

## THIS IS NOT A PERMIT

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### 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

**Name of Action:** It's Greener Now, Inc. – Padua Gravel Pit

**Date:** January 10, 2024

**Applicant:**

It's Greener Now Inc  
3362 NYS Route 409  
Watkins Glen, NY 14891

**Location:**

3362 NYS Route 409, Village of Watkins Glen, Town of Dix, Schuyler County. The mine is bound by NYS Rte 409 on the west, Watkins Glen State Park on the southwest, and St. Mary's Cemetery to the southeast.

**NYSDEC Applications and ID Numbers:**

Article 23 Title 27 Mined Land Reclamation, DEC #88-4424-00006/00001 (MLR#80244)

**Project Description:**

The applicant proposes to expand the existing 14.33 acre mine by approximately 60.95 acres, resulting in a total Life of Mine affected area of approximately 75.28 acres. The mine will continue to operate as a traditional surface extraction of unconsolidated sand and gravel. Mining will not involve the removal of consolidated bedrock and will occur above the water table. The proposed expansion would result in the extraction of approximately 3,500,000 cubic yards (CY) of material for a duration of approximately 20 years. A previous proposal to construct a material transport tunnel under NYS Route 409 and rail siding has been eliminated. Further, the Life of Mine affected area has been reduced and below-groundwater table mining has been removed from the proposed project. The hours of operation for the expansion will remain the same as the current hours (6:00 AM – 8:00 PM, Monday – Saturday). There are no proposed changes in the equipment used for the operation nor will there be a change in truck traffic. The applicant needs to apply for a new air facility registration.

**State Environmental Quality Review Act (SEQR):**

A SEQR Negative Declaration was issued on May 14, 2007. Subsequently, an amended Negative Declaration was issued on December 21, 2007. That decision was later rescinded and NYSDEC, as the SEQR lead agency, issued a positive declaration on June 3, 2008. The scoping meeting for the Draft Environmental Impact Statement (DEIS) was held July 1, 2008. The DEIS was first received by NYSDEC May 13, 2019. The last revision to the DEIS was received August 9, 2022 and the last revised Mine Plan Map received February 14, 2023. NYSDEC determined the DEIS to be sufficient for public review and public comment on January 3, 2024.

**Notice of Complete Application:**

NYS DEC has determined that the Mined Land Reclamation (ECL Article 23) permit modification filed for the proposal are complete for purposes of further NYS 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 February 28, 2024.**

**Legislative Public Comment Hearing:**

Pursuant to 6 NYCRR 621.8 (Uniform Procedures), two (2) legislative public comment hearings for the receipt of unsworn public comments on the Mined Land Reclamation permit application and DEIS will be held. The first hearing will be held virtually on February 12, 2024 at 6:00 PM through the WebEx electronic platform. A second hearing will be held on February 13, 2024 at 2:00 PM at Seneca Lake Events Center at Clute Park, 586 East 4th Street, Watkins Glen, NY 14891. In the event of inclement weather, the in-person hearing will be held on February 15, 2024 at 1:00 PM at the Seneca Lake Events Center. Instructions for attending the virtual public comment hearing on February 12, 2024 are shown below. You may attend any session or both sessions of the public comment hearing.

The first legislative public comment hearing will be conducted electronically through the Webex Events platform. The virtual legislative public comment hearing will be held before Administrative Law Judge Molly McBride on:

**Date:** Monday, February 12, 2024  
**Time:** 6:00 PM | (UTC-05:00) Eastern Time (US & Canada)  
**Webinar Topic:** It's Greener Now / Padua Gravel Pit - Virtual Hearing  
**Weblink:** <https://meetny.webex.com/weblink/register/re5993026b245da2ef351e60905cfa026>

The in-person legislative public comment hearing will be held before Administrative Law Judge Molly McBride on:

**Date:** Tuesday, February 13, 2024  
**Time:** 2:00 PM  
**Location:** Seneca Lake Events Center at Clute Park  
586 East 4th Street  
Watkins Glen, NY 14891

All interested persons, organizations, corporations, or government agencies are invited to attend either hearing and provide comments on the permit application and DEIS. You do NOT need to speak at both hearings. Written comments submitted to NYS DEC during this comment period and oral comments given at any of the legislative public comment hearings are considered part of the official record.

The in-person hearing location is fully accessible to persons with mobility impairment. Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be received by January 29, 2024, and directed to NYS DEC - Division of Communication, Education, and Engagement, 625 Broadway, Albany, NY 12233-4500, Phone: (518) 402-8044, E-mail: [language@dec.ny.gov](mailto:language@dec.ny.gov).

Instructions to participate in the virtual hearing session on February 12, 2024 may be accessed at the NYS DEC's website at <https://www.dec.ny.gov/permits/6061.html>. Persons who wish to receive the instructions by mail or telephone may contact the NYS DEC Office of Hearings and Mediation Services by telephone at (518) 402-9003 or by email to [ohms@dec.ny.gov](mailto:ohms@dec.ny.gov). Please provide your first and last name, address, and telephone number and reference the It's Greener Now - Padua Gravel Pit public comment hearing.

Lengthy statements should be in writing and summarized for oral presentation. Reasonable time limits will be set for each speaker to afford everyone an opportunity to be heard. Equal weight will be given to both oral and written statements. Written comments submitted to NYS DEC during this comment period

and oral comments given at any of the legislative public comment hearings are considered part of the official record.

Following the hearing, NYSDEC will determine whether substantive or significant issues have been raised, as defined in 6 NYCRR Part 621 Uniform Procedures, and whether an adjudicatory public hearing should be scheduled before an administrative law judge. In order to raise substantive and significant issues, written and oral comments expressing objections or opposition to the pending applications must explain the basis of that opposition and identify the specific grounds which could lead NYSDEC to deny the pending applications or impose significant permit conditions.

**Availability of Application Documents:**

Electronic copies of application and DEIS documents and draft permits are available online at: <https://jmt.com/padua-ridge-deis/>.

Hard copies as well as an electronic copy of application and DEIS documents are available for inspection at the following locations during normal business hours:  
Watkins Glen Public Library, 610 S Decatur St, Watkins Glen, NY 14891; <https://watkinsglenlibrary.org/>.

NYSDEC Region 8 Office, 6274 East Avon-Lima Rd, Avon, NY 14414; documents are available Monday-Friday, 9:00am-4:00pm. Please contact Frances Knickmeyer at (585) 226-2466 to view documents.

**State Environmental Quality Review (SEQR) Determination:**

The Project is subject to SEQR and is a Type I action. Lead Agency was coordinated.  
SEQR Lead Agency: NYSDEC  
SEQR Lead Agency Determination: Positive Declaration  
The NYSDEC, as SEQR lead agency, issued a positive declaration for this facility on June 3, 2008.

**State Historic Preservation Act (SHPA) Determination:**

A cultural resources survey has been completed and cultural resources were identified. Based on information in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no adverse impact on registered or eligible archeological sites or historic structures. No further review in accordance with SHPA is required.

**Coastal Management:**

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

**DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)**

The proposed action is not subject to CP-29.

**Opportunity for Public Comment:**

Individuals and parties may mail written comments to the Contact Person listed below or may submit comments electronically to [its-greener-now-comments@dec.ny.gov](mailto:its-greener-now-comments@dec.ny.gov).  
All comments submitted by mail must be postmarked by February 28, 2024.  
All electronically submitted comments must be received no later than 5:00 p.m. on February 28, 2024.  
Equal weight is given to written and oral comments.

**Contact:**

Frances Knickmeyer

Environmental Analyst  
NYS DEC Region 8  
6274 East Avon-Lima Rd  
Avon, NY 14414  
[its-greener-now-comments@dec.ny.gov](mailto:its-greener-now-comments@dec.ny.gov)

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**Distribution:**

**Involved Agencies (with DEIS)**

Mayor Laurie DeNardo, Village of Watkins Glen (with electronic copy of DEIS)  
Village of Watkins Glen Planning Board (with electronic copy of DEIS)  
Supervisor Dominick Smith, Town of Dix (with electronic copy of DEIS)  
Town of Dix Planning Board (with electronic copy of DEIS)  
Town of Dix Zoning Board of Appeals (with electronic copy of DEIS)

**Interested Agencies (Notice Only)**

Nancy Herter, NYS Office of Parks, Recreation and Historic Preservation  
Seneca Nation

**Cc:**

Dan Sek, DMR  
Tom Haley, DEP  
Dusty Tinsley, NYSDEC Office of General Counsel  
Robert LaFleur, JMT of New York, Inc.  
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