

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
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December 11, 2015

Via e-mail ([kevin.brown@brownsharlowlaw.com](mailto:kevin.brown@brownsharlowlaw.com)) and U.S. Mail

Kevin J. Brown, Esq.  
Brown Sharlow Duke & Fogel, P.C.  
621 West Genesee Street  
Syracuse, New York 13204

Re: **Notification of Part 624 Hearing Determination**  
Frontier Stone LLC, Proposed Shelby Quarry  
Town of Shelby, Orleans County  
DEC Application No. 8-3436-00033/00001

Dear Mr. Brown:

The New York State Department of Environmental Conservation (DEC) has determined that the applications by Frontier Stone, LLC for a mined land reclamation permit and water withdrawal permit for the proposed Shelby Quarry will be referred to the DEC Office of Hearings and Mediation Services for an adjudicatory hearing pursuant 6 NYCRR Part 624.

This determination is based on our review of the comments received on the Draft Environmental Impact Statement prepared for this project and permit application materials made available for public comment, including a legislative hearing held April 2014 pursuant to 6 NYCRR Parts 617 and 621. In accordance with the Uniform Procedures Act regulations at 6 NYCRR § 621.8(a), application processing time frames are now suspended and the applicable time frames of Part 624 apply.

A Part 624 hearing referral will soon follow to the DEC Office of Hearings and Mediation Services in Albany, who will then contact you directly to schedule and make arrangements for the hearing. Your client will be responsible for any costs incurred, including a meeting location, and the provision of a stenographer to record the proceedings. For your information, a link to the "Permit Hearings Procedures" regulations at 6 NYCRR Part 624 are available on-line at: <http://www.dec.ny.gov/regs/2488.html>.

If you have any questions, I may be reached at (585) 226-5382 or you may call Dudley Loew at (585) 226-5368. Thank you.

Sincerely,

  
Scott E. Sheeley  
Regional Permit Administrator

Distribution Attached

Mr. Brown; December 11, 2015  
Frontier Stone Quarry Hearing Determination  
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Distribution:

Cc: Frontier Stone, LLC

Ecc: ALJ McBride, OHMS, DEC Albany  
Dennis Harkawik, DEC Region 8  
Dudley Loew, DEC Region 8  
Steve Army, DEC Region 8  
John Hellert, Continental Placer  
Greg Brown, Esq.