



CONTINENTAL PLACER INC.

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Re: New Water Withdrawal Rules and Regulations

On August 15, 2011 Governor Andrew Cuomo signed into Law, new legislation that would create a water withdrawal monitoring and management plan. The new law requires a state permit for the withdrawal of large volumes of water from rivers, lakes, streams and groundwater. This legislation fulfills the state’s requirement for the Great Lakes-St. Lawrence River Basin Water Resources Compact and will make the requirements applicable statewide. A copy of Governor Cuomo’s press release is enclosed.

Over 400 different industrial water users throughout the state will now be asked to complete two different permits. The first is an **initial permit** due February 15, 2012, this includes any facility that has the ability to pump more than 100,000 gallons per day (approximately 70 gallons per minute). The facility is requested to fill out a DEC Water Withdrawal Report Form and pay an annual fee of \$50.00 to receive an **initial permit**. The Water Withdrawal Report Form and annual fee are due each year by March 31st to comply with this **initial permit**. The **initial permit** remains in effect until you are required to apply for a second more **formal permit**. If your facility has the ability to reach the trigger point of 100,000 gpd or more, Continental Placer Inc. recommends that your facility comply with the **initial permit** by 02-15-2012. Otherwise, your facility will have to complete the more detailed **formal permit** process by 02-15-2013.

The DEC has published the following multi-year schedule for their **formal permit** application process. This process will depend upon your facilities daily maximum potential withdrawal (your maximum ability to pump/divert water, not what you actually withdrawal/consume).

The time table for the **formal permit** applications are as follows:

- 100,000,000 gpdor more..... Application due by 02-15-2013
- 10,000,000 gpd to less than100,000,000 gpd..... Application due by 02-15-2014
- 2,000,000 gpd to less than10,000,000 gpd..... Application due by 02-15-2015
- 500,000 gpd to less than2,000,000 gpd..... Application due by 02-15-2016
- 100,000 gpd to less than500,000 gpd..... Application due by 02-15-2017

Applications will consist of report requirements listed in the 6 NYCRR Parts 601 and 621, when finalized by the DEC. Once the application is submitted and approved the **formal permit** term is ten years. The annual fee and report form are still required before March 31st of each year.

Continental Placer Inc. would like you to be aware of several key points involved with the new permitting process.

1. Anyone with the pumping capacity to withdraw (pump/divert) 100,000 gpd (approximately 70 gpm) per facility should register for the initial permit along with a \$50 fee due February 15, 2012.
2. Water withdrawal volumes are based on the total capacity of your pumping equipment not how much you actually use. For the aggregate industry this includes systems for, but not limited to:
 - Pit and Quarry De-Watering
 - Washing Equipment Needs
 - Dust Suppression Systems
 - Wet Classifiers
 - Make-up Waters
 - Domestic Water Supply
3. The DEC has recently instructed the mining industry that water removed from settling pond or manmade pond is considered a “withdrawal amount”, water recycled back to that pond is considered a “returned amount” and the difference between the two is considered a “consumed amount”.
4. Facilities must also use a separate application and registration for anyone who diverts water from one Major Drainage Basin to another Major Drainage Basin.
5. There are several previously reported withdrawals that should be considered for consistency when calculating your facilities maximum pumping capacities (i.e., SPDES and SEQR forms).

Continental Placer Inc. can assist you with all applicable registrations, initial permits, withdrawal calculations, future permit applications, water conservation plans and annual record keeping plans. If you have any questions or concerns about your registration for the **initial permit** that is due February 15, 2012, please feel free to contact us for a further discussion.

Best Regards,

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