

**Open Letter to Victor and Its Residents
(Via e-mail)**

Nov. 7, 2007

Dear Supervisor Bamann and Residents of Victor,

As you know, DEC has been continuing its efforts to investigate and ultimately remediate the contamination issues in the Modock Springs neighborhood, and my staff here in Avon as well as the DEC staff in Albany working on the project are committed to diligently moving that process forward. Soon an additional set of public information sessions will be held in the Town to discuss the status of that effort.

The purpose of this letter is to describe the status of a separate, but related, issue. As many of you know, it recently became known that Syracuse Sand and Gravel, Inc. had been mining without first completing the process to renew its DEC permit. This occurred despite my staff having advised the company that mining was not to occur until the permit was renewed. As a result, on October 3rd regional staff demanded an immediate shut down of mining operations, and the company has complied with that demand.

Soon after the operations ceased, DEC staff took several samples from areas being mined, stockpile areas, and areas where the company might extract materials in the future. These samples were taken in large part to allay any concern the public and DEC had that quantities of contaminated materials could be mined and sold for off site use. The company also hired a consultant who took additional samples. The sample results from both parties indicate that mining in appropriate areas can resume without

environmental risk or the risk of human exposure to contaminated materials, and that the areas recently mined were not in locations of concern.

With these results in hand, DEC needed to determine under what conditions it would allow the mine to resume operations. We considered many factors, primarily the fact that much of the site does not contain contamination above the water table where mining takes place. The north end of the property remains the area of most concern, and mining has not recently taken place and will not be allowed to take place in that area unless and until all contamination issues are remedied.

Some have questioned the logic of allowing “business as usual” for the mine while the off-site contamination issues have not yet been fully resolved. You can be assured that the decision to renew the permit in no way changes the DEC’s resolve to complete its investigation and remediation of the contamination, and we will pursue any individual or company which can be held responsible under the law for creating those issues.

With respect to resuming operations, we determined that due to the circumstances at this site, the permit as renewed would include several requirements to assure public and environmental protection. These include:

- A sampling program which will take place at all working faces prior to the excavation of materials;

- No mining is authorized to take place in the areas at the north end of the property which are of concern with respect to the remedial investigation, or to a depth that will encounter groundwater; and

- In the unlikely event that contamination is detected, or mining activities influence the contaminant plume, mining shall cease immediately in that area until the issue is resolved;

Finally, Syracuse Sand and Gravel, Inc. has paid to DEC a \$20,000 penalty for conducting mining operations prior to renewing its DEC permit. The renewed permit was issued today, and normal mining operations may resume in accordance with the permit.

I hope this letter provides information about our activities in the Town which you find useful. I would like to close by thanking the residents of the Town for your diligence in advising us of your concerns. We appreciate your participation as we make these important decisions on behalf of the citizens and the environment.

Very truly yours,

Paul J. D'Amato
Regional Director