

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
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www.dec.ny.gov

**CERTIFIED – RETURN RECEIPT REQUESTED**  
7015 0640 0005 8292 2380

April 18, 2017

Fred Wagner  
P.O. Box 518  
Altamont, NY 12009

Re: Modification of Order on Consent  
R4-2016-1115-1160M

Dear Mr. Wagner:

Enclosed please find a copy of the fully executed Modification of Order on Consent referenced above.

Sincerely,



Karen S. Lavery  
Assistant Regional Attorney  
Region 4

Enclosure

ec: P. Evans  
N. Baker



Department of  
Environmental  
Conservation

**Modification of Order on Consent**  
**R4-2016-1115-160**  
**Fred Wagner**

1. Respondent shall immediately cease mining at the site until a mining permit is issued.
  
2. If the Respondent does not obtain a mining permit by July 3, 2017, the affected site must be reclaimed in accordance with the following schedule:
  - a) By July 3, 2017, the affected area will be graded to 1V:2H or gentler
  - b) By July 31, 2017, the mine floor and roadways will be plowed or scarified to reduce compaction of those areas and topsoil spread across the entire site to a depth of 6."
  - c) By August 31, 2017, the area will be fertilized with a slow release nitrogen fertilizer at the rate of 300 pounds per acre, seeded with a conservation seeding mixture that contains at least 2 legumes (ex. clover & trefoil) at the rate of 80 pounds per acre, and mulched at a rate of 2,000 pounds per acre without bare spots.

DATED: 4/17, 2017  
Rotterdam, New York

Basil Seggos  
Commissioner  
New York State Department of  
Environmental Conservation

BY:



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Keith Goertz  
Regional Director  
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Modification, waives his right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

Fred Wagner

SIGNED: Fred Wagner

DATE: April 12, 2017

STATE OF NEW YORK

COUNTY OF ALBANY ) ss.:  
)

On the 12th day of April in the year 2017 before me, the undersigned, a Notary Public in and for the State, personally appeared Fred Wagner personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Dina A. Care

Notary Public

Qualified in the County of: Albany

My Commission Expires: 4-30-18