


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2022-0183</p>
<p>In the Matter of the Application of</p> <p>SOLVAY USA INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 1, 2022</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Solvay USA, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a waste disposal area in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Town of Moriah, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when any authorized activity commences.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is located on Switchback Road and Cheney Road in the Town of Moriah, Essex County, in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map. The site is described in a deed from WR Metals Industries, Inc. to Rhone-Poulenc (n/k/a Solvay USA, Inc.), dated March 27, 1986, and recorded in the Essex County Clerk's Office at Book 852, Page 287.

The project site is improved by abandoned mining infrastructure and tailings piles dating from the 1940's located on the following Town of Moriah Tax Map Parcels:

- Map 97.9, Block 1, Parcels 2, 3, 4, 5, 7 and 8; and
- Map 97.5, Block 2, Parcel 2.

The project site includes a portion of Bartlett Brook and an associated ponded area and wetlands. Additional wetlands not described herein or depicted on the Project Plans referenced below may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves demolition of existing mining equipment and structures at the former Republic Steel Mineville #7 complex. The project includes on-site disposal of clean demolition debris. Hazardous materials will be removed prior to demolition and salvageable metal and other materials will be recovered and removed from the site. Existing access to the project site is from Switchback Road and Cheney Road.

The project is shown on the following maps, plans, and reports (Project Plans):

- A table titled "Mineville #7 Site List of Structures;"
- An annotated site survey titled "Location Plan;"
- Figure 1: titled "Site Map," prepared by ERM, and stamped received by the Agency September 30, 2022;
- Figure 2: titled "Soil Erosion and Sediment Control Plan – North," prepared by ERM, and stamped received by the Agency September 30, 2022;
- Figure 3: titled "Soil Erosion and Sediment Control Plan – South," prepared by ERM, and stamped received by the Agency September 30, 2022;
- Sheet B-1 titled "Soil Erosion and Sediment Control Plan – South," prepared by ERM, and dated September 2022;
- A letter to Devan Korn, Environmental Program Specialist 2, dated 7 November 2022, Subject: Response to Questions from Adjoining Landowner; and
- A letter to Weston Davey, Historic Site Restoration Coordinator, dated 21 October 2022, Subject: Adverse Effect Finding and Mitigation Discussion.

A reduced-scale copy of Figure 1 is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any waste disposal area on Industrial Use lands in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized activities continue on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit authorizes the demolition activities and on-site waste disposal areas in the location shown and as depicted and described in the Project Plans. Any change to the location, dimensions, or other aspect of the any authorized activities shall require prior written Agency authorization.
5. All authorized activities shall only occur between 7am and 7pm. The undertaking of any authorized activity outside these hours of operation shall require prior written Agency authorization.
6. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan as depicted on Figure 2, Figure 3 and Sheet B-1.
7. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
8. Within 100 feet wetlands and waterbodies, no vegetation may be cut or otherwise removed on without prior written Agency authorization, except as authorized herein and for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

9. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
10. The undertaking of any activity involving wetlands shall require a new or amended permit.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Industrial Use land use area;
- c. will be consistent with the overall intensity guidelines for the Industrial Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this 1st day
of December, 2022.


ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

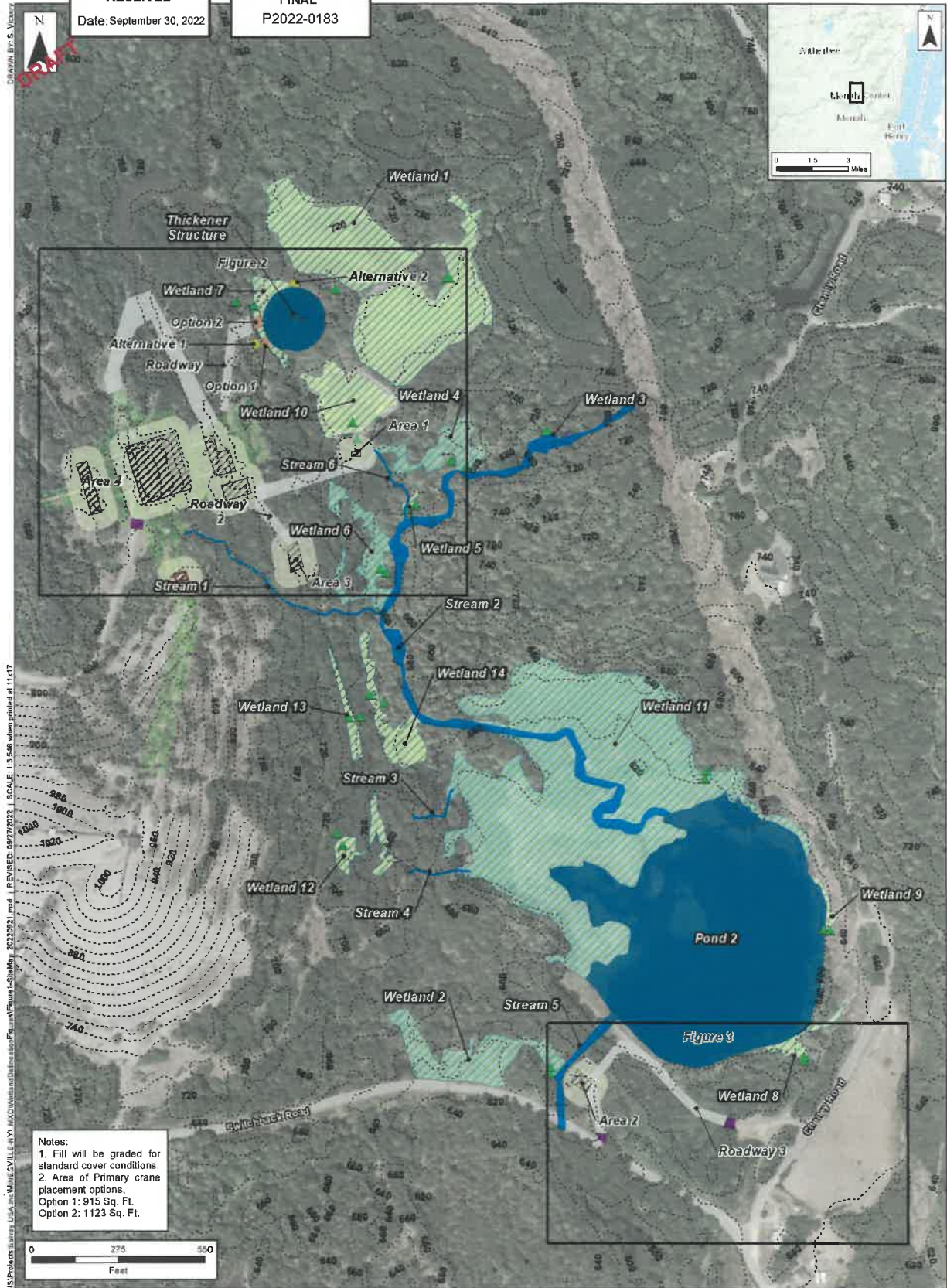
On the 1st day of December in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2025

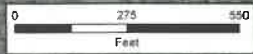

Notary Public

DATE: 09/30/2022 11:17

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Notes:
 1. Fill will be graded for standard cover conditions.
 2. Area of Primary crane placement options.
 Option 1: 915 Sq. Ft.
 Option 2: 1123 Sq. Ft.



Legend			
	Wetland Point		Stabilized Construction Entrance
	Ephemeral		Access Roadway
	Perennial		Alternative Access Roadway
	PSS/PEM		Fill Areas/Structure To Be Demolished
	PSS		Temporary Fill Staging Area
	PEM		Tree Removal Area
	Open Water Pond		Elevation Contour 2015 (20 Ft. Interval)
	Conveyor House		Alternate Crane Placement Locations
	Crane Placement Location Option		

Figure 1
Site Map
Topographic Contours
 Minesville
 Solvay USA Inc.
 Essex County, New York

Source: Esri - World Topographic Map; NAD 1983 StatePlane New York East FIPS 3101 Feet

