

***NYSDEC Solid Waste Management
Facility Permit Application:
Application Narrative***

for the:

**56th Street Transfer Station
540 56th Street
Niagara Falls, New York 14304
NYSDEC Permit No. T.B.D.**

**January 2024
Rev.1: May 2024**

prepared for:

**56th Street Transfer, LLC
661 Main Street
Niagara Falls, New York 14301**

prepared by:



ENGINEERING+
ENVIRONMENTAL

EnSol, Inc.
661 Main St.
Niagara Falls, NY 14301
716.285.3920

ensolinc.com

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1. Introduction

1.1 Facility Definition

56th Street Transfer, LLC of Niagara Falls, New York is proposing to construct a solid waste transfer facility (56th Street Transfer Station or Facility) at 540 56th Street in the City of Niagara Falls, Niagara County, New York.

The 56th Street Transfer Station (Facility) will be comprised of one main process/transfer building, a covered outdoor trailer storage area, as well as scales and a scale house for operations support. Activities conducted within the Facility will consist of consolidation and transfer of municipal solid waste (MSW), Construction and Demolition debris (C&D), and Single Stream Recyclables (SSR) for disposal and/or further processing.

1.2 Site Description

As indicated on **Sheet 1**, 540 56th Street is an approximately 4.54-acre property which is currently owned by Simfall, LLC. It should be noted that this property formerly comprised four individual sub-lots which were recently amalgamated into one property during the Site Plan application process with the City of Niagara Falls. For reference, the four individual former lots were:

- 4800 Charles Ave., 2.5 acres, SBL 160.10-1-1
- 4802 Charles Ave., 0.24 acres, SBL 160.10-1-2
- 4803 Simmons Ave., 1.38 acres, SBL 160.10-1-3
- 4829 Simmons Ave., 0.46 acres, SBL 160.10-1-4

The current property definition is:

- 540 56th Street, 4.54 acres, SBL 160.10-1-1.1

As indicated on **Sheet 2**, the property consists of an overgrown gravel/crushed concrete surface and is largely vacant with the only current features including a small vacant building, a concrete block divider wall, and a small pile of excess concrete divider blocks. All features will be removed prior to development. The property is zoned I2 Industrial, and per Chapter 1315.2 of the City of Niagara Falls Zoning Code a solid waste management facility is permitted in an I2 Industrial district requiring only Site Plan approval. The surrounding land use is industrial/commercial including active railroad lines/spurs adjacent to the west. A residential zoning district is approximately 500' southeast of the proposed Facility. The project location is shown on the Regional Map (**Figure 1**). The Vicinity Map (**Figure 2**) identifies zoning and land use, residences, surface waters, and wetlands within one-half mile of the perimeter of the property boundary.

1.3 Application and Contact Information

The completed Part 360 Solid Waste Management Facility (SWMF) Application form (*360.16(a)*), certificate under seal (*360.16(c)(1)(iv)*), parcel deeds, landowner consent (*360.16(c)(1)(iii)*), and the Applicant's Record of Compliance (*360.16(e)*) are included in the accompanying Forms and Applicant Information section. As indicated in these materials, the following identify the property owner(s), Applicant, Facility Owner, and Facility Operator:

Applicant, Facility Owner, and Facility Operator:

56th Street Transfer, LLC (John B. Battaglia)

Phone Number: 716-570-1295

Email: jbattaglia@ensolinc.com

Address: 661 Main Street, Niagara Falls, New York

Property Owner(s):

Simfall LLC

4654 Baer Road

Ransomville, NY 14131

The documents in the Permit Application package include the following:

1. Application Narrative
2. Application Forms
 - Application for a Solid Waste Management Facility Permit
 - Applicant's Articles of Incorporation (Certificate Under Seal)
 - Parcel Deeds and Landowner Consent
 - Record of Compliance – Permit Application Supplement
3. Environmental Assessment Form (incl. Traffic and Noise Evaluations)
4. Facility Manual
5. Engineering Report
6. Enhanced Public Participation Plan
7. Climate Leadership & Community Protection Act (CLCPA) Analysis

1.4 Permits and Approvals

The design and operation of the Facility is described in further detail in the accompanying application documents as indicated in the Table of Contents. Operation of the Facility is subject to the following NYSDEC solid waste regulations:

- 6 NYCRR Part 360 – Solid Waste Management Facilities General Provisions
- 6 NYCRR Subpart 361-1 – Recyclables Handling and Recovery Facilities (RHRF)
- 6 NYCRR Subpart 362-3 – Transfer Facilities

A NYSDEC solid waste management Facility permit will be required for the MSW/C&D/SSR transfer operations. Applications for City of Niagara Falls Site Plan, Water, Sewer and Building Department approvals are in progress. A building permit will be required for the proposed Facility and associated construction.

A Construction Storm Water Pollution Prevention Plan (SWPPP) is required as construction of the Facility will disturb greater than one acre of land. The Construction SWPPP and a Notice of Intent (NOI) will be submitted to the NYSDEC after approval of the Part 360 permit and prior to beginning construction. Upon completion of construction a Notice of Termination (NOT) for the construction

SWPPP will be filed and a separate NOI/SWPPP for coverage of the Facility's operations under the SPDES (State Pollution Discharge Elimination System) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity will be submitted to NYSDEC.

The project is also subject to the State Environment Quality Review Act (SEQR) Article 8 of the Environmental Conservation Law. The status of the SEQR is discussed in Section 2 of the Application Narrative.

2. State Environmental Quality Review

The SEQR is concurrently being coordinated with the City of Niagara Falls, through a full Environmental Assessment Form (EAF) and associated evaluation documents. The City will act as lead agency for the SEQR review and the 30-day comment period and SEQR review process was initiated at the December 13, 2023 Planning Board meeting.

3. Siting Evaluation

The following are provided to evaluate whether the proposed location of the Facility complies with the prohibited siting criteria as defined in Part 360.8 as well as the hazardous waste site/remediation site co-location criteria included in Part 360.16(h).

3.1 Special Flood Hazard Areas and Resources Impact

A solid waste facility must not be constructed (or expanded into) a special flood hazard area unless provisions acceptable to the Department have been made to prevent flooding of the facility and constriction of floodwaters. The facility must also not pose a significant hazard to human life, wildlife, fisheries, or land or water resources (360.8(a)).

The proposed Facility is not located within, or near, a FEMA flood zone. The FEMA FIRMet National Flood Hazard maps for the site and surrounding area are included as **Figure 3**. Therefore, the Facility will not be placed within a flood zone.

The location of principal and primary aquifers in the vicinity of the proposed project was assessed using the Upstate New York Aquifer Viewer from the United States Geological Survey. **Figure 4** shows the Aquifer Viewer results and no aquifers are shown within the vicinity of the project.

Additional evaluations regarding potential impacts to human life, wildlife, fisheries, or land or water resources are included in the EAF (found in the accompanying EAF and SEQR Documents). Surface water protection measures during construction of the Facility will be provided in the Construction SWPPP. Additional surface water protection measures and various operational procedures to be implemented during operation of the Facility to ensure protection of the environment are discussed in the accompanying Facility Manual.

3.2 Endangered Species

A solid waste facility must not be constructed (or expanded) in a manner that causes or contributes to the taking of any endangered or threatened species or causes destruction or adverse modification of their critical habitat (360.8(b)). As noted in the project's EAF the proposed Facility is not located within any areas designated as potentially containing threatened or endangered species or their potential habitats. No summer habitats of the Indiana Bat are possible on the Facility due to the absence of mature trees on the property.

3.3 Wetlands

A solid waste facility must not be constructed (or expanded) within the boundary of either State or Federally-regulated wetlands, unless the required permits are obtained from the U.S. Army Corps of Engineers (USACE) and/or the Department (360.8(c)). As indicated on **Figure 2** there are no mapped NYSDEC-regulated wetlands or accompanying 500-foot check zone within the parcel boundaries. The nearest NYS wetland, as mapped on the NYS Environmental Resource mapper, is located over 4,000 to the northeast of the proposed Facility.

3.4 Co-Location With Remedial Program Sites

As indicated in the EAF (located in the accompanying EAF and SEQR Documents), the proposed Facility is not located at either an inactive hazardous waste site (360.16(h)(2)), an active remedial program site, or within 150 feet of the boundary of an active remedial program site (360.16(h)(1)). Therefore, there are no additional siting concerns or coordination with the Department required with regard to co-location with inactive hazardous waste or remedial program sites.

4. Solid Waste Management Plan Consistency

4.1 Service Area

Materials delivered to the transfer station are expected to be collected in Niagara and Erie Counties. Market conditions, material availability, contracts, and other economic factors will govern the specific limits of the service in those counties.

4.2 New York State Solid Waste Management Plan

Subparagraphs 360.16(c)(5)(i)&(ii) require a demonstration that the Facility is consistent with the State solid waste management policy identified in section 27-0106 of the Environmental Conservation Law (ECL). Section 27-0106 of the ECL established the following solid waste management priorities:

1. Reduce the amount of solid waste generated.
2. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
3. Recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled; and,
4. Dispose of solid waste that is not being reused, recycled, or from which energy is not being recovered, by land burial or other methods approved by the Department.

Thirty years after New York State first introduced the concept of a solid waste management hierarchy that prioritizes waste reduction, reuse, and recycling over disposal, landfills still manage the largest portion of the waste stream generated in the State. The Facility will serve to help efficiently and cost-effectively transport MSW & C&D generated in the service area to contemporary and fully permitted disposal facilities.

A focus of the update to the New York State Solid Waste Management Plan is to improve recycling rates. The proposed Facility will help widen the market for SSR while reducing transportation costs and efficiently transport recyclable material for processing, thereby addressing and satisfying the second priority of the solid waste management policy.

4.3 Local Solid Waste Management Plans

Table 4-1 lists the applicable planning units and the status of the LSWMPs in the service area.

Table 4-1: Planning units and LSWMP status as of September 2023

Planning Unit	LSWMP Status
Niagara County	Comments Issued
NEST	Approved through 12/31/29
NWC	Approved through 12/31/29
City of Buffalo	Approved through 12/31/28

5. Variances

The Facility's application for a NYSDEC Part 360 Solid Waste Management Facility does not require any variances from current Part 360 or 362 regulations. If needed in the future, variance applications may be submitted on forms prescribed by the Department and prepared in accordance with the provisions of Part 360.10. Situations that may result in the need for a variance include but are not limited to: changes in the design or operations of the Facility, changes in local requirements, or modifications/updates to the Department's regulations.

6. Construction Supervision and Certification

Construction of the Facility may only commence upon receiving all required approvals from the NYSDEC and the City. In accordance with Part 360.16(j), an individual licensed to practice engineering in the State of New York must both supervise and certify that all phases of construction were completed in accordance with the final Department-approved designs and issued permit.

7. Recordkeeping – Application Documents

In accordance with Part 360.19(k), complete copies of all documents listed below must be kept at the Facility (or other approved location) throughout the life of the Facility (including the post-closure care and custodial care periods):

- All Application documents (as included herein)
- Construction Certification documents
- Closure Certification documents (see Closure Plan, Section 7.0 of the Facility Manual)

Additional reporting and recordkeeping requirements specific to Facility operations are included as Section 5.0 of the Facility Manual.

8. Environmental Justice

8.1 CLCPA

As indicated on **Figure 5** the proposed Facility is located within a NYSDEC Disadvantaged Community (DAC). A CLCPA 7(3) analysis has been provided because the facility is considered by the NYSDEC as likely to affect a DAC. Additionally, the CLCPA 7(2) analysis has been provided to determine if permitting facility operations would be consistent with Statewide greenhouse gas (GHG) emission limits established by the CLCPA in Environmental Conservation Law (ECL) Article 75.

Based upon initial feedback provided by the NYSDEC in November 2023 from the pre-application meeting, an analysis of the project's compliance with the requirements of CLCPA (and CP-49) should include the following major components:

- Maps identifying the primary local truck delivery and return routes within one mile of the Facility. Associated calculation of the annual round-trip miles traveled per vehicle type on identified routes within the 1-mile radius.
- Identification and quantification of on-site sources of emissions (Facility vehicles and fossil fuel-powered equipment).
- Calculation of total annual GHG and co-pollutant emissions associated with both off-site (trucking) and on-site (equipment) sources.
- Evaluation of how the estimated GHG and co-pollutants may be reduced by an equal or greater amount within the DAC.

Based upon additional feedback provided by the NYSDEC in the April 22, 2024 NOIA letter, the CLCPA should also include the following major components:

- An analysis of Upstream emissions calculated in accordance with the 2023 NYS Statewide GHG Emissions Report.
- Projected future GHG and CO₂e emissions for the years 2030 and 205, including any proposed future emission reduction strategies.
- Discussion of technical and economic feasibility of any alternatives or GHG mitigation measures in accordance with DAR-21 Section (V)(C)(6).
- A Disproportionate Burden Analysis in accordance with Draft DEP Policy DEP-23-1 (V)(6)

8.2 Public Participation

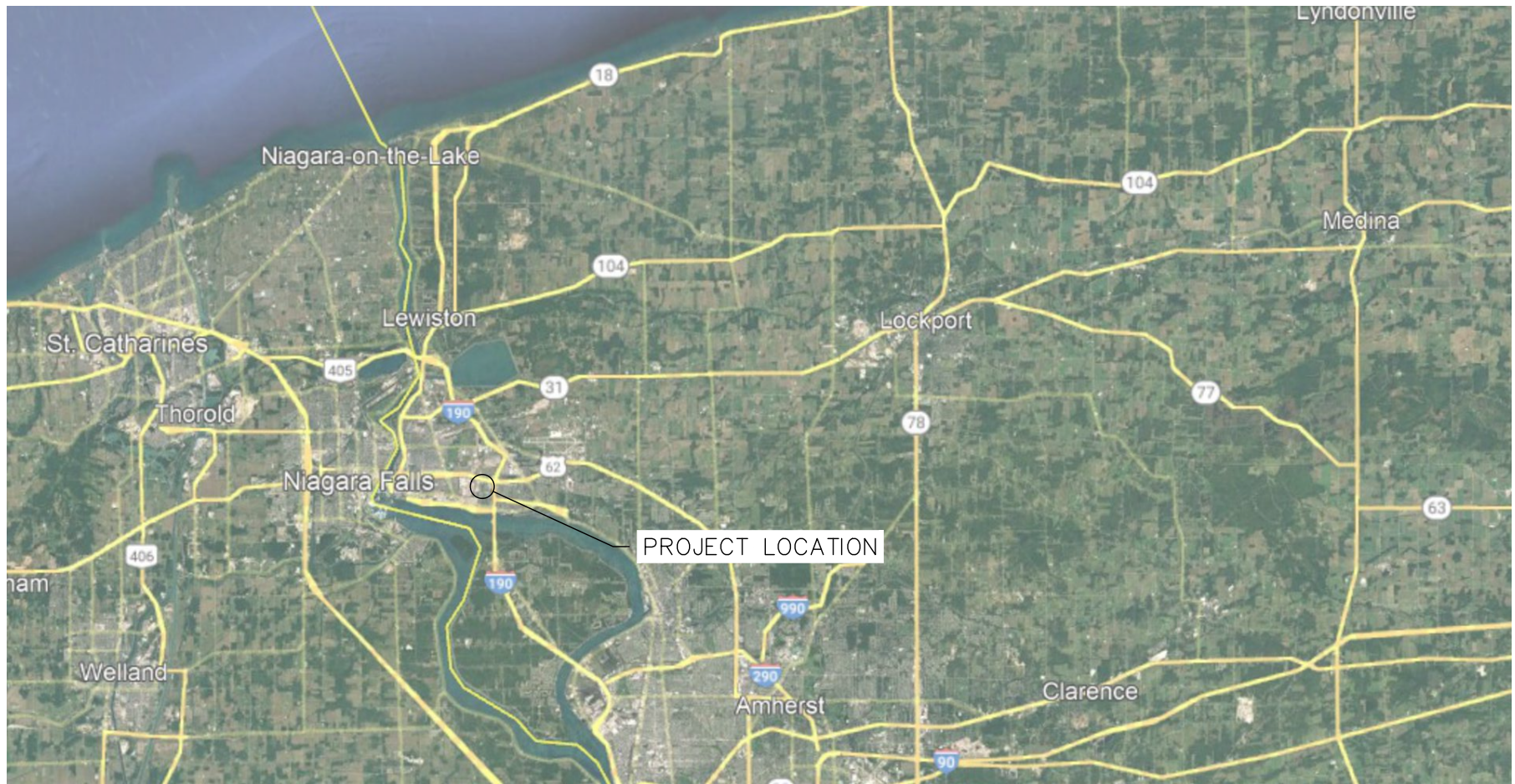
As indicated on **Figure 5** the proposed Facility is not located within a NYSDEC Potential Environmental Justice Area (PEJA). However, due to its location within a DAC and its proximity to an adjacent PEJA, the NYSDEC has requested (during the pre-application process) that an Enhanced Public Participation Plan (PPP) be prepared. The PPP shall be prepared in accordance with Commissioner Policy 29 (CP-29) which provides guidance for incorporating environmental justice concerns into the NYSDEC environmental permit review process and the DEC application of the State Environmental Quality Review (SEQR) Act. CP-29 requires applicants to actively seek public participation during the application review process through the PPP. The PPP identifies potential Stakeholders within the PEJA and establishes detailed procedures to ensure that such Stakeholders will be provided with opportunities to review all application documents and to comment on the same. All feedback received during this process will be documented in the PPP Interim and Final Progress Reports and will be considered during final design and permitting of the Facility.

Figures

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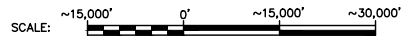
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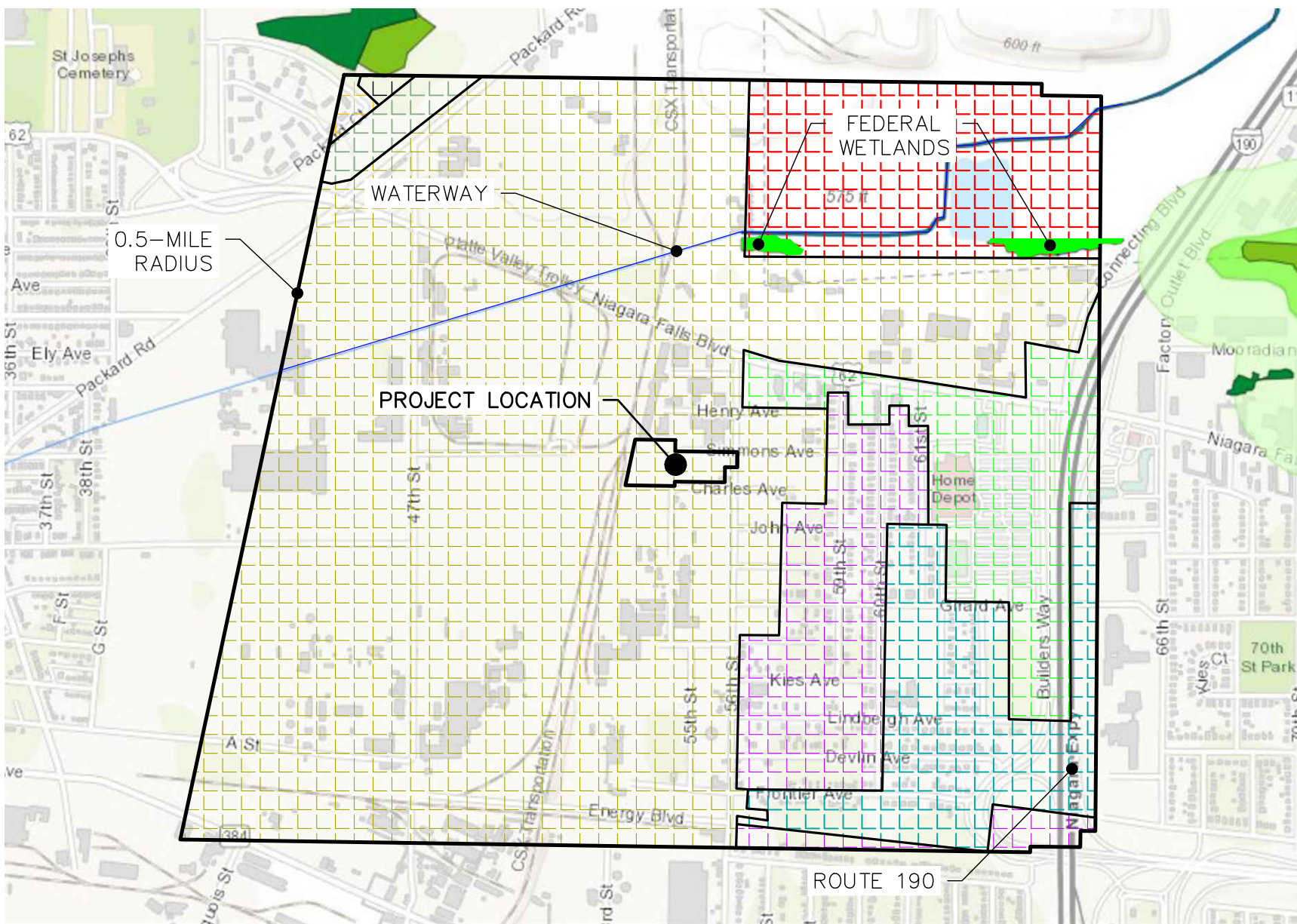


NOTES:

- 1. SOURCE: GOOGLE EARTH IMAGERY ACCESSED ON 9/13/23.











REGIONAL MAP		
56TH STREET TRANSFER STATION		
56TH STREET TRANSFER, LLC.		
 661 Main St. Niagara Falls, NY 14301 716.285.3920	CITY OF <u>NIAGARA FALLS</u>	FIGURE 1
	COUNTY OF <u>NIAGARA</u>	
	STATE OF <u>NEW YORK</u>	
	MAY 2024	
PN: 169-A0001		



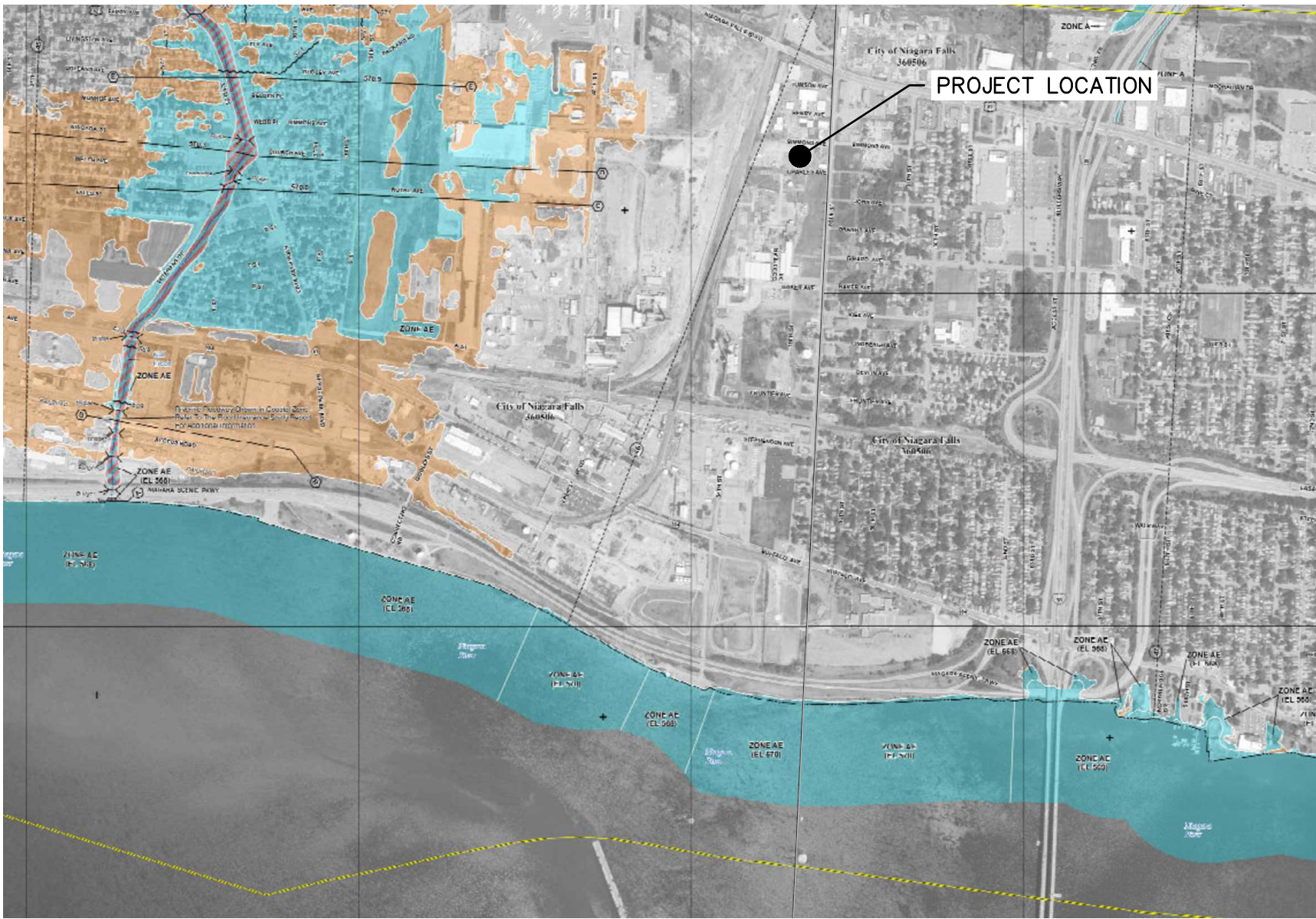
NOTES:

1. BASEMAP OBTAINED FROM NYSDEC'S ENVIRONMENTAL RESOURCE MAPPER

ZONING DISTRICTS:

	R3A – RESIDENTIAL: MULTI-FAMILY (City of Niagara Falls)		SW – SOLID WASTE (Town of Niagara)
	OS – OTHER: OPEN SPACE (City of Niagara Falls)		C3 – COMMERCIAL: GENERAL (City of Niagara Falls)
	I1 – OTHER: BUSINESS PARK (City of Niagara Falls)		R1C – RESIDENTIAL: DETACHED SINGLE (City of Niagara Falls)
	I2 – OTHER: INDUSTRIAL (City of Niagara Falls)		R1A – RESIDENTIAL: DETACHED SINGLE (City of Niagara Falls)

VICINITY MAP		FIGURE 2
56TH STREET TRANSFER STATION 56TH STREET TRANSFER, LLC		
 661 Main St. Niagara Falls, NY 14301 716.285.3920	CITY OF <u>NIAGARA FALLS</u> COUNTY OF <u>NIAGARA</u> STATE OF <u>NEW YORK</u>	
	MAY 2024 PN: 169-A0001	



NOTES:

1. BASEMAPS OBTAINED FROM FEMA'S NATIONAL FLOOD HAZARD LAYER FIRMETTE MAPPING APPLICATION
2. VIEW IS COMBINATION OF FIRM PANELS 0309 AND 0328.

LEGEND:

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A1, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Area of Undetermined Flood Hazard Zone D



FEMA FLOOD ZONE MAP

56TH STREET TRANSFER STATION

56TH STREET TRANSFER, LLC



661 Main St.
Niagara Falls, NY 14301
716.285.3920

CITY OF NIAGARA FALLS
COUNTY OF NIAGARA
STATE OF NEW YORK

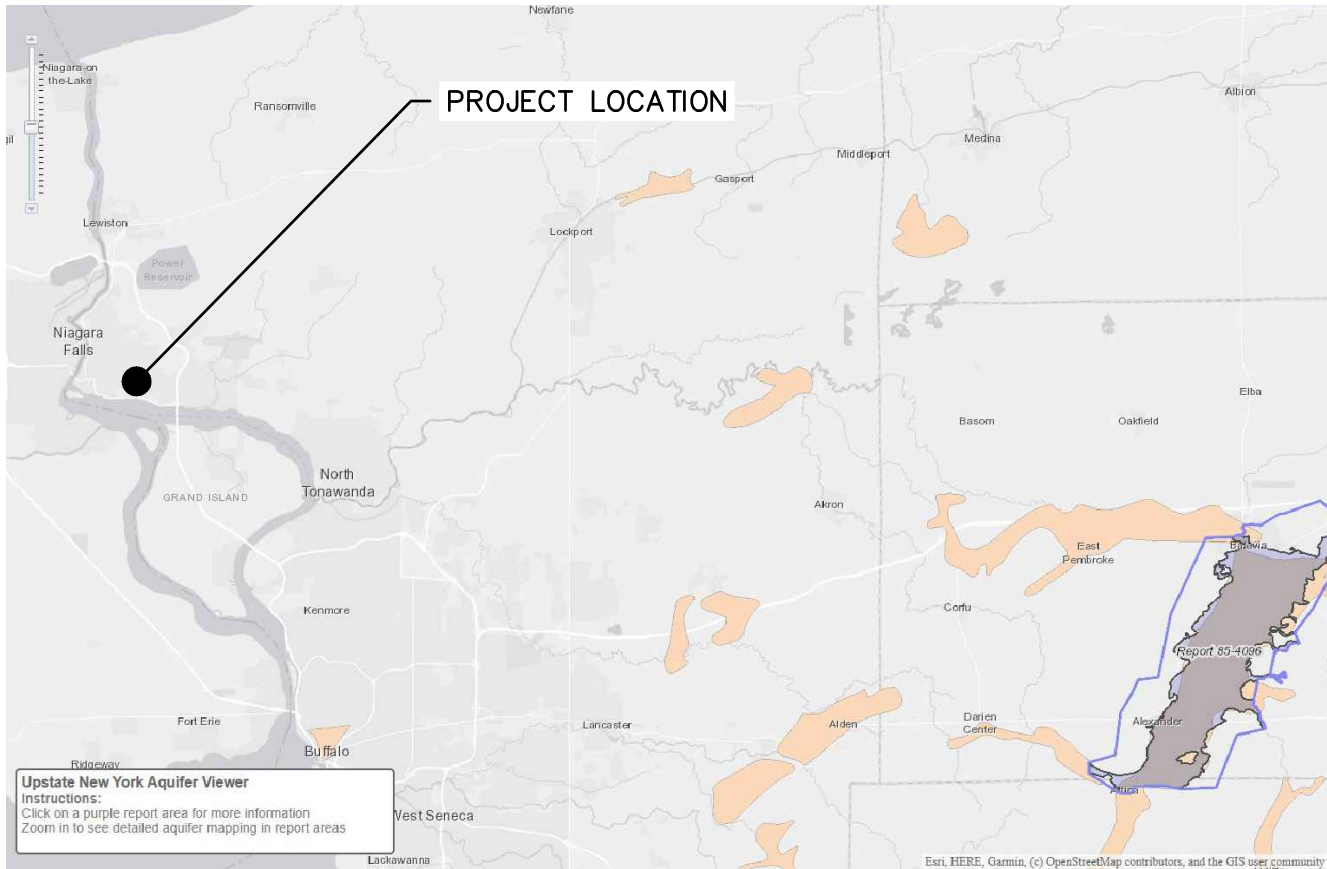
MAY 2024

PN: 169-A0001

FIGURE

3

Y:\56th Street Transfer, LLC\169-A0001_56th St Transfer\Drawings\ACAD\NYSDEC App. Dwg\F4 - Aquifer Map.dwg, 5/29/2024 9:14:00 AM




Upstate New York Aquifer Viewer
 Instructions:
 Click on a purple report area for more information
 Zoom in to see detailed aquifer mapping in report areas

NOTES:

1. BASEMAP OBTAINED FROM USGS'S UPSTATE NEW YORK AQUIFER VIEWER



AQUIFER MAP	
56TH STREET TRANSFER STATION	
56TH STREET TRANSFER, LLC	
 661 Main St. Niagara Falls, NY 14301 716.285.3920	CITY OF <u>NIAGARA FALLS</u>
	COUNTY OF <u>NIAGARA</u>
	STATE OF <u>NEW YORK</u>
	MAY 2024
PN: 169-A0001	
FIGURE 4	

DECinfo Locator

Search

Tools

DEC Information Layers

Environmental Quality Outdoor Activity

Permits and Registrations

Environmental Cleanup

Environmental Monitoring

Public Involvement

Check / Uncheck all Layer Information

Potential Environmental Justice Areas

Disadvantaged Communities (DAC)

OEJ Grants

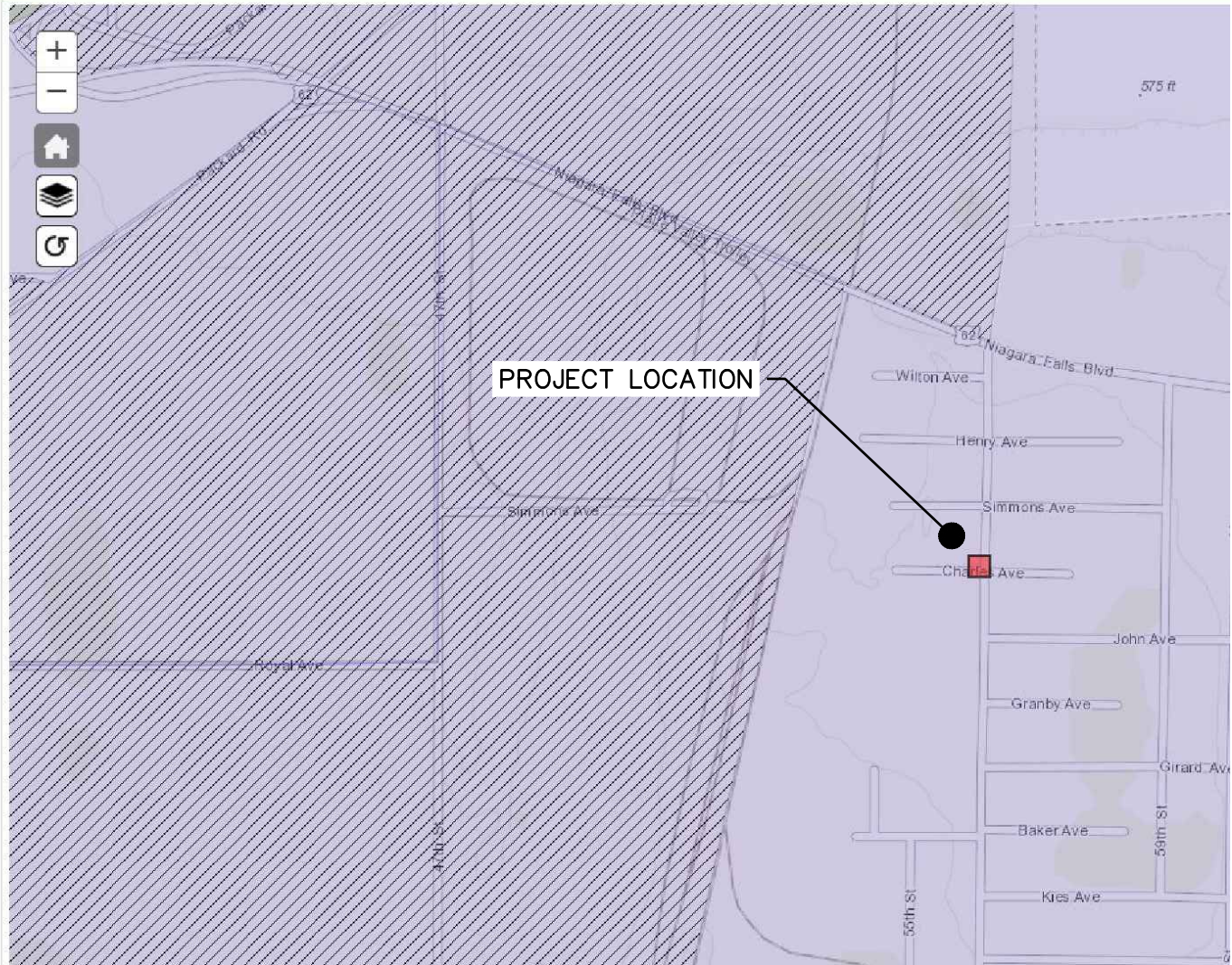
Environmental Excellence Awards Winners

Climate Smart Communities

Climate Smart Communities Grants

Zero-emission Vehicle Rebates

Zero-emission Vehicle Infrastructure Grants



NOTES:

1. BASEMAP OBTAINED FROM NYSDEC'S INFO LOCATOR



PEJA / DAC MAP		
56TH STREET TRANSFER STATION		
56TH STREET TRANSFER, LLC		
 661 Main St. Niagara Falls, NY 14301 716.285.3920	CITY OF <u>NIAGARA FALLS</u>	FIGURE 5
	COUNTY OF <u>NIAGARA</u>	
	STATE OF <u>NEW YORK</u>	
	MAY 2024	
PN: 169-A0001		

Drawings

EnSol, Inc.

ENGINEERING + ENVIRONMENTAL

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY.

NO.	REVISION	DATE
1		11/15/23
2		
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9		
10		

EnSol
 661 Main St.
 Niagara Falls, NY 14301
 716.285.3920



DAVID A. LENOX, P.E.
 NYSPE LICENSE NO. 093384

CLIENT:
56th STREET TRANSFER, LLC

SITE:
540 56th STREET

CITY OF NIAGARA FALLS
 COUNTY OF NIAGARA
 STATE OF NEW YORK

PROJECT:
**56th TRANSFER STATION
 SITE PLAN APPLICATION**

TITLE:
EXISTING CONDITIONS

ISSUE:
REVIEW

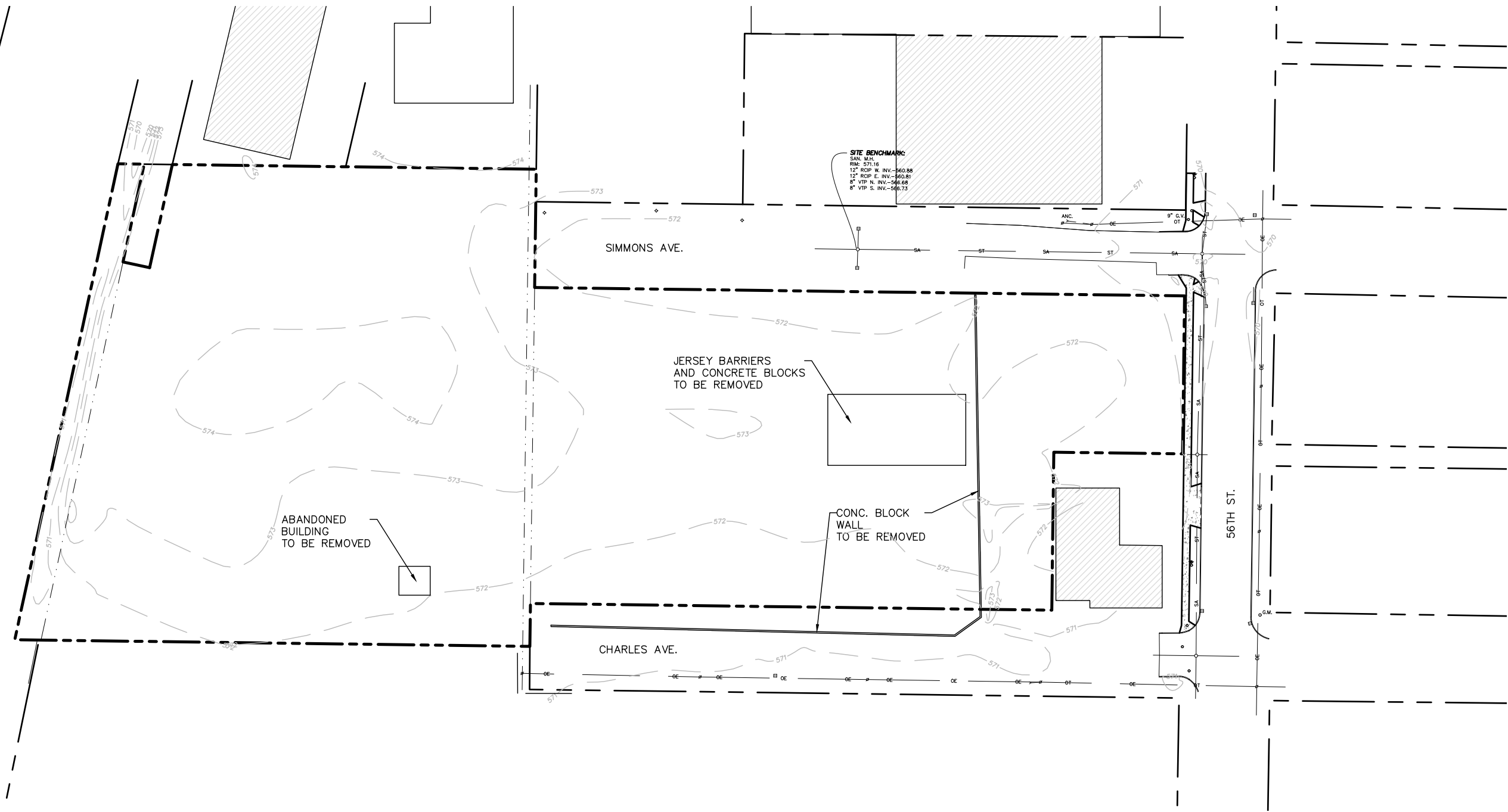
DES:	DRN:	CHK:
JMS	JMS	DAL

PROJECT NO: 169-A0001 DATE: MAY 2024

GRAPHIC SCALE: (1:960)
 0' 40' 80'


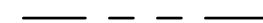


FILE:
 075-C0001 56th TS Application Dwg3 Rev3.dwg

REV NO:	SHEET NO:
1	2



- NOTES:**
- SUBJECT PROPERTY LINES AS SURVEYED BY APEX CONSULTING SURVEY & ENGINEERING SERVICES, P.C. OF LOCKPORT, NY (APEX) IN A DRAWING DATED 9/15/23 AND TITLED 171221 SUB-MAP. (SEPARATELY PROVIDED WITH APPLICATION)
 - SUBJECT PROPERTY PREVIOUSLY CONSISTED OF FOUR SEPARATE PROPERTIES (SBLs 160.10-1-1 THROUGH 160.10-1-4 WITH ADDRESSES ON EITHER CHARLES OR SIMMONS). PROPERTY AMALGAMATION TO COMBINE THESE PARCELS INTO ONE LOT AND RE-ASSIGN A 56TH STREET ADDRESS WAS COMPLETED WITH THE CITY OF NIAGARA FALLS AND WITH THE NIAGARA COUNTY CLERK'S OFFICE ON 10/27/23 VIA INSTRUMENT #M2023-00031.
 - ADJACENT PROPERTY LINES AS APPROXIMATED FROM THE NIAGARA COUNTY GIS DIGITAL TAX MAPS WEB APPLICATION.
 - EXISTING EASEMENTS, TOPOGRAPHY, UTILITIES, PAVEMENT, AND CONCRETE AS SURVEYED BY APEX IN A DRAWING DATED 9/26/23 AND TITLED 171221 TOPT-MAP. (SEPARATELY PROVIDED WITH APPLICATION)
 - THERE IS NO FORMAL STORMWATER MANAGEMENT SYSTEM CURRENTLY ONSITE AND CURRENT STORMWATER MANAGEMENT GENERALLY CONSISTS OF SHEET FLOW OVER THE CURRENT GRAVEL SURFACE TOWARDS EXISTING DRAINAGE STRUCTURES WITHIN SIMMONS AND CHARLES AVE.

LEGEND:

	SUBJECT PROPERTY LINES
	ADJACENT PROPERTY LINES
	EXISTING TOPOGRAPHIC CONTOUR (1-FOOT INTERVAL)
	EASEMENT BOUNDARY



Y:\56th Street Transfer LLC\169-A0001 56th St Transfer Drawings\ACAD\WSD\DEC App Dwg\075-C0001 56th TS Application Dwg3 Rev3.dwg, 6/3/2024 11:44:50 AM