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May 17, 2010

Mr. David Wylock and Ms. Valerie LaRobardier  
Co-Chairs, Town of Dover Planning Board  
Dover Town Hall, 126 East Duncan Hill Road  
Dover Plains, NY 12522

RE: Rasco Materials Site Plan – 7061-00-585063 & 7061-00-580190  
Applicant: Rasco Materials, Property Owner Howland Lake Partners, LP  
Property located at Wingdale Industrial Park, 2241 NYS Rt 22, Wingdale  
Application for Site Plan on 3.0 acres in the M district

Dear Mr. Wylock, Ms. LaRobardier and Planning Board Members:

The Great Swamp is the second largest freshwater wetland in New York State. It is a vast wetland system that plays a valuable role in maintaining water quality, flood control and wildlife habitat, including habitat for many threatened and endangered species. The North flow of the Swamp includes the Swamp River watershed, which begins on Pawling Mountain and flows northward from Pawling to Wingdale and Dover Furnace. The Great Swamp in this area a narrow and elongated wetland system lying over a calcareous base.

Ground water recharge is one of the major benefits of the Great Swamp wetland system. Waters from the watershed areas surrounding the Swamp, flow into the Swamp basin and are stored and recharged into the ground water aquifer throughout the upper Harlem Valley. These waters, now stored in that aquifer are essential to and important for the residents of the Valley as almost all the residents depend on individual or community wells, drawing from that aquifer, as their source of drinking water. Maintaining the purity and quality of that water is a key public health issue.

Ground waters can become easily polluted by chemical agents ---and when so polluted may not longer be suitable for drinking water. As the soils underlying this project are particularly unsuitable for storm water discharge (on this proposed site as determined by an examination of the soil maps), the potential for chemical contamination of the waters in the aquifer are high. Several years ago the Village of Brewster wells—located along the East Branch Croton River, were polluted by petroleum based chemicals from a dry cleaning establishment and from petroleum products from automobile repair facilities. The water was declared unfit for human consumption and an extensive amount of time and expenditures of public funds was necessary to find a new source. All the while, the over 2000 residents of the Village that depended on this supply were without potable water, and waters had to be trucked in for them, at great cost.

The Great Swamp, and in particular the North Flow of the Swamp adjacent to the Swamp River, is a highly productive wetland ecosystem that supports a remarkable diversity of plants and animals. Many species require the wetland for survival, others use The Swamp and the River as a corridor to travel from one habitat to another. The Swamp is very important to migratory bird species as over 90 species of migratory birds use this wetland habitat during migration, another 95 species breed in the Swamp. The Great Swamp is one of New York Audubon's Important Bird Areas. Most of the reptiles and amphibians that dwell in the swamp are very sensitive to waters polluted by petroleum products, including the threatened and endangered species that dwell in these areas.

Chapters 25, 40 and 41, of the New York State Open Space Conservation Plan recommends special conservation efforts in the Rte 22 corridor.

The protection of the aquifer underlying the proposed project, the adjacent Great Swamp and Swamp River and the environmental importance of the entire area are sufficient to require a Type 1 Declaration under SEQRA for this project and a full environmental review by the Board of all the factors affecting the project. The Dutchess County Legislature designated the Great Swamp a Critical Environmental Area (CEA) in 1992. Friends of the Great Swamp recommends that a full review under SEQRA take place. The Planning Board would benefit from such a review, in that the Planning Board could consult soil scientists familiar with the characteristics of the soils which would receive the storm water discharge from the project and acting in consultation with the Town's own engineer, recommend the best available technological solutions for treating the storm water discharge from the proposed project. Given the sensitivity and unsuitability of the underlying soils for receiving storm water discharge, a more rigorous plan may be needed than the standard NY State requirements.

In addition a full SEQRA Review would aid the Planning Board in enhancing other procedures in relation to the project that are cited as part of the NYS Department of Environmental Conservation's BUD Permit.

- The proposed project requires that thousands of tons of petroleum contaminated hazardous wastes be trucked into the Town of Dover over roadways in the town, in particular NY Rte 22 which runs parallel to the Swamp River. As this is untreated hazardous waste as it enters and passes through the town, an accident resulting in the spillage of these materials would quickly wash the petroleum portion of these contaminated soils into the drainage system and into the slow flowing Swamp River, the portions of the Great Swamp adjacent to the River and into the underlying aquifer. The Planning Board has the opportunity to put emergency response procedures into place now to deal with such potential accidents and assure that local emergency responders can handle any spilled hazardous waste immediately as well as be prepared for proper clean-up and notification of the NYS DEC and the US EPA.
- The Planning Board should have access to the advice of a soil scientist and consultation with its engineering consultants so these consultants can aid the Board in making final decisions on the design of the storm-water management system.

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- The Town of Dover should have access to the records required to be kept by the NYSDEC BUD permit, which must, by law be retained for three years. This is particularly important for "Open Governance" and the public's "Right

to Know” . Copies of the complete set of records from where the contaminated soils originated, to the testing of the final batches after treatment at the facility confirming that they have been completely remediated and the purchaser and transportation plans for each remediated batch should be available digitally in Town Hall rather than retained exclusively in DEC files.

- Additional information provided to the Planning Board after consultation with a soil scientist and their own consulting engineers in regard to Best Available technology for treatment to the storm water management system will give the Board a better estimate in regard to bonding the project and may in fact suggest that a cash bond be included as well as the usual insurance bond. The cash bond would allow for some “emergency funds” to be available to the Town of Dover, should clean up or emergency action need to be taken and prevent a reoccurrence of the problems related to the TT Materials Operation.

The Swamp’s geology, the calcareous nature of the geology of the underlying the Harlem Valley and the affects that pollution can have on the underground aquifer from which most of the residents of the Valley draw their water are all interrelated. The risks are great, and the best way of determining and evaluating those risks and planning for their elimination or mitigation is a complete environmental review.

Respectfully Submitted

FrOGS ( Friends of the Great Swamp)

BY: \_\_\_\_\_  
Gordon Douglas, Vice Chairman – May 17, 2010