

PB# 96-19

**TPS TECHNOLOGIES SOIL
RECLAMATION FACILITY**

9-1-97 & 98

Withdrawn

4-4-97

Wilson Jones - Carbonless - 51622-WCL Duplicate - 51644-WCL Triplicate

DATE August 8, 1996 RECEIPT NUMBER 96-19

RECEIVED FROM TPS Technologies Inc

Address 1964 S Orange Blossom Trail, Apopka, FL 32703

Seven Hundred Fifty ^{00/100} DOLLARS \$750.00

FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750.00	CASH	
AMOUNT PAID	750.00	CHECK	
BALANCE DUE	0	MONEY ORDER	

By [Signature]
Myra Mason, Secy to the P.B.

MADE IN U.S.A.
© Wilson Jones, 1989

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15702

August 9 1996

Received from TPS Technologies Inc \$ 180.00

One Hundred and ^{00/100} DOLLARS

For Planning Board Application Fee # 96-19

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>OB# 120797</u>		<u>\$100.00</u>

By Dorothee H. Hagen
Town Clerk
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones - Carbonless - 51622-WCL Duplicate - 51644-WCL Triplicate

DATE October 20, 1997 RECEIPT NUMBER 96-19

RECEIVED FROM T.P.S. Technologies Inc.

Address 1964 S. Orange Blossom Trl. Apopka, FL 32703

Six Hundred Seventy-Five ^{86/100} DOLLARS \$675.86

FOR Additional Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	675.86	CASH	
AMOUNT PAID	675.86	CHECK	<u>#12150</u>
BALANCE DUE	0	MONEY ORDER	

By A. Zappala
Myra Mason, Secretary

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TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15702

August 9 1996

Received from TPS Technologies Inc. \$ 100.00

One Hundred and 00/100 DOLLARS

For Planning Board Application Fee # 96-19

DISTRIBUTION:

FUND	CODE	AMOUNT
OB# 120797		\$100.00

By Dorothy H. Hays
Town Clerk
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones - Carbonless - S1642-WCL Duplicate - S1644-WCL Triplicate
© Wilson Jones, 1980

DATE October 20, 1997 RECEIPT NUMBER 96-19

RECEIVED FROM T.P.S. Technologies Inc.

Address 19645 Orange Blossom Trl. Apopka, FL 32703

Six Hundred Seventy-Five 86/100 DOLLARS \$ 675.86

FOR Additional Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	<u>675 86</u>	CASH	
AMOUNT PAID	<u>675 86</u>	CHECK	<u>\$121250</u>
BALANCE DUE	<u>0 -</u>	MONEY ORDER	

BY A. Zappala
Theresa Mason, Secretary

Called J. Lued re: fees
5/17/97

Eng. fee
1085.86

REFERENCE NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT	NET AMOUNT
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3311	090397	09/03/97	675.86	675.86	0.00	675.86
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6208.42709

Vendor #:
ONETIME

121750

\$675.86

MEMBERS OF THE NEW WINDSOR PLANNING BOARD

ENCLOSED ARE TWO COPIES OF LETTERS
WRITTEN BY MAURICE & MARGARET O'CONNOR,
ONE TO MR. GEORGE MEYERS,
ONE TO MR. MICHAEL MERRIMAN.

PLEASE READ THE LETTERS AND WHEN
THE TIME FOR GRANTING THE PERMIT ARRIVES
TAKE INTO CONSIDERATION ALL THE MANY QUESTIONS
NEEDING ANSWERS.

PLEASE VOTE FOR THE BEST INTERESTS OF
THE COMMUNITY IN HEALTH AND ENVIRONMENTAL
CONCERNS.

Maurice & Margaret O'Connor

6 FERNANDEZ DR

NEW WINDSOR N.Y 12553

APRIL 24th 1997

6 FERNANDEZ DRIVE
NEW WINDSOR N.Y. 12553
APRIL 21st 1997

MR. GEORGE MEYERS
TOWN SUPERVISOR
555 UNION AVE
NEW WINDSOR N.Y. 12553

DEAR MR. MEYERS,

IT IS WITH DEEP CONCERN THAT WE, MAURILE & MARGARET O'CONNOR VIEW THE GRANTING OF A FIVE YEAR PERMIT TO TPS TECHNOLOGY FOR THEIR SOIL BURNER UNIT. WE PROTESTED AT THE TIME OF THE ORIGINAL PERMIT, BUT TO NO AVAIL.

WE HOPE YOU WILL SERIOUSLY CONSIDER DOING THE ENVIRONMENTAL IMPACT STUDY AND HAVING IT CAREFULLY EXAMINED BY PEOPLE IN HEALTH & ENVIRONMENT CONSERVATION FIELDS WITH THE KNOWLEDGE OF HOW THIS TREATMENT AFFECTS PEOPLE AND THE ENVIRONMENT.

THE REAL SCARY PART IS THAT TPS FAILED ITS ONE REQUIRED SMOKESTACK TEST!!!

IT COULD BE YOUR OWN FRIENDS AND FAMILIES LIVES THAT YOU WILL SAVE BY TAKING A STAND.

MY NEIGHBOR AND I HAVE DEVELOPED CANCER IN THE LAST FEW MONTHS, COULD IT BE THAT WE ARE VICTIMS OF THE CARELESSNESS OF OUR OFFICIALS IN GOVERNMENT IN NOT CHECKING OUT THE SITUATION BEFORE GRANTING THE PERMIT.

PLEASE STUDY ALL THE OPTIONS BEFORE DECIDING ON THE FIVE YEAR PERMIT.

SINCERELY YOURS

Maurile & Margaret O'Connor

NEW WINDSOR N.Y. 12553

APRIL 21st 1997

MR MICHAEL MERRIHAN
N.Y. STATE DEPT. OF ENVIRONMENTAL CONSERVATION
21 S. PUTT CORNERS RD.
NEW PALTZ N.Y. 12561

DEAR MR MERRIHAN,

IT IS WITH DEEP CONCERN THAT WE, MAURICE & MARGARET
D'CONNOR VIEW THE GRANTING OF A FIVE YEAR PERMIT TO
TPS TECHNOLOGY FOR THEIR SOIL BURNER UNIT BY
THE NEW WINDSOR TOWN PLANNING BOARD

WE HOPE YOU WILL SERIOUSLY CONSIDER DOING THE
ENVIRONMENTAL IMPACT STUDY AND HAVING IT CAREFULLY
EXAMINED BY PEOPLE IN HEALTH & ENVIRONMENT CONSERVATION
FIELDS WITH THE KNOWLEDGE OF HOW THIS TREATMENT
AFFECTS PEOPLE AND THE ENVIRONMENT IN THE AREA.

PLEASE, CONSIDER SUSPENDING THE OPERATIONS AT
THIS SOIL BURNER UNTIL WE KNOW WHAT THIS SOIL
BURNING MEANS TO OUR HEALTH AND WELL BEING AND
TO THE HEALTH OF OUR CHILDREN.

MY NEIGHBOR AND I HAVE DEVELOPED CANCER IN
THE LAST FEW MONTHS, COULD IT BE THAT WE ARE VICTIMS
OF THE CARELESSNESS OF OUR OFFICIALS IN GOVERNMENT
IN NOT CHECKING OUT THE SITUATION BEFORE
GRANTING THE PERMIT.

PLEASE CONSIDER THIS SITUATION CAREFULLY,
LIVES MAY BE ENDANGERED BY THIS POLLUTION.

SINCERELY YOURS

Maurice & Margaret D'Connor

IDC SOIL RECLAM (TPS) 93-37-ORIGINAL APPLICATION

APPROVED: SEPTEMBER 1, 1994

SIGNED BY: CARMEN DUBALDI

IDC SOIL RECLAM (TPS) 94-23)- STORAGE BLDG.

APPROVED: JANUARY 10, 1995

SIGNED BY: CARMEN DUBALDI

IDC SOIL RECLAM (TPS) 96-19 – HOURS OF OPERATION

WITHDRAWN: APRIL 4, 1997

FEEES PAID
& CLOSED: OCTOBER 20, 1997

DISCUSSION

TPS SOIL BURNING - HOURS OF OPERATION

Mr. Bedetti (phonetic) appeared before the board for this proposal.

MR. PETRO: TPS Soil Burning hours of operation, who's talking about this? Come up on up, sir.

MR. BEDETTI: I don't know, did anybody, I dropped these off at the Town. What TPS is looking to do is to extend their operating hours from 16 to 21 hours a day. Our business has gotten to a point where we're actually losing our clients, business has grown so much that even our local clients are going out of Town and out of state to do their business. What we're looking to do is just match what our DEC air permit solid waste permit allows us to do. Nine years ago, TPS agreed with the Town to run the 16 hours a day when they started operation. All we're really looking to do is change our Monday to Friday hours from right now it's from 6 a.m. to 10 p.m. We're looking to continue on to the 21 hours to the 3 a.m. just Monday through Friday, Saturday there won't be any changes, we'll shut down at 10 o'clock on Saturday night. Sundays we'd still be closed. We receive trucks right now from 6 a.m. to 6 p.m. In reality, the office is only open 7 to 5 but it allows, you know, we're scheduled to be 6 to 6. Part of our normal operation, our doors on the building are closed at 6 p.m. so noise is not an issue, really never has been. We haven't had a noise complaint in over three years and the ones prior to that actually turned out being our neighbors and one was us it was an employee playing a stereo too loud in his car. What we do is actually add one eight hour shift to the crews. We'd actually be looking for 6 new local employees, matter of fact, if we do manage, if anybody knows anybody who needs a job, by all means send him down, it's tough in that dirty business of finding employees.

MR. PETRO: Mike, wouldn't this violate the Town regulations?

MR. BABCOCK: Well, that's one thing, that's why I wrote this all down, I don't have that with me, Jim, I definitely have to check that out.

MR. PETRO: I'm not going to make a decision on this tonight either, we have your request here, we can all talk about it for a while but I still think Mike has to take a look at it and I want the Town Board to look at it also because they field the complaints, not us. You say you've never had any complaints, I believe what you're telling me, but I don't know that. So I would need a couple weeks to at least get to the bottom. I'm not saying no, but I want to know more about it because A, legally, we may not even be able to say yes, I don't know, we can't override the law and say well, if nobody else can work after 10 o'clock but you can. I don't know that we can do this or not. I'm going to find out.

MR. BEDETTI: Just for my own knowledge, our neighbors work 24 hours in the surrounding buildings, I mean, is that--

MR. BABCOCK: It's not the, it may not be the hours of operation, it's the noise level of what you create and if you're not creating it, you're not affected by that law.

MR. BEDETTI: TPS has done their own noise studies, but I think the Town has too and on our property line the noise studies are actually inconclusive because of the street noise, the birds and the crickets drowning out the sound that they're actually looking for, so if it's noise, noise is not the issue.

MR. PETRO: Let me rephrase it then. I don't see a

problem with it but let me know for sure that there's not a problem with it.

MR. BEDETTI: Okay, just so that nobody is blindsided, TPS is in the process of upgrading their equipment, more modern equipment too.

MR. PETRO: Okay, how are we going to handle this, just through you, Mike, can you get back to them or reappear for a discussion item?

MR. BABCOCK: I would assume the best thing to do we'll notify them, Myra's got your--you're here tonight because Myra knows who you are and we'll get Myra to get him back here and then the board's going to have to make a decision whether it's part of the special permit, you give them hours of operation, I don't know whether you're going to have to modify that.

MR. PETRO: If we have no other outside argument the board can decide.

MR. BABCOCK: Whether you're going to have a public hearing and all that stuff, it's a modification of the special permit.

MR. PETRO: We'll see you in a couple weeks.

MR. BEDETTI: Thank you.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/22/2005

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
W [Disap, Appr]

FOR PROJECT NUMBER: 4-32
NAME: TPS SOIL RECLAMATION - SPECIAL PERMIT AMENDMENT
APPLICANT: TPS TECHNOLOGIES

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/24/2005	APPLICATION WITHDRAWN	CLOSE
12/08/2004	P.B. APPEARANCE - PUB HEAR	CL PH; TO RETURN
10/27/2004	P.B. APPEARANCE	TOOK LA - SCHED PH

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 4-32

File Date:10/20/2004

SEC-BLK-LOT:9-1-98-0

Project Name:TPS SOIL RECLAMATION - SPECIAL PERMIT AMENDMENT Type:4

Owner's Name:IDC SOIL RECLAMATION
Address:1106 RIVER ROAD - NEW WINDSOR, NY 12553

Phone:

Applicant's Name:TPS TECHNOLOGIES
Address:1106 RIVER ROAD - NEW WINDSOR, NY 12553

Phone:(845) 562-8778

Preparer's Name:
Address:

Phone:

Proxy/Attny's Name:
Address:

Phone:

Notify:ALY BEDETTI (FAX 562-9566)

Phone:(845) 562-8778

Location:RIVER ROAD - PA2004-0896

Acreage	Zoned	Prop-Class	Stage	Status
2.470	PI	0		W
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
04/22/2005				

Appl for:AMENDMENT OF SPECIAL PERMIT FOR EXTENDING HOURS OF OPERATION

Addl Municipal Services:

Streets:
Water:
Sewer:
Garbage:

MEMORANDUM

TO: Myra
 FROM: Phil Crotty
 DATE: July 26, 2005
 SUBJECT: Condo Projects

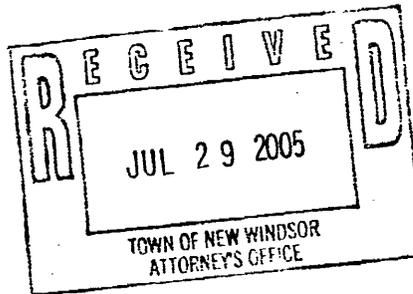


Would you please provide the following information.

<u>Projects</u>	<u>Approval dates</u>	<u>Number of Units</u>
Washington Green	1988	210
Windshire	1987	43
Patriot Ridge	2002 - Part of PUO Previously Approved	103 536 units
Windsor Crest	1993	149
Plum Point - Phase II and Phase III	1980's	79

PAC

A handwritten signature, possibly 'PAC', enclosed within a hand-drawn circle.





Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

Engineer for the Town

6 May 2005

Aly Bedetti
IDC Soil Reclamation
1106 River Road
New Windsor, NY 12553

SUBJECT: Soil Remediation Facility - River Road - T/New Windsor

Dear Mr. Bedetti:

During the public hearing on 8 December 2004 in connection with your former application, you advised the Planning Board that you have an "open door policy" and advised the Board that you would welcome Town representatives to the site, to review the operation.

Upon further consideration, we formally request that you permit the Town to retain the services of an independent air monitoring company to perform on-site continuous and intermittent monitoring of your air discharge, to not only verify your compliance with your DEC permit, but to record the actual conditions of your discharge.

I am writing this letter to seek your written authorization in this matter, such that we can retain the testing services company. Please respond at your earliest convenience. Should you have any questions concerning the above, please do not hesitate to contact me at the number listed above or 845-567-3100 to further discuss this matter. Thank you for your anticipated cooperation.

Very truly yours,

Mark J. Edsall, P.E.
Engineer for the Town

**PRELIMINARY ASSESSMENT OF
AIR CONTAMINANT IMPACTS
TPST SOIL RECLAMATION
FACILITY,
NEW WINDSOR, NEW YORK**

SEPTEMBER 1996

**NEW YORK STATE DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH ASSESSMENT**

PRELIMINARY ASSESSMENT OF
AIR CONTAMINANT IMPACTS
TPST SOIL RECLAMATION FACILITY,
NEW WINDSOR, NEW YORK

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PRELIMINARY ASSESSMENT OF AIR CONTAMINANT IMPACTS

TPST SOIL RECLAMATION FACILITY, NEW WINDSOR, NEW YORK

EXECUTIVE SUMMARY

The Soil Reclamation Facility operated by TPST Soil Recyclers of New York, Inc., in New Windsor has New York State Department of Environmental Conservation (DEC) air and solid waste permits for treatment of soil contaminated with petroleum products (gasoline and oil); no hazardous waste is allowed. Soil must be tested at a contaminated site before it is trucked to TPST. The truck must carry a manifest identifying the source of the soil and the tests that were performed, as proof that the soil meets DEC requirements.

The TPST facility is a thermal desorption unit (TDU). Contaminated soil is heated in a rotating drum with a burner fired by number 2 fuel oil (the kind used for home heating and as diesel fuel), causing the petroleum in the soil to evaporate. Exhaust air carrying the petroleum from the dryer goes through a "baghouse" filter, to remove solid and liquid particles, and an afterburner, where the petroleum and other combustible materials are burned, before the exhaust is released from the stack of the facility.

DEC did not require an environmental impact statement (EIS) or health risk assessment as part of the application for permits for the TPST unit. The Town of New Windsor was given lead agency status for the proposed facility under the State Environmental Quality Review Act (SEQRA). The Town completed the Environmental Assessment Form required under SEQRA and concluded that construction and operation of the facility would not have a significant environmental effect and that, therefore, an EIS was not required. The Town filed this Negative Declaration with DEC, as required.

Staff of the New York State Department of Health (DOH) have reviewed information on operation of the TPST unit (including the results of stack tests in April 1996) and on air contaminant emissions from other TDUs, to estimate the potential air contaminant exposure of people who live near the TPST facility. This report lists air contaminants that may be emitted, estimated emission rates, and the resulting air contaminant concentrations near the plant. We have compared the estimated concentrations to air pollution standards and guidelines and to typical levels of those air contaminants in other places. Our basic conclusion is that, although our analysis does not indicate there are significant risks to public health, there are areas of uncertainty that warrant a more careful assessment, possibly including additional stack testing.

TPST's air permit specifies that the facility may treat only "non-hazardous petroleum contaminated soils (maximum contamination limit 10,000 ppm), contaminated with #2, #4, and #6 Fuel Oils, Kerosene, Diesel, Gasoline, and Jet Fuel, lubricating oils and petroleum based waste oil as defined in 6 NYCRR Part 360." The soil acceptance limits for specific contaminants in TPST's permit are based primarily on the DEC criteria for determining whether a material

must be managed as a hazardous waste, rather than on a consideration of potential air contaminant emissions when the soil is treated. Several of these criteria are above typical levels of the contaminants in soil of residential, urban, and commercial areas where there has been no spill or discharge. Thus the permit would allow treatment of soils contaminated by materials other than petroleum, as long as the levels did not exceed the hazardous waste criteria. This also increases the potential emissions of those contaminants or their combustion by-products from the stack of the facility, above the levels that could be expected from treatment of typical residential, urban, or commercial soil.

If the intent of the DEC permit conditions is to limit the facility to treatment of typical residential, urban, and commercial area soils that have been contaminated by petroleum products and petroleum wastes, some of the acceptance criteria for non-petroleum compounds could be reduced to levels at the upper range of typical concentrations of these contaminants in such areas. This would decrease potential stack emissions of contaminants that would not be destroyed in the TDU and would also decrease potential byproduct emissions from soil contaminants such as chlorinated hydrocarbon compounds and pesticides.

The assessment of possible emissions of polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/Fs) does not indicate ambient impacts that exceed ambient background levels or the DEC AGC. The one source of TDU stack testing data for these compounds did not detect either dioxins or furans.

Based on its assessment of potential air contaminant emissions from the TPST facility, DOH staff recommend:

- DEC should review the air and solid waste permits for the TPST facility to remove inconsistencies and to make the permits more understandable to the public.
- DEC should review the soil acceptance limits and consider reducing those that are significantly above typical concentrations of non-petroleum compounds in soil of residential, urban, and commercial areas, especially for contaminants that are not likely to be destroyed in the TDU (e.g., metals) and those that are likely to create unwanted combustion byproducts (e.g., PCBs and total organic halogen compounds).
- Additional information should be provided on metal emissions, either from additional stack tests on the TPST unit or from analysis of pertinent data from other facilities. Uncertainty about the actual compounds of individual metals that would be in the soil, particularly those with lower melting temperatures, makes it difficult to estimate potential emission rates.
- Vapor emissions from untreated soil are more likely in hot weather. If this becomes a problem, it may be necessary to cover piles of contaminated soil, especially soil contaminated with gasoline, which is more volatile than fuel oil. Extra precautions, such as covering and misting the treated soil on windy days, may also be necessary to prevent dust from blowing from the site.

1. Background

The TPST Soil Reclamation Facility, operated by TPST Soil Recyclers of New York, Inc. in New Windsor, is a thermal desorption unit (TDU) for "cleaning" soil that is contaminated with petroleum products. The unit consists of a rotary drum heater, where contaminants are driven out of the soil by heating, a baghouse to capture particulate matter in the exhaust stream from the rotary drum, and an afterburner, where combustible contaminants in the exhaust stream are burned before the exhaust is released from the stack of the facility. The New Windsor facility uses number 2 fuel oil (also used for home heating and as diesel fuel) in both the drum heater and the afterburner.

TDU's appear to be widely used for soil contaminated with petroleum, coal tars, and manufactured gas plant wastes (see Troxler et al., 1993 for a summary on the uses and effectiveness of this technology). Many of these units are mobile and are used at the site of the contaminated soil or waste. The TPST New Windsor TDU is intended to be a permanent installation, treating soils from other sites.

New York State Department of Environmental Conservation Region 3 staff did not require an environmental impact statement (EIS) or health risk assessment as part of the application for permits for construction and operation of the TPST TDU. The Town of New Windsor was given lead agency status for the proposed facility under the State Environmental Quality Review Act. The Town completed the Environmental Assessment Form required under SEQRA and concluded that construction and operation of the facility would not have a significant environmental effect and that, therefore, an EIS was not required. The Town filed this Negative Declaration with DEC, as required.

DEC Region 3 followed its usual impact screening procedures in determining appropriate permit conditions for the facility. This process included estimating the highest yearly average concentration of benzene in the ambient air that would result from treatment of soil with the maximum permitted concentration of petroleum products, to ensure that the level of benzene in the neighborhood would not exceed DEC's ambient guideline concentration (AGC).

Staff of the New York State Department of Health (DOH) have reviewed information on operation of the TPST New Windsor TDU and on air contaminant emissions from other TDUs, to estimate the potential air contaminant exposure of people who live near the TPST facility. The approach consists of defining what air contaminants may be emitted, estimating possible emission rates for each contaminant, estimating the resulting contaminant concentrations in the air in the vicinity of the plant, and comparing those concentrations to air pollution standards and guidelines and to typical concentrations in the air. This analysis does not constitute a full health risk assessment or EIS. However, the results help DOH assess potential impacts of the facility and should also be useful to members of the community who are concerned about air pollution from the facility. This report does not address any other aspect of operation of the facility, such as soil testing and monitoring to ensure compliance with DEC regulations.

2. Soil Contamination Limits

TPST's air permit authorizes "the processing of any of the following: non-hazardous petroleum contaminated soils (maximum contamination limit 10,000 ppm), contaminated with #2, #4, and #6 Fuel Oils, Kerosene, Diesel, Gasoline, and Jet Fuel, lubricating oils and petroleum based waste oil as defined in 6 NYCRR Part 360." DEC's 'Draft Interim Guidance and Supplemental Permit Conditions for Petroleum Contaminated Soil Thermal Treatment Facilities' (DEC, 1996) requires the generator of a petroleum-contaminated soil to determine whether or not the soil is a hazardous waste, before it can be accepted by the TDU. Only non-hazardous soils can be accepted.

The acceptance limits for specific soil contaminants in the TDU Guidance are listed in Table 1. Most of the analytes are metals, which are normal components of soil. The acceptance limits are higher than typical concentrations in uncontaminated soil, but are intended to be low enough to exclude from treatment soil that is contaminated with materials other than petroleum products.

The TDU acceptance limits appear to be based on potential groundwater impacts from future uses of the soil. We have not assessed that aspect of the New Windsor TDU. However, because some metals may be released from soil in the dryer, the acceptance limits also potentially affect the emission of air contaminants from the facility. We have analyzed that possibility in the sections of this report on emission rates and air quality impacts. Particulate matter in the exhaust stream from the dryer drum may also contain other metals typically found in soil; thus, emission rate estimates were also made for other metals, based on typical metal concentrations in soil.

3. Air Contaminant Emissions

3.1 Emission Sources

Potential sources of air contaminant emissions from the TDU include:

- unloading and moving untreated soil: vapor and fugitive dust,
- wind blowing on uncovered piles of untreated soil: vapor and fugitive dust,
- uncontrolled steam from soil conditioner: fugitive dust,
- moving and loading treated soil: fugitive dust,
- afterburner exhaust stream: gases, vapors, and particulate matter.

Only the last of these emission sources is considered in this report.

Fugitive dust from untreated soil can contain the contaminants in the soil. DEC requires the incoming soil to be processed and stored indoors or under cover, to minimize fugitive dust levels during these operations. Treated soil awaiting removal from the facility may be stored outdoors, uncovered, provided fugitive dust and run-off are controlled.

3.2 Air Pollution Control Permit

TPST applied for and received an air pollution control permit under DEC's rule for General Emission Process Sources (6NYCRR Part 212). The permit consists of the application submitted by TPST and a list of "Special Conditions." Information from the permit was used to generate the emission estimates in this report. Some of the information used for these estimates does not constitute an enforceable permit condition. Several emission rates labeled "permissible" in the application are not actual required limits. In the following sections we have tried to consistently distinguish between legally enforceable requirements and other information in the permit.

Under Part 212, each air contaminant emitted by a source of air contaminants is given an environmental rating, based on the contaminant's toxicity and potential emission rate, the nature of the nearby community, local contaminant dispersion characteristics, and pre-existing environmental conditions. Based on these ratings and the provisions of Part 212, DEC establishes conditions for operation of the source, in the form of specifications for air pollution control equipment or maximum emission limits for individual contaminants. In the TPST permit, carbon monoxide (CO), particulate matter, sulfur dioxide (SO₂), nitrogen oxides (NO_x), and the total of all volatile organic compounds (VOC)s are rated "B" and benzene is rated "A." Benzene (one of the compounds in gasoline) is given a higher rating (requiring more stringent control of emissions) because exposure to benzene can increase the risk of certain forms of cancer. According to Part 212, the degree of air cleaning required is at least 96 percent for total VOCs in the exhaust stream and at least 99 percent for benzene.

3.3 Air Pollution Control Equipment

Water is sprayed on the hot soil emerging from the dryer to condition (dampen) the soil and thereby reduce creation of fugitive dust when the treated soil is handled before being trucked away. The facility has a steam stripper to remove solid particulates caught up in the steam formed when water hits the hot soil. This is intended to reduce possible escape of fine soil particles with the steam released.

The air stream from the dryer drum, which contains petroleum vapors evaporated from the soil, particulate matter, and, possibly, other gaseous contaminants, passes through a baghouse to remove the solid particles. The material removed is periodically shaken out of the filter bags and added to contaminated soil being fed into the dryer. Gases and vapors in the exhaust stream from the dryer pass through the baghouse filters and enter the afterburner. According to the application, the bag house has a control efficiency of 99.8 percent; that is, 99.8 percent (by weight) of the particulate matter in the exhaust from the dryer drum would be captured in the baghouse. Conceivably, this control efficiency could be determined from a stack test by actually measuring and comparing the particulate concentrations in the air streams flowing into and out of the baghouse. No such tests were performed in the April 1996 stack tests, but the limit on particulate emissions (less than 0.05 gr/dscf) was met on all tests.

When petroleum-contaminated soils are treated in the TDU, the VOC contaminants removed from the soil in the dryer will primarily be petroleum hydrocarbon compounds, which make up

gasoline and other oils. VOCs from the soil, and any fine particles not trapped in the baghouse, flow into the afterburner, where VOCs are destroyed by burning. As stated above, Part 212 requires that the afterburner have a control efficiency of at least 96 percent for total VOCs and at least 99 percent for benzene. This means that no more than 4% of total VOCs entering the afterburner, and no more than 1% of benzene, may escape, unburned, up the stack. Accurate determination of the control efficiency of the afterburner would be difficult because additional VOCs (fuel oil) are added to the dryer and afterburner as fuel. However, the method used in the stack tests to monitor destruction efficiency is very conservative, in that it underestimates the destruction efficiency. The amount of benzene and VOCs measured in the stack are compared to quantities of benzene and VOCs entering the TDU in contaminated soil. The stack test results (section 7) demonstrated that stack emissions of benzene and VOCs were less than 1% and 4%, respectively, of the quantities in the soil. Therefore, benzene and VOC emissions were even smaller fractions of the total benzene and VOC inputs to the TDU, including fuel oil fed to the dryer and the afterburner, in addition to input via contaminated soil.

3.4 Limits on Operation and Air Contaminant Emissions

The facility's solid waste permit allows it to treat up to 25 tons of petroleum-contaminated soil per hour (525 tons in 21 hours on any day of operation). The table below lists several parameters from the air permit that were used in estimating air contaminant emissions from the TPST facility. In addition to the control efficiencies for the baghouse and afterburner mentioned above, the permit specifies emission rates for certain air contaminants that are not to be exceeded. Emission limits that are legally enforceable are listed in **bold type** in the table, to distinguish them from other "permissible" emission rates in the application that are not enforceable. Also, two emission rates are given for each air contaminant, based on the hours of operation of the TPST facility. The air permit allows the TDU to be operated for up to 21 hours per day, 365 days per year.¹ Thus the emission rates are given in two forms:

- **hourly emissions** - the greatest amount of a contaminant released during an hour when the facility is operating
- **annual emissions** - the amount of the contaminant that would be released if the maximum hourly amount were emitted for 21 hours every day of the year.

¹ The solid waste permit allows operation for only six days per week. Because DOH staff did not discover this discrepancy until the draft report was nearly completed, these impact estimates are based on operation for seven days per week, which errs on the side of overestimating the impact.

CONTAMINANT and Rating	Stack Concentration	Control Efficiency	HOURLY EMISSIONS (POUNDS/HOUR)	ANNUAL EMISSIONS (POUNDS/YEAR)
particulate matter B	0.05 gr/dscf	99.8 %	2.1	16000
sulfur dioxide (SO ₂) B			1.4	11300
nitrogen oxides (NOx) B			4	30700
volatile organic compounds(VOC) B		96 %	10	76400
benzene A		99 %	0.00919	70.4
carbon monoxide (CO) B	100 ppm		1	7600

3.5 Emission Rate Estimates

Fugitive emissions from contaminated soil can be created during unloading and handling, and at the feed hopper and conveyor belt. Fugitive emissions of dust from treated soil are also possible, especially because treated soil is very dry if not adequately dampened in the conditioner. This analysis does not address fugitive emissions of dust or vapors.

The best procedure for estimating stack emissions from the TPST TDU would be to use actual stack test results for similar units treating similar wastes. However, we were unable to find more than minimal data from previous tests on similar TDUs (see section 3.6). Therefore, we have also estimated emission rates from an analysis of the chemical and physical processes within the TDU that would generate air contaminants. We have compared these estimates to stack test results from units that were similar to the TPST unit in basic design, but with important differences. We have also compared them to the stack test results for the TPST New Windsor facility, completed after our analysis (section 6).

The afterburner exhaust stream can contain air contaminants from: metals and other non-combustible materials from the soil, petroleum contaminants from the soil which are not completely burned, combustion products from the fuel oil burned in the dryer and afterburner, and by-products of combustion.

3.5.1 Metals

All soil contains metals. Table 2 lists the more common metallic elements in soil, their melting and boiling points, and mean concentrations in uncontaminated soil for the eastern United States, from the U.S. Geological Survey (Shacklette and Boerngen, 1984). The table also lists typical urban levels for silver, cadmium, copper, and lead, based on data for residential and urban soils (ATSDR 1990b, 1993a, 1990a, 1984). The USGS report gives no data for silver and cadmium. Copper and lead levels are higher than the USGS values in nearly all soil in urban areas and near highways, and commercial and industrial facilities, because these metals have been used so widely.

As soil passes through the rotating dryer, some of the finer particles will be caught up (entrained) in the stream of air, fuel oil combustion products, and volatile contaminants that passes into the baghouse. Some materials, with low melting temperatures, may also form fine airborne droplets. These solid and liquid particles will contain metals or metallic compounds, which are present as contaminants or naturally. The baghouse filter will capture all but the smallest solid and liquid particles. We estimated potential emissions for 15 metals, using stack test data for another TDU. We performed a second estimate for seven of the metal, using the acceptance limits for specific metals in the DEC Guidance. Mercury was considered separately, because it is likely to be emitted as a vapor, rather than in the form of a particulate.

Emission rates for metals naturally present in soil were estimated using the stack test results from the Maxymillian Technologies TDU, treating soil and construction spoils from the Harbor Point site in Utica, New York (see section 3.6.1). We assumed that the concentrations of individual metals in particulates emitted from the TPST unit would be the same as the concentrations in the Maxymillian tests and that the total particulate emission rate for the TPST unit would be the "permissible" particulate emission rate of 2.1 pounds per hour (lb/hr) from the application. The estimated metal emission rates are given in Table 3.

The DEC Guidance document specifies maximum acceptance limits for eight metals: lead, arsenic, barium, cadmium, chromium, mercury, selenium, and silver. The acceptance limits are higher than typical concentrations of these metals in uncontaminated soil. We used these higher concentrations, and special assumptions about the behavior of mercury and arsenic, to estimate possible emission rates for the metals that have acceptance limits. We assumed that all of the mercury volatilizes and is emitted to the ambient air, and considered two alternatives for arsenic: first that it acts like the other non-volatile metals and then that a portion sublimates.

Assuming that the particulate contains the same concentrations of metals as the soil, and again assuming a particulate emission rate of 2.1 pounds per hour, we estimated maximum emission rates for the metals for which there are acceptance limits. These estimates are shown in Table 4A. These emission estimates, based on metal concentrations in soil, are generally less than the estimates based on metal concentrations in particulates in the Maxymillian stack tests (Table 3). Arsenic is an exception. If any significant fraction of the arsenic in the soil were to sublime and the vapor pass through the baghouse filter, the arsenic emission rate would be greatly increased. Referring to Table 4, estimated arsenic emissions for arsenic at the acceptance limit (100 ppm)

increase from 0.00021 lb/hr to 0.05 lb/hr if 1 percent of the arsenic in the soil sublimes. Further discussion of this question appears in section 3.6.1.2.

3.5.2 Other Soil Contaminants

The TPST unit has a processing limit for the maximum concentration of total petroleum products in the soil. This limit is 1 percent, by weight, which is 10,000 parts per million (ppm). The DEC Guidance also has acceptance limits for PCBs (1 ppm) and benzene (10 ppm) in soil to be treated. These contaminants will pass through the baghouse filter and into the afterburner as gases (they evaporate at temperatures under 800° F). Petroleum and benzene are very combustible; PCBs are much less easily burned. The combined dryer and afterburner are designed to have destruction and removal efficiencies of at least 99 percent for benzene and 98 percent for all petroleum distillate compounds in soil. Although some PCBs may be burned in the afterburner, emissions are estimated based on no assumed control. Table 4B gives the results of estimates for these soil contaminants, using the same procedure used for the acceptance limits for metals.

3.5.3 Fuel Oil Combustion Products

Number 2 fuel oil is burned in the dryer and the afterburner. Operating at maximum permitted levels, the TDU burns more fuel oil than is removed from soil at the maximum contamination level. This fuel oil is essentially the same product burned in home furnaces and diesel engines, yielding the same air contaminants. The primary contaminants are sulfur dioxide, nitrogen oxides, carbon monoxide, and particulate matter. The DEC permit specifies maximum emission rates for these contaminants and they were measured in the stack test. Trace levels of metals are also released when fuel oil is burned, but the estimated emission rates are much less than those estimated above based on metals in the soil. We have estimated emissions associated with combustion of fuel oil, using emission factors developed by the US EPA (EPA, 1995b) for distillate oil-fired industrial boilers. The results are shown in Table 5.

3.5.4 Combustion By-Products

The combustion by-products of principal concern are poly-chlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/Fs), which are a family of compounds composed of chlorine attached to organic molecules. These compounds may be formed from chemicals normally present in the soil or in fuel oil, but there are few studies that provide such data. Formation of PCDD/Fs would be more likely if there were chlorinated organic contaminants in the soil, such as PCBs. We have estimated possible PCDD/F emission rates from the soil and fuel oil. The estimated emission rates are less than the limits of detection in the one test of a TDU that included testing for PCDD/Fs (none were detected; see section 3.6.4, below). In May 1996, DEC modified the TPST operating permit to include an acceptance limit for chlorinated organics in contaminated soil, to reduce the possibility of the emission of such by-products and other chlorinated organic compounds.

Polycyclic aromatic hydrocarbon compounds (PAHs) are produced in most combustion of organic compounds, including petroleum. They can also be produced by thermal decomposition of the natural humic matter in soil at temperatures of 750 to 930°F (Troxler et al., 1993). We estimated potential emission rates for the TPST unit from tests on two other units treating petroleum-contaminated soils (section 3.6.4, Tables 11 and 12). Analysis of the results for those TDUs yields total PAH emissions of from 0.016 to 0.043 grams per ton of soil. For the TPST unit treating 25 tons of soil per hour, this would correspond to total PAH emission rates of 0.0009 to 0.0024 pounds per hour. Emissions would be expected to be greater if soil contaminated with PAHs were treated in the unit. However, the TPST unit is not permitted to treat PAH-contaminated soil.

3.6 Data from Other TDUs

Emissions testing of TDUs treating petroleum-contaminated soil has been limited, in terms of analytes included in the tests and, in some instances, the detail of operating conditions recorded in the test reports. Therefore, we considered all of the data we obtained from air contaminant emissions tests of TDUs that were basically similar in design to the TPST unit in New Windsor, even when the waste was not petroleum-contaminated soil. As discussed below, we analyzed the results for other wastes to see if they were generally consistent with results of the tests using petroleum-contaminated soils.

3.6.1 Maxymillian Technologies Thermal Desorption System

The most extensive testing report we have found for a TDU is for the Maxymillian Technologies Thermal Desorption System. These stack tests were part of a demonstration project by the Niagara Mohawk Power Corporation, treating five types of waste (coke plant soil, purifier soils, harbor sediments, water gas plant soils, and tar emulsions mixed with clean soil) from the site of a manufactured gas plant at Harbor Point, New York. Contaminants in the soil were primarily volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), cyanide (CN), arsenic, and lead. The company conducted several experimental test runs with each type of waste to determine appropriate operating conditions before the formal test runs. Both the United States Environmental Protection Agency (using a consultant, IT Corporation) and Maxymillian Technologies (using TRC Environmental Corporation) conducted stack tests during the project. Some operational factors, waste characteristics, and emission rates differed between the test runs monitored by each party, as indicated by comparing the two reports (US EPA, 1995a and Maxymillian Technologies, Inc., 1995) (A summary of the EPA report is also available as an EPA SITE Technology Capsule [US EPA, 1995b]). Tables 6 and 8 list properties of the waste fed to the TDU, the temperature of soil leaving the dryer, and stack emission measurements, reported by the EPA contractor (Table 8A) and the Maxymillian contractor (Table 8B).

The Maxymillian TDU differed in some ways from the TPST unit in New Windsor. The TPST unit burns oil as a fuel. The Maxymillian TDU burned natural gas in both the dryer and the afterburner, which would decrease emissions of fuel combustion products associated with trace substances such as metals, ash, and sulfur in the fuel. Another difference from the TPST unit is that exhaust gases from the dryer flow first into a cyclone to remove large particles, then the

afterburner, then a quench unit that reduces the temperature, and then through the baghouse; whereas the TPST unit has the baghouse before the afterburner. The feed rates are comparable; the Maxymillian unit treated 10 to 20 tons per hour and the TPST unit is rated at up to 25 tons per hour. The Maxymillian unit soil exit temperatures were in the range of temperatures in the TPST unit. The manufactured gas plant wastes in the Maxymillian Demonstration Project also differed in some respects from soil contaminated only by petroleum products. For example, only low levels of cyanides would be expected in typical urban soils. PAH concentrations in the wastes were also higher than typical urban soil PAH levels, which are less than 10 ppm. However, the Maxymillian project results do provide general information on emissions from a TDU.

When the Maxymillian TDU was tested using construction spoils, the emission rates were measured for several metals that are not included in any other test data we have found. We used the results of these tests to reach the tentative observation that, except for mercury, which would be vaporized in the dryer and pass through the baghouse filter, vaporization seems of minor importance in emissions of metals. Table 7 lists the melting temperatures of the metals measured in the construction spoils treatment stack tests, typical background concentrations for these metals in soil, emission rates in the Maxymillian stack tests, and the ratio of emission rate to soil concentration for each metal. The narrow range of values for these ratios, compared to the much wider range for emission rates, supports the hypothesis that concentration in the soil, not melting point, is the dominant factor determining emissions.

We estimated potential total PAH emission rates for treatment of gasoline- and diesel-contaminated soils in the TPST unit to be 0.0009 to 0.0024 lb/hr. Total PAH emission rates for the Maxymillian demonstration project ranged from 0.00027 to 0.027 lb/hr. The highest emission rate in the Maxymillian tests was for water gas plant wastes, which contained 4420 ppm of PAHs.

Data from stack tests of the Maxymillian unit on all six types of waste, including construction spoils, are summarized in Tables 8A and 8B. Comparing the average emission rates of the Maxymillian unit to the corresponding DEC permit limits for the TPST unit (section 3.3) yields the following: Particulate emissions were always within the limit of 0.05 gr/dscf, but exceeded the limit of 2.1 lb/hr. SO₂ and NO_x emissions exceeded the TPST limits of 1.4 and 4.0 lb/hr, respectively. Carbon monoxide was within the TPST limit of 1 lb/hr. The various organic gas measurements (VOST, THC, and BTX) were below the TPST Total VOC limit of 10 lb/hr and total BTX (which includes benzene) was below the TPST limit for benzene of 0.00919 lb/hr. Other tests at this site show no detectable loss of arsenic from soil when treated.

3.6.2 TPST Units at Other Sites

TPST provided test data for their units at two other sites (Air Consulting and Engineering, 1992 and 1994). However, very few parameters were measured in the tests and the reports do not even state whether the soil was contaminated. Table 9 gives the data for a test of the company's unit at West Palm Beach, Florida. The results are of interest primarily because the baghouse malfunctioned during one of the test runs, which provides an indication of the effects of such an

event. Particulate emissions increased approximately five-fold compared to the other test runs. Of the air contaminants for which the DEC permit specifies limits, only total VOC and particulates were measured in the Florida tests. VOCs were within the permit limit on all runs. Particulates were within both the concentration limit (0.05 gr/dscf) and the rate limit (2.1 lb/hr), except on the run when the baghouse malfunctioned. The average particulate emission levels, including that run, were within the permit limits. The baghouse malfunction did not affect the VOC emission rate; this would be expected because VOC gases would pass through the cloth filters, even if there were no break.

3.6.3 Sun Refining and Marketing: JFK Airport

Table 10 summarizes test results from a Sun Refining and Marketing mobile soil remediation unit in operation at JFK International Airport (Koogler & Associates, 1990). The basic design, capacity, and fuel of this unit are the same as the TPST units. Tests were run with soil spiked with either gasoline or diesel fuel at a concentration of 1 percent (which is the acceptance limit for the TPST unit in New Windsor). Emission rates for particulates (both lb/hr and gr/dscf), benzene, and total hydrocarbons each exceeded the corresponding TPST unit permit limits on at least one test run, although the average rates of all were within the limits. Emission rates were generally higher for diesel oil-contaminated soil than for gasoline-contaminated soil, but there were too few tests to conclude that this is a consistent difference.

3.6.4 US EPA Summary Report

The US EPA Control Technology Center issued a report (Eklund et al., 1992) that summarizes emission testing results for several technologies for treatment of contaminated soil, including thermal desorption. Summaries of the test results for two facilities are given in Tables 11 and 12. PCDD/F (dioxin and furan) emissions results are reported for one TDU in the EPA report. The test results for this unit, U.S. Waste Thermal Processing's Mobile Thermal Processor, Model 100, are given in Table 11. Emissions of total particulates and certain polycyclic aromatic hydrocarbons (PAHs) were also reported. The unit's particulate control device differed from that of the TPST, being a dual-venturi collision wet scrubber, rather than a baghouse. Tests were made with two types of petroleum-contaminated soil: one that contained gasoline (0.55 %) and one, diesel oil (0.5 %). The dryer and afterburner temperatures were in the range of operation of the TPST unit. The soil feed rates were one quarter to one third of the permitted soil feed rate for the TPST facility. Emissions are expressed in grams per ton of soil processed, as well as in pounds per hour, in Table 11, to facilitate comparison to the TPST facility.

No dioxins or furans were detected in the emissions during treatment of either gasoline- or diesel-contaminated soil. This is an important finding with regard to assessment of possible impacts of the New Windsor facility. Dichlorobiphenyl was detected in the emissions from the gasoline-contaminated soil tests, but neither this nor any other PCB compound was detected in the diesel-contaminated soil tests. The EPA report (Eklund et al., 1992) does not provide the detection limits for the dioxin and PCB measurements, but DOH staff obtained the detection limit data for dioxins, furans, and PCBs from the author (Eklund, 1996). These data provide an estimate of an upper limit on what the PCDD/F and PCB emission rates could have been. We

calculated these upper bound estimates of total PCDD/F emissions, in TEQs, corresponding to the congener detection limits and similar estimates for PCBs. The results, in Table 11, indicate the highest emission rates that would not have been detected. Since no PCDD or PCDF congeners were detected, it is unlikely that actual emission rates were close to the detection limits.

Four PAH compounds were detected in the tests on gasoline-contaminated soil. Two of these compounds and an additional PAH were detected in emissions in the tests on diesel-contaminated soil. The emission rates are shown in Table 11.

4. Air Quality Impacts

Air contaminants emitted from the TPST facility are carried downwind. The affected location in the community at any point in time depends on the wind direction and speed and other meteorological conditions, as well as on the air contaminant emission rates, at that time. Using mathematical air contaminant dispersion models, meteorological data for the New Windsor area, and information on the dimensions of the TPST building and the local terrain, DEC staff estimated the community air contamination levels that would result from emissions from the TPST exhaust stack. DEC used the "ISCLT2" model, which is a standard model used by US EPA, other environmental agencies, and environmental scientists.

4.1 Calculation of Air Contaminant Dispersion

All contaminant gases and small particles disperse in the same general pattern when emitted from a particular source under a given set of conditions. Therefore, it is not necessary to calculate the dispersion pattern of every air contaminant from the TPST facility separately. The atmospheric scientist calculates the concentration of an air contaminant coming out of the stack at a particular rate (such as one gram per second) in a stream of exhaust gases having a particular temperature and flow rate (in cubic feet per second). If twice as much of the contaminant were emitted (2 grams per second) and all the other conditions were unchanged, the concentration of that contaminant in every place impacted by the emissions would be twice as much. Therefore, the way air contaminant impacts are calculated is to run the computer model for a standard contaminant emission rate, and then to determine the impact of each air contaminant that is emitted by comparing its emission rate to the standard emission rate.

Generally speaking, the potential air pollution health effects of greatest concern are associated with long-term exposure. If the wind blows in a particular direction more often than in other directions, the average air pollution at a nearby house in that direction will be higher than in places that are downwind less of the time, or are farther away. Thus, to estimate an individual's long-term exposure to contaminants from a particular source, dispersion calculations must consider how local meteorological conditions vary. The ISCLT2 model does this by calculating the contaminant concentration at a place in the community resulting from a specified set of conditions and repeating the calculation for other conditions, such as different wind speeds and directions. This process is repeated many times, for the various meteorological conditions that occur during an entire year. Then these impacts are averaged to give the average contaminant

concentration at that place over the year. This process can be repeated for several locations in the community to provide a map of air contaminant impacts over as large an area as desired. However, carrying out these calculations for a large area uses a lot of computer time. What is often done, and was done for the TPST facility, is to repeat the calculations for several locations, until the place with the highest annual average impact is found. This "worst case" location is then used to characterize potential impacts of the air contaminant emissions.

4.1.1 Potential Impact and Actual Impact

Using the ICSLT2 model, DEC staff estimated that the highest annual average air contaminant concentration that would occur in the community for an emission rate of 1 gram per second from the TPST facility would be 21 micrograms per cubic meter (ug/m^3). This is based on the TDU running at maximum feed rate (25 tons of soil per hour) for 24 hours a day, 365 days per year; it is referred to as the "potential impact." However, the permit only allows the TDU to operate for a maximum of 21 hours per day. This would reduce the average impact over the year, for a 1 gram per second emission rate, to $18 \text{ ug}/\text{m}^3$; this is called the "actual" impact (see footnote on page 4). The corresponding results for an emission rate of 1 pound per hour (lb/hr) are 2.6 and $2.3 \text{ ug}/\text{m}^3$, respectively. The impact calculations described in the following sections use the actual, rather than the potential, impact calculation, because it represents annual average operation of the TDU and our analysis is based on long-term exposure to the contaminants.

4.2 Estimated Impacts

If we know the emission rate for any air contaminant from the stack of the TPST TDU, the dispersion model gives an estimate of the maximum annual average concentration of that contaminant in the community. Section 3.5 gives emission rate estimates for air contaminants that are or may be emitted from the facility. These emission rates and the corresponding ambient concentrations, calculated using the results of the ISCLT2 model, are listed in Tables 13, 14, and 15. Table 13A shows the ambient concentrations of several metals from the combustion of fuel oil in the dryer and afterburner. Note that the emission rates assume there is no control of particulates, whereas exhaust from the fuel oil burned in the dryer (but not that from the afterburner) passes through the baghouse before being emitted. Table 13B shows the impacts of the PCDD/F emission rates estimated from data on combustion of fuel oil (in diesel engines) and combustion of peat, coal, and wood. These estimates are totally hypothetical, and the one report on PCDD/F emissions from a TDU treating oil and gasoline-contaminated soils found no dioxins or furans. The emission rates corresponding to those detection limits (section 3.6.4) are also listed in Table 13B, with the ambient concentrations that would result from emissions at those rates.

Table 14 shows estimated air contaminant levels based on emission rates derived from the TPST facility permit conditions, either maximum emission rates or maximum soil concentrations and required pollution control efficiencies.

Table 15 shows estimated ambient concentrations for metals commonly found in soil, based on stack tests on another TDU, the assumption that the total particulate emission rate is 2.1 lb/hr, and other assumptions described in section 3.5.1.

5. Impacts Compared to Urban Air Quality, Guidelines, and Standards

5.1 Comparison Criteria

The potential health significance of exposure to air contaminants from the TPST facility can be assessed by comparing the predicted levels to typical levels of those contaminants in the air and to various standards and guidelines for air contaminants. Tables 16, 17, and 18 list the estimated maximum annual ambient air contaminant impacts in New Windsor, derived in the previous section, and corresponding comparison criteria, where available. Besides the national ambient air quality standards (NAAQSs), the tables list median concentrations for 17 urban areas (1988 data) from (EPA 1993a); Environmental Media Evaluation Guides (EMEGs) and Cancer Risk Evaluation Guides (CREGs), developed by the U.S. Agency for Toxic Substances And Disease Registry (ATSDR); Reference Concentrations (RfCs) developed by the US EPA; and Air Guide Concentrations (AGCs) developed by DEC, with assistance from DOH (NYS DEC 1995).

None of the guidelines (EMEGs, CREGs, RfCs, and AGCs) are standards. Each has been developed as a screening tool for evaluating exposure to air contaminants. In general, the agencies suggest that a situation in which one of these guidelines is exceeded should be reviewed to understand local conditions and see whether additional air pollution control is necessary.

Tables 16, 17, and 18 list two AGC values for many of the metals. For those metals, DEC has established different AGC values for different compounds. In some cases, the differences are based on known differences in toxicity of individual compounds; for example, some compounds or forms of the metal may be carcinogenic. However, most are based on a single value of toxicity for the metal, with different AGCs corresponding to different amounts of the metal in different compounds. Since we have no information on the exact compounds of each metal that may be emitted from the TDU, the highest and lowest AGC are both listed for metals having more than a single AGC, to show the range of AGCs for that metal and its compounds. The AGCs for organic compounds of mercury are not included, because mercury would not be emitted from the afterburner in this form.

The CREG and EMEG guidance values established by ATSDR are intended to be "Minimum Risk Levels" (see, for example, ATSDR, 1995, Appendix A), either CREGs for one-in-one-million cancer risk or EMEGs, based on non-cancer effects. In the tables, the two values are separated by a slash (EMEG/CREG); if a particular compound or metal has only one of these values, it is either an EMEG or a CREG, depending on whether the value precedes or follows the slash.

The urban air concentrations are median values from data compiled from air monitoring in many parts of the United States (Shah et al., 1988, US EPA, 1993a). All of the standards, guidelines,

and ambient air data in these tables are for long-term (chronic) exposure, for a year or more. The estimated impacts of the TDU also represent long-term exposure.

There are NAAQSs for particulate matter, SO₂, carbon monoxide, NO_x, lead, and ozone. All but the last may be emitted from combustion facilities, such as the TDU. Some of the standards are for short-term exposure, such as 1, 8, or 24 hours, whereas others are for the average concentration over a year. Although DEC does not have an air monitoring station near New Windsor, all of the national standards, except that for ozone, have been met at all of the DEC monitoring stations in the Hudson valley for the past several years (NYS DEC 1994).

There are no standards for dioxins and furans in ambient air. DEC has an AGC for 2,3,7,8-TCDD, which is applicable to total TEQs. Table 18B lists the urban air concentration for dioxins and furans, expressed as TEQs, suggested by US EPA as representing background conditions in locations not impacted by industrial point sources.

5.2 Impacts Derived from Permit Conditions

The estimated maximum ambient air contaminant concentrations associated with the DEC permit conditions are compared to background air contaminant levels, standards, and guidelines in Table 16. As shown in the table, the emission limit for total VOC (10 lb/hr) yields an ambient air concentration of 23 ug/m³, which exceeds DEC's AGC of 0.1 ug/m³ for petroleum distillates. The analysis of total VOC ambient air impact based on the soil acceptance limit yields the same result. However, this AGC is DEC's "de minimis" value for air contaminants meeting its classification criteria for moderate toxicity; it is not based on any consideration of toxicological data for petroleum distillates. As shown in Table 16, the predicted ambient impact is about one quarter of the median concentration of total VOCs in urban air (data from Shah et al., 1988). Petroleum hydrocarbons are a major component of urban VOCs, because they are emitted from vehicle emissions, gas stations, home heating, and other petroleum uses.

Table 16 also indicates that, under the assumption that all PCBs in treated soil are emitted to the air, treatment of soil containing PCBs at the acceptance limit would result in an ambient air impact exceeding typical urban levels and the DEC AGC. The one test we found where PCB emissions were measured when gasoline- and diesel-contaminated soils were treated in a TDU found an emission rate equivalent to 20,000 times less than this for one PCB compound for the gasoline-contaminated soil and no detectable PCB in treatment of diesel-contaminated soil. The EPA summary of the stack tests of this facility indicates that the soil was contaminated with gasoline or diesel oil; there is no indication of known PCB contamination. Treatment of the soil did not yield significant PCB emissions. However, soil with 1 ppm of PCBs may release significantly more PCBs. Some of the PCBs in soil would undoubtedly be destroyed in the afterburner. However, without additional information on the destruction efficiency for PCBs, it appears that PCB emissions from treatment of soil containing 1 ppm PCBs may result in ambient PCB levels well over background concentrations and the DEC AGC. This warrants more careful assessment by DEC staff.

The estimated ambient concentration of mercury, based on year-round treatment of soil containing mercury at the acceptance limit (4 ppm) exceeds the ATSDR EMEG. It also exceeds the lower AGC set by DEC, but is less than the higher AGC (for metallic mercury). The estimated concentration is also greater than typical urban air concentrations. The impact estimate assumes that all of the mercury in the soil will be vaporized and emitted, which is plausible.

The estimated ambient concentration of arsenic, based on year-round treatment of soil containing arsenic at the acceptance limit (100 ppm) exceeds the ATSDR CREG and is between DEC's AGCs for different arsenic compounds. The estimated impact is nearly ten times less than typical concentrations of arsenic compounds in urban air. The assessment assumes that arsenic will be controlled as well as other metals, which will be primarily in particulate form. As is discussed in section 3.6.1, some arsenic may sublime and be emitted as a vapor. This could increase arsenic emissions.

The estimated ambient concentrations of chromium, based on the acceptance limit, natural levels in soil, and fuel oil combustion, are all very similar: ranging from 0.00039 to 0.00048 ug/m³. They exceed the ATSDR CREG and the lowest DEC AGC, which apply only to certain carcinogenic compounds in which chromium is in its hexavalent state. The estimated TPST impacts are less than the DEC AGC for non-carcinogenic forms of chromium and less than typical levels in urban air. It is unlikely that all of the chromium emitted by the TDU would be in the carcinogenic form. For example, a theoretical analysis by the US EPA of formation of metal compounds in hazardous waste thermal destruction devices (Lee 1988) concluded that partitioning between formation of hexavalent and trivalent compounds of chromium indicated very little (less than 1 %) hexavalent chromium for chlorine concentrations of less than 2 percent (20,000 ppm) in the waste. Typical chlorine levels in soil are less than 50 ppm. Previous investigations of chromium in ambient air have shown that the ambient level here estimated is not unusual and have argued that very little of the chromium in ambient air is likely to be hexavalent, except near manufacturing sources that use chromium (US EPA, 1993a).

5.3 Impacts Derived from Other Metals in Soil and Fuel Oil

Table 17 compares estimated ambient impacts from metals in soil to typical urban levels and the criteria described above. The ambient concentrations of arsenic and chromium exceed one or more of the comparison criteria. The emission rates were estimated from emissions data for the Maxymillian TDU treating construction spoils at the Harbor Point project site. Metal levels in this material may not have been typical of soils that would be treated at the TPST facility.

Table 18A lists estimated air contaminant impacts from combustion of fuel oil in the dryer and afterburner. Only chromium (discussed above) exceeds any of the criteria.

5.4 Impacts of Combustion By-products: Dioxins and Furans

Table 18B lists estimated dioxin and furan impacts from treatment of petroleum-contaminated soil, including possible dioxin and furan formation in combustion of fuel oil and the natural organic components of soil. The one emissions test of a TDU for dioxins and furans while

treating gasoline- and diesel oil-contaminated soil yielded no detectable dioxins or furans. Estimated impacts based on the detection limits in those tests are shown in Table 18B. The other PCDD/F emission estimates in this table are based on PCDD/F formation in burning fuel oil and organic matter in soil, which is assumed to include some chlorine compounds. Two alternative procedures were used in the estimates for the organic matter in soil. One is based on data from coal and wood burning, the other from data on combustion of peat. The two estimates are very close. Using the higher estimate (based on peat), in combination with the estimate for fuel oil combustion, yields a total PCDD/F concentration in ambient air of 1.3×10^{-8} ug/m³. As shown in Table 18B, the DEC AGC is lower than EPA's estimated concentration of PCDD/Fs in ambient air (expressed in TEQs). All of the estimated impacts of the TDU are less than both of these comparison criteria, except for the detection limit-based estimate from the diesel-fuel contaminated soil, which is slightly over the AGC.

5.5 Impacts of Combustion By-products: PAHs

Tables 18C and 18D show estimated emissions of PAHs. The only comparison criteria for any of these compounds are AGCs for some individual compounds, some urban air data, and specific criteria for benzo(a)pyrene and total PAHs, recommended by the Department of Health (Axelrod 1990). For every PAH compound for which there is either an AGC or urban air data, the estimated ambient level in Tables 18C and 18D is less than both criteria. The estimates of total PAH are also all less than the DOH criterion and all are in the range of median urban air concentrations.

6. Stack Test Results

Air contaminant emissions from the TPST unit were measured in stack tests on April 18 and 19, 1996. Emissions were measured during eight test runs, using either sand or clay soil, contaminated with gasoline, fuel oil, or leaded aviation gasoline. The results are summarized in Table 19. DEC staff reviewed the stack test results and concluded the unit was in compliance with all air permit requirements. DEC's summary of the results is attached as Appendix A.

DOH compared the stack test results to the assumed emission rates used for the impact estimates in this report. However, only a small number of potentially-emitted air contaminants were measured (the tests included all emission measurements required by DEC). For every air contaminant that was measured, the average emission rate was lower than the assumed emission rate used in this assessment. Therefore, the corresponding ambient air quality impacts would also be less than those here estimated, if the TPST unit continued to operate with the average emission rates measured during the stack tests. For most contaminants, the maximum emission rate in any individual test run was also less than the emission rate used in our estimates. This comparison is summarized in Table 20. The table also lists the tables in this report that contain estimated impacts based on the assumed emission rates. This would allow a reader (with some effort) to calculate the effect of using one of the measured values in place of the assumed value.

The measured lead emission rate was 0.000531 lb/hr. This is 2.5 times the lead emission rate estimated using the procedure based on conditions in TPST's permit and essentially the same as

the estimate obtained by the procedure using typical soil metal content. Thus, the results of this test run indicate a potential ambient air impact equal to that DOH estimated from typical soil composition (Tables 15 and 17). However, since the lead concentration in the soil was much lower than the permitted maximum concentration, it is possible that lead emissions during treatment of some soils will exceed the emission rates used in the DOH assessment.

The emission rate of lead was measured in only one of the eight stack test runs. Samples of the soil used in all runs were tested for lead, but lead was not detected in any of the samples (Table 19). The detection limits ranged from 21.6 ppm to 43.4 ppm. The sand used for the one test run in which lead emissions were measured was spiked with aviation fuel containing 422 ppm lead. According to information provided to DOH by DEC with the stack test results, the spiking rate for this test run was 1.52 gallons of gasoline per ton of soil. The lead content of the gasoline would increase any pre-existing lead content of the soil by 2.1 ppm. Thus, none of the test soils had a lead concentration close to the permit limit of 100 ppm.

The TPST stack test, using soil spiked with leaded aviation gasoline, provides little information about potential lead emissions from treatment of other lead-contaminated soils, because of the low concentration of lead in the soil and the atypical lead compounds in the soil. If the pre-treatment soil concentration of lead was 2.1 ppm, from the aviation fuel, the measured emission rate of 0.000531 lb/ hr corresponds to 0.6 % of the lead in the soil. This is surprisingly low, since, as is discussed below, essentially all of this organic lead would have evaporated from the soil in the dryer. The low emission rate would indicate that 99.4% of the lead was converted to particulate forms in the dryer and captured in the baghouse. The use of sand for this emissions test may also have resulted in lower natural lead levels than in other types of soil. As discussed in Sheppard and Evenden (1992), smaller, "clay-sized particles carry the bulk of the sparingly soluble contaminants" (such as lead).

Most lead in soils is in the form of inorganic compounds such as oxides, sulfides, carbonates, chlorides or bromides. These compounds are solids, with boiling temperatures well above the temperature of the dryer (although some would melt at dryer temperatures). Only a small fraction of the lead in these forms in soil would enter the baghouse as a vapor; most would be in solid or liquid particles, which could be captured by the filter. However, the organic compounds of lead used in aviation gasoline (chiefly tetraethyl lead) have low vapor pressures and would evaporate completely from soil at the temperature in the dryer. The evaporated lead compounds would pass through the baghouse filter, unless they burned in the dryer, forming solid particles which were captured by the filter. Aviation fuel for piston-type engines is the only gasoline with lead additives currently sold in the United States. Thus, only soil contaminated by aviation fuel for piston engines, or by automotive gasoline sold before it was phased-out in the 1980s, would contain organic lead compounds with the properties of the lead compounds in the TPST stack test.

There is a large element of uncertainty in our assessment of potential metal emissions. Metal emission rates estimated in this report are within the range of the limited stack test data for similar facilities, when compared on the basis of grams of metal emitted per ton of processed soil. These data, taken from other tables in this report, are summarized in Table 21. Only two of

the emission rates for individual metals estimated for the TPST facility (arsenic, 0.0296 g/ton, and lead, 0.03 g/ton) exceed the lowest measured emission rates for those metals at other facilities. However, the stack test results for the TPST unit indicate that emissions of lead, and of total particulates, were much less than in the tests of the other units, when expressed as grams per ton of soil. The lead emission rate in the TPST stack test was 0.0104 g/ton and total particulate emissions rates varied from 18 to 51 g/ton, the average for all test runs being 30 g/ton. In contrast, for the Maxymillian project tests, average total particulate emissions for the four gas plant wastes ranged from 66 to 156 g/ton (Table 8A).

7. Summary and Conclusions

NYS DOH staff assessed potential inhalation exposure to air contaminants from the TPST facility. Air contaminant emissions from the stack and corresponding maximum annual average ambient air concentrations were estimated for:

- all metals naturally present in soil (Table 17);
- eight specific metals, PCB, benzene, and total petroleum, based on DEC's soil acceptance limits (Table 16);
- six air contaminants for which emission rates are listed in the DEC air permit (Table 16);
- eight metals from combustion of fuel oil in the dryer and afterburner (Table 18A); and
- polycyclic aromatic hydrocarbons (PAHs), dioxins and furans formed as by-products in burning fuel oil and organic matter in soil (Table 18B).

We also reviewed the data on emission rates and operating parameters, which were measured in stack tests of the TPST facility in April 1996 (Tables 19 and 20). Our basic conclusion is that, although our analysis does not indicate there are significant risks to public health, there are areas of uncertainty that warrant a more careful assessment, possibly including additional stack testing. Specific recommendations are given in the next section.

TPST's air permit specifies that the facility may treat only "non-hazardous petroleum contaminated soils (maximum contamination limit 10,000 ppm), contaminated with #2, #4, and #6 Fuel Oils, Kerosene, Diesel, Gasoline, and Jet Fuel, lubricating oils and petroleum based waste oil as defined in 6 NYCRR Part 360." The soil acceptance limits for specific contaminants in TPST's permit (Table 1) are based primarily on the DEC criteria for determining whether a material must be managed as a hazardous waste, rather than on a consideration of potential air contaminant emissions when the soil is treated. Several of these criteria are above typical levels of the contaminants in soil of residential, urban, and commercial areas where there has been no spill or discharge. Thus the permit would allow treatment of soils contaminated by materials other than petroleum, as long as the levels did not exceed the hazardous waste criteria. This also increases the potential emissions of those contaminants or their combustion by-products from the stack of the facility, above the levels that could be expected from treatment of typical residential, urban, or commercial soil.

If the intent of the DEC permit conditions is to limit the facility to treatment of typical residential, urban, and commercial area soils that have been contaminated by petroleum products

and petroleum wastes, some of the acceptance criteria for non-petroleum compounds could be reduced to levels at the upper range of typical concentrations of these contaminants in such areas. This would decrease potential stack emissions of contaminants that would not be destroyed in the TDU and would also decrease potential byproduct emissions from soil contaminants such as chlorinated hydrocarbon compounds and pesticides.

The assessment of possible PCDD/F emissions does not indicate ambient impacts that exceed ambient background levels or the DEC AGC. The one source of TDU stack testing data for these compounds did not detect either dioxins or furans.

Stack test results of another TPST unit that showed increased particulate emissions from malfunction of the baghouse confirm the importance of continuous differential pressure monitoring of the baghouse, as required in the TPST permit.

8. Recommendations

- 1) DEC should review the air and solid waste permits for the TPST facility to remove inconsistencies and to make the permits more understandable to the public. Several potentially confusing provisions of these permits are pointed out in sections 3.3, 3.4, and 3.5 of this report. For example, the impact of a total VOC emission rate of 10 lb/hr is considered in this report, because that "permissible" value appears in the air permit, based on 98 percent control of potential emissions of 500 lb/hr. However, an air cleaning efficiency of 96 percent is the enforceable limit under Part 212. The different "permissible," "actual," and enforceable values for the same or related air contaminant emission parameters that appear in the air and solid waste permits illustrate an inconsistency in the DEC permitting language.
- 2) The "permissible" VOC emission rate could be reduced to be consistent with available control technology. The low VOC emissions measured in the stack tests do not constitute an elevated health risk, but the "permissible" VOC emission rate of 10 lb/hr is much higher than the emission rate achieved by the TPST unit. The maximum VOC emission rate measured in the stack test of the TPST unit was 0.025 lb/hr and the average emission rates for gasoline- and fuel oil-contaminated soils were 0.015 and 0.002 lb/hr, respectively.
- 3) DEC should review the soil acceptance limits and consider reducing those that are significantly above typical concentrations of non-petroleum compounds in soil of residential, urban, and commercial areas, especially for contaminants that are not likely to be destroyed in the TDU (e.g., metals) and those that are likely to create unwanted combustion byproducts (e.g., chlorinated hydrocarbons). PCBs are a case-in-point. Under the acceptance limit for PCB in soil, and assuming complete volatilization and no destruction of PCBs in the TDU, the ambient PCB concentration would be higher than background in urban air and above DEC's AGC. Although this does not necessarily indicate there would be an adverse health impact, further information on PCB destruction in the TDU should be obtained or the soil acceptance limit reduced. Since the acceptance

limit of 1 ppm is above typical soil background, decreasing the PCB acceptance limit may be the most reasonable step.

Another example is the acceptance limit for total organic halogen compounds (TOX), which is based on analysis of soil samples using EPA SW846 Method 9020. Reducing the acceptance limit for total halogenated compounds in soil would reduce potential emissions of such compounds *per se*, such as pesticides and chlorinated benzenes, and would also reduce the possibility of formation of combustion byproducts such as polychlorinated dibenzo-p-dioxins and furans. The acceptance limit for TOX in the permit is 1000 ppm, which is well above the concentration of halogenated compounds in typical urban soil. There is no reason to expect elevated concentrations of halogenated compounds in petroleum-contaminated soil. Reduction of the TOX acceptance limit would provide greater protection from emissions of halogenated combustion by-products, without rejecting typical soils contaminated by petroleum products.

- 4) DEC should further evaluate metal emissions to determine appropriate soil acceptance limits for metals. Additional data, from stack tests on the TPST unit or from tests of other facilities are needed for the evaluation. Uncertainty about the actual compounds of individual metals that would be in the soil, particularly those with lower melting temperatures, makes it difficult to estimate potential emission rates. Data on metal emission rates should be obtained with soils containing metallic compounds typical of natural soils and the concentrations of the metals in the soil should be measured before the soil is treated. The concentrations should, ideally, be in the range of the proposed acceptance limit. The only metal measured in the stack test on the TPST unit was lead. The stack test provided little information about possible lead emissions resulting from inorganic lead compounds in soil. Lead was not detected in the soil before treatment and the emissions from organic lead compounds in the gasoline added to the soil before treatment (yielding about 1 ppm lead in the soil) are different from emission products from the inorganic forms of lead in most soils.

The estimated ambient mercury level based on the acceptance limit for soil exceeds typical urban air levels. These emissions estimates also indicate that ambient levels of both arsenic and mercury may exceed the corresponding AGCs set by NYS DEC and the ATSDR EMEG (mercury) and CREG based on an increased cancer risk of one-in-one-million (arsenic). Because of the uncertainty in the estimated exposure levels and in the toxicological data, these estimates are not, in themselves, reason to further restrict emissions, but they suggest the need for more information. The emission estimate for mercury assumes all mercury in the soil will be volatile and will be emitted. This is likely to be the case. The emission estimate for arsenic contains a higher level of uncertainty because of the possibility that some arsenic compounds may be converted directly to vapor (sublime) in the dryer. Stack test data or information from other, similar, sources would be useful to determine actual emission rates of these metals.

5) The final document on 'Technical Requirements for On-Site Low Temperature Thermal Treatment of Non-Hazardous Soils Contaminated with Petroleum/Coal Tar/Gas Plant Wastes,' which was prepared by the Interstate Technology and Regulatory Cooperation Low Temperature Thermal Desorption Task Group (ITTRG, 1996), recommends pre-testing soil for additional parameters:

- volatile organic or priority pollutant scans with a gc/ms library search for the ten highest peaks
- polycyclic aromatic hydrocarbons
- naphthalenes

DEC staff should determine the basis for these recommendations and consider adding them to pre-treatment soil testing requirements for any TDU that may be permitted to treat soils from coal gas or water gas plants.

6) Vapor emissions from untreated soil are more likely in hot weather. If this becomes a problem, it may be necessary to cover piles of contaminated soil, especially soil contaminated with gasoline, which is more volatile than fuel oil. Extra precautions, such as covering and misting the treated soil on windy days, may also be necessary to prevent dust from blowing from the site.

7) The solid waste permit allows the TPST facility to treat soil with metal concentrations that exceed the acceptance limits on a case-by-case basis, provided the treated soils are used at a location approved by DEC. However, this provision ignores the potential for increased air contaminant emissions. DEC air staff should review carefully any proposed exceptions to the soil acceptance limits to assess possible air contaminant emissions.

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96122PRO0428

**Table 1. NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ACCEPTANCE LIMITS FOR SOIL CONTAMINANTS
PETROLEUM CONTAMINATED SOIL THERMAL TREATMENT FACILITIES**

SOIL CONTAMINANT	ACCEPTANCE LIMIT (ppm) *	
benzene	10	* Acceptance limits are in parts per million (ppm) by weight. 10,000 ppm is equivalent to 1 %.
lead	100	
PCB	1	
arsenic	100	
barium	2000	
cadmium	20	
chromium	100	
mercury	4	
selenium	20	
silver	100	
total petroleum	10,000	
total organic halogen (TOX)	1,000	

NOTE: The following tables contain many numbers that are much less than one (such as 0.00001). To make it easier to compare a set of numbers in a table, such as a comparison of the emission rates of several contaminants or comparing a predicted air contaminant concentration to a standard, numbers that are likely to be compared are often expressed with the same number of decimal places. For example, the predicted concentration of an air contaminant may be 0.0001 and the corresponding air quality standard may be 0.01. Writing the standard as 0.0100 makes it clearer that the predicted air concentration is 100 times less than the standard. In most scientific writing, additional zeros to the right of the last non-zero digit in a number less than one (such as the two zeros after the 1 in 0.0100) means the measurement was made with greater precision than one expressed as 0.01. That convention is not used in these tables.

Table 2. METAL PROPERTIES AND ABUNDANCE IN SOIL

METAL		MELTING POINT		BOILING POINT		CONCENTRATION (ppm)	
		°F	°C	°F	°C	NATURAL*	URBAN**
silver	Ag	1,762	961	3,634	2,001		0.3
aluminum	Al	1,215	657			33,000	
arsenic	As	1,497	814	1,139	615	4.8	
boron	B					31	
barium	Ba	1,562	850	2,979	1,637	290	
beryllium	Be	2,345	1,285	5,036	2,780	0.55	
carbon	C					15,000	
calcium	Ca	1,564	851			3,400	
cadmium	Cd	610	321	1,411	766	0.25 **	1
cerium	Ce	1,427	775			63	
cobalt	Co	2,696	1,480			5.9	
chromium	Cr	2,822	1,550	4,500	2,482	33	
copper	Cu	1,981	1,083	4,703	2,595	13	100
iron	Fe	2,795	1,535	5,428	2,998	14,000	
mercury	Hg	-36	-38	675	357	0.081	
potassium	K	146	64			12,000	
magnesium	Mg	1,204	651	2,025	1,107	2100	
manganese	Mn	2,268	1,242	3,904	2,151	260	
sodium	Na	208	98			2,500	
neodymium	Nd					46	
nickel	Ni	2,646	1,452	5,252	2,900	11	
phosphorus	P	111	44	536	280	200	
lead	Pb	621	327	3,171	1,744	14	100
rubidium	Rb					43	
sulfur	S					1,000	
antimony	Sb	1,168	631	3,733	2,056	0.52	
selenium	Se	291	144	1,265	685	0.3	
silicon	Si					340,000	
tin	Sn	450	232	4,118	2,270	0.86	
strontium	Sr					53	
titanium	Ti	3,272	1,800			2,800	
thorium	Th	3,353	1,845			7.7	
thallium	Tl	577	303	2,655	1,457	0.08	
uranium	U	3,074	1,690			2.1	
vanadium	V	3,110	1,710			43	
yttrium	Y					20	
zinc	Zn	786	419	1,665	907	40	
zirconium	Zr	3,092	1,700			220	

* Shacklette and Boemgen 1984.
** ATSDR 1990b (silver), 1993a (cadmium), and 1990a (copper).

Table 3. ESTIMATED EMISSIONS OF METALLIC COMPOUNDS

PARAMETER	MAXYMILLIAN STACK TEST RESULT ¹	ESTIMATED TPST ² EMISSIONS
TDU SOIL FEED RATE (tons/hr)	13.8	25
EMISSION RATES		
TOTAL PARTICULATE (lb/hr)	5.52	2.1
TOTAL PAH (lb/hr)	0.00027	0.00010
METALS (lb/hr)		
antimony	0.00015	0.00006
arsenic	0.00429	0.00163
barium	0.03270	0.01244
beryllium	0.00008	0.00003
cadmium	0.00035	0.00013
chromium	0.00570	0.00217
copper	0.00292	0.00111
lead	0.00434	0.00165
manganese	0.00772	0.00294
nickel	0.00159	0.00060
phosphorus	0.01200	0.00457
selenium	0.00010	0.00004
silver	0.00027	0.00010
thallium	0.00016	0.00006
zinc	0.01930	0.00734
total metals	0.09167	0.03487

¹ From Maxymillian Technologies (1995) tests using construction spoils.

² Based on TPST particulate emission rate of 2.1 lb/hr and Maxymillian test particulate composition.

Table 4. ESTIMATED CONTAMINANT EMISSION RATES AT SOIL ACCEPTANCE LIMITS

A. METALS

CONTAMINANT	ACCEPTANCE LIMIT IN SOIL	EMISSION RATE	
	(ppm)	lb/hr	g/ton
total particulate		2.1	38
lead	100	0.00021	0.0038
arsenic ¹	100	0.00021	0.0038
arsenic ²	100	0.05	0.9
barium	2,000	0.0042	0.0763
cadmium	20	0.000042	0.0008
chromium	100	0.00021	0.0038
mercury	4	0.2	3.63
selenium	20	0.000042	0.0008
silver	100	0.00021	0.0038
total metals		0.205	3.7

¹ Assuming no sublimation of arsenic.
² Assuming 1% of arsenic in soil sublimates.

B. OTHER CONTAMINANTS

CONTAMINANT	ACCEPTANCE LIMIT IN SOIL	CONTROL EFFICIENCY	EMISSION RATE	
	(ppm)	%	lb/hr	g/ton
benzene	10	99	0.005	0.0908
PCBs	1	0	0.05	0.9080
total petroleum	10,000	98	10	182
total organic halogen	1,000	*	*	*

* No emission estimates are made for these compounds.

Table 5. EMISSION FACTOR DATA FROM US ENVIRONMENTAL PROTECTION AGENCY

PUBLICATION AP-42. SECTION 1.3 FUEL OIL COMBUSTION

AIR CONTAMINANT	EMISSION FACTOR		EMIS.RATE lb/hr
	lb/trillion Btu	lb/gal *	
arsenic	4.2	8.49E-08	0.00001
beryllium	2.5	5.05E-08	0.00001
cadmium	11	2.22E-07	0.00004
chromium	58	1.17E-06	0.00021
lead	8.9	1.80E-07	0.00003
manganese	14	2.83E-07	0.00005
mercury	3	6.06E-08	0.00001
nickel	170	3.44E-06	0.00060

* Numbers written as 8.40E-08 mean 8.40 divided by 10 to the 8th power, which is equivalent to 0.0000000840.

Emission factors for distillate oil-fired industrial boiler.
(US EPA 1995b, Table 1.3-11)

Oil Consumption: 1,536,000 gallons per year

Hourly Oil Consumption:	GAL/HR.	LB/HR.
Maximum:	200	1400
Average:	175	1225

Fuel properties:
 Btu/gal: 141,500
 lb/gal: 7
 Specific gravity: 0.82

Table 6. MAXYMILLIAN DEMONSTRATION PROJECT:

STACK TEST RESULTS: CONSTRUCTION SPOILS (MAXYMILLIAN TECHNOLOGIES 1995)

FEED: CRUSHED CONCRETE, BRICKS, SOIL: FUEL: NATURAL GAS				
PROPERTY	STACK TEST RESULTS			
	MINIMUM	MAXIMUM	AVERAGE	
FEED				
RATE (tons/hr)	10	17	13.8	
MOISTURE (%)	1	40	16	
TOTAL PAH (ppm)	36	2,511	462	
BTEX (ppm)	ND	11	0.27	
CYANIDE (ppm)	ND	3,071	224	
SOIL EXIT TEMP (° F)	575	935	680	
EMISSIONS:				
EXHAUST FLOW (dscfm)	17,283	28,331	20,750	AVG. EMISSIONS IN GRAMS/TON
PARTICULATE (gr/dscf)	0.0265	0.0385	0.0341	
PARTICULATE (lbs/hr)	3.57	8.51	5.52	
TOTAL PAH (lbs/hr)	0.00023	0.00031	0.00027	
VOST (lbs/hr)	0.00029	0.00046	0.00038	
HCN (lbs/hr)	0.002	1.15	0.045	
THC (lbs/hr)	ND	0.6	0.07	
SULFURIC ACID (lbs/hr)	10.9	31.6	21.3	
METALS (lb/hr):				
antimony	0.00014	0.00018	0.00015	
arsenic	0.00328	0.00574	0.00429	0.1411
barium	0.01690	0.04970	0.03270	1.0758
beryllium	0.00006	0.00010	0.00008	0.0026
cadmium	0.00033	0.00040	0.00035	0.0116
chromium	0.00308	0.00814	0.00570	0.1875
copper	0.00152	0.00379	0.00292	0.0961
lead	0.00269	0.00557	0.00434	0.1428
manganese	0.00416	0.01060	0.00772	0.2540
nickel	0.00077	0.00207	0.00159	0.0523
phosphorus	0.00918	0.01350	0.01200	0.3948
selenium	0.00009	0.00011	0.00010	0.0032
silver	0.00026	0.00027	0.00027	0.0088
thallium	0.00008	0.00030	0.00016	0.0053
zinc	0.01440	0.02350	0.01930	0.6349
total metals	0.05692	0.12396	0.09167	3.0157
CONTINUOUS:				
O2 (%)	8.8	12.0	10.4	
CO2 (%)	4.3	7.1	6.2	
CO (ppmv)	ND	9		
CO (lbs/hr)	ND	0.9	0.26	
NOx (lbs/hr)	ND	19.6	12.7	
SO2 (lbs/hr)	ND	414.8	60.8	

Table 7. TDU METAL EMISSION RATES

**COMPARISON OF MEASURED METAL EMISSION RATES FOR MAXYMILLIAN TDU
(TREATING CONSTRUCTION SPOILS) TO NATURAL METAL CONCENTRATIONS IN SOIL**

METAL:		MELTING POINT (F)	BACKGROUND SOIL CONC. (ppm)	EMISSION RATE (TEST) (lb/hr.)	RATIO OF EMIS. RATE TO SOIL CONC.
antimony	Sb	1,168	0.52	0.00015	0.00030
arsenic	As	1,497	44	0.00429	0.00010
barium	Ba	1,562	290	0.03270	0.00011
beryllium	Be	2,345	0.55	0.00008	0.00014
cadmium	Cd	610	1	0.00035	0.00035
chromium	Cr	2,822	33	0.00570	0.00017
copper	Cu	1,981	13	0.00292	0.00022
lead	Pb	621	100	0.00434	0.00004
manganese	Mn	1,204	260	0.00772	0.00003
nickel	Ni	2,646	11	0.00159	0.00014
phosphorus	P	111	200	0.01200	0.00006
selenium	Se	291	0.3	0.00010	0.00032
silver	Ag	1,762	1	0.00027	0.00027
zinc	Zn	786	40	0.01930	0.00048
thallium	Tl	577		0.00016	

¹ The arsenic concentration used in this table is 44 ppm, the median for Maxymillian wastes (see Table 8A). It is used in place of the value for typical soils (4.8 ppm), because arsenic was a known contaminant at the test site.

Table 8A. STACK TEST RESULTS: SOIL TDU

MAXYMILLIAN DEMONSTRATION PROJECT. FUEL: NATURAL GAS
 EPA INNOVATIVE TECHNOLOGY EVALUATION REPORT. JANUARY 1995

WASTE MATERIAL	FEED PROPERTIES & EMISSIONS: AVERAGE VALUES			
	COKE PLANT	PURIFIER BED	HARBOR SEDIMENTS	WATER GAS PLANT
FEED:				
ARSENIC(ppm, dry wt.)	35	59	27	61
LEAD (ppm, dry wt.)	130	320	22	11
RATE (tons/hr)	18	22	16	16
TOTAL PAH (ppm, dry)	320	1,040	1,620	4,420
BTEX (ppm, dry wt.)	13	15	81	320
CYANIDE (ppm, dry)	730	1,120	9.3	4.3
SOIL EXIT TEMP (o F)	620	880	780	820
AFTERBURNER TEMP (o F)	1810	1810	1810	1820
EMISSIONS:				
PARTICULATE (gr/dscf)	0.025	0.026	0.042	0.041
OTHER (lb/hr):				
PARTICULATE	2.7	3.2	5.5	5.0
TOTAL PAH	0.0036	0.0038	0.0150	0.0270
HCN	< 0.0043	< 0.0043	< 0.0051	< 0.0053
BTEX	0.00061	0.00120	0.00044	0.00076
METALS:				
ARSENIC	0.0007	0.0024	0.0004	0.0004
LEAD	0.0011	0.0047	0.0009	0.0021
CONTINUOUS:				
THC (as propane; MW = 44)	0.7	0.1	< 0.1	0.1
O2 (%)	13	9.2	8.3	8.8
CO2 (%)	5.2	7.8	7.7	8.1
CO (lbs/hr)	< 0.1	0.2	< 0.1	0.4
NOx (lbs/hr)	11	10	12	15
SO2 (lbs/hr)	21	160	20	59
EMISSIONS IN GRAMS/TON				
PARTICULATE	68	66	156	142
TOTAL PAH	0.0908	0.0784	0.4256	0.7661
HCN	< 0.108	< 0.108	< 0.145	< 0.150
THC	17.7	2.1	< 2.8	2.8
BTEX	0.0154	0.0248	0.0125	0.0216
ARSENIC	0.0177	0.0495	0.0114	0.0114
LEAD	0.0277	0.0970	0.0255	0.0596

Table 8B. STACK TEST RESULTS: SOIL TDU

MAXYMILLIAN DEMONSTRATION PROJECT. FUEL:NATURAL GAS
MAXYMILLIAN TECHNOLOGIES REPORT. JUNE 1995

WASTE MATERIAL:	FEED PROPERTIES & EMISSIONS: AVERAGE VALUES					
	COKE PLANT	PURIFIER BED	HARBOR SEDIMENTS	WATER GAS PLANT	CONSTR. SPOILS	TAR EMULS.
FEED:						
RATE (tons/hr)	15.7	19.1	16.0	16.3	13.8	15.4
MOISTURE (%)	18.2	23.4	27.2	28.1	16.0	23.8
TOTAL PAH (ppm)	90.3	413	854	1,478	462	931
BTEX (ppm)	0.43	0.24	13.1	76.6	0.27	ND
CYANIDE (ppm)	173	2,433		< 60	224	75
SOIL EXIT TEMP (° F)	617	862	775	815	680	757
AFTERBURNER TEMP (oF)	1812	1892	1812	1817	-	-
EMISSIONS:						
PARTICULATE (gr/dscf)	0.029	0.023	0.034	0.037	0.034	0.018
OTHER (lb/hr):						
TOTAL PAH	0.00060	0.00047	0.0018	0.0505	0.00027	0.00067
VOST	0.0215	0.0010	0.0008	0.0160	0.0004	0.0007
HCN	0.0133	0.0517	0.0050	0.0163	0.0450	0.0040
METALS (lb/hr):						
ARSENIC	< 5E-04	< .00138	< 2E-04	< 0.0003	0.00429	< 1.44E-04
LEAD	< 5E-04	< 2E-03	0.00089	0.0024	0.0043	0.00047
CONTINUOUS:						
THC	0.01	0.0033	0.02	0.0067	0.07	0.03
O2 (%)	10.7	8.42	8.29	8.44	10.4	8.37
CO2 (%)	6.51	8.48	7.96	8.34	6.23	8.15
CO (ppmv)	1.28	3.10	0.20	4.57		2.38
CO (lbs/hr)	0.14	0.24	0.05	0.35	0.26	0.20
NOx (lbs/hr)	13	11	11	14	13	12
SO2 (lbs/hr)	35	190	15	52	61	33
EMISSIONS IN G/TON						
TOTAL PAH	0.0173	0.0112	0.0500	1.4043	0.0088	0.0197
VOST	0.623	0.024	0.023	0.446	0.012	0.021
HCN	0.386	1.228	0.142	0.454	1.480	0.118
THC	0.290	0.079	0.566	0.185	2.303	0.951
ARSENIC	< 0.014	< 0.033	< 0.006	< 0.008	0.1411	< 0.042
LEAD	< 0.014	< 0.048	0.0251	0.0671	0.1428	0.0137

Table 8C. MATERIALS BALANCE FOR ARSENIC & LEAD

**MAXYMILLIAN DEMONSTRATION PROJECT. FUEL: NATURAL GAS
EPA INNOVATIVE TECHNOLOGY EVALUATION REPORT. JANUARY 1995**

WASTE MATERIAL:	AVERAGE VALUES			
	COKE PLANT	PURIFIER BED	HARBOR SEDIMENTS	WATER GAS PLANT
FEED SOIL:				
SOIL FEED RATE (tons/hr)	18	22	16	16
MOISTURE (%)	18.2	23.4	27.2	28.1
ARSENIC (ppm, dry wt.)	35	59	27	61
LEAD (ppm, dry wt.)	130	320	22	11
ARSENIC RATE (lb/hr)	1.03	1.99	0.63	1.40
LEAD RATE (lb/hr)	3.83	10.79	0.51	0.25
TREATED SOIL:				
ARSENIC (ppm, dry wt.)	35	59	35	140
LEAD (ppm, dry wt.)	540	510	36	14
STACK EMISSIONS (lb/hr):				
ARSENIC	0.0007	0.0024	0.0004	0.0004
LEAD	0.0011	0.0047	0.0009	0.0021

Table 9. STACK TEST RESULTS: SOIL TDU

SRU 103 TPS TECHNOLOGIES, INC. WEST PALM BEACH, FLORIDA. FUEL: #2 DIESEL

TESTED SEPTEMBER 28, 1992

PROPERTY	RESULTS FOR INDIVIDUAL RUNS				AVERAGES	
FEED:						
RUN NUMBER	1	2*	3	4	4 RUNS	(1,3, & 4)
SOIL TYPE						
RATE (tons/hr)	22.9	19.9	22.0	18.4	20.8	20.7
MOISTURE (%)						
PETROLEUM HC (%)						
SOIL EXIT TEMP (F)						
EMISSIONS:						
PARTICULATE (lb/hr)	0.78	3.8	0.7	0.9	1.54	0.79
PARTICULATE (g/ton)	15	87	14	22	34	17
PARTICULATE (gr/dscf)	0.016	0.070	0.015	0.020	0.030	0.017
VOC (ppmv, dry)	4.53	3.88	4.5	5.65	4.64	4.89
VOC (lb/hr, carbon)	0.14	0.14	0.14	0.17	0.15	0.15
* Baghouse malfunctioned during Run 2						

Table 10. STACK TEST RESULTS: SOIL TDU
 SUN REFINING - JFK AIRPORT. FUEL: NUMBER 2 FUEL OIL
 KOOGLER & ASSOCIATES. AUGUST 1990

PROPERTY	RESULTS FOR INDIVIDUAL TEST RUNS				AVERAGE OF ALL TEST RUNS
	FEED:				
CONTAMINANT	1% GASOLINE	1% FUEL OIL			
SOIL TYPE	FINE	COARSE	COARSE	FINE	
RATE (tons/hr)	16	16	16	16	16
PETROLEUM HC (%)	1	1	1	1	1
EMISSIONS:					
PARTICULATE (gr/dscf)	0.0156	0.02	0.073	0.0077	0.0291
OTHER (lb/hr):					
PARTICULATE	0.87	1.4	5.46	0.55	2.07
VOST	0.0242	0.0235		0.0559	
THC	4.23	13.1	10.2	6.18	8.41
BENZENE	0.0045	0.0077	0.0147	0.0298	
TOLUENE	0.0057	0.0090		0.0034	
ETHYLBENZENE	0.0066	0.0015		0.0024	
XYLENE	0.0037	0.0054		0.0204	
HEXANE	ND	ND		ND	
ISOOCTANE	0.0038	ND		ND	
METALS:					
LEAD	0.00047	0.00038	0.00040	0.00029	0.00038
EMISSIONS IN GRAMS PER TON					
PARTICULATE	25	40	155	16	59
VOST	0.69	0.67		1.59	
THC	120	371	288	175	239
BENZENE	0.13	0.22	0.42	0.85	
TOLUENE	0.16	0.26		0.10	
ETHYLBENZENE	0.19	0.04		0.07	
XYLENE	0.10	0.15		0.58	
HEXANE	ND	ND		ND	
ISOOCTANE	0.11	ND		ND	
LEAD	0.013	0.011	0.011	0.008	0.011

Table 11. STACK TEST RESULTS: SOIL TDU (ROTARY DRUM HEATER) (FROM EPA 1992)

US WASTE THERMAL PROCESSING. MOBILE THERMAL PROCESSOR, MODEL 100

AFTERBURNER & VENTURI SCRUBBER

PARAMETER	GASOLINE CONTAMINATED SOIL			DIESEL CONTAMINATED SOIL		
FEED/OPERATION:						
RATE (tons/hr)	7.1			4.9		
MOISTURE (%)	7.23			6.34		
PETROLEUM (ppm)	5,000			5,500		
SOIL TEMPERATURE (F)	300 - 650			450		
AFTERBURNER TEMP (F)	1825			1825		
AIR FLOW (dscfm)	2491			2361		
EMISSIONS:						
PARTICULATE (gr/dscf)	0.0084 gr/dscf			0.0057 gr/dscf		
OTHER EMISSIONS:	ug/dscm *	lb/hr	g/ton	ug/dscm *	lb/hr	g/ton
PARTICULATE		0.18	11		0.11	10
DIOXINS & FURANS (TEQ)	< 1.0E-03	< 9.3E-09	< 5.9E-07	< 1.8E-03	< 1.6E-08	< 1.5E-06
DICHLOROBIPHENYL	0.073	0.000001	0.00004	< 0.098	< 8.5E-07	< 7.9E-05
OTHER PCBs	< 0.27	< 2.5E-06	< 1.6E-04	< 0.17	< 1.5E-06	< 1.4E-04
PAHs:						
NAPHTHALENE				6.6	0.000058	0.0054
PHENANTHRENE	33	0.000308	0.0197	13	0.000115	0.0106
ANTHRACENE	1.5	0.000014	0.0009	0.25	0.000002	0.0002
FLUORANTHENE	1.3	0.000012	0.0008	ND	ND	ND
PYRENE	1.7	0.000016	0.0010	ND	ND	ND
TOTAL PAHs:	37.5	0.000350	0.0224	19.85	0.000175	0.0163
*Micrograms per dry standard cubic meter; 1 cubic meter is 35.3 cubic feet.						

Table 12. STACK TEST RESULTS: PETROLEUM CONTAMINATED SOIL
 ASPHALT AGGREGATE DRYER. (BARR ENGINEERING; FROM EPA, 1992)
 WET SCRUBBER & CYCLONE DEMISTER; FUEL NOT SPECIFIED

PARAMETER	DIESEL CONTAMINATED SOIL			GASOLINE CONTAMINATED SOIL		
FEED/OPERATION:						
RATE (tons/hr)	280			255		
MOISTURE (%)	5			5		
BENZENE (ppm)	19.5			39.5		
TOLUENE (ppm)	< 0.5			< 2		
m, p - XYLENES (ppm)	< 0.8			< 3		
o - XYLENE (ppm)	3.1			15.6		
AIR FLOW (acfm)	80,000			80,000		
EMISSIONS :						
PARTICULATE (gr/dscf)	0.2			0.2		
OTHER EMISSIONS:	LB/HR	G/HR	G/TON	LB/HR	G/HR	G/TON
PARTICULATE	63.9	29,000	104	67.0	30,400	119
BENZENE	0.0330	15	0.053571	0.0674	30.6	0.12
TOLUENE	0.0053	2.4	0.008571	0.0074	3.36	0.01318
m, p - XYLENES	0.0042	1.92	0.006857	0.0370	16.8	0.06588
o - XYLENE	0.00	0.00	0.00	0.00	0.00	0.00
THC	254	115200	411	310	140600	551
NAPHTHALENE	0.017181	7.800	0.027857	0.012247	5.560	0.02180
ACENAPHTHYLENE	0.002286	1.038	0.003707	0.001515	0.688	0.00270
ACENAPHTHENE	0.001625	0.738	0.002635	0.000784	0.356	0.001396
FLUORENE	0.002002	0.909	0.003246	0.001018	0.462	0.001812
PHENANTHRENE	0.001636	0.743	0.002653	0.000960	0.436	0.001710
ANTHRACENE	0.001079	0.490	0.001750	0.000004	0.002	0.000006
FLUORANTHENE	0.000341	0.155	0.000554	0.000059	0.027	0.000105
PYRENE	0.000280	0.127	0.000454	0.000076	0.035	0.000136
BENZO(a)ANTHRACENE	0.000022	0.010	0.000036	0.000010	0.005	0.000018
CHRYSENE	0.000006	0.003	0.000010	0.000002	0.001	0.000004
BENZO(b)FLUORANTHENE	0.000012	0.006	0.000020	0.000006	0.003	0.000010
BENZO(k)FLUORANTHENE	0.000022	0.010	0.000036	0.000010	0.004	0.000017
BENZO(a)PYRENE	0.000005	0.002	0.000008	0.000002	0.001	0.000004
INDENO(1,2,3-c,d)PYRENE	0.000011	0.005	0.000018	0.000005	0.002	0.000009
DIBENZO(a,h)ANTHRACENE	0.000011	0.005	0.000018	0.000005	0.002	0.000009
BENZO(g,h,i)PERYLENE	0.000015	0.007	0.000024	0.000007	0.003	0.000012
TOTAL PAHs	0.0265	12.0	0.0430	0.0167	7.59	0.0297

**Table13A. ESTIMATED AIR CONTAMINANT IMPACTS: FUEL OIL COMBUSTION
EMISSION FACTOR DATA FROM US ENVIRONMENTAL PROTECTION AGENCY**

PUBLICATION AP-42

AIR CONTAMINANT	EMISSION FACTOR		EMIS.RATE lb/hr	AMBIENT ug/m3
	lb/trillion Btu	lb/gal		
arsenic	4.2	8.49E-08	0.00001	0.00003
beryllium	2.5	5.05E-08	0.00001	0.00002
cadmium	11	2.22E-07	0.00004	0.00009
chromium	58	1.17E-06	0.00021	0.00047
lead	8.9	1.80E-07	0.00003	0.00007
manganese	14	2.83E-07	0.00005	0.00011
mercury	3	6.06E-08	0.00001	0.00002
nickel	170	3.44E-06	0.00060	0.00138

**Table13B. ESTIMATED AIR CONTAMINANT IMPACTS: DIOXINS AND FURANS
BASED ON DATA FOR DIESEL ENGINES AND COMBUSTION OF PEAT, COAL, AND WOOD
AND ON EMISSIONS AT THE DETECTION LIMIT IN TDU TREATMENT OF SOILS**

TOTAL PCDD/F, EXPRESSED AS 2,3,7,8-TCDD EQUIVALENTS (TEQ)				
BASIS OF EMISSION DATA	EMISSION FACTOR		EMISSION RATE ug TEQ/hr	AMBIENT CONCENTRA. ug TEQ/m3
	FOR SOILS ug TEQ/kg SOIL	FOR FUEL OIL ug TEQ/ liter		
diesel engines		0.001	0.76	3.79E-09
coal or wood	0.00004		0.9	4.50E-09
peat combustion	2 ppb in soot		1.9	9.50E-09
Total: oil & peat			2.66	1.33E-08
Total: oil & coal/wood			1.66	8.29E-09
stack test (Table 11A)	gasoline-contaminated soil		< 4.2	< 2.1E-08
stack test (Table 11A)	diesel-contaminated soil		< 7.3	< 3.7E-08

Table 14. ESTIMATED AIR CONTAMINANT IMPACTS: PERMIT LIMITS/CONDITIONS

USING NYSDEC ANALYSIS: ICSLT2 DISPERSION MODEL

AND MAXIMUM PERMITTED SOIL CONCENTRATIONS AND EMISSION RATES (Table 4)

OPERATION 21 OR 24 HOURS PER DAY; SOIL TREATMENT RATE: 25 TONS/HR

CONTAMINANT	MAX SOIL CONCENTRA. ppm	CONTROL EFFICIENCY %	EMISSION RATE lb/hr	ANNUAL AMBIENT ug/m3
A. FROM SOIL ACCEPTANCE LIMIT				
benzene	10	99	0.005	0.012
lead	100	99.8	0.00021	0.00048
PCB	1		0.05	0.115
arsenic ¹	100	99.8	0.00021	0.00048
arsenic ²	100		0.05	0.115
barium	2000	99.8	0.0042	0.00966
cadmium	20	99.8	0.00004	0.00010
chromium	100	99.8	0.00021	0.00048
mercury	4		0.2	0.46
selenium	20	99.8	0.00004	0.00010
silver	100	99.8	0.00021	0.00048
total petroleum	10000	98	10	23
¹ Assuming no sublimation of arsenic. ² Assuming 1% of arsenic in soil sublimes.				
B. FROM EMISSION LIMIT:			EMISSION RATE lb/hr	ANNUAL AMBIENT ug/m3
sulfur dioxide			1.4	3.22
particulate			2.1	4.83
nitrogen oxides			4	9.2
Total VOC			10	23
benzene			0.00919	0.0211
carbon monoxide			1	2.3

Table 15. ESTIMATED AIR CONTAMINANT IMPACTS: NATURAL METALS IN SOIL

CONTAMINANT		EMISSION RATE ¹		ANNUAL AMBIENT
		grams/ton of soil	lb/hr	ug/m3
antimony	Sb	0.00106	0.00006	0.00013
arsenic	As	0.02964	0.00163	0.00375
barium	Ba	0.22591	0.01244	0.02861
beryllium	Be	0.00054	0.00003	0.00007
cadmium	Cd	0.00243	0.00013	0.00031
chromium	Cr	0.03938	0.00217	0.00499
copper	Cu	0.02017	0.00111	0.00256
lead	Pb	0.02998	0.00165	0.00380
manganese	Mn	0.05334	0.00294	0.00676
nickel	Ni	0.01098	0.00060	0.00139
phosphorus	P	0.08290	0.00457	0.01050
selenium	Se	0.00067	0.00004	0.00008
silver	Ag	0.00184	0.00010	0.00023
thallium	Tl	0.00111	0.00006	0.00014
zinc	Zn	0.13334	0.00734	0.01689

¹ From Table 3.

Table 16. AIR CONTAMINANT IMPACTS: COMPARISON TO URBAN AIR QUALITY, GUIDELINES & STANDARDS

EMISSION RATES FROM PERMIT LIMITS AND CONDITIONS (Tables 4 and 14)

CONTAMINANT	MAX SOIL CONC. ppm	EMISSION RATE lb/hr	AMBIENT IMPACT ug/m3	COMPARISON LEVELS AND STANDARDS (ug/m3)				
				URBAN AIR ³	NAAQS	ATSDR EMEG/CREG	EPA RfC	DEC AIR GUIDELINE (AGC) RANGE
A. FROM SOIL ACCEPTANCE LIMIT:								
benzene	10	0.005	0.012	4				0.120
lead	100	0.00021	0.00048	0.04	1.5			
PCB	1	0.05	0.115	0.005				0.00045
arsenic ¹	100	0.00021	0.00048	0.003		/ 0.0002		0.00023 to 0.00110
arsenic ²	100	0.05	0.11500	0.003		/ 0.0002		0.00023 to 0.00110
barium	2000	0.0042	0.00966					0.5 to 24
cadmium	20	0.00004	0.00010	0.0009		0.2 / 0.0006		0.0005 to 0.0018
chromium	100	0.00021	0.00048	0.006		0.02 / 0.00008		0.00002 to 0.3
mercury	4	0.2	0.46	0.02		0.014 /	0.3	0.1 to 0.68
selenium	20	0.00004	0.00010					0.48 to 1.3
silver	100	0.00021	0.00048	0.001 ⁴				0.024 to 50
total petroleum	10000	10	23	42 ⁵				0.1 ⁶
B. FROM EMISSION LIMIT:								
sulfur dioxide		1.4	3.22	18	80			
particulate		2.1	4.83	19	50			
nitrogen oxides		4	9.2		100			
Total VOC		10	23	108 ⁵				0.1 ⁶
benzene		0.00919	0.0211	4				0.12
carbon monoxide		1	2.3	0.7	10000			
<p>¹ Assuming no sublimation of arsenic. ² Assuming 1% of arsenic in soil sublimes. ³ US EPA 1993a ⁴ ATSDR 1990b. ⁵ Shah et al., (1988). The value for total VOC (108 ug/m3) is the sum of all non-methane VOC; the value for total petroleum (42 ug/m3) is the sum of hydrocarbons heavier than hexane. ⁶ AGC for petroleum distillates ('de minimis' for moderate toxicity contaminants).</p>								

Table 17. AIR CONTAMINANT IMPACTS: COMPARISON TO URBAN AIR QUALITY, GUIDELINES & STANDARDS

EMISSION RATES FROM METAL CONCENTRATIONS IN UNCONTAMINATED SOIL (Tables 3 and 15)

CONTAMINANT	ANNUAL AMBIENT ug/m3	COMPARISON LEVELS AND STANDARDS (ug/m3)					
		DEC AIR GUIDELINE (AGC) RANGE		URBAN AIR 17 AREAS*	NAAQS	ATSDR EMEG/CREG	EPA RfC
antimony Sb	0.0001	1.2	2.2				0.2
arsenic As	0.0038	0.00023	0.00110	0.00330		/ 0.00020	
barium Ba	0.0286	0.5	24				
beryllium Be	0.00007	0.00040	0.00470			/ 0.00040	
cadmium Cd	0.0003	0.00050	0.00180	0.00090		0.2 / 0.00060	
chromium Cr	0.0050	0.00002	0.3	0.00560		0.02 / 0.00008	
copper Cu	0.0026	0.48	41	0.07750			
lead Pb	0.0038	1.5		0.04	1.5 (3 mo.avg.)		
manganese Mn	0.0068	0.050	0.880	0.029		0.300 /	0.050
nickel Ni	0.0014	0.0040	0.0170	0.0038		/ 0.0040	
phosphorus P	0.0105	0.03	10				
selenium Se	0.00008	0.48	1.3				
silver Ag	0.0002	0.024	50	0.001**			
thallium Tl	0.0001	0.48					
zinc Zn	0.0169						

* US EPA 1993a. ** ATSDR 1990b.

**Table 18A. AIR CONTAMINANT IMPACTS: COMPARISON TO BACKGROUND AND CRITERIA
FUEL OIL COMBUSTION EMISSION FACTOR DATA FROM US EPA**

AIR CONTAMINANT	AIR CONTAMINANT CONCENTRATION (ug/m3)						
	AMBIENT	DEC AIR GUIDELINE (AGC) RANGE		URBAN AIR	NAAQS	ATSDR EMEG or CREG	EPA RfC
arsenic	0.00003	0.00023	0.00110	0.00330		/ 0.00020	
beryllium	0.00002	0.00040	0.00470			/ 0.00040	
cadmium	0.00009	0.00050	0.00180	0.00090			
chromium	0.00047	0.00002	0.30000	0.00580		0.02/0.00008	
lead	0.00007			0.04000	1.5 (3 mo.)		
manganese	0.00011	0.05000	0.88000	0.02880		0.3 /	
mercury	0.00002	0.10000	0.68000			0.01400	0.3
nickel	0.00138	0.00400	0.01700	0.00380		/ 0.00400	

**Table 18B. AIR CONTAMINANT IMPACTS: COMPARISON TO BACKGROUND AND CRITERIA
DIOXINS & FURANS FROM CONTAMINATED SOIL, FUEL OIL, AND ORGANIC CONTENT OF SOIL**

TOTAL PCDD/F, EXPRESSED AS 2,3,7,8-TCDD EQUIVALENTS (TEQ)		
SOURCE OF EMISSIONS DATA	AIR CONTAMINANT CONCENTRATION (ug/m3)	
	AMBIENT	URBAN AIR
diesel engines	3.80E-09	9.50E-08
coal or wood	4.50E-09	(US EPA 1994)
peat combustion	9.50E-09	
Total: oil & peat	1.30E-08	DEC AIR GUIDELINE (AGC)
Total: oil & coal/wood	8.30E-09	3.00E-08
diesel-contaminated soil	< 3.7E-08	(detection limit)
gasoline-contaminated soil	< 2.1E-08	(detection limit)

Table 18C. AIR CONTAMINANT IMPACTS: COMPARISON TO BACKGROUND AND CRITERIA

ESTIMATED TPS EMISSIONS OF POLYCYCLIC AROMATIC HYDROCARBONS

BASED ON DATA FROM TDU TREATMENT OF PETROLEUM-CONTAMINATED SOILS

PAH	ASPHALT AGG. DRYER (TABLE 12)				U.S.WASTE THERM. PROC.(TABLE 11)				COMPARISON CRITERIA (ug/m3)	
	DIESEL OIL IN SOIL		GASOLINE IN SOIL		DIESEL OIL IN SOIL		GASOLINE IN SOIL		DEC AGC	URBAN AIR**
	EMISSIONS	AMBIENT	EMISSIONS	AMBIENT	EMISSIONS	AMBIENT	EMISSIONS	AMBIENT		
	g/ton	ug/m3	g/ton	ug/m3	g/ton	ug/m3	g/ton	ug/m3		
NAPHTHALENE	0.02786	0.0035	0.02180	0.0027	0.00540	6.75E-04			120	
ACENAPHTHYLENE	0.00371	0.0005	0.00270	0.0003						
ACENAPHTHENE	0.00264	0.0003	0.00140	0.0002						
FLUORENE	0.00325	0.0004	0.00181	0.0002						
PHENANTHRENE	0.00265	0.0003	0.00171	0.0002	0.01060	1.33E-03	0.01970	0.0025	0.02	0.0390
ANTHRACENE	0.00175	0.0002	6.353E-06	7.941E-07	0.0002	2.50E-05	0.00090	0.0001	0.02	0.0001
FLUORANTHENE	0.00055	6.92E-05	0.00011	1.31E-05	ND		0.00080	0.0001		
PYRENE	0.00045	5.67E-05	0.00014	1.70E-05	ND		0.00100	0.0001	0.02	
BENZO(a)ANTHRACENE	0.00004	4.464E-06	0.00002	2.206E-06					0.02	
CHRYSENE	0.00001	1.25E-06	3.529E-06	4.412E-07					0.02	
BENZO(b)FLUORANTHENE	0.00002	0.0000025	9.804E-06	1.225E-06						
BENZO(k)FLUORANTHENE	0.00004	4.464E-06	0.00002	2.157E-06						0.0008
BENZO(a)PYRENE	0.00001	9.821E-07	3.922E-06	4.902E-07					0.002 *	0.0007
INDENO(1,2,3-c,d)PYRENE	0.00002	2.232E-06	8.627E-06	1.078E-06						
DIBENZO(a,h)ANTHRACENE	0.00002	2.188E-06	8.627E-06	1.078E-06					7.10E-05	
BENZO(g,h,i)PERYLENE	0.00002	2.991E-06	1.18E-05	1.471E-06						0.0043
TOTAL PAHs	0.04302	0.0054	0.02975	0.0037	0.0163	0.0020	0.0224	0.0028	0.02-0.05*	0.0001 to 0.0193
* NYS DOH (Axelrod, 1990) ** ATSDR 1995										

Table 18D. AIR CONTAMINANT IMPACTS: COMPARISON TO BACKGROUND AND CRITERIA

ESTIMATED TPS EMISSIONS OF POLYCYCLIC AROMATIC HYDROCARBONS

**BASED ON MAXYMILLIAN PROJECT: FRACTION OF INPUT PAH EMITTED FROM STACK
ASSUMING TPS OPERATION AT 25 TONS PER HOUR AND 100 PPM OF PAH IN SOIL (TABLES 8D & 8E)**

TREATED WASTE	DEMONSTRATION PROJECT DATA					TPS ESTIMATE	
	WASTE			PAH STACK EMISSIONS		STACK PAH EMISS.	PAH AMBIENT
	FEED RATE	PAH CONC.	PAH INPUT	OUT/IN	%		
	ton/hr	ppm	lb/hr			lb/hr	ug/m3
MAXYMILLIAN TESTS (TABLE 8E)							
COKE PLANT	15.7	90.3	2.84	0.00060	0.021%	0.00106	0.0024
PURIFIER BED	19.1	413	15.78	0.00047	0.003%	0.00015	0.0003
HARBOR SEDIMENTS	16	854	27.33	0.00180	0.007%	0.00033	0.0008
WATER GAS PLANT	16.3	1478	48.18	0.05050	0.105%	0.00524	0.0121
CONSTRUCTION SPOILS	13.8	462	12.75	0.00027	0.002%	0.00011	0.0002
TAR EMULSIONS	15.4	931	28.67	0.00067	0.002%	0.00012	0.0003
EPA TESTS (TABLE 8D)							
COKE PLANT	18	320	11.52	0.00360	0.031%	0.00156	0.0036
PURIFIER BED	22	1040	45.76	0.00380	0.008%	0.00042	0.0010
HARBOR SEDIMENTS	16	1624	51.97	0.01500	0.029%	0.00144	0.0033
WATER GAS PLANT	16	4420	141.44	0.02700	0.019%	0.00095	0.0022

COMPARISON CRITERIA FOR TOTAL PAH (ug/m3)

DEC AGC: 0.02 to 0.05 NYS DOH (Axelrod, 1990)
URBAN AIR: 0.00015 to 0.0193 ATSDR 1995

Table 19. TPST STACK TEST RESULTS. APRIL 18-19, 1996

STACK TEST RESULTS: SOIL TDU (ROTARY DRUM HEATER, BAGHOUSE & AFTERBURNER) TPS TECHNOLOGIES, NEW WINDSOR, NEW YORK (APRIL 1996)										
CONTAMINANT	GASOLINE				FUEL OIL					LEADED GASOLINE
RUN NUMBER	I	II	III	AVG.	IV	V	VI	AVG.	VIII	VII
FEED:										
SOIL TYPE	SAND	SAND	SAND		CLAY	CLAY	CLAY		SAND	SAND
RATE (tons/hr)	24.88	23.16	22.42	23.49	16.06	16.80	16.44	16.43	20.61	23.07
MOISTURE (%) *	6.7	7.3	7.8	7.3	12.8	12.6	9.4	11.6	8.2	7.3
PETROLEUM HC (ppm) *	1050	982	934	989	6190	8010	2430	5543	12900	324
BENZENE (ppm) *	< 1.3	< 1.3	< 1.4	-	< 1.4	< 1.4	< 1.4	-	< 1.4	< 1.1
LEAD (ppm) *	< 42.3	< 43.2	< 43.4	-	< 22.9	< 22.9	< 22.1	-	< 21.8	< 21.8
EMISSIONS										
EXHAUST FLOW (dscfm)	5456	5515	5889	5620	5907	5566	5713	5729	5186	5610
PARTICULATE (gr/dscf) **	0.031	0.033	0.018	0.027	0.036	0.024	0.014	0.025	0.028	0.033
PARTICULATE (lbs/hr)	1.44	1.57	0.91	1.31	1.80	1.26	0.69	1.25	1.24	1.59
BENZENE (lbs/hr)	0.002	0.009	0.004	0.005	< 0.002	< 0.002	< 0.002	< 0.002	0.004	0.006
TOLUENE (lbs/hr)	0.005	0.012	0.010	0.009	0.014	0.012	0.008	0.011	0.019	0.084
ETHYLBENZENE (lbs/hr)	< 0.002	< 0.002	< 0.002	< 0.002	< 0.002	< 0.002	< 0.002	< 0.002	0.004	< 0.002
XYLENE (lbs/hr)	< 0.004	< 0.005	< 0.004	< 0.004	< 0.006	< 0.005	< 0.006	< 0.006	0.014	0.005
LEAD (lbs/hr)	NM	NM	NM	-	NM	NM	NM	-	NM	0.000531
CONTINUOUS:										
NO _x (ppm)	96.2	91.4	94.2	93.9	85.1	87.1	100.7	100	71.6	94.8
NO _x (lb/hr)	3.76	3.61	3.98	3.78	3.60	3.48	4.12	3.73	2.66	3.81
CO (ppm @ 7% O ₂) ***	13	8.7	12.1	11.3	13.9	11.6	13.7	13.1	9.2	13.7
CO (lbs/hr)	0.38	0.26	0.34	0.33	0.38	0.3	0.36	0.35	0.24	0.38
SO ₂ (ppm)	52.5	55.1	52	53.2	57.4	59.6	32.6	49.9	52.7	43.6
SO ₂ (lb/hr)	2.86	3.03	3.06	2.98	3.38	3.31	1.86	2.85	2.73	2.44
THC (as carbon, ppm)	0.18	1.13	1.65	0.99	0.24	0.16	0	0.13	0.44	0.70
THC (as carbon, lb/hr)	0.003	0.016	0.025	0.015	0.004	0.002	0	0.002	0.006	0.010
* "Composite" soil sample results. ** Permit Limit 0.050 gr/dscf *** Permit Limit 100 ppm NM - Not measured.										

Table 20. COMPARISON OF STACK TEST EMISSION RATES TO ESTIMATES USED IN THIS REPORT

AIR CONTAMINANT	EMISSION RATE (lb/hr)			TABLES WHERE ESTIMATE IS USED
	STACK TEST		ESTIMATE IN THIS REPORT	
	MAXIMUM	AVERAGE		
Particulates	1.8	1.31	2.1	3, 4A, 13b (peat), 14A & B, 15, 16A & B, 17, 18B (peat)
Benzene	0.009	< 0.005	0.00919	14B, 16B
Benzene	0.009	< 0.005	0.005	4B, 14A, 16A
NO _x	4.12	3.63	4	14B, 16B
Carbon monoxide	13.9	12	1	14B, 16B
SO ₂	3.38	2.83	1.4	14B, 16B
Lead	0.000531		0.00165	3, 15, 17
Lead	0.000531		0.00021	4, 14, 16
Lead	0.000531		0.00003	5, 13A, 18A
Total hydrocarbons	0.025 ^a	0.008 ^a	10	4B, 14A & B, 16A & B
^a Results expressed as carbon.				

Table 21. COMPARISON OF ESTIMATED TPST METAL EMISSIONS TO TESTS ON OTHER TDUs

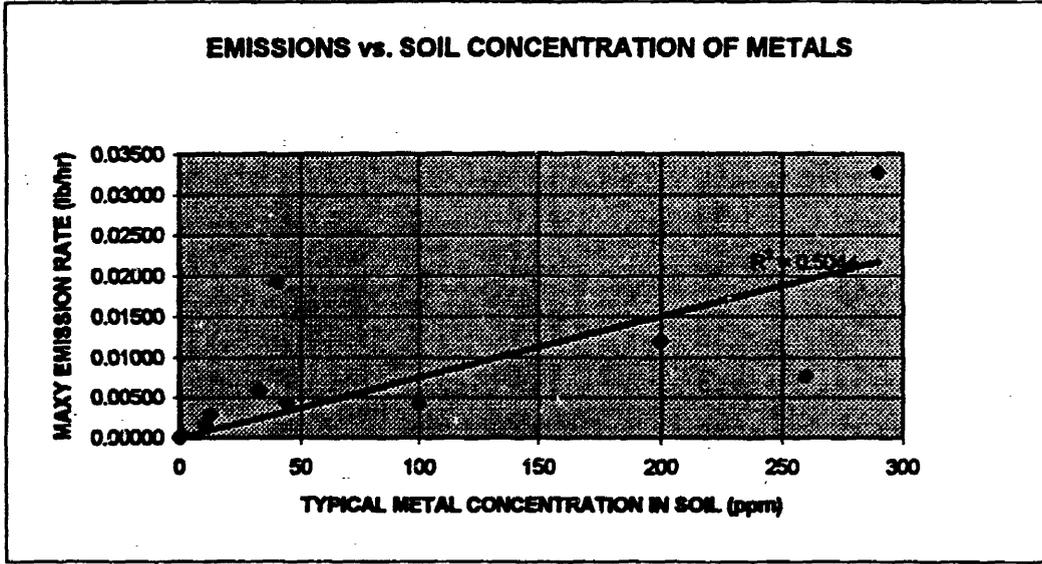
METAL DATA:	METAL EMISSION RATES (g/ton)						
	ESTIMATES FOR TPST IN THIS REPORT		RESULTS OF STACK TESTS				
	Table 3 ^a	Table 4 ^b	TPST	OTHER THERMAL DESTRUCTION UNITS			
			Table 19	Table 6 ^c	Table 8A ^d	Table 8B ^e	Table 10 ^f
antimony	0.0011			0.0051			
arsenic	0.0296	0.0038 ^g		0.1411	0.0114 to 0.0495	< 0.006 to 0.1411	
barium	0.2259	0.0763		1.0758			
beryllium	0.0005			0.0026			
cadmium	0.0024	0.0008		0.0116			
chromium	0.0394	0.0038		0.1875			
copper	0.0202			0.0961			
lead	0.0300	0.0038	0.0104	0.1428	0.0255 to 0.0970	0.0137 to 0.1428	0.008 to 0.013
manganese	0.0533			0.2540			
nickel	0.0110			0.0523			
phosphorus	0.0829			0.3948			
selenium	0.0007			0.0032			
silver	0.0018	0.0038		0.0088			
thallium	0.0011			0.0053			
zinc	0.1333			0.6349			
total metals	0.6	3.7		3.0157			
particulates	38.2	38	18 to 51	182	66 to 156		16 to 155

^a Based on 2.1 lb/hr total particulate emissions and metal concentrations from Maxymillian tests (footnote ^c, below).
^b Estimated metal emission rates at soil acceptance limits.
^c Maxymillian demonstration project: stack test using construction spoils.
^d Maxymillian demonstration project: stack test for four wastes (EPA report).
^e Maxymillian demonstration project: stack test for six wastes (MT report).
^f Sun Refining - JFK Airport; gasoline- and fuel oil-contaminated soil.
^g Assuming no sublimation of arsenic compounds.

Figure 1. METAL EMISSION RATES

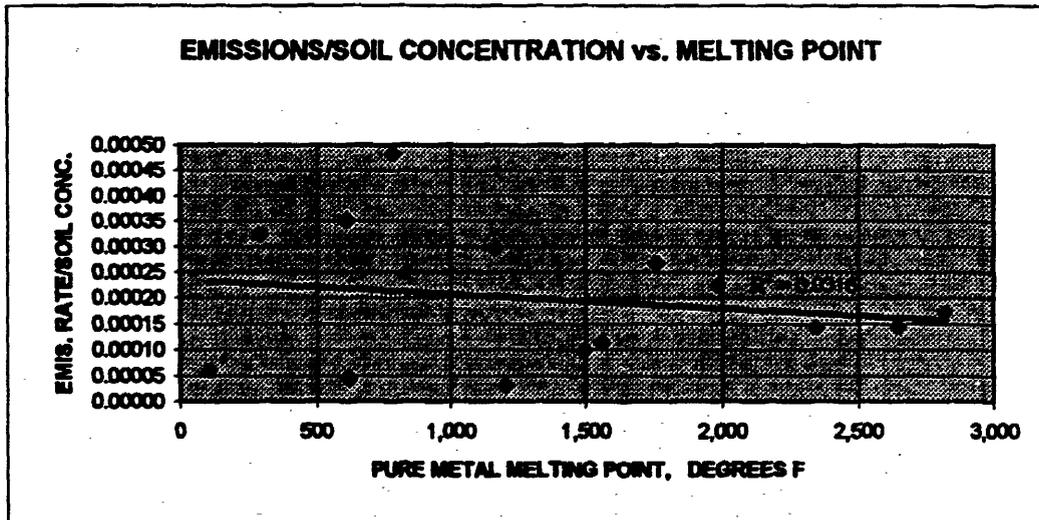
COMPARISON OF ESTIMATES FOR UNCONTAMINATED SOIL
TO TEST RESULTS FOR MAXYMILLIAN TDU TREATING CONSTRUCTION SPOILS

1A



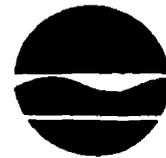
Correlation coefficient: 0.729

1B



Correlation Coefficient: -0.178

New York State Department of Environmental Conservation
 21 South Putt Corners Road, New Paltz, NY 12561-1696
 (914) 256-3045 Division of Air Resources
 FAX (914) 255-0716



Michael D. Zagata
 Commissioner

SUMMARY OF PRELIMINARY STACK TEST RESULTS
TPST, NEW WINDSOR
 5/96

	Sand/Gasoline	Clay/Oil	Sand/Leaded Aviation Fuel
Particulate Results	.027 gr/dscf ¹	.025 gr/dscf	-
Permit Requirement	.05 gr/dscf	.05 gr/dscf	-
Total Hydrocarbon Results	.019 lb/hr ²	.003 lb/hr	-
Destruction Efficiency	greater than 99.9%	greater than 99.9%	-
Permit Requirement	96%	96%	-
Benzene Results	.005 lb/hr	less than .002 lb/hr	-
Destruction Efficiency expected ³	greater than 99%	greater than 99%	-
Permit Requirement	99%	99%	-
Carbon Monoxide Results	11.3 ppm ⁴	13.1 ppm	-
Permit Requirement	100 ppm	100 ppm	-
Lead Informational Run	-	-	.000531 lb/hr
Toxics Guidance Review Results	-	-	.024 ug/m ³ ⁵
Guidance Value	-	-	.75 ug/m ³

For additional information, please contact Mr. Robert J. Stanton P.E., Regional Air Pollution Control Engineer at (914) 256-3048.

RS/ll

TPST.cbr 5/96

¹ gr/dscf = grains per dry standard cubic foot

² lb/hr = pounds per hour

³ actual destruction efficiency could not be calculated due to levels below detection limits

⁴ ppm = parts per million

⁵ ug/m³ = micrograms per cubic meter

**Environmental Assessment Form
And Attachments**

Relating To

Soil Reclamation Facility

T.P.S. Soil Recyclers Of New York

Location: 5.38 acres situated east of River Road and west of Conrail in the Town of New Windsor, Orange County, New York.
(Portions of Tax Map Parcels: Section 9, Block 1, Lot 97 & 98)

Applicant: T.P.S. Soil Recyclers Of New York (Business Operator)
81 River Road
New Windsor, New York 12553
(914) 562-8778

I.D.C. Soil Reclamation, Inc. (Land Owner)
92-94 Stewart Avenue
Newburgh, New York 12550
(914) 561-1512

Lead Agency: Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553
(914) 565-8800

**Preparer For The
Lead Agency** Shaw Engineering
744 Broadway
Newburgh, New York 12550
(914) 561-3695

Date Of Submission: August 6, 1996
March 10, 1997 (Revised)

Shaw Engineering

Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
[914] 561-3695

March 10, 1997

Chairman James R. Petro and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12552

Re: Amended Site Plan For Soil Reclamation Facility
T.P.S. Soil Recyclers Of New York
River Road

Dear Chairman Petro and Planning Board Members:

On behalf of T.P.S. Soil Recyclers Of New York as the business operators and I.D.C. Soil Reclamation Inc. as the land owner, I am pleased to submit, herewith, 14 copies of the Environmental Assessment Form And Attachments that is dated August 6, 1996 and having a latest revision date of March 10, 1997. This document is being submitted in accordance with SEQR for the purpose of assisting your Planning Board in evaluating the environmental impacts relating to the Amended Site Plan for T.P.S. Soil Recyclers Of New York.

T.P.S. Soil Recyclers Of New York and I.D.C. Soil Reclamation, Inc. thanks you for your consideration of this project.

Respectfully submitted,

SHAW ENGINEERING



Gregory J. Shaw, P.E.
Principal

GJS:mmv
Enclosure

cc: T.P.S. Soil Recyclers Of New York
I.D.C. Soil Reclamation, Inc.

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ENVIRONMENTAL ASSESSMENT FORM

Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: [X] Part 1 [X] Part 2 [X] Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- [] A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
[] B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a CONDITIONED negative declaration will be prepared.*
[] C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Soil Reclamation Facility - T.P.S. Soil Recyclers of New York

Name of Action

Town of New Windsor Planning Board

Name of Lead Agency

James R. Petro

Chairman

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

5. Approximate percentage of proposed project site with slopes: 0-10% 100 % 10-15% _____ %
 15% or greater _____ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? 4 to 8 (in feet) Determined by excavations in 1995
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to _____
 Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: The site is within 100 Feet of the Hudson River
 a. Name of Stream and name of River to which it is tributary _____
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name _____ b. Size (In acres) _____
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 0 acres.
- b. Project acreage to be developed: 2.91 acres initially; 2.91 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres. 5.38 acres (combined parcels)
- d. Length of project, in miles: N.A. (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %; 31% expansion of hours of operation
- f. Number of off-street parking spaces existing 11; proposed 19. 118 % expansion in
- g. Maximum vehicular trips generated per hour N.A. (upon completion of project) project acreage
- h. If residential: Number and type of housing units: No increase in site generated traffic volumes from that presented in original EAF
- | | | | | |
|------------|------------|------------|-----------------|-------------|
| | One Family | Two Family | Multiple Family | Condominium |
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure 45 height; 50 width; 161 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 314 ft.
549 Ft. (Combined Parcels)

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? _____
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No
6. If single phase project: Anticipated period of construction 10 months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction 20; after project is complete 2
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No Site contains elevations less than the 100 Year Flood Elev. of the Hudson River
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month _____ tons
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name _____; location _____
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No Refer to Noise Evaluation Study
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) No. 2 Fuel Oil and Gasoline
22. If water supply is from wells, indicate pumping capacity N.A. gallons/minute. Total projected water usage is less than the 10,000 gpd estimate in original EAF
23. Total ^{increase in} anticipated water usage per day 2,000 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
If Yes, explain _____

25. Approvals Required:

	Yes	No	Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Plan Approval	August 1996
City, Town, Village Planning Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
City, Town Zoning Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other Regional Agencies NYSDOT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Highway Entrance Permit	April 1997
State Agencies NYSDEC *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 27, Title 7, 6NYCRR360, Solid Waste	April 1997
Federal Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

* Applicant has assumed existing SPDES Permit will incorporate new point of stormwater discharge

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? Planned Industrial
- What is the maximum potential development of the site if developed as permitted by the present zoning?
N.A.
- What is the proposed zoning of the site? N.A.
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N.A.
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
Industrial and Residential
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? N.A.
 a. What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Revised: March 10, 1997

Applicant/Sponsor Name T.P.S. Soil Recyclers of New York Date August 6, 1996
I.D.C. Soil Reclamation Inc.
 Signature [Signature] Title Engineer For The Applicant

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 2—PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- e. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

Answers represent the Applicant's conclusion based on study. Applicant recognizes that Part 2 is the responsibility of the Lead Agency

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?
 NO YES

Examples that would apply to column 2

- No • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- No • Construction on land where the depth to the water table is less than 3 feet.
- No • Construction of paved parking area for 1,000 or more vehicles.
- No • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- No • Construction that will continue for more than 1 year or involve more than one phase or stage.
- No • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- No • Construction or expansion of a sanitary landfill.
- No • Construction in a designated floodway.
- Yes • Other impacts Removal of an existing building, a truck fill station, and 2 storage tanks

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

- Specific land forms: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
 NO YES

Examples that would apply to column 2

- No • Developable area of site contains a protected water body.
- No • Dredging more than 100 cubic yards of material from channel of a protected stream.
- No • Extension of utility distribution facilities through a protected water body.
- No • Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water?
 NO YES

Examples that would apply to column 2

- No • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- No • Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity?
 NO YES

Examples that would apply to column 2

- No • Proposed Action will require a discharge permit.
- No • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- No • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- No • Construction or operation causing any contamination of a water supply system.
- No • Proposed Action will adversely affect groundwater.
- No • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- No • Proposed Action would use water in excess of 20,000 gallons per day.
- No • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Yes • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. Relocation of a 4,000 Gallon Fuel Tank
- No • Proposed Action will allow residential uses in areas without water and/or sewer services.
- No • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff?
 NO YES

Examples that would apply to column 2

- No • Proposed Action would change flood water flows.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- No • Construction activity would excavate or compact the soil profile of agricultural land.
- No • The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- No • The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts: _____

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? NO YES
 (If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)
 Examples that would apply to column 2
- No • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
 - No • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
 - No • Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
 - Other impacts: Note: Refer to Visual Assessment and Enhancement - Part 3

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? NO YES
 Examples that would apply to column 2
- No • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
 - No • Any impact to an archaeological site or fossil bed located within the project site.
 - No • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
 - Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
 Examples that would apply to column 2 NO YES
- No • The permanent foreclosure of a future recreational opportunity.
 - No • A major reduction of an open space important to the community.
 - Other impacts: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community?
 NO YES

Examples that would apply to column 2

- No • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- No • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- No • Proposed action will conflict with officially adopted plans or goals.
- No • Proposed action will cause a change in the density of land use.
- No • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- No • Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- No • Proposed Action will set an important precedent for future projects.
- No • Proposed Action will create or eliminate employment.
- Other impacts: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? NO YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or
If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

DESCRIPTION OF THE ACTION

DESCRIPTION OF THE ACTION

On April 27, 1994, the New Windsor Planning Board granted site plan approval for a Soil Reclamation Facility on River Road on Tax Lot Parcel Section 9, Block 1, Lot 98. That approval was granted after a public hearing. Thereafter, the applicants returned for an amendment to the site plan which incorporated the construction of a structure to house the Soil Reclamation Unit. Since the structure exceeded the height limitations contained in the Zoning Law, the applicant applied to the New Windsor Zoning Board of Appeals for area variances. Following another public hearing, the Zoning Board of Appeals granted the necessary area variances.

The Planning Board as Lead Agency in the SEQQR process issued a Negative Declaration and granted site plan approval to the amended site plan on December 14, 1994.

An application was made to the Department of Environmental Conservation for a Solid Waste Management permit and an air permit. The DEC has sole jurisdiction over the issuance of such permits. All areas of inquiry concerning the operation of the Soil Reclamation Facility, including but not limited to hours of operation, air quality, ongoing monitoring and testing as well as limitations on the soil permitted to be treated were reviewed as part of the permit process.

On November 9, 1995, the DEC issued a Solid Waste Management Permit for the operation of the Soil Reclamation Facility and an air permit to construct. The facility has been operating without

incident under the DEC permit and has met or exceeded all of the requirements and standards imposed by the DEC.

The operator of the facility now seeks an amendment to the site plan to permit the construction of an addition to the existing structure. The dimensions of the addition would be no more than 50 feet by 161 feet. It would be located along the eastern wall of the existing structure; it would be no more closer to the adjoining property on the south than the existing structure and would be no higher than the existing roof line. The addition would house a new after-burner, and pollution control equipment. The maximum size of the addition would be 8,050 square feet. Immediately east of the new addition there is an existing soil storage area which is proposed to be converted into a utility storage structure. The utility storage structure would be roofed and its westerly wall for a length of 60 feet would be the easterly wall of a portion of the new addition. The maximum size of the utility area would be 2100 square feet.

The addition would be west of the present berm and landscaped area. The finish on the addition will match the finish of the existing structure in both material and color.

The clean soil would move from the existing site by means of a covered ground level conveyor which will leave the existing facility and proceed in a northerly direction.

Upon reaching the northerly site, the clean soil will then be distributed by an inclined radial arm stacker into one of four 10 feet high storage bins proposed to be constructed, from which the soil will be taken by truck and exit the site at the new northerly driveway at the northwest corner of the site. All

clean soil will be stored and shipped from the lands to the north of the existing site. The two sites will be merged into a total project site of 5.38 acres east of the railroad.

The other aspects of the site plan to be developed on the northerly site include macadam pavement for the truck traffic and vehicle parking area, a water quality basin, and the demolition of an existing storage shed and a truck filling station. A landscape berm with plantings will be installed along a portion of the easterly border of the northerly site, and the berm along with the existing storage tanks will shield the visual aspects of the clean soil storage bins. In addition, there will be berms and landscaping placed along the westerly boundary of the northern site, broken only by the access road into the site.

As part of the original Planning Board approval, in response to the Planning Board's request, the applicant agreed to limit truck movements in and out of the site to six days a week between the hours of 6:00 A.M. and 6:00 P.M. The applicant seeks no change in that aspect of the facility's operation. However, since the applicant secured its approvals from the Planning Board, the DEC issued its permit which contains a provision for operation of the Soil Reclamation Unit for 21 hours a day, six days a week. The applicant seeks to align the New Windsor operating hours of the Soil Reclamation Unit which are presently 16 hours a day to the DEC permit of 21 hours a day. The applicant maintains a constant monitoring log of the hours of operation of the Soil Reclamation Unit. That log is open for

inspection by both the DEC, which has made on-site inspections, and the Town. The applicant would agree to provide copies of the log to the Town of New Windsor for its records should the Town wish to receive them.

The project will operate in full compliance with the provisions of the New Windsor Code as set forth in the report of John Collins Engineers, P.C. submitted to the Town.

The operation of the facility involves the testing of the soil prior to its delivery to the facility for treatment, and also the testing of the soil following treatment. None of the testing is performed by the applicant. All of the post-treatment testing is performed by Envirotest Laboratories, Inc. of Newburgh which is certified by the State of New York to be a laboratory fully qualified to perform those tests. All of the test results are available to the Town of New Windsor at any time.

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VISUAL ASSESSMENT AND ENHANCEMENTS

EXISTING VISUAL ASSESSMENT OF ENTIRE SITE:

The lands immediately to the east of River Road throughout the neighboring area are composed of large visually open industrial tank facilities; with steel tanks and open space in-between covered with asphalt.

Southern approach on River Road traveling north:

The approach from the south is at a higher elevation than the site, with the site coming into full view only upon reaching the adjacent site (Belcher Co.) to the south. The existing visual character upon initial approach of the southern developed portion of the site is industrial, however it is softened by landscaping on the south property line as well as a mounded planting on the entry corner. It is further subdued by the use of a neutral sand tone color for the buildings. The office building near River Road is modest and residential in character helping to reduce the scale of the larger building in the rear. Along the property line on River Road there is a beginning of a street tree line thus starting to give visual definition to the roadway corridor.

On the proposed northern portion of the site and along the roadway there are no trees, thus giving little visual definition for the road, or separation from road to site and/or definition of site entrances. The view of this portion of the site itself is open, highly visible containing a large area of asphalt with existing relatively clean steel storage tanks in the background. The northern one story building is in fair condition but an existing shed structure located in the middle of the site is in poor condition, and the existing steel frame truck fill areas in the foreground appear to be an assemblage of clutter. An open view of the Hudson River does not exist.

The land to the west of the River Road is composed of a steep wooded bluff with native deciduous trees along the roadway. At the southern end roadway there are two story frame houses in poor condition offering no visual unity to the roadway corridor, however every so often there are elderly street trees. Directly across River Road at the northern portion of site is an auto body shop in a one story unattractive concrete building.

Northern approach on River Road traveling south:

This approach is similar to the southern approach but reversed. There are numerous other tank facilities along the roadway on both sides with far less homes. The existing view of the site itself is more visible upon this approach due to the orientation of the roadway and its high elevation relative to the site, the openness of the northern portion, and the lack of any foreground planting and or street trees. Only upon reaching the southern portion of the site is there a reduction in visual scale and expanse due to the new office building and trees along this area that give a visual definition to the roadway.

View from Hudson River:

The view from the river is one of relatively flat terrain, the grade does not rise dramatically until after looking beyond the site past River Road. At this point the grade rises sharply and the deciduous trees and sparse view of homes on the slope can be seen. In the foreground only the new muted colored building on the southern portion of the site can be seen with newly planted large evergreen trees mounded to help screen the building. On the proposed northern portion the clean tanks are visible in the foreground at the north end with a view to the open unattractive level site to the area just south of the tanks. Adjacent sites all have similar visual character without any attempt made to screen the tanks.

PROPOSED VISUAL ENHANCEMENT:

(Visual improvements from present state)

Traveling North and South River Road:

Improvement can only be done from within the site's property lines. Existing truck filling structures and the shed building will be removed thus improving the view from the road by reducing the undesirable visual impact of industrial type structures. The existing office building on the north end in the foreground will be painted in a neutral tone thereby reducing its visibility and will be partially screened by new plantings at the entry to the site. The visual openness of the northern portion of the site will be reduced by visually defining the access/ egress by planting of large trees with massing of shrubs and low maintenance grasses. Any view and noise emitting from site operations will further be reduced by berming the area between River Road and the site with an undulating natural berm to aide in providing a natural appearing screen with evergreen trees staggered in masses. This will mitigate the view of the tanks and the site from the roadway. Adjacent to the roadway along the property line deciduous trees will be placed to continue defining the road corridor as done previously for the southern portion. This will help guide the view down the road and not toward the site.

From the Hudson River:

The view of the proposed storage bins on the northern portion shall be mitigated by mounding as high as feasible and then planting the berm with native shrub plant material and high screening with evergreen and deciduous trees. The view shall therefore mitigate negative views of the open site beyond the bins so the viewers eye moves up and past the site, recapturing the scenic quality of the Hudson River shoreline at this point. Trees indigenous to the area and on adjacent sites are proposed.

Prepared by: Carl D. Monte, LA
Sitework Services

STORMWATER MANAGEMENT

STORMWATER MANAGEMENT

Pre-Development Conditions

This assessment addresses the Stormwater Management Plan for the northerly 2.91 acre parcel which was formerly used as a fuel oil terminal. The site is presently segmented into four separate drainage areas. On the southerly portion of the site is a 1.04 acre drainage area that encompasses two fuel storage tanks which are scheduled to be demolished. This area is enclosed by an earth berm which provide retention for the fuel storage tanks. Stormwater generated by this area ponds within contour elevation 7 where it ultimately infiltrates into the ground.

At the northeasterly portion of the site is 0.61 acre drainage area consisting of five storage tanks which are scheduled to remain. This area is also enclosed by an earth berm, and stormwater generated by this area ponds within contour elevation 7 ultimately infiltrates into the ground.

At the northwesterly portion of the site is a 1.02 acre drainage area encompassing two buildings and a truck fill station. The majority of this area's surface is macadam pavement with the balance being unvegetated earth. Stormwater generated within this area flows overland to the southeast where it enters existing drainage basins. It is assumed that this stormwater eventually discharges into the drainage course on the southerly side of the parcel as the basins were filled with water at the time of the site survey. Upon entering the drainage course the stormwater flows to the east through a culvert under the Conrail railroad tracks, where it ultimately discharges into the Hudson River.

The final drainage area of 0.24 acres represents the balance of the site where its stormwater is conveyed via sheet flow directly to the drainage course and onto the lands of Conrail.

Post-Development

The development of the site will result in the demolition of two buildings, the truck fill station, and two storage tanks, and the removal of the retention area berms. The majority of the site will be regraded, and partially surfaced with macadam pavement. New landscaped berms will be installed along River Road and Conrail to serve as visual buffers.

The result of these construction activities will be a reduction to only three drainage areas. The northeasterly drainage area consisting of five storage tanks will remain at 0.61 acres. Stormwater generated by this area will continue to pond within contour elevation 7 and infiltrate into the ground.

The largest of the drainage areas of encompasses the majority of the new site improvements. Stormwater generated by this 1.90 acre area is conveyed via overland

flow to a new water quality basin located adjacent to the drainage course. This basin will reduce the pollutant loading of the post-development stormwater discharge, specifically, suspended solids, biological oxygen demand, total phosphorus, and total nitrogen. The outfall from the basin will discharge the stormwater into the southerly drainage course where it will flow under the Conrail tracks into the Hudson River. It has been assumed that this new outfall will be permitted under the existing SPDES Permit of the southerly parcel.

Due to the increase in the impervious areas presented above, there will be an increase in storm water flows under post-development conditions. This increase of discharge rates does not require mitigation as its outlet is a drainage course within 300 feet of the Hudson River. There is no adverse impact of this increase in stormwater flow. To detain the stormwater on-site would only add to the peak discharge rate flowing through the drainage course at a later point in time during the storm event.

The final drainage area totaling 0.40 acres will discharge its stormwater via overland flow into the drainage course and onto the lands of Conrail.

Prepared By: Gregory J. Shaw, P.E.
Shaw Engineering

NOISE EVALUATION STUDY

JOHN COLLINS ENGINEERS, P.C.

TRAFFIC • TRANSPORTATION ENGINEERS

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7286

January 24, 1997

Mr. David Edwards, P.E.
TPS Technologies, Inc.
81 River Road
New Windsor, New York 12553

Re: Soil Remediation Facility River Road
New Windsor, NY

Dear Dave:

As a follow up to our previous correspondence, we are writing to summarize the results of the recent noise measurements taken at the River Road facility. The measurements were taken to determine the current noise levels following the completion of the insulation/attenuation improvements recently completed for the afterburners and related equipment.

The measurements were taken on Tuesday, January 7, 1997 between the hours of 9:00 and 10:00 PM. The measurements were taken to isolate the levels associated with your facility from other ambient sources including the traffic noise along River Road. The current noise levels in the area are governed by the heavy traffic along River Road including significant truck traffic which utilizes this roadway as well as the noise associated with rail traffic on the adjacent rail line as well as the adjacent land uses, i.e., oil distribution facilities such as Coastal Oil Company of New York which is located immediately south of the site.

These noise level readings were taken to represent levels at the property boundary. The measurements were collected utilizing a Bruel and Kjaer Precision Integrating Sound Level Meter, Type 2230 with an octave band frequency analyzer Model 1624. This equipment allows the recording of levels at the different frequencies (octave bands) ranging from 31.5 Hz up to 16 Khz.

The sound level meter was mounted at a height of approximately five feet above the surface and readings were manually recorded over the period from 9:00 to 10:00 PM on Tuesday, January 7, 1997.

The most recent readings are summarized on the table below and compared to the requirements of the Town of New Windsor Code Section 48-17.

FREQUENCY RANGE (HZ)	OCTAVE BAND MEASURED	TOWN CODE [®] REQUIREMENTS	NOISE LEVELS MEASURED AT WESTERLY FENCE LINE
			9 - 10 PM
20 - 75	63	67	51.8
75 - 150	125	66	49.3
150 - 300	250	61	57.5
300 - 600	500	54	53.5
600 - 1,200	1,000	47	46.4
1,200 - 2,400	2,000	39	38.9
2,400 - 4,000	4,000	29	28.7
4,000 - 10,000	8,000	20	20.1

NOTES:

- (1) MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS FOR NOISE FROM A FACILITY BETWEEN HOURS OF 7:00 PM AND 7:00 AM.
SOURCE: TABLE I-PAGE 4824 OF NEW WINDSOR TOWN CODE.
- (2) LEVELS FOR FACILITY ONLY.
- (3) WITH FACILITY OVERHEAD DOOR LOWERED

As can be seen from a review of this table, all levels are now in compliance with the various octave band sound pressure levels as set forth in the Town of New Windsor Code relative to operations after 7:00 PM.

We trust the enclosed information is self explanatory. If you have any questions regarding this, please do not hesitate to contact us.

Sincerely,

JOHN COLLINS ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read "Philip J. Grealy". The signature is written in a cursive style with a large, prominent "P" and "G".

Philip J. Grealy, P.E.

d.691.edw197

PHASE II ENVIRONMENTAL SITE ASSESSMENT STUDY

PHASE II ENVIRONMENTAL SITE ASSESSMENT STUDY

In November of 1992 Environmental Products & Services, Inc. performed a Phase II Environmental Assessment Report of the subject property. The purpose of the survey was to determine the possibility of hydrocarbon contamination as the site had been used as a fuel oil terminal for many years. In the preparation of this report, soil and groundwater samples were obtained from the site and analyzed. The scope of the Assessment and its recommendations are presented on the following pages.



Environmental PRODUCTS & SERVICES, INC.

129 South Plank Rd., P.O. Box 7141 Newburgh, NY 12550-7141
(914) 561-0707 FAX (914) 561-0863 (800) THE-TANK

December 8, 1992

Mr. Jerry Affron
ACS Properties, Inc.
75 River Road
Newburgh, NY 12550

Dear Mr. Affron:

I have enclosed three copies of the Phase II Environmental Site Assessment report for the New Windsor oil terminal, located at River Road, Newburgh, NY.

Should you have any questions or require further information, please feel free to contact me.

Very truly yours,

ENVIRONMENTAL PRODUCTS & SERVICES, INC.

Kirk C. Babcock, Project Manager
Newburgh Branch

KCB/ab
9180.kcb.901

Enclosure

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Syracuse, NY
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PHASE II ENVIRONMENTAL SITE ASSESSMENT

For

**New Windsor Oil Terminal
River Road
Newburgh, NY 12550**

Prepared For

**ACS Properties, Inc.
75 River Road
Newburgh, NY 12550**

November 30, 1992

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1.0 INTRODUCTION

Environmental Products and Services, Inc. was retained by ACS Properties, Inc. to perform a Phase II Site Assessment at the New Windsor oil terminal on River Road, Newburgh, New York. The report herein describes all work completed as part of this investigation.

Purpose And Scope

This Phase II Environmental Site Assessment was conducted to determine if there are environmental liabilities associated with the subject property. The objective was to identify potential sources of environmental degradation, both past and present, and examine any negative impacts on the property.

The Phase II investigation included the following tasks:

- o A visual inspection of the property was conducted to identify possible sources of environmental impairment. This inspection included looking for evidence of past spills from underground and above-ground storage tanks, along with their associated piping, as well as possible discharges to ground or surface waters.
- o A records review was performed at the regional office of the New York State Department of Environmental Conservation(DEC). Spill files were reviewed to verify the occurrences of past spills on the property and surrounding areas. Bulk storage files were reviewed to verify the presence of tanks, both above and below ground. Data available regarding tank integrity and tightness testing was reviewed where available. These will be reviewed further after receiving the DEC foil request.
- o Existing data regarding the project site was obtained and reviewed where available. This included past hydrogeological reports, groundwater quality data, boring logs, soil analysis, soil scanning results, and any other available documents that described past work on the property and surrounding areas.

- o **Groundwater sampling and analysis was conducted to determine groundwater quality.**
- o **Field measurements of ground water levels, along with surface elevation measurement.**



Environmental
PRODUCTS & SERVICES, INC.

2.0 SITE DESCRIPTION

Referring to Figure 1, the project site is a major offshore facility (MOSF), bulk storage facility located on River Road in Newburgh, Orange County, New York. The site is bordered by the New York Central Railroad and Hudson River to the east, Canada Oil Corporation property to the south, the Lightron Corporation, a commercial metal and lighting manufacturer and the Haslocky residential property to the north, and numerous residential properties and a Presbyterian cemetery to the west.

The facility contains nine above-ground storage tanks, summarized in Table 1, which are used for the storage of a variety of petroleum products. The facility is divided by River Road into an east and a west yard. The east yard contains seven above-ground tanks that range in size from 200,000 gallons to 784,000 gallons storing gasoline, both leaded and unleaded and kerosene. All seven tanks are enclosed by secondary containment berms. Associated piping is above ground inside the berms and below ground outside the berms. A loading rack protrudes on piling approximately two-hundred fifty feet into the Hudson River for barge unloading.

In the east yard is an office building located adjacent to Lightron Corporation of Cornwall, and a warehouse on the south side of the yard. A loading rack is located parallel to River Road.

A 3,000 gallon UST is located on the west side of the office and another 1,000 gallon gasoline UST is located on the west side of the warehouse.

The west yard is located two-hundred yards north on the west side of River Road. The west yard contains two tanks; a 1.1 million gallon tank and a 2.3 million gallon tank, storing number 2 and formerly number 4 oil. Each tank is isolated inside a secondary containment berm, with the southeastern corner of the Tank #21 containment berm missing, due to a 1989 discharge. This discharge was a New York State Department of Conservation (NYS-DEC) reported discharge.

South of the west yard is the Haynes residence. South of the Haynes property is a commercial parcel with a building last occupied by Testco Corporation of Newburgh, NY, also owned by Big "S" Oil. There are two underground storage tanks in front of the facility; a 1,000 gallon diesel UST and a 1,000 gallon gasoline UST.

3.0 SITE BACKGROUND

The site has been in use for the last 40 years as a Major Off Shore Facility(MOSF) bulk storage facility with river accessibility for loading and unloading. Historically, the site was used as a dumping area for brick factories along the river, along with other assorted debris. The facility has stored unleaded and leaded gasoline, kerosene, and #2 and #4 oils. Affron Oil operated the facility up until the early 1980's, when ownership was transferred to Big "S" Oil. Big "S" Oil was the owner and operator up until 1990 when the facility was shut down. In March of 1989 a spill was reported just north of the Haynes property. The spill was remediated to the NYC-DEC's satisfaction by Wehran Engineering of Middletown, NY. Currently, the site is not in use and is also pending divestment proceedings.

4.0 GEOLOGIC CONDITIONS

Regional Geology

The project site is located in the Hudson lowlands physiographic province of New York State. The Hudson lowlands province includes the southern section of the Hudson River, particularly between the Catskill and Taconic Mountains. Most of the province has low elevation and relief resulting from glacial erosion along outcrops of weak bedrock along with overburden from recent glacial deposition.

Bedrock in the area is composed predominantly of dolostones and limestone of the Copake and Rochdale formations along with shale, argillite, and siltstone from the Normanskill formation.

Overburden in the area consists predominantly of glacial till. "Till" is defined as any non-sorted glacial deposit of sand and gravel in a fine grained matrix. Typically, glacial till exhibits low porosity due to its fine grained, silt and clay matrix.

Regional Hydrogeology

The project site is located within the Hudson River drainage basin along the Hudson River. Surface water in the region flows eastward toward the Hudson River, flowing south, eventually draining into the upper New York Bay. Regional groundwater flow is eastward towards the axis of the Hudson River.

Site Geology

The project site's geology was determined from an analysis of the soil boring logs, which are presented in Appendix A.

East Yard

The overburden in the east yard, is composed of a moderately compacted coarse to fine, red-brown sand with some silt and clay, brick fragments, and wood mixed in. This unit extends to a depth of approximately six feet.

From six to seventeen feet, the soil is composed of a very fine grey to black sand with some silt, clay, and wood debris.

West Yard

The soil borings in the west yard revealed the glacial till overburden is composed of heavily compacted gray to gray-brown sand with some clay and silt.

Site Hydrogeology

Referring to Figure III, groundwater flows north to southeast beneath the west yard, consistent with surface topography there, and flows west to southeast in the east yard.

5.0 SOIL BORINGS

As shown in Figure II, in 1989, eighteen soil borings were completed to a depth of six feet. Subsurface logs of all soil borings are provided in Appendix "A". Soil borings 1 through 9 were completed using a tripod mounted rig. Soil borings 10 through 18 were completed using a 4" I.D. hollow stem auger. Soil borings 1 through 9 and 13 through 18 had continuous split spoon sampling, while soil borings 10 through 12 had split spoon sampling every five feet. All split spoon samples were visually inspected for soil profiling as well as scanned for volatile organic compounds (VOC's) using a photo-ionization detector. Split spoon samples from each well exhibiting the highest concentration of VOC's were then submitted to a state certified laboratory, Enviro-Test, for Total Petroleum Hydrocarbon Analysis (EPA Method 418), Volatile Organic Compound Modified Analysis (EPA Method 602), Lead (EPA Method 160.3), and Solids (SW846). All soil boring analytical results are listed in Appendix B.

Description

Soil borings B-1 through B-4 were advanced through the overburden, inside the secondary containment (bermed area) enclosing Tanks 1, 2, 11, 12, and 18. The underlying geology consists of bricks and brick fragments, medium to fine grained red-brown to black sand, some silt, and clay with groundwater occurring at a depth of two to four feet below ground surface. A strong petroleum odor was evident throughout the entire boring, with heavy black viscous hydrocarbons present at the two to six foot depth in B-1, B-2, and B-3. Soil boring B-4 did not exhibit the black material.

Soil borings B-5 through B-9 were advanced through the overburden inside the secondary containment berm, enclosing Tanks 3 and 4. The underlying overburden consisted of fine to coarse brick, red to brown sand, and silt with groundwater occurring at a depth of two to four feet below the ground surface. A petroleum odor was detected in each boring except B-7 at a depth of approximately two to six feet. Black viscous hydrocarbons were present in B-8.

Soil borings B-10 and B-11 were advanced to a depth of seventeen feet with a 4" hollow stem auger. They were screened from a depth of two to seventeen feet with two inch Schedule 40 PVC, 20 slot well screen, and used as monitoring wells. B-12 was advanced to thirteen feet and was screened from a depth of three to thirteen feet with identical well screen. The underlying soil was composed of a medium to fine, brown to grey sand with some gravel and brick fragments. Below, was a medium to fine, grey black sand with some silt, clay, and gravel extending to depth. Groundwater was encountered at a depth of 6 feet below ground surface in B-10 and at 11 feet in B-11 and B-12. A petroleum

odor was present in B-10 and B-11 with the black viscous material present in B-11 from one to three feet below ground surface.

Soil borings B-13 through B-18 were advanced through the overburden in the west yard. The borings revealed overburden composed of fine brown to grey sand with some silt and clay, with heavy compaction. Due to the compaction of the sediment, completion of borings B-15 through B-18 were discontinued at 2 feet. There were no petroleum odors present in any of the borings, nor was the black viscous material observed. Groundwater was not encountered in any of the borings.

Soil Analysis

As shown in Table 7 and Appendix B, Total Petroleum Hydrocarbon (EPA Method 418) concentrations ranged from a maximum of 2500 parts per million (ppm) in SB-4 to less than 38 ppm (which is actually non-detectable) in all the remaining soil borings. SB-3, SB-1, and SB-11 had TPH concentrations of 1990 ppm, 310 ppm, and 180 ppm, respectively.

The Volatile Organic Compound concentrations (EPA Method 602 modified & MTBE), total Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX) ranged from a maximum of 12,170 parts per billion (ppb) in SB-3 to virtual non-detected levels in the remaining wells. Methyl Tertiary Butyl Ether (MTBE) was detected in only SB-2 at a concentration of 6,100 ppb.

Lead (SW846) was detected in all the soil borings and ranged from a maximum concentration of 61 ppm in SB-13 to a minimum of 17 ppm in SB-2.

Per Cent Solids (EPA Method 160.3) was also done and the values ranged from a maximum of 96 per cent solids in SB-15 to a minimum of 34 per cent solids in SB-1.

6.0 GROUNDWATER

Referring to Figure II, there are currently eleven monitoring wells on site. There are eight monitoring wells in the east yard, two monitoring wells in the west yard, and one monitoring well in the Testco property, which is south of the Haynes property.

Monitoring

Environmental Products & Services, Inc. monitored all eleven wells for the presence of free product and measured depth to water (DPW) and depth to product (DTP) using an ORS interface probe. These results are presented in Table 2, along with the well elevations. A product film of 0.05 ft. was encountered in MW-5, and a product sheen was also present in MW-4. No other monitoring wells contained product.

Sampling and Analysis

Monitoring wells MW-1 through MW-8 have been sampled twice since October of 1989. The first time in May of 1988, presented as Table 3, and the second time in May of 1989, presented as Table 4. Monitoring wells MW-1 through MW-8 were again sampled in October of 1989, along with three newly installed (MW-9, 10, and 11). Groundwater analysis results are summarized in Table 5 and detailed in Appendix C. The final round of sampling was performed in November of 1992, and is summarized in Table 6, with results listed in Appendix D.

The first two samplings were conducted by Big "S" Oil and consisted of analysis for Total VOC's using EPA Method 503.1 and TPHC using EPA Method 418.1. The third sampling was done by ERM of Plainview, NY and consisted of a total BTEX analysis plus MTBE, a modified EPA Method 602.1. The final sampling was conducted by Environmental Products & Services, Inc. in November of 1992 and analysis consisted of Volatile Organic Compounds plus MTBE using EPA Method 624. All analyses were performed using Enviro-Test of Newburgh NY, a state certified lab (NYSDOH 10142).

Sampling was performed by evacuating three to five well volumes, using a dedicated PVC bailer for each well. A stainless steel bailer which had been decontaminated according to accepted EPA protocol, was then used to acquire a representative sample (two 40 ml. glass vials). The samples were then cooled to 4 degrees Celsius and delivered with the appropriate chain of custody, within the required holding time to Enviro-Test Laboratories.

Groundwater Analysis - May 1988

Referring to Table 3, showing the May 1988 groundwater analysis results, monitoring well MW-3 had a maximum concentration of TPHC at 22.8 ppm. The minimum detected concentration at 0.3 ppm was detected in MW-6, with MW-4 having a 4.8 ppm concentration. All other monitoring wells showed non-detectable (ND) concentration. Total volatile organic compounds (VOC's) were detected at a maximum concentration of 0.043 ppm in MW-3. The minimum detected concentration of 0.005 ppm was detected in MW-6. All other wells were Non-detected. Hexachlorobutadiene was also found in MW-3 at 0.043 ppm and MW-3 at 0.003 ppm in MW-6.

Groundwater Analysis - May 1989

Referring to Table 4 showing the May 1989 groundwater analysis results, TPHC was detected at a maximum level of 18.4 ppm in MW-3. All other monitoring wells were Non-Detected. VOC levels ranged from a maximum of 0.032 ppm in MW-3, to a detected minimum of 0.001 ppm in MW-2. Monitoring wells MW-6, 7, and 8 were all Non-Detected for VOC's. Total BTEX ranged from a maximum concentration of 0.025 ppm in MW-1 to a minimum detected level of 0.001 ppm. Monitoring wells MW-5, 6, 7, and 8 were all Non-Detected for total BTEX.

Groundwater Analysis - October 1989

Referring to Table 5 showing the groundwater analysis results for October 1989, the highest concentration of total BTEX was detected in MW-1 at 0.876 ppm, with the lowest detected concentration at 0.023 ppm in MW-4. All other monitoring wells were Non-Detected. Methyl Tertiary Butyl Ether (MTBE) was also found in MW-1 with a concentration of 0.0680 ppm.

Groundwater Analysis Results - October 1992

Referring to Table 6, showing the groundwater analysis for October 1992, the highest total BTEX concentration was 0.036 ppm in MW-2, with the minimum detectable level in MW-5 at 0.004 ppm. All other wells were Non-Detected. Methyl Tertiary Butyl Ether was detected at a maximum concentration at 0.430 ppm in MW-10, with the minimum concentration at 0.014 ppm in MW-3. Monitoring wells MW-1, 4, 6, 7, 8, and 11 showed Non-Detectable levels of MTBE. Monitoring well MW-12, which was a 20" corrugated aluminum pipe, was not sampled because it was decided a representative sample could not be obtained.

SUMMARY

Groundwater and soil have been impacted at the site. Soil contamination is concentrated in the northeast corner of the property inside the secondary containment berm and in the areas of monitor wells 9 and 10, adjacent to the loading rack. The soil contamination is an extremely viscous aged petroleum hydrocarbon. The contamination is bound up in a poorly sorted soil matrix having minimal porosity. Based on this data the contamination should have minimal mobility potential and migration off-site will be unlikely.

Groundwater contamination exists both as free phase petroleum hydrocarbons and dissolved-phase petroleum hydrocarbons. There was no sheen on the Hudson River or the creek immediately south of the site, which are both located in the groundwater flow pathway. Free-phase petroleum hydrocarbon contamination exists at a minimal level, concentrated in the northeast corner of the property. Due to the small amount of free phase petroleum hydrocarbons present, the minimal affected area, and the low porosity of the soil, migration off site is also unlikely.

Dissolved-phase hydrocarbons at the site occur at low concentrations as described in Tables 3, 4, 5, 6, & 7. Combined with the soil's low porosity, migration off-site should be minimal and at low concentrations if migration does occur.

Based on verbal communications with Charles Hutchinson of Big "S" oil and Perry Songer of Testco Corporation, the existing tanks, above and below ground and their associated piping, are reported to be structurally tight.

The reported discharge which occurred in April of 1989, was remediated to the standards set by New York State Department of Environmental Conservations. Written verification has not yet been received.

RECOMMENDATIONS

Environmental Products & Services, Inc. asserts that remediation at this site is not warranted at this time.

- o Dissolved-Phase Contamination - no further action at this time.

Free-phase hydrocarbons are present on the groundwater, but are confined to a limited area. Migration through the soil, because of its low porosity is unlikely.

- o Free-Phase Contamination - no further action at this time.

Soil contamination, although present, has minimal potential for migration. Soil remediation by thermal treatment, bioremediation, or landfilling are the only viable remediation alternatives, but are cost prohibitive.

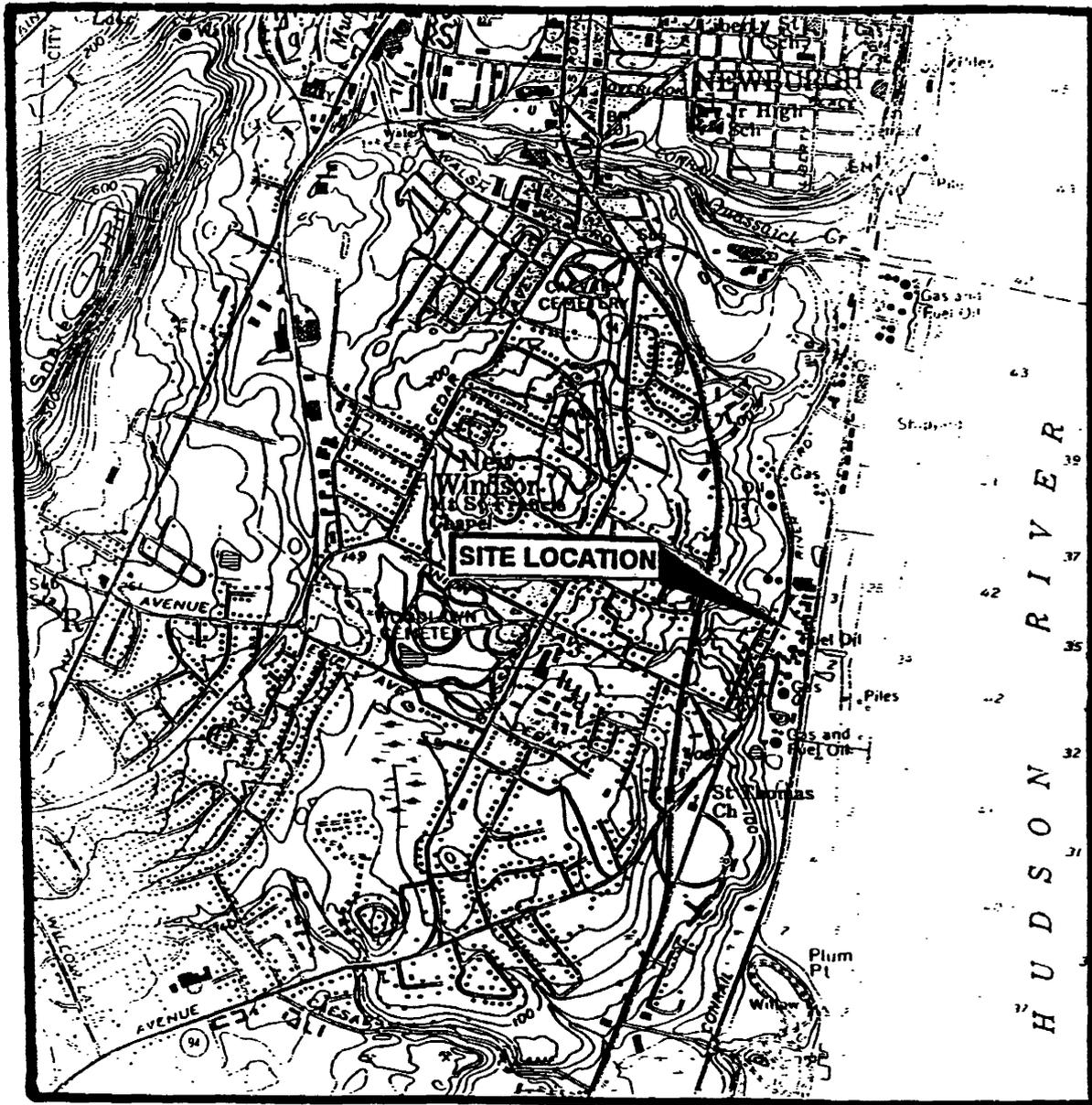
- o Soil Contamination - no further action at this time.

Environmental Products & Services, Inc. recommends the following scope of work to minimize future environmental problems.

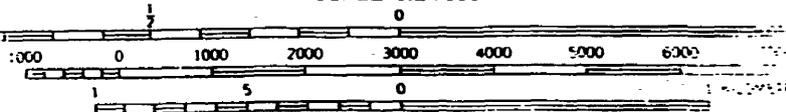
- o Tank testing and line testing for all tanks and lines.
- o Review records of all NYS-DEC documentation. (already requested).
- o Quarterly well monitoring for free-phase hydrocarbons and water level readings.
- o Bi-annual sampling of all wells EPA Method 602 & MTBE.
- o Soil borings and soil gas survey to further delineate soil contamination.
- o Monitor well installation to further delineate groundwater contamination.

Figure 1

SITE LOCATION MAP



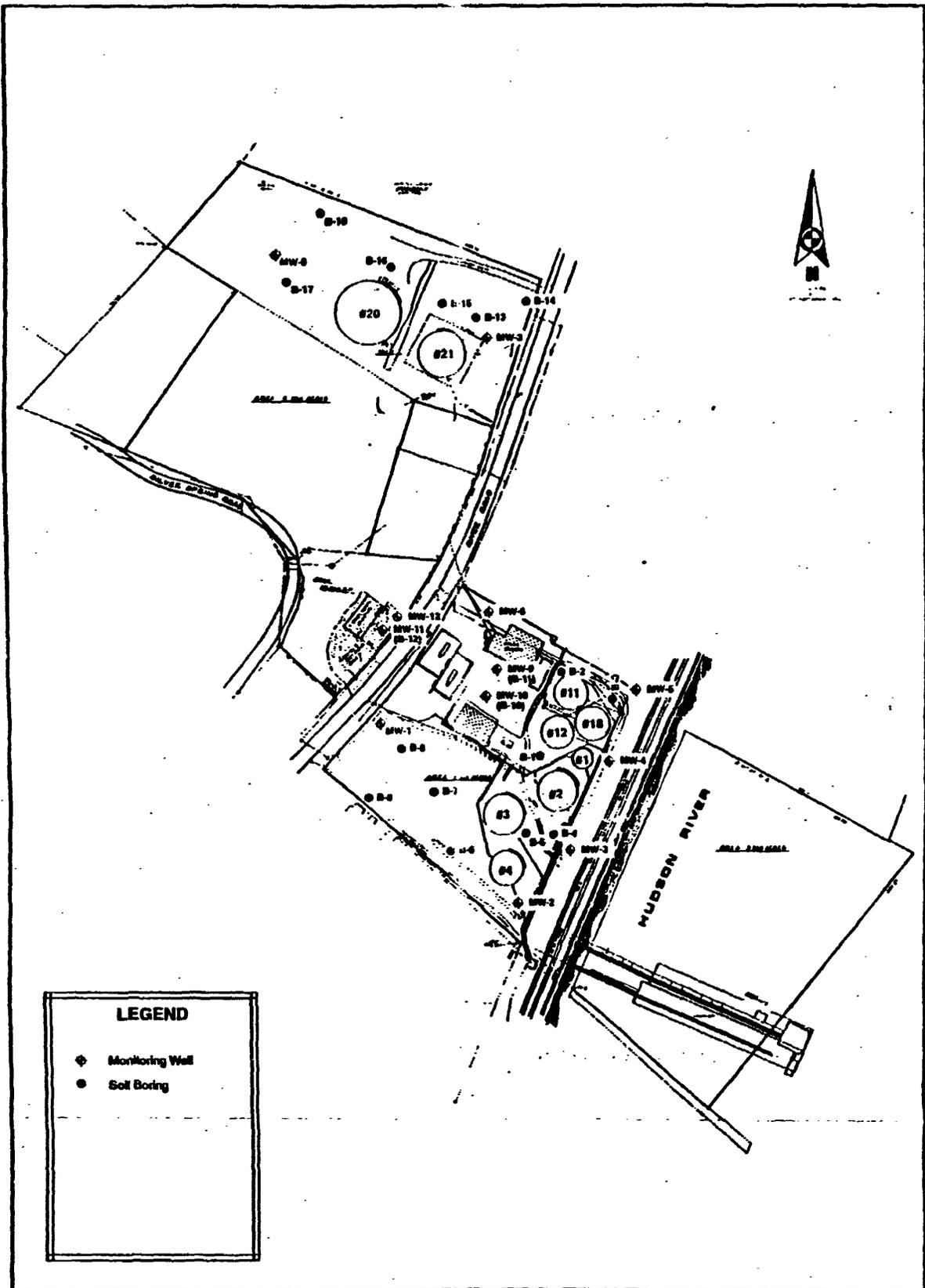
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET-DATUM IS MEAN LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2.8 FEET

CORNWALL QUADRANGLE
NEW YORK
7.5 MINUTE SERIES (TOPOGRAPHIC)





ENVIRONMENTAL PRODUCTS & SERVICES, INC.	DATE: November 1992	PROJECT NO.: N8959
Site Map Showing Monitoring Well Locations	SCALE: 1" = 130'	FIGURE NO.: 2
	DRAWN BY: Geotech	LOCATION: New Windsor, NY

ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550

NOVEMBER 25, 1992

TABLE 1 - TANK INVENTORY

TANK #	CAPACITY	TANK TYPE	PRODUCT STORED	DATE INSTALLED	DATE LAST TESTED
1	200,263	Steel	Leaded Gasoline	1959	1986
2	759,661	Steel	Unleaded Gasoline	1959	1981
3	784,061	Steel	Unleaded Gasoline	1959	1986
4	596,831	Steel	Unleaded Gasoline	1959	1986
11	449,928	Steel	Kerosene	1954	1981
12	608,130	Steel	#1, 2 or 4 Fuel	1954	1980
18	703,816	Steel	#1, 2 or 4 Fuel		1980
20	2,342,594	Steel	#1, 2 or 4 Fuel	1960	1981
21	1,146,596	Steel	#1, 2 or 4 Fuel	1965	1981

ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550

TABLE #2 - GROUND WATER MONITORING RESULTS

WELL I.D.	ELEVATION	DEPTH TO PRODUCT	DEPTH TO WATER	PRODUCT THICKNESS	WATER ELEV.
MW-1	102.88		5.29		97.59
MW-2	101.17		6.79		94.38
MW-3	102.81		9.63		93.18
MW-4	103.53	9.40	9.35	0.05	94.18
MW-5	102.54		8.78		93.76
MW-6	99.68		2.85		96.83
MW-7	126.39		16.40		109.99
MW-8	132.81		8.83		123.98
MW-9	98.94		2.24		96.70
MW-10	98.84		2.08		96.76
MW-11	104.90		5.01		99.89
MW-12	103.06		5.06		98.00

ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550

TABLE #3 - GROUND WATER SAMPLING RESULTS SUMMARY

(MAY 1988)
(METHOD EPA 503.1)

WELL #	TOTAL BTEX	TOTAL VOC'S	TPHC
MW-1	ND	ND	ND
MW-2	ND	ND	ND
MW-3	ND	0.043	22.8
MW-4	ND	ND	4.8
MW-5	ND	ND	ND
MW-6	ND	0.005	0.3
MW-7	ND	ND	ND
MW-8	ND	ND	ND

All Results are reported as milligrams/liter.(mg/l - ppm)

ND = Non-Detected

ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550

TABLE #4 - GROUND WATER SAMPLING RESULTS SUMMARY

(MAY 1989)
(METHOD EPA-503.1)

MONITOR WELL #	TOTAL BTEX	TOTAL VOC'S	TPHC
MW-1	0.025	0.031	ND
MW-2	0.001	0.001	ND
MW-3	0.004	0.032	18.4
MW-4	0.024	0.024	ND
MW-5	ND	0.013	ND
MW-6	ND	ND	ND
MW-7	ND	ND	ND
MW-8	ND	ND	ND

All results are reported as ppm milligrams/liter (mg/l)

ND = Non-Dectected

**ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550**

TABLE #5 - GROUND WATER SAMPLING SUMMARY

**(OCTOBER 1989)
(METHOD EPA - 602.1 & MTBE)**

MONITOR	ETHYL- BENZENE	TOLUENE	BENZENE	XYLENES	BTEX	MTBE
MW-9	0.600	0.006	0.110	0.160	0.876	0.680
MW-10	ND	ND	ND	ND	ND	ND
MW-1	ND	ND	ND	ND	ND	ND
MW-2	0.022	0.001	ND	ND	0.023	0.035
MW-3	ND	ND	ND	ND	ND	ND
MW-4	NS	NS	NS	NS	NS	NS
MW-5	NS	NS	NS	NS	NS	NS
MW-6	ND	ND	ND	ND	ND	ND
MW-7	ND	ND	ND	ND	ND	ND
MW-8	ND	ND	ND	ND	ND	ND
MW-11	ND	ND	ND	ND	ND	ND

All results are reported as milligrams/liter(mg/l or ppm)

ND = Non-Detected

NS = Not Sampled

**ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550**

TABLE #6 - GROUND WATER SAMPLING SUMMARY

**(OCTOBER 1992)
(METHOD EPA - 624 & MTBE)**

MONITOR	BENZENE	TOLUENE	ETHYL- BENZENE	XLENES	TOTAL BTEX	MTBE
MW-1	ND	ND	ND	ND	ND	ND
MW-2	ND	ND	ND	ND	ND	0.036
MW-3	ND	ND	ND	ND	ND	0.014
MW-4	ND	ND	ND	ND	ND	ND
MW-5	0.004	ND	ND	ND	0.004	.068
MW-6	ND	ND	ND	ND	ND	ND
MW-7	ND	ND	ND	ND	ND	ND
MW-8	ND	ND	ND	ND	ND	ND
MW-9	ND	ND	ND	ND	ND	0.110
MW-10	0.31	ND	0.006	ND	0.316	0.430
MW-11	ND	ND	ND	ND	ND	ND
MW-12	NS	NS	NS	NS	NS	NS

All results are reported as milligrams/liter(mg/l or ppm)

ND = Non-Detected

NS = Not Sampled

**ACS PROPERTIES
NEWBURGH TERMINAL
75 RIVER ROAD
NEWBURGH, NY 12550**

TABLE #7 - SOIL BORING SAMPLING SUMMARY

(OCTOBER 1989)
(TPHC, LEAD, 602 & MTBE, & SOLIDS)

SOIL BOR. #	BEN- ZENE	TOL- UENE	ETHYL BENZENE	TOTAL XYLENES	TOTAL BTEX	MTBE	TPHC	LEAD PB	SOL.
SB-1	ND	ND	5.740	ND	5.740	ND	310	38	34
SB-2	ND	760	5.060	ND	5.812	6100	76	17	86
SB-3	ND	ND	5.600	6.570	12.170	ND	1990	26	83
SB-4	ND	ND	0.410	ND	0.410	ND	2500	37	86
SB-5	ND	ND	ND	ND	ND	ND	<38	25	65
SB-6	3.2	ND	ND	ND	0.003	ND	<33	35	75
SB-7	ND	ND	ND	ND	ND	ND	<31	24	81
SB-8	ND	ND	ND	ND	ND	ND	<31	31	81
SB-9	ND	ND	ND	ND	ND	ND	100	23	88
SB-10	ND	ND	0.002	ND	0.002	ND	<33	22	76
SB-11	ND	ND	2.900	ND	2.900	ND	180	61	62
SB-12	ND	ND	ND	ND	ND	ND	<27	22	92
SB-13	ND	ND	ND	0.001	0.001	ND	<26	19	94
SB-14	ND	ND	ND	ND	ND	ND	<32	29	77
SB-15	ND	ND	ND	ND	ND	ND	<26	51	96
SB-16	ND	ND	ND	ND	ND	ND	<27	22	93
SB-17	ND	ND	ND	ND	ND	ND	<27	21	92
SB-18	ND	ND	ND	ND	ND	ND	<30	24	84

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/21/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
W [Disap, Appr]

FOR PROJECT NUMBER: 96-19

NAME: SOIL RECLAMATION FACILITY - TPS SOIL RECYCLERS
APPLICANT: TPS SOIL RECYCLERS & IDC SOILS RECLAMAT

---DATE---	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/20/97	RECEIVED PAYMENT TO CLOSE FILE	WITHDRAWN
04/04/97	RECEIVED LETTER OF WITHDRAWAL . 05-19-97 NOTIFIED ATTORNEY FOR APPLICANT OF FEES DUE TO . CLOSE THIS FILE.	FEES DUE
03/26/97	P.B. APPEARANCE - PUB. HEAR . BOARD WANTS EIS DONE - FINAL DEC PERMIT TO BE IN PLACE PRIOR . TO P.B. APPROVAL. PUBLIC HEARING CLOSED	SEE MINUTES
09/11/96	P.B. APPEARANCE	SEND LA COORD. LETR
08/07/96	WORK SESSION APPEARANCE	SUBMIT
10/16/95	WORK SESSION APPEARANCE	REVISE PLANS

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/21/97

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 96-19

NAME: SOIL RECLAMATION FACILITY - TPS SOIL RECYCLERS
APPLICANT: TPS SOIL RECYCLERS & IDC SOILS RECLAMAT

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
08/08/96	REC. CK. #120796	PAID		750.00	
09/11/96	P.B. ATTY. FEE	CHG	35.00		
09/11/96	P.B. MINUTES	CHG	49.50		
03/26/97	P.B. ATTY. FEE	CHG	35.00		
03/26/97	P.B. MINUTES	CHG	220.50		
05/16/97	P.B. ENGINEER FEE	CHG	1085.86		
10/20/97	REC. CK. #121750	PAID		675.86	
		TOTAL:	1425.86	1425.86	0.00

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

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JAMES R. LOEB
RICHARD J. DRAKE
STEVEN L. TARSHIS
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STEVEN I. MILLIGRAM (N.Y. & N.J. BARS)
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GARY J. COGERTY (N.Y. & CT. BARS)
KATHLEEN A. MISHKIN (N.Y., N.J. & CT.)

OF COUNSEL
ELLEN VILLAMIL

WRITER'S DIRECT NO.
(914) 569-4327

October 17, 1997

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Attention: Myra

Dear Myra:

Re: Our File #6208.42,709

Enclosed herein is check of TPS Technologies, Inc. payable to the town of New Windsor Planning Board in the amount of \$675.86 in payment of the enclosed invoice.

Very truly yours,

James R. Loeb
JAMES R. LOEB

JRL:ef
Enc.
193414

George -

*As per our conversation, copy of: Letter of Withdrawal
check for amount due to close file.*

file will now be closed.

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

ATTORNEYS & COUNSELLORS AT LAW

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OF COUNSEL
ELLEN VILLAMIL

WRITER'S DIRECT NO.
(914) 569-4327

October 17, 1997

Planning Board
Town of New Windsor
555 Union Avenue
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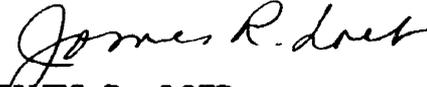
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Enc.
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" THINGS TO BUG MARK ABOUT "

1. DATE: 5-12-97

P.B. # 96-19 PROJECT NAME/APPLICANT: TPS Technologies

ITEMS TO BE ADDRESSED: _____

_____ *Application Withdrawn*

_____ *Need your fees*

1085.86

2. DATE: _____

P.B. # _____ PROJECT NAME/APPLICANT: _____

ITEMS TO BE ADDRESSED: _____

3. DATE: _____

P.B. # _____ PROJECT NAME/APPLICANT: _____

ITEMS TO BE ADDRESSED: _____

4. DATE: _____

P.B. # _____ PROJECT NAME/APPLICANT: _____

ITEMS TO BE ADDRESSED: _____

5. DATE: _____

P.B. # _____ PROJECT NAME/APPLICANT: _____

ITEMS TO BE ADDRESSED: _____

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/19/97

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 96-19

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05/16/97	P.B. ENGINEER FEE	CHG	1085.86		
		TOTAL:	1425.86	750.00	675.86

Amt. Due ↑

HISTORY:

Add, L 1978, ch 632, eff Aug 23, 1978.

Former § 96, add, L 1946, ch 421, eff Apr 4, 1946, repealed, L 1978, ch 632, eff Aug 23, 1978.

Laws 1978, ch 632, §§ 1 and 4, provide as follows:

Section 1. Legislative findings. The legislature hereby finds that the publicly owned vacant lands in and around population centers are of great value to the community when properly used. Permanent garden sites are a community asset both as attractive open space and as a source of locally produced food.

Gardening serves as a productive use of vacant lands which otherwise untended often become unsightly and unsafe dumping grounds. Open space given to use as community gardens reduces vandalism, engenders a sense of community involvement and increases surrounding property values. In addition, neighborhood gardening offers environmental, educational, recreational and nutritional benefits to the community.

The legislature further finds that many more people in the state would garden if provided access to land and assisted with necessary technical information. The resulting food production would be a substantial cost savings to low-income families and nutritional benefit to all participants.

It is hereby declared to be the policy of the state to encourage community gardening efforts by providing access to land and offering technical and material assistance to those groups seeking to rehabilitate or better utilize vacant lands by gardening.

§ 4. The authority found in section ninety-six of the general municipal law repealed by this act shall be deemed to be continued by the new section ninety-six of such law as added by this act and municipal resolutions adopted pursuant to the repealed section ninety-six shall not be affected by its repeal.

CROSS REFERENCES:

Community gardens, CLS Exec Art 38, §§ 848 et seq.

RESEARCH REFERENCES AND PRACTICE AIDS:

59 NY Jur, Towns § 716.

*§ 96-a. Protection of historical places, buildings and works of art

In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town or village is empowered to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. In any such instance such measures, if adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose, or if constituting a taking of private property shall provide for due compensation, which may include the limitation or remission of taxes.

* There is another § 96-a.

Another § 96-a, add, L 1968, ch Laws 1968, ch 513, § 4, provide § 4. Nothing contained herein s or other action validly take twenty of the general city county law prior to the enact

CROSS REFERENCES:

Playgrounds and neighborhood
Federal and state aid, CLS PR

RESEARCH REFERENCES AND

12 NY Jur 2d, Buildings, Zonir

City preservation board is charged with bility of denying certificate of appropri reasonable exercise of its powers if pro dential use or improvement fails to meet of preservation ordinance to preserve areas and structures which have been to merit special protection by prior des city council, notwithstanding permitte zoning laws; preservation board has at deny development of use permitted and ble zoning ordinance. Zartman v Reil. 4th Dept) 59 AD2d 237, 399 NYS2d 5C

Purpose of city preservation board is purpose to protect public health, safet fare generally but rather it is to determin proposed residential improvement is with purpose of preservation ordinance integrity of areas and structures which determined to merit special protection designation of city council after it is that contemplated use is lawful unc ordinances. Zartman v Reisem (1977, 4 AD2d 237, 399 NYS2d 506.

Where there was at least one existing t near property involved, proposed tennis to be located in large backyard, inv street and heavily obscured by shrubb dence not designated landmark and n any residence which was designated lan proposed tennis court offended no adjoining residential owners who object and appearance of tennis court when v their back porch, city preservation bo: act arbitrarily in determining that pro: court was appropriate in preservati Zartman v Reisem (1977, 4th Dept) 59 399 NYS2d 506.

If decision of city preservation board, sufficient evidence, is consistent with v city sought to preserve in special distri board's action is not arbitrary or capr erning consideration is not whether ir is beautiful, or tasteful, or even whe

The lesson from TPS is 'shake the grapes'

I will never forget the ad hoc meeting of all the Goshen boards many years ago, convened by then-Planning Board Chairman Myron Urbanski. The occasion was Urbanski's effort to avoid the normal review process for a local business seeking a fast permit for a building expansion. "Don't shake the grapes," Urbanski warned. It was an important behind-the-scenes lesson on how the old-boy network in local politics takes care of its friends and honored relatives.

New Windsor was certainly not shaking any grapes when they granted speedy permission to Ira Conklin and Sons for their plant to cook petroleum-contaminated soils on their property along the Hudson River. A highly respected local businessperson, Conklin was trusted. No onerous burdens, such as an impact statement under the New York State Environmental Quality Review Act, were demanded. The technology might be new, but the faces were familiar.

The plant moved through the approval to construct phase so quickly — also receiving DEC approval — that by the time local citizens approached Orange Environment for assistance, it was too late to question it. Efforts were concentrated on a second soil-cooking site proposed for New Windsor, where massive community mobilization demanding a hard look played an important role in driving off the project.

Meanwhile, at the Conklin site, an out-of-state contractor named TPS constructed a stationary soil treatment plant. Under former Regional Director Jean Ann McGrane, the DEC delayed issuing an operating permit until it could more closely examine the many questions raised about the site, including concerns raised by the New York State Department of Health and complaints by local citizens of health problems and nuisances.

Perhaps most interesting was the fact that the plant was designed and permitted to operate with its doors shut, yet workers leave the doors open continuously. As a result, fugitive emissions, noise and odors escape to nearby homes and businesses. TPS terminated this review by threatening to sue the DEC if the permit was not issued. As a result, new regional DEC Director Mark Moran could not keep his promise to meet with the public before the full permit was given.



Michael Edelstein

policy remains lame and ineffectual. Rather than protecting the public and environment, and upholding its responsibilities under the State Environmental Quality Review Act, DEC finds it useful to have companies like TPS around. It is reluctant to shake the grapes by asking for a hard look at the consequences.

But in the wake of DEC's failure, other new forces have emerged demanding that finally the grapes be shaken. Orange County Health Commissioner Maxie Smith has spoken out about the health threat of the coal tar treatment — perhaps the first time in history that an Orange County health commissioner has taken any active stand on such a question.

Similarly, Supervisor George Meyers has joined the chorus raising questions about the coal tars and opposing the modification. Recently New Windsor officials also began local action to enforce their town permits with TPS. And, at least according to this paper, TPS has finally acknowledged its need for a dialogue with the community.

That dialogue should have occurred at the start. It would have if the opportunity to closely examine the potential impacts of the facility had been afforded the community under the New York State Environmental Quality Review Act. All could have participated and informed decisions about whether to allow the plant could have been made.

Presumably, TPS would have disclosed its full agenda, rather than using a comparatively benign operation (originally storage for mobile treatment equipment) to be used as a foot in the door to expansion. Such a review could have been fair to the applicant, the municipality and the citizenry, and protective of the environment.

It is not too late for the significant issues to be returned to the context of a full environmental review with the consent of all involved parties. Let's take this back to where it should have been and do it right.

When a few years ago I began growing grapes, I expected them to be quite fragile, given Myron Urbanski's edict. But I now realize that good grapes can take a fair amount of shaking. If we are looking for a path toward making our communities more sustainable, perhaps it is time that we learn to shake our grapes firmly. If you lose some in the process, it may very well be the bad grapes you didn't want anyway.

INDIVIDUALS

The costs of not shaking the grapes have become increasingly apparent to all in New Windsor and the environs. I viewed a videotape of a Planning Board meeting called to entertain a proposed expansion of the TPS site to include soil storage. Local citizens complaining about the impacts of the plant were joined by a board member who took the floor with his own complaints. When the Orange Environment representative in the room, Bernie Sussman, noted that significant new impacts were evident and that a full environmental impact statement should be undertaken, a telling conversation occurred. A board member queried why an impact statement had never been provided by the applicant. The answer — the board had never asked for one. TPS subsequently withdrew its request for the expansion, but hopefully the Planning Board has learned an important lesson about shaking the grapes.

Now comes the latest TPS effort, to have its DEC permit modified so that soils contaminated with coal tar can be treated. The addition of these soils to the plants moves the facility dangerously towards becoming a hazardous-waste incinerator, releasing health-threatening pollutants into the local air.

The DEC has not issued this permit modification, but it quickly decided there were no significant environmental effects that would need to be studied.

This clearly wrong decision reflects DEC's own problems with not shaking the grapes. Former DEC Commissioner Zagota was named by Governor Pataki to be friendly to business, and he quickly dismantled whatever critical edge the department had. Although he has since been replaced by a competent commissioner, DEC

Michael R. Edelstein is president of Orange Environment, Inc., a non-profit environmental group, and professor of environmental psychology at Ramapo College of New Jersey.

Town primary will be important

On Sept. 9 an important primary election will be held for the local offices in the Town of Newburgh.

Often overlooked is the impact that decisions and actions by local government have on the lives of our town residents. Development, quality of life, infrastructure, taxes, and other concerns are determined by the men and women who occupy elected positions in town government.

As one who served as a board member and supervisor in the Town of Newburgh and later as an assemblyman, I know how important it is to have local officials who have the ability to interact with representatives at other levels of government.

I write in support of Nancy Wassi LaColla, a candidate for the position of Town of Newburgh councilwoman.

Ms. LaColla has experience, management skills and sound judgment to help resolve issues facing our community. As Newburgh town councilwoman, Ms. LaColla, I believe, will bring independent thinking, a willingness to listen and will act in the best interest of the residents of the Town of Newburgh.

As a lifelong resident, wife, parent, homeowner and active in our community Nancy Wassi LaColla knows firsthand the impact of decisions made by our local elected officials and how they affect our lives.

In the Republican primary on Sept. 9, I can think of no better candidate to represent us at Town Hall.

LARRY BENNETT
Member of the Assembly, retired

TPS reopens after voluntary shutdown

By KRISTINA WELLS

After residents complained of itching eyes, nausea and an almond-like odor, TPS Technologies, Inc. voluntarily shut down operations last Saturday.

The plant was up and running Monday morning and various agencies continue to investigate the situation. New Windsor officials, Department of Environmental Conservation agents and Ira D. Conklin & Sons employees all conducted air quality tests and investigations Saturday and again on Monday.

According to Department of Environmental Conservation Regional Director Mark Moran, the agency conducted its own tests Monday and found that there was no preliminary evidence to substantiate the claims.

"We did an inspection and a review of their records and we could find nothing out of the ordinary or to support an event that was described," Moran said. "We're still investigating."

The DEC did not respond to the scene on Saturday, but the plant voluntarily shut its doors at around 5:30 p.m. and other agencies conducted air quality tests around the plant.

Freelance photographer Ed McCarthy contacted the DEC on Saturday after experiencing nausea, eye irritation and smelling an almond-like odor. He also contacted the agency at the request of some neighbors who contend they get no response on their own.

"I was down there and went to interview some yard sale people," McCarthy said. "My eyes were burning, I felt nauseous. The smoke had a roasted almond-like smell to it. I was requested to do so [make the call] by the neighbors because they call all the time and never get a response."

Fire Inspector John McDonald arrived on the

"We've investigated, the town's investigated, the DEC has too and this appears to have no validity. There was no cause for the shut down. But, in trying to have a good relationship with the neighbors, we shut down even though we were an hour away from normal shut down anyway," Dominiak said.

According to Dominiak, the plant was burning soil which had been stored in the facility's barn for a short time and contained no unusual particles. He added that the plant does not treat cyanide contaminated soil.

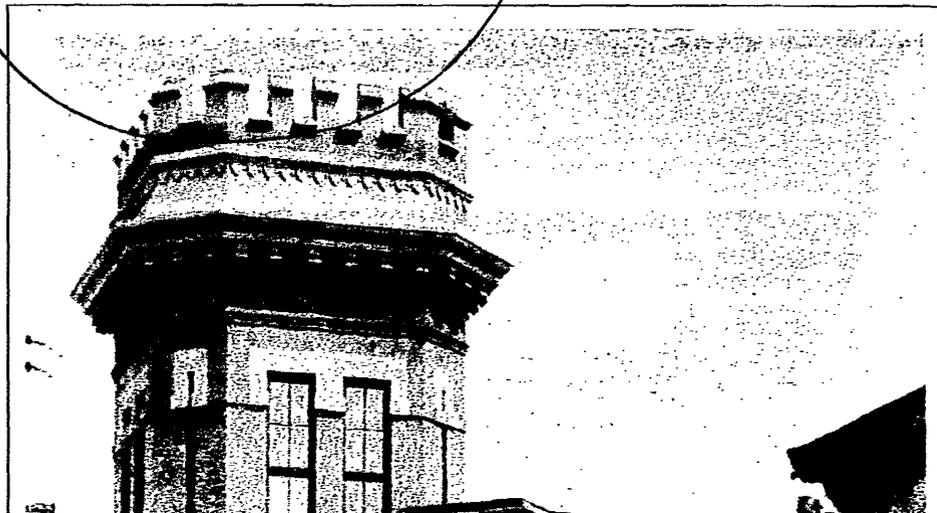
New Windsor Supervisor George Meyers said he is disappointed in the DEC for not responding on scene Saturday, but is glad the plant decided to terminate operations that day.

"I was happy with that [they shut down]

because I don't have the resources to determine what they're burning. There was no really reason to push the issue because they had already shut down," Meyers said. "The DEC should have responded instead of sending someone from Ira Conklin."

Residents reported seeing billowing smoke pouring out of the plant and inside the facility. When McDonald arrived on the scene to conduct air tests the plant had already shut down.

TPS received a DEC operating permit to cleanse petroleum-contaminated soil in mid-June and is seeking a modification to include coal-tar soil reclamation at the facility. The DEC declared a negative declaration on the modification on June 16 and extended the public comment period until August 26.



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/26/97

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 96-19

NAME: SOIL RECLAMATION FACILITY - TPS SOIL RECYCLERS

APPLICANT: TPS SOIL RECYCLERS & IDC SOILS RECLAMAT

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	03/13/97 O.C. PLANNING DEPT.	/ /	
REV1	03/13/97 NYSDEC - ALBANY	/ /	
REV1	03/13/97 NYS DOT - POUGHKEEPSIE	/ /	
ORIG	08/08/96 MUNICIPAL HIGHWAY	08/14/96	APPROVED
ORIG	08/08/96 MUNICIPAL WATER	08/13/96	APPROVED
ORIG	08/08/96 MUNICIPAL SEWER	/ /	
ORIG	08/08/96 MUNICIPAL FIRE . SEE MEMO IN FILE	08/13/96	DISAPPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/26/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
0 [Disap, Appr]

FOR PROJECT NUMBER: 96-19

NAME: SOIL RECLAMATION FACILITY - TPS SOIL RECYCLERS
APPLICANT: TPS SOIL RECYCLERS & IDC SOILS RECLAMAT

---DATE---	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/11/96	P.B. APPEARANCE	SEND LA COORD. LETR
08/07/96	WORK SESSION APPEARANCE	SUBMIT
10/16/95	WORK SESSION APPEARANCE	REVISE PLANS

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/26/97

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 96-19

NAME: SOIL RECLAMATION FACILITY - TPS SOIL RECYCLERS
APPLICANT: TPS SOIL RECYCLERS & IDC SOILS RECLAMAT

DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG 08/08/96	EAF SUBMITTED	08/08/96	WITH APPLICATION
ORIG 08/08/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG 08/08/96	LEAD AGENCY DECLARED	09/11/96	SEND COORD. LETTER
ORIG 08/08/96	REQUEST FOR INFORMATION	/ /	
ORIG 08/08/96	DECLARATION (POS/NEG)	/ /	

Supervisor
Board Members
M. EDSALL
A. KRIEGER

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

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OF COUNSEL
ELLEN VILLAMIL

WRITER'S DIRECT NO.
(914) 569-4327

April 4, 1997

Planning Board
Town of New Windsor
Town Hall, 555 Union Avenue
New Windsor, New York 12553-6196

Dear Board Members:

Re: Our File #6208.42,709

I am writing to you in connection with the application of TPST Soil Recyclers of New York which was the subject of a public hearing by your Board on March 26, 1997. Although the Board did close the public hearing that evening, it took no other action. Following the closing of the hearing, members of the Board expressed opinions that the applicant was premature in coming to the Town before securing its final operating permit from the Department of Environmental Conservation. With that thought in mind, as well as other comments made by Board Members, the applicant has instructed me to withdraw the application it filed for amended site plan approval and a change in the hours of operation. By this letter, I am formally withdrawing the present application, without prejudice to any future applications should they become appropriate.

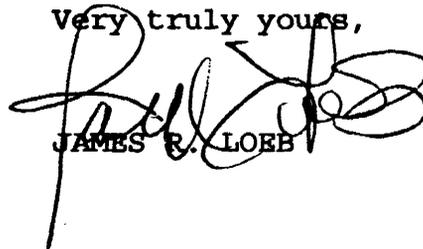
TPST is currently working with the Department of Environmental Conservation to finalize permits for the facility. Until those permits are finalized, TPST will not seek further approvals from the Planning Board.

TPST's withdrawal of its pending application is without prejudice to its position that the Town of New Windsor does not have the legal authority to limit TPST's hours of operations, particularly where, as here, TPST meets the relevant provisions of the Town noise regulations. TPST is also mindful of the comments from the public relative to the noise from the facility and is continuing to address that issue. TPST anticipates that it will have further noise analyses to offer to the Board before it returns to the Board for any approvals.

Planning Board
Page 2
April 4, 1997

I am pleased to advise you the Department of Environmental Conservation has extended the permit to construct to June 30, 1997 which maintains the status quo at the plant.

Very truly yours,



JAMES R. LOEB

JRL/mmw/ef
173211



COUNTY OF ORANGE

DEPARTMENT OF PLANNING

JOSEPH G. RAMPE
COUNTY EXECUTIVE

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (914) 291-2318 FAX: (914) 291-2533

PETER GARRISON
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
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:

OCDP Reference No.: NWT-1-97-M
County I.D. No.: 9-1-98

Town of New Windsor

Applicant:

TPS Recyclers of New York

Proposed Action:

Site Plan Review - Addition to building.

State, County, Inter-Municipal Basis for Review:

Within 500' of River Rd.?

Comments:

There are no significant inter-municipal or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X Disapproved Approved

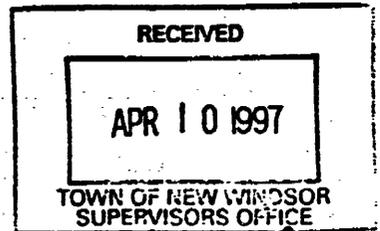
Approved subject to the following modifications and/or conditions:

Date:
4/1/97


Deputy Commissioner

cc: ME
4/2/97 @

CANCER AWARENESS COALITION, INC.
P.O. BOX 533, NEW PALTZ, NY 12561
TEL. 914-255-0836 FAX 914-255-5101



April 4, 1997

George Meyer, Supervisor
New Windsor Town Offices
New Windsor, NY 12550

*cc: J. Petrov
M. Edcell*
Site

Dear Supervisor Meyer:

On behalf of all Hudson area residents who would be adversely impacted by the TPS soil burner in New Windsor, I wish to thank you for your improved understanding of the health risks associated with this project and your efforts to protect the present and future health of our children. The decisions made today will have a long and lasting effect on hundreds of thousands of people in the Hudson Valley. Understandably there is much at stake in choosing the right course of action in this matter. Deciding on behalf of the public good is a decision you can be proud to live with. Enclosed is some additional literature you may wish to keep on file.

Yours truly,

A handwritten signature in cursive script that reads "Rose Marie Williams".

Rose Marie Williams
CAC, pres.

PUBLIC HEARING:

TPS SOIL RECYCLERS (96-19) RIVER ROAD

James Loeb, Esq. and Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Public hearing for the Soil Recyclers on River Road represented by Mr. Shaw, I believe that is one of the principles are here and anybody else that is affiliated with that company and the way we're going to do this format, the board is going to review it first as we normally do, as if it was a normal meeting and then at such time being it is a public hearing, I will open it up to the public. If you would like to speak on behalf of this application, raise your hand, be recognized by myself, come forward and state your name and address for the stenographer and speak your piece. I would appreciate if you could keep it to a somewhat maybe a three to five minute session and when I ask most of all out of anybody who would like to speak, keep away from redundancy so what we're going do, we do it first as a board, make notes as we're speaking and after we're done speaking when it's open, you can ask the questions but first you're going to be listening to us speak about as a board. Okay, on March 13, 1997 Planning Department received a copy of this plan, New York State DEC in Albany on March 13, 1997 in New York State DOT in Poughkeepsie on March 13, 1997. Have we had any response?

MS. MASON: No.

MR. PETRO: No response from any of those agencies. Mr. Shaw, you want to represent this?

MR. SHAW: Yeah, I'd like to introduce James Loeb who is the project attorney who will be making the opening remarks.

MR. LOEB: Thank you, good evening board members, ladies and gentlemen, my name is James Loeb and I'm appearing this evening for TPS Soil Recyclers of New York. There's an application before this board that the chairman just referred to to amend the existing

site plan approval for the project and to conform the hours of operation of the project with those set by the town when the project first was presented to those which had been set by the DEC. And I'd like to discuss briefly with you the issue of the hours before we get into the details of the project itself. The basis for the hours which are presently 16 in number set when the original approval was granted in 1994 is from 6 a.m. to 10 p.m.. The Department of Environmental Conservation about which you'll hear a good about this evening because it has the jurisdiction over that phase of the project which deals with air quality which is after all one of the crucial issues has sole jurisdiction over that has established the hours at 21 hours a day. When this project first was presented to you, the project was an outdoor processing project, no building, a mobile soil reclamation unit and I think the minutes will probably reflect at that time it was the analogy was to baseball, we only played when the weather was good. And at that time, none of us, neither the board nor the applicant had experience in determining the appropriate number of hours and the hours that were selected were 16. Since that time, the project has changed dramatically because it is now housed in a building constructed for the project, it no longer uses that mobile unit and most important of all, the DEC which has jurisdiction over it has determined that 21 hours a day is the appropriate number of hours of operation. Now, in addition to that, I must tell you and I have discussed this with your counsel and given him the information which is the basis of my legal opinion, it's my opinion that the Town of New Windsor does not have the power to fix the number of hours for an application like this under site plan approval. You do have controls and it's those controls that we're going to address with our experts in a moment, those controls deal with the normal aspects of site plans, such as drainage, one we're all familiar with, and in this project, a crucial aspect which is noise and it is noise which I would submit to you is the determining factor in the hours of operation and it is noise which we explored and you'll hear from Phil Greeley, our professional engineer, it is noise that we carefully measured to make sure that the operation of this project is always within the parameters of the Town of

New Windsor code regardless of the hour of the day. And we think that is the appropriate way to monitor a project of this type. I have explained to, I have given to Andy Krieger the basis for my legal opinion. I'm not going to ask him to comment. I'm very comfortable with it, but let me, as the chairman indicated, introduce to you those persons who are accompanying me this evening. I have with me Ira Conklin, Jr. and Ira Conklin III, they are the owners of the land on which the project is located, they are landlords. They are obviously interested and they are here with me as well. In TPS, Dave Edwards, who I believe has appeared before you, Dave is the engineer who's responsible for the plant operation as well as George Catalano, who has overall responsibility for the operations of projects of this type for the company. Finally, Tom West, their counsel whose expertise includes the DEC applications with which he's very familiar. Let me, particularly since you have a number of people here, Mr. Chairman, briefly lay out the history of how we came before you and what has taken place. April 27, 1994 we received site plan approval for the original project. That is the one that envisioned outdoor storage of material, both the petroleum contaminated soil and the clean soil as well as outdoor outside operation of the soil reclamation unit. After that project was approved, the applicant determined that in fact the way to handle this was not outdoors but in a building. It made good sense for many reasons, noise being one, the possibility of wind blowing material being another and just control of the site. So we returned and presented a plan which envisioned a building. The building was higher than the code permitted, so we went to the Zoning Board of Appeals and had yet another public hearing on that to secure that area variance. We returned to this board and on December 14 of 1994, we secured approval of that site plan following which the building was erected and on November 9, 1995, the DEC permitted us to start operation. We have been operating since that date. It's my understanding there have been no hitches and no glitches. Our records have been open to the town and we have always invited the town to come and see what the records look like, I know that the town has been constantly in touch with the DEC and vice versa. I

also know had there been a problem, we all would have known about it. We're now seeking to amend that site plan and the amendment which Greg Shaw will go over with you incorporates into the plan a parcel of property that we acquired after the original development, the original property was known as the Shotmeyer property, after that we have acquired the Affon property which is just north of it and the amended plan incorporates the two sites and Greg will review the changes in the plan with you and why we think this is in fact a better plan. Now, I have been talking about the DEC and their sole jurisdiction about what comes out of the stack but having said that, there are areas of concern for the town and those are the areas which we'll be addressing this evening, the normal site plan concerns that you are all familiar with, drainage obviously is an important aspect of a site like this and noise. And first Greg will go through with that part of the plan which deals with site plan before you then I will ask Phil Greely to address specifically noise. He will explain to you how he made his studies and what his findings were as far as the noise is concerned. I can't tell you that since this was a very important aspect, we made sure and made modifications both to the building and everything else that our noise, the sound created meets all of the requirements of the town for each hour of the 24 hour day because we believe that to be crucial number one and number two, we believe that to be a very important area where New Windsor has jurisdiction and should be and is regulating us. I have everyone here to answer questions, should the board have them as I have in the past, but I think it would be much easier if we let Greg make his presentation on the plan followed by Phil Greely on the noise aspects.

MR. PETRO: Before we go to the other presenters, and I hope I don't disrupt your presentation too much by a couple questions. You mentioned number one you had said that we had granted 16 hours, it was 6 a.m. to 10 p.m. now I'm sure we're going to go over this again but you said the DEC since it's appropriate for an operation like this to have 21 hours, my question is appropriate for who?

MR. LOEB: I mean appropriate for the operation of this type, for the type of equipment and the type of process going on. We applied to them for that type of operation and this is what they have given us in their license.

MR. PETRO: In this particular operation or other operations like it?

MR. LOEB: I can only speak about this one.

MR. PETRO: Second part of that is you said that the Town of New Windsor Planning Board would not or does not have the power to set time regulations on an operation, I don't know if you meant any operation or this operation in particular and I just wanted Andy to touch on that just briefly so I know how to have my line of thinking before we go any further.

MR. KRIEGER: Thank you, Mr. Chairman. First of all, I received the memorandum of law that Mr. Loeb is talking about, it drew certain conclusions, the main conclusion being that the planning board, this planning board lacked any power to regulate hours. I have since having the memorandum, I have researched it and my opinion is different. I frankly don't agree with him, in terms of regulating hours, that is number one. Number two, the regulation as I understand it as it came from the prior application, was not a regulation on the hours, the burner could operate but a regulation on the hours that the trucks could operate on the road to go to and from.

(Whereupon, Mr. Lander entered the room.)

MR. KRIEGER: I don't know what's behind the argument that the DEC has exclusive authority, not ever having seen any purported proof of that, but there's nothing that I know of that indicates to me that the DEC has any authority whatsoever over truck traffic, over traffic over the neighboring road, and in my reviewing the prior application, it appears that this in particular was a concern of the planning board and I have no idea what argument could be made that that is a concern somehow of the DEC. So that is another basis

on which I disagree with the conclusion. The last I note the applicant is making two arguments at the same time, on the one hand, they argue that planning board has no authority to set hours and on the other hand, they make an application to the very same planning board that they indicate has no authority to do precisely the thing they claim doesn't have authority to do and that is set hours. I do not understand which way it is and I might say in reviewing the memorandum, there was not a statement there but an implication that if the application doesn't for the amendment doesn't go to the applicant's liking, that they'll take court action. And I just simply note that implication in there.

MR. PETRO: Put aside the court action and the argument of that, back to one other important thing that he mentioned, you agreed and said that the planning board only gave restriction of hours to the operation of the entire plant but not the burning of the soil, the trucks going in and out the operation of the plant.

MR. KRIEGER: My review indicated that in setting hours of operation, the planning board originally was concerned with the noise and traffic generated in at least partially residential area by heavy truck traffic. And that--

MR. PETRO: But the operation of the plant to me was also seemed to be inclusive of the burner itself.

MR. KRIEGER: I didn't indicate that it was exclusive, I indicated that that appeared to me to be an area of a primary area of concern, not necessarily and includes--

MR. LOEB: I agree with what Andy is saying, I think it's very important and perhaps I wasn't clear and if so, I apologize. We have permission from the planning board in our approval to have the trucks operate to and from the site, to and from the site between 6 a.m. and 6 p.m.

MR. PETRO: Sixteen hours.

MR. LOEB: No, no, the trucks, we agree with that, we

seek no change in that and we think that that is an area that you are comfortable in. Our application does not address that at all and in fact in the narrative that accompanies the documents, we say that we seek no change in that so please let's--

MR. PETRO: I wasn't aware of that.

MR. LOEB: Let's be clear in that the narrative, okay, the application and narrative accompanying the other documents I know it says that because I drafted it.

MR. PETRO: So the extended hours would be just for the burning.

MR. LOEB: Just for the operation of the facility. We seek no change in the truck traffic hours, that is still 6 to 6 which I do think is your jurisdiction. But the operation of the soil reclamation unit is what we're talking about. Andy's quite correct, we did ask for that, we're doing it because we think as good citizens we should say to you this is what we want. But in all candor, I'd have to tell you that I believe as I have said as a matter of law and the cases I believe support this, a planning board and not New Windsor Planning Board, I mean a planning board in New York is not in a position to regulate under site plan and perhaps under special permit as well the hours of operation, you cannot involve yourself in the business operation. I understand that this may not be an issue with which counsel agrees, but I want to put it on the record and put it aside and then go to the technical aspects of the plan.

MR. PETRO: That was my intent, I guess I'm informing you that we do not agree and we want to get that open and we'll move forward from here so we're going to leave that as an issue that we're not agreed upon and to go one step further like Andy says, if you are asking the planning board for the 21 hours or requesting that, why would you be requesting something that it would have no power to grant?

MR. LOEB: Because the past practice has been to ask the board that.

MR. PETRO: You're being polite.

MR. LOEB: Little bit because if you can, if you agree that 21 hours is appropriate for the operation, because of the type of business, because of the type of equipment, because we meet all of the noise restrictions in the town because the truck traffic is only 6 a.m. to 6 p.m. unchanged then you may wish to grant our request for hours outside of the fact that I'm not sure you have that power and if that is the case, it's no harm no foul.

MR. PETRO: I'm so glad that we had this little back and forth because it did clarify some of that for me, let's move forward with the application.

MR. LOEB: Then let Greg present the plan.

MR. SHAW: Thank you, Mr. Chairman, maybe a good place to start is to describe the existing conditions of the two parcels. I will be referring to them as the northerly and the southerly parcels, the southerly being that which the soil processing building presently sits on and the northerly parcel being the Affron parcel which we plan to amend the site plan for. The southerly parcel totals 2.47 acres, located on that parcel is an existing 24,750 square foot soil processing building, 2100 square foot storage area, a 1,200 square foot office area, 11 parking spaces, two truck scales, and two highway entrances. I might add that in 1994, variances were obtained on this site for front yard setback for the office building and the building height variance for the soil processing building. The northerly site is 2.91 acres in size, it presently consists of seven fuel storage tanks, two buildings, one fuel loading rack, and a highway entrance onto River Road. Separating the two parcels is a water course and presently there's a drive and the 36 inch culvert across that water course which connects the two parcels for access. Regarding the proposed improvements, on the southerly parcel, we're proposing an 8,050 square foot addition to the soil processing building for equipment storage that is located easterly side of the building. We're also proposing the

conversion of the existing soil storage area again located easterly side of the site to a utility area. We're proposing the relocation of a truck scale to the northerly parcel. We're proposing for the removal of one highway entrance of this parcel which will be closed. Other than removing a small section of water main, there will be no changes to the existing infrastructure on this parcel.

MR. PETRO: Greg, highway entrance before you leave us you're removing one and building one?

MR. SHAW: No, with respect to the southerly piece there are two entrances, we're abandoning the northerly entrance of the southerly piece.

MR. PETRO: Okay.

MR. DUBALDI: You're not adding an entrance to the new parcel on top, it's already there, correct?

MR. SHAW: There's an existing entrance right here.

MR. DUBALDI: Okay.

MR. SHAW: The improvements to the northerly parcel will consist of the demolition of two of the fuel storage tanks. We're also proposing a clean soil storage area consisting of four bins all heights will be 15 feet high. Soil, treated soil will be transported across the water course through a new covered conveyer and radial arm stacker, this will transport the soil in a northern direction to the new bins. We're proposing a vehicle staging area for the removal and transport of the clean soil from the site, there will be a new highway entrance on the northerly parcel also and the relocated truck scale from the southerly parcel. A water quality basin without lead piping will be part of the improvements and the northerly office and garage will remain and we're going to provide eight parking spaces for this building in order to satisfy the zoning requirements of the Town of New Windsor.

MR. PETRO: Two handicapped six regular is that what's

up there?

MR. SHAW: Yes. Incorporated into the site design will be heavily landscaped berms along River Road and along the lands of Conrail. These landscaping areas will provide visual mitigation to people traveling along River Road and the Hudson River. After development, the existing 36 inch culvert and the 14 foot wide drive will continue to provide access between the two sites. And finally, Mr. Chairman, I'd like to end with the fact that while there are presently two parcels each separate and distinct, each having their own tax map designation, they'll be combined into one lot with the appropriate paperwork filed in Orange County for a total parcel area of 5.38 acres on the westerly side of the lands of Conrail.

MR. PETRO: The existing or the remaining five tanks which are existing, you're removing two, dismantling them, what are going to become of the five tanks that are remaining?

MR. SHAW: They are proposed to remain under present condition. Right now, they have no plans for these tanks and the operation of the facility, it really comes down to the expense of the demolition of the tanks. That is why we need to remove two for our operations, the remaining five we would like to leave in tact.

MR. PETRO: What's that bermed all the way along the tanks?

MR. SHAW: Presently there's a berm and we're taking out part of that berm and creating a landscaped area because the berm is no longer needed because there will be no fuel in the tanks.

MR. PETRO: Second question, the 36 inch culvert pipe runs from River Road down to the river, is that going to be covered completely?

MR. SHAW: No. Right now, you have probably about a 15 foot length of 36 inch pipe which sits in the drainage course, access from one parcel to the other is over

this drive which is on the culvert, we're not proposing to add any pipe, we're not proposing to change the water course whatsoever, we'll just be continuing to drive over it as we presently do now.

MR. PETRO: It's not affecting that at all?

MR. SHAW: Absolutely not.

MR. PETRO: The conveyer belt is going over that so I am sure the conveyer belt that is removing the dirt from the storage building over the waterway and into the four bins that are going to be constructed, is it a covered belt of some kind?

MR. SHAW: Yes, it is a covered conveyer and the exact explanation of this type of conveyer can be made better probably by a representative of TPS, we'll ensure that no material will fall into the water course whatsoever.

MR. PETRO: Gentlemen, anybody else want to go over anything? We saw this plan one time before and asked for a couple things to be changed and augmented so I imagine you have done that.

MR. KRIEGER: Have you done that?

MR. SHAW: To the best of my knowledge, yes.

MR. KRIEGER: This is the first time the board's seen this particular plan but it's basically very similar to the other.

MR. SHAW: Correct, I believe the first plan I submitted to this board consisted of one drawing, this submission now consists of seven drawings so there has been a lot more work which has been added to it since the first time you have seen it.

MR. PETRO: No increased site generated traffic volumes and that is stated in your EAF?

MR. SHAW: Correct. As Mr. Loeb just explained, the hours of operation of trucks coming to and from the site and the number of trucks have not changed from

that in the original EAF.

MR. PETRO: That number is 12 trucks per day will enter and exit the site per day?

MR. SHAW: Correct.

MR. PETRO: Regardless of the hours that it may operate that is the total number of trucks?

MR. SHAW: Correct.

MR. PETRO: Gentlemen, does anybody want to go further with this? Now we'll get some input from the public.

MR. KRIEGER: I do want to say one thing before we start in the nature of clarification, this portion of the map that refers to lands of Krieger, that is not me, it does happen to be my brother and it's misspelled but it's still not me.

MR. PETRO: You have no affiliation.

MR. KRIEGER: I have no affiliation, no interest whatsoever.

MR. PETRO: On 3/13/97, 14 addressed envelopes containing attached notice of publication provided by the assessor of the Town of New Windsor regarding the above application for site plan subdivision and I find that the addresses are identical to the list received, I then mailed the envelopes in a U.S. depository within the Town of New Windsor, Myra Mason, secretary for the planning board before Deborah Green, notary public on the 13th day of March, 1997. At this time, I'd like to open up to the public.

MR. LOEB: Mr. Chairman, as a point of order, I think in the past what you have generally done is let the applicant make his presentation. I have Phil Greeley on traffic which addresses specifically that last question about the increase in truck traffic, traffic and noise.

MR. PETRO: I stand corrected, I thought we were done

with the presentation, when Greg sits down, we're normally done. I will stand back off that and we'll pick it up exactly where I left off and Mr. Greeley.

MR. LOEB: I think you know Phil Greeley from John Collins in prior appearances, he's a professional engineer with expertise in traffic and noise and he will treat some of those questions particularly the traffic.

MR. GREELEY: Mr. Chairman, members of the board, ladies and gentlemen, my name is Phillip Greeley, I'm a professional engineer and vice president of John Collins Engineers. We have been involved with this site going back to 1994. We have prepared the original traffic and noise studies that were submitted in support of the original application. As Mr. Loeb had indicated, the original proposal was for a quote outdoor facility. Back in February of 1994, we had prepared a traffic and noise evaluation for the site and that study had documented conditions in the area of traffic along River Road. It also looked at ambient noise levels. And as a result of that study, we had made projections as to the number and types of trips generated at the site. In that study, at that time, they had estimated somewhere in the order of 12 truck trips per day, 12 to 15 truck trips per day. In our evaluation, we had considered that effectively all of those trucks would occur in a one hour period from a design standpoint we were taking a worst case scenario to see what would happen at the driveways if all of the truck activity was in a condensed period and one of the reasons for that quite honestly was we were given some range of trucks and there was some uncertainty as to how they would arrive. We tried to do it worst case scenario, a bit of clarification I think under the current proposal right now, we could have more than 12 trucks over the course of the day, but on a peak hour basis, we would not exceed the numbers that were originally analyzed. In terms of traffic and the truck activity, there's other significant truck traffic along the corridor, peak hour volumes along that road are in excess of 800 vehicles, in short, even with 12 additional trucks during peak hours, River Road and the surrounding roads are capable of accommodating that

traffic. That is what was project did in the original study and based on the operation that we have seen out there, from a traffic flow standpoint, things are fine. The other component of our studies dealt with noise and at that time, since we didn't have an exact facility to look at and because it was going to be an outdoor type of unit, the mobile unit we had prepared estimates of noise levels for the project. And in support of the application we presented that data. Since that time, approximately spring of last year, we were asked to look at the actual noise levels of the operation in the enclosed building. At that time, we went out and we did measurements to see what, how our projections were, et cetera, and pretty much they were right in line with respect to many of the frequencies. One of the things that we had to do with respect to the Town Code for hours of operation from 7 p.m. to 7 a.m. the Town Code is very specific relative to noise levels, not only overall noise levels but by each individual frequency range so what we ended up doing was collecting some noise data by frequency using an octave, what's called an octave band analyzer and in order to get those types of measurements first we, during the course of the day, those levels are very restrictive in terms of their cut off levels, especially at the higher frequencies with the amount of activity in the area, at first we had trouble trying to get what we'll call clean readings that weren't influenced by background noise levels. We were able to do that later in the evening and we identified at frequencies from I believe about above one kilohertz and up we were either right at the town regulations or slightly in excedence (sic.) of that for operations that would be in the evening hours. One of the reasons that we had looked at that was because the operation was very successful in terms of the amount of material that was being processed and to see how we compared to the original, of course our original studies had looked at 16 hours of plant operation with the limitation again of the 6 a.m. to 6 p.m. truck operations. As a result of that, the two kilohertz and above frequencies were in excedence of the Town Code requirements for the late evening hours is what I will refer to. Modifications were then looked into what could be done to bring down those levels and there were changes or soundproofing/attenuation measures that were

put into place at the facility with the afterburner and the different equipment some acoustic baffling materials were installed, that was done by a separate firm. When we were coming back in for this application, we were asked to revise it, what was the effect of those changes, the additional soundproofing, et cetera. So earlier this year in January and I believe it's part of the submittal with the EAF, we had the opportunity to go back out to the site and take additional measurements to see how we compared in terms of noise levels by each of those frequencies and in the EAF submittal, as summarized in the EAF submittal the effect of those modifications was that we're now in compliance with the Town Code requirements throughout the day, regardless of whatever hour of the day in terms of limitations and restrictions on those frequencies. Again, that is summarized in our letter which is included in the EAF and again the modifications that were done, soundproofing modifications made that possible for those higher frequencies where we were previously above.

MR. PETRO: Mark, you have read through the EAF, I'm sure, and you agree or disagree?

MR. EDSALL: I had one question for Phil. When you did the noise level testing, was that done with the building entirely closed up and all the equipment running?

MR. GREELEY: We took measurements with the equipment, all the equipment running and at the last set of measurements, the January measurements with the equipment running in the building and also the front the front door I will call it which is a bifold type door in place as well, there's a flap which also comes down which is a flexible flap on the bottom of the door, those measurements are with all of that in place.

MR. EDSALL: Have you done any testing with the doors in the partially opened condition or open condition?

MR. GREELEY: We had done prior to the soundproofing we had this time around with the measurements, one of the reasons we took readings at the end of the operation

for two reasons, one is because the background noise even 8 or 9 o'clock at night between trucks and the traffic, trying to get an isolated reading that is quote clean, we ended up taking those readings like nine to ten o'clock at night. At that time, we took readings with the flap down.

MR. EDSALL: The reason I'm asking Mr. Chairman it's been observed that in many cases they are operating with the doors open at least partially open and I'm wondering if all the attenuation for noise abatement is effective if the doors are open. So I'm not quite sure that if the testing was done with the doors closed that would confirm compliance but that might not be how they are operating.

MR. GREELEY: Basically, Mark, when we took the readings prior to the sound attenuation soundproofing, again the only frequencies and this was even with the doors open, the only frequencies that we had problems with were really the 2, 4 and 8 kilohertz frequencies and there were different varies of excedence somewhere by one decibel, some were by five decibels, at those frequencies, even with the door open, you know, prior to the soundproofing, we were pretty good relative to those cut off levels. The frequency noise that we were experiencing were really in the portion of the I will call it the stack or where the afterburners are so even with the door open, the frequencies that we were dealing with were associated with the, I will say more of the exterior component of the operation.

MR. KRIEGER: In your discussion and on traffic you referred repeatedly to peak hours, what do you mean by peak hours?

MR. GREELEY: Okay, in terms of we were referring to the roadway peak, okay, which generally occur from 7 to 9 in the morning.

MR. PETRO: Not generated from your site?

MR. GREELEY: No, no combination of.

MR. KRIEGER: When you say generally, do you mean this

road, I'm interested in answers to this specific, with respect to this project?

MR. GREELEY: Yes, that is correct, on River Road, the exact one hour period varies slightly day-to-day but effectively from 7:30 to 8:30 in the morning 15 minutes one way or the other, some days 8 to 9 is heavier volumes, some days 7:30 to 8:30 is heavier and in the afternoon I believe the highest hour in the afternoon I believe was from 4:45 to 5:45, yeah, the morning hour the highest peak was 7:30 to 8:30 in the morning but again, you know it could vary by as much as 15 minutes either way and in the afternoon, the highest total, highest hour was 4:30 to 5:30.

MR. EDSALL: One other question I had for Phil, you indicated in the application that you are not proposing any change in the hours and volume of truck traffic but one inconsistency which I seem to have found and I'm not quite sure you might have an explanation, the original paperwork and applications indicated that the truck traffic was set with those hours for five days a week, the application information for this application indicates that you are not going to change it, you list the same hours but you say for 6 days a week. Do you intend to continue with the five days a week or are you looking at six days a week?

MR. GREELEY: Our original studies were based on six days a week, I don't know what the current application is.

MR. EDSALL: Not in the EAF forms I have, the ones I have show five and the plans that were approved show five so that is something else I think the board should just make sure they are aware of there seems to be an inconsistency.

MR. PETRO: I want to clarify that now that is an important issue, Mr. Loeb.

MR. LOEB: Phil may not be the right person to respond to the operational, he can tell you what his studies cover.

MR. PETRO: But your studies were based on six day weeks.

MR. GREELEY: Original studies we had done were on six.

MR. PETRO: We'll come back to that.

MR. EDSALL: Just again for the record, I would, for my review, it looks as if the notes on the previous plans do reference six to six Monday through Friday so the five day operational period was also referenced on the plans from what I can see that would seem to be an additional change if they are looking to change that to six unless I can see something otherwise.

MR. PETRO: Well noted. Okay, thank you, Mr. Greeley.

MR. GREELEY: Thank you.

MR. STENT: Okay, you were speaking about the 12 trucks per day in the application and you were talking about 12 trucks per hour, are we maintaining 12 trucks per day or looking at 12 trucks per hour?

MR. PETRO: It's per day.

MR. GREELEY: Yeah, the reference that I had made was that our studies, the original studies that we had prepared had looked at what would happen if it was all in a condensed period and part of the reason was just because we didn't know we were given information and what they expected how many per day but we didn't have the arrivals.

MR. PETRO: Worst case scenario.

MR. GREELEY: Worst case scenario in terms of the actual numbers that would be anticipated TPS could give more details about that but that is what we had evaluated.

MR. PETRO: Next presenter?

MR. LOEB: I just want to reply to the question that you raised, I think that part of the, it's not

confusion, but part of the difference is Phil's study extended over the six day period, we have no problem with trucks on a five day Monday through Friday period, so the study actually covers a slightly broader number, not slightly, one more day, Monday through Saturday.

MR. PETRO: So your application is not exceeding the five day operation?

MR. LOEB: That is correct and it's five days, Monday through Friday on trucks in and out.

MR. PETRO: Mark, are you satisfied with that?

MR. EDSALL: Yeah, we just have to modify the application information to make it clear or I think a note.

MR. PETRO: There is no change so that shouldn't be too hard to do if there's no change.

MR. LOEB: I'm sorry if there was confusion, I think that completes our presentation on the amended plan on the traffic and noise.

MR. PETRO: Okay, Jim does make one point very well that this is an amended site plan so what we need to do is look at this portion of the plan that is being amended, not the entire overall site, some of the site's not even being touched. So keep in mind as you're speaking, this is an amended site plan. Members, do you have anything else before I go?

MR. LUCAS: I do, as you notice on the plans, you'll see the says two properties.

MR. LUCAS: I have my business and shop there and I have the building next to it, so I have weighed a lot of things tonight to be fair to the applicant, to be fair to the board and to be fair to myself, I sit here duly as public servant and also as a private citizen and taxpayer and owner of those properties, so I don't know what the rules of order are but I'd like to sit as a public, as private citizen knowing that my, I'm going to abstain from voting tonight.

MR. PETRO: That is your privilege, we still have four, we need three for a quorum.

MR. LUCAS: It would be fair to all parties, I do have some things to say so I think it would be fair to all.

MR. PETRO: Very good, you're excused.

MR. LUCAS: Thank you.

(Whereupon, Mr. Lucas stepped down from the board for this application.)

MR. LOEB: Jim, for the record, we have no objection if Mike continues to sit, we have said this before in prior applications, it's his choice.

MR. PETRO: He's choosing to sit out in the public and voice his opinions. I had left off where the mailings had gone out, the 14 addressed envelopes to the property owners and that I was about to point out to the public once again, if you'd like to speak on behalf of this application and I have a feeling there's somebody here that would, please come forward and state your name and address for the stenographer and again, I know, I couldn't see who you were but can't hear too well, everybody speak up and we'll try to go over each item at least one time so would anyone like to be first?

MR. PAUL BENJAMIN: My name is Paul Benjamin, I live at 13 Sunrise Terrace above St. Joseph's Church. Actually, it's wonderful to see the planning board how it works and Mark bless you for asking about that open door because all day long all I hear from this plant is uhhhhhhhhhh where I live now, I don't know about this noise level, and it may be in accordance but all I hear all day long is uhhhhhhhh and kind of in the distance but it's there and every time I go down there the door's open, I don't know, I'm like I paid \$164,000 for my home three years ago, the sound was not there and I don't, I can't, I don't know if I am speaking for all the other people, but I can't believe this is being done to the homeowners. I'm not sure what's in it for

us. I'm not sure what's in it for New Windsor. My taxes didn't go down. Are they supposed to go down from this? Why would I as a tax payer why would I say hey, this is a great idea, let's do this, let's have this burning unit here by our homes. Does this mean I have to move because the sound is all day long, I'm not sure, I have never spoken at a place before, I'm not sure what to do and you're going to do what you're going to do, you know, you're trying to make it work for them and for us. What do we do as tax payers? Do we say okay, we'll let the noise go this time?

MR. PETRO: Why is the plant and I will field anybody that wants to answer that, why is the door open?

MR. DAVE EDWARDS: I will answer that.

MR. PETRO: Why is the door open? You're Dave Edwards.

MR. EDWARDS: I run the plant. The door's open so you can allow the trucks in, okay, during the course of the operating day, the trucks have to back in, deposit the soil in the staging area which is lined for protection from the ground water and that materials dumped inside if for some reason you do not want a truck to come out with that door down for one it won't clear it, and two, there's a safety hazard by leaving the door down. When equipment is operated on the inside during the day, it's open, I tend to have it shut down at night now what time does that occur exactly every night, it varies, but we generally try to have it down by 7, 7:30.

MR. PETRO: I don't know about the safety end of it and we can get that but that seems to me about 12 trucks a day, why can't it be opened and closed 12 times in the 16 hour period?

MR. EDWARDS: I'm sorry sir?

MR. PETRO: Why can't the door be opened and closed if there's only 12 trucks a day in a 16 hour period of operation, why can it not be opened and closed 12 times?

MR. EDWARDS: From an operational standpoint, you're dealing with something constantly moving up and down it's better for us from an operating standpoint to have it open, keep in mind we have passed noise surveys conducted by the town by Phil Greeley for the town with the town numbers during that daytime period even with the door open.

MR. PETRO: Let's keep in mind there's reality and then there's laws, you follow my point, in other words, if it's still there and still a noise.

MR. KRIEGER: Passing it with the door open is not what I heard him say, I heard him say he did all the tests with the door closed.

MR. DUBALDI: Was the test done with the door open, Mark?

MR. PETRO: We'll go further with that, we'll note that and we'll get further, thank you.

MR. ROBERT CAVALUZZI: My name is Bob Cavaluzzi, I live at 177 Shore Drive, Town of Cornwall, I too share the same concerns as the gentleman who spoke first. As a homeowner, I worked hard, I got a waterfront property, I feel that I came here for clean air and I was at a meeting two years ago in 1995, when an operation of this sort came up at Vails Gate and at that time, I was not only I, many of my neighbors were concerned not just in New Windsor, Cornwall, Salisbury Mills, we all felt that this operation whatever you gentlemen decide and the planning board and your town decides will affect this entire county, but more particularly Cornwall and I'm distressed that I don't see the supervisor of Cornwall here. I'm distressed that there aren't more people who are concerned about the very insightful questions that you are asking, I'm very pleased with this planning board, I have been from two years ago, and I just want to encourage you to continue asking questions such as Mr. Krieger did. I am concerned about traffic, I work hard and I come home from, and I have to travel on these roads which are difficult as they are already, what's going to happen between now Monday through Friday on these roads, the

same roads that are causing congestion now and making it so difficult for me to get here. And I'm concerned about the air quality. My family and I came here because of the clean air and now for some reason, New Windsor has been chosen out of the entire United States, New Windsor has been chosen for this operation. I don't understand it. I'm paying for taxes in Cornwall so I don't have industry, instead I'm going to be breathing the air of industry from an operation that is, has persisted for at least two years from the last meeting I was at when the public spoke vehemently about the the soil cleansing, no, it's called soil burning operation, I thought Vails Gate was closed and I thought this operation which was mentioned at that meeting was never going to go any further. And so I'm shocked tonight that I have neighbors who call me and say get over to this meeting, I thought this was dead.

MR. PETRO: You're talking about Cornwall, you're talking about being affected in what manner?

MR. CAVALUZZI: Air pollution, I'm talking about traffic congestion, noise levels increase, I look at River Road right now which when I travel on River Road and it's difficult to handle the traffic there and you're telling me that tests, I don't know when the tests were taken, is not going to make it any worse, I can't imagine that, and I can't imagine why other representatives of our county aren't at this meeting or why this whole subject isn't before the county because it's going to be affecting all county residents the way I'm concerned in Cornwall, other residents should be concerned. And I know they are concerned but they shake their heads and I think they assume that because they have representatives in our government that they are going to be looking out for them. I have learned differently and I have put my money in property that I expected that was going to be safeguarded against this, instead, I'm meeting the very same problems that I had in New York City, Rockland County and now Orange County.

MR. PETRO: We have to keep in mind I'm trying to go both sides, I understand a lot of what you're saying, I understand the applicant's, that is part of our job, I

also have my business on 9W, I'm only a half mile away from the plant and as far as the traffic and this is only my opinion, and probably doesn't weigh much, but we're going to get everybody talking 12 trucks a day in an operation is not an overload of vehicles from any one particular business. I think they also have a right, also they own the property, it's commercial property, they pay the taxes on their property.

MR. CAVALUZZI: Is there someone going to be monitoring the number of number of trucks?

MR. PETRO: Let's assume that it is 12 because if it is that is another avenue.

MR. CAVALUZZI: It's another concern I have who's monitoring the air and I spoke to DEC two years ago, they said they are understaffed, they don't have even have enough to monitor the locations, they have, already I'm concerned about who is going to be monitoring the number of trucks that are coming in, they tell me 12, to me, that is a large number but anyway who knows if it is going to be more than that. The noise, how are we going to know that the door is closed, that that gentleman doesn't hear uhhhhh all the time, who's checking this, we don't have the staff now today. I don't understand how we can even consider enlarging, I don't see why it's here to begin with, let alone enlarge, I think I have told you my concerns.

MR. PETRO: Thank you very much.

MRS. VITALLI: My name is Mrs. Vitalli, I'm from the City of Newburgh, I'm president of the Newburgh Heights Association, I represent the largest group of people in the neighborhood, it is the oldest one there. We live in the very densely populated part of the city called Washington Heights, it's in the bluff area above the plant, we have people who are already suffering the affects of the environmental pollution which I know they say doesn't exist but evidently, it does but there were things in this plant to enlarge this site, there were inconsistencies. You have five days mentioned, six days mentioned, 16 hours, 21 hours, you had noise pollution, with doors closed, but the doors aren't

closed and I think most of us understand if you have trucks coming back and forth, those doors are not going to be closed. The other thing is it was mentioned 12 trucks a day, 12 trucks an hour, I think what we're probably talking about are, is that worst case scenario and as far as you're right to regulate, you have a right and an obligation to watch out for the welfare of the, and the well-being of the community that is what you're charged with and unfortunately, sometimes those decisions which are difficult to make if they are made wrongly can affect people's lives forever. There's the property values. Why would anyone buy a house here when they can buy it somewhere else for the same amount of money without having to worry about that? The environment is an issue that people are terrified about because there isn't one of us that doesn't probably have several people we know in our families that hasn't come down with cancer or other respiratory problems, neurological problems from pollution so we're talking about a serious issues and as far as I can see you, you have every right to be concerned about that because you're held responsible for your decisions. Now, the other issue is the 12, they are talking about increasing approximately 1/3 the hour because they are talking 21 hours and I think it would be foolish for us to pretend that it is going to stay at 16 hours. The waterfront development, New Windsor has a waterfront park, Newburgh is desperately trying to develop their waterfront area and they have the best chance of it happening now, the best chance in many years. Where would this operation help any of those issues? It's not going to. And I think because you have heard of the inconsistencies it means that you really cannot trust the situation, the DEC can't, has said very openly they can't deal with the situation properly because they haven't got the manpower. You haven't anyone who is going to be able to monitor the trucks and I'm sure there's going to be many more of them. You have an infrastructure that probably is being, those trucks are heavy, that is something you have to think about, these are old roads, so there's so many issues that are so far reaching that to increase the operation of this plant and it will increase because they are not going to put that kind of an investment without planning to recoup it through an increased

operation, to do anything that would further what I consider a mistake and what the people that I represent consider a mistake in the first place would just be to perpetuate a situation that can only get worse. Thank you.

MR. PETRO: I just want to get back to a couple things you mentioned the inconsistencies in the different numbers that are coming up, that is the reason for these meetings, that is the reason for the planning board, that is a reason for a public hearing, that is the reason why we're going to have another meeting after this, that is the reason why we had one prior to this and it's all going to come out and it will be done properly one way or the other or with some changes. I want you to know we're paying any attention to all of this.

MR. MALCOLM GLENN: My name is Malcolm Glenn, I live on Bayview Terrace, the so-called bluff street. I totally concur with Mrs. Vitalli and I cannot add anything to what she said but I wholeheartedly support what she said.

MR. PETRO: Thank you.

MRS. DARLENE LUCAS: My name is Darlene Lucas, my husband is on the board and we own property directly across the street from the plant. I'm sorry I missed the beginning of the meeting, there was things I didn't quite catch but I'm reading these notes here and I see that they are intending to increase the hours of operation.

MR. PETRO: You're going to have to come up, it's a little hard to hear you.

MRS. LUCAS: I see by reading this they do intend to increase the hours of operation of the plant. If I recall when Mr. Conklin first made his application two years ago, the time and hours of operation were an issue and I believe he agreed on certain hours for the operation of the plant at that first meeting. As far as the traffic study, I think that the board needs to take into consideration that Union Avenue is now closed

to all those trucks, the main road for these vehicles is River Road, that is where they travel on, now, instead of cutting off where they can take Union Avenue, they are going to continue passed the plant. I think that is dangerous. I should of wrote my notes. And as far as the noise, it is very loud, I do hear it at my house and I know the doors are open all the time and if it's a matter of opening and shutting the door and wear and tear, it was said that the door would be shut, that is how they did the test, they even admitted that when they did the test and they had the windows open, the test didn't pass the noise volume, it did not pass. I just don't think it's a good idea, I think that giving them this expansion is going to increase their productivity. We were told by Mr. Conklin when he made his first application that they would burn the soil, it gets cooled and then it leaves, they don't keep it there, they were not going to store the soil on the property. If that be the case, why do they need more space for storage of the soil? That just does not, this is going against everything they said when they first made their first application. And I let it go because I trusted Mr. Conklin, he's a wonderful man, I have known him for years, but this is getting a little ridiculous now and I do think it's not a wise idea for the board to pass this. Thank you.

MR. PETRO: Thank you. Yes, ma'am?

MS. SANDRA CASAM (PHONETIC): My name is Sandra Casam and I live in the Town of Newburgh, 1261 Union Avenue, I just wanted to make a few observations, I'm not that familiar with the issue, but but let me ask in this building, in this building where the operation takes place, are there workers?

MR. EDWARDS: Yes, we do, we have eight employees, they do work in the material, they do work in the building and I'm back there all day too.

MS. CASAM: I don't see how under any circumstances this building could be kept closed, I can't imagine, I mean I was present when they had a, when they had a mobile facility that for a short while was operating over in the Town of Newburgh next to the NYNEX facility

and I can't imagine, I mean standing even outdoors as several of us were observing this particular machine working there were fumes and I can't imagine that there would not be for the health of the workers in the facility an absolute need to keep that open. Plus if trucks are going in loading and unloading, you know, they are not shutting down their motors necessarily, there are fumes, so I think it's absolutely unrealistic and it's misleading to take any measurements with the doors closed at all. So that is an opinion I wanted to share with the board. The other thing I listened very closely to the presenter, he said that the measurements were taken when the equipment was running, and I wonder if the equipment was not only running but was also processing materials because again, I recall the noise that was generated by the material itself being, you know, sifted through the machinery, they were apparently there's some sort of a gigantic strainer kind off arrangement where the rocks are taken out and so on and if there's material in this equipment, material meaning soil and rock and whatever, that makes quite a difference.

MR. PETRO: Was there material in the machines as they were running Greg?

MR. GREELEY: Yes, it was processing material at the time of the measurements.

MR. PETRO: He's on record as stating that so we'll accept that for now.

MS. CASAM: Finally, I just want to make another observation, there was never an environmental study in the first place, you have a facility operating that doesn't have any studies that were ever done or and of course, the important part about environmental studies that the public has a part in the process, you only did it with an EA or EAF to start with and you're coming back with another EAF, there are issues, what's this water course, where is this water course coming from, many issues, we could pick at this all night. The bottom line is that there should be, there should be a comprehensive study and that is the only thing I have to say. Thank you very much.

MR. PETRO: Thank you.

MS. EVE SICKLER: My name is Eve Sickler and the lady that just spoke, I want to say that I have the same feelings with regard to the men that are working in that building and sir, eight men are working in that building?

MR. EDWARDS: We have eight employees, ma'am.

MS. SICKLER: Do you have blood tests?

MR. EDWARDS: Yes, we have done that, we have done hearing, we have done respiratory, we have done a complete physical.

MS. SICKLER: Blood tests every year?

MR. EDWARDS: Yes, they are done on a yearly basis.

MS. SICKLER: Because you know where I am coming from, I think you know where I am coming from and I just wanted to make sure. Thank you.

MS. LOIS UPTON: Hi, I'm Lois Upton, I live on Henry Avenue in the City of Newburgh. I'm also here on behalf of my father, Robert Upton, he's at 376 Chestnut Avenue, New Windsor, he's ill, he couldn't be here, I have his power of attorney, also here for my mother, Roma Upton, who lives in New Windsor, owns property in New Windsor, they own other property in New Windsor, they pay taxes and they vote, they are displeased in that an environmental impact study was never done, the town could have requested one and didn't. The town was negligent, if it's possible to do an environmental impact study now before this facility is expanded they would request that and since the DEC can't do its job, they request that the Town of New Windsor please bring the EPA into this so that it can be properly studied. Because there's an impact to the environment, it does affect people. My parents who vote in New Windsor are displeased that I who live part of the time in Newburgh suffer ill effects from this facility, I can hear the noise, I get skin rashes that started when this

facility opened, when I go back to Massachusetts the rash goes away, when I come back to Newburgh to help my parents, the rash comes back. That is not proof that stands up in court but it's a mighty strong coincidence. I have asthma, the plant aggravates my asthma, I always can tell when it's running because I have trouble breathing. And I don't vote in New Windsor, I don't pay taxes in New Windsor, I pay them in Newburgh and in Summerville Massachusetts but my family owns property, pays taxes, wants an environmental impact study done, if there's any way this can be done and would like the town to ask the EPA for help with this. Thank you.

MR. PETRO: Just to go along with her, Mark, for a second we're doing an EAF, correct, that has been done on the site?

MR. EDSALL: That is what has been submitted and you're the lead agency.

MR. PETRO: Okay, you're looking, the people are asking about an EAF which is much more extensive.

MR. EDSALL: That is what some of the requests have been.

MR. PETRO: Is there a reason or reason we have not asked for one?

MR. EDSALL: It's the board's prerogative to make a decision, what type of submission they want so that is something you can take up tonight or any other night.

MR. PETRO: Okay, let me get that gentleman in the back, he's been very patient.

MR. JOSH CLAYLAND (PHONETIC): My name is Josh Clayland, I'm from the environmental group Scenic Hudson in Poughkeepsie. I just have two things I want to discuss and the first one is a potential inconsistency that you might want to investigate in the permit that TPS has from DEC. Right now, condition 26 on page 9 refers to a covered area for the treated soil. This site plan doesn't include that and I think

that it, whether it's needed is debatable and I would go for the side of having it covered but it is an inconsistency and I think that is something to look at. As you probably already know, Scenic Hudson's primary concern has been with non-petroleum contamination, things like arsenic and PCBs and things that are not petroleum contaminates, not necessarily destroyed by the equipment. Now, the way that I have always thought would be the best way to handle this issue is to have good previous treatment testing for the soil for these contaminants to make sure that if it exceeds the acceptance levels acceptance criteria which are in the draft construction permit that those kinds of soils would be excluded. Now, the permit that they have right now, the permit to construct has those kinds of acceptance criteria for some of those contaminants but in my opinion they are too high and they protect ground water, but they don't necessarily protect air. They might be able to come out of the stack and be in the air and this is something that the Department of Health studied and confirmed for some of the contaminants, arsenic and PCB and algenated organics, like pesticides would be an example, they said that those could be too high in the air potentially if the soil contaminated was sent to the plant. So DEC is now working on this final operating permit which hasn't come yet, it's due pretty soon and we're optimistic they might reduce those acceptance criteria in this final permit. But I do have a little bit of skepticism about that, I had a conversation with DEC the other day and they say yeah, we're negotiating at this point with the applicant and with the Department of Health and that negotiating makes me a little bit nervous. They don't really have any public input on that at this point, given there are other concerns, but they are not involving us in the negotiations. So anyway, any recommendation to you all would be just as good, matter of form, it would make sense to defer any action on this matter until the final operating permit has been issued and you can evaluate whether it comes down erring on the side of public health and lower the acceptance criteria to protect public health and the air quality and if it does, then I think that is going to be great. If it doesn't, then I think you ought to take a good hard look at things, such as the hours of operation and

things that are in your control. That is all I have so thank you.

MR. JOSEPH VITALLI: My name is Joe Vitalli, from the City of Newburgh, and I noticed in the presentation made earlier that there was no real focus on the air, the change that might occur in the air when all this move is made, there was no much attention there were other things, drainage and stuff like that, but that is one of the major concerns I would think with this plant we could possibly have an invisible killer here over a period of time just floating around. We don't, we take breathing for granted and sort of lulled into a false sense of security maybe by that but so the, it's a gamble if you vote for approval on this presentation but it wasn't mature enough, just to vote approval on it at this point is--

MR. PETRO: This board is going to take no action tonight, I will tell you that right up front or for anybody else that might want to hear what I said.

MR. VITALLI: It is not clear what we're dealing with, it could be poison gas traveling all throughout the whole area, not only a couple of counties but so that is why I just wanted to bring that up.

MR. PETRO: Thank you, sir, is there a representative from DEC here tonight?

MR. LOEB: Not that I am aware of, I don't know, I'm not sure if they were, if he or she would stand up.

MR. PETRO: The only reason I say that is because two or three of the speakers mentioned a number of times that the DEC either could not do their job or couldn't monitor it properly and I just wanted to see their response but if they are not here to answer it.

MR. LOEB: I'm not sure that we agree with that and no one who's dealt with them can ever say that you get a clean pass and a stamp, you don't, but I don't know that there is a DEC person here and if so, I would ask, thank you.

MR. PETRO: Anyone else that wants to speak? Yes, sir?

MS. MAURO PARISI: My name is Mauro Parisi, I think that it is pretty clear that what we're dealing with in this application is an increase of volume. It seems to me that just from Mr. Loeb's comments himself that every time that there's been a change here, there's been a change not just for the heck of it, I mean he mentioned wind was blowing the material around when this was an outdoor facility, but I believe that the only reason it wasn't, the only reason for bringing it inside you'd be able to do more and I think that this is true, that the volume has increased since day one, I would imagine that that would be the case and I believe that to expand this facility the way they want to, I think it's twice what it has been would seem to me that that would indicate an increase in volume, volume is what I am concerned about as a father I have a 4 1/2 year old daughter and I'm concerned about the air quality. I live in Cornwall and we know that Orange County has a great burden of air pollution more, you know, and more every year, now apparently our air quality is becoming worse and worse. I just read an article recently in the Times Herald Record about air quality in New York and one of the things that caught my eye was the fact that the Metal Container Corporation puts out a hefty amount of chemical pollutants into the air, they are six statewide in the amount of pollutants they put in and I think it was about 800,000 pounds of chemical pollutants per year, that is a quote from the newspaper. So I think it seems to me that we have our share of pollution, you know, for our communities and it seems to me that something like this just represents an increase in volume of that and I really would urge this board to look at that real closely and to ask the question do we need more pollutants in our air, especially of the kind that would be emitted from this facility, thank you.

MR. PETRO: Thank you. Your point is well taken and I want to address, normally, I'd close the public hearing but I want to keep it open, the volume that is a very important question, I know you're allowed a certain volume every day I guess by the DEC, I'm going to field this to Greg. You want to take it?

MR. SHAW: I would defer to the people more familiar with the operation, Mr. Catalano.

MR. PETRO: You're allowed a certain volume per day, what percentage of that volume are you doing now, is there a percentage?

MR. CATALANO: We're allowed by permit right now 1,050 tons per day and we're operating on an average of less than 25 percent.

MR. PETRO: 25 percent over what you're allowed, okay, I want to go further with this. This woman sitting here from the heights in Newburgh said something that was very good, when you expand obviously you want to reclaim some of the costs, you want to increase volume, when you increase the volume, are you going to go above what you already have permission to do, in other words, you can go to 1,050 tons a day now?

MR. CATALANO: Correct.

MR. PETRO: Would, by rebuilding this plant, not building the plant but, expanding in the manner that is presented would that produce passed a 1,050 tons?

MR. CATALANO: Absolutely not, the proposal that is before you here tonight and was here before, has absolutely nothing to do with the quantity of soil to be processed, none.

MR. PETRO: It's not going to be increased over what you already have?

MR. CATALANO: No, absolutely not.

MR. PETRO: You just need bigger place to put the dirt as it's being processed?

MR. CATALANO: That is correct and that is a very good question, I don't remember who asked it but Josh Clayland said that there was a lack of a cover on the clean soil bin and that is correct in the drawing, but in reality, what we have talked to the DEC about is the

ability to just cover it the way we do now with tarps so it is covered, okay, but it's not drawn that way but by permit requirement, we do have to cover it, you're correct. The question is and it's somewhat logical for somebody to say hey, why do you need more clean soil storage if you are not going to increase your production, it's really, it's kind of a matter of math. One of the things that we have to do under our DEC permit now is to test all of the clean soil as it comes out the clean end of the unit, okay, every day we have to test and those tests take up to 48 hours of turnaround time, okay, because of that, we end up jamming ourselves up with clean soil, so we wanted to expand that a little bit, that is all it applies to because we actually don't have enough room to store the clean dirt, that is really all that is all about. Now we have the gentleman that runs the lab here, he can expand on that explain to you why it takes that long.

MR. PETRO: I want to go back to that, to me that is the most paramount question of the night is why are we--

MR. CATALANO: Let me re-emphasize then under no circumstances does this project have anything to do with expanding our capacity to clean soil, none, that is why we're not asking for an increase in truck traffic, we're not asking for an increase in the hours that we take trucks, we're only asking to expand the site as shown and to live up to the hours of day hours of operation per day that we were previously granted from the DEC.

MR. PETRO: Okay, I will get back to that.

MS. FRAN MAXWELL: My name is Fran Maxwell, I have lived in New Windsor since 1955, I watched you all grow and develop around and it's been nice to see it for the most part except for a few incidents, one of which was in Vails Gate and another in River Road and then of course, there's a few other little things but I think we're talking about this now. You said that every time there is a little bit of a change in either a transfer, renewal, extension or correction there seems to be different phraseology and that is very true, there was

a phrase that said no dirt would be brought in from beyond 50 miles radius, I wonder if that is going to hold true. It also said that as far as the bunkers and I understand that there's a proposal of four more bunkers to be built on this new site, if we're only allowed to keep 7,500 cubic yards in a bunker, and only 3,665 cubic yards in clean covered dirt, processed dirt area, then why do we need four more bunkers? And the front and back doors are open, I go through there many, many times, they are always open, sometimes they are open all the way, sometimes they are open down to a quarter in the front but the back is opened all the way. I question that perhaps the people have difficulty breathing when the dust is being moved from one end to the other. The back area near the river is always left open and the dirt piles are not covered, perhaps they close them at the close of the day which could be at one a.m. that is possible, it's a little dark out there and I can't see that well. The DOH has made seven recommendations of their concerns, I would ask you have you all read that, have you all studied that on the planning board and are you sure that they have already fulfilled that commitment? We're on a temporary permit now and to extend as Josh said all this to go on into a bigger process, a bigger area with perhaps some more phraseology and extensions and corrections being made, I wonder why we should be in such a hurry, we haven't even gotten it finalized by the DEC that they have been passed in all the things that they need to pass. Let's see what else do I have to say? My main concern is that every time Ira Conklin proposed something TPS took over, proposed something differently and every time there's an extension every time there's a correction, every time there's an update from the DEC, the DEC does not necessarily follow what the planning board had agreed upon. They over, they have overextended and went beyond you so I wondered who's controlling whom, has the town lost the control and why, oh, one more other thing, somebody mentioned it, your traffic plan changed just recently within probably six weeks time, doesn't that outdate the study that was done in 1994 of the truck traffic? Because now you do not want trucks coming up Union Avenue and snake around the felt company and come up and cross over 94 and go up Union Avenue and crawl over and crawl

through now they are going to have to either go up River Road or into the City of Newburgh to go around so those are my points.

MR. PETRO: Thank you. Okay, I see no other hands. Okay, this fella here?

MR. BERNARD SUSSMAN: Good evening, my name is Bernie Sussman, I'm a 25 year resident of Cornwall, I live at Merrill Road in Cornwall. And I'm here as a member of the Board of Orange Environment representing Orange Environment, there's an old adage that says what you don't know, won't hurt you. I submit with regard to the soil burner, it's more of a matter of what you don't know might very well hurt you. There are so many reasons have been presented to you this evening which point to the requirement for an environmental impact statement at least on the part of the board's function. There are a dozen changes, Mr. Loeb made it easy in the very beginning, he said this is dramatically changed from what had been presented, had the word significantly been used instead of dramatically, we would be having and EIS in short shift. The board has an opportunity now I believe it has an obligation maybe not legally but certainly to the residents to take a hard look at the potential adverse impacts caused by the significant change and I ask that you please not rush in to approve the application without requesting an environmental impact statement and please remember that new old adage what you don't know might very well hurt you. Thank you folks.

MR. PETRO: Thank you.

MR. MICHAEL LUCAS: Michael Lucas, I used to be a member of the board. My concerns before I became a member was proposed by Mr. Conklin, Mr. Conklin and I have known each other for years, especially at the YMCA, I think anything he puts his hands on you can trust. Since then, I understand business procedures and what had happened, we have another concern with running the operation, I see Mr. Conklin's here tonight. I have taken a survey, my business is down there, my shop and another building I have down there some of the things that are concerns are number one is

the noise, it has to do with hours more than anything else and I'm talking about the total noise package, not just the operation of the equipment but also the equipment, the loaders and that so in later hours going on, I understand sometimes you go over half hour couple times, tenants have told me that 1:30 in the morning they have heard things going on down there. The other thing is the door open they are quite concerned about that and there's a lot of dust and I'm not attributing the dust to the exhaust from the burner itself, there's been an increase in dust down there because of the soil that comes out of there is of course is dry, the trucks that come out of there and the area around it there is a lot more dirt, dust, and if you talk to people around that area, the people in, even in my shop itself, it's a shop, but there is a lot more film and a lot more dust in the area. So my concerns are number one, the hours, number two, is somebody monitoring those hours knowing if we say it's going to be six, we say that is another legality if it's 16 hours, let's not say 17 and a half, we were there for an extra hour and a half if we're supposed to have the doors closed, let's close the doors. If somebody can install a door it ought to work 12 times a day and I will tell you if you want a DEC agent, go outside and have an cigar, he will be there in two minutes, you go down there when it's running, I'm not saying that they are not there, but I have never seen them out there but those are my concerns and I thank the board.

MR. PETRO: Any new issue that we haven't touched upon?

MS. ARLENE LUCAS: I remember when they first presented themselves to the board, we were told that the burner was a portable burner which would not be operating on River Road five days a week during business hours that because it was portable they would be taking this burner to sites and doing the burning right there on the site. They haven't done that and I'm just wondering now if they are considering this a permanent fixture on River Road that they don't intend on moving it?

MR. PETRO: I would assume that that is what they are stating to us, we should ask the applicant that

question directly.

MR. LOEB: I can speak to that. The answer is yes, the first application was in April of '94 was for the mobile unit which was outside, second was an application for a fixed base unit and that is when the building was proposed to keep the operation within the building. And that is when that change took place, that is when we went to the zoning board of appeals, that is when we came back here and the board granted that approval on December 14, 1995.

MRS. LUCAS: Because you made it a permanent fixture now did you have to redo your applications with the DEC and everybody else? I'm not very familiar with this.

MR. LOEB: Yes, yes.

MR. PETRO: Okay, seeing no other hands at this time, and before I close the public hearing, I want to tell you I really appreciate the quality of questions tonight and the manner in which all of you have spoke. I have been here seven years as chairman and this is one of the nicer public hearings that were non-hostile, there were intelligent questions and I'm not patronizing, I'm just thanking. I'd like to have a motion to close the public hearing.

MR. DUBALDI: So moved.

MR. STENT: Seconded.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the TPS Soil Recyclers of New York for an amended site plan. Is there any further questions from the board. If not, roll call.

ROLL CALL

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

MR. PETRO: Mr. Lucas, would you like to rejoin us or wait until after this application?

MR. LUCAS: Yeah, I will join you now.

MR. DUBALDI: Can I ask a question?

MR. PETRO: Sure.

MR. DUBALDI: With the doors on to the building, does the sound exceed acceptable levels because I'm very very confused about that with the doors open.

MR. LOEB: That is a matter for Phil.

MR. GREELEY: To clarify that, again, I'm going to refer to the code, okay. During daytime hours, there's certain levels that are required, the plant is fine relative to those. What we were focusing on last year we were asked to look at it was the 7 p.m. to 7 a.m. time period, they are more restrictive levels that are required and those are the frequencies that we had problems with prior to the soundproofing being done. So the question of daytime noise levels even with the door open the plant was okay, it was the restrictive 7 p.m. to 7 a.m. time period with the door open, we had a problem and even with the door closed initially, we were in excedence at those upper frequencies. With the soundproofing and the door closed in those time periods, the periods the 7 a.m. to 7 p.m. period we're now below the requirements of the Town Code.

MR. PETRO: My point here is requirements, there's certain laws that exist, even if you are meeting those and you're doing those, the point is a man lives two miles away, it bothers him at his home, it's still bothering other people. So I think there's further need to necessitate a solution to the problem. The door going up and down that I don't know maybe you have to put air recyclers in the building to clean the air for the workers, I don't know the answer but the problem exists, whether or not the law is being met and that is a concern to everybody.

MR. GREELEY: Understood.

MR. KRIEGER: There's been a great deal of talk about the DEC and 21 hours that they supposedly allow, I'm aware of nothing in this record so far that indicates that. I don't have any idea what the DEC approved, what they looked at, what the extent of their approval is. If such an approval exists in writing, then I'd ask the applicant to produce it so it can be looked at.

MR. LOEB: We'd be pleased to do that. The town's files already contain copies of the, all the permits issued by the DEC, we have supplied them as we have gone along, they are in there, we'll give you other copies, they are all there.

MR. KRIEGER: It being in the town's files does that mean it's in this record, doesn't mean it is before this board, this board by law is a separate entity from the town because they are filed somewhere else, doesn't satisfy the requirements.

MR. PETRO: Ron, do you want to say anything? I'm going to summaries something.

MR. LANDER: I'd like to ask the plant manager, how many trucks a day do you say come in and out of this plant?

MR. EDWARDS: Number of trucks per day vary, there are days when we have none, there are days when we have had 15, 18, the average comes out to less than 12 per month every month of operation that we have been in operation thus far, 12 per day, per month, they do vary like I say between a heavy load depending upon the particular job that is coming in to nothing.

MR. LANDER: That is for a five day week?

MR. EDWARDS: Yes, sir.

MR. LANDER: Also, your gates are closed at what time?

MR. EDWARDS: We close the exit gate generally right after 6, 6:30 in the evening when we start leaving

normally I have the other one closed when I leave any time between 6 and 7 p.m.

MR. LANDER: Plant still in operation after that?

MR. EDWARDS: The equipment is shut down by 10 o'clock we do cleanup.

MR. LANDER: Start at 6 in the morning?

MR. EDWARDS: People arrive at 5:30 to open up, process soil begins sometime after 6 a.m. depending upon operation and whether or not there's breakdowns.

MR. LANDER: So you're processing at this time approximately 250?

MR. EDWARDS: It will vary, sir, depending upon number of operations, type of material, how wet it is, there's a whole list of variables but yes, on an average 2 1/4 to 2 1/2.

MR. LANDER: I was there at the original, the portable plant that was noisy, they did do some modifications to that, I haven't been there since they put the building up, I have driven passed, I have seen trucks sitting there waiting to unload or just coming out of the doors. Now, I will tell you this, all those trailers and trucks that go in there are all covered and they would have to cover these loads as they leave now the clean materials inside this building you load the truck inside.

MR. EDWARDS: No, sir, the material that comes from the job sites which is contaminated is unloaded in the building.

MR. LANDER: Yes, but I mean the clean soil is inside the building.

MR. EDWARDS: Clean soil is out the back where there's a clean soil bin after it had has been treated, that is what the application for site amendment refers to.

MR. LANDER: That material has to be covered also?

MR. EDWARDS: Yes, sir, there's a tarp back there, it is primarily a requirement of the DEC to put it in, material's thermally treated and it's sterile when it comes out and is tested prior to leaving the site. For the record I think you should understand there's been a number of questions with regards to the number of DEC viewings of the plant since our commencement of operation on November 13 of '95, I have had approximately 50 visits from members from the DEC, Air Quality, Solid Waste, regional Directors from the Department of Health, from the Town of New Windsor every visit from a regulatory agency requires what they call a Notice of Compliance which is a document which tells you whether or not they have found something wrong in their evaluation, whether or not you have a problem or whether or not there's anything that you need to address. We have not to this date as of this evening, received any Notice of Violation of any kind for the plant.

MR. PETRO: Michael, do you want to add anything?

MR. LUCAS: No, I spoke my piece back there.

MR. DUBALDI: I have no other concerns at this time.

MR. STENT: No.

MR. PETRO: I'm going to summarize this. Everyone kind of bear with me cause I have got a lot on my mind with this as far as the plant itself or the amended site plan the four additional bins I don't care about the four additional bins per se, as long as the product is not being increased if he has four bins or 25 bins they are properly covered or done or exceed whatever they need to do, I don't see a problem, they are adding parking, they are removing two unsightly tanks, the remaining five tanks the site plan itself as far as the sound goes, I think that would need to be addressed further. And for another meeting if we should get that far to come up with some further way to address that problem, I have already stated to this fella here that I don't see 12 trucks in operation of this size being a major impact to any road system and I only work a mile

away. And I, your point taken about Union Avenue being closed was well taken, it is a different truck route but again, 12 trucks and it is per day, it's not per hour, that is one way that I am looking at this, but the most paramount and I have a hard time with the whole project in a whole for these couple bottom line issues. The bottom line production is not being increased, you have said that, I think that is a very, very good point in your behalf, you're working at 25 or that I don't have a problem with, but there's two other ones, you're working working under a temporary permit, you're going before this board, in going further with this business on a temporary permit, how do we know that you are not going to get a permanent permit at some point? I don't know that, I don't know if you know that. I don't know that anyone knows that till it actually happens, when is the permanent permit coming, does anyone know that or can you give us a timeframe?

MR. THOMAS WEST: I'd be happy to address that, Mr. Chairman. My name is Tom West, I'm an attorney representing TPS before the DEC. We have had several meetings with the DEC recently relative to the certificate to operate, let me just step back a moment and address the DEC permitting process because what's been referenced here is a temporary permit is really a misnomer. The DEC commonly issues what he is known as a permit to construct and what that does is it enables a facility to get up into operation and typically with a permit to construct, there's a requirement that the facility conduct stack testing. And that was done at this facility last year, the facility after it was up in operation after the DEC was satisfied that the facility had reached steady state operations and that the tests would be representative to the type of emissions from the facility was required to undertake detailed and very expensive stack testing to prove that the emissions from this facility would not adversely affect the environment and would be consistent with the DEC regulatory standards. All of that has been done and was submitted to the DEC, in the ordinary course, the issuance of a certificate to operate is a pro forma event, it happens after you pass your stack test. What happened with this facility is that the Department of Health issued this that was referenced by several

members of the public and that Mr. Clayland is holding up in the back of the room and as a result of that, the DEC decided to review some of the air emissions issues and some of the soil acceptance criteria associated with this facility. As a result of that review, the DEC has decided to reduce receive of the limits on this facility for soil acceptance to lower the limits. Some of those limits meet the objectives of the Department of Health report, other limits don't go as far as the Department of Health report has suggested, although I would add that in those areas where there's still some disagreement between the Department of Health and Department of Environmental Conservation, the Department of Health really has not put forth any health based basis for suggesting that there should be lower limits, rather they have just suggested that they don't think that this company needs limits as high as it had in the original permit to construct. We anticipate that the Department of Environmental Conservation will issue the certificate to operate within the next several months. Ordinarily, there's no public process associated with the issuance of a certificate to operate, ordinarily, that just issues, the public does not have an opportunity to comment upon that. In this case, the Department of Environmental Conservation will go to public comment prior to finalizing the facility permit. TPS has consented to that process, even though it is not legally required to do so because we recognize that there's public concern and we want to make sure that the public has had an opportunity to review the revised soil acceptance limits and other limits that have been placed on this facility so that they are satisfied with the permit but I should add Mr. Chairman that that process with the DEC is totally independent from this process and it really has nothing to do with the site plan amendment that is before you which will give this facility some more operating room, some more room to handle the clean soils that come out of it. I do have to add one point of clarification to Mr. Catalano's statements earlier and the questions about the covering of the clean soils because that has been an issue of concern to the facility in terms of the operation because essentially what you have or what Mr. Edwards referred to as sterile soils that come out to this facility they have

been cooked and as a result of that, there really is no reason to cover them except for dust control. And in our meetings with the DEC, the DEC has acknowledged that they do not believe that there is a need to cover the clean soils, as long as the company takes steps to ensure that they control dust. And so what they are going to offer in lieu of covers is using moisture water to control dust, when the soil usually the soil when it comes out it is moist, if the soil dries up on a particularly hot sunny day, they are going to add moisture to the soil to keep it from blowing around and not use covers, that doesn't mean that we can't go back to covers if dust becomes a problem. It's just an operational problem for the facility to use covers so I do want to add that point of clarification that we expect the final certificate to operate will no longer require that the clean soil pile be covered.

MR. PETRO: You're still under a temporary permit?

MR. WEST: It's not a temporary permit, it's the way the process happens it's the first step in the process the second step in the process is about to happen the DEC has told us that we're, they are ready to come forward with that permit, we're not sure exactly when they want to use this very unusual public process of going to the public with the draft certificate to operate and we have consented to that because of the public concern. But I don't think that that, the fact that we have consented to a process to allow the public to have input into the DEC process should in any way hold up this board in its concern. If the DEC doesn't give us a permit, this facility doesn't operate.

MR. PETRO: That is precisely my point, why do you want to buy a Cadillac when you just have a learner's permit? I'd like to see you have the final permit, this is, there's going to be a couple other things, this might become a moot point because maybe you'll have a permit when the other things get done but I still think you should have a full permit before expanding the property, part of the project by more than half, let's put it that way.

MR. WEST: We have a full permit, we have done our

stack testing, we have demonstrated the environmental efficiency in the facility meets or exceeds all DEC standards and that certificate to operate will be issued in due course.

MR. PETRO: The public hearing is closed, ma'am, I think that is when I'd be more inclined to really feel more secure about going further, let me get to the rest of my points and I thank you for your explanation. The hours of operation you're stating now that you are working at 25 percent up to 40 percent maximum, with that in mind, I mean it would be absolutely no way that I would ever go with any further extension of hours. I'm going to tell you that, that that is a no vote for me, I'm going to tell you ahead of time that is where I stand, if there's a reason you needed that for some other purpose, that was not explained tonight, I'd be willing to listen to that. I didn't hear anything convincing on any hour increase should be increased. Now Mr. Loeb, if you feel that that is something that can be settled in a court, then that is your prerogative and I'm sure the Town of New Windsor would oblige you. Lastly, the EIS that was mentioned I'm a hundred percent for the EIS and I think this is of such magnitude no one seems to know really what's coming out of the stack. I know people tell us there's nothing there, I know that the woman shows up with a rash, I don't know if it's from candy bars or living down there. We don't know that. One of the tools we can use is an EIS and I don't have, rarely would suggest that, but I think it's very important in this case and that is my recommendation to the board. And again, I'm one member.

MR. DUBALDI: I agree with everything you said, Mr. Chairman and I'm only one member too.

MR. PETRO: I'd like to see the permit in place, the final permit before we take final action but I think that might become a moot point because other items might take that long anyway, as far as the site plan is concerned, if all else falls in place and you want to have four extra storage bins and room for a couple tanks and eight more parking spaces, remove a curb cut and add another one, I don't see a problem with that.

That is my opinion, does anybody else, Mark?

MR. EDSALL: I just had one question. You mentioned that the, you anticipate the permit to operate in a couple months, the last information that the town has is that the permit to construct will expire on the 31st of March, did the DEC mention any extension of that permit to construct so you can update us.

MR. WEST: We anticipate this week the DEC will announce that they are going to extend the permit to construct for another 90 days and that between now and the conclusion of that 90 days, they'll go forward with their public notice on the certificate to operate after they hear from the public on the certificate to operate they'll make their final decision concerning the certificate to operate.

MR. LUCAS: Is that certificate to operate contingent upon Phase 2 or just what you have there now?

MR. WEST: I don't understand what you mean by phase 2?

MR. LUCAS: To get the final permit you didn't get the second phase that you brought in front of the board that permit, your permanent permit will that just have to do with what exists now?

MR. WEST: The DEC air permit can exist for or relate to either the existing facility as is presently configured without the property to the north or it can exist with the property to the north, it's irrelevant to the amendment to the site plan, the amendment to the site plan gives the facility operator more breathing room in the sense or more operating room in the sense of more place to put clean soil, more place to allow trucks to sit while they are waiting to unload, it does not give, it does not affect--

MR. LUCAS: Not contingent on the site plan.

MR. WEST: No, not at all.

MR. PETRO: Gentlemen, we have another 6 items so I'm going to close it up. Greg, one thing and I'm sending

March 26, 1997

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this out to you, if you do, if we go this far and we continue there may be no reason we can't but I want to do more studies on the sound and come up with some idea on how to work on the sound problem to do something, I don't know what, I don't know, I'm not the engineer so maybe something. Okay? Thank you.

MR. LOEB: Thank you very much.

MR. PETRO: We'll take a recess.

(Whereupon, a brief recess was taken.)

96-19

T.P.S. Soil
Public Hearing

Name:

Paul Benjamin - 13 sunrise Terrace

Spoke re: Noise Level + Doors being open

Bob Cavaluzzi - 177 Shore Dr. - Com.

Spoke re: Noise + clean air

Mrs. Vitalo - City of Newburgh Hts. Assoc.

Spoke re: Air Quality + Area Quality

Malcolm Glenn - Beatty Terrace

Spoke: Agrees w/ previous

Belene Lucas: Adjoining Prop. owner

Spoke re: Increased hours of operation

Increase trucks + Noise

Burner being portable + burning being
done at various sites

Sandra Kassam - Union Ave - T of News

Spoke re: Workers in Bldg?
+ fumes + doors being closed

Original Environmental Study

Evelyn Sittler -

Spoke re: men working in bldg
blood tests on these men

Lis Apton - Henry Ave - City News.
for Robt Apton of New Windsor

Spoke re: Environmental Impact Study never
being done

Josh Cleland - Scenic Hudson

Spoke re: Inconsistencies
Covered Area for treated soil

Gil Wright - City of New.

Spoke re: Air Quality

Maura Parisi - Cornwall

Spoke re: Increase of Volume -
+ Changes being for increasing Volume
+ Air Quality

Fran Maxwell - N.W.

Spoke re: Capacity of Port + Bunkers
Doors Open
D.O.H - Concerns

Bernie Sussman - Cornwall - Orange Environment

Spoke re: Env. Imp. Statement required

Mike Lucas - N.W.

Spoke re: Noise + hours of Oper. - Doors open
Dust increased



April 14, 1997

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Poughkeepsie, NY 12601-3091

914-473-4440

FAX 914-473-2648

email: scenichu@mhv.net

Mr. George Meyers
Supervisor
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

Re: TPST Soil Remediation Facility

Dear Mr. Meyers:

Scenic Hudson supports the recent decision by the New Windsor Planning Board to defer action on TPST's application for expansion. It was apparent from testimony at the public hearing on March 26, that noise, traffic, and air quality remain significant issues in the community.

Noise is clearly an issue that needs to be addressed. Although the facility's 1994 Environmental Assessment Form (EAF) asserted that there would be no significant noise, it was evident from public testimony that noise is indeed a nuisance. Further study of this significant environmental impact is needed. Also, we recommend a review of the EAF and earlier Planning Board minutes to identify other inconsistencies between the project as proposed and as implemented.

As you know, Scenic Hudson's primary concern has been non-petroleum contaminants in the soil and in air. It makes sense for the Town to withhold approval of longer operating hours or actions that would effectively expand the facility's capacity until it can be determined whether DEC adequately addresses the issue. Until DEC reveals the extent to which non-petroleum contaminants would be controlled, it will be impossible for the Town to make conclusive determinations about air quality impacts, potential additional mitigations (e.g., controlling hours of operation), or community acceptance. By the same token, we question whether DEC should grant its approval before SEQR issues are resolved.

In the event that the Planning Board initiates a SEQR review for the soil burner, we recommend public scoping to ensure that all issues of concern to the community are identified and considered.

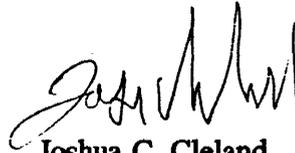


Mr. George Meyers
April 14, 1997
Page 2

As stated previously, Scenic Hudson maintains that from a strictly environmental standpoint, the best approach would be to operate the soil treatment unit on a mobile basis. This would provide the benefits of brownfield remediation without permanently subjecting a single community to potential nuisance or air environmental quality impacts.

Please call me at 473-4440 with questions of comments. Thank you.

Sincerely,



Joshua C. Cleland
Environment Associate

/rmm

cc: J. Petro
M. Moran



Mrs. J. Ruffino
315 Burroughs Ln.
New Windsor, NY 12553-6402

April 15, 1997

Dear Mrs. Petro:

Bravo - you are insisting on further studies re: the Soil Burning Facility expansion. We have 2 such plants in New Windsor and many citizens are very concerned as to the hazards to our health - especially long term.

The people of Long Beach, New York eventually will have a garbage incinerator plant shut down due to their valiant efforts.

Thank you for protecting us. My hope is that no permits be allowed for these projects in our area.

Jean Ruffino

Never too late to do right thing

Three years ago, despite heated objections of residents and environmentalists, New Windsor officials gave the speedy go-ahead to a company that wanted to cook the pollutants out of petroleum-soaked soil. Town officials didn't even ask for an environmental impact statement, accepting the company's contention that there would be no major adverse impact on air quality, traffic, property values and the general quality of life.

Now the company, TPS Technologies, is back before the Planning Board asking permission to expand the storage capacity and hours of operation of the plant on River Road. This time, the Planning Board — and the Town Board — are having second thoughts.

The hesitation undoubtedly stems from two things: 1) a report by the state Health Department recommending regular monitoring of smokestack emissions beyond the one-time test administered by the state Department of Environmental Conservation, and a reduction in the acceptable levels of PCBs and other compounds in the emissions; 2) the fact that TPS failed its one required DEC smokestack test anyway.

The DEC, operating in the laissez-faire environment of former commissioner Michael Zagata, gave TPS an air quality construction permit in 1994 and town officials appeared to be following the DEC's not-so-subtle message to ease the way for the soil cooker business.

But Zagata is gone and the DEC, with the Health Department report in hand, is reviewing a request by TPS for a five-year operating permit. New Windsor officials this time are showing the caution appropriate for a project with such potential negative impact.

Town planners seem unlikely to approve the firm's request to build a large storage bin for reclaimed soil and to extend hours of operation to 21 hours a day from the current 16 until the DEC makes its decision. That's sensible. But the best news is that the town may do now what it should have done three years ago, before approving the soil burner — demand a full environmental impact statement.

“We're smarter now,” says New Windsor Supervisor George Meyer. “In 1994, the only big issue was that the plant should go into a planned industrial zone. It did. Now there are new issues.”

Not exactly. The issues today are the same ones raised by many residents three years ago and ever since. The town was remiss not to require an environmental impact statement in 1994. If officials are truly concerned about the health and well-being of their fellow citizens, they should ask the DEC to suspend the operating permit of TPS while that environmental impact statement is prepared.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: T.P.S. SOIL RECYCLERS OF NEW YORK
AMENDED SITE PLAN

PROJECT LOCATION: RIVER ROAD
SECTION 9-BLOCK 1-LOTS 97 AND 98

PROJECT NUMBER: 96-19

DATE: 26 MARCH 1997

DESCRIPTION: THE APPLICATION INVOLVES THE PROPOSED SITE PLAN AMENDMENT TO ADD THE ADJOINING NORTHERLY PARCEL TO THE OPERATIONS SITE AND REVISE EQUIPMENT ORIENTATION ACCORDINGLY. THE PLAN WAS PREVIOUSLY DISCUSSED AT THE 11 SEPTEMBER 1996 PLANNING BOARD MEETING.

1. For general status review purposes on this application, the Board should note that a Lead Agency Coordination Letter was issued by the Planning Board of 17 September 1996. In addition, on 20 November 1996 the undersigned wrote the NYSDEC raising question as to the need for some additional testing and monitoring, noting that this information would be most beneficial during the Planning Board's SEQRA review for this site plan amendment. To date I am aware of no responses from any agencies regarding the Lead Agency position or input regarding the SEQRA review.

The Board should be aware that, by letter dated 20 December 1996, the NYSDEC issued a permit modification for the T.P.S.T. Air Resources Permit to Construct, and extended the permit expiration date to 31 March 1997. To my knowledge, the Department has not yet made a final decision on the Air Resources Permit to Operate.

2. My previous comments required as to an environmental audit of the northerly site and questioned the status of the five (5) tanks. The Board may wish to discuss this further with the Applicant at this meeting.
3. The Board may wish to discuss, with the Applicant, any proposed improvements or revisions intended for the existing office and garage structure at the north of the site.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: T.P.S. SOIL RECYCLERS OF NEW YORK
AMENDED SITE PLAN
PROJECT LOCATION: RIVER ROAD
SECTION 9-BLOCK 1-LOTS 97 AND 98
PROJECT NUMBER: 96-19
DATE: 26 MARCH 1997

4. The Board should note that the Applicant's Full EAF indicates that there will be no increase in "site generated traffic volumes" as part of this application. Based on previous environmental information submitted, a total of twelve (12) trucks will enter and exit the site per day.

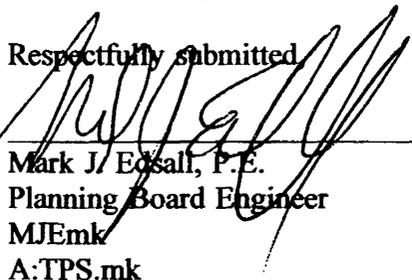
The Board may wish to inquire, from the Applicant, whether the processing unit at the facility is proposed to be changed, or if an additional processing unit is proposed. The Board should ask if the total tonnage of materials processed at the site on a daily basis is proposed to increase.

5. The Applicant is indicating that the hours of operation are proposed to expand from 16 hours per day to 21 hours per day. The Board may wish to discuss the details of the proposed change.

In the review of the hours with the Applicant, the Board should discuss, separately, the hours for processing operation versus the hours for truck traffic to the site. Previous environmental reviews were based on truck traffic to the site five (5) days per week, whereas the "Description of the Action" submitted by the Applicant for this amendment now indicates truck activity for six (6) days per week. This increased truck activity on weekends may pose a increased noise impact on the adjoining residential occupancy.

6. I will defer any further comment with regard to this application until the Planning Board has had the opportunity to review the comments of the public at this hearing. Following same, I will be pleased to provide additional reviews, as deemed necessary by the Planning Board.

Respectfully submitted,



Mark J. Ecsall, P.E.
Planning Board Engineer
MJEmk
A:TPS.mk

"Public Hearing"

RESULTS OF P.E. MEETING

DATE: March 26, 1997

PROJECT NAME: TPS Soil Recyclers Amendment PROJECT NUMBER 96-19

LEAD AGENCY: _____ * NEGATIVE DEC: _____
M) ___ S) ___ VOTE: A _____ N _____ * M) ___ S) ___ VOTE: A _____ N _____

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A _____ N _____
WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

DISAPP: REFER TO Z.E.A.: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:
M) ___ S) ___ VOTE: A _____ N _____ APPROVED: _____

M) ___ S) ___ VOTE: A _____ N _____ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

6:am - 10:pm (DEC says 21 hrs O.K.) for Burning Only

6:am - 6:pm for truck operation

7 remaining tanks will remain - 5 to remain - 2 to be removed

5 day Operation M-F - Noise study done on 6 days

To Close P.H. @ D @ S - 4 days O reap 1 - Abster (Lucas)

Want copy of DEC approvals

Address noise at future meetings

Tom West - Atty for TPS - spoke re: Permanent Permit

"E.I.S. is required" final permit to be in place prior to approval
to be issued within the next several months

**RETAKE
OF
PREVIOUS
DOCUMENT**

"Public Hearing"

RESULTS OF P.E. MEETING

DATE: March 26, 1997

PROJECT NAME: TPS Soil Recyclers Amendment PROJECT NUMBER 96-19

LEAD AGENCY: _____ * NEGATIVE DEC: _____

M) ___ S) ___ VOTE: A ___ N ___ * M) ___ S) ___ VOTE: A ___ N ___

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.E.A.: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE: A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

6:am - 10:pm (DEC says 21 hrs O.K.) for Burning Only

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5 day Operation M-F - Noise study done on 6 days

To Close P.H. @ D @ S - 4 days O'ray 1-Abstem (Lucas)

Want copy of DEC approvals

Address noise at future meetings

Tom West - Atty for TPS - spoke re: Permanent Permit

"E.I.S. is required"

to be issued within the next several months final permit to be in place prior to approval

4-27-94 Approval of original

12-14-94 Approval of S.P.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

March 4, 1997

Gregory Shaw
744 Broadway
Newburgh, NY 12550

Re: Tax Map Parcel #9-1-97 & 98

Dear Mr. Shaw:

According to our records, the attached list of property owners for the above parcel are abutting and across any street.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

Leslie Cook, cmo
LESLIE COOK
Sole Assessor

LC/cmo
Attachment

cc: Myra Mason, Planning Board

Littman Industries Inc.
65 River Road
New Windsor, NY 12553

Belcher Co. of NY Inc.
c/o Coastal Fuels Marketing Inc.
PO Box 4372
Houston, TX 77210

Consolidated Rail Corp.
Property Tax Dept
PO Box 8499
Philadelphia, PA 19101

Lucas, Michael & Arlene J.
98 River Road
New Windsor, NY 12553

Shotmeyer, Kathleen
1 Valley Street
Hawthorne, NJ 07506

Klein, William
RD 3, Box 243
Wallkill, NY 12589

Krieger, James S. & Susan F.
Route 94, Box 101
New Windsor, NY 12553

Sayles, Philip & Yvette
6 Silver Spring Road
New Windsor, NY 12553

Dellafiora, Joseph J. & Victor
42 Frost Lane
Cornwall, NY 12518



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553-6196
Telephone: (914) 563-4610
Fax: (914) 563-4693

March 12, 1997

**SUBJECT: T.P.S. SOIL RECYCLERS OF NEW YORK SITE PLAN
TOWN OF NEW WINDSOR PLANNING BOARD
(APPLICATION NUMBER 96-19)**

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for site plan approval of the T.P.S. Soil Recyclers of New York site plan amendment project located off River Road within the Town. The record owner of the property is I.D.C. Soil Reclamation, Inc.

Please find enclosed, for your review and comment, the latest revision to the site plan and the Environmental Assessment form, which is to be discussed at a Public Hearing scheduled for 26 March 1997.

If you have any questions, please contact our office.

Very truly yours,


James R. Petro, Jr., Chairman,
Town of New Windsor Planning Board

mlm
Enc.

cc: NYS Dept. of Transportation, Poughkeepsie
NYS Dept. of Environmental Conservation, Albany
Orange County Planning Dept.
Mark Edsall, P.E., Planning Board Engineer
Shaw Engineering



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

20 November 1996

New York State Department of
Environmental Conservation
Division of Regulatory Affairs
21 South Putt Corners Road
New Paltz, New York 12561-1696

ATTENTION: MICHAEL D. MERRIMAN

SUBJECT: TPST SOIL RECYCLERS OF NEW YORK, INC.

Dear Mr. Merriman:

I am writing this letter as a follow-up to the previous letters written to your Department by Town representatives in connection with the TPST/Ira D. Conklin Soil Reclamation Facility in the Town of New Windsor. Town representatives received and performed a general review of the "Preliminary Assessment of Air Contaminant Impacts - TPST Soil Reclamation Facility, New Windsor, New York" dated September 1996, as distributed by the New York State Department of Health, Division of Environmental Health Assessment. This assessment provides a conclusion that indicates that there is some uncertainty relative to the public health and makes the conclusion that more careful assessment, including additional stack testing, would be appropriate. I must advise you that it is the position of the Town of New Windsor officials that such additional monitoring by the NYSDEC is necessary and appropriate.

Currently, the Town of New Windsor Planning Board has had placed before it an application for a site plan amendment of the TPST facility. A Lead Agency Coordination Letter was issued to the NYSDEC on 17 September 1996; however, our records indicate that no response was received from NYSDEC. Possibly you can also check on the status of this matter.

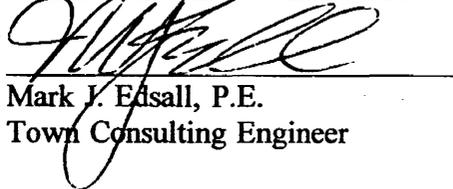
20 November 1996

It is our belief that the additional monitoring and testing by the NYSDEC will be essentially beneficial in the continued review of the facility and the protection of the public health and, as well, will be most informative during the SEQRA review for the site plan amendment currently before the Planning Board.

As always, I appreciate your continued assistance in these matters, and look forward to your input regarding this facility and operation.

Very truly yours,

TOWN OF NEW WINDSOR



Mark J. Edsall, P.E.
Town Consulting Engineer

MJEmk

cc: George J. Meyers, Town Supervisor
James Petro, Planning Board Chairman

A:MERRIM.mk

REGULAR ITEMS:

T.P.S. TECHNOLOGIES SITE PLAN AMENDMENT (96-19) RIVER ROAD

Mr. Gregory Shaw and James Loeb, Esq. appeared before the board for this proposal.

MR. PETRO: Because of a conflict of time with one of the applicants, we're going to switch number 3 to number 2 and vice versa so next will be T.P.S. Technologies.

MR. LOEB: Good evening members of the board, my name is James Loeb and I'm appearing tonight for T.P.S. Recyclers of New York and for the Conklins, T.P.S., the operators of the soil remediation facility on River Road and the Conklins on the site. I appreciate Mr. Chairman you're changing order, I can live for another year that way if I pick up my wife. We have filed an application to expand the existing facility to a parcel of land 2.91 acres immediately north of the existing facility so that it would become incorporated into the site. The application that we filed with you has an extensive narrative and we explained that what we're going to do is put the clean soil site, the 2.91 acre site just north of the existing site, we're also requesting an amendment to the hours of operation to align the New Windsor permit with the permit from the DEC. It's understandable how this disparity came about because we got the DEC permit after we got the New Windsor permit so that is the difference in ours. I hasten to add that the change in hours will not mean that trucks will either enter or leave the site at any different hours, we're not asking for any change in that aspect of the operation of the facility. It's just the actual on-site remediation and what we're asking for the board to do tonight is to adopt the resolution assuming lead agency status so we can start the SEQRA process going. There are at least two other involved agencies, the DEC that has jurisdiction over the entire operation because it's an air quality question and the DOT because you'll recall that River Road is a state road and we're making some small changes in the access design to River Road and we also

at the same time like you to set a public hearing down at your October 16 meeting which is more than 30 days from today by which time the lead agency competition will have ended and I'm reasonably certain that no one will step up and that you will be fortunate enough to be the lead agency on this, as you were before when the project came to you originally.

MR. PETRO: I think we took lead agency coordination letter, Mark, shouldn't we do the same for this application?

MR. EDSALL: I think what Jim meant to say is that he wanted us to issue an intent to assume.

MR. LOEB: Yes, you can't use the old one.

MR. EDSALL: No, what I am saying Jim Loeb said he wanted us to assume lead agency, I think you meant you wanted--

MR. LOEB: Adopt a resolution expressing your intent to assume.

MR. PETRO: Send out the letter?

MR. LOEB: Yes.

MR. EDSALL: We do have to do that.

MR. PETRO: Just for the minutes and Jim and Greg, we had a fire disapproval on this also so you may want to read the memo, I'm not going to go into the minutes now.

MR. SHAW: What's the date?

MR. PETRO: 13 August, 1996.

MR. SHAW: That has been corrected and we'll get a new one.

MR. PETRO: Forward a new one here.

MR. SHAW: Yes.

MR. STENT: Can you address the hours, Mr. Loeb?

MR. LOEB: Yes.

MR. STENT: The hours of operation you mentioned there was no change?

MR. LOEB: What we'd like to do is not change the hours of operation for the truck movements which are 6 a.m. to 6 p.m. but we'd like to extend the hours of operation to a 21 hour a day operation. Now, what happens is that the facility once it starts remediating the soil and we'd like to keep it going for that period of time then it will shut down three hours out of every 24 for repairs and maintenance and that is what's in our DEC clean air permit.

MR. PETRO: How is the site being affected at all, Greg?

MR. SHAW: There are going to be a couple bulk oil storage tanks which are going to be removed. There's going to be a building which is going to be demolished, this area there's also going to be a truck fill station in this area which is going, also going to be demolished.

MR. PETRO: For what reason, to make room for soil?

MR. SHAW: To make room for the new entryway coming off of River Road, what we're proposing is to add a new entrance on the northerly portion and to abandon and close up the existing entrance on the southern parcel which is presently being used by the facility. Again, the southerly portion has two entrances when the two parcels merge together, there will continue to be only two entrances and this one will be removed.

MR. PETRO: Wasn't there a retaining wall between the two sites, if I remember correctly, or was there water going down?

MR. SHAW: No, there's a stream and we'll been crossing over that stream over an existing culvert which is

presently there. We don't plan on proposing any improvements to the stream but the water course.

MR. PETRO: Highway department's looked at the new entrance on this road?

MR. SHAW: I don't believe so.

MR. BABCOCK: That is DOT, that is a state road.

MR. PETRO: What's the purpose of closing this and using the new entrance up further up the road?

MR. SHAW: Just the DOT's philosophy that they'd like to have the minimum number of penetrations on a state highway as possible and if you give them an option of two or three, they'll take two every time. It's two parcels and it's being combined.

MR. PETRO: You want to keep it as another site, you could then be able to have both entrances.

MR. SHAW: Correct, both.

MR. PETRO: So by combining it now you're allowed one.

MR. LANDER: So you are saying you're going to remove this property line here?

MR. LOEB: Yes, we would do that at the conclusion of the process, I assume it would be a condition of approval and we're prepared to do that.

MR. LUCAS: I'll make it public knowledge that I do own some parcels across from that, just so you know.

MR. LOEB: I know that. We have no objection so.

MR. PETRO: Mark, do you think it's wise instead of going through this in such detail at tonight's meeting should we send out a letter and see if we get some feedback to see if we're going to be the lead agency?

MR. EDSALL: Yeah, obviously for SEQRA procedural reviews, you need to find out what position you're

going to be in so the next step for SEQRA would be to move forward with the coordination letter. Depending upon if you, which we'll assume you're going to be lead agency, let's assume someone else wants it, at that point, you'd want to see, decide if you want to coordinate SEQRA review with the public hearing. Many times the board decides to have the public hearing, receive input on both the site plan issues and any environmental issues.

MR. PETRO: Yes, we would, but my point is should we continue reviewing the plan before we know that we're lead agency?

MR. EDSALL: You can review it for site plan, obviously the site plan issue is absolutely yours, no one else can take that away from you, but the environmental issues I would think you best defer to another meeting until you find out.

MR. PETRO: You answered it.

MR. LANDER: What's going to happen to the storage tanks to remain here, what are these tanks going to be used for?

MR. SHAW: I don't think there is any immediate use at this point in time. I believe it's just the economics of taking down additional five tanks. Their future use right now I really couldn't say if any.

MR. LUCAS: This stage two, I wasn't on the board, this is just an afterthought because the operation expanded?

MR. LOEB: We had not been able to acquire that land yet and so could not have been part of the first operation and then when that land was acquired, we realized that it would be, I don't want to say cleaner operation, because I don't mean to make a pun, but we'd remove the clean soil from the first site and deposit it only on the northern side so it's a better way of separating the soil that needs remediation and from the soil after it's been remediated.

MR. PETRO: Greg, why are we using the term amended

site plan, looks to me like the size of the new addition here is bigger than the original and as complex, why is this an amended site plan?

MR. SHAW: Would you like to respond?

MR. LOEB: It really isn't nearly as big as the original except the land area but what we're doing is asking that the site plan that you have approved be amended by permitting us to add the one building which is 8,000 square feet that will house the afterburner and then we'll be moving the soil from the southern parcel by a conveyer to the northern parcel and placed in the storage bins there. That storage area is presently on the southern parcel. We're just going to move that not for the northern parcel, I mean if you want to change the name, I have obviously no problem but we have viewed it as an amendment to the plan by incorporating more land. When we viewed this preliminarily with your engineering consultant, he thought it would be a good way of explaining to the board that we were not starting from ground zero but starting from an existing plan and amending it.

MR. LANDER: Well, we're going from existing plan, we have got a large piece of property here that granted we're not putting this building, another building that size on there but we're altering all this that is right next door here, we're storing the soil now.

MR. PETRO: Plus changing the entrance.

MR. LANDER: We have got a water quality issue. Mr. Shaw, can you elaborate on that?

MR. SHAW: It's just going to be a pond which is going to be a detention pond where it's going to collect the storm water, let the phosphates, nitrates settle out any sediment that is in the water, degreasing oil, standard water quality issue before we discharge to the stream, there's nothing special, it's required on your larger projects, we thought it would be appropriate for this piece of land.

MR. LANDER: So you are going to have your drainage

shed into the water quality basin.

MR. SHAW: Yes.

MR. LUCAS: Already any future entertainments for accepting barges and using that?

MR. LOEB: I'll tell you not to my knowledge and I assume not to Greg's.

MR. LUCAS: Cause I mean that was one of the questions I had a long time ago because it's located that close to the river now it would be really accessible if they brought barges down, will that expand the operation if you decide to take the soil on barges, where does this end?

MR. LOEB: Obviously, if anything like that happened we'd be back here but I'll tell you and I'll be glad to put on the record I'm certain neither Greg nor I have any knowledge of that at all. What we're aware of is what you have here.

MR. PETRO: Jim, also Myra just brought to my attention that the T.P.S. Soil Recyclers of New York was not the original name of the project on the first site plan.

MR. LOEB: What's happened since then and we wanted to make sure that the record reflected what you would find in Goshen is that the recyclers, T.P.S. Soil Recyclers of New York have leased the land, both the first parcel and then when we acquired it the second parcel and that is recorded in Goshen. The Conklins own the land but the operators of the facility is the T.P.S. Soil Recyclers of New York, I-N-C and there are recorded memoranda of lease in Goshen.

MR. PETRO: So amended site plan is not referring to the same review name though?

MR. LOEB: No, it's a different name.

MR. PETRO: Maybe this will be a slash with the old review name.

MR. LOEB: But we would change the title block.

MR. KRIEGER: What's required is that the applicant produce, if the old site plan was from the Conklins, I don't remember but an assignment of their rights to proceed under that site plan so that the board is sure it's dealing with the correct entity and they can complain that their site plan was amended without their participation.

MR. LOEB: I think you'll find that both names are on the application because we thought that you might be concerned about that both the landowner and the operator are standing as the applicants before you.

MR. PETRO: You're here basically, I'm sorry.

MR. LANDER: Let's go back to the new addition on the existing building on the existing site, what does that do to your setbacks, anything?

MR. SHAW: No, nothing whatsoever. We're not increasing or we're not minimizing any of our setbacks both front, side, rear yard and our building height is going to be substantially less than the building height for which we got the variance for with the initial application.

MR. LANDER: Building height 35 feet?

MR. SHAW: Yes, I believe we have 51 feet.

MR. PETRO: If the hours of operation were not increased and remained from 6 a.m. to 6 p.m. would that adversely affect the site plan on the new parcel and would it still go forward?

MR. LOEB: I'm not sure that any of us can answer that but I want to make sure that the 6 a.m. to 6 p.m. is not the hours of operation, that is the hours of truck movements in and out. The hours of operation that are in the existing permit are 16 hours a day under your permit and 21 in the DEC permit.

MR. PETRO: So it is a 5 hour increase?

MR. LOEB: Yes, yes.

MR. PETRO: It's not a 9 hour is what you're saying?

MR. LOEB: That is correct and I hope although maybe I wasn't as clear as I thought I was that that is spelled out on pages 3 and 4 of the narrative.

MR. LUCAS: But it is a very sensitive issue.

MR. LOEB: Well, it's a sensitive issue if we don't comply with the DEC regulations and the town's regulations and we believe that we have a very good track record on that and what I have said in the application is the applicants have said they maintain a log 24 hours a day a log is open both for the DEC and the town's examination and we'd be glad to provide duplicate copies of it to the town, they don't even have to come down and look at it.

MR. PETRO: Is any of the contaminated soil going to be brought on to the new site or still be brought into the old site?

MR. LOEB: All of the soil that needs remediation will be on the old site and the new soil that are remediated soil will be stored on the new site so we're separating them.

MR. STENT: So you are taking out the back bins that you had down there?

MR. SHAW: Correct, that is going to now be a utility area.

MR. PETRO: Says new addition there also Greg on the existing site, existing building that is there now new addition meaning you're going to enclose that, is that what is going to be done?

MR. SHAW: Yes, presently, that is a 50 foot paved area around the rear of the building for access. What we're proposing to do is to construct a new addition to that approximately 8,000 square feet for the afterburner and

whatever miscellaneous equipment.

MR. STENT: You're going to pave from there back to the property line so there will be extra around the building?

MR. SHAW: No, we're not providing access to the rear of the building.

MR. PETRO: Did you do any calculations on coverage on this site?

MR. SHAW: Not at this point.

MR. PETRO: Because you have 8,000 on the building itself and the paving.

MR. LANDER: You have got 10,000 square feet of utility area and new addition.

MR. PETRO: I think what we're going to do, gentlemen, bear with me with, please board members, I mean I think you really want to get a coordination letter started, we cannot schedule a public hearing until at the time you get a list from the assessors. Once you have the list of names from the assessor and you can deliver to Myra, we can schedule a public hearing so we can do that at a further meeting but we can get out a coordination letter and get that started. At that time also Mark, I think because you haven't really reviewed this in full, as you normally do, I see by your notes and I think we need some further input from the engineer.

MR. EDSALL: I have looked at it as being the initial concept plan, obviously there are some details and other information that I am sure Greg intends to add to the plan and once I get that, I can really do a detailed review. But I have completed my review of the preliminary plan and those comments are before you.

MR. PETRO: So we'll get the letter out and get it started and we'll see you at the next meeting.

MR. LOEB: I appreciate it and thank you for switching

September 11, 1996

25

the agenda.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



1763

17 September 1996

**SUBJECT: T.P.S. SOIL RECYCLERS OF NEW YORK SITE PLAN
TOWN OF NEW WINDSOR PLANNING BOARD
(APPLICATION NO. 96-19)**

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for site plan approval of the T.P.S. Soil Recyclers of New York site plan amendment project located off River Road within the Town. The record owner of the property is I.D.C. Soil Reclamation, Inc. The project involves modifications to the existing Soil Reclamation Facility on River Road and, in addition, the addition of a parcel approximately 2.9 +/- acres in size to the north of the existing facility, to be used in conjunction with the operation. A narrative describing the scope of the project is included herewith.

This letter is written as a request for Lead Agency coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA Review Process, sent to the Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: James Petro, Planning Board Chairman (contact person), would be most appreciated. Should no other involved Agency desire the Lead Agency position, it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

Attached hereto is a copy of the preliminary site development plan, with location plan, for your reference. A copy of the Full Environmental Assessment Form submitted for the project is also included.

All Involved Agencies
Page 2,
T.P.S. Soil Recyclers of New York Site Plan

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz
NYS Department of Environmental Conservation, Albany
New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
Orange County Department of Health
New York State Department of Health, Division of
Environmental Health Assessment
Town of New Windsor Supervisor (w/o encl)
Town of New Windsor Town Clerk (w/o encl)
Orange County Department of Planning
State Clearing House Administrator
Applicant (w/o encl)
Planning Board Chairman (w/o encl)
Planning Board Attorney (w/o encl)

A:TPS.mk



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.

- 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

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: T.P.S. SOIL RECYCLERS OF NEW YORK
AMENDED SITE PLAN

PROJECT LOCATION: RIVER ROAD
SECTION 9-BLOCK 1-LOTS 97 AND 98

PROJECT NUMBER: 96-19

DATE: 11 SEPTEMBER 1996

DESCRIPTION: THE APPLICATION INVOLVES THE PROPOSED SITE PLAN AMENDMENT TO ADD THE ADJOINING NORTHERLY PARCEL TO THE OPERATIONS SITE AND REVISE EQUIPMENT ORIENTATION ACCORDINGLY. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. It is understood that the Applicant's Consultants will provide a complete explanation of the revised operations proposed as part of this site plan amendment. In light of same, I will not itemize these revisions herein. The board should note, however, that this application not only proposes revisions to the site plan, but also proposes an increase in the hours of operation at the facility.

Based on my concept review of the site plan, I have the following comments:

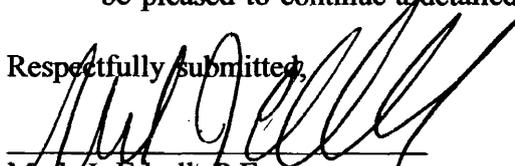
- a. The plan should identify where the equipment or other items located at the northeast corner of the building (area where conveyor will now exit building) will be relocated as part of this amendment.
- b. The Applicant should advise the Board whether an environmental audit was performed at the site, and the results therefrom. Relatedly, the Applicant should advise as to whether the five (5) tanks to remain at the northeast corner of the site contain any products or materials, and advise as to the integrity of these tanks.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: T.P.S. SOIL RECYCLERS OF NEW YORK
AMENDED SITE PLAN
PROJECT LOCATION: RIVER ROAD
SECTION 9-BLOCK 1-LOTS 97 AND 98
PROJECT NUMBER: 96-19
DATE: 11 SEPTEMBER 1996

- c. The Applicant should advise as to the improvement work which will be performed to the existing building at the north of the site (on Lot 97), indicated to remain.
 - d. The existing hydrant at the rear (east) of the new addition should be relocated in accordance with the discussions at the Technical Work Session.
 - e. Subsequent plans should include additional detail as to the grades and plantings for the landscape berms proposed for Lot 97 of the site. Special attention should be given to the landscape berm at the east of the clean soil storage area, to provide a "wind break" to the soil storage area, to prevent wind blown dust.
 - f. The Board should discuss the proposed truck and traffic movements through the site and decide whether any special signage is appropriate to direct passenger car and truck traffic.
2. It is my understanding that this amendment will require the approval of the New York State Department of Environmental Conservation and New York State Department of Transportation. In line with same, it is my recommendation that the Board authorize a Lead Agency Coordination Letter to begin the SEQRA process. The Applicant should be required to submit sufficient copies of the Full EAF, amended site plan, and project narrative for circulation.
3. Once a more detailed plan is submitted and other technical reports are submitted, I will be pleased to continue a detailed review of this application.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:TPS.mk



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

September 13, 1996

Gregory J. Shaw
744 Broadway
Newburgh, NY 12550

Re: Tax Map Parcels #9-1-97 & 9-1-98
Owner: IDC Soils Reclamation, Inc.

Dear Mr. Shaw:

According to our records, the attached list of property owners for the above parcels are abutting and across any street.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

L. Cook (po)

LESLIE COOK
Sole Assessor

/po
Attachment

cc: Myra Mason, Planning Board

*10/23/96
P. H. Date*

Littman Industries, Inc.
65 River Rd.
New Windsor, NY 12553

Consolidated Rail Corp.
Property Tax Dept.
PO Box 8499
Philadelphia, PA 19101

Belcher Company of NY, Inc.
c/o Coastal Fuels
Marketing, Inc.
PO Box 4372
Houston, TX 77210

Dellafiora, Joseph J. &
Drapun, Blanche M.
42 Frost Lane
Cornwall, NY 12518

Sayles, Philip & Yvette
6 Silver Spring Rd.
New Windsor, NY 12553

Krieger, James S. & Susan F.
Route 94, Box 101
New Windsor, NY 12553

Klein, William
Box 243
Wallkill, NY 12589

Shotmeyer, Kathleen
1 Valley St.
Hawthorne, NJ 07506

Lucas, Michael & Arlene J.
98 River Rd.
New Windsor, NY 12553

RESULTS OF P.B. MEETING

DATE: September 11, 1996

PROJECT NAME: T.P.S. Soil Recyclers PROJECT NUMBER 96-19

LEAD AGENCY: _____ * NEGATIVE DEC: _____
M) ___ S) ___ VOTE: A _____ N _____ * M) ___ S) ___ VOTE: A _____ N _____

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A _____ N _____

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

DISAPP: REFER TO Z.E.A.: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) ___ S) ___ VOTE: A _____ N _____ APPROVED: _____

M) ___ S) ___ VOTE: A _____ N _____ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

Send Lead Agency Coordination Letter to be circulated

DESCRIPTION OF THE ACTION

New

On April 27, 1994, the New Windsor Planning Board granted Site Plan approval for a Soil Reclamation Facility on River Road on Tax Lot Parcel Section 9, Block 1, Lot 98. That approval was granted after a Public Hearing. Thereafter, the applicants returned for an amendment to the Site Plan which incorporated the construction of a structure to house the Soil Reclamation Unit. Since the structure exceeded the height limitations contained in the Zoning Law, the applicant applied to the New Windsor Zoning Board of Appeals for area variances. Following another Public Hearing, the Zoning Board of Appeals granted the necessary area variances.

The Planning Board as lead agency in the SEQR process issued a Negative Declaration and granted Site Plan approval to the amended site plan on December 14, 1994.

An application was made to the Department of Environmental Conservation for a Solid Waste Management permit. The DEC has sole jurisdiction over the issuance of such permits. All areas of inquiry concerning the operation of the Soil Reclamation Facility, including but not limited to hours of operation, air quality, ongoing monitoring and testing as well as limitations on the soil permitted to be treated were reviewed as part of the permit process.

On November 9, 1995, the DEC issued a permit for the operation of the Soil Reclamation Facility. The facility has been operating without incident under the DEC permit and has met or exceeded all of the requirements and standards imposed by the DEC.

New One

The operator of the facility now seeks an amendment to the Site Plan to permit the construction of an addition to the existing structure. The dimensions of the addition would be no more than 50 feet by 161 feet. It would be located along the eastern wall of the existing structure; it would be no more closer to the adjoining property on the south than the existing structure and would be no more than 35 feet in height. The addition would house a new after-burner and pollution control equipment. The maximum size of the addition would be 8,050 square feet. Immediately east of the new addition there is an existing soil storage area which is proposed to be converted into a utility storage structure. The utility storage structure would be roofed and its westerly wall for a length of 60 feet would be the easterly wall of a portion of the new addition. The maximum size of the utility area would be 2100 square feet.

(1)
New!

The addition would be west of the present berm and landscaped area. The finish on the addition will match the finish on the existing utility area and the existing structure in both material and color.

The clean soil would move from the existing site by means of a covered overhead conveyor which will leave the existing facility approximately 3 to 5 feet above present grade and proceed in a northerly direction. All clean soil will be stored and shipped from the lands to the north of the existing site which will now be incorporated into the site to create a total project site east of the railroad of 5.38 acres.

(A) *(B)* *new!*

New One

The clean soil will then be distributed by a radial arm stacker into one of four 10 feet high storage bins proposed to be constructed, from which the soil will be taken by truck and exit the site at the ~~new northerly~~ driveway at the northwest corner of the site.

The other aspects of the Site Plan to be developed on the northerly site include macadam pavement for the truck traffic and vehicle parking area, a water quality basin, and the demolition of an existing building, and a truck fill station. Landscape berms and planting will be installed along the easterly border of the northerly site to shield the visual aspects of the clean soil storage bins. This will be accomplished by a landscape berm running in a generally northerly direction starting at the southeasterly corner of the northerly site and then turning in a generally northwesterly direction. The berm will be landscaped. In addition, there will be berms and landscaping placed along the westerly boundary of the northern site, broken only by the access road into the site.

In response to the Planning Board's request, the applicant agreed to limit truck movements in and out of the site to six days a week between the hours of 6:00 A.M. and 6:00 P.M. The applicant seeks no change in that aspect of the facility's operation. However, since the applicant secured its approvals from the Planning Board, the DEC issued its permit which contains a provision for operation of the facility for 21 hours a day, six days a week. The applicant seeks to align the New Windsor

New One

operating hours which are presently 16 hours a day to the DEC permit of 21 hours a day. The applicant maintains a constant monitoring log of the hours of operation, including all truck

New!

movements. That log is open for inspection by both the DEC, (Can & the) Town which has made on-site inspections, and the Town. The applicant would agree to provide copies of the log to the Town of New Windsor for its records should the Town wish to receive them.

New

The operation of the facility involves constant testing of the soil which is delivered to the facility for treatment, and the soil following treatment. None of the testing is performed by the applicant. All of the post-treatment testing is performed by Envirotest Laboratories, Inc. of Newburgh which is certified by the State of New York to be a laboratory fully qualified to perform those tests. All of the test results are available to the Town of New Windsor at any time.

New!

*Who does the
↓
PRE-test?*

JRL/ef/150146
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9/4/96

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P.B. #96-19 Escrow

**TPS TECHNOLOGIES INC.
TPS - NEW YORK**

1964 S. ORANGE BLOSSOM TRAIL
APOPKA, FL 32703 562-7998
(407) 886-2000

**BANK OF BOSTON
CONNECTICUT** 51-80
WATERBURY CENTRAL OFFICE III
WATERBURY, CT 06702
51-80-111

120796

PAY

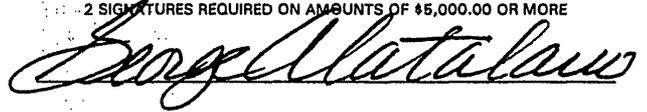
DATE	CONTROL NO.	AMOUNT
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*****750 DOLLARS AND 00 CENTS 08/06/96 120796 \$*****750.00

TO THE
ORDER OF

Town Of New Windsor
New Windsor, NY

VOID AFTER 3 MONTHS
2 SIGNATURES REQUIRED ON AMOUNTS OF \$5,000.00 OR MORE



⑈ 120796 ⑈ ⑆011100805⑆ 574 0906 ⑈

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P.B. #96-19 Application fee

**TPS TECHNOLOGIES INC.
TPS - NEW YORK**

1964 S. ORANGE BLOSSOM TRAIL
APOPKA, FL 32703 562-7998
(407) 886-2000

**BANK OF BOSTON
CONNECTICUT** 51-80
WATERBURY CENTRAL OFFICE III
WATERBURY, CT 06702
51-80-111

120797

PAY

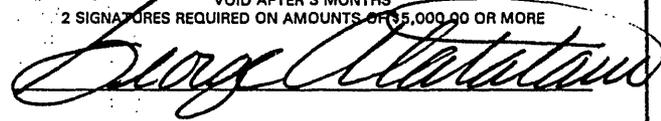
DATE	CONTROL NO.	AMOUNT
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*****100 DOLLARS AND 00 CENTS 08/06/96 120797 \$*****100.00

TO THE
ORDER OF

Town Of New Windsor
New Windsor, NY

VOID AFTER 3 MONTHS
2 SIGNATURES REQUIRED ON AMOUNTS OF \$5,000.00 OR MORE



⑈ 120797 ⑈ ⑆011100805⑆ 574 0906 ⑈



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

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 96-19

WORK SESSION DATE: 16 Oct 96

APPLICANT RESUB.
REQUIRED: Revised plans.

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: TPS

PROJECT STATUS: NEW _____ OLD X

REPRESENTATIVE PRESENT: Greg Shaw

MUNIC REPS PRESENT:

BLDG INSP.	<u>arund</u>
FIRE INSP.	<u>Rich</u>
ENGINEER	<u>X</u>
PLANNER	_____
P/B CHMN.	_____
OTHER (Specify)	_____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

got hit from assessor
~~10/13~~ → 11/13 ← try to get this
11/13 ← netz for P/H

- affron may continue to use north end of site.

- Document no charge for traffic & ant mitl. processed

- Not party tank ok: bldg being painted?

- possible slides! 4000 gal fuel tank from bldg (ward)

4MJ91 pbwsform



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 19

DATE PLAN RECEIVED: RECEIVED AUG 8 1996

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

T.P.S. Soil recyclers of NY. has been

reviewed by me and is approved

disapproved

~~If disapproved, please list reason~~

There is town water feeding this
Property -

HIGHWAY SUPERINTENDENT DATE

Steve D'Amico 8-13-96
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

RECEIVED

AUG 09 1996

NEW WINDSOR PLANNING BOARD REVIEW FORM

N.W. HIGHWAY DEPT.

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

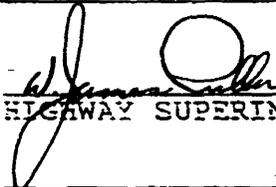
MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 19

DATE PLAN RECEIVED: RECEIVED AUG 8 1996

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason _____

 8/14/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 13 August 1996

SUBJECT: TPS Soil Recyclers of New York

Planning Board Reference Number: PB-96-19

Dated: 8 August 1996

Fire Prevention Reference Number: FPS-96-040

A review of the above referenced subject site plan was conducted on 12 August 1996, with the following being noted.

- 1) The maximum allowed basic fire area of the building is 18,000 square feet. The present square footage of the structure is 24,810 square feet. The building occupancy classification is a C3.2 and construction classification is 2b.
- 2) The basic fire area may be increased by 50%, or a maximum of 27,000 square feet, provided the rear of the structure had a 50 foot wide legal open space the width of the building and a fire hydrant was installed at the rear of the structure.
- 3) If this addition is allowed, the 50 foot legal open space and the rear fire hydrant would no longer exist.

This site plan is not acceptable and is rejected.

Plans Dated: 7 August 1996.


Robert F. Rodgers; C.C.A.

cc: H.E.

RFR/dh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
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Branch Office
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Milford, Pennsylvania 18337
(717) 296-2765

1-3

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # _____

WORK SESSION DATE: 7 AUG 1996 APPLICANT RESUB. REQUIRED: Full App

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: TPST (Ira Contln)

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Greg Shaw

MUNIC REPS PRESENT: BLDG INSP. ~~Bob~~
 FIRE INSP. Bob
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Bob R - Ore Bldg access (need 4 side access)
- need DEC app'l for change (involved agency)
- rec sign re (TPST Truck Entrance xxx ft)
- berm: planting for Clean soil area
- move hydrant
- wall @ rear of finished soil
- fix up old bldg -

4MJE91 pbwsform



TOWN OF NEW WINDSOR

96 - 19

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

RECEIVED AUG 8 1996

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Chg. _____ Site Plan XX Spec. Permit _____

1. Name of Project Soil Reclamation Facility - T.P.S. Soil Recyclers of
T.P.S. Soil Recyclers of New York 562-7998 New York
2. Name of Applicant I.D.C. Soils Reclamation, Inc. Phone 561-1512
Address 81 River Road, New Windsor, N.Y. 12553
(Street No. & Name) (Post Office) (State) (zip)
3. Owner of Record I.D.C. Soils Reclamation, Inc. Phone 561-1512
Address 92-94 Stewart Ave., Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan Gregory J. Shaw, P.E.
Address 744 Broadway, Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney James R. Loeb Phone 565-1100
Address Corwin Court, Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gregory J. Shaw Phone 561-3695
(Name)
7. Project Location: On the east side of River Road (street)
0 feet opposite of Silver Stream Road
(direction) (street)
8. Project Data: Acreage of Parcel 5.38 Zone PI,
School Dist. Newburgh Consolidated
9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y _____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 9 Block 1 Lot97 & 98
11. General Description of Project: Refer to Attached "Description of the Action"
-

12. Has the Zoning Board of Appeals granted any variances for this property? X yes no. Granted Oct. 24, 1994
13. Has a Special Permit previously been granted for this property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

8th day of August 1996

David H. Edwards agent for
 Applicant's Signature
 T.P.S. Soil Recyclers of New York
 Operator of the Facility

Donna M. Calvino
 Notary Public
 DONNA M. CALVINO
 Notary Public, State of New York
 Qualified in Orange County
 No. 4800191
 Commission Expires March 30, 1997

TOWN USE ONLY:

RECEIVED AUG 8 1996

 Date Application Received

96 - 19

 Application Number

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

T.P.S. Soil Recyclers of New York _____, deposes and says that ^{it}~~he~~
(Applicant)

conducts business _____
~~resides at~~ 81 River Road, New Windsor
(Applicant's Address)

in the County of Orange

and State of New York

and that ^{it}~~he~~ is the applicant for the Soil Reclamation Facility - T.P.S.

Soil Recyclers of New York
(Project Name and Description)

which is the premises described in the foregoing application and

that ^{it}~~he~~ has authorized Gregory J. Shaw, James Loeb, Phil Grealey and
(Professional Representative) Ronald Bayer

to make the foregoing application as described therein.

Date: August 8, 1990

David A. Edwards agent for.
(Owner's Signature)

Jose M. C. [Signature]
(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.

"XX"

OWNER'S
APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

I.D.C. Soils Reclamation Inc. ^{it}, deposes and says that he ^{it}
(Applicant)

conducts business ^{it}
~~resides~~ at 92-94 Stewart Avenue
(Applicant's Address)

in the County of Orange

and State of New York

and that ^{it} he is the ^{owner of the property} applicant for the Soils Reclamation
Facility - T.P.S. Soil Recyclers of New York
(Project Name and Description)

which is the premises described in the foregoing application and

that ^{it} he has authorized Gregory J. Shaw, James R. Loeb, Phil Grealey, and
(Professional Representative) Ronald Bayer

to make the foregoing application as described therein.

Date: August 8, 1996


(Owner's Signature)


(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.

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|--|---|
| 1. <u>X</u> Site Plan Title | 29. <u>X</u> Curbing Locations |
| 2. <u>X</u> Applicant's Name(s) | 30. <u>*</u> Curbing Through Section |
| 3. <u>X</u> Applicant's Address(es) | 31. <u>*</u> Catch Basin Locations |
| 4. <u>X</u> Site Plan Preparer's Name | 32. <u>*</u> Catch Basin Through Section |
| 5. <u>X</u> Site Plan Preparer's Address | 33. <u>*</u> Storm Drainage |
| 6. <u>X</u> Drawing Date | 34. <u>*</u> Refuse Storage |
| 7. <u>X</u> Revision Dates | 35. <u>*</u> Other Outdoor Storage |
| 8. <u>X</u> Area Map Inset | 36. <u>*</u> Water Supply |
| 9. <u>X</u> Site Designation | 37. <u>*</u> Sanitary Disposal System |
| 10. <u>*</u> Properties Within 500' of Site | 38. <u>*</u> Fire Hydrants |
| 11. <u>*</u> Property Owners (Item #10) | 39. <u>X</u> Building Locations |
| 12. <u>X</u> Plot Plan | 40. <u>X</u> Building Setbacks |
| 13. <u>X</u> Scale (1" = 50' or lesser) | 41. <u>*</u> Front Building Elevations |
| 14. <u>X</u> Metes and Bounds | 42. <u>X</u> Divisions of Occupancy |
| 15. <u>X</u> Zoning Designation | 43. <u>*</u> Sign Details |
| 16. <u>X</u> North Arrow | 44. <u>X</u> Bulk Table Inset |
| 17. <u>X</u> Abutting Property Owners | 45. <u>*</u> Property Area (Nearest
100 sq. ft.) |
| 18. <u>X</u> Existing Building Locations | 46. <u>*</u> Building Coverage (sq. ft.) |
| 19. <u>X</u> Existing Paved Areas | 47. <u>*</u> Building Coverage (% of
Total Area) |
| 20. <u>X</u> Existing Vegetation | 48. <u>*</u> Pavement Coverage (sq. ft.) |
| 21. <u>X</u> Existing Access & Egress | 49. <u>*</u> Pavement Coverage (% of
Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <u>*</u> Landscaping | 50. <u>*</u> Open Space (sq. ft.) |
| 23. <u>*</u> Exterior Lighting | 51. <u>*</u> Open Space (% of Total Area) |
| 24. <u>*</u> Screening | 52. <u>X</u> No. of Parking Spaces Prop. |
| 25. <u>X</u> Access & Egress | 53. <u>X</u> No. of Parking Spaces Req. |
| 26. <u>X</u> Parking Areas | |
| 27. <u>*</u> Loading Areas | |
| 28. <u>*</u> Paving Details
(Items 25-27) | |

* To be provided at a later date.

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. N/A A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne 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 the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: 
Licensed Professional

Date: August 7, 1996

State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Soil Reclamation Facility - T.P.S. Soil Recyclers of New York

Name of Action

Town of New Windsor Planning Board

Name of Lead Agency

James Petro

Chairman

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

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <u>Soil Reclamation Facility - T.P.S. Soil Recyclers of New York</u>		
LOCATION OF ACTION (Include Street Address, Municipality and County) <u>81 River Road, Town of New Windsor, Orange County</u>		
NAME OF APPLICANT/SPONSOR <u>T.P.S. Soil Recyclers of New York/</u> <u>I.D.C. Soils Reclamation, Inc.</u>		BUSINESS TELEPHONE <u>(914) 562-8778</u>
ADDRESS <u>81 River Road</u>		
CITY/PO <u>Town of New Windsor</u>	STATE <u>NY</u>	ZIP CODE <u>12553</u>
NAME OF OWNER (if different) <u>I.D.C. Soils Reclamation, Inc.</u>		BUSINESS TELEPHONE <u>(914) 561-1512</u>
ADDRESS <u>92-94 Stewart Avenue</u>		
CITY/PO <u>Newburgh</u>	STATE <u>NY</u>	ZIP CODE <u>12550</u>
DESCRIPTION OF ACTION <u>Refer To Attached Narrative For "Description Of The Action".</u>		

Please Complete Each Question— Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Marine - Hudson River (East of Conrail)

2. Total acreage of project area: 5.38 acres. (Combined parcels west of Conrail)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____ acres	_____ acres
Water Surface Area	<u>0.20</u> acres	<u>0.20</u> acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>2.80</u> acres	<u>3.00</u> acres
Other (Indicate type) <u>Storage Tank Retention Area</u>	<u>1.40</u> acres	<u>0.60</u> acres
<u>Lawn/Landscaping</u>	<u>0.98</u> acres	<u>1.58</u> acres

3. What is predominant soil type(s) on project site? DU (Dumps)
- a. Soil drainage: Well drained _____ % of site Moderately well drained _____ % of site
 Poorly drained _____ % of site Unknown due to characteristics of the soil type
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No
- a. What is depth to bedrock? 10 feet (in feet) Determined by excavations in 1995
 minimum

5. Approximate percentage of proposed project site with slopes: 0-10% 10-15% 15% or greater
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? 3 (in feet) Determined by excavations in 1995
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to _____
 Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: The site is within 100 feet of the Hudson River
 a. Name of Stream and name of River to which it is tributary _____
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name _____ b. Size (In acres) _____
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 0 acres.
- b. Project acreage to be developed: 5.38 acres initially; 5.38 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles: N.A. (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____%; 31% increase in
- f. Number of off-street parking spaces existing _____; proposed _____ hours of operation
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)? 118% increase in
- h. If residential: Number and type of housing units: _____ project acreage
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure 35 height; 50 width; 161 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 549 ft.

Refer to Traffic Evaluation Study 3

- 2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
- 3. Will disturbed areas be reclaimed? Yes No N/A
 - a. If yes, for what intended purpose is the site being reclaimed? _____
 - b. Will topsoil be stockpiled for reclamation? Yes No
 - c. Will upper subsoil be stockpiled for reclamation? Yes No
- 4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.
- 5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
- 6. If single phase project: Anticipated period of construction 10 months, (including demolition).
- 7. If multi-phased:
 - a. Total number of phases anticipated _____ (number).
 - b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
 - c. Approximate completion date of final phase _____ month _____ year.
 - d. Is phase 1 functionally dependent on subsequent phases? Yes No
- 8. Will blasting occur during construction? Yes No
- 9. Number of jobs generated: during construction 20; after project is complete 2
- 10. Number of jobs eliminated by this project 0
- 11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
- 12. Is surface liquid waste disposal involved? Yes No
 - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
 - b. Name of water body into which effluent will be discharged _____
- 13. Is subsurface liquid waste disposal involved? Yes No Type _____
- 14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
- 15. Is project or any portion of project located in a 100 year flood plain? Yes No Site contains elevations less than the 100 Year Flood Elev. of the Hudson River
- 16. Will the project generate solid waste? Yes No
 - a. If yes, what is the amount per month _____ tons
 - b. If yes, will an existing solid waste facility be used? Yes No
 - c. If yes, give name _____; location _____
 - d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
 - e. If Yes, explain _____
- 17. Will the project involve the disposal of solid waste? Yes No
 - a. If yes, what is the anticipated rate of disposal? _____ tons/month.
 - b. If yes, what is the anticipated site life? _____ years.
- 18. Will project use herbicides or pesticides? Yes No
- 19. Will project routinely produce odors (more than one hour per day)? Yes No
- 20. Will project produce operating noise exceeding the local ambient noise levels? Yes No Refer to Noise Evaluation Study
- 21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) No. 2 fuel oil and gasoline
- 22. If water supply is from wells, indicate pumping capacity N.A. gallons/minute.
- 23. Total anticipated water usage per day 2,000 gallons/day. Total projected water usage is less than the 10,000 gpd estimate in original E.A.F.
- 24. Does project involve Local, State or Federal funding? Yes No
If Yes, explain _____

25. Approvals Required:

	Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval August 1996
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Regional Agencies NYS DOT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Highway Entrance Permit Sept. 1996
State Agencies NYS DEC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Article 27, Title 7, BNYCRB360, Solid Waste Management Oct. 1996
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? Planned Industrial
- What is the maximum potential development of the site if developed as permitted by the present zoning?
N.A.
- What is the proposed zoning of the site? N.A.
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N.A.
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
Industrial And Residential
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? N.A.
 a. What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name T.P.S. Soil Recyclers Of New York Date August 6, 1996
T.O.C. Soils Reclamation Inc.
 Signature [Signature] Title Engineer For The Applicant

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 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?
 NO YES

Examples that would apply to column 2

- No • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Yes • Construction on land where the depth to the water table is less than 3 feet.
- No • Construction of paved parking area for 1,000 or more vehicles.
- No • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- No • Construction that will continue for more than 1 year or involve more than one phase or stage.
- No • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- No • Construction or expansion of a sanitary landfill.
- No • Construction in a designated floodway.
- Yes • Other impacts Removal of an existing building, a truck fill station, and 2 storage tanks

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

• Specific land forms: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- No • Developable area of site contains a protected water body.
- No • Dredging more than 100 cubic yards of material from channel of a protected stream.
- No • Extension of utility distribution facilities through a protected water body.
- No • Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water? NO YES

Examples that would apply to column 2

- No • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- No • Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity? NO YES

Examples that would apply to column 2

- Yes • Proposed Action will require a discharge permit.
- No • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- No • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- No • Construction or operation causing any contamination of a water supply system.
- No • Proposed Action will adversely affect groundwater.
- No • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- No • Proposed Action would use water in excess of 20,000 gallons per day.
- No • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Yes • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. Relocation of 4,000 Gallon tank.
- No • Proposed Action will allow residential uses in areas without water and/or sewer services.
- No • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff? NO YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- No • Proposed Action may cause substantial erosion.
- No • Proposed Action is incompatible with existing drainage patterns.
- No • Proposed Action will allow development in a designated floodway.
- Other impacts: _____

IMPACT ON AIR

7. Will proposed action affect air quality? NO YES
 Examples that would apply to column 2
- No • Proposed Action will induce 1,000 or more vehicle trips in any given hour.
 - No • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
 - No • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
 - No • Proposed action will allow an increase in the amount of land committed to industrial use.
 - No • Proposed action will allow an increase in the density of industrial development within existing industrial areas.
 - Other impacts: _____

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? NO YES
 Examples that would apply to column 2
- No • Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.
 - No • Removal of any portion of a critical or significant wildlife habitat.
 - No • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
 - Other impacts: _____
9. Will Proposed Action substantially affect non-threatened or non-endangered species? NO YES
 Examples that would apply to column 2
- No • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
 - No • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? NO YES
 Examples that would apply to column 2
- No • The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

18. Will proposed action affect the character of the existing community?
 NO YES

Examples that would apply to column 2

- No • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- No • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- No • Proposed action will conflict with officially adopted plans or goals.
- No • Proposed action will cause a change in the density of land use.
- No • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- No • Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- No • Proposed Action will set an important precedent for future projects.
- No • Proposed Action will create or eliminate employment.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)