

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
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www.dec.ny.gov

December 10, 2019

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

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. Biamonte,

Thank you for the discussion on November 20, 2019 regarding the preliminary pump test results at the Eagle Harbor mine. To follow-up on the discussion, the Department has the following additional comments related to the pump test required in the June 24, 2019 Notice of Incomplete Application:

- Pump Test Protocol revised November 19, 2019 needs to be submitted as a non-draft, and include on page 3 (under section Revised Well Testing Plan) that the pump well changed from PW-1 to PW-1A. Additionally, provide the frequency of Water Quality Monitoring of the discharge water on page 4, under section Water Quality Monitoring.
- To provide a fuller understanding of whether quarry dewatering will affect wetland hydrology, staff recommends the installation of a 2" overburden monitoring well within the LOM but outside any of the actual proposed mining operation (between the quarry and wetland). In addition to being used for the pump test, it is also thought that such a well could be used as a sentinel point between the proposed operations and the regulated freshwater wetland.
- Staff recommends an inquiry to your pump supplier to see if a higher capacity pump may be available to better drawdown the bedrock aquifer.
- To better review the results of a pump test, a figure accurately showing well locations and impacted ponds should be included.
- If possible, the discharge point for the pump test should be outside of the area of influence, such as to the ponds/ditches near the processing plant.
- Our Bureau of Ecosystem Health has provided the attached soils and stream maps to distinguish the streams and headwaters wetlands we discussed.
- Based on the preliminary pump test results, a Water Withdrawal permit application is anticipated to be required. Information on this permitting program and the requirements can be found at: <https://www.dec.ny.gov/lands/55509.html>. Please submit a water withdrawal application once the pump test is complete.

The application will remain incomplete as 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.

SEQR Lead Agency

As indicated during the meeting, the Department sent out a SEQR coordination letter to the local municipality on November 22th. 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 the Department 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. 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 would be requested once the Lead Agency designation is made. In anticipation of taking the SEQR lead, the Department has reached out to the FAA regarding any potential concerns related to the nearby airport.

Noise Comments

As mentioned during the meeting and in anticipation to assuming the role as SEQR lead agency, the Department has reviewed the Noise Impact Assessment provided with the application. We anticipate the following noise-related comments, however, a response is not needed until lead agency role is established.

- Section 3.1.1 - The receptors listed do not appear to match the locations identified in Site Plan Map For Noise Impact Assessment. Please correct the map.
- Section 3.1.3 - Please detail what the background noise sound level is anticipated for this area. Sound level measurements will likely be required to establish true background.
- Section 3.2.1 - The noise study provided identifies these values as the "permitted sound level" rather than a calculated current sound levels. The current permit specifically does not authorize specific levels, but rather indicates that a particular operation meets noises standards and guidance.
- Section 3.2.2 - The "permitted sound level" at R2 as 68.7 dB(A) appears elevated when compared to a typical rural background of 45 dB(A). Please detail if this 68.7 dB(A) sound level would typically occur at this receptor and accurately represents the permitted mining operation. It should also be indicated if background includes the currently permitted mine noise.
- Section 3.3.2 - As "existing sand and gravel mining equipment will be used to mine sand and gravel as well as crushed stone", it is unclear why mining noise (M1-5) is not included in this calculation. Please explain or revise the analysis must include a worst case analysis.
- Section 4.0 - For R2, you are finding that the addition of mining of consolidated materials (with a Rock Drill and Portable Crushing Plant) at the site would result in a decrease of 9.4 dB(A). It is noted that primary sources of noise (which is from the processing plant (P) and mining (M)) is going to remain in operation. Please explain why there is a projected decrease of sound levels at R2.

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.

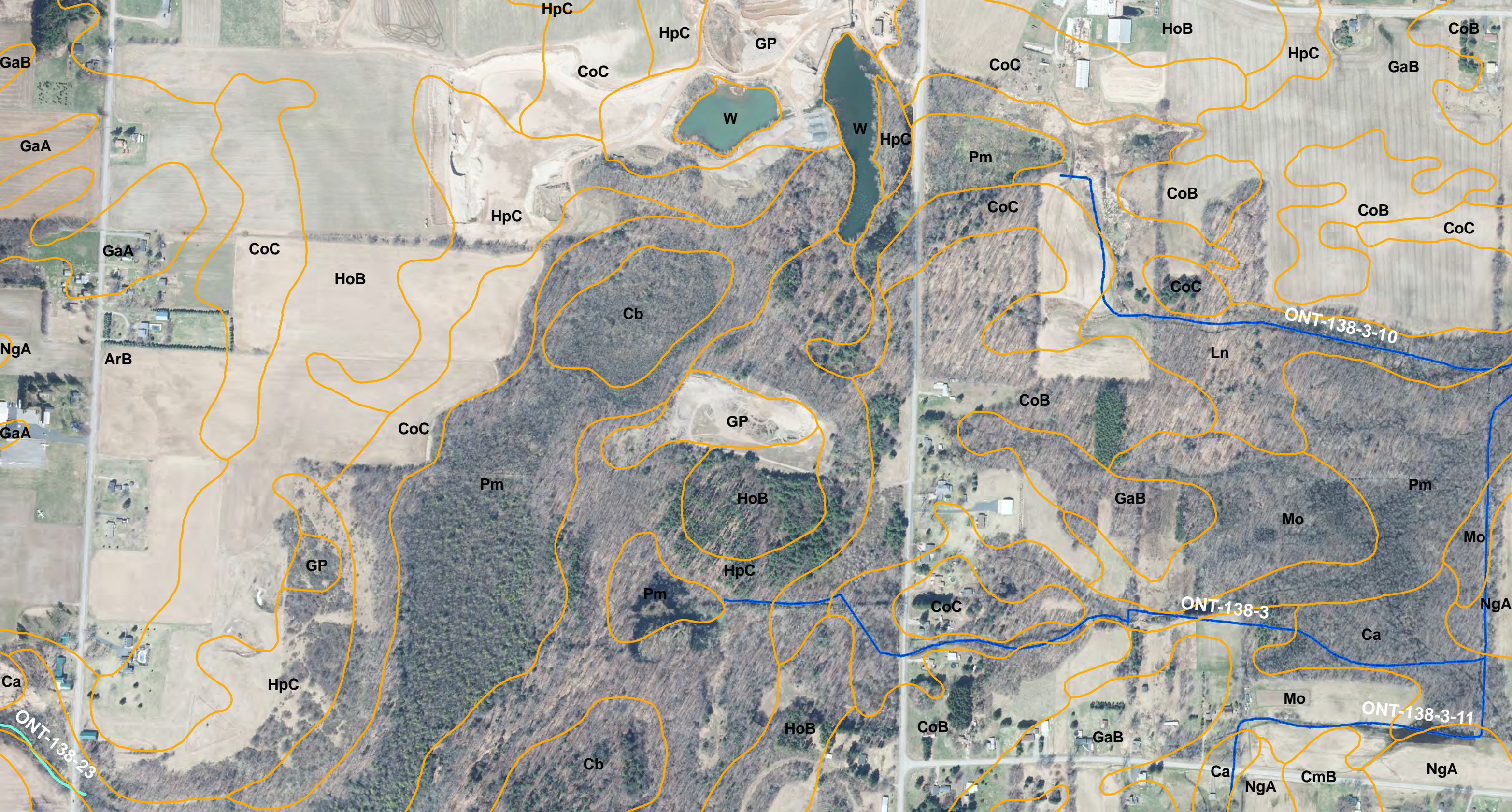
Sincerely,

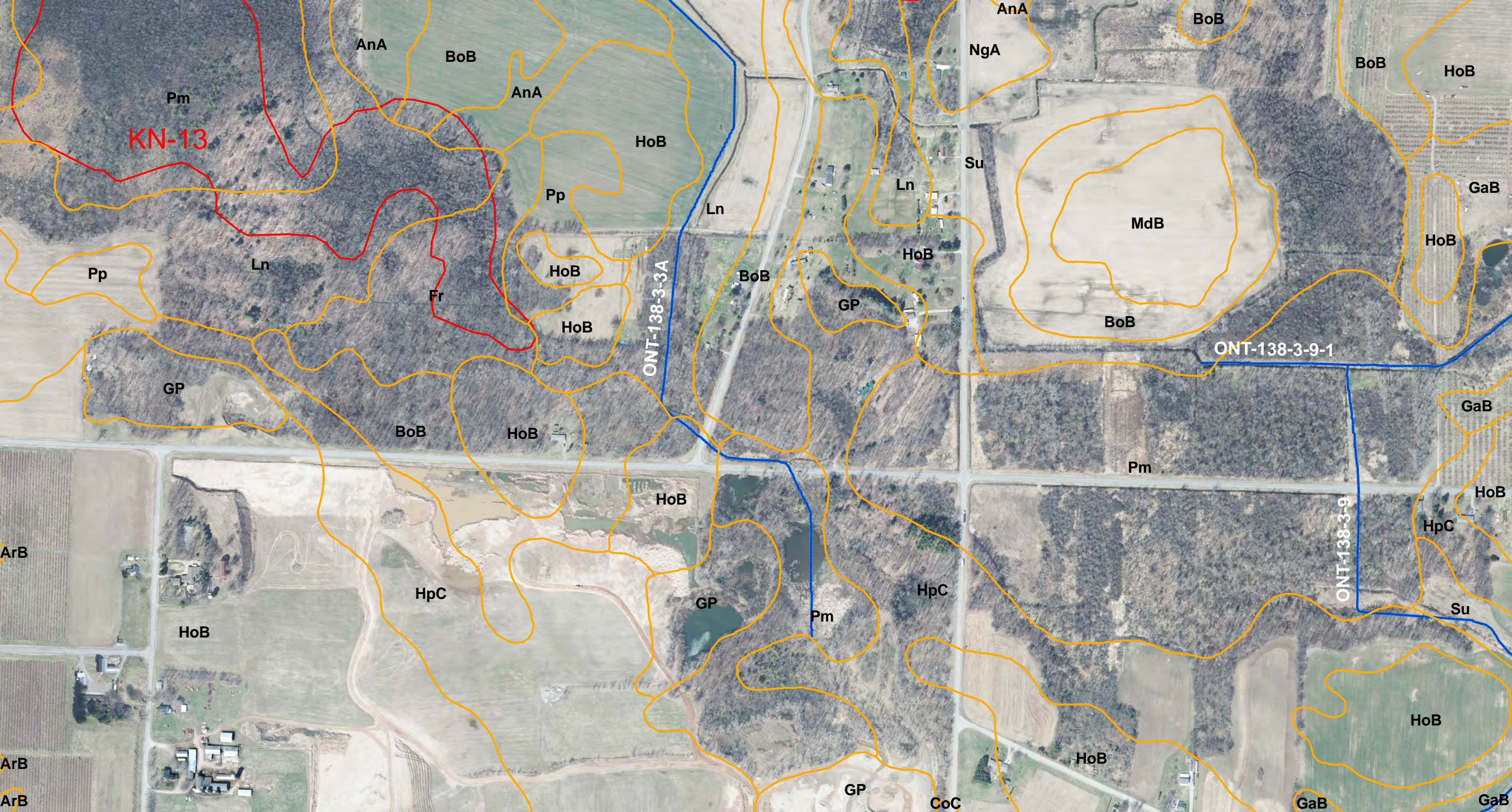


Robert B. Call
Environmental Analyst

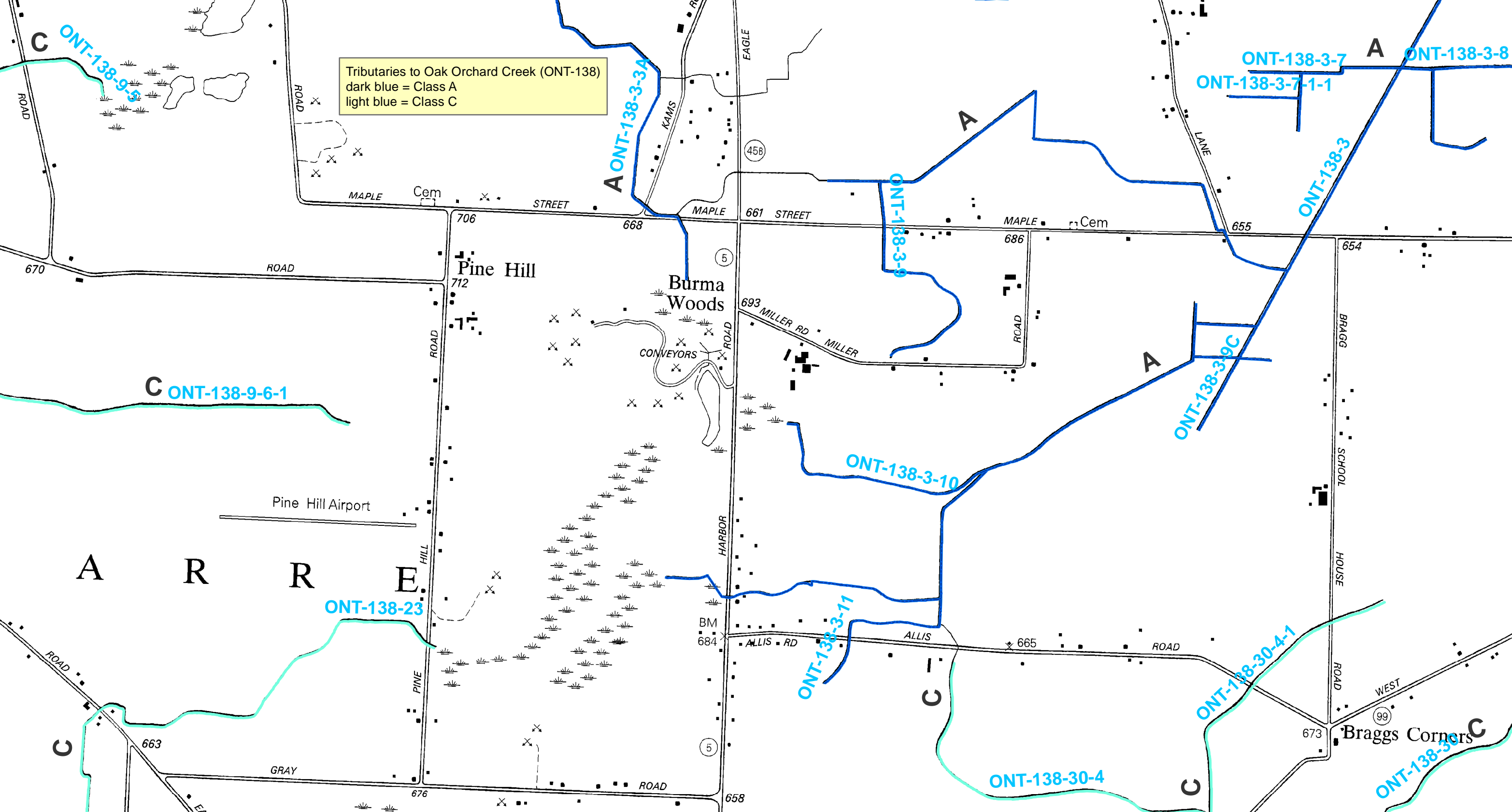
cc: D. Sek – NYSDEC Minerals
S. Jones – NYSDEC BEH
B. Milliman – SMS

Attachments (BEH Figures)





Tributaries to Oak Orchard Creek (ONT-138)
dark blue = Class A
light blue = Class C





September 22, 2020

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 December 10, 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.

Pump Test Comments:

- Pump Test Protocol revised November 19, 2019 needs to be submitted as a non-draft, and include on page 3 (under section Revised Well Testing Plan) that the pump well changed from PW-1 to PW-1A. Additionally, provide the frequency of Water Quality Monitoring of the discharge water on page 4, under section Water Quality Monitoring.

Response:

The requested changes have been made on the enclosed documents.

- To provide a fuller understanding of whether quarry dewatering will affect wetland hydrology, staff recommends the installation of a 2" overburden monitoring well within the LOM but outside any of the actual proposed mining operation (between the quarry and wetland). In addition to being used for the pump test, it is also thought that such a well could be used as a sentinel point between the proposed operations and the regulated freshwater wetland.

Response:

A shallow 2" overburden monitoring well (MW-5S) was installed on December 19, 2019 in response to comments from the NYSDEC. Well MW-5S is located between the pumping well and the southeastern wetland.

- Staff recommends an inquiry to your pump supplier to see if a higher capacity pump may be available to better drawdown the bedrock aquifer.

Response:

Eagle Harbor, after discussions with its pump vendor, obtained the highest capacity submersible pump that will fit within the 8-inch diameter, bedrock well, PW-1A. PW-1A was drilled and installed after the installation of well PW-1, which is a 6-inch diameter, bedrock well. The well construction logs for both wells are included in Appendix B, and the data are summarized in Table 1. The pump in PW-1A was theoretically capable of achieving 350-400 gpm; however, the actual maximum yield of the pump depends upon the amount of head above the pump and the resistance caused by the discharge hose/piping.

- To better review the results of a pump test, a figure accurately showing well locations and impacted ponds should be included.

Response:

The figures have been updated as requested.

- If possible, the discharge point for the pump test should be outside of the area of influence, such as to the ponds/ditches near the processing plant.

Response:

The 3-in diameter PVC pipe coming up the well from the pump was connected to 60 feet of 4-in diameter, PVC pipe at the well head. The PVC pipe was connected to 270 feet of 4-in collapsible (Lay Flat) hose, which was connected to 200 feet of 6-in diameter collapsible hose. The collapsible hose was directed to a ditch to convey the discharge water northward and further away from the pumping well. The discharge water flowed along the ditch and through two corrugated plastic culverts to an outfall approximately 1500 feet north-northeast of the pumping well. The discharge water entered the surface water features of the northeast portion of the site and ultimately left the site via the culvert beneath Maple Street.

- Our Bureau of Ecosystem Health has provided the attached soils and stream maps to distinguish the streams and headwaters wetlands we discussed.

Response:

The requested features were factored into the revised assessment.

- Based on the preliminary pump test results, a Water Withdrawal permit application is anticipated to be required. Information on this permitting program and the requirements can be found at: <https://www.dec.ny.gov/lands/55509.html>. Please submit a water withdrawal application once the pump test is complete.

Response:

A water withdrawal application is included with this submission as requested.

Noise Comments:

- Section 3.1.1 - The receptors listed do not appear to match the locations identified in Site Plan Map For Noise Impact Assessment. Please correct the map.

Response:

The descriptions of the receptors have been corrected so that the map and assessment match.

- Section 3.1.3 - Please detail what the background noise sound level is anticipated for this area. Sound level measurements will likely be required to establish true background.

Response:

Background sound levels (1-hour Leq) were measured at the two locations indicated on the Site Plan Map. The background sound levels are 43.7dBA at Location A and 46.2 dBA at Location B. These sound levels were not added to the modeled sound levels to be conservative. For example, in a hypothetical scenario, a background sound level of 55 dBA is added to a permitted sound level of 60 dBA and a proposed sound level of 66.5 dBA. The calculated sound levels under the current mining permit would be increased by 1.2 dBA to 61.2 dBA and the calculated sound levels of the proposed quarry would be

increased by only 0.3 dBA to 66.8 dBA (a difference of 5.6 dBA vs. 6.5 dBA between current and proposed calculations).

- Section 3.2.1 - The noise study provided identifies these values as the “permitted sound level” rather than a calculated current sound levels. The current permit specifically does not authorize specific levels, but rather indicates that a particular operation meets noises standards and guidance.

Response:

The terminology in the Noise Impact Assessment has been revised as requested.

- Section 3.2.2 - The “permitted sound level” at R2 as 68.7 dB(A) appears elevated when compared to a typical rural background of 45 dB(A). Please detail if this 68.7 dB(A) sound level would typically occur at this receptor and accurately represents the permitted mining operation. It should also be indicated if background includes the currently permitted mine noise.

Response:

The Noise Impact Assessment compared the maximum potential, or worst-case, sound levels that would be expected under the current and proposed mining scenarios for comparison/assessment purposes. Actual mining noise will be less than projected for the following reasons:

1. Berms and stockpiles were not used in the barrier calculations;
2. Only the loudest directional sound level readings for each piece of equipment was used in the calculations in an effort to be conservative;
3. All equipment for each scenario was modeled operating at the same time at the closest potential operating distance to be conservative;
4. Background sound level measurements were not added to the modeled sound levels to be conservative. For example, in a hypothetical scenario, a background sound level of 55 dBA is added to a current sound level of 60 dBA and a proposed sound level of 66.5 dBA. The current sound level would be increased by 1.2 dBA to 61.2 dBA and the proposed sound level would be increased by only 0.3 dBA to 66.8 dBA (a difference of 5.6 dBA vs. 6.5 dBA between current and proposed);
5. The Noise Impact Assessment did not factor in attenuation from vegetation;
6. The Noise Impact Assessment did not factor in atmospheric attenuation and
7. The Noise Impact Assessment assumed all surfaces were acoustically hard and no ground attenuation was used.

- Section 3.3.2 - As "existing sand and gravel mining equipment will be used to mine sand and gravel as well as crushed stone", it is unclear why mining noise (M1-5) is not included in this calculation. Please explain or revise the analysis must include a worst case analysis.

Response:

The existing sand and gravel mining equipment (loader, excavator and haul truck) will be used to mine sand and gravel overlying the stone as well as crushed stone.

- Section 4.0 - For R2, you are finding that the addition of mining of consolidated materials (with a Rock Drill and Portable Crushing Plant) at the site would result in a decrease of 9.4 dB(A). It is noted that primary sources of noise (which is from the processing plant (P) and mining (M)) is going to remain in operation. Please explain why there is a projected decrease of sound levels at R2.

Response:

The projected decrease is due in part to the increased distance attenuation from the quarry mining area setbacks.

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.

Updated Pump Test Protocol Provided in DEIS Appendix 4

Pump Test Evaluation Provided in DEIS Appendix 4

Water Withdrawal Application Provided in DEIS Appendix 4

Noise Impact Assessment Provided in DEIS Appendix 9