

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.ny.gov



July 20, 2012

Michael Dunn
SA Dunn & Company, LLC
209 Partition Street Extension
Rensselaer, NY 12144

RE: DEC #4-3899-00006/00001
MLF #40346
SA Dunn & Company Mine/C&D site
Rensselaer/North Greenbush, Rensselaer County

Dear Mr. Dunn:

Enclosed please find your permit for the mining of sand and gravel, and construction of a C&D disposal site at the above-referenced location in accordance with the approved Mined Land-Use and Reclamation Plan, Solid Waste plans and the DEIS/FEIS. Also enclosed is a copy of the Department's Statement of Findings, outlining the Department's final decision regarding this permit.

Please review the General and Special Conditions contained in the mining permit which will **expire on July 19, 2017**. Any deviation from the approved plans during the five-year permit term will require a modification to the permit (see General Condition #3 of the permit).

If you have any questions or concerns, please contact me.

Sincerely,



Nancy M. Baker
Environmental Analyst 2
Region 4

Enclosure

cc: S. Rodriguez, MLRS, Region IV
T. Robak, DSHM, Region IV
D. Forgea, DSHM, Region IV
C. Buetow, DOW, Region IV
Mayor Dan Dwyer, City of Rensselaer
Supervisor Alson Spain, Town of North Greenbush
File

DEC PERMIT NUMBER 4-3899-00006/00001	 PERMIT Under the Environmental Conservation Law (ECL)	EFFECTIVE DATE July 20, 2012
FACILITY/PROGRAM NUMBER(S) MLF #40346		EXPIRATION DATE(S) July 19, 2017

TYPE OF PERMIT (Check All Appropriate Boxes)

NEW
 RENEWAL
 MODIFICATION
 PERMIT TO CONSTRUCT
 PERMIT TO OPERATE

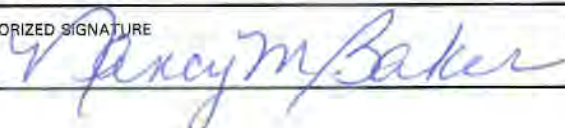
<input type="checkbox"/> ARTICLE 15, TITLE 5: PROTECTION OF WATER	<input type="checkbox"/> ARTICLE 17, TITLES 7, 8: SPDES	<input type="checkbox"/> ARTICLE 27, TITLE 9: 6NYCRR 373: HAZARDOUS WASTE MGMT.
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER SUPPLY	<input type="checkbox"/> ARTICLE 19: AIR POLLUTION CONTROL	<input type="checkbox"/> ARTICLE 34: COASTAL EROSION MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER TRANSPORT	<input checked="" type="checkbox"/> ARTICLE 23, TITLE 27: MINED LAND RECLAMATION	<input type="checkbox"/> ARTICLE 36: FLOODPLAIN MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: LONG ISLAND WELLS	<input type="checkbox"/> ARTICLE 24: FRESHWATER WETLANDS	<input type="checkbox"/> ARTICLES 1, 3, 17, 19, 27, 37; 6NYCRR 380: RADIATION CONTROL
<input type="checkbox"/> ARTICLE 15, TITLE 27: WILD, SCENIC & RECREATIONAL RIVERS	<input type="checkbox"/> ARTICLE 25: TIDAL WETLANDS	<input type="checkbox"/> ARTICLE 27, TITLE 3, 6NYCRR 364: WASTE TRANSPORTER
<input type="checkbox"/> 6NYCRR 608: WATER QUALITY CERTIFICATION	<input checked="" type="checkbox"/> ARTICLE 27, TITLE 7: 6NYCRR 360: SOLID WASTE MANAGEMENT	<input type="checkbox"/> OTHER:

PERMIT ISSUED TO S. A. Dunn & Company, LLC		TELEPHONE NUMBER (518) 378-5227
ADDRESS OF PERMITTEE 209 Partition Street Extension, Rensselaer, NY 12144		
CONTACT PERSON FOR PERMITTED WORK Michael Dunn		TELEPHONE NUMBER
NAME AND ADDRESS OF PROJECT/FACILITY Dunn Pit		
LOCATION OF PROJECT/FACILITY Partition Street Extension		
COUNTY Rensselaer	TOWN/CITY/VILLAGE N Greenbush/Rensselaer	WATERCOURSE/WETLAND NO.
NYTM COORDINATES E: 604.5 N: 4722.4		

DESCRIPTION OF AUTHORIZED ACTIVITY:

Continued operation and modification of an existing 57.9 acre Sand and Gravel Mine, for which a previous permit has been issued under Article 23, Title 27 (Mined Land Reclamation), and the addition of 10.64 acres to the life of mine, for a total life of mine area of **68.54 acres**. This permit also authorizes conversion of the mine site to a C&D disposal site under 6NYCRR Part 360, to be constructed in 7 phases as mining is completed. This permit authorizes construction of the C&D landfill in Phases 1-3, which includes 20.52 acres. Crushing, screening and washing within the mining area, as previously permitted, is authorized on site.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR: Nancy M. Baker	ADDRESS NYS DEC, Region 4 Headquarters 1130 North Westcott Road, Schenectady, NY 12306
AUTHORIZED SIGNATURE 	DATE July 20, 2012



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

1. Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 4		NYSDEC Deputy Regional Permit Administrator, Region 4
1150 North Westcott Road, Schenectady, NY 12306		Stamford Field Office, Rte. 10, Stamford, NY 12167
(for Albany, Columbia, Greene, Rensselaer,		(for Delaware, Otsego, & Schoharie Counties)
Montgomery, & Schenectady Counties)		

4. Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



Additional General Conditions
FOR ARTICLE 23, Title 27 (Mined Land Reclamation)

5. The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.
6. If the permittee decides to discontinue operation, a termination notice must be filed 60 days prior to the scheduled temporary or permanent cessation of mining.
7. The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.
8. If any archaeological or structural remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the NYSDEC Regional Office. Work shall not resume until written permission to do so has been received from the Department.
9. Unless expressly provided for, the issuance of this permit does not apply to any structures contained on the plans or in the specifications, nor does this permit apply to safety aspects of the operation and/or reclamation plan.
10. The enclosed permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements at all times.

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Special Conditions

FOR ARTICLE 23, Title 27 (Mined Land Reclamation)

1. Conformance With Plans

"All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application, as follows:

- A) Final Environmental Impact Statement, dated 4/1/93 (Draft EIS accepted by DEC 10/28/92);
- B) Letter from Christopher Monaco to NYSDEC (with additional receptor locations), dated February 28, 2006;
- C) OM1 Revised Mined Land Use Plan, prepared by CT Male Associates, PC, dated May, 2011;
- D) REC1 Reclamation Plan Map – Excavation Limits, prepared by CT Male Associates, PC, dated May, 2011;
- E) REC2 Reclamation Plan Map – Full C&D Landfill, prepared by CT Male Associates, PC, dated May, 2011;
- F) REC 3 Reclamation Plan Map – Contingency Plan, prepared by CT Male Associates, PC, dated May, 2011;
- G) TS1 Topsoil Inventory Map, prepared by CT Male Associates, PC, dated May, 2011;
- H) DEIS Volumes 1-4, prepared by CT Male Associates, PC, dated December 14, 2011;
- I) Mined Land Use Plan Modification C&D Landfill Permit Drawings (T1-T2, P1-P7, XS1-XS2, FP1-FP2, D1-D6, ESC1-ESC3), prepared by CT Male Associates, PC, dated October 18, 2010, and last revised on December 12, 2011.

2. Bond, Surety to Remain in Force

Any required reclamation bond or other surety, in an amount determined by the department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.

3. Strip and Stockpile Soils for Reclamation

Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the department.

4. No Unpermitted Discharge Outside Limits of Mine

There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan and the Stormwater Pollution Prevention Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

5. Fueling of Equipment and Reporting of Spills

Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the department's Spill Response number for immediate access in the permittee's office and at the mine site.

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Special Conditions

FOR ARTICLE 23 (Mined Land Reclamation)

6. Dust Control

Water or other approved dust palliatives must be applied to haulageways and other parts of the site, as often as necessary, to prevent visible dust from leaving the mine property. Mitigative measures shall be taken to alleviate nuisance dust conditions as determined by the Department.

7. Maintenance of Area Markers for Permit Term

The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the Mined Land Permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

8. There shall be no disposal or storage in the mining portion of the site of landfill materials, trash or garbage, demolition debris, or any other solid waste as that term is defined in NYCRR Part 360-1.2(a)(1). There shall be no importation of minerals, sand and/or gravel to the mine, except that which is outlined in the approved Mined Land Use Plan.

9. An Article 19 Permit (Air Pollution Control) must be obtained prior to the use of the following processing facilities at the mine:

- a. Permanent facilities capable of processing greater than 25 tons/hour of minerals.
- b. Mobile (portable) facilities capable of processing greater than 150 tons/hour of minerals.

10. All mining, reclamation and associated activities shall be limited to the following times:

Monday - Friday 6:30 AM to 5:30 PM

Mining operations shall not be conducted on Saturdays, Sundays or Federal Holidays. When a Federal Holiday falls on a Sunday, and is observed on the following Monday, no mining shall be conducted on that Monday.

11. Blasting is prohibited.

12. Permittee shall construct substantial barriers to motor vehicle access, to be utilized when the mine is not operating, in order to prevent illegal dumping and damage to areas reclaimed or undergoing reclamation.

13. Mining equipment (trucks, dozers, etc.) are to be equipped with back-up alarms which will activate only when infra-red sensors detect personnel in the vicinity of the equipment.

14. By the 28th of each month, the permittee shall submit a report to the Regional Permit Administrator which provides the daily scale data and a Daily summary listing the number of trucks entering and leaving the site during the previous month. Only trucks capable of carrying more than 2.5 yards must be reported.

15. In lieu of truck counts, as approved in prior permits, the applicant may conduct noise monitoring to ensure compliance with the noise limits discussed in the DEIS Appendix 1, Page 9, dated 10/28/92. If noise monitoring is proposed, a monitoring protocol shall be submitted to the Department for approval, and noise monitoring shall be conducted only after such protocol is approved in writing by the Department.

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Special Conditions
FOR ARTICLE 23, Title 27

16. The surface of any paved road that intersects with the entrance/exit to the mine and the entrance/exit areas shall be kept free of any spilled and/or tracked materials which can cause dust, slippery conditions or any other condition that is unhealthy or unsafe.
17. A minimum of 4 inches of crushed stone shall be applied to all haulroad areas where there is evidence of either erosion and or unsafe conditions. Culverts shall be constructed as needed to prevent erosion and/or unsafe conditions.
18. There shall be no disturbance to any trees or any other vegetation surrounding the mine, that are needed to visually screen the mine, except that which is discussed in the approved Mined Land Use Plan.
19. There shall be no mining below the grades shown on the approved map and/or cross sections in any area of the mine. There shall be no backfilling in any mine floor area in order to achieve the final grades, except as shown in areas on drawings XS1, XS2, FP1, and FP2 of the approved documents listed in Special Condition 1h.
20. There shall be no undermining of topsoil, subsoil and overburden (needed for reclamation) resources that have been stored in stockpiles and/or perimeter berms for use in reclamation. The active face shall remain far enough away from these resources to make possible the safe recovery of these materials by heavy equipment.
21. The cover material utilized at reclamation shall be fertile enough and retain moisture enough to sustain planted grasses. The reclamation shall not be accepted if there is evidence of weed cover and/or rill gully erosion.
22. Should the construction of the C&D landfill not continue until final build-out, any remaining areas that were affected by mining or mining related activities shall be completely reclaimed in accordance with the approved reclamation plans.
23. In accordance with the County Sanitary Code, sanitary facilities at the scale house require that the permittee obtain a "hold and haul" permit from the Rensselaer County Health Department.

Stormwater Conditions

24. In accordance with the Stormwater Pollution Prevention Plan (SWPPP), no stormwater discharges are permitted from the mine/landfill in Phase 1 of the operation.
25. A Stormwater Pollution Prevention Plan must be submitted for each landfilling phase prior to construction in that phase. The SWPPP must reflect current stormwater standards at the time of its submission.
26. The permittee must submit a 5-acre disturbance request for each phase of landfill capping that will have 5 or more disturbed acres of land. The written request for approval of the 5-acre disturbance must be submitted to the Regional Water Engineer in Region 4.

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Special Conditions
FOR ARTICLE 23, Title 27

Solid Waste Conditions

27. Comprehensive Recycling Analysis

The permittee shall not accept at the facility solid waste which was generated within a municipality that has either not completed a comprehensive recycling analysis (CRA) or is not included in another municipality's CRA (satisfying the requirements of 6 NYCRR Part 360-1.9)(f)) which has been approved by the Department and implemented the recyclables recovery program determined to be feasible by the analysis.

28. Construction

A Construction Certification Report (CCR) for the construction of the construction & demolition debris (C&D) landfill shall be submitted to the Region 4 Office of the Department within 45 days of completion of construction. The Permittee's Supervising Engineer shall certify in writing that the construction was in accordance with this permit and the design in the Engineering Report. The CCR shall also include "As Built" plans and a report documenting the results of all testing. The CCR shall be signed and stamped by a New York State Licensed Professional Engineer.

28. Acceptance of Waste No waste may be accepted at the facility until receipt of Department issued written acceptance of the CCR.

29. Hours of Operation The hours of operation the facility shall be restricted to:

Monday - Friday 6:30 AM to 5:30 PM

The facility shall not operate on Saturdays, Sundays or Federal Holidays. When a Federal holiday falls on a Sunday, and is observed on the following Monday, the facility shall not be open on that Monday.

30. Unacceptable Waste All unacceptable waste shall be removed from the facility and transported to a properly permitted or authorized disposal facility within 10 business days of receipt.

31. Waste Inspection All incoming loads of waste shall be inspected prior or during unloading to identify and reject unacceptable wastes .

32. Self Inspection Self inspection of the facility and operations shall be performed on a weekly basis. The results of the inspections must be recorded and must be included in the quarterly reports.

33. The Permittee shall maintain a valid financial assurance instrument on file with the Department. The surety will provide for the closure and post-closure monitoring and maintenance of the facility.

34. At least 90 days prior to initiation of operation of subsequent phases of the facility, or upon application for renewal of the Permit, the Permittee shall submit an updated closure/post closure cost estimate to the Department for review and approval. The cost estimate shall provide for the post closure monitoring and maintenance of all constructed phases of the facility.

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Special Conditions
FOR ARTICLE 23, Title 27

- 35. The permittee shall submit a financial assurance instrument, in a form acceptable to the Department, at least 60 days prior to the initiation of operation of the facility. The instrument must be submitted to the Regional Materials management Engineer of the Region 4 office and made payable to the New York State Department of Environmental Conservation. In an amount to be approved by the Department. The surety shall provide for the closure and post-closure monitoring and maintenance of the facility. Financial surety for the first phase of the Solid Waste portion of the project shall be in the amount of \$3,756,000.00.
- 36. No new mining areas may be affected until the Solid Waste surety has been received and accepted.

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STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT

FACTS AND CONCLUSIONS for
SA Dunn Sand and Gravel, Inc.
Dunn Pit C&D Site

Rensselaer and North Greenbush, Rensselaer County
DEC# 4-3899-00006/00001

Prepared by
The New York State Department of Environmental Conservation
Division of Environmental Permits - Region IV Office

July 20, 2012

The following **FACTS** and **CONCLUSIONS** in the Environmental Impact Statement have been relied upon to support the Department's decision to issue a Mined Land Reclamation Permit and Solid Waste Management Permit, to SA Dunn Sand and Gravel, Inc., to modify an existing Mined Land Use Plan, and obtain a Solid Waste Management Permit for the operation of a 68.54 acre Construction and Demolition (C&D) disposal site at the existing Dunn Pit on Partition Street in the City of Rensselaer and Town of North Greenbush.

PROJECT DESCRIPTION:

The applicant proposes to reclaim an existing 57.9 acre sand and gravel mine known as the Dunn Pit on Partition Street in Rensselaer and North Greenbush with construction and demolition debris (C&D), thus creating a permitted C&D landfill on the former location of the gravel mine. As part of the proposed action, 8.9 acres would be added to the project site to allow a "mine through" of the abandoned water tank and reservoir area, and 1.74 acres for clay mining on the south side of the site to construct the landfill. The total resulting project site would be 68.54 acres. The C&D landfill is proposed to be constructed in phases encompassing seven cells upon completion, in accordance with the C&D debris landfill construction requirements in 6 NYCRR 360-7.4..

PROJECT HISTORY and FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

The application for Mined Land Reclamation and Solid Waste Management permit was received on April 23, 2010. A Positive Declaration was issued on May 17, 2010, and a comment period for the scoping document closed on June 25, 2010. The Draft Environmental Impact statement was accepted on January 9, 2012, and the public comment period expired on February 17, 2012. The Final Environmental Impact Statement (FEIS) was determined to be complete and was accepted by the SEQRA Lead Agency, the New York State Department of Environmental Conservation (Region 4), on May 30, 2012. Public notice of the FEIS acceptance commenced on June 6, 2012, and expired on June 16, 2012.

Facts and Conclusions in the FEIS Relied Upon to Support the Decision:

The Department has reviewed the DEIS, the FEIS, all reports and plans included with those documents. As Lead Agency, the NYS DEC has concluded that the project has been designed, and where necessary, revised, to avoid, minimize or mitigate to the maximum extent practicable, adverse environmental impacts potentially associated with the project. There are no remaining impacts which would preclude the issuance of these permits. Environmental impacts have been satisfactorily addressed as follows:

Groundwater Impacts

A Hydrogeologic Report (DEIS-Appendix F) was prepared by CT Male Associates, dated June 14, 2011, to evaluate the potential for impacts to groundwater resulting from the project.

The project site is not located within or near a 100-year floodplain, or near a primary water supply aquifer, principal aquifer, or adjacent to a public water supply area. Two existing monitoring wells were surveyed, in addition to four new wells (installed in the fall of 2009), as well as sampling of two off-site stream locations and the on-site reservoir. Sampling and analysis were conducted for Part 360 baseline and routine parameters, and confirm that water quality within the first water bearing unit beneath the proposed landfill demonstrates no contamination. Effective controls and monitoring system are in place to prevent and monitor so as to assure its continued purity can be maintained.

As the landfill is constructed, a liner system will be installed prior to C&D being compacted into each cell. Any rainfall that accumulates in each cell will be collected and treated as leachate. (See leachate below). Once each cell is capped, rainfall will be directed to stormwater collection basins, while leachate will be pumped from each cell to the leachate collection system.

Monitoring during construction and post-construction will be conducted in accordance with Part 360 to ensure that no contamination of groundwater occurs.

Leachate Management

Leachate will be collected from each of the seven cells into a double contained storage tank. A load-out station will be constructed with containment systems for spills, and leachate will be hauled by a permitted waste hauler to an approved wastewater treatment facility for treatment and disposal.

Surface Water Drainage/Stormwater

Surface water drainage modifications and associated impacts were considered in the environmental review for the proposed action, to ensure compliance with the SPDES Multi-Sector Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) (MSGP), as well as SPDES Permit for Construction Activities (GP-0-10-001). A Stormwater Pollution Prevention Plan (SWPPP) has been developed which includes construction practices and post-construction practices to prevent sediment laden stormwater from leaving the project site. The SWPPP also includes practices to address potential pollutants from industrial stormwater associated with the landfilling and leachate collection and transfer.

All stormwater will be managed on-site. All stormwater runoff from mining activities will remain internal to the mine site, as will runoff during landfill construction. Runoff will be directed to the mined areas to temporary detention basins for infiltration while mining is occurring in the northern portion of the site and cell construction is occurring in the southern portion of the site. During construction of Phases 6 and 7, two stormwater basins will be constructed to collect stormwater which is shed from the constructed landfill. Stormwater will be managed in accordance with the Stormwater Pollution Prevention Plan, and best management practices to prevent erosion and sedimentation, as well as preventing impacts to downstream areas.

There is no discharge from the mine. Active landfill construction will not discharge stormwater until Phases 6 and 7. There is a minor stormwater discharge from the haul road at design point DL-5, which will begin when the mining expansion begins. However, the post-construction practices are designed such that the peak post developed flow stormwater discharge rate at the design location is less than what it is under existing conditions. Based on the fact that a discharge occurs, however minor it will be from the haul road

only, the facility is required to obtain coverage under the MultiSector General Permit. The stormwater practices contained in the SWPPP have been designed in accordance with current standards. All NYS water quality standards will be met.

Traffic

Trucks will enter from Partition Street at the existing access drive, and utilize existing gravel access roads and service roads constructed for each cell. Vehicle traffic was previously reviewed under SEQR in 1992 for a modification to the mining permit at that time. Data was collected during the 1992 modification application for the MLR permit, and the traffic study at that time showed that 100 round trips would not pose a significant impact to traffic levels in the area. Prior permits issued for the mining operation included a limit of 100 round trip truck trips to mitigate potential noise on Partition Street. The project will keep the truck limit intact, and will restrict total truck traffic to 100 round trips per day, inclusive of all cumulative traffic (C&D traffic, mining traffic and leachate collection trucks).

However, in order to assure that traffic information is as up-to-date as possible; CT Male Associates, for the applicant, conducted a traffic study for the current modification in July of 2010. Areas studied were Partition Street at Broadway, East/1st Street, Lansing Place/2nd Street, 3rd Street, 4th Street, 5th Street, Cottage Hill and 6th Street, and 7th Street. During the study period, Broadway was undergoing heavy reconstruction, which resulted in some road closures, possibly affecting traffic counts. It is noted that a major development is proposed for Cottage Hill Street, which includes 30 townhomes and 150 condominiums. This project has not yet been approved by the City or constructed, however, traffic data available as part of this project's review was also compared to existing baseline traffic for the former mining permit, as well as data collected in July of 2010. All traffic data was considered comparable, and no significant changes to baseline traffic conditions were noted.

As noted above, prior SEQR review of potential traffic impacts concluded that 100 round trips to/from the Dunn Pit would not have a significant impact on traffic or levels of service in the area of Partition Street. Further, during the review of the recent Cottage Hill project, the City of Rensselaer further determined that the proposed traffic from Cottage Hill (83 trips morning peak and 97 trips evening peak), when combined with the existing traffic at 100 trips per day from the Dunn Pit, would also not have a significant impact on level of service in the area.

Based upon the updated traffic analysis and continued limit of 100 truck round trips per day, there will be no change to the pre-approved traffic limits imposed in 1992, and therefore there will be no significant impacts to traffic and levels of service from this project.

Dust and Air Quality

Existing permit conditions that require no visible dust beyond the property line will remain intact. The facility is well surrounded by vegetation, and the majority of operations will occur in a "bowl-like" feature, minimizing the likelihood of off-site impacts. Incoming and outgoing loads are required to be covered, and haul roads are required to be swept or watered to minimize dust. Further mitigation measures require the seeding of stockpiles and overburden piles, maintaining vegetative buffers, watering of C&D disposal areas, and weekly cover on C&D waste. Based on the proposed permit conditions and proposed mitigation measures, off-site impacts are not expected to occur, and the 6NYCRR Part 360 and Part 211 standards will be met.

Odors

Construction and demolition debris landfills do not produce odors similar to that of municipal waste landfills. However, they do have the potential to produce odors when items such as sheetrock are accepted, due to sulfite-reducing bacteria's (SRB) reaction with sheetrock, which creates hydrogen sulfide odors. These

odors are generally heavier than air, and tend to migrate downhill, which in this case, would be toward adjacent residences.

Landfill construction and leachate collection system has been designed to prevent ponding of water and ensure that waste is well-drained, to avoid the creation of an environment that would create hydrogen sulfide gases. Cells will be constructed with sloping surfaces, pitched toward the leachate collection piping to ensure that the cell and waste do not become saturated. The design also includes a passive gas venting system. Should odors occur, this passive venting system can be converted to an active collection system and treated with a flare or scrubber. If odors occur and cannot be controlled by existing design features, the applicant will discontinue acceptance of sheetrock at the facility.

Another source of potential odors would be the leachate management system. To avoid this potential impact, the leachate piping and collection system was been designed as a waterproof system that is not vented to the atmosphere. The permittee has developed best management practices to prevent offsite odors, and will conduct quarterly air monitoring, including field measurement of hydrogen sulfide gas present around the landfill, as part of the approved plans. The proposed engineering design and mitigation measures will prevent odors from impacting off-site receptors, and the 6NYCRR Part 360 standard of no nuisance odors past the property line will be met.

Noise

A noise study was conducted in 1993 as part of a prior permit modification for the sand and gravel operation. Since the current action proposes a change in land use, and potentially new equipment operation, further study was required to ensure that no impacts would occur. Since truck traffic is projected to remain below existing approved levels, noise impacts from traffic are not anticipated.

In order to assess the potential for additional noise impacts from the change in operation, a 24-hour baseline noise level survey was performed to determine ambient levels around the project site. Five locations around the mine were surveyed over a 24 hour period, and levels ranged from 50dBA to 56.5 dBA, which are similar to the levels measured in 1993.

The current proposal would add one excavator and one bulldozer/compactor to the existing equipment at the mine site. This equipment, when added to the existing mine equipment operations, results in a combined level of 95-96 dBA at 50 feet. When attenuation for distance and vegetation is considered, the additional equipment would result in less than 3 dBA increase at the closest receptor. This increase is considered "unnoticed to tolerable" in accordance with the Department's noise guidance "Assessing and Mitigating Noise Impacts" (10/6/00).

Further mitigation measures are included in the project plans to ensure that noise impacts have been mitigated to the extent practicable, including limited operating hours, locked access when the site is not operating, infra-red back-up alarms, mufflers on all equipment, speed limits on haul roads and City streets, staging of processing equipment at lowest portions of the active site, and facility staging so that trucks will only need to back up on a limited basis.

The applicant has verified that current noise data is similar to data collected in 1992, and has conducted a noise evaluation to demonstrate that additional equipment will not result in a significant increase in noise. As further mitigation, the applicant has agreed to maintain the current limit on the number of truck trips to 100 round trips per day, as well as adhering to existing hours of operation to minimize impacts to nearby receptors. Additional significant noise impacts are not expected and have been mitigated to the extent practicable.

Visual

A visual assessment was conducted to determine whether the project will create visual impacts to off-site receptors. The EIS-Appendix J contains a list of aesthetic resources within a five mile radius of the project site. Several historic structures were identified, as well as two Heritage Areas (Albany and Riverspark). Based on the information submitted and utilization of GIS aerial data, it has been determined that due to distance, vegetation and intervening structures, impacts to most historic properties in or around the project site are unlikely (with minor exceptions noted below).

Line of Sight drawings are included in the EIS as Figures 4 and 4A, which demonstrate line-of-sight views from the northwest (Hudson River/Albany area) and east/southeast (East Greenbush/North Greenbush area). Based on the information submitted and field visits to confirm those conclusions, most residential areas in Rensselaer, I-90 receptors, most of the Hudson River area, and the new K-12 School will not have views of the landfill upon final build-out.

Three buildings listed on the National Register of Historic Places may have minor views of the final stages of landfill construction, as will adjacent residences on Partition Street, and visitors to the adjacent cemetery. These minor views are limited to the final 10-20 feet of construction, which is required to create the slope of the landfill. The Department's visual guidance, "Assessing and Mitigating Visual Impacts", notes that the presence of a minor view does not signify an impact, unless that view is in stark contrast to the existing background. The project involves the construction of a C&D landfill which is generally thought of in earth-tones. The existing background consists of naturally wooded areas and an existing mining operation, also consisting of earth-tones. Therefore, the lack of contrast, as well as the distance to the receptor, and the minor view (final cap construction), would not be considered a significant visual impact.

Archaeological

Archaeological resources were previously reviewed and approved by the Department under SEQR and SHPO processes for the existing mine footprint. A Phase 1 survey was completed on March, 2010, by Columbia Heritage for the additional acreage to be added to the project site in the area of the abandoned water reservoir and tank. The report indicated that no further resources were found, and no additional mitigation was required. The survey also evaluated potential impacts of the proposed operation upon any historic structures in or around the project site. While the report did identify historic structures in the vicinity of the mine, the conclusions were that no visual impact would occur to these structures due to intervening vegetation and other structures. In a letter dated May 28, 2010, the NYS Office of Parks, Recreation and Historic Preservation confirmed that the project would have no impact on resources eligible for inclusion in the State and National Register of Historic Places.

Federal Wetlands

On August 19, 2010, a wetland delineation was conducted by CT Male Associates, which identified federal wetlands (Waters of the US) on the project site, south of the proposed southern cell construction. The project plans were developed to avoid all federal wetlands, and therefore, a Water Quality Certification is not required for the project. Construction plans include pollution controls to ensure that no sediment discharge or erosion will occur in or adjacent to wetland areas, and that these areas are protected from possible impacts.

Water Supply, Sewage, and Public Utilities

The site is currently connected to public water which provides water to the existing office/garage structure, consisting of several toilets and sinks. Sewage is discharged to an on-site septic system from bathrooms at the office. Electricity also exists at the office building.

A new scale house will be constructed and connected to electricity and municipal water. Wastewater will be discharged to a holding tank which will be periodically pumped by a waste hauler, for which the applicant is required to obtain a "hold and haul" permit from the Rensselaer County Dept. of Health. Electricity will also

be connected to the leachate storage and load-out facility and collection stations via existing poles and underground cables.

Closure Requirements

The landfill closure plan has been designed in accordance with 6 NYCRR 360-7.6, including development of a closure plan, maximum side slopes of 33%, maintenance requirements, post-closure monitoring and maintenance manual for 30 years post-construction, and closure reporting.

In the event that the landfill construction does not proceed into the entire 58 acres, a contingency plan has been developed to provide for final closure of the landfill in accordance with Part 360, as well as final reclamation of the mined portion of the site not filled with C&D, in accordance with Part 423. The permittee is required to notify the Department when the site has been mined out, and that mining will cease on the property. A temporary vegetative cover will be established on all areas not actively being used as a C&D landfill, and will be maintained until landfill construction commences in that area. All existing stormwater and pollution prevention practices will continue on the temporarily reclaimed areas. The applicant is also required to post surety bonds to ensure both Mined Land Reclamation of the site, and closure of the C&C facility under Part 360 Solid Waste regulations.

Community Character

The site has been an existing mining operation for several decades. The existing use at the site is industrial (mining), and the proposed use (C&D landfill) is consistent with an industrial use. The project is consistent with solid waste planning units in Rensselaer and North Greenbush, and consistent with local comprehensive plans and zoning. Neither municipality has indicated an objection or concern regarding local community character, zoning or land use issues.

Energy Conservation

The area is currently served by the Albany Landfill for waste disposal. The Albany Landfill accepts only recognizable waste; the Dunn C&D site would offer a second option, while preserving space at the Albany Landfill for municipal waste. The energy conservation benefits would be realized through closer disposal options for many municipalities or customers, which is a reduction in fuel consumption and greenhouse gas emissions. Further conservation measures within the proposed site would include no idling of trucks, refueling to be conducted with a mobile tank truck (trucks to not need to leave the site to be refueled), limited small working faces, and no new building construction or energy use, other than the scale house and leachate collection system. Further, landfill operators have an on-site source of weekly cover material within the existing mine site, which reduces the need to transport cover material to the mine.

Public/Adjudicatory Hearing/Regulatory Standards

Under the provisions of 6NYCRR 621.8(b) no substantive or significant issues have been raised which would warrant an adjudicatory public hearing. Statutory and regulatory criteria and standards for approval for permit issuance have been met. All potential issues have been thoroughly addressed and potentially significant impacts have been mitigated to the maximum extent possible.

No evidence or showing of data or experts was presented to claim that the project is not approvable or does not meet regulatory standards. A thorough review of the potential for impacts, and specifically the likelihood of impacts to residential areas and local residents, indicates that environmental impacts of the proposed action have been avoided or minimized below the levels of environmental impact significance. Therefore, it is determined that none of the issues raised would either 1) result in permit denial, or 2) result in major modification or imposition of significant conditions to the permit so that under the provisions of 6NYCRR 621.8(b) no substantive or significant issues have been raised warranting an adjudicatory public hearing,

and 3) that statutory or regulatory criteria and standards (ECL Article 23, 6 NYCRR 420-425, ECO Article 27, 6NYCRR 360, 6 NYCRR 617, and ECL Article 8) have been met.

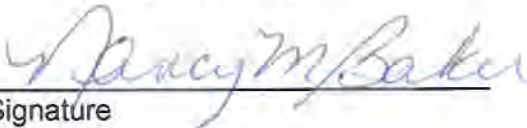
Certification of Findings to Approve

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 and Article 8; 6 NYCRR Parts 420-426 and Article 23; and ECL Article 27 and 6NYCRR Part 360; have been met.
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives hereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the permit those mitigative measures which were identified as practicable.
4. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, and 6NYCRR Part 617.11(d), this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

NYS Department of Environmental Conservation

Region 4, Division of Environmental Permits
1130 North Westcott Road
Schenectady, NY 12306


Signature

Nancy M. Baker
Name (print)

Deputy Regional Permit Administrator
Title

7/20/12
Date