



October 8, 2024

Ms. Rebecca Crist  
Division of Environmental Permits, Region 3  
New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561

[rebecca.crist@dec.ny.gov](mailto:rebecca.crist@dec.ny.gov)  
Submitted VIA EMAIL

**RE: Riato Stone, LLC  
DEC Facility # 3-4828-00061  
Town of Fallsburg, Sullivan County  
EPPP Progress Report**

Dear Ms. Crist:

JMT of New York, Inc. (JMT), on behalf of Riato Stone, LLC (Riato), respectfully submits this Enhanced Public Participation Plan (EPPP) progress report in accordance with the procedures established in CP-29 Section 5.D and the New York State Department of Environmental Conservation (NYSDEC)-approved project-specific EPPP. This progress report serves to document progress on meaningful and effective public participation that has occurred during the NYSDEC environmental permit review process to-date.

Included with this progress report are:

- Attachment I: Affidavits of Publication
- Attachment II: Contact List
- Attachment III: Certified Mail Receipts
- Attachment IV: Meeting Roster
- Attachment V: Public Meeting Minutes
- Attachment VI: Virtual Public Meeting Invites and Fact Sheets

As described in the EPPP, the applicant's 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 the operations at the site currently entail the extraction of sand and gravel west of the existing dredge pond, that material is then processed onsite for sale as aggregate and other similar products. On June 28, 2018, the mine was issued a SPDES Multi Sector General Permit (MSGP) which gave them the authority to discharge stormwater at one outfall (Outfall 001). Riato has submitted 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 for discharge via Outfall 002 from an existing dredge pond that will use a flocculant system to control suspended solids.

In accordance with the project EPPP, Riato published a notice in the Sullivan County Democrat on September 6 to advertise the public engagement meeting. The public meeting notice included the address of the location in which the public meeting was held, the meeting agenda, contact information for James Scandariato and how to access project documents via an online repository. Proof of publications is included in Attachment I: *Affidavits of Publication*.

A contact list consisting of the names, addresses, phone numbers, and/or email addresses of stakeholders within the potentially affected area was developed in consultation with NYSDEC, as reflected in the project EPPP, and is included in Attachment II: *Contact List*. Consistent with the approved EPPP, each stakeholder identified in both contact lists was contacted at least two (2) weeks prior to the public meeting via USPS certified mail and were provided a “Public Meeting” invite and a “Fact Sheet” that disseminated information about the consolidated Permit application review process, the location of the public meeting, how to access the document repository, and how to submit written comments. Copies of the mail receipts associated with the outreach effort are provided in Attachment III.

Consistent with the EPPP, an online document repository was established for the community and interested stakeholders to access and review information about the project. The online repository is available at <https://feature.jmt.com/riato-stone> and provides information and documents related to the project and permit application. The repository has been updated throughout the application process with project-related information and written materials. To-date, the online repository includes the following documents:

- Enhanced Public Participation Plan;
- SPDES Individual Permit Application
- Mined Land Use Plan;
- NYSDEC Freshwater Wetlands Permit Application
- NYSDEC SEQR Lead Agency Coordination Request
- EPPP Progress Report.

The public meeting for the Riato Stone, LLC project was held on September 24, 2024, at 6:30 PM at the offices of the Sullivan County Partnership for Economic Development in Monticello, New York. Five (5) members of the public attended the meeting, including the President/CEO of the Sullivan County Partnership for Economic Development. A complete list of meeting participants is included in Attachment IV: *Meeting Roster*. No language or disability assistance requests were received by Riato before the public meeting, nor have any such requests been received to-date.

Edward Davidson, of JMT and consultant to the applicant, served as the meeting facilitator. James Scandariato (applicant representative) of Riato Stone, LLC were present to assist in some of the answers to the questions from members of the public. To start the meeting, JMT introduced themselves and explained why this meeting was held. JMT then provided a summary of the project, an update on the permit application review process, and identified outstanding application requirements and future milestones in the application. Following the introduction and project summary, the remainder of the meeting was opened for public comments and questions. Meeting minutes are provided in Attachment V: *Public Meeting Minutes*. To date, including during the public engagement meeting, no substantive issues, questions or comments relating to the proposed action have been brought forth by the public. A single informational question was received during the public engagement meeting as to whether the dredge pond is naturally occurring or man-made. Additional details on the topics covered during the public

engagement meeting can be found in Attachment V. No additional correspondence has been received to-date.

Consistent with the approved EPPP, Riato will submit a Final Summary Report and Written Certification, which will document the complete implementation of the EPPP.

We trust that this correspondence and the associated attachments adequately summarizes the progress Riato has made on the public participation process thus far and that it accurately portrays future steps. This progress report has been uploaded to the project-specific document repository. If you should have any questions or require further information, please do not hesitate to contact me at (518) 782-0882 or edavidson@jmt.com.

Sincerely,

JMT of New York, Inc.



Edward G. Davidson, PG  
Associate Vice President

#### Attachments

Ecc w/ att.: R. LaDuke, NYSDEC R3  
K. Pickard-DePriest, NYSDEC  
J. Scandariato, Riato Stone, LLC



# **ATTACHMENT I**

## **AFFIDAVITS OF PUBLICATION**

# YOU ARE INVITED

## Public Meeting

September 24<sup>th</sup> at 6:30 pm

Riato Stone, LLC SPDES Individual Permit Application

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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](mailto: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.

Sullivan County Democrat  
5 Lower Main St., PO Box 308  
Callicoon, NY 12723-0308  
845-887-5200 Fax: 845-887-5386

**Affidavit of Publication**

State of New York

SS:

County of Sullivan

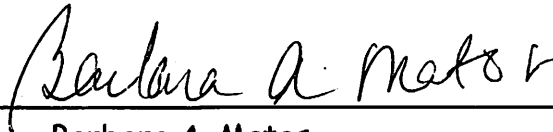
**Legal Notice**

I, Fred W. Stabbert, III, being duly sworn,  
Depose and say: That I am the Publisher of  
Sullivan County Democrat, a twice weekly  
newspaper of general circulation published in  
Callicoon, County of Sullivan, State of New  
York; and that a notice, of which the annexed  
is a printed copy, was duly published in  
Sullivan County Democrat 9/6/24



Fred W. Stabbert, III

Sworn to before me this 6<sup>th</sup> day of September, 2024



Barbara A. Matos

Notary Public, State of New York

No. #01MA6172971

Qualified in Sullivan County

My commission expires on August 20, 2027



Ad ID: 126009  
Invoice

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• Callicoon, NY 12723 • 845-887-5200

Bill to:

Rosario Scandariato  
Riato Stone, LLC  
46 McIntosh Rd  
Liberty, NY 12754

Sold to:

Account ID: 15765

Rosario Scandariato  
Riato Stone, LLC  
46 McIntosh Rd  
Liberty, NY 12754

Please pay from this Invoice. Return stub with payment.	Rep ID:	Terms: <b>Prepay</b>
<b>Description</b>		
Classification of Ad: 182 – LEGALS		Zone:
Text: LEGAL NOTICE WIDE LEGAL NOTICE RIALTO STONE LLC NOTICE ...		

**Charges from 8/30/2024 to 9/6/2024**

Date	Pub	Type	Description	Price	Discount	Applied	Due
9/6/24	SCD	Ad	LEGAL NOTICE - WIDE LEGAL	\$120.47		-\$120.47	\$0.00
9/6/24	SCD	Affidavit	Affidavit	\$15.00		-\$15.00	\$0.00
9/6/24	SCD	Customized	Customized Service Fee	\$15.00		-\$15.00	\$0.00

\$150.47		-\$150.47	\$0.00
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Fax: 845-887-5386

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Amount Enclosed \_\_\_\_\_

Issue Date: 9/6/2024

Advertising Invoice Date: 9/5/2024

Ad # 126009

Account # 15765

Rosario Scandariato  
Riato Stone, LLC  
46 McIntosh Rd  
Liberty, NY 12754



# **ATTACHMENT II**

## **CONTACT LIST**



# Table 1

## Contact List



Tax Parcel	Parcel Address	Land Use	Owner Name	Owner Address
11.-1-3	187 Hysana Rd	260 - Seasonal res	Leonhard M Hoeglmeier Roman Erich	7459 Akron Rd Lockport NY 14094
11.-1-1.1	Hysana Rd	322 - Rural vac>10	George Yerganian Athena Yerganian Arra Yerganian	89 Bellevue Hill Rd Boston MA 02132
11-1-1.13	Leslie Rd Tr 67	314 - Rural vac<10	Robyn L Priebe Keith & Lynn Priebe Irrv Trust	314 Burnt Ridge Rd Liberty NY 12754
11.-1-1.2	230 Hysana Rd	920 - Priv Hunt/Fish	Robyn L Priebe Keith & Lynn Priebe Irrv Trust	314 Burnt Ridge Rd Liberty NY 12754
11.-1-4.19	261 Wade Rd	270 - Mfg housing	Russell Lepke	261 Wade Rd Liberty NY 12754
7.-1-45.62	242 Hysana Rd	210 - 1 Family Res	Robert Woods	242 Hysana Rd Liberty NY 12754
7.-1-45.61	246 Hysana Rd	270 - Mfg housing	David C Zaffuto Ten Old County Rd Irrev Trust	P.O. Box 30 Swan Lake NY 12783
7.-1-45.5	254 Hysana Rd	210 - 1 Family Res	Susan M Rogerson	42 Foster Rd Staten Island NY 10309
11.-1-4.20	Aberson Rd Tr 4	322 - Rural vac>10	Nidal Jaber	26 Wachs Way Valley Cottage NY 10989
7.-1-45.7	266 Hy-Sa-Na Rd	270 - Mfg housing	Joanne Van Deursen	266 Hy-Sa-Na Rd Liberty NY 12754
7.-1-37.19	281 Wade Rd	210 - 1 Family Res	Richard Kim	281 Wade Rd Liberty NY 12754
7.-1-45.1	Ha-Sa-Na Rd	314 - Rural vac<10	Joann Van Deursen	266 Hy-Sa-Na Rd Liberty NY 12754
7.-1-37.17	Wade Rd	314 - Rural vac<10	Peter Muratore	20 Kenny St Hauppauge NY 11788
7.-1-45.21	Leslie Rd Tr 67	314 - Rural vac<10	Eva Mc Keon Edgar Vargas	740- 10th Ave New York City NY 10019
7.-1-45.22	Leslie Rd Tr 67	314 - Rural vac<10	Matthew J Resnick	20500 W Country Club Rd Apt 509 Aventura FL 33180
7.-1-37.22	Aberson Rd Tr 4	311 - Res vac land	Viseu Estate Corp	P.O. Box 227 Parksville NY 12768
7.-1-37.12	319 Wade Rd	270 - Mfg housing	Mark Mitidieri	85 Peekamoose Rd Sundown NY 12782
7.-1-37.11	330 Hysana Rd	312 - Vac w/imprv	Gabriel Surina, III	266 Hysana Rd Liberty NY 12754
7.-1-37.9	313 Wade Rd	270 - Mfg housing	Mark Mitidieri	85 Peekamoose Rd Sundown NY 12782
7.-1-37.8	346 Hysana Rd	210 - 1 Family Res	Vladimir Gracanin Maja Neducin	702 Woodward Ave Ridgewood NY 11385
7.-1-37.5	341 Wade Rd	210 - 1 Family Res	Margaret Conway	P.O. Box 62 Fallsburg NY 12733
7.-1-37.7	Hysana Rd	311 - Res vac land	Kevin Leland Margaret A Leland	356 Hysana Rd Liberty NY 12754
7.-1-37.2	347 Wade Rd	270 - Mfg housing	Donald J Horner Rebecca E Horner	347 Wade Rd Liberty NY 12754
7.-1-37.4	356 Hysana Rd	210 - 1 Family Res	Kevin H Leland Margaret Leland	356 Hysana Rd Liberty NY 12754 301 Hysana Rd Liberty NY 12754
7.-1-37.1	368 Hysana Rd	312 - Vac w/imprv	Hysana Garage, LLC	356 Hysana Rd Liberty NY 12754
7.-1-3.6	374 Hysana Rd	270 - Mfg housing	Tina M Wallace	374 Hysana Rd Liberty NY 12754
7.-1-3.8	24 McIntosh Rd	210 - 1 Family Res	William Lewis Deborah Lewis	24 McIntosh Rd Liberty NY 12754
7.-1-37.14	Wade Rd	311 - Res vac land	Ari Jacobs	361 Beach 12 St Far Rockaway NY 11691

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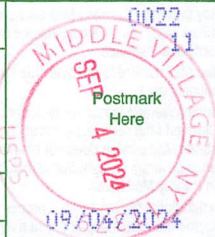
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# **ATTACHMENT IV**

## **MEETING ROSTER**



## EPPP Public Meeting - Sign-In Sheet

Date: 9/24/2024

Time:

[illegible]



# **ATTACHMENT V**

## **PUBLIC MEETING MINUTES**



9/24/2024 6:30 PM – 7:00 PM

*Presenters:*

ED – Ed Davidson (JMT)

DTS – David Straw (JMT)

*Applicant and Applicant Representatives:*

James Scandariato (Riato Stone LLC.)

*Public Attendees:* (see attached sign-in sheet)

*Notes:*

*Pre-meeting outreach from the community:*

-James Scandariato received one call before the meeting, from Athena Yerganian of Boston, MA. The caller said she inherited a property on Hysana Rd., which she has not visited in at least 10 years. She received the mail notice and is curious about the project. James explained the project and how the Individual permit SPDES permit was applied for in the interest of improving the water quality in the dredge pond. The caller appreciated the information and indicated that she may attend the public meeting.

*Meeting:*

- DTS & EGD arrive at the meeting site at 6:00PM. Briefly met with w/ James & Rosario Scandariato. Marc A. Baez, President/CEO of The Partnership for Economic Development in Sullivan County is also present.
- The first two (2) attendants arrived at 6:15 PM
- Two (2) more attendants show up at 6:34 PM. Start time has been delayed a few minutes to allow time for anyone that is running behind.
- EGD starts the meeting at 6:37, introduces JMT and the operator and explains what the meeting is and what the triggering permit is (Individual SPDES). EGD also explains the project and what is being applied for (SPDES, Mining Permit Modification, Freshwater Wetlands) and where we stand in the permit application process.
- 6:40 EGD explains site operations in more detail and how the dredge pond plays a role in operations (wash water) and why the applicant needs an individual permit and not MSGP coverage. Also explains the role of the flocculant (settle solids) and that water will now be discharged from the site at outfall 002, which requires a wetland permit for disturbance in the wetland buffer during construction of Outfall 002. EGD also explains what the next steps will be in the permitting process (NOCA), that attendees will receive a copy of the NOCA, and that questions and comments can be asked today, how they can be asked after the meeting, and that there will also be a public comment period after the NOCA is issued.
- JS adds that 95-99% of the time, there will be no discharge from outfall 002, but that it is in place as a feature to direct overflow during particularly large storm events (100 yr storm).
- 6:45 EGD opens to questions and comments
- 6:45 Bill offers that he lives across the street, has no questions, and that he has no concerns.
- 6:47 A. Yerganian asks if the pond is natural or man made. JS explains that the site has been in place since at least 1950 and that he is not sure if there was a pond in place before excavation commenced, but that it has been enlarged by excavation and at this point can be considered

“man-made”. Bill (neighbor across the street from the site) notes that he has been there for 30 yrs and that there has always been a pond, but that it has increased in size.

- 6:50, no additional comments at this point, attendees are mostly discussing local topics of land history and are “catching up”. A. Yerganian notes that she recently inherited local land and when she received the EPPP notice, she saw it as an opportunity to come visit the land and meet some members of the local community.
- 6:52 the first attendant leaves, has no additional comments or questions about the project.
- EGD notes that JMT will stick around a bit longer in case there are any stragglers.
- 6:57 attendees are still “chatting”, no project related questions
- 7:00 attendees have no additional questions, comments, or concerns. JMT ends the meeting.



# **ATTACHMENT VI**

## **VIRTUAL PUBLIC MEETING INVITES AND FACT SHEETS**



# YOU ARE INVITED

## Public Meeting

September 24<sup>th</sup> 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](mailto: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.



## **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?**

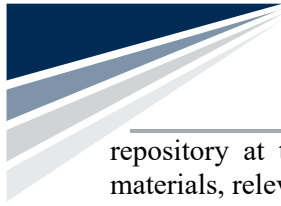
The surrounding community will not be negatively by the discharge from Outfall 002 under an Individual SPDES permit. The dredge pond design and flocculant system will reduce the suspended solid within the water, resulting in water that is acceptable to discharge. Monitoring of the dredge pond will also 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



*ENHANCED PUBLIC PARTICIPATION PLAN*  
*RIATO STONE, LLC*

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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](mailto: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](mailto:DEP.R3@dec.ny.gov)

4865-0277-3096, v. 1