

New York State Department of Environmental Conservation

Environmental Permits, Region 8

6274 East Avon-Lima Rd, Avon NY 14414-9516

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

Website: www.dec.ny.gov



Joe Martens
Commissioner

September 28, 2011

Chief Executive Officer and Chief Administrative Officer
Town of Waterloo
66 Virginia Street
Waterloo, New York 13165

Dear Supervisor Mooney:

**Re: Combined Notice of Complete Application,
Notice of Acceptance of a Draft Environmental Impact Statement
and Notice of Legislative/SEQRA Hearing and Issues Conference**
DEC Facility No. 8-4538-00094/00001 MLR 80837
Seneca Meadows, Inc., Meadow View Mine
Town of Waterloo, Seneca County

The New York State Department of Environmental Conservation, as the State Environmental Quality Review Act (SEQRA) Lead Agency, is issuing this combined Notice of Complete Application, Acceptance of a draft Environmental Impact Statement (dEIS), and Notice of Legislative/SEQRA Hearing and Issues Conference for the above-noted mining application and dEIS. The complete dEIS and application will be available for public review and comment until November 7, 2011. A legislative/SEQRA hearing will be conducted to receive additional comment on this dSEIS and application. The hearing will be held at 7:00 PM on October 26, 2011 in the Waterloo Holiday Inn, 2468 NYS Route 414, Waterloo, New York. A pre-adjudicatory issues conference will also be conducted at the Waterloo Holiday Inn on November 16, 2011. The enclosed notice has additional information regarding filing comments, the hearing, and participation in the issues conference.

I have enclosed a copy of the Combined Notice, two copies of the dEIS, as well as a CD containing those documents for your review. We would appreciate your assistance in making a copy of the dEIS available to the public during normal business hours. Please let me know if you need any additional CDs. We will additionally file a copy of these materials in the Waterloo Library and Historical Society.

Please contact me at 585-226-5401 or email at dlbimber@gw.dec.state.ny.us if you have any questions relating to the status of this application or the information discussed in this letter.

Thank you for your time and assistance in this matter.

Sincerely,

David L. Bimber
Deputy Regional Permit Administrator
Division of Environmental Permits

Enclosures

ecc (w/o enclosure):

**P. D'Amato, Regional Director
L. Schwartz, Assistant Regional Attorney
S. Sheeley, Regional Permit Administrator
S. Army, Division of Minerals
D. Sek, Division of Minerals
E. Buhmaster, Office of Hearings
Selected Department Staff
W. Marsh, Hancock & Estabrook, LLP
W Atkachonis, Chairman, Town of Waterloo Planning Board
L. Henry and G. Silver, CCSC
M. Crawford, US Army Corps of Engineers
T. Young, Mayor, Village of Waterloo**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**NOTICE OF COMPLETE APPLICATION
NOTICE OF ACCEPTANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT
NOTICE OF LEGISLATIVE/SEQRA HEARING AND ISSUES CONFERENCE**

APPLICANT: SENECA MEADOWS, INC., 1786 Salcman Road, Waterloo, New York, 13165.

NYSDEC APPLICATION NUMBER: 8-4538-00094-00001.

PROJECT DESCRIPTION AND LOCATION: Seneca Meadows, Inc. has submitted an application to develop and operate a new 120.8-acre clay mine, to be called the Meadow View Mine, on the north side of State Route 96 between Burgess and Powderly Roads in the Town of Waterloo, Seneca County, on parcels owned by Seneca Meadows totaling 252.8 acres. Over the course of the mine's operational life, estimated to be 11 years, approximately 3.4 million cubic yards of material would be excavated and used primarily for construction and operation of applicant's nearby Seneca Meadows Landfill. Mining is proposed for below the local water table, and the excavation will be dewatered with an ultimate discharge to Black Brook or its tributaries during phased mining operations. No processing of excavated materials has been proposed for the site. Also, no vehicle maintenance or service activities would be conducted on the site. Final reclamation would include the replacement of stockpiled topsoil and would create stabilized, revegetated open space and two large ponds. The Life-of-Mine area reviewed for this proposal is 120.8 acres.

PERMIT REQUESTED: Applicant requests a Mined Land Reclamation permit from the New York State Department of Environmental Conservation ("DEC") pursuant to Environmental Conservation Law ("ECL") article 23, title 27.

NOTICE OF COMPLETE APPLICATION: Applicant is hereby notified that the application is complete in accordance with ECL Article 70 (Uniform Procedures) and Part 621 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR").

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") DETERMINATION: DEC, as lead agency, determined that the proposed Meadow View Mine may have a significant adverse environmental impact and issued a Positive Declaration on July 29, 2009. A public scoping meeting was held on August 19, 2009, and a final scope was issued on October 26, 2009. A Draft Environmental Impact Statement ("DEIS")

has been prepared and was accepted by DEC staff on September 28, 2011.

DEC STAFF POSITION: DEC staff intends to issue a draft permit for the proposed mine. The draft permit will be available for public review on DEC's website (address below) no later than October 18, 2011. The draft permit represents a tentative determination and does not signify approval or endorsement of the proposed project.

LEGISLATIVE HEARING: A legislative/SEQRA hearing will be held pursuant to 6 NYCRR Parts 617 and 624 to hear and receive unsworn statements of the public concerning the application, DEIS and draft permit. The hearing will be conducted by DEC Administrative Law Judge ("ALJ") Edward Buhrmaster at 7:00 p.m. on October 26, 2011, at the Waterloo Holiday Inn, 2468 NYS Rt. 414, Waterloo, New York. All persons, organizations, corporations or government agencies that may be affected by the project are invited to attend the hearing and to submit oral or written comments. While it is not necessary to file in advance to speak at the hearing, lengthy comments should be submitted in writing and summarized for oral presentation. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. The hearing location is fully accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons at no charge upon request to the ALJ at least 10 days prior to the hearing.

WRITTEN PUBLIC COMMENTS: Written comments concerning the application, DEIS and draft permit may be mailed to ALJ Buhrmaster at DEC's Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, New York, 12233-1550, and will be considered equally with oral statements delivered at the legislative hearing, provided they are received by November 7, 2011.

ISSUES CONFERENCE: Pursuant to 6 NYCRR 624.4(b), an issues conference will be conducted by ALJ Buhrmaster at the Waterloo Holiday Inn, 2468 NYS Rt. 414, Waterloo, New York. The conference will begin at 9:30 a.m. on November 16, 2011, and continue throughout that day and on November 17, 2011, as necessary. The conference will be held to determine party status for any person or organization that has properly filed (as indicated below) and to narrow and define those issues, if any, that will require adjudication in this matter. Participation at the issues conference shall be limited to DEC staff, applicant, and those persons or organizations requesting party status. Following the issues conference, the participants will be advised of the ALJ's rulings as to issues and party status, and whether an adjudicatory

hearing will be scheduled for a later date. The ALJ's determination whether to conduct an adjudicatory hearing shall be based on whether issues proposed at the conference are substantive and significant, in accordance with 6 NYCRR 624.4(c). Only those persons granted party status may participate in any adjudicatory hearing that takes place. If no petitions for party status are filed, or if any filed objections are withdrawn and all proposed issues are satisfactorily resolved before the issues conference, the conference will be canceled and no adjudicatory hearing will be necessary.

FILINGS FOR PARTY STATUS AND PROPOSED ISSUES: Party status to participate at the issues conference and any subsequent adjudicatory hearing will be accorded only to those persons who file a written petition meeting the requirements of 6 NYCRR 624.5(b). Mere opposition to the project is not a sufficient basis to be granted party status. A petition must fully identify the proposed party and the name(s) of the person or persons who will represent the party, the petitioner's environmental interest in the proceeding, any interest relating to statutes administered by DEC that are relevant to the project, whether the petition is for full party or amicus status, and the precise grounds for opposition or support.

If a petitioner seeks full party status, its petition must identify an issue which could result in permit denial, major modification of the project or the imposition of significant permit conditions in addition to those proposed by DEC staff. Petitioners must identify specific legal requirements they assert would not be met and fully set forth the reasons for their conclusions. Also, petitioners must identify the witnesses they would present at an adjudicatory hearing and the nature of the evidence each witness would present. If a petitioner intends to rely upon expert testimony, the petitioner must identify the name of each expert, that expert's qualifications, a summary of the subject matter on which the expert is offered, and a summary of the expert's opinions as well as the facts upon which those opinions are based.

If a petitioner seeks amicus status, its petition must identify a legal or policy issue that needs to be resolved by the hearing, indicate the petitioner's interest in the resolution of the issue, and explain how through expertise, special knowledge or unique perspective, the petitioner may contribute materially to the record on the issue.

Persons having similar interests are encouraged to consolidate their filings.

ALL PETITIONS REQUESTING PARTY STATUS TO PARTICIPATE AT AN ADJUDICATORY HEARING MUST BE RECEIVED AT DEC'S OFFICE OF HEARINGS AND MEDIATION SERVICES NO LATER THAN 3:00 P.M. ON NOVEMBER 7, 2011. Address all petitions to Edward Buhrmaster, Administrative Law Judge, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, New York, 12233-1550. At the same time and in the same manner that the petition is furnished to the ALJ, a copy of the petition must be furnished to applicant's attorney, Scott Turner, Esq., Nixon Peabody LLP, 1300 Clinton Square, Rochester, New York, 14604; and to DEC staff's attorney, Lisa Schwartz, Esq., NYSDEC Region 8, 6274 East Avon-Lima Road, Avon, New York, 14414. Electronic filings and service by fax will not be accepted. Any questions about filing requirements or other hearing procedures may be addressed to ALJ Buhrmaster by telephone at (518)402-9009. Also, DEC's hearing procedures may be found at <http://www.dec.ny.gov/permits/6234.html>, Hearings and Mediation Services, Guide to Permit Hearings.

DOCUMENT AVAILABILITY: The permit application, DEIS and supporting materials are available for review at the following locations during normal business hours:

NYS Department of Environmental Conservation
6274 East Avon-Lima Road
Avon, New York 14414
Contact David Bimber at (585)226-5401

Waterloo Town Hall
66 Virginia Street
Waterloo, New York 13165
Contact James Cleer at (315)539-5141

Waterloo Library and Historical Society
31 E. Williams Street
Waterloo, New York 13165
Contact Anne Stincic at (315)539-3313

The DEIS is also available online at applicant's website, <http://www.senecameadows.com>. Electronic copies (CD) of the DEIS are available upon request from the DEC contact person listed above. Also, electronic copies of selected permit/DEIS-related documents will be available on DEC's public website as soon as possible at <http://www.dec.ny.gov/permits/6061.html>. (Scroll down

to Documents of Public Interest for Noteworthy Projects, Region 8, and click on the link.)

APPLICABLE STATUTES AND REGULATIONS: This application is being processed pursuant to ECL article 1 (General Provisions), article 3 (General Functions), article 8 (State Environmental Quality Review), article 23 (Mineral Resources) and article 70 (Uniform Procedures), as well as 6 NYCRR parts 420 to 425 (Mineral Resources/Mined Land Reclamation), part 617 (State Environmental Quality Review), part 621 (Uniform Procedures) and part 624 (Permit Hearing Procedures).

Albany, New York
September 28, 2011

James T. McClymonds
Chief Administrative Law Judge