

RESOLUTION 128 - 13

Introduced by Supervisors Raymond, Collyer, Lewza, Jenkins, A. Johnson, Peck and Wright

DETERMINING THAT NO FURTHER SEQRA REVIEW
IS REQUIRED FOR TRANSFER OF THE
SARATOGA COUNTY LANDFILL TO FINCH PAPER LLC

WHEREAS, after duly conducting environmental review pursuant to the State Environmental Quality Review Act (“SEQRA”), by Resolution No. 38 of 1993 the Saratoga County Board of Supervisors accepted and approved the SEQRA Findings Statement for a proposed Countywide landfill to be located on Kobor Road in the Town of Northumberland (the “County Landfill”) and authorized and directed the filing of a permit application as required by the New York State Department of Environmental Conservation (“NYSDEC”) Regulations set forth at 6 New York Code of Rules and Regulations Part 360 (“Part 360”) to obtain a permit to construct and operate the proposed County Landfill; and

WHEREAS, the County Landfill has a current NYSDEC Part 360 Operating Permit (the “County Permit”); and

WHEREAS, the County built the County Landfill as insurance for possible future use, but it has never been used for waste disposal purposes; and

WHEREAS, the Board of Supervisors determined to explore the potential for privatization of the County Landfill; and

WHEREAS, on July 17, 2012 the Board of Supervisors issued a final Request for Proposals (“RFP”) pursuant to Section 120-w of New York General Municipal Law (“GML §120-w”) for privatization of the County Landfill; and

WHEREAS, the County received proposals from New England Waste Services of N.Y., Inc. (Casella Waste Systems Inc.), Capital Regions County Landfills Inc. (Waste Connections, Inc.), and Finch Paper LLC (“Finch”); and

WHEREAS, the Board of Supervisors declared its intent to continue to serve as SEQRA Lead Agency for this proposal through issuance of correspondence dated April 1, 2013 to the other potentially Involved Agencies; and

WHEREAS, none of the other potentially Involved Agencies objected to continuation of the Board of Supervisors serving as SEQRA Lead Agency; and

WHEREAS, a Public Hearing on the privatization proposal was held on May 15, 2013 and no public comments relating to environmental impacts were made; and

WHEREAS, Finch is the owner of real property and facilities known as the Finch Paper Sludge Management Facility (the “Finch Landfill”) which has a current NYSDEC Part 360 Operating Permit and is located immediately adjacent to the County Landfill site; and

WHEREAS, the Finch Proposal envisions use of the County Landfill property for municipal solid waste disposal as originally proposed, as well as future potential development of a combined facility which would primarily be based on the use of currently permitted cell footprints together with a possible connection between the two facilities (the “Valley Fill”); and

WHEREAS, if constructed, the “Valley Fill” would only encompass approximately 6.5 acres of new cell footprint which would be located in an area that was engineered for berms and drainage as part of the original construction of both Landfills; and

WHEREAS, the Finch development plan is confined to existing and approved landfill cell footprints for both the County and Finch Landfills so that for the estimated 20 year life of the combined facility there would be no construction on previously undisturbed areas and all construction would occur on land currently owned by either the County or Finch; and

WHEREAS, potential future development could require NYSDEC approval of the Valley Fill, which might include an increase in the annual limit of municipal solid waste accepted to 275,000 tons, acceptance of construction and demolition debris and increase of the approved fill level to an approximate elevation of 311 feet; and

WHEREAS, the only current modification of the County Permit required in connection with transfer of the County Landfill to Finch is to allow the disposal of Finch paper sludge at the County Landfill; and

WHEREAS, acceptance of paper sludge at the County’s Landfill is already anticipated in the County Permit which requires prior sampling and analysis of a representative number of monitoring wells if the County elects to accept paper sludge subsequent to issuance of the County Permit; and

WHEREAS, both Landfills are already designed with double liners, leachate collection and removal systems, pore pressure relief systems and other environmental safeguards required by the Part 360 Regulations and Facility Permits; and

WHEREAS, although the privatization proposal appears not to require SEQRA review, the Board of Supervisors nonetheless prepared and reviewed an Environmental Assessment Form for this proposal;

NOW, THEREFORE, BE IT

RESOLVED, that the transfer of ownership of the County Landfill to Finch and related County Permit modifications will not result in any material change in permit conditions or the scope of permitted activities and therefore appears to be a SEQRA Type II Action pursuant to 6 NYCRR 617.5(c)(26); an activity of such a minor nature that review of potential environmental impacts is not required; and, be it further

RESOLVED, that all of the questions set forth in the Environmental Assessment Form are appropriately answered in the negative and none trigger affirmative responses requiring further review; and, be it further

RESOLVED, that even if not characterized as a previously unanticipated additional activity now being undertaken in furtherance of the original SEQRA action, transfer of ownership of the County Landfill to Finch and its operation as proposed by Finch will not result in any significant adverse environmental impacts not adequately addressed in the Environmental Impact Statement and related environmental review previously conducted for the County and Finch Landfills; and, be it further

RESOLVED, that potential future development is speculative at this time and could require SEQRA review in connection with any required permit modifications; and, be it further

RESOLVED, that, in the event that such future SEQRA review is required, such review will be fully protective of the environment; and, be it further

RESOLVED, that no further review under SEQRA is required at this time in connection with the transfer of ownership of the County Landfill to Finch and related County Permit modifications.

BUDGET IMPACT STATEMENT: No budget impact.