

1997.12.02 MLR Permit

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

REGION 4 HEADQUARTERS  
1150 NORTH WESTCOTT ROAD  
SCHENECTADY, NEW YORK 12306  
(518) 357-2069  
(518) 357-2460 (FAX)



John P. Cahill  
Commissioner

December 2, 1997

Tim Lachell  
Norlite Corporation  
628 South Saratoga Street  
Cohoes, NY 12047

**MINED LAND RECLAMATION PERMIT**  
RE: DEC #4-0103-00016/00019  
MLF #401-3-32-0002  
Mine: Norlite Mine  
Loc: Cohoes (City), Albany County

Dear Mr. Lachell:

Enclosed is your permit for the mining of shale at the referenced location in accordance with the approved Mined Land-Use and Reclamation Plan.

Please review the General and Special Conditions contained in the mining permit which will expire on December 2, 2002. Any deviation from the approved Mined Land-Use and Reclamation Plan during the five-year permit term will require a modification to the permit (see General Condition #3 of the permit).

If you have any questions concerning the conditions of the permit, please contact me at the above number.

Sincerely,

Nancy Adams  
Environmental Conservation Aide  
Region 4

Enclosures

- CC: Mark Zdunczyk, Greenbush Resources, 1 Spruce Run, East Greenbush, NY 12061
- A. Hewitt, MLR Specialist
- S. Potter, Mineral Resources
- Mayor, City of Cohoes
- ECO Maloney
- File

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**PERMIT**

Under the Environmental Conservation Law (ECL)

DEC PERMIT NUMBER <b>4-0103-00016/00019</b>
FACILITY/PROGRAM NUMBER(S)  <b>MLF #401-3-32-0002</b>

EFFECTIVE DATE <b>December 2, 1997</b>
EXPIRATION DATE(S)  <b>December 2, 2002</b>

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


<input type="checkbox"/> ARTICLE 15, TITLE 5: PROTECTION OF WATER	<input 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 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 <b>Norlite Corporation</b>		TELEPHONE NUMBER <b>(518) 235-0401</b>	
ADDRESS OF PERMITTEE <b>628 South Saratoga Street, Cohoes, NY 12047</b>			
CONTACT PERSON FOR PERMITTED WORK <b>Tim Lachell</b>		TELEPHONE NUMBER	
NAME AND ADDRESS OF PROJECT/FACILITY <b>Norlite Corp Mine</b>			
LOCATION OF PROJECT/FACILITY <b>Saratoga Street, Route 32</b>			
COUNTY <b>Albany</b>	TOWN/CITY/VILLAGE <b>Cohoes</b>	WATERCOURSE/WETLAND NO.	NYTM COORDINATES <b>E: 606.3 N: 4734.2</b>

DESCRIPTION OF AUTHORIZED ACTIVITY:

Continued operation of a 78.3 acre life of mine shale mine, for which a previous permit has been issued under Article 23, Title 27 of the Environmental Conservation Law (Mined Land Reclamation), of which, 62.2 acres are authorized to be affected during this permit term, including on-site processing.

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: <b>John H. Feltman</b>	ADDRESS <b>NYS DEC, Region 4 Headquarters 1150 North Westcott Road, Schenectady, NY 12306</b>
AUTHORIZED SIGNATURE 	DATE <b>12/2/97</b>
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## GENERAL CONDITIONS

### Inspections

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 the 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. The 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.



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

- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.

DEC PERMIT NUMBER 4-0103-00016/00019		PAGE <u>3</u> OF <u>5</u>
FACILITY ID NUMBER	PROGRAM NUMBER MLF #401-3-32-0002	



**Special Conditions**

FOR ARTICLE 23, Title 27 (Mined Land Reclamation)

1. The permittee must comply with the Order on Consent, file #R4-0768-90-01, executed on 6/21/90, and with the following approved plans:
  - A. Mined Land-Use and Reclamation Plans prepared by Mark Zdunczyk of Dunn Geoscience (Map 8439), dated 7/17/89, as revised by Mark Zdunczyk of Greenbush Resources, Inc., as part of the mining renewal application, dated October 14, 1997
  - B. The "Modification Application for Permit to Mine", dated August, 1992, including narrative, Mining Plan, Final Grade Profiles, and Mining Plan with Temporary Reclamation Area, all dated August 14, 1992.
2. Quarry operation will be limited to the hours of 6:00 a.m. to 9:00 p.m., Monday through Saturday.
3. Topsoil adequate to reclaim all land not to be under water in the final reclamation shall be stockpiled for later use. Such Stockpiles shall be seeded and maintained in a stable condition.
4. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department Spill hotline (1-800-457-7362) within 2 hours.
5. 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.
6. There shall be no disposal of landfill materials, trash or garbage, demolition debris, or other wastes in the mine.
7. Dust generated by mining activities and haul road use shall be controlled by water spray as often as needed to suppress dust. All paved surfaces shall be swept as often as necessary to suppress dust. Chemical treatments shall not be used for dust control.
8. The permittee shall allow access to Department personnel 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.
9. No turbid waters shall be discharged to any stream, wetland, offsite drainageway, or to offsite areas. All discharged waters shall be clear and free of turbidity.
10. Revegetation will be conducted according to the specifications set forth in Norlite's March, 1993, narrative submission under item 4.0 "Revegetation".

17nma2

cc: Mark Zdunczyk, Greenbush Resources, 1 Spruce Run, East Greenbush, NY 12061  
 A. Hewitt, MLR Specialist  
 S. Potter, Mineral Resources  
 Mayor, City of Cohoes  
 ECO Maloney  
 File

DEC PERMIT NUMBER  
 4-0103-00016/00019

FACILITY ID NUMBER

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 MLF #401-3-32-0002

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**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

REGION 4 HEADQUARTERS  
 1150 NORTH WESTCOTT ROAD  
 SCHENECTADY, NEW YORK 12306  
 (518) 357-2069  
 (518) 357-2460 (FAX)



Commissioner

October 27, 1997

Tim Lachell  
NORLITE Corp.  
628 South Saratoga St  
Cohoes, N.Y. 12047

Re: MLF 401-3-32-0002  
 UPA \_\_\_\_\_

Dear Sir:

I have reviewed your mining permit application for the 1997-2002 Permit Term and have made a determination as to DEC's reclamation bonding requirements. The specific calculations for the reclamation bond are as follows:

$$62.2 \text{ acres at } \$2000.00 \text{ per acre} = \underline{\underline{\$124,400.00}}$$

\$ 124,400.00 Utilizing these figures, the Department will require a reclamation bond for your operation. This surety may be in the form of a bond, an irrevocable bank letter of credit, a certificate of deposit, etc. (See attached copy of 6NYCRR Part 420, Section 423.1(d).)

The Department is prepared to adjust the dollar amount of the reclamation bond upon successful completion of reclamation work in affected areas.

The bond amount will be reviewed at each five year renewal and adjusted at that time. In the interim, I will be pleased to assess your ongoing reclamation work and make adjustments to the bond, if appropriate.



# Norlite Corporation



628 SO. SARATOGA ST.  
P.O. BOX 694  
COHOES, N.Y. 12047  
TEL.: (518) 235-0401  
FAX.: (518) 235-0233

September 17, 1997

Mr. William J. Clarke  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
Region 4 Headquarters  
1150 North Westcott Road  
Schenectady, NY 12306



Re: Norlite Mine Permit #4-0103-16/19 Renewal

Dear Mr. Clarke:

Pursuant to your letter dated July 16, 1997, Norlite is pleased to submit its Mine Permit Renewal Application. I have enclosed three (3) copies for your convenience.

If you have any questions, please feel free to contact either Mark Zdunczyk or myself. Thank you for your cooperation regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Timothy F. Lachell".

Timothy F. Lachell  
Plant Manager

cc: Rich Wallen for Norlite File

File:c:\wp60\text\tim\t2609701.wpd

# Norlite Corporation



August 22, 1997

*Via Fax at 518-357-2460*

628 SO. SARATOGA ST.  
P.O. BOX 694  
COHOES, N.Y. 12047  
TEL.: (518) 235-0401  
FAX.: (518) 235-0233

Mr. William J. Clarke  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
Region 4 Headquarters  
1150 North Westcott Road  
Schenectady, NY 12306

Re: Norlite Mine Permit #4-0103-16/19 Renewal

Dear Mr. Clarke:

Per our phone conversation of today, Norlite will need until September 15, 1997 to process the forms for the Mine Permit Renewal. Norlite's Geologist, Mr. Mark Zdunczyk, has contacted you and indicated that he has had difficulty in securing a survey crew to prepare updated mine maps. The mine maps are the basis for Norlite's submittal.

Mr. Zdunczyk has indicated to me that he would be able to perform the quarry survey by Friday August 29, 1997.

As you have stated in your July 16, 1997 letter, Norlite will be submitting a renewal application without the request for modification on the north end of the quarry.

I thank you for your cooperation in this matter. If I can be of further assistance to you, please feel free to contact me.

Sincerely,

*Timothy F. Lachell*  
Timothy F. Lachell  
Plant Manager

cc: Rich Wallen  
Mark Zdunczyk---via fax at 518-477-6513



DEP File

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

REGION 4 HEADQUARTERS  
1150 NORTH WESTCOTT ROAD  
SCHENECTADY, NEW YORK 12306  
(518) 357-2069  
(518) 357-2460 (FAX)



John P. Cahill  
Commissioner

July 16, 1997

William Morris  
Environmental Director  
Norlite Corporation  
628 South Saratoga Street, Box 694  
Cohoes, New York 12047

RE: DEC #4-0103-16/19  
MLR Permit Renewal  
Shale Mine  
Cohoes-C, Albany County

Dear Mr. Morris,

We have had pending since 1994 a renewal application which was coupled with a proposed modification of the mine. Since this modification has the potential to increase noise impacts to adjacent residential neighborhoods a noise impact analysis had been discussed with no final resolution of this issue which would allow for determining the significance of the change, completion of the application and public notice on the change. You had indicated several months ago that the proposed modification was being dropped in favor of simply renewing the Mined Land Reclamation Permit and would be submitting a revised mining/reclamation plan. To bring this process to completion I have enclosed instructions for submitting a renewal package. Please submit the revised documents by 8/25/97 so that we can complete this process and issue the renewed permit for a 5 year term. If you have any questions please feel free to contact either Nancy Adams of my staff or myself.

Sincerely,

William J. Clarke  
Regional Permit Administrator  
Region 4





# MINING PERMIT APPLICATION

FOR OFFICIAL DEC USE ONLY

DEC # - - - / - - -

7. MINED LAND PROJECT
- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | Yes                                 | No                       |
| a. Will the total acreage affected by mining for the entire mining site exceed 5 acres?          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet?            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Will there be on-site processing of mining products (eg. crushing, screening, washing)?       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Will any consolidated minerals be mined (eg. limestone, trap rock, sandstone)?                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Will mining occur within 500' of any dwelling?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Will mining ever occur at or below the mean high water table?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

1. MINED LAND FILE NUMBER (If assigned)	2. TELEPHONE NUMBER
4   0   1   -   1   3   -   1   3   2   -   1   0   1   0   0   2	(518 ) 235-0401
3. NAME OF APPLICANT <b>NORLITE CORPORATION</b>	
4. PERMANENT ADDRESS <b>628 SOUTH SARATOGA STREET</b>	
CITY <b>COHOES</b>	STATE <b>NY</b> ZIP CODE <b>12047</b>
5. CONTACT PERSON <b>TIM LACHELL</b>	6. TELEPHONE NUMBER <b>(518 ) 235-0401</b>

8. TAXPAYER ID If other than individual, provide Federal Taxpayer ID Number	9. APPLICATION TYPE <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification
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10. a. PRESENT PERMIT TERM Expiration date / /	b. COMING PERMIT TERM <input checked="" type="checkbox"/> 5 years <input type="checkbox"/> Other _____ years	11. COMMON GEOLOGIC NAME OF MINERAL TO BE MINED <b>SHALE</b>
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12. LOCAL ORDINANCES a. Is mining prohibited at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. Does the local government require any type of permit for mining at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	b. If YES, give DEC mine file number(s).
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14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit **SUSPENDED OR REVOKED** or has had a New York State mined land reclamation bond **FORFEITED**?  Yes  No If YES, identify the person(s).

15. ACREAGE SUMMARY (To be filled in by applicant)	FOR OFFICIAL DEC USE ONLY
a. Total acreage controlled by owner at this location	_____ acres
b. Total acreage permitted by DEC prior to this application	_____ acres
c. Total acreage affected since April 1, 1975	_____ acres
d. Total acreage approved by DEC as reclaimed since April 1, 1975	_____ acres
e. Current affected acreage (c minus d)	_____ acres
f. Acreage included in this application, but not previously approved	_____ acres
g. New acreage to be affected during the coming permit term	_____ acres
h. Number of acres to be reclaimed during coming permit term	_____ acres

16. NAME OF MINING SITE

17. MINE LOCATION  
Road **SARATOGA ST ROUTE 32**  
Nearest Road Intersection **ELM ST**  
Town **COLONIE**  
County **ALBANY**

18. MAP LOCATION  
a. Quadrangle Name **COHOES**  
b.  15 minute  7 1/2 minute  
NYTM'S **FOR DEC OFFICIAL USE ONLY**  
\_\_\_\_\_ E, 4 \_\_\_\_\_ N

19. NAME AND ADDRESS OF SURFACE LANDOWNER  
**AS ABOVE**

20. NAME AND ADDRESS OF MINERAL OWNER (if different)  
**SAME**

21. I am the owner  in fee,  of the mineral rights of the property that is to be mined by the above applicant. I have read the contents of the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and I hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer or the NYS Department of Environmental Conservation. I further agree to allow access to the property to department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.

SIGNATURE OF OWNER	DATE
	<b>09/17/97</b>

22. I hereby affirm, under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE <i>Timothy F. Lachell</i>	DATE <b>09/17/97</b>
--	----------------------



Al Hewitt



# Norlite Corporation

628 So. Saratoga St.  
P.O. Box 694  
Cohoes, N.Y. 12047  
TEL: (518) 235-0401  
FAX: (518) 235-0233

November 19, 1997

Mr. Al Hewitt  
NYS Department of  
Environmental Conservation  
1150 North Westcott Road  
Schenectady, New York 12306

*OK to issue  
Per AL  
11/25/97*

Re: Mined Land Reclamation Bond

Dear Mr. Hewitt:

I am in receipt of your letter dated October 27, 1997 regarding Norlite's mining permit application for the 1997-2002 Permit Term.

Enclosed is Form 85-02-3 (Mined Land Reclamation Bond) for the Norlite Corporation.

If you have any questions regarding the enclosed document, please do not hesitate to call me.

Sincerely,

NORLITE CORPORATION

Richard E. Wallen  
Environmental Manager

encl.

