

FINAL ENVIRONMENTAL IMPACT STATEMENT

COUNTY LINE STONE CO., INC. AKRON QUARRY

**Towns of Newstead and Pembroke
Erie and Genesee Counties, New York
DEC No: 9-1456-00004/00013**

Date Prepared: June 18, 2019

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DEIS Accepted: April 25, 2019

FEIS Issuance Date: March 11, 2020

Findings Statement and Decisions After: March 23, 2020

1.0 INTRODUCTION

1.1 Contents of the Final Environmental Impact Statement

This Final Environmental Impact Statement (“FEIS”) has been prepared for the proposed County Line Stone Co., Inc. (“CLS”) mining permit modification, Akron Quarry Project (“Project”) in accordance with the State Environmental Quality Review Act (“SEQR”) as contained in the New York State Environmental Conservation Law (“ECL”) (see ECL § 8-0101 *et. seq.*) and its implementing regulations (see 6 NYCRR Part 617). The FEIS contains two (2) sections. Section 1 summarizes the environmental review process and contains a description of the Project. Section 2 contains responses to public comments by topic area. Copies of the public comments are contained in Appendix 1.

The DEIS accepted by the Department on April 25, 2019 is incorporated herein by reference and provided electronically in Appendix 2.

1.2 Application History

CLS has proposed to modify its existing mine land use plan for its limestone quarry by adding 115.7 acres of area to be affected by mining, to its current mine permit. This includes excavation areas, overburden stockpile areas and previously noted berm areas. The areas are located in the Town of Newstead, Erie County and the Town of Pembroke, Genesee County, New York.

A “Mined Land Use Plan Modification During Permit Term 2008-2013”, dated August 24, 2011, was received by the Department for a Mined Land Reclamation Permit pursuant to Article 23 of the Environmental Conservation Law, regarding its proposal to expand the quarry. DEC, Region 9 was established as the Lead Agency for the action pursuant to an October 14, 2011 SEQR Lead Agency Designation.

A **POSITIVE DECLARATION** was subsequently issued for the project by the DEC dated December 14, 2011, stating that the proposed project was identified as having significant and/or potentially significant adverse environmental impacts.

The Department determined that a DEIS should be prepared for the Project based on the scope of the proposed action and its potential for significant adverse environmental impacts.

A **Draft Scope of Issues** dated February 15, 2012 was submitted to the DEC by the Applicant and on October 3, 2012, a public scoping meeting was held in the Corfu Community Center in the Town of Pembroke. Written statements concerning the project were accepted by the Department until November 2, 2012.

Based upon written and oral statements received by The Department, a **Final Scope of Issues** was developed, dated January 22, 2013. The Final Scope formed the basis for content of the DEIS.

On April 25, 2019, the DEC accepted the DEIS for public review and issued a Notice of Complete Application and availability of application documents. A Notice of Acceptance of a Draft EIS and Public Comment Period and Notice of Complete Application were published in the Environmental Notice Bulletin on May 1, 2019. The complete DEIS and the application were made available for public review and comment. A Notice of Public Comment Period, a Notice of Public Comment Hearing, a Notice of Acceptance of a Draft Environmental Impact Statement and a Notice of Complete Application were all contained in the published Notice in the Akron Bugle and Batavia Daily News on May 2, 2019. Comments on the Project were accepted by the Department no later than May 31, 2019. Department staff determined that a public hearing pursuant to the Department's hearing regulations at 6NYCRR Part 624 was warranted; a public hearing was held on May 22, 2019.

1.3 Description of Proposed Action

County Line Stone Co., has applied for the expansion of the Akron Quarry, including mining of land (approximately 90.3 acres of excavation) and overburden storage areas (approximately 20.9 acres) adjacent to the existing approved mining area. The total acreage included in this application but not previously approved is 111.2 acres, plus 4.5± acres of miscellaneous berms that were previously shown on the Mining Plan Map but not included in the life-of-mine. The total modification area is 115.7 acres. The new excavation areas will be along Crittenden and Schurr Roads (15.4 acres) in the Town of Newstead and along the east side of the quarry (74.9 acres) in the Town of Pembroke. In addition, overburden will be stockpiled on either side of Scribner Road (20.9 acres) in the Town of Pembroke. The modification request also includes the realignment of Cohocton and Scribner Roads in the Town of Pembroke to allow the quarry expansion. The proposed reclamation plan is the creation of a lake with perimeter green space which is consistent with the existing reclamation plan. The proposed quarry expansion would extend the life of mine for an estimated 20-25 year period of time.

2.0 RESPONSIVENESS SUMMARY

2.1 Comments Received

Twenty-one comment letters were received during the DEIS written comment period which ended May 31, 2019. Twelve letters were in support of the Project. These were from present and former employees, local business owners, highway superintendents and a New York State Senator (Ranzenhofer). Five letters were from local residences expressing perceived adverse impacts. Four letters (some repetition) were from the Town of Newstead Conservation Advisory Council and Town of Newstead, advocating that a committee be formed to further analyze Dorsch Creek flow and general hydrology issues.

Adverse written comments received and issues expressed are summarized as follows:

1. J. Pogo 578 Scribner Rd Corfu, NY 14036	Issues:	<ul style="list-style-type: none"> • Property values • Cracks/blasting
2. Angela Knisley 2428 Pratt Hollow Rd Corfu, NY 14036	Issues:	<ul style="list-style-type: none"> • Visual • Quality of life • Wetland impacts • Bats • Dorsch Creek/pumping • Health issues
3. William H. Bevington 4515 Crittenden Rd Akron, NY 14001	Issues:	<ul style="list-style-type: none"> • Access across Dorsch Creek
4. Sharri Gray 268 Maple Rd Corfu, NY 14036	Issues:	<ul style="list-style-type: none"> • Wildlife • Dumping • Blasting • Dust • Property values • H₂S gas • Well loss
5. Anne & Doug Slawinski 357 Scribner Rd Corfu, NY 14036	Issues:	<ul style="list-style-type: none"> • Well loss • Blasting • Dust • Visual • Dumping • Wildlife • Property values
6. Town of Newstead Conservation Advisory Council/Town of Newstead	Issues:	<ul style="list-style-type: none"> • Blasting/traffic impacts on water line • Dorsch Creek characteristics/capacity • Groundwater aquifer impacts • Need for a working committee

There were also oral comments made during the public hearing. Almost all of the adverse oral comments were repeated in the written comments received. Miscellaneous oral comments not directly included in the written comments include:

- No tax benefit
- Dead trees on berm
- Impact on gas wells
- Traffic
- Land use

2.2 Response to Comments

2.2.1 Property Values

The issue of mining impacts on property values is often voiced by the public. This topic has been raised and discussed in several rulings. IN THE MATTER OF THE APPLICATION OF LANE CONSTRUCTION COMPANY, DEC Project No. 4-3830-00046/0001-0, the Interim Issues Rulings states:

“2. Property Values and Local Business: Proposed intervenors have made an offer of proof to establish that the proposed mine will have, and indeed already has had, an adverse impact upon the value of property in East Nassau and Brainard. The applicant and staff argue that the impact of mining operations upon property values is not one within the scope of this agency’s jurisdiction under either the MLRL or SEQRA. They state that the regulations require that the reclamation plan must protect and preserve the value of property, and so the issue, they argue, may be addressed only with regard to the adequacy of the reclamation plan.

In *Red Wing Properties, Inc.*, Interim Decision of the Commissioner, January 20, 1989, in declining to consider property value and tax diminution in the context of a sand and gravel mine, the Commissioner stated that it is local government’s prerogative to protect the community’s property values through local zoning. Local zoning may restrict the activity that may cause a decline in property values. The MLRL amendments of 1991 explicitly retained local governments’ authority to enact laws of general applicability — zoning — while restricting their power over mining activities and reclamation standards. The role of local governments in protecting the property values and tax base of the community through zoning has been affirmed in subsequent commissioner’s decisions, as well as by the courts. (*See, Matter of Dailey*, Interim Decision of the Commissioner, May 14, 1992; *Matter of Kearney Gravel*, Interim Decision of the Commissioner, September 28, 1992) These cases stand for the proposition that diminution of property values *per se* will not be adjudicated by this agency, even under SEQRA. However, these cases also throw into sharp focus the importance of local governments’ traditional role and power to protect its resident’s economic interests and the community’s tax base by establishing and enforcing permissible land uses within zoning districts.”

Not-with-standing the above, credible analyses of this topic do not find a relationship between quarries and property values. In particular a recent (2018) study by the Phoenix Center for Advanced Legal & Economic Public Policy Studies examined this topic.¹ The abstract has been excerpted.

“Abstract: A large literature exists on the impact of disamenities, such as landfills and airports, on home prices. Less frequently analyzed is the effect of rock quarries on property values, and what little evidence is available is dated and conflicting. This question of price effects is a policy relevant one, with one study in particular used frequently to support “not in my backyard” campaigns against new quarry sites. In this POLICY PAPER, we revisit the literature and conduct a new analysis of the price effects of quarries, estimating the effect of quarries on home prices with data from four locations across the United States and a wide range of econometric specifications and robustness checks along with a variety of temporal circumstances from the lead-up to quarry installation to subsequent operational periods. We find no compelling statistical evidence that either the anticipation of, or the ongoing operation of, rock quarries negatively impact home prices. Our study likewise highlights a number of shortcomings in the empirical methodologies generally used to estimate the effect of disamenities on real estate prices. First and foremost, many existing studies are naïve as to the empirical conditions necessary to identify a casual relationship and do not establish credible strategies to estimate the counter-factual outcome. Second, the inclusion of “distance to the site” regressors in hedonic models is shown to be an unreliable statistical method. Using the method of randomized inference, the null hypothesis of “no effect” of placebo quarries is

¹ Ford, George S. and R. Seals, 2018, “Quarry Operations and Property Values: Revisiting Old and Investigating New Empirical Evidence”, Phoenix Center Policy Paper No. 53

rejected in as much as 93% of simulations.”

2.2.2 Blasting Impacts

Blasting and its potential impacts are discussed in the DEIS in Sections 4.3.7 and 5.2.6. As pointed out, there are many natural factors which contribute to basement and wallboard cracking, etc. The closest residence in the Town of Pembroke will be nearly 600± feet from the closest blast. Based upon historic blasting patterns, explosive weights, delays, and actual seismograph records, the vibration attenuation calculations place the vibration limits (i.e. peak particle velocity) at about .25 inches. This is significantly below the U.S. Bureau of Mines guideline of 2 inches per second. The U.S. Bureau of Mines guidelines is based on 40 years of research and their criteria have never been scientifically challenged and proved erroneous.

Permit conditions call for pre-blast surveys of homes and blasting practices as per the following permit conditions:

- **Licensed Blaster Required** All blasting shall be undertaken, monitored and recorded by a blaster licensed by the New York State Department of Labor. The permittee shall maintain copies of all blasting records. Such records shall be made available to the Department (NYSDEC) upon request.
- **Storage of Explosives** Storage of explosives on site shall conform to State of New York, Department of Labor Industrial Code Rule 39, found at 12 NYCRR 39:
 - Part 39.6 General Provisions for the Storage and Handling of Explosives
 - Part 39.8 Construction and Maintenance of Magazines
 - Part 39.9 Location of Magazines
- **Blasting Hours** Blasting shall be conducted between the hours of 11 a.m. to 4 p.m. Exceptions from these hours will require prior Department approval. No blasting will occur on Sundays or legal holidays.
- **Seismograph Monitoring** All blasts shall be monitored with a properly calibrated seismograph. The permittee shall routinely send a copy of the blaster’s report, seismograph records and shot/seismograph location map for each blast to the Department’s Region 9 Mined Land Reclamation Unit within 10 days of each blast.
- **Prevent Injury** Blasting shall be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area.
- **Air Blast Limits** Air blast shall not exceed 133 dB at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.
- **Ground Vibration Limits** Ground vibration shall not exceed the limits as per the attached ground vibration limits graph from the U.S. Bureau of Mines Report of Investigation 8507 (Figure B-1, Safe levels of blasting vibration for houses

using a combination of velocity and displacement). Maximum peak particle velocity shall not exceed these limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

- **No Flyrock Beyond the Property Line** There shall be no flyrock beyond the property line including flyrock that travels in the air or along the ground. In the event of flyrock beyond the property line, all blasting shall cease immediately and the flyrock incident shall be reported within 24 hours to the Regional Mined Land Reclamation Specialist. Blasting shall not resume until written approval to resume blasting is obtained from the Department.

CLS has historically worked with homeowners to address valid complaints and they maintain a complaint procedure.

In the matter of the Village of Akron's water line from Bennington, New York, the pipeline is roughly 1400 to 1500 feet from the proposed closest blast. Stresses produced by blast vibrations are modest. Research has been conducted by the Southwest Research Institute which calculate the effects of blast induced ground vibrations on nearby pipelines. Empirical equations have been developed to estimate stress on pipes for varying conditions of explosive charges, setback distances and pipe type.

The load-carrying capacity of flexible pipe is typically evaluated by estimating the deflection of the pipe from its initial shape. Estimates of deflection became popular following the work of Spangler in Iowa during the 1940's. His work was based on pipe stiffness and soil (bedding and backfill) characteristics. Many project specifications have been written where maximum allowable deflection has been set at 3% of the pipe's diameter for pressure pipe applications. The amount of allowable pipe deflection is a debated subject among manufacturers and engineers. Since little is known about the waterline pipe characteristics and its construction, we have reduced the maximum allowable pipe deflection by half or 1.5% of the pipe's diameter.

At the end of quarry expansion, the closest resulting highwall to the pipeline right-of-way will be 1500 feet. Blasts have been made elsewhere in the quarry using pre-designed explosive charge weights and distances to measure ground vibrations. We have reviewed these and note that typical peak particle velocities and peak displacements measured at the ground surface are quite low.

The conservative pipe deflection of 1.5% of the pipe's diameter (12 inches) equates to 0.18 inches. The blasts we have analyzed produced ground displacements ranging from 0.0122 inches to 0.0054 inches measured and recorded at 290 feet from the blast area. Blast induced ground vibrations attenuate with distance; therefore, at a distance of 1500 feet (closest blasting activities get to the pipeline) the displacements would be smaller. We have calculated blast produced displacements to be less than 0.0006 inches, which is less than 1% of the conservative pipe deflection value. Accordingly, the data shows that blasting activity at a distance of 1500 feet, or greater, from the pipeline will not harm the pipeline.

Impacts to the waterline from vehicular traffic is not an issue. No vehicular traffic associated with the modification is proposed to be near or interact with the waterline.

The impact of blasting on local gas wells was extensively covered in Section 4.2.8 of the DEIS. The proposed action will not have an impact on gas wells in the area due to a limited failure zone from blasting.

2.2.3 Illegal Dumping

Illegal roadside dumping of garbage on CLS property is an issue expressed by locals. This is an illegal activity conducted by unknown persons and unrelated to the proposed action. It has been noted by CLS personnel and the situation will be remedied in regard to periodic garbage collection by CLS personnel.

2.2.4 Ecological Resources

Vegetation and wildlife are discussed in Sections 2.1.6, 4.2.6 and 5.1.6 of the DEIS. Comments received were general in nature and referred to a loss of wildlife primarily by a loss of habitat. The ecology of the site was studied and reported; see Appendix 3 of the DEIS. As stated in the study, the proposed mine site does not contain unique or endangered plants or animals and the habitat is common to the region. The slow advance of mining will allow most species to gradually relocate. It should be noted that a portion of the site is agricultural fields used to produce row crops. In this regard, it is routinely plowed, planted and harvested on a regular basis (i.e. disturbed).

Impacts to the Northern Long-Eared bat will be lessened by restricting tree clearing to winter months (Section 5.1.6.2 p. 108).

2.2.5 Dust & Air Quality

The topic of dust/air quality is presented in the DEIS in Sections 2.1.5, 4.2.5 and 5.1.5. As outlined in the DEIS, dust is mainly generated by material handling and processing. Mitigation is planned by using good operating practices and engineered controls. The abandonment of County Line Road in the plant/entrance section will further attenuate impacts by restricting the public from this problem area. Additionally, internal haul roads will be paved and there will be an increased use of water spray.

The quarry groundwater has been tested for H₂S gas and found to be an acceptable limit; i.e. < 1ppm. CLS is implementing testing on an annual basis and will take corrective actions as appropriate if hydrogen sulfide amounts become problematic.

2.2.6 Visual Impacts

There are general complaints in regard to the visual character of the site such as dead trees on the pre-1975 berm, fencing and perceived views of future activity. Visual

aspects were discussed in the DEIS in Sections 3.4.1, 4.3.5 and 5.2.4. Visual berm computer simulations indicate that the quarry and its activity will be largely blocked from view as is the present quarry. Using the Department's Program Policy DEP-00-2, "Assessing and Mitigating Visual Impacts" as a guidelines, an inventory of aesthetic resources designated by New York State did not reference any resource of local importance. As the Policy notes: "The Visual Policy is intended to address places or locations that have been officially designated for their aesthetic qualities and that are accessible to the public at large as opposed to places that may have individual or private importance only". An aesthetic resources must have an aesthetic value or quality, not a mere presence within a viewshed.

The issue of dead trees on the existing berm along County Line Road was raised. This was discussed at length in the DEIS, Section 4.3.5 page 73. In summary, the berm (trees) will be mined through.

2.2.7 Quality of Life

Quality of life topics or "community character" issues are intertwined with issues such as noise, visual, dust, traffic, etc. and are an expression of health issues and which have all been developed at length in the DEIS. Relevant sections of the DEIS covering these topics are Sections 3.0, 4.3 and 5.2.

The character of a community is not appropriately an independent environmental issue but rather determined mainly by local land use plans and local zoning ordinances.

2.2.8 Groundwater

Groundwater is discussed in the DEIS is Sections 2.1.4.2, 4.2.4.2 and 5.1.4.2. Detailed groundwater data is found in Appendix 11, Volume 5. An enormous amount of groundwater information has been obtained for the mine site. Monitoring well data on site began in 1993 and continues today. Water level readings of the area's residential wells are also semi-annually obtained. The aquifer has had a 72-hour pump test and a slug test and regionally, the area has been studied by the USGS several times.

Typical concerns by residents are well loss, impact on ponds and effect of dewatering on wetlands.

Well Loss

The purpose of monitoring the network of water wells is to assess if dewatering is significantly lowering the groundwater table. As the latest 2018 Hydrology Summary Report concludes:

"Based upon the extensive water level database, the groundwater elevations in most of the residential wells remained relatively consistent with approximately five to ten-foot fluctuations above and below consistent mean elevations. All of the wells remained within the measured historical ranges during the Spring measuring event. All but two residential wells remained within the measured historical range of elevations during the

Fall 2018 monitoring event with record high water levels measured at 5271 Crittenden Barn and 13356 Stage Road.

As discussed in the Fall 2017 report considerable up and down groundwater elevation fluctuations were observed in several residential wells since the Fall of 2013. This included wells at 301, 300, 390 Cohocton Road, 13703 and 13821 Siehl Road, 4833 Crittenden Road, and 13600 Steiner Road. Most of these wells and several other wells exhibited increasing groundwater elevations since the fall of 2013 (including 283, 300, 390 Cohocton Road, 13703 and 13821 Siehl Road, 4660 Crittenden Road, 13590 and 13293 Steiner Road, 13218 Dorsch Road, 4661 Ayers Road, and 13517 and 13356 Stage Road. The water level elevations in monitoring well 4-12 east of the quarry increased by about 20 feet between 2012 and the Spring of 2016, dropped by almost ten feet in the Fall of 2016, and rose significantly (approximately 45 feet) in the Spring 2017 measuring event. It dropped approximately 25 feet during the Spring 2018 measurement but rose approximately 20 feet during the Fall 2018 event. A hydrograph for this well is included as the first plot in the enclosed hydrographs.

A mix of increasing, decreasing, and stable groundwater elevation trends were observed in all directions surrounding the quarry. It is possible that some of the increasing groundwater elevation trends are due to the more recent availability of public water and less well usage. There are no clear spatial patterns or obvious causes associated with the wells exhibiting decreasing groundwater elevations. The more significant water level reductions are likely due to recent well usage just prior to the water level measurement in those wells. In general, wells closer to the quarry exhibited increasing or stable water level trends versus decreasing trends. Precipitation patterns and rates, and well usage just prior to measurement events likely contribute to the observed changes to the groundwater elevations.”

Implementation of the proposed modification is not expected to have a significant impact based upon several decades of water well observations as the quarry has previously expanded. Local home water supplies are also safeguarded by the following current permit condition.

6. Loss of Potable Water The Permittee shall provide potable water to all landowners within 5,000 feet of the approved Life of Mine Limits who do not have public water whenever there is a loss of water quantity, or if the quality of water is such that wells fall below drinking water standards, unless and until the Permittee can demonstrate to the satisfaction of the Department that its mining operation is not a contributing cause.

Notice shall be provided to such property owners no less than thirty (30) days after permit issuance and the property owners shall be provided sixty (60) days to sign up for a water well inspection survey, paid by the Permittee, which shall document existing quality and quantity of water. Proof of service of said Notice will be required. The water well inspection survey shall be conducted prior to mining in accordance with this permit. The survey results shall be made available to the Department within 6 months of the issuance date of this permit.

If water quality falls below New York State Health Department standards, or water quantity is insufficient, the Permittee’s obligation shall be to provide potable water equivalent in quality and quantity to that which existed at the time of the survey, unless and until the Permittee can demonstrate to the satisfaction of the Department that its mining operation is not a contributing cause.

This water supply commitment by the permittee applies to household use, such as drinking water, wash water, bathroom use and the like. It also applies to the continued

use of a well for watering livestock, crops, the garden or other miscellaneous uses after there has been a public water hook-up. It does not apply to a well owner's lack of maintenance or necessary pump replacement, which has resulted in diminished well yields that are not a function of aquifer characteristics. The Permittee's obligation under this plan is limited to only those property owners who participate in the water well survey.

In the event that a new private well is developed within the 5,000-foot radius in the future, the homeowner is eligible for a survey and the commitments made by the permittee as stated above from the time of the water well survey, forward. The Department reserves the right to modify this condition if unforeseen circumstances result in mining impacts on water wells beyond the 5,000-foot radius.

Pond Loss

The subject of draining residential ponds is discussed in Section 4.2.4.1 of the DEIS. As pointed out, the small private ponds are mostly perched water tables not connected to the regional groundwater table and are generally distant from the proposed action.

Wetland Loss

Wetlands are briefly discussed in the same section (4.2.4.1). As with the ponds, Western New York wetlands are a product of perched water in a low relief depression and not reflective of the groundwater table. They will not react to quarry dewatering if a buffer is maintained (e.g. 100 foot).

2.2.9 Dorsch Creek

Dorsch Creek flow characteristics are described in Section 4.2.4.1 of the DEIS. The issue at hand is Dorsch creek's capacity to handle current and future flow volumes. Additionally, there was a concern in regard to access across the creek and potential erosion. Lastly, the term losing stream needs to be clarified.

Losing Stream

A "losing stream" is one which is above the groundwater table and water infiltrates from the channel downward into the subsurface water table. This is a common occurrence and observed elsewhere, especially in association with the Onondaga bedrock formation. In effect, the stream recharges the aquifer, the water is not "lost". The comment about impacts to various swamps and streams was addressed on page 54 of the DEIS. It will be repeated here.

Cedar Swamp

Cedar Swamp is approximately 5 miles from the quarry. As with most wetlands in western New York, they are perched, they are formed by surficial water (precipitation or runoff) collecting in topographic low spots. The underlying material is fairly impermeable silts and clays. The wetland is not groundwater fed. The CLS quarry has been pumping groundwater for decades, any regional effects would have been observable many years ago.

Ransom Creek

The creek's headwaters appear to be at Cedar Swamp and Tillman Road Swamp, southwest of Clarence at the edge of the Onondaga escarpment. Most of the creek, however, is north of the escarpment in a different groundwater regime than that of the quarry.

Beeman Creek

Beeman Creek is located north of the escarpment in a different groundwater regime not related to the Onondaga Formation.

Stream Capacity

The stream capacity was noted in Section 4.2.4.1 of the DEIS, citing the extensive study that was done for CLS's 2002 DEIS. As described in the previous studies, precipitation events such as a 3-inch storm typically stress the capacity of Dorsch Creek. However, the quarry acts as a retention basin for the precipitation events, releasing the water at a delayed rate. As cited in the DEIS, an extensive HydroCAD analysis of Dorsch Creek was made. Applicable portions of the conclusion of the study are excerpted as follows.

“Due to the pumping capacity limitations, the actual flow in Dorsch Road Creek for the proposed future quarry (214 acres) will be less than what presently exists with the 60-acre quarry. This is due to the fact that surface runoff from the proposed quarry expansion presently flows directly to Dorsch Road Creek. With the proposed quarry, all the runoff from this area will be retained in the quarry and dewatered at a lower rate than if it were surface runoff.

The potential for downstream flooding is not directly related to dewatering the quarry and will not increase as the area of quarrying expands. With quarry expansion, more rainfall within the 799-acre drainage basin will be collected within the quarry and, therefore, not available for direct runoff and subsequent flooding.

A greater impact downstream and the possibility of increased flooding during peak runoff conditions will not occur for the following reasons. For the low volume precipitation events (1-inch or less), the runoff rates and quarry dewatering would involve approximately the same amount of time and this would have the same impact downstream. For the higher volume (3-inch) precipitation events, surface runoff rates would be greater than the quarry pumping capacity would be able to discharge the water. As explained above, this condition would result in a slightly reduced impact.

Under runoff conditions less than the worse condition, runoff volumes for both the 1-inch and 3-inch precipitation events would be less, resulting in lower volumes of stream flow and subsequently decreased potential for flooding.”

CLS however, recognizes the benefits of further analysis and delineation of discharge parameters and potential erosion and access issues as the quarry advances and dewatering continues. The Applicant believes a “multi-municipality town working group” would be a positive approach to address the public's concerns.

2.2.10 Tax Benefits

A comment was made that there would be little to no tax benefit having the quarry expand into the Town of Pembroke. This is not a relevant issue for a DEIS.

2.2.11 Traffic

Traffic of the area is detailed in Section 3.2 of the DEIS, describing the Route 63 Corridor Study. Specific to the site, traffic impacts are cited in Section 4.3.3. As noted, the action does not generate traffic beyond the life-of-mine area. The quarry expansion will however, necessitate the realignment of the local roads. As stated in a letter from the Town of Pembroke (Volume 5, Section 14 of DEIS), “Upon preliminary review, the Town has no objection to the concept of rerouting the roadway with the understanding that a formal engineering study will be completed and input gathered from the local residence will be considered. In addition, formal engineering plans will have to be approved by the Town prior to any abandonment and construction”.

2.2.12 Land Use

Land use is described in the DEIS in Section 4.3.1, page 69. As pointed out, the quarry project will create a significant land use change. The change, however, should be assessed for the benefits the action brings to the community at large and the indicated absence of significant adverse environmental impacts as analyzed in the DEIS. County Line Stone does own the land with the historic intent to continue the business of mining. The use of this land is subject to the regulatory framework of the Town.

APPENDIX

- 1. Public Comment Letters**
- 2. DEIS Electronically by Disc**

Appendix 1
Public Comment Letters



MICHAEL H. RANZENHOFER
SENATOR, 115TH DISTRICT

VICE CHAIR
SENATE MINORITY
RANKING MINORITY MEMBER
SENATE INSURANCE COMMITTEE

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May 22, 2019

**Mr. Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2915**

Dear Mr. Passuite:

It is my understanding that County Line Stone Co. Inc. is in the process of applying for an expansion of its quarry in the Towns of Newstead and Pembroke in Erie and Genesee County.

In connection with this application, I would like to comment on two issues. As the Senator representing parts of Erie County, Genesee County and parts of Monroe County, and a member of the Senate Transportation Committee, I am acutely aware of the importance of maintaining our infrastructure and particularly our roads in Western New York. A critical component in maintaining our roadways is the ability to access affordable crushed stone that meets NYSDOT standards. Because of the high cost of transporting stone materials, local sourcing of these materials helps to lower costs and assure that supply will be available when needed. The expansion of the County Line quarry as proposed in their application will help to assure the continued cost effective availability of needed stone products for another twenty-five years. The quarry also provides high-grade agricultural limestone for area farmers, and again the cost of transporting these products makes local sourcing of this material critical to allowing area farmers reasonable access to this important agricultural product.

In addition, the expansion of the quarry footprint to allow continued operation also means the continuation of employment for the workers who work there, as well as the employees that work at other local companies that provide services to County Line for many years to come.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Michael H. Ranzenhofer". The signature is written in a cursive style with a large initial "M".

MICHAEL H. RANZENHOFER
State Senator

MHR/mrh

Passuite, Mark F (DEC)

From: Frank Swigonski <fjswig@aol.com>
Sent: Wednesday, May 22, 2019 5:09 PM
To: Passuite, Mark F (DEC)
Subject: DEC Pembroke Expansion of County Line Stone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Mark Passuite

My name is Frank Swigonski. I have had the privilege of working at County Line Stone from 1981 till 2014. I was the sales manager for most of that time. It was an honor to represent the Company and perpetuate the culture and character of the business created by the Buyers family. It was actually easy. "Do unto others" as well as maintaining the highest ethical business practices and to be the best corporate citizen possible were expected and demanded. The example was set by the late Bruce Buyers and I see that it will continue as my career experienced four generations of family members.

Breaking rocks or crushing stone is one of worlds oldest industries. Buildings were constructed 5000 bc and the wheel was invented around 3500 bc. Since then, the demand has been growing every year. It is for that reason that relationships are not short term, but need to last for a long time. Dick Rudolf, Jim Duschen, Steve Stocking, Tim Hens, John Hilchey, Tony Michalek, Doug and Larry Kohorst, Linda's Diner are a few area residents who can verify the quality of business dealings the quarry has had over the years.

Looking forward, I would expect the new neighbors of Pembroke will experience the efforts of the Company to be one which will be enduring.

Yes, crushing stone creates dust and noise and traffic. The Company has had a history of mitigating these circumstances to minimum impact as possible. The biggest water truck you've ever seen runs constantly, blasting occurs at the same time during the week, most of the traffic exits to the west.

I also remember delivering turkeys to neighbors at Thanksgiving. During a dry summer new wells were drilled for some neighbors. Many properties around the quarry have been purchased so as to stabilize property values. Scholarships and local charities have always benefited from County Lines proximity. And why do they do it? Because it's the right thing to do.

The benefits of their presence far out ways any small detriment to the community.

The jobs themselves are above average in both salary and benefits. There are very few better jobs in either county. The employment is almost year round. The true test however is turnover, There is none.

As I enjoy my retirement and perhaps attend a show at Shea's Buffalo, it gives me great pride to know that County Line Stone has been one of the largest contributors in the past thirty years. They don't need recognition, it doesn't increase sales. And why do they do it? Because it's the right thing to do!

Any community that has the opportunity to host this company will soon find that the benefits greatly outweigh any detriment.

Sincerely,
Frank Swigonski

716 864-1646

Sent from my iPad

May 16, 2019

NYSDEC Division of Environmental Permits

270 Michigan Avenue

Buffalo, NY 14203-7165

Attn: Mark Passuite

Dear Mark,

I am writing to you to tell you how grateful I am to have my job at County Line Stone.

I have been employed there for 24 years. Prior to being employed at County Line Stone, I was working construction and was having to work 70 plus hours a week for make ends meet. It was very difficult because I had a wife and 2 young children.

After being hired at County Line Stone, I no longer had to work such long hours. The pay was much better and County Line Stone offers its employees health insurance, dental insurance and a matching 401K.

Living in the Akron my whole life I also am aware how much County Line Stone is very generous and gives back to the Community.

Thank you for your time.

Douglas Schultz

176 Bloomingdale Road

Akron, NY 14001

Denk, David (DEC)

From: Bruce <brucekraus59@yahoo.com>
Sent: Monday, May 20, 2019 7:32 AM
To: dec.sm.DEP.R9
Subject: Quarry Expansion

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Sent from Mail for Windows 10

To whom it may concern:

My family is not able to attend the hearing on May 22, 2019 so I would like to express myself in this email. In 1972 as an independent trucker I started to haul BT and stone out of the quarry located on Crittenden Rd Akron NY. Through the years I have seen vast upgrades in noise and dust control. They have a water truck constantly wetting the roads keeping the dust down. The equipment is constantly updated and very quiet. The Buyers family are always looking to improve the work environment, taking care of the neighbors, always listening to problems and resolving them. I was a hired trucker from 1972-2002 working exclusively for them. In 2002 I sold and got a job as an employee until retiring in August 2018 at 68. I ran everything from down in the quarry to up in the yard loading trucks. I enjoyed my years there and watched the place grow and improve through the years. Their superintendent Bob Greathouse is one of the smartest individuals I ever met. He is always improving the conditions, work environment and safety of the mine. This is a first class operation all the way around. They employ over twenty people and they have families that benefit from working there. I raised my family of five working there almost all my life. Sadly Bruce Buyers passed just recently but his son Brad has taken over and doing a stand up job. John who is 70+ is still involved and his son Mike Buyers work together to make this quarry stand above the rest. Office personnel are smart, caring, and listen to neighbors concerns and taking care of customers. Truckers are instructed to slow down, trim loads, obey traffic signs, no engine brakes etc. Not getting an expansion would be a detriment to all employed and the future of CLS.

Thanks for your time,
Bruce Kraus



Virus-free. www.avg.com

May 22, 2019

County Line Stone – DEC Public Hearing Comment for Pembroke Expansion

Dear DEC,

My name is Buddy Keeler and I represent Keeler Construction and Barre Stone, of Albion, NY. We are a third generation heavy highway contractor and aggregate supplier in the Albion Area. We have worked closely with County Line Stone for over 40 years. They are one of the few quarries in the region that care about the customer and strive to provide quality products and service to those they serve.

We are directly impacted by the presence of their operation as they make a high friction aggregate that is required by the NYSDOT on most roadway surfaces. This is a material we cannot produce ourselves and without their existence, we would have increased operating costs and have to procure aggregate from a much further distance resulting in higher costs to the end user and ultimately the taxpayer. Annually, our heavy highway construction company works with County Line Stone on several projects in Western New York. Without their operation, we would lose substantial business to multi-national, vertical integrated corporations as we would no longer have the relationship with their local family business.

RECEIVED

MAY 28 2019

NYS DEC
REGION 9



Department of
Environmental
Conservation

Written Comment Form
RE: County Line Stone Co., Inc. Permit Application

Please use this form if you have written comments that you would like to provide to the NYS Department of Environmental Conservation (NYSDEC). This form can be returned at the registration table, mailed or e-mailed using the information below and received by the NYSDEC no later than 5:00 PM on **May 31, 2019**. Information pertaining to the draft DEIS can also be accessed through the following website:
www.continentalplacer.com (click on Publications to access)

Mail to:
Mark Passulte
NYSDEC Division of Environmental Permits
270 Michigan Avenue
Buffalo, New York 14203-2915
(716) 851-7165

Email to: Dep.r9@dec.ny.gov

(Please Print)

Name: Jim Hojnowski Affiliation: (If any) _____
Address: 1042 French Rd, Attica, NY E-mail / Phone (716) 560-1266

I'm Jim Hojnowski owner of Hojnowski Transport and I'm writing this letter in support of County Line Stone's plan to expand their existing quarry. We have been conducting business with County Line Stone both as a purchaser of materials and a supplier of trucking services for the last 40 years. The integrity they show in the way they conduct their business is rare in commercial world today.

It's hard to find any company in the aggregate business who has not been bought out by a large regional operation who no longer have the accountability and dedication to the local community. The Buyers family are always willing to work with the local municipalities, contractors and haulers to provide a positive and fair economic impact to all involved.

I hope you will take this into consideration when considering their proposed expansion.

Sincerely,

Jim Hojnowski
Jim Hojnowski

Passuite, Mark F (DEC)

From: dec.sm.DEP.R9
Sent: Tuesday, May 21, 2019 1:49 PM
To: Passuite, Mark F (DEC)
Subject: FW: County Line Stone, Akron, NY Quarry Expansion

FYI

From: John Hilchey <jhilchey@rochester.rr.com>
Sent: Monday, May 20, 2019 7:37 PM
To: dec.sm.DEP.R9 <DEP.R9@dec.ny.gov>
Subject: County Line Stone, Akron, NY Quarry Expansion

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Mr. Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Ave.
Buffalo, NY 14203-2915

RE: County Line Stone, Akron Quarry Expansion

Dear Mr. Passuite,

I'm writing to comment on the proposed expansion of the County Line Stone Co., Inc. Akron Quarry.

I have been involved locally in public road construction and maintenance for over 40 years as an elected Town Highway Superintendent, Deputy County Highway Superintendent and Sales Representative of road construction and maintenance materials.

From the perspective of a user of the materials produced at this quarry, the importance of this expansion cannot be overstated. The products used from this quarry are of the finest quality due to a number of factors, not the least of which is the natural resource of quality limestone deposits in this area. The products produced at this quarry have been used extensively in the road, bridge and building construction projects throughout Western New York. In addition to the obvious infrastructure uses of these products, one must also note the benefits of the high quality agricultural lime produced at this quarry and used by many area farms to improve the properties of their soils to increase crop production.

It must be noted that a quarry operation, as with many industrial businesses has noise, dust, and truck traffic. However, the natural limestone resource located in this proposed expansion area - unlike oil, natural gas, and water - cannot be transported off site, via pipelines.

Therefore, it is vital to the local infrastructure that this County Line Stone Quarry expansion is allowed to move forward and continue to provide quality products such as blacktop, stone for concrete products, etc. for years to come.

Sincerely,

John R. Hilchey

Good evening my name is Darryl Hart, I have been employed by County Line Stone Co. since 1990. (Before that I worked during the summers from 1985-1988 as a college student.) I was first hired by the original owner of the company, Jack Buyers. Jack was always a true gentleman and made me feel like the company was more of a family than just a business. When Jack passed away and his two sons, John and Bruce, took over the and the atmosphere became even more family-like. I have always felt as though Bruce was like a second father to me. He was always interested in my family life and where I was going for vacations etc. Again, a true gentleman. When Bruce would promise you something or would shake on it, you could take that to the bank. Bruce felt that the community which had given him, his family and his employees much should also be rewarded. Scholarships and contributions to local charities and not-for-profit groups have benefited greatly because of the Buyers family and County Line. This family, this company, has been nothing but generous to it's employees and the community in which it exists.

A new era has started with the changing of the guard. Brad Buyers and his cousin Michael Buyers have assumed the role of company leaders. Since this time a scholarship for Pembroke students has been started and several other organizations in Corfu and Pembroke have benefited from the company's generosity. This is really what this company is about. Yes, we are a business, and yes we are in business to make money, but we also want the quality of life in this area to increase and grow with us. Everyone on the management team, including myself, wants this as well. It's all about leaving the world a better place and County Line is in a position, and has a want to be an active member of making this area a bit better for all.

I have literally grown up working at County Line and always through everything, the ownership has seen me through all the very best times of my life and the very worst. The ownership of this company cares for people. People that work for them and people who are among this community. Just one last thing before I end. For several years I was the Accounts Payable person, I paid the bills. In December of every year Bruce and I would get together and go through the list of charitable organizations and discuss what dollar amounts we'd give. Every year, without exception, he would say "I love this time of year." Now Brad and I go through this process and I can see that he is like his father. Brad has actually expanded our charitable donations by about 25%. You have an amazing company in your backyard it is an asset to you and this community. It also employs several people who earn a very good living because of it. This is a blessing, not just to people like me who work there but to everyone in this area.

Thank you:

WYOMING COUNTY HIGHWAY DEPARTMENT

4328 State Route 19 Silver Springs, NY 14550

Todd Gadd
Superintendent of Highway

www.highway@wyomingco.net



Tony Santoro
Deputy Superintendent

Phone (585)-786-8955
Fax (585)-786-3297

May 31, 2019

New York State Department of Environmental Conservation
Division of Environmental Permits
270 Michigan Ave.
Buffalo, NY 14203-2915
Attn: Mr. Mark Passuite

Re: County Line Stone Co, Inc --DEC No. 9-1456-00004/00013

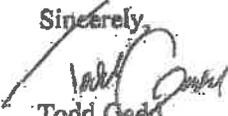
Dear Mr. Passuite,

I am writing this letter regarding the application for the quarry expansion for County Line Stone Co., Inc. Our department has read the Notice of Complete Application and we fully support this proposal. Wyoming County has been sourcing aggregates from this company for many, many years. The access to quality materials has allowed us to have a relatively close source in order for us to accomplish our mission of keeping all components of our 87 bridges and 241-mile county road system in a safe condition by means of cost-effective, efficient and legal maintenance/repair/reconstruction activities. This local sourcing has saved hundreds of thousands of dollars over the years and has been able to keep our taxes at a lower rate. It also has allowed for us to save on additional hauling expenses from a direct cost in fuel and indirect environmental costs.

The other main reason that we support this expansion is community. County Line Stone is a family owned business that lives, works, and shops here. That mindset has served them well over the years and we have witnessed those making decisions that have not been short sighted money driven like we have seen in a corporate atmosphere. Rather, they appear to have much more of a long term relationship attitude towards how they run their business in our community. We have no doubt that based on the years of working with County Line Stone, this expansion will be operated in the same manner.

Thank you for your consideration.

Sincerely,


Todd Gadd

Wyoming County Highway Superintendent

cc: Town of Newstead Supervisor
Town of Pembroke Supervisor

Denk, David (DEC)

From: Mike Fronckowiak <mike@ctscontracting.com>
Sent: Sunday, May 26, 2019 10:31 AM
To: dec.sm.DÉP.R9
Subject: Public comment for County Line Stone-Akron Quarry Expansion

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To Whom it May Concern:

My name is Michael J. Fronckowiak, I am the President of CTS Contracting inc. of Cheektowaga New York. My experience in this industry dates back to 1979.

My business and I have been involved in the construction of roads, bridges, subdivisions, work at airports, school projects, and every type of commercial or retail building imaginable.

All of these projects require large amounts of quality aggregates, the aggregates are used for things like underground utilities, such as sanitary or storm sewers, waterlines, electric and or gas lines. Stone base materials for roadways and parking lots. Various stone products for erosion control along shorelines, and specific stone products for the production of blacktop and concrete.

My association with County Line Stone, dates back to 1981, this company has always provided quality aggregates and service to our industry. In times of emergencies, they have been there to provide materials around the clock for emergency flood control projects, whether for creek bank stabilization, highway washout repairs, or railroad emergency repairs.

In this industry, you would be hard pressed to find a better neighbor.

By allowing this quarry expansion, it will help to keep costs down for towns, villages, counties and state agencies, this is a direct savings for the taxpayers, this is achieved by competitive factors, since the more competitors in any industry always creates a more competitive situation, and Logistically, the farther these products are transported, the more expensive they become.

In closing, This quarry expansion is very important to, the entire construction industry, all of the employees of that industry, builders, developers, and taxpayers alike.

Michael J. Fronckowiak

TOWN OF CLARENCE HIGHWAY DEPARTMENT

6185 Goodrich Road
Clarence Center, New York 14032
Phone: (716) 741-3210 • Fax: (716) 741-8557
www.clarence.ny.us



James A. Dussing
Superintendent of Highways

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MAY 24 2019

**NYS DEC
REGION 9**

May 21, 2019

Mr. Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Avenue
Buffalo, New York 14203-2915

Re: County Line Stone Co. Inc.

Dear Mr. Passuite,

I am writing you this letter today as a record of my support for the expansion project being applied for by County Line Stone Company Incorporated to their Akron Quarry. I feel that the proposed expansion project would be in the best interest of all involved parties. I will take a moment to tell you about myself and why I felt compelled to send a letter of support.

I am a fourth generation resident of the Town of Clarence. I have deep roots in both the towns of Clarence and Newstead. I have worked for the town of Clarence Highway Department since the spring of 1995 and have been involved in all aspects of highway maintenance including blacktop, stone and heavy road construction. I ran for election to be Superintendent of Highways in 2013 and currently in addition I am an executive committee member for both the Erie County and New York State Associations of Town Highway Superintendents. I deal many other government agencies, private contractors and residents on a daily basis. I feel as though I have a great understanding of the aggregates industry and have seen the positive impact that County Line Stone and the Buyers family has had on the immediate area and all of Western New York.

I first became familiar with County Line Stone (CLS) and the Buyers family shortly after my employment with the Town of Clarence. I would visit the quarry several times during the week and immediately noticed the hands on approach that the Buyers family had with their business. It was not uncommon to see Bruce Buyers in the quarry lining trucks up, talking to drivers and plant operators to make sure everyone was serviced in a timely manner. It did not take me long to get to know most of County Line's 30 employees, contract employees, truckers and customers on a first name basis. CLS

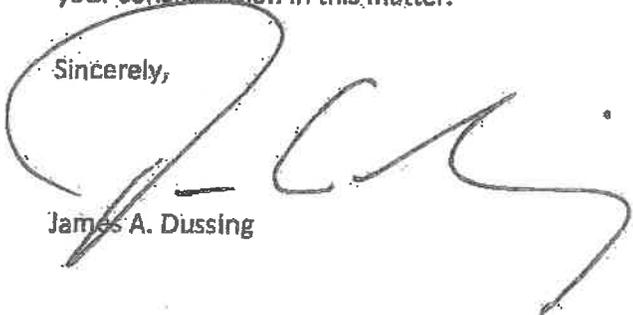
would frequently customize the material we needed for a specific application to our roads. Customer service at County Line has always been a priority for them and it was quite evident each time I visited the quarry.

Soon after I became Superintendent of Highways for the Town of Clarence, I realized what a valuable asset that County Line Stone is to us and our goals, which is to build and maintain the safest roads that we possibly can, at a price the taxpayers can afford. In addition to providing high quality Limestone Products they make some of the best asphalt products in New York State. This is evident on hundreds of the local and State roads that we drive on every day. County Line Stone has always been there for their neighbors, employees and the people they serve. They have opened on weekends and nights to provide quarry loaders during snowstorms and have been there during high water events to provide sand for sand bags, many times at no cost to the requesting municipalities. County Line also offers technical assistance on the best highway maintenance practices, offers lab services and always offers to help in anyway necessary. Just last year, we ripped a custom order conveyor belt for our Brush Grinder in the middle of spring clean-up. CLS immediately provided us with a brand new belt and a mechanic to assist us with installation with no questions asked. Time and time again CLS employees and the entire Buyers family have come through for their neighbors, customers and in many cases their competitors.

County Line Stone has always been about serving its community in addition to their customers. It is hard to find a charity or community event that CLS is not a major sponsor of. They have been there when I have had sick employees, to offer comfort and support for benefits being held. It would be very difficult to find a fire hall, community organization or not-for-profit that has not directly benefitted from the generosity of the entire Buyers family. When you talk about good corporate citizens, County Line Stone and the Buyers family are right at the top of the list. It's extremely important to our communities to keep this company viable for many years to come. The requested expansion would ensure that CLS could continue to provide good paying jobs, products and support for Western New York and the people that live here.

I would like to ask for you to consider all of these factors mentioned when making your decision for the approval of the requested permit. The Buyers family is a great asset to us all and are well deserving of such a permit. I would welcome any questions that you may have for me and would be happy to offer more detailed information at a time that is convenient for you. I have included my business card in this correspondence in case you would like to call or email me directly. Thank you for your consideration in this matter.

Sincerely,


James A. Dussing

Cc: Mr. John Worth

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MAY 24 2019

NYS-DEC
REGION 9

Denk, David (DEC)

From: Lorraine Pixley <facah3@gmail.com>
Sent: Tuesday, May 28, 2019 12:01 PM
To: dec.sm.DEP.R9
Subject: County Line Stone Company

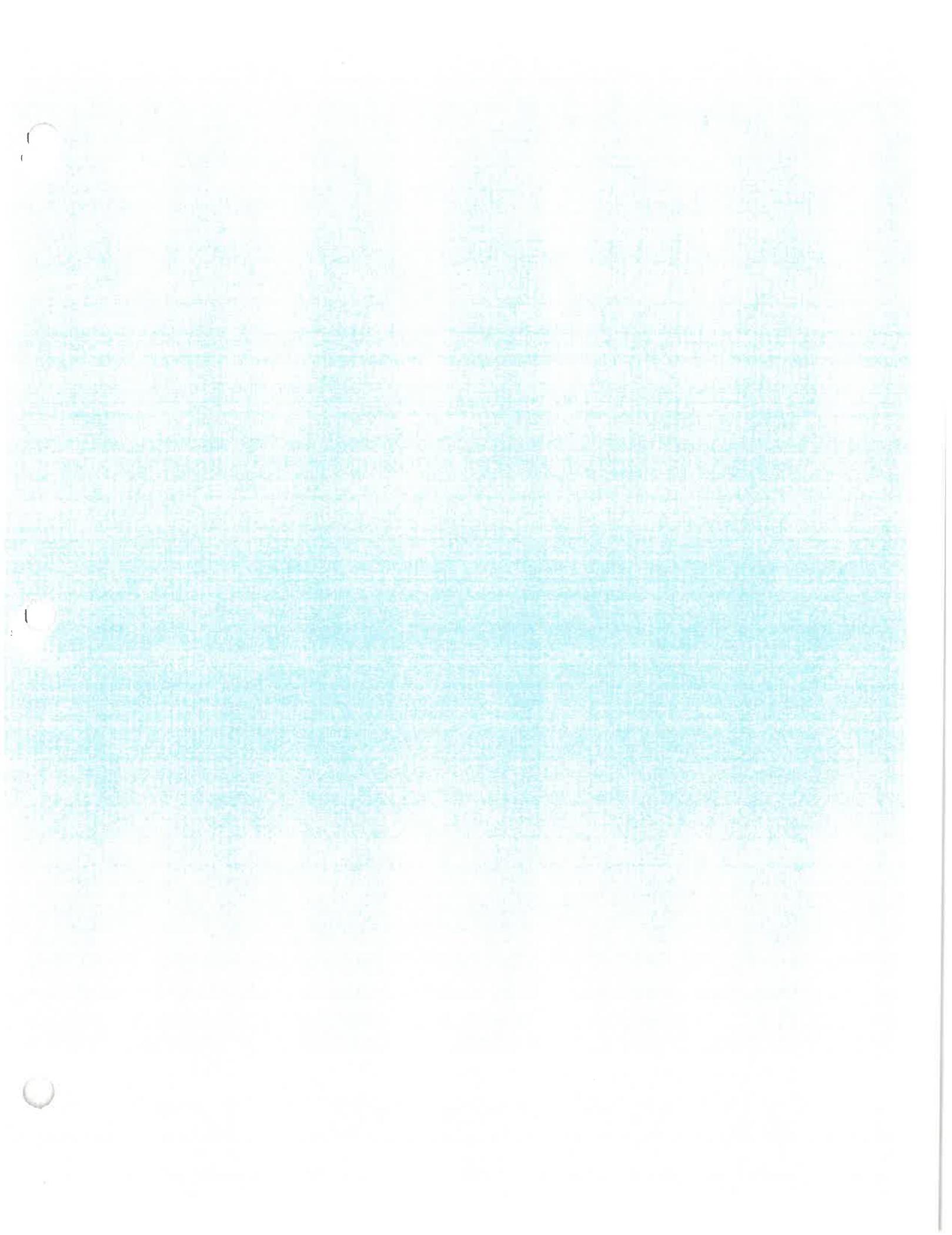
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Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Avenue
Buffalo, New York 14203-2915
(716) 851-7165

Dear Mark,

I am writing this after attending the meeting in Pembroke about the expansion of the quarry and yes I am an employee but that is not why I am writing to you. Almost 30 years ago I was A newly divorced mother with no job 2 babies 2 dogs 2 cats and a snake in a car with nowhere to go and no roof over our heads. Someone told me to go see Bruce Buyers at County Line Stone which in desperation I did. The quarry rented me a house on the rim of the quarry the closest house there is, with no lease nothing but a hand shake and a promise to pay the rent. All he asked in return was to keep the property nice. Keep the lawn mowed and things looking good. It was years later when I went in to pay my rent he offered me a job in the scale house. I have now been here 20 years as an employee and worked almost every aspect of this office. In all that time the quarry's position on keeping thing nice has always been the same every person we rent to is told the same thing I was all those years ago. For years we bought evergreens every year and planted them around the perimeter and yes some on the back have died and need to be replaced . In knowing this and feeling a commitment to the quarry when I head about the neighbors complaint about the garbage and kitty litter I was concerned and a little offended that someone would just dump stuff on the side of the road so I personally went out to try and clean it up. The thing is I could not find anything. When I drove down the road it was nice and all I thought was maybe my son should buy land back here to build a house . I am not saying it was never there but I am saying obviously I am not the only person at County Line Stone that cared enough to go out and clean it up. Thank you for your time and consideration.

Best Regards,
Lorraine Pixley



Denk, David (DEC)

From: carl klingenschmitt <cklingenschmitt@rochester.rr.com>
Sent: Thursday, May 30, 2019 8:40 PM
To: dec.sm.DEP.R9
Subject: Comment on County Line Stone Application
Attachments: COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT.docx

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Mr. Passuite

Attached and following is a comment concerning our concerns about the ground/storm water drainage issue presented by the County Line Stone quarrying operation. County Line has always been a good neighbor so we look forward to a successful continuing relationship.

Respectfully submitted

Town of Newstead Conservation Advisory Council

Town of Newstead

Clarence Center Rd

Akron, NY 14001

Carl Klingenschmitt Chairman

716-759-6428

COUNTY LINE STONE CO. INC. ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by the Town of Newstead Conservation Advisory Council

The Newstead Conservation Advisory Council (NCAC) has reviewed the DEIS submitted by County Line Stone (CLS) for a quarrying permit to increase the size of their operation. While the DEIS contains tremendous amounts of data, it appears groundwater/surface-storm water drainage lacks some detail. Refer to Volume 1, pages 51 to 57 primarily. Additional information is available in the USGS study referenced in the DEIS.

Our primary concern is the ability of Dorsch Creek to handle the volume of water pumped from the quarry as a result of the increased operation. County Line Stone has been pumping into Dorsch Creek since they started operation. The CLS out-flow is probably the biggest portion of the creek flow when they are at maximum pumping. The creek has a large watershed area for its physical dimensions but the permeability of the local soils is such that rain fall is rapidly absorbed locally before runoff to the creek. The creek itself is approximately 2.75 miles long with 2 miles in Newstead and 0.75 miles downstream in Alden. It is 3-5 feet

wide with shallow banks and drops 50 feet in elevation from the quarry to its junction with Ellicott Creek in Alden. Dorsch Creek meanders and has significant highly vegetated areas. As a result it is difficult to calculate its water handling capability.

Another concern is the lowering of the general aquifer water level. As stated in the DGIS, Dorsch Creek is a *lost water stream* meaning that the flow rate downstream may be less than that at the upper end. This lost water might feed local ponds such as Cedar Swamp, Tillman Nature Preserve, other aquifer fed wetlands and Ransom Creek and residential wells all of which have lost level in the past years.

Another concern is the long term weather predictions which presently forecast a greater number of very high precipitation short term events. Natural increased water volume needs to be researched/documentated before CLS designs are finalized. Large-volume rain storms are more likely to result in high water and short duration flooding events. These short-term high-water levels could force County Line Stone to evaluate its pumping strategy.

There are some possible solutions proposed in the DEIS to potential groundwater/surface-storm water drainage concerns. County Line Stone could use the quarry as a temporary retention basin. The premise used is that the total amount of storm water collected in the quarry is greater than the pumping capacity so there is a natural retention time. (Note: the DEIS reports one maximum pumping capacity calculation for this solution, presented in Volume 1, page 55 as 13.2 mgal/day but on page 54, 15 mgal/day was achieved in 2013.) Some minor flooding and erosion has been reported by Newstead residents along the creek. This quarry retention solution needs further investigation particularly considering the increased quarry intercept area and various maximum pumping rates. Increasing the water handling ability of Dorsch Creek would be an expensive and difficult proposition for the Towns of Newstead and Alden.

Another solution is to develop a separate retention pond on County Line Stone property associated directly with the pumping and creek. This could provide addition water storage for the short duration events.

Another solution presented in the DEIS is to pump the water east to Murder Creek. This would move water from the Ellicott watershed to the Tonawanda watershed. The downstream effects of which should be considered. Murder Creek is larger than Dorsch Creek so pumped water would be less of a percentage increase. However Murder Creek in the Village of Akron was rebuilt via a \$1.1 Million state/federal hazard mitigation grant to prevent the creek from eroding and seriously damaging the Village. Adding to the peak flow might not be the best practice. Also the watershed area of Murder Creek is large so high rain events could overwhelm the present creek in the Towns of Pembroke and Newstead.

All of these solutions have up and down sides with far reaching environmental impacts in the four towns of Newstead, Clarence, Alden and Pembroke and the Village of Akron. Also the expansion of operations is important for County Line Stone and the five communities. As a result of the hydrological complexity the Newstead Conservation Advisory Council proposes the inclusion of a permit requirement that County Line Stone participate in a multi-municipality town working group. The group would consist of representatives from County Line Stone, the towns of Newstead, Alden, Clarence and Pembroke, the Village of Akron and the NYSDEC, Army Corps of Engineers and the respective County Soil and Water Conservation Districts as required. Since the headquarters of County Line Stone is in Newstead, the Town of Newstead would chair the group. The meetings would occur as required to address problems/concerns as they arise.

COUNTY LINE STONE CO., INC. ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by the Town of Newstead Conservation Advisory Council

The Newstead Conservation Advisory Council (NCAC) has reviewed the DEIS submitted by County Line Stone (CLS) for a quarrying permit to increase the size of their operation. While the DEIS contains tremendous amounts of data, it appears groundwater/surface-storm water drainage lacks some detail. Refer to Volume 1, pages 51 to 57 primarily. Additional information is available in the USGS study referenced in the DEIS.

Our primary concern is the ability of Dorsch Creek to handle the volume of water pumped from the quarry as a result of the increased operation. County Line Stone has been pumping into Dorsch Creek since they started operation. The CLS out-flow is probably the biggest portion of the creek flow when they are at maximum pumping. The creek has a large watershed area for its physical dimensions but the permeability of the local soils is such that rain fall is rapidly absorbed locally before runoff to the creek. The creek itself is approximately 2.75 miles long with 2 miles in Newstead and 0.75 miles downstream in Alden. It is 3-5 feet wide with shallow banks and drops 50 feet in elevation from the quarry to its junction with Ellicott Creek in Alden. Dorsch Creek meanders and has significant highly vegetated areas. As a result it is difficult to calculate its water handling capability.

Another concern is the lowering of the general aquifer water level. As stated in the DGIS, Dorsch Creek is a *lost water stream* meaning that the flow rate downstream may be less than that at the upper end. This lost water might feed local ponds such as Cedar Swamp, Tillman Nature Preserve, other aquifer fed wetlands and Ransom Creek and residential wells all of which have lost level in the past years.

Another concern is the long term weather predictions which presently forecast a greater number of very high precipitation short term events. Natural increased water volume needs to be researched/documentated before CLS designs are finalized. Large volume rain storms are more likely to result in high water and short duration flooding events. These short-term high-water levels could force County Line Stone to evaluate its pumping strategy.

There are some possible solutions proposed in the DEIS to potential groundwater/surface-storm water drainage concerns. County Line Stone could use the quarry as a temporary retention basin. The premise used is that the total amount of storm water collected in the quarry is greater than the pumping capacity so there is a natural retention time. (Note: the DEIS reports one maximum pumping capacity calculation for this solution, presented in Volume 1, page 55 as 13.2 mgal/day but on page 54, 15 mgal/day was achieved in 2013.) Some minor flooding and erosion has been reported by Newstead residents along the creek. This quarry retention solution needs further investigation particularly considering the increased quarry

intercept area and various maximum pumping rates. Increasing the water handling ability of Dorsch Creek would be an expensive and difficult proposition for the Towns of Newstead and Alden.

Another solution is to develop a separate retention pond on County Line Stone property associated directly with the pumping and creek. This could provide additional water storage for the short duration events.

Another solution presented in the DEIS is to pump the water east to Murder Creek. This would move water from the Ellicott watershed to the Tonawanda watershed. The downstream effects of which should be considered. Murder Creek is larger than Dorsch Creek so pumped water would be less of a percentage increase. However Murder Creek in the Village of Akron was rebuilt via a \$1.1 Million state/federal hazard mitigation grant to prevent the creek from eroding and seriously damaging the Village. Adding to the peak flow might not be the best practice. Also the watershed area of Murder Creek is large so high rain events could overwhelm the present creek in the Towns of Pembroke and Newstead.

All of these solutions have up and down sides with far reaching environmental impacts in the four towns of Newstead, Clarence, Alden and Pembroke and the Village of Akron. Also the expansion of operations is important for County Line Stone and the five communities. As a result of the hydrological complexity the Newstead Conservation Advisory Council proposes the inclusion of a permit requirement that County Line Stone participate in a multi-municipality town working group. The group would consist of representatives from County Line Stone, the towns of Newstead, Alden, Clarence and Pembroke, the Village of Akron and the NYSDEC, Army Corps of Engineers and the respective County Soil and Water Conservation Districts as required. Since the headquarters of County Line Stone is in Newstead, the Town of Newstead would chair the group. The meetings would occur as required to address problems/concerns as they arise.

Denk, David (DEC)

From: carl klingenschmitt <cklingenschmitt@rochester.rr.com>
Sent: Thursday, May 30, 2019 8:15 PM
To: dec.sm.DEP.R9
Cc: Cummings Jon
Subject: Comments on County Line Stone Co Permit Application
Attachments: COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT water.docx

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mr. Passuite

Attached and following is a comment to the permit application for County Line Stone Co. Inc pertaining to the Village of Akron water transmission line.

It is being submitted by the Chairman of the Town of Newstead Conservation Advisory Council on behalf of the Village of Akron Department of Public Works

Respectfully submitted,

Carl Klingenschmitt

Chairman Newstead CAC

11520 Howe Rd

Akron, NY 14001

716-759-6428

COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by Town of Newstead Conservation Advisory Council for the Village of Akron

The Village of Akron, population 3000, obtains its municipal potable drinking water from a reservoir/treatment plant located in Bennington, NY via a transmission line that traverses the area under investigation. It runs northwest/southeast approximately 500 feet from the north west corner of the area to be used for storage and approximately 1500 feet from the proposed quarry area. The vulnerabilities of this line to blasting and vehicular traffic is not detailed in the DEIS. It is requested that County Line Stone representatives contact the Village of Akron Department of Public Works, 21 Main St, Akron NY 14001, 716-542-2680 to discuss the concerns associated with this transmission line.

COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by Town of Newstead Conservation Advisory Council for the Village of Akron

The Village of Akron, population 3000, obtains its municipal potable drinking water from a reservoir/treatment plant located in Bennington, NY via a transmission line that traverses the area under investigation. It runs northwest/southeast approximately 500 feet from the north west corner of the area to be used for storage and approximately 1500 feet from the proposed quarry area. The vulnerabilities of this line to blasting and vehicular traffic is not detailed in the DEIS. It is requested that County Line Stone representatives contact the Village of Akron Department of Public Works, 21 Main St, Akron NY 14001, 716-542-2680 to discuss the concerns associated with this transmission line.

Denk, David (DEC)

From: Dave Cummings <DAVE@townofnewstead.com>
Sent: Friday, May 31, 2019 10:59 AM
To: dec.sm.DEP.R9
Cc: Brendan Neill; Emily Janicz; jjendrowski@townofnewstead.com; Joe Dugan; Dr. Burke; Jeannine morlacci
Subject: FW: County Line Stone Comments
Attachments: COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT.docx;
COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT water.docx

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203
7116-851-7165

The town of Newstead has reviewed the permit application and had discussions with our conservation council. Attached are two comments from that council and the town of Newstead board echoes those comments.

We would like to see a committee formed to work with the DEC and County Line stone if the project is approved. This could allow the communities involvement in the future.

Thank you,

Dave Cummings
Supervisor - Town of Newstead

COUNTY LINE STONE CO. INC. ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by the Town of Newstead Conservation Advisory Council

The Newstead Conservation Advisory Council (NCAC) has reviewed the DEIS submitted by County Line Stone (CLS) for a quarrying permit to increase the size of their operation. While the DEIS contains tremendous amounts of data, it appears groundwater/surface-storm water drainage lacks some detail. Refer to Volume 1, pages 51 to 57 primarily. Additional information is available in the USGS study referenced in the DEIS.

Our primary concern is the ability of Dorsch Creek to handle the volume of water pumped from the quarry as a result of the increased operation. County Line Stone has been pumping into Dorsch Creek since they started operation. The CLS out-flow is probably the biggest portion of the creek flow when they are at maximum pumping. The creek has a large watershed area for its physical dimensions but the permeability of the local soils is such that rain fall is rapidly absorbed locally before runoff to the creek. The creek itself is approximately 2.75 miles long with 2 miles in Newstead and 0.75 miles downstream in Alden. It is 3-5 feet wide with shallow banks and drops 50 feet in elevation from the quarry to its junction with Ellcott Creek in Alden. Dorsch Creek meanders and has significant highly vegetated areas. As a result it is difficult to calculate its water handling capability.

Another concern is the lowering of the general aquifer water level. As stated in the DGIS, Dorsch Creek is a *lost water stream* meaning that the flow rate downstream may be less than that at the upper end. This lost water might feed local ponds such as Cedar Swamp, Tillman Nature Preserve, other aquifer fed wetlands and Ransom Creek and residential wells all of which have lost level in the past years.

Another concern is the long term weather predictions which presently forecast a greater number of very high precipitation short term events. Natural increased water volume needs to be researched/documentated before CLS designs are finalized. Large-volume rain storms are more likely to result in high water and short duration flooding events. These short-term high-water levels could force County Line Stone to evaluate its pumping strategy.

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COUNTY LINE STONE ENVIRONMENTAL IMPACT STATEMENT COMMENT

Submitted by Town of Newstead Conservation Advisory Council for the Village of Akron

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Passuite, Mark F (DEC)

From: dec.sm.DEP.R9
Sent: Thursday, May 23, 2019 10:52 AM
To: Passuite, Mark F (DEC)
Subject: FW: ENB - Region 9 Notices 5/1/2019 County Line Stone

FYI

From: sharrigray@yahoo.com <sharrigray@yahoo.com>
Sent: Wednesday, May 22, 2019 9:49 PM
To: dec.sm.DEP.R9 <DEP.R9@dec.ny.gov>
Subject: Re: ENB - Region 9 Notices 5/1/2019 County Line Stone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Mark,

As a close neighbor of County Line Stone (CLS), I am opposed to the expansion.

The destruction of wildlife habitats and scenery is horrible. We would go from pleasant scenery of woods, fields and deer to roads with berms that make it like driving and walking through a tunnel. Also, since the vicinity of the quarry is like a no-man's land, it gets used as a dump site. There is always litter and debris up and down County Line Road that never gets cleaned up. Private property owners keep their yards cleaned. Why shouldn't a business do the same?

CLS has stated in their application that the vibration damage to homes is no more severe than the damage caused by temperature changes. I would say that active quarry blasting is considerably more frequent than extreme temperature changes. Have there been any independent studies on the seismic ratings of random blasting? I live over a mile away from the current blast zone and I can feel it at my house. Lots of neighbors have cracked foundations.

Along that line, the application says that CLS will maintain a 25 foot buffer between blast locations and property lines/easements. That's not much distance. If I can feel it a mile away, I can't imagine being 25 feet from it. Also, there are many gas wells and a natural gas line in close vicinity to the proposed expansion. That can't be a good combination. Quality of life is important to all of us. The dust created by both the blasting and the truck traffic is horrific. It's not only a nuisance in terms of keeping a clean house, but it's a health hazard. There's lots of fields and woods between my house and the current blast area, but if I clean my windows, they are once again coated in dust within a week. That combined with the h2s gas is not good for our respiratory systems.

There have been many reports of people's wells going dry after the last expansion was approved for them to blast deeper. So now they want to move even closer. Public water lines were put in @ 10 years ago, at considerable expense to us, because of the water table problems caused by the quarry blasting. Not everyone chose to hook in, nor should they be forced to due to the quarry activities.

The application states that the expansion of CLS is compatible with Pembroke zoning. Pembroke is not zoned for mining.

Property values are certain to fall. The application compares property values to condos in California whose values didn't drop because of a nearby quarry. I hardly see that as a reasonable comparison. The application also states that all the required reports had favorable results. Well who paid for those reports? I know in my own experience that test reports and studies can easily be massaged to get the results the customer is looking for. In fact, some of the reports appeared to be outdated, probably recycled from previous expansions. Even the maps were old. There are at least 20-30 more houses now than what figure 1 shows. There are many neighbors whose families have lived here for generations as well as new young families with children living here.

Don't let this hazardous destruction to continue to grow.

Sharrigray
268 Maple Rd
Corfu, NY 14036

Sent from my iPhone

On May 14, 2019, at 3:30 PM, dec.sm.DEP.R9 <DEP.R9@dec.ny.gov> wrote:

Hi Sharri,

Thanks for your response. You are correct, there was an error in the newspaper publication that switched the Town Hall names. These are two of the repositories for a hard copy of the materials. All of these documents may be viewed online at continentaiplacer.com. Any comments should be sent to me at Dep.r9@dec.gov or by mail to NYSDEC Division of Environmental Permits, 270 Michigan Avenue, Buffalo, NY 14203-2915. Oral comments can also be made at the Public Comment Hearing at the Village of Corfu Community Center on May 22. Thanks again.

Mark

From: sharri gray <sharrigray@yahoo.com>
Sent: Tuesday, May 14, 2019 12:59 PM
To: dec.sm.DEP.R9 <DEP.R9@dec.ny.gov>
Cc: sharri gray <sharrigray@yahoo.com>
Subject: ENB - Region 9 Notices 5/1/2019 County Line Stone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Mark,
FYI, The reply mailing addresses on this public notice are incorrect in this notice. Pembroke Town Hall is Main Rd Corfu and Newstead Town Hall is on Clarence Center Rd in Akron.
Sharri

Denk, David (DEC)

From: sharri gray <sharrigray@yahoo.com>
Sent: Friday, May 24, 2019 11:36 AM
To: dec.sm.DEP.R9
Subject: RE: ENB - Region 9 Notices 5/1/2019 County Line Stone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Mark,

In addition to my previous comments against the quarry expansion, (DEC and Town of Pembroke Issues are slightly blurred in this whole process) Pembroke is not zoned for mining and a special use permit would have to be granted by the planning board. I have been assured by our town supervisor that no such permission has been granted.

Sharri Gray

On Tue, 5/14/19, dec. sm. DEP. R9 <DEP.R9@dec.ny.gov> wrote:

Subject: RE: ENB - Region 9 Notices 5/1/2019 County Line Stone
To: "sharri gray" <sharrigray@yahoo.com>
Date: Tuesday, May 14, 2019, 3:30 PM

Hi Sharri,

Thanks for your response.

You are correct, there was an error in the newspaper publication that switched the Town Hall names. These are two of the repositories for a hard copy of the materials. All of these documents may be viewed online at continentalplacer.com. Any comments should be sent to me at Dep.r9@dec.gov or by mail to NYSDEC Division of Environmental Permits, 270 Michigan Avenue, Buffalo, NY 14203-2915. Oral comments can also be made at the Public Comment Hearing at the Village of Corfu Community Center on May 22. Thanks again.

Mark

From: sharri gray
<sharrigray@yahoo.com>

Sent: Tuesday, May 14, 2019 12:59 PM

To: dec.sm.DEP.R9 <DEP.R9@dec.ny.gov>

Cc: sharri gray <sharrigray@yahoo.com>

Subject: ENB - Region 9 Notices 5/1/2019 County Line Stone

ATTENTION:

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Hello Mark,

FYI, The reply mailing addresses on this public notice are incorrect in this notice. Pembroke Town Hall is Main Rd Corfu and Newstead Town Hall is on Clarence Center Rd in Akron.

Sharri

Denk, David (DEC)

From: william bevingtonsr <wbevingtonsr@yahoo.com>
Sent: Monday, May 20, 2019 5:02 AM
To: dec.sm.DEP.R9
Subject: County Line Stone Akron NY Proposed expansion
Attachments: IMG_4623.JPG; IMG_4625.JPG; IMG_4626.JPG; property survey.jpg

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To: Mark Passuite

NYSDEC Division of Environmental Permits

270 Michigan Avenue

Buffalo, N.Y. 14203-2915

Mark I am contacting you regarding the proposed expansion of County Line Stone Co. Inc. Akron Quarry

4515 Crittenden Road, Akron, N.Y. 14001

My wife and I reside and own approximately 24 acres at 12777 Dorsch road, Akron which is approx. 1.5 miles west of County Line Stone.

My concern is accessibility of our property with the inevitable increase in water that will be pumped from the quarry. The creek which County L.S. uses to discharge into bisects our property. At present there are older concrete culverts which the creek flows through that we have been using to drive across to access 19 acres of our property. This is the only access.

When County L.S. expanded around 2002 the large increase in water flow in conjunction with snow melt and/or heavy prolonged rains have caused the earth surrounding the concrete culverts to become unstable and erode away. This was not a problem at any time of the year before 2002 expansion.

As you can see by the attached pictures I have done what I can to try and mitigate the eroding effects of the increased water flow since 2002.

It is my judgement that eventually with continued increase in water discharge by County L.S. this would make that portion of our property (approx. 19 acres) unusable and inaccessible unless something is done to prevent further creek bank erosion at our access point.

Thank you

William H. Bevington

7.5 17.2 17.4 46.2 46 46

DORSCH RD

(49.5' - W)

325, 18 CL
1.31 A
16.2

325 CL
1.1 A(C)
16.112

325 CL
1.27 A
16.111

325 CL
1.1 A(C)
17.12

325 CL
2.01 A(C)
17.2

325 CL

163.50 CL 150 CL 150 CL

3.2 A(C)
20.131

Bevington

165 Creek

990.52 CL 791.69 CL 792 CL

316

345 CL(S)
2.4 A(C)
19.1

1.4 A(C)
18

22 A(C)
20.211

Bevington

530 183

180.60 50

1.2 A(C)
19.2

1.30 CL
22

255.40 CL
1.3 A(C)
23

392.05

1291.39

434.20 CL
7.5 A(C)
38.1

Salim

645.45Q

2.1 A(C) Hank Dean
37.13

646.44Q

684.33

Jack Hornung
(4207)
654 CL
1330.77 CL
8.86 A(C)
33.211

400 CL
43 A(C)

254

60 A(C)
37.11







Denk, David (DEC)

From: Anne Slawinski <andostt@aol.com>
Sent: Friday, May 31, 2019 3:09 PM
To: dec.sm.DEP.R9
Subject: Comments on County Line Stone Co application
Attachments: County Line Stone -Comments.pdf

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

See attached comments submitted **AGAINST** -County Line Stone Application for expansion in Genesee County.

thank-you
Anne & Doug Slawinski

home #585-599-3936
cell #716-597-4391

May 28, 2019

Mark Passuite
NYSDEC Division of Environmental Permits
270 Michigan Ave
Buffalo NY 14203-2915
Email: Dep.r9@dec.ny.gov

RE: County Line Stone Co. Inc. Permit Application for expansion in Genesee County.

We are writing this letter to voice our opinion strongly **AGAINST** this application. We hope you will consider it very, very carefully. With all the facts and voices heard, to come to the conclusion to deny it.

We bought our home back in 1991. We have lived in Genesee county for 28 yrs. We put a life- time of work and pride into our home. We have put up with a lot as it is now, with County Line Stone, being near us. Our house is the second house from the end of Scribner Rd. Our next-door neighbor owned many acres next to us at one time. She was an elderly lady, who unfortunately sold her property out finally to County Line. So now they own the property right next door to us. Since then, we have seen County line buy out many other elderly neighbors -securing property in Genesee county, for the sole purpose of expanding, their very small family business. (I heard there are only approximate 30 employees).

We had well water previously at our home for years. Within the recent few years, Town water was offered on our street. We now have it, and no longer have to deal with our well going dry from the continuous blasting. We had to have it drilled deeper at our own expense, a few times.

The blasts from the quarry have been getting louder and louder. Our house shakes and rattles, with each one. I'm very concerned about the effects on my home foundation. We have had some recent remodeling done, and the walls are already reflecting cracks. This supports my concerns with the amount of blasting, and the impact on residential area.

We have attended their so-called meetings, so they can roll out their idea to blast more and more property and are destroying the area. They do not inform the community of these meetings until last minute, and only invite the people, such as workers and/or associates that they feel will go along with their proposal. None of which, live close enough to honestly know how it is truly harming this area. Instead the directly impacted residents of Genesee and Erie, that live next to the site, are not notified. This just re-enforces their lack of respect for the residents, effected by their proposal.

The last meeting, was supposed to be an environmental impact meeting. We were not told of any studies completed or if they will start soon. We were not informed what the process is at all. We have not seen any one in the area taking samples, or logging/recording data to support any test are even being initiated. Instead, we are left in the dark, and the meeting give us no information. I can say the

blasts are so loud, it shakes our entire house, now! Can't image what will happen if they blast on my street, as they proposed.

They say they want to redirect my road. This again will greatly impact me, my family and neighbors. I am totally against it. It was very disrupting when they previously took over and closed the connecting Schur Rd. As they stated years before when they expanded on it, it was to last them 75 years. Well, here they are again wanting more and more land. They promised to make a barrier of beautiful trees and hide the ugly quarry pits. But instead, there are dead trees and wasted lands. It only allows huge dust pockets to cover the roads and blow over the surrounding residential community. The dust covers our windows, cars and makes it hard to breath with so much dust in the air. It looks like a sandstorm at times. I have health concerns of what this dust is doing to us. We were told they have water trucks to help maintain the dusty roads, but I have never saw one in use. Not in all the 28 years I have lived here!

Their huge work trucks were supposed to route to Cohocton Rd. and stay off Scribner Rd. Instead we see their trucks barreling down it. Just shows you, again the lack of respect for the residents. They have put up miles of fences, around to clearly show the community their unfriendly intensions. It sent a strong nasty signal, that as soon as they buy up area land -they own it.

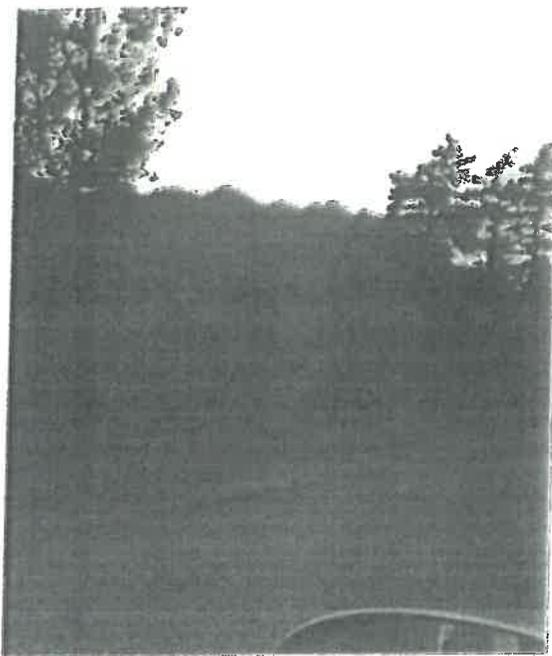
We have also complained about the garbage on their property. No one cleans it up. Instead the community residents must put up with it. There has been piles of kitty litter jugs, and other garbage left out throughout the years, that we must drive by to get to our homes daily. Even dead deer carcasses left on property for months, that rot and attract rodents in the area. They go home from work, but we stuck with the daily nuisance of it. Again, this reflects their disrespect for the community living here!!!

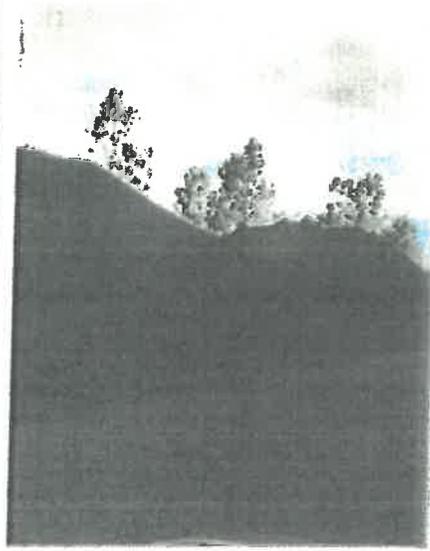
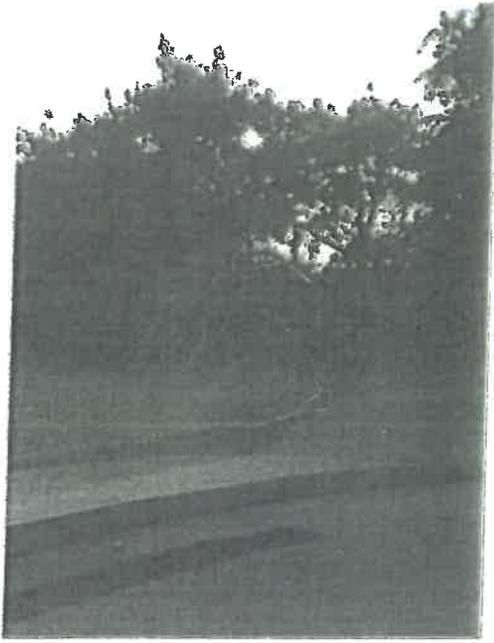
We bought our home in the town of Pembroke Genesee county because we loved the country atmosphere. Nature all around and wooded lands. We love to see deer in our yard. My husband enjoys hunting in season, and with this proposed expansion, the wild life will be forced out of the area.

The Genesee community was a great area to live. But with the quarry wanting to move in, there is nothing but destruction, disaster, and declining property values for all of us residents. I don't see how this can be approved? It's very upsetting. If county line wants to expand -let them stay in Erie County!!!

Please deny this expansion request. Let Genesee county remain a beautiful place to live!

Sincerely
Anne & Doug Slawinski
Genesee County resident & Home Owner at:
357 Scribner Rd
Corfu NY 14036
585-599-3936
Email: ANDOSTT@aol.com





Denk, David (DEC)

From: jpogo@frontiernet.net
Sent: Saturday, May 25, 2019 9:36 AM
To: dec.sm.DEP.R9
Subject: County Line Stone Extension into Genesee County

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

We live at 578 Scribner Rd. We built our home in 1975 and we are against any expansion of County Line Stone into Genesee County.

We believe the expansion would greatly lower the value of our home. We had two cracks in our basement walls that had to be repaired at our cost. County Line Stone does not maintain the area around their plant and the land they own in Genesee County.

We feel that the plant is large enough and should not be allowed to extend into a neighboring county.

Jerry and Carol Pogorzala

Denk, David (DEC)

From: angela knisley <angknisley@yahoo.com>
Sent: Thursday, May 30, 2019 7:53 PM
To: dec.sm.DEP.R9
Subject: Comments for County Line Stone DEIS
Attachments: deccommentdeispembroke.docx

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Greetings,

I appreciate the opportunity to comment on the DEIS for the County Line Stone's proposed mine expansion into Pembroke NY. I have been a resident of Pembroke for 19 years. While I do not live in close proximity to the proposed mining area, I have concerns about Pembroke's ecology, as well as the health and well-being of the community. Also, since the Onondaga Formation extends to Avon, I am wondering if additional mine extensions might be in Pembroke's future beyond this proposal.

Unfortunately, I was unable to attend the May 22, 2019 public meeting in Pembroke. Much of the information for my comments was gathered by reviewing the DEIS. This being said, I have done my best to read through/ study the information but feel it would take an attorney well versed in environmental law to fully comprehend and assess the material.

I take exception to the accuracy of some of the phrasing/language used to explain a selected number of statements/conclusions. Several examples are:

1) The phrasing of the 'temporary use of land' first found in Vol.1 page xii. The description of 'temporary' appears to be a reference to a geological time frame – certainly not the human time frame/life span of many residents living close to the mine. The mine has been in use since 1959, the expansion will give it an additional 20 to 25 years and possibly more depending on the mining schedule. This could be very misleading to the residents in the mining area.

2) I have questions about the use of the term 'non-significant' when concluding various environmental impacts. I would like to know if these risks could be defined as zero, minimal, moderate, etc.

3) There are instances where the 'subjective' outlook minimizes ecological, health and property value concerns and instead highlights the benefits of mining/marketing the materials. One of the first examples of this is found in Vol. 1 page xii where visual impacts are being described. I wonder how many people would say they would enjoy viewing an open mine from their home?

The testing of the hazards and the enforcement of health/safety guidelines often depends on environmental and health laws. Sadly, this can no longer be considered a stable measurement and/or protection. Under the current Federal Administration, serious and extensive rollbacks of EPA laws/guidelines are taking place. What might be in place to protect ground water and clean air today – may not be there next year. In addition, there is limited manpower to uphold the laws, etc. that are in place. An example of this the dialogue between a DEC enforcement person and a Pembroke resident discussing the limited management of poor air quality (DEIS under the Public Scoping Meeting Transcript Oct. 3, 2012)

It is my hope the DEC and Town of Batavia officials take a closer look as to how the mining expansion might negatively impact the following areas:

1) Community quality of life:

Multiple sources, including this DEIS, describe Pembroke in terms of being a rural community consisting of mainly agricultural and residential areas. And this is the type of place where people have chosen to live. The expansion of the CLS mine will tremendously alter the complexion of this community for many years to come. One can perhaps frame this as a matter of Environmental Justice. The rural community with its lower economic

status and rather fragile business outlook may feel pressured to accept mining into their town. Would the residents in the affluent Spaulding Lake area of Clarence (which I think has the same cherty limestone formation as Pembroke) ever need to consider these extensive environmental impacts to their community?

2) Environmental issues:

- a) Vol. 1 - 6.0 of the DEIS covers Adverse Environmental Impacts That Cannot Be Avoided. There are 3 listed. It is summarized that the situation is 'temporary' to the mining activity. In the case of the proposed CLS mining proposal this could be at least 25 years! This seems a misleading conclusion.
- b) Unfortunately, the two identified wetlands do not fall under an EPA or DEC protective umbrella. However, this makes them no less important ecologically to the quality of life of the community not to mention the sustainability of the wildlife which will be displaced. Area ponds will also be affected.
- c) There does not appear to be adequate protection for the long-eared bat. The northern long-eared bat is one of the species of bats most impacted by the disease white-nose syndrome. Due to declines caused by white-nose syndrome and continued spread of the disease, the northern long-eared bat was listed as threatened under the Endangered Species Act on April 2, 2015.
- d) May I please have additional information regarding the management of water that runs into nearby creeks (such as Dorsch and then into Ellicott Creek). I would like more time to study this - especially water pumped from the mine (and the chemicals this pumped water contains). I believe the subject is covered in the DEIS under Best Management Practices in regards to potential pollution sources and types of contamination.

3) Health:

Each health concern is studied separately and in depth. Studies pulled from varied sources generally show no significant health problem for each. Again, the phrase 'of no significance' can be misleading and on several levels. The studies show an average; there are times/situations when impact is significant. I would like further information if the aggregation of the health impacts (water and air quality, sound disturbances, etc.) have a total impact on the health of people living near this type of mining activity.

Thank you for the opportunity to respond to this DEIS. I look forward to your feedback/answers to my questions.

Sincerely,
Angela Knisley
May 30, 2019

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Appendix 2

DEIS Electronically by Disc