

CORBALLY GARTLAND AND RAPPLEYEA LLP

CHARLES J. CORBALLY (1966)
JOHN J. GARTLAND, JR. (2003)

ALLAN E. RAPPLEYEA
JON HOLDEN ADAMS
MICHAEL G. GARTLAND
VINCENT L. DEBIASE
PAUL O. SULLIVAN (*also FL*)
WILLIAM F. BOGLE, JR.
RENA MUCKENHOPT O'CONNOR
ALLAN B. RAPPLEYEA (*also CT*)
LEAH J. BALASSONE
KAREN E. HAGSTROM
WILLIAM W. FRAME
MARGARET M. WALKER

Of Counsel

RICHARD V. CORBALLY

A HERITAGE OF LEGAL COUNSEL

SINCE 1876

BARDAVON BUILDING
35 MARKET STREET
POUGHKEEPSIE, NY 12601-3285

845-454-1110 TEL • 845-454-4857 FAX
E-MAIL: info@cgrlaw.com

WWW.CGRLAW.COM

Administrator
CAROL ANN NEVILLE

Regional Offices
30 FRONT STREET
PO BOX 679
MILLBROOK, NY 12545
845-677-5539 TEL
845-677-6297 FAX

6369 MILL STREET
PO BOX 366
RHINEBECK, NY 12572
845-876-4091 TEL
845-876-7192 FAX

BY APPOINTMENT:
CLEARWATER, FL 34617

February 8, 2010

Jim Napoli, PE
Dutchess County Department of Health
387 Main Street
Poughkeepsie, New York 12601

Re: *Rasco Materials LLC,*
2241 NY Route 22
7061-00-585063 and 7061 00 580190

Dear Jim:

You may recall we discussed by telephone the issue of whether the Department of Health had any jurisdiction over our client's activities at the above location.

Briefly stated, our client will be operating a solid waste facility which produces cold patch. It is a seasonal activity (i.e., it does not operate in the winter) and will have a small number of employees (approximately five).

The site has no sewer or septic facilities and well or municipal water serving the two buildings being leased by our client. Our client proposes to lease a mobile office that will have both a small office as well as sanitary facilities for the employees (water for bathroom to be from well to be drilled). No leach field will be constructed. Wastewater will be flushed to a septic tank to be periodically hauled from the site by a licensed company. Bottled water will be provided for consumption.

I raised the issue of whether any of the above fell within the jurisdiction of the Health Department as these seem to be OSHA issues as contrasted to Health Department issues. It is my recollection you concurred although at that time, all water was to be bottled water. If there is a permit process for the well driller, that process will be observed (the Code at § 16.2 suggests it is not necessary as the water will not be used for drinking, food processing or public use).

CORBALLY GARTLAND AND RAPPLEYEA LLP

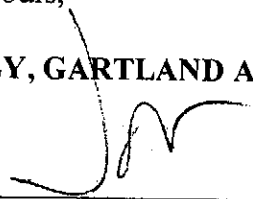
The Town of Dover Planning Board has requested a written statement from your Department that the facilities, as proposed, are acceptable. I would appreciate your providing the same.

If you need any further information to respond, please advise.

Very truly yours,

CORBALLY, GARTLAND AND RAPPLEYEA, LLP

BY:



JON HOLDEN ADAMS

JHA:jv

cc: Client