

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

April 14, 2023

Via US Mail and email

Thomas Biamonte
Shelby Crushed Stone Inc
10830 Blair Road
Medina, NY 14103

RE: Draft Environmental Impact Statement
Determination of Adequacy of the Draft EIS for Public Review
Eagle Harbor Sand and Gravel Pit (Mine ID #80171)
Application ID: DEC ID# 8-3422-00003/00001
Town of Barre, Orleans County

Dear Mr. Biamonte:

The New York State Department of Environmental Conservation; has reviewed the draft EIS (dEIS) sent on February 28, 2022, and has identified additional informational materials needed to be incorporated into the application and dEIS for a determination:

- 1) Please develop and provide a *Site Monitoring, Complaint Response and Mitigation Plan*. While a *Site Monitoring, Complaint Response and Mitigation Plan* in section 3.2.4.2.2 of the dEIS, it is referred to as a “Residential Well Supply Agreement”. The provisions of the final Plan that is incorporated into their Water Withdrawal (Non-Public) Permit will be largely identical, while the Residential Well Supply Agreement would be applicable within the potential groundwater drawdown zone identified in the Hydrogeologic Assessment. As the risks could extend beyond the predicted potential groundwater drawdown zone, the a *Site Monitoring, Complaint Response and Mitigation Plan* should be implemented within ½ mile of the LOM boundary. It is understood that this would capture several additional residences to the south, southeast, northeast, and north of the site.
- 2) The other major component of the *Site Monitoring, Complaint Response and Mitigation Plan* is the monitoring itself. Based on the figures from the dEIS (ex. Figure 13), there appears to be monitoring wells with good coverage around the perimeter of the site that are screened in the shallow sand and gravel aquifer. As part of the site monitoring plan, the Department will be looking for from the permittee is the installation of bedrock monitoring locations similarly situated around the perimeter of the site to monitor groundwater conditions in the deeper bedrock aquifer. These bedrock monitoring wells should be of sufficient depth to capture conditions at the “base of the aquifer” as determined by the Hydrogeologic Assessment. Building on the reclamation plan, it should identify the method of monitoring these locations and reporting groundwater data.

Information needed related to the Mined Land Use Plan (MLUP)

- 3) Residential Well Surveys were conducted 1000' from the quarry, but the impacts to the aquifers, both surficial and bedrock extend to 1900' for the Bedrock aquifer and 1950' for the surficial aquifer. Please submit Residential Well Surveys for all wells within the Hydro-study, which describes a cone of depression extending 1950' from the quarry.
- 4) Although public water is located along the perimeter roads of the quarry and most of the residence are on public water, one resident will be impacted who has chosen to not hook up to public water. Please address if Eagle Harbor will pay for hook ups to public water and who will pay the water bill and for what duration, if any residential well is impacted currently not on public water.
- 5) The berm along the Quarry boundary should be extended along the southern boundary of the mine for Noise, Dust and Visual controls. Please depict the extended berm on the Mining Plan Map.
- 6) Please address the Town of Barre concerns regarding the berms along Eagle Harbor and Maple streets. The Town has expressed a desire for trees and shrubs added along the top of the berm to control dust, noise and make the area aesthetically pleasing. Will Eagle Harbor plant trees and shrubs along the top of the berm and if so, please send a diagram of the proposed plantings to be added, spacing and a date when the proposed plantings will be in place.
- 7) In the unlikely event that the KN-9 wetland is impacted by dewatering, please describe what mitigation measures will be in place to maintain the integrity of the wetland such as, clean water diverted from the onsite ponds to the wetland. Include the monitoring and criteria which will be used to determine impacts to the wetland. Please also explain any mitigation measures for all area wetlands that could be impacted by dewatering or excess water from dewatering operations.

Please contact me at (585) 226-5396 (or email at Robert.call@dec.ny.gov) if you have any questions regarding to the information needed.

Sincerely,

Robert B. Call
Deputy Regional Permit Administrator

Cc: B. Milliman
D. Sek, NYSDEC - MLR (Ecc)
T. Haley, NYSDEC - Regional Permit Administrator (Ecc)
File



Brian Milliman 315.725.6259
brian@miningstrategy.com

strategic mining solutions

geologists & mining consultants
www.miningstrategy.com

May 25, 2023

Mr. Robert B. Call, Deputy Regional Permit Administrator
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 East Avon-Lima Road
Avon, New York 14414-9516

RE: Draft Environmental Impact Statement
Determination of Adequacy of the Draft EIS for Public Review
Eagle Harbor Sand and Gravel Pit (Mine ID #80171)
Application ID# 8-3422-00003/00001
Town of Barre, Orleans County

Dear Mr. Call:

The following are responses to comments raised by the New York State Department of Environmental Conservation (NYSDEC) in correspondence dated April 14, 2023 regarding the Eagle Harbor Sand and Gravel, Inc. (EHS&G) Draft Environmental Impact Statement. Each of the comments are broken out and addressed individually below.

NYSDEC Comment

1) Please develop and provide a *Site Monitoring, Complaint Response and Mitigation Plan*. While a *Site Monitoring, Complaint Response and Mitigation Plan* in section 3.2.4.2.2 of the dEIS, it is referred to as a “Residential Well Supply Agreement”. The provisions of the final Plan that is incorporated into their Water Withdrawal (Non-Public) Permit will be largely identical, while the Residential Well Supply Agreement would be applicable within the potential groundwater drawdown zone identified in the Hydrogeologic Assessment. As the risks could extend beyond the predicted potential groundwater drawdown zone, the a *Site Monitoring, Complaint Response and Mitigation Plan* should be implemented within ½ mile of the LOM boundary. It is understood that this would capture several additional residences to the south, southeast, northeast, and north of the site.

EHS&G Response

A *Site Monitoring, Complaint Response and Mitigation Plan* is enclosed. This plan has been incorporated into the DEIS as Appendix 5.

NYSDEC Comment

2) The other major component of the *Site Monitoring, Complaint Response and Mitigation Plan* is the monitoring itself. Based on the figures from the dEIS (ex. Figure 13), there appears to be monitoring wells with good coverage around the perimeter of the site that are screened in the shallow sand and gravel aquifer. As part of the site monitoring plan, the Department will be looking for from the permittee is the installation of bedrock monitoring locations similarly situated around the perimeter of the site to monitor groundwater conditions in the deeper bedrock aquifer. These bedrock monitoring wells should be of sufficient depth to capture conditions at the “base of the aquifer” as determined by the Hydrogeologic Assessment. Building on the reclamation plan, it should identify the method of monitoring these locations and reporting groundwater data.

EHS&G Response

The proposed sand and gravel aquifer and bedrock monitoring well locations, monitoring methodology and reporting of data are included in the *Site Monitoring, Complaint Response and Mitigation Plan*.

NYSDEC Comment

3) Residential Well Surveys were conducted 1000’ from the quarry, but the impacts to the aquifers, both surficial and bedrock extend to 1900’ for the Bedrock aquifer and 1950’ for the surficial aquifer. Please submit Residential Well Surveys for all wells within the Hydro-study, which describes a cone of depression extending 1950’ from the quarry.

EHS&G Response

Residential Well Surveys were conducted on all wells within the defined potential impact area, which extends up to 1950’ from the quarry. DEIS Figure 19 has been updated to correctly show the extent of residential well surveys that have already been conducted. Copies of the updated DEIS figure are enclosed.

NYSDEC Comment

4) Although public water is located along the perimeter roads of the quarry and most of the residence are on public water, one resident will be impacted who has chosen to not hook up to public water. Please address if Eagle Harbor will pay for hook ups to public water and who will pay the water bill and for what duration, if any residential well is impacted currently not on public water.

EHS&G Response

The requested information has been included in the *Site Monitoring, Complaint Response and Mitigation Plan*.

NYSDEC Comment

5) The berm along the Quarry boundary should be extended along the southern boundary of the mine for Noise, Dust and Visual controls. Please depict the extended berm on the Mining Plan Map.

EHS&G Response

The berm has been extended on the Mining Plan Map as requested. Updated copies of the map are enclosed for your review.

NYSDEC Comment

6) Please address the Town of Barre concerns regarding the berms along Eagle Harbor and Maple streets. The Town has expressed a desire for trees and shrubs added along the top of the berm to control dust, noise and make the area aesthetically pleasing. Will Eagle Harbor plant trees and shrubs along the top of the berm and if so, please send a diagram of the proposed plantings to be added, spacing and a date when the proposed plantings will be in place.

EHS&G Response

EHS&G proposes to plant a mixture of locust and poplar trees along the top of the newly constructed berms located along Eagle harbor and Maple Streets. The trees will be planted in a staggered double row with the trees spaced approximately 10 feet apart.

NYSDEC Comment

7) In the unlikely event that the KN-9 wetland is impacted by dewatering, please describe what mitigation measures will be in place to maintain the integrity of the wetland such as, clean water diverted from the onsite ponds to the wetland. Include the monitoring and criteria which will be used to determine impacts to the wetland. Please also explain any mitigation measures for all area wetlands that could be impacted by dewatering or excess water from dewatering operations.

EHS&G Response

EHS&G has collected over three years of water level data from WP-1 within wetland KN-9. This data will serve as an excellent baseline to compare future water levels for impact determination. EHS&G is proposing to collect water levels on a quarterly basis and provide the data to NYSDEC on an annual basis. Additional detail regarding water level monitoring

locations, methodologies and reporting is included in the enclosed Site Monitoring, Complaint Response and Mitigation Plan.

If directed to by the NYSDEC, EHS&G has the ability to divert clean water from the onsite ponds to the wetland to maintain the integrity of the wetland. During flooding situations, the onsite sediment basin will have a weir/check-dam system in place so that water can be retained for a while if necessary. EHS&G can also divert some water from quarry discharge to the onsite freshwater ponds until the flood stage returns to normal.

The following revised DEIS pages are included:

DEIS Revision date page

DEIS List of Appendices page

DEIS Sections 3.2.4.2.1 and 3.2.4.2.2 (pages 17-18)

DEIS Section 4.2.2.2.1 (pages 52-53)

DEIS Section 4.2.2.3 (pages 55-56)

DEIS Figure 19 (page 126)

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

Thank you,

Brian Milliman
Strategic Mining Solutions

enc

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

- 1. The Current Site Monitoring, Complaint Response and Mitigation Plan is Located in Appendix 5**
- 2. The Updated Mining Plan Map is Located Within the Mined Land-Use Plan Located in Appendix 3**