without a copy of these plans it is impossible to determine if these are the same acres now deemed only suitable for a landfill.

  Two new sites to support additional industrial/commercial development
  The two sites created in the recycling area will be created by filling deep ravines. They are not realistic for building sites, due to the extreme fills and the probability of differential settlement. The sites will be difficult to market, and design and construction of stable building foundations will be very expensive. The landfill project eliminates ten to fourteen acres of buildable land that currently exist in the proposed cell area, resulting in a net LOSS of building sites and loss of revenue and jobs into the future. The existing topographic maps demonstrate that much of the northern cell area is actually gently sloping land that would be buildable with some grading.

  A new access road that will divert existing traffic off of local streets
  The new access road and proposed truck route will force all of the heavy truck traffic to go through the heart of downtown, especially East Main Street and Market Street. Market Street is designated as a city street, and although most of East Main Street is designated as a state highway it functions as a local street in this urban neighborhood. Newspaper accounts of the 1994 expansion plan and 2000 funding application describe the intent to provide a second access road to the park from the east, allowing truckers to leave the Thruway at exit 26 and approach the park from Route 5, avoiding City streets.

  A new parking area and/or community recreation area
  The idea of a future parking area or community recreation area is completely unrealistic. The capped landfill will have very little flat area located at the summit of a 50 foot high hill with a 33% slope. (Imagine climbing stairs with 18" treads and 5" risers for the height of a 5-storey building.) A landfill gas venting system will be poking through the grass, and no trees or shrubs will be allowed to grow for fear of breaching the cover. This does not sound like a pleasant place for passive or active recreation.

Improved site drainage and storm water controls
The storm water management study indicates that the existing storm water basin treating the sixty acres north of the industrial park is undersized. Adding a secondary basin and piping the outflow is a solution only when everything works properly. A damaged pipe or plugged inlet could spell disaster. As the infrastructure wears out and needs replacing, it will most likely fall on the City to pay for it.

- *The project will provide a vehicle for remediating historic damage done to federal wetlands in the industrial park*
  This historic damage is not explained and the remediation is not described in any detail. In 2004, the ACOE indicated its intent to seek wetland mitigation for impacts related to prior road extensions. The wetland remediation is required and is not dependent upon, or demonstrate a need for, the landfill project.

- *The project will remove and dispose of soils that were contaminated from materials generated at the Ward Products site*
  Ward Products is currently under a DEC consent order to remediate contaminated groundwater, surface water, sediments and soils caused by past disposal practices. This remediation is the responsibility of the owner and does not demonstrate a need for the landfill. The DEIS states that a stabilized groundwater plume extends 350' southwest of the facility, apparently into the cell area (see attached aerial photo.) AMR will remove and dispose of contaminated sediment encountered in the ravines during construction, however no mention is made of removing other contaminated soils. In addition, the groundwater plume may accelerate and move unpredictably during blasting and rock excavation.

  Although not mentioned in the DEIS, there also may be prior asbestos contamination of the site from demolition debris deposited in the 1980s. Page 57 of the DEIS cites asbestos waste as an unacceptable material, yet spokesman Robert Noel has stated AMR will simply remove any asbestos found during construction and place it in the lined landfill cell.

- *The project will provide temporary jobs during the construction period and permanent jobs during the operating phase.*
  The construction phase is slated to last six months, and the operating phase from six to ten years with up to fifteen permanent jobs. This is not a significant long term benefit when viewed against the cost of lost building sites and future liabilities for future maintenance.

1.4 Project Sponsors

- Amsterdam Materials Recycling LLC is owned by separate companies and individuals in the construction, demolition and hazardous waste remediation and disposal businesses. The creators of AMR--Environmental and Fueling Systems, Jackson Demolition Services Inc. and U. W. Marx Construction Company, stand to benefit from substantial financial gain if the project succeeds, but none have a long term stake in the future of the City of Amsterdam. Owning a C&D landfill will give these companies a huge advantage in bidding on projects that require waste disposal. This project appears to be an attempt to maximize profits for AMR and its shareholders while isolating them from liability. At the time of closure the landfill ownership will revert back to AIDA. AMR will no longer reap any profits on the project and will have little incentive to continue to exist as a separate company. If anything happens to make the project unprofitable, AMR as a LLC will be able to claim bankruptcy and walk away leaving AIDA and the City responsible for problems that occur within and beyond the thirty year monitoring period.

2.2 Construction Activities

- The sequence of cell liner installation is unclear. Will the sand be placed initially to protect the liner at the time of installation, or will the liner be exposed until sufficient quantities of material are received to cover it and the sand layer will be installed at that time? If the sand is placed to protect the liner initially what keeps it in place during a storm event? The steep slope and saturated sand will result in the sand washing down into the pit.
- Placing the clay separation layer between the landfill liner and bedrock or parent water bearing soil will be an engineering challenge. Clay is difficult to work with at any time and is highly moisture sensitive. It must be within a narrow range of moisture to be compacted and remain moist to prevent shrinkage and cracking. Compacting the clay separation on the 1:3 slope will be difficult and no explanation is given as to how it will be accomplished.
- At some point the entire excavation will be open and unlined. The landfill cell will be excavated all at once, but filling is to be phased. This appears to make controlling storm water in the cell a challenging problem, which is not adequately addressed in the DEIS.
- The berm around the recycling area is reserved for storage of final capping material. But where will material be stored on-site for daily covering of the waste cell? It is not shown anywhere on the site plan.
- There appears to be a 26' grade change in the recycling building footprint area. Will this affect the footing design? How will the fill be placed for the recycling area and will it allow for the construction of buildings at some future date?
- The finished slope around the recycling area appears to be 50%. How will erosion be controlled and the turf established and maintained? Erosion control blankets are shown on the SWPPP drawings but not specified. Failure of this slope could destroy the storm water detention basin directly below it.

2.3 Operations Activities

- How is the hauler permit to be enforced, especially the allowed route and time? Will local police be involved, with copies of permits ahead of time?
- The traffic impact study estimates 36 trucks per day, or an average of 4 trucks per hour. The staff will have 15 minutes to unload 15 or more cubic yards of debris, inspect it for unacceptable materials, sort out the recyclables, and move it out of the way. A thorough inspection of the load will not be feasible within these time constraints, and a visual inspection will not reveal liquid or powdered chemicals mixed in with the rubble.
- There is no real penalty to haulers for bringing in non-acceptable waste, even if it is discovered. The hauler simply has to reload the truck, and demonstrate an "acceptable compliance assurance plan" before entering the facility in the future.
- The DEIS states "the nature and extent of sorting and recycling operations will be driven by market conditions." Recycling has a checkered history in this area. Several attempts have been made and failed because market conditions were not favorable. Little has changed to make recycling profitable, and the recycling proposed for this project is even less likely to occur. Large demolition projects typically remove valuable recyclable materials from the waste stream at the demolition site to reduce handling and transportation costs. Usually after metals are removed, any brick, block or concrete to be disposed of is crushed on-site and used to fill and stabilize the site for future use. Anything that is left

over is of minimal value and is sent to a C&D dump site for disposal. The reality is that very little "recycling" will occur in this project (perhaps 10%) mainly from small projects where on-site sorting doesn't make economic sense. This minimal amount of recycling means a faster fill of the waste cell than predicted and less revenue for the City.

- The DEIS states "to avoid handling non-conforming wastes, AMR will enforce a strict quality assurance program." AMR will hire and train the waste inspectors to insure the "quality" of waste entering the landfill. It is assumed that AMR will also have the authority to issue pay raises and fire employees that do not perform to their standards. AMR's parent companies are in the heavy construction, demolition and hazardous waste disposal industries and it does not seem practical or wise to allow them to be policing themselves.
- Section 2.31 "Operator Training Requirements" indicates that operators and staff will complete training within 12 months of their date of employment. But it does not say that a trained work force will be on site when operations begin or that new hires will be trained before they are expected to perform their duties.
- DEC is extremely short-staffed. The City cannot rely upon assurances that DEC will monitor the design, construction, operations and closure of this project for compliance with Part 360 regulations.

2.4 Post Closure Use and Monitoring

- The DEIS offers few details about closure, monitoring and maintenance of the landfill other than stating that Part 360 requirements will be followed. But these details will have a significant impact on the cost of capping and maintaining the closed landfill in the future.
- In addition to DEC requirements for financial security for closure and post closure monitoring, the DEIS states AMR will donate $2/ton to an escrow account reserved for these activities. This account is anticipated to total $2 million dollars, which may cover routine maintenance and expense, but would quickly be depleted with any kind of infrastructure or slope failure. The landfill design includes several features that are prone to failure at some point in the future. The pore pressure relief system intended to separate ground water from leaks in the cell liner, the liner itself, the leachate drainage system and the storm water management and diversion system are all critical to the proper operation of the project. The pumps, storage tanks and leachate piping have a limited life expectancy and will have to be repaired or replaced at some point in the future. No mention of their projected life, cost or method of repair or replacement is offered in the DEIS. It will not be inexpensive and AMR will not be eager to make costly repairs during their thirty year monitoring period.

2.5 Funding

- There is great deal of confusion about the revenue promised to the City for creation of the landfill, and if the escrow accounts described in the DEIS will still exist in the final host agreement. AIDA and AMR are supplying "renegotiated" figures at public meetings and in newspaper ads and direct mailings. The DEIS states the City will receive $10/ton of waste received. The new figures say that the City will receive an unrestricted $15/ton, or up to $3 million per year for 10 years, to spend on City improvements and tax reductions. Representatives of AMR stated at the May 30, 2006 meeting at City Hall that the $15/ton figure was inclusive of the escrow amounts ($2/ton for closure and monitoring and $2/ton for future park infrastructure), however City officials have stated on radio programs that the $15/ton is in addition to the escrow accounts.

3.1 Topography and Slope

- The extensive clearing of forested areas, steep slopes and highly erodable soils make the prediction of significant erosion almost a certainty. The DEIS states that "erosion and sediment control measures will be implemented during construction to limit erosion and will be maintained during landfill operation and post closure to mitigate these impacts." It is not sufficient to simply state that mitigation measures will be taken and let it go at that. There are multiple specific conditions where soils are likely to erode: roadside ditches, steep slopes, side walls of the debris pit and soil stockpiles. Each will have a specific best management practice control, and it is not sufficient to say hay mulch and silt fences and erosion control blankets will be used without explaining where and how. It is impossible to assess the potential impact without knowing the details of what is proposed.
- The issue of vegetation on these steep slopes was not addressed. The heavily forested slopes on the south, east and west portions of the site provide a natural control for storm water and soil erosion. With almost all of these trees removed, the run off and erosion rate will increase and have to be contained by ponds and outlet structures. These ponds will require periodic cleaning of sediments, and maintenance for the life of the project. The forested hillside north of East Main Street and Chapman Drive creates a micro-climate of cool air during the warmer months when leaves are on the trees. The transpiration and evaporation can reduce the temperature by 10 to 15 degrees and as the cool air slides downhill, it cools East Main Street and Chapman Drive. This benefit may not be noticed now, but its loss will certainly be noticed when all the trees are removed and the hot air from the south-facing slope and valley floor bakes the East End.

3.2 Soils and Surficial Geology

- Steep slopes, extensive earthwork, removal of vegetation and erodable soils will make erosion and sediment control costly, labor intensive and of limited success. The steep slopes require erosion control blankets and special seed mixtures to get established, along with hand labor to repair failures.
- The DEIS states "impacts to soils and geology will be mitigated through implementation of erosion and dust control measures during construction, landfill operation and post closure." While some measures will help with dust, such as stone pads for trucks entering and leaving the site, wetting the waste pile and daily soil cover, there are not enough details to explain how and when this will happen. Some measures such as the vegetative screen to control dust are wishful thinking. There won't be enough vegetation between the site and the potential impact area of surrounding homes to have any significant beneficial impact.

3.3 Bedrock Geology

- The project requires extensive removal of earthen materials in the landfill area, and may require blasting and rock removal in areas of shallow bedrock. This excavation of bedrock may disturb water channels in the limestone bedrock, and affect groundwater flow and velocity. This is of special concern to due to the Ward Products plume of TCE contamination.
- There is a discrepancy in the amount of excess cut material mentioned in various sections of the DEIS. Although Page xv in the Executive Summary gives the figure as 169,000 cubic yards, page 49 calculates it as 190,000 cubic yards. Which is the accurate figure?

3.4 Hydrogeology

- The DEIS states on page xiii that a variance is required from DEC Part 360-7.3 (b)(5), which requires a 5' separation from the seasonal high groundwater table. This variance is not guaranteed, and what is the alternative if it is not granted? The design for the cell calls for it to be cut out of bedrock twenty-five feet or more below existing grade, north of the railroad tracks. The back of the cell slopes upward at a one on three (one vertical over three horizontal) slope to existing grade at the road location on the north property line. Appendix B & C show that this slope cuts through several soil types that have indicated ground water and soil conservation soils descriptions. The detail for the pore pressure relief system shows that it is installed only in the horizontal bottom of the pit, and not up the slope where soils investigations indicate the presence of groundwater. How is water leaking through the back wall of the pit going to work its way to the pore pressure relief system for collection? If the geofabric/geonet composite is supposed to accomplish this, then details and specifications should be part of the DEIS explaining how it is supposed to work along with design parameters. The material separating bedrock in the pit from the liner system is called "clay" and the report states that on site soils will be used for the bedrock separation layer. The USDA soils map describes on site soils as silt loams, which are defined as *permeable* soils composed of a mixture of clay, silt, sand and organic matter. The Soil Suitability Analysis calls the material "silty clay" and states that it appears to be suitable for use as the barrier layer in the liner system. The use of this material and its approval by DEC may have a significant impact on the project. Placing and compacting any material on a one on three slope is a challenge and it will be even more so with this project if the site gets wet during construction. If the existing material cannot be used it will have a significant impact on the cost, timeline and number of truck trips hauling material out of the site and replacing it with approved material.

- The DEIS states "the liner system will be underlain by ten feet of low permeability compacted clay soils to serve as an added barrier separating the landfill from the bedrock groundwater." The project soil borings, test wells and the County Soil Conservation maps indicate ground water in the overlying soils as well as in the bedrock. The details in Figure 2.2 show two possible liner details, 1/2.2 and 2/2.2, but no explanation is given as to which one is being proposed or how they are supposed to function. It appears the 10 feet of "clay" is supposed to separate the bottom of the landfill cell from groundwater yet there is a water collection layer above the clay. Does this mean that water will be able to travel through the clay layer in both directions and contaminate the groundwater with leakage from the cell liner? The text mentions that the cell will have a constant one foot deep pool of leachate in the bottom of the cell, but this level is not shown on the detail drawing. Is it there or not? Details of the leachate collection, pumping and piping are not indicated making it impossible to assess any potential impact.

- The potential for groundwater pollution has been downplayed in the DEIS but has not been ruled out. What is the consequence of groundwater contamination? The report dismisses these potential impacts by saying that downgradient properties which are affected by offsite leachate migration have the option of connecting to a public water supply. If wells are contaminated, who will be responsible for paying the initial connection fee for water service, and who will pay the water bills for these properties in perpetuity? If the landfill pollutes the supply, the landfill owners would be liable to provide a source of supply at no cost forever. The potential cost of this occurrence is not discussed but could be significant.

3.5 Surface Water Resources

- The DEIS states "specific control plans for the management of leachate and storm water have been developed and will be implemented to control these potential impacts." While fairly extensive storm water control measures appear to have been taken, some important details are missing, i.e. pipe sizes conveying storm water around and through the site, outlet structures, holding pond capacities, levels of fill for the various storm frequencies, manhole invert elevations and sizes. The details are missing on the plans and you have to pore over the SWPPP to find the information.
- It is hard to imagine that roughly 20 acres of forested, steeply sloped terrain can be cleared of all natural vegetation and not create an adverse effect on the downstream storm water system. What will become of all the storm water that falls on the cell area during its 5 to 10-year fill period? The cell will be lined with an "impermeable" membrane overlaid by a "collection system" with pipes to collect leachate. What will prevent the side slopes of the cell from eroding into the pit and the silt from plugging up the system, preventing access to the pipes? The pipes must drain somewhere if there is any chance of keeping them clear. Where will this be? A significant storm event could render the whole collection system unworkable it if occurred at the wrong time.
- The Storm Water Management system is also subject to extensive maintenance and replacement costs. Major drainage swales have been either diverted around the waste cell or captured in pipes and piped through the center of the project. As our recent weather has demonstrated, nature does not always follow the plan of man. Any failure of the storm water management system could result in a catastrophic failure including erosion exposing the waste pile, damage to the cover system, road washouts and slope failures. The greatest concern is the single pipe that carries water from north of the industrial park through the project site, between the waste cell and recycling area. Sheet SW2 in Appendix C shows this pipe will be required to carry the flow from sixty plus acres through the site. The pipe runs through the filled existing drainage gully and beneath the soil storage earth berm around the recycling area. The pipe will be under the weight of the soil berm, resting on cut in some areas and on relatively deep fills in others. Differential settlement of the pipe is almost assured and deformation to the point of rupture is a real possibility. A break in this pipe would create a serious threat to the stability of the recycling pad, the soil berms and even the high tension power line that runs just to the west of the line. The pipe would not have to fail to create a serious threat to the project. A plugged inlet to the pipe from the secondary storm water storage basin would cause an overflow that would follow the valley created by the soil berm and power line ROW and would erode the area to a significant degree. The cost of repairing such a washout could offset all the monies promised to the City for the life of the project.
- The slope directly south of the recycling pad will be traversed by two storm drains, one of them the pipe that carries drainage from the sixty acres north of the industrial park. It is approximately fifty feet from the bottom to top of slope and the hill is currently wooded with large trees. The trees will have to be removed and extensive erosion controls implemented to install the pipes and stabilize the slope. No plans show the trees removed, including the visual analysis, and no discussion of any details of this installation is given. A pipe failure in this location could cause significant washouts and slope failures. The pipes are shown on drawing SW2. Note that only a shallow ditch separates this area from the railroad tracks below, and there are private homes directly south of the railroad tracks.

- The Storm Water Pollution Prevention Plan (SWPPP) mentions the Niagara Mohawk overhead power line several times in its presentation but does not mention the high pressure gas main adjacent to it. Has it been considered in the design?
- The SWPPP recommends a review of the plan by the Montgomery County Soil and Water Conservation District. As of June 23, 2006, Montgomery County Soil and Water had not received any information on this project to review as an "interested agency."
- The size and types of pipe used in the storm drainage system are not available on any of the site plans making it difficult to assess the potential impacts of installation, service life, susceptibility to differential settlement or adequacy of size. The information may be in the text of the SWPPP but it should also be noted on the drawings so it can be reasonably analyzed. Details of sump pits, piping, pumps and storage are also not indicated.
- The temporary berm system proposed to reduce leachate quantities is not detailed and it is not addressed in the SWPPP quantities.
- Water from storm water ponds will be used for dust abatement on the site. Are these ponds designed to hold a continuous supply of water? If so, how do they achieve their storage capacity for various storm events?

3.6 Wetlands

- Although the DEIS states that the proposed project will involve minor impacts to some wetland areas, 1.8 acres of "low-quality ravine wetland habitat" will be completely removed. This is not a minor impact. In addition, filling wetlands at the tops of ravines will eliminate much of the downstream wetlands on and off site.
- The DEIS proposes to replace these wetlands and other areas of historic impacts with off-site wetlands that are closer to the Mohawk River and potentially have greater public and environmental benefits. Has this Wetland Mitigation Plan been designed or submitted to ACOE? Who owns the property on which these off-site wetlands will be created? Who will bear the cost of acquiring this property and the significant cost of creating these wetlands?

3.7 Flora and Fauna

- The DEIS describes the flora and fauna on the project site as not being rare or endangered. Although this statement is technically true, it does not consider that these plant and animal communities currently exist within the City limits, which makes them rare indeed. If the landfill project proceeds, the forest, wetlands and habitats for wildlife will be almost totally removed. The wildlife habitat will be permanently altered, as the wooded hillsides are transformed to grass. This may attract some predatory birds such as hawks and owls but the forest birds and small mammals will be displaced forever. The native reptiles, amphibians and smaller life forms that inhabited the wooded wetland gullies will be permanently lost. The net result will be a significant loss of birds and small wildlife in the area.
- A letter from Betty Ketcham of the NYSDEC Natural Heritage Program, dated May 20, 2003, is included in Appendix E. The letter indicates there is no record of known occurrences of rare or state-listed animals or plants or significant habitats. The letter cautions that the absence of data does not necessarily mean they do not exist, but rather that comprehensive field surveys have not been conducted. It also states "if this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information." Has this been done?

3.8 Air Resources

- Air quality will be diminished at least until the project is closed, due to dust, wind-driven debris and equipment exhaust fumes. The mitigation measures proposed are insufficient to prevent degraded air quality.
- The DEIS states that a vegetative covering around the perimeter will confine the migration of fugitive dusts. However the natural vegetative buffer will have been so reduced as to be virtually ineffective in controlling airborne dust and pollutants. The existing forest controls significant amounts of airborne dust and pollutants, but the forest will no longer exist after this project is begun. The remaining trees will be endangered themselves from earthwork around their root zones and sun scald from opening up of the surrounding canopy.
- Drywall is listed as an accepted waste material, although many state environmental agencies are in the process of banning gypsum drywall from landfills. When gypsum is mixed with moisture in a landfill environment it is a leading cause of the development of hydrogen sulfide gas. This gas can be toxic in sufficient concentration and there may be harmful long-term health risks from low-level exposure. It has a noxious smell which will be a daily nuisance to neighbors. The DEIS proposes to mitigate these impacts by not accepting pulverized wastes, minimizing moisture content through stormwater management, daily cover systems, leachate collection and post-closure gas venting. A landfill gas management plan, to be prepared as part of the permitting process, is not included with this submission and therefore cannot be evaluated.
- In the landfill cell, leachate will be sprayed for dust control subject to DEC approval. This practice could potentially release airborne contaminants and pollute clean cover material.

3.10 Land Use

- Potential impacts to surrounding land use include changes to visual character (major), drainage (major), groundwater impacts (potentially major), and impacts from site operations, i.e. visual character, noise, landfill gas odors, and dust (major). The attached map illustrates the context of the site and the residential neighborhoods to the west and south.

3.11 Planning and Zoning & Solid Waste Planning

Planning and Zoning

Article 18-A of General Municipal Law delineates the purposes and powers of an IDA. It states that all actions of an IDA must be "in compliance with the local zoning and planning regulations and shall take into consideration regional and local comprehensive land use plans." The City of Amsterdam Zoning Law does not permit "sanitary landfills or other disposal facilities and operations" in any zoning district. Therefore, AIDA and AMR intend to have the zoning of the site changed to permit a C&D landfill. Changing the zoning in a specific location for a specific project could be interpreted as "spot zoning." Spot zoning is defined as rezoning a specific area of land in a manner that is not in conformance with the zoning of the surrounding neighborhood, or with the community's land use policies as expressed in their Comprehensive Plan. It is neither legal nor advisable, and has potential consequences of setting a dangerous precedent in the City. Spot zoning has been not been upheld in court unless it fulfills a demonstrated need in the community and there is overwhelming positive community approval of the project. Neither of these criteria is true in this case.

Any proposed amendment to the zoning law must be referred by the Common Council to the Planning Commission for its review and recommendation. They must find it to be consistent with the underlying objectives of the City's Comprehensive Plan. The proposed landfill conflicts with the following goals established in the Comprehensive Plan:

- **Improve Amsterdam's Image and Identity in the Region** *(Page IV-1)*

  The plan states that Amsterdam needs to overcome negative perceptions and emphasize the community's positive attributes. One of the recommendations is to "develop an identifying image for Amsterdam" that speaks positively about the City and distinguishes it from other communities in the region. Once proudly known as the "Rug City" Amsterdam may now become known as the "Dump City." The Visual EAF demonstrates that 14 million people will view the site annually from the Thruway. Each of these viewers will have over a minute to look at the landfill as they drive by. Amsterdam can be proud of the old factories and smokestacks that reflect an age when the City was a booming mill town. Will the City be proud in the future of the landfill as the symbol for Amsterdam?

- **Rebuild Amsterdam's Economic Foundation** *(Page IV-3)*

  To say that this project is "an integral part of the City of Amsterdam's plan to revitalize the City's economic base" is simply not true. The Comprehensive Plan gives numerous recommendations on how to achieve this goal, but none include siting a C&D landfill within the City. The Comprehensive Plan Map and text clearly recommend expanding the Industrial Park northward through land acquisition from the School District and others. There are approximately 45 vacant acres north of the existing Edson Street development and south of a utility right-of-way. This option should be explored if there is a demonstrated need for future park expansion. The DEIS claims that the project will help meet the goal of a full build out of the Park, by creating a 7 acre parcel in the recycling area. As we have previously discussed, this parcel will be created by filling a ravine and will be extremely difficult to develop. The landfill project actually creates a net loss of building sites by removing 10-14 acres of buildable land from future development (these acres may have been designated as planned expansion space in the 1994 Edson Street Industrial Park Expansion Plan.)

  The Comprehensive Plan calls for the creation of a new access road for the Industrial Park, recommending that the City explore alternate routes for access to the site from Route 5 or Route 67. It states that Widow Susan Road offers a potential connection to the Park, and that a utility right-of-way north of the park offers another possible link to Route 67. The 1994 Plan also called for a second access road to the park from the eastern Route 5 area so that truckers would not have to negotiate through the City streets. However the proposed access road is not accessible from the east. Instead, it funnels all truck traffic to the site through the dense East Main Street Neighborhood.

- **Stabilize and Strengthen Neighborhoods** *(Page IV-24)*

  The Comprehensive Plan states that "Amsterdam's greatest asset is its neighborhoods." The landfill will have a negative impact on existing residential neighborhoods immediately to the west and south. Noise, odors, dust, traffic and potential groundwater pollution are valid concerns that cannot be completely mitigated by measures proposed in the DEIS. Page 192 recognizes "there may be a stigma attached to living next to a landfill project" that could adversely affect property value. As mitigation, if a homeowner on the north side of Chapman Drive tries to sell their property during the operating period of the landfill and

does not receive an acceptable offer after one year, "the homeowner could compel the company to buy the property at the appraised value." There is no mitigation offer for properties on the south side of Chapman Drive or on nearby Frederick, Mason or Mathias Avenues. The proposal to buy out houses whose property value decreases due to proximity to the landfill will destroy, rather than strengthen, these neighborhoods.

- **Enhance Important Gateways to the Community** *(Page IV-34)*

  The Comprehensive Plan states it is important to enhance the "gateways" to the City of Amsterdam in order to improve its "front door" image. The C&D Landfill is located at the eastern gateway to the City and will not be an attractive welcome mat. The Plan states that the pedestrian environment along the East Main Street and Church Street corridors has been compromised by traffic volume and behavior, and neighborhood commercial centers are struggling. The increased truck traffic along East Main Street will also be in conflict with the "traffic calming" recommendations in the Plan.

The Planning and Zoning section of the DEIS states that the proposed C&D landfill is a use "limited in time." However, a six month construction period, plus six to ten years of operation, plus thirty years of post closure monitoring is just the beginning of this limited time. The landfill will be there forever, and never will be anything but a closed landfill in the City of Amsterdam. The final finished steep slopes and need to protect the cap system preclude any practical use of the site in the future. The DEIS claims that the project is a mechanism to address demolition costs related to tax delinquent parcels in the City, yet no data is provided to show how, when or even if this could occur. No numbers of parcels or estimates of the cost of removal of existing structures, estimates of tipping fees, demolition, asbestos and hazardous waste removal, or plans for removal with timelines are offered as evidence of this claim. All factors have to be evaluated against the projected financial benefit that the City is promised to properly determine if this will negatively impact the City.

Solid Waste Planning

Section 3.11.2.2 claims that the fiscal impacts of the AMR landfill on the Montgomery-Otsego-Schoharie Solid Waste Authority (MOSA) "would be very difficult to analyze and are beyond the scope of the DEIS" and it is therefore ignored. MOSA is a tri-county waste authority which sets a minimum guaranteed annual tonnage (GAT) of waste for each county. If a county's annual waste delivery falls below the GAT threshold, they are obligated to pay a penalty for the shortfall, unless it is balanced by a waste surplus in the other counties.

According to Gil Chichester, MOSA's executive director, the total amount of C&D debris received by MOSA in 2005 was 30,291 tons. This was 22.5% of their total intake of 134,334 tons of waste. If the AMR facility opens, most C&D haulers will chose to go there, due to a very competitive estimated tipping fee of $45/ton, rather than to MOSA, which has a tipping fee of $83/ton. The AMR landfill will definitely have a regional economic impact. If over 20% of MOSA's annual tonnage is diverted to the AMR facility, it is quite likely that none of the three counties will meet their GAT requirements. The resulting penalties could be devastating to county budgets, and require an increase in taxes.

3.12 Visual Character

- The DEIS states "the proposed project will not result in a significant adverse visual impact, either during operational or post closure phases. Although no significant adverse visual impacts are anticipated, visual screening will be used, as needed, along the property line to minimize any visual impact." These two statements put a cloud of incredulity over the entire DEIS. A view shared by thousands of travelers each day of a wooded hillside with its seasonal and environmental changes in color, texture, line and form, will be changed to an excavated pit of bare soil and rock, and eventually a huge grass covered mound which bears the unmistakable image of a closed landfill. The existing wooded site screens the Edson Street Industrial Park and acts as the visual backdrop for the east end of the City. The change will be significant and extremely negative.
- The Viewshed Map in Appendix clearly shows locations from which the site will be visible. The most significant view is from the NYS Thruway, where it will be seen by at least 14 million people a year. The Viewshed Map indicates that the site will be visible for over a mile of this highway, which is directly opposite the site and less than a mile away. The proposed development is on a hillside facing south, in direct sunlight and highly visible from this major arterial highway. The Visual Analysis failed to consider the Canalway Bike Trail, a recreational trail which is nearing completion across the State, and the Mohawk River itself. Both of these resources are promoted Statewide as recreation and tourist destinations and have the potential to attract many visitors to Montgomery County. These views provide a much longer and more leisurely view of the proposed landfill site, which will become the defining visual feature of the City of Amsterdam.
- Many of the visual analysis photographs appear to have been deliberately chosen to view the site through screens of vegetation or partially blocked by buildings. This leads to the faulty impression that the site is not clearly visible from the surrounding area. The photo from Route 5S, #13 is artfully blocked by trees. Although trees are certainly there, they are not continuous along the entire viewshed. Also, drivers on Route 30 South will have a good view of the landfill as they approach the Thruway overpass and go over the bridge into the City of Amsterdam. The photos provided do not illustrate these typical views of the site.
- Figure 3-12, the visual simulation of the Operational View from I-90, does not adequately reflect the extent of tree removal indicated on the plans (especially behind the Tepee Restaurant and south of the recycling pad and east of the power line ROW.) In all practicality, the entire south facing slope of the project will be devoid of trees with the exception of the power line and gas line ROWs. The "undisturbed vegetative buffer" north of the Tepee will be too narrow to be effective, and the remaining existing trees that could help serve as a screen from East Main Street are on private property and are not guaranteed to remain.
- The proposed screening suggested in the DEIS will not be able to mitigate the profound adverse visual impact due to the topography of the finished project, the steep slopes created and restrictions on landfill cover materials. It is simply not possible to hide what will amount to a mountain rising one hundred and sixty feet above East Main Street.

3.13 Noise

- The earthen berm around the recycling area will help control noise at this location, but will not mitigate noise from equipment dumping and covering material in the cell area. Although the traffic noise barrier proposed along the southern access road will reduce noise impacts during construction and operations, the increase in average decibels at several re-

ceptor locations will still be between 5.6-7.1 dBA. The DEC Noise Policy considers any increase between 5-10 dBA as "intrusive." Chapman Drive residents will also have a constant visual reminder of the landfill above, as the forested hillside in their backyard is replaced by a grim 10 foot high wall.

3.15 Vibration

- The DEIS states that a structural integrity survey will be performed at nearby residences prior to blasting. However, it does not say that compensation will be made to neighboring property owners if damage does occur.
- Page 2 of Appendix B states "a former rock quarry lies immediately south of the site, presently occupied as a restaurant and conference center. The rock face exhibits fractures potentially enhanced by blasting." The newly restored Tepee Restaurant, built into the cliffside immediately south of the proposed cell, was renovated using considerable public funds and is in the process of being taken over by the City. The focal points of the restaurant and site are a rear wall of exposed natural stone with indoor and outdoor waterfalls. Blasting will have unpredictable effects on existing rock fissures and groundwater pathways and could severely damage these elements. In addition, the stormwater management plan reroutes 32.5 acres of drainage north of the industrial park to the stream that is the source of this waterfall, significantly increasing its flow and creating the potential for flooding.

3.16 Traffic

- The DEIS claims the project is sized to balance cut and fill, yet 190,000 cubic yards of excess cut must be trucked off site. During the projected 6 month construction period, the DEIS anticipates there will be approximately 144 truck trips per day (16 truck trips/hour or one every 3.75 minutes.) During the operations phase, 36 trucks are expected at the project site daily, or 72 truck trips/day (8 truck trips/hour). The DEIS dismisses the doubling of truck traffic during construction as a slight increase and an unavoidable short term impact. Page 173 states "the temporary increase in truck traffic associated with the transportation of excess cut material during construction is not considered a significant deviation from the operation conditions analyzed in the study." Earth moving in the spring or fall will guarantee trucks will drop mud on City streets as they leave the site. Dirt, noise, road damage, traffic and pollution created by the removal will negatively impact the City.
- The DEIS states that the 190,000 cubic yards of excess limestone bedrock cut material will have an approximate weight of 400,000 tons. During construction AMR anticipates removing 75% of this material and stockpiling the remaining 25% (100,000 tons) of excavated rock north of the recycling center. The DEIS says this reserved material will be shipped off-site during the operations phase by using the incoming waste haulers for backhauling the excavated stone on their outbound trip. It is also proposed that these empty outgoing trucks will be used to deliver the recycled materials to their ultimate destinations. The logistics of these proposals seem extremely complex and probably unfeasible. Will incoming C&D debris haulers agree to carry crushed stone and recyclable materials to unknown destinations rather than returning immediately to their home demolition site?
- The trucking calculations appear to be based on the weight of solid limestone, rather than the volume of crushed limestone. Crushing will increase the volume of 190,000 cubic yards of solid limestone by 25% to become 237,500 cubic yards. This will create a corresponding 25% increase in the required number of truck trips.

- Our previous comments pointed out a discrepancy in the text regarding Level of Service calculations. This discrepancy remains in the current DEIS and indicates that the LOS figures were calculated using half the volume of traffic anticipated during operations and one quarter the volume anticipated during construction. Page 174 states "level of service calculations indicate that there is sufficient capacity at the intersections of NYS Route 5 East/Main Street/Park Drive and NYS Route 5 West/East Main Street to accommodate the additional *four truck trips/hour (36 truck trips per day)* anticipated for the proposed project." This is reiterated on page 10 of the Traffic Impact Study. However, the DEIS indicates that *72 truck trips per day* are anticipated during operations and *144 truck trips per day* are anticipated during construction.
- The DEIS proposes designated truck routes along state routes to "mitigate the impact to local roads." How will these truck routes be enforced? The primary route from the north is Route 30/Market Street. This is actually a local street from the Town of Amsterdam line to Prospect Street, and the City is responsible for its repair and maintenance. Although East Main Street is a state route for most of its length, it is a two-lane road running through a densely mixed residential and commercial neighborhood. The residents and businesses along this narrow corridor will bear the greatest impact from the heavy truck traffic and noise, especially during construction. (In addition, the East Main Street area is designated as an Environmental Justice zone due to its high percentage of minority or low-income population. DEC notified AIDA in 2004 that Environmental Justice policy would apply to this project and a multi-lingual public participation plan must be drafted. To our knowledge the Environmental Justice public participation plan has not be prepared or implemented.)
- Although the proposed Alternate Route 5 Westbound Truck Route is no longer included in the main body of text, it remains in Appendix I as Figure 4.2. Is this alternative still an approved truck route? Truckers traveling from the east to the site may prefer to use Route 5, rather than the NYS Thruway, to avoid tolls. The alternate route includes a 2.5 mile loop through the heart of the City because westbound trucks can not navigate the hairpin turn at the Route5/East Main Street/Chapman Drive intersection. The East Main Street neighborhood will bear the double burden of these 30-ton trucks shuttling back and forth.

3.18 Sewage and Leachate Collection and Disposal

- Section 3.18.2.2 Leachate indicates that there will be two 75' diameter by 20' tall leachate storage tanks in the recycling area though none are shown on any plan. Where they are located will be important due to the deep fills in this area and the probability of differential settlement. The tanks should hold 1,325,000 gallons total. The sewage treatment plant has stated that they can handle 50,000 gallons per day and the DEIS is figuring an average of 40,000 gallons per day based on average annual rainfall.
- The daily leachate quantity is estimated to be 30,000 to 40,000 gallons, which will be discharged to the sanitary sewer system for treatment at the City of Amsterdam Wastewater Treatment Plant. How will the leachate affect the quality of effluent discharged to the Mohawk River, and will it meet the applicable Class C Water Quality Standards? The EPA Enforcement and Compliance History Online (ECHO) site indicates that the wastewater treatment plant has been in violation every quarter for the past 3 years, with significant non-compliance violations in total suspended solids and total recoverable copper. How will the plant be able handle the heavy metals commonly present in C&D leachate? According to MOSA officials, the treatment plants in Amsterdam and Canajoharie are inadequate to handle MOSA's leachate, and it must be trucked out of the area.

- The DEIS states that the landfill leachate system will be able to handle a 25 year 24 hour storm event but it is difficult to come to this conclusion. When the cell is open and the liner is installed virtually all rainfall will be runoff. A single inch of rain will produce 381,149.8 gallons of water in the cell:

  14 acres x 43,560 sf/acre x 1/12 ft = 50,819.9 ft^3 x 7.5 gal/ft^3 = 381,149.8 gallons

- A 25 year 24 hour storm of 4.7 inches would equal 1,791,404 gallons in just 24 hours from the cell area alone. The DEIS claims that the design of the system will be able to handle 1.8 million gals per day maximum in the event of 25 year 24 hour storm, yet doesn't explain how. If the cell were bone dry at the start of the event, and the tanks and pipes were all empty, and the sewage plant was taking 50,000 gallons per day, it might be possible to keep up. However, after the first few storms these dry conditions won't occur again for the life of the landfill. A temporary berm is proposed to divert clean storm water away from the waste mass to reduce the amount of leachate created. The SWPPP plan does not account for this diverted water as it states that all rain falling within the 14 acre cell area will be treated as leachate. The SWPPP drawing SP6 also shows storm drainage from the receiving, sorting and recycling area being treated as storm water and draining to detention basin 2 and then under the railroad to the river. This disputes the statement that this area runoff will be treated as leachate. The conclusion is that this process has not been thoroughly thought out and is not workable in its present state. There are too many discrepancies to evaluate the impacts of what is being proposed as it is not clear what is proposed. In addition, it is possible that there could be more than one 25 year storm event annually, and the system would not be able to handle it.

- So far this year there have been 25.82 inches of rain at the Albany Airport. As of July 6th, the rain totals 9,841,293 gallons from the cell area alone. The 7 acres at the receiving and recycling pad would add half again that amount. How would that total have been handled if the landfill were in operation?

- The SWPPP assumes leachate will be piped to the Amsterdam Sewage Treatment Plant but no piping is shown in the DEIS and no figures given for cost to treat leachate.

- The Storm Water Pollution Prevention Plan, page 16, states that all storm water from this area will be treated as leachate in Construction Phase I. The amounts of water should be calculated for the 1, 2, 10, 25, 50 and 100-year storms, as this will determine the amounts of leachate to be disposed of. More details are needed to determine how the leachate will have to be treated before it is accepted at a sewage treatment plant, because after any significant storm event it will be heavily laden with mud and silt. Also, how will the storage of this pond of leachate within the cell affect its performance and stability?

3.21 Fiscal Conditions

- The estimated 15 to 20 million dollars that the City of Amsterdam is anticipated to receive from this project is a welcome sum, but how have these numbers been calculated? Have tipping fees and cost to remove leachate been factored into this figure? If the project fails for any reason, (a catastrophic soil erosion problem, landslide or the creation of a competing C&D landfill) is there any guarantee that Amsterdam will receive any financial gain?

- Will the increased assessed value of the property result in a long-term gain or loss in tax revenue? Will it reach the break-even point before the end of the 30-year monitoring period? It has no value after that and is a maintenance liability from then on.

- What is the projected yearly cost of normal maintenance of the landfill after AIDA takes it over in 30 years? The cost of maintaining the closed landfill into the distant future is totally ignored, as is liability after the thirty year monitoring period.
- The one or two million bond to insure closure is the only insurance that the facility will be closed per regulation, but is not enough to correct any problems with liner or leachate system failure post closure.
- The DEIS states that the promised financial gain will somehow "control rising tax rates that have caused urban flight." The impact on tax rates is purely speculation, and no figure is offered to indicate exactly what impact the project would have on tax rates. The cause of "urban flight" in the City has not been shown to be the rising tax rate. The construction of a C&D landfill within the City limits is certainly a strange way to curb "urban flight" or control rising tax rates. The properties near the landfill will decrease in value, which will eventually result in raising tax rates rather than lowering them.
- The DEIS claims that the landfill will provide a source of public monies to stimulate private investment in the City, but no figures are offered to support this claim. Will the money be used to lower taxes or stimulate private investment? What will the City use as incentive to locate and invest in its future? "Locate in the Dump City" is not an enticing promotional slogan.
- While the project will be funded by AIDA through bonds, the City will get a fixed fee for each ton entering the landfill. AMR is not contractually bound to any set price for tipping fees and they will be able to maximize their profits and increase fees periodically. As the tipping fees increase, the City will be bound to the number of dollars per ton initially agreed upon. Will this amount be adjusted for inflation or higher tipping fees?
- The impact of marketability of the Edson Street Industrial Park properties is not addressed, nor is the impact of reduced property values in the vicinity of the dump.

4.0 Alternatives Analysis

- The no-action alternative assumes that the project site would remain undeveloped. This is not a reasonable assumption. Much of the area proposed as the C&D waste cell is currently buildable land. The site would require grading to make it suitable for development, but nowhere near the amount estimated in the DEIS ($350,000/acre). Development could step down the slope in terraces, avoiding the steepest hillsides and the majority of the woods, which would provide significant visual screening and buffering. The end result would be a development that fits the site rather than one that is forced upon it.
- A smaller facility is said to be unfeasible because it would not be economically viable, yet no figures are offered. The size of this facility is far more than Amsterdam needs for its own demolition debris.
- The City has many options to dispose of its C&D waste. The Thruway, railroad and barge canal all offer means to haul the debris to established landfills. A more appropriate site for a C&D landfill could be found somewhere else in the open spaces of Montgomery County where it would be much less detrimental. Agreements could be made with existing landfills that would guarantee an income for the landfill and a disposal site for the City.

Conclusion

- A C&D landfill is not a beneficial project for the long term success or revitalization of the City of Amsterdam. To determine the true value of this proposal, the potential long-term environmental and fiscal costs to the City must be weighed against the short-term financial gains. The DEIS is severely lacking in details that address the long term effects of the landfill on the image of the City, the property values in surrounding neighborhoods, the marketability of the Edson Street Industrial Park parcels, the costs of maintaining the closed landfill, the projected leachate quantities after closure, and a myriad of engineering technicalities. The project appears to be a purely commercial venture by Amsterdam Materials Recycling and AIDA, rather than a key component in the economic revitalization of the City. The DEIS has not demonstrated that the need for a C&D landfill on this site outweighs its potential significant environmental and community impacts, and therefore this project should not be approved.

We, the concerned Citizens for a Safe & Clean Amsterdam, Inc., have numerous concerns regarding the Draft Environmental Impact Statement for the proposed C & D Landfill. We are concerned about the quality of the DEIS including, but not limited to, its failure to review all of the public's concerns presented during the scoping session, its failure to remediate fully many of the concerns covered, and its introduction of new previously unknown hazards that require review and remediation. ***Our concerns include:***

(32)

1. The planned ground water monitoring well system is not effective in monitoring for liner and associated systems leaks due to the inadequate buffer zone. CSCA, Inc. provided several studies completed by Dr. Fred G. Lee, PhD., the nationally respected expert in this field. Dr. Lee has shown that double lined landfills leak because of manufacturing defects, installation errors, entombed contamination, failed liner to pipe connections, failed drainage systems, along with numerous other failures. Although AMR, LLC boldly claims that the will be zero leakage, Dr. Lee predicts that there will be a leak rate of 20gal/day per each acre of landfill. A leak monitoring system should assume the worst, that there will be leakage requiring timely detection to protect ground water down steam from the contamination plume. By the time this leak detection system discovers leakage, it would have been too late to save the adjacent water supplies from contamination because of the inadequate distance from the monitoring well to adjacent properties. Dr. Lee calls for a buffer zone of one mile to ensure proper leak detection and proper remediation response should leakage be detected. He calls for a 2-mile buffer if a canyon/ravine is use or if the site is near a river. Both apply. A ravine will be filled and the site is approximately 1,400 feet from the Mohawk River. The DEIS continues to remain silent on this very grave matter. The only remediation provided is to state that public water is available nearby. To argue that public water is nearby is not remediation because it is expensive both short and long term, is not of equal quality because of the City's aging infrastructure, and the people have the right to use the well they bought and paid fro. In addition, people have the right to maintain their property above and below ground contamination free. The lack of a proper buffer zone can only be remediated by having a proper buffer zone.
2. Amsterdam Materials Recycling, LLC has stated repeatedly that they will not use the railroad line that enters the Edson Industrial Park area to move material into or out of their operation. This was not addressed in the DEIS. The rail line is in very poor condition, within 20 feet and above homes, and therefore could prove hazardous to area residents if used. It must be stated clearly that the railroad would not be used for this project. However if it is to be used, then a complete review of the railroad for the DEIS needs to be completed.
3. The argument presented by the DEIS to support the purpose, need, and benefit of the proposed action is flawed and inaccurate. It was acknowledged that there are 3 C&D landfill sites within 100 miles of the proposed project. The DEIS disregarded the ability of these existing facilities to meet area needs without a sufficient review and analysis. These C&D landfills should provide their own assessment of their abilities and their level of desire to accept C&D materials. Their input should then be included in the DE
4. Again in relation to the DEIS argument above in item #4, a thorough study, analysis, and evaluation should be completed to assess the impact of the project on the operations of MOSA, the area waste facility. This should include the economic impact on MOSA and on Montgomery County. It should be noted that MOSA accepts C&D waste. However,

the DEIS discounted MOSA out of hand because they are in debt and area counties subsidize operations due to the guaranteed annual tonnage agreement. The debt was created at its inception with bonds and there has been no attempt, to the best of our knowledge, to negotiate a C&D contract with them. Such a contract could eliminate the MOSA subsidy. In any event, the DEIS argument is without merit since it will compete directly with MOSA to the detriment of the county taxpayer, who will pay an even greater subsidy as a result. The DEIS proposes that MOSA revise its contract with its transporter to deliver its C&D waste to the AMR, LLC landfill. This proposal is written as speculation because that is all it is. AMR, LLC has no idea of how binding MOSA's present contracts are, nor can the DEIS specify what the savings might be if any.

5. Under the alternative analysis in the DEIS, it is argued that the landfill site land would remain undeveloped if not made into a landfill. To the best of our knowledge, No study or search has been completed and published to back up this rhetoric. The area could be used for numerous activities both in both economic and park support areas. Also, the DEIS states that there was no other land available for this project under the control of AIDA. AIDA had in fact purchased about 41 acres of land from the county on the south side of the Mohawk River. AIDA stated that there was no plan for this land at the time of purchase and therefore should have been considered for this project.
6. The DEIS states that the City of Amsterdam, not AIDA, will receive an estimated 15 to 20 million dollars from the project during its 5 to 10 year operation, but it does not state how. It is our understanding from the state controller's office that such transfers of money cannot be done as indicated. Since AMR, LLC argued that the City needs this landfill to solve economic problems, the DEIS should specify clearly how the economic need will be mitigated by describing the money transfer process completely to verify its legality.
7. The DEIS consistently states that the landfill will operate for approximately 5 years, but this is not consistent with the revised total tonnage expected, nor with the expected trucking. AMR, LLC has been stating verbally that the project could operate up to ten years and most likely 8 years. The DEIS must give realistic and accurate expectations as to total tonnage expected, daily expected trucking, and the total number of years the landfill is expected to operate. This information is critical because much mitigation of adverse effects, such as noise &air pollution and money payout to the City, are based in part on the life expectancy of the landfill, and at present according to the DEIS that is 5 years.
8. What has been described as shaping in the media by AMR, LLC is in reality according to the DEIS "extensive excavation" during the construction phase. AMR, LLC will store large amounts of soil for use in the Edson Industrial Park. Moreover, additional 169,000cubic yards of excessive bedrock materials will be sent off the site west down East Main Street. This will result in numerous environmental hazards, such as air and noise pollution, around the site and in the City's streets because of increased truck traffic. The DEIS states that this is unavoidable temporary adverse impact and therefore cannot be mitigated. These hazards will directly affect the surrounding wards and Town. The adverse effect will be significant since the residents of the 4th ward and Town live within approximately 100 feet of this operation. The adverse effects of this activity are not acceptable to the 4th ward and Town. In addition, the DEIS defines as temporary 5 months. 5 months, which could easily run over schedule, is hardly temporary to the neighboring families raising children and playing out of doors.
9. The increased level of noise pollution is not acceptable nor is the DEIS's argument that noise is occasional. The DEIS provided studies to show the present noise levels and the

expected landfill operations noise levels. The DEIS states that there will be an average dBA increase of up to 20.5 and a maximum dBA increase of up to16.9. This is significant considering that dBA is a logarithmic scale with very high noise levels on the upper scale meaning that these noise increases are very significant. The DEIS is only concerned with the linear numbers, but 10 dBA increase from 30 to 40 is not the same as from 80 to 90. However, the DEIS argues that the noise is only occasional based on truck traffic. This means therefore that the noise increase is essentially continuous since there will be a fairly steady truck traffic, at least one every 6 minutes based on 72 trips per day, to and from the site during the normal working hours. Note that earlier truck estimates from AMR, LLC put truck traffic at 90 trips per day. This will make life out of doors in the surrounding neighborhoods difficult, particularly during the summer. The 10 decibel increase that the DEIS states AMR, LLC will use as a threshold at neighboring property lines is just not appropriate for home life and raising families.

10. The DEIS introduced the hazard of blasting. It stated that as part of the excavation of greater than 169,000 cubic yards of bedrock, blasting might occur. It further states that home surveys will only occur at the time of blasting. CSCA, Inc. believes that because this blasting is a likely potential, and because ground vibrations generated by the construction and operation of the landfill, a full and complete survey should be completed now as part of this review process. The survey should include the ability of homes to withstand nearby blasting because many of these homes have rubble foundations.
11. The DEIS states that only neighbors within 500 feet of the basting site will be notified either by letter at a minimum of two days notice prior to the blasting or by a published newspaper notice in the local newspaper in the week preceding the blasting. CSCA, Inc. believes that this notification is neither broad enough nor timely enough. A personal face to face notification should be done with neighbors within 1000 feet of the blast site at a minimum of five days before the blasting **or** registered mail notification of the neighbors within 1000 feet of the blast site at a minimum of five days before the blasting **and** by publishing the a notice in the local newspaper at a minimum of seven days before the blasting. Also, the blasting event should be specifically defined in the notice including but not limited to when, duration, where, and strength.
12. The major excavation and mining operation described above will remove greater than 169,000 cubic yards of bedrock. This has the very real potential to adversely affect the ground water supply by cutting and/or reducing ground water flow and by exposing water to the surface thus requiring its diversion to the wastewater treatment system.
13. The DEIS argues that there will be no adverse visual impacts resulting from the project. It asserts this position by comparing photographs of the site today with artistic renditions of the site after its closure. However, it is critical to show what the site will look like during its construction and operation from locations afar and near. The DEIS states that trees will be planted and berms used to protect adjacent properties from the poor view of the operating landfill. But because of the very narrow buffer, particularly to the south, the DEIS states that in order to offer any type of vegetative buffer trees would have to be planted on the neighboring properties. These neighbors may want what little yards they have without extra trees. To incorporate neighboring properties as part of the buffer to protect those properties is a ridiculous argument and a violation of the neighbors' property rights. This issue is poorly addressed in the DEIS.
14. The DEIS states that the groundwater plume of trichloroethene (THE) from the Ward Products Corporation has stabilized and is no longer migrating southward to the landfill site. This statement is not reflective of the most recent DEC sampling completed on the test wells. The plume continues to move.

15. The DEIS acknowledges that the Amsterdam Public Wastewater Treatment Plant may not be suitable to accept leachate, and in that event an alternative wastewater treatment plant will be used. The DEIS must establish the ability of the Amsterdam plant to accept the leachate or state clearly which regional facility will be used instead.
16. The DEIS argues that there is only a minimum impact on the vegetation and wildlife. There has been no real analysis regarding where the displaced wildlife will go or the effect of more wild life migrating to adjacent areas on the existing food supplies in those areas. Furthermore, it has been reported that the landfill areas is an eagle nesting area. This report needs to be confirmed and analyzed.
17. The DEIS states that from 20,000 to 36,000 of leachate will be collected and stored each day prior to discharge to a suitable facility. What the DEIS is mute regarding insect control of these storage areas. What pesticides and herbicides, if any, will be used to prevent insects and vegetation from using the storage areas for growth?
18. The DEIS acknowledges that there will be the generation of carbon dioxide and more importantly, hydrogen sulfide. Although the DEIS states that actions will be taken to minimize the generation of hydrogen sulfide, it will be produced nonetheless since the fill will get wet. It also acknowledges that hydrogen sulfide has a low odor threshold and that it is heavier than air. Given the location of the landfill, and the predominant wind direction, as stated in the DEIS, the generated hydrogen sulfide will migrate regularly south and east into the residential valley of Chapman Dr. in the Town of Amsterdam. The DEIS argues that the problem is mitigated by minimizing leachate contact with air, but it also states that leachate will be used on site for dust suppression. The DEIS states that the fill will be covered over night, but it will be open to the environment, rain or shine, during working hours. Furthermore, the DEIS states that site grading, the presence of berms, and vegetative barriers will serve to mitigate potential effects of wind on landfill gas migration. This makes absolutely no sense. Site grading is all down hill and that is where the heavy hydrogen sulfide will go, berms will trap some gasses in work areas poisoning workers, and vegetative barriers have the same effect on gasses as screen doors-none. The DEIS does not in good faith address how the gasses, generated despite AMR's stated best efforts to minimize them, will be kept from entering the Town residential areas nearby and to the east.
19. Fugitive Dust control as described in the DEIS is not adequate. The vegetative covering that is maintained is neither deep enough nor dense enough to act as a filtration system. Second, the wind direction and speed as specified in the DEIS is arguably sufficient to carry away even the larger particulate expected during construction let alone normal operations. Third, the berm at the recycling facility will not prevent the release and travel of particulate again due to the wind strength and direction. Finally, the high elevation of the landfill site in relation to the surrounding areas will only exacerbate the impending dust problem.
20. The DEIS states that water will be used to aid in dust suppression. This method of dust control will add to the leachate/storm water collection needs, and it will serve to keep the supposed dry tomb landfill wet as dust is suppressed with water. This will further aggravate gas generation and mitigation needs as described in item #16. Furthermore, the leachate from the landfill is to be used as dust suppression water. The contaminated leachate will therefore be permitted to enter non-lined soil throughout the site and even become part of the storm water runoff when it rains. The DEIS states that this is permissible per NYSDEC approval, but for an operation, that should do everything in its power to ensure a clean environment, to do this is mind-boggling. Additionally, The DEIS later contradicts itself by stating that leachate exposure to the air will be

minimized. This cannot be reconciled with surface storage and leachate dust suppression. Which is correct?

21. AMR, LLC has repeatedly stated that they will not use Widow Susan Rd. and Chapman Dr. This has been a very significant issue and so AMR, LLC has gone to great lengths to state that they will not use those roads. However, the DEIS implies in its traffic studies these roads will be used especially during the construction phase to move 169,00 cubic yards of excessive bedrock from the site. Such traffic will find it difficult to stop down hill and to make turns as noted in the DEIS. Also, these roads are homes to residential neighborhoods with numerous young children playing out of doors. For this reason, the roads have been posted for local truck delivery only. Finally, these roads have been repaired and paved in the recent past at great public expense and this heavy traffic would rapidly deteriorate the roads. This added traffic would be a danger to the local community and the only true mitigation that can alleviate the problem is to not have the trucks use Widow Susan Rd. and Chapman Dr.
22. The DEIS describes the truck routes that they will authorize users of the landfill to use. All traffic coming to the site will eventually funnel onto NY Route 5 (AKA East Main Street). This is a standard width two lane road with off street parking in a heavily populated urban residential area. Children of all ages can normally be found playing out in front of their homes and sidewalks during the daytime particularly in the summer. Although this is a standard route for truck traffic, the added 72 truck trips to and from the landfill site will pose a great hazard to the families in the neighborhood. This is especially true when it is realized that these are no ordinary trucks but rather the huge garbage trailers. If leachate is to be transported off site by truck, estimated at 20,000 to 36,000 gallons per day, then addition tanker trucks will be on NY Route 5. This possibility needs to be specifically addressed by the DEIS.
23. CSCA, Inc. is not convinced by the data in the DEIS that the issue of land destabilization has been mitigated properly or completely. In some cases, such during construction, it appears that the land is at greater risk than if left alone. Furthermore, the surface water runoff appears to be a continued and possibly worsened parameter that has the potential of erosion, local contamination, and eventual Mohawk River contamination.
24. The DEIS fails to provide a reasonable study of and remediation for the adverse effects the landfill will have in endangering the residential environment, quality of life, and character as established by town and city zoning and past experiences in the neighborhoods surrounding the landfill site.
25. CSCA, Inc. raised 42 concerns regarding this project during the scoping session. It is our opinion that the majority of these concerns were either not addressed or were not addressed in a satisfactory manner in the DEIS. A copy of the original 42 concerns submitted during the scoping session is attached.

We hope that the lead agent for the proposed landfill in the Edson Industrial Park will fully address our concerns with the DEIS stated above during the SEQR process.

Kurt Semon, CSCA, Inc., Co-Director

Resubmitted 7/13/06
Date

August 26,2003

We, the concerned ***Citizens for a Safe & Clean Town of Amsterdam,*** *have additional potentially significant adverse environmental impact concerns that we believe would result from the construction, operation, and capping of the proposed construction and demolition landfill (the landfill) to be located at the Edson Industrial Park. This list is in addition to the list dated July 2, 2003 that included concerns 1 through 31.* ***Our additional concerns include:***

32. the source of water to be use for dust suppression. It has been noted that run off water might be collected and stored for the purpose of dust suppression. Toxins, heavy metals, and water with high ph may collect in this water with rising levels of contamination concentrations. Contamination may spread to the environment, air, land, and water, as dust suppression occurs. Only clean city water should be used for dust suppression and then processed for disposal.
33. the production of several toxic gasses that occurs at C & D landfills. These gasses may escape from the landfill and poison the surrounding areas particularly down into the valley of the residential neighborhood of Chapman Drive. Some of the gasses can be particularly hazardous to humans.
34. that clay liners and double layer HDPE liners both leak according to public and private studies even when used in conjunction with leachate systems. Clay does not perform as expected in practice and the thickest available double layer HDPE can be expected to leak at a rate of about 20 gallons per acre per day to the environment. Even if installed with the very best and most expensive quality control procedures. Failures result from normal manufacturing imperfections, stress cracks, leachate collection failure, physical damage, and common solvents that find their way into landfills. The studies of G. Fred Lee, Ph.D, P.E., D.E.E. & Anne R. Jones-Lee, Ph.D., *Municipal Solid Waste Management in Lined, "Dry Tomb" Landfills: A Technologically Flawed Approach for Protection Of Ground Water Quality*, and Rudolph Bonaparte's and Beth A. Gross's study *Field Behavior of Double-Liner Systems"* need to be reviewed. Then Amsterdam Material Recycling, LLC needs to design new systems for this landfill that will mitigate the concerns of failed liners that are then verified through type 1, 2, & 3 research studies. The summaries can be found in the publication, *Rachel's Hazardous Waste News* (ISSN 1065-4623) published by Environmental Research Foundation, PO Box 5036, Annapolis, MD 21403-7036.
35. the recent statement by AIDA that only a canyon at the Edson Industrial Park will be filled with C & D debris. According to the above studies, **canyons are particularly dangerous locations for landfills**. These landfills have a greater chance to result in environmental contamination.
36. that leachate collection systems have a significant rate of failure due to clogging of lines, failed leachate-liner penetration seals, and fracture of pipes. Leachate systems are critical with a *Dry Tomb* landfill and when they fail they usually cannot be repaired. The resultant additional water leads to liner failures. Also, leak detection requires a very wide buffer zone with numerous leak detection sites but the current proposed buffer zoned is not sufficient for proper leak detection.
37. the numerous concerns that apply to the proposed landfill were published by G. Fred Lee, Ph.D., P.E., D.E.E. & Anne Jones-Lee, Ph.D. of G. Fred Lee & Associates, El Macero, CA 95618 in *Impact of Municipal and Industrial Non-Hazardous Waste Landfills on Public Health and the Environment: An Overview.* These concerns should be mitigated through proper type 1, 2, & 3 research to verify that Amsterdam Material Recycling, LLC's engineering designs are appropriate responses to the stated concerns.
38. the inadequate proposed buffer for the landfill that consists of adjacent neighboring properties not owned by AIDA or Amsterdam Material Recycling, LLC. This results in obnoxious orders and other pollutants, noise, truck traffic, etc. to adversely effect adjacent properties. The buffer as currently designed does not allow for proper leak detection systems to identify leaks before area

lands become contaminated. According to G. Fred Lee Ph.D., P.E., D.E.E. & Anne Jones-Lee, Ph.D. in *Revisions of State MSW Landfill Regulations: Issues for Consideration for the Protection of Groundwater Quality*, a landfill buffer should consist of a minimum of **one mile** of land that is owned by the landfill operation. They further state that **one mile of buffer is not adequate protect is the landfill area is a canyon, which is what is currently proposed for this landfill.** In addition to this concern, the other concerns stated in the above publication should be reviewed as they apply to this landfill by AIDA and Amsterdam Materials Recycling, LLC. They should then design their landfill to take into account these concerns and prove mitigation through type 1, 2, & 3 research.

39. the additional potentially hazardous waste products that will collect at the car wash near by on Edson St. due to the increased airborne particulate pollution that will collect on cars in the area. The particulate pollution will collect in the solid waste separators in the bays that will then be disposed of by some undetermined means. What is the effect on car wash employees and customers from the dust and how should the collected dust be disposed of?
40. the restaurant previously known as The Tepee, Cliffside Restaurant and Banquet Hall, has been renovated extensively with much of the funding coming from public sources. The ability of the restaurant to succeed is therefore a public concern in additional to the private concern of the current owners. What will be the environmental impact of the proposed landfill on the ability of the restaurant to succeed? We believe that the landfill will keep the restaurant from succeeding during the normal working day due to high truck traffic and general operations of the landfill. The restaurant's water well will also be at risk. Finally, We believe the knowledge that the restaurant is next to a landfill will adversely effect the overall reputation of the restaurant.
41. the inability of Amsterdam Material Recycling, LLC to properly police the incoming loads to prevent common household cleaning products & solvents and any petroleum based products, such as oil soaked wood from entering the landfill in small quantities. It has been stated that whatever house items are normally found in homes will be disposed of in the landfill, that roofing products will be accepted, as well as local wood from demolished factories. All it takes is one old can of paint, lumber and roofing products from which oil leaches, or a few tiny bottles of nail polish remover to cause a liner failure. A half a pint of a common household solvent on the liner is sufficient to cause the liner to fail.
42. the inability of Amsterdam Material Recycling, LLC to properly protect against the dumping of the loose fiber asbestos that is normally found in the old homes and factories of Amsterdam. Like solvents, loose fiber asbestos may enter the landfill in small quantities as part of a demolished home load in which asbestos abatement procedures were not followed. Will the Amsterdam Material Recycling, LLC employees be properly trained to recognize the presence of loose fiber asbestos and will they be certified to handle loose fiber asbestos since there is a reasonable potential for its appearance at the landfill? How will the appearance of loose fiber asbestos be dealt with when dumped on the pad? It cannot just be reloaded since containment procedures will have to be enacted by the landfill employees.

We hope that the lead agent for the proposed landfill in the Edson Industrial Park will fully address the concerns stated above during the SEQR Process.

Kurt Semon, Co-Chairman — Date 7/15/07

July 2, 2003

32/33 Scoping Input

We, the concerned Citizens for a Safe & Clean Town of Amsterdam, have numerous potentially significant adverse environmental impact concerns that we believe would result from the construction, operation, and capping of the proposed construction and demolition landfill (the landfill) to be located at the Edson Industrial Park. Our concerns include:

1. Ward Products' contaminated soil at the Edson Industrial Park. The soil is contaminated with organic toxins and heavy metals that have been moving in a southwest direction through the soil towards the landfill site according to monitoring well studies by the DEC.. The United States Department of Agriculture and Cornell University soil survey of the Edson Industrial Park indicate the presence of two main soil types, Darien silt loam and Lansing silt loam. Ward Products' contaminated soil is of the Darien variety and offers low permeability, which tends to slow the southwestern advance of the contaminated soil. The landfill site consists of both Darien and Lansing varieties, and therefore the excavation at the landfill site will accelerate the spreading of the Ward Products soil contamination due to the high permeability of the site fill and increased downward slope toward Chapman Drive. Also, the soil leading to and including the Chapman Drive residential area consists of the Lansing variety at a steep downward slope starting at a 15-25 percent slope then exceeding a 25 percent slope. The Lansing soil has moderate permeability thus enhancing the progress of contamination into the Chapman Drive residential area.
2. the spreading of Ward Products' organic toxin and heavy metal soil contamination into surface and subsurface water thereby eventually entering the well water of area residents, the surface runoff of area residents, and the Mohawk River via surface runoff. The water table of Darien loam is generally within 6 inches of the surface during the wet seasons. There are also numerous springs throughout the area that will become exposed from excavation, and two runoff streams that will carry heavy water flow during the spring thaw. These surface and subsurface water flows will carry contamination to Chapman Drive contaminating well water, soil, and eventually the Mohawk River through the storm sewer system, which is not part of the Amsterdam wastewater treatment system.
3. the effects of the accelerated spreading of Ward Products' organic toxins and heavy metal contaminants on area people, animals, insects, plant life, and fish.
4. the certification of the wastewater treatment plant to remove organic toxins and heavy metals, and other contaminants, collected from the landfill site. Does the plant carry the proper certification to remove these contaminants from the water collected at the landfill site prior to discharging the effluent to the Mohawk River? If the contaminants are removed from the water, where will they be disposed of?
5. the contamination of area water wells from toxins that inadvertently and inevitably find their way into the landfill site.
6. the contamination of the surface water supply to residential homes in the southeast quarter of the Town of Amsterdam from surface water contamination at the site or as a result of particulate air pollution. The southeast quarter of the Town of Amsterdam is defined as the area enclosed by the eastern city border, State Highway 67, eastern Montgomery County border, and the Mohawk River. Many homes in the area still use surface water as their primary water source, including some homes on Chapman Drive.
7. the threat of flooding to the Chapman Drive residential area resulting from operations at the landfill, particularly during the spring thaw.
8. the adverse effects on wildlife, including area hawks, at the entire landfill site due to the elimination of 37.3 acres of wildlife habitat resulting from deforestation.

9. the adverse effects on wildlife in the southeastern quarter of the Town of Amsterdam due to the wildlife migration stress and lower food supplies from the loss of 37.3 acres of wildlife habitat at the landfill site.
10. the adverse effects of noise pollution resulting from landfill operations and trucking to and from the landfill on area wildlife.
11. the potential for a landslide south onto town residents during the construction of the landfill and full landfill site, during the operations of the landfill, and after the capping and closing of the landfill. The steep downward slope (15-25 & greater than 25) of the Lansing silt loam is subject to heavy erosion, which will be exacerbated when the land is cleared of trees, bushes, and underbrush north and up the hill from the residential area of Chapman Drive. Landslides in the area have occurred with this soil type, the most recent being the Swart Hill Road landslide.
12. the potential for severe and/or catastrophic damage to the infrastructure in the Chapman Drive residential area in the Town of Amsterdam due to the heavy vibrations caused by daily trucking and landfill site operations. The area contains aging piping, septic, and electrical systems that could be severely damaged by ground vibrations. In addition, many of the homes on Chapman Drive have rubble or stone foundations and basements that could fail catastrophically.
13. the potential for the opening up of area sink holes due to vibrations from heavy trucking and landfill site operations.
14. the adverse effects an area landfill would have in endangering the residential environment, quality of life, and character as established by town zoning and past experiences, in the areas of Chapman Drive, Widow Susan Road, Poplar Drive, Truax Road, and all residential areas between and within them. The landfill will be placed within 200 feet of the Chapman Drive community, which is zoned residential, and the landfill project on the Town of Amsterdam's boarder is in direct conflict with the Town's officially adopted plan for future rural and residential growth. The landfill would cause the desirability of the area as a residential community to greatly decline, thus the adverse community environment caused by the landfill would lower area property values.
15. the adverse effects a landfill will have on the residential environment that results in the inability to encourage a skilled workforce to migrate to this community.
16. the degraded view from the NYS Route 90, the Mohawk River Barge Canal, Amtrak, NYS route 5, and Widow Susan Road due to the deforestation of 37.3 acres of land exposing the landfill site operations.
17. the adverse effect on transportation access from Chapman Drive to East Main Street caused by the planned changes to create a difficult traffic pattern near the NYS Route 5 and East Main Street intersection. The area will become congested with heavy truck traffic making access to East Main Street from Chapman Drive more difficult. In addition, the congestion will cause trucking and other traffic to move east on Chapman Drive to get to NYS Route 5 instead of reaching NYS Route 5 via the nearly created difficult traffic pattern.
18. the inevitable increase in illegal truck traffic to and from the Edson Industrial Park via Chapman Drive and Widow Susan Road to avoid the planned difficult access to and from the landfill site from East Main Street.
19. the adverse effects of particulate air pollution on the southeastern quarter of the Town of Amsterdam, resulting from the operations of the landfill and trucking to and from the landfill site.
20. the adverse effects of non-particulate air pollution and adverse odors that will emanate regularly from the landfill and flow east, northeast, and southeast throughout the southeast quarter of the Town of Amsterdam.
21. the adverse effects from increased air pollution resulting from increased trucking to and from the landfill site.
22. the increased noise pollution that will be generated by the increased heavy trucking to and from the landfill even if the trucking avoids Chapman Drive. This noise pollution will degrade the

residential environment in the southeastern quarter of the Town of Amsterdam, particularly along Chapman Drive.

23. the increased noise pollution that will be generated by the landfill operations, including crushers and chippers, will degrade the residential environment in the southeastern quarter of the Town of Amsterdam, particularly along Chapman Drive, Widow Susan Road, Poplar Drive, Truax Road. In addition, the noise pollution may degrade the learning environments at the Truax School (Fulton-Montgomery Community Action) and Madam Curie Elementary School.
24. the effects of increased trucking that will make its way through the town to and from the landfill site will endanger the safety of pedestrians, children, and pets in the Town of Amsterdam residential areas in the town's southeastern quarter section. Town residents have been assured that such trucking will not occur, but the city's 4th ward has also been assured of the same thing according to recent reports.
25. the adverse effects of heavy trucking on the roads within the Town of Amsterdam.
26. the increased risk of fires at the landfill site. Much of the material that is acceptable at the landfill is flammable, and landfill fires are difficult to extinguish.
27. the rise of rodent populations, including rats, at c. & d. landfill sites, which will migrate towards residential areas as the rodent population increases to search for food.
28. the adverse environmental effects of using pesticides to control rodents at the c. & d. landfill.
29. the adverse effects of storing materials for recycling, including adverse odors, leaching of contaminants to the environment, and unsightliness.
30. the inability to protect the wet lands located in the area of the c. & d. landfill from the effects of contamination, and from the effect of summer drying out of the wet land surfaces as they become exposed as a result of deforestation and general clearing of the land.
31. the exacerbated adverse effects of the spring thaw, caused by the c. & d. landfill operations, on the Chapman Drive residential area immediately to the south. The high water table, within 6 inches of the surface in areas of Darien silt loam soil and at 3 ½ feet in areas of Lansing silt loam, at the landfill site will act as a surface and subsurface wash of the area of the landfill itself, the truck dumping pad, and the recycling storage areas. It should be noted that the dumping pad has a high chance of being contaminated since it is the location where contamination is to be identified, and the site will be very wet during the winter and spring. The additional water that the landfill will use during operations will only add to the already spring thaw swollen runoff streams that become creeks.

We hope that the lead agent for the proposed c. & d. landfill in the Edson Industrial Park will fully address the concerns stated above during the SEQR process.

Kurt Semon, Co-Chairman

Date

July 13, 2006

33

We, the concerned Citizens for a Safe & Clean Amsterdam, Inc., continue to have numerous concerns regarding the proposed C & D Landfill and its revised Draft Environmental Impact Statement. The new DEIS appears only modestly revised leaving the majority of our concerns unmitigated. In addition, at times the new DEIS appears to take on the role of an unsupported political - economic thesis rather than an environmental thesis. Additionally, the environmental thesis seems to provide unsupported generalizations and assertions when appropriate mitigation appears impractical or impossible to accomplish in great measure due to the poorly selected landfill site. This is the third submission of additional concerns on the new DEIS from the individual Directors of CSCA, Inc. ***Our concerns include:***

1. AMR, LLC finally admits in the revised DEIS that this is indeed a "merchant facility" but then continues its rhetoric under project purpose that this project is intended to support Amsterdam's urban renewal efforts under the Comprehensive Plan, and that this landfill will solve the abandoned home problem. It also argues that the landfill will provide direct tax relief to the citizens of Amsterdam directly through the City government or indirectly through AIDA. These claims are puzzling because the SEQR process was initiated by a 2003 agreement between AMR, LLC and AIDA with AIDA the sponsoring and lead agency for the project. The DEIS ignores prior State Comptroller decisions regarding the transfer of funds from IDA's and that the only contract of record is between AMR, LLC and AIDA. There is no contract between the City of Amsterdam and AMR, LLC and the City government is not the sponsoring agency. Therefore the DEIS should not lead the public into believing that a special relationship exits between itself and the City government by proclaiming direct revenues will become available to the City government if the project is approved. This is a critical issue because much of the project purpose rhetoric within the DEIS and AMR, LLC's current publicity campaign make unfounded assumptions of direct City aid, that the project is integral to the City's Comprehensive Plan, and in summary a panacea for the City's financial woes. The NYS Department of Environmental Conservation's report dated March 18, 2004 (attached) noted this flaw in the previous DEIS and now the flaw appears exacerbated, not mitigated, in rhetoric that appears designed to hide that very argument. Also much of the current public rhetoric in AMR, LLC's publicity campaign appears to directly conflict with the DEIS.
2. The DEIS argues that property values may lower, even though AMR, LLC's current publicity campaign argues the opposite without tangible evidence, but the mitigation offered is in any event inadequate. Mitigation is offered only to north side Chapman Dr., Town of Amsterdam, residents. No mitigation is offered to any City property owner adjacent to or near the project site. In addition, the mitigation offered the Chapman Dr. residents is inadequate. Too much control to the sale process is given to AMR, LLC to the detriment of the property owner, current fair market values of similar properties should be used and updated annually, and the DEIS states that after one year the owner **could** compel the company to buy the property. The language should read that AMR, LLC **must and shall** buy the property after **six months**, which

is a more reasonable time frame. CSCA, Inc. offered in an earlier response last month much evidence and studies proving the adverse effect landfills have on property values.

3. The DEIS continues to use what the NYSDEC called "somewhat artificially imposed constraints (DEC Response, 3/18/2004)" regarding the availability of suitable land for landfills. The fact that the City of Amsterdam has no suitable land within its boundaries does not mean that AMR, LLC and AIDA are free to use any other substandard land within their control to the detriment of others. Substandard sites should never be employed when numerous first rate sites are available within 100 miles. This is a "merchant facility" therefore AMR, LLC can find other suitable sponsors with ideal locations. In addition, it is our understanding that AMR, LLC's parent organization is in possession of large tracks of land in the area that could prove much more suitable for this project. According to the DEC, "the cut and fill required, the slopes of the site, the zoning prohibitions and the residential character of much of the nearby area would probably preclude consideration of the site under other reasonable circumstances (DEC Response, 3/18/2004). The SEQR process demands reasonable locations for such projects. This location is not reasonable.
4. In addition to contamination from Ward products, it appears that the site may be contaminated with large amounts of asbestos. Old factory buildings with much asbestos were demolished and dumped into the area AMR, LLC proposes to use as the landfill over two decades ago. These materials will be dug up again and exposed to atmosphere where natural drying will occur potentially sending asbestos clouds into the air. The DEIS makes no mention of this. The excavation of thousands of tons of asbestos contaminated building materials will require significant mitigation and abatement controls to prevent sending materials into the air. Also, asbestos dumping at the proposed site is not permitted in the DEIS and yet the publicity campaign underway implies that the asbestos contamination can be re-dumped at the landfill site
5. The DEIS fails to address mitigation of potential damage to underground private utilities; communications, electricity, and gas, at the Chapman Drive-East Main St. (NY Rt. 5) intersection. This appears to be a major hub for services and their failures due to damage from blasting and heaving trucking could disrupt services in a wide region.
6. A modest change in the DEIS to mitigate noise is the use of a fence, but the 10 foot high 1000 foot long fence/sound barrier appears too short to be effective against truck and machinery noise.
7. The DEIS assumes Chapman Drive residents are all part of a public water district. This is not correct.
8. Blasting is including in the new DEIS. Despite the public comments to the contrary, the DEIS makes it clear that blasting will occur within City limits and within and adjacent to the residential communities of the 4th ward and Town of Amsterdam.
9. The objective review of the DEIS and project by the lead agency, AIDA, appears to have been tampered with by the City of Amsterdam City Council. Earlier this year several AIDA members were summarily fired in public by the City Council because they expressed reservations about certain aspects of the project's environmental review. The majority of the Council's Aldermen are publicly avowed landfill

proponents. The fired AIDA members were replaced with people who appear to be landfill proponents. For example, one new AIDA member went on the radio shortly after his appointment to argue in favor of the landfill.

10. We offered the above comments as new and modified concerns based on the new DEIS. However, we are resubmitting our previous concerns under the last DEIS because they remain current concerns under the new DEIS where our concerns were ignored or simply not effectively mitigated. For example, our arguments against the poor location and inadequate water monitoring system supported by the research of the nationally recognized leader in landfill design, Dr. G. Fred Lee, appear to have been ignored. Therefore, our remaining comments on the new DEIS shall comprise of a resubmission of our previous concerns in hopes that they will be properly addressed in the Final EIS. They are attached in documents dated 7/2/2003 items #1-31, 8/26/2003 items #32-42, and 3/10/2004 items #1-25.

Submitted on this day to Lead Agency-AIDA,

7/13/06

Kurt Semon
President, CSCA, Inc.

cc.: NYSDEC
City of Amsterdam
Town of Amsterdam
Media

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1150 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • FAX: (518) 357-2460
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

Via Fax (842-3420) and US Mail

July 13, 2006

34

Paul Wollman
41 Market Street
Suite 1
Amsterdam, NY 12010-4487

Amsterdam Materials Recycling
Re: Draft Environmental Impact Statement
Comment Period
City of Amsterdam, Montgomery County

Dear Mr. Wollman:

As we discussed yesterday afternoon, this is to request and to acknowledge your agreement to extend the public comment period to provide comments on the referenced Draft Environmental Impact Statement (DEIS) for the Amsterdam Materials Recycling C & D Landfill.

Department staff wishes to provide comments on this DEIS and we appreciate your willingness to extend the comment period. We acknowledge your agreement to extend the comment period until the close of business on Friday August 4, 2006.

Again, staff thanks you for your willingness to extend the comment period.

Sincerely,

Michael T. Higgins
Deputy Permit Administrator

CC: Elaine Commissiong
George Elston, DSHW
Bob Feller, Bond, Schoeneck & King, LLC, 111 Washington Ave., Albany, NY 12210-2211

Solid Waste\new deis comment ltrs\071306.wpd

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

PAUL D. TONKO
Assemblyman 105th District

CHAIRMAN
Committee on Energy

CHAIRMAN
Task Force on the Mohawk Valley

COMMITTEES
Agriculture
Education
Racing and Wagering
Transportation

July 13, 2006

35

Michael Chiara
Amsterdam Industrial Development Agency
City Hall
61 Church Street
Amsterdam, New York 12010

Dear Mr. Chiara;

I am writing to comment on the Draft Environmental Impact Statement (DEIS) for the proposed AMR Construction and Demolition Debris Landfill and Recycling Center. I believe the DEIS fails to address a number of concerns that have been expressed by both residents of the community, who will be adversely impacted by the proposed project, and their elected representatives.

First, the DEIS lacks objectivity. The document suffers from the same problems that were identified in the first DEIS as stated by Department of Environmental Conservation (DEC) at the time of its submittal as "substantially incomplete and biased in many areas". While the DEIS has been revised, its principal purpose continues to be a self-justification of the proposed facility, with only a perfunctory discussion of alternatives. Furthermore, the Amsterdam Industrial Development Agency (AIDA) acting as both the lead agency and project sponsor, is conflicted and therefore can not objectively review the DEIS. Finally, while it should be expected that DEC will conduct an unbiased environmental review of the proposed project, that analysis will be based in part on the flawed DEIS and will only be conducted after the acceptance of the DEIS by the AIDA.

Secondly, this is an inappropriate use of the site which will only provide short-term economic benefits and potential long-term adverse impacts on the sited community. Not only will the surrounding neighborhood have to endure adverse impacts during the construction phase including noise and dust and on-going impacts during the operation of the facility including a substantial increase in truck traffic, odor and noise from the processing and disposal of waste, but they will also have to live with the long-term impacts from a closed facility including the forever altered landscape, devalued property and the potential health and environmental impacts from the failure of any of the closure systems. The Edson Street Industrial Park, according to its original zoning classification was intended to be used for light industrial operations, industrial warehousing, research and development, multi-tenant commercial facilities and general office space, but not as a landfill. The original permitted uses are intended to provide long-term benefits to the City including employment opportunities instead of the short-term economic gain for AMR and the AIDA.

(over)

Room 713, Legislative Office Building, Albany, New York 12248 • (518) 455-5197, FAX (518) 455-5435
366 West Main Street, Amsterdam, New York 12010 • (518) 843-0227, FAX (518) 843-0049

Thirdly, contrary to the argument made by AMR in the DEIS, I believe that the County's GAT (Guaranteed Annual Tonage) obligation to MOSA would be negatively impacted. The landfill would receive C&D waste that, in many cases, would come from Montgomery County, including waste from the City as discussed in the DEIS, and that would, therefore, be transported to MOSA. This means that the County would have to pay a higher subsidy to MOSA which would come by means of our tax dollars. To conversely suggest that the landfill would provide offsetting economic advantages is unrealistic. It is quite apparent that this is such an inappropriate location for a landfill, that if an approval was ever issued, the safeguards that would have to be built into the project would exhaust any perceived revenue benefits.

Finally, this proposal ignores the wishes of the people who call this community home as expressed in public records of visioning sessions with the Mohawk Valley Heritage Corridor Commission and the panel that developed the City Master Plan. Many of the goals and objectives embraced in the visioning sessions focused upon an association with the river and waterfront as axes that define and empower our location. The strength of our future activities in that capacity are hinged to a pristine quality of water. Nothing as a project should be authorized that would challenge the economic development viability provided by our historic waterway and related waterfront. The AIDA was established for the purpose of "assisting in the creation and retention of both employment opportunities and businesses in the City of Amsterdam." The proposed project achieves neither. As stated in the DEIS, the landfill has an expected life of 6 to 10 years with no guarantee that it will even be available to the City for its demolition projects since it is a "merchant" facility, the primary interest of which is the bottom line. Neither the community nor the City will derive any long-term benefit.

The proposed project is not a good use of this site or the AIDA finances and therefore should be abandoned. I respectfully, yet vehemently, encourage you to listen to the wishes of the people and their elected representatives who have voiced serious concerns with regard to this landfill and move to more productive projects.

Sincerely,

Paul A. Tonko

Member of the Assembly

cc: Joseph R. Emanuele III
Kurt Semon
Frank Valiante
Thomas P. DiMezza
Denise M. Sheehan

Amst. NY
12010

City Hall
Amst NY
12010

Mayor Emmanuel,

(36)

Please hold true to your campaign pledge and do not approve the landfill/dump for Amsterdam. We are worried about contamination to our water supply and our air. Also, the truck pollution and noise would be disturbing. Montgomery County already has a high cancer rate.

In addition, our city which has been known as the Rug City, will now become the landfill or dump city. Property values will go down, people will move, and the tax base will decrease sub-

stantially.

I have lived in this city for 50 years and was proud to call it my home. I always said, the only reason I would leave is if it were unhealthy for me to stay due to cancer causing agents in water or air.

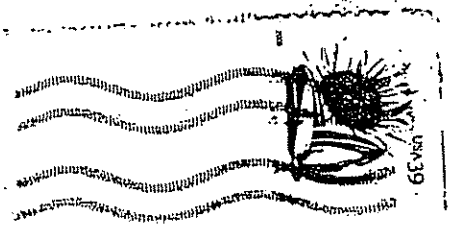
Please, I beg of you, honor your pledge to keep the landfill out of Amsterdam so that we can continue to live in our city — the city we love. Be the honest leader you have always been.

thank-you-

Gail Caprara-Vines
Gail Caprara-Vines
Amst. N.Y.

Jonathan La.
Amst NY
12010

ALBANY NY 122
12 JUL 2006 PM 1 L



Mayor Emmanuele
City Hall
Church St.
Amst. N.Y. 12010

Peter A. Mikolaitis
28 Mathias Avenue
Amsterdam, New York 12010
July 13, 2006

37

Mr. Michael Chiara
Chairman of AIDA
Amsterdam City Hall
61 Church Street
Amsterdam, New York 12010

Re: Amsterdam Materials Recycling Project, Edson Street, Amsterdam, New York

Dear Mr. Chiara:

I am writing to express my concern regarding the Construction and Demolition debris landfill proposed to be built at the Edson Street Industrial Park in Amsterdam. I believe that there are unanswered questions regarding placement of such a facility at this particular location and that its construction is not in the best interests of our region. I have been a resident of Amsterdam for nearly 50 years. I have worked in varying capacities with the NYS Department of Environmental Conservation, Alaska Department of Fish and Game, USDA Forest Service, USDA Animal and Plant Health Inspection Service, and I have taught biology laboratory at the University of Alaska Fairbanks.

Foremost among my concerns is the use of the City of Amsterdam's Publicly Owned Treatment Works for the disposal of collected liquid waste from the landfill site. As described on page 179 of the Draft Environmental Impact Statement, leachate from the landfill will be discharged into the site sanitary sewer for treatment at the POTW. Since this "treatment" is not clearly defined in the DEIS, one can logically assume that the treatment primarily involves adding a disinfectant to the leachate. Appendix J of the DEIS indicates that heavy metals such as cadmium and lead are found to be components of the leachate from most C and D landfills, and they are considered to be "potentially problematic constituents." The possibility that disposal of asbestos has previously taken place on the proposed site has recently come to light. Appendix J lists asbestos as a "hazardous" material." Disinfecting leachate will have little or no effect on heavy metals or asbestos, and no plan to remove these materials is presented in the DEIS. I question the wisdom of deliberately draining such materials into the Amsterdam's POTW. A large portion of the liquid flowing through the treatment plant eventually is deposited in the Mohawk River, and, without removal, so will dissolved and suspended chemicals in the leachate. The potential effect on water quality and river ecology downstream from the treatment has been largely ignored in the DEIS, possibly because of its distance from the site of the landfill. Use of the sanitary sewer system will bridge that distance. Also, since several communities along the river utilize the Hudson-Mohawk River system for their drinking water, potential effects on water quality should be considered.

The feasibility of the proposed plan for operation of the landfill also gives me concern. The DEIS states that materials arriving at site will be sorted. It also states that up to 35 truckloads of debris will be accepted and that 15 people will be employed at the facility working an 8-hour day. The weight of each truckload will approximately range between 60 and 80 tons. Using the lower weight figure, each of the 15 employees would have to sort roughly 280,000 pounds of debris per day. If only half of the employees were involved in the sorting, each would have to sort in excess of a half million pounds of debris daily. Based on these numbers, it appears that the estimate of needed staff does not fit the project.

Although the DEIS has addressed concerns about dust, no attention has been given to the effect that particulates generated at the landfill site might have on the 7 cemeteries located in the general vicinity of the proposed site. Dust

generated from construction debris is not necessarily inert, especially when mixed with rain. No evaluation of any potential effect on the large numbers of monuments has been made. Immediately adjacent to the site is St. Michael's cemetery with St. Nicholas, St. Casimir, Sons of Israel, Temple of Israel, and Mount Carmel cemeteries also located at varying distances from the site.

The DEIS lists several potential financial benefits that the City would derive from the landfill. However, there is no mention of a cost/benefit analysis having been prepared. The benefits put forth are then merely speculation and may not reflect the true situation.

Last, recent comments that were reported by the media to have been made by a spokesperson for Amsterdam Material Recycling have led me to question the company's ability to appropriately operate the proposed facility. When confronted with the possibility of asbestos contamination in the vicinity of the proposed site, he was reported to have said that the contamination could be removed and deposited in the landfill. Since asbestos is listed as an unacceptable waste on page 57 of the company's DEIS, his response, if reported accurately, needs to be considered in evaluating this proposal.

Sincerely,

Peter A. Mikolaitis

Cc: W. Clarke
W. Wills
Chairman, City Planning Board

219 Church Street
Amsterdam, NY 12010
July14, 2006

(38)

To Whom It may Concern (AIDA, etc.):

Today is the last day to file a comment about the C&D landfill and I do not ordinarily get involved in an issue that I feel, from reading about it in the paper, will have no effect to change minds already made up. But I cannot let this go without some imput.

I have met many people in environmental clinics throughout the country who have been permanently injured (healthwise) from exposure to such a project. Traditional medicine cannot, or does not know how to help them. Among them are Dr. Larry Plumlee MD, who is too ill to practice medicine, Ann McCampbell of New Mexico, Susan Mallory, and Alice Osherman of Florida. These people are well versed about the laws to compensate and protect adults and especially children about the hazards of exposure (direct or indirect such as the dust generated) of contents placed in a landfill.

I do not have a medical background but I have learned a great deal about these health issues and I am enclosing a lengthy article by Dr. William J. Rea, an international expert on environmental medicine and author of many textbooks on this topic. It includes many issues other than this one but the reader will learn what this proposed hazard can and WILL do. There are laws in Washington that injured individuals can pursue to be compensated for ill health and environmental lawyers who will assist them. To those of you who have voted in favor of this project, you may have seen dollar signs for Amsterdam (or for your own agenda).,. What you are not seeing are trips to clinics for radiation. chemotherapy, birth defects, infertility, to name a few. Of course, not everyone will become ill and for those who do, it make take years before the body becomes ill from exposure. The advice would be to have young adults and children living in the vicinity of the project to have a complete health work up now to establish a medical status of their good health. As problems arise over the years (and they WILL) a pattern will become evident among these people and they can then take legal action against whomever assumes this responsibility.

I'm sure other communities have been approached with this same project and made the intelligent and responsible decision to turn it down and protect its citizens and the future of their community. Anyone who signs in favor of this project will have their name be a matter of public record and when the problems arise in the future, if they are no longer around, their families will be dealing with the anger and questions.

I will restate my introduction to this issue. One person certainly cannot change minds already made up, but please let those minds be open to reason, intelligent

and honest information and don't destroy the city and the neighborhood where perhaps your immigrant family struggled for and helped to build and where their future generations may want to choose to live a healthy and productive life.

Submitted by:

Arleen Blanchard

Arleen Blanchard
219 Church Street
Amsterdam, NY 12010

Copies of this letter will be sent to:

William Wills
Kurt Semon
David Dybas
Philip Lyford
David Krzynowek

Chemical Sensitivities: Total Body Load

Introduction by the editor:

Hypersensitivity to chemicals is a growing phenomenon. Just last month, the Governor of Michigan proclaimed [illegible]. This is an encouraging step for a condition that, for decades, medical professionals in allied work areas, such as Toxicology, Granholm's proclamation gives a percentage of the types of health problems often associated with multiple chemical sensitivity (MCS).

A lack of governmental oversight on the permissible levels of chemicals, poor reporting systems for incidences of chemical sensitivity, and a misunderstanding of the biological basis for MCS are primarily to blame for an upsurge in this medical problem.

Dr. William J. Rea, an internationally known expert on environmental illnesses and the author of the medical textbooks, Chemical Sensitivity, Vol. 1-4, a home building book, Designing Your Environment for Optimum Health, and [illegible] Dr. Rea is also the founder of the Environmental Health Center for Dallas. He received his medical degree from the University of Texas Southwestern Medical School. Dr. Rea is director of the

Parts of this article, intended for professionals, are technical. For more material on MCS, please see the link at the end of this text.

Total body load (burden) is the total of all pollutants in air, food, and water that the body incorporates and has then to process in order to maintain homeostasis.

Pollutants that contribute to an individual's total body load may be biological (pollens, dusts, molds, foods, parasites, viruses, bacteria), chemical (organic or inorganic), or physical (heat, cold, electromagnetic radiation, light, radon, positive and negative ions, noise, weather changes).

Total body load increases as exposure to increased numbers of toxic chemical pollutants increases or as more tissue damage occurs, resulting in intolerance to an equal amount of chemicals

occurs, resulting in intolerance to an equal amount of chemicals. The accumulation of total body load pollutants involves two types of exposure. The first, a sudden, massive exposure, can be the result of a physical trauma such as an auto accident or a toxic injury such as an acute pesticide exposure or a massive viral or bacterial exposure. The second type of accumulation involves ongoing low-level toxic exposure to commonly occurring biological, chemical, and/or physical pollutants which then build up gradually.

Sublethal exposures to such common substances as pollens, dusts, molds, water contaminants, food, food contaminants, inhaled ambient doses of chemicals, electromagnetic radiation, and positive air ions or electrical field changes may individually contribute to increased total body load, or they may act in synergistic or additive fashion to cause insults as well as subsequent increased sensitivity to small doses of the aforementioned agents. Common examples of seemingly innocuous exposures of these kind include daily contact with such pollutants as sulfur dioxide from auto exhausts or refineries or formaldehyde fumes from new clothes or plywood. Exposures to radon or electromagnetic fields through contact with tight buildings that house computers provide another example. Even agents such as phenol, chlorine, formaldehyde, and various organic solvents used for wound cleansing and the prevention of infections can inadvertently be absorbed and consequently contribute to an individual's total body load. Bioaccumulation of toxic substances in the food chain can further increase this load. Since humans are at the end of the food chain, we tend to acquire higher levels of pollutants from this source.

As the facts of the massive pollution on earth are calculated, the causes of continuing increases in total body load become obvious. Four million distinct chemical compounds have been reported in the literature since 1965, with approximately 6,000 new compounds being added to the list each year. Of these, as many as 70,000 are in current commercial production. Many of these chemicals are deliberately added to food, and over 700 have been identified in drinking water. When exposure to these substances is compounded by additional exposure from intake of pharmaceutical and/or over-the-counter medications, the direct exposure to individuals is considerable. A significant number of these toxic chemicals are lipid or fat soluble and tend to accumulate in the fatty tissues, especially cell membranes, throughout the body, further increasing total load.

throughout the body), further increasing total load.

Excess total body load tends to disturb many of the body's homeostatic mechanisms, as evidenced by our studies of over 20,000 chemically sensitive patients who became ill after they were overtly exposed to pollutants. For people with known hereditary or acquired limitations, this overload becomes especially difficult to handle, as seen in individuals exposed to a large amount of contaminants such as those that might be released from a chemical explosion. This overload may be too much for even a normal, healthy person to process. Disturbances in biological detoxification systems, such as changes in conjugation pathways, changes in cell receptor sensitivity, and/or depletion of nutrient fuels, may occur. Consequently, an individual may become susceptible with onset of generalized inflammatory disease or a specific change in one end-organ. This overload phenomenon also has been shown to occur in animals who ate foods containing pesticides and then developed disturbances of estrogen and progesterone levels.

Although psychological stressors such as the death of a spouse, divorce, loss of a job, etc. add to the total body burden and can hasten the onset of disease, an exaggerated psychological response is frequently secondary to a malfunctioning system.

In order to prevent disease, the body must either utilize, compartmentalize, or eliminate its total pollutant load. If this load becomes excessive and the body is unable to process it adequately, metabolic changes and symptoms may occurand not clear until this load is reduced. In our studies at the Environmental Health Center-Dallas, improvement in energy level and in overall health usually begins as soon as the total load starts to diminish. Because time is needed to eliminate the total load, however, new symptoms may also occur during reduction due to mobilization of buried pollutants and inadvertent, new exposures. This principle of reduction of total body load has been well documented and is commonly understood in relation to bacteria and body function. Reduction of bacterial load is practiced in nearly every facet of modern civilization by eliminating agents, including dust, garbage, vermin, and human and animal excrement, that are known to foster infectious diseases. Also, no physician today would consider treating a wound with antibiotics alone. He would first eliminate the overload of bacteria by vigorously cleansing the wound and applying a sterile bandage, thus reducing the total body burden

of microbes. In environmental practice, an analogous situation occurs when a pollutant, e.g., a gas stove, is removed from a patient's home. The subsequent reduction in this patient's total body load allows for the metabolic systems to function better with more efficient overall detoxification.

Adaptation

Adaptation is an acute survival mechanism which apparently allows an individual to "get used to" an acute toxic exposure in order initially to survive it. Adaptation involves a change in homeostasis (steady state) brought on by exposure to pollutants in the internal or external environment. Body function accommodates this exposure by adjusting to a new set point with induction and increased output of enzyme detoxification systems and immune system enhancement within a physiologic range. Adaptation can occur in any organ or tissue that has been affected by pollutant exposure. Further, pollutant load may increase in all organs or just one.

Over time, adaptation that accompanies continued exposure to toxic substances can result in a long-term decrease in efficient functioning that can then lead to diminished longevity. Because an individual is unable to recognize the acute effects of toxic exposure during adaptation (masking- acute toxicological tolerance), he may inadvertently allow repeated exposures during which pollutants continue to enter and accumulate in his body. These substances may gradually contribute to an increased total body load and depletion of nutrient fuels as his body tries to counteract this build-up. Finally, depressed function occurs followed by end-organ failure.

Variations in metabolic changes during adaptation are dependent on the level, concentration, and virulence of pollutants as well as the volume of offending substances, exposure time, nutritional state of the organism, total body load, and the presence of other disease. For example, an individual briefly exposed to cigarette smoke may develop a minor problem such as a runny nose. Constant exposure year in and year out for 30 years, however, increases the likelihood that he will develop lung cancer, lung failure, cardiovascular disease, skin wrinkling, or a host of any other smoking-related conditions. Occasionally, no disease will occur. The aforementioned factors of total body load and an adequate nutritional state will finally determine the condition, if any, that results.

Studies of common inorganic pollutants such as nitrogen dioxide

Studies of common inorganic pollutants such as nitrogen dioxide and ozone provide evidence that soundly supports the concept of adaptation. For example, Stokinger and Coffin, Bennett, and the National Research Council have pointed out that although daily exposures to pollutants may initially decrease pulmonary function 15 to 20%, by the fourth day of exposure, the pulmonary functions return to control levels. This type of activity demonstrates the adaptation phenomenon, but does not emphasize the required metabolic changes or the increased need for nutrient fuels in the adaptation process.

Rinkel described the adaptation concept in relation to foods and demonstrated that masking occurs with cyclic food sensitivity. Once a person becomes sensitive to a food, he usually adapts to it if he eats it daily. When he finally begins to develop symptoms of illness. he does not recognize the causal relationship between his food intake and the onset of his illness.

Randolph presented clinical demonstrations showing that specific adaptation is active in chemical sensitivities. His findings have since been confirmed by over 5,000 specialists in environmental medicine over the last 25 years; studies at the EHC-Dallas using environmentally controlled conditions have further confirmed the occurrence of adaptation in over 20,000 patients. Adaptation has also been observed in welders, cotton, grain, and wood workers; and nitroglycerin workers and their families.

Misunderstanding of the adaptation phenomenon has led some to claim that chronic adaptation is beneficial. This misinterpretation of the value of adaptation has led some to argue that pollution, particularly ozone, is good for individuals because they can become used to it and, thus, build up tolerance. Continued exposure to pollutant stimuli may result in cellular and metabolic changes which are initially beneficial for protection, but eventually deplete nutrient fuels through overstimulation and overuse. The seriousness of these changes provides evidence that defeats this specious argument, other than for acute survival.

Adaptation consists of three stages: alarm, masking, and end-organ failure. Each will be discussed separately.

Adaptation - Stage I (Alarm)

The first stage of adaptation is the alarm stage, in which an individual perceives a causal relationship between any exposures and the development of symptoms of ill health. If a stimulus is

mild (i.e., sufficient enough to be cleared by the detoxification systems within a few hours and/or days), a pharmacologic effect will occur. If it is strong or prolonged, the response will be pathological with tissue changes.

Intervention during the alarm stage has the possibility of reversing any damage done. Without intervention, the adaptation process continues to the second stage, "masking." We have found that for optimum health, the individual is best kept in the alarm stage. Here, before masking has occurred, the individual can remain aware of environmental exposures and respond appropriately to them. Also, with intervention and prevention programs in place, he has the opportunity to expand the time and strength of his physiological adaptation without damaging his nutrient reserve. In other words, a person might be exposed to a pollutant while he or she has a high total load. With only a limited ability to combat this exposure, the individual's nutrient pool would likely be depleted and he or she would become vulnerable to further insults. With a decreased total load, however, the resources for sustained physiological adaptation and clearing without depletion of the nutrient pools are available. The individual has, therefore, the opportunity to maintain optimum health.

Adaptation - Stage II (Masking - Toxicological Tolerance)

Masking is the moving of the body's immune, metabolic, and detoxification systems to a new set point in order to accommodate an acute exposure. The process of masking has two phases.

Phase 1 – The first phase of masking is a physiological adjustment through an induction of the immune and detoxification systems to combat an incitant.

This phase is probably defined by narrow limits that do not deplete nutrient fuels. It likely depends on the quantity of enzymes and the total load on immunodetoxification mechanisms as well as the nutrients available for fueling, induction, and response of these systems. In this phase, the system is minimally strained without chronic inflammation or severe metabolic or nutritional depletion occurring. For example, an individual might fill his car with gas. In response to gasoline fume exposures, his nose might begin to run. Then, even though the fumes remain in his body, his nose stops running as he moves away from the odor. Since little strain was placed on his metabolic pool or his

immune and enzyme detoxification systems during this exposure. he continues about his business without the development of any additional problems.

Physicians rarely see patients in the first phase of masking unless a prevention program is being used for intervention with these patients. More commonly, most patients present in the second phase of masking or in stage III with early fixed-named disease including end-organ failure.

Phase 2 - Onset of the second phase of masking is signaled by the development of more severe difficulties and is really maladaptation (some opinion calls this phase early stage III maladaptation—the onset of end-organ failure). This phase occurs with prolonged exposure to or excess virulence of the incitants. This phase is pathologic, with tissue changes eventually occurring rather than simple physiologic adjustment. A series of metabolic events which strain the energy regulators, e.g., adenosine triphosphate (ATP), metabolism of minerals, glucose, carbohydrates, and fats, occurs. Also, enzyme systems, such as the glucose-6 phosphate dehydrogenase, glutathione peroxidase, superoxide dismutase, monoamine oxidase, aryl hydrocarbon hydroxylase, mixed function oxidase, and cytochrome P-450 systems, and many more are stimulated. Gradually these systems are overextended by continuing stress, which increases total body load by virtue of the body's gradual inability to detoxify substances. Gradual depletion of essential nutrients occurs. If an end-organ has become involved, it is more rapidly destroyed because of the concentrated overload of pollutants in this limited area. Also, the endocrine system may become involved with hormone deregulation and eventual deficiency. At this point, an individual may well remain unaware of the causal relationship between pollutant exposures and the onset of illness, and because the individual fails to recognize the ongoing effects of exposure, he may even continue to jeopardize his health by increasing his total burden as he inadvertently continues his exposures.

In this second stage of masking, an individual clinically acclimates to pollutants. This acclimation brings about metabolic alterations outside physiological parameters in that symptoms occur. For example, an individual who is sensitive to beef steak might eat a small portion and develop no symptoms. If, however, he eats a pound of steak at one meal and is unable to breakdown the toxins in the meat fast enough to reduce his load, he will

overload his system and, unable to quickly reduce these pollutants, may experience severe symptoms of vascular spasm that result in Raynaud's phenomenon.

As apparent, correlated symptoms subside and the individual appears clinically to be no longer affected by exposure to a toxic substance, [yet] repeated exposures may, in fact, continue to damage immune and enzyme detoxification systems. Continued over time, this process can lead to further increases in the total body load.

In the second phase of masking, the stimulatory and depressive phases of bipolarity are accentuated.

Chronic exposure to toxic agents coupled with an inability to maintain the nutrient supply for detoxification lead to the third stage of adaptation, "end-organ failure."

Adaptation - Stage III (End-Organ Failure)

The process of maladaptation which leads to end-organ failure and is observed in the chemically sensitive individual may be one or both of two types. The first type occurs when an individual experiences frequent reexposure. Instead of completely clearing the pollutant load acquired from the initial exposure, an individual experiences only a short reaction. Continued subsequent exposures then lead to additional short reactions, none of which are sufficient to clear the expanding total load. Thus, as the load grows and the body responds increasingly less efficiently, reactions heighten and trigger more easily. Finally, if this process continues uninterrupted, the pollutant load becomes overwhelming and end-organ failure is inevitable.

The second type of maladaptation that leads to end-organ failure results from a minimal number of exposures over an extended time period. In this process, the reaction time is of an extended duration because the detoxifying mechanisms are inadequate to the clearing task. If a subsequent exposure occurs before complete clearing takes place, the defense system remains weakened. Continued inappropriate responses occur, leading inevitably to endorgan failure and fixed-named disease.

In the third stage of adaptation, fixed-named disease occurs with eventual end-organ failure or maladaptation. Diseases involving the heart, lung, blood vessel, gastrointestinal, genitourinary, or any of a host of other systems or tissues are easily recognized and given fixed names and usually are fixed and irreversible,

e.g., coronary heart disease and lung failure.

Individuals with good adaptive mechanisms are initially comfortable with a toxic load. They may, therefore, be more at risk for the sudden development of end-organ disease (which may have been developing over 20 to 30 years) than the sensitive individual, who is usually uncomfortable and perceives his polluted environment as he becomes aware of triggering agents. Initially, this perception of pollutants as causing symptoms works to the disadvantage of the chemically sensitive individual because of the discomfort that comes from the constant pollutant bombardment, but as time passes, he uses his awareness to clean up his environment. In so doing, he tends ultimately to put less strain on his immune and enzyme detoxication mechanisms, thus slowing the lifelong process toward end-organ failure.

Challenge tests performed on a patient in an adapted state are frequently negative, probably due to the increased activity of the induced immune and enzyme detoxification systems which can accommodate the pollutant without obvious clinical symptoms. Therefore, deadaptation by reduction of total body load must take place before causal relationships can be identified by challenge.

Avoidance of a suspected harmful substance for 3 to 4 days reduces total load and allows deadaptation to occur. A much more precise, immediate definition of a health problem can then be obtained when challenges are performed. In the majority of our studies presented in this book, we allowed a minimum 3 to 4 days of total load reduction and deadaptation to occur before challenges were performed. Failure to consider this adaptation principle has rendered many of the present published negative-challenge tests invalid. For optimum results with challenge tests, a prolonged period of avoidance should not occur. If an individual avoids a substance for an extended time, he may repair tolerance to the substance, and the first challenge test will be negative. However, repeated challenges usually demonstrate the sensitivity.

For more information on chemical sensitivity:

283 Manny's Corners Road
Amsterdam, New York 12010

39

Telephone (518) 842-7961
Fax No. (518) 843-6136

Comments of Town of Amsterdam

on

Draft Environmental Impact Statement

of

Amsterdam Materials Recycling Project

Lead Agency – Amsterdam Industrial Development Agency

Project Sponsor – Amsterdam Materials Recycling

Submitted by
Peter Henner
Special Counsel for
Town of Amsterdam
P.O. Box 326
Clarksville, NY 12041

Dated: July 25, 2006

PETER HENNER

ATTORNEY AND COUNSELOR AT LAW

P.O. BOX 326
CLARKSVILLE, NEW YORK 12041-0326
(518) 768-8232
Fax: (518) 768-8235
peter@peterhenner.com
WEB SITE: peterhenner.com

*

July 25, 2006

Michael Chiara, Chairman
Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, NY 12010

Dear Mr. Chiara:

This letter constitutes the comments of the Town of Amsterdam ("the Town") with respect to the March 20, 2006 Draft Environmental Impact Statement ("DEIS") for the Amsterdam Materials Recycling ("AMR") project. A copy of the Town's comments addressing the 2003 DEIS is attached (Addendum A), together with the attached report of William Dickerson, Consulting Geologist and Environmental Analyst (Addendum B). These documents were originally submitted on March 11, 2004.

Table of Contents

The "Revised" 2006 DEIS 2
Environmental Review of the Project 2
Need for Proposed Project 3
The DEIS is incomplete because no information is provided with respect to permits and approvals 4
Environmental Justice 6
Alternatives 8
Zoning 8
Community Character 9
Noise Impacts 10
Traffic Impacts 11
Visual Impacts 12
Air Resources 12
Solid Waste Planning 13
Surface Water Impacts 14
Drinking Water 14
Groundwater Impacts 14
Leachate Collection 15
Wetlands Issues 15
Conclusion 16

The "Revised" 2006 DEIS

The DEIS, dated March 20, 2006, does not indicate, either on the cover, or in its introductory page, that it is a revision of a previous DEIS. The only reference to the fact that it is a revised document is contained on the second page, which refers to "Revised DEIS Accepted."

The 2006 DEIS appears to be a composite of new material, prepared by Crescent Environmental Engineering, P.C. and dated March 20, 2006, and pages from the original DEIS, which was prepared by the Chazen Companies, and has various dates in December 2003. The interposition of the two documents appears to have been done somewhat sloppily.[1]

In any event, although the 2006 DEIS does not suffer from the incredible sloppiness, grammatical and spelling mistakes, and plain misstatements of obvious fact that characterize the 2003 DEIS, it is clear that most of the major shortcomings in the 2003 DEIS have not been addressed. Indeed, large portions of the DEIS, as referenced below, are simply repeated verbatim from the 2003 version.

Of greater importance, many of the substantive shortcomings which are described in this letter were previously identified in 2004, either in the Town's Comments, or in the Comments that were made by the New York State Department of Environmental Conservation ("DEC") in the March 18, 2004, letter from DEC Deputy Permit Administrator Michael Higgins (cited as "Higgins", p.__). Nevertheless, these deficiencies have not been addressed in the new 2006 DEIS.

Environmental Review of the Project

The proposed project is the development of a Construction and Demolition ("C and D") disposal facility on a 39 acre portion of land that is presently vacant and forested. The entire 39 acres will need to be clear-cut, steeply sided slopes will need to be graded, large volumes of rock and earth will need to be excavated and new access roads will need to be constructed. Over the five to ten year life of the landfill (not including an additional six months for site preparation and construction), approximately one million tons of C and D waste material will be placed in the landfill. The landfill site will also need to be monitored and maintained for thirty years after closure.

[1] For example, the DEIS received by the Town of Amsterdam, contains one set of pages, 48 -55, covering sections 2.2 and 2.3, prepared by Crescent Environmental Engineering and dated January 21, 2006, and a second group of pages, 48 -53, covering sections 2.3.3 through 2.4, dated December 29, 2003, and prepared by the Chazen Companies. These pages are followed by the same sections, in pages numbered 56 -61, commencing with 2.3.3., prepared by Crescent and dated January 31, 2006.

This is obviously a major project, and, as described below, will require a number of federal, state and local permits and approvals. Nevertheless, it appears that the Amsterdam Industrial Development Agency ("AIDA") is attempting to minimize public involvement and consultation. After the public hearing on the 2003 DEIS, on January 21, 2004, AIDA counsel Paul Wollman stated that there would be a new DEIS prepared, and there would be a new public hearing to receive comments. Now, more than two years later, the new DEIS has finally been submitted, but no opportunity will be provided for a public hearing.

In addition, it is rumored that AIDA is planning on issuing its Final Environmental Impact Statement ("FEIS") shortly after the close of the comment period. Obviously, AIDA has a legal responsibility to respond to all of the comments received about the DEIS, and to incorporate these responses in a FEIS, before making a determination to accept the FEIS.

Although some of the technical questions that were raised in the Town's 2004 comments have been addressed, the most serious issues, pertaining to: 1) information needed to obtain relevant permits, particularly a permit from the New York State Department of Environmental Conservation under 6 NYCRR Part 360, 2) impacts upon the residents living in immediate proximity to the proposed landfill, including residents living in the Town of Amsterdam, and 3) issues pertaining to alternatives, have not been addressed, just as these issues were not addressed in the 2003 DEIS. Furthermore, the failure to adequately address issues pertaining to community character, visual impacts, noise and traffic, wetlands, water discharges, air issues, and, perhaps most importantly, environmental justice, require AIDA to reject this DEIS.

Need for Proposed Project

The proposed project is a private merchant plant, which will accept C and D waste from all sources, including sources outside of the City of Amsterdam. It is apparently intended to provide a facility for the disposal of C and D waste throughout the "eastern and central areas of New York State" (DEIS, p.29). Although it will allegedly provide disposal capacity for the City of Amsterdam itself, the primary inducement for the City is the revenue that AIDA will receive in the form of disposal fees from the developer, AMR.

The development of this facility will also involve the build out of most of the remaining vacant land located in the Edson Industrial Park. Assuming that the money that will be realized by the City imbues this project with a public use, the question still remains as to whether or not the project is a good use of the remaining land in the industrial park. Given the slopes of the site, the extensive excavation that will be required, the need for a zoning change, and the residential character of the surrounding area, it is very difficult to believe that AIDA would utilize this site for a landfill under any criteria, except for the perceived need for a short-term revenue infusion.

Although the DEIS suggests that the project will result in the creation of additional building sites, it should be noted that it will also result in the permanent loss of developable land located at the northern end of the landfill cell area. Land in this area has only a 5-8% slope, and is developable with only minor grading. Such development could occur by terracing buildings into the hillside.

The City of Amsterdam has previously filed an application for a $1.2 million federal grant to implement an expansion plan for the industrial park which was previously adopted by AIDA, 10 years ago, in 1996. This plan is not referenced in the DEIS, and we do not know what plans were made for the development of the land that is now to be included in the landfill. However, the Town of Amsterdam believes that the 1996 plan contemplated the development of these sites, and if that plan is to be abandoned, at the very least, the DEIS should identify the previous plan, and offer an explanation as to what circumstances, if any, have changed.

In short, the project is not an appropriate use of the site, and is not needed to complete the development of the Industrial Park.

The DEIS is incomplete because no information is provided with respect to permits and approvals

According to section 1.5 of the DEIS (pps 43-44), the project will require the following approvals:

1) A federal wetlands permit from the Army Corps of Engineers,

2) A Part 360 permit to construct and operate a solid waste facility,

3) A DEC permit or permits for air emissions under Title V of the Clean Air Act and Article 19 of the ECL,[2]

4) Coverage under DEC's general stormwater permit for construction and industrial activities,

5) A Water Quality Certificate under section 401 of the Clean Water Act, as per 6 NYCRR § 608.9,

6) A Mined Land Reclamation permit under 6 NYCRR Part 421,

[2] The 2003 DEIS acknowledged the need for a Title V Air Permit (2003 DEIS, p.35), and the 2006 DEIS contains a lengthy discussion of air impacts and regulatory requirements. However, §1.5 of the DEIS "Required Approvals" on page 43 does not list an air permit as one of the permits needed from DEC. Such a permit may also be needed for the rock crusher used on-site during the operational phase of the facility. Although the rock crusher might be exempt from the requirement for a permit under 6 NYCRR Subpart 201-3.2, the DEIS does not supply any information regarding the need for a permit, or the applicability of the exemption.

7) An amendment to the City of Amsterdam Zoning Code, to permit the use of the land for landfill and mining purposes,

8) An advisory opinion from the Montgomery County Planning Board under § 239-m of the General Municipal Law, and

9) Various minor approvals, such as curb cuts, leachate delivery agreements with the City of Amsterdam's wastewater treatment facility, road crossing and right-of-way agreements with CSX Transportation, Inc and Niagara Mohawk,[3] and land acquisition and associated contracts with AIDA itself.

DEC and the City of Amsterdam Common Council are involved agencies under SEQRA. The Montgomery County Planning Board is an interested agency, since its recommendation can be overridden by a super-majority. Although DEC and the Common Council do not have the responsibility of performing any independent SEQRA review, inasmuch as AIDA has been designated as the lead agency, these agencies have some discretionary authority with respect to the granting of necessary approvals.

The review of the permit applications by these agencies, particularly the New York State Department of Environmental Conservation, may have a significant impact upon the project. As I stated in my 2004 comments on behalf of the Town of Amsterdam "a DEIS must contain a complete analysis of all prospective environmental impacts. It is self-evident that, in order to evaluate all such impacts, a complete description of the proposed action is required. Here the DEIS simply does not explain what the applicant is proposing to do, and how it will accomplish its goal. In the absence of such description, it is impossible to meaningfully evaluate prospective environmental impacts." (Addendum A, pps.1-2)

The Town's comments on the 2003 DEIS were seconded by the Department of Environmental Conservation, which "recommended that the DEIS not be accepted until such time as the appropriate permit applications have been submitted to the Department and Staff has had ample time to review and comment. It is very likely that Staff comments on the required applications would precipitate the need to revise the content and language of the DEIS." (Higgins, p.6).

Furthermore, "It is common practice for all permit applications to be submitted and reviewed at the same time that the DEIS is submitted and reviewed. . . . information that might be contained in a specific permit application would need to be included in the text of the DEIS. However since applications have not been submitted, it is impossible to determine what additional information may need to be included/added to the DEIS." (Higgins, p.2).

[3] This and other references to Niagara Mohawk in the DEIS (cf. section 8.1) should probably read National Grid.

The failure to contain information about permit applications means that crucial information about prospective environmental impacts is not included in the DEIS. For example, §§ 2.3 and 2.4 of the DEIS contain a number of sections describing operational procedures at the landfill. The DEIS tells us that information about: 1) the landfill cover material management (§ 2.3.6), 2) landfill leachate management plan (§ 2.3.5), 3) waste handling materials (§ 2.3.4), 4) landfill gas management plan (§ 2.3.8), and 5) the design of a final cover system (§ 2.4) will be supplied at a later date. This information, which will be required as part of the applicant's Part 360 permit application, might well result in the identification of prospective adverse impacts that should be addressed in the DEIS.

As the Town noted in its 2004 comments (Addendum A, p.21), there are particular concerns with respect to the cover material, inasmuch as there is no showing that the glacial till on site is actually suitable for cover material, and there is no indication of any alternative source for the cover material.

The 2006 DEIS ignores the defects in the 2003 DEIS that were identified by the Town of Amsterdam and others in 2004. Even though two years have elapsed, and the new DEIS has been prepared and submitted, it appears that no applications have been made for a permit, and no information is available with respect to AMR/AIDA's application for any of its permits, including permits from the New York State Department of Environmental Conservation.

Apparently, the applicant has not applied for any such permits. I was advised by George Elston, in a telephone conversation on February 14, 2006, that DEC had not heard from AIDA or AMR since 2003.[4] Furthermore, although the DEIS does contain an Appendix E, entitled correspondence, no correspondence with the New York State Department of Environmental Conservation is included.

At a minimum, the DEIS should include some indication of how it intends to obtain the requisite permits and approvals from regulatory agencies such as DEC. If no draft applications or permits are included, at the very least, correspondence should be included indicating that the applicant has contacted the agencies, the agencies' tentative responses to these applications, and the issues that the agencies will need to have addressed before a permit can be issued. In the absence of this information, the DEIS is plainly incomplete, and should not be accepted by AIDA.

Environmental Justice

The New York State Department of Environmental Conservation has established a policy with respect to Environmental Justice and Permitting (CP-29) (annexed as Addendum C). The purpose of the policy is to provide enhanced access to information

[4] On May 3, 2006, I submitted a FOIL request to DEC on behalf of the Town of Amsterdam, for all correspondence and documents pertaining to AMR/AIDA's applications in this case. DEC responded in July 2006. The only documents responsive to this request were a response to Mr. Higgins' letter, by AMR's counsel Robert Feller, dated December 22, 2005, and Mr. Higgins' reply, indication that DEC would await the 2006 DEIS. Apparently, AMR/AIDA has still not applied to DEC for any of the required permits.

and increased public participation with respect to prospective permits in low income and minority communities. Under the policy, the DEC Division of Environmental Permits is required to conduct a preliminary screening to identify whether any proposed action is located in or near any "potential environmental justice area and determine whether potential adverse environmental impacts related to the proposed action are likely to affect" such an area.

The permits covered by the policy include a solid waste management facility permit under Part 360, air pollution control permits under Article 19 of the Environmental Conservation Law (including permits issued pursuant to Title V of the Clean Air Act) and coverage under DEC's General SPDES permit for construction activities. Obviously, the permits that will ultimately be required by AIDA are covered by DEC's Environmental Justice policy. Furthermore, even though no application has been presented to DEC, it appears, from Mr. Higgins' 2004 letter, that DEC has determined that the project site is in a potential environmental justice area, and that the Department's Environmental Justice and Permitting policy must therefore be implemented.

DEC's Environmental Justice policy includes several specific requirements which have been ignored by AIDA. The most important of these requirements is the designation of DEC as the agency to make the review of the action with the other involved state and local agencies (¶5g, p.9). This requirement was apparently avoided by simply not filing an application for a DEC permit, which would trigger the procedures by which DEC would coordinate the review. If a permit application had been filed, DEC would have been properly designated as the lead agency, rather than AIDA.

Furthermore, AMR/AIDA violated the requirements of 5d, requiring the submission and implementation of a "written public participation plan". Although such a plan may ultimately be required by DEC as part of its permit considerations, this plan should also have been submitted and implemented as part of the SEQRA process which, apparently, will be undertaken solely by AIDA, as the self-appointed lead agency.

Furthermore, the DEIS is substantially deficient, inasmuch as there is nothing in the DEIS that refers to environmental justice concerns, or to the fact that the project is located in a potential environmental justice area. Had such an analysis been contained in the DEIS, and had DEC been the lead agency, DEC would have been required to conduct a public hearing regarding the proposed action. (Item 5k, p.9).

Environmental justice concerns set forth in the DEC policy were established to ensure that these concerns, which have been the subject of extensive litigation in state and federal courts, would be included in the environmental analysis and review of proposed actions. Although the DEC policy is perhaps not binding upon AIDA, this review and analysis will be required by DEC, as part of its permit review. AIDA, if it is to act as lead agency, has an obligation to incorporate the environmental justice analysis that normally would have been performed by DEC. In other words, since DEC, if it had been the lead agency, would have been required to perform an environmental justice

review in accordance with CP-29, AIDA, performing an environmental review for, *inter alia*, the issuance of DEC permits, must follow the policies adopted by DEC to address environmental justice concerns.

Alternatives

The Town's 2004 comments criticized the DEIS for its failure to consider alternative uses of the land and alternative projects that might be undertaken by AIDA with respect to the Edson Industrial Park. These alternatives, we stated, could include finding another commercial or industrial tenant without the adverse impacts of the landfill, development of residential housing, preservation of the land as open space and/or as parkland. Another alternative that should be considered is AIDA's 1996 expansion plan, not discussed in the DEIS and apparently abandoned without comment or explanation.

Nevertheless, the 2006 DEIS section on alternatives is identical to the section on alternatives in the 2003 DEIS (2003 DEIS pps.182-184, 2006 DEIS pps. 194-196). No additional alternatives have been considered.

The consideration of alternatives is not limited to the alternatives available to Amsterdam Materials Recycling, which proposes to construct the C and D landfill. Instead, AIDA, as the agency granting the approval of the action, and making the requisite SEQRA determinations, must consider all alternatives that it has the power to pursue. These alternatives must be included in the DEIS.

These alternatives include other possible uses of the Edson Industrial park. However, the DEIS is completely silent with respect to such alternatives. This silence is a fatal deficiency of the DEIS, and itself warrants rejection of it by AIDA.

Zoning

The DEIS characterizes the proposed use as "limited in time." (DEIS, p.xx). Such a characterization is disingenuous, and ignores the significant long-term impacts of this project, which involves a six month construction period, an operating period of 6-10 years, and a thirty year post-closure monitoring and maintenance period. This is a permanent change in land use.

The DEIS acknowledges that landfilling is not presently permitted in a light industrial ("LI") zone and that a zoning change will be needed. The DEIS states that while landfilling is not a permitted use, "the character and impacts [of the proposed project] are comparable to other light industrial uses that are currently permitted in the industrial park (e.g. contractor's yard, light manufacturing, warehousing and storage facilities, mining and excavation)." (DEIS, p.141). (emphasis added). This statement is plainly false.

Contrary to the DEIS, mining and excavation are not permitted in an LI zone in the City of Amsterdam. Therefore, the necessary amendment to the Zoning Ordinance must authorize mining and excavation, as a specially permitted use, as well as authorize landfills. Although the DEIS acknowledges the need to change the zoning to permit a landfill, the DEIS ignores the fact that the zoning amendment will also need to address mining and excavation.

Furthermore, mining and excavation, as well as landfilling, are significantly different than the current usages permitted. Mining and excavation involve massive disruption of the environment by heavy earth moving equipment. The impacts of such activity upon the surrounding community cannot be compared with the establishment of a warehouse or storage facility, or light manufacturing, nor is such activity compatible with present permitted uses.

The DEIS also states that it will be necessary for the City Council to determine that the proposed activities are consistent with the 2003 Comprehensive Plan (DEIS, p.141). According to the DEIS, the project is consistent with the Plan because of its financial benefits, because it will enable a buildout of the industrial park, and because it will create a new access road to the park (DEIS, pps.138-139). However, the DEIS does not discuss the fact that an operation of this nature, involving a massive earth removal, is inconsistent with both the current residential character of the surrounding neighborhood, nor does the DEIS discuss why the area is presently not zoned for this type of activity.

Community Character

The DEIS ignores the fact that the construction of the landfill, if not the ultimate operation of it, will completely destroy the residential community located immediately to the south of the landfill, on Chapman Drive and East Main Street. Rather than discussing these potential effects in any way, shape or form, the DEIS merely describes the mitigation measure of providing a limited program to assist with the sale of residential properties on the north (but apparently not the south) side of Chapman Drive (see DEIS, p.193).

At the present time, properties along Chapman Drive and East Main Street back up to a steeply sided forested slope. Even residents on the south side of the road (towards the river and away from the forested slope) have the benefit of a quiet hillside across the street. However, if the project is constructed, the hillside will be stripped away, and the residents will be living right next to, first a construction site and then later a landfill. Even the establishment of a small buffer zone will not provide any relief during the six months of the year when there are no leaves on the largely deciduous trees.

It should be obvious that the project will effectively destroy the character of this community. The destruction will be in the context of visual impacts, noise impacts, and traffic impacts. In addition, these residences, some of which are also dependent on well water, will be affected by erosion as a result of the massive excavation that will be taking place in close proximity uphill of their houses.

These impacts are not discussed anywhere in the DEIS. Significantly, the discussion of visual impacts is limited to visual receptors located at significantly greater distances from the landfill (see page 12 below). Furthermore, the traffic and noise impacts discussed in the DEIS grossly understate the prospective impacts to the residents of this area.

Finally, the DEIS is completely silent with respect to the residential neighborhood located immediately to the west of the site of the landfill, where a number of houses overlook the site.

Noise Impacts

The 2006 DEIS, like the 2003 DEIS, acknowledges that there will be noise from landfill construction and trucks. While the 2003 DEIS referred to these activities as occurring over a five month period and characterizes them as a "temporary short-term unavoidable adverse impact", the 2006 DEIS states that they will occur over a six month period and claims that "measurements of the noise levels from similar equipment within a berm showed significant reductions in sound level." (compare 2003 DEIS pps.148-149 with 2006 DEIS pps.156-157).

The 2003 DEIS proposed a "performance standard of no more than a 10 decibel increase" (2003 DEIS, p.152), and proposed to undertake mitigation measures only if that threshold was exceeded. However, as DEC noted in its 2004 comments, the Department's noise policy and the Part 360 regulations state "the human reaction to increases in sound pressure level of between five and ten dB is considered to be "**intrusive**", increases between 10 and 15 dB is considered to be "**very noticeable**" and increases between 15 and 20 dB is considered to be "**objectionable**"." (Higgins, p. 4) (emphasis in original).

Now, in 2006, AMR proposes to construct a "traffic noise barrier" to reduce the noise from both the construction and operation phases of the landfill. However, AMR admits that, even with the barrier, the project will result in an increase in excess of the 6 dBA threshold indicated in DEC's Program Policy as having a potential for adverse impacts. This threshold will be exceeded at two of the four receptors near Chapman Drive/ East Main Street during the operational phase and at one of the four receptors during the construction phases (DEIS, p.164).[5]

The barrier does little to reduce the expected noise increases during the construction phase. Construction noise is expected to be reduced as follows:

Reductions of construction noise as a result of barrier

Receptor 7: 7.6 dBA to 5.8 dBA or 24%

[5] This information is presented in Tables 3-20 and 3-21, two tables that are not listed in the Table of Contents.

Receptor 8	9.7 dBA	to 6.4	dBA	or 34%
Receptor 9	6.9 dBA	to 5.6	dBA	or 19%
Receptor 10	3.2 dBA	to 1.8	dBA	or 44%

This means that the barrier reduces the construction noise by an average of 30%, or that 70% of the noise increase is not abated.

Reductions of operations noise as a result of barrier

Receptor 7:	4.8 dBA	to 0.4	dBA	or 92%
Receptor 8	5.7 dBA	to 4	dBA	or 30%
Receptor 9	8.1 dBA	to 7.1	dBA	or 12%
Receptor 10	6.4 dBA	to 6.4	dBA	or 0%

During the operational phase, the barrier will apparently be effective at Receptor 7, but totally useless at Receptor 10, and relatively ineffectual at Receptors 8 and 9. The barrier reduces the operation noise by an average of 33.5%, or that 66.5% of the noise increase is not abated.

According to the DEIS, the exceedances of the 6 dBA threshold specified by DEC Program Policy do not need any additional avoidance measures because the increase is still "below the 10dBa threshold." Apparently, the DEIS believes that it is acceptable to inflict intrusive noise increases upon local residents without additional mitigation. Such a belief is directly contrary to the plain legislative mandate of SEQRA to minimize adverse environmental effects "to the maximum extent practicable." (ECL § 8-0109 (8)).

Traffic Impacts

The traffic analysis has not been updated from the 2003 DEIS to the 2006 DEIS. The inadequacies of the 2003 DEIS were seriously critiqued in the 2004 comments of DEC (Higgins, pps. 4-5), and the DEIS does not even attempt to address the deficiencies noted in 2004.

Initially, the DEIS does not contain any analysis of the traffic volume that is expected to be necessitated by construction activities. The DEC estimated that the removal of the bedrock for excavation would involve between 12 and 31 trips per hour based upon the truck capacity. This would mean a truck trip by a vehicle filled with rocks every two to five minutes.

During the operational phase, the DEIS estimates that there will be an average of ten truck trips per hour, involving one fuel truck per day and four dump trucks delivering waste each hour of a nine hour work day,[6] both entering and exiting the site for a total of 72 truck trips per day (DEIS p.171). This estimate is not explained. It would appear to be a simple matter to estimate the waste that would be received on a daily basis, and

[6] These numbers are internally inconsistent. Ten truck trips multiplied by nine hours is equal to 90 trips per day.

justify this estimate.[7] Furthermore, it is possible that the dumping operations will not be evenly spaced throughout the day. This information is also not provided in the DEIS.

In any event, ten truck trips per hour equates, on average, to a truck trip every six minutes during the day. In addition, the proposed project is expected to generate 25 trips during both the morning and afternoon peak hours (DEIS, p.171). This may result in a significant amount of traffic generated noise, especially if these trips are all concentrated during one during peak hours. Once again, the DEIS does not provide sufficient information to enable the reader to meaningfully assess whether there are significant adverse impacts, whether there are alternative measures that can be pursued, or whether the adverse impacts can be mitigated.

Visual Impacts

The 2006 DEIS does not update the visual impact analysis that was performed in 2003. That impact analysis focused on the views that would be seen from Interstate 90, located on the other side of the Mohawk River from the proposed landfill. Section 3.12.3 of the 2006 DEIS is once again identical to section 3.11.3 of the 2003 DEIS. This section acknowledges, by implication, that there will be visual impacts upon the residents of East Main Street and Chapman Drive, immediately south of the proposed landfill.

Both the 2003 and 2006 DEIS propose the placement of a buffer zone in the form of tree plantings of "mature, nursery grown trees and shrubs that have a fast growth rate and year-round foliage." If this is an oblique reference to coniferous evergreen trees, rather than the deciduous trees that are presently on the site, the DEIS should say so. Furthermore, the DEIS should state whether the existing deciduous trees, which provide no cover for six months of the year, will be removed to make space for the evergreen trees that will provide cover.

It is not clear what trees will be planted with a sufficiently fast growth rate to have a full canopy of leaves within the first year of operation, when the excavation and construction will be occurring, or that these trees will be sufficiently grown out to provide any kind of buffer within the five-year estimated operational life of the landfill. Assuming, for the sake of argument, that the trees will provide an adequate buffer after the landfill has already been operating and is closed, the planting of these trees will not address the problem of the short-term visual impacts that the residents will face during the construction and operation of the landfill.

Air Resources

Once again, the 2006 DEIS is virtually identical with the 2003 DEIS. In its 2004 comments, the Town of Amsterdam criticized the 2003 DEIS for the failure to discuss,

[7] The annual expected waste tonnage, divided by the number of operational days would yield an estimated amount of daily waste received. This amount, divided by the capacity of a typical dump truck, would provide a basis for the estimated number of truck trips.

other than to mention in passing, the need for an air emission permit under Title V of the Clean Air Act. However, the 2006 DEIS, without explanation, deletes the reference to a needed permit under Title V. Indeed, it is not clear from the 2006 DEIS whether or not any air permits will be needed for the project. Furthermore, the 2006 DEIS, like the 2003 DEIS, does not contain any air emission modeling showing the dispersion of air pollutants from the landfill.

In 2003-2004, the Town strongly criticized the applicant and AIDA for its plan to use leachate to wet soils and minimize dust. The 2003 DEIS stated that "the application of leachate in the landfill cell is a permissible use per NYSDEC approval." (2003 DEIS, p.122). The 2006 DEIS now reads "the application of leachate for dust control within the landfill cell is subject to NYSDEC approval under the Part 360 permit process and is anticipated not to have any adverse impacts considering the nature of C and D leachate and the small amounts needed for dust control." (2006 DEIS, p.130).

Apparently, the applicant is retreating from the earlier assertion that the use of leachate for dust control is permissible, and is now acknowledging that such use can only be done if specific DEC approval is obtained as part of the landfill permit process. However, since we have not seen the application for a Part 360 permit, nor have we seen any correspondence with DEC pertaining to any of the conditions of the landfill permit, it appears that the applicant has not evaluated the prospective environmental impact of the use of leachate for dust control, and the deficiencies noted by the Town in its comments in 2003-2004 have not been acknowledged, let alone addressed.

The DEIS is completely silent about the possibility that an Air Pollution Control Permit might be needed, either for the crusher used during the construction phase to process crushed limestone, or for the crusher used during the operation phase to crush concrete and bricks. The crushers might be exempt from the requirement for a permit under 6 NYCRR Subpart 201-3.2 (29) and (30), but such an exemption depends upon whether the crushers are fixed (permanent) or portable (mobile), and their rated hourly capacity. However, no information with respect to this issue is provided. The DEIS does not even state whether AMR proposes to use the same crusher during construction and operations.

Solid Waste Planning

The DEIS ignores the fact that communities in Montgomery County presently send their construction waste to a facility operated by the Montgomery Otsego Schoharie Authority ("MOSA"). In the event that the County does not send a sufficient quantity of waste to the MOSA facility, the County is required to provide monetary compensation to MOSA.

The DEIS notes that the New York State Department of Environmental Conservation does not require merchant facilities to demonstrate consistency with any other state, regional or local solid waste management plans (DEIS, p.140). Nevertheless,

here, the decision to undertake the construction of a merchant facility may have an adverse impact upon existing plans, particularly in the form of significant contractual penalties which will be paid by all of the taxpayers of Montgomery County, including taxpayers in the City of Amsterdam itself. Therefore, there is a potentially adverse impact that the applicant should be required to evaluate as part of a SEQRA analysis.[8]

Surface Water Impacts

The Town's 2004 comments criticized the DEIS for its failure to discuss how the storm water that would be discharged would meet the standards for discharges to Class C waters such as the Mohawk River and its tributaries. The 2006 DEIS does not address this issue, even though the applicant is now proposing to collect not only storm water runoff from the property, but also storm water runoff from areas up gradient of the property (compare section 3.5.3.1, page 96 of the 2006 DEIS with section 3.5.3.1 on page 88 of the 2003 DEIS).

The 2006 DEIS contains the same storm water management (Appendix C) that was contained in the 2003 DEIS. The shortcomings of this plan, with respect to impacts on wetlands and the inadequacy of the proposed storm water management basin, are discussed in pages 16 and 17 of Mr. Dickerson's 2004 report (Addendum B).

Drinking Water

The DEIS does not discuss the public health hazard to residential water wells. The town addressed this issue in its comments about the 2003 DEIS, but the 2006 DEIS ignores the potential of a pollutant impact upon residential water wells used by the residents of East Main Street and Chapman Drive. The 2006 DEIS also does not update the survey of well users, which, as the Town noted in 2004, was incomplete. It remains incomplete today.

Groundwater Impacts

Although the DEIS cites studies in the last two years as indicating that the contaminant plume from Ward Products site had been stopped, the DEIS still does not consider the question of whether the groundwater immediately underlying the Ward Products site and down gradient from the site, has been polluted. As the Town noted in 2004, there is a serious question as to whether this groundwater is already polluted, and whether the pollutant levels already exceed the existing groundwater quality standards (Addendum A. p.3). Furthermore, the DEIS ignores the fact that any contamination of down gradient properties by migrating leachate constitutes a contravention of existing groundwater quality standards.

[8] It should be noted that section 8-0109 (8) of the Environmental Conservation Law specifically requires an agency to make explicit findings about social and economic impacts as well as environmental impacts.

While this groundwater may not presently be moving, the contaminant plume may be disrupted by the massive excavation of the site that will occur, and the DEIS does not provide any analysis of where this groundwater may migrate as a result of this excavation. Furthermore, the DEIS does not discuss whether the excavation of bedrock will have any impacts on groundwater. The Town of Amsterdam raised these issues in its 2004 comments; however, the 2006 DEIS has done nothing to provide the missing information (Addendum A, p.3)

The hydrogeologic report included as Exhibit B to the DEIS is the same report utilized by the 2003 DEIS. This report is discussed on pages 14 and 15 of Mr. Dickerson's 2004 comments (Addendum B).

Leachate Collection

One of the more glaring deficiencies of the 2003 DEIS was the failure to provide any discussion about the characteristics of the expected leachate, or a definite disposal method. Apparently in response, the 2006 DEIS contains an extensive leachate analysis, and now tells us that the leachate will be accepted at the City of Amsterdam wastewater treatment facility. Furthermore, the leachate will be stored in storage tanks at the recycling center, rather then "conveyed to a lined liquid storage area." (compare section 3.5.3.1, page 96 of the 2006 DEIS with section 3.5.3.1, page 88 of the 2003 DEIS).

The expected average daily leachate is now listed at 30,000 to 40,000 gallons, "based on the average annual rainfall at the site." The 2003 DEIS stated that the expected leachate quantity would be 20,000 to 36,000 gallons. No explanation of the increased expected amount is offered in the DEIS.

Wetlands Issues

The 2006 DEIS section on wetlands, 3.6, is identical to the section on wetlands that was submitted in 2003. The Town of Amsterdam criticized the 2003 DEIS for its failure to contain a copy of any application to the Army Corps of Engineers for a necessary wetlands permit and for its failure to discuss how, if at all, the filling of the ravines would affect groundwater flow or how it would affect the wetlands located in the sections of the ravine down gradient from the filled area. (see Addendum A, pps.3-4, Addendum B, p.16)

The 2006 DEIS repeats the misstatement, made in the 2003 DEIS, that "the applicant is working with AIDA and the U.S. Army Corps of Engineers to identify, assess and evaluate sites that have the greatest potential to replace wetland functions and values lost on the site." The 2006 DEIS also repeats the reference from the 2003 DEIS to an on-site inspection by the Army Corps of Engineers, that was apparently conducted prior to the preparation of the 2003 DEIS. Obviously the applicant has not taken any actions or further studies with respect to wetlands in the last two years, and there is nothing to indicate any continuing collaboration with the Army Corps of Engineers.

Conclusion

Although the 2006 DEIS purports to address many of the logical inconsistencies, internal contradictions, and poor editorial quality of the 2003 DEIS, the substantive deficiencies have not been addressed. The 2006 DEIS, like the 2003 DEIS, does not adequately address a number of prospective environmental impacts, nor, more critically, does it identify and analyze prospective adverse environmental impacts, particularly with respect to its impact upon the residents of the East Main Street/Chapman Drive area. Furthermore, critical issues with respect to environmental justice, noise, traffic, air and water have not been adequately addressed.

Accordingly, AIDA does not have a basis to accept this DEIS, and the Town of Amsterdam respectfully urges AIDA to reject the DEIS and direct that the applicant provide further information before AIDA continues its environmental review of this dubious project.

Very truly yours,

Peter Henner
Special Counsel
Town of Amsterdam

ADDENDUM A

PETER HENNER
ATTORNEY AND COUNSELOR AT LAW
P.O. BOX 326
CLARKSVILLE, NEW YORK 12041-0326
(518) 768-8232
Fax: (518) 768-8235
peter@peterhenner.com
WEB SITE: peterhenner.com

March 11, 2004

Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, New York 12010

Attn: Mr. Michael Chiara, Chairman

Re: Amsterdam Materials Recycling Project
Draft Environmental Impact Statement

Dear Mr. Chiara:

This letter, and the accompanying report prepared by William Dickerson, Environmental Analyst, constitute the final comments submitted by the town of Amsterdam with respect to the above-referenced Draft Environmental Impact Statement (DEIS). These comments supplement the comments made by Supervisor DiMezza and myself at the public hearing on January 21, 2004. Mr. Dickerson's report contains a comprehensive list of the shortcomings of the DEIS with particular reference to the sections of the DEIS that either fail to meet the relevant regulatory criteria, do not adequately describe prospective environmental impacts, or which, on their face, are nonsensical. In this letter, I will summarize Mr. Dickerson's findings, and highlight the most glaring errors and omissions in the DEIS.

The Town of Amsterdam believes that the DEIS is so incomplete, that it cannot serve as the basis for the requisite environmental determination under SEQRA. At the very least, a supplemental environmental impact statement needs to be prepared, to provide sufficient information to enable AIDA to meaningfully review the prospective environmental impacts of the project.

FAILURE TO INCLUDE PERMIT APPLICATIONS IN THE DEIS

A DEIS must contain a complete analysis of all prospective environmental impacts. It is self-evident that, in order to evaluate all such impacts, a complete description of the proposed action is required. Here, the DEIS simply does not explain what the applicant is proposing to do,

and how it will accomplish its goal. In the absence of such a description, it is impossible to meaningfully evaluate prospective environmental impacts.

A construction and demolition landfill will require a number of permits for regulated activities. In this case, Amsterdam Materials Recycling will need to obtain permits for a solid waste management facility under 6 NYCRR Part 360, an air emission permit under Title V of the Clean Air Act, some sort of permit, either a State Pollution Discharge Elimination System (SPDES) permit, or a permit to discharge wastewater at the local sewage treatment plant, for the disposition of both groundwater diverted from the site and for leachate generated as a result of the landfill activities, and a mining permit for the transport and sale of excess cut and fill materials removed from the site. These permit applications are not included in the DEIS. The failure to include these applications is not simply a technical omission; rather, it indicates that Amsterdam Materials Recycling has not yet determined how it will achieve compliance with regulatory criteria, and has also not determined what the environmental impacts of its activities will be, and how these impacts will be minimized.

For example, the DEIS states that the landfill will use a "pore pressure relief system". This system is not described in the DEIS, nor does the DEIS describe how or in such a system is consistent with the regulatory criteria of Part 360. The Part 360 application would have to address this question, as well as address a number of important technical questions that must be answered to fully evaluate the environmental impacts of the project. One such technical regulatory question is whether the use of glacial till on-site can actually be used as cover material, as proposed by the DEIS.

Similarly, issues with respect to air emissions are not thoroughly addressed in the DEIS. The DEIS states that an air emission permit will be needed, but does not state why such a permit will be needed, what emissions need to be permitted, and what areas will be impacted by air emissions. Since the DEIS does not contain a windrose, nor was any air emission modeling performed showing the dispersion of air pollutants from the landfill. Once again, the failure to include the application for the air permit is not merely a technical omission; it represents a failure of the DEIS to include crucial information necessary for the evaluation of an important environmental impact.

In order to determine possible water pollution impacts, it seems obvious that we need to know where polluted water, either from leachate collected at the landfill, or from groundwater which may be contaminated, will be discharged. If this polluted water is to be discharged to surface water, a SPDES permit will be needed. However, the DEIS does not even tell us whether or not such a permit will be required, and ignores the question of any prospective water pollution impacts from such a discharge. Once again, a SPDES permit application would provide some indication of prospective discharge monitoring limits.

Alternatively, if wastewater is to be discharged to a wastewater treatment plant, there are serious questions about the prospective impacts of such discharge, and about the capability of the plant, presumably, but not necessarily, the city of Amsterdam wastewater treatment plant, to handle such discharges. Once again, the DEIS is silent with respect to such impacts.

Finally, the DEIS is silent with respect to the issue of possible impacts: especially vehicle traffic, from the removal and sale of excess materials. The DEIS fails to even acknowledge that a Mined Land Reclamation Law permit will be needed from the Department of Environmental Conservation.

WATER ISSUES

As a general proposition, the DEIS fails to discuss the existing surface water and groundwater standards that apply to the site. The Mohawk River in the vicinity of the site, and the tributaries and drainages that cross the site on the way to the Mohawk River, are Class C waters, and any discharges to these waters must meet Class C water quality standards. The DEIS fails to explain how any water discharged, either in the form of stormwater that was collected, or groundwater that was diverted, will meet these standards.

The DEIS states, in a conclusory manner, that polluted groundwater from the Ward Products site will not affect the proposed landfill. This dubious assertion is based upon a claim that the groundwater plume has stopped migrating. However, even if we were to accept that the DEIS contains an adequate basis for its conclusion that the plume has stopped migrating, the DEIS would still be insufficient for its failure to consider, in any way shape or form, the obvious question of whether the massive excavation of the site will affect the existing contaminant plume.

The DEIS discusses plans to redirect groundwater, originating upgradient, away from the site of the landfill. However, the DEIS does not discuss the question of whether this groundwater, which may already be impacted by the pollutant stream from the Ward Product site, may require treatment before it can be discharged. The DEIS fails to discuss whether this groundwater is in compliance with existing groundwater quality standards.

Another issue which is not addressed in the DEIS is the impact of the proposed project on groundwater as a result of the excavation of bedrock. This is another issue which will have to be addressed in the Part 360 application.

The DEIS, by conducting a survey of well users (the survey is incomplete, and will need to be amended to include all property owners who may have water wells which may be adversely affected) downgradient from the proposed landfill, implicitly acknowledges the possibility that groundwater contamination may affect existing water wells. However, the DEIS does not discuss the potential of pollutant impacts upon these wells.

WETLANDS ISSUES

There are 2.575 acres of federally regulated wetlands located in ravines that cross the site from the North, draining to the Mohawk River on the South. 1.9 acres of these wetlands are located on the site, and the DEIS acknowledges that the project will fill in approximately 1.8 of these acres. However, the DEIS once again does not contain a copy of any application to the Army Corps of Engineers for the necessary permit. The DEIS does not contain any discussion of

how, if at all, the filling of the ravines will affect groundwater flow, or how it will affect the wetlands located in the sections of the ravines downgradient from the filled area.

LEACHATE

Obviously, the proposed landfill will generate a considerable volume of leachate. This leachate will need to be either treated or disposed. Unfortunately, the DEIS does not provide any discussion of either the quantities or characteristics of the leachate that will be generated. There are many existing construction and demolition landfills with a long operating history, that could have been studied to provide a discussion of leachate. However, no such discussion is contained in the DEIS.

The absence of this discussion is more notable because the DEIS does not tell us how the applicant is proposing to dispose of the leachate. We do not know if the leachate is so toxic that it will need to be transported to a hazardous waste facility, whether it may be treated for surface water discharge, or whether it will be suitable for disposal at the local sewage treatment plant. These are important environmental impacts, that could and should have been discussed as part of the DEIS.

ALTERNATIVES

The DEIS discussion of alternatives that could be pursued is inadequate because it fails to consider other possible uses of the land located in the Edson Industrial Park. The 2 ½ pages of the DEIS devoted to "alternatives" (pps 182-4) discuss the no action alternative, alternative development plans, and alternative sites for the landfill. However, it should be remembered that the agency responsible for approving this project is AIDA, not Amsterdam Materials Recycling.

The relevant alternatives are not alternative places for the developer's construction and demolition landfill; rather, the alternatives that should have been considered are alternative uses of the land and alternative projects that might be undertaken by AIDA. For example, AIDA could find another industrial or commercial tenant, which would not involve many of the impacts that will result from the proposed landfill. The DEIS notes that some of these alternatives "would have similar impacts with respect to visual resources, soil erosion and storm water runoff" as the proposed landfill. However, these alternatives would not have similar impacts with respect to leachate generation, air pollution, noise, and possible pollution of neighboring properties and water resources.

The DEIS cites the "current zoning classifications" as its basis for limiting alternatives to commercial and industrial operations. However, the proposed landfill will require a rezoning in any event. Therefore, the alternatives that should be considered should include those alternatives, such as residential housing, preservation of the land as open space and/or developing it as parkland, which would be possible uses if the land was rezoned.

CONCLUSION

For the reasons stated above, and in the attached report of William Dickerson, AIDA should reject the DEIS and prepare a new Draft Environmental Impact Statement and/or a Supplemental Environmental Impact Statement. The mistakes and omissions in the DEIS under consideration are so numerous and serious, that AIDA must remedy them and subject a new environmental impact statement to a full round of public comments before it can proceed to a Final Environmental Impact Statement.

Very truly yours,

Peter Henner

cc: Michael Higgins, NYSDEC Region 4
Robert Feller, Esq. Attorney for Amsterdam Materials Recycling
Gilbert Chichester, Executive Director MOSA
Thomas DiMezza, Supervisor Town of Amsterdam

ADDENDUM B

WILLIAM J. DICKERSON
CONSULTING GEOLOGIST
AND
ENVIRONMENTAL ANALYST

P.O. Box 5415
Albany, NY 12205

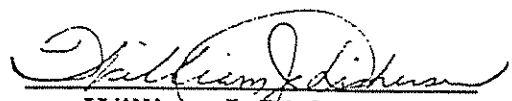
(518) 862-2168

RECEIVED
MAR 12 2004

REPORT OF A REVIEW OF AND COMMENTS ON THE ENVIRONMENTAL IMPACT STATEMENT

AMSTERDAM MATERIALS RECYCLING PROJECT
EDSON ROAD
CITY OF AMSTERDAM
MONTGOMERY COUNTY, NEW YORK

Prepared by



William J. Dickerson

Consulting Geologist
And
Environmental Analyst

March 11, 2004

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT OF AMSTERDAM MATERIALS RECYCLING

INTRODUCTION

According to the regulations implementing the provisions of the State Environmental Quality Review Act (6 NYCRR Part 617), an EIS (Environmental Impact Statement) "must assemble relevant and material facts upon which an agency's decision is to be made. It must analyze the significant adverse impacts and evaluate all reasonable alternatives. EISs must be analytical..." 6 NYCRR Part 617.9 (b) (1). The Draft Environmental Impact Statement prepared for the Amsterdam Materials Recycling Project is replete with statements of intent which contain few if any details, conclusory statements with no factual basis to support the conclusions, and misleading and contradictory statements. It fails to comply with SEQRA regulations because it is not analytical.

The regulations require that all draft EISs must include a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations. Other required elements include impacts of the proposed action on solid waste management and its consistency with the state or locally adopted solid waste management plan (6 NYCRR 617.9 (b) (5) (iii) (f).

The Draft Environmental Impact Statement prepared by the Amsterdam Industrial Development Agency's Amsterdam Materials Recycling Project has been critically reviewed and the following comments have been prepared.

Headings refer to the sections of the DEIS.

EXECUTIVE SUMMARY

I. Overview at the Proposed Action, p. ix

The DEIS states that the C& D (Construction & Demolition) debris materials landfill will be located on approximately 14 acres of the 39-acre project site, and that bedrock will be excavated in the 14-acre landfill cell. However, the DEIS does not mention that the excavation will require a Mined Land Reclamation Permit under Article 23 of Title 27 of the Environmental Conservation Law.

IV. SEQRA Process, p. xiv

The statement "Where reasonable and applicable, measures to avoid, minimize or mitigate potentially significant adverse effects are presented" misstates the applicable criterion. SEQRA requires "to the maximum extent practicable, adverse environmental effects revealed in the environmental impact process will be minimized or avoided." ECL §8-0109.

V(c). Potential Environmental Impacts and Mitigation Measures, p. xvi

A pore pressure relief system will be installed under the landfill to transfer ground water beneath the project site without coming into contact with the landfill materials. The bypassed ground water will be released as a surface water discharge flowing toward the Mohawk River. There is no information in the DEIS to indicate that such a discharge to surface water will meet the applicable Class C Water Quality Standards. Furthermore, the DEIS does not indicate where the discharge will be located.

V(e). Wetlands, pps. xvii and xviii

A wetland delineation performed in May 2003 confirmed that federally regulated wetlands in the site are generally confined to three narrow, intermittent stream corridors. The total area of these wetlands is 2.575 acres, however only 1.9 wetland acres are located on the project site. **NOTE**, although the United States Army Corps of Engineers (USACOE) approval is required for the disturbance of jurisdictional wetland areas exceeding one tenth of an acre and the Corps permitting process is not subject to the State Environmental Quality Review Act procedures, it is misleading to suggest that the destruction of 1.8 acres of on-site wetlands is not subject to review under SEQRA. The destruction of 1.8 acres of onsite wetlands is a clearly identified adverse environmental impact and the impact of that destruction by the filling of the ravines at the heads of the ravines on the remaining wetlands is not considered or addressed in the DEIS. An identified adverse environmental impact is not exempt from SEQRA review simply because it does not require a permit under Article 24 of the Environmental Conservation Law (Freshwater Wetlands).

V(f). Flora and Fauna, p. xviii

The executive summary states that project construction and operation will result in the disturbance of site vegetation. Wildlife will be displaced during site construction and may be gradually displaced from undeveloped portions of the property. The habitat within the project area is not unique and fauna which utilized the site will have comparable habitat in the general site area. However, it is clear from the main body of the DEIS that these statements are based on literature references rather than field observations.

The DEIS (§3.7.1.1 Vegetation, p.99) states: "A majority of the site is undeveloped forest consisting of mixed deciduous forest and pine plantation. Dominant vegetative species

were determined through field reconnaissance". The DEIS (§ 3.7.1.2 Wildlife p. 105) goes on to state: "The majority of the site consists of undeveloped forest. In addition to the undeveloped lands a small portion of the site is developed as an electric utility power line right-of-way and streams and other surface water bodies enter and adjoin the site. The DEIS notes that upland forest communities and palestrine wetlands "typically support"various species; it does not indicate that such species, or other species, are actually present on the site.

However, while the DEIS indicates that field observations were made of flora, the DEIS does not indicate any basis for a conclusion of what fauna actually inhabit the site or that any biological survey or site investigation of the on-site fauna has been carried out, even of a cursory nature.

(8). Air Resources, p. xix

The DEIS states: "Landfill gases will be managed and minimized through the use of a daily cover material within the landfill cell, leachate collection and management practices will limit exposure of leachate to the air and through the implementation and maintenance of a post-closure landfill gas control system." The proposed use of leachate for dust control will allow uncontrolled release (off-gassing) of leachate components to the atmosphere.

(j). Planning and Zoning, p. xx

The proposed use of the site as a C&D landfill and materials recycling facility is not a permitted use under existing zoning laws, and will require an amendment to the existing zoning laws. The DEIS § 3.10.2.1, Zoning recognizes that landfilling and other disposal operations are not permitted uses in the light industrial (LI) zone. However, the DEIS does not address the mining operation proposed in connection with the construction of the landfill cell areas, which will presumably also require a zoning change.

(n). Vibration, p. xxi

Section (n) Vibration, p. xxi states: "Given the proximity of developed properties with respect to the project site... vibration potentially produced on the project site from equipment use and truck movement is not anticipated to present an architectural damage impact to nearby structures." The DEIS does not set forth the nature of the developed properties or address whether they contain activities which would be sensitive to vibration impacts such as laboratories, Research and Development facilities, or vibration and/or shock sensitive manufacturing facilities.

Section (n) Vibration, p. xxi also recognizes the possibility of blasting operations but the DEIS does not address the potential impacts of blasting used in the mining of bedrock or of the potential effects on ground water flow that may result from blasting induced rock fractures, or the possible impacts on nearby private wells.

(p). Water Supply p. xxii

It is estimated that the project will require the usage of approximately 180 gallons per day over a 5 to 10 year period. However, the DEIS does not includes fire flow requirements or dust control requirements in this estimate.

(q). Sewage and Storm Water Disposal, p. xxii & xxiii

It is estimated the project will generate 180 gallons of sanitary wastewater per day over a 5 to 10 year period. However, this total does not include leachate, and the DEIS does not discuss the adequacy of the existing municipal sewage system to handle the volume and chemical characteristics of the leachate generated on site.

DRAFT ENVIRONMENTAL IMPACT STUDY

§1.5 Required Approvals, p. 35

Table 1-2: Required Permits and Approvals

City of Amsterdam Public Works Department Permit or Approval Required-Industrial-Pre-Treatment Agreement

The DEIS does not contain any analysis or information on the composition or concentrations of the components of leachate from landfills which receive only C&D debris.

New York State Department of Environmental Conservation (NYSDEC)-General Storm Water Permit

The Notice of Intent ("NOI") for storm water discharges associated with construction activity under SPDES General Permit #GP-02-01 contained in Appendix D of Appendix G of the DEIS-Storm Water Pollution Prevention Plan mischaracterizes the future use of the site as a "recycling facility" instead of a C&D debris landfill. The DEIS does not contain any information which indicates the storm water discharged will meet the applicable Class C Water Quality Standards.

New York State Department of Environmental Conservation Table 1-2

Table 1-2 does not indicate that a Mined Land Reclamation Permit is required for the bedrock excavation nor does it indicate that a SPDES Permit may be required for the surface discharge of the ground water from the pore pressure relief system. A SPDES Permit will probably be required if the leachate is treated on-site and discharged.

§2.0 Project Description
§2.1 Pre-Development Activities

Land Acquisition, p. 38

The present use of and current activities on the parcels identified for acquisition are not identified, except for the Ward Products Corporation parcel. The Ward Products Corporation site is the subject of an ongoing investigation because of past industrial activities which resulted in contamination of the ground water at and adjacent to the Ward product site. Appendix B, §3.1.4 Ward Products Site p.7, indicates the proposed AMR landfill lies downgradient from the Ward site. The effect of the excavation of bedrock on the ground water flow direction and velocity should be evaluated to determine if the contaminant plume emanating from the Ward site will impact the proposed landfill site, especially since it is proposed to discharge ground water from under the landfill site to surface waters.

§2.2 Construction Activities, pps. 40, 41-42

The description of the construction of the proposed project does not mention construction of the pore pressure relief system identified in the Executive Summary, and this proposed sytem is not described anywhere else in the DEIS even though it is an important component of the plan.. Among the operations identified is processing excavated rock materials for resale and re-use, bringing into play the requirement for a DEC Mined Land Reclamation Permit. Page 42 notes: "Construction activities are expected to generate approximately 169,000 cubic yards of excessive cut material. Excess cut materials generated from construction activities will be transported off site." However, no permit application is referenced or even acknowledged in the DEIS.

DEIS Appendix C Volume 1 of 2, Storm Water Pollution Prevention Plan §5.2 Soils and Ground water, Table 5.2 p.8, which provides soil data, indicates the depths to the water table and depths to bedrock for the 4 soil series as follows:

Lansing and Mohawk silt loams -	depth to water table > 3.5 feet
	depth to bedrock > 5 feet
Lansing silt loam -	depth to water table>6 feet
	depth to bedrock-20-40 inches
Darian silt loam-	depth to water table 0.5-1.5 feet
	depth to bedrock>5 feet
Darian silt loam-	depth to water table 0.5-1.5 feet
	depth to bedrock>5 feet

The contradiction between the one meter depth described on page 64 and the information in Appendix C is not explained. Furthermore, neither the DEIS or Appendix C of the DEIS provides the limitations of Darian soils for highway location or shallow excavations which are set forth in the Soil Survey of Montgomery and Schenectady Counties New York (1970).

§3.3.2 Potential Impacts, p. 74, 75

The DEIS states: "Initial grading studies have been formed and indicate that approximately 200,000 cubic yards of bedrock will have to be removed from the landfill cell. This additional bedrock volume was not included in the previous cut and fill calculations. At this point in our study, the amount of bedrock removal is estimated at 200,000 cubic yards." Thus, the total to be excavated is the 169,000 cubic yards referenced under §2.2 above, plus the additional 200,000 cubic yards. A total of 369,000 cubic yards of excavated material definitely

falls within the purview of ECL Article 27, Title 23 Mined Land Reclamation Law Permit requirements.

§3.4.1.3 Hydrogeologic Investigations

This section discusses the Ward Products Facility (NYSDEC Site Code 429904) which is located approximately 0.4 miles [2,112 feet] north of and apparently topographically upgradient of the proposed landfill site, p. 82.

The DEIS also states that initial studies that a trichloroethane plume originating at the Ward site has migrated up to 350 feet southwestward from the Ward property line in the general direction of the proposed site (to a point about 1,762 from the site).

The DEIS does not consider the effect of the extensive bedrock excavation on the ground water flow regimen, including ground water velocity, and its effect on plume migration. The Ward Products parcel of land to be acquired is not clearly identified with the location of the source of the plume. If the Amsterdam Industrial Development Agency (AIDA) acquires portions of the Ward Products site, or properties underlain by the plume, the Agency will acquire a potential liability with unknown costs to remediate the situation.

§3.4.2 Potential Impacts, p. 83, 84

The DEIS does not acknowledge possible impacts on the ground water flow regimen. Although the DEIS does acknowledge potential adverse impacts to ground water quality from waste disposal and/or leachate contamination and the potential from impacted ground water to migrate off site, it fails to consider compliance with Ground Water Standards or Class C Surface Water Quality Standards.

§3.4.3 Mitigation Measures, pps. 84, 85

The DEIS states: "Localized lowering of the water table to be in the immediate vicinity of the landfill is expected to have no impact on surrounding upgradient, cross-gradient and down gradient water levels since the low bedrock and sediment permeability restricts the radial impacts of drawdown, and since the degree of drawdown leaves the water table still above the elevation of ground water south of the site." The DEIS design sketch and discussion is deficient because it fails to mention the pore pressure relief system.

This statement assumes that the extensive excavation will not change the estimated 3.5 gpm of ground water flow into the site and further that reduction of the 3.5 gpm flow as ground water will be offset by the discharge of that flow as surface water to the Mohawk River. No consideration is given to a potential increase of ground water flow as a result of the excavation activity. Furthermore, the DEIS does not address the issue of whether the ground water discharged as surface water will meet Class C Water Quality Standards.

§3.5 Surface Water Resources
§3.5.1 Existing Conditions, p. 85

The DEIS states: "The Section of the Mohawk River in the vicinity of the project site is a Class C water body in this reach. Class C water bodies are unregulated with best uses considered to be fishing."

This statement as written is true but may be misleading. Class C waters are unregulated as far as ECL Article 15 permits are concerned. Nevertheless, discharges into Class C streams and unnamed, unmapped, or unclassified tributaries to Class C waters, are subject to and must meet Class C Water Quality Standards.

§3.6.2 Potential Impacts, p. 98

The DEIS states: "The proposed action will result in disturbing and filling portions of the site wetlands area. The proposed project has minimized adverse impacts to the maximum extent practicable, however it does result in wetland impacts to approximately 1.8 acres of low quality ravine habitat."

This statement is misleading because it does not recognize or acknowledge the impacts upon the wetlands as a whole. The filling and absolute destruction of the headwaters and upstream portions at the head of the ravines will eliminate approximately 70 percent of the total wetlands and approximately 95 percent of the on site wetlands.

§3.7 Flora & Fauna, p.99 through 106

Comments on the Executive Summary pages xviii *ante* are sufficient for this section.

§3.7.1.2 Wind Data, p.112 through 118

Meso Map™ is a simulation to characterize resources for power production in New York State. Only prevailing wind direction and average wind speed are presented. It does not indicate a complete record of wind direction and speeds or show the amount of calm conditions. Such information is necessary to analyze the dispersion of air pollutants and the potential frequency of adverse meterological conditions which could impact surrounding properties.

DEIS §3.7.3.2 Fugitive Dust control, p.122

As noted above, in the comments on DEIS §2.2, p.42, a single composite liner system is proposed for the C&D landfill. In §3.7.3.2, the DEIS states:

"In the landfill cell area, leachate generated within the cell or water from the storm water management pond located north of the cell will be utilized to wet soils and minimize dust

generation. The application of leachate in the landfill cell is a permissible use per NYSDEC approval".

The use of leachate to wet soils and minimize dust generation within the landfill cell is a form of leachate recycling. 6 NYCRR Part 360-2.17(j)(2) prohibits leachate recycling in new landfills unless the landfill has a double liner system acceptable to the Department (DEC) along with demonstration of a minimum of six months at acceptable primary liner performance being submitted to the Department for approval.

The proposed use of a single liner system would preclude the use of leachate for dust control, resulting in additional need for water from another source for dust control.

§3.16 Water Supply
§3.17 Sewage Disposal, ppps. 164-167

Comments on the Executive Summary pps. xxii and xxiii are sufficient for this section.

DEIS APPENDIX B GEOLOGIC AND HYDROLOGIC REPORT

§2.3.2 Bedrock Geologic Mapping, p. 2

Appendix B states: "A former rock quarry lies immediately south of the site, presently occupied as a restaurant and conference center. The rock face exhibits fractures potentially enhanced by blasting, but generally exhibiting only limited horizontal partings related to bedding planes and various high angle joints."

This is another piece of evidence that indicates the effect on blasting in the proposed excavation should be evaluated for determining if an increase of ground water flow will result due to bedrock excavation.

§2.4.1 Water Well Survey, p. 2

Appendix B states: "All parcels lie within the City of Amsterdam and most receive water from the City of Amsterdam Municipal Water System". Nevertheless, the DEIS does not indicate which properties do not receive municipal water. The DEIS also doe not address the impact of blasting and changes of the ground water flow regimen on private wells

Appendix B, Page 2. Approximately 36 properties are located downgradient of the site. 36 questionnaires were mailed to the residents/owners. 16 responses were received for 17 properties, less than a 50 percent response rate. Of the responses, 10 of the 17 properties use city water, and 7 of the properties use well water. A further house-to-house survey will be required to insure that residences served by private well (residences at risk) are identified.

6 NYCRR Part 360-2.11 (2) (5) requires, "A survey of public and private water wells within one mile downgradient and one-quarter mile upgradient of the proposed site must be conducted. Surveys must obtain, where available, the location of wells, which must be shown on a map with their approximate elevation and depth, name of owner, age and usage of the well; stratigraphic unit screened; well construction; static water levels; well yield; perceived water quality; and any other relevant data which can be obtained".

A mail survey with less than a 50 percent response rate does not meet the requirements of this paragraph of the Part 360 regulations.

§2.4.2 Piezometers and Monitoring Wells, p.5

Appendix B states: "Bedrock monitoring wells receive water through fractures and joints....bedrock monitoring wells were installed with an open annulus from the bottom of the well casing to the bottom of the well to ensure adequate ground water flow into the monitoring

wells and to ensure general characterization of all ground water moving laterally through horizons associated with the proposed project". (Emphasis added.)

Only water bearing fractures intersected by the well bores and those in hydraulic connection with the fractures that are intersected by the well bore can be monitored. It is misleading to state or imply that "all ground water moving through horizons associated with the proposed project" will be monitored.

§2.4.3 Hydraulic Conductivity Testing, p. 4

Appendix B cites "the Hvorslev method (1951)" but provided no reference for that method.

§2.4.4 Geophysical Geochemical and Tracer Studies, p.5

Appendix B referring to tracer studies states: "Direction of ground water flow appeared suitably clear to the extent that this technique appeared unnecessary". Although tracer studies are probably not necessary, the direction of shallow ground water flow as depicted are based on very limited data, only 6 data points. Given the tendency for shallow ground flow to mirror the topography, there are insufficient data points to support the indicated ground water flow directions and elevations shown on Figure 7. The shallow (surficial) and deep (bedrock) ground water systems should be analyzed separately.

§3.2.3 Hydrogeology, p.10

Appendix B states: "Total daily ground water flux through the proposed land fill may be estimated using the Darcy flow calculation." No reference to the Darcy flow calculation is provided. Strictly speaking, the Darcy equation is applicable only to a porous, homogeneous medium.

DEIS APPENDIX C STORMWATER MANAGEMENT PLAN VOL I

§5.3 Topography, p.9

Appendix C states: "The project site is located approximately 0.23 miles south of the Mohawk River and surrounding properties generally slope south towards the Mohawk River. The project site is located NORTH of the Mohawk River.

§5.4 Wetlands, p.9
§5.5 Surface Waters and Flood Plains, p.9

Wetlands exist in the three narrow, intermittent stream corridors. Appendix C states: "Although the total area of those wetlands is 2.575 acres, only 1.9 acres of wetlands are located on the project site." Appendix C further states: "Three narrow, intermittent stream corridors are located across the project site which will be filled."

The DEIS does not mention or consider the impact on the offsite down stream wetlands that will be caused by filling the ravines on-site. Appendix C concludes: the down stream ravines and the federally regulated wetlands located in the ravines will not be adversely impacted by the project. This conclusion is not supported by any facts or analyses of the effect of filling the upper reaches of the ravines. It should be noted that filling the ravines on-site will directly eliminate approximately 70 percent of the wetlands.

§6.2 Proposed Watershed Conditions, p18

Appendix C refers to a storm water management basin and states: "This basin will be constructed in accordance with the New York State Stormwater Management Design Manual and will encompass approximately 14,000-sf and be approximately 9-feet deep. This basin will

provide storm water quality treatment and will assure pre-development peak storm water discharges are not exceeded". (Emphasis added)

The conclusion that the basin will provide water quality treatment is not supported by fact. The only conceivable treatment such a basin could provide is minimal sedimentation. Such sedimentation might decrease turbidity somewhat, but it will not assure compliance with the applicable water quality standards.

DEIS VOLUME 3 APPENDIX F, CULTURAL RESOURCES REPORT, P. 3

The proposed project is stated to be a materials recycling plant located in the Town of Amsterdam, Montgomery County, New York rather than a C&D debris landfill and a recycling facility located in the City of Amsterdam.

ADDENDUM C

CP- 29 Environmental Justice and Permitting

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Commissioner Erin M. Crotty

Date Issued: 3/19/03	Latest Date Revised: 3/19/03

I. Summary:

This policy provides guidance for incorporating environmental justice concerns into the New York State Department of Environmental Conservation (DEC) environmental permit review process and the DEC application of the State Environmental Quality Review Act. The policy also incorporates environmental justice concerns into some aspects of the DEC's enforcement program, grants program and public participation provisions. The policy is written to assist DEC staff, the regulated community and the public in understanding the requirements and review process.

This policy amends the DEC environmental permit process by identifying potential environmental justice areas; providing information on environmental justice to applicants with proposed projects in those communities; enhancing public participation requirements for proposed projects in those communities; establishing requirements for projects in potential environmental justice areas with the potential for at least one significant adverse environmental impact; and providing alternative dispute resolution opportunities to allow communities and project sponsors to resolve issues of concern to the community.

This policy will promote the fair involvement of all people in the DEC environmental permit process. It will do this by training and educating DEC staff on environmental justice; providing public access to DEC permit information; incorporating environmental justice concerns into DEC's permit review process; and pursuing technical assistance grants to enable community groups in potential environmental justice areas to more effectively participate in the environmental permit review process.

This policy contains groundbreaking elements which will lead the nation in environmental justice. As such, the DEC expects that the policy will be revised regularly to account for new information in the area of environmental justice and other issues encountered during the implementation of this policy.

II. Purpose and Background:

In 1998, various and diverse parties interested in environmental justice, including a number of environmental justice advocates and minority and low-income community representatives from across New York State, met with the DEC Commissioner to express concern over environmental justice issues. Concerns raised by interested parties included, but were not limited to: the lack of meaningful public participation by minority or low-income communities in the permit process; the unavailability or inaccessibility of certain information to the public early in the permit process; and the failure of the permit process to address disproportionate adverse environmental impacts on minority and low-income communities.

On October 4, 1999, in response to the concerns raised by parties interested in environmental justice, DEC announced a new program to address environmental justice concerns and ensure community participation in the state's environmental permitting process. DEC named an Environmental Justice Coordinator to oversee the Office of Environmental Justice and develop DEC's Environmental Justice Program, and created two staff positions in the Division of Environmental Permits. DEC also established the New York State Environmental Justice Advisory Group (Advisory Group) comprising representatives from state, local and federal government, community groups, environmental groups, and the regulated community. The Advisory Group, chaired by the Environmental Justice Coordinator, was asked to develop recommendations for an environmental justice permit policy and recommend elements for an effective environmental justice program.

On January 2, 2002, the Advisory Group submitted a report to DEC Commissioner Erin M. Crotty containing its recommendations for creating an effective environmental justice program. The report: *Recommendations for the New York State Department of Environmental Conservation Environmental Justice Program* focuses on the environmental permit process and is intended to ensure DEC's programs are open and responsive to environmental justice concerns. Additional recommendations for an environmental justice program are also included in the report.

The DEC held public meetings state-wide to solicit public comment on the Advisory Group report and accepted public comment for a period in excess of 50 days, through February 22, 2002. This policy is based on the Advisory Group report, public comment on the report and DEC staff recommendations.

On August 7, 2002, a draft of this policy was released for public review and comment. The comment period exceeded 90 days, ending on October 11, 2002. Numerous detailed comments were received by the DEC and are reflected in this policy and in the implementation of this policy.

III. Policy:

It is the general policy of DEC to promote environmental justice and incorporate measures for achieving environmental justice into its programs, policies, regulations, legislative proposals and activities. This policy is specifically intended to ensure that DEC's environmental permit process promotes environmental justice. This policy supports the DEC's continued funding and implementation of environmental programs that promote environmental justice, such as urban forestry, environmental education, the "I Fish NY" program and watershed enhancement projects. This policy also encourages DEC efforts to implement other programs, policies, regulations, legislative proposals and activities related to environmental justice.

This policy shall become effective 30 days after the full text of this policy, or a summary thereof, along with information on how the full text may be obtained, has been published in the Environmental Notice Bulletin, as defined in Environmental Conservation Law 70-0105. Any application for a permit received after the effective date of this policy will be subject to the provisions of this policy.

This policy shall be reviewed at least 18 months from the effective date and revised, as necessary, to consider the policy's applicability to various DEC Programs, incorporate evolving information on environmental justice and reflect the best available environmental protection information and resources. The 18-month period shall enable DEC to further develop implementation procedures, better identify resources needed to implement the policy, and determine appropriate legislative, regulatory and policy changes that can be implemented. Thereafter, DEC shall periodically evaluate the need for further revision, as implementation experience is gained.

This policy will not be construed to create any right or benefit, substantive or procedural, enforceable by law or by equity by a party against the DEC or any right to judicial review. This policy may be subject to change at the discretion of DEC.

A. Definitions. For purposes of this policy, the following definitions shall apply.

1. *Census block group* means a unit for the U.S. Census used for reporting. Census block groups generally contain between 250 and 500 housing units.

2. *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.

3. *Low-income community* means a census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59%* of the total population.

4. *Low-income population* means a population having an annual income that is less than the poverty threshold. For purposes of this policy, poverty thresholds are established by the U.S. Census Bureau.

5. *Major project* means any action requiring a permit identified in section 621.2 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 621.2), which is not specifically defined as minor.

6. *Minority community* means a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1%* in an urban area and 33.8%* in a rural area of the total population.

7. *Minority population* means a population that is identified or recognized by the U.S. Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.

---

* The percent threshold relies on 2000 U.S. Census data. The percent threshold may be adjusted as U.S. Census data is revised.

8. *Potential environmental justice area* means 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.

9. *Rural area* means territory, population, and housing units that are not classified as an urban area. See definition for 'urban area' below. For purposes of this policy, rural classifications are established by the U.S. Census Bureau.

10. *Urban area* means all territory, population, and housing units located in urbanized areas and in places of 2,500 or more inhabitants outside of an urbanized area. An urbanized area is a continuously built-up area with a population of 50,000 or more. For purposes of this policy, urban classifications are established by the U.S. Census Bureau.

B. Policy Directives. With respect to this policy, DEC shall:

1. Upon the effective date of this policy, provide enhanced accessibility to public permit information held by the DEC, including access to DEC permit information on the DEC Website and a toll free environmental justice hotline to enable the public to access the Office of Environmental Justice during business hours;

2. Upon the effective date of this policy, use geographic information system screening tools and U.S. Census data to identify potential environmental justice areas within New York State;

3. Upon the effective date of this policy, use enhanced public participation and public notification mechanisms, including those which are most effective in potential environmental justice areas.

4. Upon the effective date of this policy, DEC shall make guidance available to assist permit applicants in complying with the Public Participation Plan requirements of this policy. The guidance shall contain tools and information, including those that will better enable the applicant to engage community residents in potential environmental justice areas in the environmental permit review process;

5. Upon the effective date of this policy, facilitate alternative dispute resolution between permit applicants and the public to resolve conflicts in the permit review process;

6. Upon the effective date of this policy, educate permit applicants with respect to environmental justice, the environmental review process, the requirements of this policy and the methodology for identifying a potential environmental justice area by distributing information on environmental justice to permit applicants;

7. Upon the effective date of this policy, provide to interested members of the public such information on environmental justice that is provided to permit applicants. Within six months from the effective date of this policy, the DEC shall identify and begin conducting workshops to educate the public with respect to environmental justice, the environmental review process, the requirements of this policy and the methodology for identifying a potential environmental justice area;

8. Upon the effective date of this policy, establish two work groups to assist DEC to develop and incorporate critical environmental justice information into the DEC environmental review process. Each work group shall report its results to the DEC Commissioner no later than six months after the effective date of this policy. The results will be considered by the DEC Commissioner when revising this policy;

i. One work group shall develop recommendations for conducting a disproportionate adverse environmental impact analysis as a component of the environmental impact statement. Although the Advisory Group report recommended a basic methodology for conducting such an analysis, further definition and specific criteria are needed;

ii. A second work group to be established in conjunction with the New York State Department of Health, shall identify reliable sources of existing human health data and recommend means to incorporate such data into the environmental review process;

9. Within three months from the effective date of this policy, educate DEC staff with respect to environmental justice, the environmental review process and the requirements of this policy. The DEC Office of Environmental Justice shall develop a curriculum and begin implementation of formal training on environmental justice to affected staff in the Divisions of Air Resources, Solid & Hazardous Materials, Water, Environmental Permits, Public Affairs and Education, and other divisions. DEC staff charged with policy implementation have already received training;

10. Within three months from the effective date of this policy, begin conducting supplemental compliance and enforcement inspections of regulated facilities to ensure that facilities are operating in compliance with the Environmental Conservation Law. Supplemental enforcement and compliance inspections will apply to facilities located in potential environmental justice areas where there is reason to believe that such facilities are not operating in compliance with the Environmental Conservation Law;

11. Within three months from the effective date of this policy, translate information on the DEC environmental permit process for comprehension by non-English speakers. The DEC Office of Environmental Justice shall translate the following documents into Spanish: What is SEQR?; A Citizen's Guide to SEQR; The SEQR Cookbook; How to Apply for a DEC Permit; the Guide to Permit Hearings; and the Guide to Mediation Services. The DEC shall also evaluate the need for translation to other languages;

12. Within three months from the effective date of this policy, draft legislation to establish funding and criteria for a technical assistance grant program to assist the public in the permit review process. Funding for the technical assistance grant program shall be derived from the Environmental Protection Fund and may be supplemented by other funding opportunities;

13. Within six months from the effective date of this policy, draft regulations to enhance the effectiveness and strengthen the elements of this policy and address potential adverse environmental impacts that may bear disproportionately on potential environmental justice areas, including regulations to establish mandatory public participation requirements; regulations to require the electronic submission of environmental impact statements; regulations to establish additional criteria for determining significance pursuant to 6 NYCRR 617.7. The DEC will also review the list of Type I actions at 6 NYCRR 617.4, evaluate the need for amendments to include actions that may bear disproportionately on potential environmental justice areas and draft regulations based upon the evaluation;

14. Within six months from the effective date of this policy, propose draft revisions to the full environmental assessment form to, among other things, include information that can be used to identify adverse environmental impacts which bear disproportionately on potential environmental justice areas, and

15. Ensure compliance with the procedural elements of this policy.

IV. Responsibility:

The Office of General Counsel shall provide oversight to ensure compliance with this policy. Each DEC division and office affected by this policy, including those responsible for the permit programs listed in section V.A.1 of this policy, is expected to provide support to fulfill the elements of this policy.

V. Procedure:

The following procedure shall be incorporated into the DEC permit review process when the DEC serves as Lead Agency under the State Environmental Quality Review Act (SEQR). Where the DEC is not the Lead Agency under SEQR, the DEC shall implement the following procedure to the extent permitted by law, including Applicability, the Preliminary Screen, Guidance to Permit Applicants, Enhanced Public Participation, Environmental Impact Assessment, Coordinated Review and Alternative Dispute Resolution. All other requirements related to SEQR shall be strongly encouraged.

A. Applicability.

1. Except as provided for below, the policy shall apply to applications for major projects and major modifications for the permits authorized by the following sections of the Environmental Conservation Law:

i. titles 7 and 8 of article 17, state pollutant discharge elimination system (SPDES) (implemented by 6 NYCRR Part 750 et seq.);

ii. article 19, air pollution control (implemented by 6 NYCRR Part 201 et seq.);

iii. title 7 of article 27, solid waste management (implemented by 6 NYCRR Part 360): including minor modifications involving any tonnage increases beyond the approved design capacity and minor modifications involving an increase in the amount of putrescible solid waste beyond the amount that has already been approved in the existing permit;

iv. title 9 of article 27, industrial hazardous waste management (implemented by 6 NYCRR Part 373); and

v. title 11 of article 27, siting of industrial hazardous waste facilities (implemented by 6 NYCRR Part 361).

2. This policy shall not apply to permit applications for minor modifications, except as provided above, nor to renewals, registrations or general permits.

3. Permits authorized by delegation for sources subject to the federal requirements of prevention of significant deterioration (PSD) are subject to a review process under federal regulations and will undergo an environmental justice analysis consistent with EPA policy and guidance. Sources subject to the federal requirements of PSD will also be subject to other state permits applicable under this policy which will trigger the requirements of this policy in addition to the environmental justice analysis required by EPA policy and guidance.

B. Methodology for Conducting Preliminary Screen. Upon receipt of an application for a permit covered by this policy, the DEC Division of Environmental Permits shall conduct a preliminary screen to identify whether the proposed action is in or near a potential environmental justice area(s) and determine whether potential adverse environmental impacts related to the proposed action are likely to affect a potential environmental justice area(s).

1. Identify Potential Adverse Environmental Impacts and Area to be Affected. DEC staff in the Division of Environmental Permits and the affected environmental quality divisions shall identify potential adverse environmental impacts associated with the proposed action. Environmental quality program staff shall also identify the area to be affected by the potential adverse environmental impacts.

2. Determine Whether Potential Adverse Environmental Impacts are Likely to Affect a Potential Environmental Justice Area. An integrated geographic information system and demographic application (GIS Application), shall be used to determine whether potential adverse environmental impacts from the proposed action are likely to affect a potential environmental justice area. Using the information from section V.B.1 above, Environmental Permits staff will determine if any census block groups, meeting the GIS application thresholds for a potential environmental justice area, are within the affected area. The census block groups meeting the GIS application thresholds for a potential environmental justice area should fall substantially within the affected area. If no census block group(s) meeting the GIS application thresholds for a potential environmental justice area is identified, the proposed action is not likely to affect a potential environmental justice area and the permit review process may continue independent of the elements of this policy. If a census block group(s) meeting the GIS application thresholds for a potential environmental justice area is identified, the proposed action is likely to affect a potential environmental justice area and the remainder of these policy requirements shall be incorporated into the review process.

C. Guidance to Permit Applicants. Where a potential environmental justice area is identified by the preliminary screen, the DEC Division of Environmental Permits shall provide the applicant with relevant information on environmental justice. This may include a copy of this policy, the methodology for identifying a potential environmental justice area, guidance developed to implement the policy (e.g., guidance for developing and implementing a public participation plan), information on the alternative dispute resolution process and other documents as applicable.

D. Enhanced Public Participation Plan. Public participation in the DEC environmental permit review process means a program of activities that provides opportunities for citizens to be informed about and involved in the review of a proposed action. To ensure meaningful and effective public participation, this policy requires applicants for permits covered by this policy to actively seek public participation throughout the permit review process. Applicants are encouraged to consider implementing the public participation plan components prior to application submission.

1. Where a potential environmental justice area is identified by the preliminary screen, the applicant shall submit a written public participation plan as part of its complete application. At a minimum, the plan must demonstrate that the applicant will:

i. Identify stakeholders to the proposed action, including residents adjacent to the proposed action site, local elected officials, community-based organizations and community residents located in a potential environmental justice area;

ii. Distribute and post written information on the proposed action and permit review process. Information shall be presented in an easy-to-read, understandable format, using plain language and, when appropriate, public notice materials shall be translated into languages other than English for comprehension by non-English speaking stakeholders;

iii. Hold public information meetings to keep the public informed about the proposed action and permit review status. Meetings should be held throughout the permit review process at locations and times convenient to the stakeholders to the project;

iv. Establish easily accessible document repositories in or near the potential environmental justice area to make available pertinent project information, including but not limited to: application material, studies, reports, meeting presentation materials and media releases. The applicant may also establish a repository on the internet.

2. As part of the public participation plan submission, the applicant shall include a report which summarizes: all progress to-date in implementing the plan; all substantive concerns raised to-date; all resolved and outstanding issues; the components of the plan yet to be implemented and an expected time line for completion of the plan.

3. Upon completion of the public participation plan, the applicant shall submit written certification that it has complied with the plan. As part of the certification, the applicant shall submit a revised report detailing activity which occurred subsequent to the initial submission of the report. The certification shall be signed by the applicant, or the applicant's agent, and submitted to DEC prior to a final decision on the application.

E. Full Environmental Assessment Form. Where a potential environmental justice area is identified by the preliminary screen, a full environmental assessment form shall be completed for those actions classified as Unlisted in 6 NYCRR Part 617 and meeting the applicability requirements of this policy. (A full environmental assessment form is currently required for all Type I actions.)

F. Environmental Impact Assessment. Under existing regulations, as part of its impact review, DEC must consider other sources of pollution or similar facility types in the project area in order to establish the baseline conditions against which project impacts will be assessed. DEC shall continue to consider sources of pollution or similar facility types in the respective airshed, watershed, or wasteshed for the project under consideration.

G. Coordinated Review. Where a potential environmental justice area is identified by the preliminary screen, the action is classified in 6 NYCRR Part 617 as either Type I or Unlisted and the project involves more than one agency, the DEC shall coordinate the review of the action with the other involved state and local agencies.

H. Determining Significance. Where the DEC is the lead agency, the Division of Environmental Permits staff based on comments from the affected environmental quality divisions, shall determine the significance of a Type I or Unlisted action, pursuant to criteria established in 6 NYCRR 617.7. If the DEC determines that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant, no further environmental justice analysis is required. If the DEC determines that the action may include the potential for at least one significant adverse environmental impact, 6 NYCRR 617.7 requires the preparation of an environmental impact statement (EIS) and the remainder of the policy requirements shall be incorporated into the review process.

I. Scoping. Where the DEC is the lead agency, a potential environmental justice area is identified by the preliminary screen and an EIS is required, scoping, pursuant to 6 NYCRR 617.8, shall be conducted. Scoping shall include an opportunity for meaningful and effective public participation consistent with the procedures set forth in this policy.

J. Environmental Impact Statement Content. Where the DEC is the lead agency, a potential environmental justice area is identified by the preliminary screen and an EIS is required, the draft EIS shall identify the potential environmental justice area to be affected, describe the existing environmental burden on the potential environmental justice area and evaluate the additional burden of any significant adverse environmental impact on the potential environmental justice area. The detail and depth of analysis for this evaluation will be identified by the DEC during the scoping process.

K. Environmental Impact Statement Procedure. When a draft EIS includes an evaluation of additional burdens on a potential environmental justice area, the DEC shall conduct a public hearing regarding the proposed action and shall receive comments on the draft EIS for no fewer than 60 calendar days from the first filing and circulation of the notice of complete application, or no fewer than ten calendar days following the completion of the public hearing, whichever is later.

L. Alternative Dispute Resolution. At any time prior to a final decision on the permit, the permit applicant and the public may voluntarily avail themselves of the alternative dispute resolution process to resolve conflict in the permit review process. Prior to issuance of the notice of public hearing, pursuant to 6 NYCRR 621.7, the parties shall be encouraged to seek alternative dispute resolution services from an independent provider. After issuance of the notice of public hearing, the parties shall be encouraged to seek alternative dispute resolution services from the DEC Office of Hearings and Mediation Services (OHMS). Where issues raised in ADR are resolved with enforceable permit conditions, the DEC shall incorporate those enforceable permit conditions into the permit. Where issues raised in ADR are resolved with conditions beyond the enforceable authority of the DEC, the conditions may be incorporated into a private agreement between the non-DEC parties and enforceable by those parties.

M. Decision and Findings Requirement. Consistent with existing regulations, any adverse environmental impact related to an action must be avoided or minimized to the greatest extent practicable.

Related References: New York State Environmental Conservation Law §1-0101; New York State Environmental Conservation Law §3-0301; New York State Environmental Conservation Law, article 8; New York State Environmental Conservation Law, article 70; New York State Administrative Procedure Act, article 3; Sections 616, 617, 621 and 624 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York; USEPA Region 2 Interim Environmental Justice Policy; U.S. Census Bureau.

Amsterdam, NY 12010
July 25, 2006

40

Michael Chiara
Chairman, AIDA

Dear Sir:

We want to voice our opposition to the proposed Edson Street Landfill.

It is a folly no matter which way you look at it!

Some things are not worth any amount of money — and this dump is most certainly one of them.

Patricia & John Duffy

July 30, 2006

41

Mr. Michael Chiara
Chairman, AIDA
Amsterdam City Hall
61 Church Street
Amsterdam, NY 12010

Dear Mr. Chiara:

As a citizen and tax payer in the city of Amsterdam, I wish to reply to the DEIS assessment of the C&D Landfill.

Major concerns are the infrastructure of our aging city. The roads, the water delivery system, the treatment plant, and the neighborhoods directly associated with the landfill. The cost of maintaining and/or replacing the above mentioned will cost as much as the alleged income derived from the landfill. Also, any dollar amount stated by the AMR firm is not binding to the city. The question is actually how many dollars will the city receive? No guarantees. Right! All dollars made public are unsubstantiated estimates.

The quality of life in this community will NOT be enhanced by the proposed project. The noise, dirt and damage from the blasting of the bedrock, to the preparation of the construction site, the operation of the facility, the unloading and sorting pad for the landfill, and pest infestation will all generate unbearable living conditions. Truck routes and truck traffic will be hazards, due to the narrow and curved passage ways to reach the landfill site. The quality of air will affect miles of the surrounding area. Water quality will affect communities as far as the Hudson River, from which drinking water is derived for some communities. Health issues such as nausea, headaches, bronchitis, pulmonary edema and cancer are documented results of landfills.

Somewhere in the proposed landfill process, we need to address the environmental justice program. The immediate area apparently falls to this development.

The real estate market will suffer, property values will depreciate tremendously and loss of revenue will further erode the tax base for the city. The citizens of Amsterdam should be concerned.

Unforeseen problems, complications and law suits will definitely jeopardize the city's future financial outlook. This city does not have a good track record for law suits. We are presently paying millions of dollars for previous legal judgments.

Remediation and capping the site will cost the city millions. Are we prepared for all of this? Where will the money for this come from? Has anyone in local government planned this project step by step? Who will monitor this project for the city through its existence? If so much time is devoted to promote this landfill, someone certainly will be paid by the city to monitor it.

AIDA, I believe has a responsibility to create employment, which historically it has done. It does not make sense to produce a handful of jobs for others, outside the community; and in effect have a negative impact on property values.

You, as a leader in this community and our current politicians perhaps should be directing their energies to promote a more positive project such as housing. The Luther Forest venture should generate an acute need for housing in the area, which the city could capitalize on. Marketing Amsterdam in a positive way would be much more beneficial for the future of the city.

Please reconsider this proposed project for our city. Let Mr. Noel take his C&D Landfill elsewhere. Do we want to be known as "Dump City"? I hope not.

Sincerely,

Joan Herrington
17 Phillips Street
Amsterdam, NY 12010

CC Mayor J. Emanuele

Fred Quist

From: none
Sent: Monday, July 31, 2006 1:29 PM
To: FredQuist@AmsterdamEDZ.com
Subject: EZ Question/Comment

42

####### CONTACT INFORMATION #######

Name: Anne Frank
Company:
Address: 11 Van Dyke Ave

Amsterdam, NY 12010
Country: USA
Email: none
Comments: I just read the Monday Recorder to find out we can make a comment regarding the landfill in the city. I DO NOT WANT such a backward development in a city in which I have resided all my life. This will never draw nice people who will move to our area when all the technology businesses open in Albany. Do we want to welcome them with a trashy city, or one of beautification, culture, and friendliness? I agree our taxes are very high for what we have here, but it is a lovely bedroom community that does not need trash as it's means of support. What a message to send!!!!!

Please don't beautify our riverfront on the front side, and create a dump on the backside.

--

2-31-06

Name:	Anne Frank
Company:	
Address:	11 Van Dyke Ave Amsterdam, NY 12010
City:	Amsterdam
State:	NY
Zip:	12010
Country:	USA
Email:	none
Comments:	I just read the Monday Recorder to find out we can make a comment regarding the landfill in the city. I DO NOT WANT such a backward development in a city in which I have resided all my life. This will never draw nice people who will move to our area when all the technology businesses open in Albany. Do we want to welcome them with a trashy city, or one of beautification, culture, and friendliness? I agree our taxes are very high for what we have here, but it is a lovely bedroom community that does not need trash as it's means of support. What a message to send!!!!! Please don't beautify our riverfront on the front side, and create a dump on the backside.

Anne Frank

46 Lansing Street
Hagaman, NY 12086
August 2, 2006

(43)

Michael Chiara, Chairman, AIDA
61 Church Street
Amsterdam, NY 12010

Dear Mr. Chiara,

I am writing on behalf of my mother, Sadie Sargalis, who lives at 348 East Main Street in Amsterdam to let you know she is against the proposed landfill being considered for the east end of Amsterdam. She and many other wonderful people in that area who are of Lithuanian, Polish, Italian descent and others who have lived there as far back as the 1940's and 50's, have kept up their homes and are proud of their neighborhood object to this proposal.

Through the years, living on East Main Street hasn't been easy since tractor trailers and every other possible type of vehicle has passed through causing noise, gas fumes and other undesirable conditions that they all have had to endure. Now the city wants to add more insult to injury by subjecting them to an even more toxic environment which could affect their basic health and even cause mental stress on them. To cause all of this just for that certain amount of money over a short period of years is unjustifiable, especially, when you and they will have this landfill around forever filled with questionable materials which affects on our environment we yet know nothing about. There has got to be a cleaner, less intrusive and more sustainable way to earn the funds we need for the city by looking at the long term economy of our great city.

Therefore, for the reasons stated above, my mother and her whole family are against the landfill project and we hope our city councilmen will understand our concerns and vote <u>not in favor</u> of the landfill project.

Sincerely,

Patricia Van Wert

Patricia Van Wert
(Daughter)

(2)

Amsterdam Industrial Development Agency
61 Church Street
Amsterdam NY 12010

June 30, 2006

(9)

Dear AIDA Members,

Attached is a copy of the letter that I wrote to the Editor of the Amsterdam Recorder on June 27th ,2006 . It sums up the feelings that my husband and I have for your C&D Landfill proposal. Please register this notice as our formal grievance in opposition of this project.

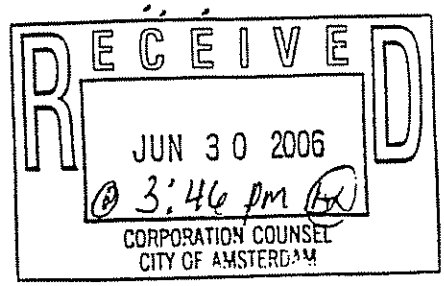
Signed,

John R Valikonis

Lynn M. Valikonis

Mr. & Mrs. John R. Valikonis
106 Mathias Ave
Amsterdam NY 12010

cc: Citizens for a Safe & Clean Amsterdam



33 Catherine Street
Amsterdam, NY 12010-5107
July 5, 2006

(10)

Michael Chiara, Chairman
Amsterdam Industrial Development Agency
City Hall
61 Church Street
Amsterdam, NY 12010

Dear Mr. Chiara:

In response to the Draft Environmental Impact Statement (DEIS) prepared for the "construction and demolition landfill" that you propose be located in the City of Amsterdam's Fourth Ward, I offer for your consideration the following comments and questions.

Blasting: At a meeting last winter, a representative of Amsterdam Material Recycling, LLC, assured city residents that there would be no blasting in conjunction with project construction. However, the latest DEIS, dated January 31, 2006, notes in Section 3.3 that blasting "may be necessary." The document goes on to state that "a structural integrity survey will be performed at nearby residences" and that "each blast shall be monitored using a calibrated seismograph." To monitor the blasts with an instrument capable of recording earthquake activity at great distances suggests that property damage – cracked foundations and plaster, shattered windows – is likely throughout the Fourth Ward, and perhaps elsewhere in the city and the Town of Amsterdam. If such property damage does occur, will the City of Amsterdam and AMR, LLC, assume financial responsibility for it? Furthermore, if the blasting ruptures water mains and sewage lines beneath the streets or leading into homes, will the city have the money and the manpower required to repair the damage?

Traffic: The DEIS states in Section V(n) that "there is sufficient capacity at the intersections of NYS Route 5/Main Street/Park Drive and NYS Route 5 West/East Main Street to accommodate the additional 8 truck-trips/hour (72 truck-trips per day, 36 trucks per day) anticipated for the proposed project." It adds that trucks "should" follow the designated routes, which also include "NYS Route 29 to the junction with NYS Route 30 and finally to NYS Route 5 East. . ." from Saratoga County. Can you or AMR, LLC, be certain that trucks *will* follow those routes? With the price of gasoline still nearly $3 per gallon, and with truckers under pressure to adhere to tight schedules, it is difficult to believe that they will bypass Route 147, or another access road from Route 29 to Route 67 (Church Street), in favor of the long way around. Church and East Main streets are primarily residential/commercial areas. Children in these neighborhoods play near these streets and walk, bicycle, or wait at school bus stops along them. Increased heavy truck traffic on local streets – and in communities in Saratoga, Fulton, Schenectady, Schoharie and other counties that will also be affected by these routes – is a public safety issue that must be addressed in more detail.

RAINBOW ALLIANCE
for CLEAN ENVIRONMENT
120 E. State St.
Gloversville, NY 12078
(518) 725-7788

44

August 3, 2006

Amsterdam Industrial Development Agency
Amsterdam City Hall
61 Church St.
Amsterdam, NY 12010

Re: Comments on the March 20, 2006 DEIS for Amsterdam Materials Recycling's Proposed Project in The Edson St Industrial Park located in the City of Amsterdam.

The Rainbow Alliance for Clean Environment is a not for profit organization founded in 1979 and has worked on national, state and local environmental issues since its formation.

The following comments concerning the DEIS are based on Volume I of the March 20, 2006 DEIS prepared for Amsterdam Materials Recycling, LLC. We note that this March 20, 2006 AMR DEIS does not refer to the previous December 29, 2003 DEIS prepared for the same project. Also it is apparent that the majority of comments made in response to the December 29, 2003 DEIS were never considered or addressed in the 3+ years it took to prepare this most recent DEIS. To review this DEIS, to see what if any substantive changes (if any) are proposed for the project, or what comments made by the public or other parties to the previous DEIS have been addressed in this document, is nearly impossible. This DEIS could have been presented in a much more logical manner which would have made comparison to the previous DEIS and responses to that DEIS easier to find, track and provide new comments. However it seems the intent of this DEIS is to avoid addressing many of the concerns and comments made during previous scoping session, public meetings and comments submitted on the December 29, 2003 DEIS. Instead the intent appears to be to confuse, frustrate and intimidate individuals and groups that have been participating in the process to this point.

There is really very little if anything new on which to comment. The DEIS contains many pages and charts but there is very little real substance to the DEIS. Since the applicant has no formal applications submitted to state or local authorities to permit or operate this C&D dump most details of the project are truly still unknown.

In that regard the Rainbow Alliance for Clean Environment will not attempt to detail every issue or inaccuracy contained in this March 20, 2006 DEIS. Instead we area submitting the comments contained herein, along with a copy of our March 12, 2004 comments, and we request that both of these Rainbow Alliance for Clean Environment comments be considered in their entirety in the review of this March 20, 2006 DEIS.

As noted in our March 12, 2004 comments the public participation portion of the SEQRA process, as it relates to this proposed project, is practically nonexistent. It has been over three years since the original DEIS for this proposed project was released and this new DEIS issued. Therefore, this should be considered a new project and the entire SEQRA process should begin anew with public informational meeting, scoping sessions etc. While government mechanisms may be similar to what they were three years ago, neighborhoods change and people come and go and people's interests and perspectives change. To not have public meetings (to explain changes on this new DEIS and solicit public comments on the DEIS revisions), nor scoping sessions to hear different concerns or perspectives prior to preparing this newest DEIS is a slap in the face to an open democratic process and true public participation.

As an example, below we have highlighted a few portions of the current DEIS on the proposed project, where major, concerns and comments we raised previously have not yet been addressed by AMR in this DEIS:

- Overall it is apparent that the public participation aspect of the DEIS review will be limited due to the poor distribution of the DEIS to the public. Simply making a lengthy document available on the internet (without the appendices) and a placing copies in the public library (and possibly a few other offices) is not adequate for real public participation in the SEQRA process. It is unreasonable to assume that the public can find the time during the library's or other document repository's operating hours to fully review and prepare comments on the DEIS. Also it is unreasonable to assume the public (if they do have access to a computer and the internet) would be able to read and prepare comments on the 200+ page DEIS sitting in front of a computer screen. Also printing out the full DEIS for the average citizen is unfair and again does not create the atmosphere that public participation is really being encouraged. We had suggested in our March 12, 2004 comments that on this and

future projects that enough copies be distributed so community organizations may have copies free of charge and that there are enough extra copies available to loan out to others for a minimum of 4 weeks so they can review and prepare comments at their convenience. Considering the wide scope and areas of impact on a project such as this the cost of providing 10-20 extra copies of the DEIS is minor, and the applicant should be doing everything possible to increase and encourage public understanding and participation in the SEQRA process. It is again unfortunate that despite our previous comments that the applicant has done nothing to truly encourage public comments on this DEIS for this major project.

- Despite our previous comments this new DEIS still contains incomplete and conflicting statements. For example in several places in the DEIS it states: "The proposed facility would help remedy a deficit in C&D debris management capacity in the eastern and central areas of New York State."(page xiii) and "In addition to providing needed capacity to manage C&D debris generated in the city of Amsterdam, the proposed facility would also provide needed capacity for many surrounding communities in the eastern and central part of New York. (page 31) Similar statement indicating it would accept "local" waste are repeated elsewhere in the DEIS. However this is apparently all done to make the public feel better, and give the impression that the applicant is really concerned about the area. While the statements quoted above indicates that the applicant would accept waste only from nearby areas and no further than eastern and central NYS only, another picture entirely is painted when you consider the statement on page 49 that clearly states: "C&D wastes will be accepted from all sources, regardless of geographic location." Which is it? It is impossible to fully address the onsite monitoring and transportation impacts without a definite knowledge of what the service area for the facility is.

Where is the analysis of how much C&D waste will be generated within the city, within the county, within MOSA and how much from outside this area. We feel this DEIS should be rejected by the AIDA and NYSDEC and the applicant required to begin the SEQRA process again and not be allowed to prepare the Final Environmental Impact Statement (FEIS) based on this document.

There are few specific features of the operation detailed in the DEIS and most of it only provides vague features of the site. Some important items such as dimensions, location and capacity of the leachate storage facility are never mentioned, nor how the amount of leachate to be generated was calculated.

In our March 14, 2003 comments the Rainbow Alliance addressed the 2003 gas controls. Unfortunately, despite our comments that the previous DEIS did not address or give any details of the gas controls planned, they essentially put the same vague and general information in several places in the new DEIS. Our previous comments (which are still appropriate) were:

> *"Page 52 – 2.3.9 Landfill Gas Generation Control. Again no details are provided in this section but there is a reference to see section 3.7.3.3 for a "detailed description of the landfill gas generation and control". Both sections state that the plan will be submitted as part of the facility processing permit. It is frustrating that 2 sections discuss this topic but a review of both presents almost no concrete information on which to comment. The various issues that would be part of the Part 360 permit and closure plan should be included in the DEIS"*

The only difference now is the page reference numbers would change. Why should the public consider commenting on a DEIS when previous comments and concerns from the previous DEIS have been completely ignored by the applicant in preparing the new DEIS?

Page 53 discusses mitigating measures for blasting. However once again the Rainbow Alliance for Clean Environment's comments on the previous DEIS have been ignored and the same rhetoric is used on the pending DEIS. To again quote from our March 12, 2004 comments where we stated:

> *"Page 74 regarding mitigation of blasting effects. The DEIS states: "Precise engineering will be utilized to determine the depth and location of on-site blasting" A little more detail on what is "precise" engineering should be provided. Is the opposite "Imprecise" engineering?. Also it states: "All blasting operations shall be conducted in a manner that prevents any injury to persons or property* ***outside*** *(emphasis added) the project site. Again, this just seems like words on a piece of paper since no details are provided. We would also hope that the blasting*

*operations would be conducted to also protect the people and property **on** the project site.*

Again nothing has changed in the new DEIS regarding the above comments except the page numbers. There really is no sense in expending the public's time, energy and resources to prepare detailed comments on a new DEIS when the many of the previous comments have not been considered or addressed in the new DEIS.

We could go on and on citing weaknesses and issues that have not been addressed in this DEIS. It is frustrating and inappropriate that despite 3+ years since the original DEIS was submitted for this application that the applicant has not had the time, inclination or ability to fully address the comments made during public hearings scoping sessions and to the previous DEIS but instead has chosen to regurgitate the same empty statements of the previous DEIS. For AIDA or NYSDEC to accept this DEIS would be an affront to the SEQRA process and public participation in general. We ask the AIDA and the NYSDEC not accept this DEIS.

The DEIS is full of vague references which are intended to assure the public of a relatively unobtrusive, safe operation while actually leaving large loopholes on the size and scope of the operation. For example there is no mention of a maximum amount of time or volume of recyclable materials that would be stored on site awaiting favorable market conditions. This obviously is crucial information as the volume of stored "recyclables" can have a dramatic impact on many aspects of the operation. Even the definition of what is recyclable can differ from person to person and what one person may consider trash another may say there is a market for, once conditions get favorable. This all must be clearly defined so the public can comment on it prior to preparing an FEIS.

The "strict quality assurance program" the DEIS vaguely references contains no details of how inspectors will find any unacceptable waste and ensure it is completely refused, and reloaded back on the delivering truck. Given the potential large number of vehicles that would probably enter during early morning operating hours and staffing levels it is unclear how all loads are proposed to be dumped on the pad prior to sorting and disposal. How many loads can be dumped on the pad at once? How many people will be screening and sorting the dumped loads at one time? How long is it expected to take to screen and segregate each load?

Will one load need to be completely sorted and moved (and the hauler required to wait while the sorting takes place) before another truck can make a delivery? There are many unanswered questions regarding the QA program that indicates it is more fluff than substance.

The Rainbow Alliance for Clean Environment feels that the few points raised in these comments along with those in our March 12, 2004 response to the December 29, 2003 DEIS for the same proposed project, clearly show this DEIS is flawed and should be retuned to the applicant and the SEQRA process begun anew if the applicant desires to continue to pursue this project.

We also request that you consider the Rainbow Alliance for Clean Environment a Party of Interest to these proceedings and give us standing in any future proceeding. Please also include us on any future mailings or correspondence concerning this project.

Submitted by:

Sandra Fonda
Renato Sanges
Rainbow Alliance for Clean Environment
August 3, 2006

Hand delivered to AIDA at Amsterdam City Hall Friday August 4, 2006

RAINBOW ALLIANCE

for CLEAN ENVIRONMENT

120 E. State St.

Gloversville, NY 12078

(518) 725-7788

THESE COMMENTS ARE ALSO TO BE INCLUDED AS PART OF THE RAINBOW ALLIANCE FOR CLEAN ENVIRONMENTS COMMENTS ON THE MARCH 20, 2006 AMR DEIS

March 12, 2004

Amsterdam Industrial Development Agency
Amsterdam City Hall
61 Church St.
Amsterdam, NY 12010

Re: Comments on the Dec 29, 2003 DEIS for Amsterdam Materials Recycling Proposed Project in The Edson St Industrial Park located in the City of Amsterdam.

The Rainbow Alliance for Clean Environment is a not for profit organization founded in 1979 and has worked on national, state and local environmental issues since its formation. The following comments concerning the DEIS are based primarily on Volume 1 of the December 29, 2003 DEIS document which we received on February 27, 2003. It is important to note that this only allowed us 2 weeks for review and prepare written comments on this DEIS. Also, despite our repeated attempts to obtain a copy of the appendices to the DEIS, they were never made available to our organization so they could not be reviewed and referenced in our comments. Overall it is apparent that the public participation aspect of the DEIS review will be limited due to the poor distribution of the few copies of the DEIS that were made available to the public. Simply placing copies in the public library in the City of Amsterdam is not adequate. It is unreasonable to assume that the public can find the time during the libraries operating hours to fully review and prepare comments on the DEIS. We would suggest on this and future projects that enough copies be distributed so community organizations may have copies free of charge and that there are enough extra copies available to loan out to others for a minimum of 4 weeks so they can review and prepare comments at their convenience. Considering the wide scope and areas of impact on a project such as this the cost of providing 10-20 extra copies of the DEIS is minor, and the applicant should be doing everything possible to increase and encourage public understanding and participation in the SEQRA process.

Most of our comments and questions concerning the DEIS will refer to specific sections and pages in the DEIS. However in many cases this may not be possible due to the way the DEIS was compiled. While the DEIS contains many pages and charts there is very little real substance in the DEIS. We will also point out where incomplete and conflicting statements are made in the DEIS. We feel this DEIS should be rejected by the NYSDEC and the applicant required to begin the SEQRA process again or at least proceed to a Supplemental EIS (and subsequent public review, comment period and public hearing) prior to preparing the Final Environmental Impact Statement (FEIS).

1. Page ix-x of Executive Summary under the description of elements of the proposed action lists general acreage and some vague features of the site but some important items such as dimensions and location of the leachate storage facility, are never mentioned. For example they explain the site is approximately 39 acres and approximately 14 acres will be for the C&D dump and 6.4 acres for the "Recycling Center" but no further details are deemed worthy of mentioning in this section despite their importance to the environmental review of the project. There is not even a reference to where in the DEIS specific details and the lay out of the entire 39 acre site can be found.
2. Page x-xi of the Executive summary briefly touches on the fact that the area is not zoned for a C&D dump. However the report makes assumptions such as "Only the parcels in the project areas where these activities are occurring would be redesignated into the new zoning district. All environmental impact analysis has been conducted under this assumption". Since there has been no formal rezoning presented to or by the Amsterdam legislative body it is impossible to speculate whether rezoning at all would be approved or what affect a different type of rezoning might have on the project. Since rezoning is a necessary part of this proposal and a specific area and conditions for the rezoning are mentioned in the DEIS, if this specific rezoning is not approved, would this require the entire SEQRA review process to start over? In actuality the rezoning process should have been required prior to the preparation of the DEIS since it has a major impact on the viability and scope of the proposed project.

3. Page xi-xii of Executive Summary states: "The City of Amsterdam's plan to stabilize and strengthen neighborhoods includes extensive building demolition and renovation of vacant and underutilized properties throughout the City. These activities will generate large quantities of C&D debris which must be properly handled and disposed of". When making "blanket" statements such as this, obviously more documentation and details should be presented, or at least the document where the details are contained should be referenced. Page 28 states that there are approximately 500 abandoned homes in the City of Amsterdam, and numerous old factories abandoned and in disrepair. While this may be accurate, are there details on the yearly number of properties to be demolished and the expected volume of C&D waste to be generated by this demolition on an annual basis over the life of the proposed C&D dump? Page 49 does state that:"Preliminary estimates based on regional projections and anticipated redevelopment projects within the City of Amsterdam estimate that between 8,333 to 16,006 cu yds of C&D and recyclable materials will be received at the facility each month". Where did these figures come from? There should be a source cited for this information or the method outlined showing how these numbers were determined. Also is this monthly projection an average for each month or the low and high expected due to the seasonal nature of demolition work in the Northeast portion of the United States. What would the expected costs for the same demolition be with and without the proposed C&D dump? What costs, other than C&D tipping fees are associated with this demolition (labor, hazardous material removal, fill/grading etc)? A mere reference to the need to demolish or renovate properties in the City of Amsterdam Comprehensive Plan is not sufficient. A detailed yearly plan is essential to truly judge the impact. Also it is not stated whether the City of Amsterdam would be waived tipping fees in addition to the $10 per ton that AMR claims would be returned to the city. Would the city pay the regular tipping fee minus the $10 or would the City be waived any tipping fee plus get $10 per ton for all C&D waste entering the AMR proposed site? Again there are no details presented to properly evaluate what this means. Specifically on page xii it mentions, "The proposed action is an integral part of the City of Amsterdam's plan to revitalize the City's economic base. We would like to see the specific section of the City of Amsterdam's Comprehensive Plan

that states a C&D dump/recycling center is essential to the revitalization of it's economic base. Absent a specific reference to the actions proposed by AMR in this DEIS it is misleading, at best, to make statements such as this. The DEIS goes on to state that: "The City of Amsterdam has identified the Edson Street Industrial Park as a key area for renewed economic investments and has articulated the importance of completing the industrial park build out plans and making this area shovel ready for development". Where in the City's plan does it refer to the specific type of development as described in this DEIS? It is clearly wrong and misleading to insinuate that the specific features proposal by AIDA & AMR are referenced in the City Comprehensive plan.

4. Page xii states the City of Amsterdam is estimated to receive $15- $20 million in revenue over the 5-10 year expected life of the landfill (plus an additional amount to AIDA). However page 56 of the DEIS presents an entirely different financial scenario where total payments to the City and AIDA combined over the life of the dump are estimated at $10 million to $10.1 million. This is based on the $10 or $10.10 per ton in the already agreed to term sheet between AIDA and AMR. Additionally table 2-1 on page 57 (which only shows 5 years of operation) also shows 85% of the $10 tipping fee going to the City of Amsterdam. Per table 2-1Over 5 years the City of Amsterdam would receive $1.7 million per year for a total of $8.5 million. Not $10 million, not the $15-20 million (see pages xii, xxi, page 31) mentioned in other parts of the DEIS. No other specific information on the volume of waste expected to enter the proposed facility are presented in a manner that allows someone to easily review issues such as expected truck volume, and other environmental and economic impacts that are directly related to the volume of waste accepted.

5. There is so much contradictory & incomplete information presented in the DEIS it is impossible to identify what information is to be believed. It should not be the public's job to try to cross-reference the many contradictory statement in various parts of the DEIS and address them all. It seems the DEIS was written with the idea to say what you want where they wanted without any regard to consistency in their statements. When a specific statement in the DEIS is then refuted or challenged, this simply gives

them the "out" of dismissing that argument by referring to a different section or statement in the DEIS.

6. Page xiii state there will be 15 full time positions created at the proposed facility. Page 31 says. "estimated 15 full time positions" and breaks them down by job description. However, page xxxiv states there will be ***approximately*** (emphasis added) 15 full and part time positions created. Just a few words different but an entirely different result. One unequivocally states 15 full time positions will be created while based on the other statement it could be as few as 3-5 fulltime positions and 8-9 part time positions. There are examples of conflicting statements throughout the DEIS. Which statements are we to believe and address in our comments?

7. Page xv mentions the 169,000 cubic yards of expected cut material to be transported off site. This same 169,00 figure is used in several places in the report (page 41-42 for example). However the details over what period of time this 169,000 extra cut material would be trucked from the site, the cu yds carried per truck and estimated daily traffic this would generate is not stated. The DEIS reference to this as a temporary necessary activity are not sufficient. Obviously this is an important part of the truck traffic, dust, noise, air pollution, etc impact and details should be presented.

8. Page xvii states that "All leachate generated at the site will be conveyed to a lined liquid storage area" Page 166 states " A detailed Landfill Leachate Management Plan will be prepared and submitted as part of the facility Part 360 Permit". Although the DEIS does, on pages 166-167, describe in general terms this operation, the specific leachate handling plan should be an integral part of the DEIS and failure to include the details of this critical component are a major flaw in the DEIS. There is no information showing how the 26,000- 30,000 gallons of daily leachate estimated to be generated were determined other than stating "similar sized facilities". Specifics on what facilities in what locations over what period of time, were used for comparison, are crucial in order to review and comment. Even assuming that the 20,000 to 36,000 gallons per day are correct this means the proposed facility would generate 7,3000,000 to 13,140,00 gallons of leachate annually. They are proposing to construct a 1.6 million gallon leachate storage tank that would only hold between 44 to 80 days worth

that states a C&D dump/recycling center is essential to the revitalization of it's economic base. Absent a specific reference to the actions proposed by AMR in this DEIS it is misleading, at best, to make statements such as this. The DEIS goes on to state that: "The City of Amsterdam has identified the Edson Street Industrial Park as a key area for renewed economic investments and has articulated the importance of completing the industrial park build out plans and making this area shovel ready for development". Where in the City's plan does it refer to the specific type of development as described in this DEIS? It is clearly wrong and misleading to insinuate that the specific features proposal by AIDA & AMR are referenced in the City Comprehensive plan.

4. Page xii states the City of Amsterdam is estimated to receive $15- $20 million in revenue over the 5-10 year expected life of the landfill (plus an additional amount to AIDA). However page 56 of the DEIS presents an entirely different financial scenario where total payments to the City and AIDA combined over the life of the dump are estimated at $10 million to $10.1 million. This is based on the $10 or $10.10 per ton in the already agreed to term sheet between AIDA and AMR. Additionally table 2-1 on page 57 (which only shows 5 years of operation) also shows 85% of the $10 tipping fee going to the City of Amsterdam. Per table 2-1Over 5 years the City of Amsterdam would receive $1.7 million per year for a total of $8.5 million. Not $10 million, not the $15-20 million (see pages xii, xxi, page 31) mentioned in other parts of the DEIS. No other specific information on the volume of waste expected to enter the proposed facility are presented in a manner that allows someone to easily review issues such as expected truck volume, and other environmental and economic impacts that are directly related to the volume of waste accepted.

5. There is so much contradictory & incomplete information presented in the DEIS it is impossible to identify what information is to be believed. It should not be the public's job to try to cross-reference the many contradictory statement in various parts of the DEIS and address them all. It seems the DEIS was written with the idea to say what you want where they wanted without any regard to consistency in their statements. When a specific statement in the DEIS is then refuted or challenged, this simply gives

of Leachate. Since there is no ability to know before actual operation has been ongoing what the composition of the leachate will be, it will be necessary to store all leachate on site until adequate testing of the composition of the leachate is determined to see if it can be disposed of at the Amsterdam POTW or must be trucked elsewhere. ~~44~~- 88 days of storage capacity (if their figures are accurate) is not adequate time to provide for the analysis and negotiation to find a home for this leachate. Also since the make up of the leachate will obviously change as the dump ages, regular testing of stored leachate must be conducted to determine if onsite treatment prior to disposal is necessary. Further the specification, location etc of the 1.6 million gallon storage tank are not identified. In addition, if, as we suggest, additional storage would be needed for leachate. the DEIS should address storage tanks that could hold 6 month to 1 year worth of leachate approx 4,000,000 to 13,000,000 gallons). Even if the Amsterdam POTW is allowed to accept the leachate, there is no mention on the method to transport the leachate. The DEIS does allude to the possibility that if the Amsterdam POTW may not be able to accept the leachate it would be trucked by tanker truck to "other regional treatment facilities". Specific details on the method of delivering the leachate to the Amsterdam POTW or other facility must be detailed including number of trucks per day, truck routes. In identifying the Amsterdam POTW and other regional facilities that are being considered, a description of each facility and its current operation and compliance with its SPDES permit the environmental impacts and truck routes proposed for each facility should be included in the DEIS.

9. Page xviii pages 94-98 wetlands. They identify 1.8 acres and state "limited function and values of these areas" and go on to state "potential impacts to wetlands will be mitigated off site, either through off site creation, enhancement or preservation". Specifics of how this limited function and value was determined are critical. Was it from observation over the course of a year? Also specifics of what alternative (off site creation, enhancement or preservation) must be detailed. The DEIS is much too vague and cavalier in their assessment of the wetland and how to address this important environmental aspect of the proposed project.

10. Page XVIII wildlife. Two color photographs taken by Mitch Wojnarowicz on the front page of the Jan 24, 2004 edition of The Recorder (Amsterdam's local newspaper) shows a bald eagle resting in trees near the Mohawk River. The caption reads: "A bald eagle sits in a tree on Amsterdam's south side along the Mohawk River. A pair of what appears to be immature birds (eagles) has been spotted in the city's vicinity near a small open section of water on the river" (attached is a copy of the photo from the Recorder). If there are adult and immature bald eagles in the area that have been reported in the local press what efforts have been made by the applicant to determine the proposed projects affect on these bald eagle and other endangered species that may be in the area? Page 105 mentions communication between the consulting company for the project and NYSDEC and USFWS. However there is no mention of any actual fieldwork commissioned and performed on behalf of Chazen Companies, AMR, AIDA or any other party connected with the proposed action. Specific on site surveys should be done over an extended period of time (at least a year study is needed to properly track seasonal changes and migratory and mating habits) to identify all the wildlife in the area.

11. Page 26 Scoping session. The DEIS states " a final scoping document which incorporated public comments was prepared and served to provide the outline for this DEIS. Many points raised by many individuals at the scooping session have not been addressed or even mentioned in this DEIS. Availability & cost of obtaining copies of the scoping transcripts plus time constraints to review it all make it impossible to cite specific omissions. However we believe the regulatory agencies that review both the scoping transcripts and this DEIS will see glaring omissions in the DEIS.

12. Page 27 - 1.2.1 Project Purpose in three consecutive sentences the DEIS makes statements that raise many questions. The three sentences state: " If transporters deliver non-conforming materials their loads will be rejected and they may be barred from future deliveries to the facility. It is the project sponsors intent to recycle all C&D materials whenever it is economically feasible to do so. In addition, an on site monitor who will report to AIDA and/or the City of Amsterdam will be present whenever the site is operating". Some questions that should be answered include:

a. Assuming a transporter has a container with an unidentified liquid in the dump truck beneath other C&D materials and this container is not evident to the onsite inspector until the load is dumped and the container has broken open and is now leaking. How will the "unauthorized" liquid be reloaded onto the truck What is more likely to happen is that this unidentified liquid waste will run off and soak into nearby soils and no one will say anything to anybody.
b. The first sentence also states transporters bringing nonconforming materials MAY be barred from future deliveries. It should state categorically that they WILL be barred. Using the word may really means nothing will happen except maybe someone will tell them not to bring the same material next time.
c. Who and how is it determined when and what is economical to recycle and what isn't. The criteria should be listed.
d. If markets for certain recyclable items are low, how and where will they be disposed/stored.
e. Will any recyclable materials be landfilled either on site or off site due to market conditions?
f. Is there any limit to the quantity and time that recyclable materials could be stored/stockpiled on site waiting for the market price to increase?
g. If any recyclable materials are stored on the site, would they all be in enclosed containers or buildings at the close of operations each day. This should be detailed by the specific type of materials that are proposed to be recycled.
h. The monitor on site who will report to AIDA or the city. Who specifically will they report to, how often and what type of occurrences and information is to be reported
i. Is the reporting written, by phone or something else?
j. What will AIDA or the City do with the information reported to them by the on site monitor?

13. Figure 1-1 and Table1-1 (page 30) have conflicting information The figure 1-1 shows only 2 facilities within a 100 mile radius that accept C&D waste while the Table 1-1 shows three facilities within 100 miles that accept C&D waste

14. Figure 2-1 is listed in the table of contents (under section titled "List of Figures") as "Lands to be Subdivided and Acquired". The actual Figure 2-1 document is labeled" Parcel Conveyance Map" and there is no key on the document that shows what parcels are being subdivided and which acquired. There are some shaded areas and parcel numbers on these shaded areas but no means to identify whether these are parcels to be subdivided, acquired or something else making figure 2-1 a worthless document for the purpose as described in the table of contents.

15. Page 40 states: "Construction of the proposed project could be anticipated as soon as the Fall of 2004 following review and approval of the DEIS and receipt of a New York State 6NYCRR Part 360 Permit". This statement ignores the fact that at least a Final Environmental Impact Statement (FEIS) is required. Also based on the lack of detail, incomplete information, and conflicting information contained in the DEIS the Rainbow Alliance for Clean Environment feels a new or supplemental DEIS must be required and go through the public review and public hearing process before a FEIS and Part 360 Permit can even be considered.

16. Page 42 states that "if excess soil or rock materials are present, these materials will be stockpiled in a designated and prepared area located on the northeastern portion of the project site and will be used as clean fill in other portions of the Industrial Park or removed off site. It seems this amount is addition to the 169,000 cu yd of excess cut material already proposed to be transported off site. If it isn't then again this is an example of contradictory information from one part of the DEIS to another. If it is additional excess material, estimates must be given on how much would be stored and exactly where it would be stored (specific size & location not just vague "northeastern portion"). If there is a possibility that all or part of it will be hauled off site or even to other locations in the Industrial Park, estimated truck volumes and routes should be identified. It should be simple enough to identify other areas within the Industrial Park that may require fill materials and detail where they are and how much they could accept. Again more information is desperately needed in order to review and comment on this.

17. Page 42 also states that "The landfill will be constructed in a single phase...we anticipate that only 3-5 acres of the cell will be operational at one time. There is a big variance between 3 and 5 acres being used at one time on a project that has a total cell size of approximately 14 acres. Details showing how and what portion of the dump will be filled and covered on a daily and intermediate basis should be shown.

18. Page 45 seems to give some very general idea of what buildings and facilities will be constructed on the site. If this is the only place in the DEIS that describes the specific

structures and their proposed uses the DEIS is sadly lacking in completeness. It mentions a 150 ft by 100 ft concrete pad covered by a metal roof. Specific details of the concrete pad the support and construction of the metal roof should be provided. Elevation drawing of all proposed structures including leachate storage tanks, and stockpiles of cut material should be provided. There is another 150 ft by 100 ft concrete pad described only as "to be used for further sorting and stockpiling activities". What does this mean? Where are the details? Will this structure also be covered? If not why not? Will materials be left on this pad during inclement weather? For how long? Also this section mentions, "several metal materials storage containers (dumpsters) will be located adjacent to the sorting pads and will be used for the temporary storage of recycled materials". Will these dumpster be kept closed. How long is "temporary"? Are there other long-term indoor storage facilities planned? How many is "several"? Where will excess raw materials be stored if the recycling market makes it uneconomical to recycle them? It also describes a portable office/trailer, which will be located in the materials sorting and recycling portion of the site. Again no mention of the size of the structure or facilities it would contain (potable water, toilet facilities, cooking facilities etc). Also there is no mention if there will be extra empty dumpsters located on the site. If any are proposed the maximum number should be indicated and their location should be shown on a site plan. It is impossible to properly comment on this incomplete information provided.

19. Page 48 - 2.3.3.1 Waste types accepted. "The facility will accept "empty buckets ten gallons or less in size and having no more than one inch of residue remaining on the bottom". First of all a bucket is not empty if it has an inch of material in it. Secondly how may ten gallon buckets can be disposed of? Even one ten-gallon container with an inch of toxic materials such as PCBs or numerous other materials can cause huge pollution problems. How will the onsite inspectors know what is in the 1 inch residue in the bottom of these "empty" buckets?

20. Page 51 – 2.3.6 Landfill Leachate Management and 2.3.7 Landfill Cover Material Management. Both of these important areas state that detailed management plans will

be submitted or specified as part of the facilities Part 360 Permit. These are important aspects of the project and it is unacceptable for these issues not to be addressed during the SEQRA process. How can the public participate in the SEQRA process if critical environmental information is only between the applicant and the regulatory agency after SEQRA is complete? Details of all aspects of the plan must be provided now. If a specific approach is not finalized then the various possible options should be discussed in detail so the public can understand and comment on each possible scenario.

21. Page 52 – 2.3.9 Landfill Gas Generation Control. Again no details are provided in this section but there is a reference to see section 3.7.3.3 for a "detailed description of the landfill gas generation and control". Both sections state that the plan will be submitted as part of the facility processing permit. It is frustrating that 2 sections discuss this topic but a review of both presents almost no concrete information on which to comment. The various issues that would be part of the Part 360 permit and closure plan should be included in the DEIS.

22. Page 62 states "grading for the proposed landfill will produce a cut of 748,00 cubic yards of cut and a fill of 579,000 cubic yards with a net of 169,000 cubic yards of cut. The material breakdown for these volumes are 200,000 cu yds of rock, 255,000 cu yds of clay, and 293,00 cu yds of till. The 200,00 cu yds of bedrock will be processed on site for resale. All of these volumes are critical to the planning and design of how the site will be constructed". While there are many pages in the DEIS that describe the geology of the site it is hard to determine how they came up with the specific quantities of rock, clay, till and bedrock. Especially since they note that these quantities are critical to the design and construction of the proposed facility figures . Perhaps this is in one of the appendices we could not obtain but even if it is, if the calculations are off slightly it could have a major impact on the project., We also note that page 69 states that the soils are suitable for the site but goes on to mention that there is potential for erosion due to the saturation and groundwater drainage. They state "these factors have the potential to affect soil stability on the project site". In

addition to the stability issue, what happens, for exam-ple, if the 255,000 cu yds of clay estimated are not all there or not suitable to be used as part of the liner system. Will clay need to be imported? How much? How many trucks per day. What routes? pages 71-72 – 3.2.3.2 Erosion & sediment control. This section contains no detail and simply refers to "best management practices". Further phrases such as "as necessary", "where necessary "are used throughout this section. Who determines when and where necessary? How is this controlled to make sure proper actions are taken in a timely manner by the operator?

23. Page 74 regarding mitigation of blasting effects. The DEIS states: "Precise engineering will be utilized to determine the depth and location of on-site blasting" A little more detail on what is "precise" engineering should be provided. Is the opposite "Imprecise" engineering?. Also it states: "All blasting operations shall be conducted in a manner that prevents any injury to persons or property ***outside*** (emphasis added) the project site. Again, this just seems like words on a piece of paper since no details are provided. We would also hope that the blasting operations would be conducted to also protect the people and property ***on*** the project site.

24. Page 76 notification of blasting will be "either by letter... or by published newspaper notice...". At a minimum, letters plus newspaper and radio notices should be provided. Also newspaper and radio ads should be run on more than one occasion prior to each blasting, so as many people as possible are informed.

25. Page 81. Only a small percentage of well surveys were returned. This is insdequate. An intensive effort must be made to identify all well water supplies to homes and businesses in the area. The well survey should include at a minimum age, depth, lined unlined etc.

26. Page 82 Ward Products. The DEIS states that : "Initial studies suggest that a trichloroethene (TCE) plume originating at the Ward property line has migrated up to 350 feet southwestward from the Ward property line, in the general direction of the AMR site. Recent sampling data from the Ward site (Normandeau 2001, 2003) shows

the TCE plume has stabilized and has not migrated further southward in over a year". It goes on to state: "The current property owner, New Water Realty, has and will continue to perform Interim Remedial Measures (IRM's) to address contamination ***on*** (emphasis added) the Ward Products facility. Accordingly, there is no reason to believe that that (sic) Ward site TCE plume will reach the AMR site. What scientific theory or information shows that this TCE plume would just stop migrating from the site. How frequent is the testing of this area surrounding the ward Product site and exactly where are the monitoring wells and what is their design and depths? The fact that the site is under an Order of Consent to develop and implement a remedial investigation and feasibility study does not mean everything is fine. How many sites in NYS are currently under similar Consent Orders where the responsible party as failed to abide by an Order on Consent? Absent a strong scientific argument to the contrary there is every reason to believe that the Ward Product TCE plume may reach the AMR proposed site. This possibility should be thoroughly discussed in the DEIS. Issues such as who and how liability would be determined when there is contamination found in the groundwater near the proposed AMR site. We can picture years of finger pointing, lawsuits and no action to correct the problem, as lawyers for NYS, Ward Products, AIDA, The Town of Amsterdam and AMR argue over who caused what pollution. Whatever amount of study and negotiations are needed to exactly quantify current conditions and establish agreement among all parties on future testing and liability issues should be fully discussed and addressed in this DEIS.

27. Page 120 - 3.7.3.1 Construction Equipment Combustion Gas Emission Control states that "Construction equipment will be temporarily operated on the site and all equipment will be maintained and operated in a manner which reduces ambient emissions (i.e. no un-necessary idling, proper equipment maintenance etc)". Without any details explaining how much is necessary idling vs. "un- necessary idling" and what constitutes "proper maintenance" these are just words on a piece of paper and there is nothing to verify nor enforce in these words. Also details such as who is responsible for determining these criteria are not listed.

28. Pages 121- 122 – 3.7.3.2 Fugitive Dust Control. The DEIS provides a list of some dust control activities it ***may*** (emphasis added) utilize but this also means it ***may not*** use these methods so the comments made in this entire section has no really meaning or strength of enforceability. Again one statement says: "Similarly, when feasible, materials will not be sorted during periods of high velocity winds". Who determines and what criteria are used to determine what "when feasible" means and what are "high velocity" winds. It also states: "that calcium chloride will be applied to constructed access roads to control the generation of dusts prior to the pavement of these roadways". When in the construction phase are roadways scheduled to be paved. Shouldn't the paving of the roadway be done immediately upon clearing and grading the roadbed in to minimize dust. Also there should be construction details showing the details of how the road will be constructed so it will withstand the heavy truck traffic for many years. Other information such as, what other areas on the project site will be paved, what areas other than the recycling pads will have concrete, what are dimensions of proposed structures etc. Also other details such as what specific areas will have what type of groundcover should be provided.

29. Page 122 further states that "leachate generated with the cell, or water from the storm water management pond located north of the cell will be utilized to wet soils and minimize dust generation". Regardless of whether application of leachate to control dust is permissible by NYSDEC or not, this is definitely not a practice that the applicants' representative Mr. Noel has alluded to during their constant insistence at public meetings of being a good neighbor and doing everything possible to run an exemplary operation.. This spraying of leachate, with an unknown constituency, is a ludicrous proposal and should not be allowed. If a multimillion dollar operation can not or will not use clean wateror other environmentally safe means to control dust, where else will they cut corners to save money. This should not be allowed.

30. Page 127 3.9.3.1 Visual Character state: "future use of the site would be limited to those uses allowed under the current L1 light industrial zoning". If the zoning law is

changed to allow for the proposed C&D dump how is this statement possible? Further clarification of what is being stated here should be provided as this is very unclear.

31. Page 131 zoning. Again there are very confusing statements made in this section: "Only the parcels in the project areas where these activities are occurring would be redesignated into the new zoning district". What does this mean, since currently C&D dumps and related blasting, grinding and crushing operations are not allowed and are not occurring in the City of Amsterdam? How can zoning be changed to include "areas where these activities *are* (emphasis added) occurring" when they are not currently allowed? It is extremely difficult and frustrating to provide good comments to poorly written statements such as these that are prevalent throughout this DEIS.

32. Page 133 states in part: "Zoning is but a tool to implement the community goals that are articulated in its comprehensive plan. The proposed project is consistent with those goals and will make these goals economically feasible. At the same time the operation of the project is of a character that is comparable to the existing permitted uses at the industrial park". If the DEIS makes such a statement as this is should be substantiated with facts. This dubious statement raise questions such as:

    a. Where in the comprehensive plan does it state that importing C&D waste & local disposal of C&D waste is crucial to the city's economic future. Using the logic contained in this paragraph the City of Amsterdam should also consider rezoning to allow locating a hazardous waste landfill in the city since there is currently hazardous waste in the city that has a high cost of disposal.
    b. How is the character of the proposed C&D dump, blasting operation, rock crushing operation with no permanent structures comparable to other existing and permitted uses in the park. A list of all current occupants and detailed descriptions of the type of operation, square footage, employees etc should be included. Further if this proposed project was really consistent with existing and permitted uses, no new zoning would be required.

33. Pages 134, 135 and figures 3-10, 3-12, 3-13. Of the 40 viewpoints analyzed nine (9) were determined to "have potential views of the proposed facility". All 40 should be mapped and discussed in detail, in the DEIS. All nine sites should all have been photographed and simulations done to show the effect of the proposed project on that specific location. Maps and other narrative details concerning the location of these sites should be provided. The community should be advised of all areas that will have

a potential visual impact so they can determine if they agree with the one visual receptor selected in the DEIS or not. They should be able to comment on all but can not if the locations are not identified in the main text of the DEIS. The 3 figures (310, 3-12, -13) do not properly depict the visual change that will take place if this proposed project is pursued. The photograph used for the computer simulation is not correctly focused on the project area so it is extremely difficult to see the side of the hill on the project site in figure 3-12. Also the photographs are all shown in the summer where vegetation would hide much of the project area that will be more clearly visible for approximately six months (from mid October to Mid May). Photographs (with the project area better focused) and simulations should be done during the fall, winter and spring seasons for this primary as well as the 8 other potential visual receptor sites.

34. Pages 141-142 states: "properties along Chapman Drive that abut the AMR property will experience a temporary loss of vegetative buffer between the two properties. Proposed plantings and raised berms will be established between the two properties to compensate for any loss of vegetation. Due to the proximity of the adjacent land owner (sic) and the size of the landfill, some additional plantings may be planted on the effected residential properties to provide adequate screening. In some cases this scenario will be necessary to effectively provide proper screening of the proposed facility". Figure 3-14 was provided to supposedly illustrate this paragraph. Figure 3-14 does not, in any way, show what type of vegetation is proposed on what specific properties and where on the properties the vegetation would be placed. A detailed planting guide should be provided showing specific species and size of planting proposed for each individual affected property. Also the paragraph states that the vegetation to provide screening would , in some cases need to be on the residential property not on property owned by AMR. Since this is an AMR project, residences should not have to sacrifice some of their property for vegetation to screen them from the proposed project. It is incumbent on AMR to develop a site plan that provides adequate vegetative screening and buffers on their property. If they need to alter their site plan they should do so. Again this section refers to "temporary" loss of vegetative screening. How long is "temporary"? This one paragraph discusses major impacts to

nearby residents but is simply brushed away by saying that the applicant will plant something in their yards to sometime help create a buffer between their homes and the proposed dump. This is totally unacceptable.

35. Page xxi, xxii & pages 154 –159 traffic There is much written about the traffic flow and the DEIS states "to mitigate the potential impact on these local roads and avoid likely improvements needed to accommodate truck traffic, it is proposed to establish a designated truck route to the site". How would this be communicated to all the vehicles entering the sites? How would this be enforced? As any reasonable person knows this is unrealistic. The trucks will take the fastest and most economical route to the site. With this is mind all the identified possible routes should be looked at and considered as potentially carrying the truck traffic volume outlined and necessary road improvements on these roadways and intersections should be factored into the DEIS.

There are many more points that could and should be raised to refute the information contained in this DEIS. However time constraints and access to only a limited portion of the DEIS make that impossible. NYSDEC should instruct the applicant on the many deficiencies in the DEIS and insist that AIDA completely review any new or supplemental DEIS submitted on this proposed project before considering it complete. AIDA was obviously negligent and failed to do the proper review of this DEIS before considering it complete. We realize that in the SEQRA process the DEIS is not expected to be perfect nor all encompassing. However it is supposed to contain enough information to understand the project and the various mitigating and alternatives considered. In that regard this DEIS is sadly lacking substance. Since this is the last formal opportunity for the public to review the proposal, it is unfair that this poorly written, poorly layed out DEIS that is also incomplete, and contains contradictory statements from one section to another can be revised enough to be used as the basis for a FEIS. This DEIS uses much boilerplate terminology to address many specific environmental aspects of the proposed project. While the DEIS is quite voluminous it has very little substance.

The Rainbow Alliance for Clean Environment feels that the few points raised in these comments alone, clearly show this DEIS is flawed and should be retuned to the applicant

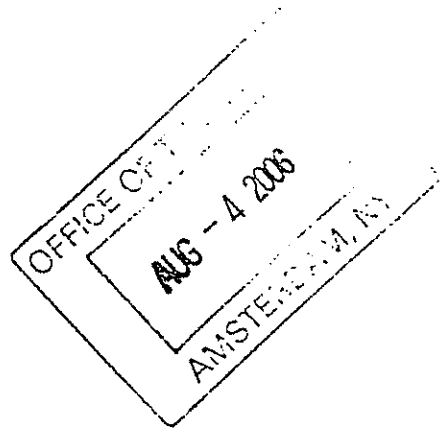
and the SEQRA process begun anew if the applicant desires to continue to pursue this project.

We also request that you consider the Rainbow Alliance for Clean Environment a Party of Interest to these proceedings and include us on any future mailings or correspondence concerning this project.

Submitted by:

Sandra Fonda
Renato Sanges
Rainbow Alliance for Clean Environment
March 12, 2004

Hand delivered to AIDA offices on March 15, 2004



(43) file

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1150 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • FAX: (518) 357-2460
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

August 4, 2006

Post-it® Fax Note 7671 | Date 8/4/06 | # of pages ▶ 5
To Robert H. Feller | From Michael Higgins
Co./Dept. Bond, Schoeneck & King, PLLC | Co. DEC
Phone # 518 533-3000 | Phone # 518 357 2454
Fax # 518 533 3299 | Fax # 518 357 2460

Michael Chiara, Chairman
Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, NY 12010

Re: Amsterdam Materials Recycling LLC
Draft Environmental Impact Statement
DEC # 4-2701-00069/00001
City of Amsterdam, Montgomery County

Dear Mr. Chiara:

Department staff has conducted its review of the revised Draft Environmental Impact Statement (DEIS) dated March 20, 2006 prepared by Crescent Environmental Engineering, P.C., for the referenced project and offers the following comments:

OVERVIEW

The construction and demolition (C & D) debris landfill will be constructed and operated on an approximate 14-acre portion of an existing 39.0 acre Edson Street Industrial Park and remaining 25-acre area will be used for material storage, recycling and other project related activities all located in the City of Amsterdam. Site preparation would include the cutting of trees, the excavation of 1,190,000 cubic yards of cut and a fill (C & D) of 1,000,000 cubic yards. Approximately 1,000,000 tons of C&D material would be placed in the landfill over the life of the facility, which is estimated to be approximately 6 to 10 years including site preparation and construction.

PURPOSE AND NEED FOR THE PROJECT

The DEIS indicates that the project will provide disposal and recycling capacity for the C & D generated in the City of Amsterdam and that removal of C & D will be needed as part of the City's urban renewal effort. It also indicates that the proposed facility would also help remedy a deficit in the C & D management capacity in the eastern and central areas of New York State and will provide an unrestricted source of funding to the City of Amsterdam for other projects. The DEIS further states that the project will; provide a vehicle for remediating historic damage done to the federal wetlands; remove and dispose of soils that were contaminated from materials generated at the ward Products site and provide temporary jobs during the construction period and permanent jobs during the operating period.

PERMITS AND APPROVALS

The DEIS indicates that several permits will be needed from this Department. The permits/approvals identified include: Part 360 (Solid Waste); Title V (Air); SPDES/Stormwater Discharge; Mined Land Reclamation and 401 Water Quality Certification. Because the required DEC permit applications have not yet been submitted Department staff comments on the impacts associated with these approvals cannot

be provided at this time. Department staff will review and comment in more depth on each required permit application under separate cover after such applications have been submitted for our review.

GENERAL

Page xiii states that the proposed facility would remedy a deficit in C & D management capacity in eastern and central NYS. The DEIS should provide support for this statement.

Page 49 of the DEIS indicates that waste will be accepted from all areas. The DEIS should also provide the anticipated breakdown of waste expected from the eastern and central New York State C & D landfill capacity deficit and waste expected from all other areas.

Page 140 the DEIS states that the fiscal impacts of the facility would be very difficult to analyze and are beyond the scope of this DEIS. Part 360-1.9(e)(4)(vi) requires that applications which are not submitted by or on behalf of a municipality in a planning unit, are to include an assessment of the proposed facility's impact on the local solid waste management plans, if any, of the planning unit in which the facility is located and the planning units from which solid waste is expected to be received. Please provide this assessment or otherwise explain why this requirement of the regulations is inapplicable.

NOISE IMPACTS

The DEIS does not appear to evaluate the noise impacts of the construction prior to construction/erection of the sound barrier fence. Page 70 of the DEIS gives a short sequence of events beginning with the removal and clearing of vegetation on-site. This would allow for 14 acres devoted to the landfill cell, 6.4 acres for the recycling center, plus all the acreage necessary for the onsite roads and access roads (estimated at approximately 4 ½ acres). Excavation would begin in the landfill cell area and these material would be used initially, to construct the access road off east Main Street and other material would be stockpiled according to their potential end use. It is anticipated that this would involve the use of a number of pieces of heavy equipment (eg. dozers, excavators, trucks, chainsaws, etc.). It is not clear in the DEIS, if the noise analysis takes into account the noise effects and duration of this site preparation/site clearing phase of the project.

The noise analysis also appears to utilize the urban noise standard of 67dBA identified in 6NYCRR Part 360. Staff however suggest that the 62dBA standard used for suburban areas would be more appropriate as this area is more of a residential neighborhood backed by a wooded hillside, with no areas significant commercial presence.

Several times in the document there is a reference to NYSDEC Guidance identifying that a increase in noise levels (over ambient) of between 3 and 6 dBA as having the potential for impact to only the most sensitive receptors (pages 154, 160 and 164). The Noise Guidance (Table B on page 15) and the DEIS (Table 3-12 on page 153) also states that increases in sound pressure of between 5 and 10 dBA is considered "intrusive".

Table 3-17 on page 159 of the DEIS indicates that during the "construction phase", 6 receptor locations will experience increases of more than 5 dBA of which 4 of these locations will experience increases of more than 7 dBA. During the operational phase 7 receptor locations will experience increases of more than 5 dBA of which 5 of these locations will experience increases of more than 7dBA.

Tables 3-20 and 3-21 on page 164 indicates that during the "construction phase" (with a traffic noise barrier) 3 receptor locations will still experience increases of more than 5 dBA (Receptor Location 7 an increase of 7.6 dBA, Receptor Location 8, an increase of 9.7 dBA and Receptor Location 9 an increase of 6.9dBA). Further, during the "operational phase" (with a traffic noise barrier) 2 receptor locations will experience increases of more than 6 dBA, with 1 of these locations experiencing an increase of more than 7dBA.

Staff believe that the impact, for those receptors at which the increase over ambient will exceed 5 dBA, should be considered intrusive and a potential significant impact and should require further evaluation and possible mitigation.

Page 162 references "Table 16 and 17 below". It is assumed that this is an error and it was meant to reference Tables 18 and 19 on page 163. Further it is not clear where the numbers in these tables came from. Our copy of Appendix H "Noise Study" did not include Appendix B "Post-Development Noise Analysis".

The construction noise analysis for the residences on Chapman Drive assumes 16 off-site haul trucks per hour and 10 trips/passes from heavy equipment per hour as the total impacts but does not appear to take into account all the background of constantly operating equipment elsewhere on the site. Based on experience, staff believe that this will utilize a large number of various pieces of heavy equipment which will also need to be factored into the evaluation. If we look at DEC's noise policy we see that a single large loader (Hitachi 501) generates 66dBA at 1,000 feet. Likewise a pit truck (Euclid R50) generates 64 dBA at 1,000 feet.

Using the "additive effects of multiple sound sources calculation" as identified on pages 8 and 9 of the Department's Noise Policy these two pieces of equipment together generate 68dBA total at 1,000 feet. It is not clear in the DEIS if the "additive effects of multiple sound sources calculation" has been used in this instance or in other instances where more than one noise source may be generating noise. Please refer to Table A in the department's Noise Policy page 9) for further information. Staff is not confident that construction noise impacts have been adequately addressed.

Further, the DEIS relies on Part 360 noise at property line standard yet DEC's noise policy states that "In non industrial settings the SPL (Sound Pressure Levels) should probably not exceed ambient noise by more than 6 dBA at the receptor " and further " ..... should not raise the ambient noise level above a maximum of 65dBA". Based on the noise analysis presented staff is concerned that these standards can be met even with a noise barrier unless more substantial mitigation can be provided. It appears that a 5 dBA increase would be exceeded at 3 of the receptors during construction and a 6 dBA increase would be exceeded at 2 of the receptors during operation.

The number of offsite haul trucks is based on the use of trucks with overweight capacity but it is not clear whether the access road will be built to a standard which will handle them. The report states that at the end of the project monies will be available to upgrade the road. If it cannot be definitively stated that overweight trucks can be used the actual number of trucks needed to haul the excess rock off site should be given.

The analysis for noise impacts from trucks using the access road uses a Db level of 91 taken from Department guidance. We assume that this is based on a truck passing at 10 miles per hour. As all trucks

entering the site must come to a complete stop at the crossover at NYS Route5, East Main Street and the Park intersection. It would appear that the actual Db level would be higher as the trucks gear up and own and climb the road to the site. Has the noise from the use of jake brakes as the trucks leave the site been considered?

The operational truck trips are listed as 10 trucks per hour, however these trucks will dump at the recycling center and waste will be hauled to the LF cell by AMR trucks. It would appear therefore that each truck entering the site will generate at least one and possibly more (depending on capacity of arriving trucks) trips along the internal haul road. It does not appear that this number has been defined and the additional impacts evaluated as part of the noise study.

TRAFFIC IMPACTS

360 evaluates only the impacts at the property line . Should there be an analysis of the impacts of the additional traffic on Main Street which is a mix of residential and commercial ?

Page 171 indicates that there will be 10 truck trips per hour during operations and page 173 describes the construction traffic as "8 trucks per hour, slightly exceeding the 4-5 trucks per hour of the operational phase". The construction phase truck frequency is based on 16 trips per hour (which, appears to only apply if overweight trucks can be used). Staff wonders if the intersection of East Main Street, NYS Route 5 and Park can handle a minimum of 16 trips or approximately 1 truck every 3 3/4 minutes. Further it is not clear if all references to "trucks per hour" or "truck trips" are consistent. It is understood that a that trucks traveling in both direction need to be counted and factored in the traffic analysis.

ALTERNATIVES

Although the alternatives analysis states that a smaller facility is not cost effective it would appear based on the large impact from blasting and hauling the excess rock, that an alternative analysis of a shallower landfill cell without the bedrock removal might be appropriate.

ENVIRONMENTAL JUSTICE

As previously indicated staff has conducted an initial screening of the proposed project area with respect to Environmental Justice concerns and has determined that the proposed landfill project site is located in a potential Environmental Justice (EJ) area. Environmental justice efforts focus on improving the environment in under served communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

Environmental justice is defined by the United States Environmental Protection Agency as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, 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.

As such, the Department has recognized the importance of environmental justice and the need for community involvement in environmental decision-making. The Department has implemented an EJ Program to ensure that local communities are given an opportunity to express their concerns and that those concerns are considered when making decisions which potentially impact the environment and public health.

To reiterate, because the proposed project site has been determined to be in a potential EJ area the Department's Environmental Justice and Permitting Policy must be implemented. The applicant will be responsible for preparing such a plan for Department review and once approved implement the plan.

Thank you for the opportunity to comment and we trust that these comments will assist you in your SEQR review. Should you have any questions please do not hesitate to contact me.

Sincerely,

Michael T. Higgins
Deputy Permit Administrator

CC: Robert Feller, Bond, Schoeneck & King, LLP, 111 Washington Avenue, Albany, NY 12210
Amsterdam Materials Recycling, 20 Gurley Avenue, Troy, NY 12182
Mayor, City of Amsterdam
Peter Hopper, P. O. Box 326, Clarksville, NY 12041-0326
George Elston, Solid Waste
US Army Corp of Engineers, Troy Field Office
File

Solid Waste\amr.dels.comments.080406.wpd

Mike Wonceweicz C.S.C.A. Inc.

46

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1150 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • FAX: (518) 357-2460
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

March 18, 2004

Copy

Michael Chiara, Chairman
Amsterdam Industrial Development Agency
61 Church Street
Amsterdam, NY 12010

Re: Amsterdam Materials Recycling LLC
Draft Environmental Impact Statement
DEC # 4-2701-00069/00001
City of Amsterdam, Montgomery County

Dear Mr. Chiara:

Department staff has conducted its initial review of the Draft Environmental Impact Statement (DEIS) for the referenced project and offers the following comments:

OVERVIEW

The proposal calls for the development of a 14 acre landfill and a 6 ½ acre materials recovery facility on lands owned by the Amsterdam Industrial Development Agency (AIDA) in the City of Amsterdam. Site preparation would include clear cutting of approximately 39 acres of forested land, construction of a new access road to the property, the movement of large volumes of earth and rock around the site in a cut and fill process to prepare the site for construction and the processing of a large quantity of rock to be sold and removed from the site. Approximately 1,000,000 tons of construction and demolition (C&D) material would be placed in the landfill over the life of the facility, which is estimated to be approximately 6 to 11 years including site preparation and construction.

The project sponsor, Amsterdam Materials Recycling LLC (AMR), creates much of the local need for the project and it's financial benefits both to AIDA and the City of Amsterdam (the City). The project is referenced several times as being "an integral part" of the City's industrial revitalization plan although no such specific plan is referenced or included. Additionally, AMR attempts to characterize the development of the site into a C&D processing and land filling operation as substantially equivalent to a full build out of the light industrial park which apparently was originally envisioned for the land. There is however, no reference to or copy of AIDA's original master plan included with the DEIS.

With the exception of the short term (1 year) construction activities which are described as unavoidable short term impacts and probable exceedances of regulatory limits for noise, the DEIS indicates that none of the other potential impacts of the facility are considered significant or unmitigatable by the sponsor.

NEED FOR THE PROJECT

As previously indicated the DEIS minimizes the potential impacts of the facility by linking the project to local need. Although the City has, for a number of years been exploring the possibility of constructing a landfill for the waste generated from their urban renewal projects, it would appear that the scope of this proposal is beyond that of what the City would require for it's own needs. The project is plainly a merchant facility. The pass through of funds to the AIDA and the City is merely a host community benefit like those paid by many other private facilities to the communities where they are operated.

By linking the purported needs of AIDA to develop it's industrial park site, the sponsor has attempted to compare the impacts of development of the site into a solid waste facility with what could occur if AIDA developed the site on it's own for light industrial use. It is difficult to see a parallel between these two types of projects. For example, the clear cutting of 40 acres of woodland, a year of heavy construction, and 5 to 10 years of the operation of a landfill in a largely urban residential setting is compared to the gradual filling of some areas of the property to develop an industrial park and the construction of light industrial warehousing.

The net gain to AIDA for building purposes would be only 7 acres of useable land. This linkage to AIDA also allowed the project sponsor to limit it's siting selection to only two parcels, because only parcels under the control of AIDA could be considered. Except for these somewhat artificially imposed constraints it is questionable that the proposed site would otherwise be considered a prime location for a solid waste landfill. The cut and fill required, the slopes of the site, the zoning prohibitions and the residential character of much of the nearby area would probably preclude consideration of the site under other reasonable siting criteria.

PERMITS AND APPROVALS

The DEIS indicates that several permits will be needed from this Department. The permits/approval identified include: Part 360 (Solid Waste); Title V (Air); SPDES/Stormwater Discharge and 401 Wat Quality Certification. In addition, because the proposed project involves the excavation and remov from the site of more than 750 cubic yards of rock the applicant will also need to obtain a Mined La Reclamation permit, pursuant to 6NYCRR part 420. It is common practice for all permit applicatic to be submitted and reviewed at the same time that a DEIS is submitted and reviewed. Other than a co of the Joint Permit Application, none of these applications have been prepared or submitted to Department for review, therefore specific Department comments on the impacts associated with th approvals cannot be provided at this time. Department staff will comment on the Joint Permit applica under separate cover.

In addition, information that might be contained in a specific permit application would need included in the text of a DEIS. However since applications have not been submitted, it is impossi determine what additional information may need to be included/added to the DEIS. Consequently cannot at this time conduct a thorough review of the potential impacts associated with this actio

Additionally Department records indicate that two of the drainage ways on the site are contamina runoff from the Ward Products site and contain significant levels of cadmium chromium and ni remedial plan for removal of these sediments would need to be prepared and approved by the Dep prior to initiating any construction on the site.

IMPACT ANALYSIS

Land Use

The DEIS describes lands to the south and the west as mix of residential commercial land and vacant land. The properties closest to the major impacting activities (the landfill and haul road) are either vacant or residential. Again under zoning impacts the DEIS indicates that the proposed action is "in accordance with the City of Amsterdam's plan to revitalize the City's economic base" yet the site is not zoned for the proposed activity nor is such a "plan" referenced or included in the supporting documentation for the DEIS.

DEIS ignored impacts

Potential Impacts

The DEIS also states that project will have no long term impacts on land use at the industrial park yet the project will preclude future development on a large portion of remaining land (at least 14 acres) due to the presence of the closed landfill.

Solid Waste Planning

The plan alleges that due to potentially lower costs at the proposed facility that MOSA could benefit by sending waste from their nearby transfer station to the AMR facility. Economics would seem to dictate that if AMR had a lower tipping fee, local C&D waste would most likely not go to the MOSA facility but directly to AMR. This would serve to increase the County's GAT shortfall and place the burden directly on county taxpayers.

Visual Character

The plan proposes to mitigate potential visual impacts by the use of buffers, screening and low profile design. The DEIS assumes the greatest visual impact will occur from a point across the river on the NYS Thruway at a time when the landfill is closed and covered with grass. The assumption is that the greatest number of views will occur from this vantage point as motorists travel on this highway.

Photos taken in the residential area west of the facility for the purpose of the visual analysis were shot at street level and show the surrounding houses at a level considerably higher than the point from which the photos were taken (see photo 2 and 3 in Appendix C). No mention is made of the fact that the backyards of a number of homes in this neighborhood look directly out over the currently wooded location of the proposed landfill. Despite the proposed plan to leave a buffer strip, it is apparent that for at least 6 months of the year with the deciduous cover missing, some of these residents will look directly out onto the landfill site. It would appear that these residences would be the most impacted receptors as they would be viewing the project every day for the life of the operation. The loss of the current view over a wooded area would seem to be a significant visual impact.

In addition, the residents on the west end Chapman Drive, although not apparently in direct view of the landfill, would have their view impacted by the construction of a heavy haul road very near to their backyards.

It is proposed to utilize raised berms and "plantings" to mitigate any visual impacts. The use of mature nursery stock is proposed to "simulate forested conditions with canopy trees, understory trees and groundcover." As the duration of the project may be as short as 6 years it is difficult to visualize such a design having any real mitigation value during the life of the project.

Noise and Traffic

The DEIS acknowledges that there are likely to be exceedences of the Part 360 noise standards and several of these may be greater than 10 dB(A) and as such must require a closer evaluation. All noise associated with the construction phase of the project is considered to be a temporary unavoidable condition. The receptors who will bear the brunt of these affects will also likely be the ones who bear the long term burden during operation.

The Noise evaluation section of the DEIS is unacceptable. The DEIS refers to the Department's Noise Policy and the Part 360 Regulations which address noise. It correctly states that the Noise Policy indicates that changes (increases) in noise levels of less than 3 dB(A) are generally not perceptible to most people and that increases approaching 10 dB(A) are generally perceived as a doubling of the noise. What the Noise Policy also states is that the human reaction to increases in sound pressure level of between 5 and 10 dB is considered to be "Intrusive", increases between 10 and 15 dB is considered to be "Very Noticeable" and increases between 15 and 20 dB is considered to be "Objectionable".

The conclusion however on page 151 of the DEIS, (Pre-Development vs. Post-Development) shows that at a total of ten receptor locations the increase in noise levels as a result of the project surpasses 10 dB(A). In fact at two different locations the increase is in excess of 20 dB(A). Further, the increase is in excess of 15 dB(A) at three other receptor locations and there are yet an additional five locations where the increase exceeds 10 dB(A). In all, out of the total of the seventeen receptor locations evaluated, noise levels are predicted to increase by more that 5 dB(A) at all but two of the seventeen locations. It is staff's opinion that these predicted increases are significant, however the DEIS simply downplays these increases because the data shows that the impacts are due to the occasional truck traffic and the operation of the landfill compactor which are "short-term" occasional activities rather than steady state occurrences. To simply determine that these increases are inconsequential because the noise generated will not be "steady" is unacceptable.

The DEIS also includes information regarding the Part 360 Solid Waste Regulations [6 NYCRR Part 360.1.14(p)] with respect to noise levels which can be generated from equipment or operations at a facility. It does not however compare the predicted Post-Development noise levels with the noise levels identified in this part. In an urban setting, the Part 360 Regulations limit noise levels beyond property boundaries to no more than 67 dB(A) from 7AM to 10PM and to no more than 57 dB(A) from 10PM to 7AM. The predicted noise levels as identified on page 151 of the DEIS clearly exceed these thresholds.

The noise analysis also describes traffic related noise as "occasional" however 10 heavy truck trips per hour or one every 6 minutes seems more than occasional when taken over the life of the facility. Additionally, the operation of the compactor is described as an occasional noise as well. Given the possible short life of the facility and resultant large daily volume, this noise source seems to have the potential to be more than occasional.

The plan calls for the construction of a new haul/access road immediately to the rear of homes along Chapman Drive. This is shown in the traffic study to be the preferred and probably mandated route for all project related traffic.

Although traffic volume during construction is not defined, the removal of the excess rock from the site during construction involves a significant number of truck trips. Plans call for crushing and removal of 169,000 cubic yards of excess material. Crushing of the material would result in an increase in volume.

If a 25 % increase for void space is assumed this equates to over 210,000 cubic yards. If this material were removed in 40 yard trailers this would equate to over 5000 truck trips in a 5 month period. Assuming a 5 day work week this amounts to 50 truck loads per day or 100 round trips - about 12 trips per hour for a 9 hour day. If the material were removed in more common 15 yard trucks this would represent some 14,000 trips in the same period, equal to 140 loads per day or 280 round trips - approximately 31 trips per hour.

The plan does not identify the actual cubic yard capacity of the landfill nor is the operational life of the facility stated other than to indicate that it may range from 5 to 10 years. Traffic volume is stated to be 10 trips per hour, but it is not at all clear what this is based on. Is this number based on the 5 year life or the 10 year life? What size truck was used for these calculations? Without this type of information it would be impossible to assess the actual impact of traffic generated noise on the residents of Chapman Drive or the other affected areas.

Community Character

The plan describes nearby land use as primarily commercial and industrial with residential use confined to Chapman Drive but failing to identify the residential neighborhood to the west where a number of houses overlook the site. Also the plan states that improvements to drainage and the construction of the new access road will be an improvement to the quality of life for Chapman drive residents. While changes in drainage could potentially be of benefit, the creation of a heavy haul road to the rear of the residences along Chapman Drive where a wooded slope now exists can hardly be construed as neighborhood improvement.

Alternatives

The no action alternative assumes that if the landfill project were not initiated that over time, the site could be developed to much the same extent for light industrial use. Again no reference to any master plan for the industrial park is referenced. If, in fact, it was the original intent of AIDA to fully develop the site including large scale earth work and drainage, the original plan for the site should be referenced or included as an appendix. It seems likely that when the industrial park was envisioned that an overall plan was developed and presented to the public. Such a plan would be a valuable reference for impact comparison.

ENVIRONMENTAL JUSTICE

Staff has conducted an initial screening of the proposed project area with respect to Environmental Justice concerns and has determined that the proposed landfill project site is located in a potential Environmental Justice (EJ) area. Environmental justice efforts focus on improving the environment in under served communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

Environmental justice is defined by the United States Environmental Protection Agency as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, 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.

As such, the Department has recognized the importance of environmental justice and the need for community involvement in environmental decision-making. The Department has implemented an EJ Program to ensure that local communities are given an opportunity to express their concerns and that those concerns are considered when making decisions which potentially impact the environment and public health.

Because the proposed project site has been determined to be in a potential EJ area (see attached location map) the Department's Environmental Justice and Permitting Policy must be implemented. A copy of the policy and a document entitled "Tips for Preparing a Public Participation Plan Pursuant to the NYSDEC Commissioner Policy -29 Environmental Justice and Permitting" is enclosed. The applicant will be responsible for preparing such a plan for Department review and once approved implemented the plan.

In summary, Department staff find the DEIS to be substantially incomplete and biased in many areas. Staff recommends that AIDA not accept the DEIS until it has been substantially revised and all involved agencies have had the opportunity to review and comment on a such revised version. It is also recommended that the DEIS not be accepted until such time as the appropriate permit applications have been submitted to the Department and staff has had ample time to review and comment. It is very likely that staff comments on the required applications would precipitate the need to revise the content and language of the DEIS. Thank you for the opportunity to comment.

Sincerely,

Michael T. Higgins
Deputy Permit Administrator

Enclosures

CC Amsterdam Materials Recycling, 20 Gurley Avenue, Troy, NY 12182
Mayor, City of Amsterdam
Peter Hanner, P. O. Box 326, Clarksville, NY 12041-0326
George Elston
US Army Corp of Engineers, Troy Field Office
File

Solid Wastewams.deis.ltr.031804.wpd

47

Mr Noel

I am concerned citizen of the 7th ward of Amsterdam. Most of the people of this city DO NOT want a landfill (DSMP) near our homes & schools.

If this project is so good for the city why are so many people & the mayor against it? Everyone I talk to is opposed to it til the $ is dead. Put it somewhere else like Albany or Saratoga anywhere else but here in our city.

The many other companies, auto store or small industry here would be a lot better & wouldn't pollute our city. The 5 corners needs a store, it would generate more jobs & wouldn't pollute like this project would

Blasting would crack our foundation dust would pollute the air, truck traffic & these other points would compromise our way of life & the quality of it.

I listened to you on the radio, & we don't believe all your fancy talk how good this is. My neighbors & I won't change our minds on this. Future generations will not live with this here. We will not compromise our way of life. Call it what it really is A DUMP!!! Our city DOES NOT want it here. Take it somewhere else.

No matter who is for it, the MAYOR will VETO IT ALL.

Diane Leong
35 Julia St
4th Ward

AMSTERDAM MATERIAL RECYCLING, LLC

Amsterdam Material Recycling
2[illegible] urley Avenue
Troy, NY 12182

I am totally against this dump! Why are they pushing so hard to locate it in Amsterdam if it's so wonderful & beneficial why don't they put it in Troy or Rensselaer They could use more money too!

48

377
**********AUTOCR**C025
MARY L NATALE
53 NORTHERN BLVD
AMSTERDAM NY 12010-2911

C & D Landfill: Questions and Answers

~~'Revitalizing Amsterdam'~~

- ✓ ***Scientifically Engineered***
- ✓ ***Environmentally Efficient***
- ✓ ***Economically Sound***

Polluting Amsterdam is more like it. The city will be left holding the bag + the expenses 5, 10, 20 years later

Potential Impact to the City with a ' City Host ' Agreement

PER YEAR

1. $1,000,000 - TO REDUCE THE REAL PROPERTY TAX
2. $500,000 - TO BE SET ASIDE IN ESCROW FOR FUTURE REAL PROPERTY TAX REDUCTION – UPON CLOSURE OF THE LANDFILL
3. $300,000 – FOR STREET IMPROVEMENTS, INFRASTRUCTURE REPAIR, PURCHASE OF RELATED ITEMS (FIRE HYDANTS, ETC.)
4. $300,000 – MATCHING GRANTS PROGRAM (THIS MONEY HAS THE POTENTIAL TO LEVERAGE MILLIONS OF ADDITIONAL DOLLARS FOR CITY PROJECTS SUCH AS SIDEWALKS, WATER AND WASTEWATER IMPROVEMENTS, CITY PARKS AND NEIGHBORHOOD RESTORATION PROGRAMS.)
5. $250,000 – TO REDUCE ALL CITY DEBT
6. $200,000 – TO REDUCE SEWER PLANT SETTLEMENT
7. $200,000 – FOR A DEMOLITION PROGRAM (WHEN REDUCED OR CEASED, THIS ITEM REVERTS TO REDUCE THE CITY REAL PROPERTY TAX
8. $85,000 – TO THE AMSTERDAM PUBLIC LIBRARY
9. $80,000 – TO PURCHASE NEW VEHICLES AND HEAVY EQUIPMENT FOR PUBLIC WORKS
10. $30,000 – TO RESTORE AND ENHANCE OUR PARKS
11. $30,000 – FOR CITY YOUTH SPORTS LEAGUES AND ACTIVITIES
12. $25,000 – FOR CITY BEAUTIFICATION PROJECTS (WEED CONTROL, ETC.)

PER YEAR

Up to $3,000,000 per year for the City of Amsterdam!

NOTE: A ONE-TIME PAYMENT OF $570,000 TO THE CITY FOR ROCK DEBRIS TO REDUCE THE REAL PROPERTY TAX AND/OR USER FEES

OTHER INDIRECT BENEFITS: **$42,000** IN PROPERTY TAX PER YEAR, **$50,000** IN SEWER TAX PER YEAR, **14 NEW JOBS** HIRED FROM THE LOCAL AREA AVERAGING $35,000 PER YEAR, IN ADDITION TO SITE IMPROVEMENTS UPON CLOSURE PROVIDING TWO NEW BUILDING SITES, ROADS AND PROPERTY.

19 Voorhees Street
Amsterdam, NY 12010

49

Amsterdam City Hall
Church Street
Amsterdam, NY 12010

Re: Public Comment the DEIS regarding proposed Dump in the City of Amsterdam

Dear Sir or Madam,

I have been reading recent articles regarding the dump in The Daily Gazette (Schenectady) paper and was advised that concerned citizens have until August 4th to voice their opinions regarding this dump.

I am a sincere advocate against the dump. All I see the dump creating is havoc for the City of Amsterdam. I drive to Albany every day and drive past the dump on Rapp Road when I take the thruway to work. The smell of the methane gas they use to burn is overpowering. Years ago, when this dump was being built, a few houses in Albany did blow up as a result of a ruptured gas line that was caused by this dump.

I know the committee for the dump is trying to bring additional revenue into the City of Amsterdam. We are a financially depressed City and I know the people on the committee for the dump are thinking of this as a quick-fix to bring in additional money to the City of Amsterdam. Most children that graduate from the local high schools do usually end up leaving for better opportunities. The committee that is for the dump keeps informing us that it will be a "Clean Dump", but what happens when you have people who do not want to bring "clean junk" to the dump? There are lots of times that people may be enticed to throw other items away such as pollutants, contaminants, items that may cause people in the City of Amsterdam health hazards. If people want to sue the City for medical conditions that were caused by the dump, would the City be able to financially afford such a lawsuit?

I have lived in the East End all my life; I know the Riverfront area is being redeveloped and that contaminants have been found where an old gas company used to be located. The cleanup of the contaminants has been taking place. I have seen several people in my neighborhood pass away from cancers of different forms. This could have been caused by the environment, or possibly by runoff from the mills years ago, or maybe by genetic factors, but I do know that my mother had (colon cancer); the lady who lived behind us (breast cancer); another person on John Street had stomach cancer. I am just advising you to be prepared if you go ahead with this dump and if contaminants are dumped there accidentally by some brainless person, that you have the

resources to protect yourself against such a lawsuit. I was wondering if you were going to have 24 hour security guards monitoring this "clean dump" or cameras or a big gate or fence surrounding this dump. Also, the liner to keep all of this clean fill in the dump is being branded as being "very sturdy." Well, with pool liners, they sometimes rip and tear. There is no way of guaranteeing "non-leakage or seepage." So, I am going to ask if this liner rips or tears and has contaminants leaking through to impact the environment, then what is going to be done to rectify the situation? If a lot of money is spent to bring this dump in, and something happens financially to cost The City of Amsterdam additional monies, is the bill going to be passed on to the taxpayers once again through their taxes, as is the case with the sludge plant fiasco? Remember, that was supposed to bring lots of revenue in and look what happened with that.

Some people that have homes closer to where the dump is being built are concerned that their walls and plaster might be damaged from the blasting that is going to take place if a dump were to be built. If you drive up in the Church Street area right now, you will see that several houses have "FOR SALE" signs on them. Do you maybe think that people are putting their houses up for sale since they might be concerned about a dump being built? And, people interested in buying the property are going to turn away, if they hear a dump is being built near their backyard.

A few years ago under another Mayor, Amsterdam used to have a "Dump Week" for people in the City to get rid of Odds & Ends around their homes; furniture, old junk. They City came around and actually picked up these items and disposed of them for that one week. This was a benefit for the City. It encouraged people to get rid of their junk and not have it lying round. My concern is if people have junk and hear that there is a dump that they might be persuaded to go bring these items up to the dump. The East End did have a recent problem with people dumping their garbage down by the railroad tracks.

I understand that you are trying to better the City of Amsterdam, but I wish you could attract a business, other than a dump. In reading recent articles, I have read that the County Board rejects the landfill. In a recent article in The Recorder, it stated that Mayor Emanuele is also against the landfill.

Please just make sure that you have weighed all your options carefully before you decide in going ahead with this "dump." Businesses on the East End recently received grant funds (owners paid ½ and ½ was given to them through grants), so they can go ahead and give their buildings a face-lift, give people a chance to show pride in what they own Then, you want to go ahead and build a dump, I just don't get it.

Thank you for your assistance regarding this matter and for letting me voice my opinion.

Sincerely,

Kristin Olechowski

No Funds for Amsterdam.

Lets Go ahead with Progress.

This should have been settled a long time ago. Wish about Jon and Mr and Mrs Robert Lukecorte P.S. My Wife and I lived in the City for a number of years

(50)