

# FINAL ENVIRONMENTAL IMPACT STATEMENT

**Hanson Aggregates New York, LLC - Honeoye Falls Quarry Expansion  
Town of Rush, Monroe County and Town of Avon, Livingston County**

**NYSDEC Application No: 8-9908-00113/00005, NYSDEC Mined Land Reclamation No. 80030**

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## **I. INTRODUCTION:**

### **A. Contents of the Final Environmental Impact Statement**

This final environmental impact statement (FEIS) has been prepared for the proposed Honeoye Falls Quarry Expansion Project (“Project”) in accordance with the State Environmental Quality Review Act (“SEQR”) as contained in the New York State Environmental Conservation Law (“ECL”) (see ECL § 8-0101 *et seq.*) and its implementing regulations (see 6 NYCRR Part 617). The FEIS contains three sections. Section I summarizes the environmental review process and contains a description of the Project. Section II provides information presented by Hanson Aggregates New York, LLC (“Hanson” or “Applicant”) to the New York State Department of Environmental Conservation (“DEC” or “Department”) after the draft environmental impact statement (“DEIS”) was deemed complete by the Department on May 10, 2016. Section III contains the Department’s responses to public comments by topic area. Copies of the public comments are contained electronically in Appendix 1, including both written comments and a transcript of the oral comments received at the public hearing on June 14, 2016.

The DEIS accepted by the Department on May 10, 2016 is incorporated herein by reference and provided electronically in Appendix 3. Also contained in the Appendix to this FEIS is an electronic copy of the additional information prepared and submitted to the Department by Hanson after the acceptance of the DEIS (Appendix 2).

### **B. Application History**

Hanson has proposed to add 63.6 acres to the current life of mine. The expansion would be westward of the existing mine on lands currently owned by Hanson and located within both the Towns of Rush (Monroe County) and Avon (Livingston County).

On August 13, 2013, the Department received Hanson’s application, dated August 9, 2013, to modify their existing Mined Land Reclamation permit, pursuant to Article 23 of the ECL, regarding the proposed 63.6-acre expansion of the quarry.

On December 6, 2013, the Department initiated SEQR lead agency coordination through its Region 8 office and was established as SEQR lead agency.

On February 27, 2014, the Department issued a Positive Declaration and Notice of Intent to Prepare a DEIS (“Positive Declaration”) for the Project. The Positive Declaration was published in the March 12, 2014 *Environmental Notice Bulletin*.

A draft scope was made available for public review on July 28, 2014 and a public hearing on the Draft Scoping Document was held on September 25, 2014. A final scoping document was accepted on November 4, 2014.

Hanson submitted their initial Draft Environmental Impact Statement on October 20, 2015 and an amended Mined Land Use Plan (MLUP) dated February 9, 2016. The amended MLUP is included in this FEIS as Appendix 5. After subsequent revisions the DEIS was accepted for public review on May 10, 2016. A Combined Notice of Complete Application, Notice of Acceptance of Draft Environmental Impact Statement, and Notice of Public Hearing and Public Comment Period was published in the *Environmental Notice Bulletin* on May 11, 2016, the *Livingston County News* on May 26, 2017 and the *Mendon-Honeoye Falls Sentinel* on May 19, 2016. On June 14, 2016, the Department held a public hearing at the Avon Veterans' Hall in Avon, New York. The public comment period ended on June 30, 2016.

Based on a review of public comments received on the DEIS and applications, Department staff determined that an additional public hearing pursuant to the Department's hearing regulations at 6 NYCRR Part 624 was not warranted.

As noted above, the DEIS, hearing transcript, written comments received, and supplemental information provided by the applicant are made part of the FEIS and included in the Appendices. Prior to issuing a decision on the permit application, the Department is also required to issue a SEQR statement of findings pursuant to 6 NYCRR § 617.11.

### **C. Description of Proposed Project**

Hanson proposes a 63.6-acre expansion of the current Honeoye Falls Quarry 429-acre life-of-mine. The mine currently operates as a drill and blast surface excavation of limestone and dolomite. The proposed expansion area is located west of the existing mine and consists of five (5) phases, which would result in the removal of approximately 17 million tons of aggregate. As proposed, mining would commence from the southeast and proceed northwesterly. Processing currently includes crushing, washing, and screening which would continue in the existing mine where it has historically been located. Surface and groundwater would continue to be pumped from the existing sump located in the eastern part of the quarry (SPDES permit No. NY 002992). No change in truck traffic is anticipated since no change in production rate is being proposed. Trucks would continue to enter and exit the mine at the existing Honeoye Falls No. 6 Rd entrance. As with the existing quarry, the majority of the proposed quarry would be reclaimed to an open water area totaling approximately 319 acres. Areas above water would be covered with a minimum of 6 inches of overburden and planted. A 3.3-acre wetland/upland transition zone would be planted with wetland vegetation to enhance wildlife diversity.

## II. ADDITIONAL INFORMATION TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

### Hanson's Response to DEC Request for Additional Information

Hanson has not proposed any changes to the project since the Department published the notice of complete application and accepted the DEIS. However, in response to public comment and at the Department's request, Hanson has provided additional information related to groundwater. This additional information includes the November 3, 2016 Alpha Geoscience Hydrogeology information, which provides further discussion of the locations hydrogeology. This information is included in electronic format in Appendix 2 of this document. As this additional information was submitted as a response to public comments, it will be further discussed in the Responsive Summary section below.

In addition, Hanson has provided the Department with a Stormwater Pollution Prevention Best Management Practices (BMP) Plan dated June 24, 2004, last revised May 2017. This document is included in Appendix 6 of this FEIS.

## III. RESPONSIVENESS SUMMARY

Twelve comment letters were received during the DEIS written public comment period and public hearing. As noted above, the written comment period on the DEIS ended on June 30, 2016. The comments that were received are summarized and addressed below. Comments on the same topic were combined or grouped to provide a consolidated response.

### **Comment 1: The Department received a number of comments related to the potential impacts on groundwater and wells.**

Response 1: To directly address the various groundwater and well comments received, the Department requested the Applicant to provide a technical response to the public comments related to potential groundwater/well impacts in addition to the groundwater information already presented in DEIS Section 4.3 and DEIS Appendix 11. A copy of the additional technical response is included in FEIS Section VI.

Department staff have reviewed the application materials relating to the assessment of potential impacts to water supplies as well as over 12 years of data collected as part of groundwater monitoring surrounding the Hanson quarry. This information documents the seasonal fluctuations in groundwater elevations in the area and defines the cone of depression extending from the excavation area. The cone would expand in the direction of the proposed quarry expansion; however, drawdown is anticipated to be negligible at the closest residential water supply wells.

Drawdown will vary depending on the location within the expansion due to the sloping quarry floor which reflects the dip of the formations. In the worst case low water table conditions, the groundwater elevation in the northern and western portion of the expansion would already be below the quarry floor

and, as a result, no drawdown could occur. Drawdown would occur to the south of the expansion area; however, no residential wells are located adjacent to the excavation area, and drawdown will remain on Hanson's property and is not anticipated to extend beyond 700 feet.

Figures 4 and 6, contained in the Alpha Hydrogeologic Analysis addendum October 9, 2015, show seasonal high and low conditions prior to the expansions and Figures 8 and 12 show high and low conditions at full build out. In addition, five monitoring wells have been constructed in the expansion area that will become part of the groundwater monitoring network.

In the event of an unforeseen impact, any permit issued would include a special permit condition requiring Hanson to restore or replace negatively impacted water supplies if the Department determines that mining activities contributed to a water supply problem.

**Comment 2: You state there are five (5) phases to the proposal.**

**a) Please provide a detailed description and timeline of each phase.**

Response 2: A description of the phasing of the proposed new mining area is contained in DEIS section 3.3.2. The exact timeline of the phasing is not defined but the DEIS indicates that mining activity would commence in Phase 1 (the southern portion of the newly proposed area) upon approval of the application and move northward. Though the rate at which the applicant moves northward is dependent on actual market demand, they have forecasted that each of the 5 phases will take approximately 5 years. Berm creation along the northern limits is proposed to take place during Phase 3.

**Comment 3: You state this request involves the removal of approximately 17 million tons of aggregate.**

- a. Since we are not privy to the exact composition of the aggregate and all materials have different weights and densities, what is the approximate volume (in cubic yards) of this weight?**
- b. What are the final dimensions (maximum depth, width and length) of the pit Hanson will leave behind at the completion of phase five (5)?**

Response 3: The volume of material to be removed is not directly provided in the application and supporting DEIS. The final volume would depend on the type of aggregate produced but would likely be between 8.5 to 11.5 million cubic yards. The proposed final dimensions of the "pit" are illustrated in the proposed Reclamation Plan Map (Sheet 1 of 1). The dimensions of the proposed "pit" at the widest point, which also includes the current mine footprint, would be approximately 6,300 feet by 550 feet. Bottom elevations range from 550 feet to 625 feet, with the deepest area located to the southeast, and moving shallower as you move to the northwest.

**Comment 4: You state that water will continue to be consumed at a rate per permit # NY002992.**

- a. Am I correct in assuming this is the permit that allows Hanson to pump 10.27 million gallons of water daily or has another permit been issued for increased water consumption that the public was not notified of?**

- b. Have you been monitoring Hanson’s water consumption? Are you aware that several more households in the area have had well issues since your issuance of the last permit? Just a coincidence I am sure.**

Response 4: SPDES Permit No. NY002992 does not contain any consumption or flow discharge limits. The 10.27 million gallons per day limit you reference is a maximum withdrawal limit and a condition of the facility’s Water Withdrawal Permit (DEC#8-9908-00113/00034). This limit remains. Your question specifically references “consumption”. Only a very small percentage of pumped water is “consumed” on site. The majority is being discharged to an unnamed tributary of Spring Brook. As a condition of this permit, the applicant is required to submit a Water Withdrawal Reporting Form by March 31<sup>st</sup> of each year which includes average and maximum day water use data as well as other information related to the approved water sources, source capacities, and water conservation efficiencies. The latest of these was submitted to the Department on February 15, 2018 for the 2017 reporting year. According to this report the average daily withdrawal amount was just over 9.21 million gallons and the maximum daily amount was 10.24 million gallons. According to data included on this reporting form for the amount of water consumed, approximately 303 gallons of water per day was consumed (the yearly total of 112,004 gallons divided by 365 days). Copies of the facility’s SPDES and Water Withdrawal permits are included in Appendix 4 of this document, along with a copy of the latest water withdrawal reporting form.

The Department is aware that households have experienced well issues. Based on testing, monitoring, and the extensive information gathered in previous years (see DEIS Appendix XI), Department staff have reviewed this information and believe it shows that the well impacts are primarily due to variations in precipitation and drought conditions.

**Comment 5: You state that that no change in truck traffic is anticipated because production is not changing.**

- a. What data supports your claim?**
- b. Do you have sales forecast from Hanson for each of the five (5) phases?**
- c. Do you have the daily truck volume for the last 2 years?**
- d. Do you plan on monitoring the truck traffic?**
- e. Is there a maximum amount of trucks you will allow?**
- f. What are the ramifications to Hanson if truck traffic is exceeded?**

Response 5: Changes in truck traffic were determined to be insignificant and not included in the scope of the DEIS since no change in the production rate and truck traffic is being proposed. The proposed expansion is a lateral expansion of the mine’s footprint with no change in the production rate. Truck traffic at this facility has always been driven by demand and will continue to be so. This draft scope was subject to public notice and a formal scoping Hearing was held on September 25, 2014. No comments on the draft scope were received.

**Comment 6: Apparently you and the rest of the DEC staff have been collaborating with Hanson employees for quite some time on this activity. Do you and the rest of the DEC staff support the approval of their request?**

Response 6: The Department first received the permit application proposing the life of mine expansion on August 12, 2013. Since that time, the Department has been corresponding with the Applicant to get a complete application and develop a Draft Environmental Impact Statement acceptable for public review. Additionally, the Department began formally coordinating the SEQR review with the other involved and interested agencies, including the Towns of Rush, Avon, Lima and Honeoye falls, on December 6, 2013. Prior to the Department's final decision on the application it will be required to issue a SEQR statement of findings pursuant to 6 NYCRR § 617.11. That document will outline the basis of the agency's decision on the permit application.

**Comment 7: I am very concerned. In the letter to the Rush Town supervisor, your closing paragraph concerning the MLRL review appears to contain a question. "Is mining prohibited at this location"? Obviously, it is prohibited, otherwise Hanson would not be filing for a special permit. Hanson should have been well aware of this in the 1970's when they bought this facility. It wasn't allowed then and the zoning has not changed.**

Response 7: The question you refer to is a routine question the Department asks during the SEQR lead agency coordination process. Local municipalities have the ability to enact zoning laws and are responsible for local land use decisions. To the Department's knowledge mining is not prohibited in either the Town of Rush or the Town of Avon, the two municipalities where the proposed expansion area is located. To date, neither town has indicated that mining is prohibited in response to any project materials provided to them by the Department.

**Comment 8: Are berm locations set in stone (no pun intended)?**

Response 8: The height, design, and location of the berms are proposed by the applicant and are designed to reduce noise and visual impacts to neighboring properties. Consequently, berm configurations and locations do become a required part of an approved Mined Land Use Reclamation permit, once issued.

**Comment 9: Proposed berms are too steep and the proposed planting of Eastern White Pine is a poor choice.**

Response 9: The slope of one vertical on one and one-half horizontal meets the requirements contained in the Mined Land Reclamation Regulations and is considered stable for these material types. This is a common slope used in most berm design for construction applications. The Mining Plan, as well as permit special conditions, require vegetative stabilization of all bare soil berms. The NYSDEC Regional Forester indicated that the Eastern White Pine will grow faster than spruce and is an acceptable species for the berm planting.

**Comment 10: Inconsistency in berm seeding timeframes and question on berm construction dates.**

Response 10: The Applicant would be held to the 30-day, or as soon as practicable, timeframe established in the revised Mined Land Use Plan (3.2.1). DEIS Section 3.3.2 and the Mod Area Phase Plan discuss and illustrate the new area mining sequence, including the approximate timing of berm construction for both the temporary safety berms and permanent earthen berms.

**Comment 11: Who are the “Source and Receptor” 6R & 7R?**

Response 11: 6R & 7R are both noise receptor locations selected to examine potential noise impacts of the proposed expansion. Rather than simply using the house locations (Campany and Moretti), the Department requested that Hanson consider the potential noise impacts on these properties at the approximate edge of the maintained lawn areas, which is closer to the mining activities than the house locations, and this results in a more conservative analysis. The sources of noise evaluated included the various proposed quarry operations. The Noise Receptor locations are illustrated on the Acoustic Survey Map contained in DEIS Appendix IX.

**Comment 12: Hours of Operation. According to resident the Town of Avon’s Special Use Permit limits operations to 7AM – 6 PM Monday through Saturday.**

Response 12: There are currently no identified hours of operation for this facility in their current NYSDEC permit, except for blasting which is limited to the hours of 9:00 a.m. to 5:00 p.m., with no blasting on Sundays or legal holidays. Since there is no proposed change in the hours of operation, this topic was not specifically included in the Final Scope nor subject to review in the resulting DEIS. The proposed expansion area would be located in the towns of Rush and Avon. The Town of Avon limits mining activities to the hours of 7:00 a.m. to 6:00 p.m. except of Sundays with exceptions for emergencies and equipment repair. The Town of Rush does not have set hours of operation but likely has the ability to impose hours of operation through their special use permit. To date, the Town of Rush has not provided any comments to the Department on this matter.

**Comment 13: Were sound levels done when Hanson is running 2<sup>nd</sup> shift during the summer? Did the study consider the loss of vegetation? Commenter indicates he can currently hear backup beepers and tailgates slamming during current operations.**

Response 13: Section 4.2 of the DEIS includes a detailed discussion of potential noise impacts conducted in accordance with the Department’s Assessing and Mitigating Noise Impacts policy (DEP-00-3). Noise readings were taken through 11:07 p.m. to capture the second shift. While the length of the readings can vary, the reading taken through 11:07 p.m. had a runtime of a just over an hour and thirteen minutes capturing 5 complete circuits of a haul truck being loaded by a loader and hauling the material to the plant. Backup alarms and tailgate slamming occurring during normal loading, hauling and

unloading would be captured in this reading. Only vegetation that will remain is considered in the noise analysis.

**Comment 14: Where is the access road on Oak Openings Road referred to in Section 3.7?**

Response 14: The location of the access road is shown on Figure #2 in Appendix II of the DEIS, and Figure #3 in Appendix II of the DEIS includes the following note concerning the access road: “Existing auxiliary access – grassed vehicle path (No customer vehicles)”. This access road is currently the farm access located just north of 916 Works Rd.

**Comment 15: Confirm that all vegetation (forested land especially) outside the footprint of the expansion is left untouched.**

Response 15: While there is a commitment by the Applicant to retain vegetation, screening, etc. that is being used to mitigate potential impacts covered in the DEIS (noise for example), restricting any change in vegetation beyond this and outside the proposed expansion is not warranted at this time. Work beyond the scope of the currently proposed expansion would be subject to additional review by the appropriate agencies.

**Comment 16: Impacts on Wildlife**

Response 16: Prior to issuing the SEQR positive declaration, the Department determined that there were no endangered or threatened species known to be using the proposed sites. While there will be impacts to localized wildlife populations and habitat, the Department determined the impacts were not significant based on the existing site conditions (a majority of the site was recently in agriculture production) and known wildlife use of the site. As a result, the Department determined that the impacts on wildlife need not be further examined in the DEIS beyond impacts associated with any proposed changes in groundwater and surface water. This was reflected in the final scope that was accepted on November 4, 2014.

No listed animal species were known to use the project site at the time of the Department’s positive declaration. Since that time, the Northern long-eared bat was both federally and state listed as a threatened species due to devastating impacts of White-nose syndrome, a fungal disease. While there are no known bat hibernacula in proximity of the proposed expansion, there is the potential for use of the site if suitable roost trees are present. The Department notified Hanson Aggregates of the northern long-eared bat listing on March 16, 2016. The Department and the U.S. Fish & Wildlife Service recommend that any tree clearing be done during months of hibernation (November 1 to March 31) to mitigate potential impacts to the Northern long-eared bat and protect the species from unintentional harm.

**Comment 17: General comment on potential blasting impacts.**

Response 17: DEIS section 4.9 provides a detailed discussion and analysis of the potential impacts from the proposed blasting. Additionally, a typical blasting risk assessment and blasting plan is included in DEIS Appendix XVI. In this analysis, the Applicant has examined the peak particle velocity at the nearest residence, which would be at a distance of 250 feet in phase 5. The calculated peak particle velocity would be 1.62 in/sec, which is below the 2.0 in/sec safe recommendation made by the United States Bureau of Mines for frequencies above 40 Hz. Additionally, air overpressure is estimated to be approximately 129.5 dB which approximately equates to a 22 mile per hour gust of wind. This level is below the Office of Surface Mining recommended limit of 134 dB. Also, as blasting approaches the mine limits and nearby receptors, a summary of the previous year's blasting records will be utilized to design a specific blasting plan to minimize potential impacts to residential structures. Finally, prior to blasting within the proposed expansion area, a pre-blast survey of all residential structures within 1500 feet of the permitted area would be offered to all adjacent landowners.

**Comment 18: Has expansion already occurred?**

Response 18: The proposed expansion has not yet occurred.

**Comment 19: Is there a way to report excessive results of blasting to someone other than Hanson?**

Response 19: Yes, the appropriate NYDEC Mining Program Specialist can be contacted at 585-226-5471.

**Comment 20: What is a pre-blast survey and who does it protect?**

Response 20: Pre-blast surveys protect both the homeowner and permittee as it provides formalized documentation of conditions which can be used in an assessment of blasting impacts.

**Comment 21: Has Hanson staff reviewed the Town of Avon Code for mining and excavation and do they intend to abide by the Special Use Permit Terms?**

Response 21: The Applicant has acknowledged that a Special Use Permit is needed from the Town of Avon. As this permit has not been issued the terms have not been established. We have encouraged the Applicant to contact the involved municipalities directly. The Department did receive a comment letter from the Town of Avon's attorney on June 15, 2016 which indicated that both a Special Use Permit and Site Plan Approval are required. This letter also notified the Department that the Town had received concerns from the community, primarily focusing on hours of operation, noise associated with operations and blasting, impact to private drinking water wells, and potential for excessive dust.

**Comment 22: Section 1.5.2 indicates that Hanson does not own the adjacent lands to the south of the existing mine but Section 1.5.3 indicates that Hanson owns lands south of the proposed expansion area.**

Response 22: The land immediately south of the existing mine is not owned by Hanson. Rather, tax records indicate this land is owned by a Marc Krieger and Phillip Perry. Lands encompassing the expansion area, and lands south of the expansion area, are owned by Hanson. In any event, Hanson can either own lands, or have necessary legal agreements (e.g., lease) in place to mine any lands, within an approved Life-of-Mine area subject to the Department's jurisdiction.

**Comment 23: Consider the closed mine located at 1392 Oak Openings Road (DEC#8-2420-00006) as an alternative.**

Response 23: This mine is not owned by the Applicant. Further, the current owner recently re-established the mining permit for this site. The Department issued the mining permit to the R. Keith Sanders Estate on August 4, 2016, with an expiration date of August 3, 2021 (DEC No. 8-2420-00006/00003).

**Comment 24: Resident at 916 Works Road commented on the visual impacts to his viewshed.**

Response 24: The visual impact of the project is discussed in DEIS section 4.5. The Department required an inventory of sensitive places of statewide concern in accordance with the Department's Assessing and Mitigating Visual Impacts policy (DEP-002), which focuses on aesthetic issues of state concern. The Department defers to local decision makers on how best to address the potential visual impacts on local aesthetic resources. Local involved agencies may require additional information to address visual issues as part of any local approval process.

Since no sensitive places of statewide concern were found the Department determined that the potential visual impacts were more local in nature. The Department required the applicant to focus on screening the mine site in accordance with the applicable mining regulations and requirements. The area immediately surrounding the proposed expansion area is fairly flat so the existing vegetation and proposed berms/vegetative plantings will mitigate localized visual impacts. Cross Section V5-V5', contained in DEIS Appendix XIII, runs along the northern property boundary of 916 Works Road. Two locations (Heath Markum Road and North Avon Road) were identified as having potential views of the proposed expansion area through line of site analysis. The receptors in these two locations are located between 0.65 miles and 1.1 mile away and currently have potential views of the active mine.

**Comment 25: Objection to change in residential property views based on proposed berms.**

Response 25: The berms are to be located on the Applicant's property. See responses 8-10 above concerning berm design and locations and additional information related to visual impacts.

**Comment 26: Impact on home values:**

Response 26: Impacts on home values, in isolation, are not an “environmental” impact reviewed under SEQR. Other identified potentially significant adverse environmental impacts that could be associated with home value, such as noise, groundwater impacts, etc., are addressed in the DEIS and elsewhere in this response.

**Comment 27: Will the assessed value of the property change as a result of capital improvements and/or enhanced access to resources on the project site?**

Response 27: The application does not propose any “capital improvements”. The Applicant has indicated that the Monroe County portion of the land is assessed at the vacant farmland rate of \$100,400. If permitted, it is anticipated that the County Assessor would need to reassess the parcel at the rate for a mining and quarry operation. In addition, the assessors from the Towns of Rush and Avon would be responsible for any changes in the property’s assessment due to a change in land use.

**Comment 28: Property tax changes should be quantified.**

Response 28: Please see the Department’s response to comment 27 above.

**Comment 29: Concerned citizen provided photographs of rocks remove from the mine that potentially contained unknown fossilized objects.**

Response 29: The photos were reviewed by Nancy Herter, NYS OPRHP Archaeology Unit Coordinator, and in her professional opinion, the embedded material was determined to be rocks and not archaeological artifacts.

**Comment 30: This section states that “Since there are no proposed changes in the current quarry operation, there will be no changes in the air resources within and in proximity of the proposed expansion area.” This statement is not supported by the information provided. There will be changes to the current quarry operations as a result of the project, and the purpose of the dEIS is to evaluate potential impacts related to these changes. The proposed expansion will open more than sixty acres of previously undisturbed land to intensive mining practices. The location of many day-to-day quarry operations will not be the same, and this is a significant change from existing conditions. Air quality and other sections should reflect changes in the location of the operations – i.e. new internal roadways and on-site truck trips, blasting locations, etc. - in the consideration of impacts. How will off-site impacts differ from those occurring under existing conditions due to operations at a different location on the Hanson Property?**

Response 30: The commenter characterizes the proposed expansion area land as previously undisturbed. While we agree that the proposed mining expansion would involve significant disturbance, it is important to point out that much of the expansion area is, and has been, in agricultural production. The DEIS does account for the air/dust impacts associated with the proposed quarry expansion and existing permitted operation. The Department required the inventory be done to address the potential cumulative affects rather than simply examining the proposed expansion. The Fugitive Dust Emissions Inventory Section of the DEIS (4.1.2) includes calculations related to emissions related to the haul roads, stockpiling, wind erosion and mobile equipment exhaust for currently permitted and proposed operations. In total, the projected increase in PM10 emissions is 6.27 tons per year. According to NYSDEC's Assessing and Mitigating Impacts of Fine Particulate Matter Emissions (CP-33), if a project's primary PM10 emissions do not equal or exceed 15 tons per year then the PM2.5 impacts are deemed insignificant and no further assessment is required. While not part of this review, it is important to note that the facility's existing batch plants are operated under a New York State Air State Facility Permit (DEC #8-9908-00113/00033). In addition to this inventory of potential fugitive dust emissions, the DEIS includes a case study which examines particulate matter impacts from a representative quarry and stone crushing plant. This case study is included in DEIS Appendix VII and is discussed on page 34 of the DEIS.

Based on the analysis provided, the Department has determined that existing dust impacts will not change significantly as a result of the proposed expansion. The DEIS (Section 4.1) and Mined Land Use Plan contain a plan to address potential fugitive emissions utilizing identified best management practices and engineered controls consistent with that currently in use at the facility. These mitigative measures would become enforceable conditions of any mining permit issued by the Department.

**Comment 31: Project Description should be expanded to describe all aspects of the proposed project.**

Response 31: The Project Description provides a summary of the proposed action but the DEIS relies upon the various DEIS sections to provide the supporting details. The detailed Table of Contents should allow the reader to easily location sections of concern.

**Comment 32: Provide elaboration on prevailing wind.**

Response 32: Page 25 of the DEIS contains a table illustrating the wind direction and average speed from the nearby Rochester area from 1985 through 2014. The data shows the prevailing winds are westerly, which would tend to blow towards the existing quarry operations and away from the identified dust/air quality receptors.

**Comment 33: Agricultural District Impacts and Consistency with Town Planning**

Response 33: The Department required the Applicant to provide further discussion on agricultural impacts and the proposed project's consistency with the Town of Rush's Agricultural and Farmland Protection Plan as well as the Town's Comprehensive Plan. A detailed discussion is included in the

Applicant's November 28, 2016 response to the DEC Request for Additional Information included in FEIS Section VI.

The owner of the land is required to notify the assessor of a project that involves a conversion of land within an agricultural district. Additionally, in accordance with the NYS Agricultural Districts Law, the applicant may be required to submit an agricultural data statement as part of the municipal review process depending on surrounding land uses.

The proposed mine expansion would result in a conversion of approximately 50 acres of land located within the Eastern (#6) Agricultural District of Monroe County. The conversion of land is considered a permanent loss because the proposed mitigation calls for the creation of an open water body for the majority of the affected land. As of October 2015, Monroe County Agricultural Districts include a total of 139,044 acres of land. The eastern district contains 46,037 acres. The conversion of approximately 50 acres of agricultural land represents a loss of 0.1% of the Eastern Agricultural District and a loss of 0.036% of the overall Monroe County Agricultural Districts.

The portion of the proposed expansion area located in the Town of Avon is not located within a designated agricultural district.

Though the proposed project will result in a permanent conversion of agricultural land it would produce a valuable resource (crusher-run, stone for drainage, cement, blacktop, etc.) frequently used by the agricultural community.

**Comment 34: Land Use Objective: Future Land Use (Following Reclamation) should be discussed in relation to future land use planning in the Town of Rush, as well as applicable zoning regulations.**

Response 34: The proposed reclamation plan is consistent with the approved reclamation of the existing site. The Applicant has indicated that they listed potential future land uses. Hanson Aggregates expects to sell the land once the mine is reclaimed so it would be up to the succeeding landowner to decide upon future use, subject to local zoning and regulations.

**Comment 35: Reclamation Method: Question of how a lake on private property will become a recreational resource.**

Response 35: As indicated above in Response 34, the Applicant has indicated that they will likely sell the land following reclamation so future land uses would be up to the succeeding owner. It is possible that the land could be sold or donated to a local municipality. Regardless, it is anticipated that the lake would provide recreational benefit to private owners or the public.

**Corrections Noted:** The Company property was mislabeled as "Campier" in DEIS Section 4.3.3.1 and corresponding DEIS Appendix XI. The DEIS and associated maps and plans do not properly illustrate the transition of Oak Openings Road to Works Road. Oak Openings Road changes to Works Road at the boundary of Livingston and Monroe Counties.

***PROVIDED IN ELECTRONIC FORMAT ON ENCLOSED CD:***

**APPENDIX 1**

**WRITTEN PUBLIC COMMENTS AND HEARING TRANSCRIPT**

**APPENDIX 2**

**HANSON AGGREGATES NEW YORK LLC'S NOVEMBER 28, 2016 DEIS  
RESPONSE TO COMMENTS, INCLUDING THE NOVEMBER 3, 2016  
ALPHA GEOSCIENCE HYDROGEOLOGY RESPONSE**

**APPENDIX 3**

**DRAFT ENVIRONMENTAL IMPACT STATEMENT ACCEPTED MAY 20,  
2016**

**APPENDIX 4**

**FACILITY SPDES AND WATER WITHDRAWAL PERMITS**

**APPENDIX 5**

**AMENDED MINED LAND USE PLAN - FEBRUARY 9, 2016**

**APPENDIX 6**

**STORMWATER POLLUTION PREVENTION BEST MANAGEMENT  
PRACTICES (BMP) PLAN**