

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Mineral Resources, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-2466 | F: (585) 226-6323  
www.dec.ny.gov

October 25, 2017

It's Greener Now, Inc.  
3362 Route 409  
Watkins Glen, NY 14891  
Attn: Martin Wojcik

**RE: Padua Gravel Pit MLR # 80244  
DART #8-4424-00006/00001**

Dear Mr. Wojcik:

Enclosed is your mining permit. This permit should be posted at the mine site at all times.

If you feel a permit condition should not be required, a letter stating the reasons why must be submitted within 30 days of receipt of this permit. A determination will then be made and you will be informed of the decision.

The amount of reclamation bond required for your operations can be altered at any time during this permit term. Therefore, to avoid increases in the amount of the bond, you should reclaim mined out areas whenever possible.

If I can be of any further assistance, please do not hesitate to call me at (585) 226-5372.

Sincerely,



Steven M. Army  
Mined Land Reclamation Specialist II

Enclosure



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

**Permittee and Facility Information**

**Permit Issued To:**  
IT'S GREENER NOW INC  
3362 ST RTE 409  
WATKINS GLEN, NY 14891  
(607) 535-5035

**Facility:**  
PADUA GRAVEL PIT  
3362 ST RTE 409  
WATKINS GLEN, NY 14891

**Facility Location:** in DIX in SCHUYLER COUNTY

**Facility Principal Reference Point:** NYTM-E: 345.15 NYTM-N: 4693.24  
Latitude: 42°22'33.7" Longitude: 76°52'51.1"

**Project Location:** 3362 NYS Route 409

**Authorized Activity:** Permit to mine unconsolidated material from a 14.33 acre permit term area within a 14.33 acre Life of Mine. Approved operations include crushing, washing, and/or screening.

**Permit Authorizations**

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

Permit ID 8-4424-00006/00001

(Mined Land ID 80244)

Renewal

Effective Date: 10/25/2017

Expiration Date: 10/24/2022

**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: STEVEN M ARMY, Deputy Regional Permit Administrator

Address: NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY 14414

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

Date 10/25/2017

**Distribution List**

TOWN OF DIX  
Environmental Permits



**Permit Components**

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

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**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 Jackie M. Scaccia, Mineral Resources on October 25, 2017 and consist of the following items:

- ✓ \* Mining Permit Application dated June 12, 2017.
- ✓ \* Organizational Report dated June 13, 2017.
- \* Environmental Assessment Forms dated April 27, 2004.
- ✓ \* Application for Renewal of Mining Permit 2017-2022.
- \* Mined Land Reclamation Permit Renewal/Mining Plan dated November 2003.
- ✓ \* July 25, 2011 letter from J. Gensel to R. McDonough.
- ✓ \* July 5, 2011 letter from M. Specchio to R. McDonough.
- ✓ \* June 2, 2011 letter from J. Gensel to M. Specchio.
- ✓ \* June 2, 2011 letter from J. Gensel to R. McDonough.
- ✓ \* April 15, 2011 letter from J. Gensel to R. McDonough.
- ✓ \* April 13, 2011 letter from J. Gensel to M. Specchio.
- ✓ \* March 1, 2011 letter from J. Gensel to R. McDonough.



- ✓ \* January 19, 2011 from J. Gensel to J. Bucci.
- ✓ \* December 9, 2009 received letter from M. Wojcik to R. McDonough.
- \* May 18, 2004 Response to Notice of Incomplete Application, from R. Hisert to R. McDonough.
- \* February 23, 2004 Response to Notice of Incomplete Application, From R. Hisert to S. Army.
- ✓ \* Stormwater Analysis dated February 2011.
- \* Noise Assessment Report dated February 2004.
- ✓ \* Mining Plan Map dated June 7, 2017.
- \* Reclamation Plan Map dated October 22, 2010.
- \* Existing Conditions Map dated October 22, 2010.
- ✓ \* Aerial Photography dated October 22, 2010.
- \* Erosion Controls Details Map dated October 22, 2010.

**2. 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.

**3. 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.

**4. No Offsite Materials at Mine** There shall be no importation of material originating from outside the limits of the life of mine, except as outlined in the Mined Land Use Plan or without prior approval from the Mined Land Reclamation Specialist.

**5. 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.

**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. Distance From Mine to Property Line** No land within 25 feet of any property or right-of-way boundary may be affected by any mining related activity. When mining is conducted below the level of adjacent property, the horizontal distance from the toe of the mine face to the nearest property or right-of-way boundary must be no less than 25 feet plus 1.5 times the depth of excavation.

**8. 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.

**9. 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.

**10. No Off-site Importation without Department Approval** There shall 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 shall not be brought into the permitted Life of Mine limits without prior approval from the Department.

**11. 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.

**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. 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.

**14. 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 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY14414

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



**15. 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.

**16. 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 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY14414

**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 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY14414



**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.

<b>NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS</b>
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**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.



Division of Mineral Resources  
**MINING PERMIT APPLICATION**



Department of  
 Environmental  
 Conservation

1. a. MINE FILE NUMBER 80244		1. b. DEC ID NUMBER 8-4424-00006/00001		7. MINED LAND PROJECT	
2. NAME OF APPLICANT It's Greener Now, Inc.		3. TELEPHONE NUMBER (607)-535-5525		a. Will the total acreage affected by mining for the entire mining site be equal to or greater than 5 acres? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. PERMANENT ADDRESS: NUMBER & STREET NAME 3362 Route 409 CITY STATE ZIP CODE Watkins Glen NY14891		5. CONTACT PERSON Martin Wojcik		b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. b. EMAIL ADDRESS		6. a. TELEPHONE NUMBER (607)535-5525		c. Will there be on-site processing of mining products (eg. crushing, screening, washing) that requires an air permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
8. TAXPAYER ID (If other than individual, provide Federal Taxpayer ID Number) 22-3768058		9. APPLICATION TYPE <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Modification <input type="checkbox"/> Transfer		d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. a. PRESENT PERMIT TERM Expiration Date 08 / 06 / 2017		10. b. COMING PERMIT TERM <input checked="" type="checkbox"/> 5 years <input type="checkbox"/> Other ___ years		e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
12. LOCAL ORDINANCES a. Is mining prohibited at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		11. NAME OF MINERAL/MATERIAL TO BE MINED Sand & Gravel		f. Will mining occur within 500 feet of any dwelling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		12. b. Does the local government require any type of permit for mining at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		g. Will mining ever occur below the water table? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit <b>SUSPENDED OR REVOKED</b> or has had a New York State mined land reclamation bond <b>FORFEITED</b> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, identify the person(s)					
15. ACREAGE SUMMARY (To be filled in by applicant)				FOR OFFICIAL DEC USE ONLY	
a. Total acreage controlled by owner at this location				281.00 acres	
b. Total acreage permitted by DEC prior to this application				14.33 acres	
c. Total acreage affected since April 1, 1975				14.33 acres	
d. Total acreage approved by DEC as reclaimed since April 1, 1975				0.00 acres	
e. Current affected acreage (c minus d)				14.33 acres	
f. Acreage included in this application, but not previously approved				0.00 acres	
g. New acreage to be affected during the coming permit term				0.00 acres	
h. Number of acres to be reclaimed during coming permit term				0.00 acres	
16. NAME OF MINING OPERATION Padua Ridge Gravel Mine					
17. MINE LOCATION Road NYS Route 409 Nearest Road Intersection Division Street Town Dix County Schuyler			18. MAP LOCATION a. Quadrangle Name Readin Center b. <input type="checkbox"/> 15 minute <input checked="" type="checkbox"/> 7 1/2 minute		
19. NAME AND ADDRESS OF SURFACE LANDOWNER(S) It's Greener Now, Inc. 3362 Route 409 Watkins Glen, NY 14891			20. NAME AND ADDRESS OF MINERAL OWNER(S) It's Greener Now, Inc. 3362 Route 409 Watkins Glen, NY 14891		
APPROVED NYS DEC OCT 25 2017 Region 8 Mined Land Reclamation			RECEIVED JUN 26 2017 DIVISION OF MINERAL RESOURCES		
21. The surface landowner(s) and the mineral owner(s) of the property that is to be mined by the above applicant have read the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer, or the NYS Department of Environmental Conservation. The surface landowner(s) and mineral owner(s) further agree to allow access to the property to Department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.					
SIGNATURE(S) OF SURFACE LANDOWNER(S)		DATE 6/12/17	SIGNATURE(S) OF MINERAL OWNER(S)		DATE 6/12/17
22. I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.					
NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE					DATE 6/12/17

RECEIVED  
 JUN 16 2017  
 DEP DIVISION 8