

**ENVIRONMENTAL JUSTICE
PUBLIC PARTICIPATION PLAN**

**DUNN MINE AND C&D FACILITY
209 PARTITION STREET EXTENSION
RENSSELAER, NEW YORK, 12144**

Prepared For:

**S.A. DUNN & COMPANY, LLC
209 PARTITION STREET EXTENSION
RENSSELAER, NEW YORK, 12144**

Prepared By:

**CIVIL & ENVIRONMENTAL ENGINEERING,
LANDSCAPE ARCHITECTURE AND LAND SURVEYING, PLLC
31 BELLOWS ROAD
RAYNHAM, MASSACHUSETTS, 02767**

CEE PROJECT # 182-442

JANUARY 2022

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Attachment B: Draft Public Involvement Memo

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1.0 INTRODUCTION

The Dunn Mine and Construction & Demolition Debris Facility (Dunn Facility or Facility) is an existing mining operation and construction and demolition debris (C&D) disposal facility located in the Town of North Greenbush and the City of Rensselaer, New York. The Facility is owned and operated by S.A. Dunn & Company, LLC (S.A. Dunn) pursuant to a Mined Land Reclamation and Solid Waste Management Permit issued by the New York State Department of Environmental Conservation (NYSDEC) (Permit DEC #4-3899-00006/00006). The Facility's permit was initially issued on July 20, 2012, and renewed on September 9, 2016, with a stated expiration date of July 20, 2022. S.A. Dunn seeks a permit renewal for both its mining and C&D disposal operations. It submitted a Mined Land Permit Reclamation Permit renewal application for the Dunn Facility in August 2021, which will be processed with its Part 360 Solid Waste Management Facility renewal application.

The permit renewal will not change or expand the mining or landfill operational conditions. However, as required by a June 2019 Consent Order (R4-2019-0409-24) entered into between S.A. Dunn and NYSDEC, S.A. Dunn is seeking to modify the existing Facility permit by incorporating construction of a mechanically stabilized earthen (MSE) perimeter berm on the northern portion of the site. A permit modification application for the MSE berm was originally submitted to NYSDEC on May 21, 2021, and is being resubmitted in conjunction with the Facility's permit renewal application for administrative convenience with adjustments to reflect recently approved changes to the phasing of operations. The proposed MSE berm will be higher in elevation than the currently permitted perimeter berm and decreases the visibility of the Facility, particularly for properties to the north, as compared to the current permitted conditions. The modification will not increase permitted airspace for landfill operations; it will in fact reduce the C&D disposal area by 1.2 acres. The area associated with the life of mine boundary will also be reduced by 0.98 acres to accommodate the berm.

NYSDEC has determined that the permit renewal and modification is subject to Commissioner Policy-29 (CP-29), Environmental Justice and Permitting based on updates the agency issued in May 2021 to the Potential Environmental Justice Areas (PEJAs). CP-29 requires preparation of Part I of a full environmental assessment form (EAF), which is being submitted with the permit renewal application. CP-29 also provides for public participation in conjunction with the NYSDEC permit renewal review. This includes opportunities for residents to become informed about and provide comments on the permit renewal and modification.

In accordance with CP-29, this Public Participation Plan outlines the steps S.A. Dunn will undertake to inform the local community and the broader public about existing Facility operations, the permit renewal, and the proposed berm, and to invite vigorous participation in the permitting review process.

2.0 FACILITY DESCRIPTION

The Dunn Facility occupies approximately 90 acres. Its activities include sand and gravel mining (since the 1800s) and C&D disposal (since 2015). In addition to the mining and C&D disposal areas, the Facility includes an entrance road, access roads, a scale house and scales, a sediment pond, a maintenance garage, and buildings used as office space.

Pursuant to its permit, the Dunn Facility operates from 6:30 am to 5:30 pm on Monday through Friday. Operations are not conducted on Saturdays, Sundays, or federal holidays. The Facility is permitted for up to 100 truck round trips per day.

Sand and gravel mining operations are conducted within the permitted life of mine boundary (73.34 acres). Upon achieving the permitted mine excavation limits, C&D disposal areas (cells) are constructed within the permitted limits, and the finished cell construction constitutes reclamation of the mined area. The currently permitted C&D disposal area encompasses 63.3 acres. The Facility disposes of C&D from the Capital Region, broader New York State, and neighboring states. S.A. Dunn has invested in state-of-the art environmental technology, including a gas collection and control system, matting, hydromulch, an enhanced dust control water gun, and water trucks, to minimize the potential for offsite impacts from its mining and C&D operations.

As discussed in the EAF, S.A. Dunn is an active member of the City of Rensselaer and other surrounding communities. It pays host fees to the City of Rensselaer and the Town of North Greenbush based on the tonnage of waste accepted. The Facility also patronizes local vendors for equipment, materials and services, as well as regularly donates to local organizations including City of Rensselaer schools, Circle of Miracle, CoNSERNS-U/Tri-County Catholic Charities and the City of Rensselaer/Christmas in the City.

3.0 DESCRIPTION OF PERMIT RENEWAL AND MODIFICATION

As explained above, the permit renewal will not change or expand existing operations of the mine or landfill. The Facility currently receives approximately 580,000 tons of waste annually and has an overall capacity of approximately eleven (11) million cubic yards of waste. The total tonnage of waste accepted per day is within the existing permit and operating constraints.

In connection with the permit renewal process, and as required under the June 2019 Consent Order (R4-2019-0409-24) entered between S.A. Dunn and NYSDEC, S.A. Dunn seeks to construct an MSE berm on the northern portion of the site that will decrease its visibility. The proposed berm alignment will reduce the permitted C&D disposal area by 1.2 acres and the life of mine boundary by 0.98 acres. It will further decrease the permitted C&D disposal volume by approximately 220,000 cubic yards, thereby reducing the site life by approximately 4 months.

In May 2021, S.A. Dunn submitted the following documents associated with the berm to NYSDEC for review and approval:

- Full Environmental Assessment Form
- Part 360 Permit Modification Application
- Mining Permit Application
- Stormwater Pollution Prevention Plan

NYSDEC has not acted on this submission. Thus, a revised permit modification application, as well as Environmental Assessment Form, mining permit application, and Stormwater Pollution Plan, are now being incorporated into the Dunn Facility's permit renewal application for administrative convenience.

4.0 RELEVANT GEOGRAPHIC CONTEXT

The Dunn Facility is located within the Town of North Greenbush and the City of Rensselaer. In May 2021, NYSDEC updated its PEJAs to include an area south of Partition Street, between Broadway and Partition Street Extension. The PEJA also extends north of Partition Street on the west side of Broadway, where it is bound to the north by a rail bridge extending over the Hudson River. The PEJA does not extend into or abut the Dunn Facility.

Vehicles accessing the Facility from Rensselaer travel within the PEJA along Broadway and Partition Street, before leaving the PEJA where Partition Street becomes Partition Street Extension. S.A. Dunn has thus reviewed the CP-29 guidelines in preparing a proactive, enhanced program for engaging community organizations and residents in the Partition Street area.

A map depicting the PEJA in relation to the Dunn Facility is provided in Attachment D.

5.0 S.A. DUNN CONTACT

The primary contact and leader of this process for S.A. Dunn will be:

Curt Taylor

Dunn Mine and C&D Facility

209 Partition Street Extension

Rensselaer, NY 12144

6.0 STAKEHOLDERS

In accordance with the process outlined in CP-29, S.A. Dunn has identified a list of stakeholders to the proposed action, including local elected officials, school representatives, and community-based organizations. This list, which may be supplemented as necessary, is included as Appendix A and includes contact information for all parties. Local media outlets are also included within Appendix A, and may be contacted for the purposes of publicizing the public information meeting described in Section 8.0.

7.0 DISTRIBUTION AND POSTING OF WRITTEN INFORMATION

At least one week in advance of the public information meeting, S.A. Dunn will circulate a description of the Dunn Facility and the reason for the submittal of a permit renewal application to stakeholders (see Appendix A) and to the broader community on the Dunn Facility website (www.dunnminecd.com). A draft summary of this written information, written in plain English, is included as Appendix B.

8.0 PUBLIC INFORMATION MEETING

Two public information meetings will be held, pursuant to the procedures described below, to inform the public about the Dunn Facility and engage them in the permit renewal and modification review process. A draft public information meeting notice is included as Appendix C. The first public meeting will be held after NYSDEC approves this Public Participation Plan, and the second meeting will be held during NYSDEC's 30-day comment period on the draft permit.

Notification

Meetings will be announced at least three weeks in advance via email and U.S. mail, as appropriate, to the Stakeholder list (see Appendix A) and postings on the Dunn Facility website. Public notice of the meetings will also be given in appropriate local newspapers.

Timing

The meetings will be scheduled for weekday nights that do not coincide with major religious or secular holidays. The first and second meeting will be held at different times to accommodate members of the public who may work different shifts. For example, if the first meeting is held during the period between 6:00 pm and 9:00 pm, the second meeting will be held during the day, generally between 11:00 am and 1:00 pm, unless otherwise determined as a result of discussions with stakeholders.

Location

Meetings will likely be held in person and virtually via video conference to support convenient participation by stakeholders and in light of the COVID-19 pandemic.

Summary and Follow-Up Information

A recording of the public information meeting will be posted to the Dunn Facility website. As needed, S.A. Dunn will also mail to meeting participants and post on the Dunn Facility website additional follow-up information, which may include responses to specific issues or concerns raised during the meeting.

9.0 DOCUMENTATION REPOSITORIES

S.A. Dunn will establish a virtual document repository to make available pertinent information relation to the permit renewal and modification on the Dunn Facility website. This information includes permit renewal and application materials, meeting presentation materials, and media releases. The availability of documents will be publicized at the aforementioned public information meeting(s).

These materials will also be available in hard copy at the Rensselaer Public Library, located at 676 East Street, Rensselaer, New York.

10.0 PROGRESS REPORTS

S.A. Dunn will submit periodic written updates to NYSDEC. The reports will include, among other items, any public documents produced during the previous period, recordings of any formal public meetings, descriptions of other outreach activities, and any other work completed in the permitting progress. The progress reports will be posted on the Dunn Facility website and placed in the repository(ies).

11.0 FINAL REPORT

Upon receipt of the permit renewal and modification and approval for the MSE berm, S.A. Dunn will prepare a final report certifying in writing that the public participation process was completed in conformance with the NYSDEC-approved Plan. The report will also include the full record of documents produced for the process and recordings of meetings included as appendices. The final report will be posted on the Dunn Facility website and placed in the repository(ies).

APPENDIX A
STAKEHOLDER LIST

Name	Affiliation	E-mail/Phone Number	Address
Michael Stammel	Mayor, City Of Rensselaer, New York	(518) 462-9511	62 Washington Street Rensselaer, New York 12144
John Defrancesco	Common Council President	john.defrancesco@rensselaer.ny.gov (518) 461-2061	
Jim VanVorst	1st ward alderperson	jim.vanvorst@rensselaer.ny.gov (518) 461-2061	
Earnest Dambrose	2nd Ward Alderperson	ernest.damrose@rensselaer.ny.gov (518) 527-4950	
Bryan Leahey	3rd Ward Alderperson	bryan.leahey@rensselaer.ny.gov (518) 330-0657	
Andrew Kretschmar	4th Ward Alderperson	andrew.kretschmar@rensselaer.ny.gov (518) 596-9223	
Eric Endres	5th Ward Alderperson	eric.endres@rensselaer.ny.gov (518) 265-5711	
Anne Burton	6th Ward Alderperson	anne.burton@rensselaer.ny.gov (518) 283-3499	
Jennifer Haggerty	President, Rensselaer City School District Board of Education		Rensselaer City School District 25 Van Rensselaer Drive Rensselaer, New York 12144
Lara Rutecki	Vice President, Rensselaer City School District Board of Education		Rensselaer City School District 25 Van Rensselaer Drive Rensselaer, New York 12144
Dana Endres	Rensselaer City School District Board of Education		Rensselaer City School District 25 Van Rensselaer Drive Rensselaer, New York 12144
James Preston	Rensselaer City School District Board of Education		Rensselaer City School District 25 Van Rensselaer Drive Rensselaer, New York 12144
Judy Stasack	Rensselaer City School District Board of Education		Rensselaer City School District 25 Van Rensselaer Drive Rensselaer, New York 12144
Neil Breslin	New York State Senator	breslin@nysenate.gov (518) 455-2225	172 State Street Capitol Building, Room 430C Albany, New York 12247
John T. McDonald III	New York State Assembly Member	mcdonaldj@nyassembly.gov (518) 455-4474	LOB 417 Albany, New York 12248
Steven McLaughlin	County Executive		Rensselaer County Office Building 1600 7th Avenue Troy, New York 12180
Kate Kornak	Environmental Analyst	kate.kornak@dec.ny.gov (518) 357-2549	New York State Department of Environmental Conservation 1130 North Westcott Road Schenectady, New York 12306
Judith Dougherty	Chair, Circles of Mercy	(518) 462-0899	11 Washington Street Rensselaer, New York 12144
Jenn Hyde	Executive Director, CoNSERNS-U / Tri-County Catholic Charities	(518) 463-8571	50 Herrick Street Rensselaer, New York 12144
	Rensselaer County Regional Chamber of Commerce	(518) 274-7020	90 Fourth Street Suite 200 Troy, New York 12180
	Circles of Mercy	circlesofmercy@nycap.rr.com (518) 462-0899	11 Washington Street Rensselaer, New York 12144
Jack Bonesteel	City of Rensselaer Industrial Development Agency	jack.bonesteel@rensselaer.ny.gov (518) 860-2082	Industrial Development Agency City Hall 62 Washington Street Rensselaer, New York 12144
	American Legion	(518) 463-7277	

Name	Affiliation	E-mail/Phone Number	Address
	Fraternal Order of the Eagles	(518) 436-4446	851 Broadway Rensselaer, New York 12144
Lynne Catelotti	President, Kiwanis Club	lcatelot@nycap.rr.com (518) 449-2703	
Dave Ellis	Chair, Rensselaer Environmental Coalition	rensenvirocoalition@gmail.com (518) 227-1570	P.O. Box 228 Rensselaer, NY 12144
	V.F.W. O'Neil Post	(518) 465-3312	836 Broadway Rensselaer, New York 12144

Organization	Address	E-mail
The Times Union	News Plaza, Box 15000, Albany, NY 12212	tucitydesk@timesunion.com
The Record	270 Street, Troy, NY 12181	newsroom@troyrecord.com
Channel 10 WTEN, News Department	341 Northern Boulevard, Albany, NY 12204	news@wten.com
Channel 13 WNYT, News Department	15 North Pearl Street, Menands, NY 12204	Producers@wnyt.com
CBS6 Albany	1400 Balltown Road Schenectady, NY 12309	news@wrgb.com
Time Warner Cable News	104 Watervliet Avenue Extension, Albany, NY 12206	albanynews@twcnews.com

APPENDIX B
DRAFT PUBLIC INVOLVEMENT MEMO

Proposed Dunn Mine and C&D Facility Permit Renewal and MSE Berm Modification Fact Sheet

S.A. Dunn & Company, LLC (S.A. Dunn) submitted an application to renew and modify the existing permit (Permit DEC #4-3899-00006/00006) for the current Dunn Mine and C&D Facility located at 209 Partition Street Extension in Rensselaer, NY. As part of the application process, S.A. Dunn is required to notify the public about this proposed permit renewal and modification and give the public the opportunity to comment.

Why does S.A. Dunn need to renew the permit? The Facility's permit was initially issued on July 20, 2012, and renewed on September 9, 2016, with a stated expiration date of July 20, 2022. As required by the NYSDEC regulations, an application to renew the permit must be submitted 180 days before the permit expiration date.

Why does S.A. Dunn need to modify the permit? As required by a June 2019 Consent Order (R4-2019-0409-24), S.A. Dunn seeks to modify the existing facility permit by incorporating construction of a mechanically stabilized earthen (MSE) perimeter berm on the northern and eastern side of the site. A permit modification application was previously submitted to NYSDEC on May 21, 2021, but it is being resubmitted as part of the permit renewal application for administrative convenience.

How might the permit renewal and modification affect the surrounding community? The proposed permit renewal and modification will:

- not result in any change to permitted mining or C&D disposal operations;
- decrease the overall landfill acreage by 1.2 acres;
- decrease waste capacity by approximately 220,000 cubic yards;
- decrease the life of mine area by 0.98 acres;
- include the construction of a MSE berm, including a perimeter access road and stormwater management controls, along the northern and eastern perimeter of the landfill area; and
- decrease visibility of the Facility, particularly for properties to the north, as compared to the current permitted conditions.

Who is responsible for reviewing the permit application? The New York State Department of Environmental Conservation, Division of Environmental Permits, 1130 North Westcott Street, Schenectady, New York 12306, (518)357-2234, is responsible for reviewing the permit renewal and modification application.

How can I participate in the permit renewal and modification review process? You may provide comments at public meetings or in writing during public comment periods. Call the S.A. Dunn contact listed below or visit the Dunn Facility website (<https://www.dunnminecd.com/>) for information on public meetings and comment period dates.

Where can I get more information about the proposed expansion?

- Visit the repository located at the Rensselaer Public Library, 676 East Street, Rensselaer, New York or access the permit application materials online on the Dunn Facility website.
- Attend a public meeting about the permit application.
- Call or write to the S.A. Dunn Contact: Curt Taylor, Dunn Mine and C&D Facility, 209 Partition Street Extension, Rensselaer, New York 12144, (518) 470-3830

APPENDIX C
DRAFT PUBLIC MEETING NOTICE

Community Meeting Regarding Dunn Mine and C&D Facility Permit Renewal & MSE Berm Modification Application

Opportunity to provide input into the permit application by S.A. Dunn & Company, LLC.

Hosted by S.A. Dunn & Company, LLC

Location: Virtual and In-Person

Date / Time TBD

Facility Overview:

The Dunn Mine and Construction & Demolition Debris Facility (Dunn Facility or Facility) is an existing, mining operation and construction and demolition debris (C&D) disposal facility located at 209 Partition Street Extension, Rensselaer, New York 12144. S.A. Dunn & Company, LLC (S.A. Dunn) is in the process of seeking a permit renewal, which will not change or expand its current mining or C&D disposal operations. S.A. Dunn also seeks to modify the Facility permit by incorporating the construction of a mechanically stabilized earthen perimeter berm on the northern and eastern side of the site that will reduce its visibility.

What Happens at a Public Information Meeting?

- Get information about the existing Facility operations, the proposed berm, and the permit renewal application.
- Talk to representatives from the Dunn Facility.
- Provide comments about the permit renewal and the proposed berm.
- Have your questions answered about the permit renewal process and the proposed berm.

Information and Contacts:

- Public Information Repositories, including the permit application are located at:
 - NYSDEC Region 4 Headquarters
1130 North Westcott Rd
Schenectady, NY 12306
www.dunminecd.com
 - Rensselaer Public Library
676 East Street
Rensselaer, NY 12144
- The DEC contact is: Kate Kornak
NYS Department of Environmental Conservation
Division of Permits
1130 North Westcott Rd
Schenectady, NY 12306
PH: (518) 357-2171; FAX: (518) 357-2460
- The Applicant contact is: Curt Taylor
Dunn Mine and C&D Facility
209 Partition Street Extension
Rensselaer, NY 12144
PH: (518) 470-3830

APPENDIX D
POTENTIAL ENVIRONMENTAL JUSTICE AREA SITE LOCATION
PLAN
