

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: December 10, 2014

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
Derek Hayden
John VanVorst
James DiPasquale, 1st Alternate
Patrick Maher, 2nd Alternate
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
John Munsey, C. T. Male
Peter Reilly, Planning Board Attorney
Members of General Public

Chairman Doyle called the December 10, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

OLD BUSINESS:

Dolomite Products Inc., Curtis Industrial Park (Site Plan Review) Stephanie Ferradino, Esq., Peter Zeh, with Dolomite Products and Stephen Le Fevre, P.G., with Barton and Lajoudice, Adam Schultz, Esq., and Michelle Piasecki, Esq., with Couch White were present on behalf of the applicant.

Ms. Ferradino stated this process started in 2011 for site plan review and an area variance. In the coming months, the planning board declared Lead Agency status and initiated a coordinated review under SEQRA (State Environmental Quality Review Act). In July of 2011, the Saratoga County Planning Board issued a positive referral on this application and they declared "No Significant County Wide or Intercommunity Impact" would be had by the project. After five public meetings and nine months of review on February 29, 2012 the planning board issued a Positive Declaration. This triggered the preparation of the DEIS (Draft Environmental Impact Statement) - something took place to identify specific issues to be studied in the DEIS. This is a comprehensive process in a public forum – there was a type of meeting regarding this scope and that occurred in October 2012. The DEIS drafts were submitted in June and September of

Town of Ballston
Planning Board

2013 and again in September 2014. At a public meeting on September 24, 2014 the DEIS was deemed complete.

This project seeks to locate a hot mix asphalt plant on a ten acre site in the Curtis Industrial Park. The nearest residential neighbor is a half a mile away.

The plant equipment and control house will occupy approximately one acre of the property. Another additional 1 ½ acres will be committed to roadways and parking spaces. The remainder of the property 7 ½ acres will be utilized for green space and storage of aggregate.

This proposal seeks to locate a batch plant at the site. Batch plants produce custom asphalt mixes based on customer requirement for both size and type of aggregate and specified amounts. In contrast, a drum plant would utilize a continuously mixing process designed to service larger projects by producing one mix type for an extended production line - this is one of the smallest available on the market – the average one on the market would average 100 tons per year as studied in the DEIS. Our production however, is based on demands so there will be significant periods of inactivity followed by periods of production. For this reason plants are designed on a per hour capacity basis to meet those short term operational needs. Maximum hourly output however, is limited by the plant equipment as well as the batching size and the timing and sequencing of the truck loading process – this was a subject of a public meeting early in the process. The facility is anticipated to be open April through mid-November each year and closed the remaining months. The normal hours of operation would be 7:00 a.m. through 4:00 p.m. Monday through Friday occasionally a night and/or weekend hours might occur based on a specific projects demands. We anticipate having four employees at the site.

Tonight's public hearing is limited to the issues vetted in the scoping process and studied in detail in the DEIS.

Chairman Doyle stated that there are full copies of the DEIS on the town's website and Town Clerk's office and in each Library (Town of Ballston and Village of Ballston Spa).

Chairman Doyle opened the public hearing at 7:43 p.m.

David Pierce, 110 Lake Road EXHIBIT (1) – (see attached)

Chairman Doyle stated before the next speaker asks Mr. Munsey to read the public notice for this project.

John Munsey with C. T. Male EXHIBIT (2) (see attached)

Bob Duncan, 104 Lake Road EXHIBIT (3) (see attached)

Town of Ballston
Planning Board

Renee Janack, 13 Martin Avenue, Ms. Janack has spoken to the Town Board and Planning Board numerous times and lives within a mile on the proposed Dolomite location. Ms. Janack has attended many meetings in the past two years voicing her opinion on the massive developments going on in the Town of Ballston. Ms. Janack has sat and listened to developers talk about land owner rights and that their proposal should be allowed if they fall within the required guidelines – there are other landowner's and we have rights too – we deserve to have clean air, safe roads and a safe environment to raise our children. Ms. Janack said she attends these meeting and listens to landowners who deal with constant flooding since Chapel Hill Development and now the town is contemplating more subdivisions – where is the protection for those land owners. Ms. Janack said, "When Auto Parts and Dollar General came knocking we said – it falls within the footprint guidelines – so let's let them in" - now that they are here and open until at least 9:00 p.m. every night with their lights blazing into our homes until at least 11:00 p.m. Ms. Janack stated "now we are here we are again with Dolomite – chemicals, asphalt huge multi ton trucks going up and down our streets – when does it end." Ms. Janack stated that it is time to think about the rest of the land owners in this town – "We may not own half the town and might not have big money, but we deserve some attention, respect and protection.

Lorraine Janack, 973 Route 67 stated that she has been attending meetings and states "The whole thing scares me" – everything in my neighborhood scares me, but nothing scares me (Ms. Janack) more than having to worry about breathing the air because my grandchildren might get cancer. Ms. Janack said "She does not live at the point of where she would be in the wind and cannot image the folks that are in that spot what they must be thinking. There are some people that think that Agent Orange is not detrimental and have lost friends from Agent Orange – we should be able to breathe the air and does not feel we should be subject to these carcinogens. Ms. Jananck said her residence is across the street from Dominic Drive and so far the neighbors (Dollar General and Advanced Auto) have been good neighbors, but at least once or twice a day you hear "screech" and there has not yet been a crash – an can't image when we have "big fat stinky slow trucks" added to the mix – it's just going to be more and more trouble for the neighborhood.

Melissa Lescault, 10 Jovan Ct. wanted to thank everyone that made it out here tonight and stated that she emails over 150 people every time there is ever a public hearing or anything with respect to this particular project. Ms. Lesscault has asked the board to keep the public hearing open because of the 47 people that are present are just a small portion of the public that are in opposition to this and deserve the right to speak publically in opposition to this project. Ms. Lescault stated she comes here tonight to ask that the board deny this site plan application. Ms. Lescault said, "We have read the traffic studies they presented two years ago when this came up – we said you need to do a better traffic study." The left hand turn lane proposed is not sufficient – this traffic study presented is inadequate and is still inadequate.

Town of Ballston
Planning Board

The traffic study the applicant presented shows at the three intersections – Route 67 and East Line Road – Route 67 and the Curtis Entrance – Route 67 and Brookline Road are higher than the statewide average of accidents. All the applicant has done to mitigate that is still present that west left hand turn lane. The 20 additional vehicles that are proposed, that this project is going to bring, is not accurately depicted – these are 20 40 ton dump trucks and admit they are slow moving and cause delays – it's not being mitigated at all. The applicant's studies do not reflect the impact that Wal-Mart is going to have. The traffic study does not even talk about Dollar General or Advanced Auto Parts – none have been included in this traffic study that going to occur on Route 67, Brookline Road not to mention the traffic that is going to occur on our local roads – Lake Road and Outlet Road – what's the impact to those communities. "We all know the difficulties with the traffic and speed limits on Outlet Road" – what about those neighborhoods – none of that has been addressed. Ms. Lescault stated that Curtis Lumber has been asking for a traffic light at their entrance for years since she (Ms. Lescault) has moved into Beacon Hill – that in and of itself shows us how difficult and how problematic the traffic is on Route 67 so now you add this project to the area and it's just going to exacerbate it. Ms. Lescault said, "A left turn lane is ridiculous – it's laughable." Ms. Lescault said §138-14 of the Town's Zoning Code states that "no facility will be allowed in the Industrial District that would create an adverse change such as traffic." Ms. Lescault this is going to have an adverse change to traffic on Route 67. The board has the right to deny this application on that alone and sincerely requests that the board do that.

Doug Sullivan, 29 Sherman Way said that his backyard faces Curtis Industrial Park as well as many of his neighbor's backyards. The Visual Impact Study that was done during this was not completed and was not really taken into consideration what this plant is going to look like with all the neighbor's that can see that direction. Mr. Sullivan said if the board has not had an opportunity to visit his neighborhood and would strongly invite board members to do so and stand on his deck and look out that way to see what you can see. The applicant's study included 70' high structures - bucket elevators, batch towers and storage silos that will be visible from his backyard particularly during the summer and even during the winter when the leaves fall. The Visual Impact Study did not include the plume of smoke that will rise well above the 70'. A picture was supplied to the board showing a tower – the top of the tower is 70' – the smoke is rising even higher. Those are the carcinogens and poisons that this plant is going to put into the air, so every time "I look out I'm going to see that poison that is going to give my kids cancer." Mr. Sullivan stated he is one of the people that live roughly a half a mile from this proposed plant (3,000' from the property line). Mr. Sullivan said, "That frightens me to look out and have to see that poison in the sky that can give his eight and eleven year old cancer – does not know what to say to that. If anyone lived in this neighborhood or near that and saw that, how would that make you feel? Mr. Sullivan said it's very upsetting and the Visual Impact Study really needs to consider what that is going to look like and also take to heart the chemicals that are going to be put into this, in concentration, during production hours. Mr. Sullivan said one of the other things that we do not feel that is adequately represented in the study was the

Town of Ballston
Planning Board

threatened species in the area along the power line – not only do chemicals affect the children and the families that live in those areas, but if affects the wildlife – these chemicals will settle into Ballston Lake and the surrounding areas – all the wildlife in the area will be getting cancer too.

Jan VanDeCarr, 15 Sherman Way asks that the board keep the public hearing open and hold it on another night when the weather is not so bad so we have full input from the community. Mr. VanDeCarr stated that site visits were done at the Watervliet facility and drives by the site daily and can confirm that picture and sometimes it's more severe than that plume of smoke that was shown to the board. Mr. VanDeCarr would request that the applicant offer another series of site visits to not only board members, but to the residents to see the Watervliet facility in full operation venting the plume of smoke to get an idea of what that is going to look like in our community.

Jim Pabis, 16 Chapel Hill Blvd states that he obviously opposes the asphalt plant, but also asks the board to have an additional public hearing to continue due to the in climate weather. Mr. Pabis said after three years is not convinced that we have heard the whole story – the total transparent story. Mr. Pabis wanted to talk about decreased home values – nothing in the applicant's response proves home values in Ballston will not decline. Mr. Pabis asked are the real estate markets in Castle rock Colorado, Alexandria Virginia or Vancouver Washington similar to Ballston NY – nothing in the applicants response proves that our home values will not decline. Mr. Pabis said the applicant has provided no data on tax revenue – the local plants report taxable sales of 25 to 30 percent – this facility would be a redistribution of sales tax in the County. Mr. Pabis said capacity is an issue – the applicant started out at 30,000 tons per year – 30,000 tons per year interestingly enough would take about 30 years for that company to get a return on that investment on 30,000 tons per year. A big sophisticated company does their calculus in much less time in getting their payback than 30 years. It started out at 30,000 tons and you know the market in Saratoga County is 200,000 to 350,000 tons per year so where is the transparent market study that truly indicates what they intend for the Saratoga market. The burden to the town – If the applicant intends to bring greater sales tax revenue by not serving the town, but instead serving private customers, then the other benefits they claim will improve to the highway department – closer alternative to the town, lesser omissions, less fuel and less travel time. These will not be realized – you cannot benefit the town through private sales tax – you cannot do both and are not being transparent. The raw material trucks will have to travel on the towns roads whereas the two current plants in Saratoga County do not have to transport raw materials – will see an increase in traffic and the economics just don't make sense. Mr. Pabis concludes these are the economic issues that would be impacted on the Town of Ballston if we allow this program to go forward – they will be significantly negative. Mr. Pabis asks sincerely that the Planning Board to please deny the project.

Sander Bonvell, 89 Hyde Blvd. EXHIBIT (4) (See attached)

Town of Ballston
Planning Board

Liz Kormos, 89 Hyde Blvd. EXHIBIT (4) (see attached)

David Druzynski, 14 Chapel Hill Blvd. is in strong opposition to this project because it will have a negative impact on the quality of life for the residents of Ballston. If you are looking for a reason to reject this applicant, do so, because they have lying to us since day one. They have established a pattern of dishonesty throughout the application process and have no reason to believe that the figures in the DEIS are true and accurate. The reason Dolomite started the application process by saying that they intend to produce a mere 30,000 tons of asphalt is because they know just how harmful the real numbers are demonstrated to be. Their goal is to present the lowest possible number and they feel they can get the town board and residents to believe because they know that once the project is approved, there is nobody that is going to monitor their production levels. When they do so and they produce at their actual levels, that they intend to, the environmental will be far greater than what is stated in the DEIS. When we initially called Dolomite out on the lies on their production levels back in 2011, they came back and said, no-no don't worry 100,000 tons is a myth; 30,000 tons is a fact what we are actually going to produce. Mr. Druzynski said when we called them out on it again, and asked them if they were so confident, if 30,000 tons was the accurate number, and asked them to cap production – they referenced being willing to sign that they would consider to cap production to 200,000 tons. The moment that they (the applicant) did that it should have become the new standard and all of the studies including the DEIS should of referenced that 200,000 number – now we are seeing they are filing air permits for 450,000 tons and asked why does the DEIS not reflect actual numbers. The applicant downplays the length of the asphalt season stating they can't operate at fall temperatures. Mr. Druzynski said he drove by the Watervliet plant and said it is fully operational with a giant steam plume coming out when temperatures are only in the teens. The applicants are focused on the DEIS on the steam plume because the color of the steam does not make it a plume. "I don't care if it's a white steam plume a dark grey steam plume – it's still a steam plume and does not belong on our horizon." The applicants were dishonest on their application when reporting the distance of the Zim Smith Trail crossing on the Curtis driveway throughout Route 67 – that is not a simple oversight and knew that by presenting the real measurement it would demonstrate safety concerns to the residents. "They also lied and told us the size of the trucks they were going to use would be small trucks and they told us it was a myth and would be using trucks as large as 22 tons – now the DEIS says they are going to be using 35 ton trucks and say only be used twice daily, but have pictures of three trucks of these 35 tons aggregate trucks at the Watervliet plant at the same time." Mr. Druzynski urges the board to ask the applicant to "bring you over to the roundabouts at I-87" and ask them to demonstrate how well the 35 ton aggregate trucks can navigate the roundabouts safely with traffic around. Mr. Druzynski said "With all of that being said even if we do pretend to be gullible enough to accept the numbers of the DEIS, even with the numbers the applicant has presented to us, will pose a significant risk especially to the Zim Smith Trail – their peak asphalt season is also peak trail season. Additional warning signs are not going to

Town of Ballston
Planning Board

keep people safe when you have 35 ton trucks baling at them. Moving the trail closer to Route 67 will only expose its users to additional hazards on Route 67 and pedestrian traffic is still going to be blocked. After gathering data along Route 67, we estimate that during peak traffic hours it will take a car on below average two minutes and upwards of five minutes in order to be able to make a turn on to Route 67. "If you take their studies showing that there is going to be 20 trucks exiting the facility, at any given time and that low average estimate, that they are waiting for two minutes that means that 40 minutes out of 60 minutes the trail is going to be completely blocked and obstruct the trail users from being able to cross. Trail users have no way of seeing beyond the trucks and to the oncoming traffic and truck drivers have no way of seeing them. The trail is a nationally awarded trail and draws people to our community. In addition to the dangerous crossings, you have road debris that is going to be spread out. Mr. Druzynski has pictures from the Watervliet plant where you can see that Crabapple Street is littered with debris coming off of the plant. The scenic views along the trail will be disturbed by an industrial smoke plume. Trails users looking to escape into nature will instead be forced to breathe in toxins smell foul odor and listen to heavy industrial noises – how could this be in the best possible interest of our community? The DEIS says that the odors will have dissipated by the time they reach the trail. What about the pedestrian that is standing at that crossing waiting to cross with a 35 ton truck loaded with asphalt "you're telling me when they are 4ft away from that were not going to be able to smell those nauseous odors." It's been lies, deception and trickery since day one and that's why we should deny this application. "We have banded together as a community since 2001 to fight for what is right for our town and hopes that the board members have the courage to stand up against the threat of lawsuits to do what is right for the community and is what is right for the residents." If the business is not good for the community, they should not be able to bully their way in just because they have deep pockets and friends in the right places.

Claudia Braymer, Esq. with Caffry & Flower representing the Citizens for a Clean Environment. It is a community group in Ballston that is opposing the asphalt plant. There are over 150 members that are emailed regularly to discuss this matter and assure they are aware of these meetings and wants to thank everyone who was able to come out tonight due to the in climate weather – there was a snow storm and many people from the public were not able to attend. Ms. Braymer said "She received at least three text messages saying they tried to get here and had to turn back because they were in an accident or slipped off the road so we do ask that the board keep this public hearing open as we consider the DEIS." Ms. Braymer wants to thank the board for all the work they have done. Mr. Brayer said that Dolomite has sued the town, Town Board and Zoning Board of Appeals, but has not sued the Planning Board because the board has been doing their job and have been following the law and a suit against the Planning Board for all of the work would be frivolous at this point. The purpose of this meeting is to accept public comments on the DEIS so we can revise in order to provide the Planning Board and the Zoning Board of Appeals and even NYSDEC with a complete picture of the environmental impacts. Ms. Braymer asks the board keep the public hearing open so the public can be given an opportunity

Town of Ballston
Planning Board

to provide their input into the draft DEIS. "We do ask that you require Dolomite to revise the DEIS and to keep the public hearing open – not just for the people, but also the SEQRA does not start until Dolomite has finished the revisions on the DEIS." Ms. Braymer said we as a community group ask that the board deny this project and have heard many reasons tonight and should be sufficient to understand that there are valid reasons in the zoning code for the board to deny this. Ms. Brayer said she agrees with Mr. Schultz's comment at the last Planning Board meeting -the DEIS is not perfect and there are still some flaws. SEQRA does require compliance with the scope and the DEIS "that we have tonight" does not satisfy the scope – it's inadequate. Mr. Braymer said the Wal-Mart project and Dollar General need to be included in the traffic study. The scope said that they were going to consider future projects in the Route 67 corridor. The applicant also needs to analyze the Route 67 and Industrial Park driveway intersections impact on Route 67 eastbound – have not analyzed or offered any mitigation, provide a map of the proposed truck routes and address the structural integrity of Brookline Road for the scoping document – analyze how that will be impacted – truck traffic or increased traffic on that road. Additionally, the visual study is lacking because the applicant does not have any kind of photo simulation of the view of the plume. The applicant has shown us something to indicate the capacity rating, a post simulation of the height of the tower (70'), but they have not shown us anything about what would be higher than that application of the original plume. Ms. Braymer said despite these flaws the DEIS already sufficiently demonstrates the proposed asphalt plant application should be denied due to a serious adverse environmental impacts and the failure to comply with the towns own zoning code. Ms. Braymer said none of the mitigation eliminates the adverse health and environmental impacts, the DEIS admits that at least three carcinogens were detected in samples from other hot mix asphalt plants, several noise provisions in the noise ordinance that would be violated by this application as it currently stands – they are not going to be able to mitigate that in order to comply with the zoning code. Ms. Braymer said §138-45 "No emission which can cause any damage to health, animals or vegetables or other forms of property." We have already seen tables in the DEIS that they have emissions that do damage our health and environment. Ms. Braymer said §138-106 A (9) "Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features." This asphalt plant is going to cause noise, unsightliness and objectionable features on neighbors and it should be denied under the zoning code. Ms. Braymer would like to reiterate the request to keep the public hearing open and require the applicant to update the DEIS and also hire applicants to review and charge it to the applicant – this is allowed under the zoning regulations.

David Whitehead, 916 Route 67 said his only concern is traffic. Mr. Whitehead stated he lives across from Brookline Road and already can hardly get out of his driveway. Mr. Whitehead states he does not know how we can keep adding these projects one after the other and not have a traffic problem. "People trying to make a left hand turn toward the village from Brookline Road drop in a ditch" because there is no turning lane. "Who is going to oversee these people – they are making all these promises, but as soon as they come are you John going

Town of Ballston
Planning Board

to go check to make sure that they are what they are supposed to do." Who oversees and makes sure that they're abiding by the regulations. "They are a business and in it to make money" and do not seem to care about the environment and the residents." There is so much going on in this whole country (Sands oil in Canada) it's all about the environment and so we turn our heads and say "it doesn't matter." Mr. Whitehead said "You don't live where I live – you are here presenting a company that is paying you money." Mr. Whitehead stated that often times does not feel that the Planning Board hears that and has lived in his house for 40 years and appreciates what the board does and asks the board to do what's best for all of us because often times we are into instant gratification - we do not think about the future generation. Mr. Whitehead said it's living in a community living for others and loving your neighbor.

Anne Pierce, 110 Lake Road said she wants to thank the board for the hours that were taken studying a very complicated and very technical DEIS and appreciates the boards efforts to represent and protect.

Ben Baskin, 60 Ballston Avenue stated he is also a member of Smart Growth Ballston and today would like to focus on Dolomite and emphasize that we (the residents) are counting on Planning Board and the Town Board to represent us and protect us and promote this community and improve our quality of life and nurture our children and a healthy future of this town. Mr. Baskin said "we rely on you (the board) to do that – that is the function you volunteer to do and we are counting on you." When people bring up issues such as noise, code violations, odor violations, health violations, visual code violations, incomplete traffic studies and unknown traffic totals – we rely on the board to make sure that our quality of life is not degraded where no one wants to live in the Town of Ballston and rely on the board to enforce those codes.

Francis Igo, 5 Jovan Ct. Urges the board to keep the public comment open do the in climate weather.

Chairman Doyle stated if there is no one else interested in speaking we will adjourn the meeting and appreciates all of you for coming out this evening.

Mr. Reilly said the board should make decision on the continuance of the public hearing.

Chairman Doyle asked the board their opinion to keep the public hearing open.

Mr. Cwalinski said due to the weather conditions we should consider keeping it open.

Mr. Reilly asked if there was another date and time for the continuance of the public hearing.

Town of Ballston
Planning Board

Mr. Maher stated he would not have a problem with keeping the public hearing open.

Ms. Matias is in agreement and feels it would be beneficial keeping the public hearing open.

Mr. DiPasquale stated keep the public hearing open.

Mr. VanVorst said he would be in favor of closing the public hearing and feels the board has heard all this information and does not feel there is more information that is going to come in to impact our decision.

Mr. Reilly asked if a date has been established.

Chairman Doyle suggests December 17, 2014 at 7:30 p.m.

Chairman Doyle is in favor of keeping the public hearing open.

MOTION: Mr. Maher moved to keep the public hearing open for this project and be continued at the next Planning Board meeting on December 17, 2014. Ms. Matias seconded the motion and all present voted in favor except Mr. VanVorst (voted not in favor) **CARRIED.**

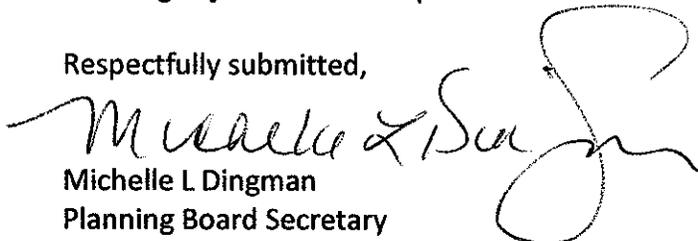
Chairman Doyle state "those who spoke made their comments and so we would be looking for new individuals with different ideas" – if there is something you did not say during your presentation, please sent the board some of the data.

Chairman Doyle stated the board will close the public hearing for this meeting and continue with it on December 17, 2014. Mr. Reilly stated for the record that this meeting is not closed.

MOTION: Mr. Hayden made a motion to adjourn. Ms. Matias seconded the motion. **CARRIED.**

Meeting adjourned at 8:56 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary

Enclosures

Presentation Ballston Planning Board Dec 10, 2014

Dr. David Pierce

Lets see what the HMA plant will emit based on 100,000 T/year. This data is based on a 8 month work period. In reality the data should be looked at hourly. At 100,000 T/y this is divided by days open 189 and hours open 9 to obtain a production output of 58.78T/hour. The DEIS states that the plant could operate at "full production " when the needs dictate. At 240T/hour the asphalt plant will emit chemicals that are 4 times more concentrated than the output discussed in the DEIS. Do we want this? What are the issues here?

1. Health risks

Cancer: There are 6 chemicals listed by Dolomite that are also listed in a report by Saratoga County that increase the risk of developing cancer. These 6 chemicals accounted for increasing the risk of developing cancer by 78%. In addition the chemical methylene chloride is not mentioned in this list. According to the North Carolina Division of Air Quality "methylene chloride is emitted by hot mix asphalt plants. It is toxic to the brain, kidneys, and liver and is a carcinogen, There is NO safe level of exposure."

Coronary heart disease: According to Cleveland Clinic increasing carbon monoxide, air pollution, and air borne toxic chemicals will trigger chemical reactions in the blood that damage the coronary lining of the blood vessels leading to heart attacks and strokes. The DEIS states that the plant will emit 40,000 lbs of CO and 760 lbs of hazardous air pollutants per year.

Asthma/ Respiratory disease: Dolomite states that the plant will emit 3320 lbs of NOx and Voc per year that will produce ozone., Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation and congestion.

2. Environmental risks

Acid Rain: The asphalt plant will add 2500 lb of NOx, and 460 lb of sulfur dioxide to the air yearly. This will combine with water to form nitric acid and sulfuric acid. These acids can cause, tree defoliation, fish kills, car paint deterioration, house siding deterioration, and improper bird fetus development. Is the Dolomite following the EPA Acid Rain Policy.

3. Wind direction. Who is down wind to receive all these emissions?

Curtis Lumber, Lake Rd. homes, Chapel Hill community, Stonebridge, Eastline Rd homes, heron rookery, Ballston creek wetlands, Rt 67 businesses. In a Canadian study ambient air quality testing 12km from an asphalt plant demonstrated elevated levels of PM2.5 and PM10 attributed to the asphalt plant.

4. On page 92 of the DEIS It states "The four remaining wetlands in the project site are not hydrologically connected with any other wetlands or waters found on or off site." How is this possible? Where does the water go? According the Saratoga GIS mapping the project site does contain NYS wetlands and is in a US flood plain.

The disturbing aspect of the DEIS is this. In 2011 the Planning Board asked Blue Niles the Saratoga County Stormwater Management Coordinator for his recommendations relative to this application. On Dec 9, 2011 he sent the Planning board a 10 page report listing many Best Management Practices (BMPs) that Dolomite should use to make sure their plant will have a minimal impact on the environment. I do not see any of these ideas in the DEIS. Is this an omission? Is Dolomite trying not to incorporate these ideas? Does Dolomite think it should not do all it can to protect the environment? If this application proceeds, I am asking the Planning Board to require Dolomite to add the suggestions that Mr. Niles mentions in his report. Specifically:

- A. Require a closed truck loading area
- B. Require a scavenging system be employed in the enclosed truck loading area
- C. Require that aggregate be stored under cover to prevent dust emissions and to allow aggregate to stay dry
- D. Require project site containment plan to prevent asphalt liquid spill contamination
- E. Require site to be paved to prevent dust emissions
- F. Require all the stormwater mitigation items Mr. Niles discussed

On page 3 of his report Blue Niles states "PM and PM-10 represent potential impacts to human health in sufficient quantities ie it is cumulative. At particular risk are the elderly, very young, or others suffering from asthma or other respiratory disease. Greenhouse/acidifying gases 3,836,000 lb per year. Organic compounds/VOC/nonPAH HAPS are most potent emissions-cancer causing. at 1,692 lb/year."

We the town residents ask the planning board to weigh the benefits of this project vs. the risks. Our highway department does not buy asphalt. This is done by bid thru Saratoga County. No tax revenue is obtained from State, County and Town paving projects. Dolomite/Callanan has at least 7 other asphalt plants in the Capital Area.

The Ballston Planning Board as an extension of the New York State Government is required to follow state directives to ensure the health of its residents. The Environmental Conservation Law Section 1-0101 declares" it to be the policy of New York State to conserve, IMPROVE, and PROTECT its natural resources and environment and control air pollution in order to enhance the health, safety and welfare of the people of New York State and their overall economic and social well being". Section 1-0303 of the ECL defines "pollution" as "The presence in the environment of conditions and or contaminants in quantities of characteristics which are or MAY be injurious to human, plant, or animal life or to property or which unreasonably interfere with the COMFORTABLE ENJOYMENT of life and property throughout such areas of the state as shall be affected thereby".

Public Comment on Emissions Estimates in the DEIS

Robert M. Duncan, 104 Lake Road, Ballston Lake NY, December 17, 2014

On December 10, as an Industrial Engineer and Ballston resident, I gave a presentation about air emission modeling and was unable to complete it in 5 minutes. I was asked to follow up in this written statement. The air permit application is for a production volume of 450,000 tons per year (900 million lbs/yr). I have found some issues that need clarification:

1. Some of the emission models are based on an *average annual hour*, while others use *calendar hour*. These seem to be inconsistently applied throughout the DEIS.
2. For these emissions, Saratoga County already ranks among the worst counties in the U.S. and tons of emissions per year from the proposed asphalt plant will only make it worse.

How many hours are there in a year?

The input to the emission models is *the hourly emission rate*¹ and is simply calculated:

$$\text{Pounds per Hour} = \text{Pounds per year} \div \text{Hours per year}$$

When calculating the hourly emission rate, one would expect the number of hours to be consistent. They are not. Though I could not find the hours that were used in the emissions studies, it is easy to back calculate from the summary tables.

$$\text{Hours per year} = \text{Pounds per Year} \div \text{Pounds per Hour}$$

Model	DEIS Summary Table	Hours / Yr																																
Formaldehyde for Hazardous Air Pollutants Pg. 39	<p>Table 4-12-3 Summary of DAR-1 & ISCLT-2 Emissions Modeling Results Hazardous Air Pollutants - NYSDEC DAR-1 Concentrations Individual HAP Concentrations</p> <table border="1"> <thead> <tr> <th></th> <th>Formaldehyde</th> <th>Benzene</th> <th>1,1-Dichloroethane</th> <th>Hexachlorobenzene</th> <th>Naphthalene</th> <th>Polychlorinated Biphenyls</th> <th>PM10</th> </tr> </thead> <tbody> <tr> <td>Model Input Data¹</td> <td>50-50-0</td> <td>71-43-2</td> <td>75-07-0</td> <td>85-01-0</td> <td>91-20-3</td> <td>91-57-6</td> <td>100</td> </tr> <tr> <td>Emission Rate (lb/hr)</td> <td>0.178</td> <td>0.067</td> <td>0.077</td> <td>0.001</td> <td>0.008</td> <td>0.017</td> <td>0</td> </tr> <tr> <td>Emission Rate (lb/yr)</td> <td>334</td> <td>126</td> <td>144</td> <td>2</td> <td>16</td> <td>32</td> <td>0</td> </tr> </tbody> </table> <p>Based on 1,898 hrs / yr</p>		Formaldehyde	Benzene	1,1-Dichloroethane	Hexachlorobenzene	Naphthalene	Polychlorinated Biphenyls	PM10	Model Input Data ¹	50-50-0	71-43-2	75-07-0	85-01-0	91-20-3	91-57-6	100	Emission Rate (lb/hr)	0.178	0.067	0.077	0.001	0.008	0.017	0	Emission Rate (lb/yr)	334	126	144	2	16	32	0	<p>Hours per year = 334 lbs/yr ÷ 0.176 lbs/hr = 1,898 hrs/yr.</p>
	Formaldehyde	Benzene	1,1-Dichloroethane	Hexachlorobenzene	Naphthalene	Polychlorinated Biphenyls	PM10																											
Model Input Data ¹	50-50-0	71-43-2	75-07-0	85-01-0	91-20-3	91-57-6	100																											
Emission Rate (lb/hr)	0.178	0.067	0.077	0.001	0.008	0.017	0																											
Emission Rate (lb/yr)	334	126	144	2	16	32	0																											
Naphthalene for modeling Odor Pg. 92	<p>Table 4-6-2-1 Summary of DAR-1 Odor Modeling Results</p> <table border="1"> <thead> <tr> <th>Model Input Data</th> <th>Naphthalene</th> </tr> </thead> <tbody> <tr> <td>Emission Rate (lb/hr)</td> <td>91-20-3</td> </tr> <tr> <td>Emission Rate (lb/yr)</td> <td>3.9</td> </tr> <tr> <td></td> <td>11700</td> </tr> </tbody> </table> <p>Based on 3,000 hours per year</p>	Model Input Data	Naphthalene	Emission Rate (lb/hr)	91-20-3	Emission Rate (lb/yr)	3.9		11700	<p>Hours per year = 11,7000 lbs/yr ÷ 3.9 lbs/hr = 3,000 hrs/yr.</p>																								
Model Input Data	Naphthalene																																	
Emission Rate (lb/hr)	91-20-3																																	
Emission Rate (lb/yr)	3.9																																	
	11700																																	
PM10 for modeling air pollutants Pg. 38	<p>Table 4-12-2 Summary of DAR-1 Model Calculated Emissions Results Criteria Air Pollutants - NAAQS</p> <table border="1"> <thead> <tr> <th></th> <th>CO</th> <th>NOx</th> <th>SO₂</th> <th>PM10</th> </tr> </thead> <tbody> <tr> <td>Input Data</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Emission Rate (lb/hr)</td> <td>20.7</td> <td>1.3</td> <td>0.2</td> <td>2.3</td> </tr> <tr> <td>Emission Rate (TPY)</td> <td>90.8</td> <td>5.9</td> <td>1.0</td> <td>9.9</td> </tr> </tbody> </table> <p>Based on 8,608 hours per year</p>		CO	NOx	SO ₂	PM10	Input Data					Emission Rate (lb/hr)	20.7	1.3	0.2	2.3	Emission Rate (TPY)	90.8	5.9	1.0	9.9	<p>Hours per year = (9.9 tons/yr x 2000 lbs/yr) ÷ 2.3 lbs/hr = 8,608 hrs/yr.</p>												
	CO	NOx	SO ₂	PM10																														
Input Data																																		
Emission Rate (lb/hr)	20.7	1.3	0.2	2.3																														
Emission Rate (TPY)	90.8	5.9	1.0	9.9																														

The difference in the hourly emission rate using production hours and calendar hours is significant.

¹ "The hourly emission rate for hazardous air pollutants calculated in support of the NYDEC Air State Facility Permit application were utilized to prepare an Air Guide DAR-1 screening dispersion model for the facility." DEIS page 36

What is an Average Hour?

Picture a couple walking on the Zim Smith recreation trail. They notice the plume rising from the smokestack of a busy nearby asphalt plant. She is concerned about particulate and toxic emissions. He reassures her that she shouldn't worry, "If you average out the toxic emissions over 365 days at 24 hours per day, the hourly emissions are not bad at all. On the average, everything is just fine."

His reasoning makes great sense for a production operation that operates 24/7, such as a power plant or a continuous chemical plant. But the proposed plant is a batch plant, which will be running at full production volume for only part of the time.²

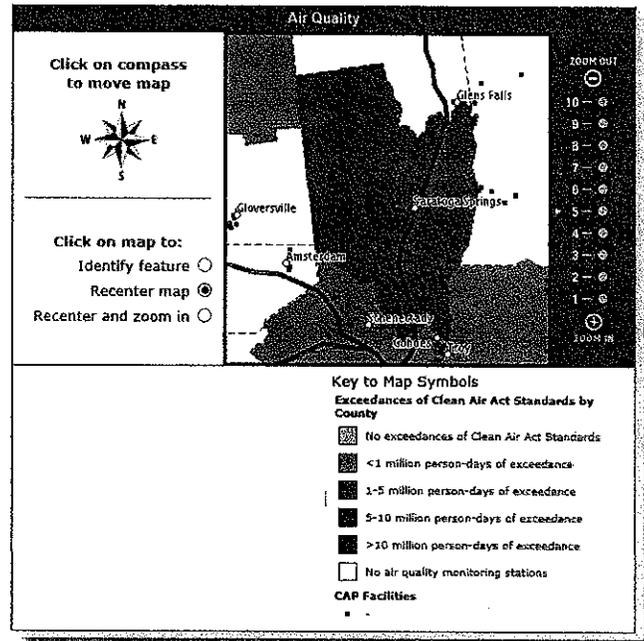
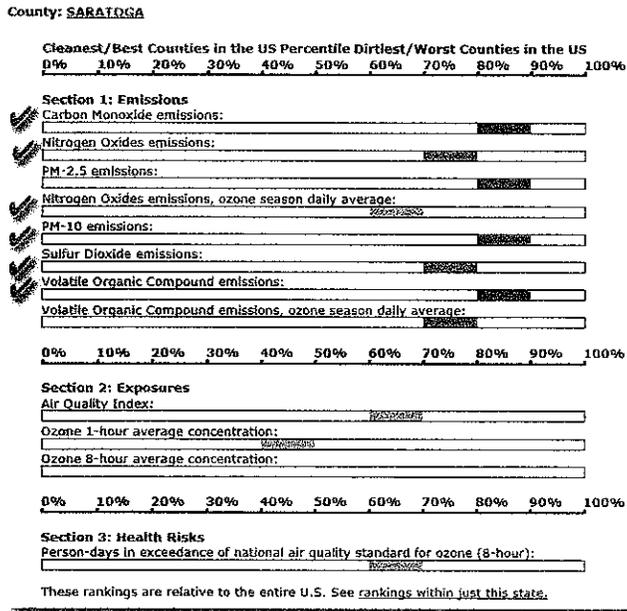
This is why I do not understand why the modeling for Air Pollutants uses an 8,608 hour year instead of a 1,898 hour production year. The difference is about 4.6 times. If you recalculated the emissions based on production hours, the concentration would increase about 4.6 times (my estimate). So, for the DAR-1 Modeling, both PM10 and NOx both exceed the Ambient Air Quality Standards.

Table 4.1.2-2 Summary of DAR-1 Model Calculated Emissions Results Criteria Air Pollutants – NAAQS				Based on production hrs.
lb/hr based on 8,608 hr/yr	Individual Criteria Contaminants			
	CO	NOx	SO2	PM10 ³
Input Data:				
Emission Rate (lb/hr)	20.7	1.3	0.2	2.3/10.6
Emission Rate (TPY)	99.8	5.9	1.0	9.9
USEPA National Ambient Air Quality Standards				
Annual (ppm)		0.053		
8-hour (ppm)	9			
3-hour (ppm)			0.5	
1-hour (ppm)	35	0.1	0.075	
24-hour (ug/m ³)				150
DAR-1 Model Calculated Results at Nearest Delaware Parcel Boundary (210 feet from emission point)				
Calculated Conc. (ppm)	0.516 / 2.4	0.034 / .16	0.006 / .03	
Calculated PM10 Conc. (ug/m ³)				56 / 262
Notes:				
¹ Emission Rates taken from NYS Air State Facility Permit application - 450,000 Tons Per Year Production				
² NAAQS taken from 40 CFR Part 50. There are different standards per individual contaminant, as listed.				
³ Per NYSDEC CP-33, PM2.5 concentrations & associated standards are not applicable because the calculated source emission rate of PM10 is below 15-TPY. Therefore, the PM10 NAAQS is listed.				

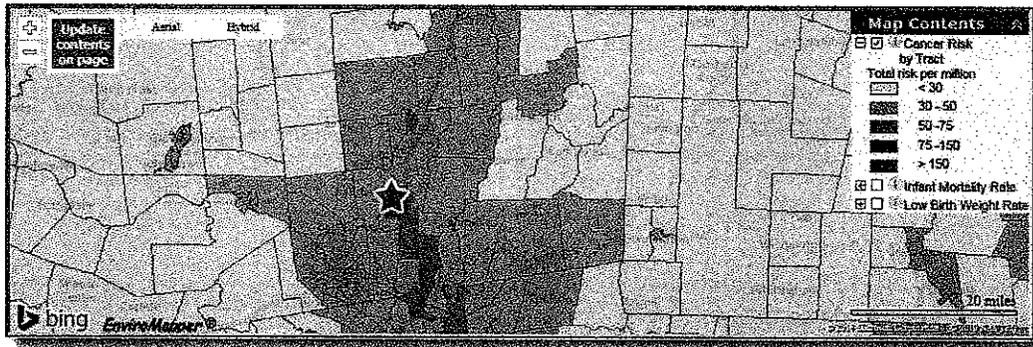
² "The DAR-1 model assumes that processes run continuously throughout a given year; however it should be noted that the HMA production only occurs during warm months, typically May 1 through November 30." DEIS, page 469.

Are We in a Race to the Bottom?

These environmental challenges are not new to Saratoga County. According to the popular pollution information website, Scorecard.Goodguide.com³, for the specific chemical emissions in the DEIS, Saratoga County is already among the worst in the country.⁴



The EPA says our tract has a more elevated risk for cancer than neighboring communities⁵



On the average, everything will not be “just fine”. The hourly production emissions will be much greater than the estimates in the DEIS. Why make our environment worse? I urge the Ballston Planning Board to request that the emission estimates be consistently and accurately calculated.

³ Air Quality – Exceedance of Clean Air Act Standards by County

<http://scorecardmaps.goodguide.com/FormPage.jsp?VIEW=data/mainland/cap.view&EXTENT=-8252794,5376212,-8174503,5262444&SIZE=300,300>

⁴ Criteria Air Pollutant Report: SARATOGA County, http://scorecard.goodguide.com/env-releases/cap/county.tcl?fips_county_code=36091#air_rankings

⁵ EPA map of cancer risk, <http://www.epa.gov/myenv/MyHealth.html?minx=-74.09729&miny=42.87093&maxx=-73.71620&maxy=42.99912&ve=11,42.93253,-73.89804&cLat=&cLon=&pSearch=12019,NY>

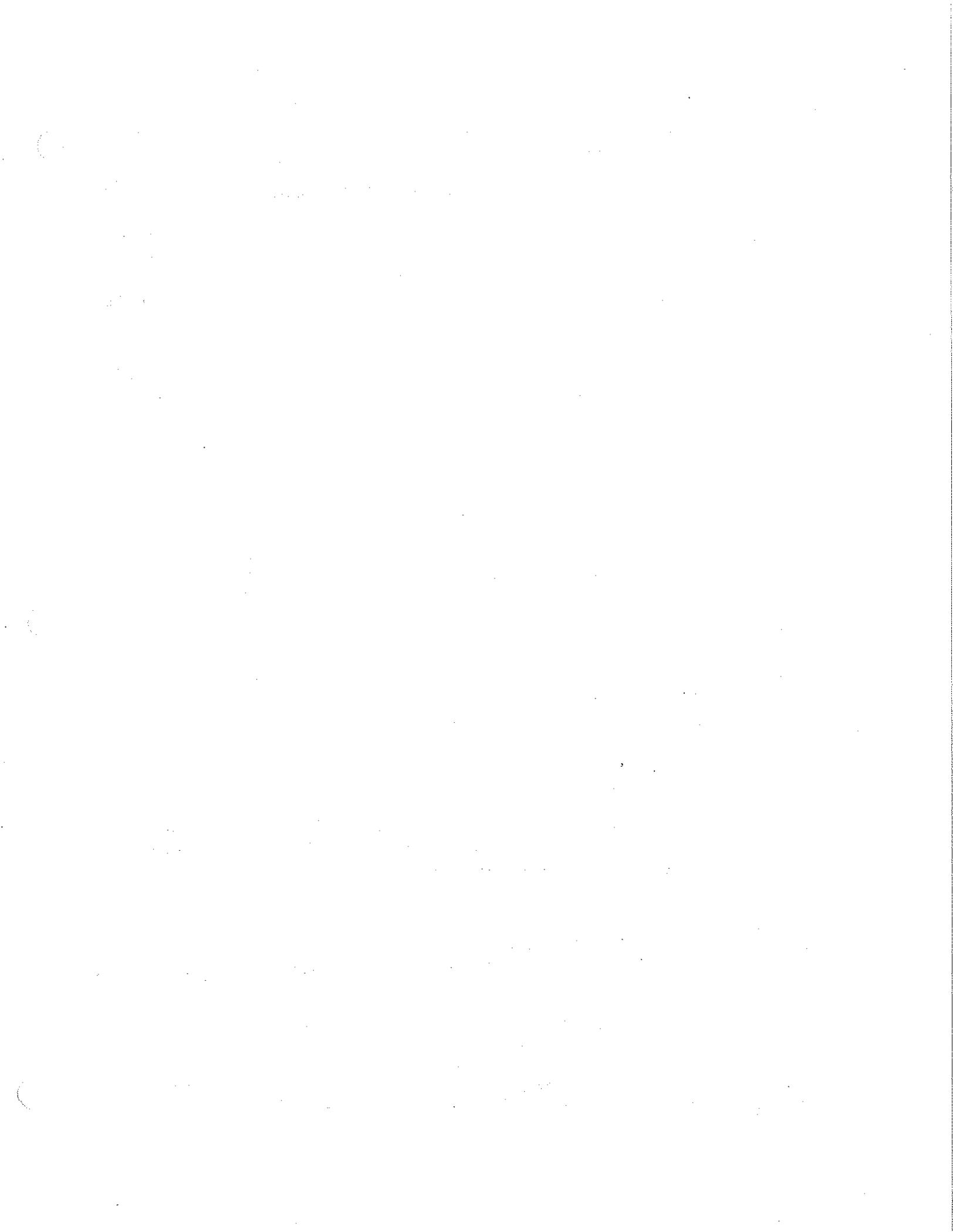


EXHIBIT
#4

89 Hyde Boulevard
Ballston Spa, NY 12020
December 10, 2014

Mr. Richard Doyle, Chairman
Town of Ballston Planning Board
Ballston Town Hall
323 Charlton Road
Ballston Spa, NY 12020

Re: **Proposed Dolomite Hot Mix Asphalt Pavement Plant**

Dear Mr. Doyle:

I am a professional environmental management consultant, and a partner/owner in Albany-based Air Resources Group LLC (www.airresourcesgroup.com). I am presenting the following information as a concerned citizen and local resident. Since 1997 I have focused almost exclusively on matters of New York State air permitting and compliance, air pollution control technology, and environmental forensic chemistry. To be clear, I am not against asphalt plants, I have permitted such plants for my own clients. My concern here is only that this particular plant has no adverse environmental impacts.

Asphalt Production, Air Emissions and Traffic

The DEIS states that the proposed hot mix asphalt pavement plant is anticipated to produce an average of 100,000 tons of asphalt per paving season (i.e., April through November) and that operation of such a plant is based on market demand. For this 100,000 ton per season scenario, the DEIS presents calculated anticipated air emissions.

It also states that the facility will operate normal hours from 7 AM to 4 PM, Monday through Friday during the paving season, but that there will be occasional evening and weekend operation, as well as occasional projects where customer or job scheduling demands dictate.

Please note that New York State has three levels of air permits: registrations, air state facility (ASF), and [federal] Title V for major facilities, more easily remembered herein as "low, medium and high" permits for allowable emissions and oversight in terms of recordkeeping, testing and reporting.

The DEIS also states that the proposed project will result in the potential for an additional 28 trips during the morning and evening peak hours. It is however not clear whether this volume of trips is based on the 100,000 tons production scenario. This is important because the project has filed a NYS air state facility permit (i.e., ASF, "middle level" permit) allowing 450,000 tons per year with no operating hour restrictions.

The DEIS states that the requirements established in NYCRR Part 201-5.1(3) for newly constructed facilities which are subject to a New Source Performance Standard (NSPS) (as asphalt plants are) are

required to obtain a New York State Department of Environmental Conservation (NYSDEC) Air State Facility Permit ("middle level"). This is incorrect, firstly, because there is no such Part found in the current, web-based version of on-line regulations, and secondly, because this condition is applicable to Subpart 201-6 for Title V facilities, or the "high" level. I have appended sections of the appropriate regulations for your review.

However, because such permit condition is based on the date of effectiveness of the NSPS, this requirement for the "high" level of permit is exempt under "grandfathering" at the discretion of the State, but the facility is still required to have either a "low or middle" level permit.

Under the "low" level permit, the facility could, in fact, have a production of almost 250,000 tons per year, but instead, opted for the ASF ("middle") level of permitting which allows up to 450,000 tons per year.

Therefore the applicant should clarify as to whether the truck traffic estimates are based on a 100,000 ton per season scenario, and if so, the applicant should address the traffic implications for the permitted 450,000 ton per year scenario.

Odor Analysis

Predicting odors, especially at distances from their source, is extremely difficult to assess. While the DEIS uses a conservative screening model to do so, I question the basis of its modeling using naphthalene as a surrogate compound.

The DEIS states that:

"Based on information from other similarly sized pavement production facilities, naphthalene, also known as coal tar, is a polycyclic aromatic hydrocarbon (PAH) compound contained in liquid asphalt, which exhibits a pungent odor similar to moth balls, and is the odor most often associated with the production of hot mix asphalt pavement products."

There is no citation for this statement, and I do not see where naphthalene's chemical characteristics are related in any way to "*other similarly sized pavement production facilities.*" This seems superfluous. I also do not agree that the moth ball odor of naphthalene "*is the odor most often associated with the production of hot mix asphalt pavement products.*" We have all smelled asphalt, if nothing more than from road work, and in my opinion the odor of such is unique and arises from a cumulative effect of many compounds, to which the DEIS also attests.

Asphalts are highly complex and not well-characterized materials, and are derived from the bottom of the barrel dregs of crude oil after other components such as naphtha, gasoline, kerosene, and other fractions have been processed and removed. There is a big difference between naphthalene and naphthalenic-type compounds. The molecular weights of the constituent compounds can range from

128 to 202 g/mol

several hundred to many thousands, well beyond the size of naphthalene¹. Typically, asphalts are not characterized by a component analysis of individual compounds.

The letter odor analysis report (Appendix I) in the DEIS states that naphthalene is the simplest polycyclic aromatic hydrocarbon (PAH) typically associated with oils. That is probably true since naphthalene is the smallest PAH of all PAHs by definition, but the amount of naphthalene in these asphalt oils and its relevance to odor needs to be better justified.

The DEIS uses the ATSDR, or Agency for Toxic Substances and Disease Registry, as the reference for the odor threshold of naphthalene (0.44 mg/m³). This reference lumps together not only naphthalene, but two of its substituted compounds, 1-methylnaphthalene and 2-methylnaphthalene. The latter, 2-methylnaphthalene, has an odor threshold that is 1 ½ to almost 8 times lower (i.e., more sensitive to smell) than naphthalene, and in the DEIS's own table of modeled calculated emissions (Table 4.1.2-3), both the modeling inputs in terms of pound per hour and pounds per year, and the model results for annual or short-term impacts for 2-methylnaphthalene are twice that of naphthalene. So I question why the more sensitive and abundant 2-methylnaphthalene was not initially chosen as the surrogate.

In addition, there are other odor threshold references. For instance, relative to ATSDR's 0.44 mg/m³ for naphthalene (converts to 0.08 ppm for comparison), the American Industrial Hygiene Association's "Odor Thresholds for Chemicals with Established Occupational Health Standards" (1997) gives a geometric mean air odor threshold of 0.038 ppm (less than half that of ATSDR), with a range of all referenced values between 0.0095 to 0.64 ppm, attesting to the high degree of subjectivity associated with odor analysis, yet alone predicted odors at a distance.

The screening modeling used assumes static conditions, and uses only the velocity of the pollutants leaving the source as the means of dispersing the pollutants. The DEIS even states that there is not enough air velocity from the exhaust to propel contaminants away from the source, and therefore, odors should only be detectable at or very near to the source itself. But what if the emissions were to concentrate in the vicinity of the top of the silo and then be blown toward receptors by wind?

Similarly, the DEIS states that it is unlikely that odors will emanate in the direction of the Beacon Hill subdivision as the nearest receptor because the subdivision lies west of the site which would be predominantly upwind. Thus, a model should take into account the effects of weather and wind, which the model used does not, and more appropriate 'downwind' receptors should be considered.

Rather than judge odor by what may be contained in asphalt, it is more important to evaluate particular compounds that are already studied and known to emit from heated asphalt. The same reference that the DEIS uses for its non-odor related emissions (EPA's AP-42, *Compilation of Air Pollutant Emission Factors*), provides a list of 28 such speciated organic pollutants. When emission factors are arranged in decreasing order in terms of pounds of pollutant per ton of asphalt produced, naphthalene is tenth with the top nine pollutant emission rates ranging up to 75 times higher than naphthalene. A table of these compounds and particular chemistry information is attached for your review.

¹ Referenced from Chemical & Engineering News, November 22, 1999, Volume 77, Number 47, CENEAR 77 47 p.81, ISSN 0009-2347

The DEIS states that based on the model results, naphthalene odors typically detectable at approximately 0.44 mg/m³ are several orders of magnitude above the modeled off-site concentration. This is an exaggeration - the very factors they give are not even 2 orders of magnitude greater:

- average annual off-site concentration: 0.0054 mg/m³
- peak potential off-site concentration: 0.0157 mg/m³

$$0.44/0.0054 = 81$$

$$0.44/0.0157 = 28$$

The DEIS odor analysis assumes that all of the emissions from load-out processes emanate from the top of the 70-foot high silo, at the plant's maximum hourly production rate of 240 tons per hour, and as such the silo will be equipped with a carbon filter which is a good thing.

The DEIS also states that "in actuality, air emissions associated with load-out operations will be more fugitive in nature, occurring at much lower transfer points in the load-out process. There should be more of a discussion of these fugitive emissions, as well as emissions from trucks once loaded with the asphalt product, since these trucks will be moving sources of odor eventually arriving at the property boundary itself and may affect local businesses and residents.

Per the DEIS, according to the Town of Ballston ordinance, a facility shall not emit odors which are deemed obtrusive or offensive at the facility's property boundary, and based on the results of the odor modeling the facility should be in compliance with the Town of Ballston odor ordinance and the proposed hot mix asphalt pavement plant should not pose off site odor impacts. But what if the plant does create off site odor impacts? What mitigation will be implemented to comply with this ordinance?

Based on the above, I am not convinced that the odor modeling as offered shows that the facility will be in compliance with the Town of Ballston's quality of life nuisance ordinance.

Respectfully,



Sander Bonvell