

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COMBINED NOTICE OF COMPLETE APPLICATION, NOTICE OF ACCEPTANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT, NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

APPLICANT: AMERICAN ROCK SALT COMPANY LLC
5520 Route 63
P.O. Box 190
Mt. Morris, New York 14150

NYSDEC APPLICATIONS AND ID NUMBERS:

Article 23, Mined Land Reclamation, DEC # 8-2428-00019/00001

PROJECT DESCRIPTION:

Expansion of a currently-permitted mine comprised of approximately 9,000 acres of underground reserves, located in the Towns of Groveland and Geneseo. As proposed, the expansion would include approximately 1,700+ additional acres of underground reserves located west of the existing mine in the Towns of Mount Morris and Leicester. In addition, an alternate/additional room and pillar mine design is proposed to improve the operational performance within the mine workings, while maintaining the currently permitted room and pillar mine design and 60% or less salt extraction ratio. According to the application, no modifications to the surface components or operations of the mine are proposed, nor are any necessary for the proposed underground expansion.

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR"):

The project is a Type I Action as designated by 6 NYCRR §617.4(b)(6)(i). DEC, as the SEQR lead agency, issued a positive declaration on March 29, 2017 requiring preparation of a Draft Environmental Impact Statement (Draft EIS). A Draft EIS has been prepared and the DEC, as lead agency, has determined that the Draft EIS is adequate for public review and comment. As noted further below, **written public comments will be accepted on the Draft EIS until August 27, 2018.** Pursuant to 6 NYCRR §617.9(a)(4), DEC has made the determination to hold a public hearing, the details of which are provided below in the legislative public hearing section of this notice.

NOTICE OF COMPLETE APPLICATION:

The DEC has determined that the Mined Land Reclamation (ECL Article 23).permit application filed for the proposal is complete for purposes of further DEC review and public comment pursuant to 6 NYCRR §621.7. As noted further below, **written public comments will be accepted on the applications until August 27, 2018.**

ADDITIONAL REGULATORY PROVISIONS:

State Historic Preservation Act ("SHPA") Determination: There are no modifications proposed to the surface facility or site and there is no above-ground disturbance proposed as part of this project. Whether mining deep underground could impact archaeological resources was considered extensively in the original approval for the 9,000-acre Hampton's Corners mine. This evaluation is contained in the Administrative Law Judge's (ALJs) hearing report dated December 21, 1995 and the subsequent Commissioner's Decision dated January 31, 1996. They concluded that there was not a substantive and significant issue requiring adjudication related to potential impacts of underground mining on archaeological resources for the original mine. The

activities proposed in the current underground expansion are the same and we have determined, for the same reasons noted in the decisions cited above, that there will be no significant adverse impacts on archaeological resources associated with the underground mine expansion. In addition, there are no sites listed on the State or National Registers of Historic Places on surface lands above the proposed underground expansion area.

Environmental Justice: The site is located within the Town of Groveland potential environmental justice area. However Mined Land Reclamation permits are not subject to the provisions NYSDEC Policy CP-29. Nevertheless, contact with the Seneca Nation of Indians and Tonawanda Seneca Nation will continue in accordance with NYSDEC Policy CP-42, and consultation will be undertaken if requested by nation representatives.

Coastal Zone Management: This project is not located in a Coastal Zone Management Area and, therefore, is not subject to the Waterfront Revitalization and Coastal Resources Act.

DOCUMENT AVAILABILITY: The Draft EIS and permit application materials (included in the Draft EIS) are available for public review at the locations listed below during normal business hours, and on the internet at the following website:

NYS DEC, Region 8 Office
6274 E. Avon-Lima Road
Avon, NY 14414-9519

On-line for viewing and downloading at:

<https://www.americanrocksalt.com/>

Wadsworth Library
24 Center Street
Geneseo, NY 14454

LEGISLATIVE PUBLIC HEARING: A legislative hearing on the permit applications and the Draft EIS will be held before Administrative Law Judge (ALJ) Molly T. McBride to receive unsworn statements from the public at **6:00 p.m. on Wednesday, August 15, 2018 at the Livingston County Building 1 Conference Center, 1 Murray Hill Drive, Mt Morris NY 14510**. All persons, organizations, corporations or government agencies that may be affected by the proposed project are invited to attend the legislative hearing and to submit oral comments on the Draft EIS, applications and draft permits. No prior filing is required to participate. However, the ALJ may restrict the time available to three (3) minutes for each person, to ensure that all persons will have an opportunity to be heard. It is recommended that lengthy comments be submitted in writing at the hearing. Written comments regarding this application may also be filed with Regional Permit Administrator at the hearing, or as indicated below. Equal weight will be given to both oral and written comments. The hearing location is fully accessible to persons with a mobility impairment. Interpreter services shall be made available to deaf persons and to persons with limited English proficiency, at no charge, upon written request to the ALJ identified above, at least ten (10) business days prior to the hearing.

WRITTEN PUBLIC COMMENTS: All interested parties may submit written comment concerning the Draft EIS and permit applications at the hearing, and to the DEC Contact Person listed below by **August 27, 2018**. Comments sent by regular mail must be postmarked no later than August 27, 2018. E-mail and Fax comments must be received by 5:00 p.m. (EDT),

DEC CONTACT PERSON: Scott E. Sheeley, Regional Permit Administrator, DEC Region 8, 6274 Avon-Lima Road, Avon, New York 14414-9519, Phone: 585-226-5400, Fax: 585-226-2830, E-mail: DEP.R8@dec.ny.gov

COPY OF THIS NOTICE SENT TO:

SEQR INVOLVED AGENCIES – *DEC is the only involved agency*

SEQR INTERESTED AGENCIES AND INDIVIDUALS

Town of Groveland Supervisor and Town Board (w/Draft EIS hard copy)
Town of Mount Morris Supervisor and Town Board (w/Draft EIS electronic copy)
Town of Geneseo Supervisor and Town Board (w/Draft EIS electronic copy)
Town of Leicester Supervisor and Town Board (w/Draft EIS electronic copy)
Village of Mount Morris Mayor and Village Board (w/Draft EIS electronic copy)
Livingston County Planning Department (w/Draft EIS electronic copy)
NYS Department of Transportation, Region 4 (w/Draft EIS electronic copy)

INDIAN NATIONS

Seneca Nation of Indians (w/Draft EIS electronic copy)
Tonawanda Seneca Nation (w/Draft EIS electronic copy)
Tuscarora Nation (w/Draft EIS electronic copy)

SEQR REPOSITORIES (all w/Draft EIS hard copy)

NYSDEC Region 8 Headquarters, 6274 East Avon-Lima Road, Avon, NY
Wadsworth Public Library, 24 Center Street, Geneseo, NY