

February 15, 2024

Peter Bauer  
Executive Director  
Protect the Adirondacks!

Dear Peter,

I am writing to request that you take down the false and misleading information posted on Protect's website regarding the application by Barton Mines pending before the Adirondack Park Agency and the NYSDEC. These assertions attack the reputation of one of the largest, most respected employers in the region.

**Perhaps the most egregious of these is the claim that the Ruby Mine site is a solid waste management facility operating without a permit.**

Protect, through its attorney Chris Amato, made that allegation in letters to the NYSDEC and to the APA on January 4 of this year.

On January 18, the Region 5 attorney for NYSDEC, Aaron Love, wrote to Mr. Amato making it clear that DEC's regulations do not require a solid waste permit for the on-site disposal of residual minerals at a regulated mine site, as those materials are specifically exempted by 6 NYCRR Part 363-2.1.

You did not subsequently revise the statement on your website. Two weeks later, on February 1, Protect sent out an email to your members with a link to a discussion of the Barton Mine application which still contains the same false allegation.

**Unfortunately, there have been other misleading or just plain false allegations made in your public documents.**

**Some other examples include:**

**Barton is "in violation of its APA permit, which sets specific limits on the allowable size and volume" of the Residual Minerals Engineered Storage Facility, and "the APA staff recently informed Barton that it has exceeded those limits."**

The APA staff has not informed Barton that it is in violation of any aspect of its permit. Barton's permit modification application included a chart with an incorrect date and the Agency asked Barton to correct the chart and confirm that it is not operating in violation of its permit. This correction and confirmation were provided in Barton's most recent application.

**"Barton is seeking to increase the frequency of blasting."**

This is a false statement. Barton is not proposing any change to its blasting program.

**The Barton proposal “will significantly increase operations at the mine site.”**

False. Barton is not proposing to increase its operations. The amount of rock excavated or crushed at its Ruby Mountain operation will remain unchanged from current operations. Barton is simply proposing to continue the same level of production in an adjoining area of its quarry.

**Barton is seeking to “operate industrial equipment at the site 24 hours a day.”**

Barton is not proposing any changes to its currently permitted hours of operation other than extending its Monday-Friday Quarry operations for one hour, to 4:30 p.m. Since the opening of the Ruby Mountain operations in 1982, Barton has been permitted to run its processing mill and crushing operation 24 hours a day, seven days a week, and has operated in that manner ever since.

**Barton failed “to provide any engineering designs” for the Residual Minerals Engineered Storage Facility.**

Barton has engaged geotechnical experts since the inception of the mine and has constructed the residual minerals storage facility to achieve industry standard stability safety factors. Barton submitted detailed engineering designs for the Residual Minerals Engineered Storage Facility in Appendix T of its permit modification application. This includes highly technical geotechnical stability analyses and designs for current and future pile expansion plans.

I have confidence that the staff of the two state permitting agencies are capable of sorting fact from fiction in your comment letters. However, your members and the interested public, rely on your statements to accurately inform them. Barton and its employees deserve fair treatment. We would appreciate it if you would please delete or modify the information on your website.

Sincerely,

Bernard Melewski, Esq.  
On behalf of Barton Mines

Cc:  
Chris Amato, Esq. Protect  
Corrie Magee, APA  
Barbara Rice, APA  
Sarah Reynolds Esq. APA  
Beth Magee, NYSDEC  
Aaron Love, Esq. NYSDEC