

**New York State Department of Environmental Conservation
Division of Mineral Resources**

Small Scale Bluestone Mine Permit Application Requirements

The New York State Mined Land Reclamation Law (MLRL) requires that any person who mines or proposes to mine from each site more than 1,000 tons or 750 cubic yards, whichever is less, of minerals from the earth within 12 successive calendar months or who mines or proposes to mine over 100 cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of Article 15 of the Environmental Conservation Law (ECL) must first obtain a permit from the NYS Department of Environmental Conservation (ECL Article 23, Title 27).

For purposes of meeting the requirements of the law, this information package is provided to outline all necessary mining permit application requirements and to assist small scale bluestone mine operators in developing their own Mined Land Use Plans.

A small scale bluestone mine is defined as a mine where the total area to be affected by mining will not exceed five (5) acres. This shall include all presently disturbed or excavated areas, areas used for storing overburden or product and any haulage ways leading to the mine site. Applications submitted on behalf of these mines will be subject to all the requirements in Environmental Conservation Law (ECL), Article 23, Title 27, the New York State Mined Land Reclamation Law, and 6 NYCRR Part 617, the New York State Environmental Quality Review Act (SEQRA).

Standard Application Forms, Required by the MLRL (Attachments 1-4)

1. Standard Mining Permit Application - DEC form 85-19-2(8/93)-10d
2. Organizational Report - DEC form 85-15-12(8/91)-28b
3. Short Environmental Assessment Form - DEC form 14-16-4(2/87)-text 12
4. Mined Land Reclamation Bond - DEC form 85-02-3(1/77)

Overview of Application Process

As stated, all applications are subject to the requirements of the Mined Land Reclamation Law (MLRL) and the State Environmental Quality Review Act (SEQRA). In addition, each application must be reviewed for possible impacts to historic or archaeological sites protected by the State Historic Preservation Act (SHPA). Application submission, processing time frames and procedures are governed by the provisions of Article 70 of the Environmental Conservation Law, the Uniform Procedures Act, and its implementing regulations, 6 NYCRR Part 621. Within 15 days of receipt, the Department will determine whether the application contains all the information needed to begin a formal review of the project. When the application is deemed complete, the technical review process begins.

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Financial Security

Before a permit for an approved plan can be issued, the applicant must furnish financial security to guarantee that the mine site will be reclaimed after mineral resources have been disturbed. Financial security can be in the form of as surety bonds, certificates of deposit, bank letters of credit or cash. The amount of financial security is site specific based on the estimated cost to the state to reclaim the site should the permittee be unable to do so. The Department encourages reclamation concurrent with mining thereby reducing the amount of financial security required.

Annual Regulatory Fees

An annual regulatory fee is assessed based upon the number of acres proposed to be affected by mining during the five (5) year permit term. The regulatory fee continues to be billed annually until the site is reclaimed and released from DEC jurisdiction. Fees range from \$400 to \$2,000 per year with the average for most small scale bluestone mines being \$700 annually.

How to Apply for a Permit

As part of the permit application, each applicant must submit a Mined Land Use Plan to the Department. This plan consists of two parts: a written or narrative portion and a graphic portion of the Mining Plan and Reclamation Plan. The Mining Plan narrative explains the proposed mining methods, and the Reclamation Plan explains the proposed objectives and methods of reclaiming the land. The graphic portion illustrates a site's geographic location as well as mined land cross section profiles. The plan requirements are further described below. The DEC Mined Land Reclamation Specialist reviews the narrative and graphics to ensure they are compatible with sound environmental management practices. DEC staff also determines whether any additional permits may be required such as: a Protection of Waters Permit, an Air Pollution Permit and/or a State Pollutant Discharge Elimination System (SPDES) Permit.

Mined Land Use Plan (Minimum Requirements)

1. Narrative Portion (Mining Plan)

- a. Describe where the mine is located, who owns the property, name the roads at the nearest intersection, and describe the present condition/use of the land to be affected.
- b. Describe the total number of acres that will be disturbed by mining (excavated areas and any other related activities such as stockpile storage, haulage ways, equipment storage areas, buildings, etc.) over the life of the mine at that location.
- c. Describe the method by which the overburden and mineral will be removed, i.e., manual, mechanical (bulldozer, backhoe) or blasting.
- d. Describe the manner by which overburden will be removed and where it will be stockpiled. Describe the manner in which a toe-hold will be developed, if necessary. Other than to create a toe-hold, no free casting of overburden is allowed!

- e. Describe how the topsoil will be stripped, the quantity to be stripped, where it will be temporarily stockpiled, how and when it will be vegetated and then replaced and vegetated during reclamation.
- f. Describe methods which will be used to remove and recover bluestone, i.e., wet saws, compressed air hammers or chisels, and blasting.
- g. Describe the steps that will be taken to control erosion and sediment runoff at the mine site including all haul roads, i.e., drainage swales, staked hay bale retention pond, diversion ditches, stone center waterways, etc.

2. Narrative Portion (Reclamation Plan)

- a. Describe the manner in which the site will be reclaimed including the reclamation objective, i.e., open space, forestry, recreational use, wildlife habitat, etc.
- b. Describe how the disturbed or cast overburden and spoil will be graded and backfilled to remediate highwalls. For any highwall greater than 10 feet upon completion of mining, the Plan must include permanent fencing to provide safety at the site.
- c. Describe how all haul roads will be graded, shaped and revegetated, including erosion and sediment control methods.

3. Graphic Portion (Mining Maps)

- a. Show the mine location and outline the entire area to be disturbed by mining and mining related activities on a copy of the USGS Topographic Quadrangle Map, at a scale of 1" = 2000'.
- b. Show the mine location on a copy of the County Highway Map, and provide a copy of the real property tax map showing the outline of the mine site's location at a map scale of 1" = 400' or 1" = 800'. Note: these maps (topographic, highway and tax maps) can be found at County Soil & Water Conservation District Office listed in the telephone directory under County Government.

4. Graphic Portion (Reclamation Plan)

- a. Show two cross section profiles with scales not to exceed 1" = 20' vertical and 1" = 50' horizontal.
- b. Show existing (pre-mining) elevations, taken from the USGS map, and final reclaimed elevations (after mining is completed) on both the contour map and cross section profiles (represented by contours on the map, and vertical scale on the cross section profiles. Finished side-slopes are not to exceed 1:1 ½.

Standard Special Permit Conditions For Small Scale Bluestone Mines

1. There shall be no discharge of turbid waters to any area outside the limits of the land to be affected by mining. Drainage and water control features shall be constructed to the extent necessary to achieve this performance standard.
2. No material (originating from offsite) of any kind shall be brought into this mine site except those specified in the approved Mined Land Use Plan.
3. Prior to the commencement of and for the duration of any mining or mining related activity under this permit, the limits of the entire life of mine (area to be affected by mining) must be staked at all corners and at 100 ft. intervals.
4. There shall be no stone/overburden casting to any area except to that which is authorized in the approved Mined Land Use Plan to gain toe-hold. There shall be no tree, stump or soil casting to any slope areas.
5. Cutting water used in a freestanding mechanized system must be completely “closed loop,” properly sized to prevent overflow during periods of sustained rainfall, and be made impermeable to prevent contamination of any surface or subsurface water.
6. There shall be no disturbance of any trees or any other vegetation surrounding the mine site or outside the designated affected mine boundaries.
7. 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 below the level of any adjacent property line, the distance from the floor of the mine to the nearest property line shall be no closer than 25 feet plus 1 and ¼ times the depth of the excavation.
8. All blasting shall be performed by a certified blaster licensed by the State of New York.
9. 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
10. Blasting may occur on any weekday and Saturday between 9:00 a.m. and 4:00 p.m. Blasting is not allowed on Sundays and the following holidays:

New Years Day	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Christmas Day

11. Proposed petroleum storage areas shall be depicted on the plan map as described in the Mined Land Use Plan. The permittee shall retain the Department's Spill Response number 1-800-457-7362 for immediate access at the mine site and shall notify the Department's Spill Response office of any spill as required by law.

Hours and/or specific days of operation, or any other special condition may be imposed depending on the site specific conditions.

Nothing herein shall be construed to limit the Department, or diminish its rights in any way to regulate mining under Article 23, Title 27 or 6 NYCRR Subchapter D, Parts 420-425.