

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION PLAN

**Dunn Mine and C&D Facility
209 Partition Street Extension
Rensselaer, New York 12144**

Responses to Comments Received to Date on the Permit Renewal and Modification Application

August 26, 2022

I. BACKGROUND

On January 13, 2022, S.A. Dunn & Company, LLC, (S.A. Dunn) submitted a permit renewal and modification application to the New York State Department of Environmental Conservation (NYSDEC) for the Dunn Mine and Construction and Demolition Debris (C&D) Facility (Dunn Facility or Facility) located at 209 Partition Street Extension, Rensselaer, New York. The Facility is operated pursuant to a Mined Land Reclamation and Solid Waste Management Permit initially issued on July 20, 2012, and renewed on October 4, 2019. S.A. Dunn seeks a permit renewal for both its mining and C&D disposal operations, which will not change or expand the mining or landfill operations. As required by NYSDEC, S.A. Dunn is also seeking to modify its permits by incorporating construction of a mechanically stabilized earthen (MSE) perimeter berm on the northern and eastern side of the site. The berm will offer visual screening for properties to the north of the Facility and reduce waste capacity and the life of mine area.

A public participation meeting was held on June 14, 2022, from 7:00 pm to 9:00 pm at the Rensselaer City School and virtually via Zoom and telephone for community members interested in learning about and commenting on the Dunn Facility's permit renewal and modification application. The meeting was held as part of the Dunn Facility's implementation of its Public Participation Plan (PPP), which was prepared in compliance with NYSDEC Commissioner Policy-29, Environmental Justice and Permitting (CP-29) and approved by NYSDEC on May 27, 2022.

At the public participation meeting, S.A. Dunn provided an overview of Facility operations and the permit application. In-person and remote attendees were then invited to provide comments. Residents also provided written or oral comments on the application prior to, during, and after the meeting.

Residents' comments are summarized below, with S.A. Dunn's responses following. Comments are grouped by topic for clarity.

Comment	S.A. Dunn's Response
Permit Renewal and Modification Application	
Is the berm the only change contemplated by the permit application?	Yes, other than construction of the MSE berm, the permit renewal will not change or expand mining or landfill operations.
What days of the week will construction of the berm take place?	Construction of the berm will take place Monday through Friday, excluding holidays. No berm construction will occur on the weekends.
By how much will the berm reduce the waste capacity?	The berm will reduce available waste capacity at the Facility by approximately 220,000 cubic yards.
Will the height of waste change following berm construction?	Berm construction will not change the highest permitted elevation of waste placement.
How will S.A. Dunn maintain the berm?	<p>S.A. Dunn will maintain a well-vegetated face of the MSE berm through the application of fertilizer and hydroseed in areas of sparse vegetation. The berm will be visually inspected on a routine basis to determine the need for additional maintenance, which may include:</p> <ul style="list-style-type: none"> • Trimming woody vegetation (greater than 1 inch in diameter) along the face of the berm, • Filling in areas where animals have burrowed with grout, soil, stone, or gravel, • Restoring eroded areas by replacing the soil fill, or • Implementing drainage improvements to prevent erosion.
Are any local approvals (e.g., from the school district) required for the berm?	No.

Comment	S.A. Dunn's Response
<p>What happens after the existing permits expire?</p>	<p>On May 12, 2022, NYSDEC confirmed that the Dunn Facility's permit application was timely and sufficient for purposes of Section 401(2) of the State Administrative Procedure Act (SAPA) and 6 NYCRR § 621.11(a). When a permit renewal application for an existing facility is submitted in accordance with SAPA § 401(2), the existing permit does not expire until there has been a final determination on the application; in other words, the Facility may continue to operate under the terms of the existing permit.</p> <p>On March 30, 2022, NYSDEC issued a Notice of Incomplete Application (NOIA) requesting additional analysis of potential climate-related and noise impacts, revisions to the PPP, and other information. S.A. Dunn subsequently provided an updated PPP, which was approved by NYSDEC, and is responding to the other requests in the NOIA. The NOIA does not impact the SAPA determination.</p>
<p>Commenters stated that NYSDEC should take an expansive review of the permit application—not limiting the review to the berm construction—and require an environmental impact statement or supplemental environmental impact statement.</p>	<p>A State Environmental Quality Review Act (SEQRA) review was undertaken when the Dunn Facility was first proposed. The Facility's permit renewal application does not alter the permitted operations. The requested modification relates to the proposed installation of an MSE berm to provide visual mitigation for properties to the north of the site and, if approved, would result in a reduction in the permitted space available for waste disposal. No other physical change to the Facility or its operations is proposed for purposes of SEQRA.</p>
<p>A commenter questioned whether the permit renewal could be based on the 2012 permit application, which the commenter stated did not adequately consider the location of the landfill, noise, or truck impacts, and did not address PFAS, environmental justice, New York's Environmental Rights Amendment, and other issues.</p>	<p>After a comprehensive environmental review that considered the location of the Dunn Facility, NYSDEC prepared SEQRA findings and issued permits for the Facility in July 2012. S.A. Dunn is seeking to renew its permits and incorporate construction of an MSE berm on the northern and eastern side of the site as an enhanced visual mitigation measure. No other change to the Facility or its operations is proposed. Despite the limited proposed change, the application materials offer information on numerous issues, such as noise, air quality, odors, traffic, groundwater, and per- and polyfluoroalkyl substances (PFAS). The application materials are available for review on the Dunn Facility's website, at the Rensselaer Public Library, and at the NYSDEC Region 4 Offices.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that while the number of permitted truck trucks (100) may not have changed from the prior review, the impacts from truck traffic have worsened because the trucks are now larger, arrive at an earlier hour, and idle. According to the commenter, this is a material change from prior evaluations of Facility impacts.</p>	<p>Permitted hours of operation have not changed since the Dunn Facility was approved in 2012. NYSDEC has also retained the limit of 100 truck trips per day, originally imposed in 1992 in relation to prior mining operations. When potential impacts of the Facility were assessed prior to permit issuance in 2012, an updated traffic analysis using this truck limit was conducted. The assessment was not truck size dependent (i.e., did not assume small truck size). On the basis of the continued truck limit and the updated traffic analysis, NYSDEC concluded that the Facility would not result in significant impacts to traffic or levels of service.</p> <p>The renewal application does not contemplate any proposed changes to the truck limit or hours of operation; therefore, the permit renewal will not cause additional adverse impacts associated with traffic. In addition, the construction of the MSE berm would not increase truck traffic, and the daily truck limit would still apply.</p>
<p>A commenter stated S.A. Dunn should evaluate the cumulative impacts of truck traffic from the proposed Rensselaer Resource Recovery facility, DeLaet's Landing, and other development.</p>	<p>S.A. Dunn's permit renewal and proposed MSE berm, which is a visual mitigation measure, does not trigger the need to undertake a cumulative assessment of other proposed projects under SEQRA.</p>
<p>Facility Operations</p>	
<p>How much material did S.A. Dunn mine in 2021? Who are the primary customers of the mining operations?</p>	<p>In 2021, approximately 206,000 tons of sand and gravel were mined for use in the local construction industry.</p>

Comment	S.A. Dunn's Response
<p>Has S.A. Dunn made any improvements to the Facility that have not been required or recommended by NYSDEC?</p>	<p>Since initial permitting in 2012, S.A. Dunn has—with NYSDEC approval—implemented additional measures to further minimize potential impacts. For example, to limit the potential for dust creation, the Facility has refined its dust control plan to require the placement of matting, hydromulch, or other cover (e.g., stone, grass) on inactive areas of the Facility. In excess of 75% of the Facility is protected in this manner. These actions were not initially required by NYSDEC but have since been incorporated into Facility operations plans and are now enforceable permit requirements.</p>
<p>Which entity selects the environmental monitor?</p>	<p>NYSDEC selects and oversees, and S.A. Dunn funds, the environmental monitor.</p>
<p>A commenter expressed concern about impacts of heavy rainfall or hurricanes on the Dunn Facility.</p>	<p>The permit application will not increase the peak stormwater discharge off-site. The stormwater management system for the Facility was previously reviewed under SEQRA, and the Facility will continue to operate in accordance with a site-specific Stormwater Pollution Prevention Plan (SWPPP), consistent with NYSDEC State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-001). Additionally, S.A. Dunn is prepared to cease operations during severe weather conditions.</p>

Comment	S.A. Dunn's Response
<p>Commenters expressed concern that landfill liners do not prevent leakage into the ground, waterways, and surrounding environment.</p> <p>A commenter stated that based on reports from the 1990s, high density polyethylene (HDPE) liners can degrade about 20 gallons per acre per day, may fail due to stress cracks, and may be penetrated by solvents. The commenter also referenced a February 26, 2019, order on consent from NYSDEC that allegedly found flaws in the liner system.</p>	<p>The proposed containment for the Facility includes a composite baseliner system, which consists of a 60-mil HDPE liner and 24 inches of low permeability soil (clay). Extensive research has been conducted on HDPE geomembrane over the past three decades by the Geosynthetic Research Institute, including analysis of the longevity of covered HDPE within waste containment areas. This research has shown that the predicted lifetime of HDPE in a landfill is 100+ years. Controlled laboratory evaluations of the chemical compatibility of HDPE with typical landfill leachate have been performed for various landfills utilizing the EPA 9090A immersion method. The data from these studies has demonstrated the compatibility of HDPE resin with leachate.</p> <p>Further, the lifespan and performance ability of the HDPE geomembrane liner is strongly linked to the quality of the installation. Geomembrane installation contractors are required to have at least five years of experience in HDPE installation, including installation on at least five projects involving a total of 50 acres within three years of the project date. The Dunn Facility also implements a Construction Quality Assurance (CQA) program during installation of the liner system to verify that the material is installed in accordance with applicable regulatory, manufacturer, and industry requirements. CQA is performed by a third-party monitor who is on site full-time for the duration of the construction.</p> <p>The February 2019 Order on Consent related to the material properties of the 24-inch thick low permeability soil liner, which—as stated by NYSDEC—did not impact the performance of the liner system. Corrective action was undertaken by S.A. Dunn to address the issue.</p> <p>Upon closure, the Facility will receive a low permeability final cover graded to shed water from landfill areas to prevent falling precipitation from penetrating the landfill mass.</p>
<p>A commenter expressed concern about trucks carrying leachate from the facility.</p>	<p>Trucking of wastewater from the Dunn Facility satisfies all regulatory requirements.</p>

Comment	S.A. Dunn's Response
<p>A commenter expressed concerns about the disposal of improper waste at the Dunn Landfill.</p> <p>Commenters expressed concern regarding the possible disposal of carpets, asbestos, lead paint, and material containing PFAS at the Facility,</p> <p>Commenters also stated that the Facility should conduct sampling for asbestos and lead.</p> <p>A commenter expressed concern that S.A. Dunn, rather than NYSDEC, monitors the materials disposed of at the Facility.</p>	<p>Only permitted C&D may be accepted at the Dunn Facility, including bricks, concrete and other masonry materials, soil and rock, wood, land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt pavement, glass, plastics not containing other waste, electrical wiring, piping, and metal. Materials not accepted for disposal include friable asbestos waste, municipal solid waste, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, appliances, tires, drums or other containers greater than ten gallons in size, fuel tanks or any other material not meeting the regulatory definition of C&D. Waste loads are inspected to identify and reject unacceptable wastes.</p> <p>A full-time environmental monitor, hired and overseen by NYSDEC, is also present onsite and performs periodic inspections of waste as the trucks unload at the Facility.</p>
<p>A commenter asked about steps taken to inspect the trucks entering the Facility, including to ensure that they are not overweight.</p>	<p>S.A. Dunn follows all required inspection procedures when trucks enter the Facility, and the environmental monitor performs periodic inspections as the trucks unload.</p> <p>S.A. Dunn does not operate or control trucks bringing waste to the Facility. The trucks are subject to enforcement by the New York State Department of Transportation (NYSDOT) and state and local law enforcement.</p>
<p>A commenter stated that the trucks on Partition Street are not properly covered.</p>	<p>Empty trucks are not required to be covered. As noted above, S.A. Dunn does not operate or control trucks bringing waste to the Facility. However, when S.A. Dunn encounters an uncovered truck with waste entering the Facility, S.A. Dunn informs the truck operator that such loads must be covered. If a driver refuses to follow this requirement, they will be refused re-entry to the Facility.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that the chain link fencing on the western side of the Facility has not been maintained.</p>	<p>S.A. Dunn regularly inspects and maintains the fencing along the perimeter of the Facility.</p>
<p>Commenters stated that debris from the Facility impacts the surrounding neighborhood.</p> <p>A commenter stated that while the fencing catches some of the material blowing from the site, the trash often remains at the fence for extended periods and impairs the view from the nearby school and cemetery property.</p>	<p>S.A. Dunn regularly inspects the perimeter of the Dunn Facility and the fencing for litter and removes litter when it is observed. The Facility also ceases operations under the weather conditions described below, reducing the potential for windblown litter.</p>
<p>Commenters expressed concern about the truck traffic on Partition Street.</p> <p>A commenter stated that truck traffic to and from the Facility generates traffic elsewhere in the area, including the exit off the Dunn Memorial Bridge onto Broadway.</p> <p>Other commenters expressed concern about trucks damaging and otherwise negatively impacting infrastructure, including the Dunn Memorial Bridge.</p>	<p>The Facility is limited to 100 truck round trips per day for the purpose of mining activities, C&D disposal, leachate hauling, and construction activities (except light duty or smaller trucks). Pursuant to the Facility's permit, the hours of operations are Monday through Friday, excluding holidays, from 6:30 am to 5:30 pm.</p> <p>Trucks are also subject to enforcement by the NYSDOT and state and local law enforcement.</p>
<p>Has S.A. Dunn investigated any other access roads for trucks to the Facility that would minimally impact community members?</p>	<p>Other truck routes were previously explored, and none were determined to be feasible.</p>

Comment	S.A. Dunn's Response
<p>What is the estimated lifespan of the Facility, if operations continue at the current pace?</p>	<p>Based on the current rate of disposal, the Facility's lifespan in terms of disposal activities is approximately ten years. If the disposal rate slows, the Facility's lifespan would lengthen but the overall waste capacity would not change.</p>
<p>What is the plan for the Dunn Facility after it closes?</p> <p>Another commenter asked what would happen once the general lifespan of landfill liners is exceeded, which they stated is thirty years.</p>	<p>After waste disposal ceases, S.A. Dunn is required to maintain the Facility for a minimum of 30 years to ensure it will not negatively impact the environment or public health. A bond is maintained to secure these activities.</p> <p>The proposed containment for the Facility includes a composite baseliner system, which consists of a 60-mil HDPE liner and 24 inches of low permeability soil (clay). Extensive research has been conducted on HDPE geomembrane over the past three decades by the Geosynthetic Research Institute, including analysis of the longevity of covered HDPE within waste containment areas. This research has shown that the predicted lifetime of HDPE in a landfill is 100+ years.</p> <p>Upon closure, the Facility will receive a low permeability final cover graded to shed water from landfill areas to prevent falling precipitation from penetrating the landfill mass.</p>
<p>A commenter suggested turning the Facility into a solar farm following closure.</p>	<p>Comment acknowledged.</p>
<p>Host Fees and Taxes</p>	
<p>Why does S.A. Dunn pay host fees? How are host fees determined?</p>	<p>Host fees are paid to the City of Rensselaer and the Town of North Greenbush pursuant to franchise agreements with these municipalities. They are determined based on the tonnage of waste accepted by, and the tonnage of sand exported from, the Dunn Facility, and therefore are not directly impacted by market fluctuations in tipping fees. However, the franchise agreements also require adjustments to host fees keyed to the consumer price index (CPI). Thus, host fees are escalated based on the CPI.</p>

Comment	S.A. Dunn's Response
<p>What is the amount of the host fees that S.A. Dunn pays? Which entities receive host fees and, if divided between multiple entities, how much does each entity receive?</p>	<p>In 2021, the Dunn Facility paid approximately \$507,000 in host fees to the City of Rensselaer and \$86,000 in host fees to the Town of North Greenbush. Due to operational fluctuations (in part driven by the economic disruption caused by COVID and related restrictions), host fees in 2021 were below the average host fees paid since 2015 (\$782,143 to the City of Rensselaer and \$140,000 to the Town of North Greenbush).</p>
<p>Rensselaer has previously remarked that host fees used to total \$1 million. Why have they decreased to \$245,000 or \$242,000?</p>	<p>As discussed previously, host fees are calculated based on the tonnage of C&D accepted by, and tonnage of sand exported from, the Facility. This comment is referring to certain tax revenues, as described in a January 2022 Economic and Fiscal Benefits Analysis conducted for the Dunn Facility. These tax revenues are <i>in addition</i> to host fees paid to the City of Rensselaer and to the Town of North Greenbush. The Dunn Facility's operations generate an estimated \$937,000 in tax revenues annually to jurisdictions within New York State. This includes approximately \$245,000 annually to local taxing jurisdictions (e.g., City of Rensselaer, Town of North Greenbush), \$242,000 in tax revenues to counties in New York State, and \$450,000 in New York State tax revenues.</p> <p>Total <i>annual</i> economic output generated by the Dunn Facility's operations is estimated to be nearly \$18.7 million within New York State, including \$13.8 million within Rensselaer County and \$17.3 million within the Capital Region.</p> <p>The Economic and Fiscal Benefits Analysis is available on the Dunn Facility's website.</p>
<p>Have host fees increased as tipping fees increase?</p>	<p>Host fees are based on the tonnage of waste accepted by, and the tonnage of sand exported from, the Dunn Facility—not tipping fees. The host fees paid are adjusted annually based on the CPI.</p>
<p>Do the host fees benefit the people living within the Potential Environmental Justice Area near the Facility?</p>	<p>Host fees are paid to the Town of North Greenbush and the City of Rensselaer, in which the Potential Environmental Justice Area is located. The Town and City determine how the host fees are used.</p>
<p>Is S.A. Dunn required to increase tax revenues in order to obtain a new permit?</p>	<p>No.</p>

Comment	S.A. Dunn's Response
Environmental and Health Impacts	
<p>Commenters stated that PFAS contamination has been identified at the Facility.</p> <p>Commenters expressed concern regarding impacts of PFAS from the Dunn Facility on groundwater and the Hudson River.</p> <p>A commenter stated that the Facility should conduct sampling of stormwater runoff for PFAS.</p>	<p>In May and November 2021, NYSDEC conducted surface water sampling in the vicinity of the Dunn Facility, as well as on-site groundwater and leachate sampling, to test for PFAS and other contaminants. The surface water and groundwater sampled in the NYSDEC study do not serve as sources of drinking water. However, when sampling surface water or groundwater, NYSDEC has conservatively used the State's established Maximum Contaminant Levels (MCLs) for public drinking water systems to consider whether additional investigation is necessary. New York has MCLs of 10 parts per trillion (ppt) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) for public drinking water systems.</p> <p>NYSDEC concluded the sampling does not indicate that the Facility is a source of PFAS contamination to groundwater or surface water. Additional information is available on the NYSDEC website.</p> <p>S.A. Dunn also retained an outside consultant to conduct PFAS sampling in response to community concerns. In January 2021, samples were collected from groundwater monitoring wells and surface water monitoring locations. Those samples, which were analyzed by an independent and accredited lab, confirmed that S.A. Dunn is not contributing to any PFAS concentrations in groundwater or surface water. Detections of all PFAS compounds, including PFOA and PFOS, were well below the State's 10 ppt MCL, and in many cases were non-detectable, or otherwise consistent with background readings for PFAS found across New York State. Results can be found here.</p>

Comment	S.A. Dunn's Response
<p>Commenters stated that they continue to smell odors from the Facility. A commenter stated that they especially notice odors following rainfalls, on windy days, and prior to “capping” the landfill. Other commenters stated that odors are episodic or variable.</p>	<p>As a clarification, S.A. Dunn applies daily cover to waste material; capping only occurs once the landfill phase is closed.</p> <p>Beginning in 2019, NYSDEC has installed monitors called Acrulog samplers at several locations near the perimeter of the Dunn Facility as a screening tool for detecting hydrogen sulfide (H₂S) odor episodes in the surrounding community. H₂S is the primary odorous gas generated from the decomposition of matter, including organic components of C&D. New York State has established an ambient air quality standard for H₂S of 0.010 parts per million (ppm), averaged over any one-hour period.</p> <p>Between June 30, 2021, and November 22, 2021, NYSDEC found that the number of occurrences and concentrations when H₂S was detected were very low:</p> <ul style="list-style-type: none"> • Soccer Field location: 0.36% (73 of 20,494 observations) of the readings detected H₂S and the maximum 10-minute reading was 0.031 ppm. • Baseball Field location: 0.57% (116 of 20,372 observations) of the readings detected H₂S and the maximum 10-minute reading was 0.039 ppm. • Cemetery location: 0.24% (36 of 14,833 observations) of the readings detected H₂S and the maximum 10-minute reading was 0.018 ppm. <p>Although very low to begin with, these reported results likely overestimate H₂S from the Facility as the monitors can also register diesel exhaust and other common gases that can artificially increase the apparent H₂S concentration. Additional information about H₂S monitoring is reported on the NYSDEC website.</p>
<p>A commenter stated that they notice grinding noises from the Facility.</p>	<p>S.A. Dunn is not aware of any grinding noises at the Facility; nor are grinding equipment or grinding operations present onsite.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that the effects of back-up beepers and other noise from Facility operations should be assessed.</p> <p>Commenters stated that excessive noise has health consequences, including increasing risks of cardiovascular and metabolic diseases.</p>	<p>The currently existing operations at the site will continue as currently permitted and reviewed, including the usage of the same type of equipment for construction of the MSE berm, which should generate similar levels of noise. These activities would take place within the previously approved Facility footprint. Therefore, the proposed project is not expected to result in an increase in noise. In addition, S.A. Dunn is undertaking additional noise assessment in response to NYSDEC's NOIA.</p>
<p>Commenters expressed concern about excessive noise from trucks traveling to and from the Dunn Facility negatively affecting residents and causing health impacts. Commenters also stated that trucks going to and from the Facility and idling as they wait to enter the Facility generate diesel exhaust that impacts the community.</p>	<p>The Facility is limited to 100 truck round trips per day for the purpose of mining activities, C&D disposal, leachate hauling, and construction activities (except light duty or smaller trucks). Jake brakes are also not permitted on Partition Street, and trucks traveling to and from the Facility are subject to noise standards of NYSDOT, NYSDEC, and local law enforcement.</p> <p>Indicative of local air quality, NYSDEC has been monitoring for particulate matter at the Rensselaer City School since 2019, and compared the results to data collected at the Albany County Health Department monitor location to west of the Facility. The results, discussed in more detailed below, have consistently been well below health-based standards.</p>
<p>A commenter stated that noise from the Facility disturbs services at the nearby cemetery.</p>	<p>S.A. Dunn is undertaking additional noise assessment in response to NYSDEC's NOIA, and NYSDEC regulations set limits on sound levels beyond the property line. Additionally, to the best of its ability, S.A. Dunn will cease operations when it becomes aware that funeral services are occurring in the cemetery.</p>

Comment	S.A. Dunn's Response
<p>While noting that the frequency with which dust and hydrogen sulfide have been detected on Rensselaer City School property has decreased, a commenter stated that the likelihood of additional impacts would increase as Facility activity moves closer to the school.</p>	<p>The Dunn Facility has enhanced its dust control plan, in consultation with a nationally recognized dust control expert, to minimize the potential for offsite dust. Most recently, S.A. Dunn committed to (i) using alternative, approved dust palliatives during freezing conditions when use of water for dust control is not feasible, and (ii) adopting additional limitations on mining operations during seasonable high-wind periods, including in relation the open mine area, mine face height, and stock pile locations and size.</p> <p>S.A. Dunn will continue to implement its enhanced dust control plan and odor mitigation measures, including its gas collection and control system, to minimize any potential offsite impacts.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that truck traffic generates significant particulate matter, and that the Facility's street sweeping and other dust control measures are ineffective and generates more roadside dust than is controlled.</p> <p>Another commenter asked about steps taken to prevent the spraying of dust by street sweepers and Facility operations.</p> <p>Commenters stated that dust collects on houses and inside homes and the Rensselaer City School.</p>	<p>See prior responses relating to truck traffic. In addition, in consultation with a nationally recognized dust control expert, the Dunn Facility has developed and implements an enhanced dust control plan that helps prevent and minimize fugitive dust and particulates. As a principle measure of dust control, the Facility places matting, hydromulch or other cover (e.g., stone, grass) on inactive areas. In excess of 75% of the Facility is protected in this manner, greatly minimizing the potential for dust creation. These cover systems are regularly inspected and maintained.</p> <p>Other measures include but are not limited to:</p> <ul style="list-style-type: none"> • Internal speed limit of 10 miles per hour. • Tire washing of outbound vehicles prior to exiting the site. • Street sweeping on Partition Street daily and supplemented as needed, and on the internal paved roadways at the Facility. • Use of water truck on internal paved and unpaved roads, as well as along a portion of Partition Street during dry conditions. • Use of alternative, approved dust palliatives during freezing conditions when use of water for dust control is not feasible. • Use of truck tipper sprayer or misting cannon during C&D disposal operations. • High wind mitigation, such as reduced or temporary cessation of operations. • Additional limitations on mining operations during seasonable high-wind periods, including in relation the open mine area, mine face height, and stock pile locations and size. <p>In response to comments relating to dust from sweeping activities, S.A. Dunn has limited regular off-site sweeping activities to Partition Street east of Sixth Street. Sweeper personnel have been required to use water while sweeping during non-freezing temperatures to limit dust generation.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that the dust likely contains PFAS, PCBs, asbestos, lead, mercury, and other toxic substances.</p>	<p>In April 2019, the Rensselaer Department of Health conducted a lead hazard screen at internal locations at the Rensselaer City School following U.S. Environmental Protection Agency-approved protocols. Exterior samples were also analyzed to reflect “worst-case” conditions. No lead was found in any of the samples, which were considered representative of other areas throughout the school property.</p> <p>NYSDEC also conducted air sampling for volatile organic compounds (VOCs) from October 30, 2019, to January 16, 2020, and speciated analysis (for specific elemental components) of particulate matter less than 10 microns in size (PM₁₀) from October 12, 2019 to December 8, 2019, on the roof of the Rensselaer City School. NYSDEC concluded that the VOC samples showed that the air quality at the school is typical of the general air quality for a suburban area; and the air concentrations for the PM₁₀ mass and associated elemental components were low and similar to measurements at an identical monitor in Loudonville, New York, during the same time period. According to NYSDEC, the sampling results do not appear to indicate that Facility operations are measurably increasing the levels of PM₁₀ and VOCs monitored at the school above levels measured at other NYSDEC monitors. The results are available here. See below for additional responses relating to particulate monitoring.</p> <p>There is no indication that dust from the Facility contains PFAS, PCBs, asbestos, mercury, or other toxic substances.</p>

Comment	S.A. Dunn's Response
<p>At what wind speed does the Facility shut down its operations?</p>	<p>S.A. Dunn monitors weather conditions closely. Pursuant to the dust control plan, if a high wind warning, wind advisory, severe thunderstorm warning, or tornado watch or warning is issued by the National Weather Service, the Facility will cease both mining and waste operations one hour prior to the warning period (provided that the weather notification is issued at least one hour prior to the beginning of the effective period). The National Weather Service issues these weather notifications under the following conditions:</p> <ul style="list-style-type: none"> • High Wind Warning – Sustained winds of 40 mph or higher for one hour or more or wind gust of 58 mph or higher for any duration are expected. • Wind Advisory – Sustained winds of 31 to 39 mph for an hour or more and/or wind gusts of 46 to 57 mph for any duration are expected. • Tornado Watch – A tornado is possible in the watch area, and winds of 58 mph or higher are expected. • Severe Thunderstorm Warning – Thunderstorms are imminent in the warning area. • Tornado Warning – Tornado is imminent in the warning area.
<p>A commenter stated the Dunn Facility dirtied snow on March 14, 2022, and expressed concern about microplastics.</p>	<p>S.A. Dunn was not informed about the allegation regarding dirty snow on March 14, 2022, and was unable to investigate the claims. There is also no indication that the Facility is a source of microplastics pollution.</p>

<p>Commenters expressed concern about the proximity of the Dunn Facility to the Rensselaer City School and reported that dust and hydrogen sulfide has been detected on the school property.</p> <p>A commenter stated that continuing issues with dust raises concerns that long-term compliance is not possible and any environmental and health impacts cannot be fully addressed.</p> <p>A commenter stated that they have experienced pneumonia, respiratory problems, and bloody noses.</p> <p>Commenters expressed concern about long-term health effects from exposure to low levels of pollutants.</p> <p>A commenter expressed concern about health impacts from dust on residents, children, and employees of the Rensselaer City School.</p> <p>Commenters expressed concern about odors and health impacts from diesel pollution and fine diesel particulate matter. Commenters stated that diesel pollution is associated with cardiac and pulmonary disease, including lung cancer and asthma. According to commenters, these impacts from diesel are not addressed in the current or prior permit application.</p>	<p>NYSDEC has installed Acrulog samplers at several locations near the perimeter of the Dunn Facility and the Rensselaer City School since 2019 as a screening tool for detecting offsite H₂S. The results of this monitoring, which found that the number of occurrences and concentrations when H₂S was detected were very low, are discussed above.</p> <p>On July 27, 2019, NYSDEC began monitoring for offsite particulate concentrations at the Rensselaer City School. The monitor collects hourly measurements of PM₁₀. The National Ambient Air Quality Standard (NAAQS) for PM₁₀ is 150 micrograms per cubic meter (µg/m³) for a 24-hour average (daily). Note that a portion of the PM₁₀ measured reflects transport of particles from activities outside the area that are not related to the Facility; for instance, the nearby Interstate I-90, Amtrak, and other operations can contribute particulates and other emissions.</p> <p>Since 2019, both monitors measured concentrations well below the NAAQS for PM₁₀. And the data collected to date at the Rensselaer City School show, with minor exceptions, PM₁₀ concentrations to be consistently lower than concurrent measurements across the Hudson River in the City of Albany at the Albany County Health Department, indicating that the Facility is not a significant source of local PM₁₀. Results are available here.</p> <p>NYSDEC also conducted air sampling for VOCs from October 30, 2019, to January 16, 2020, and speciated analysis of PM₁₀ from October 12, 2019, to December 8, 2019, on the roof of the Rensselaer City School. These favorable results are discussed above. Based on extensive sampling and monitoring, there is no indication that the Facility is causing adverse environmental or health impacts.</p>
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Comment	S.A. Dunn's Response
<p>Certain commenters expressed general concerns about health impacts from the Dunn Facility, particularly on children.</p> <p>Commenters expressed concern that the Facility has caused health impacts in pets.</p> <p>A commenter stated that NYSDEC has not adequately protected public health through its permitting of the Dunn Facility and other facilities.</p>	<p>Based on H₂S monitoring since 2019, discussed above, NYSDEC has determined that H₂S levels are highly unlikely to result in long-term health effects.</p> <p>Recent monitoring and sampling by state and county agencies and S.A. Dunn for particulates, lead, and PFAS (discussed in the responses above) further confirm the efficacy of measures to mitigate the potential for offsite impacts to residents.</p>
<p>Has S.A. Dunn investigated any changes in cancer rates since the Facility opened?</p>	<p>S.A. Dunn has not impacted cancer rates. As discussed above, recent monitoring and sampling do not indicate that the Dunn Facility is capable of causing long-term health effects.</p>
<p>Commenters expressed concern about the Facility polluting their gardens.</p>	<p>Sampling and monitoring conducted at and near the Dunn Facility do not indicate that S.A. Dunn has impacted the surrounding environment. S.A. Dunn also employs numerous means of controlling air emissions and dust and mitigating the potential for offsite impacts.</p>

Comment	S.A. Dunn's Response
<p>A commenter stated that additional monitoring of particulate matter is needed, including for particulate matter smaller than 2.5 micrometers (PM_{2.5}). The commenter stated that smaller particles pose a more serious health issue because they penetrate deeper into the lungs, a particular concern for children.</p>	<p>NYSDEC compares the PM₁₀ monitoring data at the Rensselaer City School with the PM₁₀ monitoring data at the Albany County Health Department, which is located directly across the Hudson River from the Facility. With minor exceptions, PM₁₀ levels at the Rensselaer City School are consistently lower than at the Albany County Health Department.</p> <p>For PM_{2.5}, the National Ambient Air Quality Standards (NAAQS) for the 24-hour average and annual average have been set at 35 and 12 micrograms per cubic meter air (µg/m³), respectively. NYSDEC publishes a <i>New York Ambient Air Quality Report</i> each year, most recently for 2020. The monitoring station closest to the Facility measuring PM_{2.5} is the Albany County Health Department. The 2020 Report, available here, reports 24-hour average and annual average values of 19.9 µg/m³ and 8.1 µg/m³ for PM_{2.5} at the Albany County Health Department monitoring station—far below the respective NAAQS.</p> <p>PM_{2.5} is a component of PM₁₀. Given that PM₁₀ measurements at the Rensselaer City School have been generally lower than at the Albany County Health Department, there is no reason to believe the NAAQS for PM_{2.5} are being exceeded near the Dunn Facility.</p>
<p>A commenter asked where S.A. Dunn gets the moral right to negatively impact residents' quality of life.</p> <p>Another resident asked what the Facility thinks it means to be a good neighbor, as a good neighbor would not negatively impact the residents.</p>	<p>S.A. Dunn is proud of the contribution it has made to Rensselaer, the broader Capital Region, and New York State, both in terms of providing a vital service and in expanding and improving economic conditions. The Dunn Facility is also heavily regulated, with a full-time environmental monitor (selected and overseen by NYSDEC), and strives to minimize impacts to the surrounding area. The monitoring data described above confirm the efficacy of these measures and provide no indication that the Facility is causing adverse environmental or health effects.</p>
<p>A commenter expressed concern about vibrations from the Facility causing cracks in the foundation of buildings.</p>	<p>S.A. Dunn is not aware of impacts to building foundations from vibrations from the Facility.</p>

Comment	S.A. Dunn's Response
A commenter asked whether there is a public record of complaints made to the Facility, and the outcomes of those complaints.	The Dunn Facility maintains a 24-hour hotline that provides simultaneous notice to S.A. Dunn and NYSDEC when a complaint is received. S.A. Dunn begins an investigation of complaints received on the hotline within one hour of receipt, and diligently pursues the investigation and reports the results of the investigation to NYSDEC within 48 hours.
Additional Comments	
A commenter stated that she can see the Dunn Facility from her home, and she supports the Facility.	Comment acknowledged.
A commenter expressed support for the Dunn Facility due to its economic contributions to the community.	Comment acknowledged.
Commenters expressed opposition to the permit renewal application.	Comments acknowledged.
A commenter stated that the permit should not be granted without the consent of the people.	Comment acknowledged.
A commenter stated that he could not easily see the presentation.	The presentation from the public participation meeting is available on the Dunn Facility's website .
Commenters expressed concern about the audio quality on Zoom.	S.A. Dunn retained an outside vendor to enhance the audio portion of the meeting recording, and posted the recording on the Dunn Facility's website . S.A. Dunn is also providing these written responses to ensure all comments are addressed. There will be another public participation meeting at a future date to provide further opportunity for comment.

Comment	S.A. Dunn's Response
<p>Certain residents expressed frustration that the public participation meeting was led by S.A. Dunn, rather than NYSDEC.</p>	<p>CP-29 provides that the permit applicant implement the PPP and host any public participation meetings. NYSDEC will offer its own opportunities for public input on the permit application.</p>
<p>A commenter asked about engaging non-English speaking members of the community and a local refugee population in the permit renewal process.</p>	<p>The notice of the public participation meeting included, in Burmese, an offer to translate the notice and other project documents into Burmese upon request.</p> <p>S.A. Dunn encourages any non-English speaking community members to reach out if translations of project documents are required. If requested, S.A. Dunn will also add community members or organizations to the list of project stakeholders to ensure they receive notice of future public meetings and comment opportunities.</p>
<p>What are your qualifications to address environmental justice issues?</p>	<p>S.A. Dunn developed a PPP in close coordination with NYSDEC. As envisioned by CP-29, the permit applicant implements the PPP and hosts any public participation meeting. While CP-29 does not require specific qualifications related to environmental justice, S.A. Dunn has significant experience engaging with local communities.</p>
<p>A commenter asked about compliance with the Environmental Rights Amendment.</p>	<p>The Dunn Facility employs numerous means of controlling groundwater and surface water impacts, air emissions, and dust and mitigating the potential for offsite impacts, and is subject to strict oversight by the NYSDEC. Recent monitoring and sampling by state and county agencies and S.A. Dunn, including testing for hydrogen sulfide, particulates, lead, and PFAS, confirm the efficacy of these control measures.</p>