

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

November 4, 2014

Michael Lewis
Hanson Aggregates New York LLC
PO Box 513
4800 Jamesville Rd.
Jamesville, NY 13078

RE: Final Scope Issuance
Hanson – Honeoye Falls Quarry
DEC#8-9908-00113/00005
Honeoye Falls Quarry Expansion
Towns of Rush and Avon, Livingston and Monroe Counties

Dear Mr. Lewis:

The New York State Department of Environmental Conservation (DEC) circulated a copy of the draft scoping document to interested and involved agencies on September 5, 2014. A Notice of Availability of a Scoping Outline was published in the Sentinel, Livingston County News and the Environmental Notice Bulletin. Additionally, on September 25, 2014, the Department held a public scoping meeting. The corresponding formal scoping comment period ended on October 17, 2014. No comments were received and no additional significant or relevant environmental impacts were identified. The Department has produced a final written scope, a copy of which is enclosed.

Please begin preparation of the Draft Environmental Impact Statement (DEIS) in accordance with the enclosed scope. When available, three hard copies of the DEIS should be submitted to my attention along with one electronic copy. When producing the DEIS please follow the Department's guidelines on document preparation to the extent possible (see: <http://internal.dec.state.ny.us/webprep/web96.html>) Additionally, as we move forward with the state environmental quality review (SEQR) and application review process you will be required to place various documents on a publically accessible website.

Once the DEIS is received the DEC, as lead agency, will review the submitted DEIS and determine whether to formally accept it for public review and distribution.

If you have any questions please feel free to contact me at 585-226-5393.

Sincerely,

Thomas P. Haley
Deputy Regional Permit Administrator

Enclosure

Cc: Daniel Meehan, Hanson Aggregates New York LLC
Chief Roger Hill, Tonawanda Seneca Nation
Melissa Bach, Seneca Nation of Indians
Richard Anderson, Supervisor - Town of Rush
David LeFeber, Supervisor, Town of Avon
Donald Higgins, Livingston County Highway Department
Terrance Rice, Monroe County Department of Transportation
John A. Felsen, Monroe County Department of Public Health
Judy A. Seil, Monroe County Department of Planning & Development
J. Peter Yendell, Supervisor - Town of Lima
John D. Moffitt, Supervisor - Town of Mendon
Nancy Herter, NYSOPRHP (Ecc)
J. Freeman/S. Army, NYSDEC - MLR (Ecc)
D. Loew, NYDEC - Legal (Ecc)
S. Sheeley, NYSDEC - Regional Permit Administrator (Ecc)
File

**DRAFT ENVIRONMENTAL IMPACT STATEMENT (dEIS)
FINAL SCOPING OUTLINE**

**Hanson Aggregates New York LLC— Honeoye Falls Quarry
Town of Rush, Honeoye Falls, Rush and Lima
Monroe and Livingston Counties
DEC 8-9908-00113/00005 MLR 80030**

1.0 COVER SHEET. Type of document (draft, final), title of project, location, name and address of Lead Agency, name and telephone number of Lead Agency contact person, name and address of document preparer and deadline for acceptance of public and agency comments.

2.0 TABLE OF CONTENTS (including tables, figures, references and appendices)

3.0 INTRODUCTION. The dEIS will discuss the identified environmental issues for the project. These issues will be presented and discussed, as described below.

- < **Project Description.** This section will describe the various elements of the project and their relationship or dependence on each other for the success of the project.
- < **Executive Summary.** This summary will present an overview of the project, provide a brief description of the overall proposed action, and list the following:
 - < significant beneficial and adverse impacts,
 - < alternatives considered,
 - < mitigation measures proposed,
 - < issues of controversy, and
 - < matters to be decided, including a list of each permit or approval required.
- < **Purpose and Need for the Proposed Action.** The dEIS will discuss the purpose, need and public benefit of the proposed project.

3.1 ENVIRONMENTAL REVIEW PROCESS

- < **Uniform Procedures Regulations.** In New York State, processing of environmental permit applications is regulated by 6 NYCRR Part 621, Uniform Procedures Regulations. The intent of the Uniform Procedures Regulations is to ensure timely review of projects requiring multiple environmental permits. Projects subject to the State Environmental Quality Review Act (SEQR) regulations must satisfy these requirements before permit applications reviewed under Part 621 are deemed complete. When the NYSDEC as the lead agency determines that a draft EIS is required by the applicant, the scoping, review and acceptance of the dEIS are considered a prerequisite to a complete permit application.

Table 1.0 provides an overview of the permits and approvals presently anticipated to be necessary for the proposed project, the agencies responsible for the approvals and the applicable law or regulations associated with each approval. This table may be revised as additional information is developed in the course of the scoping process.

- < **State Environmental Quality Review.** The SEQR Act and its implementing regulations require agencies to assess potential environmental impacts of proposed projects during the permitting process. Under SEQR, the primary means of assessment is a dEIS.

A dEIS is intended to function as a disclosure document to reveal information about the expected environmental effects of the proposed action and provide a basis for informed decisions. The dEIS identifies and addresses the potential significant adverse environmental

DEC 8-9908-00113/00005 MLR 80030

impacts of a project and reasonable alternatives, if any, and identifies ways to avoid or mitigate any potential significant adverse impacts to the maximum extent practicable. Also addressed are irreversible and irretrievable commitments of resources, growth inducing aspects, and the use and conservation of energy.

The dEIS must be written to a level of detail to properly assess the impacts identified and which allows an agency to make a reasoned decision on the action. Many of the issues will also be reviewed in accordance with NYS statutory requirements relating, for example, to the mineral resources permit program. In general, the dEIS will follow the content requirements of SEQR, 6 NYCRR Part 617.9(b) Environmental Impact Statement Content.

- < **EIS Scoping Process.** The primary goals of scoping are to focus the dEIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. The scoping process establishes the content of a dEIS, and the lead agency provides the public the opportunity to participate in that process. The final scoping document will be completed after consideration of all substantive comments from the public, involved agencies and the applicant.
- < **Opportunities for Public Comment.** In addition to seeking public input on its scope, the dEIS, when completed and accepted by NYSDEC, will be made available for public review and comment. A Public Hearing will be held by the NYSDEC to receive public comment on the dEIS. A final EIS will then be prepared to address all substantive comments received. The dEIS and supporting documents must be available in an electronic format and posted on the web to enable public review. The applicant can choose to make the documents available on the applicant or consultant's website (preferred option) or they can be placed on the Department's website. Documents shall be made available in either html or pdf format, or both. If the applicant chooses to post them on the Department's website all documents must be submitted in a manner consistent with the Department's website posting policies.

4.0 ENVIRONMENTAL SETTING, SIGNIFICANT ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES TO MINIMIZE ENVIRONMENTAL IMPACTS.

The environmental setting of the proposed project will be described. Impacts of the proposed project will be evaluated; for each environmental discipline, the dEIS will discuss present conditions, the environmental impacts anticipated to result from project development, alternatives, and mitigation measures to be incorporated into the project to minimize its impact. If beneficial impacts are identified, they will be described in a similar manner. In general, the dEIS will follow the content requirements of SEQR, Part 617.9(b). This dEIS will focus on identifying environmental issues, their analysis and the evaluation of alternatives related to the proposed mine expansion. Specific topics to be addressed are discussed below.

< **Water Resources**

Groundwater

A. Existing Environmental Setting. Existing groundwater resources within and in proximity of the proposed mine expansion area will be identified and described. A monitoring network consisting of multiple wells has been installed to collect baseline data, render hydrogeologic information

DEC 8-9908-00113/00005 MLR 80030

through testing, and provide for the long term collection of data throughout the life of the operation. This information, along with information obtained from borings, published geologic literature, site specific information, and on-site testing, will provide the basis for the hydrogeologic assessment. The location of water bearing zones within the geologic unit to be mined, connection between aquifers, depth to groundwater, seasonal fluctuations, direction of groundwater flow, and an accurate characterization of the aquifer system within the proposed excavation area shall be determined. A detailed description of dewatering, and any proposed use of groundwater resources for processing, dust control, or other mine operations will be provided. Existing water wells and groundwater users at residences on properties in proximity to the mine expansion area will be identified and inventoried.

B. Potential Impacts. Potential impacts that mining may have on groundwater will be identified and discussed, including the potential for impacts to the quality and quantity of groundwater, changes to existing groundwater flow patterns, and lowering of groundwater elevations in the surrounding aquifer system.

Evaluate potential impacts associated with dewatering and the identification of the area of influence that will be created around proposed expansion area. This analysis should include an assessment of hydrological impacts to nearby wetlands, streams, wildlife, water supply wells, etc. caused by the area of influence surrounding the expansion area.

C. Proposed Mitigation Measures. A discussion will be provided for the design, construction and operational procedures of the mine expansion area that will be utilized to minimize potential impacts to groundwater. If identified as a necessary mitigation measure the feasibility of connecting potentially affected residents (wells) to municipal water should be explored.

Surface Water

A. Existing Environmental Setting. Existing surface water resources within and in proximity to the proposed mine expansion area will be identified and described. Streams, wetlands, floodplains (if any) and other surface water features will be identified and examined based on DEC classification and field observations. Site drainage patterns will be described and mapped as applicable.

B. Potential Impacts. Impacts related to the alteration of the surface water drainage patterns, wetlands, flooding, erosion and sedimentation that may affect surface waters will be evaluated. This shall include the potential for impacts resulting from dewatering activities, specifically, the loss of surface water due to a decline in the regional aquifer system, and flooding due to the groundwater discharge. The proposed surface water discharge points will be identified and the potential impacts to the quality and quantity of surface water (stream and wetlands) will be evaluated. Additionally, the dEIS will examine what impacts, if any, the proposed expansion could have on the facility's existing SPDES permit (SPDES# NY 0002992).

C. Proposed Mitigation Measures. Methods to control storm water runoff and the locations and size of any detention basins will be provided. Any proposed changes in flow direction, outfalls or discharge shall be characterized in the dEIS for the addition of outfalls, redirecting of flows to existing outfalls or a change in discharges may require a modification of the existing SPDES permit. Additionally, the SPDES regulations, 6 NYCRR Part 750-2.6, require the submission of

DEC 8-9908-00113/00005 MLR 80030

a letter to the regional water engineer such that a determination can be made on whether or not a modification of the existing SPDES permit is required.

< **Air Resources and Dust**

A. Existing Environmental Setting. The dEIS will describe the existing air resources within and in proximity of the proposed mine expansion area. Impacts associated with mineral extraction and equipment operation will be identified and evaluated. Proposed sources of particulate matter (PM) emissions will be inventoried for this facility. A quantitative inventory of particulate matter emissions will consider direct and indirect sources for the facility.

B. Potential Impacts. Potential impacts associated with the proposed mine operation will be identified and discussed. The quantitative analysis will examine the potential source of particulate matter emissions in accordance with the Department's Assessing and Mitigating Impacts of Fine Particulate Matter Emissions (CP-33) and will evaluate potential sources of particulate matter emissions which could result from the proposed expansion. The analysis should examine potential particulate emissions from mining equipment as well as other fugitive emission sources (e.g., traffic on unpaved roads, material stockpiles, areas of exposed soils, etc.) The analysis should include the potential and impact of blowing/settling dust offsite.

C. Proposed Mitigation Measures. The dEIS will identify and describe mining and processing procedures that will be implemented to mitigate identified potential air and dust impacts associated with the project. Proposals for mitigation of long-term impacts and short term impacts will be identified and addressed in the dEIS.

< **Noise**

A. Existing Environmental Setting. Potential receptors will be identified and the existing noise levels and sources identified based on available data and noise measurements from nearby residential receptor locations. Noise sources and locations associated with the proposed mining operations will be identified and quantified. A noise analysis will be required that is consistent with the requirements of the Department's noise guidance document DEP-00-3, *Assessing and Mitigating Noise Impacts*, and will include an identification of sources of noise generation, potential for adverse impacts to nearby receptors, and mitigation for those impacts.

B. Potential Impacts. The sources, levels and duration of excavation-related noise that may occur will be identified based on the anticipated mine operation procedures. The impacts of project-generated noise will be compared to ambient conditions (ambient would include noise generated from the existing operation).

C. Proposed Mitigation Measures. Long-term and short-term noise impacts will be identified for the proposed mining operations. As required, noise mitigation measures will be incorporated into the operation to reduce impacts in accordance with the Department's noise policy.

< **Blasting**

A. Existing Environmental Setting. The dEIS will contain a blasting plan which includes best

DEC 8-9908-00113/00005 MLR 80030

management practices designed to address potential blasting impacts that may result from the proposed mine expansion. The best management practices must follow the performance standards outlined in United States Bureau of Mines (USBM) Report of Investigations 8507, and USBM RI 8485 and demonstrate that the performance standards can be achieved. This plan will consider the environmental effects of blasting, and will discuss geologic considerations, blast design, drilling operations, explosive loading, blasting confinement, and blasting frequency.

B. Potential Impacts. The potential impacts associated with blasting will be identified and discussed, specifically, ground vibrations, air blast, flyrock, dust and gas, and blasting within 500 feet of any dwelling. In addition, this assessment shall include an outline of the blasting area; a schedule of how often, and within what hours, blasting will take place; the anticipated peak particle velocity at the nearest residential receptor; a description of an average production shot which includes but is not limited to: the blast layout, the average number of holes and spacing per blast, the average burden, type of shot initiation to be used, average number of pounds per delay, approximate time of the day for each shot and a description of any local ordinance governing blasting. The average production shot information shall demonstrate how the USBM performance standards can be achieved. Possible impacts to residential, commercial, and public structures will be analyzed. Also, the dEIS will assess the potential impact of blasting on habitats for terrestrial and aquatic ecosystems in proximity to the mine site.

C. Proposed Mitigation Measures. The dEIS will identify and describe blasting procedures that will be implemented to mitigate identified potential impacts associated with blasting, including pre-blast surveys within 1,500 feet of the proposed expansion area. Proposals for mitigation of long-term impacts and short term impacts will be identified and addressed in the dEIS.

< **Agricultural Districts and Agricultural Land**

A. Existing Environmental Setting. The dEIS will identify agricultural land use and agricultural districts that may be located within the mine site. The geographic limits and extent of such districts will be shown on appropriate site plans. A description of the site's agricultural use and potential use will also be provided.

B. Potential Impacts. The dEIS will identify areas where site development will occur in relation to the agricultural districts, if identified. Proposed alterations or modifications to the agricultural districts and agricultural lands, if any, will be presented and discussed. It is acknowledged that this section will have some overlap with the groundwater and surface water sections related to potential impacts on nearby agricultural uses. The dEIS will also include a discussion of any necessary NYS Department of Agricultural & Markets or local municipal filings resulting from this project.

C. Proposed Mitigation Measures. The proposed site development plan will describe what methods or alternative alignments and configurations were evaluated and implemented to reduce or eliminate impacts to agricultural districts and implemented to reduce or eliminate impacts to agricultural districts and agricultural lands.

5.0 ALTERNATIVES TO THE PROPOSED ACTION

- < **No Action Alternative for Mine Site.** The no action alternative shall discuss and evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future in

DEC 8-9908-00113/00005 MLR 80030

the absence of the proposed mine.

- < **Alternative Sites.** The evaluation of alternative sites owned by, or under option, to the applicant and located in the general project area will include a comparison of impacts on the natural resource system, traffic, and demand for utilities and community services.
- < **Alternative Size.** Alternatives that reflect the evaluation of changes in the scale or magnitude of the project will include a comparison of impacts on the natural resource system, traffic, and demand for utilities and community services.
- < **Alternative Design and Technology.** The design of the project and operational practices will be evaluated against perceived impacts.
- < **Alternative Land Use.** Alternative land uses such as recreation and residential development and their associated impacts will be evaluated.
- < **Alternative Development Schedule.** Alternative development schedules associated with acceleration or slow-down of the proposed extraction rate will be analyzed for their potential to reduce environmental impacts.
- < **Alternative Reclamation.** Alternative reclamation options will be evaluated.

6.0 OTHER IMPACTS

- < **Irreversible and Irretrievable Commitment of Resources.** The dEIS will identify those natural and human resources listed in Section 4 that will be consumed, converted or made unavailable for future use.
- < **Growth Inducing Aspects.** The dEIS will identify, describe and discuss the potential growth inducing aspects that may occur as a result of the proposed project, including discussions on population, support facilities, and development potential as well as impacts on surrounding properties.
- < **Effect on the Use and Conservation of Energy.** The dEIS will discuss project impacts on the use and conservation of energy. The impacts of the alternatives will also be included in the EIS.
- < **Solid Waste Management Plan.** The dEIS will examine the proposed project's consistency with applicable state or locally adopted solid waste management plans.

7.0 TABLES

8.0 REFERENCES

9.0 APPENDICES

10.0 ISSUES NOT TO BE ADDRESSED

The Department has reviewed the following issues and determined that there are no potential significant adverse impacts significance requiring an assessment in the dEIS:

DEC 8-9908-00113/00005 MLR 80030

- < **Critical Environmental Area** - The site is not located in a designated Critical Environmental Area so further assessment of this topic is not necessary.
- < **Visual Impacts** – The Department has conducted an inventory of aesthetic resources in accordance with the Department's Assessing and Mitigating Visual Impacts policy (DEP-00-2) and determined that there are no aesthetic resources of statewide significance in the project vicinity requiring further assessment. A visual analysis in accordance with DEP-00-2 will not be required. However, the mining plan and dEIS must assess potential visual impacts in accordance with the requirements outlined in the mining regulations (6 NYCRR Part 422) and Mined Land Reclamation Program Applicant's Guide.
- < **Cultural Resources - Archeological** – Phase IAB and Phase II Cultural Resource Investigations have been conducted. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the corresponding survey reports and determined the site is not eligible for inclusion in the State and National Register of Historic Places and therefore will have no impact on cultural resources eligible for inclusion in the State and National Register of Historic Places and issued a determination of no effect for the proposed project. Though no further analysis of potential cultural resource impacts will be addressed in the dEIS the Department will continue consulting with the appropriate Indian Nation representatives in accordance with NYSDEC Policy CP-42 Policy Contact, Cooperation and Consultation with Indian Nations.
- < **Traffic** – The proposed mine expansion does not propose any changes which would impact daily truck traffic levels. Additionally, truck traffic will continue to use the existing mine entrance and exit so no traffic impacts are anticipated.
- < **Wildlife** – The discussion of potential wildlife and habitat impacts will be limited to an analysis of how potential changes in groundwater and surface water could impact surrounding habitat and the corresponding wildlife. The Department has determined there is no known use of the site by endangered or threatened species. Additionally, the majority of the land which would be impacted by the proposed activity has recently been in agricultural productions, significantly reducing its habitat value.
- < **Recreation** – The land is currently privately owned and offers limited recreational value to the general public. No significant recreational impacts are anticipated
- < **Floodplain** – The applicant has demonstrated that no disturbance of the FEMA mapped Zone A Special Flood Hazard Area, and no floodplain development restrictions apply. Further assessment of direct floodplain impacts in the dEIS is not warranted.

DEC 8-9908-00113/00005 MLR 80030

Table 1.0

State Agencies		
Agency	Permit/Interest	Applicable Law/Regulation
NYS DEC	Mining permit Stormwater SPDES permit Bulk Storage Air emission permit modifications, including processing, ancillary manufacturing or electric power generation	ECL 23-2701 ECL 17-0801 ECL 17-1009 ECL 19-0101
NYS DOT	Potential Interest in Truck Traffic Routes (Interested Agency). No change in traffic anticipated.	Highway Law '52 Vehicle and Traffic Law '1220-a
NYS Office of Parks, Recreation and Historic Preservation	Cultural resources, historic preservation review	Parks, Recreation and Historic Preservation Law Article 14
Federal Agencies		
US Army Corps of Engineers	Federal Wetland Permit (if required)	Section 404
Mining Safety Health Administration	Information Regulates mine safety	30 USC 811, 957, 961
Local Government		
Towns of Rush and Avon	Special use permit (if required) Use Variance	
Towns of Honeoye Falls and Lima	Existing mine location within municipal boundary. Expansion outside town boundaries (Interested Agency)	
Monroe & Livingston Counties	Highway permit (if required), Health Department Review or general interest	