



Sheeley, Scott E (DEC)

From: Kevin Brown <kbrown@bsdflaw.com>
Sent: Wednesday, January 06, 2016 4:59 PM
To: Loew, Dudley D (DEC)
Cc: Sheeley, Scott E (DEC)
Subject: RE: Signed Water Withdrawal Application
Attachments: USACOE.pdf; DEC.pdf

Dudley
Pdf's attached original in mail this am.
Regards
Kevin

From: Loew, Dudley D (DEC) [mailto:dudley.loew@dec.ny.gov]
Sent: Wednesday, January 06, 2016 10:38 AM
To: Kevin Brown
Cc: Sheeley, Scott E (DEC)
Subject: Signed Water Withdrawal Application

Any word from John on the water withdrawal application?

Dudley D. Loew
Senior Attorney, Office of General Counsel
New York State Department of Environmental Conservation
6274 East Avon-Lima Road, Avon, New York 14414
P: (585) 226-5368 | F: (585) 226-9485 | dudley.loew@dec.ny.gov
www.dec.ny.gov |  | 

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JOINT APPLICATION FORM



For Permits/Determinations to undertake activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water withdrawal.

New York State

You must separately apply for and obtain separate Permits/Determinations from each involved agency prior to proceeding with work. Please read all instructions.

US Army Corps of Engineers (USACE)

<p>APPLICATIONS TO 1. NYS Department of Environmental Conservation</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> Stream Disturbance <input type="checkbox"/> Excavation and Fill in Navigable Waters <input type="checkbox"/> Docks, Moorings or Platforms <input type="checkbox"/> Dams and Impoundment Structures <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> Freshwater Wetlands <input type="checkbox"/> Tidal Wetlands</p> <p><input type="checkbox"/> Coastal Erosion Management <input type="checkbox"/> Wild, Scenic and Recreational Rivers <input checked="" type="checkbox"/> Water Withdrawal <input type="checkbox"/> Long Island Well <input type="checkbox"/> Aquatic Vegetation Control <input type="checkbox"/> Aquatic Insect Control <input type="checkbox"/> Fish Control <input type="checkbox"/> Incidental Take of Endangered/Threatened Species</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>	<p>2. US Army Corps of Engineers</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> Section 404 Clean Water Act <input type="checkbox"/> Section 10 Rivers and Harbors Act <input type="checkbox"/> Nationwide Permit(s) - Identify Number(s): _____ _____ Preconstruction Notification - <input type="checkbox"/> Y / <input type="checkbox"/> N</p> <p><input type="checkbox"/> I am sending this application to this agency.</p>	<p>3. NYS Office of General Services</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> State Owned Lands Under Water <input type="checkbox"/> Utility Easement (pipelines, conduits, cables, etc.) <input type="checkbox"/> Docks, Moorings or Platforms</p> <p><input type="checkbox"/> I am sending this application to this agency.</p>	<p>4. NYS Department of State</p> <p>Check if this applies:</p> <p><input type="checkbox"/> Coastal Consistency Concurrence</p> <p><input type="checkbox"/> I am sending this application to this agency.</p>
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5. Name of Applicant (use full name) Frontier Stone, LLC		Applicant must be: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Lessee (check all that apply)
Mailing Address 4172 East Lake Road		
Post Office City Wilson	Taxpayer ID (If applicant is NOT an individual): 02-0630958	
State NY	Zip Code 14172	
Telephone (daytime) (716) 751-9670	Email mahartz43@aol.com	

6. Name of Facility or Property Owner (if different than Applicant) Chester Zelany	
Mailing Address 11763 Fletcher Chapel Road	
Post Office City Medina	
State NY	Zip Code 14103
Telephone (daytime)	Email

7. Contact/Agent Name John Hellert, CPG	
Company Name Continental Placer inc.	
Mailing Address 2 Winners Circle	
Post Office City Albany	
State NY	Zip Code 12205
Telephone (daytime) (518) 458-9203	
Email hellert@continentalplacer.com	

8. Project / Facility Name Frontier Stone Quarry		Property Tax Map Section / Block / Lot Number 113/1/27	
Project Location - Provide directions and distances to roads, bridges and bodies of waters: Located in the Town of Shelby, Orleans County about 3.7 miles south of the Village of Medina. The property principally fronts along Fletcher Chapel Road.			
Street Address, if applicable Sour Springs Road		Post Office City Medina	State Zip Code NY 14103
Town / Village / City Shelby		County Orleans	
Name of USGS Quadrangle Map Knowlesville		Stream/Water Body Name Quarry	
Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude			
NYTM-E	NYTM-N	Latitude 43.157	Longitude 78.378

For Agency Use Only	DEC Application Number:	USACE Number:
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JOINT APPLICATION FORM - PAGE 2 OF 2
Submit this completed page as part of your Application.

9. Project Description and Purpose: Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., square ft of coverage and cubic yds of fill material and/or structures below ordinary/mean high water) area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities. **ATTACH PLANS ON SEPARATE PAGES.**

Frontier proposes to develop and operate a 215.5± acre dolomite/limestone quarry which will produce high quality construction aggregate and high-grade agricultural lime. The excavation area totals 172.2± acres and mining is divided into four (4) phases over the estimated 75 year operational life of the mine. Quarrying will be conducted by standard drill and blast technology with front-end loaders and (or) excavators feeding a primary crusher with shot rock. The primary crusher will follow the advancing face. Rock will be conveyed to the processing plant by field conveyor for further processing. Mining will occur below the water table and the project includes dewatering of the quarry area. During operation of the quarry, groundwater and precipitation will seasonally accumulate in the quarry sump, initially located in the southeast corner of Phase 1. This water will be discharged via pipe to the adjacent agricultural drainage ditch via a settling basin system pursuant to a State Pollutant Discharge Elimination System Permit (SPDES). Once operations have cease, the site will be reclaimed by grading, replacement of topsoil and revegetating upland areas. The reclamation objective will be to create open space with the predominant feature being two lakes for recreation and/or wildlife habitat. The two lakes, separated by an existing utility line, will be approximately 35.2 and 156.1 acres in size with an anticipated water elevation at 625± feet.

Proposed Use: <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Commercial	Proposed Start Date: April 1, 2014	Estimated Completion Date: 75 years
Has Work Begun on Project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain.		
Will Project Occupy Federal, State or Municipal Land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please specify.		

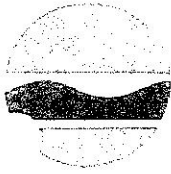
10. List Previous Permit / Application Numbers (if any) and Dates:
N/A

11. Will this project require additional Federal, State, or Local Permits including zoning changes? Yes No If yes, please list:
Mining Permit, SPDES Permit, State Facility Air Permit Registration, Mining Overlay District & Industrial Zoning/Special Use permit.

12. Signatures. If applicant is not the owner, both must sign the application.
I hereby affirm that information provided on this form and all attachments submitted herewith 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. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

<i>David J. Mahar</i>	David J. Mahar	President	12-29-15
Signature of Applicant	Printed Name	Title	Date
<i>Chester M. Zelazny</i>	CHESTER M. ZELAZNY	OWNER	12-29-15
Signature of Owner	Printed Name	Title	Date
Signature of Agent	Printed Name	Title	Date

For Agency Use Only	DETERMINATION OF NO PERMIT REQUIRED		
	Agency Project Number _____		
	_____ has determined that No Permit is required from this Agency for the project described in this application.		
Agency Representative: Name (printed) _____	Title _____		
Signature _____	Date _____		



New York State Department of Environmental Conservation
Water Withdrawal Application Supplement WW-1

May 2013

Pursuant to 6 NYCRR Part 601: <http://www.dec.ny.gov/regs/4445.html>

READ THE INSTRUCTIONS ON PAGE 2 BEFORE COMPLETING THIS FORM

FOR DEPARTMENT USE ONLY	
Application No.	
WWA Number	

1. APPLICANT NAME Frontier Stone, LLC 2. FACILITY NAME Frontier Stone Quarry

3. PROJECT TYPE Water Withdrawal New Public Water Supply Service Area or Extension
 Land Acquisition for Public Water Supply Change in Use of Existing Water Withdrawal

4. WATER USE TYPE Public Water Supply Bottled/Bulk Water Commercial Cooling Industrial
 Institutional Mine Dewatering Oil/Gas Production Power Production Recreational
 Other: _____

5. WITHDRAWAL TYPE Existing New If this is an existing public water supply, provide the most recent WSA or WWA Number: _____
 If other than public water supply, list other existing or pending related DEC permits (e.g., SPDES, Mining, Dam):
Mining Permit, SPDES Permit, State Facility Air Permit.

6. WATER WITHDRAWAL SOURCE Surface Water Water Body Name(s) Quarry
 Groundwater Nearest Surface Water Body Unnamed Pond Distance From Well 500
 (in feet)

7. WATER SUPPLY TO OTHER STATES Does this project involve the transport of any fresh water of NYS through pipes, conduits, ditches or canals to any other state?
 No Yes, describe: _____

TRANSPORTATION OF WATER BY VESSEL Does this project involve the transport by vessel of more than 10,000 gallons per day of surface water? (Excludes ballast water necessary for normal vessel activity. A vessel is defined as any floating craft propelled by mechanical power.) Yes No

9. WATER WITHDRAWAL AMOUNTS This project involves the withdrawal of up to: 554,400 gallons per day Source Name: Quarry dewatering

Does the project include a MAJOR DRAINAGE BASIN TRANSFER of water? See map at <http://www.dec.ny.gov/lands/56800.html> No Yes

If yes, Existing New From Basin: _____ To Basin: _____

10. REQUIRED EXHIBITS (6 NYCRR Part 601.10) Provide the names of the required exhibits applicable to this withdrawal:

601.10(a) PROJECT AUTHORIZATION FOR PUBLIC WATER SUPPLY SYSTEMS (e.g. Resolutions, Ordinances)	<u>Project Authorization</u>	601.10(h) ACQUISITION MAPS (Map of any lands to be acquired as part of project)	<u>N/A</u>
601.10(b) GENERAL MAP (e.g. Project Location, For Public Water Supplies - water service area boundary)	<u>General Map and Phot</u>	601.10(i) WATER ANALYSES (Public Water Supplies should submit chemical & bacterial analysis directly to NYSDOH)	<u>N/A</u>
601.10(c) WATERSHED MAPS (Topographic map with location of withdrawal and any return flow or interbasin diversions).	<u>Watershed Map</u>	601.10(j) TREATMENT METHODS (Public Water Supplies - proposed methods to meet NYSDOH standards)	<u>N/A</u>
601.10(d) CONTRACT PLANS (Public Water Supplies should submit directly to NYSDOH for review and approval)	<u>Contract Plans</u>	601.10(k) PROJECT JUSTIFICATION (Provide summary statement of answers to the eight justification questions)	<u>Project Justifications</u>
601.10(e) ENGINEER'S REPORT (Signed by NYS PE, includes project description, water source yields and demands, etc.)	<u>Engineering Report</u>	601.10(l) CANAL WITHDRAWAL APPROVALS (If applicable, provide adequate proof of approval from Canal Authority)	<u>N/A</u>
601.10(f) WATER CONSERVATION PROGRAM (Completed Water Conservation Program Form)	<u>Water Conservation</u>	601.10(m) TRANSMITTAL LETTER (Include all contact information for applicant, attorney, engineer, etc.)	<u>Transmittal letter</u>
601.10(g) ANNUAL REPORTING FORM FOR EXISTING WITHDRAWALS (Most recent submitted annual report)	<u>N/A</u>	601.10(n) GREAT LAKES-ST. LAWRENCE RIVER WATER RESOURCES COMPACT PROCESS REQUIREMENTS (Only applicable to Public Water Supply diversions from Great Lakes Basin - no other diversion types are allowed).	<u>N/A</u>

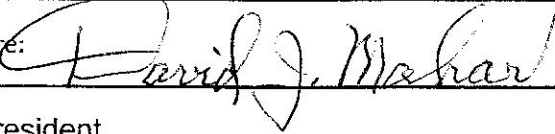
Clear Form Applicant Signature: David J. Mahar Name: DAVID J. MAHAR Date: 12-29-15
 Title: PRESIDENT

VI. SIGNATURE PAGE AND DISCUSSION

Facility Name: Frontier Stone Quarry

WWA No.

Signature:



Signatory: David J. Mahar

Title: President

Date: 12-29-15

DISCUSSION:

Effective February 15, 2011, New York State Environmental Conservation Law (§ECL 15-1501) has required that all applications for a NYSDEC Water Withdrawal Permit include a water conservation program. This Water Conservation Program Form (WCPF) is a required submittal of all such applications.

The WCPF has been set up to cover the following basic elements of a water conservation program: Source Water Inventory, Water Usage and Metering, Water Auditing, Leak Detection/Repair, and Water Use Reduction. The Best Management Practices listed at the bottom of each page represent DEC water conservation policy objectives and should be incorporated into your program development. Additional water conservation measures that are specific to your category of water usage should also be incorporated into your individual program.

Water withdrawal permit applicants can consult the NYSDEC publication entitled "A Survey of Methods for Implementing and Documenting Water Conservation in New York".

The American Water Works Association (AWWA) is also an excellent source of information regarding water conservation practices and procedures. Information ranging from technical manuals to online resources and tools can be found at <http://www.awwa.org>.

Clear Entire Form