

Dear Co-Chairs David Wylock and Valerie LaRobardier, and Members of the Planning Board:

The Coalition for the Responsible Growth of Dover (CRGD) is concerned to learn that a solid waste facility has received clearance from Dover Town Supervisor Ryan Courtien and Dover Planning Board Chair David Wylock to submit a Site Plan to the Town of Dover Planning Board.

Dover specifically forbids solid waste operations within our borders. Our code specifically states in section 145-50 (A) Solid waste management facilities and industrial uses: "Limitations on solid waste management facilities. Solid waste management facilities, as defined in Environmental Conservation Law § 27-0701 and 6 NYCRR 360-1.2(b) (158), with the sole exception of municipally owned and operated facilities, shall be prohibited in the Town of Dover."

As we understand it, the Rasco Site Plan has been submitted to the Planning Board only because Supervisor Courtien and Planning Board Chair Wylock signed a Stipulation Agreement on December 1st, 2009, agreeing to grant Rasco "ongoing concern" status, thereby appearing to grandfather a solid waste business that was issued a Stop Work Order from our Code Enforcement Officer in the same year that DEC withdrew its Permit to continue operations. The only thing that appears to have continued on the site is the arrival of additional solid waste materials, which only now seems to be under investigation.

CRGD, founded by residents of Dover and further supported by residents of Dover and the surrounding area, would very much like to hear directly from Supervisor Courtien and Chairman Wylock, two senior leaders of our community, how they came to agree to open the door to the possibility of a solid waste business operating in our Town by signing the Stipulation of behalf of the residents of Dover.

We are disturbed not only by the process by which a company like Rasco has been allowed to proceed with the submission of a Site Plan, but also by the potential negative environmental impact of having Petroleum Contaminated Soils (PCS) brought onto a site in the Great Swamp Critical Environmental Area. The site is adjacent to wetlands, and is over a sole source Aquifer that supplies drinking water to a larger community beyond the borders of Dover, but the Applicant seems to be unaware of the very environment within which they are planning to operate. To wit: how is it that Cricket Valley Energy is proceeding with a full-blown SEQRA [process] which naturally includes delineating the surrounding wetlands, and Rasco appears to only have been required to fill out a short-form EAF, initially seeming to maintain they were not adjacent to wetlands? And they are in the same Industrial Park. Is this the kind of corporate neighbor and member of the community we have invited to live along side us? And operate a business that takes in Petroleum Contaminated products above the Harlem Valley Aquifer?

As to actually using the final product, Earth Pave, in our community, one of the obvious considerations is the life of the product. What longevity studies has Rasco presented? Cement starts to disintegrate after 100 years, and is composed primarily of limestone, clay and iron ore. Earth Pave has petroleum in it. In fact its *raison d'être* is to dispose of a contaminated substance at a profit, a business model that makes all the sense on paper, but perhaps not to a community if it entails manufacturing it over an aquifer or laying it down over or near groundwater sources. At a minimum, more research should be done by the Town and Planning Board before allowing it to be used above our Aquifer or within our groundwater recharge areas.

Most of us support recycling, and capitalism, and the kind of entrepreneurial spirit that gives birth to business ideas, successful or otherwise. Most of us try to balance conservationism and capitalism in the business world; in fact CRGD's letterhead is printed on recycled paper which is manufactured and sold at a profit. And at the bottom of that paper it clearly states that the paper is recycled. Most products today that use recycled materials boldly state that fact and proudly display the universally recognized symbol of recycling; many go further and proclaim the percentage of recycled waste in that product. We find it interesting that Earth Pave has received a "Beneficial Use Determination" from DEC which allows the product they produce "to be sold as a newly manufactured product, not as a waste product." Perhaps we can expect that not only would Rasco not advertise what percentage of Earth Pave contains recycled petroleum products, it may not plan to advertise that it contains PCS at all.

CRGD's concerns can be illustrated with the following question: If you were buying Earth Pave to put down in your driveway or patio, and you drew your drinking water from a nearby well, wouldn't you want to know that you might have laid down a product made from Petroleum Contaminated Soil over the source of your drinking water? Wouldn't you want to make that decision aware of the contents and longevity of your ground surface product? We realize we raise concerns about an outcome Rasco does not expect, or it would not offer the product on the market as a safe "household" item. But we sometimes find ourselves taking a "disaster aversion" approach when it comes to the safety and well-being of our community, and we raise these issues in order to address them as a community. We believe that transparency of process and dialogue with interested parties and stakeholders often yields the best results for all involved. We realize that taking the Smart Growth approach sometimes takes longer, but we believe it results in the best possible solution.

In addition to requesting that the Planning Board demand a full SEQRA review of the Site Plan, we will request that Michael Merriman review his determination and explain his findings under SEQR which led to the issuance of a Permit. In the Environmental Notice Bulletin Region 3 Completed Applications 6/28/06, it is stated above his name, and under the heading,

State Environmental Quality Review (SEQR) Determination:

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

We do not understand his conclusion that the project will not have a significant impact on the environment, given the location of the Industrial Park adjacent to wetlands.

We thank the Dover Planning Board for keeping open the Public Hearing on Rasco consideration so we were able to comment, and we sincerely hope that the Town of Dover will respect its own municipal code and deny the operation of solid waste facilities within its borders unless municipally owned and operated.

Sincerely,

Carolyn Handler

President, Coalition for the Responsible Growth of Dover