

Sheeley, Scott E (DEC)

From: Roster, Tom <tom_roster@fws.gov>
Sent: Wednesday, November 25, 2015 6:07 AM
To: Sheeley, Scott E (DEC)
Cc: Gibbs, John (DEC); Wasilco, Mike R (DEC); Kennedy, Heidi E (DEC); Jones, Scott (DEC); Army, Steve (DEC); Kevin Brown; John Hellert; Harkawik, Dennis P (DEC); Loew, Dudley D (DEC)
Subject: Re: Frontier Stone Quarry Proposal - Draft Condition; DEC No. 8-3436-00033/00001

Scott, thanks.

We have no concern with the attached draft language.

Tom

On Fri, Nov 13, 2015 at 2:07 PM, Sheeley, Scott E (DEC) <scott.sheeley@dec.ny.gov> wrote:

Good Afternoon Tom,

As discussed this morning, the DEC has been in contact with representatives of Frontier Stone, LLC concerning the proposed Frontier Stone Quarry mine dewatering discharges. In follow-up to our contact with them this week about the discharges, they have provided a letter dated November 11, 2015 describing an alternative mine dewatering discharge location, which is attached. It is our understanding that this alternative discharge location was discussed with you or your staff during a meeting sometime last year with Frontier Stone representatives, and that the purpose of using an alternative discharge location would be to cooperate with USFWS by avoiding discharges to the Schoolhouse March complex during drawdown and low moisture management periods.

To incorporate this alternative dewatering discharge location & scenario into the Mined Land Reclamation permit that the DEC may at some point issue for this project, we have prepared a draft permit condition that would be included in any such approval. The draft permit would also include the November 11, 2015 letter and attachments as "approved documents", which is the list of materials that the applicant would have to comply with in any final permit that may be issued. This draft condition is being forwarded to you for your information and any response you may wish to provide.

Please note that we have included a proposed limit on the daily volume of discharge of 554,400 gallons. This amount equates to the upper amount the applicant has listed in their DEC water withdrawal application and is equal to 385 gallons per minute (gpm) when averaged over an entire 24 hour period. This amount is a higher rate than the 259 gpm rate analyzed in the applicant's November 11, 2015 letter. 259 gpm is the rate the applicant has estimated based on an annual average, while 385 gpm is the highest expected rate in March. The amounts estimated by the applicant for July and September are 195 gpm and 197 gpm, respectively, so if diversion is requested in the summer/fall period, the daily volume of pumping could be lower than highest or average rates estimated.

We have also copied the applicant's representatives on this e-mail and draft condition for their information as well, since we have not previously shared this condition with them and it does not reflect any input on their part. This draft condition is also based on the Department's understanding of the discussions between the Applicant and USFWS.

If you wish to provide a response to this draft condition please do so by close-of-business on November 30, 2015. If you would like to discuss this condition, or feel you need additional time, please contact me as indicated below.

Thank you.

Sincerely,

Scott E. Sheeley

Regional Permit Administrator, Division of Environmental Permits

New York State Department of Environmental Conservation

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Thomas P. Roster, Project Leader

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Frontier Stone Quarry, DEC Application ID 8-3436-00033/00001

Proposed Special Condition to be included in the draft Mined Land Reclamation Permit to address off-site water discharges to state-regulated wetlands on Iroquois National Wildlife Refuge:

“Upon written request by the United States Fish and Wildlife Service (USFWS), the Permittee shall use the alternative mine dewatering route identified as “drainage basin 2” in the letter dated November 11, 2015 from John Hellert to Scott Sheeley. Use of the alternative discharge location shall:

- Occur for the full period specified by the USFWS request,
- Be the minimum seasonally necessary to achieve proper mine dewatering, but at no time exceed a rate of 554,440 gallons per day, and
- Meet all effluent limits and requirements of the Permittee’s coverage under the State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001).”