



## NIXON PEABODY LLP

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November 2, 2006

William J. Clarke  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
Region 4  
1150 North Westcott Road  
Schenectady, New York 12306

Re: ***City of Albany Rapp Road Landfill  
DEC Project No. #4-0101-171/00011  
Part 360 Permit Modification Application***

Dear Mr. Clarke:

On behalf of the City of Albany, I am enclosing an original and five copies of the following: (1) a Part 360 Permit Modification Application cover sheet for the City of Albany's Rapp Road Landfill and the City's transfer station, together with aerial photograph of the proposed expansion area (Exhibit A), and (2) a full Environmental Assessment Form ("EAF") with Part 1 completed (Exhibit B). I am also enclosing two additional aerials showing alternative configurations for the expansion, one utilizing the private parcels at the entrance to the landfill for the relocated landfill infrastructure (Exhibit C), and one not utilizing the private parcels at the entrance to the landfill for the relocated landfill infrastructure (Exhibit D). The City's preferred alternative configuration for the expansion would utilize the private parcels at the entrance to the landfill for the relocated landfill infrastructure.

With this submission the City requests that the Department deem the modification application submitted under cover of letter dated February 23, 2006, for which the Department issued a Notice of Incomplete Application on March 13, 2006, as withdrawn.

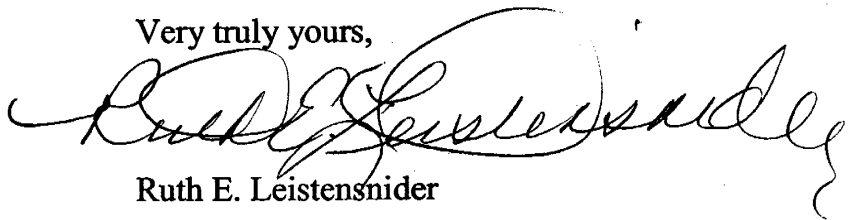
William J. Clarke  
November 2, 2006  
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As you know, the City arrived as this proposed expansion after extensive consultation (over a year) with various different stakeholders, including the Albany Pine Bush Preserve Commission, and The Nature Conservancy. I am enclosing a summary of the City's outreach with the stakeholders over the past year for your information. (Exhibit E).

The City recognizes that this submission does not constitute a complete application, and fully intends to supplement this submission with a full application and supporting documents. However, due to the critical need for new capacity at its Rapp Road facility, the City is submitting the application and EAF in order to start the review of the proposed expansion under the State Environmental Quality Review Act. In that regard, the City proposes that Region 4 of the Department of Environmental Conservation act as lead agency for purposes of review of the proposed Rapp Road Landfill Expansion, and requests that the Department commence the process to establish itself as Lead Agency. I am enclosing for your use the names and addresses of all of the ANSWERS Communities, together with other potential involved or interested agencies. (Exhibit F). The City would request that the Department commence the lead agency coordination process as soon as possible.

Thank you for your consideration in this matter, and please feel free to contact me should you have any questions.

Very truly yours,



Ruth E. Leistensnider

/rel

enclosures

cc: Steve Schassler  
Blaise Constantakes, Esq.  
Willard A. Bruce  
John J. Reilly, Esq.  
Joe Giebelhaus  
Chris Burns  
Frank Lavardera  
Warren Harris



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF SOLID WASTE

**APPLICATION FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT**

Please read all instructions before completing this application

Please TYPE or PRINT clearly

DEPARTMENT USE ONLY	
DEC APPLICATION NUMBER	
FACILITY CODE	

<b>1. TYPE OF APPLICATION (Check All Applicable Boxes):</b> <input type="checkbox"/> Permit to Construct <input type="checkbox"/> Initial (New) <input type="checkbox"/> Renewal <input type="checkbox"/> Permit to Operate <input type="checkbox"/> Subsequent Stage (New) <input checked="" type="checkbox"/> Modification		<b>2. APPLICANT IS THE:</b> <input checked="" type="checkbox"/> Facility Owner <input checked="" type="checkbox"/> Facility Operator	
<b>3. FACILITY OWNER'S NAME</b> City of Albany Address: One Conners Boulevard City: Albany State/Zip Code: NY 12204 Telephone Number: ( 518 ) 432-1144		<b>4. FACILITY OPERATOR'S NAME</b> City of Albany Address: One Conners Boulevard City: Albany State/Zip Code: NY 12204 Telephone Number: ( 518 ) 432-1144	
<b>5. ENGINEER'S NAME AND P.E. LICENSE NO.</b> Warren A. Harris, P.E. 077420 Firm Name: Clough Harbour & Associates LLP Address: Ill Winners Circle City/State/Zip Code: Albany, NY 12205 Telephone Number: ( 518 ) 453-4500		<b>6. FACILITY NAME AND LOCATION (Attach USGS Topo Map showing exact location)</b> Name: Rapp Road Landfill & Transfer Station Street: Rapp Road City, State, Zip Code: Albany, NY 12203 Town: _____ County: _____ Coordinates: NYTM-E _____ NYTM-N _____	
<b>7. SITE OWNER'S NAME</b> City of Albany Address: One Conners Boulevard City: Albany State/Zip Code: NY 12204 Telephone: ( 518 ) 432-1144		<b>8. TYPE OF FACILITY (Check all applicable boxes)</b> <input checked="" type="checkbox"/> Landfill (Specify category) <u>Municipal Solid Waste</u> <input type="checkbox"/> Research, Development and Demonstration <input type="checkbox"/> Land Application <input checked="" type="checkbox"/> Transfer Station <input type="checkbox"/> Solid Waste Incineration <input type="checkbox"/> Medical Waste <input type="checkbox"/> Refuse Derived Fuel Processing <input type="checkbox"/> Waste Tire Storage <input type="checkbox"/> Composting <input type="checkbox"/> Landfill Gas Recovery <input type="checkbox"/> Recyclables Handling and Recovery <input type="checkbox"/> Waste Oil <input type="checkbox"/> Other (Describe) _____	
<b>9. IS APPLICATION BEING FILED BY OR ON BEHALF OF A MUNICIPALITY?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If yes, name: <u>City of Albany</u>		<b>10. FEE AMOUNT ENCLOSED</b> \$ <u>NA</u>	
<b>11. NAME(S) OF ALL MUNICIPALITIES SERVED</b> <u>Albany County (except Town of Colonie &amp; Coeymans) City of Rensselaer</u>		<b>12. SOLID WASTE HANDLED</b> a. List wastes to be accepted: <u>Municipal Solid Waste, PCS</u> b. Quantity (Specify Units) Existing "approved design capacity" <u>3,130,000 cy</u> Proposed "approved design capacity" <u>6,000,000 cy</u>	
<b>13. PROVIDE THE FOLLOWING INFORMATION WHERE APPLICABLE</b> a. Facility area proposed in the application: <u>45+/-</u> acres b. Facility area ultimately planned: <u>45+/-</u> acres c. Ultimate facility height above existing ground level: <u>145+/-</u> feet d. Total site area: <u>155+/-</u> acres e. Existing landfill area on this site and adjacent properties: <u>105+/-</u> acres		<b>14. IS A VARIANCE REQUESTED FROM ANY PROVISION OF 6 NYCRR PART 360?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If yes, cite the specific provision(s) <u>360-2.12(c)(1)(ii),(c)(8) &amp; 2.17(d)</u>	
<b>15. CERTIFICATION:</b> I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority or am authorized as <u>Commissioner</u> (title) of <u>Dept. of General Services</u> (Entity) to sign this application pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Date: <u>10/26/06</u> Signature: <u>Willard A. Bruce</u> Print Name: <u>Willard Bruce</u>			



**CHA**

CLOUGH HARBOUR & ASSOCIATES LLP  
111 Winners Circle, PO Box 5269 • Albany, NY 12205-0269  
Main: (518) 453-4500 • www.cloughharbour.com

SCALE: 1" = 400'

**PART 1 – PROJECT INFORMATION**  
**PREPARED BY PROJECT SPONSOR**

**Notice:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

<b>NAME OF ACTION:</b> Rapp Road Landfill Eastern Expansion			
<b>LOCATION OF ACTION:</b> Rapp Road Landfill, City of Albany, Albany County <small>(include street address, municipality and County)</small>			
<b>NAME OF APPLICANT/SPONSOR:</b> City of Albany Department of General Services		<b>BUSINESS TELEPHONE</b>	
Mr. Willard A. Bruce, Commissioner			
One Connor Boulevard	Albany	NY	12204
<b>STREET ADDRESS</b>	<b>CITY/PO</b>	<b>STATE</b>	<b>ZIP</b>
<b>NAME OF OWNER (IF DIFFERENT):</b>			
		<b>BUSINESS TELEPHONE</b>	
<b>STREET ADDRESS</b>	<b>CITY/PO</b>	<b>STATE</b>	<b>ZIP</b>
<b>DESCRIPTION OF ACTION:</b> Construction of an approximately 15 acre lateral landfill expansion along with an approximately 23 acre overfill of the existing Rapp Road Landfill onto City owned lands northeast and east of the existing landfill. Facilities and infrastructure including offices, the weigh station, the maintenance facility, and the recycling facility will also be relocated to adjacent properties (approx 7 acres).			

Please complete each question –Indicate N.A. if not applicable.

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:  Urban  Industrial  Commercial  Residential(suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Landfill

2. Total acreage of project area: 45+/- acres. (15 acre lateral expansion, 23 acre overfill of existing landfill & 7 acres of infrastructure relocation)

<u>APPROXIMATE ACREAGE (PRELIMINARY PLANS)</u>	<u>PRESENTLY</u>	<u>AFTER COMPLETION</u>
Meadow or Brushland (Non-agricultural)	<u>6</u> acres	<u>5</u> acres
Forested (includes federal wetland & a ditch)	<u>15</u> acres	<u>1</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>TBD</u> acres	<u>TBD</u> acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>1</u> acres	<u>1</u> acres
Other (Indicate type) Landfill	<u>23</u> acres	<u>38</u> acres

3. What is predominant soil type(s) on project site? Colonie Loamy Fine Sand
- a. Soil drainage:  
 well drained 80% of site  
 Moderately well drained \_\_\_\_\_% of site  
 Poorly drained 20 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A Acres (See 1 NYCRR 370).:
4. Are there bedrock outcroppings on project site?  Yes  No.  
a. What is depth to bedrock? 100+ (in feet):
5. Approximate percentage of proposed project site with slopes?

0-10% 40 %     10-15% 50 %     15% or greater 10 %.

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?     Yes     No
7. Is project substantially contiguous to, to a site listed on the Register of National Natural Landmarks?     Yes     No
8. What is the depth of the water table: 1-10 (in feet)
9. Is the site located over a primary, principal, or sole source aquifer?     Yes     No.
10. Do hunting, fishing or shall fishing opportunities presently exist in the project area?     Yes     No.
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?     Yes     No.    According to: \_\_\_\_\_  
Identify each species: To be determined
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)?     Yes     No.  
Describe: Dune remnants
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?     Yes     No.  
If yes, explain: Not on expansion area but some use of State lands to the east is expected.
14. Does the present site include scenic views known to be important to the community?     Yes     No.
15. Streams within or contiguous to project area? Ditch system routing runoff around trailer park and landfill on north side of existing landfill and through expansion area.
16. Lakes, ponds, wetland areas within or contiguous to project area?  

Name: Un-named Wetlands	Size (in acres) <u>4</u> acre
Name:	Size (in acres) _____
Name:	Size (in acres) _____
17. Is the site served by existing public utilities?     Yes     No.  
  - a. If yes, does sufficient capacity exist to allow connection:     Yes     No.
  - b. If yes, will improvements be necessary to allow connection:     Yes     No.
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?     Yes     No.
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?     Yes     No.
20. Has the site ever been used for the disposal of solid or hazardous wastes?     Yes     No.

**B. PROJECT DESCRIPTION**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
  - a. Total contiguous acreage owned or controlled by project sponsor 155+/- acres.
  - b. Project acreage to be developed: 22 acres initially; 45 acres ultimately.
  - c. Project acreage to remain undeveloped N/A acres.
  - d. Length of project, in miles: N/A (if appropriate).
  - e. If the project is an expansion, indicate percent of expansion proposed approx. 20 %
  - f. Number of off-street parking spaces existing N/A; proposed N/A.
  - g. Maximum vehicular trips generated per hour N/A (upon completion of project).
  - h. If residential, number and type of housing units:

	One family	Two family	Multiple family	Condominium
<b>Initially</b>				
<b>Ultimately</b>				

- i. Dimensions (in feet) of largest proposed structure N/A height; N/A width; N/A length.
  - j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A Ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 Tons/cubic yards.

3. Will disturbed areas be reclaimed:  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? Wildlife Habitat
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 15 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
 Yes  No
6. If single phase project: Anticipated period of construction N/A months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated 3 (number).
- b. Anticipated date of commencement phase 1 April month 2008 year, (including demolition).
- c. Approximate completion date of final phase Nov. month 2016 year.
- d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction? 20 +/-; after project is complete? 0
10. Number of job eliminated by this project? 0
11. Will project require relocation of any projects or facilities:  Yes  No  
If yes, explain Operations facilities will be moved to lands adjacent to the existing facilities.
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type: \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain: \_\_\_\_\_
15. Is project, or any portion of project, located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month? \_\_\_\_\_ Tons.
- b. If yes, will an existing solid waste facility be used:  Yes  No
- c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If yes, explain: \_\_\_\_\_
17. Will the project involve the disposal of solid waste:  Yes  No.
- a. If yes, what is the anticipated rate of disposal: 21,000 tons/month.
- b. If yes, what is the anticipated site life: 8 years.
18. Will project use herbicides or pesticides?  Yes  No.
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute
23. Total anticipated water usage per day 1000 +/- gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No  
If yes, explain City of Albany.

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Plng. Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Zoning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Part 360 Modification, SPDES, Water Qual. Cert., Drainage Easement or other arrangement to be determined for use of State land, Article 24 Wetlands TBD	
Federal Agencies USACE	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Section 404 Permit	

**C. ZONING and PLANNING INFORMATION**

1. Does proposed action involve a planning or zoning decision?  Yes  No Project is a governmental use exempt from zoning.

If yes, indicate decision required:

<input type="checkbox"/> zoning amendment	<input type="checkbox"/> zoning variance	<input type="checkbox"/> special use permit	<input type="checkbox"/> subdivision	<input type="checkbox"/> site plan
<input type="checkbox"/> new/revision of master plan				
<input type="checkbox"/> resource management plan				
<input type="checkbox"/> Other:				

- What is the zoning classification(s) of the site? R 1-B (Single Family Medium Density Residential).
- What is the maximum potential development of the site if developed as permitted by the present zoning? N/A
- What is the proposed zoning of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
- Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Landfill, industrial, and residential
- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No  
Generally compatible but recorded issues with odor.
- If the proposed action is the subdivision of land, how many lots are proposed? N/A
  - What is the minimum lot size proposed? \_\_\_\_\_
- Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No
  - If yes, is existing capacity sufficient to handle projected demand?  Yes  No
- Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No
  - If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

**D. INFORMATIONAL DETAILS**

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and measures which you propose to mitigate or avoid them.

**E. VERIFICATION**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name: Willard A. Bruce Date: \_\_\_\_\_

Signature:

W. Paul A. Brewer

Title:

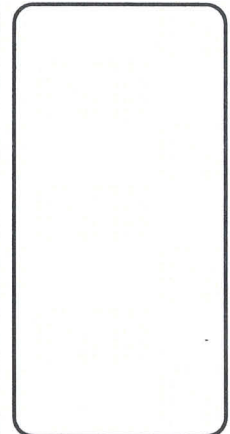
Commissioner

***If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.***


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No.	Submitter / Revision	Appd. By	Date



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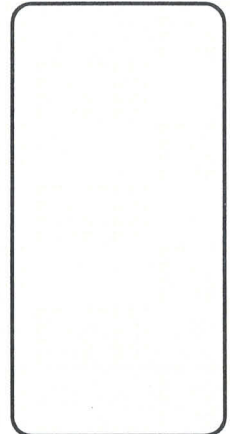
  
**CIA**  
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 111 Winans Circle, PO Box 6289 - Albany, NY 12205-0289  
 Main: (518) 453-4500 • www.cloughharbour.com  
 Designated: DF    Drawn: CAP    Checked:

**RAPP ROAD LANDFILL EAST EXPANSION**  
**PRELIMINARY SITE PLANS ALTERNATIVE 1**  
 Issue Date: 10/25/06    Project No.: 12206    Scale: 1" = 200'


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**RAPP ROAD LANDFILL EAST EXPANSION**  
**PRELIMINARY SITE PLANS ALTERNATIVE 2**  
 Issue Date: 10/25/06    Project No.: 12206    Scale: 1" = 200'

## **ALTERNATIVES DISCUSSION CITY OF ALBANY RAPP ROAD LANDFILL EXPANSION**

The City of Albany is currently preparing a 6 NYCRR Part 360 permit modification application for the expansion of the Rapp Road Landfill. During this process, the City has investigated a number of alternatives for the expansion of the facility. In total, 4 alternatives were investigated as shown on the attached aerial photograph of the site.

Alternative 1 involved the expansion of the landfill northward onto the Fox Run Trailer Park property. The approximately 60 acre trailer park was previously acquired by the City in order to mitigate impacts from the landfill. The potential expansion onto the trailer park lands included approximately 24 acres of new landfill footprint and an over fill of the existing landfill area just south of the trailer park. The balance of the trailer park lands to the west would be left undeveloped.

The basis for expansion onto the trailer park lands included the fact that the City owned the property and the lands were previously disturbed as a result of the development of the trailer park. As a result, there did not appear to be any significant issues related to the potential disturbance of environmentally sensitive areas.

Utilization of the trailer park would provide the City approximately 8 years of additional capacity beyond the current projected capacity of the existing landfill.

Once a conceptual plan was developed for this alternative, the City submitted an application to the Department of Environmental Conservation. However, because many groups had expressed concern about this expansion alternative, the City agreed to consult with the stakeholders, specifically, the Albany Pine Bush Preserve Commission and The Nature Conservancy, in order to discuss the matter. Some of the concerns expressed regarding Alternative 1 were they felt it further fragmented the connection between the western and eastern portions of the Pine Bush. In addition, since the lands were ultimately intended to be dedicated to the Pine Bush, they felt it would not be appropriate to have a landfill on this property.

As a result of the concerns expressed, the City investigated additional alternatives for the expansion of the landfill. These alternatives included potential expansions on both the western and eastern sides of the landfill.

On the western side of the landfill, Alternative 2 was identified and considered. Alternative 2 included an expansion footprint of approximately 24 acres of new landfill area and an over fill of previously landfilled area. The new 24 acre area was selected so there was consistency with Alternative 1. While Alternative 2 would provide for approximately 15 years of landfill capacity and was entirely on City owned lands, it was readily apparent that the potential loss of 24 acres of lands that had been dedicated to the Pine Bush could result in a significant environmental impact.

On the eastern side of the landfill, Alternative 3 was developed and includes approximately 15 acres of new landfill area and the over fill of previously landfilled area. The 15 acre area proposed for the expansion however, currently contains existing landfill infrastructure including a transfer station structure used for the collect of recyclables, a stormwater management basin, several landfill leachate pumping stations and associated piping, the landfill equipment fueling depot, a landfill gas flare, and the landfill cover material mixing equipment. All of these facilities would require relocation to accommodate the expansion in this area.

While the approximately 15 acre landfill expansion can be constructed entirely on City owned property, additional land area would be required to relocate the landfill infrastructure components identified above. As a result, this alternative would require the City to obtain a small portion of a larger parcel of property owned by New York State just east of the landfill property. The State owned land is known as the "Ice Age Associates Property" and was obtained by the State in a land swap with a local developer.

The City met with The Nature Conservancy and the Albany Pine Bush Preserve Commission in December, 2005, to discuss the three Alternatives. During the meeting, a question was raised about Alternative 2, and whether the City could "live with less land" on the western side of the landfill. No resolution of this issue was reached during the meeting, and in a letter dated January 9, 2006, The Nature Conservancy indicated that while they were sympathetic to the City's needs, they could not support any of the alternatives discussed during the December meeting.

As a result of the meeting and The Nature Conservancy's letter, the City proposed Alternative 4, which included only approximately 10 acres of new landfill area and an over fill of previously landfilled area. The City made a presentation of this alternative at the Pine Bush Commission's March 16, 2006 meeting. Initial reactions seemed positive, although there were concerns expressed regarding the precedent of "undedicating" the land, and the value of the land as Pine Bush habitat. The City subsequently obtained from the Pine Bush Commission a Temporary Revocable Permit to allow for the preliminary investigations to begin in an around the area of Alternative 4, upon condition that it undertake an identical investigation of Alternatives 1 and 3.

Alternative 4, including the new 10 acre landfill footprint and the over fill of previously landfilled area, would provide the City approximately 8 years of additional landfill capacity. This capacity is consistent with the capacity that could be obtained from Alternative 1.

Following further investigations of Alternative 4, the City requested a more thorough evaluation of Alternative 3. The initial proposal for Alternative 3 called for the relocation of the landfill infrastructure onto an approximately 10-acre portion of the Ice Age Associates parcel immediately adjacent to the landfill's eastern boundary. However, following further investigation, it would appear that significantly less land would be necessary to site the landfill infrastructure.

Although the Ice Age Associates parcel was acquired with the ultimate intent of adding to the Preserve, it has never been dedicated as Preserve land. Therefore, no legislative repeal of dedication or parkland alienation legislation is needed. It may require legislative approval for a land swap, or it may be possible for the State to simply grant a utility easement to the City. A final determination will need to be made by State officials.

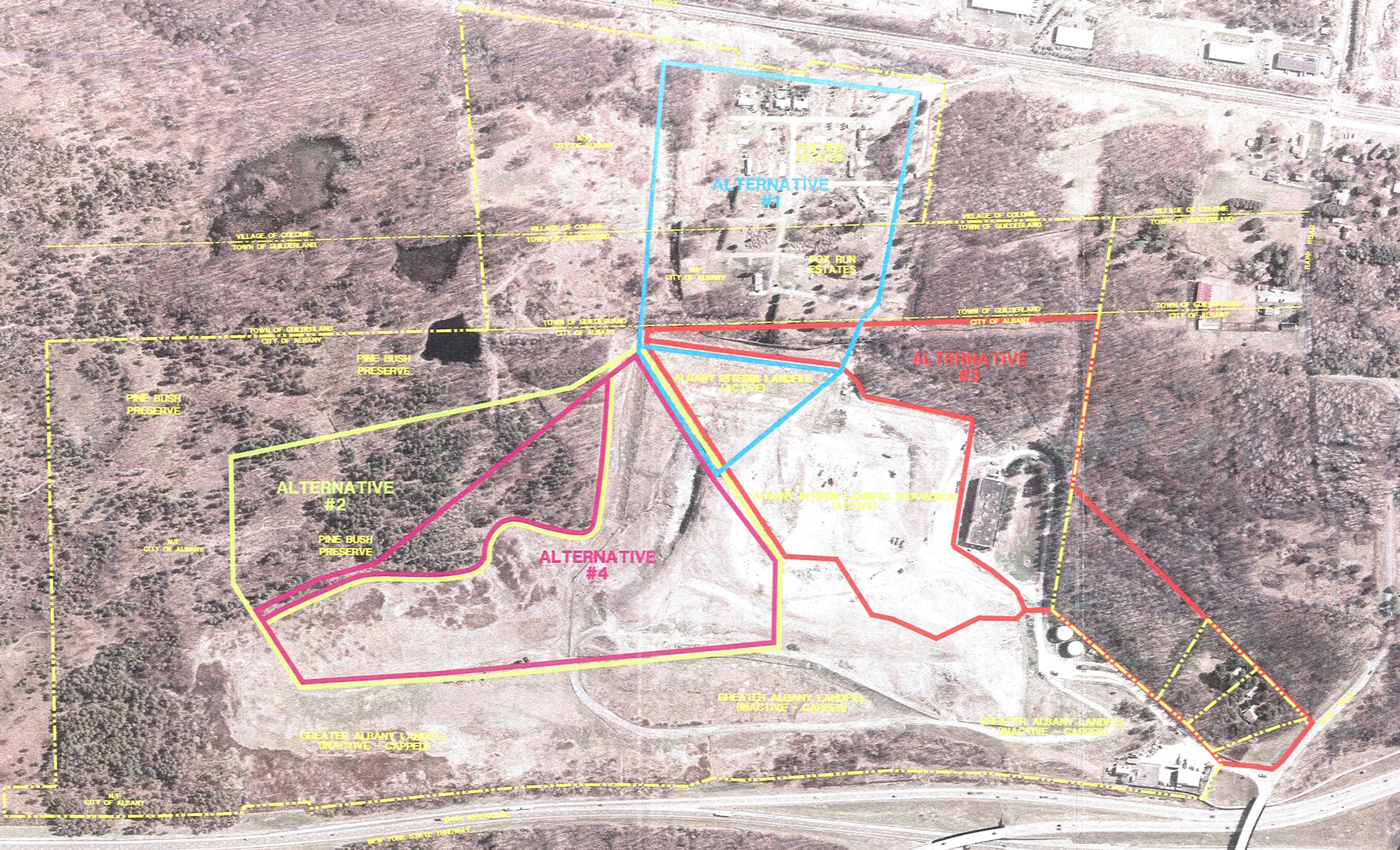
Under the revised Alternative 3, primarily the landfill's stormwater management basin would be relocated on less than three acres of the state property. The balance of the other infrastructure components would be relocated to 2 currently privately owned properties at the corner of Rapp Road and the landfill entire (see the attached preliminary site plan). Preliminary discussions between the City and the land owners have been positive with respect to the City acquisition of these properties.

As part of the expansion of the landfill under Alternative 3, the City would also undertake a comprehensive environmental assessment of the lands surrounding the entire landfill in order to prepare and implement a habitat restoration plan. This habitat restoration plan would be incorporated into the landfill project itself, and result in the restoration of perhaps 100 acres of land around and on the landfill, to either high quality or complimentary Pine Bush habitat. This is a major change/addition to the landfill expansion project that adds significant value to the expansion in regard to Pine Bush mitigation and restoration. Preliminarily, the City has identified a number of measure including wetland restoration and development, establishment of Pine Bush vegetation on closed portions of the landfill, construction of dunes and other Pine Bush features, and the connection of the eastern and western portions of the Pine Bush. The attached conceptual plan depicts these mitigation measures.

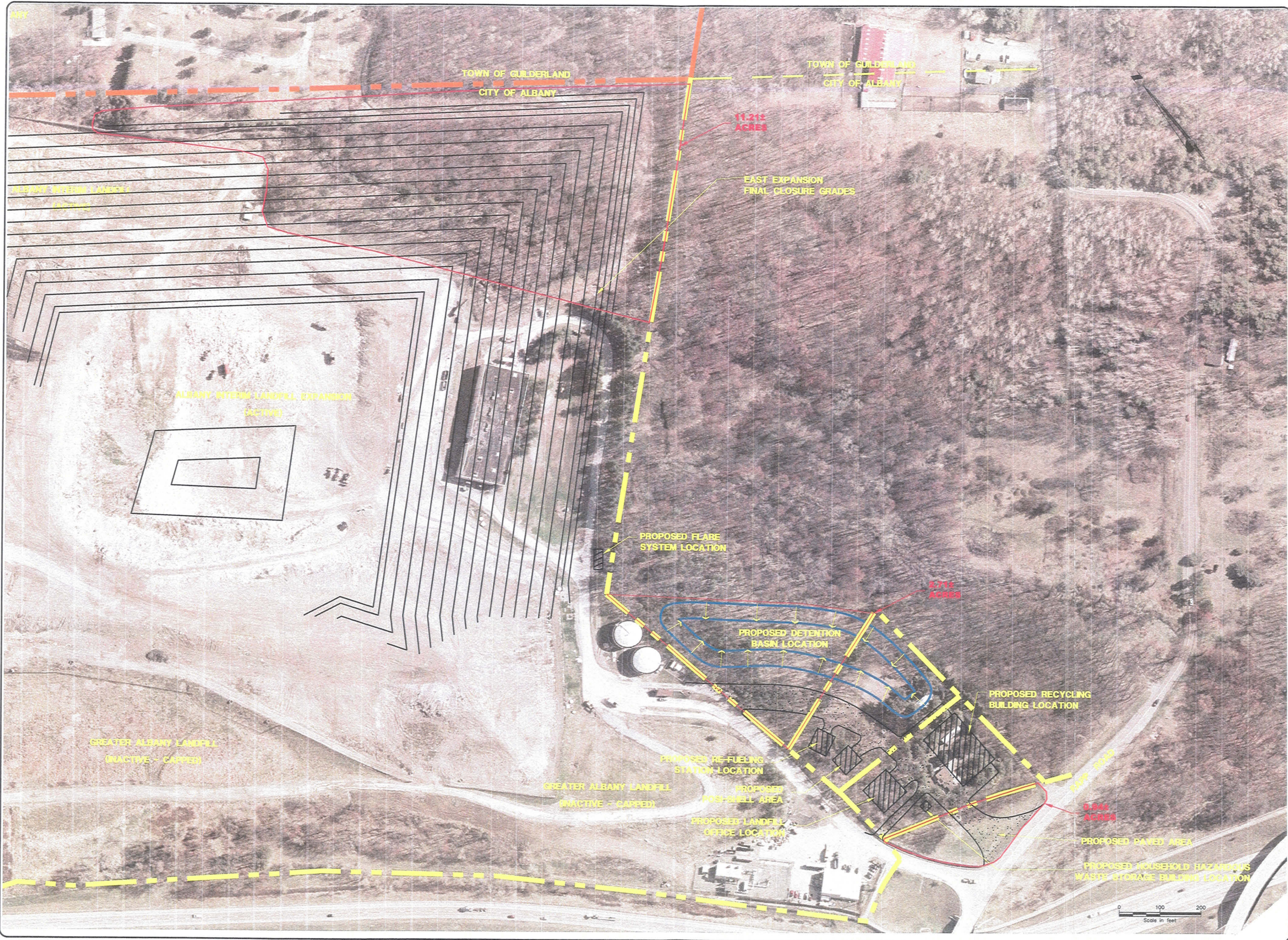
Similar to alternatives 1 and 4, Alternative 3 would provide the City with approximately 8 years of landfill capacity beyond the current life of the facility. Alternative 3 however, would have significantly higher development costs due to the required relocation of the infrastructure components and the comprehensive environmental improvement plan.

Additional meetings were held with the Pine Bush Commission, the NYSDEC, and Nature Conservancy to discuss Alternative 3. Preliminary indications from those organizations are that Alternative 3 appears to be much more acceptable and a reasonable approach to providing the City additional capacity at the Rapp Road Landfill, while satisfying the legitimate concerns associated with the Pine Bush Preserve.

Alternative 3, expansion to the east, is significantly more costly due to the need for infrastructure and utility relocation, land acquisition, and the habitat restoration plan implementation costs. Nevertheless, based on the greater acceptability of this alternative to the various involved parties, the City is proceeding with the required permit modification documents for submission to the NYSDEC for the eastern expansion, Alternative 3.



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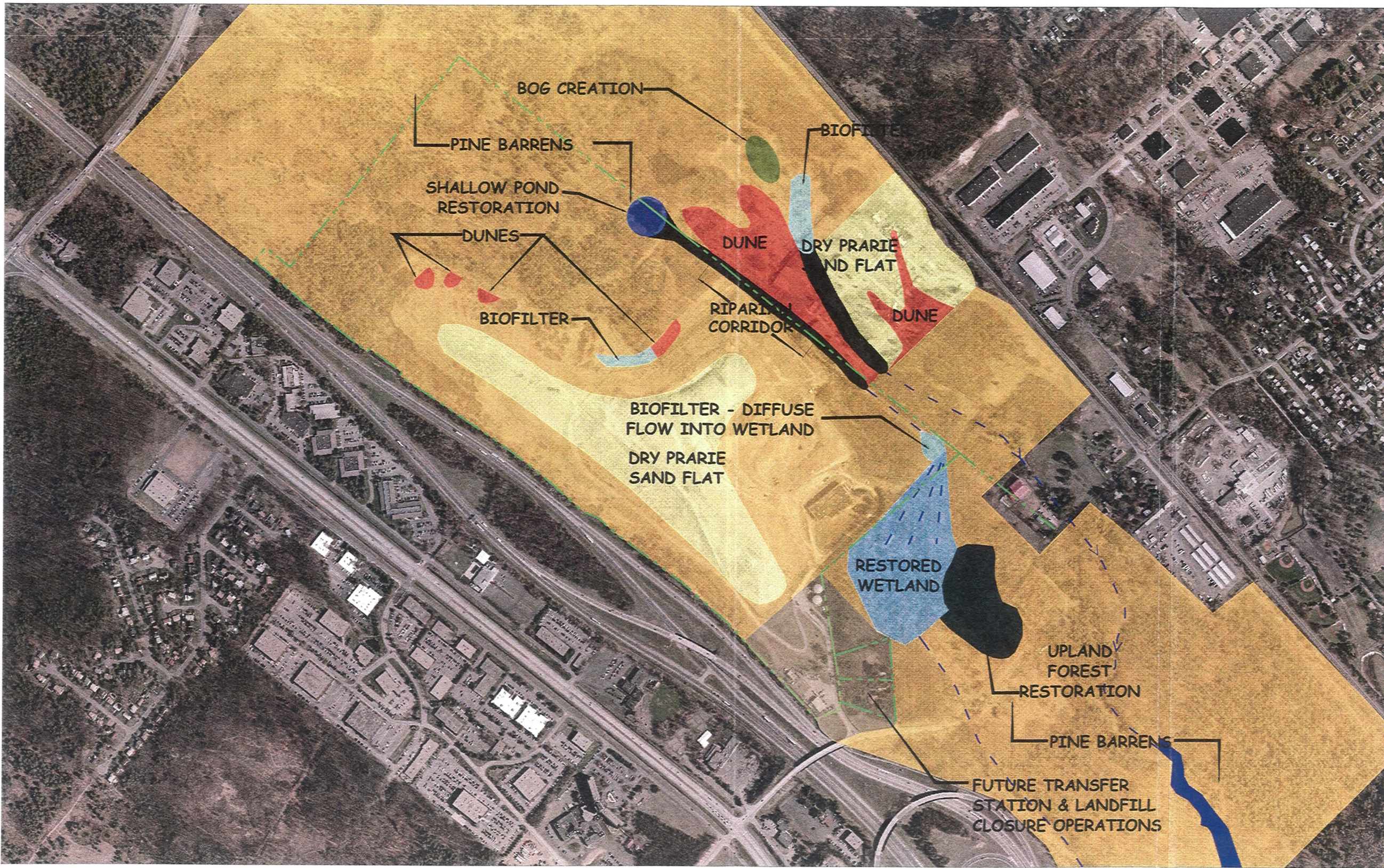
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**RAPP ROAD LANDFILL EAST EXPANSION**  
**FACILITIES RELOCATION**  
**CONCEPT PLAN 2**  
Issue Date: 07/23/06 Project No: 042206 Scale: 1"=100'





Revisions:	
No.	Description
1	
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**Conceptual Restoration Plan**

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 Approved:

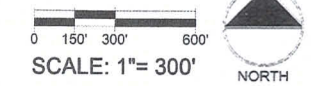
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 Date: 09-05-2006

**Albany Pine Bush Landfill**  
 Albany, New York

**Clough Harbour & Associates, LLP**  
 111 Winners Circle, P.O. Box 5269  
 Albany, New York 12205-0269

**Legend**

- |                              |                                      |                                 |  |                                 |
|------------------------------|--------------------------------------|---------------------------------|--|---------------------------------|
| Restored/Reconfigured Dune   | Backfilled Ditch, Disabled Tiles     | Dry Prairie Sand Flat (Barrens) | Bog Restoration                        | Stormwater Infiltration Gallery |
| Restored/Reconfigured Stream | Shallowed Pond (Wetland Restoration) | Barrens/Savanna/Prairie Mosaic  | Water Distribution Manifold/Biofilters | Upland Forest Restoration       |



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