



# Seneca Lake **PURE WATERS** Association

**New York State Department of Environmental Conservation, Region 8**

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**Re: Its Greener Now Inc./Padua Ridge Gravel Mine - Proposed Expansion**

**DEC ID# 8-4424-00006/00001**

February 23, 2024

To: NYSDEC and Other Involved Governments and Agencies

*Seneca Lake **Pure Waters** Association* is our community lake organization dedicated to the mission to *Preserve, Protect, and Promote* Seneca Lake water quality for all who have the privilege of knowing it. Our purpose of this letter is to convey comments related to the proposed expansion of the Padua Ridge Sand and Gravel Mine as defined in the Draft EIS that has been made available and accepted by the Lead Agency on January 10, 2024.

During the recent Public Hearings held on February 12 and 13, 2024, the public has made known its concerns of truck traffic, noise and visual impacts related to the proposed significant expansion of this facility. As good stewards we echo these concerns and ask that the Department, the Town of Dix, and other permitting agencies carefully consider these comments and carefully examine all environmental impact issues to appropriately protect our lake and community. **Additionally, our letter cites reasons why the comment period needs to be extended past the currently established deadline of February 28, 2024.**

In reviewing the DEIS in the time allotted, we raise comments regarding two topics: **operations rate** and **water quality protection**. These comments appear below:

## Gravel Pit Rate of Operation and Size of Expansion

We acknowledge the benefit that the gravel pit provides to the community in terms of economic impact and the production of products for use in concrete, asphalt, and for general use. However, the DEIS finding of no significant impact is based on some statements which are difficult for Pure Waters and the public to validate:

- Operations Rate: It is implied in the DEIS that the owner plans to continue operations at the current capacity of the plant, being limited by the **processing and mobile equipment** in operation on site. Simultaneously, the document indicates that the demand for construction aggregates is expected to **grow steadily**. These two statements appear to conflict with each other. Community concerns stem from the potential for the operator to procure additional processing and mobile equipment and thereby increase mine production, increasing traffic and noise, and creating other environmental impacts.

*Pure Waters believes that the DEIS finding of “no significant impact” would not be valid for an increase-in-capacity operation. Any increase in operation rate has not been shown in the DEIS to have no significant impact, and a restriction on increase in future capacity should be stated as the intent of this permit application. This includes explicitly restricting the facility operations to its current plant, including stating that this DEIS does not allow for the construction of future processing and mobile operations on site.*

- Size of Planned Expansion: Pure Waters acknowledges that the cost and time to prepare a DEIS is significant, and the owner may find it in their best interest to apply for a full permit covering a 60.95+ acre expansion of a facility operating under an approximately 14.33-acre Life-of-Mine (LOM) Affected Area at this time. However, and related to the point made directly above, it is difficult to conclude that, once permitted, the expected increase in market demand would not result in the consideration to increase the rate of supply of the facility given its size. A reasonable person can infer that since the new permitted area will be four times greater than that approved today that the potential for a significant increase in capacity is possible and enticing.

*If there are no planned increase-in-capacity operations, then a 60-acre site is not needed to maintain plant production. Therefore, Pure Waters requests that DEC consider a phased permit, under the presumption that all environmental impacts can be mitigated. Pure Waters suggests the Department restrict any permit to some reasonable limit such as 1/4 of the entire LOM (approximately 15 acres, similar in size to what is permitted today). Permitted sub-areas could be aligned with drainage sub-areas as defined in the Drainage Report. If the owner continues to operate at its current capacity in accordance with permit conditions, DEC can amend the permit at a future date to allow an additional 15 acres mining operations per request.*

#### Water Quality Protection:

In reference to the following statements in the DEIS, page 3:

*“The excavation of unconsolidated sand and gravel above the groundwater table poses no impact to groundwater resources or adjacent groundwater wells. IGN will implement the procedures outlined in the SWPPP developed for the site to ensure stormwater is effectively managed. This should prevent site runoff and run-on from adjacent properties and maintain high quality waters within the mine site and its vicinity at both the surface and ground level.”*

We respond with the following comments:

The SWPPP Appendix A Drainage Report appears to indicate that the drainage design accommodates a 10-year storm event. Recent severe events in the area have shown that exceedance of this event is more likely than ever. As this site is upland from the lower Village and Seneca lake and is subject to soil disturbance as a nature of its business, Pure Waters requests that the stormwater pond system be constructed to retain a 50-year storm event.

*We note that the Schuyler County Soil and Water Conservation District (SWCD) does a tremendous job each year of taking actions which reduce surface water runoff, and the sediments, phosphorus, and nitrates they contain from reaching the streams which feed the lake waters. Pure Waters is a proud financial supporter of that effort. To allow turbid overland flow off the Padua mine property, even during severe storm events, would be a large step backwards for the health of the area. Given increasing storm intensity due to climate change in our area, NYSDEC and the Town must ensure as an enforceable permitted condition that a high degree of stormwater best management practices including a 50-year storm on-site retention be mandated. Impacts to public lands off site must be eliminated through rigorous detailing that should be defined in the SWPPP.*

- Groundwater and Excavation Depth: The DEIS appendix Sheets show the excavation limits in graphical form. But actual dimensions to property lines and other boundaries are not shown. There is also no found description in the DEIS as to the methods of topographic survey or owner quality control that will be used to ensure that the excavation of mined material does not approach or intercept the groundwater table and maintains stated 5-foot buffer (Appendix F, page 13, Modification to Application for Permit to MLUP). Furthermore, the use of heavy equipment on a sand/gravel site has the potential to create a quicksand situation, depending on actual soil properties and water content, and can result in disturbances to the ground water. An engineered calculation should confirm the proposed buffer depth is acceptable, and the actual dimension should appear on the Sheets and appropriate Figures.

*Pure Waters and the community must be given an opportunity to review all actual dimensions from the LOM affected area limit to the highway boundaries and groundwater table. Furthermore, these boundaries need to be cited clearly to give the community confidence that the owner-operator is aware of, and can manage to, the LOM limit area with no deviations. Calculations should be included that show that the weight of vehicle tires on the bottom limit of the mine will remain stable for the buffer depth under vehicle and impact loading forces.*

- Stormwater pond: The stormwater pond is shown on the appendix Sheets and Drainage Report Figures without size or dimensions. Our concern is that the pond is shown intercepting the groundwater table. This will result in the mixing of groundwater with

surface water runoff. It also will significantly reduce the retention time of the water in the pond, particularly when the pond is somewhat full.

*The stormwater pond system should be capable of handling a severe storm event as evidenced by actual storms seen in this area over the past several years. We request clarification on how the pond can retain storm runoff during spring periods when the groundwater table is high, and the pond will likely be full prior to potential occurrence of a storm event. Preferably, the pond would not intercept the groundwater table and would be capable of retaining a 50-year storm.*

- Concurrent reclamation: The DEIS, page 4, indicates that:  
“Reclamation of mined areas will take place, to the greatest extent possible, concurrent with mining, to reduce the amount of land surface exposed at any given time.”

This appears in conflict with the SWPPP Appendix A Drainage Report, page 7, which indicates that the disturbed area will not exceed 50 acres.


*Pure Waters takes exception to allowance of an open and un-reclaimed area that is in excess to that which is exposed today. Any site plan expansion should limit the amount of disturbed area to that which is in effect today as an enforceable permit condition. This would require the owner to cap and vegetate those areas that are disturbed when complete **prior** to excavation in new areas, confining the site to a manageable area.*

*In addition, planting of landscape buffers should be specified at exposed property borders, such as evergreen trees to hold back wind-borne dust from emanating from the site while addressing some of the public’s concern regarding visual impacts of the action to the village below.*

As Pure Waters has found it necessary to complete an accelerated review of this document in order to prepare this comment letter, and whereas the public has indicated that it does not have proper time to carry out its review, **we respectfully request the Department extend the February 28, 2024 deadline for comments**, provide the necessary requested information for review, and allow the public an opportunity to adequately review the Draft DEIS.

Respectfully,

Seneca Lake Pure Waters Association



William Roege

President



Ronald Klinczar

Chair, Sediment, Nutrient, and Pollution Reduction  
(SNPR) Committee