

February 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 <u>rebecca.crist@dec.ny.gov</u> Submitted VIA EMAIL

RE: Route 28 Asphalt Material Supplies, Inc. DEC Facility # 3-5199-00042 Mined Land File # 30696 Town of Kingston, Ulster County EPPP Progress Report

Dear Ms. Crist:

JMT of New York, Inc. (JMT), on behalf of Route 28 Asphalt Material Supplies, Inc. (Route 28), respectfully submits this Enhanced Public Participation Plan (EPPP) Summary Report in accordance with the procedures established in CP-29 Section 5.D and the New York State Department of Environmental Conservation (NYSDEC)-approved project-specific EPPP. This summary report serves to document Route 28's meaningful and effective public participation that has occurred during the course of the NYSDEC's environmental permit review process.

This summary report has been uploaded to the project-specific document repository. If you should have any questions or require further information, please do not hesitate to contact me at (518) 782-0882 or edavidson@jmt.com.

Sincerely,

JMT of New York, Inc.

SPECIM

Edward G. Davidson, PG Associate Vice President

Attachments

Ecc w/ att.: D. Testa, RT 28 Asphalt Material Supplies Inc.
S. Morabito, RT 28 Materials Supplies Inc.
R. LaDuke, NYSDEC
D. Escarpeta, NYSDEC
G. Bryant, NYSDEC
K. Pickard-DePriest, NYSDEC

S www.jmt.com

R. Ostrov, Young/Sommer J. Castiglione, Young/Sommer Town of Kingston Town of Ulster





# PUBLIC PARTICIPATION PLAN SUMMARY REPORT

### **Applicant:**

Route 28 Asphalt Material Supplies, Inc. 56 Middle Country Road Middle Island, NY 11953

### Facility:

Route 28 Asphalt Plant 530 Route 28 Kingston, NY 12401

NYSDEC Application Number: 3-5199-00042/00008

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. Latham, NY 12110

Date: February 29, 2024

Project No. 20-03259-001



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### **List of Acronyms**

Acronym	Definition
CP-29	Commissioner Policy 29, Environmental Justice and Permitting
NOCA	Notice of Complete Application
NYSDEC	New York State Department of Environmental Conservation
PEJA	Potential Environmental Justice Area
EPPP	Enhanced Public Participation Plan
Route 28	Route 28 Asphalt Material Supplies, Inc
HMA	Hot Mix Asphalt
SEQRA	State Environmental Quality Review Act
AFR	Air Facility Registration
ASF	Air State Facility
DAR	Division of Air Resources
DAC	Disadvantaged Community



PUBLIC PARTICIPATION PLAN SUMMARY REPORT Route 28 Asphalt Material Supplies, Inc.

### **APPLICANT'S CERTIFICATION**

Dominic Testa

Applicant

Date: 2 /29/2024

This certification attests that the New York State Department of Environmental Conservation approved project specific Enhanced Public Participation Plan has been complied with and fully executed. This Summary Report accurately describes the implementation of the Enhanced Public Participation Plan.



## **1.0 INTRODUCTION AND OBJECTIVE**

On behalf of Route 28 Asphalt Materials Supplies, Inc. (Route 28), JMT of New York, Inc. (JMT) has implemented an Enhanced Public Participation Plan (EPPP) 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)** and the NYSDEC approved project-specific EPPP for a new operation of a hot mix asphalt (HMA) plant operated by Route 28. The HMA plant requires an Air State Facility (ASF) Permit application to allow emissions from its operations, and which was determined by NYSDEC to potentially impact one or more potential environmental justice areas (PEJA). This report serves to document the completion of meaningful and effective public participation during the NYSDEC ASF permit review process.

## 2.0 PROJECT DESCRIPTION AND PROPOSED ACTION

### 2.1 **PROJECT OVERVIEW**

As described in the EPPP and ASF permit application documents, the applicant's facility is located on New York State Route 28 in the Town of Kingston, Ulster County, New York. Route 28 presently holds a Mined Land Reclamation Permit (3-5199-00042/00006) and a New York State Air Facility Registration (AFR) Certificate (3-5199-00042/00004) for mineral processing activities related to crushing and sorting aggregate. On July 31, 2023, Route 28 applied for an ASF Permit (3-5199-00042/00008) for the proposed operation of the existing HMA plant. In addition, the applicant applied for a modification to the existing Mined Land Reclamation Permit to accommodate the HMA plant as part of reclamation. The NYSDEC issued a Notice of Complete Application (NOCA) for the ASF Permit Application on January 2, 2024.

In addition to implementation of the EPPP, the project has undergone coordinated State Environmental Quality Review Act (SEQRA) review with extensive public participation through the Town of Kingston Site Plan Approval process, which resulted in a Negative Declaration and issuance of a Special Use Permit for construction and operation of the facility. As part of the SEQRA process, Route 28 participated in seven (7) public meetings with the Town of Kingston between December 2021, and August 2022, during the Special Use Permit and Site Plan Approval process. All public comments submitted by residents and stakeholders were responded to by Route 28 on May 9, 2022. The Town Planning Board approved a Resolution of Conditional Approval for the Lot Merger, Special Permit, and Site Plan on August 15, 2022.



### 2.2 NATURE OF PROPOSED PROJECT/ACTION AND PURPOSE

As described in the ASF Permit Application documents, the applicant will produce HMA from the HMA plant. Activities related to HMA production will occur within the current Life-of-Mine boundary for the Route 28 Quarry. The facility will produce a maximum of 30,645 tons of HMA per year, which will be used for paving roads in local projects for municipalities, state and county agencies, and private contractors. As the NYSDEC is aware, Route 28 has chosen to purposely limit production to 30,645 tons per year to comply with mass emission limits for formaldehyde, and therefore an ASF is needed so that the Division of Air Resources (DAR) can enforce the limitation by way of a permit condition.

# 3.0 STAKEHOLDER IDENTIFICATION AND CONTACT LIST

A contact list consisting of the names, addresses, phone numbers, and/or email addresses of stakeholders within a half mile of the proposed action was developed in the submitted and NYSDEC-approved EPPP and is included in Attachment I: *Contact List*. As described in the EPPP, the contact list returned no results for sensitive receptors (i.e., senior living, schools, and daycare facilities) within 5,000 feet of the facility. Subsequently, a contact list using similar methods was developed for parcels impacted by mobile emissions generated by truck travel between the facility and Route 209 (Table 2- *Mobile Emission Corridor* in Attachment II: *Contact List*). Both lists were used in project related outreach efforts associated with the implementation of the EPPP.

### 4.0 PUBLIC OUTREACH AND MEETINGS

Consistent with the NYSDEC-approved EPPP, the applicant implemented a range of engagement strategies and completed various public outreach activities to facilitate participation, involvement, and direct communication with the affected community during the permit application review process.

Pursuant with the requirements of CP-29, the NYSDEC-approved EPPP, and correspondence with the NYSDEC, the applicant held two (2) virtual public meetings to keep the public informed about the ASF review process and to receive community feedback, including project related questions and comments. The public meeting notices and fact sheets were made available and disseminated in English to the community and corresponding stakeholders identified in the contact lists provided in Appendix I: *Contact List*. The following sections of this Summary Report detail public outreach efforts completed by the applicant, up-to and including the two (2) public meetings.



## 4.1 DISTRIBUTION OF NOTICE OF COMPLETE APPLICATION AND VIRTUAL PUBLIC MEETING NOTICE

After receiving the NYSDEC-issued NOCA on January 2, 2024, Route 28 published a notice in the Daily Freeman on January 4, 2024, as specified in the NOCA. The NOCA publication provided the public with the project location, a summary of the project, a list of NYSDEC permits applied for, availability of application documents for review, SEQRA status, and the public comment period and NYSDEC contact information for submitting comments. An additional notice was published in the Daily Freeman on January 16, 2024, to notify the public of the scheduling of the first project-specific virtual public meeting, an event held as part of the implementation of the approved EPPP. Consistent with the approved EPPP, the notice of the first virtual public meeting was published at least two (2) weeks prior to the event. The virtual public meeting notice included instructions on how to participate via computer and/or telephone and how to access project documents via an online repository. Proof of publication for both notices is included in Attachment II: *Affidavits of Publication*.

In addition to the newspaper publication, and consistent with the approved EPPP, each stakeholder identified in both contact lists described in Section 3.0 *Stakeholder Identification and Contact List* of this report was contacted at least two (2) weeks prior to the first public virtual meeting via USPS-certified mail and were provided a "Virtual Public Meeting" invite and a "Fact Sheet" that disseminated information about the consolidated ASF permit application review process, how to join the virtual public meeting, how to access the online document repository, and how to submit written comments. After the first virtual public meeting was held on January 31, 2024, NYSDEC requested that a second virtual public meeting be held. The applicant agreed to this request, and contacts identified in both contact lists were again contacted via USPS-certified mail and were provided with an updated "Virtual Public Meeting" invite and a "Fact Sheet." Copies of the certified mail receipts associated with both outreach efforts are provided in Attachment III: *Certified Mail Receipts*. In addition to the holding of a second virtual public meeting, the closing of the public comment period was extended from February 9, 2024, to February 23, 2024. This extension afforded members of the public an additional two (2) weeks to review project documents and submit comments.

### 4.2 FACT SHEET PREPARATION AND DISTRIBUTION

Consistent with the EPPP, factual information provided to the public on the proposed ASF action and associated Mined Land Reclamation Permit Modification, including an overview, purpose statement, and potential impacts, was outlined in the prepared reader-friendly fact sheets included in Appendix IV: *Fact Sheet*. In addition, the fact sheets detailed how interested stakeholders could: participate in the permit application review process; how to access the online document repository to review relevant application materials prior to the public meeting; and how to contact the project



### PUBLIC PARTICIPATION PLAN SUMMARY REPORT Route 28 Asphalt Material Supplies, Inc.

team to obtain additional information. The fact sheets are currently available in the online document repository described in Section 5.0 *Document Repository* of this document. As stated in Section 4.1 *Distribution of Notice of Complete Application and Virtual Public Meeting Notice* of this report, Route 28 distributed the fact sheet prior to the virtual public meetings and was distributed together with the public meeting notice to stakeholders identified in the contact list via certified mail.

### 4.3 PUBLIC MEETING

The virtual public meetings for the Route 28 project were held on January 31, 2024, at 11:00 AM and February 15, 2024, at 5:30 PM via the Microsoft Teams<sup>™</sup> platform ("Teams"). The virtual meetings allowed the public to access both the meetings through the Teams web application or by calling in using a distributed phone number. According to the meeting attendance, twenty-eight members of the public attended the January 31<sup>st</sup> meeting and twenty attended the February 15<sup>th</sup> meeting. Several members of the public attended both meetings. Meeting attendees included: nearby residents, local businesses, business competitors, news media, environmental conservation public interest groups, NYSDEC staff, and elected and appointed members of local government bodies. A full list of meeting participants for both virtual public meetings is included in Appendix V: *Meeting Attendance*. Not all members of the public identified themselves and therefore some attendees are only identified by their phone numbers. No language or disability assistance requests were received by Route 28 before either virtual public meeting, nor have any such requests been received to-date.

For both public meetings, Edward Davidson of JMT and consultant to the applicant, served as the meeting facilitator and Joseph Castiglione of Young/Sommer LLC, council to the applicant, assisted in some answers to questions from members of the public. At the beginning of the virtual public meetings, Edward Davidson informed the public of participation and commenting logistics. Attendees were provided the option to comment using the question and answer ("Q&A") portal or by providing verbal comment. Edward Davidson then provided a summary of the proposed project, an update on the permit application review process, and identified outstanding application requirements and future milestones in the application. Following the introduction and project summary, the remainder of both meetings was open for public comment and questions. Both virtual public meetings were held open to public comment and questions for a duration of at least forty-five minutes open. Although the volume and duration of comments and questions received during the second public meeting did not fill the allotted time, the meeting was kept open to ensure ample opportunity for additional engagement and/or late-arriving participants. Meeting minutes and a copy of the Q&A portals are provided in Appendix XI: *Public Meeting Minutes and Q&A Questions* and has been uploaded to the document repository.



Topics of comments and questions at the January 31, 2024, virtual public meeting included:

- Traffic and non-motorized road users;
- Emissions calculations, testing, and odors;
- Climate Change, Climate Leadership and Community Protection Act, DAC;
- Noise;
- Visual Impacts; and
- The Environmental Justice process.

Topics of comments and questions at the February 15, 2024, virtual public meeting included:

- Emissions calculations, emissions modeling, air monitoring, fugitive dust, and odors; and
- Visual impacts and screening.

In general, comments and questions received during both meetings related to environmental quality issues addressed during the Town-administered coordinated SEQR review. Appendix VII: *Summarized Meeting Comments and Responses* provides a comprehensive summary of comments and questions and responses for both virtual public meetings. Following the first virtual public meeting, JMT received additional correspondence from two community members. Records of this correspondence are included in Attachment VIII: *Additional Public Correspondence*. No additional correspondence has been received by Route 28 or JMT after the EPPP Progress Report submitted to NYSDEC February 9, 2024, or the second virtual public meeting.

## **5.0 DOCUMENT REPOSITORY**

Consistent with the approved EPPP, an online document repository was established for the community and interested stakeholders to access and review information about the project. The online repository is available at **https://jmt.com/rt-28-asphalt/** and provides information and documents related to the project and permit application. The repository has been updated throughout the application process with project-related information and written materials. To-date, the online repository includes the following documents:

- Enhanced Public Participation Plan;
- Notice of Complete Application;
- Air State Facility Permit Application and Mining Permit Modification Application;
- Site Plan;
- Resolution of Conditional Approval;



- Notice of Determination of Non-Significance;
- Community Risk and Resiliency Act & Climate Leadership and Community Protection Act Section 7(2) and 7(3) Analysis;
- Project Permitting History and Previous Determination of No Significant Adverse Impacts;
- Draft Air State Facility Permit;
- EPPP Progress Report;
- Public Comment Period Extension; and
- EPPP Summary Report

## **6.0 CONCLUSION**

As described in this report, the applicant has fully executed and complied with the approved EPPP. Meaningful and effective public participation has occurred, including: seven (7) public meetings for the Town of Kingston SEQRA process, project-related notification publications, two (2) virtual public meetings as part of implementation of the EPPP, development of a publicly available online project-related document repository, and an extended public comment period.



## APPENDIX I CONTACT LIST



## TABLE 1CONTACT LIST



Tax Parcel	Parcel Address	Land Use	Owner Name	Owner Address
47.2-1-23	Route 28 Ulster, NY, 12401	Residential	Kimmig, William S. Safier, Harris L.	3927 Main St, Stone Ridge, NY 12484
47.2-3-40.100	100 Hoyer Rd Ulster, NY, 12401	Residential	Feller, Donald Sandra Dykeman	100 Hoyer Rd, Hurley, NY 12443
47.2-3-18	135 Route 28A Ulster, NY, 12401	Residential	Halwick, Darleen B Mark A Halwick, Sr.	135 Route 28A, Hurley, NY 12443
47.2-3-25.100	579 Route 28 Ulster, NY, 12401	Residential	Babendererde, Mark	579 Route 28, Kingston, NY 12401
47.2-3-32	419 Route 28 Ulster, NY, 12401	Residential	Allen Robert B Lynn Allen	419 Route 28, Kingston, NY 12401
47.2-3-30	425 Route 28 Ulster, NY, 12401	Residential	Kosarin, Jeffrey Liliana Kosarin	425 Route 28, Kingston, NY 12401
47.2-3-29	Route 28 Ulster, NY, 12401	Walk-up apt	Allen, Lynn Ellen Caggiano	419 Route 28, Kingston, NY 12401
47.2-3-27.100	491 Route 28 Ulster, NY, 12401	Residential	Ashley, Dorene	491 Route 28, Kingston, NY 12401
47.2-4-6	702 Jockey Hill Rd Ulster, NY, 12401	Residential	Mccluskey, Daniel Nancy P Moore	702 Jockey Hill Rd, Kingston, NY 12401
47.2-3-34	411 Route 28 Ulster, NY, 12401	Residential	Benedetto Augustine W	148 Burke Ave, Staten Island, NY 10314
47.4-2-6.100	300 Stickles Ter Ulster, NY, 12401	Residential	McGinnis, Michael J	300 Stickles Ter, Kingston, NY 12401
47.4-2-7.100	326 Stickles Ter Ulster, NY, 12401	Rural Residential	Ellis, Christopher J	326 Stickles Ter, Kingston, NY 12401

## TABLE 1CONTACT LIST



### Misc. Stakeholders | Source: manual online search

Name	Address	Zip Name	Zip Code	Phone
Newspapers	11441055			1 Hone
Daily Freeman	115 Green St	Kingston	12401	-
Town of Kingston Supervisor	<b>Office Address:</b>	Zip Name	Zip Code	Phone
Paul Landi	906 Sawkill Road		12901	845-750-2860
Town of Ulster Supervisor	<b>Office Address:</b>	Zip Name	Zip Code	Phone
James E. Quigley, 3rd	1 Town Hall Drive	Lake Katrine	12449	845-382-2765
Ulster County Executive	<b>Office Address:</b>	Zip Name	Zip Code	Phone
Jen Metzger	244 Fair Street	Kingston	12401	845-340-3800
NYS Senator's	Office Address	District	Zip Code	Phone
State Senator Michelle Hinchey	721 Broadway Suite 150, Kingston, NY 12401	District 41	12401	845-331-3810
Senator Charles "Chuck" Schumer	780 Third Avenue, Suite 2301. New York, NY 10017	-	10017	212- 486-4430
Senator Kristen Gillibrand	Leo W. O'Brien Federal Office Bldg 11A Clinton Ave, Fm 821 Albany , NY	-	12207	518-431-0120
Assemblyman	<b>Office Address</b>	District	Zip Code	Phone
Sarahana Shrestha	Governor Clinton Bldg. Suite G-4 1 Albany Ave Kingston, NY	District 103	12401	845-338-9610
Congressman	Office Address	District	Zip Code	Phone
Congressman Marcus Molinaro	Greene County Office 49 Gilfeather Park Road Unit 1 Leeds, NY	District 19	12451	(518) 625-2100



## TABLE 2ROUTE 28 MOBILE EMISSIONS CORRIDOR PARCELS

Tax Parcel	Parcel Address	Land Use	Owner Name	Owner Address
47.2-3-25.100	579 Route 28, Ulster, NY 12401	Residential	Babendererde, Mark	579 Route 28, Kingston, NY 12401
48.9-1-27.110	Route 28, Ulster, NY 12401	Rural Residential	Hostetler, Gregory	Gardiner, NY 12525
47.2-3-32	419 Route 28, Ulster, NY 12401	Residential	Allen, Robert B. Allen, Lynn	419 Route 28, Kingston, NY 12401
47.2-3-30	425 Route 28, Ulster, NY 12401	Residential	Kosarin, Jeffrey Kosarin, Liliana	425 Route 28, Kingston, NY 12401
47.2-3-29	431-439 Route 28, Ulster, NY 12401	Walk-up apt	Allen, Lynn Caggiano, Ellen	419 Route 28, Kingston, NY 12401
47.2-3-27.100	491 Route 28, Ulster, NY 12401	Residential	Ashley, Dorene	491 Route 28, Kingston, NY 12401
47.2-3-34	411 Route 28, Ulster, NY 12401	Residential	Benedetto, Augustine W.	148 Burke Ave, Staten Island, NY 10314
47.4-1-1	389 Route 28, Ulster, NY 12401	Residential	Flood, Louise	389 Route 28, Kingston, NY 12401
48.9-1-25	288 Route 28, Ulster, NY 12401	Residential	Christian Haang	93 Underhill Ave 5E, Brooklyn, NY 11238
48.9-1-24	286 Route 28, Ulster, NY 12401	Residential	Christian Haang	93 Underhill Ave 5E, Brooklyn, NY 11238
48.13-2-14	187 Route 28, Ulster, NY 12401	Commercial Motel	Roma Inn Inc	187 Route 28, Kingston, NY 12401
48.13-3-28	186 Forest Hill Dr, Ulster, NY 12401	Residential	Smith, Edward M.	186 Forest Hill Dr, Kingston, NY 12401
48.13-4-9.100	179 Forest Hill Dr, Ulster, NY 12401	Residential	Gorski, Stephen E.	179 Forest Hill Dr, Kingston, NY 12401
48.13-3-37	192 Forest Hill Dr, Ulster, NY 12401	Vacant Residential	Berend, Eric V.	310 Greenwich St, New York, NY 10013
48.13-3-25	200 Forest Hill Dr, Ulster, NY 12401	Residential	Bryant, Saverio J. Jr	200 Forest Hill Dr, Kingston, NY 12401
48.13-3-15.100	237-239 Forest Hill Dr, Ulster, NY 12401	Residential Motel	Everest Hospitality, LLC	445 Route 304, Bardonia, NY 10954
48.13-2-15	Route 28, Ulster, NY 12401	Commercial Apartment	Homestead Apartments Inc.	9904 Rockwood Rd, Charlotte, NC 28215
48.13-2-22.111	City View Ter, Ulster, NY 12401	Residential	Sabino, Robert D.	103 City View Ter, Kingston, NY 12401



# TABLE 2ROUTE 28 MOBILE EMISSIONS CORRIDOR PARCELS

### Misc. Stakeholders | Source: manual online search

Name	Address	Zip Name	Zip Code	Phone
Newspapers				
Daily Freeman	115 Green St	Kingston	12401	-
Town of Kingston Supervisor	Office Address:	Zip Name	Zip Code	Phone
Paul Landi	906 Sawkill Road	Kingston	12901	845-750-2860
Town of Ulster Supervisor	Office Address:	Zip Name	Zip Code	Phone
James E. Quigley, 3rd	1 Town Hall Drive	Lake Katrine	12449	845-382-2765
Ulster County Executive	Office Address:	Zip Name	Zip Code	Phone
Jen Metzger	244 Fair Street	Kingston	12401	845-340-3800
NYS Senator's	Office Address	District	Zip Code	Phone
State Senator Michelle Hinchey	721 Broadway Suite 150, Kingston, NY 12401	District 41	12401	845-331-3810
Senator Charles "Chuck" Schumer	780 Third Avenue, Suite 2301. New York, NY 10017	_	10017	212- 486-4430
Senator Kristen Gillibrand	Leo W. O'Brien Federal Office Bldg 11A Clinton Ave, Fm 821 Albany , NY	-	12207	518-431-0120
Assemblyman	Office Address	District	Zip Code	Phone
Sarahana Shrestha	Governor Clinton Bldg. Suite G-4 1 Albany Ave Kingston, NY	District 103	12401	845-338-9610
Congressman	Office Address	District	Zip Code	Phone
Congressman Marcus Molinaro	Greene County Office 49 Gilfeather Park Road Unit 1 Leeds, NY	District 19	12451	(518) 625-2100





## **APPENDIX II** AFFIDAVITS OF PUBLICATION



### AFFIDAVIT OF PUBLICATION

#### STATE OF NEW YORK,

Ulster County, City of Kingston.

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of Media News Group, a Corporation duly organized under the laws of the State of New York; that said Corportation is the publisher of The Daily Freeman, a daily newspaper published in the City of Kingston, County of Ulster and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published in The Daily Freeman.

SS:

### Once Daily for One Day

To wit: 01/04/24

Sworn to before me this 01/04/24

otary Public

Affidavit Mailing Address 2555307 - EM: aphilbin@jmt.com JMT of New York, Inc., ATTN: Edward Davidson, 19 British American Blvd, Latham, NY 12110

New York State Department of Environmental Conservation Notice of Complete Application

Date: 01/02/2024

Applicant: RT 28 MATERIAL SUPPLIES INC 56 MID-DLE COUNTRY RD MIDDLE ISLAND, NY 11953

RT 28 ASPHALT MATERIAL SUPPLIES INC 56 MID-DLE COUNTRY RD MIDDLE ISLAND, NY 11953

Facility: Route 28 Asphalt Plant ST RTE 28 - N SIDE - E OF MOREY HILL RD KINGS-TON, NY 12401

Application ID: 3-5199-00042/00006

Permits(s) Applied for: 1 - Article 19 Air State Fa-cility 1 -Article 23 Title 27 Mined Land Reclamation

Project is located: In MULTIPLE TOWNS in ULSTER COUNTY

Project Description: The applicants propose the operation of an exist-ing hot mix asphalt plant constructed at previous-ly approved final approved mine elevations within the existing life of mine of the permitted hard rock quarry, Mined Land ID 30696. The Department has prepared a draft Air State Facility permit and has made a tentative determination, subject to public comment or other information, to approve the Air State Facility Permit application by Rt 28 Asphalt Plant (formerly Route 28 Quarry); Rt 28 Material Supplies Inc remains the permittee, and applicant for modification of, the Mined Land Reclamation Permit. The applications consist of:

•A modification of the Mined Land Recla-mation Permit to replace the current reclamation plan of a vegetated, "gently sloping site" to the operation of the constructed asphalt plant.

•A new Air State Facility Permit for a 150 ton per hour hot mix asphalt plant. The low-NOx burner in the rotary aggregate dryer will fire pro-pane. The facility will limit annual production (rolled-monthly) to no more than 32,000 tons, ef-fectively limiting emissions of criteria pollutants below major source thresholds. Particulate emis-sions are controlled by a baghouse.

The facility is located in the Town of Kingston on Route 28, on the border with the Town of Ulster.

Availability of Application Documents: Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommend-ed that an appointment be made with the contact person person

State Environmental Quality Review (SEQR) De-

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

SEQR Lead Agency Kingston Town Planning Board

State Historic Preservation Act (SHPA) Determi-nation Cultural resource lists and maps have been checked. The proposed activity is not in an area of identified archaeological sensitivity and no known registered, elligible or inventoried archaeo-logical sites or historic structures were identified or documented for the project location. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Jus-tice and Permitting (CP-29) The proposed action is subject to CP-29.

Availability For Public Comment Comments on this project must be submitted in writing to the Contact Person no later than 02/09/2024 or 30 days after the publication date of this no-tice, whichever is later.

Contact Person REBECCA S CRIST NYSDEC 21 S Putt Corners Rd New Paltz, NY 12561 (845) 256-3014 1/4/2024 #NY0101905

KATHI L. DAVIS NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01DA6410130 Qualified in Ulster County Commission Expires OCTOBER 19, 2024

### <u>AFFIDAVIT OF PUBLICATION</u>

### STATE OF NEW YORK,

Ulster County, City of Kingston.

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of Media News Group, a Corporation duly organized under the laws of the State of New York; that said Corportation is the publisher of The Daily Freeman, a daily newspaper published in the City of Kingston, County of Ulster and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published in The Daily Freeman.

ss:

### **Once Daily** for **One Day**

To wit: 01/16/24

seo.m

Sworn to before me this

01/16/24

Notary Public

Affidavit Mailing Address 2559483 - EM: aphilbin@jmt.com JMT of New York, Inc., Attn: Edward Davidson, 19 British American Blvd, Latham, NY 12110

Virtual Public Meeting January 31st at 11:00 am Route 28 Asphalt Mate-rial Supplies, Inc. Air State Facility Permit Application and Route 28 Material Supplies, Inc. Mined Land Reclama-tion Permit Modification

Route 28 Asphalt Mate-rial Supplies, Inc. has submitted an applica-tion to the New York State Department of Environmental Conserva-tion (NYSDEC) for an Air tion (NYSDEC) for an Air State Facility Permit for the proposed operation of the existing hot mix asphalt plant at Route 28 Quarry. As part of this action, the current for a spation plan for reclamation plan for the Route 28 Materials Supplies, Inc., mining permit is being revised to incorporate the end-use of the facility as a hot mix asphalt plant. A Public Participation Plan has been devel-oped in accordance with NYSDEC Commis-sioner Policy 29, Envi-ronmental Justice and Permitting (CP-29). The purpose of this meeting is to inform the public is to inform the public about the project and to during the Air State Fa-cility Permit application review process

To join, visit: http://tinyurl.com/3dx3dkjs or dial in using the phone number: 1-443-948-6058, when prompted, enter the Meeting ID: 969 682 525#

Agenda: \* Project Overview

- Background Scope of work
- Project schedules Community Impacts Proposed Mitigation

Measures \* Questions and An-swers

Project personnel will be available to answer questions from the com-munity. For additional information on the pro-posed project visit the repository at: https:// jmt.com/rt-28-asphalt/ or contact Edward Da-vidson by phone at 518vidson by phone at 518-782-0882 or by email at edavidson@jmt.com or

Contact the project li-aison 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. 1/16/2024 #NY0103055

KATHI L. DAVIS NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01DA6410130 Qualified in Ulster County Commission Expires OCTOBER 19, 2024

### AFFIDAVIT OF PUBLICATION

#### STATE OF NEW YORK,

Ulster County, City of Kingston.

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of Media News Group, a Corporation duly organized under the laws of the State of New York; that said Corportation is the publisher of The Daily Freeman, a daily newspaper published in the City of Kingston, County of Ulster and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published in The Daily Freeman.

SS:

### Once Daily for One Day

To wit: 02/08/24

Rela Sisco. Martin

Sworn to before me this

02/08/24

Da.

Notary Public

Affidavit Mailing Address

• 2568078 - aphilbin@jmt.com JMT of New York, Inc., Attn: Edward Davidson, 19 British American BLVD, Latham, NY 12110

Second Virtual Public Meeting February 15th at 5:30

February 15th at 5:30 pm Route 28 Asphalt Mate-rial Supplies, Inc. Air State Facility Permit Application and Route 28 Material Sup-plies, Inc. Mined Land Reclama-tion

tion Permit Modifica-tion Route 28 Asphalt Mate-rial Supplies, Inc. has submitted an applica-tion to the New York State Department of En-vironmental Conserva-tion (NYSDEC) for an Air State Facility Permit for the proposed operation of the existing hot mix asphalt plant at Route 28 Quarry. As part of this action, the current reclamation plan for the Route 28 Materials Supplies. Inc., mining permit is being revised to incorporate the end-use of the facility as a hot mix asphalt plant. A Public Participation Plan has been devel-oped in accordance with NYSDEC Commis-sioner Policy 29, Envi-ronmental Justice and Permitting (CP-29), and one virtual public meet-ing has been held. The purpose of this second meeting is to provide additional opportunity to submit questions and/or comments for those unable to attend the first meeting. To Join, visit: http://ti-

To Join, visit: http://ti-To Join, Visit: http://ti-nyurl.com/3ss38jfe or Call-in Using a Phone Dial in using the follow-ing number: 1-443-948-6058, when prompted, enter the Meeting ID: 450 444 429#

Agenda:

ules

•Project Overview

Background

Scope of work

Project sched-

 Community Impacts

•Proposed Miti-gation Measures

•Questions and Answers

Your Attendance is Im-portant!

Project personnel will be available to answer questions from the com-munity. For additional information on the pro-posed project visit the repository at: https:// jmt.com/rt-28-asphalt/ or contact Edward Da-vidson by phone at 518-782-0882 or by email at edavidson@jmt.com

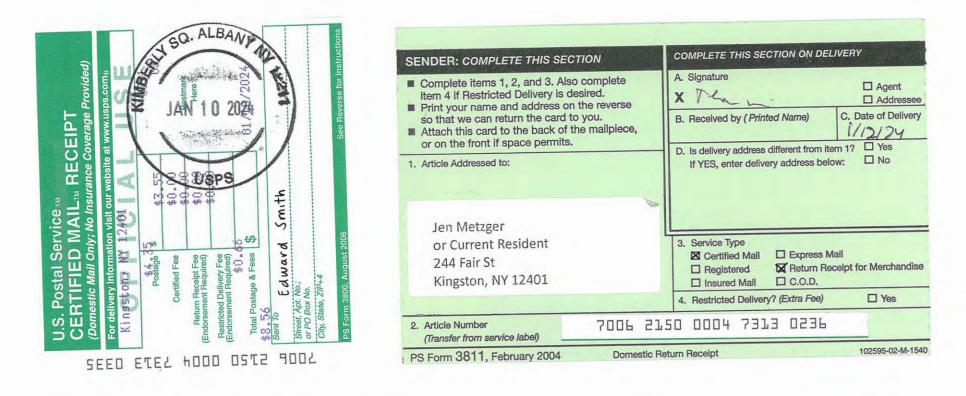
Contact the project li-aison to request rea-sonable accommoda-tion for a disability or interpreter services in a language other than English, so that you can participate in the call and/or to request a translation of any of the event documents into a language other than English. 2/8/2024 #NY0105220

#### KATHI L. DAVIS NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01DA6410130 Qualified in Ulster County Commission Expires OCTOBER 19, 2024

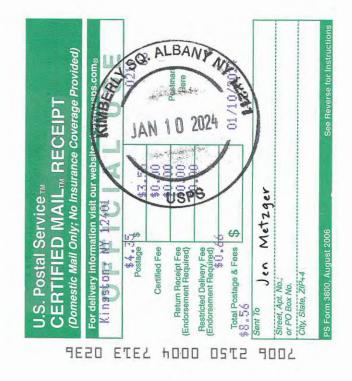


## **APPENDIX III** CERTIFIED MAIL RECEIPTS



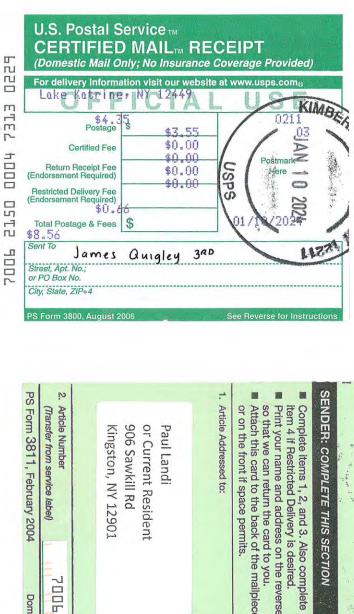


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits,</li> <li>1. Article Addressed to:</li> <li>Edward M. Smith or Current Resident</li> </ul>	A. Signature Agent Agent Addressee B. Received by ( <i>Printed Name</i> ) C. Date of Delivery D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
186 Forest Hill Dr Kingston, NY 12401	3. Service Type Certified Mail Registered Insured Mail C.O.D,
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Form 3811, February 2004 Domestic R	Return Receipt 102595-02-M-154

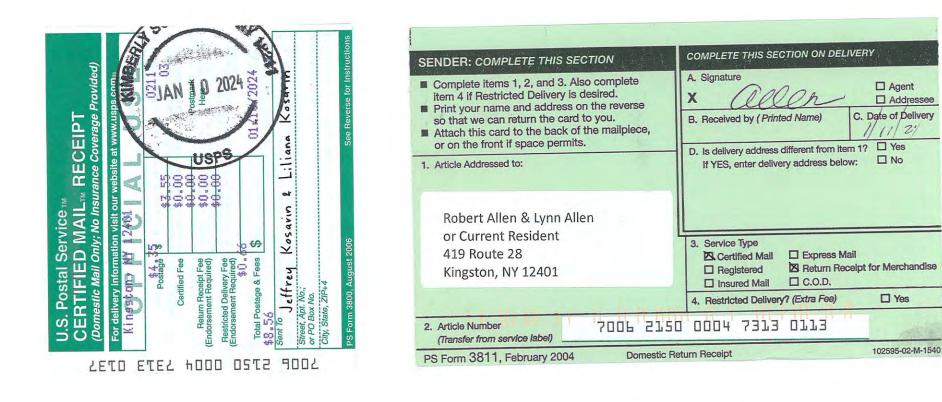


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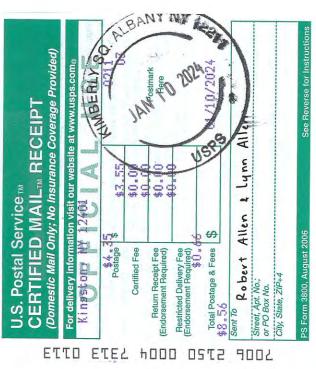




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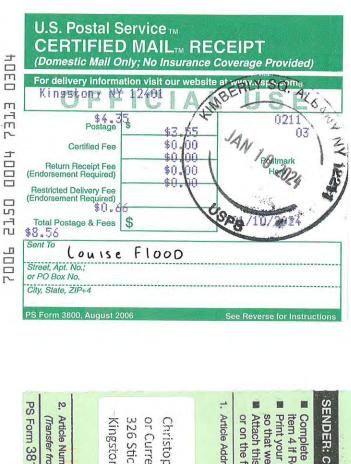


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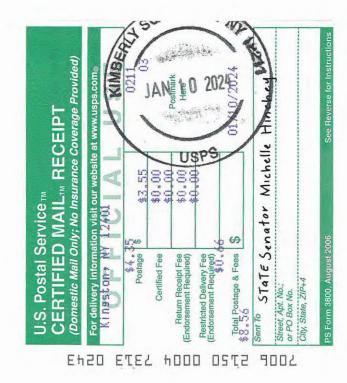


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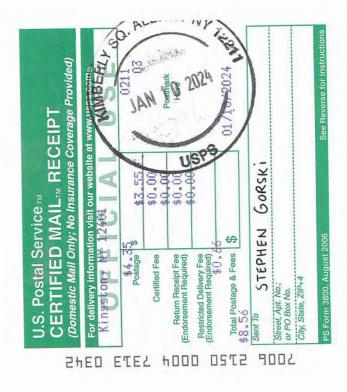


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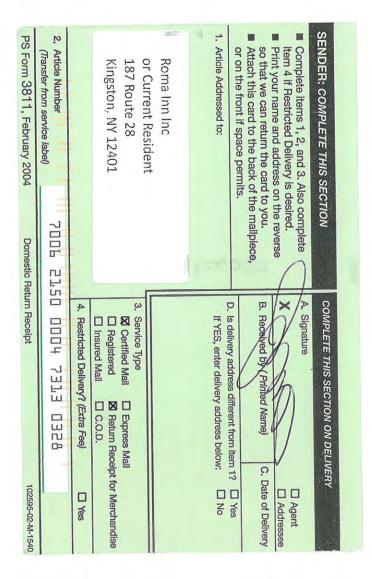


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PS Form 3811, February 2004 Domestic Re	2. Article Number (Transfer from service label) 7006 2150	2	or Current Resident 3927 Main St Stone Ridge, NY 12484	William Kimmig & Harris Safier	1. Article Addressed to:	or on the front if space permits.	<ul> <li>Print your name and address on the concept</li> <li>so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece,</li> </ul>	Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.	SENDER: COMPLETE THIS SECTION
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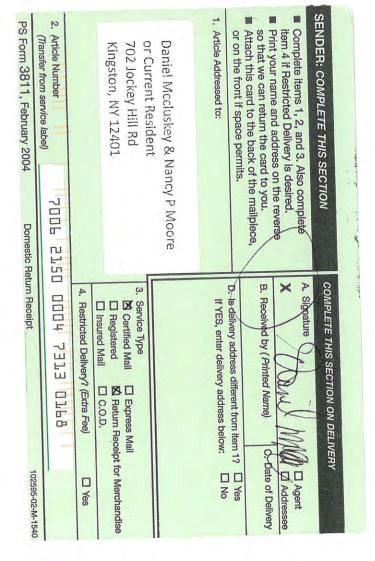
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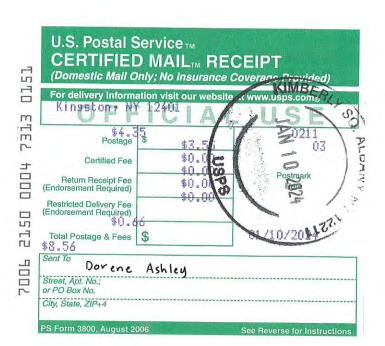


#### U.S. Postal Service CERTIFIED MAIL RECEIPT Only; No Insurance Coverage Provided) TIME CARLES OC. ALBANY 0281 Domestic Mail For delivery information visit Leeds, NY 12451 12451 Leeds, m TEL \$4 . Postage 15.9 \$0 00 **Certified** Fee ÛŬ 4000 \$1 .00 Return Receipt Fee (Endorsement Required) \$ USP Restricted Delivery Fee (Endorsement Required) 50 đ Total Postage & Fees \$8.56 \$ TU Sent To Congressman Marcus .... Molina 7006 Street, Apt. No.; or PO Box No. City, State, ZIP+4 See Reverse for Instruction



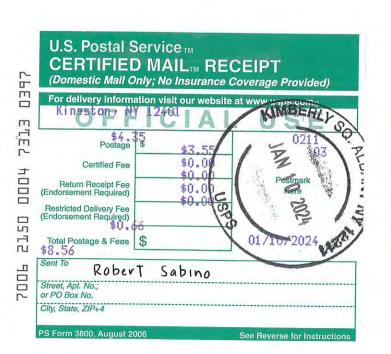
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PS Form 3811, February 2004 Domestic Return Receipt	2. Article Number 7006 c (Transfer from service label)	*	9904 Rockwood Rd Charlotte, NC 28215	Homestead Apartments Inc. or Current Resident	1. Article Addressed to:	<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	SENDER: COMPLETE THIS SECTION
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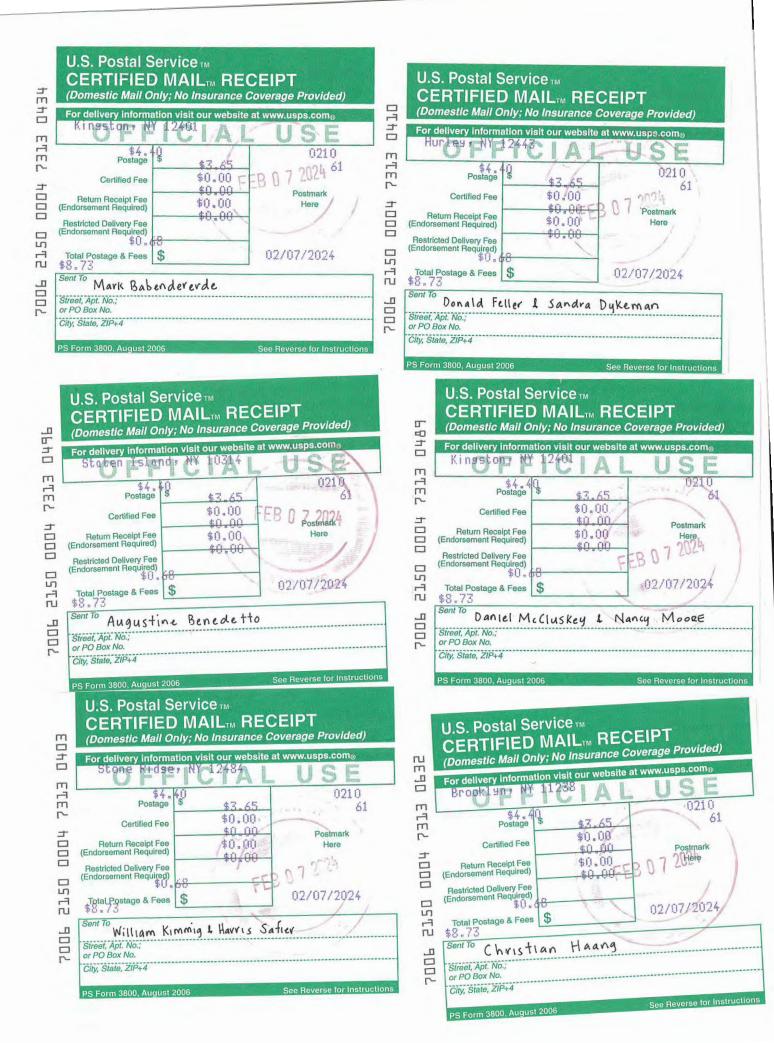


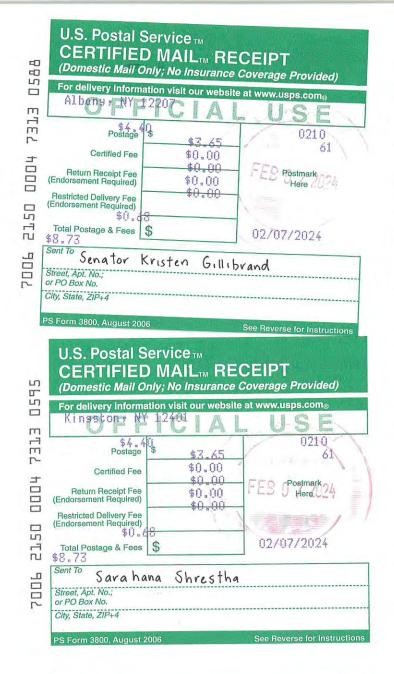


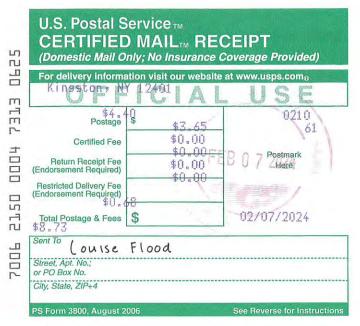
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PS Form 3800, August 2006

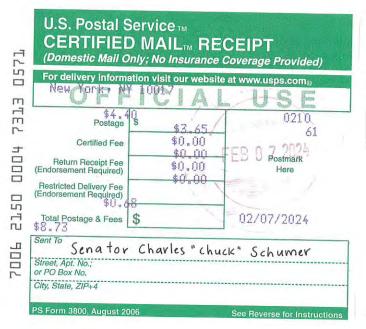
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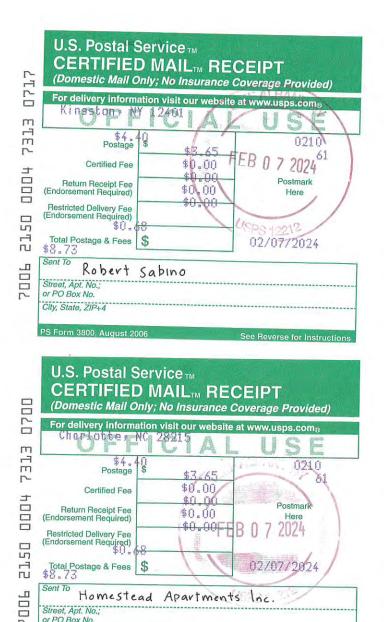






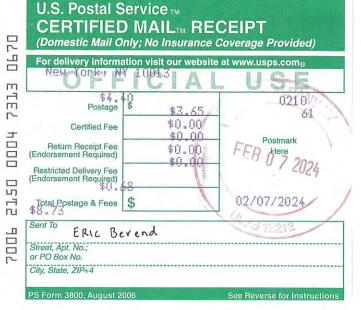






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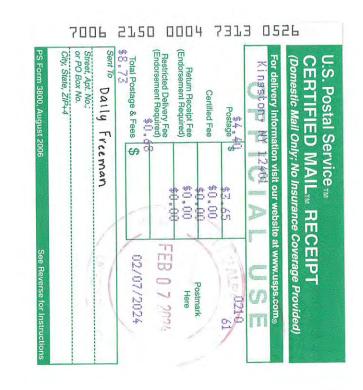
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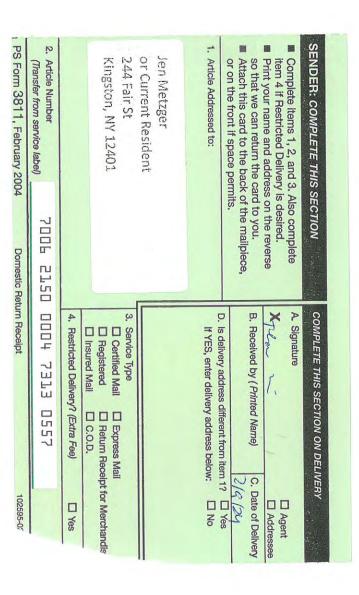
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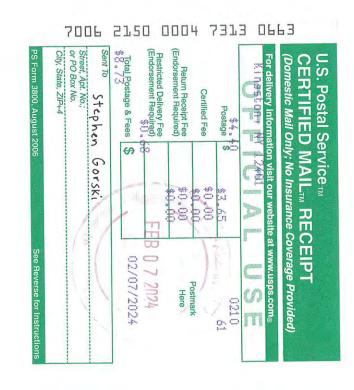


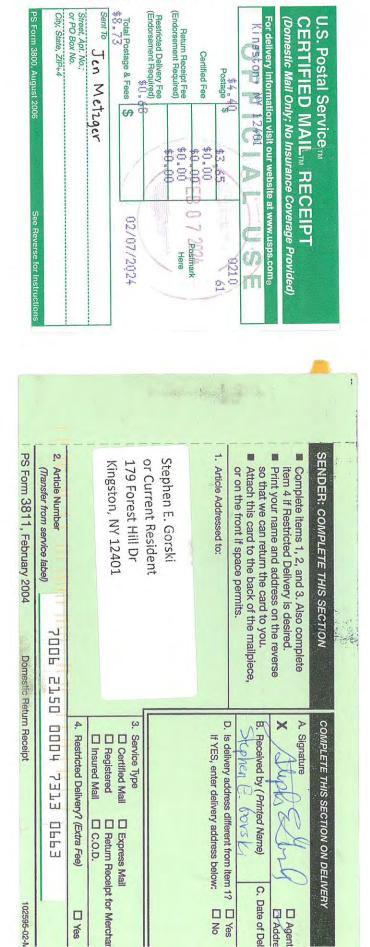


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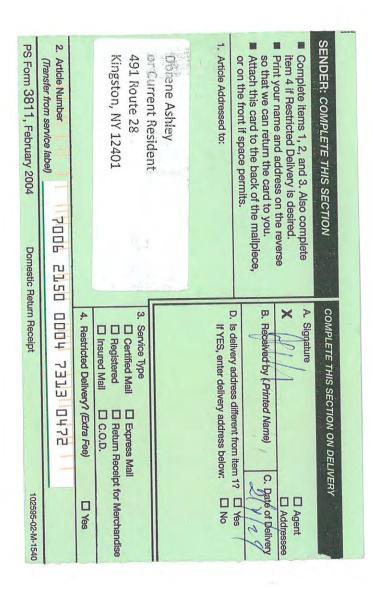
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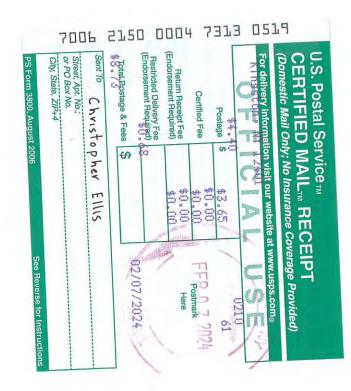




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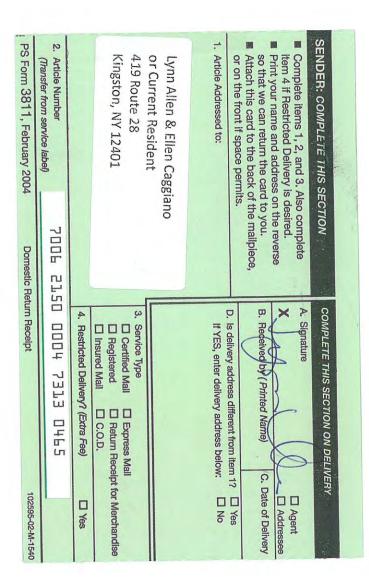


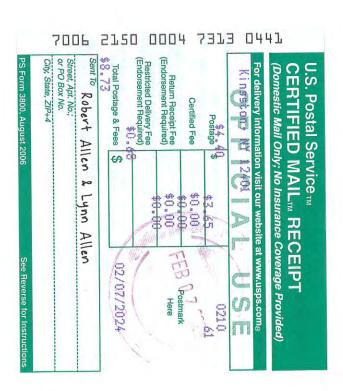


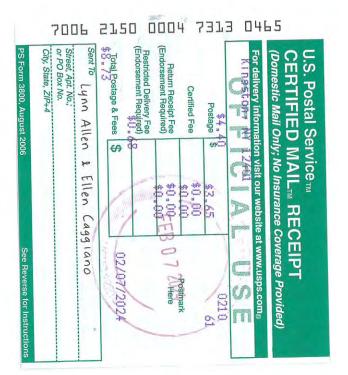


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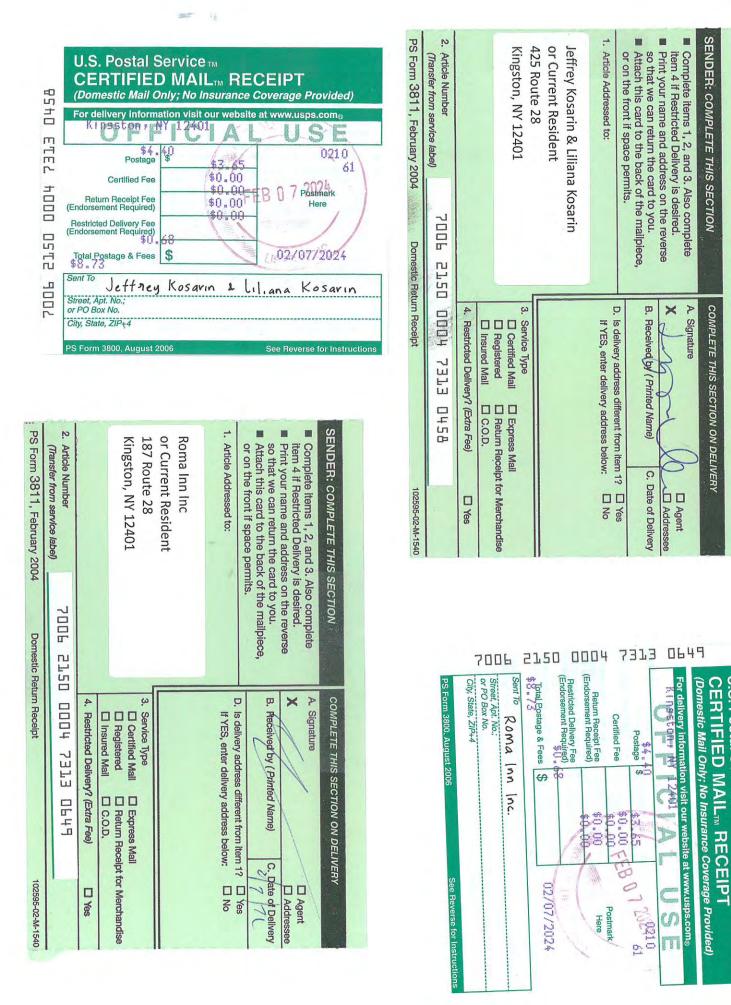
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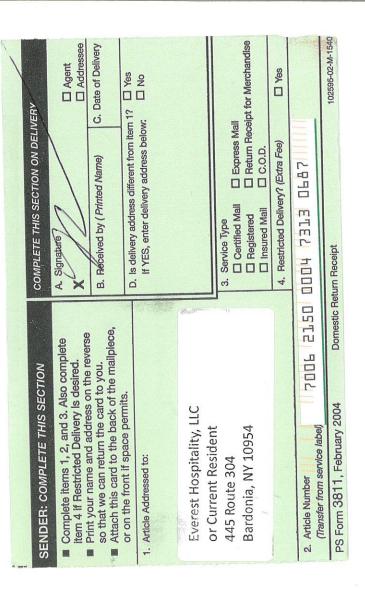
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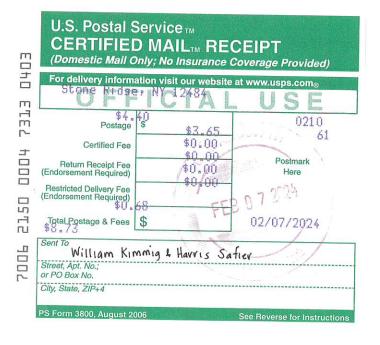


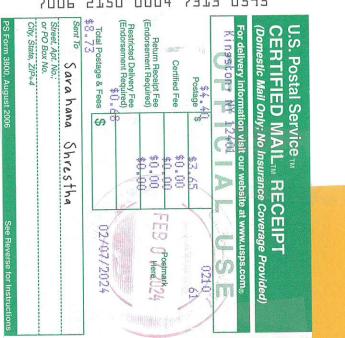
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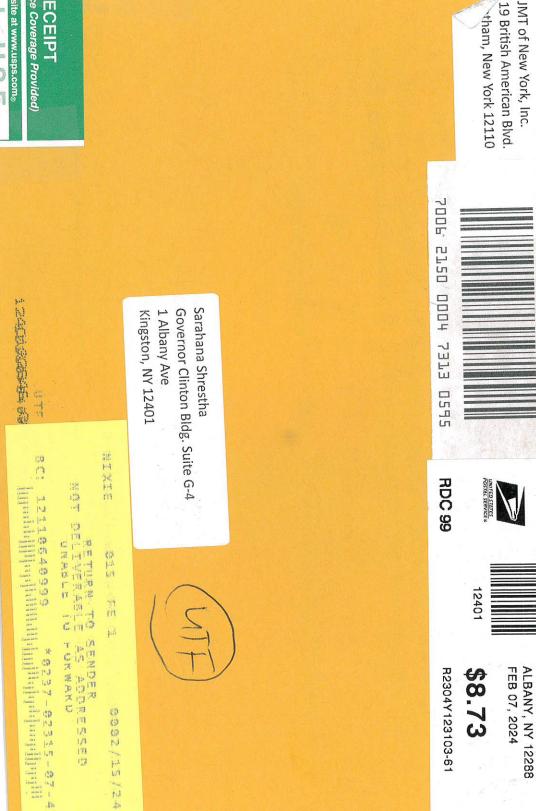
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RY	$\Box \operatorname{Agent}_{\Box \operatorname{Addressee}}$ C. Date of Delivery	2 <sup>∕</sup> □ Ýes □ No		for Merchandise	D Yes		102595-02-M-1540
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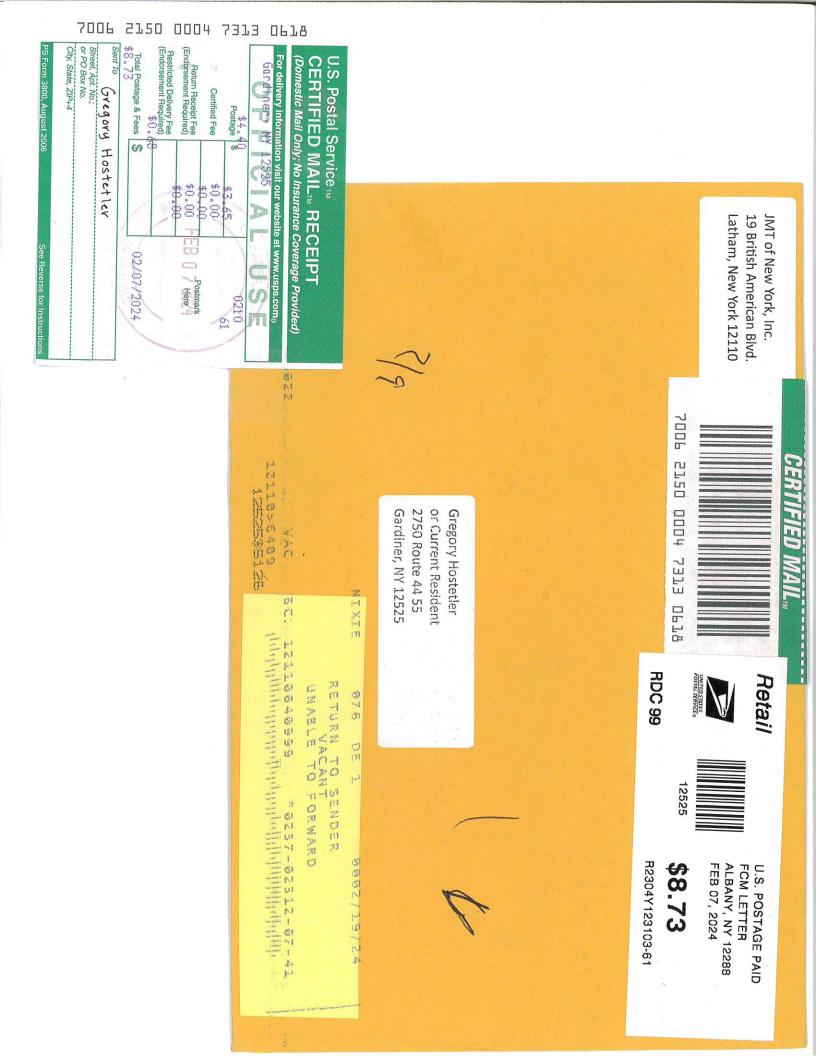
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# **APPENDIX IV** VIRTUAL PUBLIC MEETING INVITES AND FACT SHEETS





ENHANCED PUBLIC PARTICIPATION PLAN Route 28 Asphalt Material Supplies, Inc.

# YOU ARE INVITED

Virtual Public Meeting January 31<sup>st</sup> at 11:00 am Route 28 Asphalt Material Supplies, Inc. Air State Facility Permit Application and Route 28 Material Supplies, Inc. Mined Land Reclamation Permit Modification

Route 28 Asphalt Material Supplies, Inc. has submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for an Air State Facility Permit for the proposed operation of the existing hot mix asphalt plant at Route 28 Quarry. As part of this action, the current reclamation plan for the Route 28 Materials Supplies, Inc., mining permit is being revised to incorporate the end-use of the facility as a hot mix asphalt plant. 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 Air State Facility Permit application review process.

To Join http://tinyurl.com/3dx3dkjs

**To Call-in Using a Phone** Dial in using the following number: 1-443-948-6058 **When prompted, enter the Meeting ID:** 969 682 525#

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: Edward Davidson by phone at 518-782-0882 or by email at <a href="mailto:edward.com">edavidson@jmt.com</a>
- Visit the repository at: <u>https://jmt.com/rt-28-asphalt/</u>

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.





# <u>Route 28 Asphalt Material Supplies, Inc. Air State Facility Permit</u> <u>Application and</u> <u>Route 28 Material Supplies, Inc. Mined Land Reclamation Permit</u> <u>Modification Fact Sheet</u>

- Project: Air State Facility Permit Application and Mine Land Reclamation Permit Modification
- Applicants: Route 28 Asphalt Material Supplies, Inc., and Route 28 Material Supplies, Inc.
- Facility: Route 28 Quarry is located on at 530 Route 28 in the Town of Kingston, Ulster County, New York
- NYSDEC Application Numbers: 3-5199-00042/00008, 3-5199-00042/00006
- 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?

Route 28 Asphalt Material Supplies, Inc., (Route 28) plans to produce hot mix asphalt (HMA) from the proposed operation of the existing HMA plant within the current boundaries of Route 28 Quarry. The facility will produce a maximum of 30,645 tons of hot mix asphalt per year which will be used for paving roads in local projects for municipalities, state and county agencies, and private contractors. As part of this action, the current reclamation plan for the Route 28 Materials Supplies, Inc., mining permit is being revised to incorporate the end-use of the facility as an HMA plant.

#### Why does Route 28 need to apply for an Air State Facility Permit?

Production of hot mix asphalt at the facility will result in combustion emissions. Route 28 has chosen to purposely limit asphalt production to 30,645 tons per year to comply with mass emission limits for formaldehyde. An Air State Facility Permit is needed so that the Department of Air Resources (DAR) can enforce the limitation by way of a permit condition.

#### How might the project affect the surrounding community?

The surrounding community will not be negatively affected by the Air State Facility Permit for the proposed operation of the existing hot mix asphalt plant. The proposed operation of the existing hot mix asphalt plant will produce a maximum of 30,645 tons of hot mix asphalt per year. This volume of asphalt will effectively cap all pollutants below Air Facility Registration requirements, and therefore impacts from the HMA plant on the surrounding community will be minimal.

#### How can I participate in the permit review process?

- Attend the upcoming virtual public meeting scheduled for January 31<sup>st</sup> at 11:00 am 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.
- You can request to be notified when the application is complete or submit comments in writing during the public comment period to the DEC contact person identified below.

#### Where can I get more information about the proposed project?

- Visit the online document repository at: <u>https://jmt.com/rt-28-asphalt/</u> to obtain application materials, relevant documents, and information about the project.
- Contact Edward Davidson by phone at 518-782-0882 or by email at edavidson@jmt.com for information on the
  project, instructions on how to attend the upcoming virtual 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?

Rebecca S. Crist, NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1620, is responsible for reviewing and issuing the required permits. Tel: (845) 256-3054; email: <u>DEP.R3@dec.ny.gov</u>





# YOU ARE INVITED

Second Virtual Public Meeting February 15<sup>th</sup> at 5:30 pm Route 28 Asphalt Material Supplies, Inc. Air State Facility Permit Application and Route 28 Material Supplies, Inc. Mined Land Reclamation Permit Modification

Route 28 Asphalt Material Supplies, Inc. has submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for an Air State Facility Permit for the proposed operation of the existing hot mix asphalt plant at Route 28 Quarry. As part of this action, the current reclamation plan for the Route 28 Materials Supplies, Inc., mining permit is being revised to incorporate the end-use of the facility as a hot mix asphalt plant. A Public Participation Plan has been developed in accordance with NYSDEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29), and one virtual public meeting has been held. The purpose of this second meeting is to provide additional opportunity to submit questions and/or comments for those unable to attend the first meeting.

To Join <a href="http://tinyurl.com/3ss38jfe">http://tinyurl.com/3ss38jfe</a>

To Call-in Using a Phone

Dial in using the following number: 1-443-948-6058 **When prompted, enter the Meeting ID:** 450 444 429#

### 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:

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- Visit the repository at: <u>https://jmt.com/rt-28-asphalt/</u>

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.



# <u>Route 28 Asphalt Material Supplies, Inc. Air State Facility Permit</u> <u>Application and</u> <u>Route 28 Material Supplies, Inc. Mined Land Reclamation Permit</u> <u>Modification Fact Sheet</u>

- Project: Air State Facility Permit Application and Mine Land Reclamation Permit Modification
- Applicants: Route 28 Asphalt Material Supplies, Inc., and Route 28 Material Supplies, Inc.
- Facility: Route 28 Quarry is located on at 530 Route 28 in the Town of Kingston, Ulster County, New York
- NYSDEC Application Numbers: 3-5199-00042/00008, 3-5199-00042/00006
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#### How can I participate in the permit review process?

- Attend the upcoming second virtual public meeting scheduled for February 15<sup>th</sup> at 5:30 pm to learn about the project, ask questions and/or express concerns about the project.
- Ask questions, express concerns, provide input or submit by comments in writing, by phone or email to the project contact person identified below.
- You can request to be notified when the application is complete or submit comments in writing during the public comment period to the DEC contact person identified below.

#### Where can I get more information about the proposed project?

- Visit the online document repository at: <u>https://jmt.com/rt-28-asphalt/</u> to obtain application materials, relevant documents, and information about the project.
- Contact Edward Davidson by phone at 518-782-0882 or by email at edavidson@jmt.com for information on the project, instructions on how to attend the upcoming virtual 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?

Rebecca S. Crist, NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1620, is responsible for reviewing and issuing the required permits. Tel: (845) 256-3054; email: <u>DEP.R3@dec.ny.gov</u>







Meeting: Route 28 Asphalt Material Supplies, Public Engagement Meeting						
Meeting Date: January 31, 2024	Facilitator: Edward Davidson, JMT of New York, Inc.					
<b>Time:</b> 11:00 -12:00 pm						

1. 2. 3. 4. 5.	Taylor Jaffe, Resident of Livingston Manor; Catskill Mountain keeper Chad Butler, Resident of Hurley Richard Rosa, Peckham Industries Larry Queipo, Town of Kingston	28. 29. 30.	845-726-4825 845-331-0495
3. 4. 5.	Chad Butler, Resident of Hurley Richard Rosa, Peckham Industries		845-331-0495
3. 4. 5.	Richard Rosa, Peckham Industries		845-331-0495
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5.	Larry Queipo, Town of Kingston	50.	Edward Davidson, JMT
	Larry Queipo, rown or rangeton	31.	David Straw, JMT
-	Andy Mossey, Woodstock Land Conservancy	32.	Alex Carroll, JMT
6.	Emily Horowitz, Resident of Morey Hill Road	33.	Anderw Philbin, JMT
7.	Kevin Smith, Resident of Woodstock	34.	Joseph Castiglione, Young/Sommer LLC
8.	Elena Morgan, DEC Mining Program	35.	Dominic Testa, Route 28
9.	Robert Cologero, Town of Kingston, Code	36.	Richard Ostrov, Young/Sommer LLC
	Enforcement Officer		
10.	Joel Mason, Resident of City of Kingston	37.	Unknown*
11.	Kathy Nolan, Catskill Mountainkeeper	38.	
12.	Willam Kemble, Daily Freman	39.	
13.	Douglas DeWitt	40.	
14.	Harper Taylor	41.	
15.	John-Paul Sliva	42.	
16.	Kevin McEvoy	43.	
17.	Larry & Linda Queipo,	44.	
	Residents of Town of Kingston		
18.	Marie Caruso	45.	
19.	Paynter/Kolber	46.	
20.	Rt 28 Scale, Route 28 Material Supplies, Inc.	47.	
21.	Stan Morabito, Route 28 Material Supplies, Inc.	48.	
22.	Garrick Bryant, DEC Division of Air Resources	49.	
23.	Dixon Onderdonk, Kingston PB Chair	50.	
24.	845-339-2041	51.	
25.	845-688-3035	52.	
26.	973-495-1526	53.	
27.	917-282-2084	54.	

\*Attendee was present in meeting but phone number was not visible.

Meeting: Route 28 Asphalt Material Supplies, Public Engagement Meeting					
Meeting Date: February 15, 2024	Facilitator: Edward Davidson, JMT of New York, Inc.				
<b>Time:</b> 5:30 -6:30 pm					

	Name, Location		Name, Location
1.	Taylor Jaffe, Resident of Livingston Manor;	28.	
	Catskill Mountain Keeper		
2.	Robert Cologero, Town of Kingston, Code	29.	
	Enforcement Officer		
3.	Kathy Nolan, Catskill Mountainkeeper	30.	
4.	Ann	31.	
5.	Carlton Melia	32.	
6.	Casey Schwarz	33.	
7.	Dan Chaiken	34.	
8.	David Rose	35.	
9.	Ivice Rose	36.	
10.	Jody Kenly	37.	
11.	JPS	38.	
12.	Kathy Renaud	39.	
13.	L. Piperno	40.	
14.	P. Goodwin	41.	
15.	Samantha Yost	42.	
16.	Sarah Fassett	43.	
17.	Tom Cherwin	44.	
18.	845-532-6095	45.	
19.	631-766-5577	46.	
20.	631-445-7218	47.	
21.	Edward Davidson, JMT	48.	
22.	David Straw, JMT	49.	
23.	Alex Carroll, JMT	50.	
24.	Emily Dupuis JMT	51.	
25.	Joseph Castiglione, Young/Sommer LLC	52.	
26.	Dominic Testa, Route 28	53.	
27.	Richard Ostrov, Young/Sommer LLC	54.	



# **APPENDIX VI** PUBLIC MEETING MINUTES AND Q&A QUESTIONS



Date: January 31, 2024

**Time:** 11:00 AM – 12:00 PM

Venue: Microsoft Teams – Joinable via the application or call-in number

**Meeting Facilitator:** Edward G. Davidson, PG (*EGD*) of JMT of New York, Inc., technical consultant to the applicant and assisted by Joeseph F. Castiglione (*JFC*), Esq of Young/Sommer LLC, Counsel to the applicant.

Meeting Minutes by: David Straw, Alexandra Carroll, and Andrew Philbin. All JMT of New York, Inc.

New York State Department of Environmental Conservation		
Environmental Justice		
Disadvantaged Communities		
Enhanced Public Participation Plan		
State Environmental Quality Review Act		
New York State Department of Transportation		

#### Acronyms used in the Meeting Notes

Notes:

- JMT team logged in at 10:55 AM to ensure that all the technical components of the meeting are functioning correctly.
- At the start of the meeting, there were 11 attendees, which increased to +/- 37 over the course of the event.
- *EGD* begins the meeting by introducing himself as the consultant to the applicant, and the meeting as being a component of NYSDEC's EJ policy and EPPP.
- *EGD* informs all attendees of the process on how to raise their hand and unmute to ask questions, that questions can also be written in the meeting Q&A, and how to contact JMT for help if they have technical issues during the meeting.
- *EGD* proceeds to give a background of the project and the coordinated SEQRA review process that took place for the Town of Kingston Site Plan Approval.
- *EGD* provides a summary of the past mining operation and the approved reclamation objective of commercial use.
- *EGD* reiterates the procedure (how to raise hand, unmute, etc.) for being able to speak and opens to questions at 11:15 AM.
- William J. Kemble ("**WJK**", Correspondent with The Daily Freeman) is the first attendee to ask a question:
  - **WJK** asks through the meeting Q&A about the timing of the traffic impact study, and if it should have been completed as part of the Town of Kingston's prior SEQRA review.

- *EGD* answers that anticipated traffic levels associated with the project are approximately two orders of magnitude less than traffic levels currently on RT 28 and does not exceed thresholds described in NYSDEC SEQRA guidance documents that require additional studies, and so the Town of Kingston concluded that there would not be traffic impacts from the project. *EGD* also provides that a traffic study was subsequently completed as part of the applicant's consultation with NYSDOT in a process separate from SEQRA.
- *JFC* adds that during the Town of Kingston SEQRA review, the NYSDOT did provide input and were aware of the project from the outset.
- Kathy Nolan, MD ("**KN**" Resident of Shandaken, Ulster County Legislator and Senior Research Director of Catskill Mountainkeeper) verbally asks question(s):
  - KN states that she cannot access the Q&A function, but that other attendees have access to it. KN states that Environmental Justice (EJ) and Disadvantaged Communities (DAC) were not mentioned during *EGD*'s introductory statement of the project and asks why this was the case. KN states that she has additional questions if there is time.
  - *EGD* states that he will answer the first question and will come back to her if time allows and reminds participants that there should be a button towards the top right of their screen to open up the Q&A functionality and provides other avenues, including The Daily Freeman, the online EPPP repository, and JMT's phone number for accessing contact information for the purpose of submitting comments.
  - *EGD* answers that the facility is located next to, but not in, an area mapped as a potential EJ community, and that the EJ policy has been applied based on the facility's location and that they are applying for an Air State Facility (ASF) permit. *EGD* provides that DAC is separate from EJ and comes in play for other areas of review and analysis but is not directly a component of EJ.
  - EGD asks KN if she has any follow up questions.
  - **KN** asks if correspondence could be provided between the Applicant and NYSDEC with respect to DAC and any completed DAC analysis, and any implication to potential EJ areas. **KN** also states that there are EJs to both the east and west of the Facility, and that she will "cement" some written comments and mapping with respect to that.
  - **KN** asks about "the timing of air quality tests", if they have been completed, and if there have been any findings of concern, and if so, what types of mitigation have been considered or would/could be put in-place.
  - *EGD* answers with regard to air testing that there have been none completed to-date and explains that the characterization of the facility has been based on highly conservative emissions calculations accounting for a "worst case scenario" and not a real-world operation. He notes that the facility meets all standards and will be required to comply with annual maintenance to ensure that compliance remains in-place and that the Applicant will be required to report annually on production and associated emissions.

- Taylor Jaffe ("**TJ**" resident of Livingston Manor and from Catskill Mountainkeeper) asks a question via the Q&A:
  - **TJ** asks if any spatial emissions and/or air quality modeling has been completed as part of the review process to determine the projected GHG and co-pollutants of the project, with a focus on potential impacts to EJ communities. **TJ** also asks if it has not been completed, if there are plans to complete it as part of CLCPA.
  - *EGD* responds to **TJ** that there has been no detailed modelling completed for this facility, and that emissions will be low enough to be protective of human health or other environmental considerations.
  - *JFC* adds that associated information is provided in the online EPPP document repository.
- **WJK** verbally asks question:
  - **WJK** asks, when the facility is in operation, will Wiedy's Furniture be able to smell the operation?
  - *EGD* responds to **WJK** that the question of odor impacts to Wiedy's and other nearby sensitive receptors came up during the Town's review, and that a detailed analysis was completed for compounds associated with odors coming from asphalt plants. **EGD** further explained that the results of the analysis indicated that Wiedy's Furniture and other nearby sensitive receptors would not be impacted by odors.
- **KN** verbally asks question:
  - **KN** asks for clarification that the online materials provided for the project are all based on calculations and not "actual measurements" of formaldehyde, HAPs, and other materials.
  - **EGD** responds that the calculations are based on AP-42, an EPA published emissions estimating document, and states that there is no current testing data available for the site as it is not operational. **EGD** provides that AP-42 is conservative and modern asphalt plants typically produce lower levels of emissions than are predicted by AP-42 based calculations, and that AP-42 provides a "worst-case" scenario for consideration during the permitting and review process. **EGD** reiterates that the results of the AP-42 analysis indicate that there will be no adverse impact from the project with respect to air.
- **WJK** asks question(s) verbally:
  - **WJK** asks what would happen if Wiedy's Furniture does in fact smell the facility once it is operational and what the remedy would be.
  - WJK also asks if *EGD* himself regularly drives along RT 28.
  - *EGD* responds that he does drive along RT 28 every month or two, as he regularly hikes in the Catskills and that he drives past a much larger asphalt plant during his daily work commute.

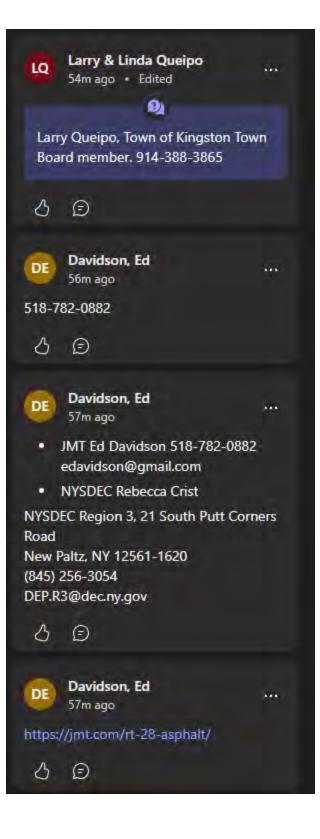
- *EGD* explains that if odors were experienced during operation then the recourse would be to contact the facility, local government representatives, or the NYSDEC, with any concerns or complaints.
- *JFC* adds that the Town could also be contacted and that these types of projects are associated with permits, and the permitting authorities could be contacted to determine if there are any violations or compliance issues.
- **KN** asks question(s) verbally:
  - KN is concerned that calculations do not allow for comparisons over different periods of time and states that she recently experienced "quite a bit of odor coming from the facility" and thought that it may have started for the purpose of emissions testing for empirical data.
     KN states that the odor was noticeable in her car when driving by and hopes that NYSDEC will put in place some type of empirical monitoring.
  - **KN** also asks about the source of materials to be used in the asphalt product and the claim that the asphalt product may be used for municipal projects may have strict requirements for those materials.
  - KN also asks if the Town of Ulster was a part of the coordinated review process.
  - **KN** concludes by pointing out an error in the project documents that describe authorized activities at 850 RT 28.
  - *EGD* begins by answering the question relating to the quality requirements for produced materials and where the materials would be purchased from. *EGD* explains that the facility will be capable of using virgin material and that Callanan's East Kingston Quarry is an example of a source for virgin material. *EGD* also explains that the facility will be capable of using recycled material and the NYSDOT standard specs includes a specification that allows for the use of up to 70% recycled material, which is a benefit to both the operation from a cost perspective and to the environmental from the beneficial reuse of material, **EGD** also explains the plant will be capable of producing material for municipal, residential, and commercial projects.
  - *EGD* responds to the question regarding the involvement of the Town of Ulster during the review process and explains that they were provided formal correspondence and were included in multiple rounds of correspondence with NYSDEC. *EGD* also stated that the Town provided comments during the review process.
  - *JFC* adds that the project is in the Town of Kingston, and the Town is responsible for the review of the project, not the Town of Ulster, but the Town of Ulster was kept informed as a non-permitting agency.
- Andy Mosey ("AM"- Woodstock Land Conservancy) asks a question (s) via Q&A:
  - AM asks if there has been a recent noise study associated with this project.

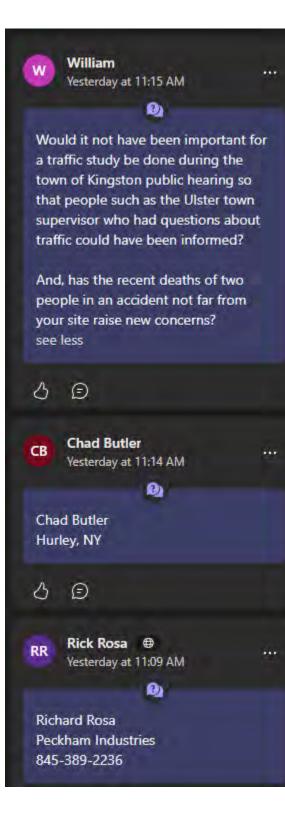
- *EGD* notes that the facility is an existing and active bedrock quarry, and that Rt. 28 Materials Supplies has never had a violation while operating the mine. *EGD* further explained that a noise impact assessment was completed as part of the process of RT 28 taking ownership and operation of the quarry, and that the SEQRA process for the asphalt plant determined it would be consistent with or lower than existing operations. Therefore, it was determined there would be no potential noise impacts.
- **TJ** verbally asks a question (s):
  - **TJ** states that NYSDEC is currently going through the process of implementing regulations for implementation of CLCPA requirements, and that agencies should not be disproportionally affecting DACs in the permitting processes and that permits for GHG and co-pollutants in those communities must show a reduction in emissions over time. **TJ** asks if this facility currently a plan in place has to demonstrate a decrease in emissions and co-pollutants over time.
  - *JFC* provides that the facility is a project going through NYSDEC review as part of the Town of Kingston Site Plan Approval, for which review began in 2021 and was completed in 2022. The applicant cannot speak for NYSDEC and is undergoing review based on regulations currently in-place and cannot speak to future regulations that DEC may implement.
  - *EGD* follows up that we have completed a CLCPA analysis inclusive of potential disproportional impacts to DACs and the document is available on the online repository for the project. The findings of the CLCPA analysis is that the project is consistent with CLCPA and does not show disproportionate impact to DACs.
- L. Piperno is provided with the opportunity to comment, but no comment is received. *EGD* suggests that they submit a comment in the Q&A or in writing.
- Kevin Smith ("**KS**" Board Chair of the Woodstock Land Conservancy, Chair of Ulster County Trails Advisory Committee) notes that he is speaking on behalf of the Woodstock Land Conservancy and not the County and is also speaking on behalf of non-motorized travelers of RT 28.
  - **KS** asks if the traffic study considered people outside of motor vehicles and commented that RT 28 is an officially signed bike route and that NYSDOT and Ulster County have Complete Streets policies. **KS** asks if the traffic study considers Complete Streets policies.
  - *EGD* notes that he commutes via bicycle when possible and is sensitive to this issue but that RT 28 is a commercial corridor and currently has significant traffic, including heavy trucks. While non-motorized users were discussed during the review process, given the existing level of traffic, relatively low level of additional traffic from the project, and lack of roadway improvements associated with the project, non-motorized users of RT 28 were not a significant consideration during the SEQRA or NYSDOT review process.
- *EGD* notes that he has not heard any comments from the call-in numbers and reiterates the process for asking a question as a call-in attendee.

- Elena Morgan with NYSDEC's mining program speaks to note that she is attending as an observer.
- Robert Calogero ("**RC**", Town of Kingston Code Enforcement Officer) provides a verbal comment and question:
  - RC states that the Town Planning Board did a great job with the project, looked closely at all the information, and that he is confident that the project is not an environmental concern.
     RC also notes that he inspects the facility twice a month, and that during a recent inspection, after a heavy rain event, the facility was in good compliance and kept pristine and is safe and clean, and that he thinks it will be a great addition to the Town of Kingston.
     RC further states that he has not heard of EJ/DAC and that it was not part of the Town's review and that none of them had ever heard of it.
  - *EGD* responds to the mapped EJ and DAC and notes that there are multiple metrics by which EJ and DAC are defined and multiple ways in which they are incorporated into different levels of review by different programs within different agencies and government bodies. *EGD* notes that EJ and DAC are extensive subject areas, and notes that there is extensive information available to the public, including on NYSDEC website.
  - *JFC* adds that EJ and DAC is something that NYSDEC considers during their review and not something that would be part of the Town of Kingston's review.
- Joel Mason ("JM", Resident of the City of Kingston) asks a question verbally:
  - **JM** states that he lives 3 miles down wind of the facility and asks if the extent to which the emissions travel from the facility has been considered.
  - *EGD* responds that based on the low level of production and associated emissions, the potential for the concentration of any emission to exceed the allowable threshold at the "fence line"/ property line has been determined to not exist. Accordingly, the direction of prevailing winds was not a major consideration given the low level of emissions.
- **WJK** asks questions verbally:
  - **WJK** states that since *EGD* has driven RT 28, he is aware that it is in the Catskills and notes that the "often referenced" commercial facility to the north of the proposed operation is set back from the road whereas this operation will be out in the open. **WJK** asks if there has been consideration for screening to be more congruent with the local character. **WJK** also states that a fully loaded truck is more difficult to turn and operate than an empty truck and that achieving speed at this corridor is tough and wonders if the completed studies considered this.
  - *EGD* responds to the truck question and notes that NYSDOT has been involved during the review process so that they could weigh in on the entrance design, its location, and the ability to serve the facility. EGD further notes the Town also reviewed the entrance during the review process and considered emergency vehicle access.
  - Regarding visual impacts and screening, *EGD* notes that visual impacts were a significant component of the Town of Kingston's SEQRA review process and notes that since RT 28

Materials has taken ownership of the facility, they have improved screening and that the Town requested measures for aesthetic purposes be implemented or kept in-place to limit potential views into the site. *EGD* summarizes the visual impacts assessment by stating that the change in use from the quarry to the asphalt facility has no potential to create visual impacts and that was the conclusion of the Town during their review process.

- *JFC* adds that the Town of Kingston identified this area specifically in its zoning for this type of use as being a permissible use.
- *EGD* notes that the meeting time has run out and asks that any remaining comments be submitted before the end of the open comment period and reminded attendees that JMT can be called if there are any questions, or if anyone needs assistance accessing project documentation.





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Taylor Jaffe, Catskill ... Yesterday at 11:23 AM



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Hi, Taylor Jaffe from Catskill Mountainkeeper and located in Livingston Manor. I'm wondering if there have been any spatial emissions and/or air quality modeling as part of the review process to accurately determine the projected GHG and copollutant emission impacts of this project, especially to determine the associated health impacts to surrounding environmental justice communities? If this modeling hasn't been done, are there plans to include this as part of the process for obtaining an air permit under CLCPA section 7? see less

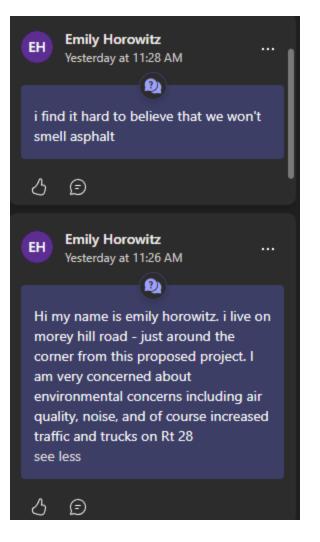


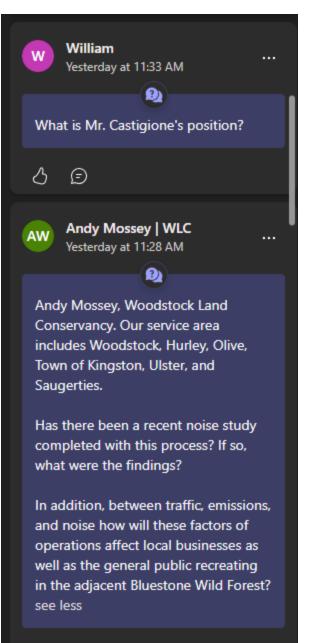
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William Yesterday at 11:17 AM

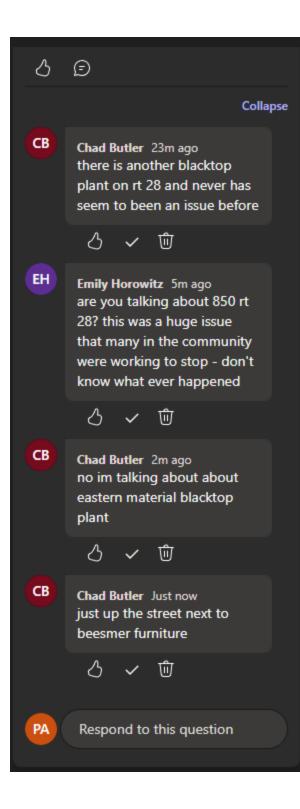
Also, why was there no mention of having a potential Environmental Justice Area in both the towns of Kingston and Ulster?

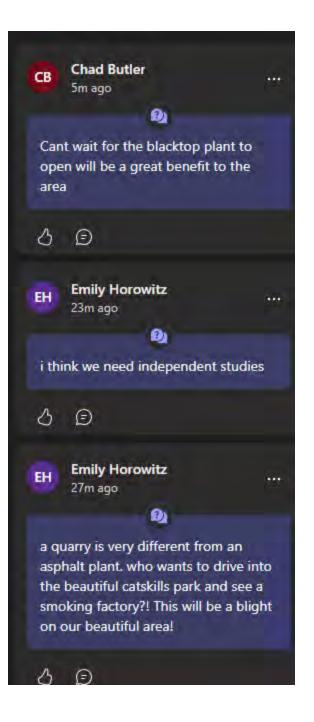
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Date: February 15, 2024

**Time:** 5:30 PM – 6:35 PM

Venue: Microsoft Teams - Joinable via the application or call-in number

**Meeting Facilitator:** Edward G. Davidson, PG ("*EGD*") of JMT of New York, Inc., technical consultant to the applicant and assisted by Joeseph F. Castiglione, Esq ("*JFC*") of Young/Sommer LLC, Counsel to the applicant.

Meeting Minutes by: David Straw, Alexandra Carroll, and Emily Dupuis. All JMT of New York, Inc.

NYSDEC	New York State Department of Environmental Conservation
PEJA	Potential Environmental Justice Area
DAC	Disadvantaged Communities
EPPP	Enhanced Public Participation Plan
SEQRA	State Environmental Quality Review Act
NYSDOT	New York State Department of Transportation

#### Acronyms used in the Meeting Notes

Notes:

- JMT team and *JFC* logged in at 5:15 PM to ensure that all the technical components of the meeting are functioning correctly.
- Meeting begins at 5:32 PM by *EGD* introducing himself as the consultant to the applicant, and that this is the second meeting held as a component of NYSDEC's EJ Policy and EPPP and that the meeting is being recorded.
- *EGD* states the initial meeting was held on January 31<sup>st</sup> and briefly described and summarized the SEQRA review process and findings to-date. *EGD* further states that NYSDEC has extended the public comment period, and all comments can be submitted until February 23<sup>rd</sup> to either NYSDEC or JMT.
- *EGD* provides that at the initial public meeting, comments were received on PEJA and DAC, processes, emissions and associated potential odors, traffic, visual impacts, and noise, and that these topics were covered during the SEQRA process.
- *EGD* then proceeds to convey the logistics on how to post comments or ask questions during the meeting through the Q&A function or by "raising hand" for verbal comments. *EGD* stated that if anyone had any problems or questions, to call JMT's Office at 518-782-0882.
- *EGD* further states that contact information for himself, and Rebecca Crist of NYSDEC is posted in the meeting Q&A.
- *EGD* provides summary of the project, SEQRA, and the Town approval process, and that project relevant information is posted on the project online repository. *EGD* reminds meeting attendees that questions and comments can be made in writing before February 23.
- *EGD* reiterates how to ask questions and comments during the meeting and requests that everyone provide their name, location, and affiliation for documentation to NYSDEC.
- *EGD* opens the meeting to questions at 5:40 PM.

- Kathy Nolan, MD ("*KN*", Senior Research Director, Catskill Mountainkeeper) is the first attendee to ask questions:
  - *KN* asks via telephone if a notice about the extended comment period can be sent to all the people involved in the project for which there is contact information for.
  - *KN* states that the cutting back of shrubbery has an impact on visual, odors, and dust from the site and that it has been cut back severely. NYSDOT documents mention that cutting back shrubbery might be an improvement for site distances. She asks if screening can be provided and not lost just because of traffic concerns. *KN* further asks if the proposed removal of shrubbery was included in the environmental site plan review.
  - *KN* then mentions that there was a question at the last meeting about the bikeway on Route 28 and asks if NYSDOT had been provided this additional information and the fact that the site is within a DAC and PEJA, so they could take a second look at the project.
  - *EGD* responds by stating that mailers were sent to everyone on the notification list and if anyone has a request for additional information or updates to send in their contact information to JMT or NYSDEC so that they can be notified of any updates. *EGD* states he is not aware of any additional site work done to remove screening. *EGD* further explains that there is occasional roadside maintenance (i.e., removal of weeds) but that the facility has included additional screening at the request of the Town and on their own volition. The approved site plans included some of the additional screening to account for the site distances required by NYSDOT. The issue is a safety consideration, therefore there is a limited amount the applicant can do to preserve the shrubbery in question.
  - *EGD* further explained that the facility is an existing industrial use and that the intent is to maintain as much screening as possible and that visual impacts were a significant area of review during the SEQRA process and that it was something the Town focused on to ensure they maintained no visual impacts.
  - In relation to the bikeway question, *EGD* stated the facility is not associated with any actions that would require any roadway improvements and that NYSDOT's review did not extend to roadway improvements. It was an internal site and site traffic review and that he cannot speak to the NYSDOT process.
  - *JFC* added and clarified that PEJA is based on guidance and criteria developed by NYSDEC and is related to the air permit, not the NYSDOT process. He further added that regarding screening, the applicant has made improvements to the site screening over time and that the proposed project is 100% within a prior disturbed area.
  - *JFC* further conveyed that since being there for seven years, the applicant has not taken down any trees, but has planted over 100 new trees, created earth berms for screening, and added wooden stockade fences along Route 28. *JFC* also affirmed that the facility has actually increased screening over time, and the shrubbery that might be removed for safety sight distances is not inconsistent with the Town's SEQRA findings. Ultimately NYSDOT approval is required for these actions, and they are the ones that dictate what is required for approval.

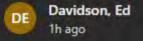
- *KN*:
  - *KN* asks *EGD i*f he could talk about the air quality modeling that was done for the operation of the site and if it considered the potential for truck traffic and activities at the site that "stir up" dust and impact the air quality.
  - **EGD** responds that particulate matter is one of the calculations incorporated into the air emission calculations and that it applies to both the onsite activities and local truck traffic on the roadways. **EGD** further explains that on-site, fugitive dust (generated by onsite trucks and material stockpiles) is not included in those calculations, but best management practices require the site to maintain low dust levels through measures such as water spraying, when necessary. **EGD** provides that it is a compliance issue, not an air permitting question. **EGD** stated that other emission calculations were completed, and that NYSDEC has a list of criteria emissions that are used to determine permitting thresholds in addition to a list of toxic air contaminants, both of which were analyzed in detail for the facility and included in the CLCPA analysis.
  - *EGD* further clarifies that for mobile transportation emissions associated with truck traffic was included in NYSDEC's review and that initial calculations were provided to the Town during their SEQRA review, and that all of this information is available on the online repository if anyone would like to take a closer look.
- Taylor Jaffe ("*TJ*", Livingston Manor, Catskill Mountainkeeper):
  - *TJ* asks how are the comments made during the public participation period incorporated and reflected in the final plan?
  - *EGD* answers that in the online repository there is a progress report that includes all of the comments there were made both during the last meeting as well as any other comments that were received to-date. This report is provided to the NYSDEC for their review and possible incorporation in the permitting documents and that this will be the case following the conclusion of the extended public comment period. Likewise, after this meeting there will be a comprehensive summary report provided to NYSDEC and the public for use in potential incorporation in permitting documents.
- *KN*:
  - *KN* states that fugitive dust and best management practices are kinds of standards that would apply to all different types of sites, and that she believes this site to be particularly prone to fugitive dust. *KN* asks if there is any mechanism that is already in-place or that NYSDEC could put in place to require actual air quality testing, either as part of the permitting process or as some kind of follow up monitoring to ensure that the facility performs as modeled and to make sure that the modeling accurately addresses the fugitive dust issue related to toxins that are potentially related to the operation of the plant.
  - *EGD* responds that this topic was addressed at the first meeting and that compliance is maintained through maintenance and production records. *EGD* further conveys that NYSDEC does have the ability to incorporate additional measures and that measures have been taken at the site to significantly reduce particulates, including paving of the site entrance, and using water to suppress dust. These could be incorporated into the permit conditions.

- *EGD* states that he does not currently see any raised hands or comments or questions in the Q&A, reiterates the procedure to ask questions or provide comments, and that the meeting will be kept open in case there is a late arrival, or a question occurs to somebody present to ask.
- KN:
  - *KN* asks what prompted the second meeting and extension of the comment period and if an explanation can be provided as to "how we ended up here tonight"?
  - *JFC* answers that it is more a procedural comment than a comment on the project and that, and after the first meeting, notwithstanding a strong turnout, NYSDEC had requested that the applicant hold a second meeting. The applicant agreed to hold a second meeting and that we are here to solicit any additional comment or question anyone from the public may have. *JFC* noted that both parties also agreed to extend the public comment period.
- Robert Callogero ("*RC*" Code Enforcement Officer, Town of Kingston):
  - *RC* states that the site has been kept impeccable and the roads are watered and swept for dust control. Also conveyed that before the applicant took it over it was a disaster and that prior ownership could not keep the site in compliance. *RC* stated that upon acquiring the property Route 28 "cleaned it up perfect". *RC* notes that he thinks this facility will be an asset to the community and will produce a "great product and I think we need it". Also added if anyone had any questions about the building, they could call him directly.
  - *EGD* asked for the commentors name for the record, as this was a call in. The attendee answered, Robert Collogero, Code Enforcement Officer, Town of Kingston.
- *EGD* notes that there are no remaining raised hands or questions/ comments in the Q&A. *EGD* reiterates the procedures available for making a comment or asking questions, and that if anyone has additional comments or questions after tonight's meeting that they can direct them to JMT or NYSDEC and the contact information provided in the Q&A and online repository.
- Sarah Fossett ("*SF*") asks via the Q&A:
  - *SF* asks if the NYSDEC can require intermittent air quality testing during the operation of the plant?
  - *EGD* responds that NYSDEC can, but the primary compliance is related to maintenance of equipment and empirical production on an annual basis.
- *EGD* notes that there are again no additional hands raised or comments, but the meeting will be held open until the end of the scheduled time and encouraged comments or questions be submitted to either JMT or NYSDEC.
- Dominic Testa ("*DT*," Construction Manager for the Applicant) provides a comment:
  - *DT* Introduced himself and gave a brief overview of the company, its operations, and its investment in the area, including how it has developed good working relationships with

everyone in the neighborhood. *DT* also conveyed that if anyone has any questions for him, he'd be more than happy to answer them and show them around the site. He is onsite a couple times a week. He then requested *EGD* to post his contact information.

- *EGD* reiterates the procedure for providing a comment or asking questions.
- KN:
  - *KN* notes that she travels Route 28 and passes the site daily and that she noticed big improvements after the change in ownership and was hopeful that this project would be a smaller impact when compared to prior operations. *KN* further conveyed that she thought that this would be a smaller impact based on the Town meetings and that in retrospect, believes SEQRA should not have been closed until NYSDEC and NYSDOT did their reviews, etc., and that she does not believe the project is reflective of what was reviewed during SEQRA, and that the site is quite intrusive, visually. *KN* states that material storage and dust that is coming back onto the road, like "it was during the mining activity" and that these concerns are being raised not that it is not an asset to the community but that what was presented at the Planning Board vs. what is happening now. *KN* notes that the plant must have been turned on for some purpose at some point because terrible odors were observed one day.
  - *JFC* responds that the project is the same as the one that was before the Board. *JFC* states that the public had the opportunity to comment on the plant then as well. The use is the type of use that is allowed under the zoning code. The purpose is to provide for a commercial use and for MU-1 it includes industrial/commercial use as well as mining/quarrying use. The types of activities associated with the use are dedicated to this area in the Town of Kingston. *JFC* then explains the surrounding land uses and companies in the immediate area. The odor could be from another of these sites and reiterates that the plant has not been turned on. In terms of uses, it is consistent with the Town plans, zoning, etc.
  - *EGD* adds that the quarry was quite a bit away from reclamation and full build-out when the project was before the Town. The full development of the quarry had to occur in order for reclamation to occur, and that some of this activity may have been interpreted by the community as relating to the project at hand. It was necessary to complete this to be consistent with the NYSDEC Mining Plan.
- *RC*:
  - *RC* comments that the Town did their review, and that it was further reviewed to the Ulster County Planning Board, which found no issue, and that the Town "did their job."
     *RC* further noted that the area is zoned commercial, and there are other nearby uses with visual impacts.
- Tom Cherwin ("*TC*"):
  - States that he knows *KN* and knows she was telling the truth with respect to the perceived odor. *TC* requests clarification if *JFC* was denying that *KN* smelled an odor.
  - *JFC* clarifies that he was not disputing that *KN* smelled an odor, just that there are other industries in the area that the odor could be coming from.
  - *TC* asks *JFC* if he is stating the odor came from another site, and not Route 28.

- *JFC* responds "no", the site was not in operation, and it is unlikely that the odor came from it. Further states that he does not know specifically where it came from, just that there are other industries in the area that the odor could have come from.
- *EGD* at 6:28 PM reiterates the process for providing a comment or asking a question.
- *EGD* at 6:30 PM, thanked everyone and reiterated how to submit comments. *EGD* also stated that the meeting would be left open for another 5 minutes.
- *EGD* hearing no additional comment or questions, closed the meeting at 6:35 PM. *EGD* thanked everyone for attending the meeting and reiterated the comment period is open until February 23 and to submit any written comments to him or DEC. *EGD* also stated that the online repository will be updated with all documents.



Rebecca Crist NYSDEC Region 3, 21 South Putt Corners Road New Paltz, NY 12561-1620 (845) 256-3054 DEP.R3@dec.ny.gov

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Davidson, Ed 1h ago • Edited

Ed Davidson 518-782-0882 edavidson@jmt.com





Dominic Testa, 530 Route 28 Materials dominic@froghollowind.com





Davidson, Ed

https://jmt.com/rt-28-asphalt/

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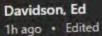


Davidson, Ed 1h ago

Rebecca Crist
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 Road
 New Paltz, NY 12561-1620
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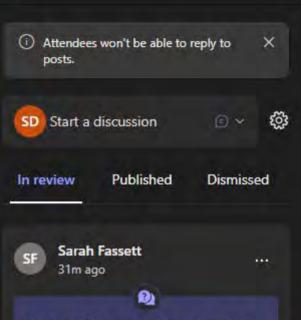
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Can the DEC require intermittent air quality testing during the operation of the plant?



## **APPENDIX VII**

### SUMMARIZED PUBLIC MEETING COMMENTS AND RESPONSES



# TABLE 1ROUTE 28 1<sup>ST</sup> VIRTUAL PUBLIC MEETINGSUMMARIZED COMMENTS AND REPONSES

Public Question/ comment	Route 28 Response
How were the Potential Environmental Justice Areas (PEJAs) and Disadvantaged communities (DACs) determined and why it wasn't discussed during the SEQR process?	The facility is located next to, but not in, an area mapped as a PEJA, and that the PEJA policy has been applied based on the facility's location and that they are applying for an Air State Facility (ASF) permit. Additionally, that DAC is separate from EJ and comes in play for other areas of review and analysis but is not directly a component of EJ.
Emission Calculations. Was any air modeling completed for air emissions?	Emissions for the facility were calculated based on the planned production of asphalt from the facility and the US EPA's Compilation of Air Pollutant Emissions Factors from Stationary Sources (AP-42) document. It was emphasized that AP-42 is conservative and that modern asphalt plants typically produce lower levels of emissions than are predicted by AP-42 based calculations. In summary, calculations based on AP-42 provide a "worst-case" scenario for consideration during the permitting and review process. Detailed modeling was not completed for this facility because emissions will be low enough to be protective of human health and other environmental considerations.
Traffic concerns, and why was the traffic study not completed during the SEQRA process?	Anticipated traffic levels associated with the project are approximately two orders of magnitude less than traffic levels currently on New York State Route 28. This volume of traffic does not exceed the threshold described in the NYSDEC SEQRA guidance documents that would require additional study. Based on the findings, the Town of Kingston concluded that there would not be significant traffic impacts from the project. The June 2023 traffic study was subsequently completed as part of the applicant's consultation with NYSDOT in a process separate from SEQRA.
What visual impacts will the facility have on the surrounding area	Visual impacts were a significant component of the Town of Kingston's SEQRA review process and noted that, since Route 28 has taken ownership of the facility, they have improved facility screening. During the Town approval process, the Town requested measures for aesthetic purposes be implemented or kept in-place to limit potential views into the site. The submitted visual impacts assessment, by stating that the change in use from the quarry to the asphalt facility has no potential to create adverse visual impacts; a conclusion the Town agreed with during the review process. The facility is within a Town designated commercial corridor and similar uses are present throughout this section of New York State Route 28.
Nearby receptors and corridor travelers had odor concerns regarding the facility	A detailed analysis was completed for compounds associated with odors coming from asphalt plants during the Town's review. The results of the analysis indicated that nearby sensitive receptors would not be impacted by odors. Residents can contact the facility, local government, and NYSDEC with any concerns or complaints, which would determine if there are any violations or compliance issues at the facility with respect to odor.
Has there been a recent noise study associated with this project?	The facility is an existing and active bedrock quarry, and Rt. 28 Materials Supplies has never incurred a violation while operating the mine. A noise impact assessment was completed as part of the process of RT 28 taking ownership and operation of the quarry, and the SEQRA process for the asphalt plant determined it would be consistent with or lower than existing operations. Therefore, it was determined there would be no potential noise impacts.

# TABLE 2ROUTE 28 2<sup>ND</sup> VIRTUAL PUBLIC MEETINGSUMMARIZED COMMENTS AND REPONSES

Public Question/ Comment	Route 28 Response
<b>Public Comment Period.</b> How are the comments made during the public participation period incorporated and reflected in the final plan? Can a notice about the extended comment period can be sent to all the people involved in the project for which there is contact information for?	A Progress Report is in the online repository and includes all of the comments that were made during the initial public participation meeting, as well as any other comments that were received to-date. This report is provided to the NYSDEC for review and for possible incorporation in permitting documents. Likewise, a comprehensive summary report which will incorporate comments from the second public participation meeting will be provided to NYSDEC and the public for potential use in permitting documents. Mailers, which included information on the updated comment period were sent to all stakeholders on the EPPP Contact Lists. Anyone who has a request for additional information or updates should provide their contact information to JMT or NYSDEC so that they can be notified of any updates.
<b>Emission Calculations.</b> How was air modeling completed for air emissions? Can NYSDEC require intermittent air quality testing during the operation of the plant?	As explained in the initial public participation meeting, emission calculations were completed according to the NYSDEC's list of criteria emissions that are used to determine permitting thresholds, and a list of toxic air contaminants. Both lists were analyzed in detail for the facility and included in the CLCPA analysis. Mobile transportation emissions associated with truck traffic were included in NYSDEC's review and initial calculations were provided to the Town during their SEQRA review. All emission information is available on the online repository for further review. The NYSDEC can require emissions testing, but the primary measure of compliance is related to maintenance of equipment and empirical production on an annual basis.
<b>Fugitive Dust.</b> Has Route 28 considered the potential for truck traffic and activities at the site that "stir up" dust and impact the air quality? Is there is any mechanism that NYSDEC could put in place to require air quality testing, to ensure that the facility performs as modeled and to ensure the modeling accurately addresses the fugitive dust issue related to toxins that are potentially related to the operation of the plant?	Particulate matter is one of the calculations incorporated into the air emission calculations, which applies to both onsite activities and local truck traffic on the roadways. However, fugitive dust (generated by onsite trucks and material stockpiles) is not included in air emissions calculations and there is no NYSDEC or other regulatory standard governing such issue, other than best management practices. Best management practices require the site to maintain low dust levels through measures such as water spraying, when necessary. Fugitive dust emissions were also addressed at the first public participation meeting. Route 28 has incorporated several measures to significantly reduce site particulates, including paving the site entrance, and using water to suppress dust. The NYSDEC has the ability to incorporate additional appropriate measures into the permit conditions, but the foregoing should address fugitive dust.
<b>Site Odor</b> . Odors were perceived by one meeting participant driving near the facility.	The asphalt plant has not been turned on, and it is possible that the perceived odor could have been from other activities at the site or from another of the surrounding sites, as the site is within an industrial corridor.
Site Screening Concerns. Can screening be provided and not lost just because of traffic concerns? Was the proposed removal of shrubbery included in the environmental site plan review?	Route 28 is not aware of additional site work to remove site screening, and instead has included additional screening at the request of the Town as well as has voluntarily added screening at the site over time. Route 28 performs occasional roadside maintenance at the facility, that has no impact on facility screening. The Town-approved site plans included additional screening to account for the site distances required by NYSDOT. The site distance issue is a safety consideration, and Route 28 is required to comply with NYSDOT requirements.



### **APPENDIX VIII** ADDITIONAL PUBLIC CORRESPONDENCE





## Call Log - Nora Budziak

Nora Budziak "LAW" (Land/Air/Water) Ulster, NY <u>aeinora@aol.com</u> 845-336-4502

Nora Budziak called on 2/5/2024 and talked with A. Messina, looking for additional information on emissions. Nora Budziak did not email or leave a message.

Edward Davidson returned the call on 2/6/24 11:30 AM. Details of the call included the following:

- 1. Nora Budziak expects Jim Quigly to address the project via official channels.
- 2. Nora Budziak was concerned about environmental impacts, air emissions, direction of emissions (prevailing wind).
- 3. Nora Budziak advocated for productive re-use of land.
- 4. Nora Budziak expects comment from Hurley & Woodstock due to prevailing winds.
- 5. Nora Budziak mentioned formaldehyde concerns.
  - Edward Davidson noted pending regulations, thresholds, NYSDEC guidance & acceptable levels, 32,000 tpy production.

Following conversation, Edward Davidson forwarded Nora Budziak NYSDEC contact info, project file link, and NYSDEC proposed 220-3 link.



From:	Emily Horowitz
То:	Davidson, Ed; dep.r3@dec.ny.gov
Subject:	[EXTERNAL] 530 Rt 28 project
Date:	Thursday, February 8, 2024 9:42:00 AM

Cyber Security Reminder: Please use caution - message originated outside JMT.

Hello,

My name is Emily Horowitz and I live at 220 Morey Hill Rd in Kingston, just over a mile away from this proposed project. I want to express my sincere apprehension about this project which to be clear, I do NOT support. I am extremely concerned about air quality and pollution, noise pollution, air pollution, increased loud heavy trucks on an already intense-to-drive and dangerous Rt. 28, as well as environmental concerns and concerns about decreased property values.

This project just doesn't seem like a good fit for our community and it is my sincere hope that it will simply remain as a quarry. There are other more heavily industrial areas that would be better suited for this industrial project. Let's keep Catskill Park a beautiful oasis for future generations!

Thank you so much for taking my view into consideration.

Sincerely, Emily Horowitz 220 Morey Hill Rd Kingston NY 12401