



S.A. Dunn & Company, LLC

209 Partition St. Ext.
Rensselaer, NY 12144
Phone: (518) 650-6106

February 27, 2024

Kate Malcolm
New York State Department of Environmental Conservation
Department of Environmental Permits, Region 4
1130 North Westcott Road
Schenectady, NY 12306-2014

Re: Dunn Mine and C&D Facility: DEC Permit No. 4-3899-00006/00001

Dear Kate:

In consideration of the comments received on the application to renew and modify the Mined Land Reclamation and Solid Waste Management Permits for the Dunn Mine and C&D Facility, and based on discussions with the Department, S.A. Dunn & Company, LLC offers certain changes to the Facility's permit conditions for the Department's consideration. These proposed changes, which relate to the Facility's hours of operation and the truck count, are intended to address concerns regarding potential conflicts with the morning school bus schedule and the maximum number of trucks utilizing the Facility.

HOURS OF OPERATION

On multiple recent occasions, Facility personnel directly observed school bus pickups on Partition Street. The latest pickup on Partition Street observed was 7:16 AM. Other school bus traffic using Partition Street to access cross streets was observed through approximately 7:30 AM. Moving the start time for incoming waste loads from 6:30 AM until after this time would remove potential conflicts between these vehicles and school buses picking up children along and near the truck route.

To that end, S.A. Dunn is amenable to establishing "Waste Receiving Hours"—meaning the time when loads may be scaled-in at the Facility—as 7:45 AM to 4:00 PM (8-¼ hours). S.A. Dunn requests that the Department maintain the current 11-hour window for "Facility Operation and Construction Hours" (e.g., landfill maintenance and cover placement) as this full window is needed to properly operate the Facility, including for example conducting essential end-of-day on-site activities like completion and maintenance of operating cover. However, S.A. Dunn is agreeable to shifting the Facility Operation and Construction Hours to 7:00 AM until 6:00 PM. Typically, facility-related vehicles on Partition Street

outside of these timeframes would be employee or contractor personnel coming to and leaving work. S.A. Dunn clarifies that Facility Operation and Construction Hours limitations apply to the operation of earth-moving equipment and not to such operations as the use of hand tools, pumps, portable generators, liner welding equipment, equipment maintenance, and light duty vehicle operation.

On infrequent occasions, responses to unforeseen conditions may require the operation of earth-moving equipment outside of the Facility Operation and Construction Hours for compliance reasons or to address a potential nuisance condition. In these instances, S.A. Dunn would promptly notify the Department of the need for such activity.

TRUCK COUNTS

S.A. Dunn has reviewed Facility records and public comments on truck trips. As the Department knows, there are days when the Facility nears the truck limit of 100 round trips, typically when elevated numbers of leachate trailers are hauling leachate from the Facility or elevated numbers of trucks are delivering construction materials (e.g., drainage stone and clay) to the Facility. Leachate currently must be hauled from the Facility to a permitted wastewater treatment facility, and the quantity of leachate (and thus the number of truck trips) is largely dictated by rainfall and beyond S.A. Dunn's control. In addition, earthen construction materials must be imported to the Facility to construct landfill liner systems that meet the regulatory requirements.

To reduce this truck count in the short term, S.A. Dunn would be amenable to a permit condition limiting the truck count to a weekly average of 80 truck round trips per operating day. On infrequent occasions, leachate hauling may make this limit unachievable for compliance reasons. In these instances, S.A. Dunn would promptly notify the Department of the need for additional truck round trips for leachate hauling.

To address comments on the truck count in the longer term, S.A. Dunn commits to pursuing two avenues for reducing truck round trips. First, S.A. Dunn will renew efforts to receive approval from Rensselaer County to connect the Facility's leachate system to the sewer system on Harrison Avenue for treatment at the Rensselaer County wastewater treatment plant in Troy. This approval could potentially remove up to about 20 truck round trips per day from Partition Street depending on the discharge requirements. Second, S.A. Dunn will pursue a variance from the Department for replacing a portion of the clay liner on high-slope (3:1 slope) areas of the baseliner with geosynthetic clay liner (GCL) to reduce earthen clay imports and the associated truck trips. Such a variance would reduce the number of truck trips associated with importing clay, which has been as high as about 50 truck round trips in a day during liner construction.

COMMUNITY OUTREACH

S.A. Dunn is open to continued productive dialog with community members, beyond that required as part of this permitting process. S.A. Dunn has never refused anyone the opportunity to schedule a meeting or to tour the Facility. In fact, S.A. Dunn has provided community members with these opportunities on many occasions and expects this practice will continue going forward. In the past, community members in need of support have come to us asking for help and, in most cases, we are able to provide assistance and we are happy to do so. If the Department feels it would be productive to have

a more established outreach effort going forward, S.A. Dunn is amenable to participating with the Department in such efforts.

Please contact me with any questions or clarifications of the above at (518) 470-3830.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curt Taylor', with a long horizontal flourish extending to the right.

Curt Taylor
Region Engineer

cc: J. Burrier (SA Dunn)
C. Judd (SA Dunn)