

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7  
615 Erie Boulevard West, Syracuse, NY 13204-2400  
P: (315) 426-7438 | F: (315) 426-7425  
[www.dec.ny.gov](http://www.dec.ny.gov)

September 8, 2015

Christopher J. Construction LLC  
210 Christopher Circle  
Oswego, NY 13126

RE: NYS DEC ID No. 7-0556-00276/00001 Mined Land Reclamation Permit  
Mined Land ID: 71015 – Martville Mine (T) Sterling

Dear Mr. Ferlito:

Enclosed is Part One of the permit which authorizes you to operate the above-referenced mine. The permit, itself, consists of two parts. Part One consists of the enclosed permit certificate. Part Two consists of the application, plans and specifications, and other documents on file with the Department including such terms and conditions imposed. As the Permittee, you are responsible for maintaining a copy of the documents constituting Part Two available at your local office for use by Department personnel.

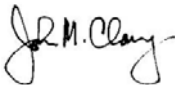
Note the expiration date. The permit may be renewed if an acceptable application is submitted sufficiently prior to that date. A renewal application involving no changes to the original plans should be submitted at least 30 days prior to the expiration of the permit. An application involving any changes to the above plans may be treated as a new application and may require a detailed environmental review, and should be submitted well in advance of the expiration date.

The Uniform Procedures Regulations provide that an applicant may request an adjudicatory hearing if a permit is denied or contains conditions which are unacceptable to them (6NYCRR Part 621.10(a)). Any such request must be made in writing within 30 calendar days of the date of this letter and must be addressed to the Regional Permit Administrator, Department of Environmental Conservation, 615 Erie Boulevard West, Syracuse, New York, 13204-2400.

If this permit is destroyed, lost or damaged, please contact this office so that a certified copy may be reissued.

If you have any questions, please contact me at **(315) 426-7445** or at [john.clancy@dec.ny.gov](mailto:john.clancy@dec.ny.gov)

Sincerely,



John M. Clancy  
Environmental Analyst

ec: Mr. David Bimber, Regional Permit Administrator, Division of Environmental Permits, Region 7 Syracuse DEC Office  
Mr. Chris Lucidi, Mined Land Reclamation Supervisor, Division of Minerals, Region 7 Syracuse DEC Office  
Mr. Mike Spadafore, Mined Land Reclamation Specialist, Division of Minerals, Region 7 Syracuse DEC Office  
Town of Sterling // File



Department of  
Environmental  
Conservation



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
CHRISTOPHER J CONSTRUCTION LLC  
210 CHRISTOPHER CIR  
OSWEGO, NY 13126  
(315) 529-4561

**Facility:**  
MARTVILLE MINE  
13181 SANFORD RD  
STERLING, NY 13111

**Facility Location:** in STERLING in CAYUGA COUNTY

**Facility Principal Reference Point:** NYTM-E: 366.969 NYTM-N: 4790.385  
Latitude: 43°15'16.3" Longitude: 76°38'20.0"

**Authorized Activity:**

This permit authorizes mining activity in Phase 1A (5.5 acres) within a 35.5 acre Life of Mine on an 82.1 acre parcel on lands owned by the permittee. Approved processing activities include screening equipment.

**Permit Authorizations**

**Mined Land Reclamation - Under Article 23, Title 27**

Permit ID 7-0556-00276/00001 (Mined Land ID 71015)  
New Permit Effective Date: 9/8/2015 Expiration Date: 9/7/2020

**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: DAVID BIMBER, Regional Permit Administrator  
Address: NYSDEC Region 7 Headquarters  
615 Erie Boulevard W  
Syracuse, NY 13204 -2400

Authorized Signature: \_\_\_\_\_

Date 9/8/2015



## Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### MINED LAND RECLAMATION PERMIT CONDITIONS

- 1. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 2. No Offsite Materials at Mine** No materials (originating from offsite sources) of any kind shall be brought into this mining operation except those specified in the approved Mined Land Use Plan.
- 3. Bond, Surety to Remain in Force** Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.
- 4. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such plans were approved by the Department on August 3, 2015 and consist of the following items:
  - A.) Narrative titled "'Mined Land Use Plan, Christopher J. Construction, LLC., Martville Mine" dated April 2015, revised and received in paper format on May 11, 2015 and prepared by Tom Giles.
  - B.) "Stormwater Control Plan, Christopher J. Construction, LLC., Martville Mine dated July 28, 2015 and prepared by Tom Giles.
    - 1.) Graphic plan titled: "Stormwater Control Plan Interim Condition" dated July 28, 2015 and prepared by Tom Giles.
  - C.) Letter titled "Preliminary Review" dated February 24, 2015 and prepared by Tom Giles.
  - D.) Graphic plans (3 sheets total) titled:
    - 1.) "Mining Plan Map" dated July 28, 2015 and prepared by Tom Giles.
    - 2.) "Reclamation Plan Map" dated July 28, 2015 and prepared by Tom Giles.
    - 3.) "Geologic Cross-Sections" dated April 2015 and prepared by Tom Giles.



- 5. No Deviation From Approved Plan** The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.
- 6. Provide Person during DEC Inspection** The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.
- 7. Mine Operation Periods** All mining, reclamation and associated activities (including but not limited to: excavating, grading, processing operations, stockpiling operations, haulage operations, and maintenance operations) shall be limited to the following times: Monday through Friday 7:00 a.m. to 5:00 p.m., Saturdays 8:00 a.m. to 4:00 p.m. Operation of the mine is prohibited on Sundays and the following legal holidays: New Year's Day, Memorial Day, Independence Day (July 4th), Labor Day, Thanksgiving and Christmas.
- 8. Cultural Resource Protection** Mining is only authorized in the following mining plan phases: Phase 1 (A and B) and Phase 4. All other phased sections shall remain undisturbed until archeological surveys are completed, reviewed and approved by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and any OPRHP mitigation requirements are met.
- 9. Tree Clearing** To reduce the potential disturbance of the Indiana Bat (*Myotis sodalis*) all tree removal operations shall be done only from November 15 to March 31.
- 10. Closure of North Entrance Road** Prior to commencement of mining operations, the applicant will close and seed the North Entrance Road to the mine.
- 11. Strip and Stockpile Soils for Reclamation** Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the Department.
- 12. Ongoing Reclamation** The permittee shall provide that reclamation will be an ongoing continuous process to the extent practical that will not interfere with safe and efficient operation of the mine. Reclamation will commence immediately upon completion of mining. The site shall be satisfactorily revegetated no later than two years after the mining ceases.
- 13. Mining at Least 5' Above Groundwater** All mining must be conducted at least 5 feet above the seasonal high groundwater table. To ensure compliance with this condition, the permittee must dig a minimum of 2 test holes in the mine floor at least five feet deep. In order to verify the required 5' separation from the seasonally high groundwater table, the test holes must be dug prior to commencement of mining, and annually in the spring of each year prior to advancing excavation in the currently approved permitted phased area. Records of such test holes, including information regarding their respective number, location and any established groundwater elevations, must be maintained by the permittee and made available upon the Department's request.



**14. No C&D Debris Disposed Within Mine Site** No construction and demolition debris as defined in Title 7 of Article 27 of the Environmental Conservation Law and as implemented by Title 6 of New York Code of Rules and Regulations, Part 360 shall be disposed of within the mine site unless the appropriate Solid Waste Management Facility Permit has been obtained in accordance with Part 360.

**15. Equipment at Mines Maintained to Minimize Noise** Equipment operation and maintenance:

- a. All equipment to be used in mining and mineral processing shall be maintained in proper operating conditions.
- b. All factory installed or added environmental controls and suppressors and mufflers must be utilized at all times.
- c. Mining equipment shall be operated in a manner so as to reasonably minimize noise levels during operating hours.

**16. Leave Sufficient Materials to Meet Final Grades** Sufficient materials shall be left in place in areas to be sloped (along the perimeter of the mine) to achieve the final approved grades without backfilling.

**17. Keep Mine Access Roads Clean** All mine access roads intersecting paved or public roads shall be kept free of any spilled and/or tracked materials.

**18. Load Trucks in Conformance with Vehicle and Traffic Law Section 380-a(1)** The permittee shall ensure that all trucks are loaded in conformance with Vehicle and Traffic Law Section 380-a(1). Open trucks or trailers utilized for the transportation of minerals shall be equipped with a cover, tarpaulin or other device which completely closes in the opening of the truck while in operation, unless the load is arranged so that no mineral can fall from or blow out of such truck.

**19. Permit Does Not Apply to Structures and Safety Aspects** Unless expressly provided for, the issuance of this permit does not apply to any structures contained on the plans or in the specifications, nor does this permit apply to safety aspects of the operation and/or reclamation plan.

**20. Human or Archaeological Remains** If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator  
NYSDEC Region 7 Headquarters  
615 Erie Boulevard W  
Syracuse, NY13204 -2400

Work shall not resume until written permission to do so has been received from the Department.

**21. Fueling of Equipment and Reporting of Spills** Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the Department's Spill Response number for immediate access in the permittee's office and at the mine site.



**22. No Unpermitted Discharge Outside Limits of Mine** There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

**23. Maintain Area Markers for Permit Term** The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

**24. Dust Control** Water or other approved dust palliatives must be applied to haulageways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the mine property.

**25. File Termination Notice** If the permittee decides to discontinue operation, a termination notice must be filed 60 days prior to the scheduled temporary or permanent cessation of mining.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 7 Headquarters  
615 Erie Boulevard W  
Syracuse, NY13204 -2400

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Mined Land Reclamation.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.