

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
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May 22, 2019

By E-mail (paduaridge@yahoo.com) and U.S. Mail

Martin Wojcik
It's Greener Now, Inc.
3362 Route 409
Watkins Glen, NY 14891

Re: DEC ID No. 8-4424-00006/00001 Mined Land ID No. 80244
It's Greener Now Padua Ridge Gravel Mine – Draft Environmental Impact Statement
Town of Dix, Schuyler County

NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Wojcik,

The New York State Department of Environmental Conservation (the Department) has received the draft Environmental Impact Statement (dEIS), dated May 7, 2019, that was submitted on your behalf by JMT of New York, Inc. The dEIS was received by the Department electronically on May 7, 2019 and by hard copy on May 13, 2019. The dEIS responds to the Notice of Incomplete Application and Final Scope Outline for the dEIS which were sent to the applicant by the Department on August 18, 2008. A new application for modification was also submitted with the dEIS.

According to the submitted dEIS and application, It's Greener Now, Inc. proposes to add 60.95 acres to the currently approved 14.33-acre life of mine (LOM), resulting in a new total LOM of 75.28 acres. There may also be a change to the permit term area (PTA) although this is being clarified by Incomplete Item No. 1, below. No mining below the water table or any other modifications to the current permit are proposed at this time.

Your application is incomplete until a determination is made by the Department that the dEIS is adequate for public review and comment. In accordance with State Environmental Quality Review Act (SEQR) regulations, the Department has 45 days from the receipt of the dEIS to make this determination [see 6 NYCRR § 617.9(a)(2)]. As a result, additional review comments on the adequacy of the dEIS will be forthcoming at a later date. In the meantime, based on our

preliminary review of your submission, including the resubmitted application materials, the following additional items and information are required:

- 1) Original signatures on all application forms and documents will be required for final application materials.
- 2) The Mining Permit Application Form, item 15.g, indicates that the entire 60.95 acre expansion area will be included in the permit term area. Previous application materials and the Final DEIS Scoping Outline indicate that the active mining excavation area would not exceed 15 acres at any one time, and that concurrent reclamation would continue throughout the life of the project. The 15 acre excavation area would not include the additional affected acreage required for berming, access roads, scale house, stormwater management ponds, etc. It is understood that the permit term/affected acreage area will be greater than the 15 acre active excavation area. Please revise the acreage summary on the application form to identify the total amount of affected acreage and confirm that the active excavation area will be limited to 15 acres at any given time. The DEIS/MLUP narratives and Mining Plan Maps will need to be updated to reflect what is being proposed.
- 3) The Mining Permit Application Form, item 10.a. should reflect a 10/24/2022 permit expiration date.
- 4) Please revise the DEIS/MLUP Mining Plan Maps (Plate 1 of 9, and Plate 1 of 3 respectively) to include the previously approved 14.33 acre LOM, and the proposed permit term affected area, including the anticipated 15 acre excavation area.
- 5) The Final Grade Profiles (Plate 3 of 9) requires revision. Profile C-C' identifies C as South East, and C' as Northwest. These should be reversed, identifying C as North West, and C' as South East.
- 6) The location of MW-2-17 was left off the Bedrock Elevation Map (Plate 4 of 9). Please add the location to the map.
- 7) Please provide the depth of topsoil and overburden stripping, and reclamation replacement depths in the MLUP narrative.
- 8) The DEIS indicates that spring locations are not included within mine excavation areas and will not be impacted by the expansion. Glen Springs 1 and 2 are located within the proposed LOM, and it is difficult to determine what level of excavation, if any, that will occur in the area of the springs. The reclaimed

contours on the Reclamation Plan Map (Plate 2 of 9) appears to show excavation upslope of the springs. Please provide further clarification.

Please note that this is not a comprehensive list of incomplete items and that the Department will request additional information or revisions in accordance with our review of the dEIS noted above.

When the Department provides its final list of items necessary to address any additional dEIS deficiencies, we will identify the number of copies that need to be provided for our review. We would encourage you to withhold re-submission of any of the above items until our additional correspondence is provided.

By copy of this letter, the Department is informing the Town of Dix of this submission and our notice. We also respectfully ask that the Town provide an update on any local jurisdiction they may have over the project.

Please contact me at (585) 226-5320, or by email: kristine.carlson@dec.ny.gov, with any questions.

Sincerely,



Kristine Carlson
Division of Environmental Permits

Ecc: E. Davidson, JMT of New York, Inc
H. Russell, Town of Dix
S. Army, NYSDEC
T. Haley, NYSDEC
D. Loew, NYSDEC

