March 29, 2024

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

**RE: Riato Stone, LLC (formerly Liberty Sand & Gravel)**
**DEC Permit Modification: 3-4828-00061/00005 (ML), 10 (P1S) 9 (FW)**
**Mined Land #: 30217**
**Town of Fallsburgh, Sullivan County**
**Notice of Incomplete Application – 3rd**

Dear Ms. Crist:

JMT of New York, Inc. (JMT), on behalf of Riato Stone, LLC (Riato), respectfully submits this response to the New York State Department of Environmental Conservation (NYSDEC) Notice of Incomplete Application (NOIA), dated March 15, 2024, and attached technical comments from Ryan LaDuke of the Division of Mineral Resources, dated March 8, 2024, and Steven McCague, of the Division of Water on dated February 21, 2024.

Included with this response are:

- Attachment A – Revised Enhanced Public Participation Plan (EPPP);
- Attachment B – Mercury Sample Analysis; and
- Attachment C – Revised Mined Land Use Plan (MLUP).

For purposes of clarity, the NYSDEC's comments are included below in *italics,* followed by Riato's responses.

**March 15, 2024 Letter from Rebecca Crist**

**Freshwater Wetlands**

1. *The plans submitted August 3, 2023, depict the corrected Freshwater Wetland boundary, but an updated detail on the proposed outfall was not provided. Please provide an updated version of "Project Plan, Riato Stone LLC", dated 05/18/2022 with the corrected Freshwater Wetland and Adjacent Area boundaries.*

*To minimize impacts to the freshwater wetland, the distance between the outfall and the wetland should be maximized. Please also provide a narrative on the necessity of the proposed location, including whether the outfall can be located further away from the Freshwater Wetland boundary. Whether the outfall is relocated on not, please confirm the coordinates of the outfall location previously provided on the SPDES Form NY-2C.*

**Response:** Revising the outfall location would require re-aligning the existing access road, including significant additional disturbance within the wetland buffer area. The currently proposed outfall location was selected to achieve positive drainage to the outfall location while minimizing disturbance within the wetland buffer and avoiding any disturbance within the wetland. Within these constraints, the currently proposed outfall location maximizes distance from the wetland boundary. While there will be no change to the location of Outfall 002 as identified on the map, the previously submitted GPS location in the NY-2C application lacked precision. The corrected coordinates for Outfall 002 are N 41° 48' 7.2" W 74° 41' 10.95.

2. *In addition, as noted in Michael Fraatz's email of March 6, 2024, the Department is still waiting on updated delineation maps that include the correct wetland validation block for signature. A copy of the Department's directions for "Delineating and Surveying Freshwater Wetland Boundaries" with the required validation block is attached.*

**Response:** A corrected wetland validation block has been made on the updated wetland delineation map and was forwarded to NYSDEC by North Country Ecological Services, Inc., under separate cover.

**Environmental Justice**

1. *Modify the Section 2 project description and project Fact Sheet to include all permits being applied for. Although the SPDES permit is the one that triggers the need for an EPPP, all of the DEC applications that are part of the project need to be identified.*

**Response:** The requested revisions to include reference to the Mining Permit Modification Application and Freshwater Wetlands Permit Application have been made to Section 2 and the Fact Sheet within the EPPP. Please see the revised EPPP included as Attachment A for details.

2. *Revise the Section 2 project description and Fact Sheet Proposed Project description to more clearly describe how the dredge pond is currently used and how this will change with the proposal.*

**Response:** *Section 2.2 Nature Of Proposed Project/Action And Purpose* and the Fact Sheet have been amended to describe the current and future uses of the dredge pond for mine wash plant operations and stormwater retention. See *Section 2—Project Description And Proposed Action* and the Fact Sheet within the revised EPPP (Attachment A) for additional details.

3. *Revise the figures to include Outfall 001 and identify Outfall 001 as "existing" and Outfall 002 as "proposed".*

**Response:** The referenced figures in the EPPP have been revised to reflect the requested changes. See Figures 1-3 of the revised EPPP in Attachment A for details.

**February 21, 2024, Attached Technical Comments from Division of Water Resources**

1. *Please take a mercury sample and submit the sampling results to verify qualification of the mercury exclusion.*

**Response:** Riato completed surface water sampling from the dredge pond on November 28, 2022, and sent the sample to York Analytical Laboratories Inc. of Stratford, Connecticut, for mercury analysis. In the surface water sample, mercury was detected with a value of 1.9 ng/L, below the Conditional Exclusion Certification for Exclusion from Mercury Permit Limitations application threshold value of 12 ng/L. The laboratory analysis, technical report, and laboratory certificate results are included in this response as Attachment B.

**March 8, 2024, Attached Technical Comments from Division of Mineral Resources**

**Mined Land Use Plan Narrative**

1. *2.4.2 Noise*
   *Page 8 of this section states above and below-water excavation faces will be worked simultaneously and indicates the processing plant will be moved to be in "close proximity to the faces thereby reducing haul distances" as mining progresses. Later sections of the narrative as well as the "Noise Impact Assessment Map" indicate the processing equipment will remain within the currently permittee life of mine (LOM) boundary. Clarify whether the processing plant will remain in the current LOM boundary or will progressively move into the proposed expansion area. Revise any inconsistent language in the narrative.*

**Response:** The processing equipment will remain within the currently permitted life of mine (LOM) boundary and will not be moved to the proposed expansion area. The outdated reference to relocating processing equipment to the active mine face has been removed in the attached revised MLUP (see Attachment C).

2. *2.4.4 Groundwater*
   *Be advised that spills in gravel or surface water is reportable; the five-gallon threshold would not apply at this mine site. As stated in current MLR permit condition, 17. Fueling of Equipment and Report of Spills, please use the '1-800' Spill Hotline phone number to report any potential spills. The phone number noted in the narrative is incorrect. Revise the last paragraph of this section accordingly.*

**Response:** The enclosed MLUP (Attachment C) has been updated to reflect the applicable spill reporting requirements.

**Mine Plan Map**

1. *Depict the location of the emergency spillway that is proposed to be constructed in the mine pond's retention berm.*

**Response:** The emergency spillway has been depicted in the Mine Plan Map. Please see *Sheet 1-Mine Plan Map* of the revised MLUP in Attachment C for details.

2. *The "expansion area stormwater ditch", located to the east of the LOM boundary, is depicted as crossing the existing "intermittent drainage" feature, near the "proposed stream crossing" to the expansion area. Provide clarification regarding how water exiting the proposed stormwater basin, located in the proposed expansion area, will be conveyed across the "existing drainage" but not discharged via the "existing drainage" feature.*

**Response:** Water from the proposed stormwater basin will be conveyed within a 36 inch pipe across the existing intermittent drainage feature into the expansion area stormwater ditch, where it will travel towards the dredge pond. Separating the stormwater infrastructure will ensure that the respective surface water flows remain segregated. *Sheet 1- Mine Plan Map* within the MLUP in Attachment C has been revised to indicate the location of the conveyance pipe.

3. The map lacks a north arrow, please depict a north arrow on the map.

**Response:** A north arrow has been added to *Sheet 1- Mine Plan Map* within the revised MLUP. See Attachment C for details.

**Reclamation Plan Map**

1. *The mine's scale is depicted on the reclamation plan map. All mining equipment, including the scale, is required to removed from site at the time of final reclamation. Revise the map to remove the depicted scale.*

**Response:** The scale has been removed from the Reclamation Plan Map. Please see *Sheet 2- Reclamation Plan Map* of the revised MLUP in Attachment C for details.

2. *During DEC's inspections of the mine, staff observed the permittee is encountering bedrock outcrops above the currently proposed mine floor's reclamation depths, as close as approximately 100 feet west-northwest of the mine pond western shoreline (roughly in-line with the toe of previously reclaimed mine slopes). Provide any additional information/refinement of future reclamation grades in this area in light of recent excavation activities conducted by the permittee and revise the map accordingly.*

**Response:** Riato has not and does not plan to mine bedrock to achieve reclamation grades. As noted in previously submitted materials, "*The location and depth of…steep sided bedrock outcrops…results in a somewhat variable final topography*." Where practicable, Riato will avoid exposing steep bedrock slopes. Exposed bedrock that does not exceed one vertical on two horizontal will be covered with at least six inches of topsoil and seeded. Exposed bedrock that exceeds one vertical on two horizontal will be left exposed.

We trust that the information contained herein adequately addresses the items included in the NYSDEC NOIA, dated March 15, 2024 and the technical comments of February 21, 2024 from Division of Water, and March 8, 2024 from the Division of Mineral Resources. 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.: J. Scandariato, Riato Stone, LLC
R. LaDuke, NYSDEC R3
S. McCague, NYSDEC Central Office
M. Fraatz, NYSDEC R3
K.Pickard-Depriest, NYSDEC Central Office

# ATTACHMENT A
## REVISED ENHANCED PUBLIC PARTICIPATION PLAN

# 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

**Prepared by:**
JMT of New York, Inc.
19 British American Blvd. W
Latham, NY 12110

**Date:** July 28, 2023
**Rev. 01:** March 28, 2024

# TABLE OF CONTENTS

# FIGURES



# APPENDICES



## 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 |
| PPP | Public Participation Plan |
| SPDES | State Pollutant Discharge Elimination System |
| MSGP | Multi Sector General Permit |
| Riato | Riato Stone, LLC |

# 1.0 INTRODUCTION AND OBJECTIVE

This Public Participation Plan (PPP) 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 SPEDES discharge at the Riato Stone LLC sand and gravel mine, that requires a State Pollutant Discharge Elimination System (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 PPP 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 PPP 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 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 PPP 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 PPP 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
PO Box 1071

New Hyde Park, New York 11041
516-398-5886
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 PPP 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)

The applicant will consult with NYSDEC and, if determined to be necessary, one or more in-person 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 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 virtual meeting on [INSERT DATE(s)] at [INSERT TIME(s)] 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 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 PPP 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 [INSERT DATE AND TIME].

Once the PPP has been approved by NYSDEC the public meeting notice will be posted and available in the online document repository 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 virtual 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 document repository 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 PPP has been approved by NYSDEC the fact sheet will be made available in the document repository 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 online repository and inform the attendees that, once available, the NOCA will be posted to the document repository 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 document repository will be established for the community and interested stakeholders to access and review information about the project. The repository available at the facility office (located at 46 McIntosh Road, Liberty, New York) will provide information and documents relating to the project and permit application.

The repository 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 PPP, identify the components of the plan yet to be implemented, and the timeline for completion of the PPP.
- 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 online document repository so that it is readily available to the public.

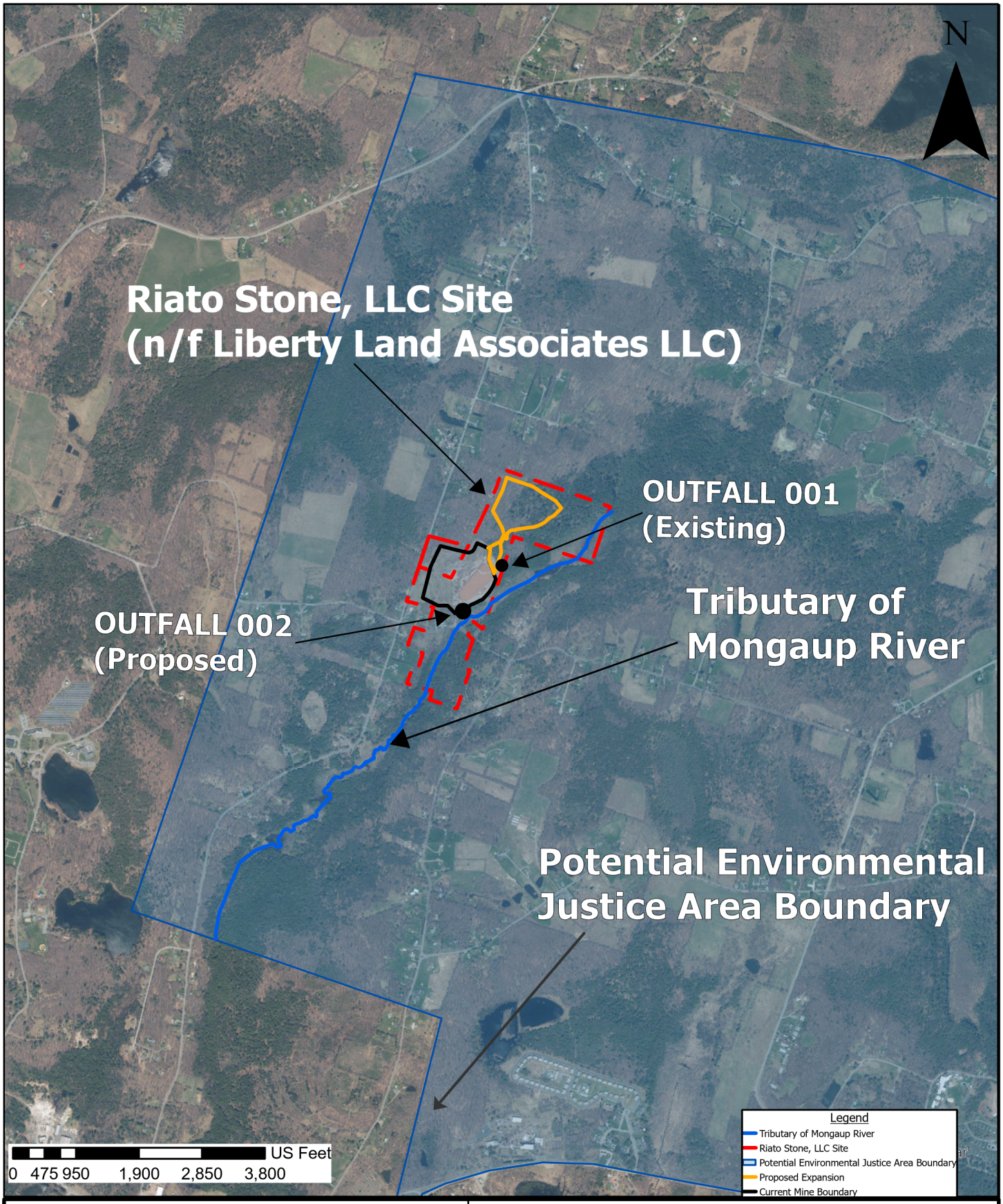
## 7.2 FINAL SUMMARY REPORT AND WRITTEN CERTIFICATION

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 PPP. 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 PPP. The report will summarize the activities that occurred in accordance with the PPP 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 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 document repository so that it is readily available to the public.

# FIGURES




19 British American Blvd. W, Latham NY 12110
P: 518-782-0882| F: 518-782-0973| jmt.com

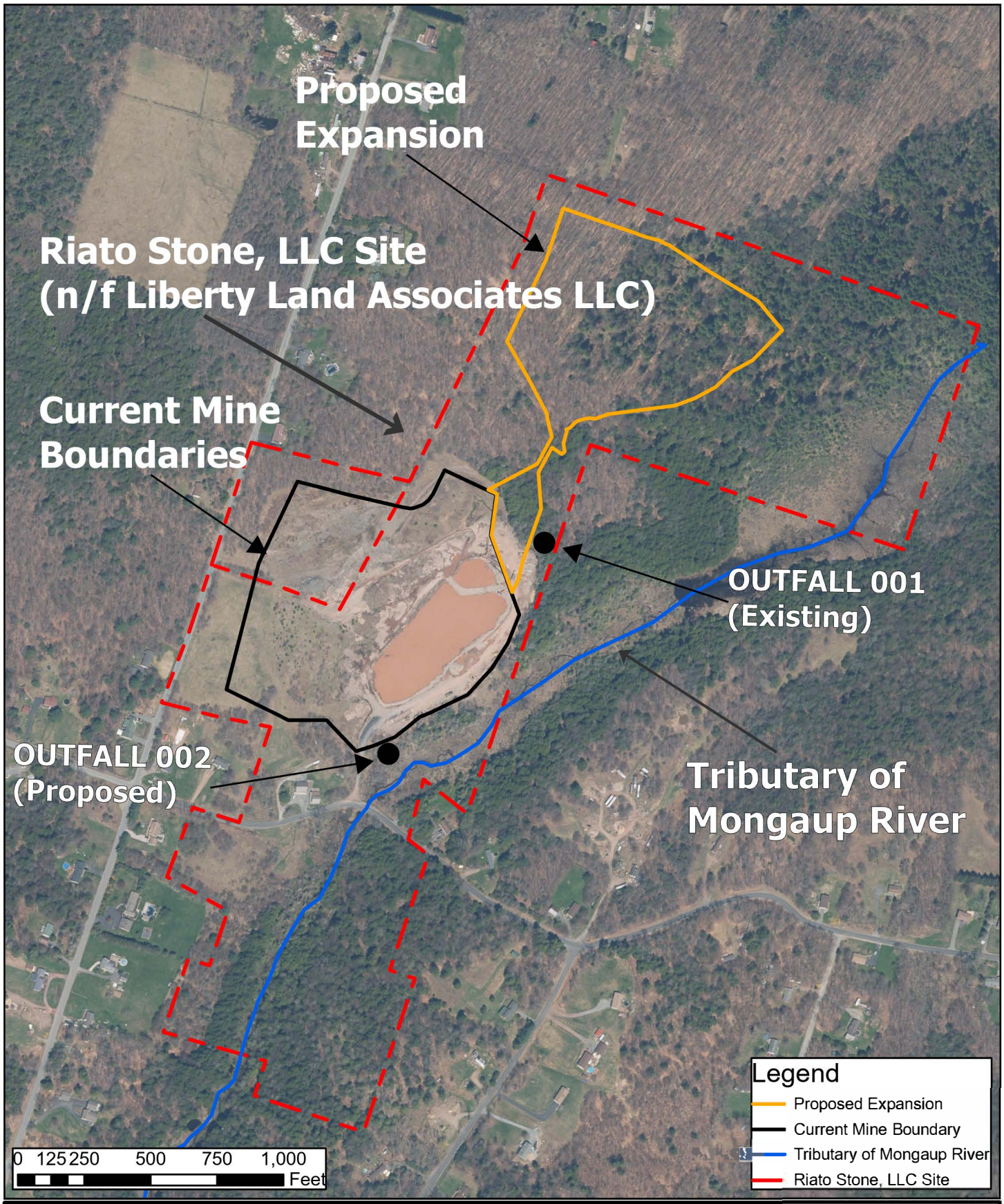
Site Location Map with Potential Environmental Justice Areas

*Riato Stone, LLC*

Riato Stone, LLC

TOWN OF FALLSBURG SULLIVAN CO., N.Y.

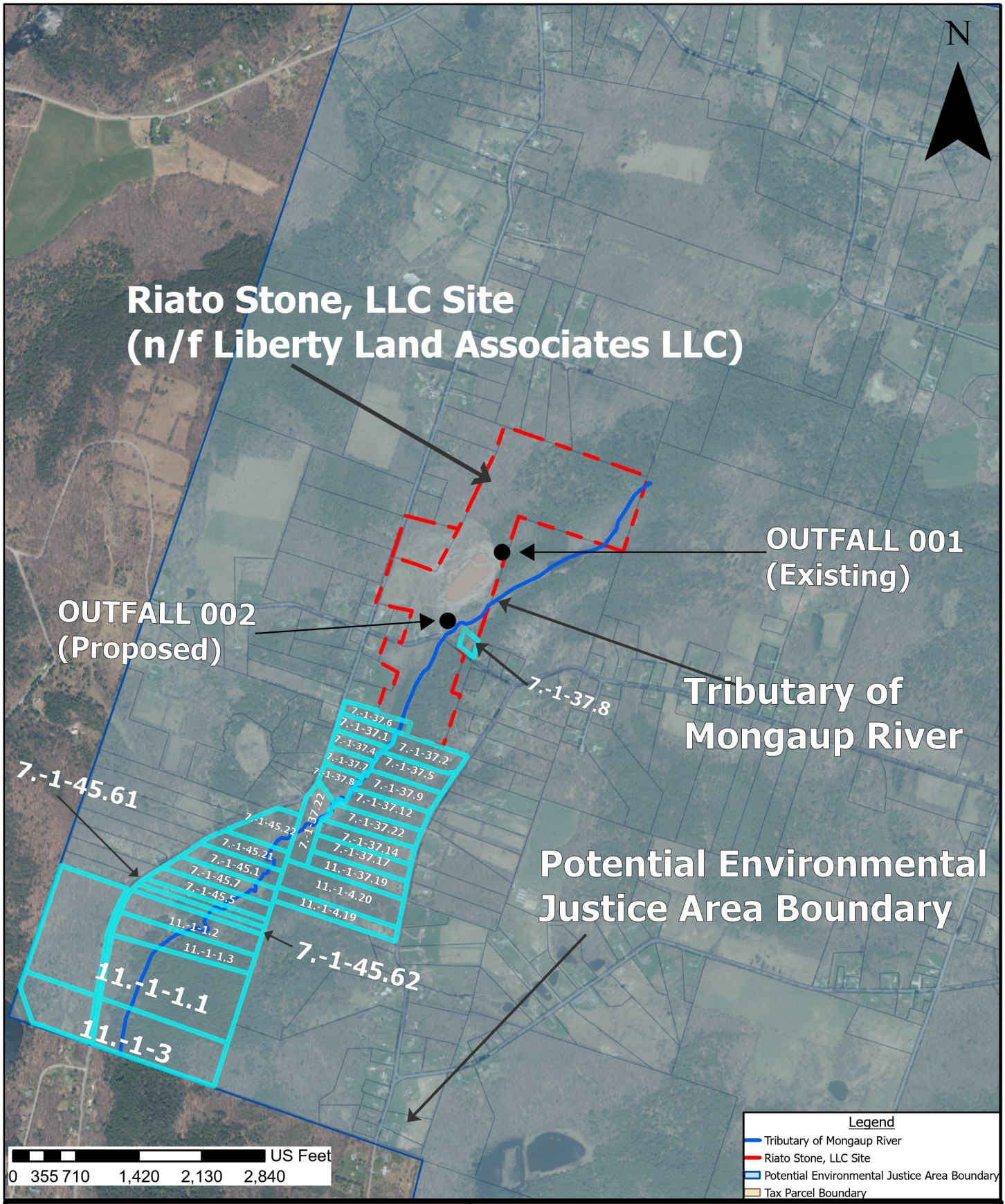
| PROJ No.: 20-03617-0001 | Date: 3/20/2024 | SCALE: 1" = 2,000 FT | FIGURE: 1 |
|---|---|---|---|




19 British American Blvd. W, Latham NY 12110
P: 518-782-0882| F: 518-782-0973| jmt.com

Site Plan Map
*Riato Stone, LLC*
Riato Stone, LLC
TOWN OF FALLSBURG SULLIVAN CO., N.Y.

| PROJ No.: 20-03617-0001 | Date: 3/20/2024 | SCALE: 1" = 500 FT | FIGURE: 2 |
|---|---|---|---|




19 British American Blvd. W, Latham NY 12110
P: 518-782-0882| F: 518-782-0973| jmt.com

Subject Properties
*Riato Stone, LLC*
Riato Stone, LLC
TOWN OF FALLSBURG SULLIVAN CO., N.Y.

| PROJ No.: 20-03617-0001 | Date: 3/20/2024 | SCALE: 1" = 1,500 FT | FIGURE: 3 |
|---|---|---|---|

# APPENDIX A

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

# APPENDIX B

## PUBLIC MEETING NOTICE (ENGLISH)

# YOU ARE INVITED

## Public Meeting

## [DATE] at X:00 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 SPDES Individual Permit for the Riato Stone LLC mine. A Public Participation Plan 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 Join**
The public meeting will be held at the facility office:
46 McIntosh Road
Liberty, New York

**To Call-in Using a Phone**
Dial in using the following number:
[INSERT NUMBER]
**When prompted, enter the Meeting ID:**
[INSERT NUMBER]

**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: 46 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 mine is located in the Town of Fallsburg, Sullivan County, New York
- **NYSDEC Application Numbers:** 3-4828-00061/00010, /00005, /00009
- **A Public Participation Plan (PPP) 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 manor 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 [DATE] at [TIME] 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 document repository at the facility office (46 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

# ATTACHMENT B
## MERCURY SAMPLE ANALYSIS

# Technical Report

prepared for:

**Sullivan County Labs**
86 Queen Mountain Road
Ferndale NY, 12734
**Attention: Jerry Berger**

Report Date: 12/14/2022
**Client Project ID: X52815-01/26475**
York Project (SDG) No.: 22K1430

CT Cert. No. PH-0723 New Jersey Cert. No. CT005 and NY037 New York Cert. Nos. 10854 and 12058 PA Cert. No. 68-04440

120 RESEARCH DRIVE STRATFORD, CT 06615 ■ 132-02 89th AVENUE RICHMOND HILL, NY 11418
www.YORKLAB.com (203) 325-1371 FAX (203) 357-0166 ClientServices@yorklab.com

Report Date: 12/14/2022
Client Project ID: X52815-01/26475
York Project (SDG) No.: 22K1430

**Sullivan County Labs**
86 Queen Mountain Road
Ferndale NY, 12734
Attention: Jerry Berger

## Purpose and Results

This report contains the analytical data for the sample(s) identified on the attached chain-of-custody received in our laboratory on November 29, 2022 and listed below. The project was identified as your project: **X52815-01/26475**.

The analyses were conducted utilizing appropriate EPA, Standard Methods, and ASTM methods as detailed in the data summary tables.

All samples were received in proper condition meeting the customary acceptance requirements for environmental samples except those indicated under the Sample and Analysis Qualifiers section of this report.

All analyses met the method and laboratory standard operating procedure requirements except as indicated by any data flags, the meaning of which are explained in the Sample and Data Qualifiers Relating to This Work Order section of this report and case narrative if applicable.

The results of the analyses, which are all reported on dry weight basis (soils) unless otherwise noted, are detailed in the following pages.

Please contact Client Services at 203.325.1371 with any questions regarding this report.

| York Sample ID | Client Sample ID | Matrix | Date Collected | Date Received |
|---|---|---|---|---|
| 22K1430-01 | S000143959 | Waste Water | 11/28/2022 | 11/29/2022 |

## General Notes for York Project (SDG) No.: 22K1430

1. The RLs and MDLs (Reporting Limit and Method Detection Limit respectively) reported are adjusted for any dilution necessary due to the levels of target and/or non-target analytes and matrix interference. The RL(REPORTING LIMIT) is based upon the lowest standard utilized for the calibration where applicable.
2. Samples are retained for a period of thirty days after submittal of report, unless other arrangements are made.
3. York's liability for the above data is limited to the dollar value paid to York for the referenced project.
4. This report shall not be reproduced without the written approval of York Analytical Laboratories, Inc.
5. All analyses conducted met method or Laboratory SOP requirements. See the Sample and Data Qualifiers Section for further information.
6. It is noted that no analyses reported herein were subcontracted to another laboratory, unless noted in the report.
7. This report reflects results that relate only to the samples submitted on the attached chain-of-custody form(s) received by York.
8. Analyses conducted at York Analytical Laboratories, Inc. Stratford, CT are indicated by NY Cert. No. 10854; those conducted at York Analytical Laboratories, Inc., Richmond Hill, NY are indicated by NY Cert. No. 12058.

**Approved By:** Cassie L. Mosher **Date:** 12/14/2022

Cassie L. Mosher
Laboratory Manager

## Sample Information

**Client Sample ID:** S000143959 **York Sample ID:** 22K1430-01

| York Project (SDG) No. | Client Project ID | Matrix | Collection Date/Time | Date Received |
|---|---|---|---|---|
| 22K1430 | X52815-01/26475 | Waste Water | November 28, 2022 2:15 pm | 11/29/2022 |

## Analyzed by: Adirondack Environmental Services, Inc. SUB

**Mercury by 1631E (SUB)** **Log-in Notes:** **Sample Notes:**

Sample Prepared by Method: Default Preparation for Admin

| CAS No. | Parameter | Result | Flag | Units | Reported to LOQ | Dilution | Reference Method | Date/Time Prepared | Date/Time Analyzed | Analyst |
|---|---|---|---|---|---|---|---|---|---|---|
| 7439-97-6 | **Mercury** | **1.9** | | ng/L | 0.5 | 1 | EPA 1631E | 12/14/2022 14:51 | 12/14/2022 14:51 | |
| | | | | | | | Certifications: | | | |

## Sample and Data Qualifiers Relating to This Work Order

## Definitions and Other Explanations

| | |
|---|---|
| * | Analyte is not certified or the state of the samples origination does not offer certification for the Analyte. |
| ND | NOT DETECTED - the analyte is not detected at the Reported to level (LOQ/RL or LOD/MDL) |
| RL | REPORTING LIMIT - the minimum reportable value based upon the lowest point in the analyte calibration curve. |
| LOQ | LIMIT OF QUANTITATION - the minimum concentration of a target analyte that can be reported within a specified degree of confidence. This is the lowest point in an analyte calibration curve that has been subjected to all steps of the processing/analysis and verified to meet defined criteria. This is based upon current NELAC/TNI Standards and applies to all analyses. |
| LOD | LIMIT OF DETECTION - a verified estimate of the minimum concentration of a substance in a given matrix that an analytical process can reliably detect. This is based upon NELAC 2009 Standards and applies to all analyses conducted under the auspices of EPA SW-846. |
| MDL | METHOD DETECTION LIMIT - a statistically derived estimate of the minimum amount of a substance an analytical system can reliably detect with a 99% confidence that the concentration of the substance is greater than zero. This is based upon 40 CFR Part 136 Appendix B and applies only to EPA 600 and 200 series methods. |
| Reported to | This indicates that the data for a particular analysis is reported to either the LOD/MDL, or the LOQ/RL. In cases where the "Reported to" is located above the LOD/MDL, any value between this and the LOQ represents an estimated value which is "J" flagged accordingly. This applies to volatile and semi-volatile target compounds only. |
| NR | Not reported |
| RPD | Relative Percent Difference |
| Wet | The data has been reported on an as-received (wet weight) basis |
| Low Bias | Low Bias flag indicates that the recovery of the flagged analyte is below the laboratory or regulatory lower control limit. The data user should take note that this analyte may be biased low but should evaluate multiple lines of evidence including the LCS and site-specific MS/MSD data to draw bias conclusions. In cases where no site-specific MS/MSD was requested, only the LCS data can be used to evaluate such bias. |
| High Bias | High Bias flag indicates that the recovery of the flagged analyte is above the laboratory or regulatory upper control limit. The data user should take note that this analyte may be biased high but should evaluate multiple lines of evidence including the LCS and site-specific MS/MSD data to draw bias conclusions. In cases where no site-specific MS/MSD was requested, only the LCS data can be used to evaluate such bias. |
| Non-Dir. | Non-dir. flag (Non-Directional Bias ) indicates that the Relative Percent Difference (RPD) (a measure of precision) among the MS and MSD data is outside the laboratory or regulatory control limit. This alerts the data user where the MS and MSD are from site-specific samples that the RPD is high due to either non-homogeneous distribution of target analyte between the MS/MSD or indicates poor reproducibility for other reasons. |

If EPA SW-846 method 8270 is included herein it is noted that the target compound N-nitrosodiphenylamine (NDPA) decomposes in the gas chromatographic inlet and cannot be separated from diphenylamine (DPA). These results could actually represent 100% DPA, 100% NDPA or some combination of the two. For this reason, York reports the combined result for n-nitrosodiphenylamine and diphenylamine for either of these compounds as a combined concentration as Diphenylamine.

If Total PCBs are detected and the target aroclors reported are "Not detected", the Total PCB value is reported due to the presence of either or both Aroclors 1262 and 1268 which are non-target aroclors for some regulatory lists.

2-chloroethylvinyl ether readily breaks down under acidic conditions. Samples that are acid preserved, including standards will exhibit breakdown. The data user should take note.

Certification for pH is no longer offered by NYDOH ELAP.

Semi-Volatile and Volatile analyses are reported down to the LOD/MDL, with values between the LOD/MDL and the LOQ being "J" flagged as estimated results.

For analyses by EPA SW-846-8270D, the Limit of Quantitation (LOQ) reported for benzidine is based upon the lowest standard used for calibration and is not a verified LOQ due to this compound's propensity for oxidative losses during extraction/concentration procedures and non-reproducible chromatographic performance.

# YORK
ANALYTICAL LABORATORIES INC

**CHAIN-OF-CUSTODY Analytical Request Document**

Chain-of-Custody is a LEGAL DOCUMENT - Complete all relevent fields

22k1430

**ALL SHADED AREAS are for LAB USE ONLY**

| | |
|---|---|
| Company: **Sullivan County Labs** | Billing Information: |
| Address: **86 Queen Mountain Road, Ferndale** | |
| Report To: | Email To: **results@sullivancountylabs.com** |
| Copy To: | Site Collection Info/Address: **40 McIntosh Road** |
| Customer Project Name/Number: **X52815-01 / 26475** | State: **New York** County/City: **Sullivan** Time Zone Collected: [ ]PT [ ]MT [ ]CT [ ]ET |
| Phone: **845.704.8151** Email: **info@sullivancountylabs.com** | Site/Facility ID #: / Compliance Monitoring? [ ] Yes [ ] No |
| Collected By (print): | Purchase Order # : / Quote #: / DW PWS ID #: / DW Location Code: |
| Collected By (signature): | Turnaround Date Required: / Immediately Packed on Ice: [ ] Yes [ ] No |
| Sample Disposal: [ ] Dispose as appropriate [ ] Return [ ] Archive: _____ [ ] Hold: _____ | Rush: [ ] Same Day [ ] Next Day [ ] 2 Day [ ] 3 Day [ ] 4 Day [ ] 5 Day (Expedite Charges Apply) / Field Filtered (if applicable): [ ] Yes [ ] No / Analysis: _____ |

Container Preservative Type **: 3

Lab Project Manager:

** Preservative Types: (1) nitric acid, (2) sulfuric acid, (3) hydrochloric acid, (4) sodium hydroxide, (5) zinc acetate, (6) methanol, (7) sodium bisulfate, (8) sodium thiosulfate, (9) hexane, (A) ascorbic acid, (B) ammonium sulfate, (C) ammonium hydroxide, (D) TSP, (U) Unpreserved, (O) Other _____

* Matrix Codes (Insert in Matrix box below): Drinking Water (DW), Ground Water (GW), Wastewater (WW), Product (P), Soil/Solid (SL), Oil (OL), Wipe (WP), Air (AR), Tissue (TS), Bioassay (B), Vapor (V), Other (OT)

| Customer Sample ID | Matrix * | Comp/ Grab | Collected (or Composite Start) Date | Collected (or Composite Start) Time | Composite End Date | Composite End Time | Res Cl | # of Ctns | Mercury (Low Level) | Lab Sample # / Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| S000143959 | WW | G | 11/28 | 02:15pm | | | | | X | Pond |
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Analyses

Lab Profile / Line:

Lab Sample Receipt Checklist:

| | | | |
|---|---|---|---|
| Custody Seals Present/Intact | Y | N | NA |
| Custody Signatures Present | Y | N | NA |
| Collector Signature Present | Y | N | NA |
| Bottles Intact | Y | N | NA |
| Correct Bottles | Y | N | NA |
| Sufficient Volume | Y | N | NA |
| Samples Received on Ice | Y | N | NA |
| VOA - Headspace Acceptable | Y | N | NA |
| USDA Regulated Soils | Y | N | NA |
| Samples in Holding Time | Y | N | NA |
| Residual Chlorine Present | Y | N | NA |
| CL Strips: _____ | | | |
| Sample pH Acceptable | Y | N | NA |
| pH Strips: _____ | | | |
| Sulfide Present | Y | N | NA |
| Lead Acetate Strips: _____ | | | |

LAB USE ONLY:

Customer Remarks / Special Conditions / Possible Hazards:

Type of Ice Used: Wet Blue Dry None

Packing Material Used:

Radchem samples(s) screened (<500 cpm): Y N NA

SHORT HOLDS PRESENT (<72 hours): Y N N/A

Lab Tracking #:

Samples received via: FEDEX UPS Client Courier Other

LAB Sample Temperature Info:
Temp Blank Received: Y N NA
Therm ID#: _____ 10
Cooler 1 Temp Upon Receipt: 1.0 oC
Cooler 1 Therm Corr. Factor: ___oC
Cooler 2 Corrected Temp: ___oC
Comments:

| | | | | |
|---|---|---|---|---|
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | MTJL LAB USE ONLY |
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | Table #: Acctnum: Template: Prelogin: PM: PB: |
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | |

Trip Blanck Received: Y N NA
HCL MeOH TSP Other

Non Conformance(s): YES / NO

Page: 1 of: 1

# Technical Report

prepared for:

**Sullivan County Labs**
86 Queen Mountain Road
Ferndale NY, 12734
**Attention: Jerry Berger**

Report Date: 12/14/2022
**Client Project ID: X52815-01/26475**
York Project (SDG) No.: 22K1430

CT Cert. No. PH-0723 New Jersey Cert. No. CT005 and NY037 New York Cert. Nos. 10854 and 12058 PA Cert. No. 68-04440

120 RESEARCH DRIVE STRATFORD, CT 06615 ■ 132-02 89th AVENUE RICHMOND HILL, NY 11418
www.YORKLAB.com (203) 325-1371 FAX (203) 357-0166 ClientServices@yorklab.com

Report Date: 12/14/2022
Client Project ID: X52815-01/26475
York Project (SDG) No.: 22K1430

**Sullivan County Labs**
86 Queen Mountain Road
Ferndale NY, 12734
Attention: Jerry Berger

## Purpose and Results

This report contains the analytical data for the sample(s) identified on the attached chain-of-custody received in our laboratory on November 29, 2022 and listed below. The project was identified as your project: **X52815-01/26475**.

The analyses were conducted utilizing appropriate EPA, Standard Methods, and ASTM methods as detailed in the data summary tables.

All samples were received in proper condition meeting the customary acceptance requirements for environmental samples except those indicated under the Sample and Analysis Qualifiers section of this report.

All analyses met the method and laboratory standard operating procedure requirements except as indicated by any data flags, the meaning of which are explained in the Sample and Data Qualifiers Relating to This Work Order section of this report and case narrative if applicable.

The results of the analyses, which are all reported on dry weight basis (soils) unless otherwise noted, are detailed in the following pages.

Please contact Client Services at 203.325.1371 with any questions regarding this report.

| York Sample ID | Client Sample ID | Matrix | Date Collected | Date Received |
|---|---|---|---|---|
| 22K1430-01 | S000143959 | Waste Water | 11/28/2022 | 11/29/2022 |

## General Notes for York Project (SDG) No.: 22K1430

1. The RLs and MDLs (Reporting Limit and Method Detection Limit respectively) reported are adjusted for any dilution necessary due to the levels of target and/or non-target analytes and matrix interference. The RL(REPORTING LIMIT) is based upon the lowest standard utilized for the calibration where applicable.
2. Samples are retained for a period of thirty days after submittal of report, unless other arrangements are made.
3. York's liability for the above data is limited to the dollar value paid to York for the referenced project.
4. This report shall not be reproduced without the written approval of York Analytical Laboratories, Inc.
5. All analyses conducted met method or Laboratory SOP requirements. See the Sample and Data Qualifiers Section for further information.
6. It is noted that no analyses reported herein were subcontracted to another laboratory, unless noted in the report.
7. This report reflects results that relate only to the samples submitted on the attached chain-of-custody form(s) received by York.
8. Analyses conducted at York Analytical Laboratories, Inc. Stratford, CT are indicated by NY Cert. No. 10854; those conducted at York Analytical Laboratories, Inc., Richmond Hill, NY are indicated by NY Cert. No. 12058.

**Approved By:** Cassie L. Mosher **Date:** 12/14/2022

Cassie L. Mosher
Laboratory Manager

## Sample Information

**Client Sample ID:** S000143959 **York Sample ID:** 22K1430-01

| York Project (SDG) No. | Client Project ID | Matrix | Collection Date/Time | Date Received |
|---|---|---|---|---|
| 22K1430 | X52815-01/26475 | Waste Water | November 28, 2022 2:15 pm | 11/29/2022 |

## Analyzed by: Adirondack Environmental Services, Inc. SUB

**Mercury by 1631E (SUB)** **Log-in Notes:** **Sample Notes:**

Sample Prepared by Method: Default Preparation for Admin

| CAS No. | Parameter | Result | Flag | Units | Reported to LOQ | Dilution | Reference Method | Date/Time Prepared | Date/Time Analyzed | Analyst |
|---|---|---|---|---|---|---|---|---|---|---|
| 7439-97-6 | **Mercury** | **1.9** | | ng/L | 0.5 | 1 | EPA 1631E | 12/14/2022 14:51 | 12/14/2022 14:51 | |
| | | | | | | | Certifications: | | | |

## Sample and Data Qualifiers Relating to This Work Order

## Definitions and Other Explanations

| | |
|---|---|
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| LOQ | LIMIT OF QUANTITATION - the minimum concentration of a target analyte that can be reported within a specified degree of confidence. This is the lowest point in an analyte calibration curve that has been subjected to all steps of the processing/analysis and verified to meet defined criteria. This is based upon current NELAC/TNI Standards and applies to all analyses. |
| LOD | LIMIT OF DETECTION - a verified estimate of the minimum concentration of a substance in a given matrix that an analytical process can reliably detect. This is based upon NELAC 2009 Standards and applies to all analyses conducted under the auspices of EPA SW-846. |
| MDL | METHOD DETECTION LIMIT - a statistically derived estimate of the minimum amount of a substance an analytical system can reliably detect with a 99% confidence that the concentration of the substance is greater than zero. This is based upon 40 CFR Part 136 Appendix B and applies only to EPA 600 and 200 series methods. |
| Reported to | This indicates that the data for a particular analysis is reported to either the LOD/MDL, or the LOQ/RL. In cases where the "Reported to" is located above the LOD/MDL, any value between this and the LOQ represents an estimated value which is "J" flagged accordingly. This applies to volatile and semi-volatile target compounds only. |
| NR | Not reported |
| RPD | Relative Percent Difference |
| Wet | The data has been reported on an as-received (wet weight) basis |
| Low Bias | Low Bias flag indicates that the recovery of the flagged analyte is below the laboratory or regulatory lower control limit. The data user should take note that this analyte may be biased low but should evaluate multiple lines of evidence including the LCS and site-specific MS/MSD data to draw bias conclusions. In cases where no site-specific MS/MSD was requested, only the LCS data can be used to evaluate such bias. |
| High Bias | High Bias flag indicates that the recovery of the flagged analyte is above the laboratory or regulatory upper control limit. The data user should take note that this analyte may be biased high but should evaluate multiple lines of evidence including the LCS and site-specific MS/MSD data to draw bias conclusions. In cases where no site-specific MS/MSD was requested, only the LCS data can be used to evaluate such bias. |
| Non-Dir. | Non-dir. flag (Non-Directional Bias ) indicates that the Relative Percent Difference (RPD) (a measure of precision) among the MS and MSD data is outside the laboratory or regulatory control limit. This alerts the data user where the MS and MSD are from site-specific samples that the RPD is high due to either non-homogeneous distribution of target analyte between the MS/MSD or indicates poor reproducibility for other reasons. |

If EPA SW-846 method 8270 is included herein it is noted that the target compound N-nitrosodiphenylamine (NDPA) decomposes in the gas chromatographic inlet and cannot be separated from diphenylamine (DPA). These results could actually represent 100% DPA, 100% NDPA or some combination of the two. For this reason, York reports the combined result for n-nitrosodiphenylamine and diphenylamine for either of these compounds as a combined concentration as Diphenylamine.

If Total PCBs are detected and the target aroclors reported are "Not detected", the Total PCB value is reported due to the presence of either or both Aroclors 1262 and 1268 which are non-target aroclors for some regulatory lists.

2-chloroethylvinyl ether readily breaks down under acidic conditions. Samples that are acid preserved, including standards will exhibit breakdown. The data user should take note.

Certification for pH is no longer offered by NYDOH ELAP.

Semi-Volatile and Volatile analyses are reported down to the LOD/MDL, with values between the LOD/MDL and the LOQ being "J" flagged as estimated results.

For analyses by EPA SW-846-8270D, the Limit of Quantitation (LOQ) reported for benzidine is based upon the lowest standard used for calibration and is not a verified LOQ due to this compound's propensity for oxidative losses during extraction/concentration procedures and non-reproducible chromatographic performance.

# YORK
ANALYTICAL LABORATORIES INC

**CHAIN-OF-CUSTODY Analytical Request Document**

Chain-of-Custody is a LEGAL DOCUMENT - Complete all relevent fields

22k1430

**ALL SHADED AREAS are for LAB USE ONLY**

| | |
|---|---|
| Company: **Sullivan County Labs** | Billing Information: |
| Address: **86 Queen Mountain Road, Ferndale** | |
| Report To: | Email To: **results@sullivancountylabs.com** |
| Copy To: | Site Collection Info/Address: **40 McIntosh Road** |
| Customer Project Name/Number: **X52815-01 / 26475** | State: **New York** County/City: **Sullivan** Time Zone Collected: [ ]PT [ ]MT [ ]CT [ ]ET |
| Phone: **845.704.8151** Email: **info@sullivancountylabs.com** | Site/Facility ID #: / Compliance Monitoring? [ ] Yes [ ] No |
| Collected By (print): | Purchase Order # : / Quote #: / DW PWS ID #: / DW Location Code: |
| Collected By (signature): | Turnaround Date Required: / Immediately Packed on Ice: [ ] Yes [ ] No |
| Sample Disposal: [ ] Dispose as appropriate [ ] Return [ ] Archive: _____ [ ] Hold: _____ | Rush: [ ] Same Day [ ] Next Day [ ] 2 Day [ ] 3 Day [ ] 4 Day [ ] 5 Day (Expedite Charges Apply) / Field Filtered (if applicable): [ ] Yes [ ] No / Analysis: _____ |

Container Preservative Type **: 3

Lab Project Manager:

** Preservative Types: (1) nitric acid, (2) sulfuric acid, (3) hydrochloric acid, (4) sodium hydroxide, (5) zinc acetate, (6) methanol, (7) sodium bisulfate, (8) sodium thiosulfate, (9) hexane, (A) ascorbic acid, (B) ammonium sulfate, (C) ammonium hydroxide, (D) TSP, (U) Unpreserved, (O) Other _____

* Matrix Codes (Insert in Matrix box below): Drinking Water (DW), Ground Water (GW), Wastewater (WW), Product (P), Soil/Solid (SL), Oil (OL), Wipe (WP), Air (AR), Tissue (TS), Bioassay (B), Vapor (V), Other (OT)

| Customer Sample ID | Matrix * | Comp/ Grab | Collected (or Composite Start) Date | Collected (or Composite Start) Time | Composite End Date | Composite End Time | Res Cl | # of Ctns | Mercury (Low Level) | Lab Sample # / Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| S000143959 | WW | G | 11/28 | 02:15pm | | | | | X | Pond |
| | | | | | | | | | | |
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| | | | | | | | | | | |

Analyses

Lab Profile / Line:

Lab Sample Receipt Checklist:

| | | | |
|---|---|---|---|
| Custody Seals Present/Intact | Y | N | NA |
| Custody Signatures Present | Y | N | NA |
| Collector Signature Present | Y | N | NA |
| Bottles Intact | Y | N | NA |
| Correct Bottles | Y | N | NA |
| Sufficient Volume | Y | N | NA |
| Samples Received on Ice | Y | N | NA |
| VOA - Headspace Acceptable | Y | N | NA |
| USDA Regulated Soils | Y | N | NA |
| Samples in Holding Time | Y | N | NA |
| Residual Chlorine Present | Y | N | NA |
| CL Strips: _____ | | | |
| Sample pH Acceptable | Y | N | NA |
| pH Strips: _____ | | | |
| Sulfide Present | Y | N | NA |
| Lead Acetate Strips: _____ | | | |

LAB USE ONLY:

Customer Remarks / Special Conditions / Possible Hazards:

Type of Ice Used: Wet Blue Dry None

Packing Material Used:

Radchem samples(s) screened (<500 cpm): Y N NA

SHORT HOLDS PRESENT (<72 hours): Y N N/A

Lab Tracking #:

Samples received via: FEDEX UPS Client Courier Other

LAB Sample Temperature Info:
Temp Blank Received: Y N NA
Therm ID#: _____ 10
Cooler 1 Temp Upon Receipt: 1.0 oC
Cooler 1 Therm Corr. Factor: ___oC
Cooler 2 Corrected Temp: ___oC
Comments:

| | | | | |
|---|---|---|---|---|
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | MTJL LAB USE ONLY |
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | Table #: Acctnum: Template: Prelogin: PM: PB: |
| Relinquished by/Company: (Signature) | Date/Time: | Received by/Company: (Signature) | Date/Time: | |

Trip Blanck Received: Y N NA
HCL MeOH TSP Other

Non Conformance(s): YES / NO

Page: 1 of: 1

AG ENVIRONMENTAL RSC, LLC

# LABORATORY CERTIFICATE OF RESULTS

NYSDOH ELAP # 12081
PA DEP # 68-05705
FLORIDA (Legionella) # E871152

86 Queen Mountain Road, Ferndale, New York, 12734 / Phone: 845.704.8151 / Fax: 845.414.0051

**Original Report #: 30379**
**LCR Issue Date: 12/20/2022**

| **Bill-to Customer Information (C52815)** | | **Water Source Location X52815-01** | |
|---|---|---|---|
| **Customer Name:** | Riato Stone LLC | **Source Name:** | Riato Stone |
| **Address:** | PO BOX 1071 | **Address:** | 40 McIntosh Road |
| **Town:** | NEW HYDE PARK **State:** NY **Zip:** 11040 | **Town:** | LIBERTY **State:** NY **Zip:** 12754 |
| **Phone:** | 516-398-5886 | **PWSID/SPDES:** | N/A |
| **Email:** | james@riatostone.com | **Contact Name:** | James Scandariato |
| **Fax:** | | **Phone:** | 516-398-5886 |

**Sample(s) delivered on** 11/28/2022 **at** 02:51 PM **From COC#:** 26475

| Sample# | MTX | Sample Point | Sampled Date & Time | Temp | Pres. Y/N/T | Res Cl | Int | Anal/Prep Date & Time | Analyte/Test Method | Comment (see table) | Results | MCL/SMCL (Limits) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| S000143959 | WW-G | POND | 11/28/2022 02:15 PM | 13.1°C | Y | - | JS | 12/14/2022 02:51 PM | Mercury (Low Level) | Y 22K1430-01/ | Mercury (Hg) : 1.9 ng/L | |

Comment Table: Y - Sample ran at York Laboratories ELAP #10854 & ELAP #12058 |
Remarks:



Authorized By:

Victoria Langeland

**Victoria Langeland**
**Document Control**

# ATTACHMENT C
## REVISED MINED LAND USE PLAN

# MODIFICATION APPLICATION FOR PERMIT TO MINE AND MINED LAND USE PLAN

**RIATO STONE, LLC.**
**TOWN OF FALLSBURG, NEW YORK**

**NEW YORK STATE DEPARTMENT**
**OF ENVIRONMENTAL CONSERVATION**
**MLF # 30217**

**Prepared for:**
Riato Stone, LLC.
40 McIntosh Road
Liberty, New York 12754

**Prepared by:**
JMT of New York, Inc.
19 British American Boulevard
Latham, New York 12110

**Submitted:** May 2022
**Rev:03 March 2024**
**Project No.** 20-03617-001

# TABLE OF CONTENTS

# FIGURE



# SHEETS



# APPENDICES

# 1.0 INTRODUCTION

This report constitutes a modification application for Mined Land Reclamation Permit (3-4828-00061/00005) and an updated Mined Land Use Plan (MLUP) for the Riato Stone, LLC. (Riato; formerly Liberty Sand & Gravel; MLF # 30217), located in the Town of Fallsburg, Sullivan County, New York. This application and MLUP proposes +/- 13.4 acres of additional mining areas within the current affected parcel to the northeast of the current life-of-mine (LOM) boundary, for a total proposed LOM of +/-31.6 acres. To accommodate the expansion area, stormwater infrastructure including drainage ditches, a settling basin, and a permitted outfall connected to the expanded dredge pond is proposed. Prior submittals, most recently February 18, 2015, by Griggs-Lang Consulting Geologists, Inc., proposed a LOM expansion of +/-7.0 acres. The proposed LOM expansion described in this MLUP includes the +/-7.0 acres that were previously assessed for environmental impacts, as well as an additional +/-8.3 acres. Included herewith is a Modification Application for Permit to Mine, an updated Organizational Report Form, Full Environmental Assessment Form (EAF), updated Mine and Reclamation Plan Maps and Final Grade Profiles, which illustrate the mining limits as proposed in this application.

The information presented in this document is submitted in compliance with the application requirements contained in Article 23, Title 27, of the New York State Environmental Conservation Law and known as the Mined Land Reclamation Law (MLRL).

Mining is not prohibited at this site. The site is an active sand and gravel mine.

# 2.0 MINE PLAN

## 2.1 SITE LOCATION AND HISTORY

This report is an updated MLUP for the Riato site (MLF # 30217) located in the Town of Fallsburg, Sullivan County, New York. The mine site is located off of the north side of McIntosh Road, approximately 700 feet east of the intersection of McIntosh Road, Burnt Ridge Road, and Hysana Road. Figure 1, "Site Location Map," illustrates the location of the mine site and its relationship to the surrounding area. The mine site is surrounded by areas that include agricultural and second growth forest with rural residential areas. The proposed expansion area is entirely wooded lands.

The Riato site has been an active mine site since the 1940's. 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.

Riato is submitting this modification application to extend mining operations to the north and east of the current LOM, and to expand the existing dredge pond. The proposed expansion areas are on lands within the tax parcel currently affected by mining operations. Acreage details are provided on Sheets 1 and 2 as well as in the summary table given below.

The affected area proposed in this MLUP is as follows:

| Affected Acreage Summary | | |
|---|---|---|
| | Currently Permitted | Proposed |
| Life-of-Mine Affected Area | 18.2+/- acres | 31.6+/- acres |
| Permit Term Affected Area | 12.7+/- acres | 23.2+/- acres |
| Future Excavation Areas | 0+/- acres | 4.6+/- acres |
| Reclaimed Areas | 5.5+/- acres | 3.8+/- acres |

## 2.2 ENVIRONMENTAL SETTING

### 2.2.1 Adjacent Land Use Features

The land use in the vicinity of Riato has not changed significantly since the inception of the mining operation. The perimeter land uses are agricultural, woodlands, and rural residential. Residences are located along Burnt Ridge Road to the west of the mine site, and along McIntosh Road to the south of the mine site. New York State regulated Wetland LE-20 exists to the east.

### 2.2.2 Man-made Features

Riato is an active sand and gravel pit. Man-made features on the site include all equipment and structures for the administration and production of aggregate. Other features include disturbed areas created during previous mining activity such as access roads, stripping areas, overburden storage piles and an existing pond.

### 2.2.3 Topography and Geology

The topography of Riato generally slopes from the northwest to southeast. The current affected area is in the central and eastern portions of the mine site. Elevations in the proposed modification area range from approximately 1450 ft AMSL in the southeast portion of the expansion area to 1625 ft AMSL in the northwest of the proposed expansions area. Pleistocene kame deposits consisting of mostly coarse to fine grained sands and gravels underly the site.

### 2.2.4 Wetlands and Water Resources

NYSDEC Wetland LE-20 is located along the east side of the site and is controlled by topography, with an outlet to the south that drains through two 18-inch culverts that run underneath McIntosh Road. The western wetland boundary was originally delineated by NYSDEC in 2012. While no new mining activity (i.e., excavation, processing, or storage of aggregate material) is proposed within the wetland area or the associated wetland buffer, a new State Pollutant Discharge Elimination System (SPDES) outfall (see Outfall

002 on Sheet 1 Mine Plan Map) is proposed within the one-hundred-foot wetland buffer area. As the validation for the 2012 wetland delineation of portions of Wetland LE-20 completed by NYSDEC is expired, North Country Ecological Services, Inc. (NCES), completed a follow-up delineation on February 1st, 2022. Per the 2022 delineation, which includes an extension of the 2012 delineation limit to the southwest (towards the entrance of the mine), several long-standing (i.e., pre-1976) features associated with the administration of the mine site, including the access road off McIntosh Road, are located within the one-hundred-foot buffer of Wetland LE-20. NCES staff met Michael Fraatz of the NYSDEC onsite on July 7, 2022 to allow NYSDEC to verify the LE-20 wetland boundary delineated by NCES. EThe updated wetland boundary that is reflective of that join effort is presented on the Mine Plan Map (Sheet 1 of 3). In addition, a Wetland Delineation Map has been provided as Appendix D.

While mining-related disturbance in the vicinity of proposed SPDES Outfall 002 is an occurrence with historic precedence that pre-dates Mined Land Reclamation Law, a Fresh Water Wetlands Permit application for the installation of Outfall 002 has been completed and is being concurrently submitted. Additionally, no significantly modified or new use aside from those associated with a lawfully existing land use will be undertaken within the freshwater wetland or adjacent area without issuance of a Freshwater Wetlands permit or confirmation in writing from the Department that a permit is not required.The approximate water table within the current affected area and the proposed expansion area has been determined through prior subsurface investigations (i.e., fifteen excavator dug test pits completed in 2012 under the supervision of Griggs and Lang Consulting Geologists, Inc.), the elevations of the existing dredge pond and NYSDEC Wetland LE-20, as well as the axiom that water tables are generally a subdued version of surface topography. The water table slopes gently from northwest to southeast across the site at depths ranging from at the surface of the dredge pond, to 50 feet or more in the northwest portion of proposed expansion area. The approximate elevation of the high seasonal water table is shown on the attached Sheet 3 Final Grade Profiles.

### 2.2.5 Vegetation

Vegetation within the mine site is variable. In the active mining area, vegetation has been removed. In the reclaimed areas, vegetation is dominated by grasses and small trees and shrubs. The proposed expansion area is entirely wooded.

JMT conducted searches of the USFWS IPaC database and the NYSDEC Environmental Resource Mapper on November 15, 2021 (Appendix B). Neither database identified any threatened or endangered plant species in the vicinity of the mine site or proposed expansion area.

### 2.2.6 Wildlife

The mine site and proposed expansion area may be habitat for common small animals such as squirrels, rabbits, woodchucks and other rodent species. Larger game animals such as deer may feed within the open areas and cultivated fields but seek refuge in the wooded areas. A recent search of the USFWS IPaC database and the NYSDEC Environmental Resource Mapper on May 24, 2022 (Appendix B) returned no

records of known threatened or endangered animals or critical habitat in the project area. USFWS IPaC indicated a potential for the Northern Long-eard Bat (*Myotis septentrionalis*), a threatened species, to be present in the project area.

### 2.2.7 Cultural Resources

A search of New York States Cultural Resource Information System (CRIS) was completed for the proposed expansion area on May 24, 2022, and found that no documented archaeologically sensitive areas or buildings included in the National Register of Historic Places exist within one mile of the proposed expansion area. The proposed action will have no impact on cultural resources.

## 2.3 DESCRIPTION OF MINING METHOD

### 2.3.1 Mining Method

No changes are proposed to the previously approved mining methods for the site. Sand and gravel are excavated by front- end loader and loaded onto haul trucks and/or an existing conveyor for transport to the onsite processing plant.

#### 2.3.1.1 Excavation Equipment

Consistent with current excavation activity at Riato, standard industry equipment will be used to strip, excavate, and haul materials from bank faces. Bulldozers, scrapers, front-end wheel loaders, haul trucks and other standard industry equipment will be used as needed to accomplish each task.

#### 2.3.1.2 Mining Sequence

The Mine Plan Map (Sheet 1) illustrates the limits of the Affected Area within which mining will take place over the duration of mining operations. Updates to the Life-of-Mine and current Permit Term Affected Areas are included in this application as illustrated on the Mine Plan Map, Reclamation Plan Map and Final Grade Profiles (Sheets 1, 2, and 3) to reflect the proposed eastern expansion area.

Riato will continue to excavate as needed, dependent on market demand. Mining will continue in a north-northeast direction and will proceed into the expanded LOM once the modification application has been approved. A phased approach to mining and a concurrent reclamation plan will continue to be employed, to the maximum extent practicable. The mining sequence is initiated by the stripping and stockpiling of topsoil and overburden in onsite stockpiles and berms. All material stored will eventually be used as needed for reclamation purposes. Removal of overburden is generally sequenced in advance of active mining faces to allow for a maximum of one year's mining. Removal of vegetative cover such as grasses, brush, shrubs, and trees, is also generally restricted to that area required for approximately one year's mining to minimize erosion and habitat disturbance.

To the greatest extent possible, topsoil and overburden are stockpiled separately. Any newly generated topsoil, overburden stockpiles and berms will be constructed with slopes no greater than one and one-half horizontal to one vertical (1.5:1) to minimize erosion and ensure stable slopes, and will be vegetated to

reduce erosion. The height of the stockpiles will be variable. Stockpiles and berms will be constructed in a neat, orderly fashion in accordance with typical industry practices.

Haul roads, in addition to those already in existence, will be constructed as necessary within the mine site to provide access to all excavation areas.

#### 2.3.1.3 Grading and Setbacks

All New York State Department of Environmental Conservation (NYSDEC) setback requirements will be observed around the perimeter of the mine site. All other NYSDEC slopes and grading requirements will continue to be followed. The outer perimeter of the affected area within the approved Life of Mine will remain setback at least 25 feet from the property line The proposed expansion area will be setback at least 100 ft from property lines to comply with the Town of Fallsburg setback requirements. Grading and setbacks throughout the mine will adhere to mining and reclamation plans and regulatory setbacks, as indicated on the attached Sheets 1-3.

Active excavation areas will be graded internally to prevent stormwater from leaving the site and allow stormwater to return to the groundwater regime via percolation. Aside from the dredge pond, the floor of the pit will remain at least 5 feet above the seasonal high-water table in currently affected areas as well as proposed expansion areas. Riato will periodically dig test pits in the floor of the pit to confirm that at least 5 feet of material remains above the water table.

#### 2.3.1.4 Roadways

There will be no additional access points from public roadways into the mine site associated with the proposed expansion. Internal haul routes will continue to be progressively adjusted, as is the current practice, to access active excavation areas. As mining activity progresses, internal roads will be systematically "mined-out" or reclaimed as they are no longer required to access portions of the site.

#### 2.3.1.5 Disposal of Waste Materials

Stripped materials such as brush, shrubs and trees are chipped for reclamation purposes, buried onsite, or removed to an approved landfill.

#### 2.3.1.6 Traffic

There will not be an increase in traffic with the addition of the proposed expansion area that will only serve to increase mine reserves. By law, all trucks are required to comply with NYS Vehicle Code 380a-1, which pertains to loose cargo.

#### 2.3.1.7 Hours of Operation

No change to the currently approved hours of operation is proposed. The hours of operation are 7:00AM to 5:00PM Monday through Saturday. There will be no operations Sundays or on New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

#### 2.3.1.8 Site Facilities

A weigh scale and associated scale house/site office are located along the site entrance road. An aggregate processing facility, inclusive of crushing, screening, washing, and conveying equipment, is located just northeast of the existing dredge pond. The proposed expansion area will not add any additional site facilities.

## 2.4 METHODS FOR PREVENTING POLLUTION AND SOIL EROSION

### 2.4.1 Dust

The following sections (2.4-3.3) were originally prepared by Griggs and Lang, Consulting Geologists, Inc (Griggs) in support of prior applications that sought to expand of the Life-of-Mine Affected Area (specifically; document titled "Mined Land Use Plan Modification for New York State Department of Environmental Conservation" dated November 11, 2014). JMT is revising applicable sections to address the current increase in proposed expansion acreage. Much of the increased expansion area exists within lands that would have been largely bound by affected lands under the prior proposal (i.e., lands between the expansion "lobes" included in prior applications in which they were labeled as expansions areas "B" and "C"). For consistency, JMT has only added discussion and revised existing language to account for the increase in proposed expansion acreage. It is not the intent of JMT to reserve any rights to the original contents of the following sections. For clarity, language from the Griggs report has been included in italics.

*Excavation operations will continue to be well screened from surrounding properties by maintaining wooded areas, natural topography, mine faces, the remote location of the mine, and the construction of perimeter berms, these screening methods effectively control dust generated at the site.*

*Only that area needed for one season's operation will be stripped. Reducing the amount of stripped area reduces the potential for dust generation and maintains vegetated buffers for as long as practicable.*

*The site is located in a relatively narrow valley bounded on both sides by moderately to steep-sided wooded valley walls. The excavation areas will continue to be on the west side of the valley and there are very few homes or potential receptors in the vicinity. Almost all mining-activity occurs on the mine floor, thereby maximizing the screening effect of the mine faces.*

*Existing wooded buffers will be left along the mine perimeter. The thickness of these buffers will vary throughout the site, as shown on the Reclamation Plan Map.*

*Below water excavation activities will generate very little dust as the material will be excavated wet.*

*The major sources of dust will be vehicle traffic on the unpaved entrance road and the unpaved haul roads and processing plant. The adjacent portion of McIntosh Road will be swept as often as needed to control dust. Spillage on McIntosh Road will be cleaned up immediately. Dust from the unpaved haul roads will be controlled by watering as often as needed to control dust. Water will be applied by a water truck, equipped with spray bars or equivalent. Vehicle speeds on haul roads will be limited.*

*The processing plant/crusher is located in the currently permitted Life of Mine Area, remotely located from potential receptors. The processing plant is equipped with spray bars or equivalent at key transfer points to control dust. Above water table reserves are typically processed through the wash plant, reducing the potential for dust generation. The below water sand and gravel will be naturally wet to damp when processed, further reducing the potential for dust generation.*

*The above water table area no longer needed for the safe and orderly operation of the mine will be revegetated and reclaimed, thereby reducing the potential for dust generation. Areas worked below water will have no potential to generate dust. The proposed mining method of working the above and below water table faces together reduces the potential for dust generation by reducing the area worked at one time and accelerating the establishment of the dredge pond.*

### 2.4.2 Noise

*Noise-producing equipment on-site will include:*

- *A bulldozer (very intermittent usage) on top of mine faces during stripping activities-stripping is typically done during winter months*
- *Rubber-tire front-end loader or excavator for excavation of the above water faces and to feed the wash plant*
- *Off-road trucks hauling sand and gravel from the above water table faces to the processing plant*
- *An excavator for the excavation of the below water material*
- *A portable crushing and screening processing plant and wash plant*
- *Rubber tired front-end loader working and loading trucks in the stockpile area around the processing plant*
- *On-road trucks traveling to and from McIntosh Road via the entrance road*

*Excavation operations will continue to be well screened from surrounding properties by maintaining wooded areas, the natural topography, mine faces, the remote location of the mine, and the construction of perimeter berms. The screening reduces the sound levels of the mine at potential off-site receptors.*

*Only that area needed for one season's operation will be stripped. Reducing the amount of stripped area maintains vegetated buffers for as long as practicable. These wooded buffers serve to reduce the sound levels of the mine at potential off-site receptors. Stripping is typically done for a few weeks per year during the winter when people are less likely to be outdoors. No one potential receptor would be significantly impacted by stripping operations for more than a few days over the life of the operation.*

*The site is located in a relatively narrow valley bounded on both sides by moderately to steep-sided wooded valley walls. The excavation areas will continue to be along the western portion of the valley and there are*

*few homes or potential receptors in the vicinity. Almost all mining-activity occurs on the valley slopes, thereby maximizing the screening effect of the mine faces and further attenuating potential mine noise.*

*Wooded buffers will be left along the mine perimeter. The thickness of these buffers will vary throughout the site, as shown on the Reclamation Plan Map. The wooded buffers will be augmented by the construction of perimeter berms, as shown on the Mining Plan Map.*

*All equipment will have sound control devices such as mufflers and will be maintained in good working order to reduce potential noise at the source. All mining equipment and trucks at the site are currently equipped with MSHA approved adjustable backup alarms.*

*The processing and wash plants will remain in the currently permitted Life of Mine Area, remotely located from potential receptors. The remote location and short haul distance between the faces and plant will reduce equipment activity and reduce sound levels at the source.*

*The potential noise impacts of the mine were assessed in the Noise Impact Assessment* completed by Griggs dated April 2013. *The study indicates that the mine, as proposed, will have no potential to significantly impact sound levels at any off-site receptors.* The increase in proposed expansion area will not result in operations that are any closer to potential off-site receptors when compared to prior submittals and the results of the April 2013 assessment are still valid. To be conservative, a limited scope assessment was completed to ensure that the additional expansion area will not have the potential to generate noise impacts to residential receptors located on Kortright Road. While this additional assessment includes a brief background discussion, the April 2013 assessment should be referred to for additional detail on the principals of noise and assessment of potential noise impacts.

Two residential properties located to the South of Kortright Road, tax parcels 1-1-43.9 ("Cole Residence") and 1-1-43.10 ("Stasicki Residence"), were assessed for potential noise impacts. Sound pressure levels (SPL) for noise sources (mobile equipment and the processing plant area) were taken from the April 2013 report and are reflective of a field effort to collect sound data conducted by Griggs. The following table summarizes the SPL that were used to assess potential impacts to the Cole and Stasicki residences.

| **Sound Levels of Equipment** | |
|---|---|
| Equipment | SPL (dBA)* |
| Loader and Haul Truck | 80.4 |
| Excavator | 76.0 |
| Processing Plant Area | 84.4 |

*As measured from a 50' reference distance

As described in the April 2013 report, noise is energetic and the addition of two noise sources is not accomplished through standard arithmetic addition. Rather, logarithmic, or "energetic", addition is relied upon. To provide an assessment of a "worst-case" scenario, the noise contribution of the Loader, Haul Truck, and Excavator were collocated as close as possible within the proposed expansion area to the Cole

and Stasicki residences. Through logarithmic addition, a single SPL of 81.8 dBA was assigned for the collocated equipment. This SPL is more conservative than the value calculated (81.4 dBA) through the simplified methodology described in NYSDEC Policy *Assessing and Mitigating Noise Impacts*.

As described in the April 2013 Report, the reduction in noise intensity as it travels from a source to a receiver can be mathematically described through application of the Inverse Square Law, resulting in what is known as distance attenuation. The scenarios that were used to determine distance-based attenuation are presented on Figure 2 *Noise Impact Assessment Addendum Map*. The following table presents the distances from source to receiver.

| **Noise Projection Distances** | | |
|---|---|---|
| Receptor | Source | Distance (ft) |
| Cole | Haul Truck, Loader, and Excavator | 768 |
| Cole | Processing Plant Area | 2,028 |
| Stasicki | Haul Truck, Loader, and Excavator | 841 |
| Stasicki | Processing Plant Area | 2,114 |

Intervening topography decreases SPL through an effect known as barrier attenuation. Per US Department of Transportation Federal Highway Administration guidance, noise barriers which break line-of-sight between sound sources and receptors can reduce projected sound levels by 5 dBA, plus 1.5 dBA for every meter of height above line-of-sight blockage. Figure 3 *Intervening Topography Cross Sections* depicts how the height of intervening topography for each scenario was determined. Both noise sources and receivers were modeled at 5 feet above existing grade. The following table presents the barrier height that was used to calculate barrier attenuation.

| **Noise Projection Barrier height** | | |
|---|---|---|
| Receptor | Source | Height (m) |
| Cole | Haul Truck, Loader, and Excavator | 2.3 |
| Cole | Processing Plant Area | 4.8 |
| Stasicki | Haul Truck, Loader, and Excavator | 2.0 |
| Stasicki | Processing Plant Area | 9.4 |

The following table presents the resultant SPL from source contribution at the Cole and Stasicki residences. Per NYSDEC policy, intervening vegetation can reduce sound levels by as much as 3 to 7 dB(A) per 100 feet of depth. Several hundred feet of dense vegetation exists between the project-associated sound sources and the potential receptors at Kortright Road. To be conservative, only a 3 dBA reduction due to intervening vegetation has been accounted for as part of this analysis.

| **Cole Residence – Source Contribution** | | | | | | |
|---|---|---|---|---|---|---|
| | **A** | **B** | **(A-B)** | **C** | **D** | **(A-B-C-D)** |

| **Noise Source** | Noise Source (dBA) | Distance Attenuation (dBA) | Resultant SPL Distance Attenuation Only (dBA) | Barrier Attenuation (dBA) | Vegetation Attenuation (dBA) | Resultant SPL Distance and Barrier Attenuation(dBA) |
|---|---|---|---|---|---|---|
| Haul Truck, Loader, and Excavator | 81.8 | 23.7 | 58.1 | 8.45 | 3.0 | **46.7** |
| Processing Plant | 84.4 | 32.2 | 52.2 | 12.2 | 3.0 | **37** |
| | | | | | Combined SPL | 47.1 |

| **Stasicki Residence - Source Contribution** | | | | | | |
|---|---|---|---|---|---|---|
| **Noise Source** | **A** | **B** | **(A-B)** | C | **C** | **(A-B-C)** |
| | Noise Source (dBA) | Distance Attenuation (dBA) | Resultant SPL Distance Attenuation Only (dBA) | Barrier Attenuation (dBA) | Vegetation Attenuation (dBA) | Resultant SPL Distance and Barrier Attenuation(dBA) |
| Haul Truck, Loader, and Excavator | 81.8 | 24.6 | 57.2 | 8 | 3.0 | **46.2** |
| Processing Plant | 84.4 | 32.5 | 51.9 | 19.1 | 3.0 | **29.5** |
| | | | | | Combined SPL | 46.3 |

To quantify potential impacts, an existing or "ambient" noise level must be determined. To provide a conservative assessment, JMT used 49.1 dBA, the lowest ambient collected during the April 2013 report field effort. As noise is additive, the resultant source contribution summarized above must be logarithmically added to ambient noise levels. The following table summarizes the addition of source contribution to the ambient noise environment and the resultant increase above ambient.

| **Cole Residence** | | | |
|---|---|---|---|
| Ambient (dBA) | Source Contribution (dBA) | Combined Ambient and Source Contribution (dBA) | Increase over Ambient (dBA) |
| 49.1 | 47.1 | 51.2 | 2.1 |

| **Stasicki Residence** | | | |
|---|---|---|---|
| Ambient (dBA) | Source Contribution (dBA) | Combined Ambient and Source Contribution (dBA) | Increase over Ambient (dBA) |

| | | | |
|---|---|---|---|
| 49.1 | 46.3 | 50.9 | 1.8 |

According to NYSDEC Policy for Assessing and Mitigating Noise Impact, an increase over ambient of 5 dBA or less are "unnoticeable to tolerable". The analysis provided above demonstrates that increase over ambient, if any, will be within this threshold. As previously stated in this report, only a 3 dBA reduction due to vegetative attenuation was accounted for, despite several hundred feet of intervening vegetation,and the results are extremely conservative in nature. Furthermore, as material is excavated the resultant mine face will provide additional barrier attenuation, further reducing the potential for noise impacts. Based on the above provided analysis, the results of the April 2013 report are still valid, and no noise impacts are associated with the proposed LOM expansion.

*The following best management practices were recommended by the Noise Impact Assessment and are incorporated into this report.*

- *All machinery will be equipped and maintained with mufflers in good working order.*
- *Whenever practicable, stockpiles will be located between operating equipment and nearby off-site receptors.*
- *Vegetated barriers will be maintained as long as possible.*
- *Topsoil will be stripped and stored in perimeter berms, as shown on the Mining Plan Map and kept as long as practicable where needed to provide screening*
- *Directional mining (that best utilizes the screening effect of existing topographic barriers) will be used.*
- *Perimeter barriers should remain in place until the last parts of mining and reclamation to provide the maximum screening practicable for the longest period possible.*
- *Flow through traffic patterns will be used whenever possible to reduce backing up of equipment*
- *Truck drivers will be instructed to not use their jake brakes except m emergency conditions*
- *Truck drivers will be instructed to not slam their tail gates*
- *Vehicle speeds on haul roads and the entrance road will be limited*

### 2.4.3 Visual

*A Visual Impact Assessment was prepared m accordance with the NYSDEC Visual Policy to determine the potential visual impacts of the project. The Visual Study is summarized below.*

*Excavation operations will continue to be well screened from surrounding properties by maintaining wooded areas, the natural topography, mine faces, the remote location of the mine, the construction of perimeter berms, the use of directional mining and the proposed mining method. The screening reduces or*

*eliminates the visibility of the mine at potential off-site receptors. The relationship of the mine area and the nearby residences is illustrated* on the Final Grade Profiles (Sheet 3of 3).

*Only that area needed for one season's operation will be stripped. Reducing the amount of stripped area maintains vegetated buffers for as long as practicable and reduces the amount of area that is unvegetated at any one time.*

*The site is located in a relatively narrow valley bounded on both sides by moderately to steep-sided wooded valley walls. The excavation areas will continue to be on the west side the valley slope, and there are few homes or potential receptors in the vicinity. Almost all mining-activity occurs on the mine floor or on the valley slope, thereby maximizing the screening effect of the mine faces and further attenuating potential mine visual impacts to local potential receptors.*

*Wooded buffers will be left along the mine perimeter. The thickness of these buffers will vary throughout the site, as shown on the Reclamation Plan Map. The wooded buffers will be augmented by the construction of vegetated perimeter berms, as shown on the Mining Plan Map.*

*Directional mining, as proposed, allows for maintenance of large buffer zones for as long as practicable and takes advantage of the screening effect of the natural and future mine topography.*

*The processing plant will remain in the currently permitted Life of Mine Area, remotely located from potential receptors. The remote location and short haul distance between the faces and plant will reduce equipment activity and reduce the potential for visual impacts.*

*The assessment found that due to the rural nature of the site, the thickness of vegetation surrounding the property, and the local topography, the operation will not be highly visible and will not have a significant visual impact.*

### 2.4.4 Groundwater

*Care will be taken so that potential contaminants are not spilled or disposed of in a manner that would reduce the quality of the groundwater. The main potential sources of contamination are:*

- *Accidental leakage from storage tanks*
- *Accidental leakage during fuel delivery*
- *Accidental leakage from operating or parked equipment*
- *Vandalism*

*The applicant proposes the following measures to ensure that surface water and groundwater quality is maintained.*

- *No hazardous wastes or toxic chemicals will be stored or disposed of at the site*
- *Fueling will be done by delivery systems equipped with automatic shut-off valves*

- *Fueling operations will be done with caution and attended at all times*
- *The fuel delivery lines will be inspected each day the equipment is in operation and repairs made as needed to prevent leaks*
- *Maintenance and repair will be done to ensure equipment is kept in good working order*
- *Major equipment maintenance will not be done on-site*
- *Maintenance and fueling of mobile equipment will not occur within 50 feet of the dredge pond or within the New York State regulated freshwater wetland 100-foot adjacent area.*
- *The gate controlling access to the mine will be locked when the site is not operating*
- *Spill clean-up and containment kits will be maintained on-site*

*In the unlikely event of a spill, the NYSDEC Spill Hotline will be contacted immediately and clean up done in accordance with their recommendations. The NYSDEC Spill Hotline phone number is 1-(800)-457-7362.*

### 2.4.5 Surface Water

*The contours on the Mining Plan Map illustrate the general directions of existing surface water drainage at the site. Overall, runoff generally flows east or south toward the perimeter wetlands.* The stormwater management system at the facility will capture and direct stormwater runoff from the anticipated impervious surfaces, including the internal roads, any on-site structures, and the mine itself into a stormwater management area for treatment. Stormwater that comes in contact with industrial activity in the active mine area is presently captured and conveyed to the facility dredge pond. The wash plant also utilizes the dredge pond as part of its water recycling system, and draws water from the North Bay of the pond and discharges process water into the small Return Bay at the northwest corner of the pond.

Stormwater falling on the expansion area will be captured and conveyed by drainage ditches and a storm water basin to the expanded dredge pond (See Sheet 2). Stormwater within will be treated by the flocculant control system, which will reduce suspended sediment within the dredge pond, and improve water recycling. Treated overflow from the dredge pond will be discharged through Outfall 002 once it receives its Individual SPDES permit. *Drainage within the existing excavation will continue to be internal. Stormwater will either flow into the pond area or percolate into the mine floor and recharge the local aquifer or be returned to the atmosphere by evapotranspiration. Runoff along the boundaries of the life of mine will be kept internal by either an unexcavated ridge of material left in place, as shown on the Reclamation Plan Map and* Final Grade Profiles*, or an interceptor ditch on the uphill side of the mine to re-route run-in water away from the site.*

*No uncontrolled off-site drainage will occur, eliminating the potential for off-site erosion and sedimentation from the mine. A line of silt fences and/or hay bales, as needed, will be placed around the perimeter of the mine as mining activities move into each area of the site to filter sediment from runoff.*

*The area used to dewater dredged material will be internally draining. Sediment will be filtered out by the underlying sand and gravel and will not migrate beyond the mine site.*

*Perimeter topsoil storage berms will be graded and seeded during the first growing season after their construction to prevent erosion.*

Currently, the facility has coverage under the SPDES MSGP (Permit No. NYR00G576) for discharge of spring water and unaffected area runoff diversion (Outfall 001) and is seeking coverage under an Individual SPDES Permit for discharge from the stormwater pond (Outfall 002) and for Outfall 001. Once coverage under the Individual SPDES Permit is obtained, termination of the SPDES MSGP will be made.

# 3.0 RECLAMATION PLAN

## 3.1 LAND-USE OBJECTIVE

*The mine will be reclaimed as a mixture of water, bedrock outcrops and open grassland suitable for a wide range of potential future land-uses.*

*A total of* 33.5 *acres will be affected by mining and then reclaimed over the life of the mine.*

## 3.2 RECLAMATION METHOD

### 3.2.1 Final Grading and Revegetation

Riato *has a history of successful reclamation at the site. The current Life of Mine Area, according to the NYSDEC Mined Land Reclamation Database, is 18 acres, with 8 acres, or 44%, currently approved as reclaimed. Riato intends to continue this practice of concurrent reclamation as practicable.*

*The above water reserves will be worked to the limits shown on the Reclamation Plan Map. The location and depth of the sand and gravel deposit and steep sided bedrock outcrops within the deposit results in a somewhat variable final topography.*

*All final above water side slopes will be graded to no steeper than one vertical on two horizontal. Slopes will be roughened by the bulldozer tracks during grading to reduce runoff velocity, hold seed and mulch in place and trap moisture.*

*Below water slopes will be graded to no steeper than one vertical on two horizontal. Shoaling areas comprising approximately 10 percent of the perimeter of the final pond will be created by grading and backfilling with pond fines and other non-salable sand and gravel. The shoaling areas will be graded to one vertical on three horizontal to a depth of six feet below water and will provide diversified shoreline habitat and breeding grounds.*

*Portions of the final above water floor compacted by heavy equipment will be scarified to facilitate root penetration prior to placement of topsoil for reclamation. The final above water floor and perimeter slopes will be covered with six inches of on-site topsoil capable of supporting and sustaining vegetation and planted to grasses and legumes, as described below.*

*The following recommendations were developed in accordance with the New York State Revegetation Procedures Manual: Surface Mining Reclamation, May 2005.*

*A fertility test will be done on the topsoil used for revegetation and results sent to the DEC prior to it being used for reclamation. Lime and fertilizer will be applied according to the results of the soil fertility test and to achieve a pH of 5 .5 or higher. Part of the lime will be applied at seeding and the other part after the seeds start to germinate.*

*Grass and legume seed for revegetation of the pit floor will consist of commercial grades of:*

| | |
|---|---|
| *Orchard grass* | *@ 10 lbs/acre* |
| *Tall Fescue* | *@ 20 lbs/acre* |
| *Redtop* | *@4 lbs/acre* |
| *Birdsfoot Trefoil* | *@ 10 lbs/acre* |

*Riato may choose to substitute an equivalent seeding mixture and application rate recommended by the local U.S. Department of Agriculture Soil and Conservation Service or if conditions at the time of reclamation warrant.*

*All legumes will be inoculated. Straw/hay mulch will be applied at two tons/acre (one ton/acre if hydroseeded) to achieve 75 to 90 percent ground cover.*

*To improve the chance of successful establishment of the vegetation, seeding should be done between early spring and late summer.*

A previous revision of this MLUP stated that *"Perimeter areas within the current Life of Mine that have been affected prior to 1975 and determined by recent survey to be within the 100-foot wetlands buffer will be reclaimed in an effort by the applicant to promote concurrent reclamation".* In accordance with recent NYSDEC correspondence, Riato is not currently proposing and will not initiate said reclamation work, until a freshwater wetland is obtained, or NYSDEC otherwise issues a confirmation in writing that a permit is not required.

### 3.2.2 Haulageways

All haul roads not providing access to the reclaimed site will be revegetated along with the remainder of the life of mine area. The current access road will provide access to the reclaimed mine. The gates shown on the Reclamation Plan Map will control access to the reclaimed site.

### 3.2.3 Disposal of Stockpiles and Removal of Equipment

All stockpiles and mining equipment will be removed from the life of mine area prior to the completion of final site reclamation.

### 3.2.4 Drainage

*All reasonable efforts will be made to minimize the disturbance of the prevailing hydrologic balance around the site. The final mine floor will direct water internally into the dredge pond where it will enter the groundwater system.*

## 3.3 RECLAMATION SCHEDULE

*Reclamation concurrent with mining will occur on those portions of the mine that have reached final grade and are not needed for the safe and orderly ongoing mining operations.*

*All disturbed areas and areas to be mined during the permit term will be covered by a reclamation bond as required by NYS Mined Land Reclamation Law. This bond will not be released until the NYSDEC Mined Land Specialist is satisfied that the reclaimed areas have met the requirements.*

*Final reclamation will begin immediately upon completion of mining activities at the site. All reclamation will be completed within two years of completion of mining activities.*

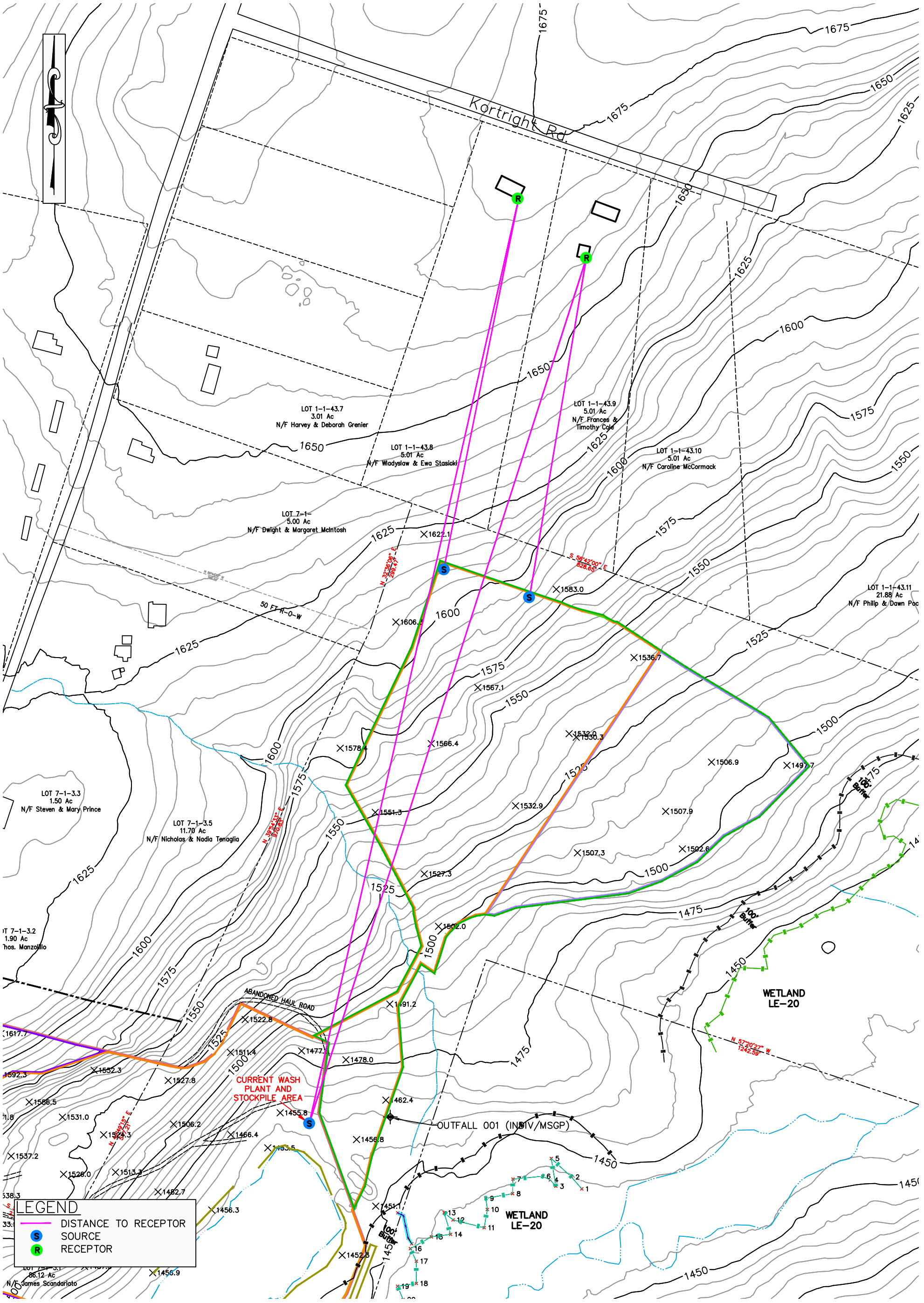
# FIGURES


19 British American Blvd. W, Latham NY 12110
P: 518-782-0882| F: 518-782-0973| jmt.com

SITE LOCATION MAP
*Riato Stone, LLC*
Riato Stone, LLC

TOWN OF FALLSBURG — SULLIVAN Co., N.Y.

| PROJ No.: 20-03617-001 | Date: 11/17/2021 | SCALE: 1" = 1,500 FT | FIGURE: 1 |
|---|---|---|---|




NOTES:
1) BASE MAPPING FROM MAP TITLED "MINE PLAN MAP" BY GRIGGS-LANG CONSULTING CONSULTING GEOLOGISTS, INC., DATED 9/27/12 AND LAST REVISED 5/19/14
2) ALL BOUNDARIES APPROXIMATE WHERE SHOWN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NOISE IMPACT ASSESSMENT ADDENDUM MAP

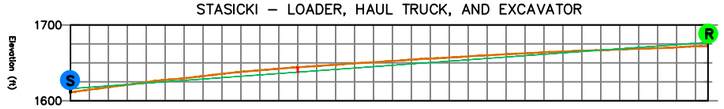
# RIATO STONE, LLC

RIATO STONE, LLC

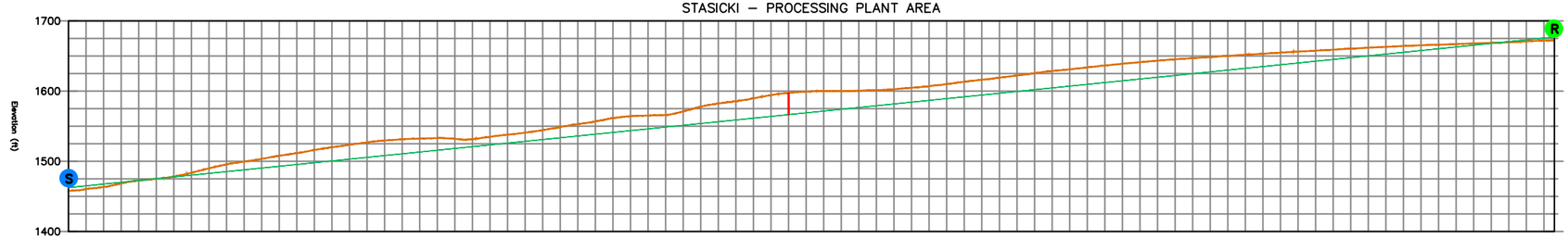
TOWN OF FALLSBURG SULLIVAN CO., NY

| PROJ. No.: 20-03617 | DATE: 7/13/2023 | SCALE: 1"=200' | DWG. 20036170011A | FIGURE 2 |
|---|---|---|---|---|

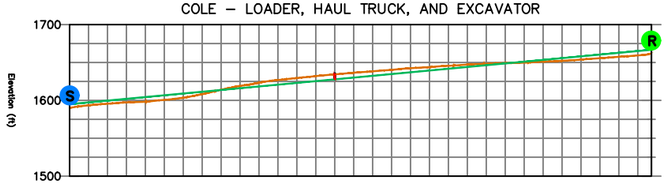
STASICKI – LOADER, HAUL TRUCK, AND EXCAVATOR




STASICKI – PROCESSING PLANT AREA



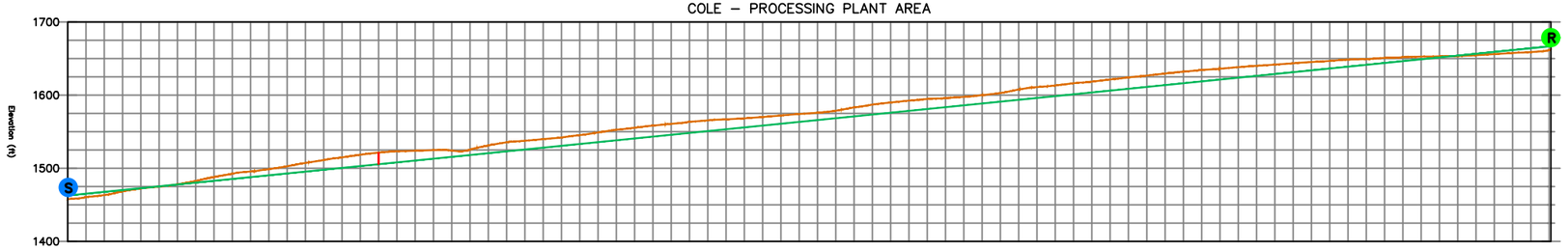

COLE – LOADER, HAUL TRUCK, AND EXCAVATOR




LEGEND

- EXISTING GROUND SURFACE
- LINE–OF–SIGHT
- TOPOGRAPHIC BARRIER HEIGHT
- S SOURCE
- R RECEPTOR

COLE – PROCESSING PLANT AREA

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INTERVENING TOPOGRAPHY CROSSECTIONS

**RIATO STONE, LLC**

RIATO STONE, LLC

TOWN OF FALLSBURG SULLIVAN CO., NY

| PROJ. No.: 20–03617 | DATE: 7/13/2023 | SCALE: 1"=200' | DWG. 20036170011A | FIGURE 3 |
|---|---|---|---|---|

# SHEETS

## ACREAGE SUMMARY

| | |
|---|---|
| TOTAL ACREAGE CONTROLLED | ± 92.6 ACRES |
| CURRENT LIFE-OF-MINE AFFECTED AREA | ± 18.2 ACRES |
| PROPOSED EXPANSION AREA | ± 13.4 ACRES |
| PROPOSED 2018-2023 PERMIT TERM AFFECTED AREA | ± 23.2 ACRES |
| FUTURE EXCAVATION AREA | ± 4.6 ACRES |
| RECLAIMED AREA (APPROVED BY NYSDEC) | ± 3.8 ACRES |
| PROPOSED LIFE-OF-MINE AFFECTED AREA | ± 31.6 ACRES |

Kortright Rd.

LOT 1-1-43.7
3.01 Ac
N/F Harvey & Deborah Grenier

LOT 1-1-43.8
5.01 Ac
N/F Wladyslaw & Ewa Stasicki

LOT 1-1-43.9
5.01 Ac
N/F Frances & Timothy Cole

LOT 1-1-43.10
5.01 Ac
N/F Caroline McCormack

LOT 1-1-43.11
21.88 Ac
N/F Philip & Dawn Pacchia

LOT 7-1-
5.00 Ac
N/F Dwight & Margaret McIntosh

LOT 1-1-43.3
26.00 Ac
N/F Dorian Curran

50 FT R-O-W

LOT 7-1-3.3
1.50 Ac
N/F Steven & Mary Prince

LOT 7-1-
Ac
N/F

LOT 7-1-2.2
11.10 Ac
N/F Alfred Leonelli

LOT 7-1-3.5
11.70 Ac
N/F Nicholas & Nadia Tenaglia

LOT 7-1-3.2
1.90 Ac
N/F Thos. Manzolillo

LOT 7-1-2.3
11.20 Ac
N/F Jno. Jr., Anne & Susan Scarpinito

LOT 7-1-3.4
6.50 Ac
N/F Liberty Land Associates LLC

LOT 7-1-2.4
11.40 Ac
N/F Jno. Jr., Anne & Susan Scarpinito

LOT 7-1-3.1
86.12 Ac
N/F James Scandariato

LOT 7-1-2.5
1.10 Ac
N/F Kieth & Lynne Priebe

LOT 7-1-2.7
1.15 Ac
N/F Donald & Emma Hamilton

LOT 7-1-3.6
2.12 Ac
N/F Richard Lee

LOT 7-1-3.13
1.75 Ac
N/F Giuseppe Carraccia

LOT 7-1-41.2
0.50 Ac
N/F Constantin & Mariana Preda

LOT 7-1-3.10
1.09 Ac
N/F Kristina Schafer

LOT 7-1-3.11
3.01 Ac
N/F Kenneth & Tracy Ross

LOT 7-1-3.9
2.15 Ac
N/F Richard & Rita Lee

Part of
LOT 7-1-3.1

LOT 7-1-3.7
1.00 Ac
N/F Liberty Land Assoc./ LLC

LOT 7-1-40
1.10 Ac
N/F Jeff & Michelle Bradley

LOT 7-1-5.7
0.16 Ac
N/F James & Anthony Scandariato

LOT 7-1-39.2
5.00 Ac
N/F Joanne & Dennis Freeman

LOT 7-1-5.2
1.00 Ac
N/F Kevin Patton

LOT 7-1-3.8
1.00 Ac
N/F Wm. & Deborah Lewis

LOT 7-1-5.1
43.65 Ac
N/F Gary Hill

LOT 7-1-9.38
103.75 Ac
N/F Abia Fallsburg LLC

RUN-ON DIVERSION DITCH 4

RUN-ON DIVERSION DITCH 3

RUN-ON DIVERSION DITCH 5

RUN-ON DIVERSION DITCH 1

Intermittent Drainage

ABANDONED HAUL ROAD

PERENNIAL SPRING

CURRENT WASH PLANT AND STOCKPILE AREA

DIRECTION OF MINING

PROPOSED STREAM CROSSING

PROPOSED STORM WATER BASIN

CONVEYANCE PIPE TO STORM WATER DITCH

EXPANSION AREA STORMWATER DITCH

OUTFALL 001 (INDIV/MSGP)

OUTFALL 002 (INDIV)

TOP OF BERM ELEVATION 1458'±

Pond Surface Elevation 1452'±

STOCKPILE AREA

EMERGENCY SPILLWAY

RECLAIMED AREA DITCH

APPROXIMATE OVERBURDEN/SOIL STORAGE AREA BERM

WETLAND LE-20

WETLAND LE-20

100' Buffer

100' Buffer

100' Buffer

Airport Rd

Burnt Ridge Rd.

McIntosh Rd

Bowers Rd.

Wade Rd.

## LEGEND

- PROPERTY LINE
- ADJACENT PARCEL LINE
- HAUL ROAD
- EDGE OF WETLAND
- 100' BUFFER
- MAJOR CONTOUR
- MINOR CONTOUR
- BERM
- SPOT ELEVATION ×1452.0

NOTES:
1) BASE MAPPING FROM MAP TITLED "MINE PLAN MAP" BY GRIGGS-LANG CONSULTING CONSULTING GEOLOGISTS, INC., DATED 9/27/12 AND LAST REVISED 5/19/14
2) EDGE OF WETLAND UPDATED AS DELINEATED BY NORTH COUNTRY ECOLOGICAL SERVICES 7/7/22
3) ALL BOUNDARIES APPROXIMATE WHERE SHOWN

| NO. | DATE | RECORD OF WORK | DRN | CKD |
|---|---|---|---|---|
| 1 | 5-18-22 | UPDATED PER NYSDEC COMMENTS DATED 1-6-22 & 1-26-22 | DTS | |
| 2 | 6-30-23 | UPDATED PER NYSDEC COMMENTS DATED 12-14-22 | ARP | |
| 3 | 3-27-24 | UPDATED PER NYSDEC COMMENTS DATED 3-08-24 | ARP | |

PROJECT

| | |
|---|---|
| PROJ. MGR: | EGD |
| PROJ. NO.: | 20-03617-001 |
| PREPARED BY: | DTS |
| DRAFTED BY: | DTS |
| CHECKED BY: | |
| APPROVED BY: | |
| DATUM: | NAD 83 NAVD88 |
| CONTOUR INTERVAL = | 5 & 25 FEET |

0 25 50 100 200
1"=100'

MINE PLAN MAP
*RIATO STONE, LLC*
RIATO STONE, LLC
TOWN OF FALLSBURG SULLIVAN CO., NY

19 British American Blvd.,Latham, New York 12110
P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

DATE: 11/8/2021 | SCALE: 1"=100' | DWG. NO2003617003C | SHEET 1 OF 3

## ACREAGE SUMMARY

| | |
|---|---|
| TOTAL ACREAGE CONTROLLED | ± 92.6 ACRES |
| CURRENT LIFE-OF-MINE AFFECTED AREA | ± 18.2 ACRES |
| PROPOSED EXPANSION AREA | ± 13.4 ACRES |
| PROPOSED LIFE-OF-MINE AFFECTED AREA | ± 31.6 ACRES |

Kortright Rd

LOT 1-1-43.7
3.01 Ac
N/F Harvey & Deborah Grenier

LOT 1-1-43.8
5.01 Ac
N/F Wladyslaw & Ewa Stasicki

LOT 1-1-43.9
5.01 Ac
N/F Frances & Timothy Cole

LOT 1-1-43.10
5.01 Ac
N/F Caroline McCormack

LOT 7-1-
5.00 Ac
N/F Dwight & Margaret McIntosh

LOT 1-1-43.3
26.00 Ac
N/F Dorian Curran

LOT 1-1-43.11
21.88 Ac
N/F Philip & Dawn Pocchia

LOT 7-1-3.3
1.50 Ac
N/F Steven & Mary Prince

LOT 7-1-
Ac
N/F

LOT 7-1-2.2
11.10 Ac
N/F Alfred Leonelli

LOT 7-1-3.5
11.70 Ac
N/F Nicholas & Nadia Tenaglia

LOT 7-1-3.2
1.90 Ac
N/F Thos. Manzolillo

LOT 7-1-2.3
11.20 Ac
N/F Jno. Jr., Anne & Susan Scarpinito

LOT 7-1-3.4
6.50 Ac
N/F Liberty Land Associates LLC

ABANDONED HAUL ROAD

Intermittent Drainage

PROPOSED STORM WATER BASIN

Pond Surface Elevation 1452'±

100' Buffer

WETLAND LE-20

LOT 7-1-2.4
11.40 Ac
N/F Jno. Jr., Anne & Susan Scarpinito

LOT 7-1-3.1
86.12 Ac
N/F James Scandariato

LOT 7-1-2.5
1.10 Ac
N/F Kieth & Lynne Priebe

LOT 7-1-3.6
2.12 Ac
N/F Richard Lee

LOT 7-1-3.13
1.75 Ac
N/F Giuseppe Carraccia

LOT 7-1-5.1
43.65 Ac
N/F Gary Hill

LOT 7-1-3.8
1.00 Ac
N/F Wm. & Deborah Lewis

LOT 7-1-5.2
1.00 Ac
N/F Kevin Patton

LOT 7-1-3.10
1.09 Ac
N/F Kristina Schaefer

LOT 7-1-3.11
3.01 Ac
N/F Kenneth & Tracy Ross

LOT 7-1-3.9
2.15 Ac
N/F Richard & Rita Lee

Part of LOT 7-1-3.1

LOT 7-1-3.7
1.00 Ac
N/F Liberty Land Assoc./ LLC

LOT 7-1-40
1.10 Ac
N/F Jeff & Michelle Bradley

LOT 7-1-5.7
0.16 Ac
N/F James & Anthony Scandariato

LOT 7-1-39.2
5.00 Ac
N/F Joanne & Dennis Freeman

LOT 7-1-9.38
103.75 Ac
N/F Abia Fallsburg LLC

A
A'
B
B'
C
C'

## LEGEND

- PROPERTY LINE
- ADJACENT PARCEL LINE
- HAUL ROAD
- EDGE OF WETLAND
- EDGE OF WETLAND (UPDATED)
- 100' BUFFER
- MAJOR CONTOUR
- MINOR CONTOUR

NOTES:
1) BASE MAPPING FROM MAP TITLED "RECLAMATION PLAN MAP" BY GRIGGS-LANG CONSULTING CONSULTING GEOLOGISTS, INC., DATED 9/27/12 AND LAST REVISED 5/19/14
2) EDGE OF WETLAND UPDATED AS DELINEATED BY NORTH COUNTRY ECOLOGICAL SERVICES 7/7/22
3) ALL BOUNDARIES APPROXIMATE WHERE SHOWN

| NO. | DATE | RECORD OF WORK | DRN | CKD |
|---|---|---|---|---|
| 1 | 5-18-22 | UPDATED PER NYSDEC COMMENTS DATED 1-6-22 & 1-26-22 | DTS | |
| 2 | 6-30-23 | UPDATED PER NYSDEC COMMENTS DATED 12-14-22 | ARP | |
| 3 | 3-27-24 | UPDATED PER NYSDEC COMMENTS DATED 3-08-24 | ARP | |

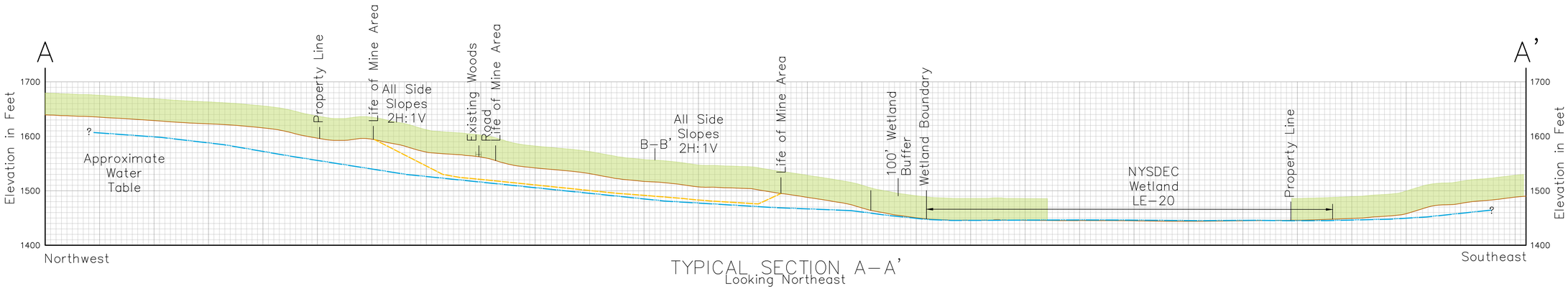
| PROJECT | |
|---|---|
| PROJ. MGR: | EGD |
| PROJ. NO.: | 20-03617-001 |
| PREPARED BY: | DTS |
| DRAFTED BY: | DTS |
| CHECKED BY: | |
| APPROVED BY: | |
| DATUM: | NAD83 NAVD88 |
| CONTOUR INTERVAL = | 5 & 25 FEET |

0 25 50 100 200
1"=100'

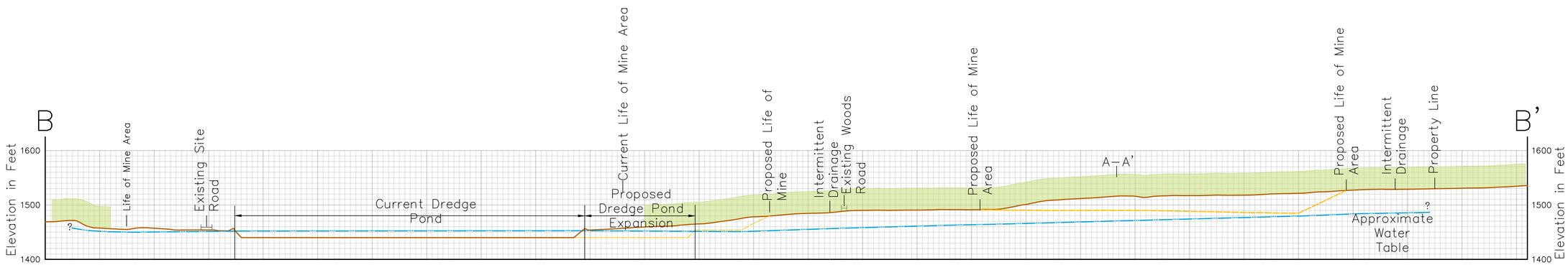
RECLAMATION PLAN MAP
*RIATO STONE, LLC.*
RIATO STONE, LLC.
TOWN OF FALLSBURG SULLIVAN CO., NY

19 British American Blvd.,Latham, New York 12110
P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

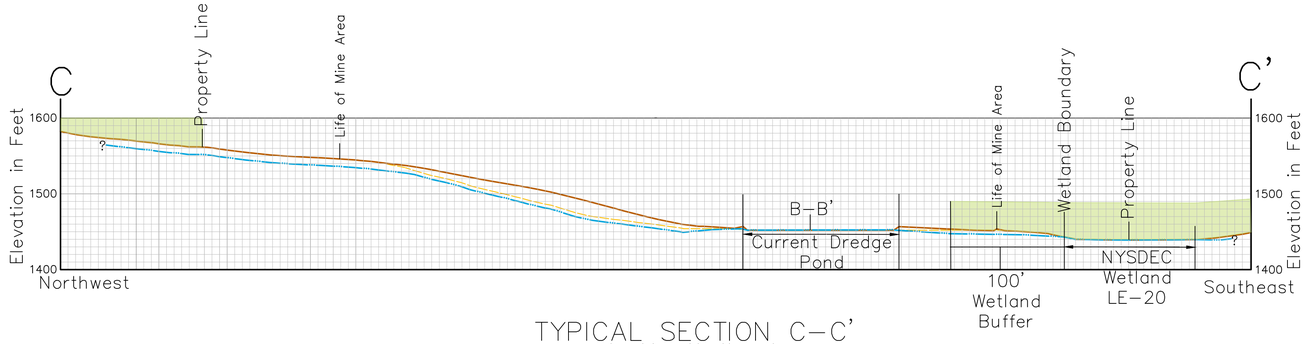
DATE: 11/8/2021 | SCALE: 1"=100' | DWG. NO20036170O4C | SHEET 2 OF 3




TYPICAL SECTION A–A'
Looking Northeast




TYPICAL SECTION B–B'
Looking Northwest




TYPICAL SECTION C–C'
Looking Northeast

## LEGEND

- EXISTING TOPOGRAPHY
- PROPOSED FINAL GRADES
- APPROXIMATE WATER TABLE
- DENSE VEGETATION

NOTES:
1) BASE MAPPING FROM MAP TITLED "RECLAMATION PLAN MAP" BY GRIGGS–LANG CONSULTING CONSULTING GEOLOGISTS, INC., DATED 9/27/12 AND LAST REVISED 5/19/14
2) ALL BOUNDARIES APPROXIMATE WHERE SHOWN

| NO. | DATE | RECORD OF WORK | DRN | CKD |
|---|---|---|---|---|
| 1 | 5-18-22 | UPDATED PER NYSDEC COMMENTS DATED 1-6-22 & 1-26-22 | DTS | |
| 2 | 6-30-23 | ADDED SECTION C-C' PER NYSDEC COMMENTS DATED 12-14-22 | ARP | |

| PROJECT | |
|---|---|
| PROJ. MGR: | EGD |
| PROJ. NO.: | 20-03617-001 |
| PREPARED BY: | DTS |
| DRAFTED BY: | DTS |
| CHECKED BY: | |
| APPROVED BY: | |
| DATUM: | MSL |
| CONTOUR INTERVAL = | 5 & 25 FEET |

0 25 50 100 200
1"=100'

FINAL GRADE PROFILES
*RIATO STONE, LLC*
RIATO STONE, LLC
TOWN OF FALLSBURG SULLIVAN CO., NY

19 British American Blvd..Latham, New York 12110
P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

DATE: 11/8/2021 | SCALE: 1"=100' | DWG. NO20036170O4C | SHEET 3 OF 3

# APPENDIX A

## MINED LAND RECLAMATION PERMIT APPLICATION ORGANIZATIONAL REPORT FORM

## Division of Mineral Resources
# MINING PERMIT APPLICATION

NEW YORK STATE OF OPPORTUNITY. | Department of Environmental Conservation

| | |
|---|---|
| 1. a. MINE FILE NUMBER: 30217 | 1. b. DEC ID NUMBER: 3-4828-00061/00005 |
| 2. NAME OF APPLICANT: Riato Stone LLC. | |
| 3. TELEPHONE NUMBER: 631-495-3442 | |
| 4. PERMANENT ADDRESS: NUMBER & STREET NAME: PO BOX 442 | |
| CITY: Ferndale / STATE: NY / ZIP CODE: 12734 | |
| 5. CONTACT PERSON: JAMES SCANDARIATO | 6. a. TELEPHONE NUMBER: (516) 398-5886 |
| 6. b. EMAIL ADDRESS: JRIATO1@GMAIL.COM | |
| 8. TAXPAYER ID (If other than individual, provide Federal Taxpayer ID Number): 58-65154 | |
| 10. a. PRESENT PERMIT TERM: Expiration Date 3 / 15 / 2023 | 10. b. COMING PERMIT TERM: ☑ 5 years ☐ Other ____ years |
| 12. LOCAL ORDINANCES: a. Is mining prohibited at this location? ☐ Yes ☑ No | |
| 13. a. ARE ANY OTHER STATE MINING PERMITS CURRENTLY HELD BY THE APPLICANT? ☐ Yes ☑ No | |

7. MINED LAND PROJECT

| | Yes | No |
|---|---|---|
| a. Will the total acreage affected by mining for the entire mining site be equal to or greater than 5 acres? | ☑ | ☐ |
| b. Will the vertical depth from the top of the mine face to the floor exceed 20 feet? | ☑ | ☐ |
| c. Will there be on-site processing of mining products (eg. crushing, screening, washing) that requires an air permit? | ☐ | ☑ |
| d. Will mining occur within 100 feet of a surface water body (eg. stream, lake) or wetland area? | ☐ | ☑ |
| e. Will any consolidated materials be mined (eg. limestone, trap rock, sandstone)? | ☐ | ☑ |
| f. Will mining occur within 500 feet of any dwelling? | ☑ | ☐ |
| g. Will mining ever occur below the water table? | ☐ | ☑ |

9. APPLICATION TYPE: ☐ New ☐ Renewal ☑ Modification ☐ Transfer

11. NAME OF MINERAL/MATERIAL TO BE MINED: Sand and Gravel

12. b. Does the local government require any type of permit for mining at this location? ☐ Yes ☑ No

13. b. If YES, give Mine File Number(s)

14. Has any owner, partner, corporate officer or corporate director of your organization ever held any of these positions in another organization that has had a New York State mining permit **SUSPENDED OR REVOKED** or has had a New York State mined land reclamation bond **FORFEITED?**
☐ Yes ☑ No If YES, identify the person(s)

15. ACREAGE SUMMARY (To be filled in by applicant)

| | | FOR OFFICIAL DEC USE ONLY |
|---|---|---|
| a. Total acreage controlled by owner at this location | 92.6 acres | ____ acres |
| b. Total acreage permitted by DEC prior to this application | 18.2 acres | ____ acres |
| c. Total acreage affected since April 1, 1975 | 18.2 acres | ____ acres |
| d. Total acreage approved by DEC as reclaimed since April 1, 1975 | 5.5 acres | ____ acres |
| e. Current affected acreage (c minus d) | 12.7 acres | ____ acres |
| f. Acreage included in this application, but not previously approved | 13.4 acres | ____ acres |
| g. New acreage to be affected during the coming permit term | 10.5 acres | ____ acres |
| h. Number of acres to be reclaimed during coming permit term | 0.0 acres | ____ acres |

16. NAME OF MINING OPERATION: Riato Stone LLC

17. MINE LOCATION
Road: MCINTOSH ROAD
Nearest Road Intersection: MCINTOSH ROAD & HYSANA ROAD
Town: FALLSBURG
County: SULLIVAN

18. MAP LOCATION
a. Quadrangle Name: LIBERTY, NY
b. ☐ 15 minute ☑ 7 ½ minute
FOR OFFICIAL DEC USE ONLY
LATITUDE: ____ LONGITUDE: ____ NAD 83

19. NAME AND ADDRESS OF SURFACE LANDOWNER(S)
Liberty Land Associates LLC.
PO Box 442
Ferndale, NY 12734

20. NAME AND ADDRESS OF MINERAL OWNER(S)
Liberty Land Associates LLC.
PO Box 442
Ferndale, NY 12734

21. The surface landowner(s) and the mineral owner(s) of the property that is to be mined by the above applicant have read the Mined Land Use Plan, which sets forth the applicant's mining and reclamation plan for the property to be mined, and hereby irrevocably consent and agree to the performance of the Mined Land Use Plan by the applicant, his surety or insurer, or the NYS Department of Environmental Conservation. The surface landowner(s) and mineral owner(s) further agree to allow access to the property to Department personnel for the purpose of conducting inspections or investigations in the regular course of their duties.

| SIGNATURE(S) OF SURFACE LANDOWNER(S) | DATE | SIGNATURE(S) OF MINERAL OWNER(S) | DATE |
|---|---|---|---|
| | 8/2/23 | | 8/2/23 |

22. I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

| NAME, TITLE AND SIGNATURE OF APPLICANT OR AUTHORIZED REPRESENTATIVE | DATE |
|---|---|
| Gina Scandariato | 8/2/23 |

DIVISION OF MINERAL RESOURCES
625 BROADWAY - 3RD FLOOR, ALBANY, NEW YORK 12233-6500

OFFICE FILE NUMBER

NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation

# ORGANIZATIONAL REPORT

INCOMPLETE FORMS ARE NOT ACCEPTABLE AND WILL BE RETURNED FOR COMPLETION

1. FULL NAME AND COMPLETE MAILING ADDRESS OF THE ENTITY; INCLUDE NAME AND TITLE TO WHOM ALL CORRESPONDENCE SHOULD BE SENT.

GINAH SCANDARIATO, MANAGING MEMBER
RIATO STONE, LLC
PO BOX 442
FERNDALE NY 12734
EMAIL ADDRESS: GRIATO123@GMAIL.COM
TELEPHONE (631) 495-3442
FAX NUMBER ( )

2. FULL NAME AND COMPLETE MAILING ADDRESS OF **AGENT IN NEW YORK** WHO CAN BE SERVED ORDERS, NOTICES AND PROCESSES OF THE DEPARTMENT OR ANY COURT OF LAW. POST OFFICE BOX ADDRESSES ARE NOT ACCEPTABLE.

GINAH SCANDARIATO
542 10TH AVE
NEW HYDE PARK NY 11040
EMAIL ADDRESS: GRIATO12@GMAIL.COM
TELEPHONE (631) 495-3442

3. TYPE OF ACTIVITY (Check those that apply)

- ☐ PRODUCTION–Oil, Gas, Injection or Geothermal Well(s)
- ☐ STORAGE–Underground Gas or LPG Facility
- ☐ PURCHASING–Of Oil or Gas from Others
- ☐ TRANSPORTATION–By Truck or Pipeline for Others
- ☐ PLUGGING–Plug and Abandon Wells for Others
- ☐ DRILLING–Drill Wells for Others
- ☐ SOLUTION MINING–Own/Operate Facility
- ☐ BRINE DISPOSAL–Own/Operate Facility
- ☐ STRATIGRAPHIC–Own Well or Hole
- ☒ SURFACE MINING–Own/Operate Facility
- ☐ UNDERGROUND MINING–Own/Operate Facility

4. STATE WHETHER THE ENTITY IS A CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, PARTNERSHIP, INDIVIDUAL, PUBLIC AUTHORITY OR GOVERNMENTAL AGENCY, OR TRUST. IF FOREIGN (OUT-OF-STATE) CORPORATION, GIVE STATE AND DATE OF INCORPORATION AND DATE OF AUTHORIZATION TO DO BUSINESS IN NEW YORK STATE. IF PARTNERSHIP, STATE WHETHER GENERAL OR LIMITED AND COUNTY OF FILING. IF DBA, GENERAL PARTNERSHIP OR ASSUMED NAME OF A LIMITED LIABILITY PARTNERSHIP, GIVE COUNTY OF FILING.

RIATO STONE, LLC
LIMITED LIABILITY COMPANY
INCORPORATION: 10/26/2020
AUTH TO DO BUSINESS NYS: 10/26/2020

5. IF THE NAME ENTERED IN BOX 1 IS NEW, INCLUDE THE COMPLETE NAME AND ADDRESS OF THE PREVIOUS ENTITY.

PREVIOUS PERMIT HOLDER -
WERLIN ENTERPRISES
3988 ST. ROUTE 55
LIBERTY NY 12754

6. IF ENTITY IS A CORPORATION OR ASSOCIATION, LIST **ALL** DIRECTORS **AND ALL** OFFICERS. IF A PARTNERSHIP, LIST **ALL** GENERAL **AND ALL** LIMITED PARTNERS. IF A LLC, LIST **ALL** MEMBERS. CHECK BOX IF ADDITIONAL SHEETS ARE ATTACHED. ☐

| NAME | TITLE |
|---|---|
| GINA L SCANDARIATO | MG. MEMBER 51% |
| ROSARIO SCANDARIATO | MG MEMBER 49% |

7. LIST ALL PERSONS AUTHORIZED BY THE ENTITY TO SIGN ALL SUBMITTALS TO THE DEPARTMENT. AT LEAST ONE PERSON MUST BE LISTED.

| NAME | TITLE |
|---|---|
| GINA L SCANDARIATO | MG MEMBER |
| ROSARIO SCANDARIATO | MG MEMBER |
| JAMES SCANDARIATO | (- MANAGER) |

I affirm under penalty of perjury that the information provided in this report is true to the best of my knowledge and belief. I am aware that false statement made in this report is punishable pursuant to Section 210.45 of the Penal Law.

TYPE OR PRINT NAME OF AUTHORIZED PERSON: GINA L. SCANDARIATO

SIGNATURE: Gina L Scandariato DATE: 9/25/2021

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 25 DAY OF Sept 20 21

NOTARY PUBLIC

LOUISA GENNARI
Notary Public, State of New York
No. 01GE5060794
Qualified in Queens County
Commission Expires May 28, 2022

85-15-12 (12/18)–28b

# APPENDIX B

## DATABASE SEARCH
## USFWS IPAC AND THE NYSDEC ENVIRONMENTAL RESOURCE MAPPER

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo/es/section7.htm

In Reply Refer To: May 24, 2022
Project Code: 2022-0012510
Project Name: Riato Stone, LLC LOM Expansion

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

**Migratory Birds**: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

# Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

## Project Summary

Project Code: 2022-0012510
Event Code: None
Project Name: Riato Stone, LLC LOM Expansion
Project Type: Subsurface Extraction - Non Energy Materials
Project Description: Riato Stone, LLC seeks to expand their existing sand and gravel mining operations north east of their currently NYSDEC- permitted Life-of-Mine affected area for an additional 15.3 +/- acres. The current Life-of-Mine at the Riato Stone, LLC is located in Fallsburg, Schuyler County, New York is 18.2+/- acres and the proposed total Life-of-Mine affected area is 33.5+/- acres. Although no increase in production is anticipated at this time, the additional acreage would increase available reserves.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.805634999999995,-74.68290991254574,14z

Counties: Sullivan County, New York

# Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

| NAME | STATUS |
|---|---|
| Northern Long-eared Bat *Myotis septentrionalis*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/9045 | Threatened |

## Insects

| NAME | STATUS |
|---|---|
| Monarch Butterfly *Danaus plexippus*<br>No critical habitat has been designated for this species.<br>Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

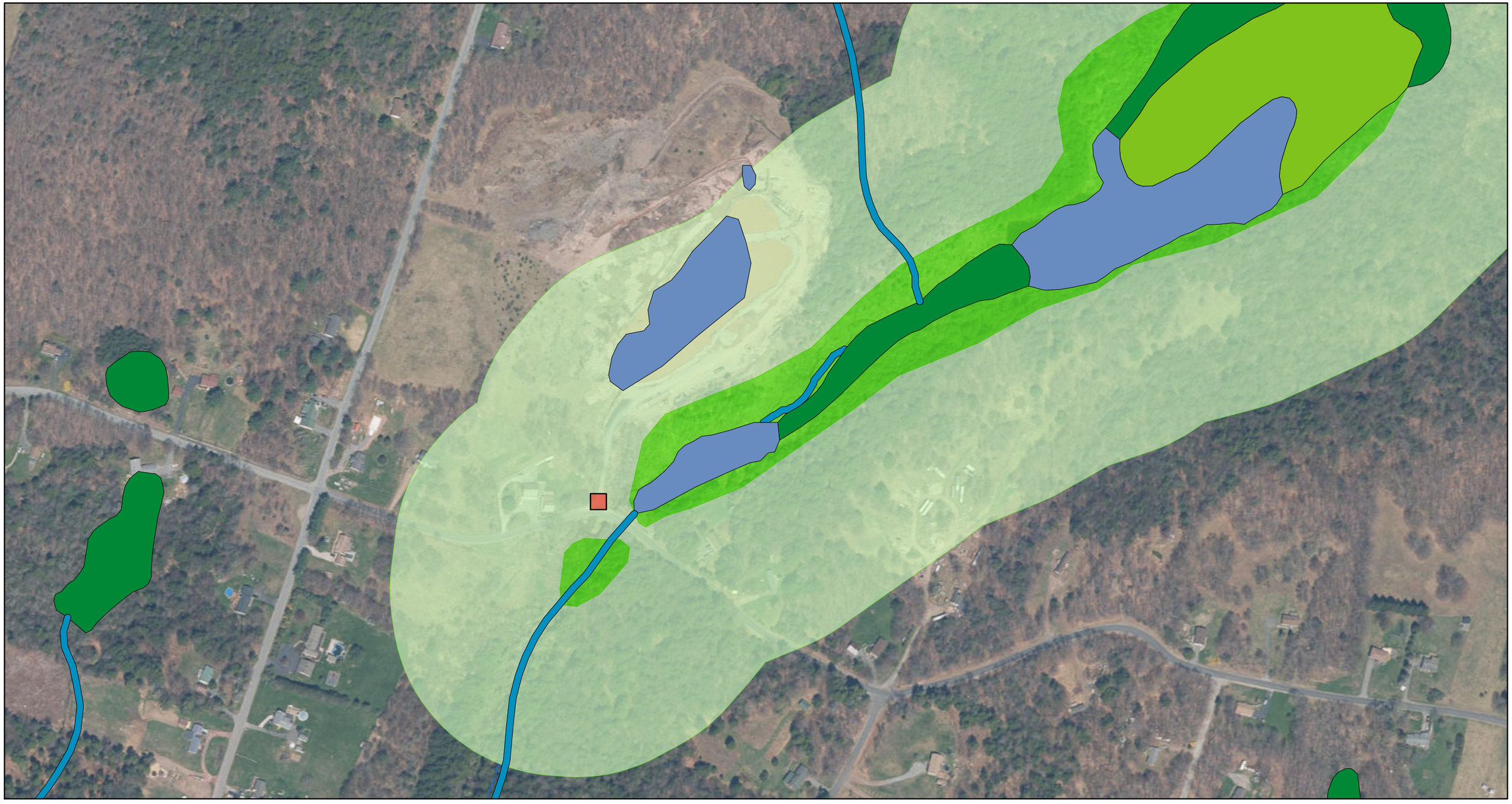
## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## IPaC User Contact Information

Agency: JMT of New York Inc
Name: Andrew Philbin
Address: 19 British American Blvd
City: Latham
State: NY
Zip: 12110
Email aphilbin@jmt.com
Phone: 8329282275

# Liberty Sand and Gravel Environmental Resource Search



April 18, 2022

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Author: Riato Stone Inc
Not a legal document

# APPENDIX C

## FULL ENVIRONMENTAL ASSESSMENT FORM

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Riato Stone LLC. - Site Expansion | | |
| Project Location (describe, and attach a general location map):<br>North side of McIntosh Road, Town of Fallsburg | | |
| Brief Description of Proposed Action (include purpose or need):<br>Riato Stone LLC. seeks to expand their existing sand and gravel mining operations north east of their currently NYSDEC- permitted Life-of-Mine affected area for an additional 13.4 +/- acres. The current Life-of-Mine at the Riato Stone, LLC. Mine is located in Fallsburg, Sullivan County, New York is 18.2+/- acres and the proposed total Life-of-Mine affected area is 31.6+/- acres. Although no increase in production is anticipated at this time, the additional acreage would increase available reserves. | | |
| Name of Applicant/Sponsor:<br>Riato Stone, LLC | Telephone: (631)-495-3442<br>E-Mail: JRIATO1@GMAIL.COM | |
| Address: PO BOX 442 | | |
| City/PO: Ferndale | State: NY | Zip Code: 12734 |
| Project Contact (if not same as sponsor; give name and title/role):<br>JAMES SCANDARIATO | Telephone: (576) 398-5886<br>E-Mail: JRIATO1@GMAIL.COM | |
| Address: | | |
| City/PO: | State: | Zip Code: |
| Property Owner (if not same as sponsor):<br>Riato Stone, LLC | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|---|---|
| a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No | | |
| b. City, Town or Village Planning Board or Commission ☐Yes ☑No | | |
| c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No | | |
| d. Other local agencies ☐Yes ☑No | | |
| e. County agencies ☐Yes ☑No | | |
| f. Regional agencies ☐Yes ☑No | | |
| g. State agencies ☑Yes ☐No | NYSDEC MLR, NYSDEC SPDES | 12/2021 |
| h. Federal agencies ☐Yes ☑No | | |

i. Coastal Resources.

*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Major Basins:Upper Delaware

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
AG- Agricultural

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
*i.* What is the proposed new zoning for the site? _____

**C.4. Existing community services.**

a. In what school district is the project site located? Tri-Valley Central School District

b. What police or other public protection forces serve the project site?
Fallsburg Police Department

c. Which fire protection and emergency medical services serve the project site?
Loch Sheldrake Fire Department

d. What parks serve the project site?
William E Pearson Park, Francis A Hanofee Park, Morningside Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial (mining)

b. a. Total acreage of the site of the proposed action? 13.4 acres
b. Total acreage to be physically disturbed? 13.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 92.6 acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
*i.* If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 84 Units: acres

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
*i.* Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
*ii.* Is a cluster/conservation layout proposed? ☐ Yes ☐ No
*iii.* Number of lots proposed? _____
*iv.* Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
*i.* If No, anticipated period of construction: _____ months
*ii.* If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☑ No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

*i.* Total number of structures _____

*ii.* Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

*iii.* Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No

If Yes,

*i.* Purpose of the impoundment: Stormwater management

*ii.* If a water impoundment, the principal source of the water: ☐ Ground water ☑ Surface water streams ☐ Other specify:

*iii.* If other than water, identify the type of impounded/contained liquids and their source.

*iv.* Approximate size of the proposed impoundment. Volume: 0.0825 million gallons; surface area: 0.063 acres

*v.* Dimensions of the proposed dam or impounding structure: NA height; NA length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

The detention pond within the expanded LOM will use industry-standard excavation practices.

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☑ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

*i* .What is the purpose of the excavation or dredging? The production of sand, gravel and other natural materials for sale.

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 20,000 cubic yards
- Over what duration of time? +/- 20 years, depending on market demand

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Sand, gravel, and similar materials will be excavated, processed and sold.

i*v.* Will there be onsite dewatering or processing of excavated materials? ☑ Yes ☐ No

If yes, describe. Materials will be processed at the existing processing plant in the currently approved life of mine.

*v.* What is the total area to be dredged or excavated? 13.4 acres

*vi.* What is the maximum area to be worked at any one time? 13.4 acres

*vii.* What would be the maximum depth of excavation or dredging? 20-50 feet

*viii.* Will the excavation require blasting? ☐ Yes ☑ No

*ix.* Summarize site reclamation goals and plan:

Consistent with the approved reclamation plan for this site, the expanded life of mine affected area will consists of grassland, meadow, pond areas.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

*v.* Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

*i.* Total anticipated water usage/demand per day: _____ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

*iii.* Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

*i.* Total anticipated liquid waste generation per day: _____ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

*v.* If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

*vi.* Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

NA Square feet or NA acres (impervious surface)

NA Square feet or NA acres (parcel size)

*ii.* Describe types of new point sources. An outfall will be constructed within the current Life-of-Mine and will serve the existing storm water pond (Outfall 2).

*iii.* Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater within the proposed LOM expansion will be received by the detention pond and be directed to the existing stormwater pond within the current LOM before draining to wetland LE-20

- If to surface waters, identify receiving water bodies or wetlands: Wetland LE-20
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

*iv.* Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Continued use of bulldozers, scrapers, front-end wheel loaders, haul trucks, and other standard industry equipment.

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

NA

*iii.* Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

No new stationary sources are proposed during the operation of the expansion area.

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☑Yes ☐No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☑No

*ii.* In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

*i.* Estimate methane generation in tons/year (metric): _____

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☑Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

Dust particles generated from internal transportation and material excavation will be minimized through dust control practices.

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

*i.* When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

*iii.* Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

*iv.* Does the proposed action include any shared use parking? ☐Yes ☐No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

*vi.* Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

*vii* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

*viii*. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: _____

_____

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

*i.* During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

*ii.* During Operations:

- Monday - Friday: 7:00 AM - 5:00 PM
- Saturday: 7:00 AM - 5:00 PM
- Sunday: N/A
- Holidays: No operations on Holidays*

* New Year's Day, Memorial Day, Independence Day (July 4), Labor Day, Thanksgiving, and Christmas.

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

*i.* Provide details including sources, time of day and duration:

_____

_____

*ii.* Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

*i.* Product(s) to be stored _____

*ii.* Volume(s) _____ per unit time _____ (e.g., month, year)

*iii.* Generally, describe the proposed storage facilities:_____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

*i.* Describe proposed treatment(s):

_____

_____

_____

_____

*ii.* Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

*i.* Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

*ii.* Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

*iii.* If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

*ii.* Generally describe processes or activities involving hazardous wastes or constituents: _____

*iii.* Specify amount to be handled or generated _____ tons/month

*iv.* Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

*v.* Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

*i.* Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☑ Agriculture ☐ Aquatic ☑ Other (specify): Sand and Gravel Mine

*ii.* If mix of uses, generally describe:

Grassland, Sand And Gravel Mine, Wooded Lands, Farmland, Rural

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | 0 | 0 | 0 |
| • Forested | 13.4 | 0 | -13.4 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0 | 13.33 | +13.33 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | 0 | 0 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0 | 0.069 | + 0.069 |
| • Wetlands (freshwater or tidal) | 0 | 0 | 0 |
| • Non-vegetated (bare rock, earth or fill) | 0 | 0 | 0 |
| • Other Describe: _____ | 0 | 0 | 0 |

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

*i.* If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

*i.* Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

*i.* Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

*i.* Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

*iii.* Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

*ii.* If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

*v.* Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? 10-50+ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

| | |
|---|---|
| Wurtsboro loam 8-15% | 32.4 % |
| Wellsboro and Wurtsboro soils | 55.4 % |
| Tunkhannock gravelly loam | 11.4 % |

d. What is the average depth to the water table on the project site? Average: 5-50' feet

e. Drainage status of project site soils:
☑ Well Drained: 11.4 % of site
☑ Moderately Well Drained: 88.6 % of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 67.6 % of site
☑ 10-15%: 32.4 % of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

*i.* Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

*ii.* Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

*iii.* Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

*iv.* For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 815-243 Classification B(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, NYS Wetland Approximate Size 31.8
- Wetland No. (if regulated by DEC) LE-20

*v.* Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

*i.* Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:

| | | |
|---|---|---|
| Transient Species | Deer | Snakes |
| Salamander | Frogs | Birds |

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

*i.* Describe the habitat/community (composition, function, and basis for designation): _____

*ii.* Source(s) of description or evaluation: _____

*iii.* Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

*i.* Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

*i.* Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑ Yes ☐ No

If Yes, provide county plus district name/number: Sullivan County, SULL004

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

*i.* If Yes: acreage(s) on project site? _____

*ii.* Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

*i.* Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

*i.* CEA name: _____

*ii.* Basis for designation: _____

*iii.* Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

*i.* Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

*ii.* Name: _____

*iii.* Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

*i.* Describe possible resource(s): _____

*ii.* Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

*i.* Identify resource: See attached Inventory of Aesthetic Resources

*ii.* Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): See attached Inventory of Aesthetic Resources

*iii.* Distance between project and resource: < 5 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

*i.* Identify the name of the river and its designation: _____

*ii.* Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/~~Sponsor~~ Name Gina Scardamato Date 8/4/23

Signature Gina Scardamato Title President

**PRINT FORM**

# APPENDIX D

## WETLAND DELINATION MAP (SIGNED CERTIFICATION BLOCK SUBMITTED SEPERATELY)

**NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION**

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland _____as delineated by _____on _____.

DEC Staff:_____Surveyor/Engineer:_____

Date Valid:_____Expiration Date:_____ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for five (5) years **unless** existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). **After five (5) years the boundary must be revalidated by DEC staff.** Revalidation may include a new delineation and survey of the wetland boundary.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

Intermittent Drainage

RUN-ON DIVERSION DITCH 5

PROPOSED STORM WATER BASIN

PROPOSED STREAM CROSSING

ABANDONED HAUL ROAD

PERENNIAL SPRING

EXPANSION AREA STORMWATER DITCH

DIRECTION OF MINING

CURRENT WASH PLANT AND STOCKPILE AREA

TOP OF BERM ELEVATION 1458'±

Pond Surface Elevation 1452'±

APPROXIMATE OVERBURDEN/SOIL STORAGE AREA BERM

OUTFALL 001 (INDIV/MSGP)

OUTFALL 002 (INDIV)

WETLAND LE-20

WETLAND LE-20

100' Buffer

LOT 7-1-5.1
43.65 Ac
N/F Gary Hill

LOT 7-1-3.8
1.00 Ac
N/F Wm. & Deborah Lewis

LOT 7-1-5.2
1.00 Ac
N/F Kevin Patton

N 37°34'34" W 208.00'

S 28°28'26" W 233.00'

S 37°34'34" E 95.50'

S 32°40'34" W 1465.15'

N 25°49'15" E 547.21'

## LEGEND

- PROPERTY LINE
- ADJACENT PARCEL LINE
- HAUL ROAD
- EDGE OF WETLAND
- 100' BUFFER
- MAJOR CONTOUR
- MINOR CONTOUR
- BERM
- SPOT ELEVATION (×1482.0)

NOTES:
1) BASE MAPPING FROM MAP TITLED "MINE PLAN MAP" BY GRIGGS-LANG CONSULTING CONSULTING GEOLOGISTS, INC., DATED 9/27/12 AND LAST REVISED 5/19/14
2) EDGE OF WETLAND UPDATED AS DELINEATED BY NORTH COUNTRY ECOLOGICAL SERVICES 7/7/22
3) ALL BOUNDARIES APPROXIMATE WHERE SHOWN

**ACREAGE SUMMARY**

| | |
|---|---|
| TOTAL ACREAGE CONTROLLED | ± 92.6 ACRES |
| CURRENT LIFE-OF-MINE AFFECTED AREA | ± 18.2 ACRES |
| PROPOSED EXPANSION AREA | ± 13.4 ACRES |
| PROPOSED 2018-2023 PERMIT TERM AFFECTED AREA | ± 23.2 ACRES |
| FUTURE EXCAVATION AREA | ± 4.6 ACRES |
| RECLAIMED AREA (APPROVED BY NYSDEC) | ± 3.8 ACRES |
| PROPOSED LIFE-OF-MINE AFFECTED AREA | ± 31.6 ACRES |

JMT
19 British American Blvd.,Latham, New York 12110
P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

WETLAND DELINEATION MAP
**RIATO STONE, LLC**
RIATO STONE, LLC.
TOWN OF FALLSBURG SULLIVAN CO., NY

| PROJ. No.: 20-03617 | DATE: 7/11/2023 | SCALE: 1"=125' | DWG. NO. 20-361700108 | FIGURE 1 |
|---|---|---|---|---|