

March 15, 2022

Kate Kornak  
Deputy Regional Permit Administrator  
New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 4  
1130 North Westcott Road  
Schenectady, New York 12306-2014

Subject: Response to Notice of Incomplete Application  
S.A. Dunn Mine and C&D Facility  
DEC #4-3899-00006  
Part 360 Permit Renewal and Modification  
MLR Permit Renewal and Modification  
CEE Project 182-442

Dear Ms. Kornak:

Civil & Environmental Engineering, Land Survey, and Landscape Architects, PLLC (CEE) has prepared this letter in response to comments received from the New York State Department of Environmental Conservation (NYSDEC), dated January 28, 2022, regarding the Part 360 Permit Renewal and Modification application and MLR Permit Renewal and Modification Application. The NYSDEC comments are provided below in bold with CEE's responses immediately following.

### **Environmental Justice Public Participation Plan**

#### **1. Section 5.0 S.A. Dunn Contacts**

- a. Please include an email address and phone number where the facility contact can be reached.**

Section 5.0 has been updated with an email address and phone number where the facility contact can be reached.

**b. Please also add the Dunn facility website.**

The S.A. Dunn Mine and C&D Facility (Facility or Dunn Facility) website has been added to Section 5.0.

**c. Please clarify whether the public should be directed to use the “contact us” button on the public website to submit comments on this proposal, or whether public comments should be submitted to a specific email address for Curt Taylor.**

Section 5.0 has been updated to explain that public comments should be submitted to Curt Taylor at the phone number and email address provided.

**2. Section 6.0 Stakeholders**

**a. Please expand the description of stakeholders to include local environmental groups and residents at large.**

Section 6.0 has been revised to expand upon the description of stakeholders to include local environmental groups as well as residents and businesses located within the one-mile radius of the site or along the truck route from the Dunn Memorial Bridge to the Facility.

**b. The type of information that stakeholders will receive, and with what frequency, should be expanded upon.**

Section 6.0 has been revised to expand upon the type and frequency of information stakeholders will receive.

**c. It should be noted that the facility will keep an updated stakeholder list which will be available upon Department request at any time.**

Section 6.0 has been updated to note that the stakeholder list will be kept updated and made available to the NYSDEC upon request at any time.

- d. **As noted in Section 10.0, please clarify that updated stakeholder lists will be included in the progress reports submitted to the Department.**

Sections 6.0 and 10.0 have been revised to clarify that an up-to-date stakeholder list will be included in the progress reports submitted to the NYSDEC.

### **3. Section 7.0 Distribution and Posting of Written Information**

- a. **Please update Section 7.0 to specify that residents and businesses within a one-mile radius from the center of the facility, plus those residences and businesses along the truck route from Partition Street Extension to Dunn Memorial Bridge will be mailed a notification of the public meetings and instructions on how to participate. If desired, this can be accomplished using the US Postal Service Every Door Direct Mail Service which allows post card mailers to be delivered within a specified geographic area.**

Section 7.0 has been updated to reflect that residents within a one mile radius, as well as those along the truck route between Partition Street Extension and the Dunn Memorial Bridge will receive a notification of the public meetings and instructions on how to participate.

- b. **Please update the Public Participation Plan with a map of the one-mile radius and truck route residents and businesses to which the mailers will be distributed.**

Figure 2 Residents at Large Distribution Area has been added to the Public Participation Plan in Appendix D.

- c. **Please clarify the timeline for distribution of the fact sheet and meeting notice to the public. (For example, three weeks prior to the public meeting a post card mailer will be sent to the identified stakeholders in addition to those residences identified on the truck route to and from the facility; two weeks prior to the public meeting the fact sheet and meeting flyer will be distributed to the same parties that received the post card mailer.**

The timeline for distribution of the fact sheet and meeting notice has been amended in Section 7.0 to clarify they will be sent at least three weeks prior to a public meeting via email and/or U.S. mail.

- d. The written fact sheet and meeting flyer should also be hung on public information boards in the local public library and town hall.**

As now explained in Section 7.0, the written fact sheet and meeting flyer will be hung on the public information boards at the Rensselaer Public Library and the Rensselaer City Hall.

#### **4. Section 8.0 Public Information Meeting**

- a. It should be noted that additional public meetings may be required by the Department if determined to be necessary.**

Section 8.0 has been revised to note additional public meetings may be required at the discretion of the NYSDEC.

- b. Please update the first paragraph to specify that the first public meeting will be held after the Department approves the Public Participation Plan and before the applications can be deemed complete.**

The first paragraph of Section 8.0 has been revised to clarify the first public meeting will be held after the NYSDEC has approved the Public Participation Plan but prior to the applications being deemed administratively complete.

- c. The Notifications subsection should be updated to include the same timeline for distribution of the fact sheet and meeting notice to the public, in addition to a timeline for availability of the application documents on the facility website.**

The Notifications subsection of Section 8.0 has been revised to reflect the same timeline for distribution of notifications as is outlined in Section 7.0. Additionally, a timeline for S.A. Dunn to post the application documents to its website has been added to the subsection.

- d. Please specify the newspapers that will contain public notice of the meetings or cite the stakeholder list.**

The public notice will be sent to the local media outlets listed on the stakeholder list, as explained in Section 8.0.

- e. **The Location subsection should be updated to include specific information on the location where the public meetings will be held. Please include ADA accessibility of these locations as well as information on whether the locations are accessible by public transportation.**

The location of the public meetings, as well as ADA accessibility and public transportation accessibility for those locations, has been included in Section 8.0.

- f. **The virtual platform for the video conference portion should have recording abilities. The virtual meetings should be the same length and run simultaneously with the in-person meetings, including Q&A sessions that may extend beyond the facility presentation. Responses to questions asked during the in-person meeting as well as during the virtual meeting (usually by using a “chat” feature) should be addressed in writing by the facility in a timely manner and added to the website and public repositories.**

The Location subsection of Section 8.0 has been updated to clarify details of the hybrid format of in-person and virtually held public meetings, in accordance with NYSDEC comments. Section 8.0 has been further revised to state that responses to questions will be addressed in writing by the facility in a timely manner and added to the Facility website and public repositories.

- 5. **Section 11.0 Final Report – This section should be revised to note that the final report will be submitted to the Department prior to a final decision being made on the permit applications and should remove all reference to approval of the permits.**

Section 11.0 has been revised to note that the final report certifying that the public participation process was completed in conformance with the NYSDEC-approved plan will be submitted to the NYSDEC prior to a final decision by the NYSDEC on the permit applications. Additionally, reference to approval of the permits have been removed from the section.

**6. Appendix A Stakeholder List – The following individuals, organizations and media outlets must be included:**

- **Mr. Joseph Kardash, Rensselaer City School Superintendent**
- **Parent Teacher Association**
- **Rensselaer City School District**
- **Rensselaer Senior Citizens Center, 50 Herrick St. Rensselaer**
- **Mr. Brian Stall, County Legislature**
- **Mr. Robert Welton, Rensselaer Environmental Coalition**
- **Rensselaer Boys and Girls Club**
- **St. Paul’s Center, 947 3rd St. Rensselaer**
- **Rensselaer Public Library**
- **All churches located within the identified Environmental Justice area**
- **The Advertiser, 645 Shaker Rd. Albany NY 12211**

The above individuals, organizations, and media outlets have been added to the Stakeholder List at Appendix A.

**7. Appendix C Draft Public Meeting Notice**

- a. Please expand upon how public comments can be provided during the public information meeting (i.e. written, verbally, using the “chat” feature on the virtual platform, etc.).**

Additional information regarding how the public can comment during and outside of public meetings has been added to the draft public meeting notice.

- b. Please delete the fax number from the DEC contact line.**

The fax number for the DEC has been removed from the Draft Public Meeting Notice.

- c. Please add an email address for Curt Taylor, or the email address to which public comments should be directed.**

An email address has been added under contact information for Curt Taylor.

If you have any questions on the information submitted, please do not hesitate to contact me at 774-501-2176.

Sincerely,

CIVIL & ENVIRONMENTAL ENGINEERING, LANDSCAPE ARCHITECTURE AND LAND SURVEYING, PLLC



Erin Willson  
Project Consultant



Amy J. Knight, P.E.  
Principal

Enclosures:

cc: Curt Taylor, S.A. Dunn & Company, LLC.  
Jeff Burrier, S.A. Dunn & Company, LLC.  
Corey Judd, S.A. Dunn & Company, LLC.  
Alanah Keddell-Tuckey, NYSDEC OEJ  
Jon Whitcomb, NYSDEC-DMM  
Psalm Wyckoff, NYSDEC-MLR  
Carrie Buetow, NYSDEC-DOW