

## Opponents Urge DEC To Require Environmental Study for Sand Land

By Tessa Raebeck  
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Sand Land Corporation, owned and operated by Wainscott Sand & Gravel Inc., submitted an application to the DEC to expand its operations by some 20 percent, adding nearly 5 acres and deepening the floor of the mine by an additional 40 feet. The current elevation is 175 feet and the floor is 65 feet below the original grade, as authorized by a New York State Mined Lands Reclamation Act permit that was issued to Sand Land in November 2013 and expires November 2018.

In July, the DEC decided the kind of extensive environmental review typically done in an environmental impact statement was not required for the site, which is located within the Town of Southampton Aquifer Protection Overlay District. Local lawmakers and environmentalists quickly spoke out against the ruling, calling for the DEC to rescind its determination, require a full environmental impact statement on the site and, many argued, to deny the application entirely.

In response to that criticism, the DEC held Wednesday's public hearing, which was presided over by DEC Administrative Law Judge Molly McBride. Officials from New York State and the Southampton Town voiced their disapproval of the DEC's actions, as did environmentalists, geologists and representatives from the Group for the East End, Cornell University Cooperative Extension, Defend H2O, a group of neighbors of site who are pursuing legal action against Sand Land, and other local civic groups.

Wainscott Sand & Gravel owner John Tintle and DEC Deputy Permit Administrator Mark Carrara listened to comments.

Southampton Town Supervisor Anna Throne-Holst and Councilwoman Bridget Fleming spoke on behalf of the town board, which has made protecting water quality on the East End a major concern.

The initial approval of Sand Land's DEC mining permit in 1981, "was contingent on very specific water testing protocols," said the supervisor, who urged the DEC to put Sand Land through all the protocols of regular ground and surface water testing "because of the sensitivity of this area and the fact that everyone is dependent on water quality here."

Ms. Fleming said she does not understand how the DEC's declaration could be possible and that monitoring water quality "would be required of any expansion on the East End landscape."

"We require that [at the] golf course," Ms. Throne-Holst said of the Bridge golf club, which lies adjacent to the mine and is required to adhere to regulations. "We have absolutely no clue why something like this...is not subjected to any kind of testing."

"We sit directly to the north of Sand Land and we sit over this aquifer that's so important to all of us," said Greg Stanley, superintendent of grounds at the Bridge. "We work closely with the Town of Southampton and all of our application records are available at any moment to any citizen of the Town of Southampton."

Mr. Stanley said the golf course embraces the town's requirements, adding "it seems only reasonable that a property that sits on the same aquifer that we do be required" to undergo the same water quality monitoring process.

# The Sag Harbor Express.

Group for the East End President Bob DeLuca told Justice McBride that the DEC “simply doesn’t want to take on the challenges associated with comprehensive review.” Forty years ago, he said, the state passed the State Environmental Quality Review Act to ensure complex environmental decisions at any size site were based on “comprehensive and transparent assessment” of all reasonable factors.

“Our concern is that we don’t believe that the DEC resisted to putting test wells in because they believe the groundwater is clean,” Citizens Campaign for the Environment Executive Director Adrienne Esposito said. “We believe the DEC’s concerned they will find the groundwater is contaminated and that unfortunately, they feel, opens up a can of worms. But, we’re saying open it up, deal with it—we need to assess the truth here. And if the site is clean, great, we put in a couple testers, but if it isn’t then we know we need to change the way we’re operating.”

“The concern is growing that the partnership between the DEC and sand mining is based on allowing sand mining at the risk of not living up to the mandate of protecting public health and our natural resources. That is the DEC’s primary mandate, and yet we feel it is becoming the second priority and not the first when it comes to sand mines,” added Ms. Esposito.

Citing legislation passed in the state assembly this year to address degrading water quality on Long Island and Governor Andrew Cuomo’s recent proclamation of water quality as a priority issue in New York State, Assemblyman Fred W. Thiele Jr. said the application arrived at a time when the “single issue of the degradation of water quality across Long Island—be it the surface water quality or our groundwater—is at huge crisis proportions.”

Calling the threshold that mandates an environmental impact statement “very low,” Assemblyman Thiele said the DEC needs to reverse its determination, undergo a comprehensive environmental review, and require groundwater monitoring of Sand Land.

Elena Loreto, president of the Noyac Civic Council, pointed to other environmental issues at the site, such as pollution, dust and traffic, saying there are “350 trucks that sail in and out of those roads” on a daily basis, and asked the DEC to partner with the town and require a full environmental impact statement.

Written comments about Sand Land’s permit application must be received by November 21, and should be sent to: NYSDEC Region 1, Att. Mark Carrara, Deputy Permit Administrator, SUNY Stony Brook, 50 Circle Road, Stony Brook, NY 11790.