

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

June 24, 2019

Thomas Biamonte  
Eagle Harbor Sand and Gravel, Inc.  
10830 Blair Road  
Medina, NY 14103

Re: Second Notice of Incomplete Application: DEC ID# 8-3422-00003/00001  
Eagle Harbor Sand and Gravel Pit (Mine ID #80171)  
Town of Barre, Orleans County

Dear Mr. Biamonte,

Your application for permit modification is incomplete. The following items need to be addressed for the Mined Land Use Plan:

1. An additional set of monitoring wells (one surficial and one bedrock) should be installed between the proposed quarry and the Parson residence located on Maple Street. This monitoring well pair must be installed prior to the pump test and included with the pump test data.
2. Aquifer Characteristics- A pumping test is required to determine the site-specific aquifer characteristics and the area of influence which will result from dewatering of the quarry.

\*A pump test will need to be performed on both the Surficial and Bedrock aquifers.

\*The test should last a minimum of 72 hours. During the 72-hour pump test, the pumping well should be pumped at the highest sustainable yield, without dewatering the well.

\*A centralized well will be used as the pump well, such as MW1s for the Surficial aquifer and MW1 for the Bedrock Aquifer at the Eagle Harbor location.

The boundary wells will be monitored, and ground water elevations recorded for MW2 and 2s, MW3 and 3s, MW4 and 4s, the additional well pair between the quarry and the Parsons residence. USGS well and the barn wells.

The suggested schedule for the monitoring wells are:

<b>Time After Pumping Started</b>	<b>Time Intervals</b>
0 to 15 minutes	1 minute
15 to 50 minutes	5 minutes
50 to 100 minutes	10 minutes
100 to 500 minutes	30 minutes
500 to 1000 minutes	1 hour
1000 to 5000 minutes	4 hours

3. Monitoring well plan- please provide a well monitoring plan, including frequency of well data collection ie monthly for 2 years and quarterly thereafter, unless it is determined that monitoring of the wells should be decreased or increased depending on data received during the initiation of the monitoring plan. Include that all well data will be provided yearly to DEC by January 30<sup>th</sup>.
4. Provide location for all storage of chemicals, including petroleum products.
5. Provide location where refueling of equipment will occur.
6. Provide a final slope (i.e. 3 on 1 slope) for the shoaling areas around the quarry at final reclamation. Will the shoaling allow for ingress and egress from the water?
7. Depict and label all slopes for the final reclamation cross-section, including shallow shoaling areas and the faces after pre-splitting/blasting/or scaling.
8. While it is understood that the anticipated pump-out rate for Phase 1 is approximately 32 gallons per minute, please provide the proposed pump capacity (in gpm) for this Phase of proposed operation.
9. In order to better understand the specific issues with the site and the surrounding wetlands, a site walkover is needed to understand area conditions by the Division of Environmental Permits and Bureau of Ecosystem Health (Wetlands) staff. At your convenience, please Robert Call at (585) 226-5396 to schedule the walkover.

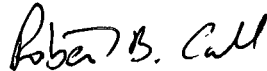
Please be advised that Department staff are continuing to review the application and may have additional comments upon the receipt of the requested information.

The project is classified as a Type 1 Action under the State Environmental Quality Review Act (SEQR) and must be reviewed pursuant to SEQR. Before we can consider your permit application complete, the Lead Agency must be designated and issue a "Negative Declaration", or issue a "Positive Declaration" and accept a Draft Environmental Impact Statement. The DEC will circulate copies of your permit application materials to all other involved agencies in the near future for the purpose of designating the Lead Agency. Therefore, please provide an electronic copy of the proposed addendum and the SEQR Environmental Assessment Form so we can distribute the entire application package to all involved agencies. We anticipate that DEC will be

designated as the Lead Agency under SEQR. Additional project information may be necessary to make a well-reasoned Determination of Significance under SEQR. This information will be requested once the Lead Agency designation is made.

When submitting the required additional information, please provide at least three (3) hard copies, one with original signatures and one (1) in electronic format on CD, using the enclosing resubmission slip. If you have any questions about this notice or prefer to discuss your response prior to resubmission, please contact me at (585) 226-5396 or [Robert.call@dec.ny.gov](mailto:Robert.call@dec.ny.gov).

Sincerely,

A handwritten signature in black ink that reads "Robert B. Call". The signature is written in a cursive style with a large initial 'R'.

Robert B. Call  
Environmental Analyst

cc: D. Sek – NYSDEC Minerals  
S. Jones – NYSDEC BEH  
B. Milliman - SMS

From email dated July 30, 2019, from Dan Sek, Mined Land Reclamation Specialist to Thomas Biamonte.

The following information must be provided for the Eagle Harbor Sand and Gravel permit modification:

**Mined Land Use Plan**

1. Eagle Harbor shall provide written consent from Mr. Decker, the landowner down-stream of the proposed quarry dewatering outflow, to access the farm property to re-engineer the culvert, and perform any required routine maintenance of the farm ditch. This approval/acknowledgement must be signed by the landowner's and submitted to DEC. Eagle Harbor shall commit to replacing the culvert prior to undertaking dewatering activities.
  
2. A pump test to supplement previously submitted application information will be required to provide an onsite assessment of hydrogeologic conditions, and verify drawdown with distance. A plan for the pump test shall be submitted to the Department for review, and shall include at a minimum:
  - A narrative discussion of the test to be performed
  - Duration of the test (72hr);
  - Pumping well information and location (pumped at highest sustainable rate)
  - Discharge location;
  - Number of monitoring wells, locations, and well information
  - Monitoring type/frequency
  - Potential wetland monitoring depending on test location

The pump test results shall be used to provide an assessment of draw down as measured in adjacent wells, and the hydraulic conductivity and transmissivity of the aquifer.

3. Eagle Harbor will provide one groundwater water quality test from the pump well which will test for the following: Pesticides, VOC's, Hydrocarbons, Organic chemicals, Metals or the applicant can test the water using the expanded parameters in Part 363-4.6(h) (formerly referenced as Part 360 expanded parameters).



September 3, 2019

Mr. Robert B. Call  
Environmental Analyst  
NYS Department of Environmental Conservation  
Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road  
Avon, New York 14414-9516

RE: Notice of Incomplete Application: DEC ID# 8-3422-00003/00001  
Eagle Harbor Sand and Gravel Pit (Mine ID #80171)  
Town of Barre, Orleans County

Dear Mr. Call:

The following are responses to comments raised by the NYSDEC in correspondence dated June 24, 2019 and July 30, 2019, regarding the Eagle Harbor Sand and Gravel, Inc. Mined Land Reclamation Permit Modification. Each of the comments are broken out and addressed individually below.

**Comments provided via email dated July 30<sup>th</sup>, 2019**

- 1. Eagle Harbor shall provide written consent from Mr. Decker, the landowner downstream of the proposed quarry dewatering outflow, to access the farm property to re-engineer the culvert, and perform any required routine maintenance of the farm ditch. This approval/acknowledgement must be signed by the landowner's and submitted to DEC. Eagle Harbor shall commit to replacing the culvert prior to undertaking dewatering activities.*

**Response:**

Copies of the written consent from Mr. Decker is enclosed as requested.

- 2. A pump test to supplement previously submitted application information will be required to provide an onsite assessment of hydrogeologic conditions, and verify drawdown with distance. A plan for the pump test shall be submitted to the Department for review, and shall include at a minimum:*

- *A narrative discussion of the test to be performed*
- *Duration of the test (72hr);*
- *Pumping well information and location (pumped at highest sustainable rate)*
- *Discharge location;*
- *Number of monitoring wells, locations, and well information*
- *Monitoring type/frequency*
- *Potential wetland monitoring depending on test location*

*The pump test results shall be used to provide an assessment of draw down as measured in adjacent wells, and the hydraulic conductivity and transmissivity of the aquifer.*

**Response:**

The pump test protocol is attached as requested. The pump test is scheduled for the second half of this month; the results of the test will be forwarded to the Department upon completion.

3. *Eagle Harbor will provide one groundwater water quality test from the pump well which will test for the following: Pesticides, VOC's, Hydrocarbons, Organic chemicals, Metals or the applicant can test the water using the expanded parameters in Part 363-4.6(h) (formally referenced as Part 360 expanded parameters).*

**Response:**

This request is included in the attached pump test protocol as requested.

**Comments provided by the Department in a letter dated June 24, 2019**

*An additional set of monitoring wells (one surficial and one bedrock) should be installed between the proposed quarry and the Parsons residence located on Maple Street. This monitoring well pair must be installed prior to the pump test and included with the pump test data.*

**Response:**

The Parsons residence well is proposed to be used as a pump test monitoring well. Please refer to the attached pump test protocol.

1. *Aquifer Characteristics- A pumping test is required to determine the site-specific aquifer characteristics and the area of influence which will result from dewatering of the quarry.*

- \* A pump test will need to be performed on both the Surficial and Bedrock Aquifers.
- \* The test should last a minimum of 72 hours. During the 72-hour pump test, the pumping well should be pumped at the highest sustainable yield, without dewatering the well.
- \* A centralized well will be used as the pump well, such as MW1s for the Surficial aquifer and MW1 for the Bedrock Aquifer at the Eagle Harbor location.

The boundary wells will be monitored, and ground water elevations recorded for MW2 and 2s, MW3 and 3s, MW4 and 4s, the additional well pair between the quarry and the Parsons residence. USGS well and the barn wells.

The suggested schedule for the monitoring wells are:

<i>Time After Pumping Started</i>	<i>Time Intervals</i>
<i>0 to 15 minutes</i>	<i>1 minute</i>
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<i>50 to 100 minutes</i>	<i>10 minutes</i>
<i>100 to 500 minutes</i>	<i>30 minutes</i>
<i>500 to 1000 minutes</i>	<i>1 hour</i>
<i>1000 to 5000 minutes</i>	<i>4 hours</i>

**Response:**

The pump test protocol is attached as requested.

2. *Monitoring well plan- please provide a well monitoring plan, including frequency of well data collection ie monthly for 2 years and quarterly thereafter, unless it is determined that monitoring of the wells should be decreased or increased depending on data received during the initiation of the monitoring plan. Include that all well data will be provided yearly to DEC by January 30<sup>th</sup>.*

**Response:**

All monitoring well and staff gauge locations depicted on the enclosed Pumping Test Monitoring Locations Map will be monitoring as follows:

<u>Timeframe</u>	<u>Frequency</u>
Initial quarry pumpout to 2 years from startup:	Monthly
+2 years from startup:	Quarterly

Well data will be provided annually to DEC on or before January 30<sup>th</sup>.

3. *Provide location for all storage of chemicals, including petroleum products.*

**Response:**

No changes to the current method of refueling or storage of chemicals is proposed as part of this modification. Refueling of equipment will continue to occur at the on-site 8,000-gallon fuel oil AST located southwest of the shop and other chemicals will continue to be stored at the shop.

4. *Provide location where refueling of equipment will occur.*

**Response:**

No changes to the current method of refueling is proposed as part of this modification. Refueling of equipment will continue to occur at the on-site 8,000-gallon fuel oil AST.

5. *Provide a final slope (i.e. 3 on 1 slope) for the shoaling areas around the quarry at final reclamation. Will the shoaling allow for ingress and egress from the water?*

**Response:**

The final slopes of the sand and gravel above the bedrock will be graded to a slope no steeper than one vertical on two horizontal and the final quarry faces will be vertical. Shoaling areas will be created over portions of the quarry and sand and gravel faces using excess unsaleable fines sand and silt. Within five feet of the ponds edge the shoaling areas will be graded to a slope no steeper than approximately one vertical on three horizontal five feet to allow ingress and egress from the water. The below water shoaling areas will be graded to no steeper than one vertical on three horizontal to a depth of six feet and to no steeper than one vertical on two horizontal below that. In addition, an access ramp to the quarry floor will remain as part of final reclamation to allow for water access as the quarry fills with water.

The anticipated extent of the shoaling areas as well as their slopes are depicted on the Reclamation Plan Map and Typical Cross-Sections.

6. *Depict and label all slopes for the final reclamation cross-sections, including shallow shoaling areas and the faces after pre-splitting/blasting/or scaling.*

**Response:**

The Typical Cross-Sections have been updated to depict all slopes as requested.



7. *While it is understood that the anticipated pump-out rate for Phase 1 is approximately 32 gallons per minute, please provide the proposed pump capacity (in gpm) for this Phase of proposed operation.*

**Response:**

Factoring in head loss, the proposed pump capacity during the initial phase will be approximately 409 GPM. The pump will have an automatic float activated switch and only operate intermittently, as needed. Actual pumpout rates will be calculated using the hour meter and manufacturer friction head loss flow estimates.

8. *In order to better understand the specific issues with the site and the surrounding wetlands, a site walkover is needed to understand area conditions by the Division of Environmental Permits and Bureau of Ecosystem Health (wetlands) staff. At your convenience, please Robert Call at (585) 226-5396 to schedule the walkover.*

**Response:**

This request has been completed.

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Please feel free to contact me with any questions or comments you may have.

Thank you,



Brian Milliman  
Consulting Geologist

enc

ecc Thomas Biamonte, Eagle Harbor Sand and Gravel, Inc.  
Kevin Brown, Esq., Brown, Duke & Fogel, P.C.



# Eagle Harbor

SAND & GRAVEL, INC.

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August 1, 2019

Mr. Tom Decker  
4626 Kams Road  
Albion, New York 14411

Re: Property Culvert

Dear Tom:

As we discussed on the telephone, Eagle Harbor Sand & Gravel, Inc. seeks permission to evaluate the proper size of the culvert pipe located on the north side of your property on Kams Rd in the Town of Barre (map attached).

Once the evaluation is complete, we will contact you with our findings and discuss the proper procedure in which to move forward with possibly replacing with a larger size culvert pipe.

If this is agreeable, please sign and return this letter in the self-address stamped envelope enclosed.

If you have any questions in regard to this letter or any other items you wish to discuss, please feel free to contact me at 585-798-4501. Thanks for your consideration.

Sincerely,

Thomas Biamonte  
Vice President

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Tom Decker

10830 Blair Road  
Medina, New York 14103  
voice 585-798-4501  
fax 585-798-1451

**Updated Pump Test Protocol Provided in DEIS Appendix 4**

**Updated Reclamation Plan Map and Typical Sections Provided  
in Appendix 3**