

extra copy

APPLICATION FOR SPECIAL PERMIT

TOWN OF DRYDEN
DRYDEN, NEW YORK

MAIL OR BRING THIS FORM

TO: Town Clerk
Town of Dryden
Dryden, New York

Special Permit No. SP-9-96
Application date 9/13/96
Parcel Number 38-1-23.2/24; 35-1-4/5/6
Zone R-C

Application is hereby made to (Build [], Extend [], Convert [], Other Excavation
A ~~Structure~~ located at south of Mott Road and east of Hart Road, Town of Dryden, New York.

To be Used for Sand and Gravel Mining (pursuant to State Mining Permit) At a Cost of unk
Owner of Land William Bartlett/George Jr./Norman Lacey/ RMS Gravel Builder RMS Gravel Inc.

If Construction is for other than present Land Owner, Show

Name RMS Gravel, Inc. Mailing Address PO Box 455, Dryden, NY 13053

The Structure(s) will be as follows:
Type of Construction _____
Number of Stories _____
Number of Units _____
Type of Heat _____
Number of Baths _____
Square Ft. Floor Area:
Basement _____
First Floor _____
Second Floor _____
Over Second _____

N/A

Required Permits Obtained - Date
Tompkins County Health Dept. _____
Town Clerk _____
Street Opening _____
Blasting _____
Supervisor: _____
Water Tap _____
Sewer Tap _____
Highway Supt: _____
Culverts _____
Driveway _____
Bldg. Inspector _____
Multiple Residence _____

N/A

The Undersigned applies for permission to do the above, in accordance with all provisions of all laws or Regulations of the Town of Dryden, New York, or others having jurisdiction, and affirms that all statements and information given herein are correct to the best of his belief.

Date of Hearing _____
Date of Advertising _____
Fee Paid Advertising 9-13-96

SIGNATURE Roy D. Reuss

ADDRESS PO Box 455, Dryden, NY 13053

Special Permit Approved _____
Special Permit Denied _____
Under Article XIII of the Zoning Ordinance.

PHONE NO. (607) 844-8196



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

Section 06: Quarries & Excavation, Topsoil Removal

1. The Town Board may authorize the issuance of a special permit for the excavation and sale of topsoil, sand, gravel, clay or other natural mineral or vegetable deposit, or the quarrying of any kind of rock formation in the RC and RD Zones only. No sand or gravel or other excavation operation, except a topsoil removal operation, shall be conducted on land of less than 20 acres in area. The Town Board must be guided by the public health, safety and general welfare, not only of the citizens of the Town of Dryden, but of any other municipality, and must give particular consideration to certain factors as follows:

- Soil erosion by water and wind.
- Drainage.
- Soil fertility, top soil preservation.
- Lateral support, slopes & grades of abutting streets & lands
- Environmental and land values and uses.
- The planting of cover in the interest of avoiding erosion & to improve the aesthetic quality of the restored area.

MLRL - by NYS DEC

2. Before a special permit for such use is issued, the Town Board shall find such excavation or quarrying will not endanger the stability of adjacent land nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic congestion, exceeding of designated load limits on roads in the immediate vicinity of the operation, or other conditions. The Town Board may specify any reasonable requirements to safeguard the public health, safety and welfare in granting the permit.

3. Certain requirements shall be specified in whole or in part by the Town Board in granting the special permit and shall be fulfilled by the applicant prior to, during the course of and following the actual period of excavation or quarry working as follows:

a. The operation of the excavation or quarry shall be conducted in a manner as to control dust and noise, and shall provide for such treatment as may be deemed necessary by the Town Board. All access roads shall be provided with a dust controlled surface not less than twenty-two (22) feet wide from the connection to a public street to a point within one hundred (100) feet of the loading point, and such road shall be properly maintained by the operator during the life of the operation.

b. The slope of the material in the excavation or the fact of any quarry walls or other excavation shall not come nearer than 350 feet to any boundary line of the Town of Dryden, property lines, street or highway line (whether such street or highway line be within or outside the boundaries of the Town of Dryden) or nearer than 350 feet to any existing to any existing residence. No permanently installed excavation machinery or equipment shall be placed nearer than 1000 feet to any existing residence.

c. Water used in washing operations shall not be discharged into a stream or natural drainage channel unless a permit for said discharge is obtained from the Dept. of Environmental Conservation.

MLRL

4. The applicant shall file with the Town Board a statement of the proposed work, together with a sketch map showing a plot plan showing existing grades and contours and the grades and contours after the operation has been completed. The plan shall be drawn to scale and shall show the location of streets or roads adjoining the premises; the names of adjacent property owners; the location of the premises and the dimensions of that portion of the premises upon which the excavation is to be made; the location, size and use of any existing or proposed structures; cross sections of the property at intervals of fifty (50) feet showing existing and proposed elevations at intervals of five (5) feet and also any break in grade; and the elevation of the premises as compared to the United States Coastal Geodetic Service maps (quadrangle maps) may be used by the applicant. Recontouring and back filling is required where necessary to return the area to its original contours or to the grades indicated by the plot plan when required by the Town Board, and the applicant shall reseed such area with green cover.

*MLRL
DEC*

5. Before the issuance of a special permit by the Town Board for quarries or excavations, the applicant must have executed an agreement with the Town Board whereby the applicant contracts to restore the premises to the conditions approved and established in accordance with the provisions of this section. The applicant shall execute a bond or deposit cash with the Town Clerk in an amount sufficient in the opinion of the Town Board to secure the performance of said agreement. *MLRL - DEC*

6. The amount of the bond may be reduced and/or portions of the cash deposit returned to the applicant from time to time when, in the opinion of the Town Board, the lesser amount will be sufficient to accomplish its purposes, or increased, in the event conditions, in the opinion of the Town Board, require an increase. In the event the applicant who executed the agreement does not fulfill his agreement, such bond or cash deposit shall be forfeited to the Town of Dryden and the Town shall proceed to restore the premises in the manner prescribed either with its own forces or by contract, after due notice to the applicant. If a surety bond was provided by the applicant notice shall be given to the surety upon the bond, and if the surety fails to comply with the agreement, the Town shall charge the costs to the surety. The bond shall be a one year bond, which must be renewed annually at least 30 days before the termination date. Failure to renew said bond as specified shall result in revocation of the special permit. The bond shall continue in full force and effect until a certificate of compliance shall have been issued by the Town Board to the effect that all of the provisions of the applicant's agreement have been fulfilled. *MLRL - DEC*

7. Whenever a quarry or excavation operation as hereinabove specified has been discontinued for a period of 12 consecutive months (from a beginning date to be determined by the Zoning Enforcement Officer), such use shall not be reestablished except by a new special permit granted by the Town Board upon application.

Permit terms: Permits may be issued for a term of up to 5 years.

MAJOR/MINOR PROJECTS

Public Notice: Applications for mines of 5 or more acres continue to be classified as major projects and are subject to the major permit requirements of the Uniform Procedures Act. The most recent requirement is that all major permit applications must be published, at the expense of the applicant, for a period of not less than 30 days in a newspaper of local circulation.

FEES

Application fees: Application fees have been eliminated for mined-land reclamation permit applications.

Regulatory fees: A new annual fee, based on affected acreage, has been instituted for all mined-land permittees:

- | | |
|--|-------------|
| • Minor mined-land permit projects | \$ 400/year |
| • Acreage less than 5 acres | 700/year |
| • Greater than 5 acres up to and including 10 acres | 900/year |
| • Greater than 10 acres up to and including 20 acres | 1200/year |
| • Greater than 20 acres up to and including 30 acres | 1500/year |
| • Acreage greater than 30 acres | 2000/year |

LOCAL GOVERNMENTS

Mining prohibitions: Although local governments may not pass laws or ordinances restricting mining or reclamation activities regulated by the MLRL or permits issued pursuant to it, they may establish permissible uses in zoning districts. These uses may include the prohibition of mining.

Notice of applications: DEC must send notice of all complete applications for new mining projects to the chief administrative officer of the affected locality. The local government may make determinations as recommendations to the DEC on the application with regard to:

- Setbacks
- Barriers to restrict access
- Dust control
- Hours of operation
- Whether the proposed mine is in an area where mining is a permissible activity

Local permits and enforcement: Where mining is a permissible use under local zoning, localities may issue special use permits and enforce conditions concerning only the following activities:

- Enforcement of DEC mining permit reclamation requirements and special conditions regarding the five activity categories listed above for which local governments may make determinations.
- Mining or mined-land reclamation activities not regulated by state law. This includes mines where the amount extracted is less than the MLRL regulatory threshold of 1000 tons or 750 cubic yards in 12 months.
- Entrance and exit to and from the mine on roads under their jurisdiction.
- Identification and approval of haul roads under their jurisdiction.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF MINERAL RESOURCES
 50 WOLF ROAD, ALBANY, NEW YORK 12233-6500

OFFICE FILE NUMBER

ORGANIZATIONAL REPORT

INCOMPLETE FORMS NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

<p>1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY, INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.</p> <p>Roy D. Reeves, President RMS Gravel, Inc. PO Box 455 Dryden, NY 13053</p> <p>TELEPHONE NUMBER (607) 844-8196 FAX NUMBER (607) 844-3752</p>	<p>2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR OF ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.</p> <p>Roy D. Reeves, President RMS Gravel, Inc. Mott Road Dryden, NY 13053</p> <p>TELEPHONE NUMBER (607) 844-8196</p>												
<p>3. TYPE OF ACTIVITY (Check those That Apply)</p> <table border="0"> <tr> <td><input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)</td> <td><input type="checkbox"/> SOLUTION MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> STORAGE—Underground Gas or LPG facility</td> <td><input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> PURCHASING—Of Oil or Gas From Others</td> <td><input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole</td> </tr> <tr> <td><input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others</td> <td><input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> SALVAGE—Plug and Abandon Wells for Others</td> <td><input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility</td> </tr> <tr> <td><input type="checkbox"/> DRILLING—Drill Wells for Others</td> <td></td> </tr> </table>		<input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s)	<input type="checkbox"/> SOLUTION MINING—Own/Operate Facility	<input type="checkbox"/> STORAGE—Underground Gas or LPG facility	<input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility	<input type="checkbox"/> PURCHASING—Of Oil or Gas From Others	<input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole	<input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others	<input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility	<input type="checkbox"/> SALVAGE—Plug and Abandon Wells for Others	<input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility	<input type="checkbox"/> DRILLING—Drill Wells for Others	
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<input type="checkbox"/> DRILLING—Drill Wells for Others													
<p>4. STATE WHETHER THE ENTITY IS A CORPORATION, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY. IF FOREIGN CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GIVE COUNTY OF FILING.</p> <p>Corporation</p>	<p>5. IF A NAME CHANGE, GIVE COMPLETE NAME AND ADDRESS OF PREVIOUS ENTITY.</p> <p>N/A</p>												
<p>6. IF CORPORATION OR ASSOCIATION, LIST ALL DIRECTORS AND ALL OFFICERS. IF PARTNERSHIP, LIST ALL GENERAL AND ALL LIMITED PARTNERS. ATTACH ADDITIONAL SHEETS IF NECESSARY.</p> <table border="0"> <thead> <tr> <th>NAME</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>Roy D. Reeves</td> <td>President/Vice Pres.</td> </tr> <tr> <td>Mary Jo Reeves</td> <td>Secretary/Treasurer</td> </tr> </tbody> </table>	NAME	TITLE	Roy D. Reeves	President/Vice Pres.	Mary Jo Reeves	Secretary/Treasurer	<p>7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT</p> <table border="0"> <thead> <tr> <th>NAME</th> <th>TITLE</th> </tr> </thead> <tbody> <tr> <td>Roy D. Reeves</td> <td>President/Vice Pres</td> </tr> </tbody> </table>	NAME	TITLE	Roy D. Reeves	President/Vice Pres		
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Roy D. Reeves	President/Vice Pres												

I hereby affirm under penalty of perjury that the information provided in the report is true to the best of my knowledge and belief. I am aware that false statements made in this report are punishable as a Class A misdemeanor under Section 210.45 of the Penal Law.

<p>TYPE OR PRINT NAME OF AUTHORIZED PERSON</p> <p>Roy D. Reeves, President</p>	<p>SWORN TO AND SUBSCRIBED BEFORE ME THIS 17TH DAY OF JANUARY 1996</p> <p>NOTARY PUBLIC</p>	<p>SUSAN B. CORNELL Notary Public State of New York Qualified in Tompkins County No. 01CO5043122 My Commission Expires May 8, 1997</p>
<p>SIGNATURE</p> <p><i>Roy D. Reeves</i></p>	<p>DATE</p> <p>1/17/96</p>	<p><i>Susan B. Cornell</i></p>

RMS GRAVEL, Inc.
South Mine, Town of Dryden Special Permit Information
(Continued)

5. New sewage disposal and water supply facilities will not be required.

6. The lands to be affected are currently in agricultural use or wooded. A small presently inactive gravel pit is located immediately east of the site. Only one residence (the Donald Urquhart residence) is situated on the project site. The existing RMS Gravel mine is located immediately north of Mott Road. Agricultural lands of William Bartlett and of the George Junior Republic are immediately west of Hart Road.

7. The potential environmental impact of the mining operation on adjacent properties will be minimized to the greatest extent practicable. Excavation will be below grade and/or screened from view by vegetated berms around the perimeter of the site. This will also serve to minimize the offsite impact of noise and dust, as discussed in detail in the Mine Land Use Plan. The conveyor under Mott Road will eliminate any increase in mine-generated road traffic. The mining plan calls for reclamation to potential farmland. Therefore, the project should have no impact on future development.

8. The New York State Mined Land Reclamation Law regulates all mines within the State which remove in excess of 1000 tons of material within any 12 month period. The MLRL supersedes all local laws relating to extractive mining with very limited exceptions. Local government may control the location of mining through the vehicle of zoning. Mine operators are required to comply with Federal employee safety requirements governed by the Mine Safety and Health Administration. MSHA does not require a permit to mine, but conducts frequent inspections in order to insure compliance with Federal safety regulations.



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

Date: January 27th, 1998 , Valid by NYS DEC Permit # 7-5024-00119/00001
expiration date: June 30th, 2003.

To: Roy Reeves, RMS Gravel

P.O. Box 455

Dryden, New York 13053-0455

Special Permit Hearing Date: September 2nd, 1997

RE: Conditions of approval, Special Permit to extend existing conforming gravel mine excavation area to lands adjacent to the current 290 Mott Road Facility, 121 Acres, PO tax parcels 35-1-4,5,6 and 38-1-23.2 and 24 all East of Hart Rd. between Mott Rd. and NYS Rt.38. Please be advised, that your attached permit is conditioned on compliance with the following conditions of approval that were established at conclusion of the public hearing held for your project request.

SEQR, NYS DEC is Lead Agency. On 11/7/96, NYS DEC issued a Positive SEQR Declaration. A Draft EIS was submitted, to which DEC will respond. See Attached SEQR Findings Statement Dated 8/31/98 pgs.(1-4).
9/2/97 RESOLUTION #154 GRANT SPECIAL PERMIT - RMS GRAVEL

Clp Grantham offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board grant the special permit to RMS Gravel to operate the South Mine under the supervision of the NYS DEC MLRL permit with complete incorporation of all appropriate mitigation measures established within the draft (EIS) which assures the continuation of the general health, safety and welfare of the neighborhood and community. The decision is based on conformance of local government provision of the MLRL. The use is allowed by special permit, and setbacks will be established by NYS DEC permit along with adequate site security to barrier access. Dust control mitigation is spelled out in the EIS and shall be appropriately implemented. Hours of operation will remain consistent with current mining business hours.

2nd Clp C. Hatfield

Roll call vote - all voting Yes

Very truly yours,

Henry M. Slater
Henry M. Slater

CC: James F. Schug, Dryden Town Supervisor, Mahlon R. Perkins, Dryden Town Attorney, Dave Putnam, Miller Engineering, Michael Barylski NYS DEC and Patrick Snyder, Attorney for RMS Gravel

extra copy

SPECIAL PERMIT REVIEW

Applicant: RMS Gravel Co. Inc., 290 Mott Road, PO Box 455, Dryden, NY
Date: 9/19/96

Action: Establish a Second Gravel Mine to be known as The South Mine.

Site: Site includes 121.45 acres of farm & wooded lands, off Hart & Mott Roads portions of the lands of, William Bartlett, George Junior Republic & Norman & Shirley Lacey.

Zoning District: R.C.

Hearing Date: To be determined, pending DEC Permit

Submitted to County on: 9/30/96

Review by: Henry M. Slater

Tax Parcel 38-1-23.2, 38-1-24, 35-1-4, 35-1-5, 35-1-6.

Section 1303, SPECIAL PERMIT Requirements Review

- 1). Name of the applicant, name of business and legal owner of the property/premises. 121.45 Acres of wooded & agriculture lands, separately owned by William Bartlett, George Junior Republic and Norman & Shirley Lacey.
- 2). Has a property survey map or other legal description of premises been provided? Yes, please see attached, July '96 MLRL & Survey maps 1 & 2 and other site maps taken from DEC Application.
- 3). Has the applicant provided a detailed description of proposed use which includes, off street parking, road cuts, and other site uses relative to project? Yes, By Plans, No road cuts are necessary, however an 8 foot culvert under Mott Road from Mine Site is required. Another need is for a site berm which requires further detailing.
- 4). Has a sketch of site and site improvements been supplied? Yes, See maps 1 & 2 of July 1996.
- 5). Is Sewage disposal and water supply facilities existing or proposed and permitted by what means? None are required for this project or are proposed.
- 6). Has applicant provided a description of current uses of the premises adjacent to the project site? Yes and it is accurate.
- 7). Has applicant provided a general statement appraising the effect of the proposed project and use on the adjacent properties, the environment and future development of the neighborhood and community in general? Yes, attached.
- 8). Applicant has provided copies of all permits or application for such permits required by all other local, state or federal agencies necessary for this project. Special Permit is now being applied for. NYS DEC Permit required for Mining & Land Restoration Planning. Also, mine operations are monitored by the Federal Government Agency, "Mine Safety & Health Administration," "MSHA".

Strict enforcement of our setback requirements, would preclude the project as the property is 1300 feet +/- wide, leaving little to no area for gravel removal.

In summary, I believe the applicant should provide description of berm, providing details such as the overall height, slope and proposed vegetation and erosion control. Applicant should state desired hours of operation. They should also detail dust and noise control providing detail how such controls will conform to acceptable practices for the general needs of the community. There also remains the concern of setback, which is considerably less than our Town Requirements.

Henry M. Slater

Henry M. Slater

cc: Town Board Members
Mahlon R. Perkins, Dryden Town Attorney
Dave Putnam, T.G. Miller Engineers & Surveyors
Donald Gilbert, Dryden Highway Superintendent
James Hanson Jr., Commissioner of Tompkins County Planning
Michael K. Barylski, NYS DEC, 1285 Fisher Ave., Cortland, NY
Applicant, Roy Reeves, RMS Gravel

James Hanson Jr.
September 26th, 1996
Page Two

If you should have any questions or desire further detail,
please feel free to call our office as necessary at 844-9120
between 8:00 AM and 1:00 PM Monday - Friday.

Very truly yours,

Henry M. Slater

Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: James Schug, Dryden Town Supervisor
Town Board Members
Mahlon R. Perkins, Town Attorney
Dave Putnam, T.G. Miller Engineers & Surveyors
Donald Gilbert, Dryden Highway Superintendent
Michael Barylski, NYS DEC
Applicant, RMS Gravel

James Schug
September 19th, 1996
Page Two

Mr. Barylski, has suggested, since the DEC Permit will be the overall controlling document for this project, the Towns Special Permit recommendation should become conditions of a potential DEC mining permit. DEC would desire to have our input be developed and submitted during the public comment period. This request is based on current Mined Land and Reclamation Law of 1991 which is the process by the project is being reviewed.

Mr. Barylski advises me that DEC will probably declare the RMS mining permit incomplete returning it to the applicant requesting further detail of the berm, erosion control, hours of operation and other mitigation measures that will establish conformance to general practices that will assure environmental and community acceptability.

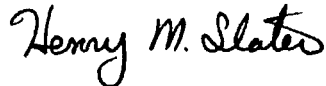
At this time, the 30 day public comment period will be dependant on how quickly RMS submits a completed application. Right now, Mr. Barylski suggests the 30 day period may occur during November or December which may fit in with either the November or December Town Board meeting.

Since I will be directly involved with the DEC process, I'll keep you advised of the DEC process so you and the Board will be able to adjust to the project hearing needs.

Please keep in mind, we need no less than 10 days lead time from the time that you establish a hearing date prior to that hearing to complete all official Notification requirements. All concerns that I have determined are listed on the attached comment and review form.

If you should have any questions, concerns or desire further detail, please feel free to contact me as necessary at 844-9120 Monday through Friday between 8:00 AM & 1:00 PM.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: Town Board Members
Mahlon R. Perkins, Town Attorney
Dave Putnam, T.G. Miller Engineers & Surveyors
Donald Gilbert, Dryden Highway Superintendent
Mr. Michael Barylski, NYS DEC
Applicant, RMS Gravel

RMS Gravel - Mott Rd - Hart Rd - Cady Lane

HEARING NOTICE REVIEWS AND NOTICE SCHEDULES

owner: William Bartlett

152 Hart Road

Dryden NY 13053

TYPE:

Z.B.A.

SPECIAL PERMIT

SITE PLAN REVIEW

PARCEL #	Applicant and all property owners within 500' of affected property.	mail: PO Box 455	Dryden NY 13053
35-1-4	35-1-6 Roy Reeves RMS Gravel site: Mott Rd		
35-1-5	38-1-23.1 Tompkins Co Trust Co WA Donald T. U. Regulant PO Box 460		Ithaca NY 14851
35-1-4	2) Tompkins Co Trust Co		
35-1-5	3) T C T C		" " "
38-1-23.2	4) George Junior Republic 218 Freewille Rd		Freewille NY 13053
38-1-24	5) Norman + Shirley Lacey 198 Freewille Rd		Dryden NY 13053
35-1-1	6) Cornell University Real Estate Dept PO Box DH		Ithaca NY 14851
35-1-2	7) George Junior 218 Freewille Rd		Freewille NY 13068
35-1-3	8) George Junior Republic " " "		" " "
35-1-7	9) William Bartlett 152 Hart Rd		Dryden NY 13053
35-1-8	10) Bruce + Carolyn Dedrick 184 Mott Rd		Dryden NY 13053
35-1-9	11) Douglas Stairs Box 702		" " "
38-1-23.1	12) Stanley + Lonnie Harrington 220 Dryden-Freewille Rd		" " "
38-1-25.2	13) Thomas + Cynthia Miller 170 " " " " " "		" " "
38-1-25.4	14) Robert Miller 174 " " " " " "		" " "
38-1-25.5	15) Kenneth + Barbara Miller 70 Box 2		Richford NY 13835
38-1-18.4	16) Donald Porteus + Joan Curtis 358 George Rd		Freewille NY 13068
38-1-18.1	17) Dick Jr + Shirley Otis 287 George Rd		Freewille NY 13068
38-1-18.2	18) Warren + Barbara VanPelt 2312 Dryden Rd		Dryden NY 13053
	19)		
	20)		

DATE OF REQUEST: 8-8-97 DATE FEE PAID: same AMOUNT: \$125.00
 DATE OF ADVERTISEMENT: 8-23-97 DATE OF OWNER NOTIFICATION: 8/25/97
 DATE OF HEARING: 9/2/97 DATE OF BOARD NOTIFICATION: 8/25/97

DECISION: Approved with Conditions NOTICE OF DECISION & STIPULATIONS SENT: 9-11-98

- STIPULATIONS: 1) Conformance to applicable provisions of DEC MLRL-Permit.
 2) Set backs established by MLRL Permit.
 3) Adequate Side Screening + Barriers to Access
 4) Dust Control to conform to provisions within EIS.
 5) Business hours to be consistent with current Mott Road

See
 Dryden Town
 Resolution
 # 154-1997
 of 9-2-97.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 7-5024-00119/00001
FACILITY/PROGRAM NUMBER(S) 7093-30-0748



PERMIT
Under the Environmental
Conservation Law

EFFECTIVE DATE August 31, 1998
EXPIRATION DATE(S) June 30, 2003

TYPE OF PERMIT <input checked="" type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Modification <input type="checkbox"/> Permit to Construct <input type="checkbox"/> Permit to Operate

- | | | |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input checked="" type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Article 25: Tidal Wetlands | |

PERMIT ISSUED TO RMS Gravel, Inc.		TELEPHONE NUMBER 607-844-8196	
ADDRESS OF PERMITTEE PO Box 455, Dryden, NY 13053			
CONTACT PERSON FOR PERMITTED WORK Roy D. Reeves		TELEPHONE NUMBER 607-844-8196	
NAME AND ADDRESS OF PROJECT/FACILITY South Mine			
LOCATION OF PROJECT/FACILITY Hart Road, near Mott Road			
COUNTY Tompkins	TOWN Dryden	WATERCOURSE	NYTM COORDINATES
DESCRIPTION OF AUTHORIZED ACTIVITY This permit authorizes mining activity on 10 acres of land during the permit term, within a 121.45 acre life-of-mine facility, on a 123.1 parcel of land, including specified processing equipment on lands owned by the permittee and leased from others.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR: Ralph Manna, Jr.	ADDRESS 615 Erie Boulevard East, Syracuse, NY 13204-2400
AUTHORIZED SIGNATURE <i>Ralph Manna, Jr.</i>	DATE August 31, 1998
Page 1 of 4	

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 23, TITLE 27 (Mined Land Reclamation)

1. Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect during the mining operation. 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. 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. 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.
- 4.* The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.
5. If any archaeological or structural remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the NYSDEC Region Office. Work shall not resume until written permission to do so has been received from the Department.
6. 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.
7. 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.
8. 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 approved plans were prepared by Harrington Associates dated July, 1996 revised July 1997.

SPECIAL CONDITIONS

- 4.* (a) The permittee shall allow Department personnel access to enter and inspect any property or premises covered by a permit at all reasonable times during normal business hours on normal business days, and after reasonable notification to the permittee and proper identification as Department employees, for the purpose of conducting inspections or investigations in the regular course of their duties pursuant to the Environmental Conservation Law, notwithstanding signs or other notices purporting to limit access to the property.

(b) The permittee expressly agrees that the Department, including its employees, agents, and representatives shall have access at all reasonable times during normal business hours on normal business days to mine records relative to mining and subsequent reclamation of the affected land for the purpose of ascertaining compliance with the Title 27 (New York State Mined land Reclamation Law), the permit or Subchapter D of 6NYCRR.
9. The permittee shall confine fugitive dust and flying particles to the permit area. Disturbed areas shall be kept to a minimum to reduce sources of dust. The permittee shall control fugitive dust from haulageways and roadways through watering or use of calcium chloride. Oil shall not be used to control dust without prior written approval from the Department. Off-site effects from smoke or odors caused by mining or processing shall be minimized.
10. In accordance with the mining plan, all material from this site will be excavated and sent by conveyor to the existing processing area. No direct trucking of material from this mine is authorized.
11. The permittee shall provide permanent markers such as stakes, posts or other device acceptable to the Department which outline and identify the permit area. Such markers shall be maintained for the duration of the permit term.

**State Environmental Quality Review
FINDINGS STATEMENT
Project No. 7-5024-00119/00001
August 31, 1998**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6NYCRR Part 617, the New York State Department of Environmental Conservation makes the following findings.

Name of Action: RMS Gravel Inc. proposed 121 acre mining operation with processing at an off-site location

Description of Action: The applicant proposes the operation of a 121.45 acre unconsolidated sand and gravel mine on a 123.1 acre parcel. Material will be transported via a conveyor system and under Mott Road to RMS's existing Bartlett Mine for processing (screening and washing).

Location: Town of Dryden, Tompkins County, south of Mott Road and east of Hart Road (approximately 1 mile west of the junction of NYS Routes 13 and 38).

Agency Jurisdiction: Mined Land Reclamation Article 23, Title 27, 6NYCRR Parts 617 and 621.

Date Final EIS Filed: December 3, 1997

Facts and Conclusions in the EIS Relied Upon to Support the Decision:

The record, including the Draft (DEIS) and Final EIS (FEIS), as supplemented by the discussion below, provide an adequate basis to make the findings required by SEQRA.

Information Identified or Further Evaluated Since the Release of the FEIS:

The primary environmental concern identified by the record is potential impacts to freshwater wetland GR-14 and Fall Creek from the gravel washing and sediment removal operation. Although the DEIS represents that the silt removal and settling pond systems have operated effectively, the Department has identified concerns based on past occurrences and operating history. Specifically:

1. Discharges from the wash system have been confirmed by past reports of turbidity and evidence of sediment deposition. The Department has received past complaints about sediment laden discharges into Fall Creek traceable to the RMS site as a source. In addition, problems occurred when the settling ponds were originally constructed contrary to approved plans. Also, substantial

residences/affected parties are individual/entities that have entered into an agreement with RMS to have RMS mine portions of their property. In addition, the permit will contain special permit conditions to address these issues. Finally, RMS has represented that it will petition MSHA for silent back-up beepers for their operational equipment.

Delay of Reclamation of the Bartlett Mine - Approving the mining of the proposed South mine will delay the reclamation of portions of the Bartlett site in that the Bartlett site will continue to be used for processing and that remaining removal of material from Bartlett may be at a reduced pace. The delay raises concern for other resources (wetland and streams nearby). The applicant has stated that the Bartlett mine would be out of material and forced to close in a few years without the approval of the South mine. RMS has proposed that reclamation proceed according to the proposed special permit conditions that it submitted in response to comments on the DEIS. The DEIS indicated that RMS required about 10 acres for the processing at the Bartlett site. Storage and on-going operation at the Bartlett site utilize additional acreage. The reclamation proposal committed to reclaiming 5 acres the first year after the South mine becomes operational, another 5.5 acres the second year after the South mine becomes operational. Accordingly, a special permit condition has been drafted by the Department that builds on the applicant's proposal. The longer time-frame for the reclamation is considered to be an acceptable impact as long as consistent progress toward reclamation is made.

Groundwater Concerns - The DEIS provided information regarding the groundwater table that indicates that the groundwater table is estimated to be approximately 50' below the final mining elevation. As a result, impacts are not anticipated.

Visual Impacts - The DEIS and FEIS identify the primary receptors to the mine site. A 1300' long stretch of NYS Route 13 and approximately a 4500' long stretch of Ferguson Road are the locations from which the site will be most visible. A suggestion that trees be planted along NYS Route 13 was recommended by the Tompkins County Environmental Management Council. This recommendation will not be implemented due to, among other things, the lack of ownership of this roadway corridor. There will be visual impacts and the site will be visible from the receptors previously indicated. RMS, will however, attempt to minimize the impacts and implement certain limited mitigation by strategic location of visual barriers (identified generally on page 2 of a November 20, 1997 letter Snyder to Barylski addressing comments submitted by the Tompkins County Planning Department). There will nonetheless be visual impacts, which beyond the above-referenced mitigation are unavoidable.

Relocation of Utilities - The DEIS and FEIS recognized that the South mine site

Conclusion:

There are some impacts that are unavoidable, including some reduced visual quality of the area and the proposed foot print not being available to conduct agricultural activities while mining is ongoing. There are some impacts that can be minimized by project design or scope such as noise, dust, and erosion and sedimentation. And, there are those characteristics of the project that inherently present risks that cannot entirely be eliminated. On balance, society's need for the products produced by this mine are acceptable when compared to the impacts unavoidable, minimized and potential.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the DEIS and FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

New York State Department of Environmental Conservation

Agency


Signature of Responsible Official

Ralph Manna, Jr.
Name of Responsible Official

Regional Permit Administrator
Title

8/31/98
Date

DEC PERMIT NUMBER 7-5024-00047/00003-1
FACILITY/PROGRAM NUMBER(S) 7093-30-0174



EFFECTIVE DATE February 14, 1994
EXPIRATION DATE(S) February 1, 1999

TYPE OF PERMIT New Renewal Modification Permit to Construct Permit to Operate

- | | | |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input checked="" type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Article 25: Tidal Wetlands | | |
- Other:

PERMIT ISSUED TO Roy D. Reeves d/b/a RMS Gravel		TELEPHONE NUMBER 607-844-8196	
ADDRESS OF PERMITTEE PO Box 455, Dryden, NY 13053			
CONTACT PERSON FOR PERMITTED WORK Roy Reeves		TELEPHONE NUMBER 607-844-8196	
NAME AND ADDRESS OF PROJECT/FACILITY Bartlett Mine, Mott Road			
LOCATION OF PROJECT/FACILITY			
COUNTY Tompkins	TOWN Dryden	WATERCOURSE	NYTM COORDINATES
DESCRIPTION OF AUTHORIZED ACTIVITY This permit authorizes mining activity on 29 acres including the extraction of minerals from a maximum of 16 acres of land during the permit term, within a 47.8 acre life of mine facility, on a 265 acre parcel of land, including specified processing equipment, on lands owned by William Bartlett.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR: Michael K. Barylski	ADDRESS PO Box 5170, Cortland, NY 13045
AUTHORIZED SIGNATURE <i>Michael K. Barylski</i>	DATE February 14, 1994
	Page 1 of 4

Instructions

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least:
 - a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
 - b) 30 days before expiration of all other permit types.
5. 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.

Other Legal Obligations of Permittee

6. The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
7. 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.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

FAX 607-844-9599

In the Heart of the Finger Lakes Region

TEL. 607-844-8619

OFFICE OF THE SUPERVISOR

August 14, 1996

To: Henry Slater

From: Jim Schug

Re: RMS Gravel

With the cooperation of Mahlon, to be sure we do things legally, please solve the Town's responsibility regarding the RMS culvert and any hearings or permit applications the Town may be involved in. Let's move this project along as it looks as though RMS is getting close to having their mining permit.

/m

cc: Mahlon Perkins
Town Board

Roy D. Reeves
August 19th, 1996
Page Two

If you have any questions, please feel free to call me at
844-9120 or stop by our office between 8:00 AM & 1:00 PM Monday -
Friday, or by appointment in the afternoon.

Very truly yours,

Henry M. Slater
Zoning & Building Code Enforcements

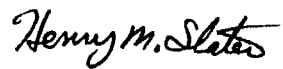
cc: James F. Schug, Dryden Town Supervisor

James Schug
August 20th, 1996
Page Two

There still remains the issue of the proposed Mott Road culvert which would appear to be, of a concern better handled by our Highway, Engineering and legal personnel.

The mining plan and project reclamation efforts are, I believe, appropriately terms and conditions of the NYS DEC Mining Permit Authority.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

September 12th, 1996

Michael K. Barylski, NYS DEC
1285 Fisher Avenue
Cortland, NY 13045

Re: Mining Application to Expand Existing Mott Road Gravel
Yard.

Applicant, RMS Gravel

Dear Mr. Barylski:

Please find attached a copy of a memo written by myself on August 20th of this year to Dryden Town Supervisor, James F. Schug. The subject of which is the proposed RMS Gravel Yard Expansion and local requirements.

There is one item that I failed to address which is SEQR Lead Agency status. Based upon the scope of the application and NYS DEC jurisdictional authority and experience in mining reviews; I would suggest that the Town of Dryden not object to NYS DEC assuming the lead agency for the SEQR determination.

Very truly yours,

Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: James F. Schug, Dryden Town Supervisor

CROSS REFERENCES:

This title referred to in §§ 23-2701, 23-2703, 23-2705, 23-2707, 23-2709, 23-2711, 23-2713, 23-2715, 23-2721, 23-2723, 23-2725, 23-2727, 70-0107, 70-0117.

Auto-Cite®: Cases and annotations referred to herein can be further researched through the Auto-Cite computer-assisted research service. Use Auto-Cite to check citations for form, parallel references, prior and later history, and annotation references.

§ 23-2701. Short title

This title shall be known and may be cited as the "New York State Mined Land Reclamation Law".

HISTORY:

Add, L 1974, ch 1043, § 1; amd, L 1976, ch 477, § 1, eff June 29, 1976.

FEDERAL ASPECTS:

Surface mining control and reclamation, 30 USCS §§ 1201 et seq.

RESEARCH REFERENCES AND PRACTICE AIDS:

55 NY Jur 2d, Environmental Rights and Remedies § 48.
77 NY Jur 2d, Mines and Minerals § 86.

Annotations:

Duty of oil or gas lessee to restore surface of leased premises upon termination of operations. 62 ALR4th 1153.

Texts:

NY Real Property Service § 43.3.

§ 23-2703. Declaration of policy

1. The legislature hereby declares that it is the policy of this state to foster and encourage the development of an economically sound and stable mining industry, and the orderly development of domestic mineral resources and reserves necessary to assure satisfaction of economic needs compatible with sound environmental management practices. The legislature further declares it to be the policy of this state to provide for the management and planning for the use of these non-renewable natural resources and to provide, in conjunction with such mining operations, for reclamation of affected lands; to encourage productive use including but not restricted to the planting of forests, the planting of crops for harvest, the seeding of grass and legumes for grazing purposes, the protection and enhancement of wildlife and aquatic resources, the establishment of recreational, home, commercial, and industrial sites; to provide for the conservation, development, utilization, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to prevent pollution; to protect and perpetuate the taxable value of property; to protect the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values in the affected areas of the state.

2. For the purposes stated herein, this title shall supersede all other state

§ 23-2711. Permits

1. After September first, nineteen hundred ninety-one, any person who mines or proposes to mine from each mine site more than one thousand tons or seven hundred fifty cubic yards, whichever is less, of minerals from the earth within twelve successive calendar months or who mines or proposes to mine over one hundred cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of article fifteen of this chapter or to the public lands law shall not engage in such mining unless a permit for such mining operation has been obtained from the department. A separate permit shall be obtained for each mine site.
2. Applications for permits may be submitted for annual terms not to exceed five years. A complete application for a new mining permit shall contain the following:
 - (a) completed application forms;
 - (b) a mined land-use plan;
 - (c) a statement by the applicant that mining is not prohibited at that location; and
 - (d) such additional information as the department may require.
3. Upon receipt of a complete application for a mining permit, for a property not previously permitted pursuant to this title, a notice shall be sent by the department, by certified mail, to the chief administrative officer of the political subdivision in which the proposed mine is to be located (hereafter, "local government"). Such notice will be accompanied by copies of all documents which comprise the complete application and shall state whether the application is a major project or a minor project as described in article seventy of this chapter.
 - (a) The chief administrative officer may make a determination, and notify the department and applicant, in regard to:
 - (i) appropriate setbacks from property boundaries or public thoroughfare rights-of-way,
 - (ii) manmade or natural barriers designed to restrict access if needed, and, if affirmative, the type, length, height and location thereof,
 - (iii) the control of dust,
 - (iv) hours of operation, and
 - (v) whether mining is prohibited at that location.Any determination made by a local government hereunder shall be accompanied by supporting documentation justifying the particular determinations on an individual basis. The chief administrative officer must provide any determinations, notices and supporting documents according to the following schedule:
 - (i) within thirty days after receipt for a major project,
 - (ii) within thirty days after receipt for a minor project.
- (b) If the department finds that the determinations made by the local government pursuant to paragraph (a) of this subdivision are reasonable

- (b) an updated mining plan map consistent with paragraph (a) of subdivision one of section 23-2713 of this title and including an identification of the area to be mined during the proposed permit term;
- (c) a description of any changes to the mined land-use plan; and
- (d) an identification of reclamation accomplished during the existing permit term.

12. The procedure for transfer of a permit issued pursuant to this title is the procedure for permit modification pursuant to article seventy of this chapter.

13. The rules and regulations adopted by the department to implement this title and the provisions of article seventy and rules and regulations adopted thereunder shall govern permit applications, renewals, modifications, suspensions and revocations under this title.

HISTORY:

- Add, L 1974, ch 1043, § 1; amd, L 1976, ch 477, § 1, L 1979, ch 233, § 23, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Sub 1, amd, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Sub 2, opening par, add, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Sub 2, pars (a)-(c), add, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Sub 2, par (d), formerly sub 3, par (j), so designated, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 2, add, L 1979, ch 233, § 23; deleted, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Prior sub 2, renumbered sub 3, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Sub 3, add, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 3, opening par and pars (a)-(i), formerly sub 2, amd, L 1976, ch 477, § 1; renumbered sub 3 and amd, L 1979, ch 233, § 23; deleted, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 3, par (j), designated sub 2, par (d), L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Prior sub 3, deleted, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Sub 4, amd, L 1976, ch 477, § 1, L 1988, ch 217, § 1, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Sub 5, formerly sub 6, amd, L 1976, ch 477, § 1; renumbered sub 5 and amd, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Former sub 5, amd, L 1976, ch 477, § 1; deleted, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Sub 6, formerly sub 9, amd, L 1976, ch 477, § 1; so designated sub 6 and amd, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 6, formerly sub 7, amd, L 1976, ch 477, § 1; renumbered sub 6 and amd, L 1979, ch 233, § 23; deleted, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Prior sub 6, renumbered sub 5, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Sub 7, formerly sub 10, amd, L 1976, ch 477, § 1; so designated sub 7 and amd, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 7, add, L 1979, ch 233, § 23; deleted, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Prior sub 7, renumbered sub 6, L 1979, ch 233, § 23, eff Sept 1, 1979.
- Sub 8, formerly sub 11, add, L 1976, ch 744, § 1; so designated sub 8, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Former sub 8, add, L 1979, ch 233, § 23; deleted, L 1991, ch 166, § 229, eff Sept 1, 1991 (see 1991 note below).
- Prior sub 8, deleted, L 1979, ch 233, § 23, eff Sept 1, 1979.



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

COPY

ZONING & BUILDING CODE ENFORCEMENT

August 19th, 1996

Roy D. Reeves, President, RMS Gravel
PO Box 455
Dryden, NY 13053

Re: Proposed Expansion of the RMS Gravel facilities, Mott Road,
Town of Dryden

Dear Roy:

Please find enclosed, a Dryden Town Zoning and a Special Permit application. The site of proposed expansion, a portion of Dryden Town tax parcel 35-1-6 located southeast of the intersection of Hart and Mott Roads, allows mining and gravel excavation by Special Permit and the appropriate New York State Department of Environmental Conservation mining and reclamation permit.

Since the NYS DEC mining permit authority limits local government authority, in preparing the Special Permit application; you should consider the issues listed under the section titled, "Local Government", of the attached NYS DEC 11/1/91 Mined-Land Reclamation Program Update. The Local Government section is found on the lower half of page two.

The Local Government Section is the area of regulation that the Dryden Town Special Permit is permitted to enforce. Your Special Permit application and supporting details should address these specific areas as you prepare the responses to the (8) specific areas of the Special Permit application. You should also review and consider the appropriate parts of the attached Dryden Town Ordinance Section 806, "Quarries and Excavations, Topsoil Removal", requirements when preparing the Special Permit.

The DEC MLRL will be the mining and reclamation agency. You'll not find any Environmental Assessment Forms attached. NYS DEC is assuming the lead agency for EAF reviews.

The Zoning Permit should include a site map indicating the mined area, all proposed site improvements including access roads.

At this time, the Town Board, would desire to hold the Special Permit Review at their October 8th, 1996 regular scheduled meeting. In order for that to occur, I need to have your completed application by not later than Monday, 9/12/96.



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

FAX 607-844-9599

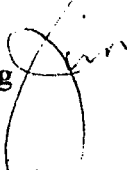
In the Heart of the Finger Lakes Region

TEL. 607-844-8619

OFFICE OF THE SUPERVISOR

September 4, 1996

To: Henry Slater
Mahlon Perkins

From: Jim Schug 

Re: RMS Gravel

Would you please work with Mr. Reeves on the public hearings to be held. Then we might be prepared for the Town Board to hold these hearing in the near future so Roy may proceed with his project.

/m

cc: Town Board
David Putnam

James Schug
September 19th, 1996
Page Two

Mr. Barylski, has suggested, since the DEC Permit will be the overall controlling document for this project, the Towns Special Permit recommendation should become conditions of a potential DEC mining permit. DEC would desire to have our input be developed and submitted during the public comment period. This request is based on current Mined Land and Reclamation Law of 1991 which is the process by the project is being reviewed.

Mr. Barylski advises me that DEC will probably declare the RMS mining permit incomplete returning it to the applicant requesting further detail of the berm, erosion control, hours of operation and other mitigation measures that will establish conformance to general practices that will assure environmental and community acceptability.

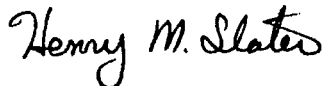
At this time, the 30 day public comment period will be dependant on how quickly RMS submits a completed application. Right now, Mr. Barylski suggests the 30 day period may occur during November or December which may fit in with either the November or December Town Board meeting.

Since I will be directly involved with the DEC process, I'll keep you advised of the DEC process so you and the Board will be able to adjust to the project hearing needs.

Please keep in mind, we need no less than 10 days lead time from the time that you establish a hearing date prior to that hearing to complete all official Notification requirements. All concerns that I have determined are listed on the attached comment and review form.

If you should have any questions, concerns or desire further detail, please feel free to contact me as necessary at 844-9120 Monday through Friday between 8:00 AM & 1:00 PM.

Very truly yours,



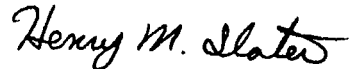
Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: Town Board Members
Mahlon R. Perkins, Town Attorney
Dave Putnam, T.G. Miller Engineers & Surveyors
Donald Gilbert, Dryden Highway Superintendent
Mr. Michael Barylski, NYS DEC
Applicant, RMS Gravel

James Hanson Jr.
September 26th, 1996
Page Two

If you should have any questions or desire further detail,
please feel free to call our office as necessary at 844-9120
between 8:00 AM and 1:00 PM Monday - Friday.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: James Schug, Dryden Town Supervisor
Town Board Members
Mahlon R. Perkins, Town Attorney
Dave Putnam, T.G. Miller Engineers & Surveyors
Donald Gilbert, Dryden Highway Superintendent
Michael Barylski, NYS DEC
Applicant, RMS Gravel

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

James W. Hanson, Jr.
Commissioner of Planning

Telephone (607) 274-5560
FAX (607) 274-5578

October 28, 1996

Mr. Henry Slater
Zoning Officer
Town of Dryden
65 East Main Street
Dryden, NY 13053

Re: Zoning Review Pursuant to §239 -1 and -m of the New York State
General Municipal Law

Action: Special Permit Application; RMS Gravel, Inc., Tax Parcel Numbers
35-1-4, 35-1-5, 35-1-6, 38-1-23.2 and 38-1-24

Dear Mr. Slater:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -1 and -m of the New York State General Municipal Law.

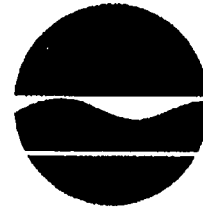
The Tompkins County Planning Department has determined that the proposal, as submitted, may have a significant deleterious impact on intercommunity, County, and State interests. This determination of 'significant impact' is based on the potential for visual appearance and environmental impacts.

Visual Appearance

Many of the visual impacts from the proposed project cannot completely be mitigated, therefore the Department feels that the proposed project will have a significant visual impact on the rural landscape surrounding the site. Significant areas of the project site are visible from numerous locations throughout the town. In addition, the proposed operation will be visible to traffic along Route 38, a well-traveled route.

In order to mitigate visual impacts on the area immediately surrounding the site, adequate and stable berms should be built on the perimeter of the site. Trees that provide adequate screening of the site should also be planted, particularly to help screen views of the project from Route 38.

**New York State Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090
(607)753-3095 FAX(607)753-8532**



**Michael D. Zagata
Commissioner**

November 7, 1996

Jonathan W. Harrington, Ph.D.
Harrington Associates
390 Clark Street Ext.
Groton, NY 13073

RECEIVED
NOV 11 1996
ZONING & BUILDING DEPT.

RE: DEC Application #7-5024-00119/00001, RMS Gravel, Inc., South Mine,
Town of Dryden, Tompkins Co., Notice of Positive Declaration

Dear Mr. Harrington:

This letter is written in response to yours of October 23, 1996 and to provide you our Notice of Positive Declaration.

As you are aware, SEQR law and DEC Policy requires the coordination of a Lead Agency for Type 1 actions. DEC policy requires that we seek lead agency. This application was referred to the Town on August 8, 1996 (copy of letter attached) to initiate the lead agency coordination process. My apologies for not providing a copy of this letter to you earlier. When, we did not hear back from the Town of Dryden within the maximum period prescribed by law, I was surprised because of a recent coordination on another project. As a result, I did phone them to confirm that they had received our Lead Agency request letter. The Town Code Enforcement Officer had, in fact, recommended that the Town defer lead agency status to the Department. I'm not sure what information has led you to characterize my coordination with the Town as "initiated an extensive series of discussions with local officials", but it is inaccurate. Please be aware, that coordination of lead agency includes more than simply determining which agency will determine the environmental significance of the project. It also includes considering relevant factors or issues that other involved agencies may identify. At any rate, I only remember one substantive conversation with the Town Code Enforcement Officer about issues and concerns the Town had.

For the record, the Department did not assume Lead Agency status until September 9, 1996 and a determination of completeness was made within 15 days of that date.

Responses to your itemized responses which follow the numbering in our September 23, 1996 Notice of Incomplete Application follow:

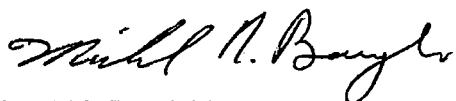
1. Statement Acknowledged. Not resolved. Plans with a contour interval of 10' are required.
2. Acknowledged. Resolved.
3. Acknowledged. Resolved.

be aware, that the courts have consistently held that the lead agency must "thoroughly analyze the identified areas of environmental concern" (617.7 (b)(3)). Finally, please recognize that it is the applicant's burden to provide sufficient detail to enable adequate environmental analysis to take place. In its absence, Department staff may have no other recourse than to conclude that there may be environmental impacts associated with the project and to request the preparation of an EIS.

After reviewing the information that you have provided it has been determined that the proposed action may have an adverse environmental impact and that a Draft Environmental Impact Statement must be prepared. See enclosed Positive Declaration.

Enclosed is a copy of 6NYCRR Part 617. Please review section 617.8 regarding scoping so that we might discuss whether to initiate scoping. If you have any questions, please feel free to call me.

Sincerely,



Michael K. Barylski
Deputy Regional Permit Administrator

MKB:jh

cc: D. Palm
C. Covey
R. Manna
J. Moskiewicz
R. Nolan
H. Slater ✓
J. Schug
R. Reeves

The operation of the project is proposed for five phases ranging from 17.8 to 28.6 acres in size. Material will be processed at an adjacent permitted mine site. The previous permitting of the processing at that site did not anticipate the possibility of the importation of 7 million cubic yards of material from an off-site location. Consequently, there is concern for whether or not the current operation is appropriate and adequate for this extra volume of material. This is especially critical given the location of the existing settling basins and fines storage facilities to Mud and Fall Creeks and to Freshwater Wetland GR-14. If permitted, this facility would be one of the largest sand and gravel mining operations in Tompkins County.

Other concerns involve the removal of large quantities of vegetation from this site (121 acres). The project, as proposed, mining from north to south would mean that the project would be visible from the commencement of the operation for the duration of the project from many locations from the south. The impacts associated with noise and traffic could not be specifically projected since the mining proposal left open those issues regarding the operation of the project. Archaeological issues were reviewed and not identified as a potential issue. Some relocation of utilities will be necessary, the specifics of which have not at this time been provided. Additional concerns include the phasing in of the operation of this site. Will operations commence upon permitting? If so, will the existing permitted site become a sole processing plant? If it is reduced to a processing plant, what steps, if any, will be taken to reduce stormwater related concerns.

For Further Information:

Contact Person: Michael K. Barylski

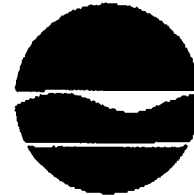
Address: NYS Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090

Telephone Number: (607) 753-3095 ext. 233

A copy of this Notice Sent to:

Environmental Notice Bulletin
Regional DEC Office
James Schug, Supervisor, Town of Dryden
RMS Gravel
Jonathan Harrington, Harrington Associates

New York State Department of Environmental Conservation
Region 7, Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090
(607)753-3095 Ext. 233 FAX(607)753-8532



Michael D. Zagata
Commissioner

October 8, 1996

Mr. Jonathan Harrington
Harrington Associates, Inc.
390 Clark Street Ext.
Groton, NY 13073

**RE: DEC Application ID #7-5024-00119/00001, RMS Gravel, South Mine
Incomplete Notice - Additional Information Request**

Dear Mr. Harrington:

This letter is written as a follow-up to our recent incomplete notice. While discussing this proposal with Henry Slater, Town of Dryden Code Enforcement Officer, it was conveyed to me that there has previously been some sort of problem with sediment laden wash water entering one of the nearby streams.

Appropriate staff have been consulted and they have expressed an interest in receiving information on how the estimated 8 to 10 million cubic yards of material to be processed will be handled to ensure that process water, waste and silt will be handled to ensure that there are no impacts to Mud Creek. Please be aware that Mud Creek is a C(t) trout stream from its mouth to the Dryden-McLean Road and that a wild self-sustaining brook trout population exists in Mud Creek. Department staff have expressed similar concerns for the Fall Creek fish community and to Freshwater Wetland GR-14 (a copy of the freshwater wetland map is enclosed).

Please supplement the mining permit application materials to include information regarding how the silted wash water and waste will be dealt with and what precautions will be taken to protect Mud and Fall Creeks and Freshwater Wetland GR-14.

Another concern is for ensuring the stability and integrity of the joints of the existing conduit which crosses the wetland, conveying wash water from the existing process plant to existing detention ponds. If an increase in volume of wash water is expected, the new volume must be identified and plans for modifications to the wash water conduit and existing detention ponds provided. The outlet of the existing detention ponds must be inspected to assure that all measures practicable are in place to preclude introduction of silt to the tributary of Fall Creek. A plan must be provided describing management of fines dredged from the detention ponds including storage area and methods and final fate of the material.

If you have any questions, please feel free to call me.

Sincerely yours,

Michael K. Barylski
Deputy Regional Permit Administrator

MKB:jwc

cc: Ralph Manna

RMS Gravel

Barylski/ October 23, 1996/ page 2

interval in the most recent MLR Applicant's Guide. This is a guide to be used in combination with the original applicant's guide which suggested a range of map scales and corresponding contour intervals (from 2 to 20 feet). Typically, larger scale maps which show small areas, require a smaller contour interval to adequately illustrate the topography. This fact is clearly reflected in the wide range of map scale and contour intervals recommended in the original applicant's guide. In addition, areas with lower topographic relief require smaller contour intervals. It was our understanding that such technical aspects of the program were primarily the responsibility of Mineral Resources as clarified in the MOU dated November 30, 1992. We can recall no instance when the Regional MLR Specialist has found our maps to be unacceptable.

2. As stated above, we utilize USGS quadrangle maps in the preparation of our mining plans. The maps are merely enlargements from one inch to 2,000 feet to one inch to 200 feet. The two are redially compared. Enclosed is a copy of the topographic map with life of mine limit superimposed.

3. As noted in the mining plan [pg.10, section 2.3.6 (b) and pg. 11, section 2.4.2], the berm will be approximately 25 feet in width, and will be between 8 and 10 feet in height. Thus, the maximum final slope will be less than 1 vertical on 2.5 horizontal.

4. Enclosed is a completed visual EAF addendum. As discussed in the mining plan, visual impact of the operation will be minimal. Upon completion of the berms along Hart and Mott Roads, the site will not be visible by nearby potential receptors. In fact, it will only be visible in the distance from a short segment of NYS Rte 13 located about one mile south. At this distance, the visual impact will be slight.

5. Although the applicant has not specified any hours of operation, they do not intend to routinely conduct operations after dark. Therefore, the use of artificial lighting should not be necessary. Furthermore, it is our understanding that the Town of Dryden has decided that no recommendation regarding this issue is necessary.

6. RMS Gravel has a signed contract to purchase the residence on Hart Road. As is standard in such cases, ownership transfer to RMS Gravel will be finalized upon permit issuance.

Barylski/ October 23, 1996/ page 4

Department on May 1, 1991. Since that time, no wash water problems have been called to our attention. No leakage has ever occurred from the conduit. The stability and integrity of the entire pipeline is checked at the beginning and close of each day of operations.

In the Summer of 1993, during a violent rainstorm silt entered Fall Creek. Although much, if not most of this, originated from agricultural fields some undoubtedly came from bare ground at the RMS Gravel Mine. Consequently, we redesigned the stormwater detention basins and submitted this as part of a permit modification which also included a new silt storage area east of Cady Lane. These changes were approved as part of the renewal issued on February 14, 1996.

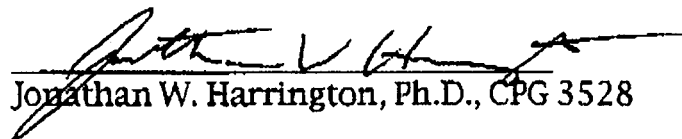
Since that time no concerns have been brought to our attention. Thus, in nine years of operation two isolated problems have occurred. These were both promptly addressed and have not reoccurred. One involved the wash water system; while the other was a separate stormwater discharge. Both were adequately addressed.

Much of the South Mine material will be processed at the existing Bartlett mine. However, there are no plans to modify the plant or increase production capacity. Wash water volume and detention basin capacity will remain unchanged. All fines will continue to be stored in the approved area as per the 1993 permit renewal.

We hope this information satisfactorily addresses your concerns of September 23, 1996 and October 8, 1996.

Sincerely yours,

HARRINGTON ASSOCIATES - GEOLOGISTS



Jonathan W. Harrington, Ph.D., CPG 3528

JWH/lgh

enc

cc: RMS Gravel
Patrick M. Snyder, PE, Esq
Joseph Moskiewicz
Ralph Manna

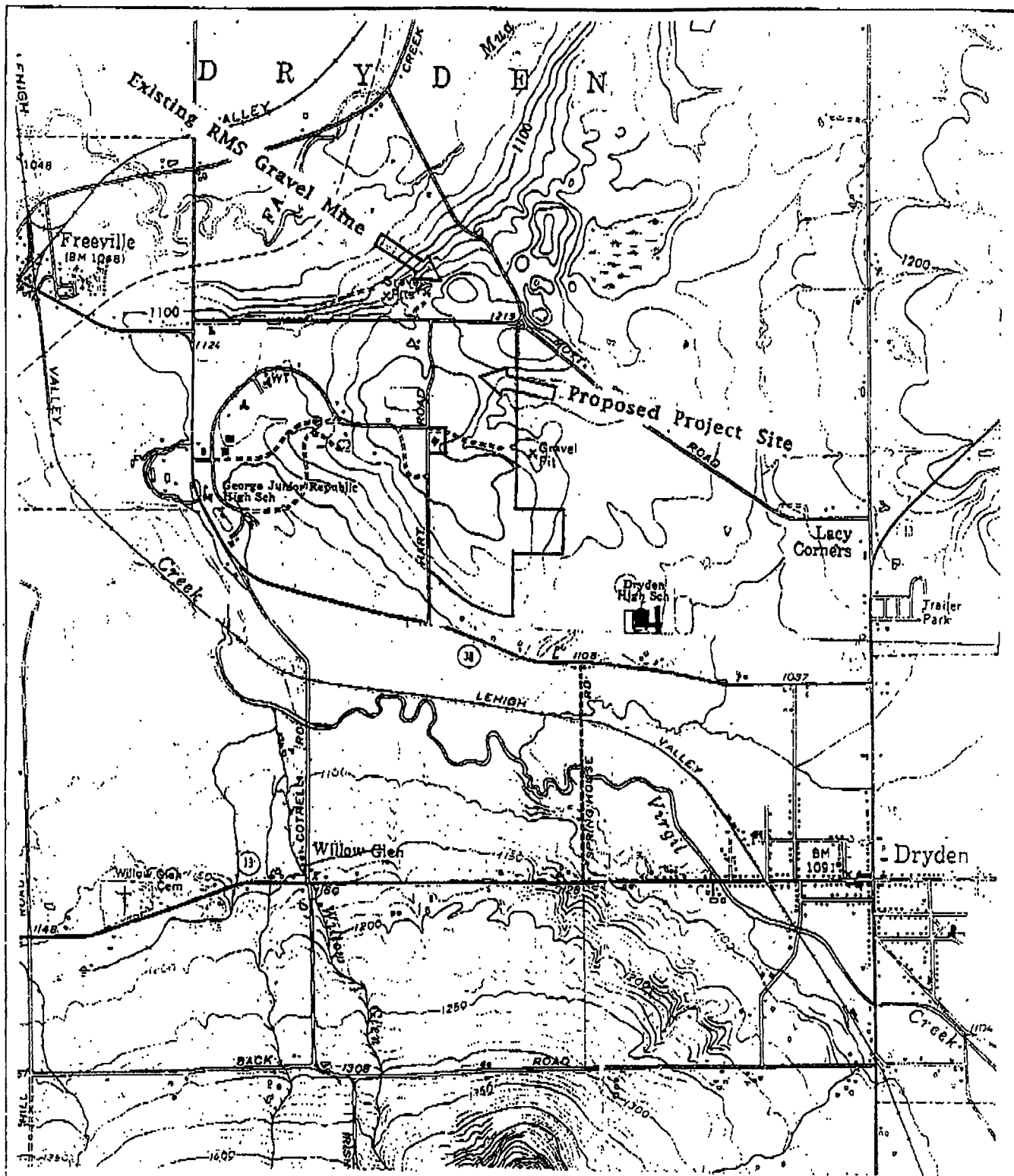


FIGURE 1 - Topographic Map

Scale: 1 inch = 2,000 feet

Portion of Groton & Dryden 7.5' USGS Quadrangles

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	*1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- *1/2 mile Yes No
- *1 miles Yes No
- *2 miles Yes No
- *3 miles Yes No

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is Unknown.

NOTE: When user data is unavallable or unknown, use best estimate.

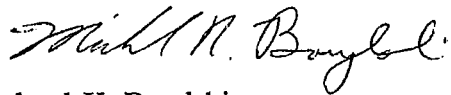
CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If there are any questions, please do not hesitate to contact me at the above telephone number.

Sincerely yours,



Michael K. Barylski
Deputy Regional Permit Administrator

MKB:jwc

cc: Roy Reeves, RMS Gravel, w/original permit
Norm Boyce, Division of Air
Roger Young, Division of Air
Ralph Manna w/incoming
Joseph Moskiewicz w/incoming
William Gallagher w/incoming
Henry Slater, Zoning Officer, Town of Dryden w/incoming
James Schug, Supervisor, Town of Dryden w/incoming



TOWN OF DRYDEN
OFFICE OF THE SUPERVISOR
65 EAST MAIN STREET
DRYDEN, NEW YORK 13053-9505

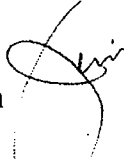
FAX 607-844-9599

E-MAIL drydent@lightlink.com

TEL 607-855-8619

November 26, 1996

To: Town Board

From: Jim 

Re: Public Informational Meeting December 10th

We have two public hearing scheduled - one at 7:30 for the aged exemption and one at 7:45 for MAK Industries. We will plan on 8:00 P.M. to have the RMS Gravel informational meeting which should last no longer than one hour. Attached is a copy of a letter from Mr. Michael Barylski of NYS DEC. We will be covering the scoping section for SEQR for this project to be done for NYS DEC.

By copy of this letter to Roy Reeves and Michael Barylski I'm asking that they bring with them all interested parties from their organizations who should attend.

/m

cc: Mahlon Perkins w/att
Henry Slater w/att ✓
Roy Reeves
Michael Barylski

4. Information Acknowledged. Determination of significance will be made on the basis of this information.
5. Proposal Acknowledged. No hours of operation proposed. Determination of Significance will be made absent this control.
6. Acknowledged. Resolved.
7. Information Acknowledged. Determination of Significance will be made on the basis of this information.
8. Acknowledged. Determination of Significance will be made on the basis of this information.
9. Information Acknowledged. Resolved.

Responses to material provided from the middle of page 3 through the end of the letter on page 4 (Your response to our October 8, 1996 letter.)

Prior to responding directly to the information you provided, however, I must note that the tone of your letter seems to suggest that you might not be familiar with SEQR, its intent, or the Department's obligations under it.

SEQR classifies actions into several categories of environmental significance. RMS's proposal, the mining of 121.45 acres of a 123.1 acre site is considered a Type 1 action. Type 1 actions are "those actions and projects that are more likely to require the preparation of an EIS than Unlisted Action" (617.4(a)). This action is Type 1 because it exceeds the threshold established in 617.4(b)(6)(i) which is "a project or action that involves the physical alteration of 10 acres".

An important responsibility that the Department has under SEQR is to determine the environmental significance of the project. Department staff, myself included, understand and realize that in issuing Positive Declarations and in requesting the preparation of Environmental Impact Statements can be both time-consuming and expensive for the applicant. On the other hand, SEQR requires that "To determine that an EIS will not be required for an action, the lead agency must determine that there will be no adverse environmental impacts, or that the identified adverse environmental impacts will not be significant." (Emphasis added (617.7(a)(2))). As I believe you are aware, the Department cannot call an application complete without making a determination of significance and without reviewing the application for technical completeness.

RMS's proposal, removing all vegetation from a 123 acre site and removing 7 million cubic yards of material is not a proposal that Department staff can be cavalier about in dismissing the possibility that there may be an adverse impact to the environment. There was no suggestion in our letter of a chronic problem at the existing site. However, please be aware that you should probably anticipate that Department staff believe that given the magnitude of the proposed operation and the proximity to the high quality natural resources associated with Mud Creek, Fall Creek and Freshwater Wetland GR-14, the questions being raised about the capacity of the sediment basins etc. are reasonable and necessary. This would be true even if there had never been a problem previously at the existing site. Also,

**State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance**

Lead Agency: NYS Department of Environmental Conservation
Address: 1285 Fisher Avenue
Cortland, NY 13045

Project Number: 7-5024-00119/00001

Date: November 7, 1996

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The lead agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

RMS Gravel Inc. proposed 121 acre mining operation with processing at off-site location.

SEQR Status: Type 1
Unlisted

Description of Action:

The applicant proposes the operation of a 121.45 acre unconsolidated sand and gravel mine on a 123.1 acre parcel. Material will be transported via a conveyor system and under Mott Road to RMS's existing Bartlett Mine for processing (screening and washing).

Location of Project:

See attached map. Town of Dryden, Tompkins County. South of Mott and east of Hart Roads.

Reasons for Supporting This Determination:

The proposed project is to mine approximately 7 million cubic yards of material from 121 acres to a depth of approximately 40 feet and to transport material from the proposed site to an existing permitted mine via a conveyor that will require the installation of a 138' long 8' diameter culvert under Mott Road.

The project as proposed, will be one of long term duration. At an estimated life expectancy of 25 to 30 years, the facility will mine, transport via conveyor, and process (including washing) between 4,000 and 5,500 cubic yards of material per week (this assumes a 52 week a year operation).



TOWN OF DRYDEN
OFFICE OF THE SUPERVISOR
65 EAST MAIN STREET
DRYDEN, NEW YORK 13053-9505


FAX 607-844-9599

E-MAIL drydent@lightlink.com

TEL 607-844-8619

December 11, 1996

To: Deb Grantham

From: Jim 

Re: Scoping for RMS Gravel

At our information meeting on December 10th you received a sheet entitled "Scoping for RMS Gravel, Inc.". You agreed to put together any concerns the town might have for more information to be included or excluded in letter form to be forwarded to Michael Barylski by no later than December 20th. As discussed you will put together your thoughts, give them to Dianne over the phone and she will prepare the letter and fax it to you for review.

I'd ask every other board member to do the same with their own thoughts and these will be combined into one letter to Mr. Barylski.

As we discussed we can safely say in our report that there is little or no impact on farming in this area.

/m

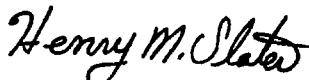
cc: Town Board
Mahlon Perkins
Henry Slater ✓

James Schug, Dryden Town Supervisor
December 16th, 1996
Page Two

Other areas that should be addressed might include, loss of dedicated farm land, relocation of on site public utilities, general noise and dust control site security and stated hours of operation as well as all other identified project concerns that may require some amount of mitigation or should be included in the project mitigation plan so as to assure conformance with all applicable authority requirements.

Please note, that Stanley Harrington, the only immediate neighbor, has reviewed these plans and determined that he would be comfortable with the project with appropriate attention to the berm, noise and dust control.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: RMS Gravel File

TEL :

Dec 19'96 10:54 No.002 P.01

RECEIVED

DEC 19 1996

DRYDEN TOWN SUPERVISOR

12/19/96

To: Jim Schug
From: Deb Grantham
Re: RMS Gravel application

Following are some questions and concerns I think should be addressed during the application process.

1. Impacts on Virgil Creek should be addressed, as well as Mud Creek, Fall Creek and Freshwater Wetland GR-14.
2. Erosion and stormwater control throughout the mining and reclamation process should be detailed.
3. If fines from the wash process are used in the reclamation, will long-term erosion be an issue?
4. Visual impact should be minimized.
5. Will noise be significantly increased because of the new conveyor belt? Will traffic and hours of operation remain the same?
6. Can the wash water held in detention basins infiltrate groundwater? What is the potential impact on groundwater quality?
7. The application should include a summary of the information and list of sources.
8. Although we are not concerned about decreasing current agricultural activity as a result of the mining activity, the reclamation should restore the potential for agricultural use.
9. Are there any endangered, threatened or rare species? See attached news clip.

December 19, 1996

From: Ronald Roberts, Town Board member

- 1) Daytime hours only
- 2) Sunday limited to eight hours per month for emergencies
- 3) Continue using same roads as currently using.
- 4) Continue current operation for dust control.
- 5) DEC should look at reasonable setbacks for adjoining residences.

December 19, 1996

To: Larry Carpenter

From: Jim

Re: KISS System Outwits Beavers

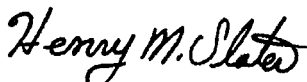
If you have not already seen the subject article enclosed is a copy of page 9 of Nuggets and Nibbles latest issue. The article has to do with your favorite subject - beavers along railroad tracks. This is for your information. Do what you feel is best. Have a safe and happy holiday season.

James Schug, Dryden Town Supervisor
December 16th, 1996
Page Two

Other areas that should be addressed might include, loss of dedicated farm land, relocation of on site public utilities, general noise and dust control site security and stated hours of operation as well as all other identified project concerns that may require some amount of mitigation or should be included in the project mitigation plan so as to assure conformance with all applicable authority requirements.

Please note, that Stanley Harrington, the only immediate neighbor, has reviewed these plans and determined that he would be comfortable with the project with appropriate attention to the berm, noise and dust control.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: RMS Gravel File



TOWN OF DRYDEN
OFFICE OF THE SUPERVISOR
65 EAST MAIN STREET
DRYDEN, NEW YORK 13053-9505

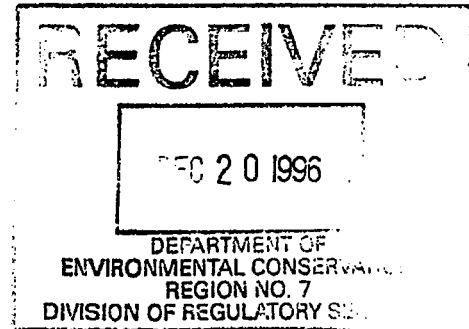
FAX 607-844-9599

E-MAIL drydent@lightlink.com

TEL 607-844-8619

December 19, 1996

Michael Barylski
N. Y. S. Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090

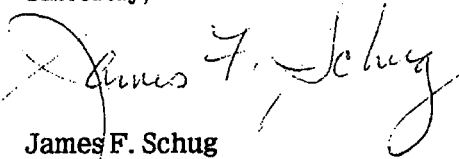


Re: Comments - DEC application #7-5024-00119/0001, RMS Gravel, Inc.

Dear Mr. Barylski:

Attached please find comments from Debra Grantham and Ronald Roberts, Town Board members and Henry Slater, Zoning Officer. I believe as we discussed at the informational meeting with this project there should be little or no impact on farming.

Sincerely,


James F. Schug
Supervisor

/m

cc: Town Board w/att
Mahlon Perkins w/att
Henry Slater w/att
Roy Reeves w/att

--- Tuesday --- November 5, 1996 --- Vol. 6 --- No. 130 ---

THE ENVIRONMENTAL NEWS DAILY

3129 Mount Vernon Avenue, Alexandria, VA (703) 518-4600

***8 BIOPROSPECTING: DISCOVERY OF FUNGUS IN NY PROMPTS PRESERVE**

The discovery in West Danby, NY, of a form of fungus used to prevent rejection of transplanted organs has spurred a local conservation group to "capitalize" on the mold's potential by creating "the first preserve set aside specifically for chemical prospecting outside the tropics," the N.Y. TIMES reports.

The discovery of a missing form of the fungus species, used to make the billion-dollar drug cyclosporin, in an often-visited forest near Cornell U. "is evidence, scientists say, of how poorly known many organisms still are even in well-studied habitats." As a result of the find, the Finger Lakes Land Trust in Ithaca, a local conservation group, this fall plans to buy a 270-acre parcel less than a mile from where the fungus was found.

Cornell biologist Thomas Eisner and colleagues at the Cornell Institute of Research in Chemical Ecology plan to lead the search for "interesting molecules" in the new preserve.

Schering-Plough Corp., a major pharmaceutical company, has expressed interest in becoming a partner in the search once the new reserve is established, perhaps providing funds for research and a return on royalties for conservation. Eisner: "This could certainly be a model for setting up other preserves and any preserve could lend itself for this purpose. I sincerely hope we've started something" (Carol Kaesuk Yoon, N.Y. TIMES, 11/5).



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

December 16, 1996

James F. Schug
65 East Main Street
Dryden, NY 13053

Re: Scoping Session Recommendations, Proposed RMS Gravel,
South Mine

Dear Jim:

I have reviewed my resulting notes of the 12/10/96 Scoping Session conducted jointly by personnel of NYS DEC, the applicant and his project staff and the Dryden Town Board and support staff. I recommend the following be included within the applicants Environmental Assessment project mitigation plan.

1). Visual Impact

The visual impact of this project will be noted most directly by those persons either living or traveling south / southeast of the project, along New York State Route 13 and Dryden Town highway Ferguson Road. I would recommend the south / southeast portion of the site berm include a reasonable dense planting of appropriate evergreen trees. These evergreens will screen the project for those previously identified and will provide dust and noise buffering for the immediate neighbor, Stanley & Lonnie Harrington.

2). Water Table Concerns

Details concerning depth to water table within the immediate mining area, Mud creek, GR14 a NYS DEC wetland and Virgil creek, should be included which clearly indicate neither of these waterways will be affected. There also was a question of whether or not on site ponding is a potential within the mining area as material is removed. Water table details should address both of these concerns.

3). Direction of Excavation

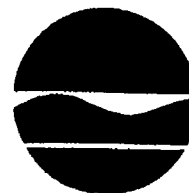
During the scoping session, there was a question raised about where the mining would begin, conclude and why such a route had been selected. These details should provide reasoning for excavation direction and restoration plans.

12/17/96
[Signature]
RECEIVED
DEC 16 1996
DRYDEN TOWN SUPERVISOR

Scoping for RMS Gravel, Inc.

1. Description of proposed action: The operation of a new 121 acre mine immediately south of the existing RMS Gravel, Inc. mine. The new mining area will be used as the existing approved mining area is depleted. The rate of mining and processing, and consequently the amount of truck traffic, silt production, water usage, hours of operation and other factors will be similar to existing conditions. The new mined area will be bermed and vegetated to minimize any visual impacts. Reclamation will be ongoing, to minimize the disturbed area at any one time. Silt byproduct from processing will continue to be removed from the settling basins and dried at the same locations, for ultimate use as fill on the George Junior Republic lands or at other locations. There will be no change to the current operating program, which has been completely successful in avoiding any impacts to Mud Creek, Fall Creek, or Wetland GR-14. The total area to be affected is 121 acres, which will be mined over the course of 25-30 years. The new mine will allow this existing business, which currently provides employment for approximately 16 persons, to remain in operation. Without the new mine, this business will be forced to close within 3-5 years. The RMS mine provides high quality building materials and ice control sands to customers within a radius of approximately 25 miles. It is the only NYSDOT approved sand and gravel source in Tompkins County. Without this source of materials, it is likely that many customers, including local municipalities, will find it more difficult to obtain these materials, and prices may be significantly higher at more distant locations.
2. Potentially significant adverse impacts to be discussed in the environmental impact statement:
Potential for visual impacts, noise, dust, traffic, surface water quality, wetlands, and drainage.
3. Extent and quality of information required:
Enough information to predict whether any unreasonable change to existing conditions will occur, including hydrologic data that shows that the groundwater table will not be intersected.
4. Initial identification of mitigating measures:
Visual screening, phased implementation, concurrent recycling, adherence to currently successful mitigation measures.
5. Reasonable alternatives to be considered:
Variations in the direction of mining, reclamation for uses other than agricultural, and availability of alternative sources.

New York State Department of Environmental Conservation
Region 7, Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607)753-3095 Ext. 233 FAX(607)753-8532



John P. Cahill
Commissioner

July 31, 1997

Mr. James Schug
Supervisor, Town of Dryden
65 East Main Street
Dryden, NY 13053

Dear Mr. Schug:

Enclosed are two copies of the Draft Environmental Impact Statement that has been prepared for RMS Gravel Inc. for their proposed 121 acre mine. One of these copies is for your personal use, the other for use by the general public. It would be helpful if you could arrange to have the second copy available for general public use at the Town Hall.

Also enclosed is a copy of the public notice that RMS will be publishing in the local newspaper announcing the availability of the DEIS and the close of the comment period on September 8, 1997.

A fair number of copies of the DEIS were requested from the applicant's consultant. Copies of the DEIS are being provided to other Town of Dryden officials as follows:

- Henry Slater, Town Code Enforcement Officer (1 copy)
- Charles Hatfield, Deputy Supervisor, Town Board (2 copies)
- Barbara Caldwell, Town Planning Board Chair (1 copy)

Please note that copies will also be available for review at the Dryden Public Library and the DEC Regional Office at 1285 Fisher Avenue in Cortland.

If you have any questions, or if you believe that additional copies of the DEIS will be necessary, please feel free to call me and I will do what I can to obtain them.

Sincerely,

Michael K. Barylski
Deputy Regional Permit Administrator

MKB:jwc

cc: Joseph Moskiewicz w/encl.
Chad Covey
RMS Gravel, Inc.
Henry Slater w/encl.
Town Planning Board w/encl.

Ralph Manna
Jonathan Harrington
Patrick M. Snyder, P.E., Esq.
Town Board w/encl.

Potential Environmental Impacts:

Potential environmental impacts that were identified included impacts to groundwater, surface water and freshwater wetland GR-14. Other potential impacts centered around the large-scale, long-term nature of the project. Removal of seven million plus cubic yards of material from a 121 acre mine on a 123 acre site. By nature of the location of the site, its impact on community character and visual implications were also considered. The site will be visible from NYS Route 13 for a substantial distance (approximately 1300 feet). NYS Route 13 is the main east-west corridor between communities to the east of Ithaca and north and west of Dryden. Since the applicant proposes to utilize the washing plant already established on the Bartlett mine, this proposal raises concerns with regard to delaying the reclamation of the Bartlett site. It also raises concerns for the impacts associated with the waste water from the washing/processing operation due to its proximity to Fall Creek and Freshwater Wetland GR-14.

Document Availability:

A copy of the DEIS is available for review at the following locations:

Town of Dryden Town Hall
65 East Main Street
Dryden, NY 13053

NYS Department of Environmental Conservation
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090

Southworth Library
Main Street
Dryden, NY 13053

Contact Person: Michael K. Barylski
Address: NYS Department of Environmental Conservation
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
Telephone Number: (607) 753-3095 ext. 233

A copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation
Environmental Notice Bulletin
RMS Gravel
Jonathan Harrington, Harrington Associates
Patrick M. Snyder, P.E., Esq.
Town of Dryden

TOWN BOARD MEETING
PUBLIC HEARING - AGED EXEMPTION
DECEMBER 10, 1996

Supv Schug called the public hearing to order at 7:30PM

Supv Schug read the notice that was published in the newspaper concerning aged exemption. (copy in minute book)

QUESTIONS AND/OR COMMENTS - NONE

Closed public hearing 7:45PM

Supv Schug called the meeting to order at 8:45PM

Members and guests participated in a moment of silent meditation followed by the Pledge of Allegiance

Roll call was by Town Clerk Lloyd

Present: Supv Schug, Clp Grantham, Clp T. Hatfield, Clp C. Hatfield, Clp Roberts, Atty Perkins and Z.O. Slater

INFORMATIONAL MEETING - RMS GRAVEL

Present: Michael Barylski and Jean Cotterill representing DEC; Pat Snyder, Council; John Harrington, Consultant and Roy Reeves whose has submitted the application to DEC.

Michael Barylski - as a result of the permit application submitted to DEC they have requested the applicant to prepare an environmental impact statement. As a result of provisions in SEQR Mr. Reeves has opted to take advantage of having the department look at a draft scope for the environmental impact statement. The purpose of meeting with the town board would be to ask you to take a look at the draft scoping outline that has been prepared by Mr. Reeves and determine whether or not on the basis of those things that Mr. Reeves has suggested be discussed and any other issues that you are aware of that you feel should be discussed. The other purpose would be to determine if there are issues that you may have seen on other environmental impact statements or that have been routinely discussed in environmental impact statements that are really irrelevant in this case so that the environmental impact statement that is prepared is one that more specifically addresses the issues that most people are apt to be interested in and relevant to determining what the impact of the operation is. Pat Snyder will go over the draft scoping and would like input from the board within the next 2 weeks before the scope is finalized.

Clp C. Hatfield - if everything is done as planned at the end of 30 years it will be seeded and grass growing again.

John Harrington - that is what the reclamation plan calls for.

Clp C. Hatfield - wanted to know how much topsoil was called for.

John Harrington - it is usually 8 to 10 inches and makes it suitable for agriculture.

Michael Barylski - would like written input from the board members regarding the draft scoping report by December 20th or 23rd so that they have time for review. Just as important as identifying issues that you would like to see discussed that may not be represented. Typically you would see a scripted outline that EIS would want you to follow. This includes everything from input on climate, energy and agricultural resources. If those things are not issues I would also like you to take the time to state you have looked at this and the impact on agricultural resources is not really an issue at this location because of your stated reasons. The applicant will then know not to bother with discussing this particular issue. With regard to the crossing under Mott Road you may want to see discussed and other options that we have looked at. This is also something we should know about.

APPROVAL OF THE MINUTES

Motion was made by Clp Roberts and 2nd by Clp T. Hatfield that the minutes of Site Plan Review 5-28-96 and Town Board meeting 8-13-96 be approved. Carried

Walter Groman - reported on the ambulance billing - they have 9 people they are unable to collect from either by inadequate address or person is deceased. Cash flow as of 8-96 is \$81,296.00. \$15,400.00 has been identified that can't be billed due to the approvals that came in during the year. Medicaid is working on changing their authorization date back to January 1st and that would allow us to receive another \$6,500.00. Paid receipts on Medicare is about \$7,200.00, Medicaid \$8,900.00 and direct insurance about \$92,000.00. There is \$30,000.00 outstanding for private pay no fault. It looks like \$50/60,000.00 is available to be collected. Wondered if a resolution was needed for the bills that were uncollectible.

The board decided to wait and see what a years experience is before a resolution is made for bills that are unable to be collected. This way there will be something to work with. The board should receive a report in advance to the board meeting for review.

James Schug
August 22nd, 1997
Page Two

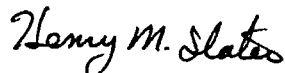
NYS DEC assumed the lead agency status for both the SEQR and the general project review. The Town assumes the role of another interested agency. A copy of the 12/10/96 Board minutes is attached.

Due to nature, scope of and duration of the project, DEC declared an Environmental Impact Statement, EIS, shall be prepared for this project. Based on the merit of the 7/15/97 EIS, other agency and general public comments of the EIS, the permit decision will be determined by DEC at the conclusion of the EIS comment period which is September 8th, 1997.

The Town has had a mining permit process within RC Zoning Districts, by Special Permit, for many years. When Town mining authority by Special Permit were first adopted, NYS DEC, did not have a detailed mining permit process. Since DEC adopted its current "Mined Land Reclamation Law of 1991," there has been an extensive effort by DEC to closely regulate mining and land reclamation which has been very successful. The Town Special Permit, should address, whether or not the use is permitted, setbacks, access barriers, hours of operation, dust and noise control. It was agreed appropriate Town Special Permit conditions of approval, if approval is granted, will be incorporated into a pending DEC Mining Permit.

8:00 Continue the Bell Automotive Special Permit Review for a Special Permit to establish a commercial garage within the former 945 Dryden Road, Varna Fire Station Facility. Mr. Bell will be providing a traffic study and value analysis of the area which assumes Bell's Auto Care were to develop in the Hamlet of Varna. Both studies by qualified professionals.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: Site Plan Review Board Members
Mahlon R. Perkins, Dryden Town Attorney
Dave Putnam, T.G. Engineer & Surveyors
County Planning Dept.
Susanne Lloyd, Dryden Town Clerk
Margie Albern, Cloud Nine Restaurant
Roy Reeves, RMS Gravel
Mark Bell, Bell Auto Care & Car Sales
Michael K. Barylski, Region 7, NYS DEC, 1285 Fisher Ave,
Cortland, NY 13045-1090

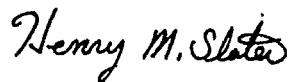
James W. Hanson
August 26th, 1997
Page Two

As you'll recall, the Town requested 239 L&M comment for the proposed Bell's Auto Care request to establish a commercial garage for minor auto sales & services within the former Varna Fire Station, 945 Dryden Road facility.

The Town conducted a public hearing on 8/12/97 but was not able to determine a decision. The Board requested traffic analysis and the affect on area property values if Bell were to go forward. The Board also requested Community Center use information.

The Board will continue this hearing on September 2nd, 1997. Any further input from you department is welcome. We have your 8/12/97 239 L&M report which has been included in the Town's evaluation of this project.

Very truly yours,



Henry M. Slater
Zoning and Building Code Enforcement Officer

cc: James Schug, Dryden Town Supervisor
Town Board
Mahlon R. Perkins, Dryden Town Attorney
Dave Putnam, T. G. Miller Engineers & Surveyors
Applicant, Margaret Albern, Cloud Nine
Applicant, Roy Reeves, RMS Gravel
Applicant, Mark Bell, Bell's Auto



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

August 20th, 1997

The Ithaca Journal
Attn: Darlene Folsbee, Legal Notices
123 West State Street
Ithaca, NY 14850

Dear Darlene:

Please publish the attached legal notice no later than
Wednesday, August 27th, 1997 and bill the Town of Dryden.

Very truly yours,

Henry M. Slater

Henry M. Slater
Town of Dryden Code Enforcement Officer



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

September 4th, 1997

Michael K. Barylski, Deputy Regional Permit Administrator
NYS Dept. of Environmental Conservation
1285 Fisher Avenue
Cortland, NY 13045

Re: RMS Gravel SEQR & Art 23 Title 27, NYS Mined Land
Reclamation Law of 1991, (MLRL)

Dear Mr. Barylski:

As you are aware, the Town of Dryden held a Special Permit Hearing 9/2/97 to consider the application of RMS Gravel of PO Box 455, Dryden, New York who were requesting Special Permit authority to extend their Mott Road mining area to adjacent lands across Mott Road, south along Hart Road toward NYS Route 38, an area to be known as the South Mine.

The Board opened the hearing by acknowledging that NYS DEC Region 7, at 1285 Fisher Avenue, Cortland, NY was the lead agency for both the SEQR and general mining permit review. The Town of Dryden would be participating as another interested agency and address aspects of the mining permit application established by the (MLRL) under local government. Those items include:

- 1). whether or not mining is permitted use within the Zoning District of the proposed site,
- 2). Setbacks,
- 3). Barriers to restrict site access,
- 4). Dust Control,
- 5). Hours of Operation.

The hearing was then opened to public comment. Cindy Miller, joint owner with Thomas Miller, operators of a dairy farm immediately to the east of the site; explained that they wanted to be sure their dairy crops would not be subjected to dust drift resulting from mining operations.

Applicant Engineer, Jonathan W. Harrington, coauthor of the Draft EIS along with coauthor Patrick M. Snyder described the dust control and related mitigation effort assuring Mrs. Miller that dust would be confined to the mining site as required by the MLRL-91 provisions. No other public comment or concerns were voiced during the hearing which was closed after an adequate comment period.

**RMS GRAVEL, Inc.
South Mine, Town of Dryden Special Permit Information**

1. The applicant, RMS Gravel, Inc., is a local company involved in the excavation of sand and gravel, and the production of aggregate products for the construction industry. They currently operate a sand and gravel mine situated on lands owned by William Bartlett and located north of Mott Road in the Town of Dryden. This mine is operated under the terms of a New York State DEC Mining Permit. Mining has been conducted at that location since the early 1950's. The present mine is located within the R-B-1 zone. Mining is not a permitted use within an R-B-1 zone. However, the existence of the operation on the Bartlett property predates local zoning. Mining is allowed on this property because it is a prior-existing nonconforming use.

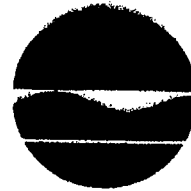
Since reserves at the present mine are becoming exhausted, RMS Gravel proposes developing a new mine immediately south of Mott Road. This new mine will be developed on 121.45 acres of contiguous lands leased from William Bartlett, George Junior Republic, and Norman and Shirley Lacey; as well as two small parcels being purchased by RMS Gravel from Tompkins County Trust Company u/a Donald T. Urquhart. These lands are entirely within the R-C zone of the Town of Dryden. Mining is allowed within the R-C zone by special permit.

2. The premises to be affected are illustrated on the Mining and Reclamation Plan Maps submitted to DEC as part of the Mined Land Use Plan. A copy of this application has been forwarded to the Town as required.

3. Excavation will be conducted in five phases as described in detail in the Mined Land Use Plan. The applicant plans to convey material to the existing processing plant via a culvert under Mott Road. Therefore, no new parking facilities will be needed, no new entrance roadways will be required and existing traffic patterns will be unaltered. The applicant has purchased a total of 3700 feet of field conveyor. As mining progresses, portions can be relocated to the production face in order to minimize the cost and impact of internal traffic.

4. See Mining Plan Map.

New York State Department of Environmental Conservation
Region 7, Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090
(607)753-3095 Ext. 233 FAX(607)753-8532



Michael D. Zagata
Commissioner

August 8, 1996

Mr. James Schug
Supervisor, Town of Dryden
65 East Main Street
Dryden, NY 13053

8-13-96
[Handwritten signature]

RECEIVED

AUG 9 1996

DRYDEN TOWN SUPERVISOR

RE: LEAD AGENCY COORDINATION NOTICE
RMS GRAVEL, INC. SOUTH MINE
DEC APPLICATION ID#7-5024-00119/00001

Dear Mr. Schug:

The Region 7 Office of the New York State Department of Environmental Conservation (DEC) has received an application for a mining permit in your town. The applicant, RMS Gravel, Inc., proposes to mine sand and gravel from 121.45 acres located southeast of the intersection of Mott and Hart Roads. This project is subject to the State Environmental Quality Review Act (SEQR).

This letter is provided to inform you that the Department of Environmental Conservation proposes to act as lead agency for the SEQR review of this mining permit application. Amendments to the Mined Land Reclamation Law (MLRL) have affirmed that only the State can regulate mining operations under the MLRL. Therefore, we believe that DEC has principal environmental review responsibility for this action.

Should your town have direct jurisdiction over activities proposed by the applicant, and you wish to be lead agency, a dispute may be brought before the Commissioner of Environmental Conservation in accordance with the SEQR rules and regulations (Title 6 of the Official Compilation of Codes Rules and Regulations, §617.6(b)(5)).

We are also interested in having you identify any issues of concern which you believe should be evaluated. A copy of the permit application and a completed Environmental Assessment Form are enclosed to assist you in responding.

Please feel free to contact this office for further information or discussion.

Sincerely yours,

Michael K. Barylski

Michael K. Barylski
Deputy Regional Permit Administrator

MKB:jwc

Encls.

cc: Joseph Moskiewicz

8/13/96
M.P.
Any comment
The Geni



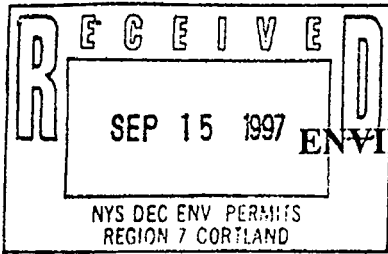
To: J.B./M.P.
H.S.

From: *[Handwritten]*

Return

Keep or Toss

u/1.6 Moskiewicz



Tompkins County
ENVIRONMENTAL MANAGEMENT COUNCIL

121 East Court Street
Ithaca, New York 14850
Telephone (607) 274-5560
FAX (607) 274-5578

September 8, 1997

Michael K. Barylski
NYS Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090

Dear Mr. Barylski:

The Environmental Review Committee of the Tompkins County Environmental Management Council appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed expansion of the RMS Gravel mine in the Town of Dryden.

While we clearly understand the usefulness to modern construction of the products of such a gravel operation, the Environmental Review Committee found the DEIS failed to adequately address several important issues.

- The proposed project is situated close to three Unique Natural Areas--Mud Creek Swamp, Woodwardia Woods, and Woodwardia Bog. The DEIS does not specifically mention that these sites are Unique Natural Areas, despite the notice given to the DEIS authors in a letter of October 28, 1996, from the Tompkins County Planning Department. We have serious concerns about the effects of expansion of this gravel operation on these Unique Natural Areas (UNAs). The potential impacts should not be dismissed by saying the UNAs are not in close proximity to the gravel operation. Questions are left unanswered: run-off from the gravel site may travel into a drainage ditch, but to where does the water in the drainage ditch travel? Further information is needed to clarify the extent to which the proposed facility will impact upon these significant natural resources.
 - The DEIS makes no mention of a buffer zone around the edges of the proposed gravel mine site. A buffer zone would be an appropriate mitigating measure to help ensure that potential problems are restricted to the mine site for the protection of current and future neighbors. The buffer zone also would be an appropriate place to plant vegetative screening to lessen the visual impacts of the operations.
 - Page 6 of the DEIS mentions 26 acres of wooded land on the proposed mine site. The DEIS inadequately addresses the specifics of these woods. What kind of wood is found on this site--old growth, second or third growth? What kind of flora and fauna are found within these 26 acres? No rare or endangered species information is provided about this wooded area. Before the project proceeds, an inspection should be done by a qualified independent consultant and an inventory prepared of the existing conditions.
 - The Environmental Review Committee would be interested in more information on the functioning of the second discharge pond. What happens to the water in this pond? Are the ponds adequate for evaporation of water? If not, what procedure is used to remove the water and where does it go? Please address, as well, the chemical composition of the water in both discharge ponds.
- The Environmental Review Committee remains concerned about the possibility of water run-off on the site, particularly after the current permeable surfaces are removed. The soil composition of the site will change after mining is completed, and thus it appears likely that water run-off would behave differently than projected in the DEIS (page 11).

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

James W. Hanson, Jr.
Commissioner of Planning

Telephone (607) 274-5560
FAX (607) 274-5578

September 8, 1997

Mr. Michael K. Barylski
Deputy Regional Permit Administrator
NYSDEC Region 7, Division of Environmental Permits
1285 Fisher Ave.
Cortland, NY 13045-1090

Subject: RMS Gravel, Inc., South Mine
Comments on the Draft EIS

Dear Mr. Barylski:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement for the RMS Gravel, Inc., South Mine. The Tompkins County Planning Department staff has reviewed the materials, and has a few comments about the project.

1. The DEIS states that many of the visual impacts from the proposed project cannot be completely mitigated. A constructed 8-10' berm at the southern end of the mine will provide screening from traffic along Route 38, but there will still be impacts along 1,300' of Route 13, and along Ferguson Road. Although the DEIS does not state the linear distance along Ferguson Road that would be visually impacted, it appears from Figure 5 that approximately 4,550' will be impacted. This is a large impact in a primarily rural and residential area. Although Ferguson Road is 6,800' away from the mine, the distance includes a valley with a direct line of sight to the proposed mine excavation. Would additional landscaping on the berm reduce the visual impact of the mine on this community? Is there any way to mitigate the impact of the approximately 65' high grass "wall" (40% slope) that will result at the northern end of the site (which will also be visible from Ferguson Road and Route 13)? Strategic planting of trees along the north side of Route 13 could effectively screen the mine from the section of that road identified as an area of visual impact.

2. There are two statements in the DEIS that do not seem to agree:

a. "The existing processing equipment will remain in place indefinitely. It will be used for processing the material from the new mine, if approved, and if the new mine is not developed, material will be trucked in from other locations for processing." (p. 2).

b. "The previous permitting of the processing at that site did not anticipate the possibility of the importation of 7 million cubic yards of material from an off-site location. Consequently, there is concern for whether or not the current operation is appropriate and adequate for this extra volume of material. This is especially critical given the location of the existing settling basins and fines storage facilities to Mud and Fall Creeks and to Freshwater Wetland GR-14." (p.2 of the DEC's Positive Declaration).

Like the DEC, we are also concerned about the potential impacts on Mud and Fall Creeks and on wetland GR-14, of extending an existing permit by 25-30 years. In addition, the DEC seems to indicate that since the previous permit did not anticipate importing materials, the processing permit

New York State Department of Environmental Conservation
Region 7, Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607)753-3095 FAX(607)753-8532



John P. Cahill
Commissioner

September 19, 1997

Mr. Roy E. Reeves, President
RMS Gravel, Inc
PO Box 455
Dryden, NY 13053

RE: DEC Application #7-5024-00119/00001, South Mine, (T) Dryden, (C) Tompkins

Dear Mr. Reeves:

Enclosed are copies of comment letters from the Town of Dryden, Tompkins County Department of Planning and Tompkins County Environmental Management Council.

The letter submitted by Tompkins County Department of Planning and Tompkins County Environmental Management Council raises several issues that require further elaboration. Please review and prepare a response and if appropriate, a revised proposal for addressing the issue identified.

If you have any questions, please feel free to call me. Please note that the Uniform Procedures Act time frames have been suspended pending submittal of your responses.

Sincerely,

Michael K. Barylski
Regional Deputy Permit Administrator

MKB:jh

cc: Henry Slater/
James Schug
Tompkins Co. Planning Dept.
Tompkins Co. EMC
J. Moskiewicz
R. Manna
P. Snyder
J. Harrington

Distribution List:

**Charles Lockrow, Division of Environmental Permits, 50 Wolf Road, Albany, NY
RMS Gravel**

Jonathan Harrington, Harrington Associates

Patrick M. Snyder, P.E. Esq.

~~Town of Dryden~~

Tompkins County Environmental Management Council

Tompkins County Planning Department

A copy of the Final EIS may be obtained from:

Contact Person: Michael K. Barylski

Address: NYS Department of Environmental Conservation
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045

Telephone Number: (607) 753-3095 ext. 233

A copy of this Notice and Final EIS Sent to:

Division of Environmental Permits, 50 Wolf Road, Albany, NY
Environmental Notice Bulletin (Notice only)
RMS Gravel
Jonathan Harrington, Harrington Associates
Patrick M. Snyder, P.E. Esq.
Town of Dryden

Executive Summary

This is a Final Environmental Impact Statement prepared by the New York State Department of Environmental Conservation, as lead agency, in accordance with the New York State Environmental Quality Review Act (SEQRA) Environmental Conservation Law, Article 8, and implementing regulations, 6 NYCRR Part 617.

The action which is the subject of this FEIS is RMS Gravel, Inc.'s proposed 121 acre sand and gravel mining operation.

This FEIS consists of two parts. The first part is the Draft Environmental Impact (DEIS) text herein adopted by reference. The DEIS was accepted as adequate for public comment by the New York State Department of Environmental Conservation on July 30, 1997. The second part is the "Responses to Comments Made During Public Review" and contains copies of written comments on the DEIS received during the public comment period and responses thereto.

After the close of the public comment period (September 8, 1997), DEC arranged for the preparation of appropriate responses to all the substantive comments. They are contained herein and made a part of the FEIS.

The DEIS and FEIS were prepared to ensure that the DEC, other involved agencies, interested agencies, and the public were able to carefully analyze and take a hard look at potential environmental impacts which could result from RMS Gravel, Inc.'s proposal.

Upon the issuance of the FEIS there will commence a 10 day waiting period for the public and all involved agencies to consider the DEIS & FEIS. At the conclusion of this period, the DEC will issue a Findings and Decision Statement. The Findings and Decision Statement will set forth conclusions reached by the DEC and facts relied upon to reach such conclusions.

A. WRITTEN COMMENTS

Michael K. Barylski
September 4, 1997
Page Two

The Town Board discussed the Town Special Permit authority under the provision of the (MLRL), the SEQR Draft, EIS and the authority of Mining Permit. Among the items discussed by the Board were, new mine area reclamation, berm details and dust control. Also discussed was an existing mound at the existing mine and process area on Mott Road. The Board was satisfied that the EIS and MLRL Permit would adequately address all concerns of the Board and general public.

At the conclusion of the Town Board discussion, the Town Board unanimously voted to grant the Special Permit to RMS Gravel to operate the South Mine under the supervisor of the NYS DEC MLRL Permit with complete incorporation of all appropriate mitigation measures established within the Draft (EIS) which assures the continuation of the general health, safety and welfare of the neighborhood and community. The decision is based on conformance of local government provisions of the MLRL.

Specifically, the use is a permitted use by Special Permit, setbacks will be established by NYS DEC Permit along with adequate site security to bar access. Dust control mitigation is spelled out in the EIS and shall be appropriately implemented. Hours of operations will remain consistent with current mining business hours.

Very truly yours,

Henry M. Slater

Henry M. Slater
Zoning & Building Code Enforcement Officer

cc: James F. Schug, Dryden Town Supervisor
Roy Reeves, RMS Gravel Inc.
Tompkins County Planning Dept.
RMS Gravel File

allowed to grow in this buffer and on the berms. It should also be noted that most of the adjacent lands are owned by parties who are involved in the project, either lessor or applicant.

- The wooded area consists primarily of sugar maples. It is not an old growth forest. As previously indicated, neither the applicant nor the DEC has any evidence of the presence of rare or endangered species. All relevant data bases have been consulted. We feel that we have met our regulatory burden, as set forth in the EIS regulations and scoping.
- The water in the ponds is removed by evaporation and by infiltration into the ground. Silt is removed by drag line on a weekly basis, which assists the infiltration process. No chemicals are added in the process. If the current proposal is approved, RMS will look at other options such as water recycling, and other methods of handling silt. Any change in the operating system would require DEC approval.)

There is no intention on the part of RMS to mine all of the permeable gravel down to an impermeable layer. If that were the case, runoff would be expected to increase. The evidence indicates that there is an average of more than 50 feet of gravel below the final elevation of the mine floor and above the water table. The existing soil will be replaced and then scarified to increase its permeability.

- The topsoil will be used in constructing the berms, which will be done at the best time to minimize potential erosion. The Soil and Water Conservation District will be consulted for recommendations concerning planting prior to that. All additional temporary stockpiles of topsoil will be seeded with perennial rye. This is a common and accepted practice in regulated mines in this state. Stockpiles will be located inside the permanent berm, and they will be utilized and replaced as part of the ongoing reclamation as soon as feasible.
- There are numerous situations where gravel-mined land has been returned to productive agricultural use. The reclaimed land will also be well suited for woodlands. The decision will ultimately reside with the land owners. The DEC Mine Operators Manual, and references cited therein, also indicate that reclamation as agricultural land is feasible and reasonable. (See in particular Mackintosh and Mozuraitus, 1982.)
- RMS Gravel's fuel storage consists of modern steel tanks with overflow protection. It is constructed, operated and inspected in accordance with the DEC bulk storage regulations. It was inspected by the DEC in July, 1997 and found to be in

PATRICK M. SNYDER, P.E., ESQ.
ENVIRONMENTAL ENGINEER AND ATTORNEY
4 CHURCH STREET
CORTLAND, NEW YORK 13045
Telephone No. (607) 753-8050
Fax No. (607) 753-6340

November 20, 1997

Mr. Michael K. Barylski
Deputy Regional Permit Administrator
NYSDEC
1285 Fisher Ave.
Cortland, NY 13045-1090

Re: RMS Gravel, Inc. South Mine

Dear Mr. Barylski,

This is in reference to the Draft Environmental Impact Statement which has been submitted to your Department along with the mining permit application for the new South Mine. In particular, you have asked for a response to the September 8, 1997 comment letter submitted by the Tompkins County Planning Department. (A copy is enclosed for ease of reference.) RMS Gravel, Inc. would offer the following response to that letter:

1. The Draft EIS does indicate that the new mine will potentially be visible along portions of Route 13 and Ferguson Road, which are 3700 feet and 6800 feet, respectively, from the closest edge of the project area. We would also concur that the length of those roads potentially affected are about 1,300 feet and 4550 feet, respectively. Portions are blocked by trees, buildings, etc.

We feel that additional landscaping on the southerly berm would be of limited effectiveness. Trees on the berm would not appear natural, and they may be subject to being windblown, i.e. blown over during storms. It would probably be more practical to plant shrubbery on top of the berm.

The height of the "grass wall" at the northern end of the mine would vary from about 45 feet at one end, near Hart Road, to about 65 feet at the other end, near Cady Lane. (See the enclosed copy of a portion of the reclamation plan.) This is a distance of about one and one half (1½) miles from Route 13, and about two (2) miles from Ferguson Road.

The statement in paragraph 6 was made by the DEC in the positive declaration, which was, of course, made prior to the preparation of the draft EIS. It was made to highlight potential concerns, which is the function of an EIS. It indicates, matter-of-factly, that the DEC did not consider the processing operation to be of long term duration beyond the completion of the existing mine. In essence, it repeats the obvious fact that the DEC did not review the proposed new mine when it considered the previously approved Bartlett mine. These statements were made before the RMS Gravel plans were completed as part of the EIS process.

The statements made by RMS, that it plans to continue using its processing equipment after the Bartlett mine is completed, should not come as a surprise to anyone. The company has invested a large amount of resources in its equipment and operation. It never agreed to close down processing after the completion of the Bartlett mine, and there was never any reason for any such agreement. It is a common practice in the industry to operate processing equipment separate from a mine.

It should be noted that the DEC laws and regulations protecting streams and wetlands will remain in effect permanently. No permit to mine can waive or weaken these requirements, which RMS has fully acknowledged. On the other hand, as you are aware, the RMS processing operation has been in existence and operation for decades. It is a lawful, prior-existing use. The expiration of a DEC mining permit, per se, could not legally cause the removal or extinguishment of the lawful long-standing land use. Furthermore, as you know, the expiration of mining permits in general do not cause or require the removal of the processing (industrial) type of activity.

3. The groundwater elevations were most recently measured in mid May, 1997. This is at a time when the groundwater elevations would be expected to be higher than average. Based on the topography and existing data, we would expect the water table elevations to fluctuate no more than 5 feet.
4. We believe that off-site drainage will not change as a result of the mine excavation. As explained in the draft EIS, the evidence indicates that there is little off-site surface drainage. The general, well documented, rule is that flat slopes allow for greater infiltration.

It is our opinion that it does no environmental harm to limit or reduce the amount of surface runoff. To the contrary, it is undesirable in general to increase surface runoff. By increasing runoff the quantity of groundwater available to



John P. Cahill
Commissioner

Partial response to comments submitted by Tompkins County Department of Planning .

Response to Item 6.

The areas of concern are ones that contributed to the issuance of a positive declaration. A discharge from the settling ponds would be an illegal discharge. Similarly, discharges of sediment laden material from silt storage areas would also be a violation of the Environmental Conservation Law. Site inspections by Department staff have not revealed any existing violations. However, the Department has made the applicant aware of its concern with regard to these issues and the applicant has proposed the Special Permit Conditions #s 1, 2, and 3 in Section C of this FEIS.

PROPOSED FOR DISCUSSION

SPECIAL PERMIT CONDITIONS FOR RMS SOUTH MINE

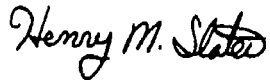
1. RMS will revegetate 5.5 acres of the most visible bare ground at the existing mine within 1 year. It will revegetate an additional 5 acres within 2 years of becoming fully operational at the new South Mine.
2. RMS will provide a detailed report that discusses the operation and maintenance of the ponds, and considers alternatives such as water recycling and mechanical treatment for silt removal. This report will be submitted within 1 year.
3. Those areas of the existing Bartlett Mine which are not used in processing, storage, visual screening or other ongoing operations, will be reclaimed within 8 years of the new mine becoming fully operational.
4. The berms on the southerly portion of the new South Mine will be removed and relocated to provide screening and run-off control prior to moving into the Phase IV area.
5. The hours of operation at the new South Mine will be limited to 6:00 AM to 6:00 PM, Monday through Saturday.

Roy Reeves, RMS Gravel Inc.
September 10th, 1998
Page Two

It also will be necessary to complete the franchise agreement for the under the highway culvert and conveyor prior to any work on Mott Road, the culvert conveyor location, or the mine site. Attached is draft copy of an agreement drawn up by, I believe, our Town Attorney, Mahlon R. Perkins, Esquire at 844-9111. Engineering matters should be discussed with Dave Putnam, T.G. Miller Engineers and Surveyor, Ithaca, New York at 272-6477.

If you should have any questions or desire further information, please feel free to call our office at 844-9120 between 8:00 AM and 1:00 PM Monday - Friday or send FAX inquires to 844-9599.

Very truly yours,



Henry M. Slater
Zoning & Building Code Enforcement Officer

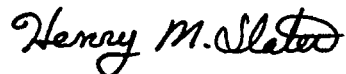
cc: James F. Schug, Dryden Town Supervisor
Mahlon R. Perkins, Dryden Town Attorney
DEC, Michael Barylski, Region 7, Cortland, NY 13045
Barbara Caldwell, Chr. Planning Board
Charles Hanley, Chr. ZBA
James Hanson, Tompkins County Planning

Ron Beck
October 6, 1998
Page Two

I have selected primary documents which, hopefully bring you up to date on this project.

If you should have any questions or desire further information, please feel free to call me at 844-9120 between 8:00 AM and 4:00 PM Monday - Friday.

Very truly yours,

A handwritten signature in cursive script that reads "Henry M. Slater".

Henry M. Slater
Zoning & Building Code Enforcement Officer

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PERMIT

Under the Environmental Conservation Law

DEC PERMIT NUMBER 7-5024-00119/00001
FACILITY/PROGRAM NUMBER(S) 7093-30-0748

EFFECTIVE DATE August 31, 1998
EXPIRATION DATE(S) June 30, 2003

TYPE OF PERMIT New Renewal Modification Permit to Construct Permit to Operate

- | | | |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input checked="" type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Article 25: Tidal Wetlands | |

PERMIT ISSUED TO RMS Gravel, Inc.		TELEPHONE NUMBER 607-844-8196
ADDRESS OF PERMITTEE PO Box 455, Dryden, NY 13053		
CONTACT PERSON FOR PERMITTED WORK Roy D. Reeves		TELEPHONE NUMBER 607-844-8196
NAME AND ADDRESS OF PROJECT/FACILITY South Mine		
LOCATION OF PROJECT/FACILITY Hart Road, near Mott Road		
COUNTY Tompkins	TOWN Dryden	WATERCOURSE
NHTM COORDINATES 		
DESCRIPTION OF AUTHORIZED ACTIVITY This permit authorizes mining activity on 10 acres of land during the permit term, within a 121.45 acre life-of-mine facility, on a 123.1 parcel of land, including specified processing equipment on lands owned by the permittee and leased from others.		

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR: Ralph Manna, Jr.	ADDRESS 615 Erie Boulevard East, Syracuse, NY 13204-2400
AUTHORIZED SIGNATURE <i>Ralph Manna Jr.</i>	DATE August 31, 1998
Page 1 of 4	

**State Environmental Quality Review
FINDINGS STATEMENT
Project No. 7-5024-00119/00001
August 31, 1998**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6NYCRR Part 617, the New York State Department of Environmental Conservation makes the following findings.

Name of Action: RMS Gravel Inc. proposed 121 acre mining operation with processing at an off-site location

Description of Action: The applicant proposes the operation of a 121.45 acre unconsolidated sand and gravel mine on a 123.1 acre parcel. Material will be transported via a conveyor system and under Mott Road to RMS's existing Bartlett Mine for processing (screening and washing).

Location: Town of Dryden, Tompkins County, south of Mott Road and east of Hart Road (approximately 1 mile west of the junction of NYS Routes 13 and 38).

Agency Jurisdiction: Mined Land Reclamation Article 23, Title 27, 6NYCRR Parts 617 and 621.

Date Final EIS Filed: December 3, 1997

Facts and Conclusions in the EIS Relied Upon to Support the Decision:

The record, including the Draft (DEIS) and Final EIS (FEIS), as supplemented by the discussion below, provide an adequate basis to make the findings required by SEQRA.

Information Identified or Further Evaluated Since the Release of the FEIS:

The primary environmental concern identified by the record is potential impacts to freshwater wetland GR-14 and Fall Creek from the gravel washing and sediment removal operation. Although the DEIS represents that the silt removal and settling pond systems have operated effectively, the Department has identified concerns based on past occurrences and operating history. Specifically:

1. Discharges from the wash system have been confirmed by past reports of turbidity and evidence of sediment deposition. The Department has received past complaints about sediment laden discharges into Fall Creek traceable to the RMS site as a source. In addition, problems occurred when the settling ponds were originally constructed contrary to approved plans. Also, substantial

Conclusion:

There are some impacts that are unavoidable, including some reduced visual quality of the area and the proposed foot print not being available to conduct agricultural activities while mining is ongoing. There are some impacts that can be minimized by project design or scope such as noise, dust, and erosion and sedimentation. And, there are those characteristics of the project that inherently present risks that cannot entirely be eliminated. On balance, society's need for the products produced by this mine are acceptable when compared to the impacts unavoidable, minimized and potential.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the DEIS and FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

New York State Department of Environmental Conservation
Agency


Signature of Responsible Official

Ralph Manna, Jr.
Name of Responsible Official

Regional Permit Administrator
Title

8/31/98
Date

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PERMIT

Under the Environmental Conservation Law

DEC PERMIT NUMBER 7-5024-00047/00003
FACILITY/PROGRAM NUMBER(S) 709-3-30-0174

EFFECTIVE DATE October 26, 1999
EXPIRATION DATE(S) September 30, 2004

TYPE OF PERMIT New Renewal Modification Permit to Construct Permit to Operate

- | | | |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input checked="" type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Article 25: Tidal Wetlands | | |
- Other:

PERMIT ISSUED TO RMS Gravel, Inc.		TELEPHONE NUMBER 607-844-8196	
ADDRESS OF PERMITTEE PO Box 455, Dryden, NY 13053			
CONTACT PERSON FOR PERMITTED WORK Roy D. Reeves, President		TELEPHONE NUMBER 607-844-8196	
NAME AND ADDRESS OF PROJECT/FACILITY Bartlett Mine			
LOCATION OF PROJECT/FACILITY Mott Road			
COUNTY Tompkins	TOWN Dryden	WATERCOURSE	NYTM COORDINATES
DESCRIPTION OF AUTHORIZED ACTIVITY This permit authorizes mining activity on 31.5 acres of land during the permit term, within a 47.8 acre life-of-mine facility, on a 268 acre parcel of land, including specified processing equipment on lands owned by William E. Bartlett.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR: Michael K. Barylski	ADDRESS 1285 Fisher Avenue, Cortland, NY 13045-1090		
AUTHORIZED SIGNATURE <i>Michael K. Barylski</i>	DATE October 26, 1999	Page 1 of 4	

ADDITIONAL GENERAL CONDITIONS

For Article 23, Title 27 (Mined Land Reclamation)

1. Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect during the mining operation. 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. 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. 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.
4. The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.

(a) The permittee shall allow Department personnel access to enter and inspect any property or premises covered by a permit at all reasonable times during normal business hours on normal business days, and after reasonable notification to the permittee and proper identification as Department employees, for the purpose of conducting inspections or investigations in the regular course of their duties pursuant to the Environmental Conservation Law, notwithstanding signs or other notices purporting to limit access to the property.

(b) The permittee expressly agrees that the Department, including its employees, agents, and representatives shall have access at all reasonable times during normal business hours on normal business days to mine records relative to mining and subsequent reclamation of the affected land for the purpose of ascertaining compliance with Title 27 (New York State Mined Land Reclamation Law), the permit or Subchapter D of 6NYCRR.

5. If any archaeological or structural remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the NYSDEC Regional Office. Work shall not resume until written permission to do so has been received from the Department.
6. 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.
7. 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 approved plans were prepared by Harrington Associates on 9/86; updated 9/93 and 12/98.
8. The permittee shall confine fugitive dust and flying particles to the permit area. Disturbed areas shall be kept to a minimum to reduce sources of dust. The permittee shall control fugitive dust from haulageways and roadways through watering or use of calcium chloride. Oil shall not be used to control dust without prior written approval from the Department. Off-site effects from smoke or odors caused by mining or processing shall be minimized.
9. The permittee shall ensure that all trucks are loaded in conformance with Vehicle and Traffic Law Section 380-a(1). Open trucks or trailers utilized for the transportation of minerals shall be equipped with a cover, tarpaulin or other device which completely closes in the opening of the truck while in operation, unless the load is arranged so that no mineral can fall from or blow out of such truck.
10. The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department which outline and identify the permit area. Such markers shall be maintained for the duration of the permit term.

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 7
1285 Fisher Avenue, Cortland, New York 13045-1090
Phone: (607) 753-3095 FAX: (607) 753-8532



John P. Cahill
Commissioner

September 4, 1998

To: Distribution List

From: Michael K. Barylski

RE: RMS Gravel, Inc.; South Mine, Town of Dryden, Tompkins County, DEC #7-5024-00119/00001

Dear Interested Party:

The Department recently finalized its final decision on the above-referenced application. As a result of your interest and/or participation in the permit application process, a copy of the "Finding Statement" and permit are attached for your information.

Sincerely,

Michael K. Barylski
Deputy Regional Permit Administrator

Encl.

MKB:jh
distlist.rms

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 7

1285 Fisher Avenue, Cortland, New York 13045-1090

Phone: (607) 753-3095 • FAX: (607) 753-8532

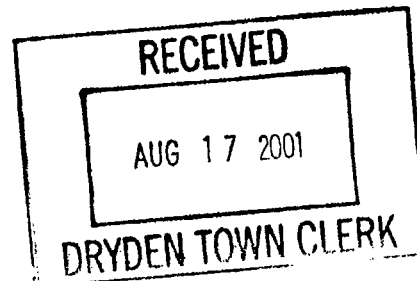
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

August 16, 2001

Patrick M. Snyder, P.E., ESQ.
Environmental Engineer and Attorney
4 Church St.
Cortland, NY 13045



RE: 7-5024-00047/00003

RMS GRAVEL-BARTLETT GRAVEL PIT

TOWN OF DRYDEN, TOMPKINS COUNTY

**NOTICE OF INCOMPLETE APPLICATION-PROPOSED MODIFICATION TO
HOURS OF OPERATION**

Dear Mr. Snyder:

This letter is written in response to yours of July 27, 2001, and the permit modification materials submitted.

The modification request that has been submitted requires further elaboration and explanation. At the time that we processed the South Mine application, representations were made to us that the permitting of the South Mine would not have any impact on the rate, or amount of production at the Bartlett Mine. The facility is currently operating twelve (12) hour days on Monday through Friday. The proposed additional seven hours per day constitutes more than a 58% increase in operating time. And, while the Town has indicated that they do not have a direct jurisdiction for the proposed action, it is customary that the Department provide the Town an opportunity to comment. However, since the proposal seems to conflict so substantially with the previous representations, it is appropriate that some rationale and justification be provided; especially in light of the statements made during the EIS process for the South Mine. In addition, the fact that this facility is now a non-conforming use should also be addressed. And, the issue of artificial lighting is also an issue that should be discussed. What type of lights will be used? From where will they be seen? Are they likely to cause any types of interference for anyone? If the Hours of Operation were to be expanded, would trucks hauling to or from the facility be likely to be operating during the expanded hours? If it is additional capacity that is necessary, could another line be installed rather than expanding hours? And finally, the documents that we have from the most recent discussions about noise indicated a commitment by RMS to petition for a waiver from the requirement for back-up beepers. What was the result of the petition request? Does RMS have any correspondence to share with us on this issue?

RMS GRAVEL, INC.
P.O. BOX 455
DRYDEN, N.Y. 13053
Phone (607) 844-8196
Fax (607) 844-3752

Sept. 29, 2000

*NYS D.E.C., Region 7
615 Erie Blvd. West
Syracuse, N.Y. 13204-2400*

Attn: Joseph Moskiewicz

Due to circumstances beyond our control, RMS needs to be able to run our wash plant from 5am to 12 midnight, Monday thru Friday, for approximately 3 weeks. We would like to start this on, Monday, October 9th.

The reason for the extended hours is to be able to make enough de-icing sand for the Town of Dryden, other surrounding towns, and the county.

*The extended hours, from 6pm to 12 midnight, will be used **EXCLUSIVELY** for running the wash plant. There remains the possibility that this will take only 2 weeks, in which case we will return to normal operating hours ahead of schedule. A speedy decision on this request would be greatly appreciated.*

Sincerely,



Roy D. Reeves, President

PATRICK M. SNYDER, P.E., ESQ.

ENVIRONMENTAL ENGINEER AND ATTORNEY
4 CHURCH STREET
CORTLAND, NEW YORK 13045
Telephone No. (607) 753-8050
Fax No. (607) 753-6540

August 17, 2001

Mr. Michael K. Barylski
Deputy Regional Permit Administrator
NYSDEC
1285 Fisher Avenue
Cortland, NY 13045-1090

Re: RMS Gravel, Inc., Bartlett Gravel Pit

Dear Mr. Barylski:

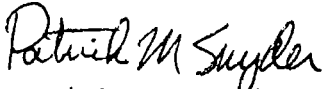
This is in response to your letter of August 16, 2001, and in furtherance of our recent discussions. We would like to suspend the processing of any permanent modifications to the existing permit. This will allow us ample time to address all of the concerns which you have raised.

In the mean time, we would like to request a temporary extension of operating hours. This would be similar to what was requested and approved last year. (Please see the enclosed copies of correspondence.) We request that this authorization allow up to a maximum of four weeks of operating time. However, it would not be consecutive, but could be spread out over the rest of the operating season.

As we discussed, our proposals do not conflict with previous representations concerning the South Mine. They are totally unrelated, and the South Mine is not yet in operation.

Thank you for your attention to these matters.

Sincerely,



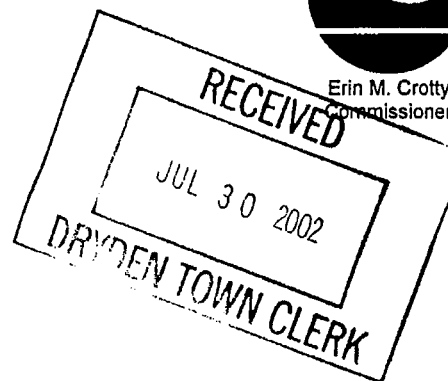
Patrick M. Snyder
PMS/jl

pc: Mr. Joseph Moskiewicz, DEC
Mr. Henry Slater

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 7
1285 Fisher Avenue, Cortland, New York 13045-1090
Phone: (607) 753-3095 • FAX: (607) 753-8532
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner



July 26, 2002

Roy D. Reeves, President
RMS Gravel, Inc.
PO Box 455
Dryden, NY 13053

RE: RMS GRAVEL - BARTLETT PIT
APPROVAL OF TEMPORARY EXTENSION OF OPERATING HOURS
DEC #7-5024-00047/00003 - MLR #709-3-30-0174

Dear Mr. Reeves:

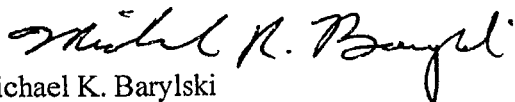
This letter is written in response to Pat Snyder's request on your behalf for a temporary extension of operating hours for the remainder of the summer. Your representation of this temporary extension is necessitated by the unusual amount of rainy weather earlier in the year and heavy demand for construction materials. Your request is approved as indicated below:

The approval is limited to an extension of the hours of operation (daylight hours) on a maximum of 20 additional days for the remainder of the summer. The expanded operation shall be limited to operation of the processing facilities until midnight.

Records shall be kept of the days which the facility operates expanded hours and shall provide the Department with updates on October 1 and at the end of the season, of the days on which the facility operated expanded hours.

If you have any questions, please feel free to call me.

Sincerely,


Michael K. Barylski
Deputy Regional Permit Administrator

cc: Joe Moskiewicz
Ralph Manna
Patrick Snyder
Mark Varvayanis, Town of Dryden, Supv.
Henry Slater, Town of Dryden Code Enforcement Officer
ECO Milewski, ECO Mobbs, ECO Wheeler, ECO Dragotta



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

PROCESSING AN AGRICULTURAL DATA STATEMENT (Pursuant to Section 305-a of the Agriculture and Markets Law)

- Any application requiring:
 - Special use permit
 - Site plan approval
 - Use variance or
 - Subdivision approval

Which requires approval by:

- A Planning Board
- Zoning Board of Appeals
- Town Board or
- Village Board of Trustees

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
 - Name and address of applicant,
 - Description of the proposed project and its location,
 - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
 - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.
- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.
- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

Procedural Considerations

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the

DRAFT

(B) The underground crossing culvert and conveyor shall be installed according to the plans and specifications approved by the Town and shown on a "Plan and Profile" dated 6/24/96 by T.G. Miller, P.C. which plan and profile are incorporated herein by reference. All details of such plan and profile are to be strictly observed by RMS and the failure to observe, maintain or perform any detail is a breach of the conditions of this grant.

6. TERM:

This grant shall begin on the date defined in paragraph 2 above and shall terminate upon the earliest happening of any of the following events:

A. The Mining Permit issued by DEC expires and is not reissued or renewed by DEC prior to such expiration.

B. The Special Permit issued to RMS by the Town expires.

C. The Special Permit issued to RMS by the Town is revoked for cause.

D. RMS breaches any of the conditions of this franchise herein set forth.

No termination under (C) or (D) above shall be effective unless and until the Town shall have first given notice to RMS of such cause or breach and the same shall not have been corrected to the satisfaction of the Town within ten (10) days of receipt of such notice. In the event no correction is made within such time, or if not made to the satisfaction of the Town, the Town shall hold a public hearing before terminating this agreement. The public hearing shall be on ten (10) days public notice (published and posted) and on notice to RMS as herein provided. No termination of this agreement for cause or for a breach may be made without first holding a public hearing as herein provided.

7. SPECIFIC
CONDITIONS:

(A) This grant is specifically conditioned upon RMS completely and promptly fulfilling all conditions of this agreement, the DEC mining permit and the special permit issued by the Town. The breach of any one condition is material and such breach alone shall be sufficient cause for termination of this

DRAFT

(C) Payments required herein shall commence on April 15, 1997 and shall continue annually thereafter so long as this grant is in effect.

(D) Following expiration of this grant, or in the event RMS shall not have extracted any material from the "south mine" for one (1) year, then RMS shall restore the Town highway to the same condition it was prior to the exercise of this grant. Upon the failure of RMS to complete such restoration to the reasonable satisfaction of the Town Superintendent of Highways, the Town may with its own forces and equipment, complete such restoration or may contract to have such work done.

(E) The cost of restoration by the Town or by contract shall be paid from the funds provided for in (B) above. Following payment from those funds the balance of such fund, if any, shall be returned to RMS. In the event such funds are not in a sufficient amount to cover the cost of such restoration, then RMS shall pay to the Town the difference.

(F) Costs of restoration shall include all work, materials and expenses necessary to restore the highway, including but not necessarily limited to labor, materials, engineering, legal and traffic control.

(G) The existence of the fund provided for in (B) above, shall not be construed to excuse the faithful performance by RMS of all the conditions of this agreement or the special permit, limit the liability of RMS under this agreement for damages or to preclude the exercise by the Town of any other right or remedy given or existing by law, whether legal or equitable and whether exercised concurrently or subsequently to the accrual of any cause of action.

9. INDEMNITY:

RMS shall indemnify and defend the Town, its boards, officers, agents and employees, and any and all other public agencies, and their members, officers, agents, and employees against any and all liabilities for injury to or death of any person or any damage to any property caused by RMS or its officers, agents, or employees in the construction, operation, or maintenance of the culvert, or arising out of the exercise of any right or

DRAFT

and written approval by the Town.

13. EFFECT OF
INVALIDITY:

The franchise is granted pursuant to the laws of the State of New York relating to the granting of such rights and privileges by the Town. If any article, section, sentence, clause or phrase of this agreement is for any reason held illegal, invalid, or unconstitutional, the invalidity shall not affect the validity of the agreement or any of the remaining portions. The invalidity of any portion of this agreement shall not abate, reduce, or otherwise affect any consideration or other obligation required of RMS.

TOWN OF DRYDEN

By: _____
James F. Schug, Supervisor

RMS GRAVEL, INC.

By: _____
Roy D. Reeves, President

Mahlon R. Perkins, P.C.
Attorneys and Counsellors At Law
P.O. Box 27
Dryden, New York 13053
(607)844-9111

June 2, 1999

Town of Dryden
65 East Main Street
Dryden, New York 13053

In reference to: RMS Gravel, Inc. (culvert under Mott Road)

	<u>Hours</u>	
05/14/99-Review file, Legal research re: Town Law Section 64(7)	0.25	
05/19/99-Legal research, Preparation of Notice of Public Hearing, Phone call with H. Slater, Preparation of transmittal letter to The Ithaca Journal, Correspondence with B. Hollenbeck	1.00	
	<hr/>	<u>Amount</u>
For professional services rendered	1.25	\$156.25

Legal services rendered through last service date shown on this statement. Any disbursements billed to this firm, including long distance calls and on-line research, will be included in a later statement.



TOWN OF DRYDEN • DRYDEN, NEW YORK

85 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-8622

In the Heart of the Finger Lakes Region

INVOICE

TO: RMS Gravel,
Roy Peeves, President
PO Box 455
Dryden, NY 13053

FOR: Engineering Services

Date: March 28, 1996

Description	Amount
Engineering Services for January	\$ 27.50
Engineering Services for February	<u>1,022.50</u>
Total	\$ 1,050.00

Due 10 days

cc: ~~Henry M. Slater~~
Dianne McFall

paid



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-8622

In the Heart of the Finger Lakes Region

INVOICE

TO: RMS Gravel,
Roy Peeves, President
PO Box 455
Dryden, NY 13053

FOR: Engineering Services

Date: February 22, 1996

Description	Amount
Engineering Services for January	\$ 27.50
Total	\$ 27.50

Due 10 days

cc: ~~Henry M. Slater~~
Dianne McFall

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

12. Mining activity, mineral extraction, and removal of materials or products from the South Mine site shall be limited to the following hours of operation:

Monday - Saturday 6:00 a.m. - 6:00 p.m.

Sundays and Holidays NO OPERATION

13. The permittee shall construct and maintain silt catch basins, ditching with staked hay bales or other appropriate erosion control features as required by the Department during the permit term to confine the effects of siltation and erosion to the permit area.

14. The permittee shall not allow surface water to drain in such a manner that siltation or sediment is carried off-site onto neighboring properties or into any streams, rivers or other water bodies.

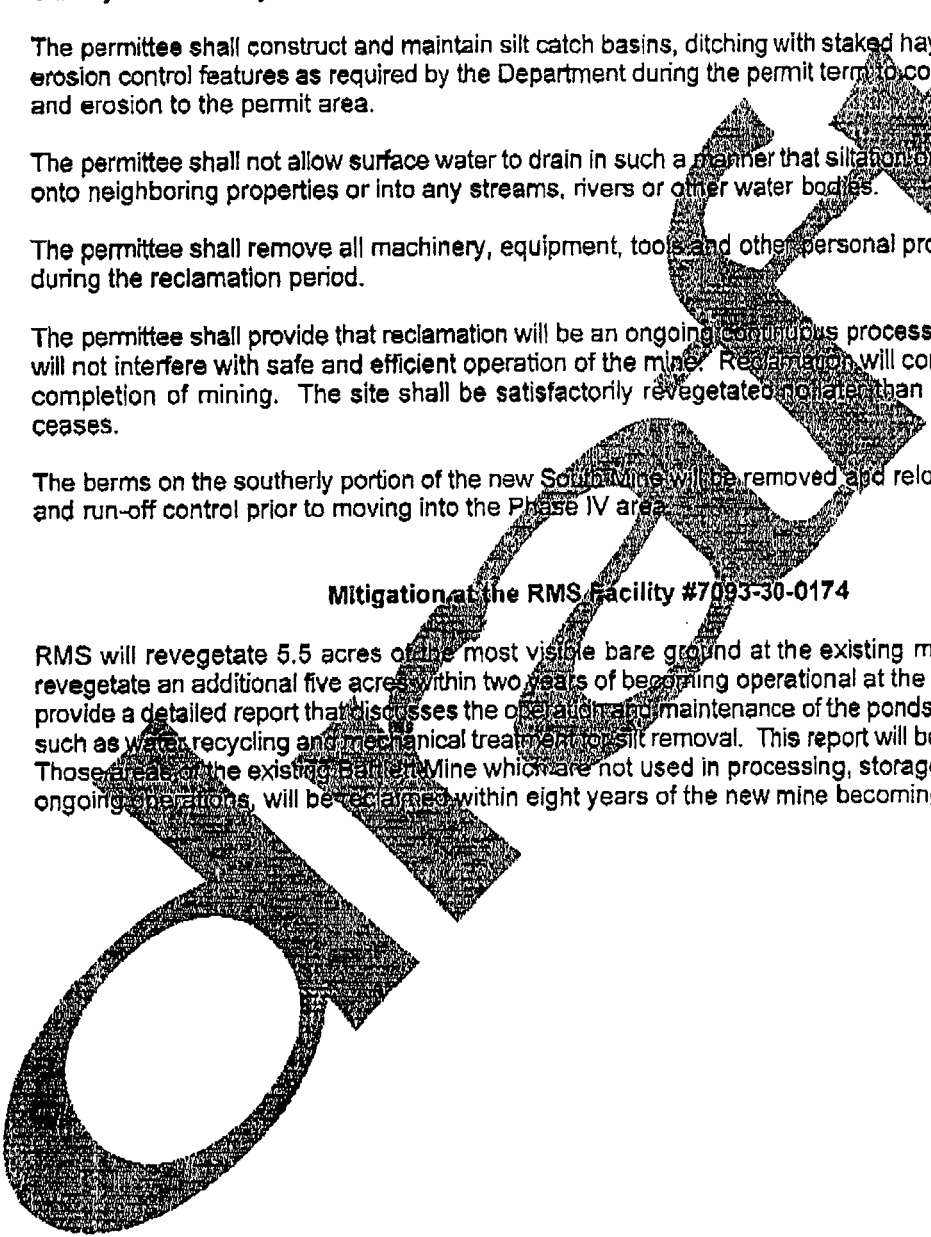
15. The permittee shall remove all machinery, equipment, tools and other personal property from the permit area during the reclamation period.

16. The permittee shall provide that reclamation will be an ongoing continuous process to the extent practical that will not interfere with safe and efficient operation of the mine. Reclamation will commence immediately upon completion of mining. The site shall be satisfactorily revegetated no later than two years after the mining ceases.

17. The berms on the southerly portion of the new South Mine will be removed and relocated to provide screening and run-off control prior to moving into the Phase IV area.

Mitigation at the RMS Facility #7093-30-0174

18. RMS will revegetate 5.5 acres of the most visible bare ground at the existing mine within one year. It will revegetate an additional five acres within two years of becoming operational at the new South Mine. RMS will provide a detailed report that discusses the operation and maintenance of the ponds, and considers alternatives such as water recycling and mechanical treatment for silt removal. This report will be submitted within one year. Those areas of the existing Batten Mine which are not used in processing, storage, visual screening or other ongoing operations, will be reclaimed within eight years of the new mine becoming operational.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 7-5024-00119/00001
FACILITY/PROGRAM NUMBER(S) 709



PERMIT

Under the Environmental Conservation Law

EFFECTIVE DATE
EXPIRATION DATE(S) December 31, 2002

TYPE OF PERMIT New Renewal Modification Permit to Construct Permit to Operate

- | | | |
|---|---|--|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input checked="" type="checkbox"/> Article 23, Title 27: Mine Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Article 37: 6NYCRR 380: Radiation Control |
| <input type="checkbox"/> Article 25: Tidal Wetlands | | |
- Other:

PERMIT ISSUED TO RMS Gravel, Inc.		TELEPHONE NUMBER 607-844-8196
ADDRESS OF PERMITTEE PO Box 455, Dryden, NY 13053		
CONTACT PERSON FOR PERMITTED WORK Roy D. Reeves		TELEPHONE NUMBER 607-844-8196
NAME AND ADDRESS OF PROJECT/FACILITY South Mine		
LOCATION OF PROJECT/FACILITY Hart Road, near Mot Road		
COUNTY Tompkins	TOWN Dryden	NYTM COORDINATES
DESCRIPTION OF AUTHORIZED ACTIVITY This permit authorizes mining activity on 28.6 acres of land during the permit term, within a 121.45 acre life-of-mine facility, on a 123.1 parcel of land including specified processing equipment on lands owned by the permittee.		

In acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR: Michael K. Barylski	ADDRESS 1285 Fisher Avenue, Cortland, NY 13045-1090
AUTHORIZED SIGNATURE	DATE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 23, TITLE 27 (Mined Land Reclamation)

1. Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect during the mining operation. 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. 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. 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.
- 4.* The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.
5. If any archaeological or structural remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the NYSDEC Region Office. Work shall not resume until written permission to do so has been received from the Department.
6. 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.
7. 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.
8. 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 approved plans were prepared by Harrington Associates dated July, 1996.

SPECIAL CONDITIONS

- 4.* (a) The permittee shall allow Department personnel access to enter and inspect any property or premises covered by a permit at all reasonable times during normal business hours on normal business days, and after reasonable notification to the permittee and proper identification as Department employees, for the purpose of conducting inspections or investigations in the regular course of their duties pursuant to the Environmental Conservation Law, notwithstanding signs or other notices purporting to limit access to the property.
 (b) The permittee expressly agrees that the Department, including its employees, agents, and representatives shall have access at all reasonable times during normal business hours on normal business days to mine records relative to mining and subsequent reclamation of the affected land for the purpose of ascertaining compliance with the Title 27 (New York State Mined Land Reclamation Law), the permit or Subchapter D of 6NYCRR.
9. The permittee shall control fugitive dust and flying particles to the permit area. Disturbed areas shall be kept to a minimum to reduce sources of dust. The permittee shall control fugitive dust from haulageways and roadways through watering or use of calcium chloride. Oil shall not be used to control dust without prior written approval from the Department. Off-site effects from smoke or odors caused by mining or processing shall be minimized.
10. The permittee shall ensure that all trucks are loaded in conformance with Vehicle and Traffic Law Section 380-a. Open trucks or trailers utilized for the transportation of minerals shall be equipped with a cover, tarpaulin or other device which completely closes in the opening of the truck while in operation, unless the load is arranged so that no mineral can fall from or blow out of such truck.
11. The permittee shall provide permanent markers such as stakes, posts or other device acceptable to the Department which outline and identify the permit area. Such markers shall be maintained for the duration of the permit term.



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-8622

In the Heart of the Finger Lakes Region

INVOICE

RMS Gravel
Roy Reeves, President
PO Box 455
Dryden, NY 13053

Date: August 21, 1999

For: Engineering & Attorney Fees for Special Permit review
at Mott Road, Freeville, NY

Description	Amount
-------------	--------

Attorney Services for 6/1/99 - 6/30/99	\$ 276.75
--	-----------

Engineering Services for 6/1/99 - 6/30/99	<u>60.00</u>
---	--------------

Total	\$ 336.75
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Second Notice

Net: 10 days

cc: Henry M. Slater
Dianne McFall

pd
8/26/99

MAHLON R. PERKINS, P.C.
Attorneys and Counsellors at Law
20 West Main Street
P.O. Box 27
Dryden, New York 13053

July 07, 1999

Town of Dryden
65 East Main Street
Dryden NY 13053

In Reference To: RMS Gravel, Inc. (culvert under Mott Road)

Professional Services

	Hours	
6/8/99 Phone calls with R. Reeves, Phone call with H. Slater, Draft revised language to Franchise Agreement, Attendance at public hearing on behalf of Town Board, Explain changes and requested changes to Franchise Agreement	1.40	
6/9/99 Correspondence with R. Reeves	0.25	
6/15/99 Correspondence with B. Hollenbeck, Correspondence with J. Schug	0.50	
For professional services rendered	2.15	Amount \$268.75
 Additional Charges :		
06/08/99 - FAX to R. Reeves - \$8.00		
Total costs		\$8.00
Total amount of this bill		\$276.75
Previous balance		\$156.25
6/10/99 Payment - thank you		(\$156.25)
Total payments and adjustments		(\$156.25)
Balance due		\$276.75

New York State Department of Environmental Conservation
Notice of Incomplete Application - This is NOT a Permit



Applicant RMS GRAVEL
PO BOX 455
DRYDEN NY 13053

Facility SOUTH MINE
MOTT ROAD & HART ROAD
DRYDEN NY 13053

Owner ID 25290

Batch Number 285677

Application ID 7-5024-00119/00001

Permit(s) Applied 1 • ARTICLE 23, TITLE 27, MINED LAND RECLAMATION

Project is located in DRYDEN IN TOMPKINS COUNTY.

Your application for Permit is incomplete, the following items are required:

Additional Information:

1. CONTOURS ON MINING & RECLAMATION PLANS ARE AT 20' INTERVALS - REGULATIONS SPECIFY 10' - PLEASE RESUBMIT PLANS WITH 10' INTERVALS.
2. PLEASE TRANSPOSE LIFE OF MINE ONTO TOPOGRAPHIC MAP.
3. PROVIDE DETAILS FOR PROPOSED BERMS ALONG MOTT & HART ROADS
4. COMPLETE ENCLOSED VISUAL EAF ADDENDUM.
5. NO OPERATION OF HOURS SPECIFIED WHAT IS INTENTION OF USE OF ARTIFICIAL LIGHTING?
6. CONFIRM THAT HOUSE ON HART ROAD IS OWNED BY RMS
7. SEEMS TO BE SOME CONFUSION ON DIRECTION OF MINING - SOUTH TO NORTH OR NORTH TO SOUTH?
8. WHAT IS TOTAL QUANTITY OF MATERIAL TO BE REMOVED DURING LIFE OF MINE?
9. SOURCE OF INFORMATION FOR DEPTH OF WATER TABLE (90)?

Please submit requested information by
No further action can be taken until all of these materials are received.

Contact Person:

MICHAEL K BARYLSKI
NYS Dept of Environmental Conservation
Division of Compliance Services
Region 7 NYSDEC REGION 7 CORTLAND SUB-OFFICE
1285 FISHER AVE
CORTLAND 13045-1090

Signature

Date SEPTEMBER 23, 1996

Telephone Number: (607) 753-3095

cc: Jon Harrington

HARRINGTON ASSOCIATES

GEOLOGISTS

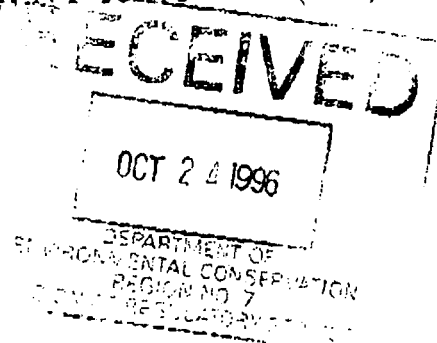
390 Clark St. Ext.

Cortland, NY 13073

(607) 898-3421

October 23, 1996

Michael K. Barylski
Compliance Services
NYS-DEC, Region 7
1285 Fisher Avenue
Cortland, NY 13045-1090



RE: DEC Application ID # 7-5024-00119/00001, RMS Gravel, Inc.,
South Mine, Requests for Additional Information

VIA CERTIFIED MAIL

Dear Mr. Barylski:

On July 31, 1996, we submitted the above referenced mine permit application to your office. This application was sent to the Cortland office by certified mail. The Notice of Receipt dated August 5, 1996 is enclosed for reference. We understand that shortly thereafter you initiated an extensive series of discussions with local officials. However, neither the applicant nor I had received any response (either verbally or in writing) until September 23, 1996 when you issued a Notice of Incomplete Application and requested that we provide additional information.

We wish to fully cooperate with your agency and to provide all appropriate supplemental data. However, it should be noted that pursuant to 6 NYCRR § 621.5 (f) and § 621.5 (b) (2), it appears that this application did become complete on August 20, 1996.

On September 23, 1996, you requested that we provide additional information and clarification in the following areas.

1. You have suggested that our maps are inadequate because the contour interval is 20 feet rather than 10 feet. We are unaware of any such regulation. Our maps appear to meet the requirements of the Mined Land Reclamation Law §23-2713 (1) (a). It appears that you are referring to the suggested contour

Barylski/ October 23, 1996/ page 3

7. There should be no confusion with regard to the proposed direction of mining. Both the mining plan map and narrative indicate that mining will commence in the south and proceed to the north. Lands owned by George Junior Republic will be excavated first, while the Bartlett property will be affected during the final phase of the operation.

8. During the 25 to 30 year life of mine, approximately 7 million cubic yards of sand and gravel will be removed from the 121.45 acre site. This figure takes into account material which must remain in place at the toe of the side slopes as well as that required for onsite reclamation.

9. As stated on page 7, Section 2.2.7 of the mining plan, the source of information for the depth of water table is USGS records. Specific information is from ORB-5, 1974, published in cooperation with NYS-DEC. Depth has been confirmed by direct measurement at the Bartlett farm.

We recently received a second letter from you dated October 8, 1996, in which you requested information on processing at the existing RMS Gravel Bartlett mine. This request was apparently in response to a recent discussion which you had with Mr. Henry Slater, Town of Dryden Code Enforcement Officer in which it had been conveyed to you that "there has previously been some sort of problem with sediment laden wash water entering one of the nearby streams". This seems to imply some sort of chronic problem. Nothing could be farther from the truth. I believe that your own Department records will confirm that this facility has typically been operated in a responsible manner. Problems have rarely become evident. When concerns have been expressed, they have been promptly addressed.

Excavation at the Bartlett mine has taken place since at least the 1940's. RMS Gravel has operated the site since 1987. At that time your Department approved the installation of a processing plant. After several years of operation, it became evident that additional settling basin storage area would be required. Therefore, in the Spring of 1990 we submitted a mining plan modification and Article 24 permit application which proposed conveying fines across Mud Creek and Wetland GR-14 via an 8" PVC Pipe. The application was approved in May of 1990. During the following winter this facility was installed. On March 23, 1991 a uncontrolled discharge of silty water occurred from the settling ponds. The plant was immediately shut down. We determined that the settling ponds has not been properly sized. In a matter of days they were reconfigured. The change was accepted and made part of the permit by Mr. Nolan of your

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee)

1 Addressee's Address
2 Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:
Compliance Services
NYS-DEC, Region 7
1285 Fisher Ave
Cortland, NY 13045

4a. Article Number
P 147 777 769

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
8/5/96

5. Received By (Print Name)
13045

6. Signature (Addressee or Agent)
X *Mary McKeel*

8. Addressee's Address (Only if requested and fee is paid)

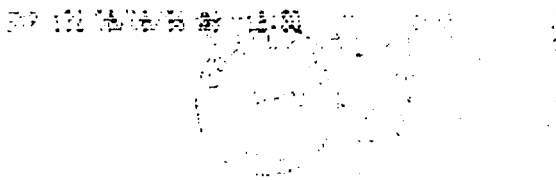
Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF COMPLIANCE SERVICES
NYSDEC REGION 7 CORTLAND SUB-OFFICE
1285 FISHER AVE
CORTLAND, NEW YORK 13045-1090



JONATHAN W HARRINGTON
HARRINGTON ASSOCIATES
390 CLARK ST EXT
GROTON NY 13073

13073-9446 02

(fold #1) -- staple here

NOTICE OF RECEIPT OF APPLICATION

The Division of Compliance Services has received the application referenced below. The material submitted is being reviewed by staff, and you will be advised in writing regarding the department's findings. In all future communications, please refer to the Application ID number.

Application ID: 7-5024-00119/00001
Date Received: AUGUST 05, 1996
Applicant: RMS GRAVEL
Facility: SOUTH MINE
Description: SOUTH MINE, SAND & GRAVEL
DEC Contact: MICHAEL K BARYLSKI

14-14-11 (9/95)-9c

617.20

SEQR

Appendix B
 State Environmental Quality Review
 Visual EAF Addendum

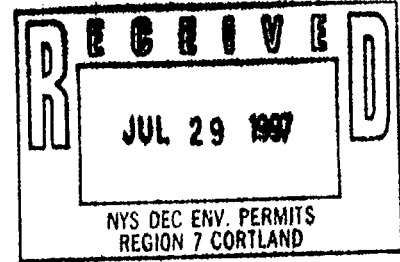
This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility		Distance Between Project and Resource (in Miles)				
		0-¼	¼-½	½-3	3-5	5+
1. Would the project be visible from:						
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site or structure listed on the National or State Registers of Historic Places?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State Parks?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The State Forest Preserve?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Wildlife Refuges and state game refuges?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Natural Landmarks and other outstanding natural features?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Park Service lands?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Rivers designated as National or State Wild, Scenic or Recreational?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A governmentally established or designated Interstate or inter-county foot trail, or one formally proposed for establishment or designation?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site, area, lake, reservoir or highway designated as scenic?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Municipal park, or designated open space?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• County road?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State?	Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Local road?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)
 Yes No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?
 Yes No NA



DRAFT
ENVIRONMENTAL IMPACT STATEMENT

W. KRAVEL, INC.
SOUTH MINE
TOWN, TOMPKINS COUNTY, NY

HARRINGTON ASSOCIATES
GEOLOGISTS

390 Clark St. Ext. Groton, NY 13073 (607) 898-3421

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surface water and silt, will be controlled by limiting the rate of processing to the current, approved rate of mining - a practice which has established a good track record. Other forms of mitigation are also addressed, such as the creation of berms around the mine to reduce the potential for noise or visual impacts offsite. It is expected that the public review and comment on this DEIS will lead to other suggestions for mitigation which may be incorporated in the plan.

2.0 INTRODUCTION

RMS Gravel, Inc. operates a sand and gravel mine on the north side of Mott Road in the Town of Dryden. The location is shown on Figure 1. This mine has been in operation for over 50 years. The mine is becoming depleted. It is expected that the mine excavation will be completed and reclaimed within a few years. The mine is being operated under a permit issued by the State Department of Environmental Conservation ("DEC"). This current operation, and its operating permit, are independent of the new proposed mine, the "South Mine", which is addressed here. The existing processing equipment will remain in place indefinitely. It will be used for processing the material from the new mine, if approved, and if the new mine is not developed, material will be trucked in from other locations for processing. Consequently, pertinent information concerning the existing operation is provided here as well.

In New York, most regulatory control over mining is delegated to the DEC by the State's Mined Land Reclamation Law. (Environmental Conservation Law Section 23-2703.2) The Law requires that

the planning and environmental review for new mines address the "life of the mine". There are many technical requirements, and a reclamation bond must be kept in place by the permittee, also for the life of the mine.

The decision to require an environmental impact statement ("EIS") is discretionary with the lead agency, which is in this case the DEC. The DEC chose to require an EIS and to also conduct the optional scoping process.

As explained in the regulations pertaining to environmental impact statements, scoping allows for identification of the "potentially significant adverse impacts related to the proposed action that are to be addressed in the draft EIS including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues. Scoping provides a project sponsor with guidance on matters which must be considered and provides an opportunity for early participation by involved agencies and the public in the review of the proposal" (6 NYCRR § 617.2 (af)).

The scoping process in this instance involved input from the DEC, the Town of Dryden, and others. Scoping was discussed at a Town Board meeting on December 10, 1996. (A public notice proceeded this.) The results of the scoping identified several concerns, as indicated in correspondence and related items which are set forth in Appendix A. Appendix B and C also contain information relevant to the initial issues which were raised as being potentially significant.

slopes. (This is further described in the excerpts from the soil survey in Appendix D). Approximately 26 acres of the site are presently wooded and the remainder is in agricultural use. The final reclamation will lower the surface elevations by a maximum of about 60 feet in places, but less around the perimeters. The final grading of the finished mine site will be nearly flat, with a very shallow slope down (approximately one half of one percent) towards the south.

Topsoil will be stripped and stockpiled and will be replaced as reclamation progresses. Reclamation will be concurrent with mining to the extent feasible. That is, reclamation will begin soon after reaching the final mine floor elevations. Replacement of the topsoil will return the land to a condition suitable for continued agricultural use. Consequently only a few acres of the mine will be exposed at any one time prior to reclamation. The amount of disturbed area will be kept to a minimum, and revegetation of disturbed areas will be accomplished as soon as possible.

The final mine floor elevations, gently graded to the south, will cause the existing surface drainage patterns to remain unaffected. (There is very little surface runoff from the area presently, even with its steeper slopes, because of the granular, highly pervious nature of the soils.) As discussed in more detail in the next chapter, the mine floor elevation, when it is eventually at its lowest, will still be at least 50 feet above the groundwater. Consequently there will be no possibility of creating

propose that the permit allow mining from 6 AM to 6 PM.) The rate of material conveyed to the processing area will be approximately 1000 tons per day averaged over the 9 month period. This is similar to the current processing rate. There will be no changes from the existing conditions at the processing area and its environs, as discussed further below.

4.0 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The potential impacts of gravel mining in general in New York are well known and well documented. This is in part because of the many mines and related studies that have been undertaken. In other words, there are no hidden risks posed by this type of industry. Furthermore, this type of mineral deposit, being glacial in origin, is a composite of materials ground and transported long distances by the glacier. That is, there is nothing in the nature of the material to be mined itself that would mark it as worthy of special environmental concern, or likely to pose special problems.

Nevertheless, some mines are capable of causing significant problems, particularly where they are located in conflict with sensitive environmental resources, or where they conflict with incompatible cultural resources. Potential examples would be mines in close proximity to freshwater wetlands and bogs, or mines located in the middle of urban areas. Furthermore, virtually any mine can cause problems if it is not properly planned and reclaimed, or if it is operated in a manner that disregards sensitive resources or the rights of its neighbors.

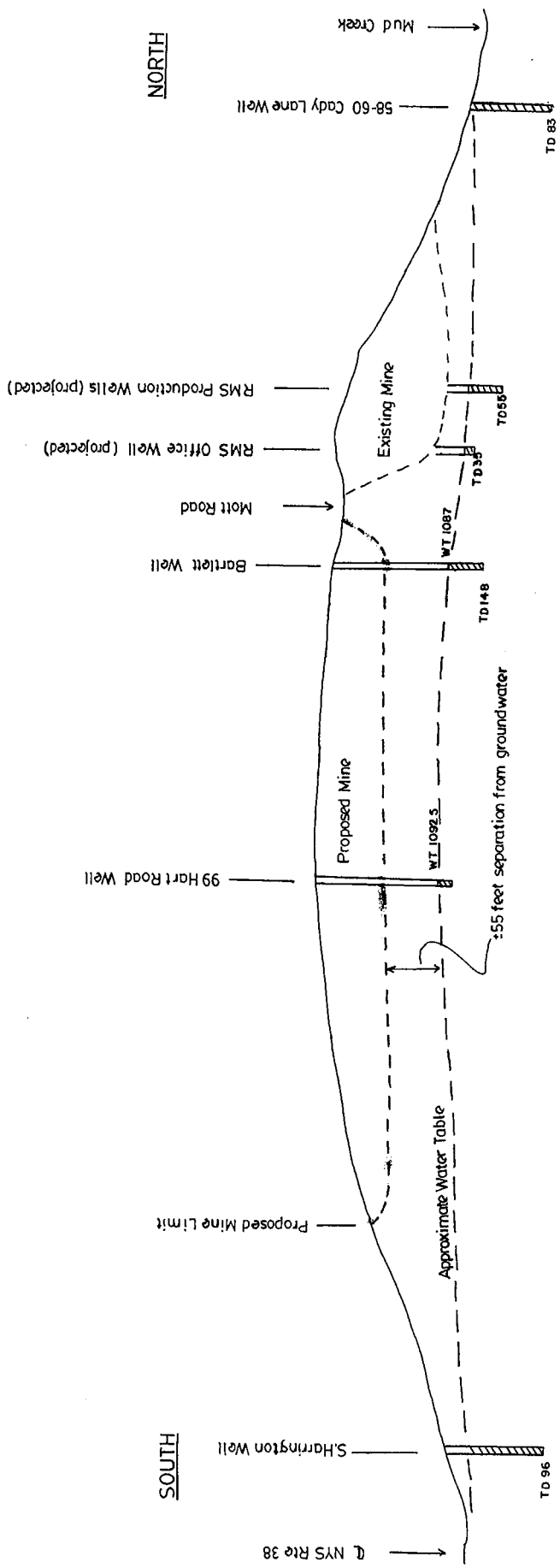
Set forth below is a discussion of potential environmental

This data has been assembled and used to create Figure 2 which is a profile setting forth the approximate elevations of the present ground surface, eventual ground surface after mining, and groundwater. From this it is obvious that this project will not come anywhere near the groundwater table. For example near the center of the mine, at the former caretaker's residence on Hart Road, the ground surface elevation has been measured to be 112 feet above the ground water elevation in the well.

The water level data thus provided confirm what would be expected in a granular deposit of the type to be mined here. That is, that the water moves through the deposit fairly easily, that the water table elevations are fairly flat in the area of concern, and that the mine will be well above the water table.

There are no surface water bodies such as streams or regulated wetlands in the vicinity of the new mine. The nearest streams are Mud Creek, nearly one half mile to the north, and Virgil Creek, nearly one half mile to the south. The nearest regulated wetlands, GR-14 and GR-16, are located approximately 1500 feet north, and northeast, of the mine, respectively. (See Figure 3). The proposed mine will not have any effects on any of these resources. (Wetland GR-16 is on the other side of a drainage divide, consequently surface runoff could not flow from RMS areas to the wetland. The topographic contours are clearly demonstrated on Figure 1 and Figure 6.)

The new South Mine will not have any adverse effects on surface drainage patterns. By gently sloping the mine down towards



Horizontal Scale : 1 inch = 500 feet

Vertical Scale : 1 inch = 100 feet

NOTE: Horizontal scale greater than vertical scale for graphical clarity.

FIGURE 2- Section Showing Water Table & Well Locations

but RMS took it out of agricultural production and revegetated it with grasses. RMS wishes to confirm that the processing facilities and processing rate will conform to the existing designs and approvals.

The ponds are operated in series. The first pond removes the great majority of the silt. The second pond further clarifies the water. These ponds are inspected daily to insure that there is no danger of inadvertent overflow. Both ponds are approximately 8 feet deep. The silt is removed by dragline and temporarily dewatered. The water thus removed is allowed to flow back into the settling pond. The dragline removal of silt occurs once a week.

The Sanders Fishing Guide describes the streams, in part, as follows: "Fall Creek is recognized as trout water from its junction with Virgil Creek, near Freeville, upstream to its source near Lake Como in Cayuga County. The reach of the stream between the mouth of Virgil Creek and Groton City is a fair quality brown trout stream, relying primarily on stocked trout for its fishery... Mud Creek, in its lower section, is a good quality brook trout stream... There are a few wild brown trout in Mud Creek, but a majority of the fish taken here are stocked brown trout." It has also been reported that the area where RMS operates holds some of Fall Creek's largest brown trout - an observation which would tend to indicate that the existing mine has not adversely affected the fishery.

In addition to Mud Creek Swamp, another wetland is located approximately 1500 feet northeast of the mine. This wetland is

use of settling ponds. As discussed above, RMS presently uses settling basins which have been reviewed and approved as part of prior-existing DEC permits.

The fines are filtered out of the water by the existing natural soil as water percolates through it. The fines do not travel through the groundwater. They are inert and are not capable of polluting the groundwater under these circumstances in any way.

The RMS deposit contains silt in the amount of 7 to 8 percent (%). This compares favorably with other mines in the region, some of which have quantities as high as 15 to 20%. The average annual silt product will be approximately 9,454 cubic yards. This equates to an average of less than 3 truckloads per day, over the 9 month operating season.

The silt is removed by dragline, allowed to dewater, and moved by truck to the silt storage area, or directly to the job site. The storage area is located on the east side of Cady Lane, as indicated on Figure 3. It consists of about 2 acres, and overland runoff is diverted away from this area. There is a commercial market for the fines. In fact, because of this, RMS has not needed to make use of the silt storage area for the last 2 years. At present, most of the silt is being used by George Junior Republic, to level areas around the athletic fields and riding ring.

Neither silt dewatering, storage, or the ultimate use of the material at George Junior Republic, have caused any environmental problems. The silt is well confined, and it is not being washed overland or otherwise being eroded in any manner that is of

environmental concern. This silt material hardens and stabilizes well upon being dried.

The plan for managing silt in the future then is to continue to abide by the approved plans for silt management that are presently in place. Silt will not be allowed to wash out of the ponds into any surface water bodies. Adequate freeboard will be maintained on the ponds to preclude any overflow. Silt will be dried and temporarily stored in a manner that prevents overland runoff of silt away from the area. The storage area will not be allowed to accumulate excessive quantities of silt. Any fines not sold will be used in reclamation as required by the existing permit. However, if that is done, the fines will be placed in confined areas, and will be stabilized with more granular material, so that erosion of the fines will be prevented.

4.4 EROSION AND SEDIMENTATION CONTROL

Erosion is the removal of soil and related material. The usual means of removal is by water, although it may sometimes occur by wind as well. Sedimentation is the deposition of the removed material. Sedimentation typically occurs where the water velocity is reduced to the point where the water will no longer keep the soil materials in suspension.

Sedimentation in natural streams and regulated wetlands is harmful because it destroys the habitat of important natural resources. It is harmful to fish habitat and spawning grounds, and also to the many aquatic organisms and plants which are found there. Man-made discharges which cause increases in turbidity

future, a sedimentation basin, 3.4 acres in size, was constructed below the existing mine. No such problems have reoccurred. Any need for this basin will significantly decrease as the existing mine is reclaimed. There will be no need for any such sedimentation basin at the new mine.

The Federal Clean Water Act requires a permit for point source discharges of storm water associated with industrial activity. Mining is included as an industrial activity. Point sources are discrete "conveyances" such as pipes, channels, or ditches. There will be no point source discharges of storm water from the proposed project, and consequently no storm water permit is necessary. (If such a permit were to be necessary, the discharge could be authorized under the State's General Permit No. GP-93-5. This EIS contains all of the information necessary to obtain coverage under the general permit).

4.5 IMPACTS TO AGRICULTURE

This project will not have any adverse effects on agriculture. This was also the consensus of the commenters during the scoping process. Topsoil will be stockpiled and replaced, concurrently with mining. Approximately 2 feet of topsoil and subsoil will be stripped, stockpiled (separately), and replaced over the floor of the mine. Prior to seeding and mulching, the soil will be disked to avoid any problems from compaction.

The total acreage available for agricultural use after the reclamation is complete will be more than is presently available. (The additional 26 acres represents a 21% increase in agricultural

in the centerline of the highway, 6 feet above the surface. This demonstrates that the proposed berm is located in a position along a ridge, and that the berm will completely block the mining operations from sight. The mine will be somewhat visible along short stretches of Route 13, which is more than one mile to the south. However, the presence of the berms, the small open face area, and the lack of processing equipment (other than what is necessary to load the conveyor) will all work to make the south mine unobtrusive and of no significant visual effect.

Figure 5 illustrates the location of the proposed mine relative to potential visual receptors to the south. The area of potential view shed is that area where topography along would allow part of the operation to be visible. In reality, vegetation and physical features always limit visibility to some degree. The actual areas of potential visual impact are shown along segments of NYS Route 13 and Ferguson Road. These segments are 3700 feet and 6800 feet south of the mine respectively.

Due to the distance from the receptor and the limited arc of visibility (less than 15°), impact along both roads should be minimal. On Route 13 there are only two farms and two residences where the mine might be visible. There are 13 houses and 2 farms along Ferguson Road, which is well over a mile away from the site. Motorists traveling on either road may only have a brief glimpse of the site. The area of visual impact along Route 13 encompasses a linear distance of 1300 feet.

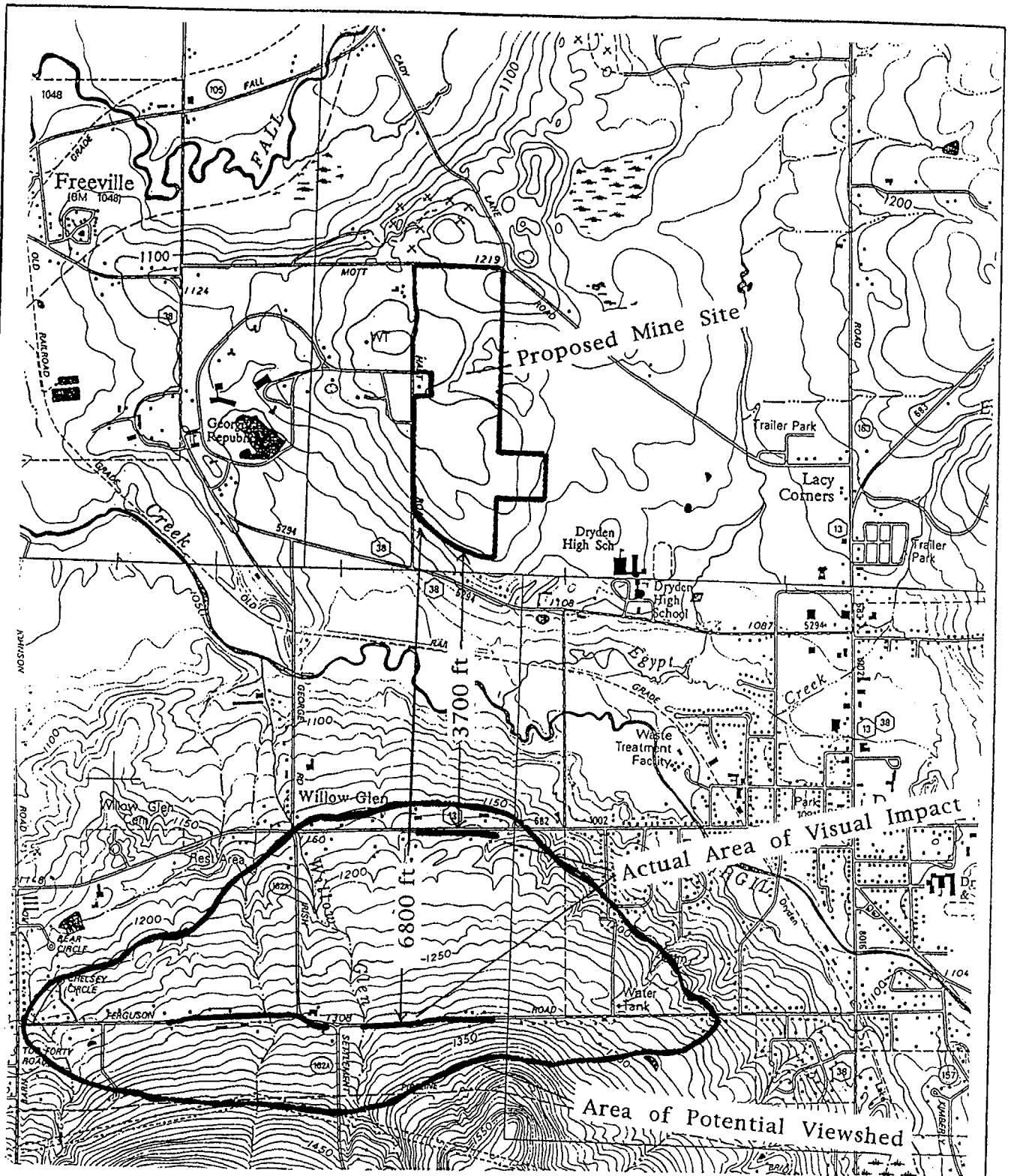


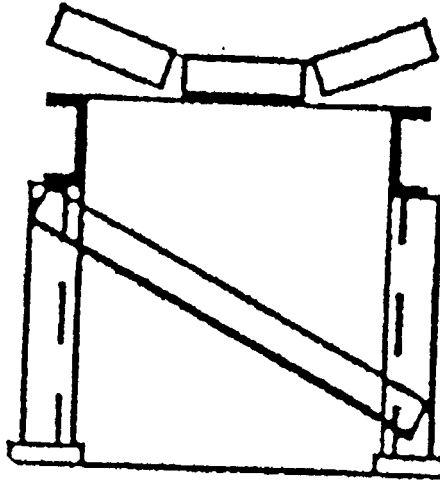
FIGURE 5 - POTENTIAL VIEWSHED

Scale: 1 inch = 2,000 feet
 NYS-DOT Base Map

HARRINGTON ASSOCIATES
GEOLOGISTS

390 Clark St. Ext. Graton, NY 13073 (607) 898-3421

30" Wide Conveyor



Conveyor with Channel Steel Frame Supports ± 30 " High
Design and Installation by RMS Gravel

Three Conveyor Segments Totalling 3,700'
To Be Relocated As Required.

FIGURE 6 - FIELD CONVEYOR DETAIL

a strip of the existing forest in place adjacent to Hart Road.

Dust in the new mining operation can be adequately controlled by using a water truck to wet down any areas such as haulageways that are unvegetated. By quickly reclaiming completed areas - with replacement of topsoil, seeding, and mulching, the adverse impacts can be minimized. The creation of wind breaks, and keeping the disturbed area to a minimum, will also help to keep dust under control.

The new mine will not have a significant effect on traffic. The rate of hauling material to markets will be similar to the present, since the new mine will replace the current one, and because the rate of processing will be similar. All truck traffic will continue to the existing facility. The new South Mine will not receive truck traffic, since all material will be transported by conveyor out of the new mine site.

4.8 RARE OR ENDANGERED SPECIES

The proposed new South Mine will not have any adverse effects on rare or endangered species. Most of the site is agricultural land, which will be restored to the same use. There is no evidence of rare or endangered species anywhere on the site. The DEC Natural Heritage inventory maps do not identify any sensitive resources. However, if any reason to suspect the presence of rare or endangered species is found in the future, the area will be made available for inspection, and appropriate steps will be taken to safeguard any such resources.

optimize the berm location. It is willing to construct additional berms if adjacent neighbors so request. RMS will consult with the Soil and Water Conservation District for recommendations of planting the berms. To the extent consistent with the Soil and Water Conservation District guidance, RMS will make additional plantings of trees around the berms if requested by any adjacent neighbors.

It is the desire of RMS that all reasonable concerns be addressed and resolved. To that end, RMS is open to discussing reasonable conditions on its approvals that would address any concerns. One example may be a limitation on the hours of operation of the new mine. A response to any such suggestions may be included as part of the final EIS.

6.0 THE NEED FOR THIS PROJECT

Sand and gravel are essential to the well-being of our society. They supply building materials that are necessary, in one way or another, for virtually all construction projects. They are used in applications for which the public is frequently not familiar, for example in high-friction (and thus life saving) applications on road surfaces. There are many common specifications for sand and gravel that make it extremely difficult to find acceptable sources. Without these specifications, concrete in buildings might crumble, road surfaces might disintegrate, or bridges and other structures might require frequent replacement.

It has been estimated that the sand and gravel - construction aggregate - industry in New York is involved, directly or

deposit was recognized by O.D. von Englen in 1961. As he stated, "gravel exposed here is studded with large, perfectly rounded, water-worn boulders. These boulders are almost exclusively of extremely hard or massive-rock types -- quartzites, gneisses, granite, and dense limestone."

RMS provides a significant tax base to the local municipalities. Without the new mine, Tompkins County will lose a highly valuable mineral deposit, an important source of employment, and significant tax revenues. RMS believes that it has been a good corporate citizen, and that its proposal serves the long term interests of the community.

7.0 CONCLUSION

The proposed RMS Gravel, Inc. South Mine can be carried out in a manner that minimizes any adverse environmental impacts to the environment. It is consistent with the long range goals of the applicant and the community.



TOWN OF DRYDEN
OFFICE OF THE SUPERVISOR
65 EAST MAIN STREET
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December 19, 1996

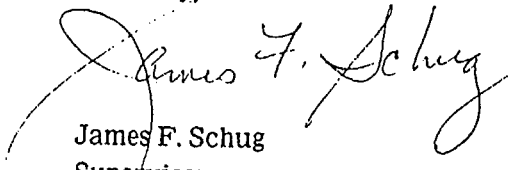
Michael Barylski
N. Y. S. Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090

Re: Comments - DEC application #7-5024-00119/0001, RMS Gravel, Inc.

Dear Mr. Barylski:

Attached please find comments from Debra Grantham and Ronald Roberts, Town Board members and Henry Slater, Zoning Officer. I believe as we discussed at the informational meeting with this project there should be little or no impact on farming.

Sincerely,


James F. Schug
Supervisor

/m

cc: Town Board w/att
Mahlon Perkins w/att
Henry Slater w/att
Roy Reeves w/att

A

--- Tuesday --- November 5, 1996 --- Vol. 6 --- No. 130 ---

THE ENVIRONMENTAL NEWS DAILY

3129 Mount Vernon Avenue, Alexandria, VA (703) 518-4600

*8 BIOPROSPECTING: DISCOVERY OF FUNGUS IN NY PROMPTS PRESERVE

The discovery in West Danby, NY, of a form of fungus used to prevent rejection of transplanted organs has spurred a local conservation group to "capitalize" on the mold's potential by creating "the first preserve set aside specifically for chemical prospecting outside the tropics," the N.Y. TIMES reports.

The discovery of a missing form of the fungus species, used to make the billion-dollar drug cyclosporin, in an often-visited forest near Cornell U. "is evidence, scientists say, of how poorly known many organisms still are even in well-studied habitats." As a result of the find, the Finger Lakes Land Trust in Ithaca, a local conservation group, this fall plans to buy a 270-acre parcel less than a mile from where the fungus was found.

Cornell biologist Thomas Eisner and colleagues at the Cornell Institute of Research in Chemical Ecology plan to lead the search for "interesting molecules" in the new preserve.

Schering-Plough Corp., a major pharmaceutical company, has expressed interest in becoming a partner in the search once the new reserve is established, perhaps providing funds for research and a return on royalties for conservation. Eisner: "This could certainly be a model for setting up other preserves and any preserve could lend itself for this purpose. I sincerely hope we've started something" (Carol Kaesuk Yoon, N.Y. TIMES, 11/5).



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

December 16, 1996

James F. Schug
65 East Main Street
Dryden, NY 13053

12/16/96
RECEIVED
DEC 16 1996
DRYDEN TOWN SUPERVISOR

Re: Scoping Session Recommendations, Proposed RMS Gravel,
South Mine

Dear Jim:

I have reviewed my resulting notes of the 12/10/96 Scoping Session conducted jointly by personnel of NYS DEC, the applicant and his project staff and the Dryden Town Board and support staff. I recommend the following be included within the applicants Environmental Assessment project mitigation plan.

1). Visual Impact

The visual impact of this project will be noted most directly by those persons either living or traveling south / southeast of the project, along New York State Route 13 and Dryden Town highway Ferguson Road. I would recommend the south / southeast portion of the site be include a reasonable dense planting of appropriate evergreen trees. These evergreens will screen the project for those previously identified and will provide dust and noise buffering for the immediate neighbor, Stanley & Lonnie Harrington.

2). Water Table Concerns

Details concerning depth to water table within the immediate mining area, Mud creek, GR14 a NYS DEC wetland and Virgil creek, should be included which clearly indicate neither of these waterways will be affected. There also was a question of whether or not on site ponding is a potential within the mining area as material is removed. Water table details should address both of these concerns.

3). Direction of Excavation

During the scoping session, there was a question raised about where the mining would begin, conclude and why such a route had been selected. These details should provide reasoning for excavation direction and restoration plans.

Scoping for RMS Gravel, Inc.

1. Description of proposed action: The operation of a new 121 acre mine immediately south of the existing RMS Gravel, Inc. mine. The new mining area will be used as the existing approved mining area is depleted. The rate of mining and processing, and consequently the amount of truck traffic, silt production, water usage, hours of operation and other factors will be similar to existing conditions. The new mined area will be bermed and vegetated to minimize any visual impacts. Reclamation will be ongoing, to minimize the disturbed area at any one time. Silt byproduct from processing will continue to be removed from the settling basins and dried at the same locations, for ultimate use as fill on the George Junior Republic lands or at other locations. There will be no change to the current operating program, which has been completely successful in avoiding any impacts to Mud Creek, Fall Creek, or Wetland GR-14. The total area to be affected is 121 acres, which will be mined over the course of 25-30 years. The new mine will allow this existing business, which currently provides employment for approximately 16 persons, to remain in operation. Without the new mine, this business will be forced to close within 3-5 years. The RMS mine provides high quality building materials and ice control sands to customers within a radius of approximately 25 miles. It is the only NYSDOT approved sand and gravel source in Tompkins County. Without this source of materials, it is likely that many customers, including local municipalities, will find it more difficult to obtain these materials, and prices may be significantly higher at more distant locations.
2. Potentially significant adverse impacts to be discussed in the environmental impact statement:
Potential for visual impacts, noise, dust, traffic, surface water quality, wetlands, and drainage.
3. Extent and quality of information required:
Enough information to predict whether any unreasonable change to existing conditions will occur, including hydrologic data that shows that the groundwater table will not be intersected.
4. Initial identification of mitigating measures:
Visual screening, phased implementation, concurrent recycling, adherence to currently successful mitigation measures.
5. Reasonable alternatives to be considered:
Variations in the direction of mining, reclamation for uses other than agricultural, and availability of alternative sources.

The operation of the project is proposed for five phases ranging from 17.8 to 28.6 acres in size. Material will be processed at an adjacent permitted mine site. The previous permitting of the processing at that site did not anticipate the possibility of the importation of 7 million cubic yards of material from an off-site location. Consequently, there is concern for whether or not the current operation is appropriate and adequate for this extra volume of material. This is especially critical given the location of the existing settling basins and fines storage facilities to Mud and Fall Creeks and to Freshwater Wetland GR-14. If permitted, this facility would be one of the largest sand and gravel mining operations in Tompkins County.

Other concerns involve the removal of large quantities of vegetation from this site (121 acres). The project, as proposed, mining from north to south would mean that the project would be visible from the commencement of the operation for the duration of the project from many locations from the south. The impacts associated with noise and traffic could not be specifically projected since the mining proposal left open those issues regarding the operation of the project. Archaeological issues were reviewed and not identified as a potential issue. Some relocation of utilities will be necessary, the specifics of which have not at this time been provided. Additional concerns include the phasing in of the operation of this site. Will operations commence upon permitting? If so, will the existing permitted site become a sole processing plant? If it is reduced to a processing plant, what steps, if any, will be taken to reduce stormwater related concerns.

For Further Information:

Contact Person: Michael K. Barylski
Address: NYS Department of Environmental Conservation
Division of Compliance Services
1285 Fisher Avenue
Cortland, NY 13045-1090
Telephone Number: (607) 753-3095 ext. 233

A copy of this Notice Sent to:

Environmental Notice Bulletin
Regional DEC Office
James Schug, Supervisor, Town of Dryden
RMS Gravel
Jonathan Harrington, Harrington Associates

Environmental Impacts

The Department also has concerns regarding potential environmental impacts resulting from the proposed project.

There is no hydrological information provided about the proposed site. Without this information it is impossible to address any potentially significant impacts from the proposed project. However, since the proposed project could potentially both disrupt the existing ground water table and introduce pollutants into ground and surface water, there is concern regarding both water quantity and quality.

The information needed to adequately address these types of concerns includes: depth to ground water table, information about the existing aquifers and information on the direction of surface and ground water flow.

The Town should also be aware that there are significant natural resources in proximity to the site that could be negatively impacted by the proposed project. There are three Unique Natural Areas identified north of the site. They are Mud Creek Swamp, Woodwardia Woods and Woodwardia Bog. Additionally, Virgil Creek runs south of the site.

Additional Concerns

In addition to the concerns outlined above, the County Planning Department has a couple of comments that are unrelated to the determination of 'significant impact'.

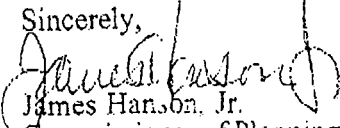
Appropriate sedimentation and erosion control measures should be implemented to help mitigate potential negative impacts from the project.

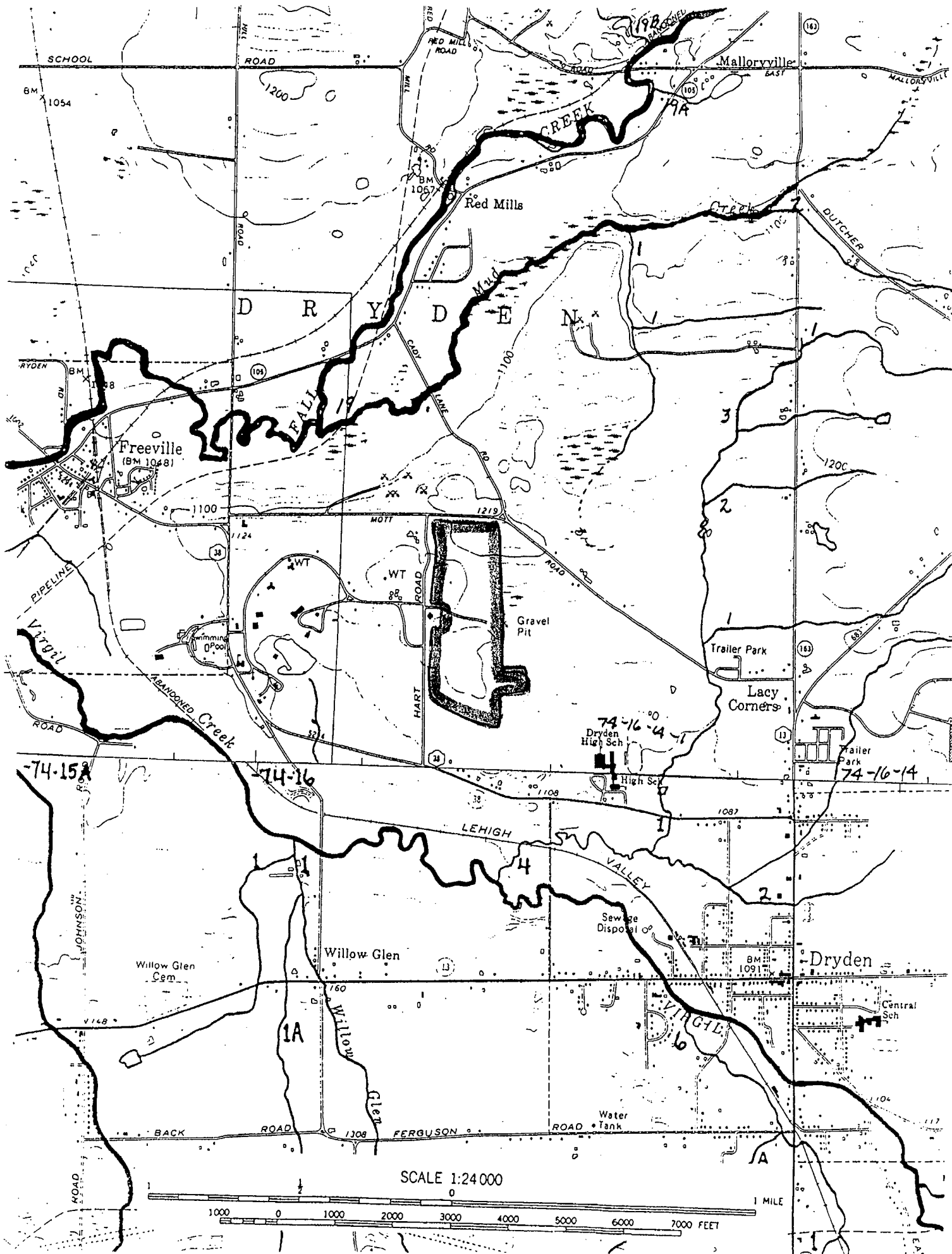
The Department is concerned with remediation of the existing RMS Gravel site since this site will be used to process material taken from the proposed project. Will there be any delay or changes in the remediation plan for the existing site since some processing activity will continue on the site?

Other municipalities with gravel excavations have voiced concerns regarding noise from trucks backing up on excavation sites. The Department has heard about a new technology that activates a back up signal only when there is an object within 8 feet of the vehicle. The Town may consider suggesting that RMS Gravel look into using this type of technology on their vehicles. Should noise from trucks on the site become a problem, this technology could be a possible way of mitigating any negative impact.

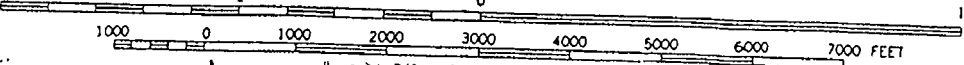
In order to make the berms surrounding the site more aesthetically pleasing, a mixture of wildflower seeds could be used with regular grass seed for planting on the berms.

Thank you for the opportunity to comment on this project. Please inform us of your decision so that we can make it a part of the record.

Sincerely,

James Hanson, Jr.
Commissioner of Planning



SCALE 1:24 000



1 MILE

Howard Series

The Howard series consists of deep, well-drained, medium-textured soils that formed in moderately calcareous deposits of gravel and sand. These deposits contain less limestone and more sandstone and shale than those in which Palmyra soils formed. Howard soils are thicker above the calcareous gravel than Palmyra soils and are much more acid.

Howard soils occupy either nearly level terraces in the valleys, or hilly areas where glacial rivers dumped their loads at the ice front. The associated, less well drained soils that formed in similar material are members of the Phelps, Fredon, and Halsey series. The associated soils that formed in glacial till are soils of the Lansing or Valois catenas. Genesee and Eel soils occupy the flood plains of adjacent streams.

Howard soils have four principal parts: (1) a plowed layer of dark grayish-brown gravelly loam; (2) an upper subsoil of yellowish-brown or brown gravelly loam; (3) a lower subsoil of dark-brown or dark yellowish-brown gravelly silt loam or gravelly sandy clay loam; and (4) underlying layers of gravel and sand of the glacial outwash deposit.

The dark grayish-brown plowed layer is 3 to 5 percent organic matter. This moderately high organic-matter content is associated with a moderately high total nitrogen content. The soil material is porous and permeable. It is a good medium for root development. Gravel interferes moderately with tillage in most areas. This layer is strongly acid. It has a medium potassium reserve and medium phosphorus-supplying power. In most fields it is 6 to 10 inches thick.

The upper and less clayey part of the subsoil extends to a depth of 18 to 25 inches in most places, but tongues of this material extend downward to a depth of as much as 3 feet. This layer is porous. Both roots and water penetrate it easily. It is strongly to medium acid. The potassium reserve is medium, and the phosphorus-supplying power is medium. The water-holding capacity is moderately good.

The lower and more clayey part of the subsoil extends to a depth of 36 to 48 inches in most places, but tongues extend into the underlying gravel to a depth of as much as 5 feet in some areas. These tongues are very conspicuous in gravel pits. They are $1\frac{1}{2}$ to $2\frac{1}{2}$ feet wide at the top, taper to a point at the bottom, and generally are 5 to 20 feet apart. This part of the subsoil is very gravelly, but clay coats the gravel and fills some of the pores. This layer has higher water-holding capacity than the one below it. It slows the downward movement of water and holds moisture where it is available to plants. It is permeable to water, however, and is easily penetrated by the roots of deep-rooted crops. It becomes less acid with depth, and the lowest part is neutral.

The underlying glacial outwash consists of loose, porous gravel and sand. It retains little water. It is calcareous, but it supplies little potassium or phosphorus for plants. Deep-rooted crops send their roots far into it, however, and undoubtedly derive water from it. The depth to this calcareous gravelly material varies 2 feet or more within distances of 10 feet in many areas. Howard soils intergrade to Palmyra soils as the limestone content of the glacial outwash increases. Where these two soils merge, the hori-

very poorly drained Halsey soils, which formed in similar deposits.

Phelps soils have four principal parts: (1) a plowed layer of dark-brown to dark grayish-brown gravelly silt loam or gravelly loam; (2) an upper subsoil of grayish-brown gravelly loam that is faintly mottled; (3) a firm lower subsoil of dark grayish-brown, mottled, gravelly or gravel free heavy silt loam; and (4) layers of gravel, sand and silt.

The very dark colored surface soil in plowed fields is to 6 percent organic matter and is 7 to 10 inches thick. It contains gravel, in most places, that interferes moderately with tillage. It is permeable to roots and water. This layer is medium acid to neutral. It has a moderately high total nitrogen content, a medium potassium reserve and a medium content of available phosphorus.

The upper part of the subsoil extends 12 to 24 inches below the surface. It is permeable to roots and water. Its grayish colors and faint mottles show that it is alternately wet and dry. It is porous and is a good place for roots to develop when it is not wet. It is medium acid to slightly acid. It has a medium potassium reserve and medium amounts of available phosphorus. It varies in thickness from area to area.

The lower part of the subsoil ranges widely in character and thickness. It generally extends to a depth between 24 and 40 inches. It is typically a silty layer that is slowly permeable to water. In some places it is almost pure silt, but in others it is dense gravelly loam or silt loam. It is neutral and has medium supplies of phosphorus and potash. This layer is absent in some of the areas of Phelps soils in this county.

The underlying calcareous deposit in most places consists of alternating layers of sand, gravel, and silt. The proportions and the relative positions of these layers vary widely from spot to spot, even within a single area. In some places silt layers are lacking above a depth of 4 feet.

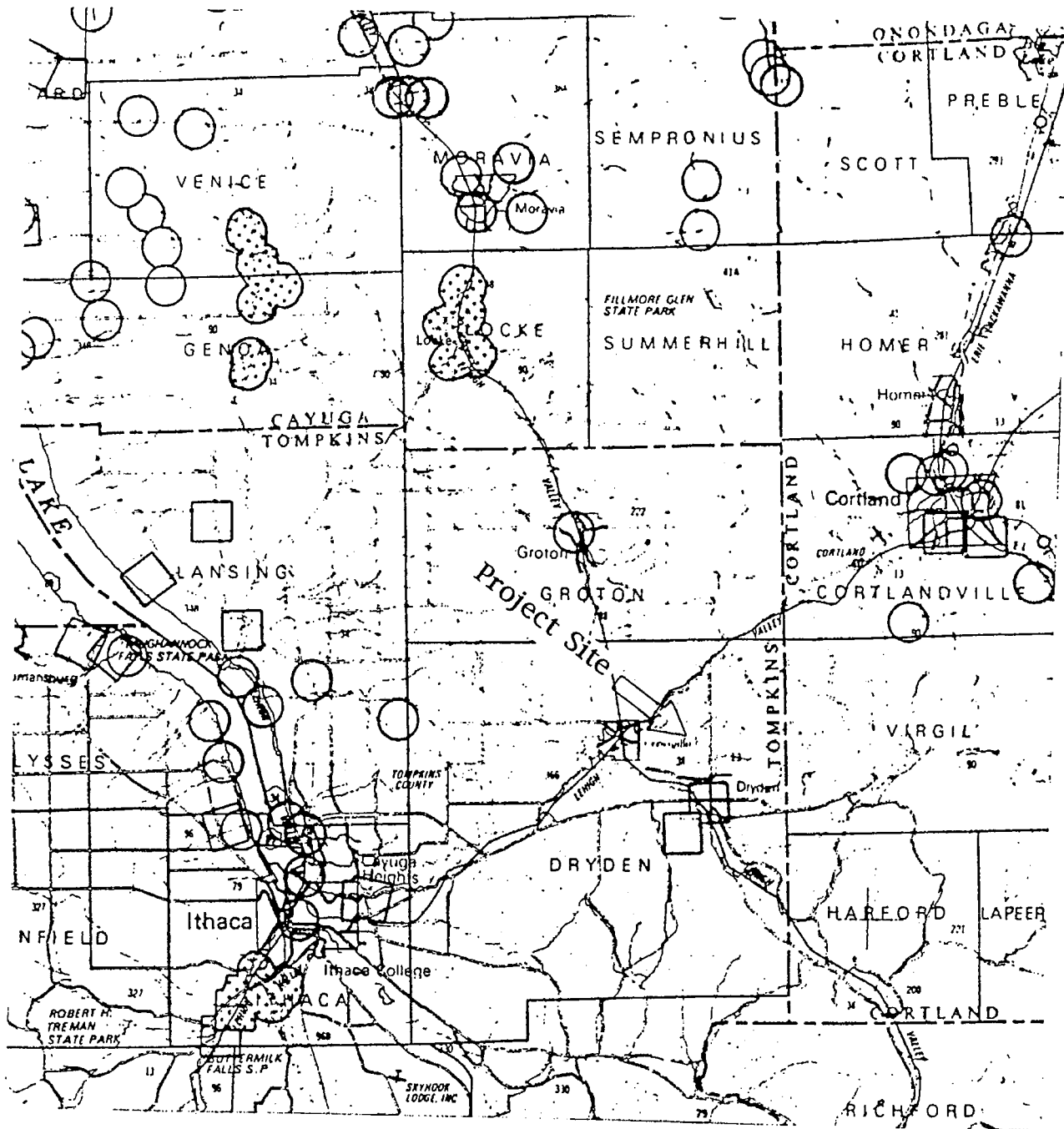
As the proportions and relative positions of the different layers varied from place to place in the original deposit the combination of layers and their textures in the areas mapped as Phelps soils are also variable. Some slowly permeable layer is present, however, either within the developed soil or at some depth in the underlying material. In some places these slowly permeable layers are silt deposits that were apparently laid down in very still water and in others they are glacial till upon which the water-laid deposit rests. The depth to calcareous material ranges from as little as 24 inches to as much as 40 inches in different places. Generally, free lime is shallowest where Phelps soils are associated with Palmyra soils, and deepest where they are associated with Howard soils. As the depth to lime increases, acidity in the upper part of the soil also increases. If unlimed, Phelps soils are strongly acid, about pH 5.5, where they merge with the more acid Braceville soils. In the driest parts, where they merge with the well-drained Howard or Palmyra soils, mottling is lacking in the uppermost 18 to 20 inches. In the wettest parts, where Phelps soils merge with the somewhat poorly drained Fredon soils, the soil is mottled from the plowed layer downward.

During April, water stands within 6 inches of the surface for a moderate period after each rain. It falls to a depth near 20 inches during rainless periods. At this time of year, 4 to 6 consecutive drying days are needed before

Phelps Series

The Phelps series consists of deep, moderately well drained, medium-textured soils that formed in layered water-laid deposits of sand, silt, and gravel. The proportions of sand, silt, and gravel and their relative positions in the soil section vary widely from place to place. The wetness of the soil generally is caused by layers of slowly permeable silt. In some places sand and gravel have been deposited on slowly permeable fill in closed depressions. In such places the moderate wetness is caused by the underlying till. The original material contained moderate to large amounts of limestone fragments. The upper part of the soil is medium acid to nearly neutral; the substratum is calcareous.

Phelps soils are on nearly level to gently sloping landforms in low-lying positions adjacent to Howard and Palmyra soils. They are associated with the lower lying, somewhat poorly drained Fredon soils and the poorly to

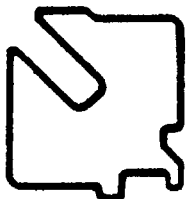
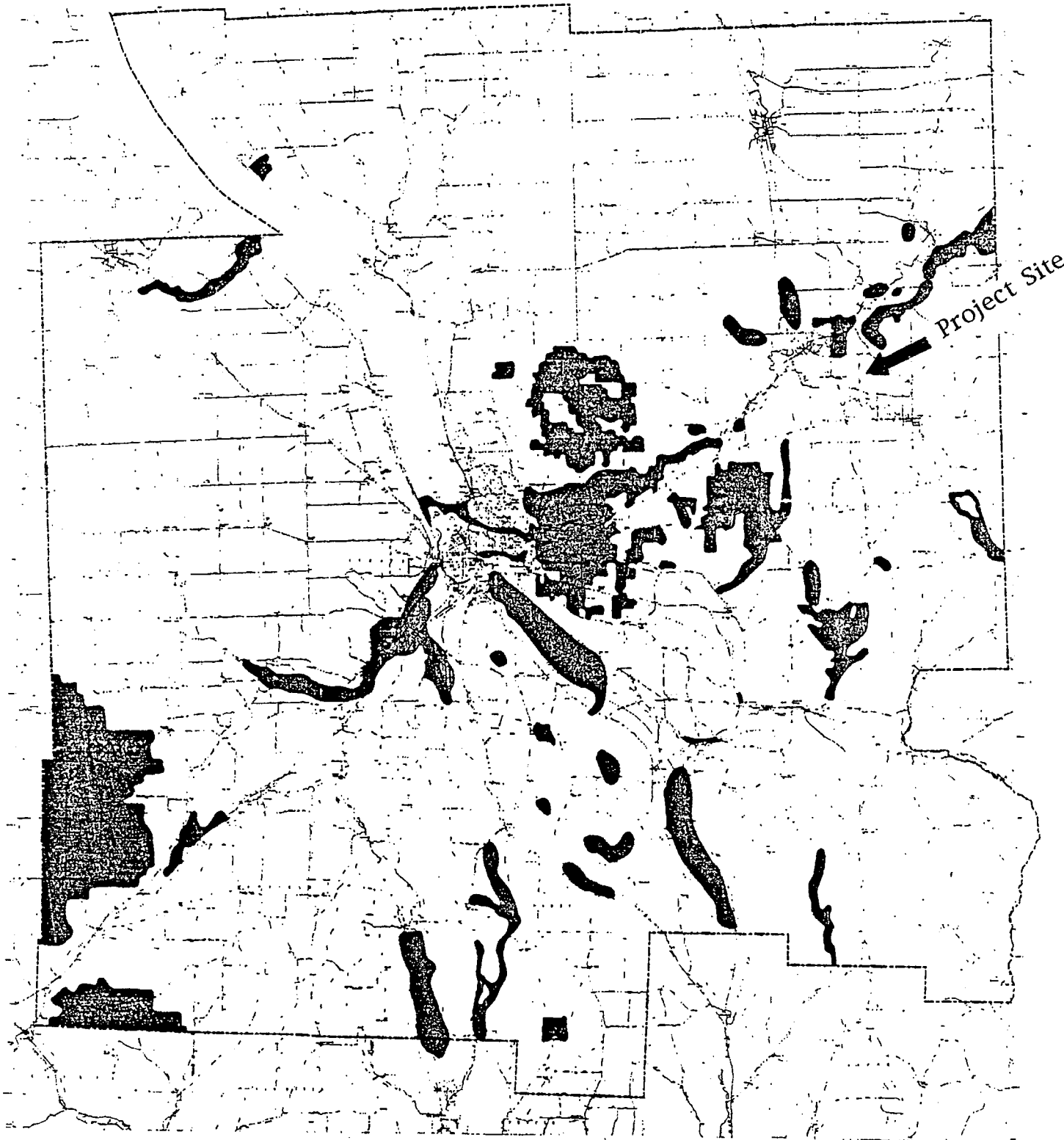


NYS Archeological Sensitivity Map

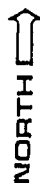
1:250,000

- SITE LOCATION, 1 MILE DIAMETER
FROM THE N.Y.S. MUSEUM ARCHEOLOGICAL SITE FILE
- SITE LOCATION, 1 MILE SQUARE
FROM THE N.Y.S. HISTORIC PRESERVATION OFFICE
ARCHEOLOGICAL SITE FILE
- MULTIPLE SITE SENSITIVITY

HARRINGTON ASSOCIATES
GEOLOGISTS
 390 Clark St. Ext. Groton, NY 13073 (607) 898-3421



TOMPKINS COUNTY EMC
 FLORA AND FAUNA RESEARCH VALUE



KEY	SENSITIVE AREAS	MAP NO.: 87
		DRAWN BY: [Signature]
		DATE: 8-74
		REVISION: 8-74
PREPARED BY: TOMPKINS CO. DEPARTMENT OF PLANNING ITHACA, NEW YORK 14850 REF: BASE MAP OCT. 1967 TSP ENV. ANAL. MAPS 15, 16, 21 SCALE: 1/4 MILE		

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
MATERIALS BUREAU

SOURCE # 3- 45G

TEST # 96AG 30C

RMS GRAVEL
FREEVILLE, NY

BR3a SERIAL # 88321

On 01/09/97 material represented by sample 88321 was
ACCEPTED FOR ITEMS 703-02 (coarse aggregate).

NYS DOT SIZES	NO.2	NO.1	NO.1A
10 Cycle MgSO4	7.6	16.3	
25 Cycle freeze-thaw			
25 Cycle 3% freeze-thaw			
% Non-carbonate	52		
% Insoluble residue			
L.A. Abrasion Grading B	21.4		

Bulk Specific Gravity SSD	2.66	Gravity & absorption values represent this sample only, use average values from Aggregate Source Book in all calculations
Bulk Specific Gravity	2.624	
Apparent Specific Gravity	2.718	
Absorption	1.3	

COMPOSITION (size 2)	%
GRAYWACKE	40
LIMESTONE	32
DOLOMITE	16
IGNEOUS	4
QUARTZITE	4
RED SANDSTONE	3
CLAYSTONE	1

GENERAL CONDITIONS

Instructions

1. 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). 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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least:
 - a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
 - b) 30 days before expiration of all other permit types.
5. 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.

Other Legal Obligations of Permittee

6. The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described in this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.
7. 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.
8. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.



SPECIAL CONDITIONS

For Article 23 (Mined Land Reclamation)

- 20. 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 below 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 1/2 times the depth of the excavation.
- 21. The permittee shall provide vegetation, earth mounds or other means to reduce overall visibility of the mine site, equipment storage and processing areas. At all times the mine site is to be kept neat.
- 22. Materials which are to be disposed of during reclamation shall be stored or stockpiled within the permit area.
- 23. All dredged silt that is not sold shall be used in reclamation.
- 24. There shall be no discharge from the settling ponds. Adequate freeboard shall be maintained at all times to prevent overflow.
- 25. Records concerning the depth of the well and water withdrawals shall be permanently maintained.

DEC PERMIT NUMBER 7-5024-00047/00003-1

FACILITY ID NUMBER

PROGRAM NUMBER 7093-30-0174



LANDOWNER CONSENT FORM

APPLICANT: RMS GRAVEL, Inc.

NYS MINE FILE NO.: _____

As landowner of the property described as follows: Portion of Town of Dryden tax parcel 38-1-24, situated north of the lands of Miller and east of those of George Junior Republic, being 13.6 acres more or less.

I hereby acknowledge the following provisions, terms and conditions.

- 1. I am aware of the content of the mining and reclamation plans as submitted by Harrington Associates for RMS Gravel; and
- 2. I am aware of the applicant's obligation to reclaim the mine site according to the mined land-use plan, Article 23, Title 27 of the Environmental Conservation Law, and Parts 420-426 of 6 NYCRR.

I irrevocably consent to the applicant or his bonding agent, or in their stead, the Department of Environmental Conservation, its employees, contractors or agents, to enter onto and reclaim my property in accordance with:

- a. the above-referenced mining and reclamation plan; or
- b. a mining termination notice accepted by the DEC
- c. a lawful order of the DEC; or
- d. a court of competent jurisdiction

The undersigned acknowledges that this consent is irrevocable until final reclamation approval has been given by the Department of Environmental Conservation.

Norman Shirley Lacey
LANDOWNER

STATE OF NEW YORK)

: ss.:

Shirley Lacey
LANDOWNER

COUNTY OF Tompkins

On the 16th day of January, 1996 before me came

Norman Shirley Lacey to me known and known to me to be the individual described in and who executed the foregoing instrument.

SUSANNE LLOYD
Notary Public, State of New York
No. 4620376
Qualified in Tompkins County
Term Expires March 30, 1997

Susanne Lloyd
NOTARY PUBLIC



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF MINERAL RESOURCES
 50 WOLF ROAD, ALBANY, NEW YORK 12233-6500

OFFICE FILE NUMBER

ORGANIZATIONAL REPORT

INCOMPLETE FORMS NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

<p>1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY, INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.</p> <p>Roy D. Reeves, President RMS Gravel, Inc. PO Box 455 Dryden, NY 13053</p> <p>TELEPHONE NUMBER (607) 844-8196</p> <p>FAX NUMBER (607) 844-3752</p>	<p>2. FULL NAME AND COMPLETE MAILING ADDRESS OF AGENT IN NEW YORK WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR OF ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.</p> <p>Roy D. Reeves, President RMS Gravel, Inc. Mott Road Dryden, NY 13053</p> <p>TELEPHONE NUMBER (607) 844-8196</p>										
<p>3. TYPE OF ACTIVITY (Check those That Apply)</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"> <input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s) <input type="checkbox"/> STORAGE—Underground Gas or LPG facility <input type="checkbox"/> PURCHASING—Of Oil or Gas From Others <input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others <input type="checkbox"/> SALVAGE—Plug and Abandon Wells for Others <input type="checkbox"/> DRILLING—Drill Wells for Others </td> <td style="width:50%; border: none;"> <input type="checkbox"/> SOLUTION MINING—Own/Operate Facility <input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility <input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole <input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility <input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility </td> </tr> </table>		<input type="checkbox"/> PRODUCTION—Oil, Gas, Injection or Geothermal Well(s) <input type="checkbox"/> STORAGE—Underground Gas or LPG facility <input type="checkbox"/> PURCHASING—Of Oil or Gas From Others <input type="checkbox"/> TRANSPORTATION—By Truck or Pipeline for Others <input type="checkbox"/> SALVAGE—Plug and Abandon Wells for Others <input type="checkbox"/> DRILLING—Drill Wells for Others	<input type="checkbox"/> SOLUTION MINING—Own/Operate Facility <input type="checkbox"/> BRINE DISPOSAL—Own/Operate Facility <input type="checkbox"/> STRATIGRAPHIC—Own Well or Hole <input checked="" type="checkbox"/> SURFACE MINING—Own/Operate Facility <input type="checkbox"/> UNDERGROUND MINING—Own/Operate Facility								
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<p>4. STATE WHETHER THE ENTITY IS A CORPORATION, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY. IF FOREIGN CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GIVE COUNTY OF FILING.</p> <p>Corporation</p>	<p>5. IF A NAME CHANGE, GIVE COMPLETE NAME AND ADDRESS OF PREVIOUS ENTITY.</p> <p>N/A</p>										
<p>6. IF CORPORATION OR ASSOCIATION, LIST ALL DIRECTORS AND ALL OFFICERS. IF PARTNERSHIP, LIST ALL GENERAL AND ALL LIMITED PARTNERS. ATTACH ADDITIONAL SHEETS IF NECESSARY.</p> <table style="width:100%; border: none;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">TITLE</th> </tr> </thead> <tbody> <tr> <td>Roy D. Reeves</td> <td>President/Vice Pres.</td> </tr> <tr> <td>Mary Jo Reeves</td> <td>Secretary/Treasurer</td> </tr> </tbody> </table>	NAME	TITLE	Roy D. Reeves	President/Vice Pres.	Mary Jo Reeves	Secretary/Treasurer	<p>7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT</p> <table style="width:100%; border: none;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">TITLE</th> </tr> </thead> <tbody> <tr> <td>Roy D. Reeves</td> <td>President/Vice Pres</td> </tr> </tbody> </table>	NAME	TITLE	Roy D. Reeves	President/Vice Pres
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I hereby affirm under penalty of perjury that the information provided in the report is true to the best of my knowledge and belief. I am aware that false statements made in this report are punishable as a Class A misdemeanor under Section 210.45 of the Penal Law.

<p>TYPE OR PRINT NAME OF AUTHORIZED PERSON</p> <p>Roy D. Reeves, President</p>	<p>SWORN TO AND SUBSCRIBED</p> <p>BEFORE ME THIS 17TH</p> <p>DAY OF JANUARY 1996</p>	<p>SUSAN B. CORNELL Notary Public State of New York Qualified in Tompkins County No. 01CO5043422 My Commission Expires May 8, 1997</p>
<p>SIGNATURE</p> <p><i>Roy D. Reeves</i></p>	<p>DATE</p> <p>1/17/96</p>	<p>NOTARY PUBLIC</p> <p><i>Susan B. Cornell</i></p>

ABOUT THE AUTHORS

Jonathan W. Harrington has a Ph.D. in Geology from Cornell University, (1968), and a B.S. in Geology from St. Lawrence University (1964). He has taught geology at several universities, and is registered as a professional geologist in several states. He has worked as a consulting geologist in Central New York for approximately 20 years. He has extensive experience with the geologic and environmental evaluation of proposed mining projects, and specializes in the construction aggregate industry, including sand and gravel mines.

Patrick M. Snyder has a Master of Engineering degree, in Civil and Environmental Engineering from Cornell University (1975). He also has a B.S. in Civil and Environmental Engineering from Syracuse University. He is licensed as a Professional Engineer in New York. He was formerly employed by the NYS Department of Environmental Conservation as an environmental analyst and permit administrator. He has worked as a consulting environmental engineer and environmental lawyer since 1988.