
ORANGETOWN SUPERVISOR'S MEMORANDUM

TO: CONCERNED ORANGETOWN RESIDENTS
FROM: ANDY STEWART, TOWN SUPERVISOR
SUBJECT: ALUF UPDATE
DATE: DECEMBER 22, 2016



This memo provides a brief update with most recent information to date on efforts to eliminate the odor of burning plastic from Aluf Plastics in Blauvelt.

Background:

Aluf Plastics is located on Glenshaw Ave off Rte 303 in Blauvelt, manufactures plastic bags from plastic pellets and is the source of intermittent foul odors of burning plastic that pose a nuisance (and uncertain health hazard) to nearby businesses, residents, colleges and others. Improvements made at the plant about ten years ago after community outcry and investigation do not appear to have kept up with the growth in number of plastic extruders at the site. Odors have been a problem over the last year and more. Involved agencies include the Town Building Department (OBZ), Town Attorney, and the NYS DEC.

Timeline:

- 2015-2016: Public reporting of odor incidents at Aluf to Town and DEC results in investigations by both agencies, including logging of odor complaints, monitoring of air quality, and review by town court and town zoning board
- August 2016 – OBZ issues Aluf a Violation based on odors and need to update and review machinery at the plant under the town code for Performance Standards (see regulation below). The Zoning Board of Appeals has authority to review and approve performance standards. The Orangetown Justice Court has authority to review violations of town code.
- August - DEC issues three violations: one for holes in ductwork (permit violation) and two for emissions (violation of 6 CRR-NY III A 211).
- August– DEC places four air sampling canisters in and around Aluf facility to collect data regarding air contamination: two on residential properties, one at Aluf; and one at a school. Results of this sampling expected in October.
- August – Concerned local residents create Facebook group “Clean Air for Orangetown”

- Sept. 13 – Orangetown Town Board votes to allocate \$25,000 for air and soil contamination sampling at Aluf, pending agreement for access to the site from Aluf.
- Sept. 15 – Aluf appears in court Orangetown Court appearance on OBZ violation; adjourned to 10/20 because of pending ZBA/DEC action
- Sept. 16 - Clean Air for Orangetown starts a petition on change.org: “Stop Noxious Odors from Aluf,” now with over 600 signatures to date.
- Sept. 21 - Aluf meets w/DEC and agrees to deadlines for obtaining independent engineering analysis and recommendations for eliminating odors:
- Sept. 21 - Aluf appears at ZBA for performance standards review; ZBA declines to approve performance standards, and instead adjourns Aluf hearing to November 16, 7:00 PM at Town Hall, pending DEC investigation of Aluf and further information about machinery and odor control systems.
- Sept. 26 - DEC asks NYS Department of Health to inspect Aluf.
- November - Assembly Member Jaffee, State Senator David Carlucci and County Executive Ed Day send letters to DEC calling for the elimination of odors/emissions from Aluf
- Nov. 15 - Town Board approves 2017 funding for an Engineer II to be responsible for, among other things, Performance Standards compliance.
- Nov. 16 - Orangetown submits comments, including community input, to DEC on the proposed *Scope of Investigation - Air Emission Controls* for Aluf
- Nov. 16 - Town Zoning Board of Appeals finds Aluf not in compliance with town Performance Standards and denies their application.
- Nov. 17 - trial date set for January 26, 2017, 10:00 AM, in Town the Orangetown Justice Court regarding the Orangetown Zoning Code §4.1 (Performance Standards) violation only; not the NYS Fire Code, which Fire Code violations are unrelated to the odors and were adjourned to December 6, 2016, 11:00 AM (at the suggestion of the Orangetown Bureau of Fire Prevention, due to Aluf having made progress toward remedying the Fire Code violations).
- Nov. 18 – The Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE), working with the Town Attorney’s Office, begins taking steps toward issuance of future Performance Standards violations, which involves vetting citizens’ odor complaints, then drafting citizen(s)’ affidavit(s) regarding odor emissions from Aluf, which citizen(s)’ affidavit(s) will be the foundation for OBZPAE’s issuance of violations of Town Performance Standards.
- Dec. 6 - Aluf Plastics pleads guilty to 8 of the 10 Fire Code violations, and agreed to pay fines of \$1,000.00 each, totaling \$8,000.00.
- Dec. 12 - DEC and Aluf agree to an Order on Consent, wherein Aluf is charged with violations of State air pollution and air quality regulations. The Order imposes a \$50,000 penalty, \$20,000

of which was payable immediately; the remaining \$30,000 was suspended provided Aluf strictly adheres to the conditions of the order.

- Dec. 13, Dec. 19, and Dec 20 - The Town files in the Orangetown Justice Court fifteen separate, new Orangetown Zoning Code (Performance Standards) violations against the property owner, the business operator and two individual principals of the business (Susan Rosenberg and Joseph Rosenberg), grounded upon, amongst other things, citizens' affidavits. They are scheduled for a hearing Jan. 19th.
- Dec. 13 - Town Board approves contracting with Langan Engineering to conduct air quality testing in the immediate vicinity Aluf Plastics and directs the Town Attorney to file action in Supreme Court, Rockland County, against Aluf Plastics seeking injunctive relief and any other relief deemed necessary by the Town Board with regard to enforcement action and numerous violations of town codes and Aluf's continuous failure to abide by town codes that affect the health and safety of the residents of the Town of Orangetown.

Aluf Agreement with NYS DEC for Odor Study and Improvements

The deadlines below are included in the Order on Consent dated Dec. 12, 2016 and remain the same:

- October 21, 2016: Aluf submitted to the DEC a proposed *Scope of Investigation -Air Emission Controls Installed at Aluf Plastics* (to include the following: to be performed by an independent engineer [to be paid for by Aluf]). The scope of work shall include a review of the work practices at the Facility, identification of the source and the reason of the odors at the Facility, and recommendations for solutions to the odor issue. The DEC will review and modify this scope of work. The study will take place in November and December.
- Due January 21, 2017: Aluf shall submit the completed odor study to the DEC, including a schedule to implement the solutions at the Facility. Upon submission of this report, Aluf must meet with the DEC within 30 days to discuss the report and the implementation schedule and obtain DEC approval for the plan. Work shall begin immediately upon DEC approval.
- Due 60 days after DEC approves odor control plan: Upon DEC approval of odor control plan, Aluf must complete recommended upgrades within 60 days, completing a progress report midway through. Respondent shall implement whatever measures are necessary, as proposed by the report, in order to ensure than no odorous air from any process that takes place inside the Facility shall escape the building and be sensed in the surrounding neighborhoods.

Orangetown Odor Code

The relevant section of the OT code is:

Ch. 43 §4.182: (Performance Standards) Odors. No emission of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. (<http://www.ecode360.com/26867121-26867121>)

For a discussion of how the town zooming board reviews performance standards see YouTube of town board meeting on September 6, 2016, starting about an hour into the meeting (at 1:01:55 on the timer), in which John Giardiello responds to questions from Town Board about performance standards review (go to www.orangetown.com and click on link to town YouTube channel).

Summary

Residents should continue reporting odor incidents to the Town and DEC, and press for Aluf to invest aggressively in odor control measures pursuant to the recommendations of independent engineers and oversight by the DEC on the timeline described above. Several members of our community have invested a great deal of personal time as volunteers in this issue and can be contacted for more information via email, below, the Facebook group “Clean Air for Orangetown,” or by contacting the Orangetown Supervisor’s office. The Town will continue its enforcement and environmental monitoring efforts in cooperation with the DEC.

In the meantime, the town is pursuing a range of longer range measures to bolster the protection of quality of life for residents, including possibly increasing staffing at the Building Department, updating town codes, and improving public access to meetings of the planning and zoning boards (the Planning Board now meets at Town Hall). Residents interested in participating in this ongoing work are welcome to contact my office and encouraged to attend meetings of the town board and land use boards.

Report Odors to:

Report odor incidents to: Aluf at neighbors@aluf.com; Maria Antoniou maria.antiou@dec.ny.gov; OBZ Director John Giardiello, OBZPAE@orangetown.com; Clean Air for Orangetown cleanair4orangetown@aol.com

Useful Contacts:

Orangetown Supervisor at Andy Stewart astewart@orangetown.com;

Town Board Members:

Gerald Bottari gbottari@orangetown.com,

Tom Diviny tdiviny@orangetown.com,

Denis Troy dtroy@orangetown.com;

Paul Valentine pvalentine@orangetown.com;