

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 28, 2014

Via Certified Mail RRR #7013 1090 0002 3221 8702

Merle Draper, Supervisor
Town of Shelby
4062 Salt Works Road
Medina, New York 14103

Re: **Combined Notice of Complete Application, Draft EIS Acceptance,
and Public Hearing**
DEC Application No. 8-3436-00033/00001
Frontier Stone Quarry Proposal
Town of Shelby, Orleans County

Dear Supervisor Draper:

The Department has accepted for public comment and review the Draft Environmental Impact Statement (Draft EIS) submitted by Frontier Stone, LLC proposing a new . This is a Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA) regulations and a major project pursuant to the New York Uniform Procedures Act (UPA) regulations. Please refer to the enclosed notice for a detailed project description.

Based on Staff review, we have made the determination that the application is complete and the Draft EIS is adequate for public review and comment and that a Public Hearing will be held on April 30th, at 6:00 PM, in the Shelby Town Hall to receive public comment on the applications and Draft EIS. In addition, written public comments will be accepted by the Department on the Draft EIS and permit application documents until May 12, 2014.

I have enclosed a copy of the combined notice, and an electronic copy the Draft EIS and the mining application (Volume 2 of the Draft EIS) on CD for your review. Two hard copies of the Draft EIS, including the Volume 2 application materials, will also be forwarded via UPS courier with delivery confirmation. One hard copy is being provided for Town use and review, and the second copy is being provided to be made available for public review at the Town Hall during normal business hours. The Department will also place a hard copy of the referenced documents at the Lee-Whedon Memorial Library, NYSDEC Region 8 Office in Avon, and they will be posted on-line at <http://www.continentalplacer.com>.

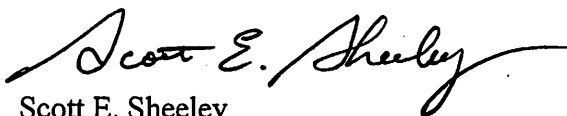
The mining application is also being reviewed pursuant to the Mined-land Reclamation Law (MLRL). The MLRL affords the Town the opportunity to make a determination and notify the Department and applicant in regard to: appropriate setbacks from property boundaries or public thoroughfare rights-of-way; fabricated or natural barriers designed to restrict access if needed, and, the type, length, height and location of the barriers; dust control; hours of operation; and

whether mining is prohibited at this location. The Department will evaluate all comments and recommendations and will review the supporting documentation provided that justifies the particular determination on an individual basis. The comment period on the Draft EIS and application will close on May 12, 2014.

Please contact me at 585-226-5382, or by email at seshee@gw.dec.state.ny.us, if you have any question relating to the status of this application or the information discussed in this letter.

Thank you for your time and assistance in this matter.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Enclosures

Ecc (without enclosures):

David Mahar, Frontier Stone, LLC
John Hellert, Continental Placer Inc.
Greg Brown, Esq.
Steve Army, NYSDEC - Mined Land Reclamation
Dudley Loew, NYSDEC - Office of General Counsel
Daniel Spitzer, Esq. Hodgson Russ Attorneys (counsel for Town)
File

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**COMBINED NOTICE OF COMPLETE APPLICATION,
NOTICE OF ACCEPTANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT,
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

DATE: March 28, 2014

APPLICANT: Frontier Stone, LLC
4172 East Lake Road
Wilson, New York 14172

NYSDEC APPLICATIONS AND ID NUMBERS:

Article 23, Mined Land Reclamation, DEC # 8-3436-00033/00001
Article 15, Water Withdrawal, DEC # 8-3436-00033/00002

PROJECT DESCRIPTION:

The applicant proposes a new, 215.5± acre dolomite/limestone quarry on a 269.45± acre parcel located in the Town of Shelby, Orleans County about 3.7 miles south of the Village of Medina. The property is on the south side of Fletcher Chapel Road about several hundred feet east of Sour Springs Road. A small portion of the site also fronts Sour Springs Road. The excavation area totals 172.2± acres and mining would be divided into four (4) phases over the estimated 75 year operational life of the mine. Quarrying would be conducted by standard drill and blast technology with front-end loaders and excavators feeding a primary crusher with shot rock. The primary crusher will follow the advancing face and rock would be conveyed to an on-site processing plant by field conveyor. Mining is proposed below the water table and the project includes dewatering of the quarry area. As proposed, the estimated maximum water withdrawal for mine dewatering is 554,264 gallons per day, which would be discharged at the southwest corner of the site to an existing agricultural drainage ditch. The reclamation objective will be to create open space with two lakes for recreation and/or wildlife habitat. The two lakes, separated by an existing utility line, would be approximately 35.2 and 156.1 acres in size.

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR"):

The project is a Type I Action as designated by 6 NYCRR §617.4(b)(6)(i). DEC, as the SEQR lead agency, issued a positive declaration on June 7, 2006 requiring preparation of a Draft Environmental Impact Statement (Draft EIS). A Draft EIS has been prepared and the DEC, as lead agency, has determined that the Draft EIS is adequate for public review and comment. As noted further below, **written public comments will be accepted on the Draft EIS until May 12, 2014.** In addition, pursuant to 6 NYCRR §617.9(a)(4), DEC has made the determination to hold a public hearing, the details of which are provided below in the legislative public hearing section of this notice.

NOTICE OF COMPLETE APPLICATION:

The DEC has determined that permit applications filed for the proposal are complete for purposes of further DEC review and public comment pursuant to 6 NYCRR §621.7. DEC permit jurisdiction includes Mined Land Reclamation (ECL Article 23) and Water Withdrawal (ECL Article 15). As noted further below, **written public comments will be accepted on the**

applications until May 12, 2014. In addition, the applicant will seek coverage under the State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (ECL Article 17).

The applicant also anticipates the need to file an Air Registration (ECL Article 19) and possibly Petroleum Bulk Storage registration (ECL Article 17).

ADDITIONAL REGULATORY PROVISIONS:

State Historic Preservation Act ("SHPA") Determination: A Phase IA cultural resources survey has been completed for the entire project area, and a Phase IB cultural resources survey was completed for proposed mining phases 1 and 4 (the first two phases to be developed). Based on a review of the Phase 1B survey by the New York State Office of Parks Recreation & Historic Preservation (OPRHP), mining phases 1 and 4 will have no impact on cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. In accordance with SHPA, no further review is required for mining phases 1 and 4. Prior to any development of mining phases 2 and 3, an additional Phase 1B cultural resources survey will be required for those areas and further consultation with OPRHP will be undertaken.

Coastal Zone Management: This project is not located in a Coastal Management Area and, therefore, is not subject to the Waterfront Revitalization and Coastal Resources Act.

DOCUMENT AVAILABILITY: The Draft EIS, which includes permit application materials are available for public review at the locations listed below during normal business hours, and on the internet at the following website:

NYS DEC, Region 8 Office
6274 E. Avon-Lima Road
Avon, NY 14414-9519

Town of Shelby Town Hall
4062 Salt Works Road
Medina, New York 14103

Lee-Whedon Memorial Library
620 West Avenue
Medina, New York 14103

On-line for viewing and downloading at:
www.continentalplacer.com

LEGISLATIVE PUBLIC HEARING: A legislative hearing on the permit applications and the Draft EIS will be held before Administrative Law Judge (ALJ) Molly McBride to receive unsworn statements from the public at **6:00 p.m. on Wednesday, April 30, 2014 at the Town of Shelby Town Hall, 4062 Salt Works Road, Medina, New York, 14103.** All persons, organizations, corporations or government agencies that may be affected by the proposed project are invited to attend the legislative hearing and to submit oral comments on the Draft EIS, applications and draft permits. No prior filing is required to participate. However, the ALJ may restrict the time available to 5 minutes for each person, to ensure that all persons will have an opportunity to be heard. It is recommended that lengthy comments be submitted in writing at the hearing. Written comments regarding this application may also be filed with Regional Permit Administrator at the hearing, or as indicated below. Equal weight will be given to both oral and written comments. The hearing location is fully accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons, at no charge, upon written request to the ALJ identified above, at least ten (10) business days prior to the hearing.

WRITTEN PUBLIC COMMENTS: All interested parties may submit written comment concerning the Draft EIS and permit applications at the hearing, and to the DEC Contact Person listed below by May 12, 2014. Comments sent by regular mail must be postmarked no later than May 12, 2014. E-mail and Fax comments must be received by 5:00 p.m. (EDT), May 12, 2014.

DEC CONTACT PERSON: Scott E. Sheeley, Regional Permit Administrator, DEC Region 8, 6274 Avon-Lima Road, Avon, New York 14414-9519, Phone: 585-226-5382, Fax: 585-226-2830, E-mail: frontierstone@gw.dec.state.ny.us

COPY OF THIS NOTICE SENT TO:

SEOR INVOLVED AGENCIES

Town of Shelby Town Board (w/Draft EIS hard copy)
Town of Shelby Planning Board (w/Draft EIS electronic copy)
Town of Shelby Zoning Board (w/Draft EIS electronic copy)
Orleans County Highway Department (w/Draft EIS electronic copy)
Orleans County Planning Department (w/Draft EIS electronic copy)
NYS Department of Transportation, Region 4 (w/Draft EIS electronic copy)

SEOR INTERESTED AGENCIES AND INDIVIDUALS

US Fish & Wildlife Service, Iroquois National Wildlife Refuge (w/Draft EIS hard copy)
US Department of Labor, Iroquois Job Center (w/Draft EIS electronic copy)
NYS Office of Parks, Recreation and Historic Preservation (w/Draft EIS electronic copy)
Genesee County Planning Department (w/Draft EIS electronic copy)
Orleans County Federation of Sportsman's Clubs, Inc. (w/Draft EIS electronic copy)
Wendy Pencille (w/Draft EIS electronic Copy)
Ken Printup, Sr. (w/Draft EIS electronic Copy)

SEOR REPOSITORIES (all w/Draft EIS hard copy)

NYSDEC Region 8 Headquarters, 6274 East Avon-Lima Road, Avon, NY
Town of Shelby Town Hall, 4062 Salt Works Road, Medina, NY
Lee-Whedon Memorial Library, 620 West Avenue, Medina, NY