

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 7

5786 Widewaters Parkway, Syracuse, NY 13214-1867

P: (315) 426-7438 | F: (315) 426-7425

www.dec.ny.gov

December 6, 2023

Sharon VanZandt  
16 Williams Rd  
Windsor, NY 13865

**RE: PERMIT Renewal of DEC Permit No. 7-0350-00119/00001**  
**Mined Land ID #: 71003**  
**Facility: Kohlbach Quarry**  
**Town of Windsor, Broome County**

Dear Ms. VanZandt:

Enclosed is Part One of the permit which authorizes you to operate the above-referenced mine. The permit, itself, consists of two parts. Part One consists of the enclosed permit certificate. Part Two consists of the application, plans and specifications, and other documents on file with the Department including such terms and conditions imposed. As the Permittee, you are responsible for maintaining a copy of the documents constituting Part Two available at your local office for use by Department personnel.

Note the expiration date. The permit may be renewed if an acceptable application is submitted sufficiently prior to that date. A renewal application involving no changes to the original plans should be submitted at least 180 days prior to the expiration of the permit. An application involving any changes to the above plans may be treated as a new application and may require a detailed environmental review and, should be submitted well in advance of the expiration date.

If this permit is destroyed, lost or mutilated, contact this office so that a certified copy may be issued.

Be advised, the Uniform Procedures Regulations provide that an applicant may request an adjudicatory hearing if a permit is denied or contains conditions which are unacceptable to them (6NYCRR Part 621.10(a)). Any such request must be made in writing within 30 calendar days of the date of this letter and must be addressed to the Regional Permit Administrator, Department of Environmental Conservation, 5786 Widewaters Parkway, Syracuse, New York, 13214.

If you have any questions, please contact me at 315-426-5494. Thank you.

Sincerely,



Jonathan Cronell  
Environmental Analyst

Division of Environmental Permits, Region 7

Enclosure: Kohlbach Quarry Permit Renewal (ML); Mining Permit Sign

cc: A. Abbott, R7 Mineral  
J. Sanderson, R7 Mineral  
T. Rigley, R7 Minerals  
Town of Windsor



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
SHARON VANZANDT  
16 WILLIAMS RD  
WINDSOR, NY 13865

**Facility:**  
KOHLBACH QUARRY  
38 BARTON RD  
WINDSOR, NY 13865

**Facility Location:** in WINDSOR in BROOME COUNTY

**Facility Principal Reference Point:** NYTM-E: 443.514 NYTM-N: 4653.379  
Latitude: 42°01'49.5" Longitude: 75°40'56.6"

**Project Location:** Approximately 850ft SE from the intersection of Williams Rd and Barton Rd

**Authorized Activity:** This permit authorizes mining activity on 5 acres of land during the permit term, within a 5 acre life-of-mine facility, on a 60.7 acre parcel of land, including specified processing equipment on lands owned by the permittee.

**Permit Authorizations**

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

Permit ID 7-0350-00119/00001

(Mined Land ID 71003)

Renewal

Effective Date: 12/6/2023

Expiration Date: 12/5/2028

**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: JONATHAN J STERCHO, Deputy Regional Permit Administrator  
Address: NYSDEC Region 7 Headquarters  
5786 Widewaters Pkwy  
Syracuse, NY 13214 -1867

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_



## Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

## MINED LAND RECLAMATION PERMIT CONDITIONS

- 1. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 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. 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 the Department on various dates and consist of the following items:
  - A.) Narrative titled "Small Scale Bluestone Mine Mining Plan" dated July 9, 2013 and prepared by Fox Engineering, PC.
  - B.) Narrative titled "Small Scale Bluestone Mine Reclamation Plan" dated July 9, 2013 and prepared by Fox Engineering, PC.
  - C.) Renewal Letter titled "RE: Mining Permit 71003; Application # 7-0350-0019; Norman P Kohlbach, deceased".
  - D.) Graphic plans (4 sheets total) titled:
    - 1.) "Mine Plan Map" dated July 9, 2013, revised November 9, 2023, and prepared by Fox Engineering, PC.
    - 2.) "Reclamation Plan Map" dated July 9, 2013 and prepared by Fox Engineering, PC.
    - 3.) "Cross Sections" dated July 9, 2013 and prepared by Fox Engineering, PC.
    - 4.) "Details" dated July 9, 2013 and prepared by Fox Engineering, PC.
- 4. 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.



**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. 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 7 Headquarters  
5786 Widewaters Pkwy  
Syracuse, NY 13214 -1867

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

**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. 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.

**9. 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.

**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. Licensed Blaster Required** 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 (NYSDEC) upon request.

**12. Storage of Explosives** 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. Minimum 25' Separation From Property Line** 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 lower than 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 1/4 times the depth of the excavation.

**14. No Disturbance of Trees Outside Mine** There shall be no disturbance of trees or any other vegetation surrounding the mine site or outside the designated affected mine boundaries.

**15. Closed Loop Processing Water System** The processing water system (cutting water or washing water) shall be completely "closed loop", properly sized to prevent overflow during periods of sustained or heavy rainfall, and shall be constructed to prevent contamination of any water supplies by either surface and/or subsurface flows.

**16. No Materials, Trees or Stumps Cast Down Slope** There shall be no stone/topsoil/subsoil/overburden casting to any down slope area except for that which is authorized in the approved Mined Land Use Plan. There shall be no tree or stump casting to any down slope area.

**17. Mark Entire Life of Mine Area** Prior to the commencement of any mining or mining related activity under this permit, the limits of the entire life of mine area shall be determined by instrument and staked at all corners, vertices and regular 100 feet intervals. All stakes shall be at least 5 feet in height above ground level so as to make them clearly visible and to prevent injury. The top 12 inches of each stake shall be painted with a bright red color so as to make them readily visible in the field. All stakes shall be continually maintained throughout the life of this mining operation. The Mined Land Reclamation Specialist shall inspect the staking and approve it before mining commences under this permit.

**18. No Offsite Materials at Mine** No materials (originating from offsite sources) of any kind shall be brought into this mining operation except those specified in the approved Mined Land Use Plan.

**19. 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.

**20. Provide Person during DEC Inspection** 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.

**21. File Termination Notice** If the permittee discontinues operation, a termination notice must be filed within 30 days of termination of mining activities to the address below:

Regional Mined Land Reclamation Specialist  
NYSDEC Region 7 Headquarters  
5786 Widewaters Pkwy  
Syracuse, NY 13214 -1867



**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

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

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

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

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

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

Regional Permit Administrator  
NYSDEC Region 7 Headquarters  
5786 Widewaters Pkwy  
Syracuse, NY 13214 -1867

**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 in this site. For more information regarding the nature and extent of the 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 71003 Permit Expiration Date 12/5/2028

DEC Contact Andrew Abbott

Phone Number (315) 426-7484

Note: This is not a Permit