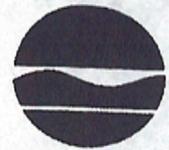


**New York State Department of Environmental Conservation**  
**Division of Mineral Resources, Region 8**  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
Phone: (585) 226-2466 • Fax: (585) 226-6323  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Acting Commissioner

February 17, 2011

Genesee Sand & Gravel, LLC  
85 High Tech Drive  
Rush, NY 14543  
Attn: Mr. Daniel Bree

**RECEIVED**

**SEP 11 2013**

**TOWN OF VICTOR  
PLANNING BOARD**

**RE: Genesee Sand & Gravel Pit, MLR #80105  
DART #8-3248-00009/00002**

Dear Mr. Bree:

Enclosed is your mining permit. This permit should be posted at the mine 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:**  
GENESEE SAND & GRAVEL LLC  
85 HIGH TECH DR  
RUSH, NY 14543

**Facility:**  
GENESEE SAND & GRAVEL LLC PIT  
748 PHILLIPS RD  
FISHERS, NY 14453

**Facility Permit Contact:**  
DANIEL BREE  
85 HIGH TECH DR  
RUSH, NY 14543  
(585) 359-9242

**Facility Location:** in VICTOR in ONTARIO COUNTY  
**Facility Principal Reference Point:** NYTM-E: 299.845 NYTM-N: 4764.2  
Latitude: 43°00'14.9" Longitude: 77°27'20.7"

**Project Location:** 748 Phillips Road

**Authorized Activity:** Permit to mine unconsolidated material from a 25.39 acre permit term area within a 62 acre Life of Mine. Approved operations include screening.

**Permit Authorizations**

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

Permit ID 8-3248-00009/00002

(Mined Land ID 80105)

Renewal

Effective Date: 2/22/2011

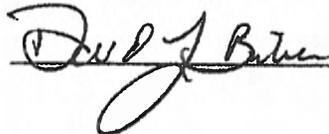
Expiration Date: 2/21/2016

**NYSDEC Approval**

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

Permit Administrator: DAVID L BIMBER, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 8 HEADQUARTERS  
6274 E AVON-LIMA RD  
AVON, NY 14414

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



Date 2/22/2011



**Distribution List**

DANIEL BREE  
JOSEPH G BUCCI  
TOWN OF VICTOR

**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. 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.

**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 Joseph G. Bucci Jr., Mined Land Reclamation Specialist 1, on February 16, 2011 and consist of the following items:

- Mining Permit Application Form dated December 17, 2010.
- Application for permit transfer dated October 11, 2005.
- Organizational Report Form dated December 17, 2010.
- Environmental Assessment Form for Mined Land Reclamation Projects dated January 6, 2010, with attachment titled "Notes Associated with the EAF for Mined Land Reclamation Projects".
- Full Environmental Assessment Form dated October 5, 2009.
- December 22, 2010 letter from Bethany Acquisto to David Bimber.
- Mined Land Reclamation Permit Modification Application dated September 2009.

- Renewal Application for Mined Land Reclamation Permit dated November 2005, revised December 28, 2005.
- Renewal Application for Mined Land Reclamation Permit dated November 2005.
- Mined Land Use Plan dated August 24, 1977.
- Site Location and Vicinity Map dated November 2009.
- Mine Plan Map dated September 2009.
- Reclamation Plan Map dated September 2009.
- Delineation Marker Plan – Conceptual Map dated October 2008.

**3. 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.

**4. 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.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. 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.

**11. 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.

**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. 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.

**14. 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.

**15. 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.

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

**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 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.

The New York State  
Department of Environmental Conservation  
has issued a



# MINING PERMIT



pursuant to the Environmental Conservation Law for the mining operation being conducted on this site. For more information regarding the nature and extent of work approved, contact the Mined Land Reclamation Specialist shown below. Please refer to the mine file number shown when contacting the DEC.

Mine File Number 80105 Permit Expiration Date 2/21/2016

DEC Contact Steven M. Army

Phone Number (585) 22-5372

NOTE: THIS IS NOT A PERMIT  
ML-1

PROWER STREET

FISHERS - MAIN STREET

NOTES:

1. THE TOPOGRAPHIC AND PLANIMETRIC INFORMATION SHOWN IS CONSIDERED APPROXIMATE AND IS SUBMITTED IN SUPPORT OF THE MINED LAND RECLAMATION PERMIT MODIFICATION APPLICATION ORIGINALLY DATED SEPTEMBER, 2009.
2. HORIZONTAL MAP PROJECTION IS BASED ON THE NEW YORK STATE PLANE CENTRAL COORDINATE SYSTEM WITH A HORIZONTAL DATUM OF NAD83 (CONUS). VERTICAL DATUM REFERENCE IS NAVD29.
3. PROPERTY BOUNDARIES, PERMIT TERM AREAS, PRE-1975 EXCAVATION AREAS, EXISTING TOPOGRAPHY AND SOME OF THE PLANIMETRICS AND OTHER FEATURES SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM A SCANNED PRINT ENTITLED: MINING PLAN MAP - GENESSEE SAND & GRAVEL - CIRCA 1977, PREPARED BY RONALD W. BUSCAL ARCHITECT. THAT REFERENCE DATA IS SUPPLEMENTED WITH INFORMATION FROM THE U.S. GEOLOGICAL SURVEY'S FAIRPORT QUADRANGLE MAP, FIELD MEASUREMENTS, TOWN TAX MAP, PROPERTY DEED, AND AERIAL PHOTOGRAPHY.

LIFE OF MINE THIS APPLICATION = 62 ACRES  
 CURRENTLY AFFECTED ACREAGE = 25.39 ACRES  
 TOTAL AREA TO BE AFFECTED AS PROPOSED = 25.39 ACRES

PERMIT TERM AREA SUMMARY

PTA #1	7.01 ACRES
PTA #2	1.42 ACRES
PTA #3	8.48 ACRES
PTA #4	8.48 ACRES
25.39 ACRES	

LEGEND

- VICINITY ROADWAYS
- PROPERTY BOUNDARY (see note)
- EXISTING GROUND SURFACE (see note)
- ACCESS ROAD
- BUILDING OR HOUSE
- STREAM
- PERMIT TERM AREA
- PRE-1975 EXCAVATION AREA
- DELINEATOR LOCATION - SURVEYED (North/Easting only on some points)
- PROPOSED EXCAVATION CONTOURS

NO.	REVISION	BY	DATE



**Daigler Engineering, P.C.**  
 CLEVELAND DRIVE - GENESSEE FALLS, NY 12045  
 1775 BRADSHAW BLVD. - GRAND ISLAND, NY 11845

DATE: September 2009 SCALE: 1"=80'

PREPARED FOR: GENESSEE SAND & GRAVEL, LLC  
 DES. BY: BSA DRW. BY: BSA CHK. BY: BSA  
 DATE: Mining Plan 2009-09

TITLE: MINING PLAN  
 PROJECT: GENESSEE SAND & GRAVEL PERMIT MODIFICATION APPLICATION  
 TOWN OF VICTOR ONTARIO COUNTY STATE OF NEW YORK

SHEET 1



PROWLER STREET

FISHERS - MAIN STREET

NOTES:

1. THE TOPOGRAPHIC AND PLANIMETRIC INFORMATION SHOWN IS CONSIDERED APPROXIMATE AND IS SUBMITTED IN SUPPORT OF THE MINED LAND RECLAMATION PERMIT MODIFICATION APPLICATION ORIGINALLY DATED SEPTEMBER, 2009.
2. HORIZONTAL MAP PROJECTION IS BASED ON THE NEW YORK STATE PLANE CENTRAL COORDINATE SYSTEM WITH A HORIZONTAL DATUM OF NAD83 (CONUS). VERTICAL DATUM REFERENCE IS NGVD29.
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	25.39 ACRES

LEGEND

- VICINITY ROADWAYS
- PROPERTY BOUNDARY (see note)
- EXISTING GROUND SURFACE (see note)
- ACCESS ROAD
- BUILDING OR HOUSE
- STREAM
- PERMIT TERM AREA
- PRE-1975 EXCAVATION AREA
- FUTURE RECLAIMED GRADES
- PROPOSED RECLAMATION (0.5-3% grades with spot elevations)
- PROPOSED RECLAMATION (5-15% edge slopes with slope arrows)

NO.	REVISION	BY	DATE



**Daigler Engineering, P.C.**  
 12 LELAND DRIVE SENECA FALLS, NY 13148  
 1711 GRAND ISLAND BLVD. GRAND ISLAND, N.Y. 14072

DATE: September 2009 SCALE: 1:150

PREPARED FOR: GENESEE SAND & GRAVEL, LLC  
 DES. BY: [Signature] DRW. BY: [Signature] CHK. BY: BAA  
 DWG: Mining Plan 2009.dwg

TITLE: RECLAMATION PLAN  
 PROJECT: GENESEE SAND & GRAVEL PERMIT MODIFICATION APPLICATION  
 TOWN OF VICTOR ONTARIO COUNTY STATE OF NEW YORK

SHEET 2

