

September 12, 2011

LuAnn Jenkins
Town of Russia
3619 North Main Street
Poland, NY 13431

via UPS

**Subject: Draft Scoping Document
Proposed Asphalt Batch Plant
Certified Road Constructors, Inc.
d/b/a Material Sand & Gravel (MLF# 60053)
Town of Russia, Herkimer County, New York**

Dear Ms. Jenkins:

Enclosed please find ten copies of the Draft Scoping Document prepared for a Draft Environmental Impact Statement for the proposed asphalt batch plant to be located at the above-referenced mining operation. If you have any questions regarding this information please contact me at 518.270.1620 ext. 101.

Sincerely,

H2H Associates, LLC



Paul Sleasman
Project Geologist

Attachments as noted

- c. Jude Clemente (Material Sand & Gravel), w/attach
Andrew Gilchrist, Esq. (Tuczinski, Cavalier, Gilchrist & Collura, P.C.), w/attach
Richard A. Hisert, Ph.D. (H2H Associates, LLC), w/attach

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

DRAFT SCOPING DOCUMENT

For a Draft Environmental Impact Statement (DEIS)

PROPOSED ASPHALT BATCH PLANT

Hinckley Road (East Side), North of County Route 47
Town of Russia, Herkimer County, New York

SEQR CLASSIFICATION: Unlisted

LEAD AGENCY

Town of Russia Planning Board
P.O. Box 126
Poland, New York 13431

LEAD AGENCY CONTACT PERSON

Carolyn Hayes, Chair
Town of Russia Planning Board
P.O. Box 126
Poland, New York 13431
(315) 826-3432

PROJECT SPONSOR/APPLICANT

Certified Road Constructors, Inc.
d/b/a Material Sand & Gravel
P.O. Box 8
West Sand Lake, New York 12196

PROJECT SPONSOR CONTACT PERSON

Andrew Gilchrist, Esq.
Tuczinski, Cavalier, Gilchrist & Collura, P.C.
54 State Street, Suite 803
Albany, New York 12207
(518) 463-3990

LIST OF INVOLVED AGENCIES

- Town of Russia Planning Board

LIST OF INTERESTED AGENCIES

- Town of Deerfield Town Board
- Town of Trenton Town Board
- Oneida-Herkimer County Planning Board
- County of Herkimer Highway Department
- Village of Herkimer Water Supply
- New York State Department of Environmental Conservation

Introduction

- The Town of Russia Planning Board has determined that the proposed installation of an asphalt batch plant at the above-referenced facility may have a significant impact on the environment and has requested that a Draft Environmental Impact Statement (DEIS) be prepared. The proposed action to be evaluated in the DEIS is the addition of an asphalt plant to the southeastern corner of the Site within the New York State Department of Environmental Conservation (NYSDEC) permitted Life of Mine/Affected Area Boundary. This document is intended to serve as the foundation for the identification and evaluation of all potentially significant adverse impacts that are pertinent to the proposed action, and to identify

appropriate mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant.

Description of the Proposed Action

The applicant is proposing the construction and operation of a 5-ton asphalt batch plant (Project) at its existing mining operation located on Hinckley Road in the Town of Russia, New York (Figure 1). The proposed plant will have a maximum capacity of 200 tons/hour. The overall footprint of the asphalt plant itself is approximately 0.4 acres. The mining operation encompasses approximately 368 acres, of which approximately 338 acres are permitted by the NYSDEC to be affected by mining (Attachment 1). Within the 338 acres there are several mining areas that consist of, from east to west, the South Bank, Main Bank, North Bank, Items Area, and the Bedrock Excavation Area (Figure 2).

The current mining operation consists of the excavation, removal, processing of sand and gravel, and crushing of rock; drilling, blasting, excavation and processing of the consolidated materials (i.e. bedrock), soil-overburden stripping and stockpile activities; grading seeding and reclamation activities as well as maintenance of the fixed processing and mobile equipment. Specific equipment on Site includes, front end loaders, off-road haul trucks, on-road haul trucks, bull dozers, excavators, a dry aggregate processing plant, a wet aggregate processing plant, a jaw crushing plant, and generators. The processing plants generally include: a series of rock crushing systems (primary, secondary, and tertiary crushers), a stacked series of material screen decks, motors, conveyors, belts and pullies. The Site processing areas are located on the eastern side of Hinckley Road where customers are loaded for off-site transport.

General Scoping Considerations

The applicant will prepare a Site-specific, Project-specific Draft Environmental Impact Statement (DEIS) addressing all items identified in this Scoping Document. The applicant will follow the SEQR regulations (6NYCRR 617) for direction on the required content of a DEIS. The DEIS will assemble relevant and material facts. It will be clearly and concisely written in plain language that can be easily read and understood by the public. Unless otherwise specified, all measurement units in the DEIS shall be English units (e.g., feet, acres, miles etc.). Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DEIS and included as an appendix. In addition, all project correspondence from involved and interested agencies will be included in an appendix to the DEIS.

The DEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the Project area. The DEIS will group each issue identified into one section describing existing setting, impacts, and mitigation to permit more efficient review.

The full DEIS shall be made available to the lead agency in both hard copy and electronic formats. The electronic format will be in Adobe® Acrobat® (*.pdf) file on CD-ROM. When the DEIS is accepted for public review by the lead agency, sufficient hard copies will be provided to allow placement of a copy at the local library and Town office for public review during normal business hours. In addition, the full DEIS will be posted on a public website for public review, in accordance with 2005 amendments to the SEQR law.

Contents of the DEIS

Cover Sheet listing title of project, location, identification as a DEIS, Lead Agency, applicant, preparer, and relevant dates (i.e. date of document preparation and spaces for dates of DEIS acceptance, public hearing, final date for acceptance of comments). A list of preparers will include the firm name, contact name, address, and phone number for all consultants who helped prepare the document. The Lead Agency and applicant will be identified with a contact name and a phone number.

Table of Contents including listings of primary DEIS sections and subsections, tables, figures, drawings, appendices, and any items that may be submitted under separate cover (and identified as such), with page numbers listed for each.

I. EXECUTIVE SUMMARY

The Executive Summary will include a brief description of the proposed action and a listing of all potential environmental impacts and proposed mitigation measures. A summary will be provided of the approvals and permits required, and of the alternatives to the proposed action that are evaluated in the DEIS. The Executive Summary will only include information that is found elsewhere in the main body of the DEIS.

II. DESCRIPTION OF THE PROPOSED ACTION

This chapter of the DEIS will describe the project site and its location within the region, the proposed project, the public need and objectives of the project sponsor, and list required approvals, reviews, and permits.

A. Site Location and Description

1. A written and graphic description of the location of the project site in the context of the County of Herkimer, the Town of Russia, including tax map numbers and list of abutting properties tax map numbers. The site shall be described relative to surrounding land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the project site.
2. A brief description of the environmental setting of the site, and the natural resources identified thereon and in the adjoining areas. This description shall include a brief history of site use, current uses of the site and/or past activities and man-made facilities thereon.
3. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential.
4. Description of the existing infrastructure serving the project site and/or its immediate environs, including existing site access and road networks.

B. Description of the Proposed Action

1. Written and detailed description of the proposed action, including the proposed use, design, layout, phasing and construction schedule.
2. Identify zoning and describe existing land uses for the project site and adjoining properties.
3. Identify alternatives to the proposed action under consideration, along with a reference to detailed evaluation contained in latter portions of the DEIS.

C. Project Purpose and Need

1. Discuss the purpose or objective of the project.
2. Identify the public need for the proposed action.

D. Approvals, Reviews and Permits

1. List and describe all required local, state, and federal approvals, reviews, and permits required, by each involved agency, to implement the proposed action together with the status of each application.
2. List all Involved and Interested Agencies for DEIS distribution.

III. ENVIRONMENTAL SETTING, IMPACTS, MITIGATION

This section of the DEIS will identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail should be provided so that reviewers are able to gain an understanding of current conditions and impacts. Special effort should be made to explain technical information in lay language with supporting tables and maps.

Proposed and potential mitigation measures for identified adverse environmental impacts should indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons therefore. Unavoidable adverse environmental impacts should also be identified.

The format or organization of this section will include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues:

Environmental Setting
Potential Impacts
Mitigation Measures

The Town of Russia Planning Board has identified several potential issues to consider in preparing the DEIS. These issues have been identified due to the Planning Board's concern that existing environmental conditions may change as a result of the proposed action. The potential issues include surface water and groundwater quality, surface water quantity, air quality, aesthetic resources, historical and archeological resources, transportation, noise, public health, community character, and property values.

A. Surface Water Resources

1. Surface water features will be mapped and described. These will include all NYSDEC classified streams and waterbodies, federally-regulated wetlands, state-regulated freshwater wetlands, vernal pools and the 100-year floodplain. These features will be shown on a map of surface water resources. The direction of surface water flow within and between surface water bodies shall also be described and mapped. The function of the wetlands and other water bodies, such as points of recharge, discharge, entrapped, low flow, etc., shall be defined with respect to surface water and groundwater flow.
2. A description of the project's permanent and temporary direct impacts to surface waters by waterbody type will be provided.
3. Stormwater Management. The DEIS will summarize a Stormwater Pollution Prevention Plan (SWPPP) for the proposed action, prepared in accordance with the NYSDEC's State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002). The full SWPPP will be included as an appendix to the DEIS.

4. The project's potential indirect impacts on surface water bodies related to water use will also be provided.

B. Ground Water Resources

1. The groundwater resources of the site will be described using available literature regarding the geology and hydrology of the region and site; any on-site information collected during subsurface investigations, including geotechnical and soil borings, well drilling activities, and observations and mapping of surface water resources.
2. The relative elevations of groundwater and surface waters in proximity to the proposed action will be determined.
3. Potential areas of direct groundwater recharge will be described and identified on a site map.
4. Include a discussion of the potentially karstic characteristics of the aquifer on the site and potential impacts of the project on groundwater. Other sources of potential impacts to groundwater quality shall also be included, as identified.
5. Measures to mitigate potential impacts to groundwater quantity, quality, or elevations that are identified will be described and evaluated.

C. Transportation

1. A Traffic Study will be conducted which will evaluate existing traffic conditions compared to conditions that would be anticipated from implementation of the proposed action. The study will address potential impacts associated with implementation of the proposed action, and will identify proposed traffic and safety improvements or other mitigation measures designed to lessen the impact of the project on the adjacent road network. The study will include the ability of existing roadway structures (i.e., pavement section, width, geometry, etc.) to accept additional traffic. All of the data collected and analyzed will be summarized in maps or tables.
 - a. Peak Hours. The typical AM and PM peak hours for a weekday will be determined and AM and PM peak hour traffic volume counts and analysis of intersections and turning movements will be conducted on a Tuesday, Wednesday or Thursday to accurately measure the existing traffic. Weekend traffic analysis is also to be conducted during the Saturday midday peak hour period only for those intersections determined, based on ATR data, to be within 20 percent of the highest weekday counts, or higher. Data will be collected when public schools are in session, and ATR's placed for one continuous week will be used to verify the peak hour periods.
 - b. Roadway analysis. The following existing streets will be inventoried to determine street widths, shoulder conditions, speed limits, prevailing speeds, number of travel lanes, sight distance measurements at intersections with restrictive conditions, traffic control devices, signs, and markings. Sight distance and intersection conditions of the study area intersections shall be included.
 - Hinckley Road (County Route 205)
 - Russia Road
 - Gravesville Road (County Route 242)

- c. Analysis of Impacts. The analysis will include evaluation of other known area projects at the time that the traffic study is undertaken. The study will include applicable development projects under construction, and development projects approved and not yet under construction, and shall consider traffic volumes and turning movements as well as road alignment, intersections and other considerations. The build year at which time the project will be completed will be analyzed. The capacity of each intersection for the existing, no-build, and build conditions will be calculated.
- d. Mitigation. Mitigation in the form of recommendations for roadway and intersection improvements, traffic controls, signal modification, timing revision, future monitoring shall be discussed.

D. Aesthetic Resources

1. Describe the visual character of the project site environs through the use of narrative text and one or more of the following: aerial photographs, plans, sections, visual sight line profiles. Provide a viewshed map showing important points from which this site can be viewed using the NYSDEC Program Policy, Assessing and Mitigating Visual Impacts, DEP-00-2 as a guideline. The analysis will describe:
 - a. The existing visual character as viewed from public roads or properties, including main structures on the site.
 - b. The change in visual character resulting from implementation of the proposed action.
 - c. Mitigation measures proposed to lessen the visual impact of the proposed action including but not limited to such matters as landscaping, preservation of existing vegetation and woodlands, and preservation of existing topography.
 - d. If mitigation is necessary, describe the landscaping/revegetation elements to be integrated into the plan to mitigate potential visual impacts.
 - e. Specific attention shall be paid to visual effects during both day and night time conditions. Site lighting shall be considered. Mitigation measures related to sight lighting shall be identified.

E. Historic and Archaeological Resources

1. Contact the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine the presence of and potential impact on historic and archaeological resources that may be located on the project site. Provide copies of all correspondence from OPRHP in an appendix to the DEIS.
2. Describe the findings of any cultural resource investigation if same is required by OPRHP. Provide copies of any cultural resource survey performed on the site as an appendix to the DEIS.
3. Discuss mitigation measures proposed or alternatives considered as deemed advisable by OPRHP in consultation with the professional archaeologist.

F. Community Character and Property Values

1. This section should provide a detailed discussion on how the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:
 - a. A description of how the changes in land use on the project site will affect the surrounding neighborhood.
 - b. A summary of how activities on the project site, such as the location of the proposed asphalt batch plant, construction of access roads and driveways, truck loading/ unloading areas, lighting, odors, noise, etc., will impact surrounding residences.
 - c. The DEIS will address the impact, if any, of the operation of the proposed batch asphalt plant on the community residential real property values.
 - d. A summary of how this project is in compliance with the Comprehensive Plan and meets the goals of the community.
 - e. The consistency of the proposed project with the existing zoning and special permit requirements.
 - f. Impacts on community services such as fire and police protection, schools, parks & recreation, etc.
 - g. Impact on local government finances and tax revenues.
 - h. Number of jobs the project will create.
 - i. How this project could potentially impact future development trends.
2. Identify potential ways to lessen any negative impacts of the project. Mitigation measures that should be considered include:
 - a. Maintain and replace any landscaping and screening as necessary.
 - b. Maintain a natural wooded buffer between this project and the adjacent residential neighborhoods.
 - c. Provide alternative designs of the site layout.
 - d. Provide additional aesthetic improvements as needed.

G. Noise and Air Resources

1. The DEIS will evaluate the potential impacts to noise levels and air resources and will identify appropriate mitigations to reduce it, including the potential environmental impacts anticipated due to the noise to be generated by site clearing, plant construction (including hours of construction operations), truck traffic, and the post-construction operational noise to the surrounding area, if any. Potential environmental impacts anticipated will be described.

2. Relevant portions of the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts (#DEP-00-1) will be used to assess the potential noise impacts resulting from the operation of the proposed asphalt batch plant.
3. The DEIS will address the effect on existing areas of changed traffic patterns and road connections.
4. Discussion should include any potential for adverse odors related to the operation of the proposed asphalt batch plant and present mitigation measures.

H. Public Health

1. The DEIS will review whether the proposed action poses any threats to public health.
2. The DEIS will address any potential public health and safety issues associated with the proposed project and will identify mitigation measures to reduce or eliminate significant adverse public health and safety impacts expected as a result of the proposed project.

IV. UNAVOIDABLE ADVERSE IMPACTS

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures, and will compare in summary form the beneficial and adverse implications of any such unavoidable impacts. Discussion will also include short term, temporary construction impacts.

V. ALTERNATIVES

The DEIS will include a description and evaluation of the range of available reasonable alternatives to the proposed project. Each alternative will be addressed in sufficient detail to enable a comparison of associated environmental impacts as well as the effectiveness of the alternative in promoting or attaining the goals and objectives of the proposed project. Additional criteria identified for the purposes of evaluating each of the alternatives will also be presented in the DEIS. At a minimum, the following alternatives available to the proposed action will be presented in the DEIS:

1. No Action Alternative – An evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken.
2. Layout Reconfiguration/Alternative Haul Road – An evaluation of an alternative haul road layout that would reduce and/or eliminate truck traffic on Hinckley Road (CR 205).

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identification of those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action.

VII. GROWTH INDUCING ASPECTS AND CUMULATIVE IMPACTS

Potential growth-inducing aspects, including short and long term, primary and secondary/indirect impacts, generated by the project will be described and mitigation measures discussed, if necessary. Potential cumulative impacts, including cumulative traffic impacts, will be identified and evaluated.

VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

A description of the effect of the proposed action on the short and long term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long term operation.

IX. APPENDICES

The appendices will include a list of all underlying studies and reports relied upon in preparing the DEIS, technical exhibits and studies background information relevant to the proposed action such as the adopted Scoping Document and other relevant SEQR documents, and relevant correspondence.

ATTACHMENT 1

NYSDEC MINED LAND RECLAMATION PERMIT

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 6

207 Genesee Street, Utica, New York 13501-2885

Phone: (315) 793-2554 • FAX: (315) 793-2748

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

August 27, 2009

Material Sand & Gravel
34 Grange Rd
PO Box 8
West Sand Lake, NY 12196-0008

**RE: Mined Land File #60053, DEC ID #6-2144-00031/00001
Russia – T, Herkimer County**

Dear Sir:

Enclosed is the mining permit for your mine located on Hinckley Road in the Town of Russia. The permit will expire on June 9, 2014. A complete renewal application should be submitted no later than thirty (30) days before the expiration date.

This permit must be publicly displayed at the mine and must always be visible. If you decide to cease mining at the site, a termination notice must be filed with the New York State Department of Environmental Conservation.

Issuance of this permit does not release you from the need to comply with all other State Environmental Conservation Laws, local ordinances or regulations. This permit allows you to operate your mine consistent with the Mined Land Reclamation Law, the rules and regulations, and the mined land-use plans submitted as part of your permit application. In addition, **please note and follow all special conditions listed in the permit. Please note that Conditions # 26 and #30 have changed.**

If there are questions on any of these matters, please feel free to call me.

Sincerely,

Patrick M. Clearey
Deputy Regional Permit Administrator
Region 6 – Utica

Enclosure

cc w/enclosure: Frances Donley, Supervisor CERTIFIED MAIL RETURN RECEIPT



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

MATERIAL SAND AND GRAVEL INC
34 GRANGE RD
PO BOX 8
WEST SAND LAKE, NY 12196-0008

Facility:

GRAVESVILLE PLANT
HINCKLEY RD - E SIDE - N OF CO RTE 47
GRAVESVILLE, NY 13431

Facility Application Contact:

ANDREW E CLEMENTE
MATERIAL SAND & GRAVEL CO.
PO BOX 8
WEST SAND LAKE, NY 12196-0008
(518) 674-2893

Facility Location: in RUSSIA in HERKIMER COUNTY **Village:** Russia

Facility Principal Reference Point: NYTM-E: 491.049 NYTM-N: 4789.64

Latitude: 43°15'34.3" Longitude: 75°06'37.0"

Project Location: Hinckley Rd

Authorized Activity: The mining of sand, gravel & consolidated limestone in accordance with the approved mining and reclamation plans described in Permit Conditions # 13 and 14. Total acreage controlled by the permittee is 368.0 acres. Approved operations involve a total of 134.4 acres of affected land during the 5-year permit term. This acreage is a portion of a "major" mining activity as defined under 6NYCRR Part 620, identified in the approved mined land use plan within a life of mine area of 338.1 acres, of which includes a 57.4 acre area east of Hinckley Road for the mining of consolidated limestone. The mine is located both east and west of Hinckley Road, with the mine entrance approximately 1000' north of the intersection with Russia Road. Provisions allow for blasting to facilitate the excavation of limestone and mineral processing operations at the site.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27

Permit ID 6-2144-00031/00001

(Mined Land ID 60053)

Renewal

Effective Date: 6/10/2009

Expiration Date: 6/9/2014

Modification # 1

Effective Date: 8/27/2009

Expiration Date: 6/9/2014

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.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Facility DEC ID 6-2144-00031

Permit Administrator: PATRICK M CLEAREY, Deputy Regional Permit Administrator
Address: NYSDEC REGION 6 UTICA SUB-OFFICE
STATE OFFICE BLDG - 207 GENESEE ST
UTICA, NY 13501-2885

Authorized Signature:

Patrick M. Cleary

Date

8/28/2009

Distribution List

ANDREW E CLEMENTE
FRANCES DONLEY
NYS DEPT OF TRANSPORTATION
CHRISTOPHER M LUCIDI
Law Enforcement

Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Blasting Chart - Ground Vibration Limits

MINED LAND RECLAMATION PERMIT CONDITIONS

- 1. 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.
- 2. Spring House, at Elevation 921** To prevent potential impacts to the spring house (shown on Sheet 1 of 5 at elevation 921), mining will occur no deeper than 5 feet above till or bedrock in the area outlined in the Mining Plan Map (Sheet 1 of 5 amended 6/1/98).



3. **Air Blast Limits** Air blast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

0.1	Hz high-pass system	134 dB
2	Hz high-pass system	133 dB
5 or 6	Hz high-pass system	129 dB
c-slow	(events not exceeding 2-sec. duration)	105 dB

4. **Licensed Blaster Required** All blasting shall be undertaken, monitored and recorded by a blaster licensed by the New York State Department of Labor. The permittee shall maintain copies of all blasting records. Such records shall be made available to the Department (NYSDEC) upon request.

5. **Consolidated Reclamation** All faces resulting from consolidated mining identified within the 57.4 acre bedrock excavation area shall be scaled to a final grade of one foot horizontal to every 1 1/2 feet vertical. All final slopes and mine floor(s) in the 57.4 acre bedrock excavation area must be covered with a minimum of two (2) feet of overburden and then topped with a minimum of six inches of cover material with a soil composition capable of sustaining plant growth.

6. **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.

7. **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.

8. **Blasting Procedures** The permittee shall follow standard acceptable industry practices for quarry blasting and the protocols set forth in their Overview of Blasting and Best Management Practices document dated February 2006, including the items listed below and allowing for the more restrictive time constraints of item c:

- a) Blasting occurrences will be limited to once or twice a month.
- b) A list of neighbors within 1/4 mile who wish to be notified prior to blasting will be established. These neighbors must be notified of the impending blast by no later than 9:00 a.m. on the date of the blasting.
- c) Blasting shall take place between 11:00 a.m. and 5:00 p.m. Monday through Friday. Blasting shall not occur on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day.
- d) All blasts shall be designed and implemented following proper blast practices in accordance with the requirements of the Mine Safety Health Administration.
- e) The blaster shall review the drill logs and make any adjustments needed to account for the conditions of the holes.
- f) Blasting will be scheduled so as to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.



g) Appropriately sized crushed stone stemming or stem caps will be used for the size of the hole. Drill cutting shall not be used as stemming.

h) A warning siren shall be used in a distinctive manner immediately prior to each blast.

9. Seismograph Monitoring All blasts shall be monitored with a properly calibrated seismograph. Seismographs shall be installed at the nearest residential receptor and any locations identified within the approved Mined Land Use Plan or locations determined by the Department. Seismograph records shall be provided to the Department upon request.

10. Vibration Standards Blasting shall be controlled so that vibrations (Peak Particle Velocity) satisfy the Variable Particle vs. Frequency Limits recommended by the U.S. Bureau of Mines Report - 8507 (November 1980). If measurements are made at other than the nearest residential structure, the measurement shall be interpreted in accordance with U.S. Bureau of Mines Report - 8507.

11. Post Sign and Permit The enclosed permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements at all times.

12. 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.

13. 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 Christopher M. Lucidi on August 27, 2009 and consist of the following items:

Mined Land Reclamation Plans developed by Griggs-Lang Consulting Geologists dated 2/06 and updated by George L. Marshall Engineering Geologists, LLC on 5/09 and all the provisions of permit condition #14. Modification Application submitted by George L. Marshall Engineering Geologists, LLC on 8/09 containing a Stabilized Construction Entrance Details Map, NYS Route 28 Entrance Plan View, New York State Department of Transportation Highway Work Permit & a Special Use Permit issued by the Town of Russia.



14. Conformance With Mined Land Use Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such plans were approved by Christopher M. Lucidi, Mined Land Reclamation Specialist 1, NYSDEC Region 6, on August 27, 2009 and Jerome E. Zaykoski, Supervising Mined Land Reclamation Specialist, NYSDEC Region 6, on August 10, 2006 and consist of the following items: 1) Mined Land Use Plan prepared by George Marshall LLC., and including the mining plan map dated 2/87 and revised on 6/3/04 and 4/24/09 and the reclamation plan map dated 2/87 and revised on 9/15/03. 2) Mined Land Use Plan prepared by Griggs-Lang Consulting Geologists and dated 3/05 with revised mining plan map dated 4/8/05 and revised reclamation plan addendum dated 3/4/05. 3) Mining Permit Modification prepared by Griggs-Lang Consulting Geologists and dated February 2006. 4) Modification Application for the use of the NYS Route 28 Entrance submitted on 8/09.

15. 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.

16. 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.

17. 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.

18. 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.

19. Keep Roads Clean The surface of any paved road that intersects with the entrance/exit to the mine and the entrance/exit areas shall be kept free of any spilled and/or tracked materials which can cause dust, slippery conditions or any other condition that is unhealthy or unsafe.

20. Minimum 25' Separation From Property Line No mining activity of any kind, including clearing, grubbing or stockpiling of overburden or product, shall occur within 25 feet of any adjacent property line or right of way. When mining is conducted lower than the adjacent property, the distance from the floor of the unconsolidated sand and gravel mine, to the nearest property line shall be no closer than 25 feet plus 1 1/2 times the depth of the excavation. When mining is conducted lower than the adjacent property, the distance from the floor of the consolidated limestone mine, to the nearest property line shall be no closer than 25 feet plus 1 1/4 times the depth of the excavation.



21. Mining at Least 5' Above Groundwater Except in the area west of Hinckley Road that was previously approved, as addressed on Mining Plan Map prepared by Griggs-Lang dated March 2005, and updated on March 2005 and April 8, 2005, all mining must be conducted at least 5 feet above the mean annual high groundwater table (refer to crosshatched area on this map). The permittee must excavate test holes in the mine floor at least five feet deep in order to determine compliance with this condition. These test holes must be excavated at least one month prior to each working season and no more than one month after the end of a working season.

22. 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.

23. Bury, Remove Wastes All waste generated by mining activity, including trees, stumps, brush and rock rubble must be buried at the mine site or otherwise disposed of in a manner approved by the Department.

24. No Mining Below Final Grade There shall be no mining below the grades shown on the approved map and/or cross sections in any area of the mine. There shall be no backfilling in any mine floor area in order to achieve the final grades.

25. Soil Cover for Plant Growth Portions of the permit area incapable of supporting vegetative growth shall be covered with a minimum of six inches of cover material with a soil composition capable of sustaining plant growth.

26. Hours of Operation Mining activity, mineral extraction, processing of minerals, loading of finish products and trucking activity for removal of materials or products from the site shall be limited to the following hours of operation (See Condition 8.c above):

Monday - Saturday	6:30 a.m. - 7:00 p.m.
Sunday & Holidays	NO OPERATIONS

Ex-Hathaway/Jenkins Properties:

Monday - Friday	6:30 a.m. - 5:00 p.m.
Saturday, Sunday & Holidays	NO OPERATIONS

27. 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.



28. Notification of Haulers The permittee shall notify all haulers in writing of the hours of operation and encourage them not to arrive at the facility any earlier than ten (10) minutes prior to the official opening (6:30 a.m.). A large sign indicating this requirement shall be conspicuously posted at the mine entrance.

29. Improved Site Distance To improve the site distance for westbound traffic at the Gravesville Road/haulageway intersection the permittee will perform the recommendations listed as an attachment to the March 29, 2004 response to comments (Exhibit 2, including Figure 1, dated March 10, 2004).

30. Route 28 Access Road The permittee is authorized to use the access road to NYS Route 28 shown within the life of mine boundary on the Mining Plan Map. The Hours of Operation (see condition #26) apply to the use of the NYS Route 28 access road.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:
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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 6 UTICA SUB-OFFICE
STATE OFFICE BLDG - 207 GENESEE ST
UTICA, NY 13501 -2885



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 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.



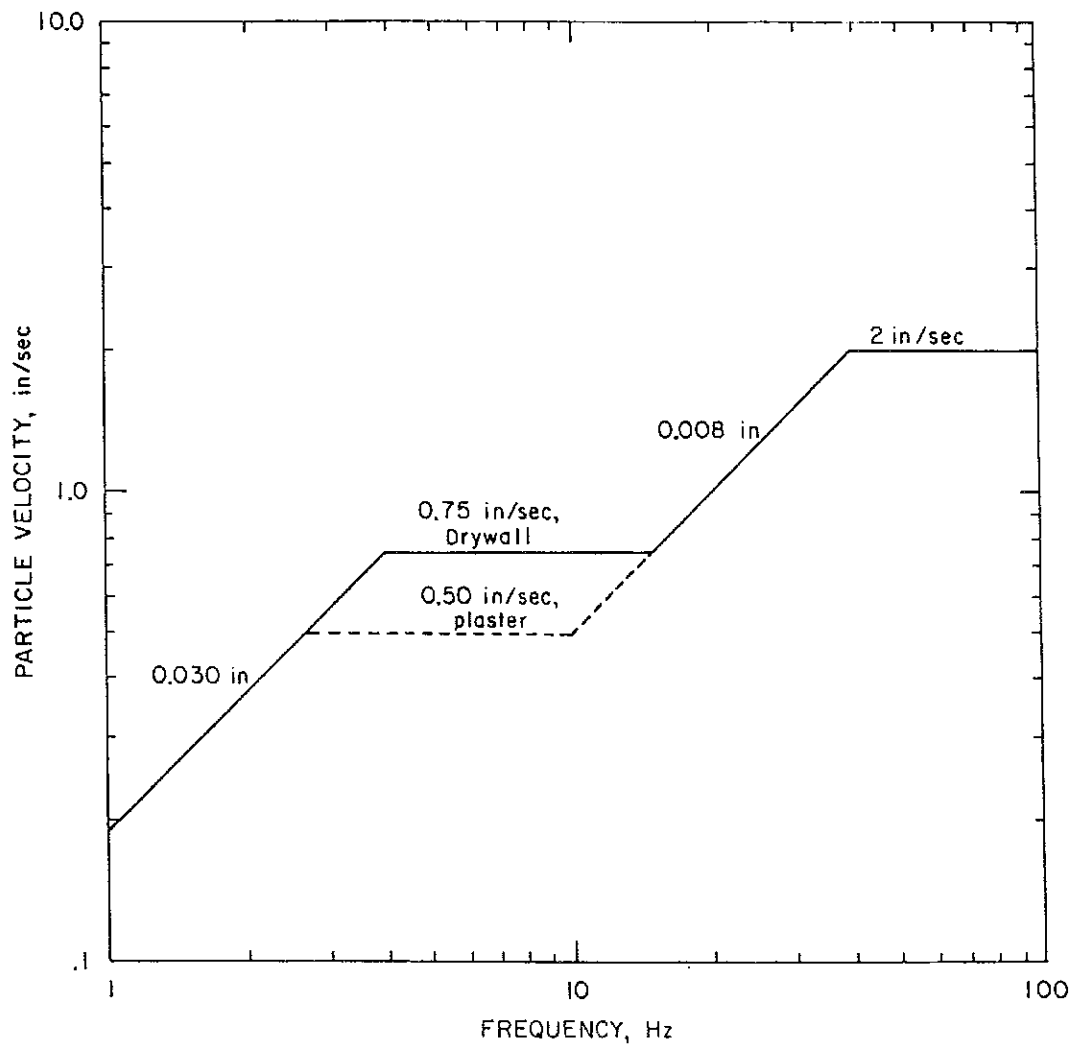
Item C: Permittee Responsible for Obtaining Other Required Permits

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.

BLASTING CHART - GROUND VIBRATION LIMITS



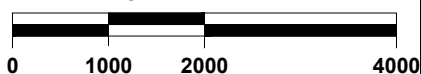
RI-8501 Figure B-1. Safe levels of blasting vibration for houses using a combination of velocity and displacement.

From: Siskind, D. E., Stagg, M. S., Kopp, J. W., and Dowding, C. H., 1980, Structure Response and Damage Produced by Ground Vibration From Surface Mine Blasting, Bureau of Mines Report of Investigation RI-8507, United States Department of the Interior, 74 p.

FIGURE 1
SITE LOCATION MAP



SCALE IN FEET



DRAWN BY:	LAS
DESIGN BY:	
CHECK BY:	RAH
PROJ. NO :	PROJ. NO
SCALE :	AS SHOWN
DATE :	04/25/11

SITE LOCATION MAP		
GRAVESVILLE OPERATION		
MATERIALS SAND AND GRAVEL		
TOWN OF RUSSIA	HERKIMER COUNTY, NY	
 H₂H ASSOCIATES, LLC 179 RIVER STREET, TROY, NY 12180 518.270.1620		
FIGURE 1		

FIGURE 2
SITE PLAN MAP

DATE	REVISIONS RECORD/DESCRIPTION	
	1	
	2	
	3	
	4	
	5	
	6	

DRAWN BY :	TRT
DESIGN BY :	PLA
CHECK BY :	RAH
PROJ. NO :	PROJ. NO
SCALE :	1" = 300'
DATE :	4-21-11

MATERIAL SAND AND GRAVEL (GRAVESVILLE PLANT)

HERKIMER COUNTY, NY



FIGURE 2