



Department of
Environmental
Conservation

Frontier Stone, LLC

February 3, 2016

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF LEGISLATIVE HEARING AND ISSUES CONFERENCE

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

NYSDEC PERMIT APPLICATION ID NUMBERS: 8-3436-00033/00001 and 00002

PROJECT DESCRIPTION:

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 or wildlife habitat. The two lakes, separated by an existing utility line, would be approximately 35.2 and 156.1 acres, respectively, in size.

PERMITS REQUESTED: Applicant requests a mined land reclamation permit pursuant to the New York State Environmental Conservation Law (ECL) article 23 and title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) parts 420-425; and a water withdrawal permit pursuant to ECL article 15 and 6 NYCRR part 601. The project will also require coverage under the Department's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Industrial Activities (GP-0-12-001), Sector J, and registration pursuant to the Department's air pollution control regulations at 6 NYCRR part 201.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR): The project is a Type I Action as designated by 6 NYCRR 617.4(b)(6)(i). The Department of Environmental Conservation (DEC), as the SEQR lead agency, issued a positive declaration on June 5, 2006 requiring preparation of a draft environmental impact statement (Draft EIS). A Draft EIS has been prepared and the DEC, as lead agency, determined that the Draft EIS was adequate for public review and comment on March 28, 2014.

NOTICE OF COMPLETE APPLICATION: On March 28, 2014, the DEC determined that permit applications filed for the proposal were complete for purposes of further DEC review and public comment pursuant to 6 NYCRR 621.7. A legislative hearing pursuant to 6 NYCRR part 621 was held on April 30, 2014 and written public comments were accepted on the applications until June 9, 2014.

DEC STAFF POSITION: A draft combined mined land reclamation and water withdrawal permit is available for public review from the Department contact person and locations listed below under "Document Availability." The draft combined permit represents a tentative determination and does not signify approval or endorsement of the proposed project.

LEGISLATIVE/PUBLIC COMMENT HEARING: A legislative/public comment hearing will be held pursuant to 6 NYCRR part 624 to hear and receive unsworn statements of the public concerning the Draft EIS, the mined land reclamation and water withdrawal permit applications, and the draft combined permit. The hearing will be conducted by DEC Administrative Law Judge (ALJ) D. Scott Bassinson at **Medina High School, 2 Mustang Dr., Medina, New York 14103, on Tuesday, March 8, 2016, beginning at 6:30 p.m.** All persons, organizations, corporations or government agencies that may be affected by the proposed project are invited to attend the hearing and to submit oral or written comments on the Draft EIS, the mined land reclamation and water withdrawal permit applications and the draft combined permit. While it is not necessary to file in advance to speak at the hearing, lengthy comments should be submitted in writing and summarized for oral presentation. Equal weight will be given to both oral and written comments. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard.

The hearing location is fully accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons and translator services will be made available to limited English proficiency 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: Written comments concerning the Draft EIS, permit applications, and draft combined permit may be mailed to Administrative Law Judge D. Scott Bassinson at DEC's Office of Hearing and Mediation Services, 1st Floor, 625 Broadway, Albany, New York, 12233-1550, or emailed to Judge Bassinson at scott.bassinson@dec.ny.gov. Written comments will be considered equally with oral statements delivered at the legislative hearing, provided they are received by **March 15, 2016 at 4:00 p.m.**

ISSUES CONFERENCE: Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be conducted by Administrative Law Judge D. Scott Bassinson at the **Ridgeway Town Hall, 410 West Avenue, Medina, New York 14103**. The conference will begin at **10:00 a.m. on April 26, 2016**, and continue throughout the day and on **April 27, 2016**, if necessary. The purpose of the issues conference is to determine party status for any person or organization that has properly filed a petition (as indicated below), and to narrow and define those issues, if any, that will require adjudication in this matter. Participation in the issues conference shall be limited to DEC staff, applicant, and those persons or organizations requesting party status.

FILINGS FOR PARTY STATUS AND PROPOSED ISSUES: Persons seeking to participate at the issues conference and any subsequent adjudicatory hearing, if one is necessary, must file a written petition explaining whether their request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5 (b)(1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3). For the required contents of a petition seeking amicus status, see 6 NYCRR 624.5(b)(1) and (3).

ALL PETITIONS REQUESTING PARTY STATUS TO PARTICIPATE AT AN ADJUDICATORY HEARING MUST BE RECEIVED AT DEC'S OFFICE OF HEARINGS AND MEDIATION SERVICES NO LATER THAN 4:00 P.M. ON MARCH 15, 2016. Address all petitions to D. Scott Bassinson, Administrative Law Judge, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, New York, 12233-1550, telephone: (518) 402-9190, email: scott.bassinson@dec.ny.gov. At the same time and in the same manner that the petition is furnished to the ALJ, a copy of the petition must be furnished to Frontier Stone, LLC's attorney, Kevin Brown, Esq., Brown Sharlow Duke & Fogel, P.C., 621 West Genesee Street, Syracuse, New York 13204, telephone (315) 399-4343, email: kevin.brown@brownsharlowlaw.com; and to DEC staff's attorney, Dudley Loew, Esq., NYSDEC Region 8, Office of General Counsel, 6274 East Avon-Lima Road, Avon, New York, 14414, telephone (585) 226-5368, email: dudley.loew@dec.ny.gov.

Filing of petitions by email is authorized provided petitions are received by all of the above parties by the 4:00 p.m. deadline on March 15, 2016, and a conforming hard copy is sent to all of the above parties by first class mail and postmarked by the deadline date. Telefaxed petitions will not be accepted.

WRITTEN RESPONSES TO PETITIONS ARE HEREBY AUTHORIZED, AND MUST BE RECEIVED AT DEC'S OFFICE OF HEARINGS AND MEDIATION SERVICES NO LATER THAN 4:00 P.M. ON APRIL 8, 2016. Written responses shall be addressed to ALJ Bassinson and furnished to Frontier Stone, LLC and Department Staff in the same manner and to the same locations as set forth above regarding petitions. Filing of written responses to petitions by email is authorized provided such responses are received by all of the above parties by the 4:00 p.m. deadline on April 8, 2016, and a conforming hard copy is sent to all of the above parties by first class mail and postmarked by the deadline date. Telefaxed responses to petitions will not be accepted.

Any questions about filing requirements or other hearing procedures may be addressed to ALJ Bassinson by telephone at (518) 402-9190. A link to DEC's permit hearing regulations may be found at <http://www.dec.ny.gov/regs/2488.html>, and a guide to permit hearing procedures may be found at <http://www.dec.ny.gov/permits/6234.html>, Hearings and Mediation Services, Guide to Permit Hearings.

DOCUMENT AVAILABILITY: The March 28, 2014 Draft EIS, the draft combined permit, and electronic copies of additional 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 Contact: Scott Sheeley at (585) 226-5400	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: http://www.continentalplacer.com/

Electronic copies (CD) of the complete permit application package, supporting documents, and draft combined permit are also available upon request from the DEC contact person listed above.

APPLICABLE STATUTES AND REGULATIONS: These applications are being processed pursuant to ECL article 1 (General Provisions); article 3 (General Functions); article 23 and 6 NYCRR parts 420-425 (Mined Land Reclamation); article 15 and 6 NYCRR part 601 (Use & Protection of Waters); article 70 and 6 NYCRR part 621 (Uniform Procedures); and 6 NYCRR part 624 (Permit Hearing Procedures).

James T. McClymonds
Chief Administrative Law Judge

February 3, 2016
Albany, New York