PMC-EF2a

(2.04.02)

U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION

RECIPIENT: Monroe County **STATE:** NY

PROJECT TITLE: Landfill Gas Utilization Plant

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
CDP	DE-EE003123	GFO-0003123-001	EE3123

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

B5.21 Methane gas recovery and utilization systems	The installation, modification, operation, and removal of commercially available methane gas recovery and utilization systems installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant that would not have the potential to cause a significant increase in the quantity or rate of air emissions. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rational for determination:

DOE is proposing to provide federal funding to Monroe County, New York to construct and operate a 3.3 MW gas-to-power facility (Phase 2 facility) located adjacent to the existing 6.4 MW gas-to-power facility (Phase 1 facility) at the Mill Seat Landfill (310 Brew Road, Bergen, New York 14416).

DOE made a previous NEPA determination to expand the Phase 1 facility from a 4.8 MW facility to a 6.4 MW facility (GFO-08-098; CX B5.1: signed 5.6.2008).

The proposed Phase 2 facility would consist of an 8,200 square foot, one-story building housing four, 800 kW engines. The site is owned by Monroe County and zoned General Industrial (GI). The existing gas collection, treatment and transmission system, constructed for the Phase 1 facility, would be used. The facility would connect to existing water and sewer infrastructure. New parking and site access facilities would be provided. An electric substation would be constructed on-site, with power distributed along existing overhead power lines off-site. Security fencing and gates would be provided around the Phase 2 facility. No off-site work is proposed.

The proposed project would involve the conversion of 1.2 acres of land to paved surface of buildings specific to the generating plant. Previous cover types at the site consisted of 2.5 acres of meadow or brush. The remaining 1.3 acres would be converted to pervious landscaped areas. Land disturbance would be limited to the project site, with the duration of impacts (i.e. exposed bare soils) limited to a one-year construction phase. Short-term impacts would be mitigated by implementation of erosion and sediment (E&SC) measures and post-construction restoration efforts. Mitigation measures would be maintained throughout the construction phase.

On June 28, 2012, Monroe County, as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA) issued a "Notice of Determination of Non-Significance" indicating construction and operation of the Phase 2 facility would not have a significant adverse impact to the environment.

Permits – Construction activities would be conducted in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). Coverage under the permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). Even though some construction may occur in areas where the shallow groundwater table is less than three feet below the ground surface, no deleterious impacts to groundwater are anticipated because the proposed activities do not involve the discharge of liquids to the ground surface.

Air - The proposed project would result in combustion emissions associated with the generating engines similar in content to the current practice of flaring excess landfill gas. A portion of excess landfill gas would be diverted from the

flaring process and combusted within the four new generating engines. Emission from the combustion process would be permitted under a modified Title V permit issued by the New York State Department of Environmental Conservation (NYSDEC). The controlled emissions would replace emissions associated with existing flaring activities, which will decrease. Emissions from the Phase 2 facility would be within state and federal regulatory limits. As a result of these factors and the added benefits created by the facility's operation, air quality impacts are expected to be minimal. Additionally, landfill gas used to fuel proposed generating engines would be treated prior to use. The modified Title V permit would contain conditions requiring performance testing of the engines to demonstrate that engine emissions are within allowable limits.

Biological Resources – The US Fish and Wildlife Service (USFWS) identifies the bog turtle (Clemmys muhlenbergii) as the only federally-listed endangered species with known or likely occurrences in Monroe County. Data indicates that predominate site soils do not promote periodic flooding, which would be necessary to generate suitable habitat for the bog turtle.

Cultural Resources –The site is located within an area identified by the state as sensitive to the potential presence of archaeological resources. Based on SHPO's review, it is their opinion that the project will have "No Effect" on cultural resources in or eligible for inclusion in the National Register of Historic Places (SEQRA 2012).

Visual Impact – The Phase 2 facility would be constructed adjacent to the Phase 1 facility, which is located in an industrial zoned area proximal to the existing landfill maintenance facilities. No significant impacts on aesthetic resources were identified.

Wetlands and Floodplains – The proposed project would not affect wetlands or floodplains, as these are not located on or near the project site.

Transportation – The project would not have an adverse impact on existing transportation systems. Brew Road is currently used primarily for landfill-related traffic.

Noise – The noise generated from the operation of the engine generator sets includes engine generator set noise, engine exhaust and radiator cooling fan noise. These noise sources comprise an additional noise source of the site, which is currently influenced by landfill operations and the Phase1 facility, as well as traffic along I-490. Existing land buffers exist between the site and potential sensitive receptors. However, operation of the Phase 1 facility did result in complaints from neighbors living along Johnson Road (~3,800 feet east of the site). The owner of the Phase 1 facility has evaluated operational noise and provided further measures to attenuate levels. The developer of the Phase 2 facility is integrating additional measures into the design to minimize impacts.

Odor – Landfill gas is contained within a network of piping and is treated in a closed loop process prior to delivery to the engines for use as a fuel. There are no uncontrolled sources of air emissions or odors.

Based on this information, DOE has determined the work outlined is consistent with activities identified in categorical exclusion B5.21 "methane gas recovery and utilization systems."

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Note to Specialist :

Cristina Tyler 8.2.2012

DOE Funding: $1,000,000
Cost Share: $1,000,000
Total Project Cost: $2,000,000

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 8/2/2012
NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION