

Appendix D

TOWN OF DOVER SUPPLEMENTAL DOCUMENTATION
MASTER PLAN AMENDMENTS AND PROPOSED ZONING LAW

1.0 INTRODUCTION

The Town of Dover is currently in the process of modifying its zoning ordinance and amending its Master Plan. The Master Plan, adopted in 1993, recommends certain changes to the types of residential and commercial uses, which changes are now being implemented in the Proposed Zoning Law. Since 1993, certain events occurred and several facilities were sited or proposed which highlighted the need for attention to two particular land uses: solid waste management facilities (SWMFs) as defined in 6 NYCRR Part 360 and mining. These events include:

- A 10-day tire fire in January 1996 at a 40,000 tire recycling facility that cost \$200,000 in emergency services. Fumes from the fire closed the elementary school for three days;
- Proposed siting of a 64 acre interstate construction and demolition (C&D) debris landfill straddling the Swamp River which would ultimately hold in excess of 5 million tons of C&D debris;
- Permits pending on expansions of two existing SWMFs: a transfer station that will double the quantity of material handled to 81,000 tons per year and include both municipal and C&D waste, and a 50% increase in processing at a petroleum-contaminated soil treatment facility to 77,480 tons per year;
- Proposals for five new SWMFs including two new C&D and municipal solid waste (MSW) recyclable facilities, a coal ash processing facility, and two composting facilities: one a processing and transfer station, and the other a land application compost facility.
- A pending permit for a 188-acre underground mine which would remove 100 million tons of rock and garnet over 75 years without a specific reclamation plan; and
- A pending permit to expand an existing 47 acre sand and gravel mine to a 97-acre surface rock quarry which would remove 17 million tons of rock over 60 years.

Many of these proposed and existing facilities are located in the Town's central valley adjacent to the Swamp and TenMile Rivers and near large sediment deposits. The Town commissioned an aquifer study in 1996 to determine the extent of the aquifer as a water supply, and to identify any potential risks that may be

associated with SWMFs and mines relative to the aquifer. That study was completed in June 1998 and accepted by the Town.

Consequently, the Town of Dover prepared a Master Plan Amendment that included recommendations to prohibit all new solid waste management facilities, and new mines or the expansion of existing mines¹. The Master Plan Amendment describes the need for the prohibition in light of the many existing facilities and resultant impacts on the communities.

This supplemental report provides additional documentation of the number and kind of mines and SWMFs, the geographic location, economic impacts, cumulative impacts, and relative distribution of similar facilities in the County.

¹ With the exception of small scale mines with extraction rates of less than 1,000 tons or 750 cubic yards (c.y.) of material annually.

3.0 SOLID WASTE MANAGEMENT FACILITIES

3.1 Existing Conditions

3.1.1 Solid Waste Management Planning

The Dutchess County Resource Recovery Agency is the responsible agency for operating the Resource Recovery Facility (RRF) and for solid waste management planning in Dutchess County²⁹. The Final Solid Waste Management Plan, prepared by DCRRA in 1992 provides for solid waste disposal needs through the year 2010. The Plan called for two new landfills to be sited in the County to handle ash from the RRF, C&D waste, and by-pass waste: one in the Town of Red Hook, and one in the Town of Washington³⁰. Those landfills have not been sited. No new landfill for any form of solid waste was proposed or considered for the Town of Dover. Currently C&D and by-pass solid waste generated in Dutchess County are sent to a landfill in Sullivan County under a 5-year contract. All other waste is processed and managed by DCRRA at its RRF.

Based on its population, the Town of Dover generates approximately 8,100 tons of solid waste annually³¹. Solid waste management and disposal in the Town of Dover is managed by the town-operated transfer facility for municipal solid waste (MSW) at East Duncan Hill Road in Dover Plains, and by private carters. Residents may use the Town transfer facility by obtaining a permit or may elect to use a private carrier. The transfer station receives municipal solid waste including separated recyclables, and tires. The Town of Dover is served by the Resource Recovery Facility in Poughkeepsie, NY. There are no active landfills in Dover, nor does the Town anticipate creating a municipal landfill.

In addition to the Town's MSW transfer station, 10 additional solid waste management facilities (SWMFs)³² are located or proposed in Dover (Table 3.1-1). 15 inactive landfills are also sited in Dover. The active and proposed SWMFs are shown on Table 3.1-1.

²⁹ Personal communication, DCRRA, August 31, 1998.

³⁰ Final Solid Waste Management Plan, DCRRA, February 1992, p 1-8.

³¹ NYS Comprehensive Solid Waste Study, Dutchess County, Final Report. William R. Trustman Assoc., Buffalo, NY. September 1972. p. 3-1

³² As defined under ECL Part 360.

Table 3.1-1 SWMFs located or proposed in the Town of Dover.

Type of Facility	Existing	Proposed
Landfills	1 inactive municipal 9 inactive private ³³ 6 inactive hazardous waste ³⁴	1 interstate C&D
Composting facilities	---	2 sludge facilities
Transfer stations	1 C&D/MSW 1 Town owned MSW	1 C&D 1 MRF/MSW
Recyclable handling/recovery	1 petroleum-contaminated soil treatment	1 incinerator ash
Waste tire storage facilities	1 tire recycling ³⁵	---

3.1.2 Regulatory Control

Solid waste management facilities (SWMFs) are regulated by NYSDEC under Part 360 of the Environmental Conservation Law. The regulatory agency, Division of Solid Waste and Hazardous Materials Group of Region 3, has a staff of 17 which reviews and administers all Part 360 facilities in the region. NYSDEC staff perform annual inspections and on an as needed basis³⁶. NYSDEC also requires performance bonds and/or financial assurance for the safe operation of a facility. Under the existing zoning regulations, local site plan review by the Town Planning Board is required as well³⁷.

Solid waste management facilities as defined in Environmental Conservation Law Part 360 include landfills, including construction and demolition debris (C&D), composting facilities, transfer stations for handling and treatment of solid waste,

³³ Final Solid Waste Management Plan, DCRRA, February 1992, p.3-51-3-60.

³⁴ Ibid, p 3-60.

³⁵ Not operating due to fire in January 1996.

³⁶ Personal communication, NYSDEC Region 3 staff, 8/31/98.

³⁷ Town of Dover Zoning Law, Section 303.

recyclable handling and recovery, and handling, treatment and storage of special wastes such as waste tires, oil, and incinerator ash.

NYSDEC records indicate that two of the three privately-operated existing SWMFs have exceeded the permitted storage quantities, and site requirements. Additionally, these violations began within one month of the issuance of the Part 360 permit or a modification permitting greater storage, and continued annually throughout the life of the permit. As modifications are issued, the original SEQR negative declarations are relied on, or the new SEQR documents only reflect the incremental increases and accompanying impacts.

SEQR determination for SWMFs are likely to have noise, odor, dust or other air quality issues are based solely on proximity to sensitive receptors. All three private SWMFs and the Carbon Activation SEQR determination used impact analysis of nearest sensitive receptors. For example, if the nearest residence is 700' distant at the time of the permit, then no impact is found. However, this precludes the potential for future use of surrounding residentially-zoned properties. A better protocol for review of impacts from such uses when adjacent to surrounding residential zones is to establish limits to be met at property lines, thereby permitting unhampered future use of surrounding properties.

Finally, the 1996 permit modification allowing the expansion of the A&M Carting facility noted that as a matter of policy, NYSDEC will no longer require environmental monitors as a condition of new or modified permits.³⁸ The permit letter further states that NYSDEC can initiate proceedings in the future should it be necessary to require an on-site environmental monitor.

3.2 Inventory of Facilities

Data gathered from this section was derived from a variety of sources: NYSDEC files, Town records, and personal communication with Town personnel and includes the type of facility, size of site, quantity of material, truck traffic generated, performance bonds or other financial assurances, permit data, existing and proposed zoning, and surrounding uses. Tables 3.2.1-1 and 3.2.2-2 summarize the inventory.

³⁸ Letter dated 3/1/96 to Albert Coccozza, Jr., A&M Brothers, Inc. from W. Steidle, Region 3, NYSDEC.

3.2.1 Existing Facilities

There are four permitted Part 360 facilities and one facility which performs recycling but was determined not to require a Part 360 permit by NYSDEC.

A&M Carting (dba Coccoza) (A&M) operates a municipal solid waste (MSW) and C&D debris enclosed transfer station on 1.09 acres on Rte.22 in an existing C-commercial district in Wingdale. The facility recently requested and received a permit expansion from 100 tons per day of C&D and for an additional 170 tons per day of MSW. The site plan for the expansion was also reviewed by the Town of Dover Planning Board and approved in July 1992. The Proposed Zoning District is HC-highway commercial. Surrounding uses are low density residential. The facility is located in the VBAS of the aquifer overlay district (AQ), and is also located in the floodplain overlay district (FP). An estimated 54 trucks per day visit the site. A performance bond of \$100,000 is on file with NYSDEC. No violations have been reported. No on-site manager is required by NYSDEC. Up to 1,000 tires can be stored on site as part of the NYSDEC permit.

Carbon Activation (dba COH) operates a carbon filter recycling plant at the Mid-Hudson Recycling Center, a 54-acre site on Route 22 in an existing M-Manufacturing district. NYSDEC determined in 1993 that this facility does not require a Part 360 permit for the recycling or handling of hazardous waste, as it stores the contaminated liquid from the carbon recycling process and stack scrubber in a 2,000 gallon tank on site. The tank is pumped periodically. Approximately 1,500 tons per year of carbon is recycled and truck traffic generated is approximately 5 trucks per day. An air quality permit has been issued for the facility.

Poly-Tech Recycling Corp. (Poly-Tech) operated a tire recycling plant under a partially exempted permit originally issued in 1992 to IER, a major stockholder in Poly-Tech. The partial exemption was based on a permit application which called for storage of 1,000 tires and processing of 50 tons per day. The facility was cited and fined in September 1993 for excess storage.

An application for an expansion was issued in November 1994 to Poly-Tech, Inc. which permitted the processing of 8,000 tires per day via crushing and storage of up to 40,000 tires on site in an enclosed building. The facility generated an estimated 20 trucks per day. A \$60,000 performance bond was held by NYSDEC. The facility was a tenant of the Mid Hudson Recycling Center, also known as Howland Lake Partnership. The Mid Hudson Recycling Center is located in an M-manufacturing district and surrounded by low-density residential uses. The property is located in the VBAS of the aquifer overlay district, and is also situated in the stream corridor

(SC) and floodplain (FP) overlay districts. The proposed zoning is as a M-manufacturing district.

The facility was cited by NYSDEC within one month of issuance of the Polytech, permit in 1994 for improper storage. Violation notices were issued in January, October, and December 1995, including a violation notice dated December 22, 1995 for lack of spacing between rows of tires, outside storage of processed material, non-compliance with pollution prevention controls and approximately 60,000 tires in storage. In November 1995, an application was made for an expansion of the permit to store up to 60,000 tires on site³⁹. On January 1, 1996, a fire began at the facility which lasted for 10 days. Smoke from the fire caused the nearby elementary school to close for three days. The fire cost up to \$200,000 for emergency services⁴⁰, a portion of which was reimbursed to the Town of Dover in 1997.

In correspondence between NYSDEC and Polytech, Polytech was permitted to pay a portion of the clean-up costs using the \$60,000 performance bond⁴¹. Poly-Tech's reported clean-up cost was approximately \$132,000⁴². The site was last inspected on October 28, 1997 and the inspection report states that the debris from the fire remained, and the facility was in violation of its consent order. The matter was referred to NYSDEC attorneys on October 30, 1997. As of March 1997, only \$10,206 remained in the bond. Polytech was denied access to it by NYSDEC until the site was completely closed.⁴³

In addition, as a result of water quality sampling in January 1996 after the fire, benzene was found in the groundwater which was believed to have resulted from a leaking tank truck owned by Polytech Inc⁴⁴.

The Town of Dover operates a municipal solid waste (MSW) and municipal recyclables facility (MRF) transfer station on a permit basis. Residents may secure a permit and bring non-hazardous solid waste, and paper, glass, and plastic recyclables to the transfer station located on East Duncan Hill Road. The facility handles 121.76 tons per year of MSW and 52.39 tons per year of recyclables⁴⁵. One 12-cubic yard truck per day serves the facility. Material is brought to the Dutchess County Resource Recycling Facility. The facility is located on a 1 acre parcel in an RV-40 zone. Proposed zoning for the site is RU, rural residential. Municipalities are exempt from local law.

³⁹ Letter dated November 20, 1995 from Drayton Grant, and quarterly report dated 10/4/95 from Polytech, Inc.

⁴⁰ Letter dated February 6, 1996 from Town of Dover to Gary Speilman, NYSDEC.

⁴¹ Letter dated July 25, 1996 from Drayton Grant, Esq. to Perry Mehta, NYSDEC.

⁴² Ibid.

⁴³ Letter dated March 14, 1997 from A. Fuchs, NYSDEC to Drayton Grant.

⁴⁴ NYSDEC Spill file 95-12288 and 95-14885, 1/29/96.

⁴⁵ Town of Dover Transfer Station Annual Report for Period 1/1/97 to 12/31/97.

TT Materials (Allied Industries) operates a petroleum-contaminated soil treatment facility at the Mid Hudson Recycling Center on Route 22 in a M-manufacturing district. In 1994, TT received approval to expand operations to 298 tons per day of processed material, and approximately 17 trucks per day. A \$41,000 performance bond is on file with NYSDEC. After several violation notices regarding outside storage of processed material in January and February 1996, NYSDEC issued a consent order in July 1996 that included an \$8,000 fine, a portion of which was suspended. Violation notices were also issued in November 1997, January 1998, and July 1998. On July 9, 1998, NYSDEC issued an order to cease accepting contaminated soil until violations were corrected. In August 1998, a consent order due to the failure to comply with the permit and requiring payment of the previously suspended fine of \$6,000 and establishing a \$10,000 fund to defray NYSDEC costs of administration of the consent order. During this time, Polytech, Inc. made application to expand its operation from 1,000 tons per week to 1,490 tons per week and to change the allowable chemical constituency. The permit modification is pending.

Table 3.2.1-1
 Town of Dover
 Existing Solid Waste Management Facilities

Facility	Type	Permit Issued	SEQR/ Impacts ⁴⁶	Performance Bond	Permit Violations
A&M Carting	C&D and MSW	1992: 100 tpd C&D 1995: add'l 170 tpd MSW	Type I, neg dec. 54 trucks per day; storage of 1,000 tires; odor, noise.	\$100,000	None to date.
Carbon Activation	Charcoal recycling	Air quality only	Type I, neg dec. 5 trucks per day, air emissions, odor	N/A	N/A
Polytech, Inc.	Tire	1992 ⁴⁷ : 50	Type I, neg dec	\$60,000	Cited for

⁴⁶ Impacts listed in SEQR documents.

Facility	Type	Permit Issued	SEQR/ Impacts ⁴⁶	Performance Bond	Permit Violations
Polytech, Inc. (continued)	recycling	tpd and 1,000 tires stored. 12/94: 8,000 tires/day and 40,000 stored 12/95: requested increase to 60,000 tires	20 trucks per day, noise, odor	\$10,032 remaining	exceeding storage 9/93: fined 12/94 1/95 10/95 12/95 6/96 fined
Town of Dover	Municipal MSW and recyclables	199X	Type I, neg dec 1 truck per day	N/A	None
TT Materials	Petroleum contamin- ated soil treatment	1994: 1000 tpd storage 1998: Request for expansion to 1490 tpd. Storage	Type I, neg dec Odors, water quality, 12-15 trucks per day	\$41,000	Outside storage, exceeding storage: 1/96, 2/96 Consent order and fine 3/96. 11/97 1/98, 6/98, 7/98 Consent order and fine 8/98

⁴⁷ Original permit granted to IER, a major shareholder in Polytech as indicated in letter dated 10/17/94 from Drayton Grant to NYSDEC.

3.2.2 Proposed Facilities

Based on a review of Town files, six proposals for Part 360 solid waste management facilities have been presented to various Town boards for preliminary discussion. One facility has made application to NYSDEC, and one has made application to the Town Board for a variance from the moratorium⁴⁸.

American Ash of Tennessee approached the Town Board in February 1996 regarding the permitting of an ash processing at the Mid Hudson Recycling Center to treat 10,000 tons of incinerator ash. No permit application was filed with either NYSDEC or the Town of Dover.

Durst approached the Town Supervisor in 1996 regarding the permitting of a composting facility for an undisclosed amount of material on 27 acres on Route 22 in an existing R-40/M-manufacturing District. The property is proposed for a rezoning to CO, Commercial Office and lies in the VBAS of the aquifer overlay district (AQ). Surrounding uses include medium density residential uses. No permit application was filed with either NYSDEC or the Town of Dover. Durst operates a facility in North East by the name of Moody Hill. That site is currently under litigation brought by neighbors on the issue of public health and safety.

Northeast Auto proposed a C&D debris and MRF facility at its current auto recycling facility location on 7 acres in a C-commercial district on Route 22 in Wingdale. The proposal included a 100' x 120' x 35' building, and an estimated 1184 tons per day processing based on the size of the structure proposed. An estimated 156 trucks per day would be generated by a facility of this size. The property is in the proposed HC/SR zone, noting Hamlet Commercial and Suburban Residential. Surrounding uses include an existing medium to high density residential development. No permit application was filed with either NYSDEC or the Town of Dover.

Palumbo (Danny Fortune Co.) has proposed a 64-acre C&D debris landfill straddling the Swamp River at its current 94-acre mine location on Sherman Hill Road near Route 22. The property is in an R-40, Residential district and the FH, flood hazard district, under the current zoning. Under the proposed zoning, the property will be in an RU, rural residential district and in the VBAS of the aquifer overlay district (AQ), the stream corridor overlay (SC), and the floodplain overlay (FP). The surrounding uses include the reclaimed O&G mine, and low density residential uses. The proposed facility would accept up to 1250 tons per day of C&D debris from parts of Connecticut, Dutchess County, Rockland County, Putnam

⁴⁸ See Section 3.4 Zoning Issues for discussion on moratorium.

County, Orange County, Westchester County, Sullivan County, parts of the five boroughs of New York City, and possibly New Jersey over a 20 year period.

In 1991, the applicant made application to NYSDEC for reclamation of the existing mine using stumps and brush. NYSDEC determined that a Part 360 permit would not be necessary unless more than 5 tons of material was brought on site per day. A Part 360 application was made to NYSDEC in 1992, and an Draft Environmental Impact Statement (DEIS) prepared dated May 1998 was prepared and distributed. As part of the application, Carbon Activation will relocate to this site⁴⁹. Truck traffic is estimated at 165 vehicles per day. An additional 140 trucks are estimated for leachate removal.⁵⁰ The project as proposed in the May 1998 DEIS would result in a decrease in the level of traffic on Route 22 during peak PM hours from level of service C to level of service D by the year 2000. During public hearings on the DEIS, over 1200 persons spoke against the application and issues were raised regarding risks to groundwater supply, fire hazard, odor, pathogens, fugitive dust, traffic, and long term re-use of the property after landfill closure. NYSDEC has extended its decision period until December 7, 1998.⁵¹

T&E Development, Inc. has proposed a soil enhancement transfer station for an undisclosed quantity of biosolids, including septage pumpings, on 8 acres of a 20-acre site owned by Thomas and Evangelina Dushas and currently zoned M-manufacturing. The site was previously used as one of the Town of Dover landfills. Under the proposed zoning, the site will remain a M-manufacturing district, and will also be subject to the VBAS of the aquifer overlay district (AQ). Surrounding uses are low density residential and manufacturing. The proposal for the facility includes indoor treatment of biosolids. The applicant has requested a variance from the current moratorium. The Town Board made a positive determination of environmental significance, and requested that the applicant prepare an environmental impact statement (EIS). A subsequent Article 78 filed in June 1998 by the applicant requesting that the moratorium be declared invalid failed. No application has been made to NYSDEC as of this date.

Waste Management of New York, Inc. - Hudson Valley has proposed operating a recycling and transfer facility at the Mid Hudson Recycling Center on Route 22. The proposal calls for the handling of up to 300 tons per day of MSW, recyclables, and C&D debris. The applicant estimates 64 trucks per day would be generated by this site. The proposal calls for a 16,000 s.f. building. No permit application was filed with either NYSDEC or the Town of Dover.

⁴⁹ Palumbo DEIS, p. 4-49.

⁵⁰ TCC memo dated

⁵¹ NYSDEC letter dated 10/ 23/98.

Table 3.2.2-1
 Town of Dover
 Proposed Solid Waste Management Facilities

Facility	Type	Materials	Size	Potential Impacts ⁵²
American Ash	Recycling	Incinerator ash	10,000 tons	Air quality, water quality, noise, dust, odor
Durst	Composting	Sludge, septage	Unspecified	Air quality, dust, odors, pathogens, truck traffic, potential spillage/water quality
Northeast Auto	Transfer station	C&D, recyclables	12,000 s.f. bldg., estimated 1184 tpd	Water quality, air quality, fire hazard, truck traffic
Palumbo	Landfill	C&D debris	1250 tpd	Water quality, air quality, truck traffic, dust, odor, pathogens, visual
T&E Development, Inc.	Transfer station	Sludge, septage	Unspecified	Spillage/water quality, truck traffic, dust, odor, pathogens

⁵² Potential impacts indicate the types of issues that need review based on similar facilities or as identified in specific applications/proposals.

Facility	Type	Materials	Size	Potential Impacts ⁵²
Waste Management of New York, Inc.	Transfer station	Recyclables, MSW, C&D	300 tpd	Truck traffic

3.2.3 Inactive Landfills

Of the 10 inactive landfills, 3 are also considered delisted inactive hazardous waste sites⁵³. There are a total of 7 delisted inactive hazardous waste landfill sites. The inactive landfills are shown on Figure 3.2.3-1. Sites range from small 1 acre sites to larger sites of 10 acres or more.

3.3 Location Map

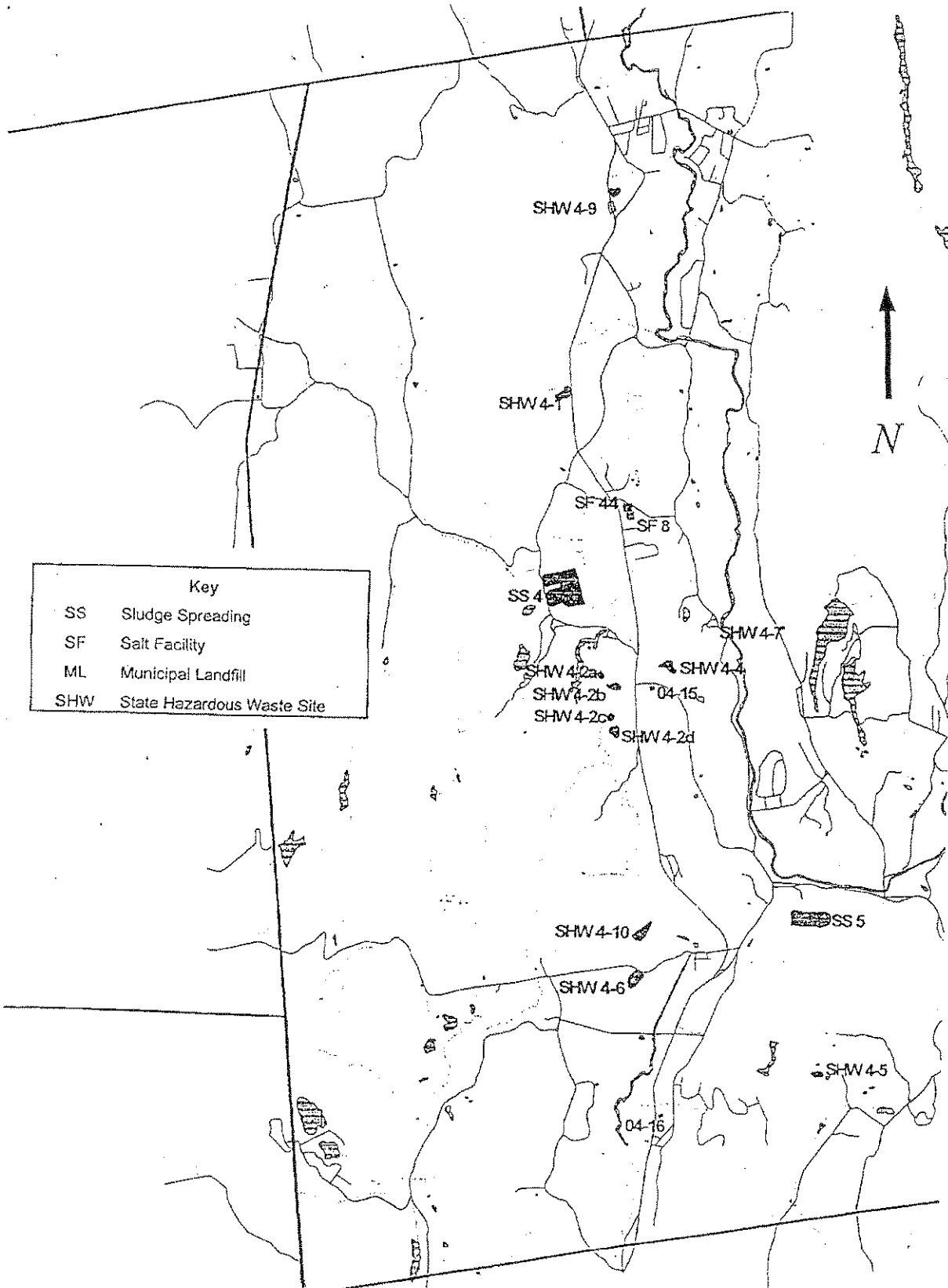
The majority of existing and proposed SWMFs are located along Route 22, as seen on Figure 3.3-1. In part this is due to the need for a major thoroughfare with low grades and connections to other major highways. Route 22 follow the valley bottom, and connects to the south with I-84 and the north with I-90.

3.4 Zoning Issues

After adopting a new Master Plan in 1993, the Town began reviewing its Zoning Law. During this process, six proposals for solid waste management facilities were made. Concerned about the potential impact on water quality and potential threats to the TenMile and Swamp Rivers, the Town of Dover Town Board passed a temporary six-month moratorium on the expansion or construction of existing and new solid waste management facilities in 1997. This was extended an additional nine months in the spring of 1998 to allow the Town to complete the rezoning process.

The Proposed Zoning Law and Master Plan Amendments prohibit all classes of privately-operated ECL Part 360 solid waste management facilities. Potential

⁵³ Final Solid Waste Management Plan, 1992. DCRRA, p.3-51 to 3-57.



Key	
SS	Sludge Spreading
SF	Salt Facility
ML	Municipal Landfill
SHW	State Hazardous Waste Site

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Town of Dover

**Figure 3.2.3-1:
Location Map
Inactive Landfills**

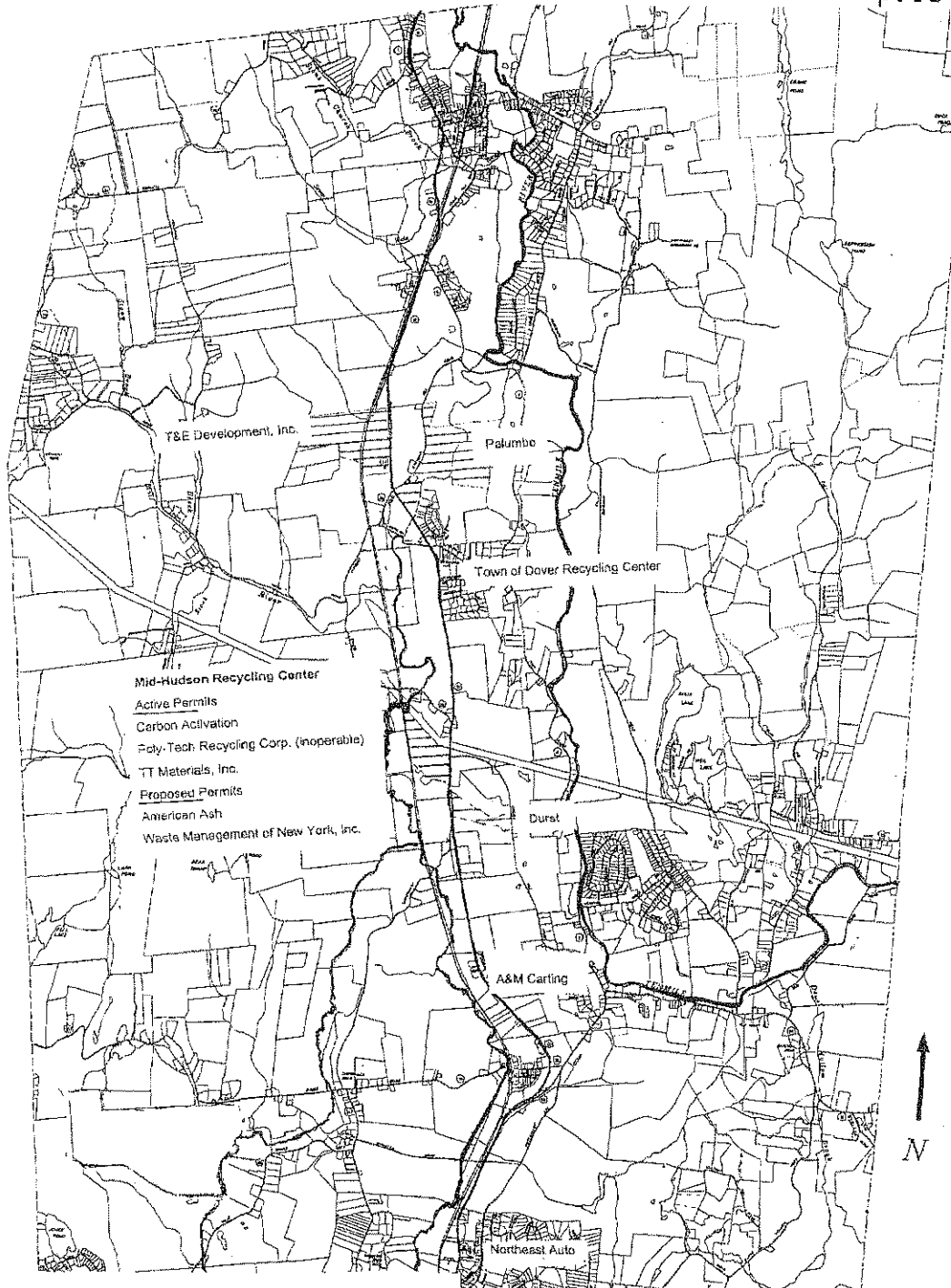
sheet no.

date

10/28/98

project no.

19813.00



Legend

- Active Solid Waste Management Facilities
- Proposed Solid Waste Management Facilities

Town of Dover

**Figure 3.3-1: Location Map
Existing and Proposed
Solid Waste Management Facilities**

Dutchess County, New York

Project No.	12913.00	Revision	1
Scale	10/28/78	Checked	J.R.
Drawn	P.R.E.	Approved	

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significant adverse environmental impacts discussed in the DGEIS include: ability of existing SWMFs to meet future needs; potential decline in the number of existing facilities, potential declines in recycling and beneficial re-use, and potential increase in the demand for SWMFs due to increased population. These are described below.

Under the Proposed Zoning law, existing legally permitted private SWMFs in the Town of Dover will continue to operate, as well as the Town operated transfer station. This represents the transfer facilities for MSW, C&D, tires, and recyclables. According to the DCRRA Final Solid Waste Management Plan, this represents 93.9% of the waste stream⁵⁴. As mentioned previously, the DCRRA is responsible for management and disposal of solid waste and has capacity to meet current and future population demand through the year 2010 through existing disposal facilities. The remainder of the waste stream, waste oil (.8%) and septage (5.21%) are handled privately. According to ECL⁵⁵ Part 360, any service establishment that handles more than 500 gallons of used engine lubricating oil per year is required to accept waste oil for recycling at no cost to the consumer. Septage from septic system pumpings is currently hauled by private licensed contractors and will continue as such. Therefore, no potential significant adverse environmental impact is anticipated on the availability of solid waste disposal methods.

Of the three existing private SWMFs, one has become inoperable. The waste tire recycling plant was subject to a fire in January 1996 and has not yet reopened. The petroleum-contaminated soil treatment plant and the MSW/C&D transfer facility will not be affected by the proposed prohibition. As non-conforming uses, these will be permitted to expand as per Section 6.3 of the Proposed Zoning Law. No decline in the number of facilities is foreseen, and no significant adverse environmental impact is anticipated due to a decline in the number of existing facilities.

Recycling of waste in the County is currently administered by the DCRRA. Beneficial re-use determinations are authorized by NYSDEC. No potential significant adverse impact is anticipated on either type of solid waste management by the proposed prohibition.

3.5 Demand

New demand for solid waste management in Dover due to a potential increase in population may be accommodated by expansion of existing or construction of a new

⁵⁴ Final Solid Waste Management Plan, DCRRA, February 1992, Table 3-4, p. 1-12.

⁵⁵ ECL Part 360-14.4(b).

municipal facility, if needed. Dutchess County population forecasts for the Town of Dover indicate a 15% increase in population to 8,566 persons by 2010⁵⁶. This would result in another 1194 tons per year of solid waste generated. This is less than 0.33% of the total County solid waste tonnage projected for 2010⁵⁷. The DCRRA projected tonnage estimate was based on population increases as well. Therefore, no potential significant environmental adverse impact is anticipated on future solid waste management needs for the Town of Dover.

3.6 Economics

As noted above, each privately operated SWMF has exceeded its storage capacity throughout the life of the permits and operations. At the Poly-Tech site, the estimated volume of tires at the time of the fire was approximately 80,000, or twice its permit.⁵⁸ Both A&M and TT have requested substantial increases to permits.

Polytech noted in its letter dated November 1995 that the need for the increased storage was the market slump in 1994-1995⁵⁹. Mr. Ellers, president of Polytech Recycling Corp. notes in his closure proposal to NYSDEC that the disposal of tires will be difficult in part "due to the unpredictability of the market...". While recycling may have a cyclical market, there is also a substantial difference between recycling and other industries. Instead of using a raw material of some value, there is often a negative value associated with the material prior to treatment. The recycler is paid to remove the material, however, markets for processed material may remain weak.

3.7 Water Quality Issues

In addition to concerns about direct land application of sludge or C&D debris in the form of fill⁶⁰, a review of NYSDEC records indicates that there are water quality concerns associated with other transfer and process facilities as well. These include:

⁵⁶ Dutchess County Forecasting Project Final Report, Dutchess County Planning & Development and Poughkeepsie-Dutchess County Transportation Council, Fall 1996, Table 1, *Dutchess County Forecasting Project, Total Population 1980-2020*.

⁵⁷ Final Solid Waste Management Plan, DCRRA, February 1992, p. 3-22.

⁵⁸ Polytech Recycling Site Closure Outline fax date 7/1/96.

⁵⁹ Letter dated 12/19/95 from Poly-Tech Recycling Corp. to NYSDEC.

⁶⁰ Water Resources Assessment for the Town of Dover, June 1998, The Chazen Companies.

- In January 1996, elevated benzene levels were found in groundwater samples on the MidHudson Recycling site⁶¹. NYSDEC ascertained that a leaking 3000 gallon tank truck used by Poly-Tech was the cause of the spill⁶².
- In 1996, 1997, and 1998, TT Materials Corp. were cited for outside storage of processed material. In a letter dated 6/10/97 to TT Materials, the owners of Mid Hudson Recycling Park noted that outside storage was taking place on virgin soil, and without tarpaulin covers in areas outside of TT Materials' leased area. The letter notes the potential threat of groundwater contamination from leachate from the contaminated soils.

These spills indicate that there are secondary impacts to water quality from solid waste management facilities. Coupled with increased truck traffic, the potential for spillage from overturned vehicles poses a risk to the TenMile River and the Swamp River which run parallel to Route 22. Additional spills from overturned tractor trailers include a 1200 gallon tanker on Ridge Road (12/10/97), a saddle tank truck leak to a storm drain on Old Rte. 55 (8/1/86); and a jackknifed tractor trailer on County Rt. 21 (10/16/92)⁶³.

⁶¹ Memo dated 1/10/96 from A. Fuchs, NYSDEC.

⁶² NYSDEC List of Chemical and Petroleum Spills.

⁶³ Ibid.