

**PB# 91-20**

**CLEAN EARTH, INC.**

**SBL 68-2-2.1**

PS

P.2

Approved 10-1-91

## General Receipt

12202

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

Sept 5 1991

Received of James A. McGrane (Clear Earth, Inc.) \$ 25.00

Twenty-five and 00/100 DOLLARS

For P.B. # 91-20 Application Fee

FUND	CODE	AMOUNT
<u>CP# 449</u>		<u>25.00</u>

Williamson Law Book Co., Rochester, N. Y. 14609

By Pauline G. Townsend  
Town Clerk  
Title

## General Receipt

12203

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

Sept 5 1991

Received of Town Clerk \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Planning Board # 91-20 Site Plan Review (Clear Earth, Inc.)

FUND	CODE	AMOUNT
<u>CP# 450</u>	<u>#</u>	<u>750.00</u>

Williamson Law Book Co., Rochester, N. Y. 14609

By J. Miller  
capitals  
Title

## General Receipt

12268

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

Oct. 1 1991

Received of James A. McGrane \$ 100.00

One Hundred dollars and 00/100 DOLLARS

For P.B. # 91-20 S.P. Approval

FUND	CODE	AMOUNT
<u>Check 461</u>		<u>100.00</u>

Williamson Law Book Co., Rochester, N. Y. 14609

By Pauline G. Townsend  
Town Clerk  
Title

• Complete items 1 and 2 for additional copies.  
 • Complete items 3, 4a & b.  
 • Print your name and address on the reverse of this form or tag.

John V. Clark  
Title

## General Receipt

12203

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

Received of John Clark \$ 750.<sup>00</sup>/<sub>XX</sub>  
Sept 5 1991

Seven Hundred fifty 00 DOLLARS  
For Planning Board # 91-20 Site Plan Escrow (Clean Earth, Inc.) James A. McGrane

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Art # 450</u>	<u># 750.00</u>	

By James A. McGrane  
capitally  
Title

Williamson Law Book Co., Rochester, N. Y. 14609

## General Receipt

12268

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

Received of James A. McGrane \$ 100.00  
Oct. 1 1991

One hundred dollars and no. DOLLARS  
For P.B. # 91-20 S.P. Approval

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Check 461</u>		<u>100.00</u>

By Pauline G. Townsend  
Town Clerk  
Title

Williamson Law Book Co., Rochester, N. Y. 14609

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Clean Earth, Inc. 05  
P.O. Box 87  
Vails Gate, N.Y. 12584  
Attn: James McGrane

4a. Article Number  
7 000 054 414

4b. Service Type

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	<input checked="" type="checkbox"/> Return Receipt for Merchandise

7. Date of Delivery  
7/20/95

5. Signature (Addressee)

6. Signature (Agent)  
[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990 U.S. GPO: 1990-004-001 DOMESTIC RETURN RECEIPT

Z 000 054 415

### Receipt for Certified Mail



No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to	
Clean Earth Tile Sherwood	
Street and No.	1102 Union Ave
P.O. State, and ZIP Code	Newburgh
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

3800, March 1993

Z 000 054 414

### Receipt for Certified Mail



No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to	
Clean Earth	
Street and No.	P.O. Box 87
P.O. State, and ZIP Code	Vails Gate, NY
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, March 1993

#### SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 Clean Earth, Inc.  
 c/o Sherwood Tile  
 1102 Union Ave.  
 Newburgh, N.Y. 12550

4a. Article Number  
 Z 000 054 415

- 4b. Service Type
- |   |  |
|---|--|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                                   |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                                       |
| <input type="checkbox"/> Express Mail         | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery  
 6/7/95

5. Signature (Addressee)  
 Marc Sherwood

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990

\*U.S. GPO: 1990-273-001

DOMESTIC RETURN RECEIPT

11913  
10914

County File No. NWT 32 91 M

**COUNTY PLANNING REFERRAL**

(Mandatory County Planning Review under Article 12-B,  
Section 239, Paragraphs 1, m & n, of the  
General Municipal Law)

Application of McGrane, James/Sherwood, Marsha  
for a Site Plan - Mertes Lane - 295' South of Temple Hill Rd. (Rte. 300)  
County Action: Local Determination

**LOCAL MUNICIPAL ACTION**

The Above-cited application was:

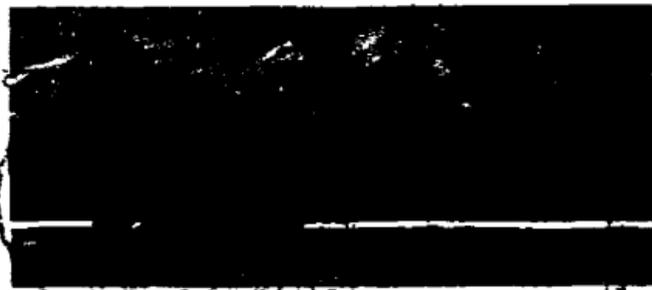
Denied ..... Approved .....

Approved subject to County recommendations

.....  
(Date of Local Action)

.....  
(Signature of Local Official)

This card must be returned to the Orange County Department of Planning  
within 7 days of local action.



America the Beautiful USA 15

**ORANGE COUNTY DEPARTMENT OF PLANNING  
AND DEVELOPMENT**

**124 Main Street**

**Goshen, N.Y. 10924**

**THE STATE INSURANCE FUND**

199 CHURCH STREET NEW YORK, N.Y. 10007  
(212) 312-7368

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

LOVELL SAFETY MGMT CO L L C  
125 MAIDEN LANE  
NEW YORK NY 10038

POLICY NUMBER 534 828-9
DATE 11/13/96
CERTIFICATE NUMBER 448-393

PERIOD COVERED BY THIS CERTIFICATE  
**1/01/94 TO 1/01/98**

POLICYHOLDER R S ROOFING & SHEET METAL CO INC 39 PROSPECT STREET WEST NANUET NY 10954
--

CERTIFICATE HOLDER TOWN OF NEW WINDSOR 555 UNION AVENUE NEW WINDSOR NY 12553
---

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE STATE INSURANCE FUND UNDER POLICY NO. 534 828-9 UNTIL 1/01/98 , COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF SAID POLICY IS CANCELLED, OR CHANGED PRIOR TO 1/01/98 IN SUCH MANNER AS TO AFFECT THIS CERTIFICATE, 30 DAYS WRITTEN NOTICE OF SUCH CANCELLATION WILL BE GIVEN TO THE CERTIFICATE HOLDER ABOVE. NOTICE BY REGULAR MAIL SO ADDRESSED SHALL BE SUFFICIENT COMPLIANCE WITH THIS PROVISION.

THIS CERTIFICATE DOES NOT APPLY TO BUILDING DEMOLITION.

**THE STATE INSURANCE FUND**

*H. Jacobs*

DIRECTOR, INSURANCE FUND UNDERWRITING

cc: P.B. Henkel  
Supervisor

Town of New Windsor  
Supervisor G. Meyers  
Town Board  
Town Planning Board

March 18, 1995

I am deeply concerned about the contaminated soil reclamation site located on Route 300 and Mertes Lane. I am requesting that the Supervisor, Town Board and Planning Board write to the Dept. of Environmental Conservation to deny a permit for the cleaning of trucked in contaminated soil.

No one to my knowledge knows under The Clean Air Act, what the level of acceptable pollution is at the present time nor do they know if it meets E.P.A. standards. No one knows if the stack tests run by Clean Earth Inc. will add to the pollution because to the best of my knowledge no pre-air testing has been done.

This is the responsibility of the D.E.C. The D.E.C. is unable at the present time to take care of its existing responsibilities let alone take on more. ie: Nepera Chemical. Silver Stream Trailer Park. The D.E. C. has stated that they will be relying on self monitoring by Clean Air Inc. and could only do once a year on site inspection. This is unacceptable. Neither you nor I have a chemical degree or an engineering background. Even state of the art equipment is subject to mechanical failure and a business faced with a possible shut down due to monitoring failure will continue to do business as usual because no one would know if the safe guards were working or not. It would be only after the fact that one might know of a malfunction and I don't want to become a medical statistic in ten or twenty years.

This site is also in very close proximity to numerous apartment complexes, homes, condominiums, schools, state and county run facilities. Its location on a road that intersects with Old Temple Hill Road and the Conrail train line has already been the site of 147 accidents in the past few years.

The horror of tractor trailers loaded with contaminated soil trying to make a left hand turn into a narrow Mertes Lane as cars and school buses are trying to make a left hand turn into Old Temple Hill Road are accidents... waiting to happen.

It is not my intent to close down Clean Earth Inc. This company has the ability to do on site cleaning of contaminated soil. It is to their financial advantage to have the soil trucked to them rather than they go to the site of contamination. It would be benefical for all those concerned to have Clean Air Inc. go to a site of contamination, clean it up and then return to New Windsor to house their equipment. It satisfies all concerned. Better to clean up the site of contamination where it had occured than to bring this contamination home to us where we live.

Sincerely,



Doris M. Barrett

53 Vails Gate Height Drive  
New Windsor, N.Y. 12553

enclosures

nation/world

# Foul air feared lethal

## Tiny particles fuel concern

NEW YORK (AP) — Tiny particles from smokestacks, car engines and other sources can kill even when the pollution meets clean-air standards, according to a study of more than a half-million Americans.

The new work is "a very strong study, virtually unassailable," said Dr. Philip Landrigan, a professor of community medicine at the Mount Sinai Medical Center in New York, who wasn't involved in the study.

The study, the largest ever on the topic, found that death rates in the areas most polluted with the particles were 17 percent higher than in the least polluted areas.

That was due to a 31 percent higher rate of death from heart and lung disease.

One kind of particle was also associated with more deaths from lung cancer.

Most cities in the study complied with federal standards for particle pollution, said study co-author Douglas Dockery. Cities with average pollution, which complied with federal standards, still had about a 5 percent higher death rate than the cleanest cities, he said yesterday.

The study raises the issue of whether new federal standards are needed to control the tiny particles, which are now treated as part of a category that includes larger ones, said Dockery, an associate professor of environmental epidemiology at the Harvard School of Public Health.

The tiny particles measure at most about one-fortieth the width of a human hair.

John Bachmann, of the federal Environmental Protection Agency's office of air quality planning and standards, said similar studies have made EPA "take a much harder look" at regulating the tiny particles.

EPA is now reviewing the national standard for particles and may increase controls on the tiny particles, he said.

The new findings are published in the March issue of the American Journal of Respiratory and Critical Care Medicine by scientists from Harvard, Brigham Young University in Provo, Utah, and the American Cancer Society.

The study included 552,138 men and women in 151 metro areas who were followed from 1982 to 1989. Researchers estimated their exposure to the particles from federal air quality data, and searched death certificates to see who died and from what cause.

## Nepera to Upgrade Monitoring

HARRIMAN—The Nepera Chemical Co. has promised to upgrade all its monitoring devices to make sure accidental chemical releases like those that happened last week don't happen again without swift alerts to the communities around the plant.

Last week, the Monroe-Woodbury School District was forced to close its high school and middle school after students and staff complained of headaches, nausea and eye irritation caused by fumes from Nepera.

The release of highly pungent methyl pyridine gas, a cleaning agent, was caused by one of the workers, but the community was not notified until irritating gas had bathed the entire neighborhood, forcing the schools to close and hundreds of other residents to be affected.

Page 2 THE SENTINEL, February 16, 1995

## Nepera irresponsible

We have three children in the Monroe-Woodbury school system. We are deeply concerned and very angry that Nepera Chemical Co. had two toxic spills in one week and did virtually nothing to notify the community or to protect the children in the immediate area. Our oldest son was complaining of nausea, headache and difficulty in breathing Friday evening.

I thought maybe he was coming down with a virus or the flu and didn't pay too much attention to it.

When I read the paper on Saturday and found out what probably caused the illness I was so angry I could just spit. This type of behavior is not acceptable and cannot be tolerated. If Nepera Chemical Co. does not want to be responsible for its actions, then I think it's time for the community to take action and call the EPA and the DEC and take whatever steps are necessary to close Nepera down before someone is either killed or permanently injured due to their neglect.

The laws are very specific about what they are to do in the event of an environmental spill and they are not being responsible. It's their choice; they can either do what is responsible or the community can take the appropriate action for them.

JOHN and JANET McELROY  
Monroe

RECORDED

APR 27

TO: GEORGE MEYERS, SUPERVISOR  
FROM: MICHAEL BABCOCK, BUILDING INSPECTOR  
DATE: APRIL 27, 1995  
SUBJECT: CLEAN EARTH

cc: Phil Crotty <sup>via</sup> fax  
Jim Lito ✓

PLEASE BE ADVISED THAT ON THURSDAY, APRIL 27, 1995 I WENT TO THE JOB SITE OFFICE TRAILER AND SPOKE WITH JAMES MC GRANE IN REFERENCE TO WHY HE DID NOT SHOW UP AT THE PLANNING BOARD MEETING ON APRIL 26, 1995.

HE INFORMED ME THAT HE DID NOT WANT TO ATTEND THE MEETING WITHOUT HIS ATTORNEY. I ASKED JIM MC GRANE IF HE ~~WOULD BE~~ AVAILABLE TO ATTEND THE PLANNING BOARD MEETING ON MAY 10, 1995 AND HE ASSURED ME THAT HE WOULD BE THERE WITH OR WITHOUT HIS ATTORNEY.

IF YOU SHOULD HAVE ANY ADDITIONAL QUESTIONS REGARDING THE ABOVE, PLEASE DO NOT HESITATE TO CONTACT ME.

  
-----  
MICHAEL BABCOCK

Memo re Clean Earth 4-18-95

Conference call from Town Hall with Mark Edsall and Mike Babcock to Margaret Duke, RPA of DEC in New Paltz. (256-3059).

Ms. Duke's stated DEC position that TNW was lead agency for entire project and not just site plan review as NW wanted; that DEC abided by NW's lead agency and negative declaration determination; that DEC sent Notice of Completed Application to "Chief Executive Officer" (of New Windsor) and NW did not object; that admittedly the procedure at DEC was "loose". There was no explanation about what happened to request for long form EAF by DEC which was apparently dropped.

I said our position was that DEC gave away the farm re SEQR because of Misselli's heart attack; Larkin's intervention; and Article 78. No comment from DEC on that.

Then she said it was too late for DEC to do anything anyway, since statute of limitations on Art. 78 review commences with issuance of permit which was in 8-93. I said that was for the construction permit so we would get another shot at time of issuing the operating permit, but she said no that case law held that the controlling date was when construction permit was issued and the operating permit just folded into that when conditions were met. So DEC does not plan to do anything re SEQR at this time.

She said at beginning of conversation that if the NW site plan is for a temporary (portable) activity, and now it turns out to be permanent, that DEC feels the PB can get Clean Earth back in and require new site plan. If that ensues, then perhaps the negative declaration can be amended and applicant will have to start over. We knew that, but wanted DEC to take the lead or at least join with us on the problem--but for now they don't want to cooperate.

#####

4-19-95 Called Kathleen Martens, Esq., DEC attorney in Albany (518-457-8868). She repeated the party line above, including that the statute of limitations had run. She will send me a copy of the DEC answer on the Article 78. She said the DEC was "concerned" about the apparent lack of proper SEQR review, when I asked about the "notice of incomplete application" was in the DEC file from 12-91 concerning the lacking environmental assessment form. She said the DEC should have been concerned about the proper coordinated review, and she also said the applicant should have been concerned about it too (which is also true.)

She said we could sue the DEC, alleging they dropped the ball on the coordinated review and then maybe the court would order DEC to suspend permits until it was done right.

Then she went back to where Margaret Duke was coming from yesterday, that the PB should check to see if it has authority to bring an applicant back for further site plan review, once site plan review has been granted. If the answer is yes, then the PB could void the original application, rescind the negative declaration, issue a positive declaration, and require a full EIF under SEQRA. I said the probability of our success if challenged in court will depend on how substantial the change is from the original application to the PB and the present situation. It seems to hinge on "temporary" versus "permanent". Ms. Martens says we can count on being sued by Clean Earth.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

Dorothy H. Hansen  
TOWN CLERK

April 11, 1995

Frances Shapiro  
Vails Gate Heights  
Homeowner's Association  
45 Vails Gate Heights Drive  
New Windsor, New York 12553

SUBJECT: CLEAN EARTH, INC. SITE PLAN  
NEW WINDSOR PLANNING BOARD NO. 91-20

Dear Fran:

This letter is provided in response to your letter to the Town of New Windsor Planning Board dated March 23, 1995. I received a copy of this letter yesterday, April 10, 1995. You request information under the Freedom of Information Law with regard to the SEQRA determination for the Clean Earth, Inc. site plan application.

Please be advised that the Town of New Windsor Planning Board determined that the application was an unlisted action under the SEQRA review process and following same, performed an uncoordinated review, as permitted under Section 617.6(d) of 6NYCRR Part 617. Subsequent to their review of this project, the Planning Board, at their September 11, 1991 regular meeting, declared a Negative Declaration with regard to the site plan application.

A copy of pages 47 and 48 of the meeting minutes for the Planning Board's meeting on September 11, 1991, are enclosed herewith for your convenience.

I hope this information will be helpful to you and answer your questions.

Sincerely,

DOROTHY H. HANSEN  
TOWN CLERK

DHH:eas

cc: Supervisor Meyers  
Planning Board File

encl.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

12 April 1995

- Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

### MEMORANDUM

**TO:** Michael Babcock, Town Building Inspector

**FROM:** Mark J. Edsall, P.E., Planning Board Engineer

**SUBJECT:** CLEAN EARTH, INC. SITE PLAN  
FIELD REVIEW 10 APRIL 1995  
NEW WINDSOR PLANNING BOARD NO. 87-55.2/194.13

This memorandum shall confirm our field review on the afternoon of 10 April 1995 of the Clean Earth, Inc. site plan (Planning Board Applications 91-20 and 94-13).

As we discussed, numerous items of the site improvements were not completed at the time of our visit. The representative at the site, Jim McGrane indicated that they were still constructing the facility and were obviously not done. Although I took some notes with regard to the status of the work, so many items were incomplete that I will not prepare an itemized completion list at this time. At such time that the Applicant desires operation of the facility, another detailed review will be made and a list provided.

Of concern to me was the fact that the containment area for the contaminated soil was not complete at the time of our visit. The approved plan for Application 94-13 depicts containment, such that all runoff within the contaminated soil area will be directed to a catch basin and a 10,000 gallon holding tank. At the time of our visit, the catch basin and holding tank were apparently installed, but the containment area paving was not installed and the surface, as I observed it, did not appear to completely direct drainage to the catch basin. This is of concern to me since the owner advised us that he was currently storing approximately 2,000 cubic yards of contaminated soil in this area of the site.

If you have any further questions with regard to the above, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk

cc: James Petro, Planning Board Chairman  
A:4-12-E.mk



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
(914).563-4610  
FAX 914-563-4693

OFFICE OF THE SUPERVISOR

cc.

M. Edsall ✓  
M. Babcock  
P. Crotty

May 24, 1995

Mr. Bob Cavaluzzi  
Citizens with Environmental Concerns  
PO Box 222  
Vails Gate, NY 12584-0222

Dear Mr. Cavaluzzi,

I received two letters at my office today. Both pieces of correspondence were signed by you. The dates on the letters were May 10, 1995 and May 17, 1995.

The Clean Earth project and the Ira D. Conklin project are both still under review by the New York State Department of Environmental Conservation. The Town of New Windsor Planning Board has had a meeting with Clean Earth representatives on May 10, 1995 at their regularly scheduled meeting. The minutes of that meeting are being reviewed by our attorney. Ira D. Conklin representatives are currently scheduled to go before the Town of New Windsor Planning Board on June 28, 1995.

The complaint you filed with the Town of New Windsor Building Inspector, Mike Babcock, was referred to one of our Town Engineers, Mark Edsall. On May 18, 1995 Mark Edsall submitted a memorandum to Mike Babcock regarding a Clean Earth project site review performed by Mr. Edsall. He commented on your complaint and recommended that New York State Department of Environmental Conservation review the situation to determine if a violation exists.

On May 23, 1995, I spoke with the New York State Department of Environmental Conservation representatives who stated they conducted a site visit to Clean Earth the week of May 15, 1995. I questioned them regarding the issue you raised and they informed me that they did not consider your concerns valid.

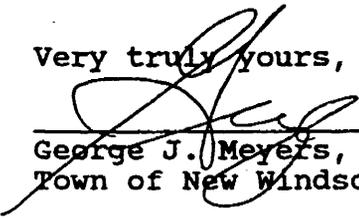
I will be speaking to the New York State Department of Environmental Conservation Regional Director the end of this week to ascertain what direction they are taking regarding this issue.

There are no public hearings scheduled on this issue, since the concerns have been already raised and are being addressed. I suggest that you call Mike Merriman (256-3042) at New York State Department of Environmental Conservation if you have any further questions regarding soil erosion at the Clean Earth site.

Mr. Bob Cavaluzzi  
Page 2

If you need any other issues addressed, please feel free to call my office.

Very truly yours,



---

George J. Meyers, Supervisor  
Town of New Windsor

GJM/dg

RECEIVED

MAY 23 1995

cc: M. Edsall  
m. Babcock  
P. Crotty

certified mail 2785150133

Citizens with Environmental Concerns  
P. O. Box 0222  
Vails Gate, New York 12584-0222  
May 17, 1995

George Meyers: Supervisor Town of New Windsor  
555 Union Avenue  
New Windsor, N. Y. 12553

Dear George:

I am in receipt of a letter from Mike Babcock dated 4/21/95 in which he indicates that my complaint against Clean Earth Inc. dated 4/19/95 has been referred to the Town's Engineering Department of McGoey, Hauser and Edsel.

As of this date, I have not received an update from either your office or the Town's Engineering Department.

Please advise me of status of this situation, particularly, what is being done to safeguard the soil from eroding into the ditch running parallel to the Horton property and blocking the culvert running across Mertes Lane and emptying into the wetlands.

Thank you for consideration of this matter.

Sincerely,

  
Bob Cavaluzzi

cc: Citizens United for a Responsible Environment

496-8024

cc: M. Edsall  
M. Babcock  
P. Cobby

RECEIVED

MAY 23

Certified Mail # Z76515019-1

Citizens United for a Responsible Environment (C.U.R.E.)  
P. O. Box 222  
Vails Gate, New York 12584-0222  
May 10, 1995

George Meyers: Supervisor Town of New Windsor  
555 Union Avenue  
New Windsor, N. Y. 12553

Dear George:

Thank you for arranging for a public meeting with the D.E.C. and some of our concerned elected officials on Thursday, April 20th at the Temple Hill School.

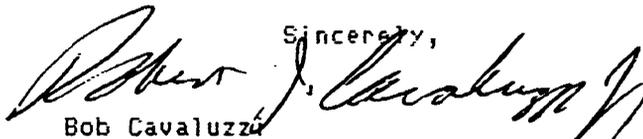
We were proud of our community as it respectfully voiced its concerns regarding the impact of the incineration of contaminated soil upon New Windsor with the proposed location and development of two incineration facilities within the Town's limits. We refer specifically to James McGrane's Clean Earth Inc. Operation on Mertes Lane and Ira Conklin's facility on River Road.

Please give us an update on what is occurring at both facilities and when another public meeting can be scheduled to discuss these two operations in the Town of New Windsor.

Once again, we thank you for your cooperation in the past and look forward to hearing from you so that we may inform the more than one thousand five hundred people who have signed our previous petition. We, the Citizens United for a Responsible Environment (C.U.R.E.), believe it is important to inform our community that our Town's elected officials do indeed welcome and, in fact, are listening to their voices of concern.

We look forward to hearing from you.

Sincerely,



Bob Cavaluzzi

Citizens for a Responsible Environment (C.U.R.E.)

cc: Jean Ann Mc Grane  
Senator William Larkin  
Assemblywoman Nancy Calhoun



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
(914) 563-4610  
FAX 914-563-4693

OFFICE OF THE SUPERVISOR

cc: J/B members  
M. Edsall  
M. Babcock  
P. Crotty  
A. Krucyn  
J. Petru

May 26, 1995

New York State Department of  
Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561

ATTENTION: MS. JEAN-ANN MCGRANE

SUBJECT: CLEAN EARTH, INC. SITE PLAN  
NEW WINDSOR PLANNING BOARD NO. 91-20

Dear Ms. <sup>Jew</sup>McGrane,

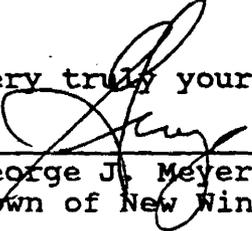
As you are aware, officials of the Town of New Windsor have expressed significant concerns both with regard to the Clean Earth operation as reviewed by your Department, as well as the conditions currently existing at the site. Recently, the Town's Consulting Engineer, Mark J. Edsall, P.E. of McGoey, Hauser and Edsall Consulting Engineers, P.C., visited the site with one of the Town's Code Enforcement Officers. This visit was made pursuant to receipt of a complaint at the Building Inspector's office from a concerned citizen.

The substance of the complaint involved a concern that erosion was occurring at the site, including same from a large material stockpile area at the west end of the site. Mr. Edsall advises me that the stockpile appears to include construction and demolition type materials. Since the Town is not aware of the source of this material, we are unaware if any further, and possibly environmentally hazardous, contamination exists. Mr. Edsall indicates that the property owner has installed no soil erosion prevention measures whatsoever, further indicating that silt and erosion runoff is currently being directed to a stormwater culvert crossing under Mertes Lane. He advises me that New York State Freshwater Wetlands CO-9 exists on the north side of Mertes Lane, which is where the stormwater culvert discharges.

Ms. Jean-Ann McGrane  
Page 2

The purpose of this letter is to bring these concerns and observations to your attention for whatever action you deem appropriate.

Very truly yours,



---

George J. Meyers, Supervisor  
Town of New Windsor

GJM/dg



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
(914) 563-4610  
FAX 914-563-4693

OFFICE OF THE SUPERVISOR

May 31, 1995

Mr. James R. Petro, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

RE: CLEAN EARTH, INC..

Dear Mr. <sup>Jim</sup> Petro,

As you know, there have been several issues raised pertaining to the Clean Earth, Inc. soil reclamation facility on Mertes Lane.

I have reviewed the comments made at the New York State Department of Environmental Conservation informational hearing held on April 20, 1995 at the Temple Hill School in New Windsor, as well as the minutes of the Planning Board meeting of May 10, 1995. Representatives of Clean Earth, Inc. were present at both meetings and discussed their project.

I have examined their statements in regard to the site plan approval granted by the New Windsor Planning Board in 1991, and the New York State Department of Environmental Conservation permit originally granted in August 1993 for one year and then subsequently extended. It appears to me that the site plan approval granted by the Planning Board is in conflict with the permit approval granted by the New York State Department of Environmental Conservation.

In particular, the discrepancies between the two are:

1. A mobile operation was approved for the Clean Earth Inc. facility by the Planning Board, yet a permanent operation has been permitted by the New York State Department of Environmental Conservation.
2. Continual on-site inspection by the New York State Department of Environmental Conservation was stated in connection with the site plan, but in actuality the New York State Department of Environmental Conservation will not be monitoring the process and never stated they would.

I would appreciate the Planning Board addressing these concerns with Clean Earth, Inc., and taking whatever action may be necessary to render the site plan and New York State Department of Environmental Conservation permits compatible.

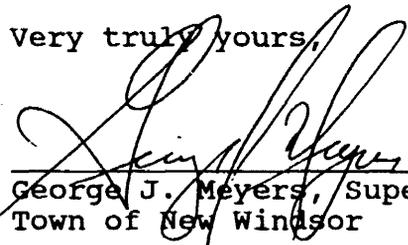
Mr. James R. Petro  
Page 2

I do not believe any further action should be taken toward scheduling a test burn or any other movement toward making the site operational until those discrepancies are resolved.

In that regard I am sending a copy of this letter to the New York State Department of Environmental Conservation and our Town Building Inspector and Fire Inspector.

Thank you for your consideration and please advise me when this matter will again appear on your Planning Board agenda.

Very truly yours,

  
George J. Meyers, Supervisor  
Town of New Windsor

GJM/dg

cc: Senator William Larkin  
Assemblywoman Nancy Calhoun



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
(914) 563-4610  
FAX 914-563-4693

OFFICE OF THE SUPERVISOR

*A. Kruger*

June 6, 1995

Ms. Jean-Ann McGrane  
New York State Department of  
Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561-1696

*Jean*  
Dear Ms. McGrane,

I am writing to you to inform your agency of a problem with security at Clean Earth Inc., Mertes Lane, New Windsor, NY.

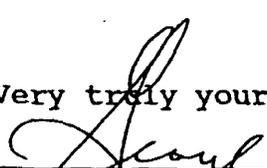
The Town of New Windsor Building Inspector has been at the site on the listed dates and times and forwards the following:

May 31st 10:30 A.M. - Gate open - no one on site  
May 31st 1:30 P.M. - Gate open - no one on site  
June 1st 8:30 A.M. - Gate open - no one on site  
June 2nd 8:05 A.M. - Gate closed, not locked - no one on site  
June 5th 12:55 P.M. - Gate closed, not locked - no one on site

I am bringing this matter and your attention for consideration, if any further testing is to be performed at this site.

Please do not hesitate to contact me if you want to discuss this issue.

Very truly yours,

  
George J. Meyers, Supervisor  
Town of New Windsor

GJM/dg

**CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR**

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 563-4618

**APPEARANCE TICKET**

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-20

LOCATION: MERTESE LANE, NEW WINDSOR, NY 12553

YOU ARE HEREBY NOTIFIED to appear personally in the Town Court of the TOWN OF NEW WINDSOR, located at 555 UNION AVENUE, NEW WINDSOR, NY 12553 on the 4 Day of June, 1996 at 7:00 in the afternoon.

To answer the charge of committing the following offense at the above mentioned location:

FAILURE TO OBTAIN SITE PLAN APPROVAL FOR THE STORAGE OF UNLICENSED VEHICLES.

In violation of:

Building & Zoning Code, NEW WINDSOR

SEC: 48-19

SUB-DIV: 48-19 B (2)

TITLE: SITE DEVEL. PLAN REVIEW

PAGE: 4828.19

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

Issued on this 8 day of May, 1996

  
ERNST SCHMIDT CODE ENFORCEMENT OFFICER

6/3/96 HAND DELIVERED TO MARCIA SHERWOOD

\*\*\*\*\*

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

**INFORMATION**

CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

**Defendant**

\*\*\*\*\*

I, ERNST SCHMIDT, COMPLAINANT, am the CODE ENFORCEMENT OFFICER for the TOWN OF NEW WINDSOR, with office at: 555 UNION AVENUE, NEW WINDSOR, NY 12553

By this INFORMATION make written accusation as follows:

That: CLEAN EARTH INC. JAMES MCGRANE AND,  
on the: 4 day of April, 1996, At: 2:00 in the PM  
at: MERTESE LANE, NEW WINDSOR, NY 12553  
in the: TOWN OF NEW WINDSOR, COUNTY OF ORANGE, State of New York.

Did commit the following offense:  
FAILURE TO OBTAIN SITE PLAN APPROVAL FOR THE STORAGE OF UNLICENSED VEHICLES.

In violation of  
Building & Zoning Code, NEW WINDSOR  
SEC: 48-19  
SUB-DIV: 48-19 B (2)  
TITLE: SITE DEVEL. PLAN REVIEW  
PAGE: 4828.19

When at the aforesaid time, date and place, I did observe the following, which continues to date:  
TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

Wherefore, the Complainant prays that the above mentioned defendant be dealt with pursuant to law.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and with notice of the foregoing, I hereby affirm that the foregoing statements and facts are true, under penalty of perjury this 8 day of May, 1996.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 563-4618

ORDER TO REMEDY VIOLATION

DATE: 4/23/96

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-20

LOCATION: MERTES LANE, NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE, there exists a violation at the location described above, in that the above named individual(s) did commit the following offense:  
FAILURE TO OBTAIN SITE PLAN APPROVAL FOR THE STORAGE OF UNLICENSED VEHICLES.

In violation of:

Building & Zoning Code, NEW WINDSOR

SEC: 48-19

SUB-DIV: 48-19 B (2)

TITLE: SITE DEVEL. PLAN REVIEW

PAGE: 4828.19

When I did observe the following:

TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy the condition above mentioned forthwith on or before: 5/7/96

Failure to remedy the conditions aforesaid and to comply with the applica provisions of law may constitute an offense punishable by fine or imprisonment or both.

  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER

4/23/96 HADD DELIVERED TO MARCIA SHERWOOD  
SPOKE TO JAMES MCGRANE

**CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR**

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 563-4618

**APPEARANCE TICKET**

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-21

LOCATION: MERDES LANE, NEW WINDSOR, NY 12553

YOU ARE HEREBY NOTIFIED to appear personally in the Town Court of the  
TOWN OF NEW WINDSOR, located at 555 UNION AVENUE, NEW WINDSOR, NY 12553  
on the 4 Day of June, 1996  
at 7:00 in the afternoon.

To answer the charge of committing the following offense at the above  
mentioned location:  
THE STORAGE OF UNLICENSED VEHICLES IS PROHIBITED.

In violation of:  
Building & Zoning Code, NEW WINDSOR  
SEC: 48-14  
SUB-DIV: 48-14 A (5)  
TITLE: SUPP. YARD REGULATIONS  
PAGE: 4812

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR  
YOUR ARREST.

Issued on this 19 day of April, 1996

  
ERNST SCHMIDT CODE ENFORCEMENT OFFICER

6/3/96 DELIVERED TO MARSHA SHERWOOD

\*\*\*\*\*

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

**INFORMATION**

CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

Defendant

\*\*\*\*\*

I, ERNST SCHMIDT, COMPLAINANT, am the CODE ENFORCEMENT OFFICER for the TOWN OF NEW WINDSOR, with office at: 555 UNION AVENUE, NEW WINDSOR, NY 12553

By this INFORMATION make written accusation as follows:

That: CLEAN EARTH INC. JAMES MCGRANE AND, on the: 4 day of April, 1996, At: 2:00 in the PM at: MERTES LANE, NEW WINDSOR, NY 12553 in the: TOWN OF NEW WINDSOR, COUNTY OF ORANGE, State of New York.

Did commit the following offense:  
THE STORAGE OF UNLICENSED VEHICLES IS PROHIBITED.

In violation of  
Building & Zoning Code, NEW WINDSOR  
SEC: 48-14  
SUB-DIV: 48-14 A (5)  
TITLE: SUPP. YARD REGULATIONS  
PAGE: 4812

When at the aforesaid time, date and place, I did observe the following, which continues to date:  
TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

Wherefore, the Complainant prays that the above mentioned defendant be dealt with pursuant to law.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and with notice of the foregoing, I hereby affirm that the foregoing statements are true, under penalty of perjury this 19 day of April, 1996.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 563-4618

ORDER TO REMEDY VIOLATION

DATE: 4/23/96

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-21

LOCATION: MERTEZ LANE, NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE, there exists a violation at the location described above,  
in that the above named individual(s) did commit the following offense:  
THE STORAGE OF UNLICENSED VEHICLES IS PROHIBITED.

In violation of:

Building & Zoning Code, NEW WINDSOR

SEC: 48-14

SUB-DIV: 48-14 A (5)

TITLE: SUPP. YARD REGULATIONS

PAGE: 4812

When I did observe the following:

TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to  
remedy the condition above mentioned forthwith on or before: 5/7/96

Failure to remedy the conditions aforesaid and to comply with the applica  
provisions of law may constitute an offense punishable by fine or imprisonment  
or both.

  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER

CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 563-4618

APPEARANCE TICKET

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-22

LOCATION: MERDES LANE, NEW WINDSOR, NY 12553

YOU ARE HEREBY NOTIFIED to appear personally in the Town Court of the  
TOWN OF NEW WINDSOR, located at 555 UNION AVENUE, NEW WINDSOR, NY 12553  
on the 4 Day of June, 1996  
at 7:00 in the afternoon.

To answer the charge of committing the following offense at the above  
mentioned location:  
OPERATING A JUNKYARD WITHOUT THE PROPER TOWN APPROVAL.

In violation of:  
Building & Zoning Code, NEW WINDSOR  
SEC: 27-5  
SUB-DIV: 27-5  
TITLE: JUNKYARDS  
PAGE: 2704

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR  
YOUR ARREST.

Issued on this 14 day of May, 1996

  
ERNST SCHMIDT CODE ENFORCEMENT OFFICER

*6/3/96 Delivered to Marcia Sherwood*

\*\*\*\*\*

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

**INFORMATION**

CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

Defendant

\*\*\*\*\*

I, ERNST SCHMIDT, COMPLAINANT, am the CODE ENFORCEMENT OFFICER  
for the TOWN OF NEW WINDSOR, with office at:  
555 UNION AVENUE, NEW WINDSOR, NY 12553

By this INFORMATION make written accusation as follows:

That: CLEAN EARTH INC. JAMES MCGRANE AND,  
on the: 4 day of April, 1996, At: 2:00 in the PM  
at: MERTES LANE, NEW WINDSOR, NY 12553  
in the: TOWN OF NEW WINDSOR, COUNTY OF ORANGE, State of New York.

Did commit the following offense:  
OPERATING A JUNKYARD WITHOUT THE PROPER TOWN APPROVAL.

In violation of  
Building & Zoning Code, NEW WINDSOR  
SEC: 27-5  
SUB-DIV: 27-5  
TITLE: JUNKYARDS  
PAGE: 2704

When at the aforesaid time, date and place, I did observe the following,  
which continues to date:  
TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

Wherefore, the Complainant prays that the above mentioned defendant be  
dealt with pursuant to law.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

False statements made in the foregoing instrument are punishable as a Class B misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and with notice of the foregoing, I hereby affirm that the foregoing statements are true, under penalty of perjury this 14 day of May, 1996.

*Ernst Schmidt*  
-----  
ERNST SCHMIDT, CODE ENFORCEMENT OFFICER, COMPLAINANT

Appearance Ticket was issued to Defendant, for Court Appearance on the  
day of June, 1996, at 7:00 PM, Justice Court, TOWN OF NEW WINDSOR, N.Y.

CODE ENFORCEMENT OFFICE  
TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(914) 569-4618

ORDER TO REMEDY VIOLATION

DATE: 4/23/96

TO: CLEAN EARTH INC.  
JAMES MCGRANE AND  
MARCIA SHERWOOD MCGRANE  
7 PUTNAM STREET  
NEWBURGH, NY 12550

SEC-BLK-LOT: 68-2.0-2.1

INCIDENT NO: 96-22

LOCATION: MERTES LANE, NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE, there exists a violation at the location described above,  
in that the above named individual(s) did commit the following offense:  
OPERATING A JUNKYARD WITHOUT THE PROPER TOWN APPROVAL.

In violation of:

Building & Zoning Code, NEW WINDSOR

SEC: 27-5

SUB-DIV: 27-5

TITLE: JUNKYARDS

PAGE: 2704

When I did observe the following:

TWENTY ONE (21) UNLICENSED VEHICLES STORED ON THE PROPERTY.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to  
remedy the condition above mentioned forthwith on or before: 5/7/96

Failure to remedy the conditions aforesaid and to comply with the applic  
provisions of law may constitute an offense punishable by fine or imprisonm  
or both.

  
ERNST SCHNIDT, CODE ENFORCEMENT OFFICER

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSACK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(514) 562-2333

July 28, 1995

C.U.R.E.  
P.O. Box 222  
Vails Gate, New York 12584-0222

Re: 7/25/95 - request to Planning Board

Dear C.U.R.E Members:

As the attorney for the Planning Board I have been aksed to respond to your letter of July 25, 1995 to Chairman Petro and the Planning Board.

It is noted that the 25 questions attached to your letter of July 25, 1995 were addressed to the DEC. By letter dated July 6, 1995 your group was invited by Michael D. Zagata, Commissioner of the DEC, to meet with Messrs. Stanton & Klauss of the DEC. When you attend that meeting, it is suggested that you discuss the list of twenty five questions which you have. These are apparently questions you have prepared for the DEC and that is the agency with whom you should discuss them.

Both Clean Earth and Ira D. Conklin have received site plan approval from the Planning Board after following the legally required steps and procedures.

The members of the Planning Board appreciate your concerns in these matters but the law limits the board's ability to intervne at this point. Please accept the best wishes of the Planning Board members in pursuing these matters with the agency that still has jurisdiction over them, the DEC.

Very truly yours,

  
ANDREW S. KRIEGER

ASK:mmt

# C.U.R.E.

**CITIZENS UNITED FOR A RESPONSIBLE ENVIRONMENT**

C.U.R.E. P. O. Box 222 Vails Gt. N.Y. . 12584-0222

To  
July 25, 1995  
Chairman Petro and the Planning Board,

We of CURE would like the opportunity to discuss these attached questions and obtain your input and answers.

We request to be placed on your August 9<sup>th</sup> agenda

We would like to discuss issues of Clean Earth and the Ira Cooklin Site

Please respond to CURE as soon as possible

Thank you  
Members of CURE

**July 26, 1995**

**Memo: Questions to the D.E.C. from C.U.R.E.  
Citizens United for a Responsible Environment  
P.O.B 222, Mills Gate, N.Y. 12584-0222**

- 1) Was there a Generic Impact Study done?**
- 2) What information do you have on the facilities, and how they work? What is the basis of your information?**
- 3) Clarify what happens at the sites. At what stage is the Conklin site?**
- 4) What are the questions and concerns the D.E.C. staff raised about Conklin and what has been done to answer them?**
- 5) What permits are required?**
- 6) What information, evidence and data do you have on these facilities and how they work?**
- 7) What air shed modeling have you done?**
- 8) Do you support a permanent facility? What are the evidences to favor a permanent rather than a mobile?**
- 9) What pollutants do you plan on allowing to be emitted? Has anyone monitored the pollutants that are in the air now? Will there be a progressive spherical monitorization of any contaminants since our ambient arc is already seventh in the state? Do you expect there to be an increase?**
- 10) How many trucks will you allow?**
- 11) What have you talked to the applicants about?**
- 12) Where is the pollution going?**
- 13) Is there is risk assessment to identify what the health risks are?**
- 14) Is there a general risk assessment that talks about soil burners? Is there a specific risk assessment?**

**15) Do you have a copy of the permits to construct and what do you expect from Conklin?**

**16) Can you justify this permit under the Clean Air Act?**

**17) What is the impact of new ownership ? Who is responsible? What is their track record? Are they involved in any violations in this or any other state?**

**18) Are there any other soil reclamations proposed for this area?**

**19) What particulates dioxin and furon would be created?**

**20) There is a significant amount of public controversy. We need a public comment period for our scientists to review.**

**21) How would you explain the fact that after Rampe and our legislators worked very hard to improve our air quality status, these facilities now will have a negative impact?**

**22) We would expect a draft public comment period before anything is done?**

**23) We expect an administrative hearing to be considered for these permits?**

**24) Will there be an on sight monitor?**

**25) What will be the annual emissions from these facilities broken down for each contaminant pounds per year?**



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

APR 11

1763  
11 April 1995

New York State Department of  
Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561

**ATTENTION:** MICHAEL MERRIMAN, DEPUTY REGIONAL  
PERMIT ADMINISTRATOR

**SUBJECT:** CLEAN EARTH, INC. SITE PLAN  
NEW WINDSOR PLANNING BOARD NO. 91-20

Dear Mr. Merriman:

As you are aware, during 1991, the Town of New Windsor Planning Board reviewed a site plan application for the subject project. The involved property is located on the southeast side of Mertes Lane in the Town, just off New York State Route 300 (Temple Hill/Freedom Road). The property is located within the Planned Industrial (PI) Zoning District.

The application presented before the Planning Board involved a proposed Soil Reclamation Facility, where petroleum contaminated soil would be thermally stripped of its petroleum content. The site plan did not include any permanent structures and the Applicant indicated that the operation was non-permanent in nature, since the reclamation equipment is portable type equipment. The site plan, as presented to the Planning Board, included contaminated soil and clean soil stockpile areas, a location for the portable equipment, as well as an office and night watchmen's trailer.

In 1991 when the Town reviewed this application, the Planning Board and their Consulting Engineer agreed that the Town had no expertise relative to the actual soil reclamation process or the equipment to be utilized on the site. In recognition of same, the Town Planning Board believed the New York State Department of Environmental Conservation was best suited to perform the detailed review of this process, as part of their permit review procedures. In the Board's deliberations with regard to the State Environmental Quality Review Regulations, the Board believed this action was an unlisted action under SEQRA, and decided to perform an uncoordinated review, as permitted under Section 617.6(d) of 6NYCRR Part 617. The Planning Board, after assuming the position of Lead Agency for the site plan application, subsequently declared a Negative Declaration with regard to the site plan application. The project subsequently received conditional final approval on September 11, 1991, with the conditions involving necessary outside agency approvals (including that of the NYSDEC).

*4/11 Discussed w/ Merriman - will give Jean McGraw  
a copy -*

11 April 1995

As you are likely aware, there has recently been a significant outcry of concern from Town residents with regard to the proposed soil reclamation plant. At a recent Town Board meeting, many residents attended and outlined not only their concerns to the Town Board, but also reported several medical problems allegedly caused by the current conditions at the site (currently Clean Earth is storing contaminated soil at the site and may have performed some burning of soil at the site). A petition raising concerns and opposing the operation was presented to the Town Board, with this petition having over 700 signatures.

At this time the Town of New Windsor Planning Board requests that the New York State Department of Environmental Conservation exercise all necessary due care in the review of this project before any permits are issued. Further, the Planning Board believes that the NYSDEC, as Lead Agency for the Air Discharge Permit and environmental review of the process, should declare a positive declaration for this project, requiring the preparation of an Environmental Impact Statement. The Planning Board, as an involved agency under SEQRA, would be pleased to work with the NYSDEC in the scoping of the DEIS, as well as the review of the portions pertinent to the site plan review. The Planning Board also believes that a Public Hearing is appropriate for this project.

So as to assist you in understanding the several concerns and issues recently brought to the Town's attention, we are attaching herewith a listing outlining the issues. We are hopeful that you will give the above your immediately consideration, and if you wish to further review any of the above, please do not hesitate to contact the undersigned or the Planning Board's Engineer, Mark J. Edsall, P.E., of McGoey, Hauser and Edsall Consulting Engineers, P.C. at 914-562-8640.

Thank you for your anticipated cooperation in this most urgent matter.

Very truly yours,

**TOWN OF NEW WINDSOR  
PLANNING BOARD**



James Petro  
Planning Board Chairman  
JPmk  
Encl.as

cc: George J. Meyers, Town Supervisor  
Mark J. Edsall, P.E., Town Consulting Engineer  
Michael Babcock, Town Building Inspector

A:MERRIMA.mk

**AREAS OF CONCERN AND**  
**QUESTIONS RAISED WITH REGARD TO**  
**CLEAN EARTH, INC. APPLICATION**

April 1995

1. Should the contaminated soil storage area be constructed of a watertight concrete pad, under which further groundwater protection would be provided by an impervious liner?
2. Should leachate collection be provided and what would be the discharge point?
3. Is stormwater runoff collection appropriate for the overall site? Would a SPDES Permit be required? Is an oil/water separator to be provided?
4. Has a process flow diagram been prepared for the proposed operation?
5. Has a complete Operations Manual been prepared for all the equipment and the overall process?
6. Has an emergency and contingency plan been prepared to deal with unacceptable soil deliveries or other operational/process problems?
7. Will the operations persons from Clean Earth, Inc. have any specialized training? Will they have the 40 hour OSHA training certification?
8. How are rocks and other debris handled when they are in the contaminated soil? What is the storage capacity limit on site, as determined by the NYSDEC? Who will monitor this?
9. Who will be performing the laboratory analysis for the operation? Will this be done by Clean Earth employees and what training or certification must they have?
10. Has Clean Earth submitted adequate information to the NYSDEC to demonstrate that the buildings over the contaminated soil storage area will remain watertight under all weather conditions? Also, what is the usable life of these type structures?
11. The Planning Board was assured that the Clean Earth operation would include full-time (24-hour) security. Is this part of the application to DEC and part of their operational plan?

**AREAS OF CONCERN AND  
QUESTIONS RAISED WITH REGARD TO  
CLEAN EARTH, INC. APPLICATION**

**April 1995**

**Page 2**

12. The Planning Board was assured that "the process will be completely monitored by the DEC". We were assured that the DEC would "approve every load that comes to the site". Is this accurate? The Town is very concerned about self-monitoring. When (how often) will a DEC representative be on site?
13. What vapors are generated from the site operation and contaminated soil piles? Are safe and healthy conditions maintained all year, even during the hot summer months and during windy conditions?
14. Are the vapors and odors generated from the site deleterious to the residents of the nearby properties? Complaints of burning eyes, sinus problems and headaches have already been reported.

The Planning Board also believes that it is appropriate that the environmental review of the project "revisit" aspects discussed during the site plan application review. These include, at minimum, the following:

1. Truck traffic (trip generation) and size of trucks.
2. Noise generation from both the process equipment and truck traffic.
3. Proposed hours of operation and days of operation.
4. Visual impacts of the site.
5. Fire protection and safety issues.
6. Site security.

A:CLEAN.mk

DISCUSSION:

CLEAN EARTH PROJECT

MR. PETRO: Clean Earth Project on Mertes Lane, obviously looking into the audience, is there anyone here to represent this application? Note for the minutes that the building inspector is checking the premises for the applicant. You were in contact with the applicant and he did tell you that he would be here tonight?

MR. BABCOCK: Yes, I did. I talked to him on Friday and advised him and he said that he would be here.

MR. LANDER: Was there anybody out in the lobby, for the record?

MR. BABCOCK: No.

MR. KRIEGER: For the record, was he also reminded of it today, just a few hours ago?

MR. BABCOCK: No, he wasn't, not by myself.

MR. VAN LEEUWEN: I spoke to him Thursday night and I told him he better come to the Planning Board, he should, I didn't way better, I said you should come to the Planning Board on Wednesday night, see if we can't resolve some of the issues. He said he would be here.

MR. PETRO: At this time, I'm going to, I'll keep the meeting open for another five minutes until we get to 8:30.

CLEAN EARTH - CONTINUED

MR. PETRO: Okay. At this time, is there anyone else, is the applicant here for this project, for Clean Earth, anyone in the audience to represent this application? With no one here, can I have a motion please?

MR. SAM VERESMA (PHONETIC): Well, what it was see this is all new to me, so I don't know what the procedures are.

MR. VAN LEEUWEN: State what you have to say. If you are off, I'll tell you.

MR. PETRO: Your name and address?

MR. VERSAMA: Sam Veresma, 11 Marsha Drive, New Windsor. This does deal with Clean Earth. We were at the last meeting, Temple Hill, and just wanted to ask a couple of questions, they don't have to do with them specifically. What I have wanted to find out was over in Mertes Road, the zoning is commercial, I was wondering if you can tell me how to change it back to residential or do I have to ask the Zoning Board?

MR. VAN LEEUWEN: You'd have a tough case to get that back to residential. That is commercial for so many years, we'd wind up in court on that one.

MR. PETRO: If you wanted to go that avenue, if he wanted to or some members wanted to get together, you'd have to approach the Town Board, the Town Board does the rezoning.

MR. VERESMA: And the last question was with respect to I see a lot of people didn't know about Clean Earth, Ira Conklin's facility because of the public notice that was supposedly put in the newspapers and a lot of people do not read the Sentinel and they do not read the Environmental Notice Bulletins that the DEC puts out. What I wanted to know was if a residential home wants to put a garage on their house, they have to inform their neighbors in the area with a letter. How come a commercial venture does not have to?

MR. VAN LEEUWEN: That was done in that case on River Road, yes, yes, we had a public hearing, it was advertised, letters went out and everything.

MR. VERESMA: What about the one for Clean Earth?

MR. VAN LEEUWEN: Clean Earth was not done.

MR. VERESMA: Why wasn't it done? It was so close to the residential areas and Vails Gate School.

MR. PETRO: I don't want to get too far in depth with this but I'll answer your question briefly. The board looks upon, obviously, as you saw tonight, you sat through a meeting, which is good, each application individually, if the applicant is going further and in cases, your case, it was going to the DEC and the DEC was going to have a public hearing, and/or another application, if they go to the Zoning Board, they come here first, we refer them to Zoning for a variance and the Zoning Board has a public hearing. We don't do it twice for the same application. It just would be redundant and time consuming for the applicant and in that particular case, as you have read the minutes I am sure, the chairman at the time stated in the minutes that the DEC was going to hold a public hearing, our attorney at the time stated that the public hearing would be held by the DEC and that was the reason that the public hearing was waived.

MR. VERESMA: I see, okay, cause the DEC told me to ask you that because I called them today because apparently, they didn't hold a public hearing and all they did was put an add in the newspaper.

MR. VAN LEEUWEN: We were told a lot of things, sir.

MR. PETRO: We're looking into a lot of different things.

MR. EDSALL: Jim, as far as the paper that the notices go in, Andy maybe you can help me out, the state law prescribes that the town has to establish the official newspaper and I believe the law says it has to be your

local newspaper, if you have one, so the fact that the Sentinel is the local newspaper in the Town of New Windsor, I believe by state law, it's prescribed that that is the official newspaper. That is where the notices go. It's the same problem that every municipality in the state has.

MR. VERESMA: You people know that the Sentinel is the official newspaper. When you ask what's the general choice of paper, they'll say the Times Herald Record.

MR. EDSALL: Unfortunately, this board doesn't write New York State Law.

MR. VERESMA: What do you have to do to change it?

MR. VAN LEEUWEN: You have got a case.

MR. VERESMA: Require more public notice and input on projects like this.

MR. EDSALL: I guess you would, again you'd be talking to the state legislatures and the Town Board as to what, whether they want to have advertisements in more than one paper and changing the official newspaper.

MR. VERESMA: Cause DEC did tell me to ask you, that is why I am here.

MR. EDSALL: I am surprised DEC would be interested if that is the case, that is the answer.

MR. PETRO: I guess you are basically through with that, right? Having no further business, I'll ask for a motion.

MR. LANDER: I move we adjourn.

MR. DUBALDI: Second it.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE
MR. LANDER	AYE

April 26, 1995

34

MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in cursive script that reads "Frances Roth".

Frances Roth  
Stenographer

5/10/95

CLEAN EARTH, INC., - MERTES LANE

Mr. James McGrane appeared before the board for this discussion

MR. PETRO: State your name and address for the steno.

MR. MC GRANE: James Mc Grane, Mertes Lane. I am here cause Mr. Babcock asked me to be here. My lawyer cannot attend, therefore I cannot add anything to what you want to hear.

MR. PETRO: Are you willing to answer any questions to the board? I have just a couple questions I was going the ask.

MR. MC GRANE: Shoot and I will.

MR. PETRO: If you feel that you can, we appreciate it. If you can't, we'll go onto a different one. How does that sound?

MR. MC GRANE: Okay.

MR. PETRO: And I have some questions that were prepared by the Planning Board engineer and building inspector so we just want you to answer some questions. Mr. McGrane, are you currently operating the facility?

MR. MC GRANE: No.

MR. PETRO: And how much contaminated soil do you currently have stockpiled on the site?

MR. MC GRANE: I believe Mr. Meyers already told the, Supervisor Meyers already told the newspapers how much is there.

MR. PETRO: Can you tell us, please?

MR. MC GRANE: It was already in the newspaper.

MR. KRIEGER: Is what was in the newspaper accurate, was that accurate?

MR. MC GRANE: Not quite 2,000 tons, not 2,000 yards, cubic yards is what was in the violation notice which he already knows that was a mistake.

MR. PETRO: It was yards or tons, yards or tons?

MR. MC GRANE: Tons.

MR. KRIEGER: It's actually tons, not yards as was previously said?

MR. MC GRANE: Correct.

MR. PETRO: Is the equipment at the facility, is it portable equipment?

MR. MC GRANE: Yes, 100% everything on my facility is portable.

MR. PETRO: And it's on wheels, portable, it's on wheels?

MR. MC GRANE: Yes, well, at this particular moment, the tires are not on the machine now.

MR. PETRO: But it is, it's not stationary equipment, you can hook it up to a truck?

MR. MC GRANE: Yes.

MR. PETRO: What type of enclosure do you presently have over the contaminated soil? What's over it right now?

MR. MC GRANE: Shielders.

MR. PETRO: Made out of?

MR. MC GRANE: Plastic.

MR. PETRO: Like visqueen?

MR. MC GRANE: Yes.

May 10, 1995

16

MR. PETRO: Is it completely enclosed or open on the ends?

MR. MC GRANE: No, it's enclosed.

MR. PETRO: Completely enclosed?

MR. MC GRANE: Yeah, your man was there looking at it.

MR. PETRO: Do you have a security company watching the site at all?

MR. MC GRANE: I have security and it's nobody's business what it is, just like if you have in your home you're not going to tell me what your security is.

MR. PETRO: But it is 24 hours a day, seven days a week?

MR. MC GRANE: It will be when it's open. I'm not open.

MR. PETRO: So at this point, you just have a partial security is what you're saying?

MR. MC GRANE: Yes.

MR. MC GRANE: Does the DEC review and approve all materials before it goes to your site or gets to your site?

MR. MC GRANE: Correct.

MR. PETRO: They review it before it gets there?

MR. MC GRANE: Definitely.

MR. PETRO: So it is tested before it gets to your site to identify the type of contamination in the soil so you will know what it is contaminated with before it gets there?

MR. MC GRANE: That is correct.

MR. PETRO: When does the testing of the material and

are the reports available for review or given to the town? In other words, if the soil comes to your property, is the town also notified as to the type of material that comes or is it done on a weekly basis or monthly basis, once a year? Is anyone ever notified or are you just going to treat one type of contaminated soil?

MR. MC GRANE: My facility can only take petroleum contaminated soils which the analytical is done on before we ever see it and the analyticals are sent to whatever remediation companies that wish to take it, if it is within their limits. If it's too high or there's something in it that cannot be, like PCBs or something like that, it cannot take it.

MR. PETRO: Is the material delivered to the site, is it labeled by the DEC in any way?

MR. MC GRANE: It's as you say labeled by the DEC, by them personally, no, it's labeled by licensed laboratories, New York State licensed laboratories, recognized by the DEC.

MR. PETRO: Are these labels or delivery tickets available for review or copies available?

MR. MC GRANE: They have to be kept with the DEC for five years, every load, where it came from and also where it goes when it leaves my facility and the test results that goes with it.

MR. PETRO: And you said that is every load?

MR. MC GRANE: Yes, every load, every pound.

MR. PETRO: And that is available to the town any time you can check with the DEC?

MR. MC GRANE: If you have a room big enough, I'd been glad to give you a copy of every ticket.

MR. PETRO: You also have them available at your site?

MR. MC GRANE: Definitely, DEC can walk in any site any

time they want.

MR. PETRO: When the material is delivered to the site, is the DEC there to check the material at the site upon its arrival?

MR. MC GRANE: No.

MR. PETRO: Just labeled?

MR. MC GRANE: But they can if they want, it's their prerogative.

MR. PETRO: The DEC checks all the material after it's been processed?

MR. MC GRANE: All the material that comes out of that machine has to go to the laboratory same way it was tested before it came in to be tested that it is clean and so on.

MR. DUBALDI: These laboratories that certify this soil you said they have to be licensed, are they licensed by the State of New York and recognized by the DEC?

MR. DUBALDI: So they are getting their license from the DEC or they are getting their license from the state through the DEC?

MR. MC GRANE: Right, that is everything that comes to my facility clarified has to be tested, not by me, I've got nothing to do with the testing factors or anything else. The generator has to take his samples, has to go to whatever laboratory that is licensed by New York State, whatever their results are, they tell him what's in it, what he can do with it, if it's hazardous, might say it has Preston, as an example, it's a brand name, but it's no putdown, has to go to the hazardous landfill, that is it cannot be burned, that is as simple as that.

MR. PETRO: Mr. McGrane, we understand that you have contaminated soil on the site now, the yardage that is there, are the contaminant provisions completed for the contaminated soil area?

MR. MC GRANE: Yes.

MR. PETRO: Is there an asphalt pad underneath the contaminated soil?

MR. MC GRANE: Yes, you have all this site plans and everything shows everything on it.

MR. PETRO: One more question pertinent to this site. Is it sloped to direct the runoff towards the drainage collection system in the holding tank?

MR. MC GRANE: Correct.

MR. PETRO: Okay, I appreciate you answering these questions.

MR. MC GRANE: Let me clarify something, Mr. Edsall looked at the pad outside, the pad that we work on, which is not, does not hold or contain any dirt, he said that it doesn't seem that that particular pad that we worked on drained 100% towards the catch basin.

MR. PETRO: If it is not \$100, where would it drain to?

MR. MC GRANE: Wouldn't go anywhere. Now, I'm under construction and that covers it, no soil from the buildings is out, he's been there and they have looked. In fact, I spoke to him on the 12th, I believe, something like that.

MR. BABCOCK: That is correct.

MR. PETRO: Mr. Edsall, would you have anything to add at this time?

MR. EDSALL: No. I believe I heard Mr. McGrane saying that he is in the process of completing the site improvements. So, in fact you're not done at this point?

MR. MC GRANE: I'm sorry?

MR. EDSALL: You're not done at this point with the

site improvements so you do have some more work to do?

MR. MC GRANE: Yes, I do.

MR. EDSALL: Including the collection system on the sloping of the area?

MR. MC GRANE: Only of the pad by the machine.

MR. BABCOCK: The outside area.

MR. MC GRANE: Buildings are all bermed, blacktopped, compacted, everything is 100%. Engineers looked or there wouldn't be any soil there. In fact, you were in the buildings themselves.

MR. BABCOCK: That is right.

MR. PETRO: Is there any other questions from any of the board members? We appreciate you coming in and taking the time to come in to see the Planning Board and we appreciate your answering these questions.

MR. MC GRANE: Let me ask you this. Am I still in violation or out of it or did I answer things right? I don't know, this is, I'm not a politician so.

MR. PETRO: You're referring to the notice that was given out by the building department? That has nothing to do with the Planning Board.

MR. EDSALL: I think we're discussing two issues. I believe the violation was issued on the amount of material stored and the ability to contain any runoff and have it directed toward the drains. There's going to have to be a measurement made to see in fact if 2,000 yards exists, if 2,000 tons exists, so that might need some verification to determine if what Mr. McGrane is saying as far as the volume is accurate. So we can put some effort in on that.

MR. PETRO: Then the violation does have--

MR. EDSALL: It's pending until it's determined that in fact the situation doesn't exit and as far as the

drainage, I would suggest that we have another visit and if in fact he has to have a survey to show us the grading that it is sloped in the right direction, then that may be something you want submitted.

MR. PETRO: Drainage involves the Planning Board.

MR. EDSALL: Yes, but that involves your site plan approval which includes proper sloping of the area so that all the runoff from the area where contaminated material is stored would go to that collection catch basin and then to the storage basin.

MR. LANDER: How much soil is needed for a test burn, is that what the soil was stockpiled there for?

MR. EDSALL: That is any understanding.

MR. MC GRANE: Test burn, yes, and also to operate the machine, all with DEC approval.

MR. LANDER: Now--

MR. MC GRANE: The amount of soil there is with DEC approval.

MR. BABCOCK: Do you have slips to prove how much soil you have there?

MR. MC GRANE: If need be.

MR. BABCOCK: Okay.

MR. MC GRANE: Why is there a question about how much soil is there?

MR. LANDER: Well, no, Mr. McGrane, the question was if there was--

MR. MC GRANE: I thought the question was the fact of my having 2,000 yards of, 2,000 tons of soil there.

MR. LANDER: Let me just clarify.

MR. MC GRANE: Is that the question or was I wrong?

MR. LANDER: I just have a question, that is all. I have a question. How much material was needed for a test burn and how much material is stored there? Now we only need enough for a test burn, why should we have, say it takes 100 yards, I don't know, that is why I am asking.

MR. MC GRANE: A test burn which that machine is licensed for already you have to spike the soil to the maximum that it could ever be which means took a pile of dirt there and you poured 5 gallons of gas on it, that is the maximum it's ever going to get. Machines are licensed to do something like that, just like Ira's machine is the same machine. That is what they call a test burn. Now, how many tons an hour you're going to do, how many tons a day, whatever it might be, is what your machine is regulated for. It's regulated for now 15 tons an hour at maximum spike.

MR. LANDER: Well, no, that is not what I was asking. I was just asking how many tons would it take to do a test burn?

MR. MC GRANE: Depends on how many tons you're going to run, you're going to run through that machine in an hour. If you are going to run sand, going to run clay, going to run bank run gravel, whatever, everything is different approximate time on that machine probably take probably five, six days, depending.

MR. LANDER: For a test burn?

MR. MC GRANE: A particular product, to do a test burn, you have to do a day's run with gasoline, you have to put the gasoline on the soil, you have to mix it, you have to cover it for 24 hours. Then you start running it through the machine. Diesel fuel is the same way, kerosene is the same way, jet fuel is done the same way, whatever petroleum contaminants that you are going to run through that is what it takes, has to be, that is what they call a test burn, that is the maximum that you can ever possibly get. Now, as far as the contamination that comes there, it's out of the gas stations, you see it parked all over the parking lots

and you name it, for months, there's no maximum contamination in any of those products. So if it comes out so many tons, how many tons an hour are you going to run, that is it.

MR. EDSALL: I think what Ron was asking is you said like five, six days you would expect to do a test burn and how many tons might you use per day, cause I think Ron, what you're aiming for is how many tons do you think you really need?

MR. LANDER: How many tons would you need to do the test burn?

MR. MC GRANE: You're going to run probably 150 tons a day, if everything goes fine, fine, if that is what you're going to run on your test burn. But I can run that material right now, I haven't lately but I can run it, see what that machine is going to produce tonnage-wise, that is why they allowed me that tonnage.

MR. EDSALL: So you are figuring 150 tons?

MR. MC GRANE: There is a difference between what the DEC calls a test burn, that is the maximum spike that I mentioned to you about and the test burning that I do is for protection. It's not, nothing is spiked, nothing whatsoever, it just came out of the ground with the test results that came with it and that is the way I run it. You run different heats for sand, different heats for hard clay and different heats for bank run gravel. Like it was in the newspaper of how much money you're supposed to be making per ton as it comes in the door. Funny, they didn't put in there how much money it costs you to burn those tonnage. Everything is relative. If you are going to do it, you're going to do it so that is why the tonnage is there.

MR. PETRO: Okay, gentlemen, is there anything else?

MR. LANDER: No.

MR. PETRO: Thank you very much. We appreciate your answering the questions.

May 10, 1995

24

MR. MC GRANE: Appreciate your time, you are here this evening, good night.

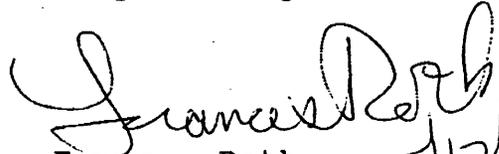
MR. DUBALDI: Move we adjourn.

MR. LANDER: Second it.

ROLL CALL

MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer  
5/12/95

CLEAN EARTH SITE PLAN - MERTES LANE

MR. PETRO: The reason I put this under discussion, what I want to do is we have read the minutes dated the 12 or June 14 meeting, we had the Clean Earth people come in and they were represented at that meeting and we had a lengthy discussion and we have all had time to read the minutes which I did thoroughly and digest what we said at the meeting and what was understood at the meeting. What I'd like to do is write a letter to Mr. Meyers stating I found after reading the minutes my opinion and what the board should be looking for and have some direction from the New Windsor Planning Board and I'd like for the rest of the members to give me authorization or at least give me some input and let me write the letter and get it into Mr. Meyers and I'd like that in a form of a motion. Before we have a motion, does anyone have any input on this at all?

MR. LANDER: No. All I heard last time something about hoops, they never answered our question on how much dirt do they need for a test burn, how much soil did they have to have there. They don't need a thousand, I don't think.

MR. STENT: It was my understanding--

MR. LANDER: Ira D. Conklin had a test burn that I attended. He didn't put a thousand tons through his machine. He might have one ran one or two loads down there, that is it. Test burn doesn't need a thousand tons. That was never answered.

MR. STENT: Wasn't it my understanding going through that that was supposed to be a temporary mobile unit put down there, that is what the planning board acted on.

MR. LANDER: It was supposed to be portable.

MR. STENT: Now it's become fixed, as a result, DEC required it to be fixed.

MR. LANDER: Well--

MR. EDSALL: That is what their application to the DEC might have turned into.

MR. LANDER: I don't know whether I would, I'd have to see the letter. I'd have to see the application in that the DEC mandated that they have it affixed.

MR. STENT: Didn't he state that that night?

MR. LANDER: They stated a lot of things and a lot of them aren't true.

MR. PETRO: He said it was going to be monitored every load that came in there was going to be monitored. That wasn't it. The DEC was going to monitor that, I mean, that is where we felt assured that the DEC's going to monitor this thing on a daily basis then we could be reassured that it was going to be that way, that it would be safe, all right. But now we're spending \$10,000 a year and we might not get monitored once, all right, I don't even know if they are paying the \$10,000.

MR. LANDER: We meaning Clean Earth.

MR. PETRO: Yes, Clean Earth.

MR. STENT: He had a letter from Supervisor Meyers dated May 31st that Jimmy had and I'd like to make that in the form of a motion that we authorize him to respond to that letter.

MR. PETRO: This is actually going to be a motion and I want you to, it will be read in the form of a motion is that what you're saying?

MR. STENT: Yes, I want to read it in the form of a motion. That the New Windsor Planning Board having met in open meeting on June 14, 1995 with the principals of Clean Earth, Inc. and having reviewed and discussed the Clean Earth, Inc. matter, authorizes the chairman to reply to Supervisor Meyers letter dated May 31, 1995 and state the following. That the planning board is of the unanimous opinion that the Clean Earth, Inc. site plan approval stamped approved on October 1, 1991, as

amended and stamped approved on November 14, 1994 is incongruent with the NYSDEC permit to construct issued in August, 1993; and that a Clean Earth, Inc. operation under such an incongruency will be a violation of the site plan; and that the specific areas of incongruency are, but may not be limited to: (1) temporary operation approved by Planning Board versus permanent operation approved by DEC; and (2) continual DEC inspection as approved by the Planning Board versus uncertain monitoring approved by DEC; and The Planning Board has no objection to transmitting this determination to the NYS Department of Environmental Conservation.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board make a motion that was just read into the minutes authorizing a letter that will be written by myself to the Supervisor Meyers. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	ABSTAIN
MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	ABSTAIN

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

THAT THE NEW WINDSOR PLANNING BOARD, having met in open meeting on June 14, 1995 with the principals of Clean Earth, Inc., and having reviewed and discussed the Clean Earth, Inc. matter, authorizes the Chairman to reply to Supervisor Meyers' letter dated May 31, 1995, and state the following:

That the Planning Board is of the unanimous opinion that the Clean Earth, Inc. site plan approval stamped approved on October 1, 1991, as amended and stamped approved on November 14, 1994 is incongruent with the NYSDEC permit to construct issued in August 1993; and that a Clean Earth, Inc. operation under such an incongruency will be a violation of the site plan; and

That the specific areas of incongruency are, but may not be limited to: (1) temporary operation approved by Planning Board versus permanent operation approved by DEC; and (2) continual DEC inspection as approved by the Planning Board versus uncertain monitoring approved by DEC; and

The Planning Board has no objection to transmitting this determination to the NYS Department of Environmental Conservation.

VOTE:

Mr. Dubaldi \_\_\_\_\_  
Mr. Lander \_\_\_\_\_  
Mr. Stent \_\_\_\_\_  
Mr. Van Leeuwen \_\_\_\_\_  
Mr. Petro \_\_\_\_\_

July 12, 1995

CLEAN EARTH SITE PLAN - MERTES LANE

Mr. James McGrane and Mr. Dominick Masselli appeared before the board for this discussion.

MR. PETRO: We have a letter to the Planning Board, James Petro, I'm going to read it for your information and then I want to go over a couple items that it states, if it's okay with you. As you know, there have been several issues raised pertaining to the Clean Earth Inc. facility on Mertes Lane. I have reviewed the comments made at the New York State Department of Environmental Conservation informal hearing held on April 20, 1995 at the Temple Hill school in New Windsor as well as the minutes of the Planning Board meeting of May 10, 1995. Representatives of Clean Earth Inc. were present at both meetings and discussed their project. I have examined the statements in regard to the site plan approval granted by the New Windsor Planning Board in 1991 and the New York State Department of Environmental Conservation permit originally granted in August of 1993 for one year and then subsequently extended. It appears to me that the site plan approval granted by the Planning Board is in conflict with the permit approved, granted by the New York State Department of Environmental Conservation. In particular, the discrepancies between the two are number one, a mobile operation was approved for Clean Earth Inc. facility by the Planning Board yet a permanent operation has been permitted by the New York State Department of Environmental Conservation. Number two, continual on-site inspection of the New York State Department of Environmental Conservation was stated in connection with the site plan but in actuality, the New York State Department of Environmental Conservation will not be monitoring the process and never stated they would. I would appreciate the Planning Board addressing these concerns with Clean Earth, Inc. and taking whatever action may be necessary to render the site plan and New York State Department of Environmental Conservation permits I do not believe compatible. This is signed George J. Meyers, Supervisor, Town of New Windsor.

MR. VAN LEEUWEN: Mr. Chairman, when the application

first came to us and I haven't gone through the records but at that time, I believe we were told or not but we were told that the site would be monitored at all times. And it was my understanding, the DEC was going to monitor. I remember that being mentioned. I remember that being discussed. I have not read the minutes from that prior meeting, okay, that was our understanding of the whole board, I was on the board in those days and I knew Ron was too, weren't you?

MR. LANDER: Yes, I was.

MR. VAN LEEUWEN: Cause we discussed it outside, remember?

MR. LANDER: Yes.

MR. PETRO: I agree with Mr. VanLeeuwen. Mark, on the two items in particular, one is the mobile operation which seems to be permanent and/or fixed and also the continual on-site inspection not being done by New York State DEC.

MR. EDSALL: I'll go not in order. First one you talked about was the on-site inspection. Obviously, I have been asked by the town supervisor and the Planning Board chairman and the attorney to just review some minutes and review some memorandum and correspondence to compare these, as Mr. Meyers' letter requests. There's a discrepancy back in September of 1991 when the Planning Board reviewed this application, in fact on September 11th, the comment was made by the applicant and their surveyor that the process is monitored by the DEC and that every load that comes on the site is going to be inspected. In the August meeting, just prior to that August 28, 1991, it says the same, it says that the DEC approves every load and it's also monitored by those people. Basically, the indication was made and I believe it was on the original approved plan that DEC monitors the material themselves every load that comes on the site and monitors the loads as they are taken off the site. The discrepancy that exists that the town as part of their research of the DEC's review of the project has in hand a memo from DEC which indicates, it's a memo dated

January 23 of 1992, comment number 2 on this memo says that DEC will not be involved in their day-to-day operation, any statements suggesting that DEC inspectors will verify the purity of the soil prior to arrival at the site or after treatment should be deleted so basically, we've got an inconsistency between the assurances that were given to the Planning Board and the record information that DEC has put forth as far as what their participation in the project is going to be.

MR. PETRO: That is number two. Number one?

MR. EDSALL: Well, number one again, back in August 28, 1991, the Planning Board was told that it was portable operation, that it was portable equipment and that appears several times through those minutes, they say it's a temporary situation, that it is on wheels and that they would transport equipment off the site.

MR. PETRO: It appears to be permanent at this time.

MR. EDSALL: Yeah, that is where the discrepancy comes in. My observation and it's my understanding what's been approved is a permanent operation and having looked at it, I don't believe that the way the system is set up at this point that it is a portable operation. So again, that discrepancy and again I have been asked to look at these two aspects, I'm sure that if we looked at the details there may be other discrepancies but these are two primary discrepancies and what's happening, what you were told back in 1991 as far as how this was going to operate appears to be inconsistent with what we're now seeing as an operation and what the DEC has approved.

MR. PETRO: Mr. McGrane, it seems that from what I am understanding--

MR. MC GRANE: I'll let my project manager, Dominick Masselli, answer all his questions. Is that all right with the people?

MR. PETRO: Absolutely.

MR. PETRO: How are you involved?

MR. MASSELLI: I'm the project manager for the project. Now I started day one with it, went over all the details with DEC, State of New York all the rules and regulations, when we first came before the Planning Board, and we suggested what we wanted to do, it was my idea to have the monitoring done that way, to make sure everything was safe. We hadn't been to DEC yet so we didn't know what they were going to ask for, how or what rules and regulations, first we have to see if the town would accept this, they'd accept it by way of DEC handling it and them overruling whatever had to be done. Up to this day, that is exactly what we did. The problem we have here is everybody is confused, confused to the point of this is a mobile operation. But the State of New York will not let you get a mobile burning permit to burn on site, if you are going to be there for long amounts of time. So DEC would not approve the mobile permit.

MR. PETRO: Long amount of time being what?

MR. MASSELLI: Could be six months or a year but we still want the option to pull the machine out so we had to get two permits. We have to get a mobile and we have to get, we call it a fixed facility, there's nothing fixed as far as the facility goes but the DEC won't let us use a mobile permit to burn on that piece of property. They said you had to apply and get a stationery permit and that is what we applied for, even though everything is still mobile, still could be moved, that didn't change anything. However, if we want to move off-site, we have to apply for a mobile permit but we can't use the mobile permit to burn on the property. So that is why everybody's confused how come you made it stationery if it's mobile because the DEC would not let us burn with a mobile permit on a fixed piece of property. Fixed piece of property means soil coming into the property, not on-site burning. If we were going to go on site and burn and then leave so that is the difference between what we call a fixed facility, which is a fixed facility permit is what it is. It's not a fixed facility, it's a fixed facility permit.

MR. PETRO: You're bringing the dirt to the machine?

MR. SILARDI: They would not--we wanted to go for the mobile but they wouldn't accept it, so we had to apply, do all the air modeling, cross winds, our air winds, downdrafts, Stewart Field, everything else we did it three times in fact and passed all times.

MR. PETRO: But you understand what the Planning Board was under the impression that you would be bringing the machine to the dirt.

MR. MASSELLI: No, no, no, Planning Board should never have felt that way before we said were bringing soil at that time to that piece of property.

MR. PETRO: Mobile, we used the word mobile and mobile I believe I insinuated that you'd be going to the site also not just bringing everything there.

MR. MASSELLI: That is correct, yes, if we wanted to go to Stewart Field, if they had a job there, we had the option to take the machine out and go to the site and burn, yes, it's a mobile setup, the whole thing but the difference in the permits were you couldn't use a mobile permit on a site that you are bringing soil to and that is the difference and that is the DEC ruling. It's not something we made up. So, we had applied and that is what took all the years of time and all the issues we went through with DEC, with the State of New York, all the different issues that they got us on, the air.

MR. PETRO: On the other issue which would be I believe to be more paramount is that the DEC in fact will not be monitoring the loads that are coming onto this site or the dirt that is being brought to this site and I believe that was definitely represented to us at the Planning Board in the 1991 minutes that the DEC would in fact be monitoring all loads and all dirt that came to and left the site.

MR. MASSELLI: Here's how that works. All soils, contaminated soils that are dug up or wherever they

might be has to go through DEC, has to, whenever a spill or soil problem or in your back yard, fuel tank is leaking for your house or whatever, you have to hire an environmental agency to come in to handle that. They notified DEC right away who you are, where the property is located, they do the testing, approximately how many cubic yards of material is there, what they feel is contaminated. DEC gives you have a spill number. If it's, let's say you, they give you a spill number, that is filed in New Paltz, I believe it might be in Albany too, okay, that is how they keep record of where these spills are at. Now, when that soil, that soil is taken and sent to a lab before we even know where it is or what it is, we don't know, the lab result comes back of whether it's hazardous, what it has in it, whether we can take it or accept it or not. Now, what happens there is, it's on file, we or a facility like Ira Conklin's, ours or whoever is in the business, gets notified to take the soil. But they have to send the lab test before they can send the soil. We have to make sure that it's within our means of taking it. It's got to be virgin material, virgin oil, okay, no used motor oil that is hazardous, antifreeze so on and so forth.

MR. PETRO: How do you know you're getting that soil that is arriving at your site?

MR. MASSELLI: When, because when I go down to take that soil test, okay, I don't take it, excuse me, don't let me misinform you, when that soil test is done, it gives Texaco, Broadway, Lake Street, that Texaco station, let's say that is the site that it has come from, how do we know that soil is coming from that site, am I correct, is that what you're saying?

MR. PETRO: Yes.

MR. MASSELLI: What happens is we have a spill number. Now that spill number truck comes on the site to load that soil. The truck license plate, the truck has a DEC number, permit number 364 number, the driver of the equipment, the company who's hauling it, okay, and where it has to go to us now we know because we're manifesting it, I myself or whoever works for us is

manifesting the job so I know that soil that has been tested is coming from that site to us.

MR. PETRO: But the DEC is not on your site to test it.

MR. MASSELLI: DEC has already got notified what that was.

MR. PETRO: They are not monitoring it on your site.

MR. MASSELLI: No, they are not. How much they want to charge me, \$10,000 dollars a year to monitor my site. Now, why am I being charged \$10,000 a year to monitor my site when nobody's monitoring it.

MR. PETRO: You're saying if you are willing to pay the \$10,000 they would monitor the site?

MR. MASSELLI: It's in the deal.

MR. PETRO: What deal?

MR. MASSELLI: It's in my permit. I can't back out of that, how they want to monitor me, I can't force that but it's costing me \$10,000 for them to watch me.

MR. DUBALDI: So you are spending \$10,000?

MR. MASSELLI: Spending that, we're spending far much more than that. Every test that comes in I have to test every sample that comes in there, every hundred ton that comes in there I have to test. It costs me \$400 a test, two tests a day to make sure that that soil is treated properly. If it is treated properly, I have to go through all the expense of doing it all over again.

MR. PETRO: What I don't understand is the DEC is not on your site testing the soil.

MR. MASSELLI: That is correct.

MR. PETRO: Then in the 1991 minutes we had discussed that the DEC would be at the site.

MR. MASSELLI: I suggested that.

MR. PETRO: What has changed since 1991 to what's actually going to happen?

MR. MASSELLI: They are saying the statement that you have, that they are not going to do it is that what we just--

MR. PETRO: Yes, they are, the DEC is not going to monitor.

MR. MASSELLI: I suggested for them to do that, they told me back in 1991 it's going to cost you so it cost me. What is it going to cost me to make this thing safe, so it took years of getting through all the paperwork, okay, all right and coming down, they want to charge us \$10,000 a year for every sample coming in, sampling, checking, spotting.

MR. PETRO: On the site?

MR. MASSELLI: On our site, yes, on our site. Now, we felt at first we felt that was the only solution that can be done to make everybody happy that there's nothing going on here that is illegal or overlooked, okay. They are the ones that came up and told me that they can't do it. If they do it, they are going to charge me for it. I said then charge me for it. What is it going to cost me? What is it going to cost me, I don't say you have got to be there every day with a teaspoon checking everything but spot check my records. Everything in my computers have to show log on, what came in, what time, how many tons, what the analysis was on it, this is all their bookkeeping methods that I have to do. As far as monitoring, we're probably going to monitor as much as Ira Conklin's site, we're going to do the same as what Ira Conklin is because his permit is going to be the same as my permit. So if we have a problem with Clean Earth, okay, we've got a problem with both facilities, don't we? We're going to do what we were told to do, we were told to do what DEC, in fact, Mr. Van Leeuwen I think made that statement we'll go along with what the DEC says, that is back in 1991, because they are a tougher

organization, they'll watch it quicker, they'll make sure nothing goes wrong and I'm sure that is in the minutes. I might be wrong but I'm sure it is so we're going to do the same thing you know to make it as safe as anybody else so we're going to monitor but how are they are going to monitor, I can't tell you that I don't really know, I can't tell you. As far as the fixed facility that is completely bogus, it's a confusion is what it is. They want us to have a fixed facility permit, a three year permit, I didn't want the permit, I wanted to go with a mobile permit, if we're not there for four or five months a year, what's the sense of permitting it. Can't do it, you have to have a fixed facility permit, even though you're portable. This goes on as time goes on and don't forget the rules and regulations have changed so much since then till now, you know, they've gotten tougher and they've changed our stuff, they've come in and changed anything they want any time they want.

MR. PETRO: Well, at this point, I'm really interested in what was told to the Planning Board at that time and to what's actually going to take place and these were two of the most outstanding items already, maybe others I believe there's others and you might have on number two with the being permanent or not permanent, I'd have to review what you had said. I don't know exactly the determination on that but number one, I'm still a little confused about the DEC not monitoring on site and it was told to the Planning Board that they would monitor on site.

MR. MASSELLI: Yes.

MR. PETRO: And therefore, it may have swayed our thinking or decision making at the time if we had known that the DEC would not be monitoring contaminated soils.

MR. MC GRANE: I have a facility, gigantic one being built down on the river, going to haul 3,000 tons a year. He has to follow the same rules and regulations that Clean Earth has to because Clean Earth came first. He has to go by Clean Earth guidelines with the DEC and has to do more cause his guidelines were set up by the

DEC for Clean Earth. Ira Conklin has to follow the whole ball of wax and do more. People say that that is fine now you're going on a technicality on Major or Mr. Meyers, I'm sorry, what he is going on, he says whatever it might be, don't fly, gentlemen.

MR. PETRO: Well, you have to understand one thing, Mr. Conklin's site is in a different area than your site.

MR. MC GRANE: What's the difference, rules and regulations is the same situation on monitoring, isn't it?

MR. PETRO: Maybe that is, but maybe the site itself it might be not as conducive to the nature of the business as Mr. Conklin's site because it's not being monitored.

MR. MC GRANE: Monitoring is monitoring, I don't care where it's at, monitoring is monitoring.

MR. PETRO: As the attorney just pointed out, representation to the Planning Board might not have been the same also for each application, that is the point I'm trying to make. You did state to us that they would be indeed on site to monitor all the dirt coming on the site and all the dirt being removed.

MR. MC GRANE: All the dirt on our site has been monitored, that is correct.

MR. PETRO: On site though?

MR. MC GRANE: Before it gets to us.

MR. PETRO: That is not what was told in the minutes to the Planning Board.

MR. EDSALL: Just for note, it's the representation was not only made in the minutes but note 2 on the plan on the last plan that the board reviewed specifically brings forth the fact that DEC will monitor it prior to coming to the site and also indicates upon arrival, DEC inspectors will verify that material. So again, it's a condition on your plan as well, it's not just in the minutes.

MR. PETRO: I'm going to get some information from the other members. But as far as the New Windsor Planning Board is concerned, I'm going to just let you know that you may be in violation of site plan approval and as such, you'll be notified from this agency and at what course that will be taken at that point.

MR. MASSELLI: Now, we might be--

MR. PETRO: In violation of site plan approval.

MR. MASSELLI: Which means what, Mr. Petro?

MR. PETRO: That the--Andy?

\* MR. KRIEGER: It means until the violation is resolved, let's put it this way, you have a right to operate in accordance with the site plan that has already been granted, all the conditions including the note that was referred to by the engineer. If you operate the site other than in absolute compliance with that plan, then it is a violation of the town law and you're subject to prosecution for that purpose. You're also subject to, if you operate in violation of the site plan, you're subject to having the building inspector issue a stop work order on you to prevent you from doing that. They are not either or, they may both be applied. The whole question here is if there's an inaccuracy or if there's something which you cannot comply with the approved site plan, then you have two choices, you can either operate in violation of the site plan and hope you don't get caught and suffer the penalties if you do or come in and modify the site plan. So that those items which have been specified on the site plan with which you'll not be complying or which do not accurately represent the functioning of the site as it will actually occur get cleaned up beforehand, either the Planning Board cleans them up in terms of an amendment to the site plan first or you run the risk of operating in violation of the law and suffer the penalties.

MR. MC GRANE: Excuse me, on the site plan, it says according to DEC rules and regulations and permits, New Windsor or the DEC who are we under, whose ruling, New

Windsor?

MR. KRIEGER: It's not an either or, you're required to comply with the DEC regulations, that is state law, you're also required to have a site plan to operate a commercial.

MR. MC GRANE: That is what it says on the site plan.

MR. MASSELLI: Excuse me, this is when we're not so far, we're not even completely built. This is when we go into operation, these are the rules and regulations that I, that you feel you want to get straightened out but we're under construction.

MR. KRIEGER: Without taking any position whether in fact you are operating because I have no facts, the Planning Board has no facts, it's not their jurisdiction to determine that, whether or not you're in fact operating, when and if you do begin operation, you must comply in full with the site plan. Now, you heard the engineer speak and say that there was a note on the plan that said that in effect, that it, dirt would be monitored on site. If that is not going to be the case and then you have got a problem here, you have got a site plan with a note and it, that is not going to reflect the facts. You can't operate under the jurisdiction of that site plan without fully complying with it and that means complying with that note. If that is not going to be the way it is, then you have to seek an amendment of the site plan and take that note off and replace it with whatever does actually reflect the fact. But let me indicate I don't mean to indicate in applying for the amendment of the site plan that you are somehow if you apply for an amendment that you are somehow guaranteed that merely by walking in and saying well, that isn't going to be the case and stamp a new plan for me, that doesn't have that note on it that the Planning Board is going to or has to legally go along with that, they may not. In a re-application, it is going to be up to the board to look at the site, look at the plans, look at all the facts that you now present to the board and then make a decision as to whether or not that will be permitted or not.

MR. EDSALL: I guess just so we know exactly what the note says, note number 2 on application 94-13 which was stamped approved by the Planning Board on November 14, 1994, note 2 says proposed use cleaning of gasoline/oil contaminated soils and then it states only NYSDEC regulated material to be accepted. All material coming to the site to be monitored by NYSDEC inspectors as to origin of soils and type of contamination. Upon arrival, NYSDEC inspectors will verify the material and after cleaning, verify purity, unacceptable purity to be reprocessed. That is note number 2.

MR. PETRO: I think that is self-explanatory right there, I think. Do any other members have anything they want to add to this?

MR. LANDER: Just one thing. There's only two board members, that was myself and Henry Van Leeuwen that were here on this board at the time.

MR. PETRO: I was here.

MR. VAN LEEUWEN: Carmen was here, Jimmy was here.

MR. DUBALDI: I got on the board January 9th.

MR. LANDER: When did you originally apply for this, though?

MR. EDSALL: Original plan was stamped approved by the Planning Board on October 1, 1991, the note I read was from the plan stamped in November of '94.

MR. LANDER: It was represented to us that DEC would monitor that, okay.

MR. MASSELLI: Is that on the '91 plan?

MR. EDSALL: That note?

MR. MASSELLI: Yes.

MR. EDSALL: I'd have to check.

MR. LANDER: But it was represented to us and I think

you're the person that represented.

MR. MASSELLI: Definitely, that is the way I wanted it, exactly the way I wanted it. I wanted the DEC there all the time but at that time--

MR. LANDER: I feel that at the time, the Planning Board hung their hat on what you had represented that the DEC would be there to monitor the dirt that comes in, the dirt what was processed, the whole ball of wax.

MR. MASSELLI: Sure.

MR. LANDER: But now we got 180 degree turn here and they are not going to monitor it at all, except from where the spill occurs.

MR. MASSELLI: No. See, that is where the \$10,000 comes in, to come down to my site and monitor our dirt now the only problem I have is I don't know how much monitoring they are going to give me for the \$10,000, you know what I am trying to say, that is up to them. I don't know, I don't know if they are going to be there every three days, once a week, once a month, all I know what my cost is going to be.

MR. DUBALDI: Doesn't the letter directly state that they are not going to do any type of monitoring on site?

MR. PETRO: Yes.

MR. DUBALDI: The letter is stating that they are not going to do any type of monitoring on site, that is what their letter says.

MR. MASSELLI: I have a copy in my, I have a draft with my permit that states that they'll monitor for so much money.

MR. DUBALDI: But we have a letter stating the opposite to that.

MR. MASSELLI: Who's right, who's wrong?

MR. PETRO: I can tell you this and I think the attorney addressed it very well and I explained it very well that unless the DEC is monitoring every load coming on or coming off the site, and it has a man there, evidently whatever that not describes whether it be there for every hour of every day, but whatever it takes for all the dirt coming on and off the site, if that is not the case, you'd be in violation.

MR. MC GRANE: You have to have it physically monitored?

MR. PETRO: Yes, on site.

MR. MC GRANE: Physically a man standing there?

MR. PETRO: I don't know how else he'd monitor. I don't know their business, whatever they consider on-site monitoring, they would be in violation of the site plan and you'd have to either not operate or apply for an amended site plan and I think that is--

MR. BABCOCK: That is only one item that was said and Mr. Masselli said that in 1991, he made some statements that he thought was going to happen but when he got the DEC, those things have changed, everything that he stated would have to be changed.

MR. PETRO: This is one that we happen to be touching upon. Mark?

MR. EDSALL: Just for the benefit of answering a question, the 1991 plan which was filed 91-20 stamped approved October 1, 1991 also had a note number 2 but it also indicates that the DEC will be monitoring all the material coming to the site and also there's the representations in the minutes so apparently, the note was revised on the amended plan and expanded but there still is a note number 2 that indicates that all material is going to be monitored.

MR. PETRO: You're not disputing the note?

MR. MASSELLI: It's my plan, how can I dispute it, what we should do here when the time comes for that, then

we'll do what we have to do, you do what you got to do, we'll do what we have to do. Because we have been discriminated in this town long and far enough. We have had it with this, we have been picked on, we have been used, we have been slandered, a new company, not even had a chance to open its door when everybody buried us, okay, even the town, so you use your loopholes, whatever you have got to do, Mr. Petro and Mr. Attorney and we'll be more than glad to use ours. Okay? So there's no more further question to coming back here until we're at that point, am I correct?

MR. PETRO: I believe so, yes, and I do appreciate coming in on a discussion item.

MR. MASSELLI: Thank you.

MC GRANE

Mr. Jim McGrane came before the Board representing this proposal.

MR. MC GRANE: I need site plan approval for ~~portable~~ ~~equipment~~ and I made seven of these copies. I don't know how many people get them that want to look at them but --

MR. EDSALL: I can bring you up to date on one of the things he needs so he can get some information and what DEC would require what we're trying to do is find out what the town needs and what the DEC would require. The gentleman was out the workshop and he asked us if it appeared or the DEC asked if it met zoning and would it need site plan approval so I issued this letter which indicated that it appears if it's under that zone but because of the town zoning, you'd absolutely need consideration under the site plan law which is why he's here tonight. Does he or does he not need a normal site plan for a temporary operation with no permanent structures. I wasn't sure. This letter was issued to let the DEC know that you do have jurisdiction that would mean that he couldn't proceed without your okay.

MR. MC CARVILLE: How temporary, 18 months, a year, how long?

MR. MC GRANE: Could be one week, one month, ten years. It's portable. If they want me down Long Island and then it's on its way to Long Island --

MR. MC CARVILLE: Same thing that they have at the Mobile Station over here?

MR. MC GRANE: What's that?

MR. SAECOCK: That's a stripping tower. What they're removing is removing the liquids out of the ground and recovering them.

MR. EDSALL: Why I need help from the Board tonight after the work session which I didn't have the answers if he could describe what he believe or what the use is, I'd like to know if the Board agrees or disagrees with my first impression that it could be listed as a

use A15, which in my letter I have described what the code calls it. The manufacturing, assembly, converting, altering, finishing, cleaning or any other processing or incidental storage of product or materials.

MR. MC CARVILLE: Cleaning.

MR. EDSALL: It's the closest thing if the Board doesn't believe that is acceptable. If it doesn't, then I'd appreciate you to say no because we are going to have to tell them no, you need a variance.

MR. PETRO: This thing is on wheels?

MR. EDSALL: I'm not agreeing or disagreeing. I'm just saying I don't have the right to -- and you needed site plan approval for parking vehicles.

MR. MC CARVILLE: It's a portable type operation?

MR. VAN LEEUWEN: What are you going to do?

MR. MC GRANE: Turns dirty dirt into clean dirt.

MR. VAN LEEUWEN: What is it contaminated with, what?

MR. MC GRANE: Gas dirt, oil dirt, whatever but it's --

MR. PETRO: Dig up tanks around the gas station and we can bring you the dirt, clean it up and we can put it back around the flowers or whatever.

MR. SCHIEFER: If it's a week or if it's a month, if it's a couple of months, we don't but I just heard possible ten years and --

MR. VAN LEEUWEN: We could give him a one year permit and he comes back in another year and gets another permit.

MR. EDSALL: One of the things is the class that it falls under is not a special permit class, it's a class which is the permitted use by right which doesn't have the provision for an expiring approval. That's another reason why.

MR. MC CARVILLE: What else is on the property?

MR. MC GRANE: Nothing. This material that I get the DEC approves before I get it and it's also monitored by them people, got nothing to do when you take from your yard or somebody else's, doesn't work that way. It's all monitored stuff. When you say a yearly permit, for a half a million dollar investment out of the pocket, and in 22 days from now that one year permit is a bad situation.

MR. EDSALL: The only place I can find a use is use by right and --

MR. MC CARVILLE: You're going to have fenced in area?

MR. MC GRANE: No.

MR. MC CARVILLE: You're not going to protect your equipment?

MR. MC GRANE: Well, going to be security will be there 24 hours a day.

MR. MC CARVILLE: They are going to have a trailer or something, a little place to get out of the weather.

MR. MC GRANE: Well, while it's in operation at night, they'll be closed, then security people, they want the, maybe be inside or walking the grounds or whatever. It's going to be the reason for that is to stop somebody from deciding to dump a load that don't belong there but if somebody is familiar with Merte Lane and it's a dead end street and there's only one way in and one way out. These people on the corner are right up to snuff on both sides. They keep track and you can't blame them. It's their neighborhood down there and nobody is going to go in and out anyway but just on the fluke because DEC told me somebody dumps a bad load and they are going to try and put it over, you put it right back in the truck again and out it goes to where ever they got it from and you're covered. They put it on the ground and they get out of your place and you have a problem and you have to call us and we're going to come down on you like a ton of bricks because that should not happen. So, it's going to be very closely watched by them and by me also.

MR. MC CARVILLE: You're going to need a site plan

approval. We all agree on that at this point because you have possible odors, possible disposal of materials. You have got employees parking.

MR. DOMINICK MASELLI: I'm going to be managing this plant and I met with the designer, the engineer that builds this plant and Jim is familiarized with it. There are no odors.

MR. MC CARVILLE: That's exactly why we have to have a hearing. We'll get to that when we have site plan approval.

MR. MASELLI: What we're doing is taking contaminated gasoline dirt and we're cleaning it, burning it, cleaning it and going to be reusing the dirt. We're not killing the dirt, not killing nothing in the dirt. We're burning the gases and oils out of the dirt so it's reuseable, whether the oil company wants to buy it back or whatever they want to do with it. That's all we're doing. It's a temporary situation, all on wheels, mobil in case we have to go to Long Island with it on an oil spill or something. That's what we're going to do. We might be on the property here for a year, possibly two years and not see us for six months because we're on the job.

MR. PETRO: With site plan approval, it could be a mobil home base.

MR. MASELLI: That's what we want.

MR. SCHIEFER: Is Dan speaking for the Board? Everybody thinks we need a site plan?

MR. PETRO: Yes.

MR. SCHIEFER: I see it's another Ecolochem without the requirements.

MR. VAN LEEUWEN: I want to find out a little bit more about it first.

MR. MC CARVILLE: Lay it out on your acreage.

MR. MC GRANE: I have a site plan.

MR. EDSALL: That's a, just a mark up, a sketch plan on

a tax map. They are talking about, it's no good for a site plan.

MR. MC GRANE: Why?

MR. EDSALL: Site plan constitutes a scale drawing.

MR. MC GRANE: In your book, it said 50 feet, correct, from the town's 25 feet and 20 feet from the railroad tracks.

MR. EDSALL: What you don't understand is site plan by town law is a scaled drawing. Do you believe that the initial guess I made that A15 it could fall under there seems appropriate?

MR. MC CARVILLE: Processing, yes.

MR. EDSALL: That's allowed in the zone so at this point, you're saying that he needs to go through the process?

MR. SCHIEFER: Yes.

MR. EDSALL: Thank you. We don't know what to tell them.

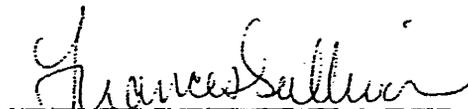
MR. MC GRANE: That machine will be there in 22 days.

MR. BABCOCK: What we're trying to tell you, you can't do anything like that until you get this approval.

MR. MC GRANE: Thank you.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. McCarville seconded by Mr. VanLeeuwen and approved by the Board.

Respectfully submitted;



FRANCES SULLIVAN  
Stenographer

**PREVIOUS  
DOCUMENTS  
IN POOR  
ORIGINAL  
CONDITION**

CLEAN EARTH, INC. SITE PLAN (91-20) MERTES LANE

Mr. Patrick Kennedy came before the Board representing this proposal.

MR. KENNEDY: I believe Mr. McGrane was here at the last meeting and went over the basic what is going to happen. The site is on Mertes Lane backs up against the ConRail line there. What he's going to do is bring in basically portable soils cleaning equipment. This equipment will clean gasoline contaminated soils. I can't tell you exactly how to describe exactly what the process is.

MR. SCHIEFER: Did you hear the potential customer here this evening? Someone has a pile of contaminated soil. Go ahead.

MR. KENNEDY: We showed on the plan will the contaminated soil will be dropped when it comes in. It will then go through the machine and then piled on the other side. The material will pretty much come in, get cleaned and go back out. It will not be stockpiled for any length of time. The material will more than likely be --

MR. SCHIEFER: How long will the soil be pretty much stay on the site stockpiled?

MR. KENNEDY: You may have a person that doesn't need the soil back.

MR. VAN LEEUWEN: Does he pick it up right away?

MR. KENNEDY: Mark suggested we show the limits of what will be taken away and what will be in stockpiled areas. There will be an office type trailer that will be on the site. There will be pretty much two people operating this thing on-site or four people on-site and there will be a night watchman there all the time to make sure people are not bringing in contaminated soils. The process will be completely monitored by the DEC. They are supposed to approve every load that comes into the site to make sure that is all that is contaminated with. That somebody isn't trying to sneak in dirt with medical waste or anything else.

MR. DOMINIC MASELLI: .What happens here, where ever there's contaminated dirt, usually the DEC has to go in and check it to see if it's contaminated, or they had a problem. Where ever the material comes from, it will be labeled, it will be DEC controlled. We don't take nothing without DEC control. Which is receipts from them on what materials come on the site to get cleaned and that get cleaned and returned back.

MR. KENNEDY: They are approving the material that coming to you.

MR. MASELLI: If there's a gas station that's got contamination, the DEC knows we have got lot so and so approximately a thousand yards that will all be billed out to us. It will come to us, we'll give them a receipt that it came through the machine tested and cleaned so nothing on there will not come from anything that doesn't have DEC recognition.

MR. KENNEDY: The DEC will approve it at the site and the reapproved saying yes, that's the material that came.

MR. MASELLI: Otherwise, there would be nothing on there without their recognition of what they are going to put down. When it's clean, then it's a different ballgame.

MR. LANDER: What's next door to this property?

MR. KENNEDY: You have Smith, he's already down the end here. The next, there's a vacant land 70 foot wide piece of property that wooded and wet below that there's a housing, this is one lot that goes from here all the way to the corner of Route 300 and there's a house at the corner. All of this is wooded here and across the street and you have got the railroad behind them.

MR. SCHIEFER: Mike, are you aware this comment of Mark's here that if we do approve this that all DEC permits be submitted to you?

MR. BABCOCK: Yes.

MR. SCHIEFER: Are you aware of that?

MR. KENNEDY: Yes, we discussed this at the workshop. It's totally controlled with the DEC.

MR. SCHIEFER: We want a copy and account of those permits of any material that comes in.

MR. KENNEDY: Okay.

MR. DUBALDI: I make a motion to take lead agency.

MR. MASELLI: You want a copy of what?

MR. SCHIEFER: Whenever you get a DEC permit that you're going to bring in a batch of dirt, give a copy to them.

MR. EDSALL: I don't mean individual material slips, I'm talking about DEC they need an air discharge permit. We want a copy of that on record if they need a permit we want a copy of that on record. Any permit they obtain from the DEC, we just want it on record.

MR. KRIEGER: For operational purposes.

MR. MASELLI: Whatever we need for the clean air, you'll have a copy from the DEC. You want the tickets, you're more than welcome to have them.

MR. EDSALL: I don't think Mike's office is big enough.

MR. KENNEDY: One reason for portable type of operation and it will be run by pretty much LP Gas truck mounted --

MR. MASELLI: Propane.

MR. KENNEDY: There could be a situation where somebody has a tremendously large amount of soils to clean and this equipment can go to a particular site and clean up in which case the truck goes with it.

MR. VAN LEEUWEN: Town garage is a big problem. Gasoline and diesel fuel filtered into the ground.

MR. PETRO: Mark, this night watchman's trailer here has a four inch sewer connection and three quarter inch water service. Does that meet with all town specs? I mean it's hooked up to a temporary trailer, trailer is

a temporary trailer, not going to be permanent fixture on the property.

MR. MASELLI: It's an office trailer. It's got two bathrooms.

MR. EDSALL: The only comment I'd have and I just went back and checked the, with the Water Department's comment sheet, they didn't take any exception to the tie-in of the service line to the water main. The main is the main feed from the filtration plant and I don't believe they allow connections to that. But --

MR. MASELLI: What we would do is put a well.

MR. EDSALL: Well or if you, if the trailer ends up having bottled water.

MR. MASELLI: Yeah, fine.

MR. PETRO: Would that service the bathroom?

MR. EDSALL: It depends if the unit does have a bathroom, they'd have to.

MR. MASELLI: Definitely will be a bathroom on-site.

MR. EDSALL: You'll have to coordinate with the Water Department. The bottom line is --

MR. MASELLI: We'll put a well in.

MR. EDSALL: If the Water Department will not permit them to tie-in, they'd either have to have a waterless toilet or put a well on-site.

MR. KENNEDY: What exactly was their comments?

MR. EDSALL: Twenty (20) inch transmission main from the filtration plant and I don't believe any connections to it but the plan shows it tied in. I'm noting if they don't permit it, you'll have to get water elsewhere.

MR. MASELLI: But we can tie into the sewer, correct?

MR. EDSALL: I don't see an objection from the Sewer Department so they must not mind.

MR. BABCOCK: Every piece of property should be supplied with a sewer tap, whether it's a trailer, house, building or whatever so I can't see any reason why you can't tie into the sewer system.

MR. DUBALDI: Motion is on the floor.

MR. SCHIEFER: Mr. Dubaldi made a motion we assume lead agency.

MR. VAN LEEUWEN: I'll second it.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

MR. PETRO: This consolidation area of existing heavy equipment, truck parts, presently on-site obviously it's a junk yard there now. Well, it could be a slight problem in other words if there's a lot of oil or gas that's been leaked onto the property.

MR. MASELLI: There's no oil or gas. This equipment just is a cab with nothing, no tanks.

MR. KENNEDY: Old trailer bodies. They have been cut up and removed from the site.

MR. PETRO: That's my second part of the question. Here you're going to consolidate it on the property just from New Windsor, being on the Board, we don't need junk yards or want them and this is going to be our opportunity to maybe get rid of some of this junk. Can you get rid of any of it anywhere? I don't mean bury it on the property.

MR. KENNEDY: If you look at the site, all the stuff has been pushed over into this area.

MR. PETRO: Is there any way to get rid of some of it?

MR. MC GRANE: Take it away, but once I take that away,

\* I lose that grandfather right for the junk yard in New Windsor. I'm not going to take it all, this is a legal junk yard in New Windsor, has been for 20 years.

MR. PETRO: It's written into a deed?

MR. MC GRANE: Yes, it is.

MR. SCHIEFER: What you want to avoid already exists. ✓

MR. EDSALL: If he wants to consider this a legal junk yard, that should be shown on the plan that this site plan does not identify that use, you've got equipment storage but I wasn't aware that you wanted this to be considered legally a junk yard.

MR. MC GRANE: I don't. ?

MR. EDSALL: You said, you don't want to give up the rights.

MR. MC GRANE: Would you give up your rights.

MR. BABCOCK: If you don't want a junk yard here, get rid of it and you don't have to worry about it.

MR. MC GRANE: That's true but this is a portable --

MR. PETRO: He's going to have to show it on the plan.

MR. KRIEGER: Either show it as a junk yard or take the consolidated area off. }

MR. EDSALL: If you're telling us that it's a junk yard and you don't want to remove the equipment so you give up your rights to have a junk yard, that's telling me that it's a use and if it's a use, it should be on the plan.

MR. MASELLI: If we remove the junk, does that mean we lose our rights?

\* MR. SCHIEFER: If it's not shown on the site plan, yes. ✓  
If it's on the site plan, no but if you're actually removing, it's not shown on the site plan and we approve it without that, you can, yes you have lost your rights.

MR. PETRO: You can remove it all and still show it as partially a junk yard on the plan, doesn't have to be junk in there.

MR. MASELLI: There's only three cabs there, I mean maybe from here to the wall here, that's all you have. We cleaned it all up.

MR. VAN LEEUWEN: You only moved it what, last week?

MR. MASELLI: Two weeks ago.

MR. VAN LEEUWEN: After you guys came to the last meeting, I went through there and it's still there.

MR. PETRO: If it was removed, it would give you more room to operate. Anybody else have any comment on that junk yard there?

MR. SCHIEFER: I agree with you, if he wants to keep it, even though he cleans it up completely, unless it's indicated on here he's going to lose it but if he indicates on here that is what it is, obviously he's already got the permit and it's on here, he keeps it but if it doesn't show up on there, then he, he automatically loses it so don't take it off. If that's what you want to do, keep it on there.

MR. PETRO: Have Pat draw it as a junk yard.

MR. KENNEDY: You just want a label that this just exists?

MR. SCHIEFER: If we approve. If you don't put it there, you lose it.

MR. KENNEDY: First time I met Mr. McGrane was when I was Building Inspector on this issue. I don't know that you didn't realize there was an existing, he told me there was some debris. I didn't know legally he wanted this considered a junk yard but that makes it a difference.

MR. EDSALL: You can't have your cake and eat it too. You can't continue your rights and then --

MR. MC GRANE: And to be honest with everybody here, when I get done with this, we want to put a warehouse

on this property.

MR. VAN LEEUWEN: Remove the junk and leave it off. The property is worth more money without it but it's up to you.

MR. MC GRANE: I'll take your word for it and we'll take it off.

MR. SCHIEFER: If you take it off --

MR. MASELLI: Leave it as it is, you gave us an okay so we'll wash it out.

MR. VAN LEEUWEN: How long do you think it's going to take you to move it?

MR. MC GRANE: Couple of months.

MR. VAN LEEUWEN: Month and a half, two months maybe 60 days.

MR. SCHIEFER: Give them 60 days.

MR. PETRO: It will give you more room to operate.

MR. DUBALDI: I have a question about the contaminated soil stockpile area. What's going to stop say when it rains, what is going to stop the soil from contaminating the soil that's here.

MR. KENNEDY: We discussed that with Mark. If the DEC has decided this is being contaminated, when they scoop it up, they'll clean it and regrade that area.

MR. MASELLI: Go back down to virgin area.

MR. VAN LEEUWEN: It's all controlled by DEC, when they come into a gas station, they check the soils, Mark and Mike knows they check it thoroughly.

MR. PETRO: They'll be breathing down their neck every day.

MR. EDSALL: The details of the operation will be outlined in the permit. If the DEC decides for some reason they have to have containment, DEC is going to tell them.

MR. MASELLI: They are going to tell us what we have to do.

MR. VAN LEEUWEN: If he removes the junk yard within the 60 days, I make a motion to approve.

MR. SCHIEFER: Orange County Planning.

MR. VAN LEEUWEN: That's correct, withdraw my motion.

MR. SCHIEFER: Does the applicant have to go to the Orange County? Is this within 500 feet?

MR. EDSALL: Is this within 500 foot of 300?

MR. KENNEDY: I'm afraid, yeah.

MR. SCHIEFER: Then now, what that means we don't even have to say anything, you know what happens. You have to go to the Orange County Planning. You have to be sent there. If that --

MR. PETRO: How deep is the lot?

MR. KENNEDY: Three hundred feet.

MR. SCHIEFER: Unless you can make a statement it's not within 500 feet. We have to go, we have no control.

MR. VAN LEEUWEN: But you can get it done in a week.

MR. DUBALDI: Do you want to make it subject to?

MR. VAN LEEUWEN: Yes, we have no choice. That can knock it out and they can wind up in court. The county or the neighbors can take us to court.

MR. LANDER: Subject to Orange County approval.

MR. SCHIEFER: Motion on the floor to approve this subject to.

MR. VAN LEEUWEN: No, negative declaration first.

MR. EDSALL: Maybe we can put something in the record when you're reviewing purely the site plan application relative to potential for pollution to, potential for

air discharge problems, other problems related to the DEC permit, this Board is relying on DEC to do the fine job they'll do and review those potential effects. This Board is reviewing purely the issue relative to zoning and site plan approval.

MR. DUBALDI: We're still lead agency?

MR. EDSALL: You're lead agency for this application and you understand we need other permits and obviously if they obtain the other permits, DEC must feel comfortable that they are not compromising the environment.

MR. DUBALDI: Putting my trust in the DEC, I'll make a motion that we declare a negative declaration on this.

MR. PETRO: I'll second it.

MR. VAN LEEUWEN: We have to do it as it is.

ROLL CALL:

Mr. Petro	Aye
Mr. Dubaldi	Aye
Mr. Lander	No
Mr. VanLeeuwen	Aye
Mr. Schiefer	Aye

MR. PETRO: Noise and the only reason I ask about noise I know you have the railroad company here, I don't know who's going to build across the street. What is the noise that comes out of this? I don't know if we have any control, just out of curiosity.

MR. MASELLI: Relative to the --

MR. KENNEDY: You have to hear the railroad over that.

MR. SCHIEFER: The noise is no more than a hum, it will probably be no noise other than the asphalt drum turning.

MR. LANDER: Hours of operation?

MR. MASELLI: Hours of operation depends on what the town is going to let us do. We'd like to work your

summer hours better than your winter hours because you have no daylight.

MR. LANDER: Six days a week here?

MR. VAN LEEUWEN: Ask them to keep it to five days a week.

MR. SCHIEFER: Let's ask him, can you live with five days a week?

MR. LANDER: I'm not too concerned with the working 12 hours a day over there, I'm just concerned with maybe, you know, is it six days?

MR. MASELLI: I think what we'd like to work is six days a week but I think the problem we're going to have there you might work six and you might not some weeks, depending how the material comes in and depending on if the material is going to go back to the customer, let's say if we clean the oil, it says here a thousand gallons and you have got 30 days to do it but we have other customers too. I'm for working five days because we want a day for maintenance but push comes to shove, we might need that extra day.

MR. SCHIEFER: Ask for six days a week and if you use four, nobody objects. It's a lot easier.

MR. MC GRANE: A lot of days, the machine won't be there.

MR. SCHIEFER: Six days a week maximum. Is this going to be 24 hours a day?

MR. MASELLI: We'd like it to be.

MR. MC GRANE: But I hope not.

MR. VAN LEEUWEN: You can't do that. I know somebody who will come down and shoot you in the middle of the night.

MR. MASELLI: Can we get a 12-hour day?

MR. BABCOCK: Gentlemen, there's town ordinances as far as noise levels and stuff that I think that you really are going to have to comply with.

MR. MASELLI: Whatever we have to comply with.

MR. BABCOCK: I'm not sure what they are but --

MR. SCHIEFER: Mark, is that town ordinance adequate to control that part so we don't have to get into it?

MR. BABCOCK: I can tell you if we start getting complaints, we're going to visit these gentlemen. If we do, usually the complaints will come to the police station and they forward them on to me and along with that, we'll have to go talk to them.

MR. MASELLI: We'll meet your requirements, whatever the law is.

MR. EDSALL: If you want to set hours, why don't you set hours knowing that it's those hours that you have agreed to or the ordinance, whichever is more restrictive, if you want to set hours, set hours.

MR. MASELLI: That's fine.

MR. EDSALL: To me, I don't the Board should take the attitude that you want to let it go as far as the only control is going to be filed complaints with the police. That's, I don't think that's good planning.

MR. SCHIEFER: We have six days, do we need 12 hours a day?

MR. MASELLI: Now, you're not going to get 12 hours a day in the wintertime.

MR. PETRO: Let the local law take care of that.

MR. SCHIEFER: The only problem is you may be restricting yourself.

MR. KENNEDY: If I may add something, if I remember in the code, the noise levels in the town go from like 7 until 7, I got involved on that when the oil companies on River Road were putting in those burners to burn off the fumes. They would really pop when they went off and we had some that we had to stop loading certain trucks if I remember it's a 7 to a 7 type of day.

MR. SCHIEFER: Let's resolve this time issue. Are we going to rely solely on the town ordinance?

MR. LANDER: I think we should rely on the town ordinance.

MR. SCHIEFER: Okay, if we rely on the town ordinance, you don't have to write into this approval, it's in the minutes of this evening, approval that you'll comply with the town ordinance. Now, the next issue Mr. Dubaldi brings up, do we need a public hearing?

MR. VAN LEEUWEN: I make a motion --

MR. LANDER: It has to go to the Orange County, right?

MR. SCHIEFER: We have no option there.

MR. DUBALDI: Who are the neighbors? Are there any?

MR. VAN LEEUWEN: You have about three neighbors.

MR. KENNEDY: You have two houses on the corner, one on this corner and one over here. Then you have a vacant lot here. This here down below here you have got wetlands. You have got buffer zones, never going to be anything built here.

MR. DUBALDI: What about here?

MR. KENNEDY: You have got a couple houses on this side. You have a house and Smith's construction yard up here.

MR. VAN LEEUWEN: Two houses on the corner, three houses on the other end of the property.

MR. MASELLI: They run heavy equipment up and down the road all day long and everything.

MR. VAN LEEUWEN: The equipment place is right across the street from you.

MR. MASELLI: That noise don't bother them. We're going to be quieter than them.

MR. VAN LEEUWEN: You hope.

MR. MASELLI: Well --

MR. LANDER: If I was one of the people that lived on that road and the trucks were coming past me --

MR. MASELLI: We're not going to go past them, just one house.

MR. LANDER: If I lived up here, I might be a little, I would want to know what is going past me, especially if I ever find out after it's all approved and done that it's contaminated soil. Oh, what are those trucks; oh, they are carrying hazardous waste and then, you know, I know it's contaminated soil but that's what somebody will tell them.

MR. MC GRANE: The machine is not capable of doing it.

MR. LANDER: If that concern up on the corner came here and asked somebody and they said they're hauling hazardous waste, that's all they need, they'd be out of here and down to the lawyer's office in a minute.

MR. MC GRANE: Who ever is telling them that is telling them wrong in the first place.

MR. MASELLI: This property has been industrial property for I don't know how many years. You build a house the guy puts a steel mill along side of you, what can I tell you, pal, you bought industrial property.

MR. SCHIEFER: I hate to do what we're doing to a small applicant.

MR. LANDER: We're not dealing with -- I don't know, we're dealing with contaminated waste. I don't know.

MR. SCHIEFER: I know you're right but --

MR. VAN LEEUWEN: I remember ten years ago when nobody gave a damn either.

MR. SCHIEFER: I just hate to make something this simple this complex.

MR. MASELLI: That's true, that house sits right on the property of the railroad that train comes through there and he makes a lot more noise than we ever thought of

making. I mean, you know, and --

MR. LANDER: I'm just trying to think of the --

MR. MASELLI: We're in a heavy industrial zone. We're zoned for what we're doing, hopefully the houses are on industrial property. You have a railroad that comes right on through there.

MR. SCHIEFER: Andy, are we sticking our neck out to far if we say we don't need a public hearing?

MR. KRIEGER: It's discretionary. I don't think you can be faulted for either way. The same as the other.

MR. PETRO: With hearing that, I'm going to make a motion that we waive the public hearing.

MR. DUBALDI: I'll second it.

\* MR. SCHIEFER: Motion has been made and seconded that we waive the public hearing.

ROLL CALL:

\* Mr. Petro                   Aye  
Mr. VanLeeuwen           Aye  
Mr. Dubaldi                Aye  
Mr. Lander                 No  
Mr. Schiefer               Aye

MR. SCHIEFER: Do you have to go to Orange County Planning?

MR. KENNEDY: We have no options there.

MR. PETRO: Could take 30 days. It's been moving very fast.

MR. SCHIEFER: Any other questions? When they come back, we can end this once and for all.

MR. VAN LEEUWEN: I don't think we have to come back. We can make the motion subject to. Everything else has been complied with.

MR. SCHIEFER: I have no problem with that subject to

September 11, 1991

54

Orange County approval. Anybody make a motion to that affect?

\* MR. PETRO: I'd like to make a motion that we accept this site plan subject to Orange County Planning coming back with local determination. Everything else is in order.

MR. VAN LEEUWEN: I'll second it.

ROLL CALL:

\* Mr. Petro Aye  
Mr. VanLeeuwen Aye

MR. DUBALDI: I want the applicant to know that we're doing you very big favors here tonight instead of favors that were, how should I word it, I just want to -- just a little wording to go on further, I wish you the best of luck with your landfill and we're going to have plenty of customers for you.

MR. VAN LEEUWEN: I got a deal I have to work, we have this problem over here at the Town Highway Garage. This is going to be part of the approval otherwise I withdraw my motion.

MR. MASELLI: We'll take a very, very hard look at that with you. I'm sure there's something we can do to accommodate.

MR. LANDER: I have to abstain, only because I wasn't here at the last meeting, okay, and I don't know exactly the procedures that are -- I don't want to drag this Board through and explanation again of what the procedure is to clean the soil so --

MR. SCHIEFER: Last meeting was information basically, that's all.

ROLL CALL (CONT'D):

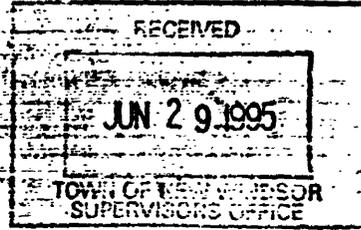
\* Mr. Schiefer Aye  
Mr. VanLeeuwen Aye

**New York State Department of Environmental Conservation**

**Division of Solid Waste, Region 3**

**21 South Putt Corners Rd., New Paltz, NY 12561-1696**

**Telephone: (914) 256-3143 Fax: (914) 255-3414**



**Michael Zapata  
Commissioner**

June 28, 1995

cc: P. Crotty  
J. Petrucci ✓  
A. Kriger  
FYI

**ATTN: JAMES Mc GRANE or DOMINIK MASSELLI  
c/o CLEAN EARTH of NEW YORK  
PO BOX 87  
VALES GATE, NY 12584**

**RE: 360 Permit Application  
Clean Earth Stationary Soil Remediation Unit (SSRU)  
Mertes Lane, New Windsor Site, New York, Orange County  
DEC # 3-3348-00137-00001-0**

Dear Mr. Mc Grane or Masselli:

The NYSDEC staff conducted two site visits to your facility. The first site visit was on May 19, 1995 which was conducted by A. Klauss, A. Fuchs, R. Stanton and Dr. F. Abdelsadek. The second was on May 22, 1995 which was conducted by M. Merriman and Dr. F. Abdelsadek.

The reasons for these two site visits were to identify and oversee the amount of work, related to the facility's Part 360 permit to construct, which has been completed and the remaining work which needs to be completed in order for your facility to comply with Part 360 Permit to construct.

As a result of these two site visits, the following constructional work needs to be completed in order for the facility to comply with the requirements of your Permit to construct and prior to issuance of Part 360 Permit to operate.

Attachment #1 includes a list of technical solid waste items which need to be completed in order to operate:

1. Constructional work to be completed prior to operation and in accordance with your Part 360 Permit to construct; and
2. Items to be completed in order to submit an application for a permit to operate.

If you have any further questions, need additional information in this matter or wish to discuss these items, please call me at (914)256-3131. Attachment #1 does not address issues related to Statement of Environmental Quality Review (SEQR).

Sincerely

*Fawzy Abdelsadek*

Fawzy I. Abdelsadek, Ph.D., P.E.  
Environmental Engineer 2

Attachment:

cc: G. Meyers, Supervisor of the Town of New Windsor

**ATTACHMENT #1****I. Construction work to be completed prior to operation and in accordance with Part 360 Permit to construct:**

Two site inspections were conducted. The first was on May 19, 1995 by A. Klauss, A. Fuchs, R. Stanton and Dr. F. Abdelsadek. The second was on May 22, 1995 by M. Merriman and Dr. F. Abdelsadek. As a result of the two site inspections the following construction work needs to be completed in order for the facility to comply with requirements of Part 360 Permit to construct:

1. Drawing 91.1169A revised 11/11/91 shows that all areas (with the exception of those drained to the two 5000 gallon holding tanks) are drained to an on-site oil/ water containment separator at the south-west corner of the facility. The effluent from the oil/ water separator is discharged through an 8" pipe to a Pond. These units were not constructed. The oil/ water separator, the water holding pond and other accessories related to the drainage-discharge system must be completed as per Part 360. The effluent from the system flows to the wet lands on the west side of Mertes Lane Road. This discharge may be regulated and may require a SPDES Permit (this has to be referred to the Water Division).
2. The treated soil (which may not be clean soil), awaiting for the results of the laboratory analysis, is stored on a second staging area (multiple logs). For this area to be complete, the following construction must be done:
  1. A suitable top cover must be constructed for this area to prevent rain from entering into the soil.
  2. This area must be drained to the oil water/separator (as required by the Permit) or to a separate collection tank . If the facility prefers to use a separate tank, the design of the tank must be provided.
3. The outer side of the earth berm of the building, where contaminated soil is stored, is eroded and needs to be maintained and stabilized by coating with an asphaltic coating or similar material.
4. The floor of the load/unload (first staging) area is not properly slopped and drained to the two on-site 5000 gallon collection tanks. The slope of the floor must be adjusted, constructed, and maintained to allow free gravity drainage to the oil/water holding tank.
5. The facility must be secured to prevent unauthorized entry (this may be done by construction of a fence around the facility). At certain locations along the perimeter of the facility, boarders may be needed to prevent run-on to and run-off from the facility.
6. Drawing 91.1169A revised 11/11/91 shows two wells, a discussion must be provided to identify their function. If these wells are designed to be part of the groundwater monitoring system, detailed information about these wells (such as depth of penetration, screen length.. etc) must be provided and approved by the Department Prior to operation.
7. Prior to operation, a construction certificate (affidavit) shall be prepared by a person registered to practice professional engineering in the State of New York, submitted to the Regional Solid Waste Engineer (RSWE) for written approval, certifying that construction has been completed in accordance with all the terms and conditions of this permit and the approved plans.

**II. ITEMS TO BE COMPLETED FOR PERMIT TO OPERATE**

8. All construction shall be completed in accordance with the approved engineering drawings. Due to so many changes made in the permit application in response to NYSDEC comments, the Permittee must

- submit a consolidated and updated permit operation application which incorporate all approvable changes and reflects the current on-site structures, and equipment associated with the nonhazardous petroleum contaminated soil (PCS) processes.
9. The updated site plan referenced in condition #8 must show the locations of the water fire hydrants and must demonstrate that adequate water is available for fire fighting from on-site and/or off-site water sources. An affidavit from the local authorities, including the fire Chief, must be provided and a fire prevention plan must be included in the contingency plan, which is part of the operation and maintenance manual (O&2M).
  10. The Permittee must provide a certificate that all storage units and areas used to store flammable and combustible liquids are meeting the requirements of the National Fire Protection Association (NFPA) standards.
  11. An engineering assessment (integrity test) must be conducted prior to operation and every three years after operation to indicate that the two 5,000 gallon underground storage tanks and drainage sewer lines associated with them which are used to collect leachate runoff are leak proof. The results of these tests, including the final engineering report, must be certified by a NYS Professional Engineer and submitted to the RSWE with the facility's annual report. This report shall present the results of the 3 year inspection and intervening annual inspections. The report shall include documentation of the procedures used, records of parameters measured, quality assurance/ quality control procedures and summary of inspections.
  12. An engineering inspection must be conducted on the poly steel building impervious floor and embankment containment PCS storage area, load/unload concrete area and other impervious floor areas used to store processed PCS to indicate that these storage areas are in good condition (no cracks, apparent structural defects or deterioration) and are not leaking. The results of these inspections, including the final engineering report, must be certified by a NYS Professional Engineer and submitted to the RSWE.
  13. The method of level control and management of the collected leachate in the two 5,000 gallon underground storage tanks must be provided.
  14. The permittee is required to provide detailed drawings of the drainage system used to drain and collect the wash and rain water from areas which are served by the water containment (rectangular area 80'x50'). The exact water depth and elevation of the containment must be provided. The water drains to Catch Basin (CB, dimensions are required), to an oil/water separator (17'x 7' by 9' 2" height), where water is collected, monitored and transported for recycling or disposal off-site in accordance with Part 364.
  15. The treatment capacity of the PCS treatment unit(s) must not exceed the maximum allowable capacity authorized by NYSDEC. This maximum capacity will be determined by NYSDEC, based on the levels of PCS contamination and the results of the stack test(s) which will be conducted in accordance with the NYSDEC Test Burn Protocol. The processing rate will be based on the petroleum content of the contaminated soils as outlined below for one SRU designed for 15 ton/hour (Maximum allowable petroleum content in soil 1% by weight, this limit will be subject to the Department review and adjustment):
  16. The Permittee must determine the hydraulic permeability of the PCS prior to the stack test. The Department may limit treatment of PCS to those types of soil which have been successfully stack tested.
  17. Water spray must be used for suppressing dust from remediated soil.

June 28, 1995

18. The Permittee is required to provide an operation and maintenance manual (O&M). The O&M must include, but not limited to:
- a. A process flow diagram. A flow diagram (or diagrams) which illustrates the complete material and process sequence. This diagram must depict all major equipment associated with the facility, including weighing, accepting, testing, processing, heating, cooling, ventilation, hazardous waste detection, treatment, and storage of all PCS and other solid wastes. The testing points and the parameters to be tested for must be presented on this flow diagram.
  - b. A waste control plan for testing incoming and outgoing PCS, which complies with the requirements of STARS Memo #1, meets approved EPA and NYS standards, and meets the requirements of your constructional Permit Application, unless otherwise approved by the Department in writing. Prior to operation, a contaminated PCS quality control plan must be submitted and approved by the Department. The plan must assure that methods of sampling, analysis and testing must be conducted in accordance to the NYSDEC Standards and Guidance and any revisions thereafter during the effective period of the Part 360 Permit. This plan must include the following:
    - (1) pre-treatment sample collection and analysis, detailed procedures to be used for testing each incoming load of PCS before being shipped/accepted/unloaded at the facility for treatment. These methods must include, but not limited to, frequency and test methods used for: hazardous waste determination, detection limit and identification of different petroleum contaminants and the limits if exceeded the load may be rejected or further laboratory tests may be needed.
    - (2) a training program used for facility personnel to aid them in recognizing a regulated, listed hazardous waste (see condition #18e).
    - (3) detailed procedures as to how the owner or operator will handle a load of PCS that is suspected to be, or is determined to contain a listed hazardous waste. This plan must include the following:
      - (i) a description of the procedures to be used if the load is rejected prior to it being off-loaded at the facility;
      - (ii) a description of the procedures to be used if the load is off-loaded at the facility and is later found to contain a listed hazardous waste; and
      - (iii) a description of the procedures for notifying the Department if a load of PCS is rejected from the facility due to the potential of the load containing a listed hazardous waste. These procedures must include the notification by the facility operator of the regional Hazardous Substances Engineer (at 914-256-3136) immediately within 2 hours by phone and within fifteen (15) days by letter.
    - (4) post-treatment sample collection and analysis which include: detailed procedures to be used for testing treated soil (see item # 19 for details)
    - (5) prior to the implementation of any changes to the PCS control plan, they must be submitted to the Department for approval.
  - c. Facility Maintenance and monitoring. In addition, all instructions used for operation and maintenance of the facility has to be included. The permit application has to include a department approved facility maintenance, monitoring and inspection plan, which in addition to

the matters identified in subdivision 360-1.14(h) includes:

- (1) A description of the monitoring and inspection to be undertaken at the facility to discover and correct equipment malfunctions or deteriorations; operator errors, and discharges that may threaten the environment or human health.
  - (2) A schedule for inspecting all aspects of the facility necessary to ensure maximum facility availability. The frequency of inspection must be based on the projected rate of equipment deterioration or malfunction, and the probability of failure between inspections. Areas of the facility subject to spills and areas in which adverse environmental or health consequences may result if breakdown occurs, must be inspected daily when in use.
  - (3) A schedule for inspection of: safety and emergency equipment, security devices, operating process equipment and structural aspects of the facility. The plan must identify the types of problems to be looked for during the inspection; the frequency of inspections, and the minimum standards of acceptability where applicable.
  - (4) Schedules for anticipated repairs and major equipment replacement; and a list of equipment dealers to supply standby or emergency equipment.
  - (5) At least annually, a general facility inspection must be undertaken to determine the operating condition of the safety, emergency, security, process, and control equipment. Summary report of the inspection must be submitted.
  - (6) Samples of the facility's inspection forms.
- d. Contingency Plan. Prior to operation, a department approved contingency plan detailing corrective or remedial action to be taken in the event of equipment breakdown; air pollution (nuisance odors); unacceptable waste delivered to the facility; groundwater contamination; spill; and undesirable conditions such as dust, noise, vectors, and unusual traffic conditions must be addressed.
- e. Personnel Training. Prior to operation, a detailed description of the training program used for facility personnel to aid them in recognizing a regulated, listed hazardous waste must be provided and approved by the Department. The training program has to provide for routine testing and maintenance to assure the proper operation of all emergency equipment including, but not limited to communications or alarm systems, fire protection, spill control, and personal safety equipment.

The owner or operator of the facility must provide training specific to handling PCS for all individuals involved in the operation of the facility. This training program must be provided as soon as possible after such individuals are employed at the facility; and be completed before these individuals are allowed to handle PCS.

The facility must submit a personnel staffing and training plan that:

- (1) demonstrates that adequate staff are provided for essential positions and describe how all facility personnel will successfully complete a program of instruction, on-the-job training, and periodic retraining. This training must teach staff to perform their duties in a way that ensures the facility's compliance with the requirements of this Part and Part 364 of this Title;
- (2) identifies facility personnel and the procedures that will be used to train facility staff in

the processing and handling of all solid waste received at the facility in accordance with the waste control plan;

- (3) identifies the positions which will receive training, and identify the instructor(s) who must know the procedures, equipment, and processes at the facility. The training must teach facility personnel proper PCS management procedures (including contingency plan implementation) relevant to the positions in which they are employed. This training and staffing plan must include, where applicable:
  - (i) procedures for familiarizing facility personnel with emergency equipment, radiation detection devices and safety equipment, emergency procedures, and emergency systems;
  - (ii) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
  - (iii) key parameters for system shutoff;
  - (iv) communication or alarm systems;
  - (v) response to fires or explosions, spills, and leaks;
  - (vi) response to surface and groundwater contamination incidents; and
  - (vii) start-up and shutdown of operations;
  - (viii) documentation that the training has been given to, and completed by, facility personnel;
- (4) provides for maintenance of training records for current and former employees of the facility; and
- (5) includes procedures of equipment decontamination.

19. Post-treatment sample collection and analysis for treated soil shall be conducted as follows: (These requirements are currently being evaluated by the Department and may change based on this evaluation.)

Gasoline Contaminated Soil

- a. Two representative grab samples per 500<sup>2a</sup> tons of treated, stockpiled soil.
- b. One composite sample of three representative grab samples per 500<sup>2a</sup> tons of treated, stockpiled soil.
- c. All three samples (i.e., 2 grab and 1 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>(1)</sup> in accordance with DEC STARS Memo #1.

<sup>(1)</sup> If MTBE is not identified in the pretreatment phase testing, it is not necessary to continue testing for this compound in the post treatment phase.

<sup>(2)</sup> The sampling requirements shall apply to soil quantities of less than 500 tons if the facility chooses to segregate treated soil into stockpile "batches" smaller than 500 tons.

Fuel Oil-Contaminated Soil

- a. Two representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
- b. One composite sample of three representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
- c. All three samples (i.e., 2 grab and 1 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>00</sup> and Method 8270 (Base Neutrals) in accordance with DEC STARS Memo #1.

**Mixed (Non-Segregated) Petroleum Contaminated Soil**

- a. Two representative grab samples per 500 tons of treated, stockpiled soil.
  - b. Two composite samples of three representative grab samples per 500<sup>00</sup> tons of treated, stockpiled soil.
  - c. All four samples (i.e., 2 grab and 2 composite) shall be analyzed by NYSDOH approved laboratory using EPA Method 8021 plus MTBE<sup>00</sup> and Method 8270 (Base Neutrals) in accordance with STARS Memo #1. The results shall meet the soil cleanup criteria identified in NYSDEC STARS Memo #1.
20. The Permittee must submit an approvable environmental and groundwater monitoring plan, "a stand alone document", to be implemented if required by the Department. This plan must:
- a. identify the number, locations and elevations of all existing and abandoned groundwater monitoring wells on a site plan map.
  - b. include a table listing of all environmental monitoring wells together with sampling frequencies and analytical parameters to be tested for.
  - c. include a proposed schedule for installation of the new environmental monitoring wells.
21. A closure plan shall be prepared in accordance to Part 360, by a person licensed to practice professional engineering in the state of New York and submitted to the Department for approval prior to operation. The approvable closure plan must contain, in addition to the closure requirements of subdivisions 360-1.14(w), an identification of the steps necessary to close the facility.

A detailed estimate of the costs of closing the facility along with the post-closure monitoring costs (if required by the Department) for a minimum period of 30 years shall be developed. The closure plan must include the cost estimate for closure of each of the units and final closure of the facility. The estimate will also review the costs if site operations were interrupted at 5 and 10 years.

The plan must be amended whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. The plan (be adjusted annually for inflation) may be amended at any time during the active life of the facility (a copy must be submitted to the Department).

22. In accordance with 6NYCRR Part 360-1.12 and Part 373-2.8 of this title and prior to receiving a Permit to operate, the permittee shall provide to the Department a form of Financial Assurance acceptable to the Department, in the amount (approved by the Department in the closure plan cost estimate) for closure and post closure monitoring of this facility. Neither the provision of the financial assurance, nor any act of the Department in drawing upon the financial funding, shall relieve the permittee of it's obligation to comply with this permit and the requirements to close the facility properly. The surety shall be in a form acceptable to the Department, and be submitted to:

Regional Solid Waste Engineer  
Division of Solid Waste  
NYS DEC  
21 South Putt Corners Road  
New Paltz, New York 12561-1696

The amount is based on the estimated cost of closing the facility, along with any post closure monitoring requirements.

The financial assurance instrument shall be in the form of a stand-by trust with a trustee approved by the department.

The Department reserves the right to adjust the amount of the Financial Assurance to account for changing closure costs and for non-compliance with any conditions of this permit or any requirement of Part 360.

Termination. In the event that the financial institution proposes to terminate the Financial assurance at any time, the permittee shall, no less than thirty days prior to the effective date of such termination, provide a substitute Financial Assurance in the same amount and form, or other form acceptable to DEC. If an acceptable substitute has not been provided by thirty days prior to the termination date, DEC may draw upon the Financial Assurance for its amount and hold the amount drawn as a cash collateral guarantee until such time as an acceptable substitute is provided or if necessary during the time prior to the provision of a substitute Financial Assurance, may expend such sums as may be required in the event of the permittee's default of its obligations regarding compliance with this permit, the Permit to Operate this facility or its closure.

23. The facility may be required to have an on-site environmental monitor.

(Other items may be added as necessary to complete the Permit )



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: CLEAN EARTH, INC. (McGRANE) SITE PLAN  
PROJECT LOCATION: MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
PROJECT NUMBER: 91-20  
DATE: 11 SEPTEMBER 1991  
DESCRIPTION: THE APPLICANTS HAVE SUBMITTED A PLAN FOR A SOIL PROCESSING USE ON THE EXISTING PROPERTY. THE APPLICATION WAS DISCUSSED AT THE 28 AUGUST 1991 PLANNING BOARD MEETING. THE PROJECT WAS REVIEWED ON A CONCEPT BASIS.

1. The Applicant has indicated that all equipment proposed for this site will be non-permanent, mobile units. The site plan does depict the proposed location of soil stockpile areas and the portable equipment.
2. It is my understanding that the proposed use is Use A-15 for the PI Zone. Based on this use classification, the plan appears to comply with the bulk requirements. The minimum bulk requirements indicated on the plan bulk table appear correct for this use class.
3. It is my understanding that this operation will require permit(s) from the New York State Department of Environmental Conservation, following any site plan approval from the Town. Should the Planning Board grant approval in the future, a condition should be the submission of a copy of all DEC permits to the Town Building Inspector.
4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
5. The Planning Board should determine, for the record, if a Public Hearing will be necessary for this Site Plan, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.

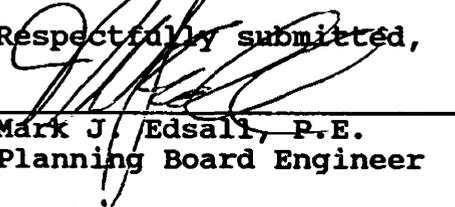
TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

-2-

PROJECT NAME: CLEAN EARTH, INC. (McGRANE) SITE PLAN  
PROJECT LOCATION: MERTES LANE  
SECTION 68-BLOCK 2-LOT 2.1  
PROJECT NUMBER: 91-20  
DATE: 11 SEPTEMBER 1991

6. Submittal of this plan/application to the Orange County Planning Department will be required, if the site is within 500' of NYS Route 300.
7. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:CLEAN.mk

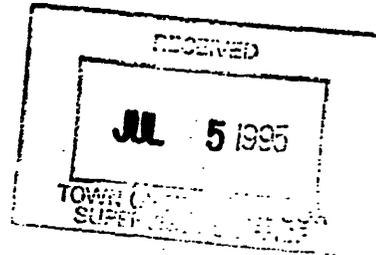
New York State Department of Environmental Conservation  
Jean-Ann McGrane, Regional Director, Region 3  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
PH: 914-256-3003 FAX: 914-255-0714



Michael D. Zagata  
Commissioner

June 29, 1995

SUPERVISOR GEORGE J. MEYERS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR NY 12553



Subject: Clean Earth Site Plan

Dear Mr. Meyers:

Thank you for your May 26, 1995 letter which provided information to the Department regarding a site visit by the Town of New Windsor's code enforcement officers to the Clean Earth Site. The primary areas of concern raised by these officers were directed at the pile of material at the west end of the site and erosion which has been occurring from that pile. Also raised in your letter was a concern regarding the silt and erosion running into a culvert discharging to a New York State freshwater wetland.

The pile of material at the west end of the site is considered construction and demolition (C&D) debris by the Department. However, certain types of C&D (uncontaminated concrete and concrete products including steel or fiberglass reinforcing rods that are embedded in the concrete, asphalt pavement, brick, glass, soil and rock) are exempt from the Department's Solid Waste regulations. Department staff have inspected the site and have found no evidence that the material on the west side of the site is not exempt. Therefore, unless the Town has additional information pertaining to this material, the Department has no reason to believe that this material is not exempt.

On the other hand, the facility must maintain appropriate measures to prevent erosion of the pile from affecting surface waters of the State. The Department is informing the owners of the site by copy of this letter of the need for appropriate measures to be taken to assure that the pile is stabilized and that erosion does not adversely impact surface waters.

The issue regarding the impact on wetlands has been reviewed by Department staff. Based on an inspection by DEC staff, the haybales are curtailing siltation impact, if any, to the wetland. Potential petroleum contaminants are also being contained in the soil within the building. Other required measures, as appropriate, are under consideration by the Department.

Town of New Windsor  
June 29, 1995  
Page 2

If you require any additional information please contact Albert Klauss at 914-256-3155.

Sincerely yours,

*Jean Ann McGrane h/ak*

Jean-Ann McGrane, M.S., Esq.

JAM/le

cc: Dominick Masselli, Clean Earth of NY, PO Box 87, Vails Gate 12584  
James McGrane, Clean Earth of NY  
A. Klauss  
A. Fuchs/F. Abdelsadek  
B. MacMillan  
C. Manfredi  
M. Merriman  
R. Stanton



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

July 13, 1995

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

ATTENTION: GEORGE J. MEYERS, SUPERVISOR

SUBJECT: CLEAN EARTH, INC.

Dear Mr. Meyers:

I am replying to your letter dated May 31, 1995 with respect to Clean Earth, Inc. You had raised two questions concerning Clean Earth, Inc. which were based on your review of statements made by Clean Earth, Inc. officers at meetings on April 20, 1995 and May 10, 1995. The questions pertained to potential conflicts between the site plan approval granted by the New Windsor Planning Board and the NYS Department of Environmental Conservation.

In particular, the questioned discrepancies were:

1. A mobile operation was approved for the Clean Earth Inc. facility by the Planning Board, yet a permanent operation has been permitted by the NYS Department of Environmental Conservation.
2. Continual on-site inspection by the NYS Department of Environmental Conservation was stated in connection with the site plan, but, in actuality, the NYS Department of Environmental Conservation will not be monitoring the process and never stated they would.

The New Windsor Planning Board requested the appearance of Clean Earth, Inc. at a regular meeting on June 14, 1995. At the meeting Clean Earth was represented by two of its officers, James McGrane and Dominick Masselli.

I read your letter into the record and then requested input from Clean Earth. A lengthy dialogue followed which has been transcribed in the minutes. In the course of the meeting, the Planning Board members raised questions and offered comments, as and so did our Planning Board Engineer and Planning Board Attorney. A copy of the transcribed minutes are enclosed.

Since the Clean Earth appearance on June 14, 1995, the Planning Board members and I have had the opportunity to review the transcribed minutes. We have further discussed the matter at our regular meeting on July 12, 1995. At that meeting, the Planning Board adopted a resolution authorizing me to send this letter back to you.

In answer to the questions you addressed to us in your letter of May 31, 1995, the New Windsor Planning Board is of the opinion that the Clean Earth, Inc. site plan approval, stamped approved on October 1, 1991, as amended and stamped approved on November 14, 1994, is indeed incongruent with the NYSDEC Permit to Construct issued in August 1993; and that Clean Earth, Inc. operation under such an incongruency will be a violation of the site plan.

The specific areas of incongruency are, as you pointed out, including, but may not be limited to: (1) temporary operation approved by Planning Board versus permanent operation approved by DEC; and (2) continual DEC inspection as approved by the Planning Board versus uncertain monitoring approved by DEC.

The applicant, Clean Earth, Inc., was advised at the June 14, 1995 meeting that a reapplication will be required to resolve the incongruencies.

The Planning Board has no objection to your transmitting this determination to the NYS Department of Environmental Conservation.

Very truly yours,

  
James R. Petro, Jr., Chairman  
Town of New Windsor Planning Board

mlm

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

THAT THE NEW WINDSOR PLANNING BOARD, having met in open meeting on June 14, 1995 with the principals of Clean Earth, Inc., and having reviewed and discussed the Clean Earth, Inc. matter, authorizes the Chairman to reply to Supervisor Meyers' letter dated May 31, 1995, and state the following:

That the Planning Board is of the unanimous opinion that the Clean Earth, Inc. site plan approval stamped approved on October 1, 1991, as amended and stamped approved on November 14, 1994 is incongruent with the NYSDEC permit to construct issued in August 1993; and that a Clean Earth, Inc. operation under such an incongruency will be a violation of the site plan; and

That the specific areas of incongruency are, but may not be limited to: (1) temporary operation approved by Planning Board versus permanent operation approved by DEC; and (2) continual DEC inspection as approved by the Planning Board versus uncertain monitoring approved by DEC; and

The Planning Board has no objection to transmitting this determination to the NYS Department of Environmental Conservation.

VOTE:

Mr. Dubaldi \_\_\_\_\_  
Mr. Lander \_\_\_\_\_  
Mr. Stent \_\_\_\_\_  
Mr. Van Leeuwen \_\_\_\_\_  
Mr. Petro \_\_\_\_\_

July 12, 1995

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/02/91

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 91-20

NAME: CLEAN EARTH, INC. - SITE PLAN  
APPLICANT: CLEAN EARTH, INC.

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG 09/04/91	MUNICIPAL HIGHWAY	/ /	
ORIG 09/04/91	MUNICIPAL WATER . NOTIFY WATER DEPT. IF ANY EXCAVATION IS NEEDED	09/06/91	APPROVED
ORIG 09/04/91	MUNICIPAL SEWER	/ /	
ORIG 09/04/91	MUNICIPAL SANITARY	09/09/91	APPROVED
ORIG 09/04/91	MUNICIPAL FIRE	09/09/91	APPROVED
ORIG 09/04/91	PLANNING BOARD ENGINEER	/ /	
ORIG 09/12/91	O.C. PLANNING DEPT.	09/25/91	LOCAL DETER.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/02/91

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd  
A [Disap, Appr

FOR PROJECT NUMBER: 91-20

NAME: CLEAN EARTH, INC. - SITE PLAN  
APPLICANT: CLEAN EARTH, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/25/91	RECEIVED O.C. PLANNING . PLANS WERE STAMPED &	APPROVED 10/1/91 SIGNED 10/1/91
09/11/91	P.B. APPEARANCE	LA/ND:WAIVE P.H.
09/11/91	ABOVE CONTINUED	APPRD SUB TO
09/03/91	WORK SESSION APPEARANCE	SUBMIT APPLICATION
08/28/91	P.B. APPEARANCE	SUBMIT APPLICATION
08/06/91	WORK SESSION APPEARANCE	TO P.B. FOR DISCUSS

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/02/91

PAGE: 1

LISTING OF PLANNING BOARD FEES  
Escrow

FOR PROJECT NUMBER: 91-20

NAME: CLEAN EARTH, INC. - SITE PLAN  
APPLICANT: CLEAN EARTH, INC.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
09/03/91	SITE PLAN MINIMUM	PAID		750.00	
10/01/91	P.B. ENGINEER FEE	CHG	89.50		
		TOTAL:	89.50	750.00	-660.50

Please issue a check in the amount of \$660.50 to:

James McGrane  
c/o Sherwood Tile  
1102 Union Ave.  
Newburgh, N.Y. 12550

making. I mean, you know, and --

MR. LANDER: I'm just trying to think of the --

MR. MASELLI: We're in a heavy industrial zone. We're zoned for what we're doing, hopefully the houses are on industrial property. You have a railroad that comes right on through there.

MR. SCHIEFER: Andy, are we sticking our neck out to far if we say we don't need a public hearing?

MR. KRIEGER: It's discretionary. I don't think you can be faulted for either way. The same as the other.

MR. PETRO: With hearing that, I'm going to make a motion that we waive the public hearing.

MR. DUBALDI: I'll second it.

\* MR. SCHIEFER: Motion has been made and seconded that we waive the public hearing.

ROLL CALL:

* Mr. Petro	Aye
* Mr. VanLeeuwen	Aye
* Mr. Dubaldi	Aye
* Mr. Lander	No
* Mr. Schiefer	Aye

MR. SCHIEFER: Do you have to go to Orange County Planning?

MR. KENNEDY: We have no options there.

MR. PETRO: Could take 30 days. It's been moving very fast.

MR. SCHIEFER: Any other questions? When they come back, we can end this once and for all.

MR. VAN LEEUWEN: I don't think we have to come back. We can make the motion subject to. Everything else has been complied with.

MR. SCHIEFER: I have no problem with that subject to



Louis Naimbush  
County Executive

91-20

**Department of Planning  
& Development**

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 32 91 M

County I.D. No. 68 / 2 / 2.1

Applicant McGrane, James/Sherwood, Marsha

Proposed Action: Site Plan - Portable Soil Cleaning Equipment - Cleaning gasoline

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. #300

Comments: There are no significant Countywide or Inter-Community concerns to bring to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination XX Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

9/20/91

Date

9/25/91 @ CC: M.E.

*R. Vincent Howard*  
Director





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

1763  
8 August 1991

New York State Department of  
Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To MYRA	From MARK	
Co. NW	Co. MVE	
Dept.	Phone #	
Fax # Cuto 2	Fax #	

**SUBJECT: CLEAN EARTH, INC. SITE PLAN  
TOWN OF NEW WINDSOR, NEW YORK**

To Whom It May Concern:

This letter shall confirm that on 6 August 1991, Mr. James McGrane met with representatives of the Town of New Windsor at the Planning Board Technical Work Session to discuss a proposed contaminated soil burning plant on Mertes Lane, within the Town of New Windsor. The subject property is listed as Section 68, Block 2, Lot 2.1 on the Town Tax Maps.

This letter is intended to advise that, based on the undersigned's review of the permitted uses for the Planned Industrial (PI) Zone, the proposed use appears to be Permitted Use A-15, which includes "manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials...". Although the Applicant indicates that no permanent structures are intended, the proposed use is subject to a site plan review by the Town of New Windsor Planning Board. Upon Mr. McGrane's appearance before that Board, the Board will verify that the use classification is correct, and will delineate the scope of information to be included on a site plan (if required). Once a complete application is received, I will recommend that the Board coordinate the environmental review with your Department, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA).

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,  
TOWN OF NEW WINDSOR

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk

cc: Clean Earth, Inc.  
A:NYSDEC.mk

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 9 September 1991  
**SUBJECT:** Clean Earth, Inc. Site Plan

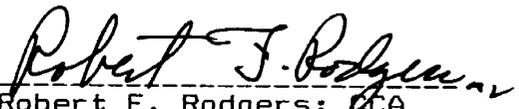
**PLANNING BOARD REFERENCE NUMBER:** PB- 91-20  
**DATED:** 4 September 1991

**FIRE PREVENTION REFERENCE NUMBER:** FPS-91-069

A review of the above referenced subject site plan was conducted on 9 September 1991.

This site plan is approved.

**PLANS DATED:** 1 September 1991.

  
Robert F. Rodgers; CCA  
Fire Inspector

RFR:mr  
Att.

✓  
CC: H.E.

91- 20

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY I  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval

subdivision \_\_\_\_\_ as submitted by

Patrick Kennedy \_\_\_\_\_ for the building or subdivision of

Clean Earth, Inc \_\_\_\_\_ has been

reviewed by me and is approved

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

Sewer line is available for this area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

*Lumam D. Masten*  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

Sept 9, 1991  
\_\_\_\_\_  
DATE

✓  
CC: H.E.

9-6-97

SEP - 4 1991

91-20

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY I.  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

subdivision \_\_\_\_\_ as submitted by

Patrick T. Kennedy for the building or subdivision of

Green Earth Inc. has been

reviewed by me and is approved

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~

Notify water Dept. if any excavation  
is necessary -

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Stan D. Jr.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
CC: M.E.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

SEP - 4 1991

TOWN/VILLAGE OF New Windsor

P/B # 91-20

WORK SESSION DATE: 3 Sept 91

APPLICANT RESUB.  
REQUIRED: new plan

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: McGrave

PROJECT STATUS: NEW X OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: Pat K

MUNIC REPS PRESENT:

BLDG INSP.	<u>WAS</u>
FIRE INSP.	<u>Bob</u>
ENGINEER	<u>X</u>
PLANNER	_____
P/B CHMN.	_____
OTHER (Specify)	_____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

give dimensions min setback for  
 } equip  
 } stockpiles } to all directions  
 Pave driveways onto prop & culvert?  
 Approx-drive loc.  
 - prior to open of facilities appl. w/ obtain all nec  
 next avail agenda PEC permits  
 after plan rec'd



# **ADM ASPHALT DRUM MIXERS, INC.**

## **MOBILE RS-15 UNIT**

### **SCOPE**

The ADM MOBILE RS-15 UNIT is targeted for remediating soils contaminated by volatile organic compounds (VOCs such as gasoline and oil), rather than trying to destroy hazardous constituents in materials that have low heating values (such as soils), the RS-15 only evaporates the organic compounds. After the organic compounds are separated from the soil, then the VOCs are destroyed through combustion.

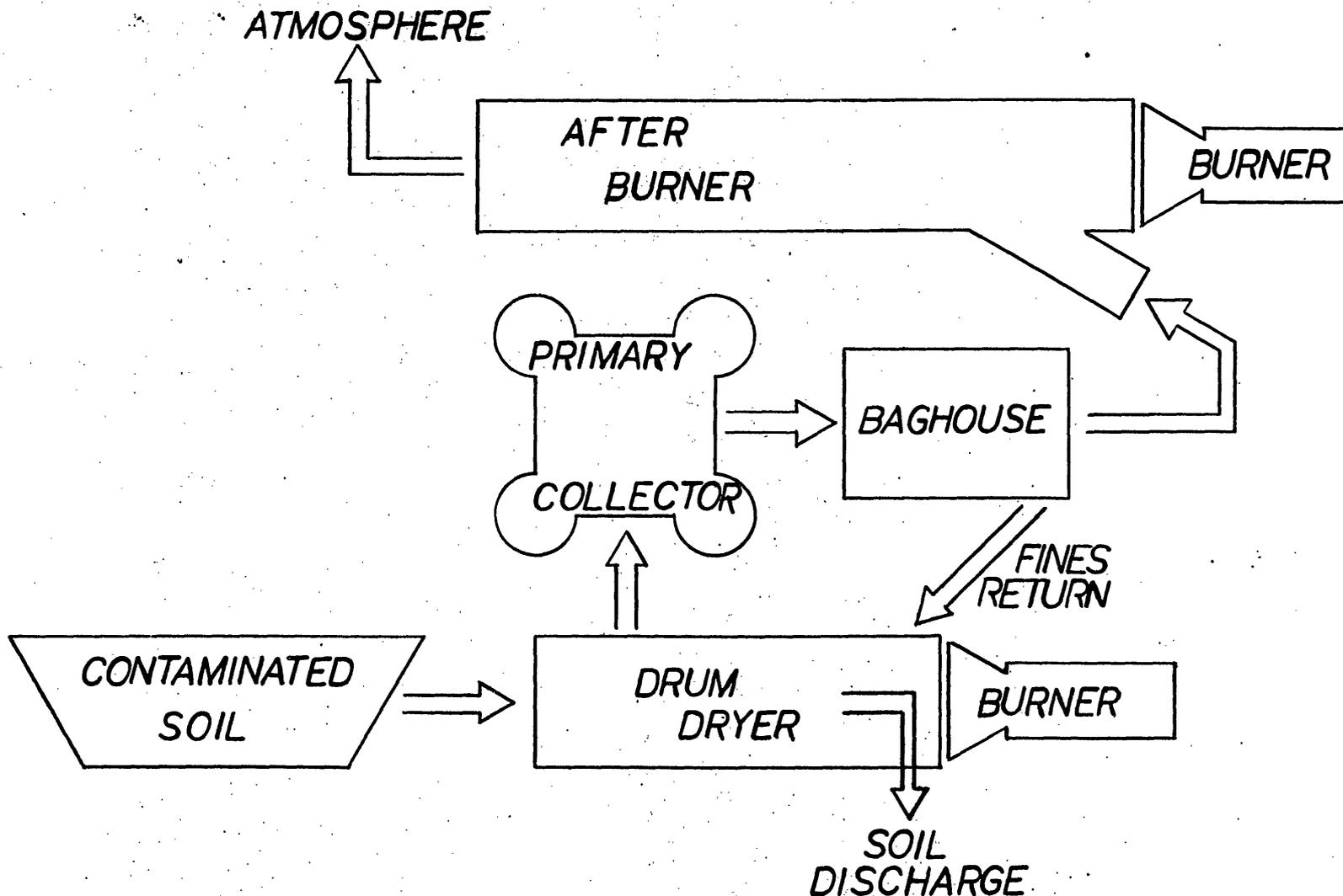
### **PROCESS DESCRIPTION**

Low temperature thermal treatment is achieved by destroying the contaminated portions of the soil that have a low heating value. In this process, material is loaded into a 15 ton bin then conveyed by a belt conveyor into the drier drum. The drier drum is a counter flow type that is capable of achieving 700 degrees fahrenheit soil temperature. The material is then conveyed for stockpiling. Off-gas from the drier is then conditioned through a cyclone-particulate removal, a baghouse-particulate removal, and afterburner-voc combustion.

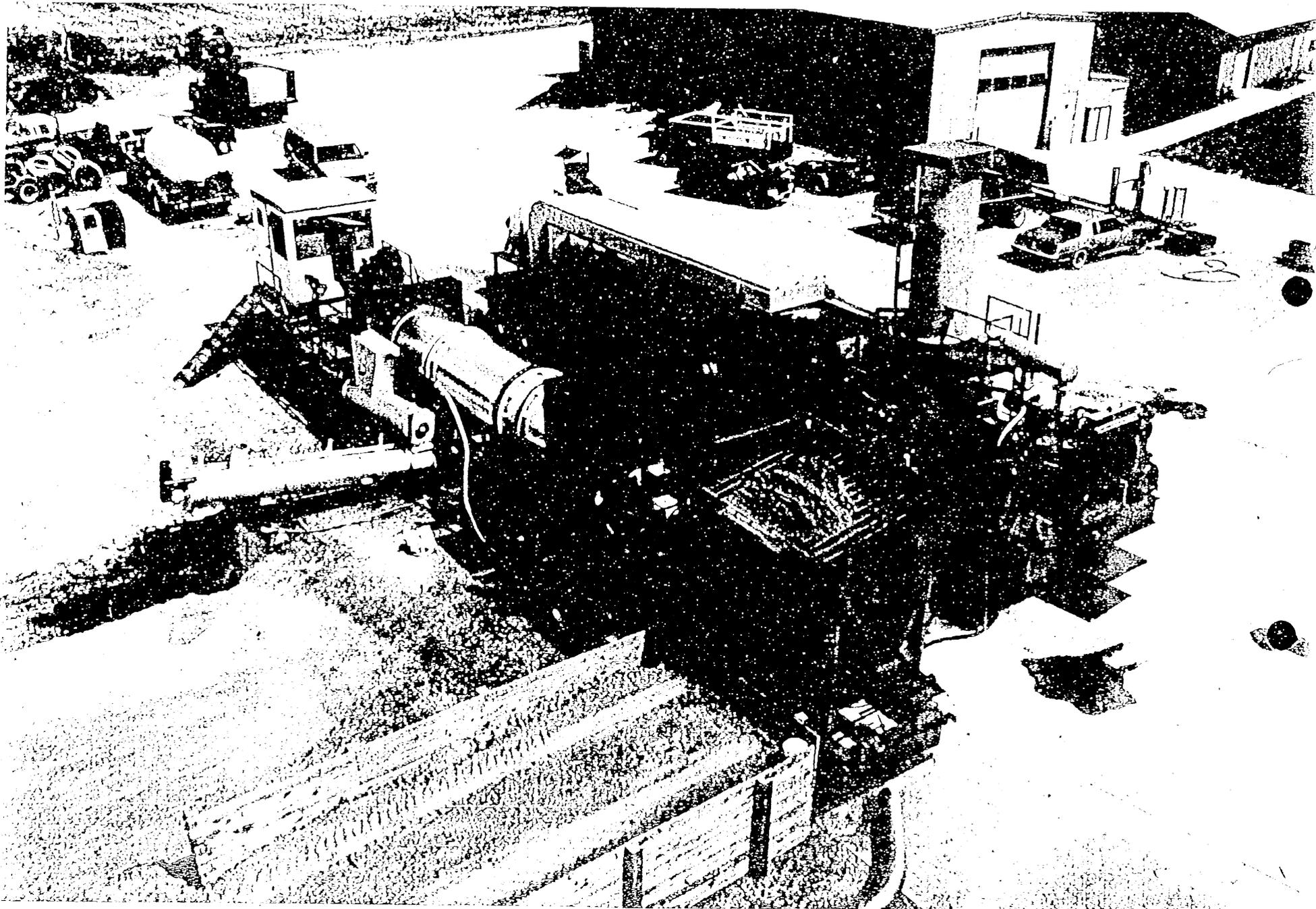
### **SOIL CONTENT**

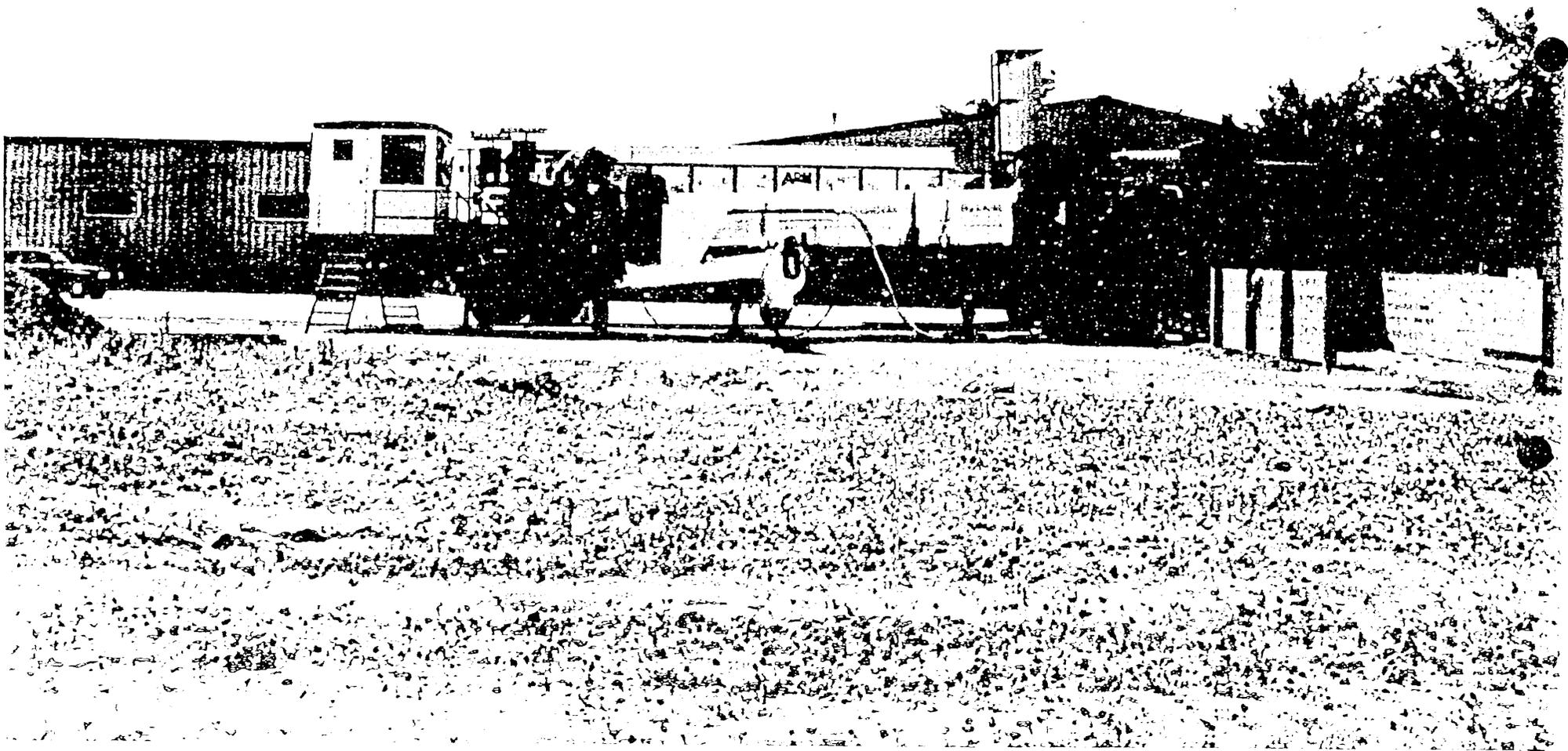
1. VOC content to be less than .25% in weight or 1% of light distillate hydrocarbon.
2. If soil has a greater degree of contamination then virgin (non-contaminated) soil will have to be added until the above percentages are achieved.
3. If operated according to instructions it is capable of delivering soil with a total concentration of less than 10 PPM VOC contaminated soils while meeting standard stack emission limits for VOC, opacity and particulate. Due to varying contaminants and levels of contaminants, ADM guarantees mechanical aspects only. We do not guarantee destruction efficiencies or production rates.
4. This unit is not an incinerator. It is not designed for disposing of hazardous waste.

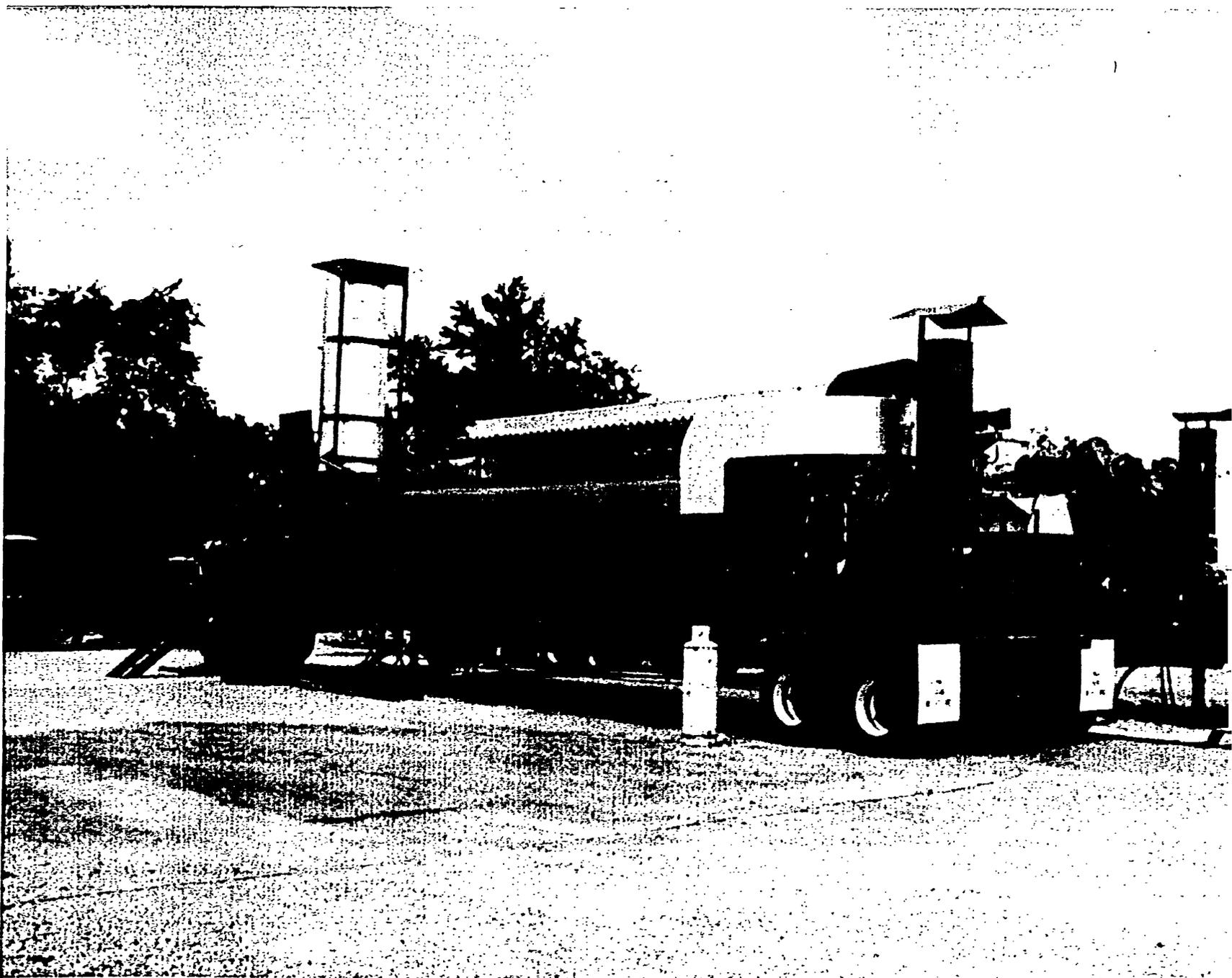


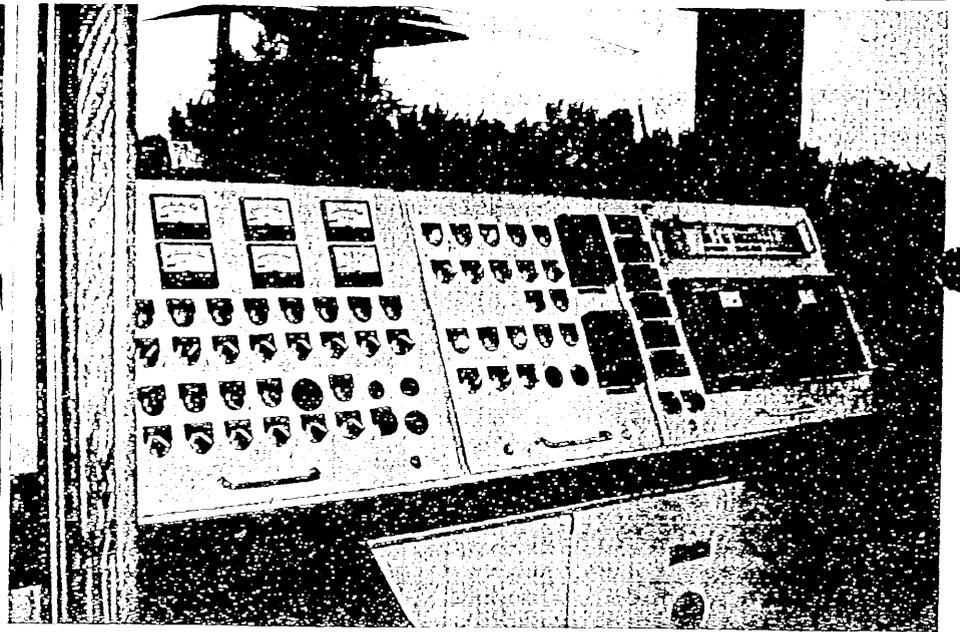
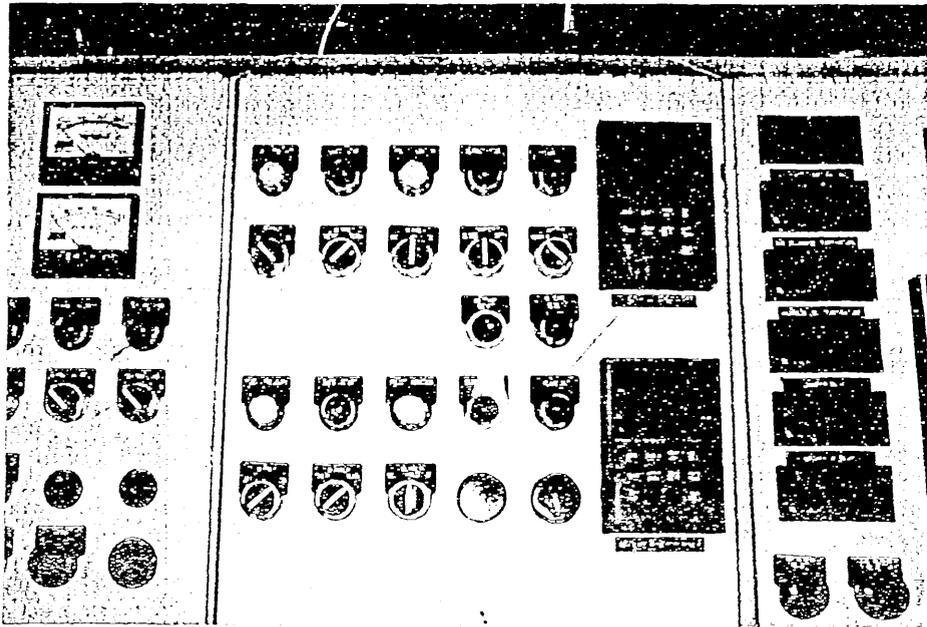
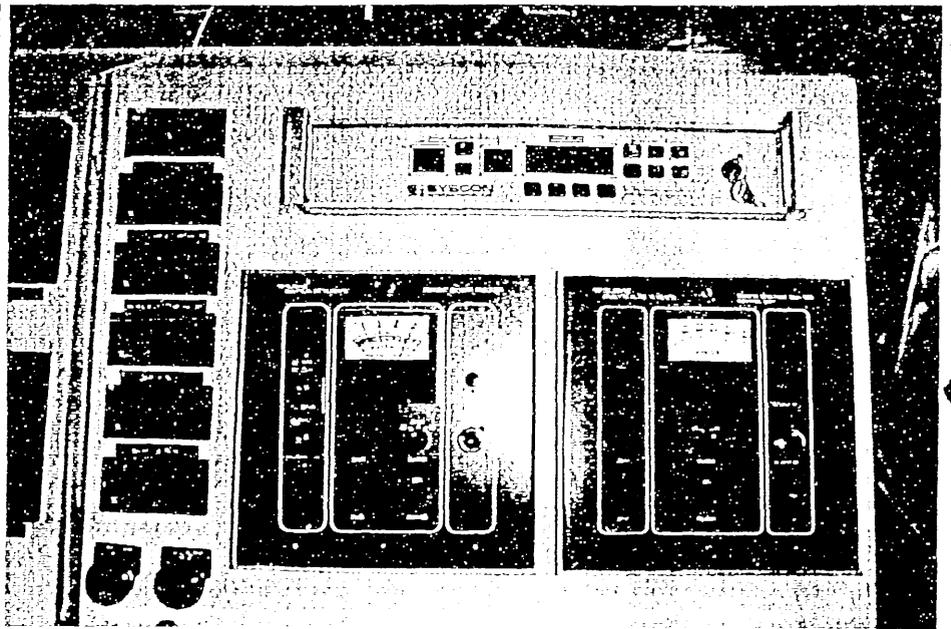
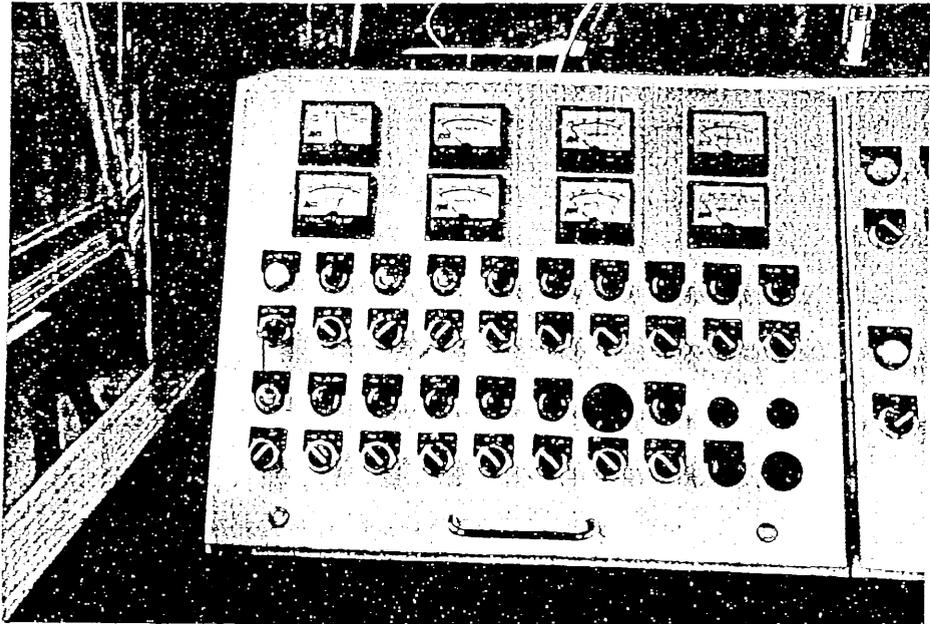


TOLERANCES (EXCEPT AS NOTED)	REVISIONS			CONTAMINATED SOIL PLANT FLOW DIAGRAM			
	NO.	DATE	BY				
DECIMAL	1			DRAWN BY <i>RJH</i>		SCALE	MATERIAL
±	2						
FRACTIONAL	3			CHK'D	DATE <i>7-13-90</i>	DRAWING NO.	
±	4			TRACED	APP'D	<i>1491</i>	
ANGULAR	5						
±							









## ADM REMEDIATING SOIL PLANTS

ADM HAS RECOGNIZED WHAT YOU NEEDED AND RESPONDED WITH WHAT YOU WANTED



ADM plant designs have a worldwide reputation as a reliable but affordable approach to the asphalt contractors need. A soil remediation plant has been developed with inherited ADM characteristics such as: self-erecting, simple hookups, standard and name brand parts. Also incorporated with counterflow technology that produces controlled retention time at optimum temperatures along with a baghouse designed to operate at temperatures in excess of 500 degree f. . . This soil unit is prepared to meet the most stringent requirements. If you feel that ADM can be a valued partner in your upcoming production needs, please feel free to contact us.

# ADM

## ASPHALT DRUM MIXERS, INC.

### THE AFFORDABLE MANUFACTURER

1 ADM PARKWAY — HUNTERTOWN, INDIANA 46748 — PH. 219-637-5729 — FAX 219-637-3164



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.



Main Office  
5 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640



Branch Office  
100 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 91-20

WORK SESSION DATE: 6 August '90 APPLICANT RESUB.  
REQUIRED: to P/B for Presub

REAPPEARANCE AT W/S REQUESTED: no

PROJECT NAME: Clean Earth, Inc S/P

PROJECT STATUS: NEW X OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: James M<sup>c</sup>Grane

MUNIC REPS PRESENT: BLDG INSP. (UK)  
FIRE INSP. Bob  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

for messages  
call  
Sherman Tile  
wife - Marcia

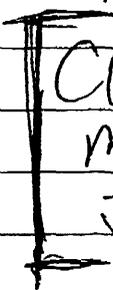
ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Contaminated Soil Burning Plant.

- Part-653 - objectionable use of other dirt mix
- No Permanent structures

use A-15 68-2-2.1 South/East side  
2.1A site

renew rd.  
7041  
Newburgh, 12550



Clean Earth, Inc  
Mertes Lane NW, N.Y.  
James M<sup>c</sup>Grane

need Air Discharge Permit + maybe other DEC permits

NEXT AVAILABLE AGENDA

4MJ91 pbwsform FOR PRESUB CONF Possible 8/28/91

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,  
OR LOT LINE CHANGE APPROVAL

1. Name of Project Site Plan for Clean Earth, Inc.
2. Name of Applicant Clean Earth Inc. Phone 564-6710  
Address % Sherwood Tile 102 Union Ave, Newburgh NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record James McGrane Phone 564-6710  
Marsha Sherwood  
Address % Sherwood Tile 102 Union Ave, Newburgh NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Patrick T. Kennedy Phone 562-6444  
Address 219 Quassick Ave. New Windsor NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney N.A. Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Patrick Kennedy Phone \_\_\_\_\_  
(Name)
7. Location: On the East side of Mertes Lane  
295 feet South  
(Street)  
of Temple Hill Rd  
(Street) (Direction)
8. Acreage of Parcel 2.1 acres 9. Zoning District P-V
10. Tax Map Designation: Section 68 Block 2 Lot 2.1
11. This application is for Potable Soils Cleaning Equipment to Clean Gasoline Contaminated Soils

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? NO

If so, list Case No. and Name \_\_\_\_\_

13. List all contiguous holdings in the same ownership None  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT  
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

\_\_\_\_\_ being duly sworn, deposes and says that he resides at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_ and that he is (the owner in fee) of \_\_\_\_\_

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized \_\_\_\_\_ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

James J. Spone  
(Owner's Signature)

3rd day of Sept 1991

\_\_\_\_\_  
(Applicant's Signature)

Pauline G. Townsend  
Notary Public

\_\_\_\_\_  
(Title)

**PAULINE G. TOWNSEND**  
Notary Public, State of New York  
No. 4043682  
Appointed in Orange County  
My Commission Expires December 31, 1991

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only

91-20

SEP - 4 1991

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <i>Clean Earth, Inc.</i>		2. PROJECT NAME <i>Site Plan for Clean Earth, Inc</i>	
3. PROJECT LOCATION: Municipality <i>Town of New Windsor</i> County <i>Orange</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>E. Side Mortes Lane, 295' so. of Temple Hill Rd (NYS Rte 300). Tax Map Section 68, Block 2, Lot 2-1</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>Set up of Portable Earth Cleaning Equipment to clean Gasoline contaminated soils. D.E.C. Monitored</i>			
7. AMOUNT OF LAND AFFECTED: Initially <u>2.1</u> acres    Ultimately <u>2.1</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>Contractors yard, abuts active railroad</i>			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals <i>D.E.C. Air Quality Permit</i>			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>James Mcbrane</i>		Date: <i>Sept 3, 1991</i>	
Signature: <i>James Mcbrane</i>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.**  
 Yes     No

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.**  
 Yes     No

**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)**

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

**D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**  
 Yes     No    If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_ Name of Lead Agency \_\_\_\_\_

\_\_\_\_\_ Print or Type Name of Responsible Officer in Lead Agency \_\_\_\_\_ Title of Responsible Officer \_\_\_\_\_

\_\_\_\_\_ Signature of Responsible Officer in Lead Agency \_\_\_\_\_ Signature of Preparer (if different from responsible officer) \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

X  
91-20  
SEP - 4 1991

PROXY STATEMENT  
for submittal to the  
TOWN OF NEW WINDSOR PLANNING BOARD

James McGrane, deposes and says that he  
resides at Clean Earth, Inc. 90 Sherwood Tile, 1102 Union Ave, Newburgh  
(Owner's Address)

in the County of Orange  
and State of New York

and that he is the owner in fee of Tax Map Section 687  
Block 2, Lot 2.1

which is the premises described in the foregoing application and  
that he has authorized Patrick T. Kennedy, L.S.  
to make the foregoing application as described therein.

Date: September 3, 1991

James McGrane  
(Owner's Signature)  
Pauline Townsend  
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF  
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT  
AND/OR OWNER AT THE MEETINGS.

X

91- 20  
SEP - 4 1991

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

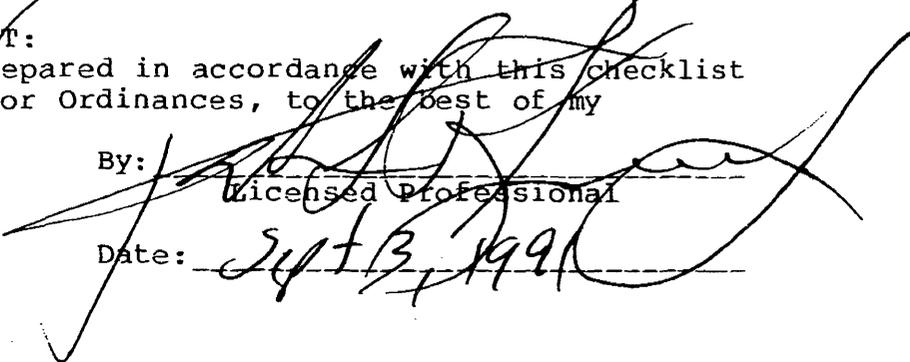
ITEM

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Site Plan Title              | 29. <input checked="" type="checkbox"/> Curbing Locations      |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)          | 30. <input checked="" type="checkbox"/> Curbing Through        |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)      | <input checked="" type="checkbox"/> Section                    |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name    | 31. <input type="checkbox"/> Catch Basin Locations             |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 32. <input checked="" type="checkbox"/> Catch Basin Through    |
| 6. <input checked="" type="checkbox"/> Drawing Date                 | Section  |
| 7. <input type="checkbox"/> Revision Dates                          | 33. <input checked="" type="checkbox"/> Storm Drainage         |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET               | 34. <input checked="" type="checkbox"/> Refuse Storage         |
| 9. <input checked="" type="checkbox"/> Site Designation             | 35. <input checked="" type="checkbox"/> Other Outdoor Storage  |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet  | 36. <input checked="" type="checkbox"/> Water Supply           |
| of Site   | 37. <input type="checkbox"/> Sanitary Disposal Sys.            |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)  | 38. <input checked="" type="checkbox"/> Fire Hydrants          |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                   | 39. <input checked="" type="checkbox"/> Building Locations     |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)  | 40. <input checked="" type="checkbox"/> Building Setbacks      |
| 14. <input checked="" type="checkbox"/> Metes and Bounds            | 41. <input checked="" type="checkbox"/> Front Building         |
| 15. <input checked="" type="checkbox"/> Zoning Designation          | Elevations   |
| 16. <input checked="" type="checkbox"/> North Arrow                 | 42. <input type="checkbox"/> Divisions of Occupancy            |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners    | 43. <input checked="" type="checkbox"/> Sign Details           |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 44. <input checked="" type="checkbox"/> BULK TABLE INSET       |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas        | 45. <input checked="" type="checkbox"/> Property Area (Nearest |
| 20. <input checked="" type="checkbox"/> Existing Vegetation         | 100 sq. ft.)   |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress    | 46. <input checked="" type="checkbox"/> Building Coverage (sq. |
|   | ft.)   |
| <u>PROPOSED IMPROVEMENTS</u>  | 47. <input checked="" type="checkbox"/> Building Coverage (%   |
| 22. <input checked="" type="checkbox"/> Landscaping                 | of Total Area)   |
| 23. <input checked="" type="checkbox"/> Exterior Lighting           | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. |
| 24. <input checked="" type="checkbox"/> Screening                   | Ft.)   |
| 25. <input checked="" type="checkbox"/> Access & Egress             | 49. <input checked="" type="checkbox"/> Pavement Coverage (%   |
| 26. <input checked="" type="checkbox"/> Parking Areas               | of Total Area)   |
| 27. <input checked="" type="checkbox"/> Loading Areas               | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)   |
| 28. <input checked="" type="checkbox"/> Paving Details              | 51. <input checked="" type="checkbox"/> Open Space (% of Total |
| (Items 25-27)   | Area)  |
|   | 52. <input checked="" type="checkbox"/> No. of Parking Spaces  |
|   | Proposed.  |
|   | 53. <input checked="" type="checkbox"/> No. of Parking         |
|   | Required.  |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By:  \_\_\_\_\_  
Licensed Professional

Date: Sept 13, 1991

FOR OFFICIAL USE ONLY

Permit No. \_\_\_\_\_

Fee Received \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ County, New York

Permit Application for Development  
in  
Flood Hazard Areas

A. General instructions page 4 (Applicant to read and sign)

B. For assistance in completing or submittal of this application contact:

\_\_\_\_\_, Floodplain Administrator,  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_, NY ( ) \_\_\_\_\_

1. Name and Address of Applicant

Clean Earth, Inc.

(First Name)

(MI)

(Last Name)

Street Address: % Sherwood Title

1102 Union Ave.

Post Office: Newburgh

State: NY

Zip Code: 12550

Telephone: ( ) \_\_\_\_\_

2. Name and Address of Owner (If Different)

James McGraw  
Marsh Sherwood

(First Name) (MI) (Last Name)

Street Address: c/o Sherwood Title  
1102 Union Ave

Post Office: Newburgh State: NY Zip Code: 12550

Telephone: ( ) - -

3. Engineer, Architect, Land Surveyor (If Applicable)

Patrick J Kennedy L-S

(First Name) (MI) (Last Name)

Street Address: 219 Quassick Ave

Post Office: New Windsor State: NY Zip Code: 12550

Telephone: 914 562-6114

PROJECT LOCATION

Street Address: Mertes Lane  
North Windsor, NY 12573

Tax Map No. 68-2-2.1

Name of, distance and direction from nearest intersection or other landmark  
E. Side Mertes Lane, 295' so. of Temple Hill Rd,  
(NYS Rte 300)

Name of Waterway: NONE

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

New Construction  
 Addition  
 Alteration  
 Relocation  
 Demolition  
 Replacement

Structure Type

Residential (1-4 family)  
 Residential (More than 4 family)  
 Commercial  
 Industrial  
 Mobile Home (single lot)  
 Mobile Home (Park)  
 Bridge or Culvert

Estimated value of improvements if addition or alteration: \_\_\_\_\_

Other Development Activities

Fill     Excavation     Mining     Drilling     Grading  
 Watercourse alteration     Water System     Sewer System  
 Subdivision (New)     Subdivision (Expansion)  
 Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_ of \_\_\_\_\_  
Flood Hazard Development Permit

Administrative Action  
Completed by Floodplain Administrator

Proposed project located in \_\_\_\_\_ "A" zone with elevation  
\_\_\_\_\_ "A" zone without elevation  
\_\_\_\_\_ Floodway  
\_\_\_\_\_ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is \_\_\_\_\_

Source documents: \_\_\_\_\_

PLAN REVIEW

Elevation to which lowest floor is to be elevated \_\_\_\_\_ ft. (NGVD)  
Elevation to which structure is to be floodproofed \_\_\_\_\_ ft. (NGVD)  
Elevation to which compacted fill is to be elevated \_\_\_\_\_ ft. (NGVD)

ACTION

\_\_\_\_\_ Permit is approved, proposed development in compliance with applicable floodplain management standards.

\_\_\_\_\_ Additional information required for review. Specify: (i.e, encroachment analysis)

\_\_\_\_\_ Permit is conditionally granted, conditions attached.

\_\_\_\_\_ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature \_\_\_\_\_  
(Permit Issuing Officer)

Date \_\_\_\_\_

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is \_\_\_\_\_ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date \_\_\_\_\_ Signature \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ County, New York

Development in Flood Hazard Areas  
Instructions

1. Type or print in ink
2. Submit \_\_\_\_\_ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.

4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATE OF COMPLIANCE  
for  
FLOODPLAIN DEVELOPMENT

\_\_\_\_\_ of \_\_\_\_\_  
County, N.Y.

(Applicant shall fill in all pertinent information in Section A  
including 1 or 2)

SECTION A

Premises location \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant  
Name & Address \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Permit No. \_\_\_\_\_  
Variance No. \_\_\_\_\_  
Date \_\_\_\_\_

CHECK ONE

New Building \_\_\_\_\_  
Existing Building \_\_\_\_\_  
Other (List) \_\_\_\_\_

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed \_\_\_\_\_

Date \_\_\_\_\_

2. I certify that I have completed the above project in accordance with conditions of variance number \_\_\_\_\_, dated \_\_\_\_\_ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed \_\_\_\_\_

Date \_\_\_\_\_

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date \_\_\_\_\_ by \_\_\_\_\_

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. \_\_\_\_\_, or has a duly granted variance.

Signed \_\_\_\_\_  
(Local Administrator)

Date \_\_\_\_\_

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

\_\_\_\_\_  
\_\_\_\_\_

