

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

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Alexander B. Grannis
Commissioner

August 18, 2008

By FAX and Regular Mail

Marty Wojcik

It's Greener Now, Inc.

3362 NYS State Route 409

Watkins Glen, New York 14891

RE: Final Scope Outline for Draft Environmental Impact Statement
Application to Expand Life of Mine
Application ID 8-54424-00006/00001, MLR 80244
It's Greener Now Inc. - Padua Gravel Pit
(T) Dix, Schuyler County

Dear Mr. Wojcik:

Enclosed is the Final Scope Outline for the Draft Environmental Impact for the above-referenced project. The Final Scope Outline has been modified from the Draft Scoping Outline which was sent out on June 19, 2008. The changes made to the Draft Scope Outline reflect new information and concerns received during the public comment period.

The Department as lead agency would be the point of contact to facilitate meetings with agencies or interested parties to coordinate the information gathering necessary for the development of the dEIS document.

The application remains incomplete until a determination is made that the dEIS is adequate.

Please contact me at 585-226-5390 or email at palent@gw.dec.state.ny.us if you have any question relating to the status of the application, the information in the Scope Outline, or the environmental review process. Thank you for your time and assistance in the matter.

Sincerely,

Peter A. Lent

Regional Permit Administrator

cc: By E-Mail or Regular Mail

Supervisor, Town of Dix
Mayor, Village of Watkins Glen

Mr. James E. Clements, NYSDOT Hornell
Ms. Sue Poelvoorde, OPRHP, Trumansburg
Mr. Thomas Lyons, OPRHP Albany
Ms. Kate Bartholomew, Schuyler County EMC
Ms. Stacy B. Husted, Clerk, Schuyler County Legislature
Mr. Edward Bugliosi, Chief, Ithaca Office, USGS New York Water Science Center
Mr. Kevin Bernstein, Esq, Bond, Shoeneck, & King PLLC (by E-mail & Regular Mail)
Mr. Leo Bracci Esq.
Mr. Roger McDonough
Mr. Steven Army
Mr. Joseph Bucci
Mr. Lawrence Weintraub Esq.
Mr. William Adriance

DRAFT ENVIRONMENTAL IMPACT STATEMENT (dEIS) FINAL SCOPING OUTLINE

It's Greener Now (IGN), Inc.

Padua Pit

DEC 8-4424-00006/00001

MLR 80244

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

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.

The applicant proposes to expand current surface sand and gravel mining operations, from 14.33 to 106.27 acres, on properties which total 281 acres. The mine is intended to continue to operate as a traditional surface extraction of unconsolidated sand and gravel, and will not involve removal of consolidated bedrock.

The modification to expand the Life of Mine (LOM) area from 14.33 acres to 106.27 acres will not result in a significant change from previously permitted historic operations. While the overall acreage of the mine will increase over the life of the project, the active mining excavation area, previously mined unreclaimed areas, and processing areas will not exceed 15 acres at any one time. In addition to these areas, affected acreage at this facility has historically included an office and scale house area which will continue to be part of the operation, and the applicant has proposed the addition of a rail spur loading area. Concurrent reclamation will be performed throughout the life of the operation to control the number of affected acres. As operations progress, there will not be a significant increase in the mine's production rate. The existing mine area currently abuts the Watkins Glen State Park property, and will continue to do so as the mine expands. However, as operations expand, mining excavation operations will be moving further away from the Watkins Glen gorge. The expanded life of mine area will serve to increase the available sand and gravel reserves.

Mining is not proposed below the local water table. Excavation will be done by mechanical equipment, standard for sand and gravel mining operations. Mining is proposed to remove approximately 10 million cubic yards of sand and gravel over the estimated 20 year operational life of the mine. Mined material will continue to be processed with screening, washing, and crushing equipment. Sorted aggregate will be stockpiled in locations indicated on the Mining Plans. The maximum processing rate for the screening and washing plant is 560 tons per hour, and for the crushing plant is 290 tons per hour. Final reclamation of the site will include grading and sloping of all mine faces, the replacement of stockpiled topsoil, and re-seeding with an approved seed mixture. The reviewed life-of-mine area is 106.27 acres. The applicant proposes to operate the mine 7 days a week, 5:00 AM to 7:00 PM Monday through Friday, and 8:00 AM to 5:00 PM Saturday and Sunday for truck loading only.

- ▶ **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 environmental impacts of a project and reasonable alternatives, if any, and identifies ways to avoid or mitigate any potential 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 and involved agencies.

- ▶ **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.

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 issue, the dEIS will discuss present conditions; the short-term, long-term and cumulative environmental impacts anticipated to result from project development including those that cannot be avoided or adequately mitigated; 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 expansion of a currently permitted sand and gravel mine. Specific topics to be addressed are discussed below.

- ▶ **Geologic Resources**

Buried Gorges

There have been reports that paleo-gorges are present on or in the vicinity of the area of the current mine and the proposed mine expansion. Paleo-gorges are bedrock channels which are considered glacial features. They are also called buried gorges because they have been filled with unconsolidated material deposited by the glaciers.

A. Existing Environmental Setting: A more complete description of the nature, location and extent of the buried gorges will be provided. Additional hydrogeological information/data (e.g. new borings/wells) should be provided to supplement the available information to better characterize the unconsolidated material within the gorges, the bedrock channels forming the gorges, and the hydrologic conditions within the unconsolidated material and bedrock associated with the buried gorges in the vicinity of the common property boundary between the mine and the Watkins Glen State Park. The discussion of existing hydrologic flow patterns associated with the buried gorges should describe sources of infiltration from areas in and around the buried gorges and any connectivity between the buried gorges and Glen Creek. This should include the areas north of the railroad trestle in the vicinity of Punchbowl Lake, the seeps and springs along the north rim and north wall of the Glen Creek Gorge, as well as the seeps and springs on the hillside within the Village of Watkins Glen, which are located northeast and east of the area to be mined. A graphical representation, both in plan and profile view, of the

location and the extent of the buried gorges in relationship to the mine and the Watkins Glen State Park should be included in the dEIS. The areas depicted in the graphical representation of the buried gorges will include the head areas of the buried gorge(s) where they are in close proximity to the Glen Creek channel, which is north of the railroad trestle and near the area called Punchbowl Lake, and the discharge locations of the historic mineral springs which were associated with the former Glen Springs Hotel.

B. Potential Impacts:

The dEIS should describe in detail the extent to which mining activities will disturb the areas where the buried gorges are located, including: the extent to which the material filling the gorges will be mined and the potential impacts of mining on hydrologic conditions in the buried gorges related to changes to the amount and rate of infiltration and water used for processing material at the mine.

The dEIS should investigate the extent to which the channels of the buried gorges may influence the hydrology of the Watkins Glen State Park and the Glen Creek gorge. The current and newly collected hydrogeological information should be used in this evaluation.

The dEIS should also investigate and discuss the potential impacts the proposed mining activities may have on the hydrological conditions and flow patterns associated with the buried gorges and how these impacts may affect the hydrology of Glen Creek and the Watkins Glen State Park, and nearby areas northeast and east of the mine property.

C. Proposed Mitigation Measures. Measures to avoid and minimize potentially significant adverse changes to existing hydrologic conditions associated with the buried gorges, which may affect the hydrology of off-site areas, such as Glen Creek, Watkins Glen State Park, and residential areas northeast and east of the IGN property, will be identified and discussed.

- ▶ **Ecological Resources.** It is unlikely that this proposed expansion will have any significant adverse impact upon fish and wildlife resources occurring on the mine site and no further analysis is anticipated as part of the dEIS. Watkin's Glen State Park and the Glen Creek gorge will be the focus of future work as described below.

A. Existing Environmental Setting. Within the areas of Watkins Glen State Park and the Glen Creek gorge, which are located south and east of the proposed mine expansion site, the presence of any water dependent endangered or threatened species, species of Special Concern, species of greatest conservation need (SGCN) or significant habitats, will be identified through literature reviews, site surveys and consultation with NYSDEC personnel, US Fish & Wildlife Service, and NYS Office of Parks Recreation and Historic Preservation.

The level of analyses expected of the applicant will be dependent upon the availability of information in existing published scientific and natural history literature, NYS DEC data (where available), status and trends reports, life history accounts, and other appropriate sources of information. In the absence of such information or if such information is inconclusive, the applicant will be required to conduct additional site- and project-specific studies to assess potential impact from the project.

B. Potential Impacts. The dEIS will evaluate potential impacts as a result of the mining operations to the flora and fauna of Watkins Glen State Park and their preferred habitats that

are dependent upon the Park's hydrology (i.e. groundwater seeps, springs, or surface water channels) for their existence.

C. Proposed Mitigation Measures Measures to preserve or enhance existing wildlife habitat, as appropriate, will be identified and discussed.

► **Water Resources**

Groundwater

A. Existing Environmental Setting. Existing groundwater resources, both in unconsolidated (deltaic) sediments and consolidated bedrock, within the mining area and adjacent areas of Watkins Glen State Park, south and east of the mining area, will be identified and described.

Information available on the existing glacial and bedrock stratigraphy and water levels within these units will need to be supplemented by additional data (e.g. new borings/wells) from south and east of the common boundary between the mining area and the Watkins Glen State Park.

Contour maps showing hydraulic heads (water table) in both bedrock aquifer and deltaic, unconfined aquifer should be provided from data collected from the geologic units where mining will take place as well as from information collected from areas located east and south of the IGN property within the Watkins Glen State Park.

The proposed mining plan is to only remove gravel from above the water table. A fivefoot separation between the water table and the mine floor would be required. Currently there is insufficient data available about the annual fluctuation of the water table elevation in both deltaic and bedrock aquifers to determine where the lower limits of mining should be. All water level measurements from existing and new borings/wells in both deltaic and bedrock aquifers should be presented and discussed. It would be relevant to have one complete annual cycle of water-level data to evaluate possible seasonal fluctuations in the water table. Provide a plan to regularly monitor water levels in the borings/wells throughout the duration of mining operations. The frequency of water-level data collection should be sufficient to adequately describe the normal seasonal fluctuations of the watertable elevation in both the deltaic and bedrock aquifers.

The important seeps and springs in the Watkins Glen State Park should be identified and their recharge areas and groundwater source areas described.

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 surrounding groundwater elevations. A discussion of local and regional groundwater should be provided including the potential for aquifer communication with the seeps and springs in Watkins Glen State Park in order to enable a more complete assessment of the proposed expansion on the hydrology of the gorge. The additional data collected, along with information obtained from borings, published geologic literature, site specific information, and on-site testing, will provide the basis for the hydrogeologic assessment.

Hydrogeologic information from east and south of the IGN property should be compared to

hydrogeologic information from the mining area to determine the direction of groundwater flow in the deltaic deposits. In addition to the contour maps showing both the elevations of water tables in the deltaic deposits and bedrock, geologic section profiles should be provided which shows water levels in both units both within the mining site and south and east of the mining site.

Microclimate experienced by Park visitors--

Comments received from NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) included another concern that is related to potential changes to the hydrological conditions in Watkins Glen State Park. The hydrological conditions not only create microclimates and habitats for plants and animals but there is also a microclimate that is critical to the experience of Park visitors experience as they pass through the gorge.

The DEIS will describe the climatic conditions experienced in the gorge in scientific terms and in terms of seasonal changes. In addition, the dEIS will investigate how groundwater seeps and hydrological process are responsible for producing this microclimate. The dEIS will evaluate if any potential hydrological changes related to the mine expansion will result in potential adverse impact on the climatic conditions in the gorge currently being experienced by Park visitors. The dEIS will address what happens during drought conditions, which would be considered the worst case scenario.

C. Proposed Mitigation Measures. A discussion will be provided for the design, construction and operational procedures of the mine that will be utilized to minimize potential impacts to groundwater resources located on the mine site and within adjacent areas of the Watkins Gen State Park. This will include the separation distances which will be maintained between mining activities and the highest seasonal water table in unconsolidated materials.

Surface water

A. Existing Environmental Setting. Existing surface water resources within and in proximity to the proposed mine to include adjacent areas of Watkins Glen State Park and Glen Creek gorge 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. Existing drainage patterns within the mining area and in areas south and east of the IGN property will be described and mapped.

B. Potential Impacts. Impacts related to the alteration of the surface water drainage patterns associated with mining activities will be described and evaluated. An analysis of the surface water contribution from the lands affected by mining to the Watkins Gen State Park and the Glen Creek drainage will be evaluated and impacts discussed. The potential for impacts to the quality and quantity of surface water will be evaluated.

C. Proposed Mitigation Measures. A discussion will be provided for the design, construction and operational procedures of the mine that will be utilized to minimize potential impacts to surface water resources located within the Watkins Glen State Park.

Potential Impacts Northeast and East of the Mine Site in Down Slope Residential Areas

Comments received on the draft Scope of the dEIS, from residents living in the down hill areas,

reported an increased frequency of flooding incidents and other observations related to changes in groundwater seeps and springs on their property or their neighbors property.

Provide an analysis of the potential down slope impact of surface water flow resulting from an increased groundwater discharge related to mine expansion, and the potential formation of new off-site, down slope springs and seeps.

Discuss any design, construction and operational procedures of the mine that may be utilized to minimize these impacts.-

► **Visual Resources**

Comments received on the draft Scope included concerns with the mining site being visible at greater distances than had been included in the previous visual impact analysis. The previous impact analysis had concluded that there were no significant visual impacts to nearby receptors (NYS Route 409, nearby residents, the two cemeteries and the Watkins Glen State Park).

Two NYS roadways, Route 414 and Route 79 were mentioned in the comments. The current mining operation is within the viewshed of certain locations along these roads. Comments received from Ms. Kate Bartholomew of the Schuyler County Environmental Management Council included photos from four locations, three from locations on NYS Route 414 (view from the southeast end of Seneca Lake, the view from the curb at Clute Park, and the view from the northeast corner of 4th and Porter Streets in Watkins Glen) and one from a location on NYS Route 79 (view just south of the Village of Burdett, just before descending the hill to the southeastern village limits of Watkins Glen).

An 18 mile section of NYS Route 414 is being proposed to be designated as the Seneca Lake and Lodi Scenic Byway. Using the Department's guidance document, Assessing and Mitigating Visual Impacts (DEP-00-2), NYS highways designated as Scenic Byways would be considered to be significant scenic and aesthetic resources of statewide concern. The Seneca Lake and Lodi Scenic Byway is NYS RT 414 extends from the beginning of NYS Route 414 at the intersection of NYS Route 14 in the Village of Watkins Glen, at which point NYS RT 414 is called 4th Street and continues around the southeastern and eastern sides of Seneca Lake until it reaches the Hamlet of Lodi.

The dEIS will include a visual impact assessment of the mine location in the viewsheds from the four locations where photos have been submitted. Procedures found in the Department's DEP-00-2 Guidance Document (<http://www.dec.ny.gov/regulations/2374.html>) should be followed in undertaking the visual impact assessment.

A discussion will be provided for the design, construction and operational procedures that will be utilized to minimize potential impacts to the two roadways.

► **Cultural Resources - Historic & Archaeological Resources**

Historic Resources - Watkins Glen State Park

Existing Environmental Setting: The Watkins Glen State Park is eligible for listing in both the National and State Registries of Historic Places. The dEIS should review and describe the

historical attributes of the Watkins Glen State Park which qualifies it for being eligible for listing in the National and State registries.

Potential Environmental Impacts: The dEIS will examine the potential adverse impacts the mining operation may have on the historical attributes of the State Park, including the impacts on the Park's groundwater and surface water resources, which define this State Park's uniqueness.

Proposed Mitigation Measures:

A discussion will be provided for the design, construction and operational procedures of the mine that will be utilized to minimize potential impacts to the State Park's historical significance.

5.0 ALTERNATIVES TO THE PROPOSED ACTION

- ▶ **No Action Alternative For Mine Site.** Alternatives to the proposed new mine will be evaluated including the no action alternative. This alternative will be evaluated based on the assumption that the mine is not expanded.
- ▶ **Alternative Size.** Alternatives that reflect the evaluation of changes in the scale or magnitude of the project will include a comparison of impacts covered by the dEIS Scope, which includes: geological, ecological, water, visual and cultural resources. This section will include evaluation of reduction of Life of Mine Boundary by increasing setback distances from the Watkins Glen State Park boundary, in particular those areas of the proposed Life of Mine that drain directly toward the State Park.
- ▶ **Alternative Design and Technology.** The design of the project and operational practices will be evaluated against perceived impacts.
- ▶ **Alternative Land Use.** Explore and evaluate alternative mined land reclamation approaches which would result in land use compatible with functions and benefits of the Watkins Glen State Park.
- ▶ **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.

6.0 List of Application Documents This list will also include any underlying studies, reports and other information considered in preparing the statement including the final written scope.

7.0 Tables

8.0 References

9.0 Appendices

Table 1.0

State Agencies		
Agency	Permit/Interest	Applicable Law/Regulation
NYS DEC	Mining permit Stormwater SPDES permit Air emission permits - processing, and. manufacturing	ECL 23-2701 ECL 17-0801 ECL 19-0101 ECL 17-1009
NYS DOT	Curb cut: highway permit(s) (if required)	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)	
Mining Safety Health Administration	Information Regulates mine safety	30 USC 811, 957, 961
Local Government		
Town of Dix	Site Plan Review	
Schuyler County	Highway permit (if needed)	

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Alexander B. Grannis
Commissioner

FAX COVER SHEET

Date: August 18, 2008

To: Marty Wojcik
FAX = 607-535-5523

From: Peter Lent

Number of Pages, including cover: 12

Notes:

Attached is the dEIS Scope Outline for Expansion of the Padua Mine

Let me know if you have any questions.

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E-mail: palent@gw.dec.state.ny.us

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