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THE SENATE
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SENATOR
ANTHONY H. PALUMBO
1ST SENATE DISTRICT

June 7, 2021

Basil Seggos, Commissioner
N.Y.S. Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Dear Commissioner Seggos:

We are contacting you today regarding the New York State Appellate Division, Third Department decision and order entered May 27, 2021, annulling the modified mining permits issued to Sand Land Corporation in the town of Southampton.

As you are aware, section 23-2703 of the State Environmental Conservation Law provides that on Long Island, sand mine applications must be referred by the State DEC to the local government to determine whether mining is permitted at the location under the local zoning code. If mining is prohibited, the State DEC shall not process the application. This provision was enacted by the State Legislature for mining applications on Long Island to protect the underground aquifer, which provides us with our drinking water.

In processing the Sand Land application, the State DEC ignored the fact that mining was prohibited by the Town of Southampton Zoning Code and approved the massive expansion of the mine. The DEC also ignored the fact that the Suffolk County Department of Health Services had found that the water at Sand Land mine was polluted and exceeded state and federal drinking water standards. Additionally, the Sand Land mining operation is located in a residential area which is also designated by the State of New York as a Special Groundwater Protection Area.

Together with the Town of Southampton and many community and environmental groups, we have repeatedly asked the DEC to protect our precious environment and drinking water supply being negatively impacted by Sand Land's operation. Your agency has ignored those calls for intervention. Now, the Appellate Court has determined that "Here, where it is unchallenged that the Town's laws prohibit zoning, DEC cannot process the application, let alone issue the permit... Therefore, the act of issuing the permits here ... was arbitrary and capricious."

We again call on the DEC to acknowledge the rule of law and enforce the Court's decision. Additional litigation is not in the public interest. Close the mine as you originally proposed to do in the fall of 2018.

Sand Land, which has polluted the groundwater at the site and ignored the law time and again, continues to operate in violation of the court decision. In light of their continued operation after the Appellate Division annulling their permits, we request that you act now to close the mine. To do otherwise is an egregious violation of the rule of law and a threat to our environment.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Anthony Palumbo', with a stylized flourish extending to the right.

Anthony Palumbo
State Senator, 1st District

A handwritten signature in black ink, appearing to read 'Fred Thiele, Jr.', with a stylized flourish extending to the right.

Fred Thiele
State Assemblyman