



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

**Permittee and Facility Information**

**Permit Issued To:**  
Thomas J Sunderlin, Jr  
264 Dover Rd  
Barneveld, NY 13304

**Facility:**  
WHITE LAKE GRANITE QUARRY  
STONE QUARRY RD, 1000' N OF ST RTE 28  
FORESTPORT, NY 13338

**Facility Application Contact:**  
DAVID A SHANK  
STRATEGIC MINING SOLUTIONS LLC  
473 BROCKWAY RD  
FRANKFORT, NY 13340  
(315) 725-5734

**Facility Location:** in FORESTPORT in ONEIDA COUNTY **Village:** White Lake  
**Facility Principal Reference Point:** NYTM-E: 488.623 NYTM-N: 4822.024  
Latitude: 43°33'03.9" Longitude: 75°08'27.1"

**Project Location:** Stone Quarry Rd., 1000' north of State Rte. 28

**Authorized Activity:** The mining of granite from a 56.5 acre parcel of land owned by Red Rock Quarry Associates, LLC. The approved operations involve a total of 8.8 acres of land to be affected by mining during the permit term. This affected acreage lies within a 26.6 acre life of mine boundary, as identified in the approved mined land use plan and mining plan map.

All mining activities will take place above the mean high water table and the total area where granite will be extracted for use as dimension stone is 5.2 acres. The remaining life of mine areas will be used for equipment storage and waste rock and soil overburden stockpiles. Crushing operations are permitted with portable equipment.

This facility is located at the north end of Stone Quarry Road, east of New York State Route 28 in the Town of Forestport, Oneida County.

**Permit Authorizations**

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

Permit ID 6-3038-00081/00003

(Mined Land ID 61163)

New Permit

Proposed Effective Date: \_\_\_\_\_ Proposed Expiration Date: No Exp. Date



**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: TERRY R TYOE, Deputy Regional Permit Administrator  
Address: NYSDEC Region 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY 13501 -2885

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Distribution List**

DAVID A SHANK

**Permit Components**

- MINED LAND RECLAMATION PERMIT CONDITIONS
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**Permit Attachments**

Permit Sign



## MINED LAND RECLAMATION PERMIT CONDITIONS

**1. 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 9, 2021 and consist of the following items:

- 1.) Mined Land Use Plan prepared by Strategic Mining Solutions, LLC dated April 2021.
- 2.) Response to the Department's Notice of Incomplete Application prepared by Strategic Mining Solutions, LLC dated April 22, 2021 and received April 28, 2021.
- 3.) Responses to APA's Notice of Incomplete Permit Applications prepared by Strategic Mining Solutions, LLC dated April 28, 2021 and June 14, 2021.
- 4.) Additional Noise Analysis prepared by Strategic Mining Solutions, LLC dated July 17, 2021.
- 5.) Revised Mining Plan Map, Reclamation Plan Map, and Typical Cross-Sections prepared by Strategic Mining Solutions, LLC dated September 7, 2021.
- 6.) Water well and well pump email from David Shank, Strategic Mining Solutions, LLC to the DEC dated September 15, 2021

**2. No Deviation From Approved Plan** The permittee must not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.

**3. Future Expansion** Any future mining beyond the current 26.6 acre life of mine boundary or 5.2 acre granite extraction area will require a modification to the permit. Any proposed modifications will be subject to a new review.

**4. Operational or Blast Procedure Change** Any material changes in the mining plans or methods, including the blasting procedure, may require a modification to the permit. Any proposed modifications will be subject to a new review.

**5. 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.

**6. 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.



**7. Hours of Operation** All mining, reclamation and associated activities (including but not limited to: excavating, grading, processing operations other than crushing, stockpiling operations, haulage operations, and maintenance operations) shall be limited to the following times: Monday through Friday 7:00 am to 6:00 p.m., Saturdays 7:00 a.m. to 12:00 p.m. Crushing operations are limited to Monday through Friday during the operational hours only, blasting is limited to Monday through Friday 9:00 a.m. - 3:00 p.m and drilling is limited to Monday through Friday 8:00 a.m. - 5:00 p.m as detailed in Condition #16. Operation of the mine is prohibited on Sundays and New York State legal holidays.

**8. 30-day Crushing Operation Period** All crushing activities on the project site are limited to thirty business days, occurring between April 1st and October 31st, Monday through Friday, 7:00 am-6:00 pm. No crushing activities may occur on Saturdays, Sundays, and/or New York State legal holidays.

The 30 business day period may run consecutively, or be broken into weekly windows. Prior to the start of crushing activities, the permittee must provide written notification, letter or email, to the Regional Mined Land Reclamation Specialist. This notification must include both the start and planned end date of each crushing period.

**9. 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 6 Headquarters  
State Office Building - 317 Washington St  
Watertown, NY13601

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

**10. Post Permit Sign** The permit sign enclosed with this permit must be posted in a conspicuous location on the worksite and adequately protected from the weather.

**11. 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.

**12. Minimum 25' Separation From Property Line** No mining activity of any kind, including clearing and grubbing, 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 mine to the nearest property line may be no closer than 25 feet plus 1/4 times the depth of the excavation.

**13. Install, Maintain Erosion Controls** Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of any disturbed area. This sediment barrier is to be put in place before any disturbance of the ground occurs and is to be maintained in good and functional condition until thick vegetative cover is established.

**14. Mining at Least 5' Above Groundwater** All mining activities must be conducted at least 5 feet above the mean annual high groundwater table. The permittee must record monthly well water levels for 24 months before any granite extraction is conducted below the current mine floor elevation (1470 feet above mean sea level) in order to determine compliance with this condition. The well water data must be submitted quarterly to the Mine Land Reclamation Specialist in the Utica Office.



**15. 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.

**16. Blasting and Drilling Hours** Blasting is limited to Monday through Friday 9:00 a.m. - 3:00 p.m. Drilling is limited to Monday through Friday 8:00 a.m. - 5:00 p.m. No blasting or drilling will occur on Saturdays, Sundays or New York State legal holidays.

**17. Maximum Blast Charge and Blast Events per Day** Blast events will be limited to no more than two (2) per day. No blast event will exceed a maximum charge of 100 pounds.

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

**19. Seismograph Monitoring** All blasts must be monitored with a properly calibrated seismograph. Seismographs shall be installed at the nearest residential receptor, when permission has been granted, and any locations identified within the approved Mined Land Use Plan or locations determined by the Department. Seismograph records must be provided to the Department upon request.

**20. Vibration Standards** Blasting must 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 vibration measurements are recorded at a location other than the nearest residential structure, the measurements must be interpreted in accordance with U.S. Bureau of Mines Report - 8507.

**21. Prevent Injury** Blasting must be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area.

**22. Air Blast Limits** Air blast must not exceed 133 dB at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

**23. Storage of Explosives** Storage of explosives on site must conform to State of New York, Department of Labor Industrial Code Rule 39, found at 12 NYCRR 39:

Part 39.6 General Provisions for the Storage and Handling of Explosives

Part 39.8 Construction and Maintenance of Magazines

Part 39.9 Location of Magazines

**24. No Flyrock Beyond the Property Line** There must be no flyrock beyond the property line including flyrock that travels in the air or along the ground. In the event of flyrock beyond the property line, all blasting must cease immediately and the flyrock incident must be reported within 24 hours to the Regional Mined Land Reclamation Specialist. Blasting cannot resume until written approval to resume blasting is obtained from the Department.

**25. 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.



**26. Keep Road 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 materials which can cause dust, mud, slippery conditions, or any other condition that is unhealthy or unsafe.

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

- a. All equipment to be used in mining and mineral processing must 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 must be operated in a manner so as to reasonably minimize noise levels during operating hours.

**28. No Off-Site Importation Without Department Approval** There must be no importation of trash, garbage, demolition debris, or other wastes regulated by the Environmental Conservation Law into the permitted Life of Mine limits. Materials, including, but not limited to recognizable uncontaminated concrete and concrete products (including steel or fiberglass reinforcing rods that are embedded in the concrete), used asphalt pavement or millings, brick, glass, soil, rock, trees, stumps, yard waste and wood chips must not be brought into the permitted Life of Mine limits without prior approval from the Department.

**29. 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.

**30. 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.

**31. 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.

**32. Bury, Remove Wastes** Tree debris and rock spoils generated onsite by mining activity, including trees, stumps, brush and rock rubble, may be buried at the mine site provided it is covered with a minimum of six inches of cover material capable of sustaining plant growth or otherwise disposed of in a manner approved by the Department.



**33. Ongoing Reclamation** Where practicable, reclamation of areas previously affected by mining will be required to occur concurrently with areas that are being actively mined.

**34. File Termination Notice** If the permittee discontinues operation, a termination notice must be filed within 30 days of termination of mining activities to the address below:

Regional Mined Land Reclamation Specialist  
NYSDEC Region 6 Headquarters  
State Office Building - 317 Washington St  
Watertown, NY13601

**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 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY13501 -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 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.