

## Sand Mine Expansion in Noyac Draws Critics

Posted on 22 August 2014

By Mara Certic

Environmentalists and civic leaders are calling on the State Department of Environmental Conservation to deny an application to expand an existing sand mining operation in Noyac.

“It was almost 40 years ago that the State of New York said agencies cannot simply act on their own, the environment is too complex. And they passed the law called the State Environmental Quality Review Act,” said Bob DeLuca, president of the Group for the East End, at a press conference held by his organization on Monday at the Old Noyac School House to discuss the potential 20-percent expansion of Sand Land Corp., which is owned and operated by Wainscott Sand and Gravel.

“Going back to the 1980s, the area that we’re talking about was designated by the town as a critical environmental area because of water quality protection concerns,” he continued.

“The site is located within the Town of Southampton Aquifer Protection Overlay District, a zoning overlay with regulatory provisions for clearing, fertilization and housing density, intended to protect the quality of the ground water aquifer below the overlay district,” Kyle Collins, the town’s planning and development director, wrote in a letter to the DEC dated Thursday, August 14. The area is also in a New York State designated Special Groundwater Protection Area. The aquifer is the sole source of drinking water for much of the East End.

Monday’s press conference came after the 60-day public comment period for the sand mine expansion ended on Friday. The DEC has already issued a “negative declaration” for the project, which means the agency has determined it will not have a negative impact on the environment and will, thus, not require an environmental impact statement.

Letters from environmental organizations, Southampton Town and Assemblyman Fred W. Thiele Jr., have all asked the state to rescind the ruling and require that a full environmental impact statement be required before the application is approved.

Agencies have also asked that the DEC deny the application for expansion. The sand mine is a pre-existing, non-conforming land use in a residential zone. Mr. Collins wrote the mine “should be allowed to continue and operate under the parameters of the current mining permit with ongoing reclamation as mining is completed in mined areas.”

“To date, this parcel has been in use for sand mining and other industrial activities for more than 50 years,” said executive director of the Citizens Campaign for the Environment Adrienne Esposito. She said the DEC reported in 2006 the site was coming to an end of its life as a sand mine. “And here we are, in the year 2014, and they’re requesting another 25 years,” she said on Monday.

“Allowing mining facilities to continue operating in perpetuity does not adequately fulfill DEC’s obligation to protect public health and the environment,” she wrote in a letter to the DEC.

Mr. Thiele has introduced legislation, which authorizes local agencies to require water quality testing at mining operations within counties with a population of 1 million or more where the primary source of drinking water is a designated sole source aquifer.

The Noyac Civic Council collected 150 signatures on a petition calling for the DEC to install test wells in order to monitor how the operations are affecting the groundwater quality.

# The Sag Harbor Express.

When asked about the installation of groundwater monitoring wells, John Tintle, owner of Wainscott Sand & Gravel, said on Wednesday, "There's no link between sand and gravel mining and groundwater contamination."

One of the main concerns that the environmental advocates had about water quality, was the possibility that the facility's composting and mulching operations could affect the drinking water. "We know for a fact, according to a New York State DEC Report that was released in 2013, that these types of facilities that have compost material on them and mulching materials cause 'significant groundwater contamination in the form of heavy metals, manganese and thorium, as well as increased radiation including alpha and beta radiation levels,'" Ms. Esposito said at Monday's press conference. "This area has never been tested despite our calls for doing so."

Mr. Tintle said on Wednesday that he had personally conducted water quality testing at his facility and that he had passed along that data to both the DEC and the town. A town representative said on Wednesday evening that Southampton Town was not aware of any submission of groundwater monitoring by Sand Land in the past two-to-three years, but did say an independent third party should be responsible for conducting the water quality testing.

Groundwater monitoring wells test the water at various levels, as well, which some other techniques do not. "The Town of Southampton requires this for new gold courses, whether over our aquifer or not, and the same should be expected for existing and expanded sand mines," Mr. Collins wrote.

The Bridge golf course, which neighbors Sand Land, is one such course where water quality monitoring has proved to be successful. There have also been complaints, and even a lawsuit, from neighbors about increased traffic, dust, noise and a fowl odor emanating from Sand Land. Greg Stanley, the superintendent at the Bridge, said that on many days golfers are treated to a strong smell of manure from the neighboring mulching, mining and composting operation.

An application from Sand Land was going to be discussed at tonight's meeting of the Zoning Board of Appeals but has been postponed indefinitely, according to ZBA secretary Kandice Cowell.