

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2593

www.dec.ny.gov

July 12, 2023

Sent via Email and Certified Mail Return Receipt

Mayor Stammel
City of Rensselaer
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Rensselaer, NY 12144
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Town of East Greenbush
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Supervisor Bott
Town of North Greenbush
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Wynantskill, NY 12198
supervisorsoffice@northgreenbush.org

RE: **Notice of Complete Application**
Notice of Legislative Public Comment Hearing
DEC ID #4-3899-00006
Dunn Mine and C&D Landfill Facility
Mined Land Reclamation Permit Application
Solid Waste Management Permit Application
Partition Street Extension, Rensselaer County

Mayor Stammel, Supervisor Bott and Supervisor Conway,

New York State Department of Environmental Conservation (DEC) has determined that the renewal and modification applications for the Mined Land Reclamation permit and Solid Waste Management Facility permit for the above-referenced facility, as submitted by S.A. Dunn and Company LLC, are complete in accordance with the Uniform Procedures Act (6NYCRR Part 621). The Department has also determined that a Legislative Public Comment Hearing pursuant to 6NYCRR Part 624.4 will be required. Please refer to the enclosed Notice of Complete Application and Notice of Legislative Public Comment Hearing.

Enclosed for your review are copies of the Mined Land Reclamation permit application, Solid Waste permit application, narrative, plans, SEQR determination and other supporting documentation. You may wish to review this information and comment on the applications pending before the Department. Any recommendations must be accompanied by supporting documentation justifying your determinations regarding the following items pursuant to 6NYCRR Part 621.7:

- 1) appropriate setbacks from property boundaries or public thoroughfare rights-of-way;
- 2) fabricated or natural barriers designed to restrict access if needed, and, if affirmative the type, length, height and location thereof;
- 3) the control of dust;
- 4) hours of operation; and
- 5) whether mining is prohibited at that location



Department of
Environmental
Conservation

Comments must be submitted to my attention by August 28, 2023. DEC will either incorporate your comments into the permit as conditions or notify you, in writing, with supporting documentation, why the conditions will not be incorporated. If no response is received by August 28, 2023, it will be assumed that you have no comments on the pending permit applications.

Please contact me if you have questions about the enclosed permit application documents.

Sincerely,

A handwritten signature in black ink that reads "Kate Kornak". The signature is written in a cursive, slightly stylized font.

Kate Kornak
Regional Permit Administrator

Encls: Notices, Permit application documents, SEQR determination

Rensselaer County

Notice of Complete Application

Notice of 45 Day Public Comment Period

Notice of Legislative Public Comment Hearing

Applicant:

S.A. Dunn & Company, LLC
209 Partition Street Extension
Rensselaer, New York 12144

Facility:

Dunn Mine and C&D Facility
209 Partition Street Extension
Rensselaer, New York 12144

Application ID:

DEC ID# 4-3899-00006; MLF# 40346

Permit(s) Applied for:

Article 23 Mined Land Reclamation Renewal and Modification
Part 360 Solid Waste Management Facility Renewal and Modification

Project is Located:

209 Partition Street Extension, Rensselaer County

Project Description:

The applicant has applied for a Mined Land Reclamation permit renewal and modification as well as a Solid Waste Management Facility permit renewal and modification for the Dunn Mine and C&D Facility. Renewal of the Mined Land Reclamation and Solid Waste Management permit applications would provide for continuation of ongoing activities which include sand and gravel mining operations and concurrent disposal of construction and demolition (C&D) material on the 90-acre parcel. The approved Life of Mine is 73.3 acres with 38.8 acres approved to receive C&D material. Crushing, dry screening, and washing of mined sand and gravel has previously been approved. The currently permitted design capacity for C&D disposal at this facility is approximately 11 million cubic yards.

The proposed modifications to the existing permits are limited to the construction of a mechanically stabilized earthen berm ("berm") along the north and northeast perimeter of the active site. The height of the proposed berm ranges from 20' to 55' tall, and the total acreage to be physically disturbed as a result of the berm construction project is 5.2-acres. The proposed construction of the berm is intended to mitigate impacts from the facility on the Rensselaer City K-12 school located on the adjacent property to the north.

Pursuant to the requirements of Section 7(2) and Section 7(3) of the New York State Climate Leadership and Community Protection Act (Climate Act), Chapter 106 of the Laws of 2019, DEC has requested and received information regarding the Climate Act. DEC and other agencies must ensure that administrative decisions, including issuance of permits, do not disproportionately burden Disadvantaged Communities. This facility is located within, and has the potential to impact, a Disadvantaged Community, and therefore was required to submit a CLCPA analysis for the pending permit application. Prior to issuing any permits for the facility, DEC is required to ensure compliance with the requirements of Climate Act Section 7(2) and Section 7(3).

While DEC is providing opportunities for the public to comment on the pending applications, DEC has not made any final determinations on the pending applications. Prior to issuing any final permits, DEC would need to ensure that the project can meet the requirements of both Section 7(2) and Section 7(3) of the Climate Act. DEC has yet to make either determination. DEC may seek additional information from the Applicant that may be necessary for making these determinations.

Legislative Public Comment Hearing

Pursuant to 6 NYCRR 621.8 (Uniform Procedures), a legislative public comment hearing for the receipt of unsworn public comments on the Mined Land Reclamation and Solid Waste Management permit applications will be held on the date, times and at the location listed below. An afternoon session and an evening session will be held for convenience of public attendance.

The hearing location is fully accessible to persons with mobility impairment. Interpreter services will be made available to deaf persons, and translator services will be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be received by July 28th and directed to the NYS DEC - Office of Communication Services, 625 Broadway, Albany, NY 12233-4500, Phone: (518) 402-8044, E-mail: language@dec.ny.gov

The legislative public comment hearing will be held before Administrative Law Judge Molly McBride on:

Date: Tuesday, August 8, 2023
Time: 2:00 pm and 6:00 pm
Location: Rensselaer City K-12 School Auditorium
25 Van Rensselaer Drive
Rensselaer, NY 12144

All persons, organizations, corporations, or government agencies who may be affected by renewal and modification of the facility permits are invited to attend the hearing and provide comments on the permit applications.

Lengthy statements should be in writing and summarized for oral presentation. Reasonable time limits will be set for each speaker to afford everyone an opportunity to be heard. Equal weight will be given to both oral and written statements. Written comments submitted to NYS DEC during this comment period and oral comments given at any of the legislative public comment hearings are considered part of the official record.

Following the hearing, DEC will determine whether substantive or significant issues have been raised, as defined in 6 NYCRR Part 621 Uniform Procedures, and whether an adjudicatory public hearing should be scheduled before an administrative law judge. In order to raise substantive and significant issues, written comments expressing objections or opposition to the pending applications must explain the basis of that opposition and identify the specific grounds which could lead DEC to deny the pending applications or impose new significant permit conditions. More information on public comment hearings can be found here: [Guide to Permit Hearings - NYS Dept. of Environmental Conservation](#)

Opportunity for Public Comment:

Individuals and parties may mail written comments to the Contact Person listed below or may submit comments electronically to Comments.DunnFacility@dec.ny.gov

All comments submitted by mail must be postmarked by Monday, August 28, 2023.

All electronically submitted comments must be received no later than 5:00 p.m. on Monday, August 28, 2023.

Availability of Application Documents:

Electronic copies of application documents are available online at:

www.dunnminecd.com

[Dunn Landfill - NYS Dept. of Environmental Conservation](#)

Hard copies of application documents are available for inspection at the following locations during normal business hours:

Rensselaer Public Library, located at 676 East Street, Rensselaer, New York

NYSDEC Region 4 Office, 1130 North Westcott Rd. Schenectady, New York 12306

Documents available Monday – Friday, 9:00am – 4:00pm.

Please contact Kate Kornak at (518) 357-2456 to view documents.

State Environmental Quality Review (SEQR) Determination:

The Project is subject to SEQR and is a Type I action. Coordinated review was performed.

SEQR Lead Agency: Department of Environmental Conservation

SEQR Lead Agency Determination: Negative Declaration

The DEC is lead agency for review of the applicable pending applications pursuant to State Environmental Quality Review Act (SEQR), which includes the applications for permit modification to construct the mechanically stabilized earthen berm at the northern end of the facility. The DEC has issued a Negative Declaration for the proposed permit modifications to construct the mechanically stabilized earthen berm.

Renewal of the existing Mined Land Reclamation and Solid Waste Management permits is a Type II action and not subject to review under SEQR.

State Historic Preservation Act (SHPA) Determination:

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

Coastal Management:

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is subject to CP-29. A Public Participation plan pursuant to CP-29 is on file.

Contact:

Kate Kornak, Regional Permit Administrator
NYSDEC Region 4 Division of Environmental Permits
1130 North Westcott Rd.
Schenectady, NY 12306

Comment.DunnFacility@dec.ny.gov