

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 5**

232 Golf Course Road – P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1281 • FAX: (518) 623-3603

Website: www.dec.state.ny.us



Alexander Grandis
Commissioner

June 15, 2009

Mr. Stephen Griffen
Palette Stone Corp.
373 Washington Street
PO Box 4550
Saratoga Springs, NY 12866-5913

MODIFICATION OF PERMIT

DEC ID #5-4126-00010/00002

Mine File #50354

**Palette Stone Corinth Facility
Corinth (T), Saratoga (Co)**

Dear Mr. Griffen:

As per your request, the referenced DEC renewed permit issued to you on June 20, 2008 has been modified to increase the life of mine acreage. A modified permit is enclosed.

If there are any questions regarding this letter, please contact me at 518-623-1281.

Sincerely,

Marc S. Migliore
Deputy Regional Permit Administrator

Enclosures

cc: S. Koenig
Town Supervisor



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
PALLETTE STONE CORP
373 WASHINGTON ST
PO BOX 4550
SARATOGA SPRINGS, NY 12866-5913
(518) 584-2822

Facility:
PALLETTE STONE CORINTH FACILITY
CHATMAN ST
CORINTH, NY 12866

Facility Location: in CORINTH in SARATOGA COUNTY

Facility Principal Reference Point: NYTM-E: 591.6 NYTM-N: 4783.5
Latitude: 43°11'55.4" Longitude: 74°52'21.2"

Authorized Activity: The mining of sand and gravel and material processing by screening, crushing, and washing on lands owned by the permittee. Approved operations involve a total of 103.8 acres of affected land during the permit term. The affected acreage is a part of the 123 acre life of mine area, which is identified in the approved mined land use plan. This is a modification of the existing permit to increase the life of mine acreage.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27

Permit ID 5-4126-00010/00002

Renewal	Effective Date: <u>6/20/2008</u>	Expiration Date: <u>6/19/2013</u>
Modification # 1	Effective Date: <u>6/15/2009</u>	Expiration Date: <u>6/19/2013</u>

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: MARC S MIGLIORE, Deputy Regional Permit Administrator

Address: REGION 5 WARRENSBURG SUB-OFFICE
232 GOLF COURSE RD
PO BOX 220
WARRENSBURG, NY 12885-0220

Authorized Signature: _____

Date

6/15/09



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. 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.

2. 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 Stanley Koenig on Approved mine plan map=12/19/2008

Approved reclamation plan map=12/19/2008

Approved cross sections= 12/19/2008 and consist of the following items:

The approved mine plan map was prepared by Griggs-Lang Consulting Geologists on 12/01/2008

The approved reclamation plan map was prepared by Griggs=Lang Consulting Geologists on 12/2008

The approved cross sections were prepared by Griggs-Lang Consulting Geologists on 12/03/2008

3. 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.

4. 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.

MINING

5. Prevent Contamination of Water Any contamination of surface or subsurface water must be prevented.



6. 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.

7. 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 shall be no closer than 25 feet plus 1.5 times the depth of the excavation.

8. Clear Trees, Etc., Dispose of Properly Before Mining All trees, stumps, and brush must be cleared from areas of the mine site to be mined during any calendar year and disposed of in a manner approved by DEC before mining for that year begins.

9. 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.

10. Construct and Maintain Erosion and Sediment Controls the permittee shall construct and maintain all erosion and sediment controls as depicted on the approved maps, diagrams and schematics, and/or as stated in the approved mined land use plan or required by the Department. This includes, but is not limited to features such as berms, settling basins, swales, ditches, silt fencing, channels, dikes, check dams and traps. Construction of erosion and sedimentation control devices must be completed no later than 90 days from the date of permit issuance, unless otherwise directed or approved by the Mined Land Reclamation Specialist I

11. Mining at Least 5' Above Groundwater All mining must be conducted at least 5 feet above the mean annual high groundwater table. The permittee must dig occasional test holes in the mine floor at least five feet deep in order to determine compliance with this condition.

12. No Wastes at Mine There shall be no disposal, storage, transfer or processing of trash or garbage, demolition debris, or other wastes regulated under the Environmental Conservation Law in the mine.

13. 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.

RECLAMATION

14. 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.

15. Removal of Stockpiles and Equipment All mineral stockpiles, mining and processing equipment and personal property must be removed from the life of mine area at the time of final reclamation.



16. 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.

17. Reclamation of Mine Floor The final mine floor shall be scarified or ripped prior to the replacement of topsoil and overburden to alleviate compaction.

18. Final Reclaimed Slope Grades No area of the reclaimed mine site shall exceed a slope of 1:2(26 degrees).

19. Successful Revegetation The permittee must successfully reclaim the entire life of mine area within two years of the permit's expiration date, according to the approved reclamation plan.

20. Successful Revegetation Standard Revegetation of the mine site to perennial grasses must be established over a minimum of 75%. Lime, fertilizer, seed and mulch must be applied to reclaim the mine site in accordance with the approved mined land use plan.

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
REGION 5 WARRENSBURG SUB-OFFICE
232 GOLF COURSE RD
PO BOX 220
WARRENSBURG, NY 12885 -0220

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.