



ENHANCED PUBLIC PARTICIPATION PLAN

Applicant:
RIATO STONE, LLC

Facility:
Riato Stone, LLC
40 McIntosh Road
Liberty, New York 12754

NYSDEC Application Number:
3-4828-00061/00005

As Required by:
NYSDEC Commissioner's Policy Guidance CP-29

Submitted to:
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road
New Paltz, NY 12561

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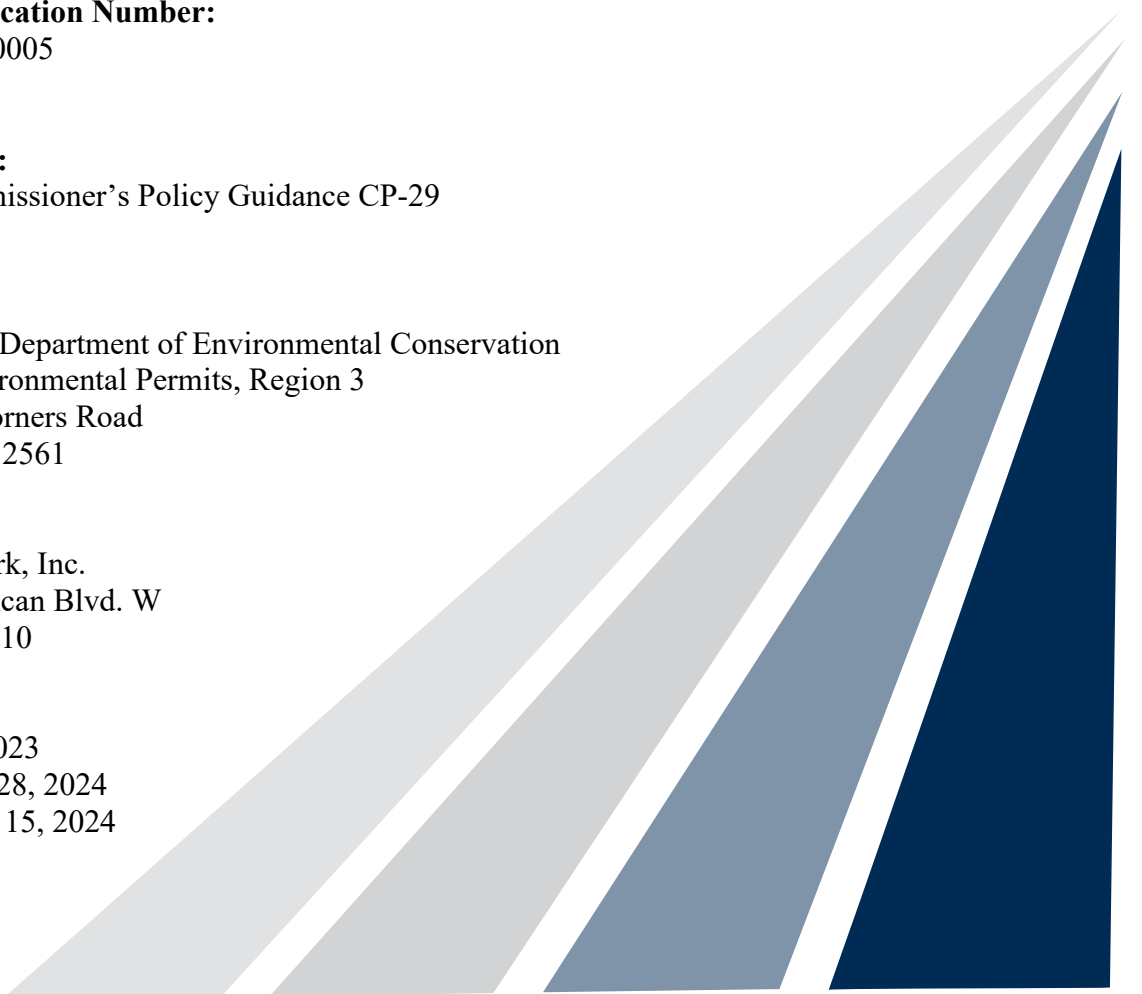




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List of Acronyms

Acronym	Definition
CP-29	Commissioner Policy 29, Environmental Justice and Permitting
NOCA	Notice of Complete Application
NYSDEC	New York State Department of Environmental Conservation
PEJA	Potential Environmental Justice Area
EPPP	Enhanced Public Participation Plan
SPDES	State Pollutant Discharge Elimination System
MSGP	Multi-Sector General Permit
Riato	Riato Stone, LLC



1.0 INTRODUCTION AND OBJECTIVE

This Enhanced Public Participation Plan (EPPP) has been prepared on behalf of Riato Stone LLC (hereinafter referred to as “applicant”) to fulfill and comply with the requirements of New York State Department of Environmental Conservation (NYSDEC) **Commissioner Policy 29, Environmental Justice and Permitting (CP-29)** for its proposed State Pollutant Discharge Elimination System (SPDES) discharge at the Riato Stone, LLC sand and gravel mine that requires a SPDES Individual Permit to allow discharge from the dredge pond, which has been determined by NYSDEC to potentially impact one or more potential environmental justice area (PEJA) (See Figure 1).

This EPPP has been developed in accordance with the procedures established in CP-29 Section V.D and it aims to help ensure meaningful and effective public participation throughout the NYSDEC environmental permit review process. Public participation in the NYSDEC environmental permit review process means a program of activities that provides opportunities for stakeholders to be informed about and involved during the review of a proposed action.

The objective of this EPPP is to outline and describe the program of activities that the applicant will implement to actively seek and enhance public participation during the application review process.

2.0 PROJECT DESCRIPTION AND PROPOSED ACTION

2.1 PROJECT OVERVIEW

The Riato Stone, LLC sand and gravel mine is located in the Town of Fallsburg, Sullivan County, New York. The facility is an active sand and gravel mine, and operations at the site currently entail the extraction of sand and gravel west of the existing dredge pond. The extracted sand and gravel are then processed onsite for sale as aggregate and other similar products.

The mine currently has authority to discharge stormwater under the SPDES Multi Sector General Permit (MSGP) at one outfall (Outfall 001). Discharges from Outfall 001 consist of spring water and unaffected area runoff diversion. The MSGP for Outfall 001 was issued June 28, 2018.

Riato is submitting a proposed mining modification application for continuation of mining operations on additional areas to the northeast of the current life-of-mine (LOM) boundary, within the currently affected



parcel. As part of this continuation of mining, the applicant is submitting a SPDES Individual Permit application to allow discharge via Outfall 002 from an existing dredge pond that will use a flocculant system to control suspended solids. The dredge pond serves as stormwater retention and process water recycling, and does not currently discharge. The flocculant has been reviewed and approved by NYSDEC for use within the current operation. The existing Outfall 001 is also included in the SPDES Individual Permit application for consistency in recordkeeping. Once the Individual Permit is approved, MSGP coverage for Outfall 001 will be terminated. Riato has applied for a freshwater wetland permit application to allow construction of Outfall 002 and associated stormwater infrastructure within the buffer area of the wetland LE-20 where the outfall will discharge.

2.2 NATURE OF PROPOSED PROJECT/ACTION AND PURPOSE

As stated prior, the applicant plans to continue mining operations of the mine northward. To accommodate the mine's operational change, Riato will be modifying its existing stormwater infrastructure impacting both outfalls. The primary strategy for stormwater management is separation of runoff that has come in contact with industrial activity from runoff that has not come in contact with industrial activity (from undisturbed areas). As a result of these changes coverage for Outfall 001 has been applied for under an Individual SPDES Permit. Coverage under the existing SPDES MSGP for Outfall 001 will be terminated once authorization under the Individual SPDES Permit is issued.

Currently stormwater falling on the affected mine area is captured by the dredge pond which is also utilized in water recycling operations for the mine's wash plant. In the proposed modification, stormwater falling on the affected mine area will be captured and conveyed by a drainage ditch leading to the expanded dredge pond which will be utilized in a similar manor as the previous pond, but will discharge via Outfall 002. Due to the multi-use nature of the dredge pond, Riato has chosen to implement flocculant treatment for the wash plant water recycling system to reduce sediment in the wash plant water intake in order to obtain greater efficiency in the performance of the wash plant and to reduce turbidity in the dredge pond. Coverage for this discharge from Outfall 002 has been applied for under an Individual SPDES Permit.

2.3 POTENTIAL IMPACTS

The SPDES Individual Permit application subject to this EPPP will allow discharge from Outfall 002 and reduce suspended solids concentrations through a treatment system using the approved flocculant. Adjacent community impacts will not increase over current levels as part of this consolidation effort. Rather, as disclosed in Section 2.2 of this report, Riato has committed to installing a treatment system



using an approved flocculant, which will result in a reduction in suspended solids compared to current levels. Additionally, Riato staff will visually inspect the dredge pond quarterly and complete semiannual benchmark monitoring to confirm that pollutants are not being discharged from Outfall 002.

3.0 STAKEHOLDER IDENTIFICATION AND CONTACT LIST

A contact list consisting of the names, addresses, phone numbers, or email addresses of stakeholders to the proposed action is provided in Appendix A. The contact list was developed using the Sullivan County Tax Parcel Search and Mapping geodatabase files from the Sullivan County GIS website to identify residential property owners and residents within the potential environmental justice area located in Census Block Group 361059508002, and that have the potential to be affected by the potential discharge (Outfall 002), as they fall adjacent and/or encompass the tributary of the Mongaup River. The contact list includes 28 subject properties and their respective stakeholders. A map identifying the location of these parcels in relation to the mine and Outfall 002 is attached as Figure 3.

For all necessary correspondence, each Stakeholder will be contacted via US mail. The applicant will utilize this contact list to communicate and disseminate information about the individual SPDES permit. This includes distribution of the written information and outreach materials described in the individual permit to inform the community about upcoming public meetings and opportunities for public participation.

The contact list will be reviewed periodically and updated as appropriate throughout the permit application review process. The applicant will update the contact list with any new stakeholders identified during the public meeting or execution of other EPPP components. In addition, individuals and organizations will be added to the contact list upon request. Such requests should be submitted to the project liaison identified in Section IV. Other additions to the contact list may be made at the discretion of the applicant or, at the request of the NYSDEC project manager, in consultation with other NYSDEC staff, as appropriate.

4.0 PROJECT LIAISON

A representative from the project team will be available during business hours at:

James Scandariato
Manager
Riato Stone, LLC
40 McIntosh Road



Liberty, New York 12754
Phone: (516) 398-5886
Email: james@riatostone.com

Impacted residents and interested stakeholders can contact the project liaison listed above to provide input to the project team, discuss any issues or concerns and/or to ask questions or request information. The project liaison shall respond in a timely manner and in the manner appropriate to questions or information requests received. The project liaison will be responsible for tracking and documenting public input, inquiries, questions, and information requests received, along with responses provided.

5.0 PUBLIC OUTREACH ACTIVITIES

The applicant will utilize a range of engagement strategies and conduct various public outreach activities to facilitate participation, involvement, and direct communication with the affected community during the permit application review process. The applicant will implement the public outreach activities outlined below upon finalization and approval of this EPPP by NYSDEC.

In compliance with the requirements of CP-29, the applicant will hold public information meeting(s) to keep the public informed about the SPDES Individual Permit review process. The applicant will prepare, distribute and post written information and materials, including a meeting notice and fact sheet, to encourage dialogue and solicit input from interested stakeholders during the permit application review process. All public outreach materials and information will be prepared and presented in an easy-to-read, understandable format, using plain language free of legal terminology, and geared towards a non-technical audience.

The public meeting notice and fact sheet will be made available and disseminated in English. In addition, the public can contact the project liaison regarding the availability of language assistance and to request that the notice and fact sheet are translated into another language for comprehension by non-English speaking or limited proficiency stakeholders.

5.1 PUBLIC MEETING(S)

To address any concerns about internet availability or reliability for the surrounding community, at least one in-person public participation meeting will be held. The applicant will consult with NYSDEC and, if determined to be necessary, additional hybrid, in-person, and/or virtual public meeting(s) will be conducted to satisfy the intent of CP-29.



A meeting is typically required near the end of the permit application review process to inform the public about: the status of, or, if applicable, the availability of, final application materials and draft permits for review; the pending NYSDEC public comment period, and deadline to submit written comments to NYSDEC, if established; and eventual final decision. Meetings may also be held earlier, either pursuant to this plan or as determined through applicant and NYSDEC consultation. The applicant will consult with NYSDEC to determine the total number of public meetings, and at which point in the permit application process the public meetings should be held to be most useful to encourage community and stakeholder engagement.

5.1.1 Public Meeting: Early Engagement

Riato Stone, LLC sand and gravel mine is an existing mine, and its Outfall 001 already is covered under an MSGP. Based upon approval activities, significant public opposition or controversy is not anticipated. Therefore, Riato does not propose Early Engagement.

5.1.2 Public Meeting: At or Near Completeness

Applicant will facilitate an in-person public meeting on September 24, 2024 at 6:30 PM at the offices of the Sullivan County Partnership for Economic Development in Monticello, New York to:

- Inform the public about the permit application review status.
- Provide the opportunity for stakeholders to ask questions and express concerns about the project and identify how to obtain information or answers to questions after the meeting has concluded.
- Inform attendees how they may submit written comments on the permit application to the NYSDEC during the public comment period and, if available, identify any applicable deadlines.

5.1.3 Necessary Meeting Discussion Points and Requirements

All meetings will be facilitated by the applicant and/or representatives from their project team (project personnel) to host documents locally and solicit questions and feedback. During the meeting, the applicant and/or representatives from their project team will present a brief overview of the project, including any relevant background information, details on the permitting action, scope of work, schedule, and



community impacts. The meeting will include a question-and answer-portion where the floor will be open for attendees to ask questions, make remarks, and/or express concerns. In addition, the following discussion points will be addressed:

- Provide an update on the permit application review process and identify outstanding application requirements and future milestones in the application review process.
- Make it clear that the meeting is being held prior to NYSDEC's permitting decision for the project/action.
- Identify the website address of the online document repository, and the location of the physical document repository and provide directions on how attendees may obtain and review materials relevant to the application, documents related to the meeting and other public participation plan components.
- Identify and provide contact information for the project liaison and announce procedures for how attendees may obtain answers to questions after the meeting has concluded and interested stakeholders can submit questions, express concerns, or request additional information by telephone, email, and in writing.
- Announce any future outreach, opportunities for public participation, and /or required follow-up with attendees including, but not limited to: additional meetings and future mailings, including, but not limited to the Notice of Complete Application.

Attendance will be recorded during the meeting by sign-in sheet. The applicant will track the number of attendees for all meetings held during implementation of this EPPP and, where feasible and applicable, identify any affiliation of participants and interests represented at the meeting. In addition, the applicant will be responsible for documenting meeting notes or minutes, along with a record of comments and questions raised in the meeting and respective responses and answers provided. Attendees not identified on the contact list will have the option to be added in the event of future meetings or information sharing.

5.2 PUBLIC MEETING NOTICE PREPARATION AND DISTRIBUTION

Information regarding the details of the public meeting(s) and how to participate is contained in the reader-friendly meeting notice(s) shown in Appendix B. The notice has been prepared in English. Through this notice, the public will be invited and encouraged to attend the public meeting scheduled on September 24,



2024 at 6:30 PM at the offices of the Sullivan County Partnership for Economic Development in Monticello, New York.

Once the EPPP has been approved by NYSDEC the public meeting notice will be posted and available in the document repositories described in Section VI of this document. At least two weeks in advance of the public meeting, the notice will be published in *The Hudson Valley Post* and/or *Sullivan County Democrat*, which are newspapers printed, published, and circulated weekly/daily (respectively) serving the region. In addition, the public meeting notice will be emailed, mailed and/or hand delivered (door-to-door) to the stakeholders identified in the contact list in Appendix A at least two weeks prior to the public meeting.

5.3 FACT SHEET PREPARATION AND DISTRIBUTION

Factual information on the proposed SPDES Individual permitting action, including an overview, purpose statement, and potential impacts, is outlined in the reader-friendly fact sheet shown in Appendix C. In addition, the fact sheet outlines how interested stakeholders can: participate in the permit application review process; access the online and physical document repositories to review relevant application materials prior to the public meeting; and contact the project team to obtain additional information. The fact sheet has been prepared in English.

Once the EPPP has been approved by NYSDEC the fact sheet will be made available in the document repositories described in Section VI of this document. No later than 2 weeks prior to the public meeting, the applicant will distribute the fact sheet to provide stakeholders with relevant background on the proposed project/action and facilitate meaningful participation during the meeting. The fact sheet will be distributed together with the public meeting notice via email, mail and/or hand delivery (door-to-door).

The fact sheet(s) will also be posted within the vicinity of the project site and visible to the public. For example, the fact sheet(s) may be posted on streetlight lampposts or bulletin boards located in the lobby of residential complex buildings or public facilities such as libraries, schools, or community centers within the project site.

5.4 DISTRIBUTION OF NOTICE OF COMPLETE APPLICATION

Once NYSDEC determines the application(s) for the proposed action/project is complete and provides the Notice of Complete Application (NOCA) to the applicant, the applicant will distribute the NOCA and draft permit, if applicable, to the meeting attendees and any identified interested parties, to provide notification regarding the start of the NYSDEC public comment period and to announce the deadline for



submission of written comments to NYSDEC. If the NOCA is available at the time of the meeting, the applicant will distribute the NOCA at the public meeting. If the NOCA is not available at the time of the meeting, the applicant will provide explicit instructions on how to access the document repositories and inform the attendees that, once available, the NOCA will be posted to the document repositories and will be distributed to attendees via email or mail as soon as possible, but no later than the date that the NOCA is published by the applicant in the print edition of a paid local newspaper that is circulated at least weekly and available in the municipality in which the project is located.

6.0 DOCUMENT REPOSITORY

An online document repository (static website or virtual public meeting space) will be established for the community and interested stakeholders to access and review information about the project. The online repository available at <https://feature.jmt.com/riato-stone> will provide information and documents relating to the project and permit application. A physical document repository will be available at the facility office (located at 40 McIntosh Road, Liberty, New York), so stakeholders without internet access can view the same project information described above.

The repositories will be updated throughout the application process with project-related information and written materials (i.e., application forms and supporting materials, draft permit, fact sheet, statement of basis (where applicable), the Notice of Complete Application provided by the NYSDEC, etc.).

7.0 SUBMISSIONS

7.1 PROGRESS REPORT

No later than two weeks following the first public participation event, the applicant will submit a progress report to NYSDEC in the form of a brief memorandum or cover letter. At minimum, the progress report shall:

- describe progress to-date in implementing the approved EPPP, identify the components of the plan yet to be implemented, and the timeline for completion of the EPPP.
- summarize the public meeting (identify the time and date, number, affiliation and diversity of attendees and interests represented) and include or append copies of the written materials (i.e. public meeting notice, fact sheet) along with any documentation that supports implementation of



public outreach activities described in Section V, such as: the meeting sign-in sheet, record of attendees/participants, meeting presentation, notes or minutes, summary of questions and answers, and copy of newspaper notice or other proof of publication.

- identify any language or disability assistance requests received and document any considerations or accommodations made to-date,
- summarize or include a table that documents:
 - all substantive concerns raised to-date, either during the public meeting, or, received by the project liaison, along with responses provided by the applicant
 - all resolved and outstanding issues
- explain any project, design changes and/or measures to reduce potential impacts, either as result of community/public input or NYSDEC permitting review process.

The progress report will become part of the application record and will be posted to the physical and online document repositories so that it is readily available to the public.

7.2 FINAL SUMMARY REPORT AND WRITTEN CERTIFICATION

Upon completion of the enhanced public participation plan, the applicant will submit written certification to NYSDEC to certify that it has fully executed and complied with the approved EPPP. The certification shall be signed by the applicant, or the applicant's agent, and submitted to NYSDEC prior to a final decision on the application.

As part of the certification, the applicant shall submit a final summary report documenting the implementation of this EPPP. The report will summarize the activities that occurred in accordance with the EPPP and will identify any substantive concerns raised by stakeholders during the public meeting, or, at any time throughout the permitting process and detail the applicant's response(s) to any such concerns or questions. The applicant will include, or append, any documentation that supports the final summary report, such as: the meeting sign-in sheet(s), record of attendees/participants, meeting presentation, notes or minutes, summary of questions and answers, and copy of newspaper notice or other proof of publication. In addition, the report will identify any changes or modifications to the proposed project that



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were made or considered by the applicant to address or reduce concerns surrounding the permit application.

The final summary report and written certification will become part of the application record and will be posted to the online and physical document repositories so that it is readily available to the public.



FIGURES



APPENDIX A

CONTACT LIST



APPENDIX B

PUBLIC MEETING NOTICE (ENGLISH)



YOU ARE INVITED

Public Meeting

September 24th at 6:30 pm

Riato Stone, LLC SPDES Individual Permit Application

Riato Stone, LLC has submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for a State Pollutant Discharge Elimination System (SPDES) Individual Permit for the Riato Stone, LLC sand and gravel mine. An Enhanced Public Participation Plan (EPPP) has been developed in accordance with NYSDEC Commissioner Policy 29, *Environmental Justice and Permitting* (CP-29). The purpose of this meeting is to inform the public about the project and to involve the community during the SPDES Individual Permit application review process.

To Attend the In-Person Meeting:

The meeting will be located at:

Sullivan County Partnership for Economic Development Offices
196 Bridgeville Road
Monticello, New York 12701

Agenda:

- Project Overview
- Background
- Scope of work
- Project schedules
- Community Impacts
- Proposed Mitigation Measures
- Questions and Answers

Your Attendance is Important!

Project personnel will be available to answer questions from the community. For additional information on the proposed project:

- Contact: James Scandariato by phone at (516) 398-5886 or by email at james@riatostone.com.
- Visit the repository at : <https://feature.jmt.com/riato-stone> or at the facility office located at 40 McIntosh Road, Liberty, New York.

Contact the project liaison to request reasonable accommodation for a disability or interpreter services in a language other than English, so that you can participate in the call and/or to request a translation of any of the event documents into a language other than English.



APPENDIX C

FACT SHEET (ENGLISH)



Riato Stone, LLC SPDES Individual Permit Application **Fact Sheet**

- **Project:** SPDES Individual Permit Application
- **Applicant:** Riato Stone, LLC
- **Facility:** The Riato Stone, LLC sand and gravel mine is located in the Town of Fallsburg, Sullivan County, New York
- **NYSDEC Application Numbers:** 3-4828-00061/00010; 00005; 00009
- **An Enhanced Public Participation Plan has been developed in accordance with NYSDEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)**

What is the Proposed Project?

Riato Stone, LLC (Riato) has submitted a proposed mining modification application for continuation of mining operations on additional areas to the northeast of the current mine boundary. As part of this application, Riato has submitted a State Pollutant Discharge Elimination System (SPDES) Individual Permit to allow discharge from an outfall connected to a dredge pond that will use a flocculant system to control suspended solids. Currently stormwater falling on the affected mine area is captured by the dredge pond, which is also utilized in water recycling operations for the mine's wash plant. In the proposed modification, stormwater falling on the affected mine area will be captured and conveyed by a drainage ditch leading to the expanded dredge pond which will be utilized in a similar manner as the current pond, but will discharge via Outfall 002. Riato has also applied for a freshwater wetland permit application to allow construction of the outfall and associated stormwater infrastructure within the buffer area of nearby wetland LE-20.

The purpose of this fact sheet is to inform the public about this proposed project and to involve the community during the NYSDEC permit application review process.

Why does Riato need to apply for a SPDES Individual Permit?

The SPDES Individual Permit is required to discharge a combination of stormwater and aggregate wash water that has been treated with a flocculant.

How might the project affect the surrounding community?

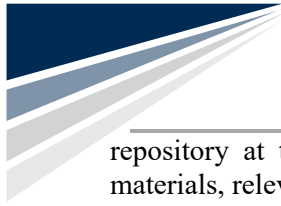
The surrounding community will not be negatively by the discharge from Outfall 002 under an Individual SPDES permit. The dredge pond design and flocculant system will reduce the suspended solid within the water, resulting in water that is acceptable to discharge. Monitoring of the dredge pond will also be completed to avoid discharging water affected by any other contaminants. The project has the potential to result in improved downstream water quality by removing sediment that would otherwise enter the environment.

How can I participate in the permit review process?

- Attend the upcoming public meeting scheduled for September 24, 2024 at 6:30 PM to learn about the project, ask questions and/or express concerns about the project.
- Ask questions, express concerns, provide input or submit by comments in writing, by phone or email to the project contact person identified below.

Where can I get more information about the proposed project?

- Visit the online document repository at <https://feature.jmt.com/riato-stone> or the physical document



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repository at the facility office (40 McIntosh Rd, Liberty, New York) to obtain application materials, relevant documents, and information about the project.

- Contact James Scandariato by phone at (516) 398-5886 or by email at james@riatostone.com for information on the project, instructions on how to attend the upcoming public meeting, or to find out about the status of the permit application and public comment period.

Who is responsible for reviewing the Permit Application?

NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1696, is responsible for reviewing and issuing the required permits. Tel: (845) 256-3045; email: DEP.R3@dec.ny.gov

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