



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



Request to Import/Reuse Fill or Soil

This form is based on the information required by DER-10, Section 5.4(e). Use of this form is not a substitute for reading the applicable Technical Guidance document.

SECTION 1 – SITE BACKGROUND

The allowable site use is:

Have Ecological Resources been identified?

Is this soil originating from the site?

How many cubic yards of soil will be imported/reused?

If greater than 1000 cubic yards will be imported, enter volume to be imported:

SECTION 2 – MATERIAL OTHER THAN SOIL

Is the material to be imported gravel, rock or stone?

Does it contain less than 10%, by weight, material that would pass a size 80 sieve?

Is this virgin material from a permitted mine or quarry?

Is this material recycled concrete or brick from a DEC registered processing facility?

SECTION 3 - SAMPLING

Provide a brief description of the number and type of samples collected in the space below:

1A Pipe Bedding Stone

No Chemical Testing Required, per NYSDEC DER-10 5.4(e)5. Material containing less than 10%, by weight, that would pass a size 80 sieve is exempt from chemical testing per NYSDEC DER-10 5.4(e)5.

Example Text: 5 discrete samples were collected and analyzed for VOCs. 2 composite samples were collected and analyzed for SVOCs, Inorganics & PCBs/Pesticides.

If the material meets requirements of DER-10 section 5.5 (other material), no chemical testing needed.

SECTION 3 CONT'D - SAMPLING

Provide a brief written summary of the sampling results or attach evaluation tables (compare to DER-10, Appendix 5):

Attached please find a Laboratory Test Report prepared by CME Associates for a sample delivered to the lab 9/15/2017 that demonstrates that less than 10%, by weight, of the aggregate material tested will pass the size 80 sieve (0.177 millimeters), as annotated. The material requested for import is consistent with the material tested.

Example Text: Arsenic was detected up to 17 ppm in 1 (of 5) samples; the allowable level is 16 ppm.

If Ecological Resources have been identified use the "If Ecological Resources are Present" column in Appendix 5.

SECTION 4 – SOURCE OF FILL

Name of person providing fill and relationship to the source:

Edger Enterprises, Inc. (Provider) Edger Civil & Utility LLC (Source)

Location where fill was obtained:

Narde Gravel Mine (Brewer Pit)

Identification of any state or local approvals as a fill source:

NYSDEC permitted mine

If no approvals are available, provide a brief history of the use of the property that is the fill source:

Provide a list of supporting documentation included with this request:

NYSDEC Mining Permit and CME Sieve Analysis

The information provided on this form is accurate and complete.



Signature

10/10/2017

Date

James E Siegfried, P.E.

Print Name

Haley and Aldrich of New York

Firm



CME
Associates, Inc.

701B Chemung Street
Horseheads, New York 14845
(607) 739-4033
(607) 739-4085 (Fax)

www.cmeassociates.com

~Preliminary Report~

LABORATORY TEST REPORT

Page 1 of 1

CLIENT: Edger Enterprises

PROJECT: 2017 Laboratory Testing

REPORT NO.: 29729L-10-0917

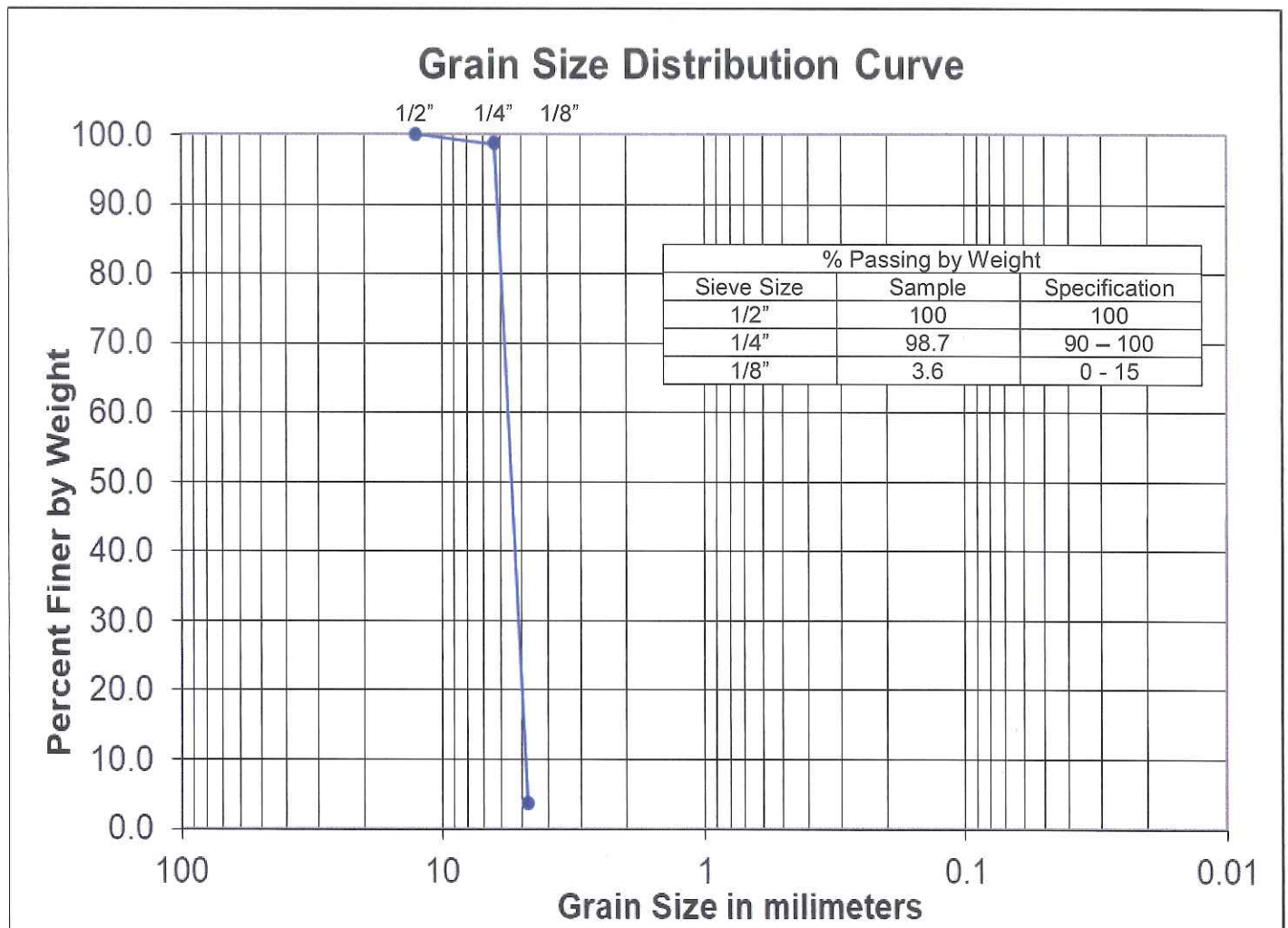
SAMPLE NO.: EL - 3203

DATE DELIVERED: 09/14/2017

SAMPLE LOCATION: Delivered by Client

SAMPLE SOURCE: Brewer Pit.

SOIL CLASSIFICATION: Crushed #1A



The material meets the Grain Size Specification for 1A Stone.



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

EDGER CIVIL & UTILITY LLC
330 E 14TH ST
ELMIRA, NY 14903
(607) 481-0764

Facility:

NARDE GRAVEL MINE
3074R LAKE RD
HORSEHEADS, NY 14845

Facility Location: in HORSEHEADS in CHEMUNG COUNTY

Facility Principal Reference Point: NYTM-E: 350.617 NYTM-N: 4666.663
Latitude: 42°08'16.3" Longitude: 76°48'27.5"

Project Location: South end of Industrial Park Rd

Authorized Activity:

Permit to mine unconsolidated material from a 7.6 acre permit term area within a 7.6 acre Life of Mine.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27

Permit ID 8-0734-00150/00002

(Mined Land ID 80855)

New Permit

Effective Date: 3/11/2016

Expiration Date: 3/10/2021

NYSDEC Approval

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

Permit Administrator: SCOTT SHEELEY, Regional Permit Administrator

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

Authorized Signature:

Date 3/11/2016



Distribution List

Supervisor, Town of Horseheads (certified mail)
John Freeman, DEC Region 8 - Division of Mineral Resources
Ben Groth, DEC Region 8 - Division of Water (Email)
Donald Narde, Property Owner
Chris Wood, Hunt Engineers (email)

Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Permit Sign

MINED LAND RECLAMATION PERMIT CONDITIONS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such plans were approved by John P. Freeman, Minerals on February 20, 2016 and consist of the following items:

- * Mining Permit Application Form dated July 17, 2015.
- * Organizational Report Form dated July 22, 2015.
- * Environmental Assessment Form dated December 9, 2015.
- * Mining Plan dated July, 2015, revised December 2015.
- * Mining Plan Map dated July 2015, revised January 15, 2016.
- * Reclamation Plan Map dated July 2015, revised January 15, 2016.
- * Reclamation Cross sections dated July 2015, revised January 15, 2016.
- * Existing Conditions Map dated July 2015, revised January 15, 2016.



* Letter dated December 11, 2015 from Christopher L. Wood to Matthew Griffiths.

2. No Deviation From Approved Plan The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.

3. Post Sign and Permit The enclosed permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements at all times.

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

5. 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.

6. 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.

7. 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.

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

9. Permit Does Not Apply to Structures and Safety Aspects Unless expressly provided for, the issuance of this permit does not apply to any structures contained on the plans or in the specifications, nor does this permit apply to safety aspects of the operation and/or reclamation plan.

10. 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.



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

12. Human or Archaeological Remains If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator
NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

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

13. File Termination Notice If the permittee decides to discontinue operation, a termination notice must be filed 60 days prior to the scheduled temporary or permanent cessation of mining.

14. 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.

15. Keep Roads Clean The surface of any paved road that intersects with the entrance/exit to the mine and the entrance/exit areas shall be kept free of any spilled and/or tracked materials which can cause dust, slippery conditions or any other condition that is unhealthy or unsafe.

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

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

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

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Mined Land Reclamation.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

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

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

The New York State
Department of Environmental Conservation
has issued a



MINING PERMIT



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

Mine File Number 80855

Permit Expiration Date

3-10-21

DEC Contact Steve Army

Phone Number (585)226-5372

NOTE: THIS IS NOT A PERMIT

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