

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PERMIT
Under the Environmental
Conservation Law (ECL)

DEC PERMIT NUMBER 4-3830-00099/00001
FACILITY/PROGRAM NUMBER(S) MLF #40820

EFFECTIVE DATE May 21, 2007
EXPIRATION DATE(S) May 21, 2012

TYPE OF PERMIT (Check All Appropriate Boxes)				
<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> RENEWAL	<input type="checkbox"/> MODIFICATION	<input checked="" type="checkbox"/> PERMIT TO CONSTRUCT	<input checked="" type="checkbox"/> PERMIT TO OPERATE

<input type="checkbox"/> ARTICLE 15, TITLE 5: PROTECTION OF WATER	<input checked="" type="checkbox"/> ARTICLE 17, TITLES 7, 8: SPDES	<input type="checkbox"/> ARTICLE 27, TITLE 9: 6NYCRR 373: HAZARDOUS WASTE MGMT.
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER SUPPLY	<input checked="" type="checkbox"/> ARTICLE 19: AIR POLLUTION CONTROL	<input type="checkbox"/> ARTICLE 34: COASTAL EROSION MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: WATER TRANSPORT	<input checked="" type="checkbox"/> ARTICLE 23, TITLE 27: MINED LAND RECLAMATION	<input type="checkbox"/> ARTICLE 36: FLOODPLAIN MANAGEMENT
<input type="checkbox"/> ARTICLE 15, TITLE 15: LONG ISLAND WELLS	<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 15, TITLE 27: WILD, SCENIC & RECREATIONAL RIVERS	<input type="checkbox"/> ARTICLE 25: TIDAL WETLANDS	<input type="checkbox"/> ARTICLE 27, TITLE 3, 6NYCRR 364: WASTE TRANSPORTER
<input type="checkbox"/> 6NYCRR 608: WATER QUALITY CERTIFICATION	<input type="checkbox"/> ARTICLE 27, TITLE 7: 6NYCRR 360: SOLID WASTE MANAGEMENT	<input type="checkbox"/> OTHER:

PERMIT ISSUED TO Troy Sand and Gravel Inc.		TELEPHONE NUMBER (518) 674-2854	
ADDRESS OF PERMITTEE PO Box 171, Watervliet, NY 12189-0171			
CONTACT PERSON FOR PERMITTED WORK Jude Clemente, President		TELEPHONE NUMBER	
NAME AND ADDRESS OF PROJECT/FACILITY Nassau Quarry			
LOCATION OF PROJECT/FACILITY Route 66			
COUNTY Rensselaer	TOWN/CITY/VILLAGE Nassau	WATERCOURSE/WETLAND NO.	NYTM COORDINATES E: 622.1 N: 4715.3

DESCRIPTION OF AUTHORIZED ACTIVITY:

Permit to affect 43 acre permit term within an 89 acre life of mine, hard rock quarry, including blasting operations, and the use of on-site crushing and screening equipment. Washing activities are not permitted at this site.

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: William J. Clarke	ADDRESS NYS DEC, Region 4 Headquarters 1130 North Westcott Road, Schenectady, NY 12306
AUTHORIZED SIGNATURE /S/	DATE May 21, 2007
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NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

1. Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications for Permit Renewals or Modifications

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 or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

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.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 4		NYSDEC Deputy Regional Permit Administrator, Region 4
1150 North Westcott Road, Schenectady, NY 12306		Stamford Field Office, Rte. 10, Stamford, NY 12167
(for Albany, Columbia, Greene, Rensselaer,		(for Delaware, Otsego, & Schoharie Counties)
Montgomery, & Schenectady Counties)		

4. Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



Additional General Conditions
FOR ARTICLE 23, Title 27 (Mined Land Reclamation)

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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Special Conditions
FOR ARTICLE 23, Title 27 (Mined Land Reclamation)

1. Conformance With Plans

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, as follows:

- A) Troy Sand & Gravel Co., Inc. Nassau Quarry, Mined Land Use Plan prepared March 17, 2006.
- B) Troy Sand & Gravel Co., Inc. Nassau Quarry, Mining Plan Map revised May 12, 2006 by Griggs-Lang Consulting Geologists, Inc.
- C) Troy Sand & Gravel Co., Inc. Nassau Quarry, Reclamation Plan Map revised May 12, 2006 by Griggs-Lang Consulting Geologists, Inc.
- D) Troy Sand & Gravel Co., Inc. Nassau Quarry, Typical Sections A-A'to D-D' prepared November 10, 2005 by Griggs-Lang Consulting Geologists, Inc.
- E) Draft Environmental Impact Statement revised May 24, 2006 by Griggs-Lang Consulting Geologists, Inc.
- F) Final Environmental Impact Statement, Troy Sand & Gravel Co., Inc. Nassau Quarry, prepared by Griggs-Lang Consulting Geologists, Inc, dated December 14, 2006.

Where it is believed that the approved plans and conditions of this permit may conflict, the permit conditions shall supercede the approved plans.

2. Bond, Surety to Remain in Force

Any required reclamation bond or other surety, in an amount determined by the department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.

3. Strip and Stockpile Soils for Reclamation

Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the department.

4. No Unpermitted Discharge Outside Limits of Mine

There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

5. Fueling of Equipment and Reporting of Spills

Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the department's Spill Response number for immediate access in the permittee's office and at the mine site.

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Special Conditions
FOR ARTICLE 23 (Mined Land Reclamation)

6. Dust Control

Water or other approved dust palliatives must be applied to haulageways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the mine property. The permittee shall meet a performance standard of no visible dust beyond the mine property line.

7. Maintenance of Area Markers for Permit Term

The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

8. Haul road Construction

a) Prior to the commencement of any mining, the haul road shall be improved as per the approved Mined Land Use Plan and drainage improvements installed as per plans in Special Condition #1 and the SPDES permit and Stormwater Pollution Prevention Plan.

b) The entire length of the haul road shall be paved prior to the removal of any excavated material from the site.

c) Within 30 days of completion of the haul road construction, all exposed earth disturbed during the construction phase of the haul road, shall be graded, seeded and mulched in order to establish a vegetative cover. This vegetative cover must be maintained throughout the life of the project in order to prevent erosion and sedimentation.

d) The permittee shall notify the DEC Region 4 Mined Land Reclamation Specialist (MLRS) upon completion of haul road construction and must receive written Department approval prior to commencement of mining.

9. Gate Installation

Prior to the commencement of any mining or mining related activity, a gate shall be installed at all entrances/exits to this mine and all gates shall be kept locked during all times the mine is not in operation.

10. Hours of Operation

The hours of operation at the mine shall be limited to 6:00 AM to 7:00 PM Monday through Friday and 7:00AM to 5:00PM on Saturdays. There shall be no operations (including, but not limited to the startup or operation of motorized equipment, trucks and/or mining equipment) on Sundays and the following holidays: New Years Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day. No trucks will be allowed to access the mine prior to 7:00 AM, and shall not be allowed to queue on Route 66 or any other road waiting to enter the mine.

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11. Pre-Blast Notification

- a) Within 90 days of the effective date of this permit, or at least two weeks prior to the first blast, whichever is sooner, the permittee shall identify and provide the Department with a list of all landowners, residents, businesses within the 2,000 feet radius of the mine site and any additional parties who have requested prior notification before each blast event. The permittee shall maintain such a list and add the name of any additional parties upon their request.
- b) The permittee shall notify all persons referenced above by written letter (first class mail), a minimum of 5 days prior to each blast.
- c) The letter shall include the expected date(s) and approximate time(s) of the next blast and also alternate date(s) and time(s) should weather or other conditions warrant postponement of the blast. Each letter shall also identify the name and telephone number of a contact person for the permittee that residents may contact to answer questions or to file a complaint. A copy of all complaints shall be made available upon request by the Department.
- d) A resident's or business's name may be deleted from the list upon the request of the resident or business.
- e) The Department shall be notified of all updates to the list within two weeks of said additions or deletions to the list.

12. Blasting Conditions

- a) Blasting is only to occur between the hours of 10:00 AM and 5:00 PM, Monday through Friday, excluding federal holidays.
- b) Blasting shall be conducted in a manner that will prevent injury to any person and damage to public or private property outside the life of mine. In the event that an off-site property owner makes a claim of structural damage due to a blasting event or mining activities, the permittee shall immediately notify the Department, investigate the loss claim with the property owner, and provide the Department with a written report within 7 days of the complaint
- c) There shall be no flyrock beyond the life of mine boundary. Should there be any incidents of flyrock beyond the life of mine, all blasting shall cease, and the Department (Region 4 Mined Land Reclamation Specialist) shall be notified within 24 hours of the blast. Blasting shall resume only upon written approval from the Department.
- d) All blasting shall be undertaken, monitored and recorded by a blaster licensed by the New York State Department of Labor. The permittee shall maintain copies of all blasting records. Such records shall be made available to the Department upon request.
- e) All blasts shall be monitored by a minimum of 4 properly calibrated seismographs. Seismographs shall be installed at the nearest off-site receptor and any locations identified within the approved Mined Land Use Plan.

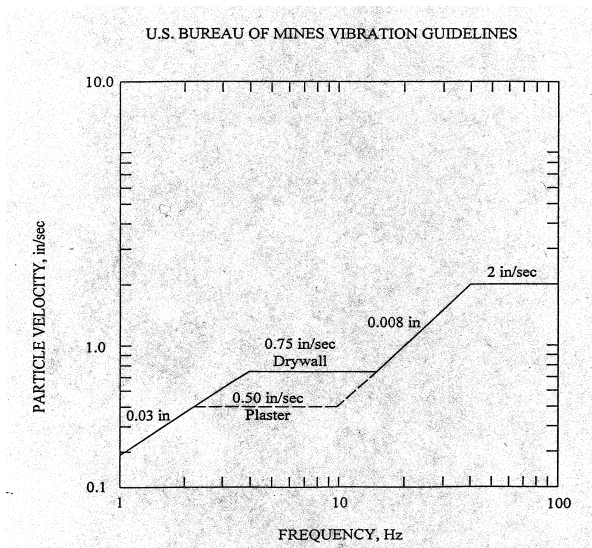
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Special Conditions FOR ARTICLE

- f) Blasting shall be controlled so that ground vibrations (Peak Particle Velocity) shall not exceed the limits of the Variable Particle vs. Frequency Limits recommended by the U.S. Bureau of Mines Report - 8507 (November 1980). Maximum peak particle velocity shall not exceed these limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area. If measurements are made at other than the nearest residential structure, the measurement shall be interpreted in accordance with U.S. Bureau of Mines Report - 8507.
- g) Air blast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

0.1Hz high-pass system	134 dB
2.0Hz high-pass system	133 dB
5 or 6 Hz high-pass system	129 dB
c-slow (events not exceeding 2-sec. duration)	105 dB



- h) Storage of explosives on site shall conform to State of New York, Department of Labor Industrial Code Rule 39, found at 12 NYCRR 39:
 - Part 39.6 General Provisions for the Storage and Handling of Explosives
 - Part 39.8 Construction and Maintenance of Magazines
 - Part 39.9 Location of Magazines

13. Groundwater

- a) In the event that an off-site property owner makes a claim of a loss of quality or quantity of water supply due to a blasting event or mining activities, the permittee shall immediately notify the Department, investigate the loss claim with the property owner, and provide the Department with a written report within 7 days of the complaint.

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- b) Upon review of the report, if the Department determines that blasting or mining is not a contributing cause of the alleged loss of quality or quantity of water supply, the Department will provide written notification of its findings to both the permittee and the well owner and there shall be no further obligation by the permittee pursuant to this permit, or;
- c) If the Department determines that blasting or mining is contributing to the loss of quality or quantity of water supply, the permittee, under the direction of Department staff, will take immediate steps to correct the problem and to restore a potable residential water supply to the affected well owner. The permittee shall restore the quantity and quality of water by repairing the well, drilling a new well, or providing alternate water supply.
- d) The permittee shall continue to monitor the on-site monitoring wells until the time each well is intercepted by excavation activities. Groundwater elevation levels shall be recorded at a minimum of quarterly intervals and all monitoring data must be provided to the Department (Mined Land Reclamation Specialist) in a yearly report to be submitted prior to January 15th of each calendar year.

- 14. The surface of any paved road that intersects with the entrance/exit to the mine, shall be kept free of any spilled and/or tracked materials which can cause dust, slippery conditions or any other condition that is unhealthy or unsafe. The haul road must be swept as often as necessary to ensure that materials are not tracked onto NYS Rte 66.
- 15. Unless discussed in the approved Mined Land Use Plan, there shall be no importation, storage, disposal and/or processing of materials originating from outside the limits of the life of mine without prior Department approval.
- 16. No petroleum products shall be stored at the mine site.
- 17. Prior to the excavation of areas containing federal wetlands, the permittee shall seek and receive approval from the US Army Corps of Engineers as well as the NYS Department of Environmental Conservation, and shall conduct any mitigation measures deemed necessary.
- 18. Discriminating backup alarms must be used during daylight hours, and strobes must be utilized when mining commences after daylight hours.
- 19. Any increase in ambient noise levels shall remain below 5 dBA as outlined in the approved plans, DEIS and FEIS and this permit.

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