

**New York City
Department of Environmental Protection**

Bureau of Water Supply

**Filtration Avoidance 6.1 Enforcement Actions
For the period April 1, 2011 through September 30, 2011**

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1. Introduction

Encompassing eight counties and 71 towns and villages, the New York City watershed is a politically, economically and geographically diverse landscape covering nearly 2000 square miles. Protecting this watershed is the responsibility of the New York City Department of Environmental Protection's Bureau of Water Supply (the Bureau). To ensure that the high quality of the water is sustained and the sources of the water are protected, the Bureau has developed an aggressive enforcement program both in the field and through the legal system. Enforcement activities of the engineers, field staff, police and legal departments responsible for the protection of the watershed are detailed in this bi-annual report.

This report, covering actions from April 1, 2011 through September 30, 2011, first presents an overview of the responsibilities of those sections within the Bureau charged with enforcement activities. The report then addresses specific enforcement actions that occurred during the reporting period. Included are new violations as well as updates on ongoing violations. The report is divided into sections relating to the areas covered. The **West of Hudson** (WOH) area is comprised of the following basins: Ashokan and Schoharie of the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Also included are those portions of the **East of Hudson** (EOH) area comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.¹ Within each of these sections, the enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), subsurface sewage treatment systems (SSTSs), stormwater and erosion control structures, as well as other activities, such as solid waste management facilities. In addition, individual police actions are also included. The final section is devoted to the Kensico Spill Response activities, including specialized Haz Mat training.

2. Enforcement Responsibilities

The Bureau is charged with implementation of *New York City's Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). The Watershed Regulations identify activities that are prohibited in the watershed as well as those that require New York City Department of Environmental Protection (DEP) review and approval. Among activities that require such review and approval are the construction of new or the alteration of existing WWTPs and new or altered SSTSs. Stormwater pollution prevention plans (SWPPPs) for projects involving impervious surfaces within certain limiting distances or exceeding certain thresholds are also subject to DEP review and approval.

Following the approval of proposed regulated activities, those activities are monitored to assure

¹ As used in this report, the term East of Hudson (EOH) refers only to projects, permits or approvals for activities located in the West Branch, Boyd Corners, Croton Falls, Cross River or Kensico basins, the basins relevant to the Filtration Avoidance Determination. This report does not describe the Bureau's activities in the basins of other EOH reservoirs that serve exclusively as portions of the Croton water supply system.

compliance with the conditions of the approval, the Watershed Regulations and any applicable state or federal laws. The Bureau also conducts inspections throughout the watershed to ensure that any violations of the Watershed Regulations or state or federal law are identified and reported. Citizen complaints are also investigated, and the Bureau works with the DEP's Office of the General Counsel and the New York City Law Department to resolve any violations or enforcement actions. If an enforcement action is commenced, the Bureau will monitor the activity for compliance with the terms of the consent order or other enforcement document. Enforcement actions may include Compliance Conferences, Notices of Violation (NOVs), summonses for violations of the New York State Environmental Conservation Law (ECL), or Clean Water Act citizen suits. The Bureau always endeavors to correct the violation in the fastest and most effective manner.

The following provides an overview of the specific responsibilities of various groups within the Bureau to enforce the appropriate laws and regulations. In addition to the groups mentioned, the Bureau's Division of Water Quality (WQ) supports the enforcement efforts by monitoring water quality throughout the watershed and alerting other divisions of any potential water quality violations. Also, the Bureau coordinates with a number of other agencies on enforcement issues, including the New York State Departments of Health (DOH) and Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), the office of the Watershed Inspector General, as well as county and local law enforcement and health agencies.

2.1. The Regulatory & Engineering Programs Section

The Regulatory & Engineering Programs Section is divided into two (2) programs: Wastewater Treatment Programs and Stormwater Programs. Both of these programs consist of a Compliance and Inspection Section. The entire Regulatory & Engineering Programs staff is critical to the effective enforcement of the Watershed Regulations and other environmental laws and regulations. The Regulatory & Engineering Programs staff has primary responsibility for the review and approval of regulated activities within the NYC Watershed to assure that these activities are designed and constructed in accordance with the Watershed Regulations. Once facilities are constructed, the Regulatory & Engineering Programs staff inspects the construction sites, and responds to complaints of possible violations. If the staff confirms violations and the violations are not immediately resolved, staff may provide the necessary documentation to support an NOV or other enforcement action. At the conclusion of any enforcement actions, Regulatory & Engineering Programs staff again conducts inspections to assure that the work is corrected in accordance with appropriate regulations and the terms of any NOVs, consent order or other enforcement document.

2.1.1. Wastewater Treatment Programs

This Unit reviews and approves sewer systems, WWTPs and SSTs, which are regulated by the Watershed Regulations. In addition to the review of wastewater treatment systems, they are also responsible for the review of the construction or alteration of all wastewater treatment systems having either surface or subsurface discharges. Engineering reports and facility plans for wastewater treatment systems are reviewed and conservative technical standards are applied to all new and/or reconstructed facilities prior to approval. The Wastewater Treatment Programs staff are responsible for the investigation of reported commercial septic system failures and some residential SSTs, including dye testing and the review and approval of remediation plans. When

it is determined that a system is in failure, a formalized NOV/Notice of Failure (NOF) procedure will be initiated. Also before an NOV is served, DEP's Office of the General Counsel and the New York City Law Department are notified, and they closely monitor steps taken to remediate the failed systems should court prosecution become necessary. Other environmental violations may be documented and forwarded to other sections within the Bureau for corrective action or further investigation and/or legal action.

There are several existing or proposed programs funded by DEP that either pay for the remediation of SSTSs in failure or likely to fail, or pay for the review and approval of remediations within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds the remediation (design and construction) of individual SSTSs that are in failure or likely to fail and are located within eligible priority areas. Per the 2007 FAD, the program was expanded to include small businesses and cluster systems. The CWC solicits property owners within the eligible areas, inspects the site and makes the necessary SSTS improvements. The review and approval of these repairs is performed by DEP, and progress is tracked by DEP and entered in the Engineering database. This Program is reported in the FAD Report 3.1 "Septic Rehabilitation and Replacement Program."

DEP has a delegation agreement with Putnam County Health Department that includes the review and approval of SSTS repairs by Putnam County. This supplements the delegation agreement for the review and approval of new SSTSs. The delegation agreement for repairs includes the review and approval of failing commercial and individual SSTSs. The existing Putnam County Sanitary Code requires that a permit be issued by the County for all repairs or modifications to any SSTS. Before DEP and Putnam County entered into the delegation agreement for repairs, DEP did not consistently have the opportunity to review and approve repairs and modifications in Putnam County. Under the revised delegation agreement, the County reviews and approves repairs in accordance with the Watershed Regulations. These repairs are tracked by DEP as applications received and approved, and are reported within the FAD Report 6.1.1, Section 3.5, "Individual Septic System Review."

Putnam County initiated a Septic Repair Program in 2005 for the design and construction of failing SSTSs within critical areas of Putnam County. Funding for this program is through the EOH Water Quality Investment Program fund which was provided by DEP through the 1999 MOA. This, like the CWC program, is a voluntary program, and has phased priority areas based on distances to watercourses and reservoirs. Putnam County has separate staff to administer the program. All repair plans must be reviewed and approved by the Putnam County Health Department. The Putnam County Septic Repair Program is discussed in FAD Report 4.9.

The existing Westchester County Health Department Delegation Agreement with DEP has been revised to cover the review and approval of failing SSTSs in Westchester County. Westchester County has revised its sanitary code to require review and approval of all repairs and modifications, including changes of use for all SSTSs. This repair delegation agreement is similar to the Putnam County repair delegation agreement.

As many of the above described programs are voluntary, DEP does not pursue enforcement actions on failing SSTs where the owners are eligible for funding under the above mentioned programs to encourage owners to participate and to self-report failures. DEP expects that pursuing enforcement actions in such cases would reduce the overall number of failing SSTs being detected or repaired and thus reduce the water quality benefits and effectiveness of these programs. DEP continues to issue NOVs and to pursue appropriate enforcement when it identifies failing SSTs that are not covered under these voluntary programs. A semi-annual summary of these NOVs will be reported in FAD Report 6.1.2.

2.1.1.1. Regulatory Compliance and Inspection Unit (located only WOH)

This unit consists of the Field Staff in the field offices of the WOH Watershed. The Field Staff's responsibilities include individual household septic system site evaluations, pre-application conferences, soils tests and construction inspections and enforcing the Watershed Regulations for individual residences. The SSTs Regulatory Compliance and Inspection Staff are responsible for the investigation of reported residential septic system failures, including dye testing and follow up activities. When it is determined that a septic system is in failure, DEP monitors the progress and, if the homeowner does not make the appropriate effort for the repair to occur, an NOF is issued. Also before an NOF is served, DEP's Office of the General Counsel and the New York City Law Department are notified, and they closely monitor steps taken to remediate the failed systems should court prosecution become necessary. Other environmental violations may be documented and forwarded to other sections within the Bureau for corrective action or further investigation and/or legal action.

2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Unit

The Wastewater Treatment Plant Compliance and Inspection staff is responsible for quarterly and semi-annual inspections of all the existing WWTPs within the watershed, providing technical assistance to many of the WWTP operators to improve treatment operations and follow up of on all wastewater spills from sewer collection systems, pump stations and WWTPs. This unit is also responsible for the review and approval of WWTPs undergoing modification in accordance with the Wastewater Upgrade Program (MOA 141). The Upgrade Program activities of this unit are reported within FAD Report 3.4. The enforcement activities at the existing WWTPs in the watershed are reported in FAD Report 6.2.

2.1.2. Stormwater Programs Unit

This unit reviews SWPPPs, impervious surface construction, non-point source discharges and wetland protection, as well as applications pending before state and federal agencies for projects with the potential to affect water quality within the NYC watershed. These include activities such as stream crossings, wetland incursions, mining operations and timber harvests. For projects requiring review and approval under the Watershed Regulations, DEP reviews engineering reports for impervious surfaces and SWPPPs for all new and/or reconstructed sites and applies conservative technical standards. For projects requiring approvals from other governmental agencies, DEP provides comments regarding potential water quality impacts and mitigation strategies.

2.1.2.1 Stormwater Compliance & Inspection Unit

The staff of this unit monitors construction sites to ensure compliance with approved SWPPPs.

This unit also initiates enforcement actions when there is site construction or the creation of impervious surfaces without a DEP approved SWPPP. This unit issues NOVs with the assistance of the Stormwater Programs unit, DEP's Office of the General Counsel and the New York City Law Department. The DEP's Office of the General Counsel and the New York City Law Department closely monitor steps taken to remediate the violation should court prosecution become necessary. DEP and DEC hold compliance conferences with the applicants as needed for the remediation of individual sites. On a semi-annual basis, DEP, DEC, EPA, DOH and NYS Attorney General's Office hold coordination meetings on all stormwater violations.

2.1.3. SEQRA Coordination Unit

The SEQRA Coordination Unit was relocated to the Compliance and Administrative Manager in January 2010 to facilitate coordination with other sections within the Bureau and other DEP Bureaus. The SEQRA Coordination Unit ensures that the Bureau's responsibilities as an Involved Agency under SEQRA are fully complied with and documented. Comments concerning applications submitted under SEQRA are submitted to the designated Lead Agencies. If DEP is the designated Lead Agency for projects undertaken, funded, or approved by NYC, the unit ensures that all necessary procedures and protocols are established and followed. Activities of this unit are not included in this report. The SEQRA activity will continue to be reported within FAD Report 6.1.1 as it was in the past.

2.2. DEP Police

The DEP Environmental Police are responsible for protection of NYC's water supply infrastructure and the detection of potential threats to water quality throughout the watershed. Their jurisdiction includes water supply facilities in the five (5) boroughs of NYC, in addition to the portions of the watershed and the water supply system in the counties of Westchester, Putnam, Dutchess, Orange, Ulster, Delaware, Sullivan, Greene and Schoharie. Their primary mission is to protect the water supply, the environment and the population in the watershed from pollution, crime and terrorism. There are seven (7) police precincts, located in Gilboa, Downsville, Beerston, Olive, Grahamsville, Yorktown and Yonkers.

The DEP Police is organized into three (3) major divisions. The largest, the Environmental Enforcement Division, is responsible for all patrol operations, protective functions and short-term investigations relating to environmental and criminal complaints.

The Detective Bureau and Intelligence Division are responsible for all long-term investigations relating to pollution, crime and terrorism.

The Special Operations Division includes the Special Projects unit responsible for construction project security considerations, and the Aviation Unit, responsible for aerial surveillance of the watershed. In addition, the Special Operations Division is responsible for the Environmental Police Academy, which trains DEP Police recruits in law enforcement techniques. The Environmental Police Academy now includes 305 hours of training in environmental law. The Division also provides ongoing training to seasoned officers to update their knowledge and develop new skills, and updates the policies and procedures within the Police Department. It also ensures accreditation through the NYS Division of Criminal Justice Services.

The redeployment of the former Protection Section staff has increased the responsibility of the

DEP Environmental Police to ensure the detection and the adequate and timely response to stormwater, WWTP, septic system and other environmental violations. The Environmental Police are frequently utilized by other divisions within the Bureau to investigate and issue NOVs, summons, and where warranted, violations of the NYS ECL. Close coordination between the Regulatory & Engineering Programs Section and the DEP Environmental Police is necessary to ensure that proper and adequate actions are taken when violations of environmental laws or regulations are discovered.

2.3. DEP's Office of the General Counsel

DEP's Office of the General Counsel (DEP Legal) provides legal support for the enforcement of the Watershed Regulations and, among other laws, the State Environmental Quality Review Act (SEQRA) to ensure complete environmental review of proposed developments. When DEP's regulatory authority or a specific decision is challenged, DEP Legal, together with the New York City Law Department, promotes and defends such authority or decision. Also, prior to the service of an NOV, DEP Legal reviews the NOV to ensure that all pertinent legal issues have been included and documented. Additionally, DEP Legal renders legal opinions, interpretations and advice on enforcement matters to all divisions of the Bureau.

2.4. New York City Law Department

The New York City Law Department, in conjunction with DEP Legal, may enter into formal negotiations with alleged violators, and, when necessary, undertake legal action. NYC can take actions under, among other laws: the State Public Health Law, to enforce the Watershed Regulations; the federal Clean Water Act, to bring SPDES violators into compliance; or SEQRA, to require appropriate environmental review of proposed developments. Actions may also be taken to affirm DEP's role in development planning and review as an Involved Agency under SEQRA. The New York City Law Department also defends, where necessary, regulatory decisions rendered by the Divisions within the Bureau. The New York City Law Department also renders legal opinions, interpretations and advice on enforcement matters to all divisions of the Bureau.

3. Specific Enforcement Actions

3.1. Wastewater Treatment Plants (See 6.2 FAD Report from now on)

3.2. Subsurface Treatment Systems and Stormwater

The following tables were established as a summary of the Individual SSTS violations by town for the Catskill, Delaware, West Branch, Boyd Corners, Croton Falls, Cross River and Kensico Basins. The cumulative totals include the past six month's count. The cumulative information in the tables includes violations dating back to 1995.

Catskill District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ASHLAND	278	1	22	0	23	0
CONESVILLE	13	0	10	0	9	0
GILBOA	19	0	15	0	17	1
HUNTER	109	2	81	1	83	2
HUNTER (V)	17	0	9	0	10	0
HURLEY	49	0	48	0	47	0
JEWETT	50	1	46	0	51	2
LEXINGTON	47	0	45	0	46	2
OLIVE	193	0	165	0	171	2
PRATTSVILLE	27	0	22	0	26	0
ROXBURY	31	0	25	2	29	3
SHANDAKEN	142	0	129	0	136	4
TANNERSVILLE (V)	8	1	1	0	6	0
WINDHAM	80	1	66	1	73	2
WOODSTOCK	57	0	52	0	51	3
Total	1120	6	736	4	778	21

Delaware District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ANDES	84	3	75	1	74	1
ANDES (V)	4	0	2	0	2	0
BOVINA	35	0	32	0	33	0
COLCHESTER	5	1	5	0	4	0
DELHI	70	0	64	0	69	0
DELHI (V)	3	0	2	0	3	1
DENNING	34	0	33	0	31	0
FALLSBURGH	6	0	4	0	4	0
FLEISCHMANN'S (V)	1	0	0	0	0	0
FRANKLIN	6	0	4	0	4	0
HALCOT	7	0	7	0	7	0
HAMDEN	31	0	29	0	29	0
HARDENBURGH	12	0	10	0	12	0
HARPERSFIELD	8	0	6	0	6	0

JEFFERSON	6	0	6	0	6	0
KORTRIGHT	65	3	52	0	61	3
LIBERTY	1	0	1	0	1	0
MASONVILLE	12	0	10	0	10	0
MEREDITH	20	0	18	0	18	0
MIDDLETOWN	115	1	104	0	107	2
NEVERSINK	222	1	187	0	202	1
ROCHESTER	1	0	1	0	1	0
ROXBURY	34	0	28	0	33	1
STAMFORD	35	0	33	0	34	0
TOMPKINS	42	0	37	0	40	0
WALTON	89	0	82	0	81	2
WALTON (V)	1	0	1	0	1	0
WAWARSING	34	0	32	0	30	0
Total	983	9	865	1	903	11

West Branch, Boyd Corners, Croton Falls, Cross River Basins

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
CARMEL	12	1	9	0	10	0
EAST FISHKILL	0	0	0	0	0	0
KENT	4	0	4	0	4	0
LEWISBORO	1	1	0	0	1	1
PUTNAM VALLEY	0	0	0	0	0	0
TOTAL	17	2	13	0	15	1

Kensico Basin

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0	0	0	0	0	0
HARRISON	0	0	0	0	0	0
MT. PLEASANT	0	0	0	0	0	0
NEW CASTLE	1	0	1	0	1	0
NORTH CASTLE	3	0	1	0	1	0
TOTAL	4	0	2	0	2	0

3.2.1. Catskill District

Project Name: Campbell Road (2000-SC-0168)
Town: Ashland
Type of Use: Residence
Type of Violation: Failed SSTS; Failed SPPP DEC NOV issued; more than 1 acre disturbed, but less than 2 acres.

Discovery Date:

Status: Closed

Overview and Action:

DEC issued a NOV to the owner on 11/27/07. DEP received an email from the engineer on 6/9/09 regarding his site visit to consider the interim stabilization plan. DEP received drawings entitled "Proposed Interim Stabilization Plan" from the engineer on 6/18/09. DEP called DEC on 8/7/09 regarding the work being conducted at the site; currently, DEC is deciding what work is necessary to stabilize the site. An on-site meeting was held with DEC on 9/17/09 to discuss necessary actions to stabilize the site. DEP received a DEC Consent Order on 9/17/09. The violation was resolved and the case was closed on 10/27/09 for DEP. DEP received an email from DEC on 5/11/11 stating that this order can be closed.

Town: Ashland

Basin: Schoharie

Project Name: Tallo, Leonard, (Log #2007-SC-0689)

Project Description: New SSTS; DEP and DEC NOV for SWPPP

Project Type: Stormwater (SP)

Status:

DEP initiated an Enforcement Action on 4/22/11. DEP issued an NOV to the owner on 4/22/11. A meeting was held with DEC and CWC on 5/6/11. DEC will be issuing an NOV and will be looking into if a dam permit is required. DEP received a letter responding to the NOV on 5/24/11 from the engineer requesting an extension for the SWPPP submission until 6/30/11. DEC issued a NOV to the homeowner on 6/14/11. DEP received a letter from the engineer responding to the DEC NOV. On 6/25/11, DEP received the engineers' field notes showing the pond's volume and the entire site disturbance; the site will require a dam permit. DEP received a letter and drawings from the engineer to DEC on 7/13/11 regarding the NOV. DEP received call on 8/25/11 from the engineer regarding the SWPPP design. The engineer is trying to schedule a meeting with the owner to discuss the design and how it will impact the property. The engineer is also waiting for a response from DEC regarding the sketch plan design. A meeting was held with the project engineer on 9/15/11 to discuss the design of the SWPPP.

Project Name: 875 Mail Route Road (2007-SC-0904)

Town: Ashland

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - Surfacing -CWC

Discovery Date:

Status: Approved

Overview and Action:

DEP issued a letter to the owner on 4/14/11 stating construction has not yet commenced.

Project Name: 12658 NYS Route 23 (2005-SC-0230)
Town: Ashland
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1912 - CWC
Discovery Date: 1/29/04
Status: Under Construction

Overview and Action:

DEP received a call on 9/27/11 from the owner complaining that no one will help her fix her recently replaced SSTS. DEP called the owner on 9/28/11 regarding her SSTS problems. Owner stated that the contractor is planning on coming today to reset high level alarm for second time. DEP asked the owner to let DEP know if the problem gets resolved.

Town: Ashland
Basin: Schoharie
Project Name: Tallo, Leonard, (Log #2007-SC-0689)
Project Description: New SSTS; DEP and DEC NOV for SWPPP
Project Type: Stormwater (SP)
Status: New

DEP initiated an Enforcement Action on 4/22/11. DEP issued an NOV to the owner on 4/22/11. A meeting was held with DEC and CWC on 5/6/11. DEC will be issuing an NOV and will be looking into if a dam permit is required. DEP received a letter responding to the NOV on 5/24/11 from the engineer requesting an extension for the SWPPP submission until 6/30/11. DEC issued a NOV to the homeowner on 6/14/11. DEP received a letter from the engineer responding to the DEC NOV. On 6/25/11, DEP received the engineers' field notes showing the pond's volume and the entire site disturbance; the site will require a dam permit. DEP received a letter and drawings from the engineer to DEC on 7/13/11 regarding the NOV. DEP received call on 8/25/11 from the engineer regarding the SWPPP design. The engineer is trying to schedule a meeting with the owner to discuss the design and how it will impact the property. The engineer is also waiting for a response from DEC regarding the sketch plan design. A meeting was held with the project engineer on 9/15/11 to discuss the design of the SWPPP.

Project Name: 117 Lake of Seven Bridges (Log #2009-SC-0568)
Town: Conesville
Type of Use: Residence
Type of Violation: Failed SSTS - CWC - surfacing
Discovery Date:
Status: No Application

Overview and Action:

A soil/site evaluation was performed on 10/23/09. DEP issued a letter to the owner on 2/23/10 stating that the plans have not yet been received. DEP called engineer on 10/5/10 to discuss status. Engineer stated that he is working with Inspector to get soils done on lot across street within next week or so. DEP to inform engineer what is necessary to obtain approval for septic system on another lot. Engineer stated town already gave approval for sleeve under road. DEP sent an email to engineer on 10/6/10 stating that formal easement must be recorded and notarized for septic plans to be approved when system is located on a different parcel than where the waste is generated. Engineer responded and said he work on getting this done. Site Visit type:

Request. Date: 10/29/10. Septic Failure: Observed. Failure Description: Surfacing of sewage on ground. Additional soils were done on 10/12/10. Sewage is not leaving site. DEP received a call back from the engineer on 5/13/11, stating that owner lost easement paperwork and it had to be re-sent for signature. DEP received an Application for a conventional individual SSTS on 8/22/11. DEP issued a NOCA on 8/31/11. DEP issued an Approval Determination letter on 9/8/11.

Project Name: 1083 Potter Mtn. Road (2005-SC-0233)
Town: Conesville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1703 - Unapproved Construction of Septic System
Discovery Date: 11/13/2002
Status: No Application

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed. An NOV was issued to the Owner on 11/22/02. DEP performed a site visit on 1/7/11; septic failure not observed; no evidence of discharge, the ground is snow covered in the area of the septic. DEP performed a site visit on 2/18/11; no visible discharge, no sign of melted snow in the vicinity of the system. DEP performed a site visit on 4/4/11 for a septic failure; none was observed, it appears the residence has been vacated, there were no signs of traffic or inhabitation and there was no visible discharge. DEP performed a site visit on 6/3/11; the house has been abandoned. DEP performed a site visit on 8/11/11; the house is still vacant. DEP performed a site visit on 9/13/11 for a septic failure; none was observed. The house is vacant and in disrepair and currently uninhabited.

Project Name: 465 Bull Hill Road (2003-SC-0917)
Town: Conesville
Type of Use: Septic System (SS)
Type of Violation: Failed SSTS; New SSTS
Discovery Date: 10/4/05
Status: New/Approved

Overview and Action:

Date: 09/30/2010. Septic Failure: Not observed. Site appears to be a weekend residence. Lawn and gardens are well kept. The tank is still exposed with 5-6 ft. weeds growing in the tank excavation. No sign of pumping at this time. There has been no attempt to start construction of the absorption field. Present for Inspection: None. Property Status: Currently inhabited, Used seasonally. On 10/1/2010 DEP requested DEP Police patrol the site over the weekends in October for inhabitation of property and signs of illegal pumping of sewage to environment. DEP Police have been in contact with SSTS Inspector to let him know that on 10/2 and 10/3/10 those parties were there, on Columbus weekend they were not there, on 10/16 through 10/18/10 they were there. Also, on 10/15/10 DEP Police went to that location and did not observe any signs that a hose had been in the tank, or that the tank lid had been opened lately. Police will continue to perform inspections in the upcoming weekends and notify SSTS staff of any changes. SSTS staff requested inspections to be continued through the end of the month. DEP received an email from DEP Police on 11/9/10, regarding recent observation of inhabitation 11/6 and 11/7/10. DEP Police was not asked to do any more inspections for Regulatory and Engineering Programs.

DEP issued a Design Approval Expiration letter on 1/14/11. On 1/14/11 DEP issued a reminder letter to the applicant addressing generation of wastewater on this site would be a violation in itself because there is no construction approval by DEP. On 5/11/11 DEP issued a reminder letter via certified mail to the owner. On 6/17/11, DEP issued reminder letters to both addresses on file. Two letters were sent to each address, one registered and the other regular mail. DEP performed a site visit on 9/12/11 for a septic failure; none was observed. DEP left notices taped to front and back doors. The septic tank is still exposed with tall weeds growing around it. No clearing has been done for septic field. DEP took several pictures. The property is currently inhabited and used on weekends.

Town: Gilboa
Basin: Schoharie
Project Name: Pine Island - Lot #36 (Griesch), (Log #2006-SC-1300)
Project Description: Lot #36 of the Pine Island Subdivision
Project Type: Stormwater (SP)
Status: New

DEP issued a letter to the owner on 1/26/10 regarding the stormwater controls not being adhered to as per the approved SWPPP. DEP received an email from the contractor on 5/21/10 regarding the remediation of the site. DEP received a copy of the deed on 6/1/10. DEP initiated an Enforcement Action on 1/21/11. DEP issued a NOV to the owner on 1/21/11. DEP spoke with the owner on 1/25/11; he has contacted his engineer and a site visit will be held in the spring to address the issues. DEP called the applicant on 4/29/11 regarding a site meeting. There was no answer so left message. DEP called the applicant on 6/24/11 regarding the stormwater and left a message.

Town: Gilboa
Basin: Schoharie
Project Name: Pine Island - Lot #31 (Oliveri), (Log #2006-SC-1026)
Project Description: New SSTS for Lot #31
Project Type: Stormwater (SP)
Status: New

DEP issued a letter to the applicant on 2/22/10 stating that they are not in compliance with the approved SWPPP. DEP performed a site visit on 6/24/10; the site was stable; there was no discharge; the site was occupied. DEP initiated an Enforcement Action on 1/21/11. DEP issued a NOV to the owner on 1/21/11. DEP received call on 2/4/11 from the applicant regarding the NOV. DEP called the applicant on 2/9/11 regarding the NOV. The applicant agreed to contact DEP in early April to set up a meeting at the site. DEP called on 4/18/11 to set a time for a site meeting; tentatively scheduled for 5/6/11. DEP called the owner on 9/22/11 regarding a potential site meeting on 10/7/11.

Project Name: 31850 State Highway #23 (Log #2007-SC-0677)
Town: Gilboa
Type of Use: Residence
Type of Violation: Failed SSTS
Discovery Date: 7/26/07
Status: Approved

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed on 7/26/07. DEP issued an Approval Determination letter on 2/26/08. On 10/22/10 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP issued a Design Approval Expiration letter on 10/22/10. Site Visit type: Follow up. Date: 11/18/10 for Septic Failure; no visible discharge. DEP received a letter from the engineer on 6/13/11 requesting design re-approval.

Project Name: Route 23A (Log #2008-SC-0176)
Town: Gilboa
Type of Use: Residence
Type of Violation: Failed SSTS-CWC
Discovery Date: 5/16/08
Status: Closed

Overview and Action:

DEP received a copy of the 3/17/08 SCHD failure letter on 3/20/08, giving owner 30 days to correct the problem. A dye test was performed by DEP on 5/16/08, in the presence of the owner, tenant, and SCHD. DEP Police were requested to patrol over the weekend for any evidence of dye. DEP received a copy of a 6/9/09 letter from the Town of Gilboa Supervisor to the SCHD regarding neighbor's formal complaint on this site. DEP received a copy of the letter from the SCHD to the Town of Gilboa on 6/19/09 regarding the violation/complaint. DEP received a letter and revised plans from the engineer on 7/6/09. DEP issued an Approval Determination letter on 7/7/09. DEP received a letter from the building inspector on 12/18/09, stating that home cannot be occupied until septic system is in compliance. DEP performed a site visit on 10/15/10 and 2/4/11; septic failure not observed, the house is still vacant; Property Status: Currently uninhabited. DEP found the property to be abandon/vacant on 3/23/11. DEP received notice on 6/22/11 that construction will begin on 6/23/11. DEP called the engineer on 6/27/11 and left a message that construction started on this project and that it needs to be inspected. DEP called the owner on 6/29/11 stating that DEP may have difficulty approving the project without engineer's involvement and that this may cause CWC funding issues. DEP also sent CWC an email related to this conversation. DEP asked the owner to reply with engineer construction inspection plan. DEP completed construction inspections on 7/8/11. DEP received engineer's certification letter from the engineer on 7/11/11. DEP issued a letter of Construction Compliance on 7/25/11. DEP has resolved the Enforcement Action on 8/11/11. The violation was resolved and the case was closed on 8/11/11 with a DEP closure letter dated 8/11/11.

Town: Hunter
Basin: Schoharie
Project Name: Rosen, Eli, (Log #2011-SC-0585)
Project Description: IRSP NOV
Project Type: Individual Residential SPPP (IR)
Status: New

DEP initiated an Enforcement Action on 8/16/11. DEP issued a NOV to the owner on 8/16/11. A meeting was held at the site with an engineer on 9/7/11.

Town: Hunter
Basin: Schoharie
Project Name: Ryan, Thomas, (Log #2011-SC-0316)
Project Description: Police complaint of a possible SSTS failure
Project Type: Other (OT)
Status: New

DEP performed a site visit type on 5/26/11; septic failure was not observed. Property status is currently uninhabited, the rental property appears vacant. DEP called the tenant on 6/9/11 to discuss DEP's site visits not being able to verify existence of septic failure and requested more detail. DEP called the owner on 6/9/11 and spoke with his wife. She will have him call back, but it may not be until next week. She believes the issue was resolved. DEP called the owner and left a message on 6/13/11 to call back and discuss septic issue/complaint. DEP performed a site visit on 6/15/11; septic failure not observed. The grounds were overgrown and there were no signs of any problems with septic system.

Town: Hunter
Basin: Schoharie
Project Name: Bates, Craig, (Log #2011-SC-0013)
Project Description: Possible unauthorized construction activity
Project Type: Other (OT)
Status:

DEP issued a letter to the owner on 12/28/10 regarding the possible unauthorized construction activity. DEP initiated an Enforcement Action on 4/14/11 for suspected unauthorized construction of an SSTS. The owner is not allowing an inspection or access. DEP sent and received e-mails to and from the CEO on 4/27/11 regarding the addition of bathrooms. DEP received an e-mail from the Hunter CEO on 5/11/11. The CEO believes he convinced the owner to file an SSTS application by the end of the week. DEP received a second e-mail from the Hunter CEO on 5/11/11 further elaborating on getting an application. DEP received a third e-mail from the Hunter CEO on 5/12/11 detailing what might be required to bring the SSTS into compliance. DEP received a call on 6/1/11 from the engineer regarding the soil testing; testing date is 6/3/11. DEP performed a site visit on 6/3/11; septic failure not observed. DEP met with the engineer to perform soil testing. DEP issued a NOV to the owner on 6/16/11. DEP called on 7/12/11 regarding the SSTS design. DEP called the engineer to check on the status of the design. DEP called the owner on 7/12/11 regarding the pump out receipts as indicated in the NOV; a message was left on the voicemail. DEP called 7/25/11 regarding the SSTS design. DEP called on 7/25/11 regarding the pump out receipts as indicated in the NOV; a message was left on the home voicemail. DEP received plans from the engineer on 8/4/11. DEP received an Application for a SSTS on 8/8/11 from the engineer. DEP issued the NOCA and Approval Determination letters on 8/10/11. DEP issued a letter to the owner on 9/26/11 stating that construction has not yet commenced.

Town: Hunter
Basin: Schoharie
Project Name: Leach, Matthew (Wiltse, Jim), (Log #2007-SC-1080)
Project Description: Initiated as a single lot; will develop into a 4 lot subdivision Failing

SWPPP

Project Type: Stormwater (SP)
Status: Approved

DEP initiated an Enforcement Action on 4/30/09. DEP issued a NOV to the owner on 4/30/09. A meeting was held with the owner on 5/28/09. DEP discussed SWPPP requirements and will hire a design professional. DEP performed a site visit with the design engineer on 11/10/09. DEP received an Application for a SWPPP on 1/19/10. A meeting was held with the project engineer on 2/1/10 to discuss the design. DEP issued a NOCA on 02/08/10. DEP received an email from the engineer on 8/11/10 stating that the project is not dead, just delayed and will probably submit revisions in September 2010. DEP sent an email to the engineer on 1/20/11 requesting project status update. DEP received an email from the engineer on 1/21/11 stating that he will be working on the plans next week. DEP received an email from the engineer on 2/04/11 for a date to meet and discuss the project. A meeting was held with the project engineer on 6/7/11 to discuss the SWPPP. DEP received a letter and revised plans from the engineer on 7/18/11 to DEP's letter of 3/29/11. DEP issued an Approval Determination letter on 8/4/11.

Project Type: SEQRA (SQ)
Status:

DEP emailed T/Hunter Planning Board On 1/19/10 to see if this project will undergo a coordinated review prior to DEP initiating an uncoordinated review. The Planning Board responded that this project underwent uncoordinated review and a Neg Dec was issued on 4/7/09. DEP issued comment request to Tech Team with comments due to SEQRA Director on 2/2/10. DEP received a Short EAF on 1/19/10. DEP issued a comment letter on 2/1/10 to the engineer. DEP received a response letter from the contractor on 2/22/10 regarding DEP's comment letter. SCS called the Town of Hunter Planning Board secretary on 6/8/10 and asked for a copy of the Town's Neg Dec for the uncoordinated review. DEP issued a Neg. Dec. on 6/10/10 to the applicant.

Town: Hunter
Basin: Schoharie
Project Name: Gilbert, Ben, (Log #2007-SC-0887)
Project Description: New SSTS requiring an IRSP
Project Type: Individual Residential SPPP (IR)
Status:

DEP issued a letter to the applicant on 5/6/08 stating that it's prohibited to build a house within 100 feet of a watercourse. An IRSP is required. DEP received a letter from the applicant on 8/26/08 regarding the application. DEP received an email from the applicant on 9/2/08 in regard to pending IRSP application. He indicated that he will be employing a new engineer in order to adequately address on-site issues. DEP received an email from the engineer on 9/24/08 with a draft Scope of Work. DEP received an email from the applicant on 10/15/08 regarding funding for the engineer. DEP received recommendations from the engineer on 12/22/08. DEP issued a NOV to the owner on 12/29/08. DEP initiated an Enforcement Action on 12/29/08. DEP returned a phone call on 1/7/09 from the owner, regarding the NOV. He acknowledged the NOV and stated he's going to move the engineer along for a plan. DEP received an email from the engineer on 1/15/09 stating that a proposal was sent to the owner for his review and a signed contract is in the near future. DEP had a phone conversation with the engineer on 2/19/09

regarding the contract status with the applicant. DEP received an email from the owner on 4/16/09 stating that he is working with the engineer regarding the NOV. DEP received an email from the engineer on 5/28/09 stating that they have been hired and are moving forward. DEP called the engineer on 6/2/09 regarding the SWPPP. A meeting was held with the project applicant on 6/8/09. A meeting was held on-site with the project engineer on 6/9/09 to discuss the conceptual design. DEP performed a site visit on 9/14/09; there was not a discharge; the site was not stable; the site is still highly unstable and significant erosion continues. DEP received an Application for a SWPPP on 9/16/09. DEP issued a NOCA on 10/27/09. DEP issued an Approval Determination letter on 10/28/09. DEP called ACOE on 1/14/10 regarding the erosive condition at the site and to set an onsite meeting. DEP sent an email to the applicant on 1/21/10 regarding the status of the site. The applicant responded that he is in the process of getting bids and since there is three feet of snow, he will move forward in the spring. DEP performed a site visit on 1/25/10; significant flow was observed in the unstable channel in the woods. The driveway swale showed signs of significant erosion; a significant seep was observed passing under the driveway near the top. DEP performed a site visit on 3/11/10; there was not a discharge. DEP sent an email to the applicant on 4/14/10 to inquire about start-up dates. DEP received call on 4/19/10 from the engineer regarding possible permit requirements from ACOE. The engineer stated that the project will be on hold until any issues with ACOE are settled out. DEP called ACOE on 4/27/10 regarding permitting and the general site conditions. ACOE did not seem to be concerned however tentatively agreed to a site meeting sometime in the future. A meeting was held with the project engineer, ACOE and DEP on 5/12/10. ACOE determined that the diverted watercourse was a temporary water and therefore not regulated by ACOE. DEP issued a letter to the applicant on 5/12/10 with DEP concerns. DEP received a call on 8/3/10 from ACOE regarding the letter of no jurisdiction. ACOE indicated that no letter would be written and that DEP and property owner is free to remediate the site as necessary. DEP requested a pre-construction meeting from the applicant and engineer. DEP sent and received emails to and from the applicant on 8/12/10 regarding quotes from contractors and the lack thereof. DEP is currently waiting for a notice of start of construction as the site is still actively eroding. DEP sent an email to the applicant on 11/5/10 regarding site stabilization. DEP received a call on 11/5/10 from the site contractor regarding starting up the work. The contractor indicated that he and the applicant agreed on a fee but there was no signed contract yet. DEP sent and received e-mails to and from the homeowner on 6/2/11 regarding the construction schedule. DEP sent an e-mail to the applicant on 8/17/11 requesting information on when the site will be stabilized. DEP performed a site visit on 8/31/11; there were deficiencies, there was no discharge, the site was occupied.

Town: Hunter
Drainage Basin: Schoharie
Project Name: Torah Foundation/Gellman, (Mashne Tashbar), (Log #2003-SC-0672)
Project Description: Septic Replacement
Project Type: Intermediate Repair (CR)
Status: Approved

DEP performed a site visit on 8/4/08 accompanied by the owner. The pump stations and tanks were all inspected and found to be in working order. DEP was advised that the 2nd floor of the Red Coats Building was occupied by kitchen staff. DOH and the Town of Hunter have authorized the occupancy. DEP received the septic meter readings on 8/8 and 8/15/08. DEP

received a copy of the Certificate of Occupancy from the T/Hunter on 8/8/08.

Project Type: Stormwater (SP)

Status:

DEP received a revised Engineer's Report from the engineer on 8/11/08. DEP performed a site visit for final inspection on 9/16/08. The outlet structure has been installed into the stormwater basin and the site is fully stabilized. DEP received a letter from the engineer on 9/22/08 regarding the SWPPP completion.

Project Type: WWTP (WW-1)

Status:

DEP issued a letter to the applicant on 10/6/09 regarding the need to complete the WWTP work. DEP sent an email to the engineer on 10/7/09 requesting the status of the project; waiting for final completion. DEP sent an email to the owner on 4/29/10 regarding their start up of the camp this year; and wanted to make arrangements to meet before opening. DEP sent an email to the engineer and the applicant with a punch list of items on 6/10/10. Site Visit type: Follow up. Date: 6/29/10. Final construction inspection scheduled for 8/26/10 with DEP, engineer, CEO. Site Visit type: Meeting. Date: 8/26/10. DEP met with the design/project Engineer, the Town of Hunter building inspector and the WWTP operator on 8/26/10, regarding the final inspection of the punch list. NYC Law Department issued a letter to the applicant's attorney on 1/20/11 requesting assistance in obtaining the engineers' certification and As-Built drawings in order to close out the project. DEP received an e-mail from the engineer on 5/23/11 that he advised the owner to order grinder pumps to replace the centrifugal submersible pumps in the pump stations prior to this summer camp season. DEP requested the final completion certificate upon the completion of the grinder pump replacement and completion of payments to the engineer. DEP received an email from the consultant to setup a meeting for inspection of the grinder pump installation. DEP visited the WWTP on 6/16/11 to follow-up on the pump station corrective work and the plant operation startup for the camp season. DEP received an e-mail from the engineer on 7/1/11 stating that the new pumps are in.

Project Type: SEQRA (SQ)

Status:

SCS received Neg. Dec. from Applicant's Attorney dated 4/25/07, regarding Non-Significance issued by the Town. SCS received a Short EAF and site plans on 7/17/07. SCS received a Notice of Intent to declare Lead Agency from Town Planning Board on 7/17/07 because the WWTP location was changed to be partially within the DEP wetland buffer. SCS issued comment request to Tech Team with comments due to SEQRA Coordination on 7/30/07. SCS received a copy of a letter from DEC to the Town Planning Board regarding the Town's lead agency request. SCS issued a letter, on 8/2/07, stating that DEP has no objection to the Planning Board being Lead Agency for the purposes of SEQRA. SCS issued a correction to DEP's 8/2/07 letter to the Planning Board. DEP, the applicant's attorney, and the applicant's engineer attended a planning board meeting on 8/7/07. The Planning Board had a public hearing on and discussed the revised plans including the larger building foot permit, relocated outfall pipe, and intrusion into the wetland buffer. The Planning Board determined that the revisions do not warrant rescinding the previously issued SEQRA Neg Dec and as such the project is still approved. SCS received a copy of a letter from DOH to the Town Planning Board indicating they have no

objection to the Town assuming lead agency status.

Town: Hunter (V)
Drainage Basin: Schoharie
Project Name: Hunter Estates (Klein, Shane), (Log #2004-SC-0325)
Project Description: Realty Subdivision - 4-acre lots/20 lots on an 88-acre parcel revised to a single lot. Build Town Road; Preliminary PB Approval
Project Type: Stormwater (SP)
Status: Approved

DEP performed a site visit on 12/28/09; no work has been performed yet however, DEP spoke to the applicant via cell phone and the applicant indicated the work would be done by 1/4/10. DEP issued a letter to the applicant on 1/4/10 accepting their request for a time extension. DEP performed a site visit on 1/11/10; hay was stockpiled near pond 2 but none had been sprayed yet. DEP issued a letter to DEC on 2/1/10 regarding the 1/29/10 site visit with photos. DEP issued a site assessment and completion status of the items listed on the Stipulation and Order to DEC on 2/5/10. DEP received a response from DEC on 2/10/10 regarding the non-compliance with the Stipulation and Order. DEP performed a site visit on 3/11/10; there was not a discharge. DEP received an email from the state attorney general's office on 4/1/10 as a follow up on the day's meeting. The applicant has continually delayed the project and shown no intention of satisfying the Order from DEC. DEP called the engineer on 4/27/10 to inquire about being retained. As of today, the engineer has not heard from the applicant. DEP received a letter from DEC on 5/27/10 regarding the temporary diversion swale outlet into the area of pond 2. DEP received a punch list of items from the engineer on 6/22/10. DEP issued a comment letter to the engineer on 6/24/10 regarding the punch list. DEP received an email from AG on 8/11/10 regarding the revised stipulation. No changes in the site condition since spring. DEP performed a site visit on 10/1/10; there were deficiencies, there was no discharge and the site was vacant. DEP received a copy of the Order filed with the clerk on 10/13/10. DEP issued an internal email on 11/26/10 regarding the need to speak with the engineer about the differences prior to issuing an approval. DEP received a copy of the Interim Stabilization Plan from the engineer on 11/29/10. DEP called the engineer on 12/2/10 regarding stabilizing the site. The engineer indicated that all of the payment from the applicant has been used up and therefore, require additional money to keep working on the project. DEP received an email from the AG's office on 12/2/10 indicating that the applicant has filed for bankruptcy. DEP performed a site visit on 12/09/10 for stormwater violation; there were deficiencies, there was no discharge and the site was vacant. DEP received a copy of DEC's NOV regarding fines issued to the owner from DEC on 12/17/10. DEP received a letter from NYC Law Department to the owner on 12/17/10 regarding the stipulated penalties. A meeting was held at the county court house in Catskill, NY. DEP sent the applicant an email on 12/21/10 to provide DEP contact information. DEP performed site visits on 4/14/11 and 5/17/11; there were no deficiencies, there was no discharge, the site was vacant. DEP received an e-mail from the Assistant Attorney General on 6/2/11 stating that he is in the process of drafting a complaint and requested the status of the site. DEP performed a site visit on 6/3/11 for Stormwater Violation: SPPP, Water Quality, Construction started without SPPP approval; there were deficiencies, there was a discharge, the site was vacant. DEP sent and received e-mails to and from the Assistant Attorney General on 6/10/11 and 6/13/11 regarding the stabilization measures not in place and that the bank has foreclosed on the property. DEP received an e-mail from the Assistant Attorney General on 7/14/11 regarding a draft affidavit in

order to move forward with a move for contempt. DEP signed the affidavit on 8/3/11. DEP received the motion papers and the memo of Law from the Attorney General's Office on 8/9/11. DEP performed a site visit on 9/16/11; there were deficiencies, there was no discharge, the site was vacant.

Project Type: SEQRA (SQ)

Status:

DEP received a Short EAF on 5/27/04. DEP issued a letter, on 6/14/04, stating that DEP has no objection to T/Hunter Planning Board being Lead Agency for the purposes of SEQRA. Applicant withdrew the application for this 20 lot subdivision on 8/16/04, by letter from the T/Hunter Planning Board. DEP received a Short EAF on 10/13/04 and faxed to SEQRA group. SC&WMP issued comment request to Tech Team with comments due to SEQRA Director on 10/26/04. SEQRA - Type II, Individual Residence for the single lot. SC&WMP issued comment request to Tech Team with comments due to SEQRA Director 7/27/05. DEP received a notice from DOH on 7/26/05, that they have no interest in being Lead Agency for this project. SC&WMP Director issued comment letter to Planning Board on the Full EAF. DEP received a revised Full EAF on 11/4/05. The EAF included responses to DEP's 7/28/05 comment letter. SC&WMP issued comment request to Tech Team with comments due to SEQRA Director on 11/22/05. DEP received a letter from the T/Hunter Planning Board on 11/18/05 regarding the Long Form EAF. SCS issued a comment letter to the Town of Hunter Planning Board on 12/1/05 regarding the revised full EAF. DEP received a response from the Town of Hunter Planning Board on 12/6/05 in response to our letter of 12/1/05. DEP received a letter from the Town of Hunter Planning Board on 12/19/05, which should have had the Neg. Dec. attached. The Neg. Dec. was later received on 12/28/05. The letter did state there will be a Public Hearing on the project on 1/3/06 for Site Plan approval.

Name: Washington Irving Lodge WWTS, (Log #1998-SC-0309)

Location: Hunter

Type of Use: Commercial

Discovery Date: 4/14/98

Type of Violation: Replacement of failed subsurface system.

Status: Ongoing

Overview and Action:

DEP called CWC on 12/3/09 and asked if the applicant contacted them; as of yet, there has been no contact. DEP issued a NOV to the owner on 12/21/09. DEP called the owner on 12/31/09 to follow up on the NOV. The owner stated they received the NOV and didn't reply because they don't know what to do. DEP asked the owner to contact CWC for the small business program eligibility; the owner stated they would now that the Holidays are over. DEP issued a comment letter to the owner on 4/16/10 regarding the NOV. Site Visit type: Investigation. Date: 5/6/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP met with DOH on site to look at the failing SSTS. The absorption field was very soft, and sewage was seen surfacing in a few areas close to the downhill taper. DOH issued a NOV to the owner on 5/14/10. DEP received the pump out receipts for 10/23/09 and 5/5/10 from the owner on 5/20/10. DEP received a phone call from the hauler, who was asked for a contract and to pump the tank on 5/24/10. DEP was also called by the engineer, and a site visit is set up for 5/27/10. DEP called CWC on 5/21/10; at the owner's request, CWC is going to meet the owner

on the site next week to determine program eligibility. A soil/site evaluation was performed on 5/26/10; soils suitable for raised absorption trenches were found to the east of the inn. On 6/21/10 DEP received CWC's notice of failure. DEP received a copy of the engineers overview of the field activities of 5/27 and 5/28/10 from the engineer on 6/25/10, along with recommendations on the location, types and size of the replacement SSTS that should be constructed at the site. DEP issued a comment letter to DOH on 7/6/10 regarding the 6/15/10 proposal. DEP issued a letter to the applicant on 7/9/10 with comments to the latest submission. DEP received a letter from the engineer on 7/19/10 in response to DEP's letter of 7/9/10. DEP received a copy of the DOH Permit to operate a temporary residence from DOH on 7/19/10; the permit is valid for the occupancy of 15 rooms. DEP issued a letter to the applicant on 7/20/10 requesting a site visit to confirm the existence of low flow fixtures and the number of rental rooms. DEP received a call on 7/22/10 from the design engineer; he advised that CWC informed him that the site will be funded and that a letter to the owner will be issued. At the owner's request, the engineer called and requested that a new reviewer be assigned to the project. A meeting was held with the applicant's engineer on 8/12/10 to review design criteria. The owner is hesitant to sign the contract with the engineer. DEP sent an email to DOH on 8/13/10 regarding the AT-10 abatement and received a response stating that the facility is flagged for a follow-up on 8/30/10. The project engineer advised DEP that the owner has hired an attorney and the attorney has spoken to the engineer about the project history and proposed replacement SSTS and connection. DEP received the report on the water consumption for the period 4/1/05 to 3/31/10 from the Village of Tannersville clerk's office on 8/16/10. DEP's Assistant Counsel issued a letter to the applicant's attorney on 12/29/10 stating that DEP does not consent to the connection to the Tannersville WWTP as the Inn is located outside of the service area. DEP issued a letter to the applicant on 1/27/11 regarding the 12/29/10 letter and the lack of communication in regards to the SSTS. DEP received an email from DOH on 2/04/11 that they expect to hear from the applicant and will take further action if they do not in regards to the non-compliant SSTS as they currently have no renewed operation permit from DOH to run their business. DEP received a letter from the applicant's attorney on 2/14/11 responding to DEP's letter of 1/27/11. DEP received a copy of DOH's permit to operate a temporary residence on 2/22/11 from DOH stating that the permit will expire on 7/31/11. DEP received an email from the Village of Tannersville Clerk that contains the water meter readings for the Inn from 2005 to the present. DEP held a meeting with the project applicant, town supervisor, applicant attorney and engineer on 3/23/11. Legal and technical issues involving the potential connection were discussed. The engineer is going to further research DOT ROW issues and prepare a detailed cost analysis for further review. DEP received an e-mail from applicant's attorney on 5/27/11. Construction bids were within the budget and plans should be submitted within two weeks. DEP Legal issued a letter to the applicant's attorney on 6/17/11 regarding the need for pump out receipts. DEP received the pump out receipts from 5/5/10 to April 2011 from the applicant on 6/22/11. DEP called the hauler on 6/23/11 regarding the pump out receipts that were received via fax, as they are illegible. DEP received the 6/24/11 pump out receipt from the owner on 6/24/11. DEP received the 7/8/11 pump out receipts on 7/12/11. On 7/14/11, DEP did an inspection of the field, the building for number of rooms and low flow fixtures and the grounds for the proposed connection. The tank had been pumped the day before, and the field was spongy but no sewage was observed. DEP received the 8/4/11 pump out receipt on 8/26/11.

Project Type: Sewer Connection (CN)

Status:

DEP received an Application for a sewer connection on 6/20/11 from the engineer. DEP called DOH on 6/30/11 to discuss extending the permit for 90 more days. DEP called DOT on 7/8/11 to check the status of the DOT permit. DOT has not received an application yet. DOT spoke with the engineer last week and is under the impression that the plans will not be submitted anytime soon; review of the application will take about one month. DEP performed a site investigation and met with the Owner/Applicant on 7/14/11. On 7/20/11, DEP issued design review comments to the applicant and engineer. DEP received a letter from the owner's representative to DOH on 7/25/11 regarding DEP's letter of 7/20/11. DEP called the engineer on 8/18/11 regarding the status of the sanitary sewer system design submittal. DEP received a response letter and revised plans from the engineer on 8/22/11. DEP sent an email to the engineer on 9/13/11 regarding comments on the 8/18/11 submittal. DEP received a call on 9/21/11 from the owner/applicant regarding a problem with getting the sewer connection application signed by a town representative. DEP called the code enforcement officer on 9/22/11 from the town of Hunter regarding the needed signature for the sewer connection application. The CEO indicated he would not sign the application. On 9/23/11, DEP met with the owner/applicant to discuss the sanitary sewer design plan and review comments.

Town: Hurley

Basin: Ashokan

Project Name: Windschuh, Marga & Arno, (Log #2003-AS-0817)

Project Description: The project involves the repair of the sewage system serving a building with 5 efficiencies. The site is very limited for space, thus a raised bed with a dosing chamber was utilized to make the most of the limited area.

Project Type: Intermediate Repair (CR)

Status:

DEP performed a site visit on 4/28/11; septic failure was observed. The absorption field was migrating off the property and surfacing of sewage on ground. DEP did an inspection of the absorption field. Sewage was observed migrating down the taper of the field to the roadside ditch. The entire field was soggy, and the sewage odor was intense. DEP initiated an Enforcement Action on 5/10/11. DEP issued a NOV to the owner on 5/10/11. DEP received a phone message on 5/16/11 from the property owner's daughter that she received the NOV. DEP spoke to the owner's daughter on 5/17/11 regarding the NOV. DEP will meet with her on site on 5/23/11 and she will contact the design engineer for the plans, approval letter and "as built." A meeting was held with the project applicant, his daughter and DEP on 5/23/11 to discuss the possible reasons for the failure. DEP called the owner's daughter on 6/15/11. The water meter has been purchased and the engineer has sent the plans and "as built" to her. She will copy and forward to DEP and schedule a site inspection. On 7/5/11, DEP did a routine inspection of the absorption field. The rivulets on the taper were dry and there was no smell of sewage. DEP performed a site visit on 8/2/11, the grass has been cut and the channel that the sewage flows is evident. The roadside ditch smells slightly of sewage, but no sewage was observed on the ground. On 8/18/11, DEP did a site inspection; no sewage was observed on the ground. DEP performed a site visit on 9/2/11; there was no evidence of a surface discharge or that any investigation has been conducted into the reason the absorption field is failing. DEP received an e-mail reply, saying that he had issues with flooding. DEP sent an e-mail to the owner's daughter asking for the water meter readings.

Project Name: NYS Route 23A (2005-SC-0253)
Town: Hunter
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #382 - CWC – Tax Map # changed from 166.19-1-26 to the current correct Tax Map #of 166.19-1-31 on 11/22/10
Discovery Date: 11/13/1997
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 12/1/97. This site is in a proposed infrastructure extension area and the surface discharge is being managed on-site until it can be serviced by the new facilities. 6/5/01: Surface discharge has been temporarily abated. DEP called the building inspector on 10/28/10 regarding sewer hookup. Records indicate that this property was hooked up to the WWTP on 12/2/05 as per engineer of record. The violation was resolved and the case was closed internally on 10/28/10. DEP has resolved the Enforcement Action on 11/22/10.

Name: Dolinski Road I.D. #: 1046
Log # 2005-SC-0264
Location: Hunter
Type of Use: Residence
Discovery Date: 9/21/98
Type of Violation: Failed septic system
Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 9/21/98. 5/1/01: Surface discharge has been temporarily abated. A soil/site evaluation was performed on 8/27/09. DEP issued an Approval Determination letter on 6/16/10. DEP received notice on 8/5/10 that construction will begin on 8/6/10. The violation was resolved and the case was closed on 12/15/10 with a DEP closure letter dated 12/15/10. DEP has resolved the Enforcement Action on 12/15/10.

Name: Lanesville House-NOV, (Log #1996-SC-0348)
Location: Hunter
Type of Use: Commercial
Discovery Date: 1996
Type of Violation: Failed SSTS
Status: Ongoing

Overview and Action

DEP performed a site visit on 4/5/05 to check an existing sewer line that crosses a tributary and to follow up on a letter written to the owner on 3/15/05. After heavy rainfall and severe flooding, DEP found the owner replacing the pipe crossing, using 2 ferncos and a length of schedule 40 pipe. DEP also discussed the ongoing construction of "complex". DEP gave the owner a Pre-Application form and advised that he hire an engineer to begin working towards an upgrade of existing SSTS, which now consists of a grease trap, 2 (two) 2000 gallon septic tanks

and a hand laid slate cesspool that is being used for a leach field. The owner claims he has Planning Board approval for 7 businesses, two of which are currently operating (a bed and breakfast and an alternative healing practice). The owner also wants to open a bar, café, and 35-room hotel. DEP advised other owner of testing and approval requirements. DEP called DOH on 4/6/05 to discuss the site visit conducted by DOH last week. DOH also advised owner to bring all aspects of complex up to current codes, including the SSTS. DEP received a letter from DOH on 4/6/05 regarding their site visit of 3/31/05. On 5/6/05, DEP issued a letter to the applicant with regards to the 1990 approval, and the need for an engineer to design the SSTS for the 40-room B&B, restaurant and bar. DEP performed a site visit on 1/6/10; the pipe that carries sewage across the watercourse was intact and is still being held in place by several ropes tied to trees along the stream bank. On 4/28/11, DEP drove by the site to inspect the waste pipe that runs through the creek. It is intact and tied to several trees with rope. The pipe should be sleeved and anchored in a more permanent manner.

Project Name: 258 County Route 16 (Log #2008-SC-0026)
Town: Hunter
Type of Use: Residence
Type of Violation: Failed SSTS
Discovery Date: 1/15/08
Status:

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 1/15/08. Site Visit type: Enforcement. Date: 10/5/10 for Septic Failure: Not observed. DEP walked around the subject house; it does not appear that the house has been occupied for some time. No signs of septic failure; the site is stable. DEP called the owner on 1/28/11 and left a message to call back with sale status of property. DEP sent an email with NOF attached to CWC on 2/4/11. Per CWC conversation, owner wanted this document to assist with short sale of property. DEP performed a site visit on 6/22/11 for septic failure; none was observed, no visible sign of failure, the site is stable and the property appears unoccupied.

Project Name: 316 Maverick Road (2001-AS-0923)
Town: Hurley
Type of Use: Intermediate SSTS (IS)
Type of Violation: Failed SSTS - New SSTS for commercial Apartments and office space - Joint Review with UCHD.
Discovery Date:
Status: Withdrawn

Overview and Action:

DEP returned a call to the owner on 5/13/11 regarding her complaint of non-compliant soils placed on her site by a contractor. The former engineer stated that the soil placed would not allow for a compliant SSTS. There is no design approval in place so DEP cannot regulate.

Town: Jewett
Basin: Schoharie
Project Name: Giersz, Krysztof & Helena, (Log #2007-SC-0455)
Project Description: New SSTS; DEC NOV - formerly Matthew Boyle & Kerri Dowd and then

Eisenberg, Jane
Project Type: Stormwater (SP)
Status: New

DEP initiated an Enforcement Action on 5/25/11. DEC issued a NOV to the owner on 5/25/11. The violation will be closed by DEC based upon DEC's last successful inspection in August 2011. DEP has resolved the Enforcement Action on 9/14/11. DEP sent an e-mail to DEC asking if they still plan to rescind the NOV on 9/21/11. DEC replied that they were not planning on rescinding, but pending with a final inspection.

Project Name: Route 23C (Log #2006-SC-0464)
Town: Jewett
Type of Use: Camp
Type of Violation: Failed SPPP; watercourse determination
Discovery Date: 6/11/07
Status: No Application

Overview and Action:

DEP sent an email to the camp representative on 5/17/10 regarding the 2010 inspection schedule. Site Visit type: Follow up. Date: 6/15/10. Septic Failure: Not observed. DEP met with the camp director and ranger for the first inspection of the year. The d-boxes were not surcharged and there was no evidence of sewage on the ground. A meeting scheduled for 6/22/10 was cancelled by Camp Director to look at the DEP files per the FOIL request. Site Visit type: Follow up. Date: 6/25/10. Septic Failure: Not observed. DEP witnessed the grease trap and the holding tank at the shooting range pumped. The holding tank needs to be sealed at the inlet pipe and the outlet port; the grease trap has accumulated grease on the walls, and was cleaned with a brush and backwashing. Site Visit type: Follow up. Date: 6/29/10. Septic Failure: Not observed. On 6/29/10 DEP conducted an inspection of the SSTS. No changes to the SSTS or immediate problems were noted. Site Visit type: Follow up. Date: 7/13/10. Septic Failure: Not observed. DEP met with the camp director and ranger for a scheduled site inspection. The absorption field showed no signs of failure. The weather has been extremely dry for the past three weeks. Site Visit type: Follow up. Date: 7/27/10. Septic Failure: Not observed. DEP inspected the SSTS on 7/27/10. The camp is in full operation. As requested by the camp representative, field reports for the four prior site visits were provided. No evidence of SSTS failure was observed during the inspection. DEP received the summer septic readings on 8/6 and 8/9/10. Site Visit type: Follow up. Date: 08/11/10. Septic Failure: Not observed. DEP met with camp ranger and walked through the site inspecting SSTS components. Camp season is over and only a few staff remain onsite. No evidence of absorption field failure noted. DEP provided the camp ranger with a copy of the last inspection report. DEP received a foil request via phone call on 8/10/10 from the Camp Director. This request was satisfied on 8/12/10 when the Director and two assistants came in to review the files. They have requested copies of the entire file and will return when completed to pay for and pick up the file copies. DEP received and issued emails to and from the camp director on 10/1/10 regarding the scheduling of a site visit. DEP conducted an inspection after a significant rainfall on 10/6/10; significant infiltration was observed. DEP issued a letter to the Boy Scouts of America on 12/8/10 summarizing the findings from the 2010 season. The letter authorizes the removal of the two remaining piezometers, highlights the role infiltration plays with intermittent failing of the absorption field, encourages the retainage of a consultant to focus on addressing the infiltration problem, requests past pump-out receipts and

requests next years camp schedule to coordinate inspections. DEP called the camp representative 3/3/11 to discuss the letter which DEP sent on 12/8/11 which the camp never responded to. The representative was not in; a message was left to call DEP back to discuss the project and upcoming camp season. DEP corresponded by email with the camp director on 3/3/11, 3/18/11, and 3/22/11 concerning upcoming events and the need to keep the septic tank covers accessible and/or to grade. DEP sent an e-mail on 4/27/11 to the camp director with a tentative summer inspection schedule and a request for an inspection during the current wet season. DEP received an e-mail response on 4/29/11 to DEP's request for inspections starting 4/28/11. DEP performed a site visit on 5/18/11; septic failure was observed. The absorption field was surfacing sewage on ground. Infiltration was noted in a few tanks and some piping. Pipes are being replaced between the health lodge, the septic tank and the newly discovered manhole. DEP met with camp director and ranger for a pre-season inspection on 6/14/11. The sewer lines behind the health lodge were being replaced. The D-boxes were not surcharged and minimal infiltration was observed. On 6/29/11, DEP staff met with the camp assistant to inspect the SSTS. The camp is not in full session; a staff of 45 are in. On 7/3/11, 200 + boy scouts are expected to arrive. The SSTS is not failing on the surface, but there are maintenance issues. On 7/13/11, DEP accompanied by camp representatives inspected the SSTS. Backfilling the sewer pipes that were replaced behind the health lodge was underway. Some areas of the absorption field were wet and spongy, but did not appear to be from sewage surfacing. On 7/21/11, DEP accompanied DOH for an inspection of the SSTS. The tanks were pumped and the absorption field was not actively receiving flow because the camp director was concerned about a wet spot above the curtain drain. DEP received a phone message from the camp director on 7/22/11 regarding some septic odors. The camp director had the tanks pumped which effectively takes the system off line for a few days. DEP performed a site visit on 7/27/11; the absorption field was taken offline 7/26/11 by the Boy Scouts because dye was recovered in the curtain drain. Arrangements to locate and replace a suspected broken pipe below the siphons are underway. No sewage observed surfacing during inspection. On 8/3/11, DEP and DOH inspected the camp following a report that a section of sewer pipe had to be replaced. The system was back online and conveying flow satisfactorily. A strong septic odor and excessive slime and algae were observed around the curtain drain. On 8/11/11, DEP met with the camp director and the ranger for an end of the season site inspection. Most of the campers have left the site. A few counselors and support staff are still onsite. No evidence of sewage surfacing was observed. DEP sent all 2011 field reports via email to the camp director on 8/25/11. DEP also requested the seasons meter readings.

Project Type: Stormwater (SP)

Status:

DEP issued a comment letter to the engineer on 3/18/08 regarding the NOV, and the need for an approved SPPP. DEP received an Application for a SPPP on 6/9/08 from the engineer with a copy of DEC's NOI. DEP issued a NOCA on 6/19/08. DEP issued an Approval Determination letter on 6/20/08. DEP issued a letter of agreement to the Scout Executive on 6/24/08 in order to address ongoing violations for the 2008 camp season. DEP issued a letter to the applicant on 8/29/08 regarding an alternative to the infiltration trench. The violation was resolved and the case was closed on 10/6/09 with DEP Closure letter dated 10/6/09. DEP completed construction inspections on 10/6/09.

Project Name: 384 Colgate Road (2001-SC-0858)
Town: Jewett
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1506 previous owner; Frederick King
RE.2 - failing SSTS - CWC - cracked septic tank leaking on unstable bank

Discovery Date:
Status: No Application

Overview and Action:

DEP initiated an Enforcement Action on 6/24/11. This project is funded under CWC septic repair program. On 6/24/11, DEP received CWC's notice of failure. DEP issued a letter to the owner on 6/29/11 providing guidance for remediation. DEP received an email chain on 7/13/11 regarding stream program erosion issue and discussions on coordination between regulatory and funding parties. DEP received calls from CWC and the engineer on 7/22/11 regarding the possibility of purchasing the property for septic siting.

Project Name: 1648 Route 23C (2007-SC-0499)
Town: Jewett
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - CWC
Discovery Date: 6/12/2007
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 6/12/07. DEP issued a NOF on 6/28/07. DEP received revised plans dated 10/23/07 from the engineer on 10/25/07. DEP issued an Approval Determination letter on 11/2/07. The violation was resolved and the case was closed internally as of 9/4/10, per Enforcement Meeting. DEP has resolved the Enforcement Action on 10/01/10.

Project Name: CR 17 (2004-SC-1034)
Town: Jewett
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS. #1911 ATU Replacement
Discovery Date: 6/15/2004
Status: Closed

Overview and Action:

DEP received an Application for an ATU SSTS on 12/1/04 from the engineer with plans and soil test results. DEP issued NOCA on 12/23/04. DEP issued an Approval Determination letter on 2/9/05. DEP performed a site visit on 8/8/05. DEP received notice that construction has begun on 8/8/05. A soil/site evaluation was performed on 8/8/05. DEP met with the Engineer to conduct perc tests in the raised fill material. The percs were too fast, less than 5 minutes. The fill area was also too small and too steep. Lysimeters were in place, but not observed by DEP or the Engineer during installation. The curtain drain was also in place. The Engineer will request the contractor to bring in more fill, level it off and re-perc it. DEP performed a site visit on 9/19/05. DEP received a call from the contractor that the pump chamber would be installed today, but backfilled immediately due to proximity to the road. DEP went to the site to inspect but the tank was already backfilled and DEP could not observe the condition or placement of the

tank. The fill area was not yet redone. DEP received notice that construction has begin on 8/8/2005. DEP performed a site visit on 8/8/05. A soil/site evaluation was performed on 8/8/05. DEP met with the Engineer to conduct perc tests in the raised fill material. The percs were too fast, less than 5 minutes. The fill area was too small and too steep. Lysimeters were in place, but not observed by DEP or the Engineer during installation. The curtain drain was also in place. The Engineer will request the contractor to bring in more fill, level it off and re-perc it. DEP performed a site visit on 9/19/05. DEP received a call from the contractor that the pump chamber would be installed today, but backfilled immediately due to proximity to the road. DEP went to the site to inspect but the tank was already backfilled and DEP could not observe the condition or placement of the tank. The fill area was not yet redone. Site Visit type: Construction. Date: 3/16/11 for Septic Failure: Not observed. DEP performed a final construction inspection. The absorption field and property were stable. DEP issued a letter of Construction Compliance letter on 3/17/11.

Name: Kern, Henry WWTS, (Log # 1998-SC-0393)
Location: Lexington
Type of Use: Residence
Discovery Date: 5/19/98
Type of Violation: Replacement of failed WWTS.
Status: Closed

Overview and Action:

DEP issued a NOCA on 12/2/09. DEP sent an email to DOH for guidance on the well to absorption field setback; the design proposes the field 165 to 180 feet uphill of the neighbor's well; the field can be re-located 200 feet uphill of the well. DEP received a phone call on 1/26/10 from the engineer regarding revisions. DEP received revised plans from the engineer on 2/1/10. DEP issued an Approval Determination letter on 2/3/10. DEP performed a site visit on 5/12/10; the lower field is failing at the ends of the three laterals; the owner wasn't home; it appears that there are more tenants than before. DEP received notice that construction will begin on 6/7/10; the absorption field has been staked out by the contractor and the fill is being brought in. Site Visit type: Construction. Date: 6/17/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP met with the engineer and contractor for percolation tests in the fill. Two tests, with holes 12 inches and 16 inches deep, passed. The contractor will install a swale above the existing absorption field as the curtain drain will close. Site Visit type: Construction. Date: 6/18/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. The contractor has installed the d-box and begun the swale over the absorption field that will not be replaced which an approved change due to site conditions is being different than shown on approved plans. DEP advised contractor to deepen swale. Site Visit type: Construction. Date: 6/22/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP met with the contractor and engineer to inspect the field, curtain drain and swale. DEP advised the swale needs to be more defined, otherwise the installation is good. DEP performed a site visit on 8/2/10; the lower basal area and the lower taper are eroding and vegetation on the field is sparse. The swale is still undefined and the animal guard at the curtain drain outlet doesn't fit properly. Site Visit type: Construction. Date: 8/2/10. DEP inspected the site; the swale and the tapers of the absorption field need to be reworked. The contractor was contacted and agreed to go back and better define the swale and add topsoil, seed and mulch to the field to stabilize it. DEP

called the contractor on 8/3/10 regarding the site visit performed yesterday; he agreed to take care of all the items noted, and to ask the owner to set up a sprinkler on the field after it is reseeded. DEP performed a site visit on 10/22/10; the site has stabilized. DEP received the engineer's certification letter from the engineer on 11/08/10. DEP received another engineer's certification letter from the engineer on 11/18/10 that included the curtain drain. DEP issued a letter of Construction Compliance on 11/19/10. The violation was resolved and the case was closed on 11/19/10 with DEP Closure letter dated 11/19/10. DEP has resolved the Enforcement Action on 11/19/10.

Project Name: Auffarth Road (Log#2007-SC-0249)

Town: Lexington

Type of Use: Residence

Type of Violation: Failed SPPP

Discovery Date:

Status: Closed

Overview and Action:

A meeting was held on site with the project applicant, Engineer and contractor on 12/3/09. The purpose of the meeting was to discuss other options to stabilize the site that would cost less. DEP received a DEC Consent Order on 1/28/10. DEP received a call on 2/8/10 from the engineer regarding stormwater controls. DEP received revised plans from the engineer on 2/18/10. A meeting was held with the project engineer on 2/23/10 to discuss the changes to the SPPP. DEP issued a comment letter to the engineer on 3/5/10 regarding the revised plans. DEP received a call on 3/11/10 from the engineer regarding the comment letter dated 3/5/10. DEP received an email from DEC on 3/15/10 regarding comment to the engineer for the revised SWPPP. DEP sent an email to DEC on 3/16/10 responding to questions on the revised SWPPP. DEP performed a site visit on 3/16 and 3/23/10; there was not a discharge; the site was stable; the site was vacant. DEP performed a site visit on 4/1/10; GPS work was performed to verify stream, watercourse and pond locations. A meeting was held on site with the project engineer and a contractor bidding on the work on 4/29/10. DEP received a letter and revised plans/Hydrocad analysis from the engineer on 4/29/10. DEP received the site meeting minutes from the engineer on 5/5/10 regarding the 4/29/10 pre-construction meeting. DEP issued an Approval Determination letter on 5/10/10 for the modification to the SPPP. DEP received a call on 5/26/10 from the engineer regarding a meeting they had on site with ACOE to review the proposed work in regard to the article 15 permit. During that meeting the ACOE officer questioned whether the ponds and connecting channels may also be jurisdictional. The engineer feels that if ACOE does determine that they are jurisdictional it would delay the approval which will hold up the start of construction. DEP received a call on 6/1/10 from ACOE to discuss their requirements for the connecting channels between the ponds. ACOE would like to have the channels planted with shrub type plants to provide shading to avoid raising the temperature of the water before entering the stream; it was agreed that planting the channels is acceptable. DEP received an email from DEC on 6/2/10 requesting input on granting an extension on the construction completion date. DEP received an email from DEC on 6/10/10 regarding comments from Bureau of Habitat. DEP sent an email to DEC on 6/15/10 regarding the article 15 permit. DEP was copied on an email from DEC to the engineer on 6/16/10 confirming design and construction is on hold until stream permit issues are worked out between agencies. A meeting was held with the project engineer on 7/1/10 to discuss revisions to the design based on ACOE

comments. The revision includes installing planting along the channels between the ponds. DEP does not have objection to the plantings. A meeting was held with DEC Bureau of Habitat at the site on 7/23/10 to discuss the article 15 permit. A follow up meeting will be scheduled by DEC to address the un-resolved issues. DEP received revised plans from the engineer on 10/5/10. DEP met with the contractor, Engineer, DEC and applicant on the site for a pre-construction meeting on 10/21/10. DEP received an email from the engineer on 10/25/10 regarding the pre-construction meeting. DEC issued a letter to the applicant on 10/27/10 stating that they satisfied paragraph 4 of the Order on Consent. The violation was resolved and the case was closed on 11/1/10 with DEP Closure letter dated 11/1/10. DEP has resolved the Enforcement Action on 11/1/10. DEP performed a site visit on 12/20/10; there were no deficiencies, there was no discharge and the site was vacant. DEP received an email from the engineer to DEC on 12/22/10 regarding the 12/20/10 site visit and the construction completion of ponds 1 thru 4. DEP received a copy of the permit from EPA on 12/23/10. A meeting was held with the project engineer at the site on 6/17/11. The hill side above pond 4 requires more seed and mulch and the outlet culvert pipe for pond 3 needs to be repaired.

Project Name: 72 Hillside Drive (2009-AS-0473)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - CWC - dye recovered
Discovery Date:
Status: Approved

Overview and Action:

DEP issued a letter to the owner on 4/13/11 stating construction has not yet commenced. DEP called the owner on 6/14/11 for status update. The owner stated that his past contractor was unresponsive so he solicited three more quotes and sent to CWC for approval on or about 6/7/11. This project is on the CWC Septic Committee meeting agenda scheduled for 7/5/11.

Town: Olive
Basin: Ashokan
Project Name: Onteora Mountain House, (Log #2010-AS-1070)
Project Description: Alteration/Modification of an existing SSTS
Project Type: Intermediate Repair (CR)
Status:

DEP called the engineer that the facility operator said he had hired and left a message requesting some movement on the project. DEP called the facility operator who said the engineer is working on the water supply. DEP initiated an Enforcement Action on 6/29/11. DEP issued a NOV to the owner on 6/29/11. DEP received a letter responding to the NOV from the engineer on 7/28/11. On 8/11/11, DEP met with engineer to dye out the absorption field. On 8/15/11, DEP walked the area of the absorption field; it is overgrown and difficult to see the ground. There was a slight sewage odor near the tank. DEP performed a site visit on 8/18/11; there was no sign of sewage on or around the field. There is a thin plastic pipe coming from the field toward DEP property, but the area is so overgrown it couldn't be traced. DEP sent an e-mail to UCHD on 9/19/11 regarding an approach to resolving the NOV.

Town: Olive
Basin: Ashokan
Project Name: Zeines, Victor, (Log #2007-AS-0005)
Project Description: SSTS Replacement for dental office
Project Type: Intermediate Repair (CR)

Status:

DEP issued a comment letter to the owner on 12/21/09 regarding the NOV and the construction schedule. DEP performed a site visit on 1/7/10; the cover was partially off the drywell riser and the liquid level was about six inches from the top of the ground. DEP advised the manager to have the tank pumped and to advise the plow operator to be careful around the tanks. DEP issued a comment letter to the engineer on 5/14/10 regarding the NOV and the construction schedule. DEP called the owner at the dental office on 7/7/10 regarding the need to construct the replacement SSTS's on the property. A message was left on the answering machine requesting a return call. DEP received a return call on 7/13/10 from the owner, who said he thought the SSTS's needed to be installed by 2011. DEP read him the two most recent letters issued to him by DEP regarding need for construction; he agreed to follow up with some contractors and give DEP a schedule for this fall's work. DEP called the dental office to follow up on the construction schedule; a message was left on the answering machine requesting a call back. DEP received a return call on 8/19/10 from the owner; he said he has decided on a contractor and the contractor submitted information to the design engineer. DEP left a message with the engineer, inquiring about the project status. The engineer informed DEP that he has not had contact with the owner or the contractor. DEP then left another message for the owner advising him to take charge of the project and to advise DEP of the construction schedule and the contractor's name. DEP received a call on 8/25/10 from the contractor, who is scheduled to start work the last week in September. A pre-construction meeting is scheduled for 9/7/10. DEP met with the contractor and engineer on the site for a pre-construction meeting on 9/7/10; the work is scheduled to begin on 9/27/10. DEP received a call on 9/14/10 from the contractor; he is scheduled to start in 2 weeks and has not yet received the down payment for the work and will not start without it. DEP performed a site visit on 10/13/10; the contractor needs to speak to the owner about raising the plumbing under the office to allow the installation of the tank and the bed at the proper elevations. The waste pipe from the vacant house is now tied into the waste pipe for the office. DEP performed a site visit on 10/14/10; the office waste pipe has been raised and the septic tank has been installed. DEP performed a site visit on 10/19/10; the contractor did not plan to replace the existing soil with a 5 to 15 minute per inch soil. DEP and the engineer allowed the bed to be installed in the original soil after confirming a three (3) minute perc rate. DEP performed a site visit on 10/20/10; the contractor has excavated for the bed. DEP met with contractor and engineer on 10/20/10; the commercial bed was excavated, crushed stone was placed, and the 4" pipe network was installed. After checking the pipes for level, the contractor was given the OK to backfill everything except the D-box. DEP performed site visits on 10/21, 10/22 and 10/25/10. On 11/19/10, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP checked the site on 11/22/10 to see that the tree limb was still placed across the back of the parking lot to prevent cars from being driven over the new absorption field. DEP received partial As-Built plans/engineer's certification letter from the engineer on 12/3/10. DEP issued a letter of Partial Construction on 12/6/10. DEP received a call on 12/9/10 from the owner regarding the reminder letter issued by DEP recently; the owner is waiting for

reimbursement from CWC for the office SSTS prior to starting the residential SSTS. DEP called the dental office on 12/20/10 regarding the residential SSTS. DEP issued a letter to the owner on 3/1/11 stating that the construction has not yet commenced. On 6/28/11, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a phone call on 7/8/11 from the property owner; he has a medical problem that requires treatment and surgery and so will put off the residential SSTS installation until September 2011; the house remains vacant.

Name: Boiceville Inn, (Log #2005-AS-0131)
Location: Olive
Type of Use: Commercial
Discovery Date: 1/21/04
Type of Violation: Failed SSTS; Existing restaurant and bar, sewage complaint
Status: Closed

Overview and action:

The owner of the Inn had called DEP Community Planning to find out what he had to do to satisfy the NOV. Engineering informed Community Planning, and had also informed the owner on several occasions, that the floats must be reset and that the engineer and DEP must witness the corrected dose, and that a certification and As-Builts must be submitted by the engineer for the work; Community Planning was to relay the message to the owner. The violation was resolved and the case was closed on 11/16/10 with DEP Closure letter dated 12/07/10, following connection of this facility to the new Boiceville WWTP. DEP has resolved the Enforcement Action on 12/07/10.

Project Name: 14 Center Lane (2000-AS-1205)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #362 - CWC-Boiceville NIP WWTP Service Area
Discovery Date: 10/31/1997
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 10/31/97. A soil/site evaluation was performed on 11/18/98. A design approval was issued on 11/29/00. The site is located within the proposed Boiceville WWTP service area. DEP received an email from CWC on 10/28/10 stating that this project was connected to the Boiceville NIP WWTP collection system on 10/4/10. The violation was resolved and the case was closed on 11/5/10 with a DEP closure letter dated 11/5/10. DEP has resolved the Enforcement Action on 11/0/10.

Project Name: 27 Traver Hollow Road (1998-AS-0485)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1768
Discovery Date: 4/9/2003
Status: Approved

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed.

A design approval was issued on 12/28/04. DEP issued a NOV to the owner on 3/25/05. Site Visit type: Enforcement. Date: 11/24/10. Septic Failure: Not observed. Evidence of recent failure was observed (blackish deposit on berm of system). Neighbor stated failure is ongoing and produces strong odor when pump kicks on. DEP called CWC on 12/1/10 and informed them that DEP recently witnessed what looked like a failure in the berm of the system, parallel to the property line, and that project may come up in further discussions. On 12/15/10, DEP issued a reminder letter to the owner and informed owner of recent evidence of failure observation of previous month. Owner requested to contact DEP to discuss resolution. DEP performed site visits on 12/17, 12/22, 12/28/10 and 1/5/11; septic failure not observed. DEP mailed the December 2010 Reminder Letter to the owner again and requested to be contacted upon its receipt. DEP performed a site visit on 1/20/11; the area that is being monitored was mostly snow covered. There is a trail of melted snow that appears that something is flowing and melting it, however, there was no discharge or odor at the time of this inspection. DEP performed site visits on 2/9, 2/15, 3/2 and 3/9/11; septic failure observed; migrating off property, surfacing of sewage on ground. On 4/18/11 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner's representative on 5/2/11, regarding recent registered letter. He said fill material from replacement back in 1999 turned hard as a rock and failed at other sites as well. He believes there may be some issue with pump cycle/dose and stormwater runoff entering tank. DEP performed a site visit on 5/5/11; septic failure was observed; migrating off property and surfacing of sewage on ground. The distribution box spills out sewage to surface of ground during every pump cycle. Exploration yielded further suspicion that fill material will not accept any flow, so trenches are surcharged and blinded off. Drainage improvements may help situation. DEP sent an e-mail to Community Planning on 6/2/11 with information and background on the site for discussion with CWC. DEP WP staff was informed by WLCP staff on 6/24/11 that they have discussed this project with CWC and that a solution is being sought that is compliant with their program rules. This project is on the CWC Septic Committee meeting agenda scheduled for 8/2/11. DEP received an email update from CWC on 8/16/11. They are waiting for the homeowner to sign participation agreement to move forward. DEP received an e-mail from CWC on 8/22/11 stating that the homeowner has signed the participation agreement and this project can now move forward.

Project Name: 1 Crosswell Manor (Log#1997-AS-0221)
Town: Olive
Type of Use: Residence
Type of Violation: Repair/Replacement of tank. 8/9/05 Failed SSTS
Discovery Date: 8/9/05
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. DEP sent the eight pages of documents to the applicant on 3/9/10 as a result of the FOIL request. On 3/1/9/10 the engineer informed DEP that the owner showed the engineer a clog he had removed from a pipe in the basement, thinking that was a contributing cause to the failure. DEP performed a site visit on 3/19/10. There was a discharge into the upper ditch from the lawn, and through the stone wall into the lower driveway, migrating into the lower lawn. The site reeked of sewage. The site was occupied. DEP performed a site visit on 3/23/2010 and there was a continuing discharge as observed on 3/19/10. The site is occupied. The site was referred to legal

to issue a summons. DEP received a copy of the invoice from the legal services that issued the summons to the applicant on 4/1/10. DEP received the owner's response to the summons from the County Court on 4/20/10. DEP performed a site visit on 11/22/10 for septic failure: Not observed. It appears that the downstairs apartment is now occupied. Sewage was not visible in the roadside ditch or on the lawn. DEP performed a site visit on 12/8/10 for septic failure: Observed. Failure Description: Migrating off property, surfacing of sewage on ground. DEP observed frozen liquid in the lower driveway, and grayish looking liquid that smelled like sewage discharging into the ditch below the driveway. DEP performed a site visit on 12/15/10; DEP observed sewage trickling into the upper ditch from the lawn area and frozen liquid across the lower driveway. DEP performed a site visit on 12/30/10; frozen liquid is still seen across the lower driveway, no sewage was seen in the upper or lower ditches. DEP performed a site visit on 1/04/11; septic failure was observed; migrating off property, surfacing of sewage on ground. DEP performed a site visit on 1/13/11; septic failure was observed. DEP met with the UCDH to observe the site. With heavy snow cover, nothing was visible in the upper or lower ditch. Frozen liquid was seen in the lower driveway. DEP performed a site visit on 11/19/11; septic failure not observed. DEP inspected the area where the failure was last observed. Plowed snow from yesterday's storm completely covered the area of concern. No observation could be made. DEP performed a site visit on 2/11/11; septic failure not observed. DEP checked the ditches and driveway, but there was thick snow cover and no water or wastewater was observed. DEP performed a site visit on 2/24/11; septic failure observed. The lower driveway was wet from a recent discharge and there was no sign or odor of sewage in either of the ditches. DEP performed a site visit on 3/10/11; septic failure observed; surfacing of sewage on ground, direct discharge from building. DEP observed wastewater migrating across the lower driveway and into the lower yard. DEP performed a site visit on 3/16/11; septic failure observed. DEP observed wastewater flowing across the lower driveway and a steady stream of water flowing from the upper ditch where wastewater has been noted on previous occasions, but no odor was present. DEP performed a site visit on 3/23/11; septic failure observed. Wastewater was observed flowing across the lower driveway. The discharge in the upper ditch appeared to be groundwater. DEP performed a site visit on 3/23/11; septic failure observed. Wastewater was seen flowing across the lower driveway, but none was observed in the upper ditch. DEP performed a site visit on 4/6/11, there was no wastewater flowing across the lower driveway and no water at all coming out of the upper ditch. DEP performed a site visit on 4/25/11; water was observed flowing into the upper ditch and also ponded in the lawn area below the lower driveway. These are areas where sewage has been observed in the past, but there was no sewage odor today. The upper apartment appears uninhabited. DEP performed a site visit on 4/28/11; septic failure observed; surfacing of sewage on ground. DEP observed wastewater flowing across the lower driveway. The soil in the small area directly in front of the retaining wall looked grayish black and smelled of sewage. DEP advised UCHD to do an inspection. DEP received a letter from UCHD to the applicant on 5/13/11 regarding the SSTS failure. DEP received a letter dated 6/24/11 requesting the applicant attend a preliminary informal hearing. DEP performed a site visit on 8/2/11; septic failure observed; surfacing of sewage on ground. DEP observed sewage across the lower driveway. The upper ditch was dry but a pipe is visible just below grade of the upper lawn. On 8/18/11, DEP did a site inspection; several lengths of pipe were noted outside the building clogged with sewage. The owner said he disconnected the gray water that was causing the failure. DEP corresponded by email on 8/18/11 with UCHD regarding the site status. DEP received the signed Agreement and Stipulation from UCHD on

8/22/11. On 9/14/11, DEP spoke to the UCHD regarding the remediation performed by the property owner. UCHD has not yet received a "letter of completion" from the owner.

Project Name: 15 Dogwood Drive (2008-AS-0457)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS
Discovery Date:
Status: Approved

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 4/5/11. A soil/site evaluation was performed on 5/3/11. DEP received an Application for a conventional individual SSTS on 5/28/11. DEP issued a NOCA on 6/3/11. DEP called CWC on 6/6/11 and confirmed that this project is not in their program at the current time. Last CWC involvement at the site was payment made in 1997. DEP issued an Approval Determination letter on 6/7/11.

Town: Prattsville
Basin: Schoharie
Project Name: Atakhanian, Wourik, (Log #2010-SC-0783)
Project Description: Complaint
Project Type: Other (OT)

Status:

DEP received a complaint from the CEO for Prattsville on 8/27/10; he said that a trailer was put on a site a few weeks ago without a permit and that the trailer and shed recently permitted as a shop are both being lived in. A smaller shed has also been brought to the site. The CEO and the adjoining neighbor assume that there is no SSTS. The county real property tax office said that the property is vacant with improvements. DEP spoke with building inspector on 8/30/10, who stated that the Town cannot take any enforcement action as the trailer is a 5th wheel camping trailer. There is no running water in the structures. House and garage are on neighboring property, per building inspector. DEP received a call on 5/17/11 from the town building inspector that the camping trailer is not using an approved septic system and that recent excavation work on site is creating turbid runoff. DEP performed a site visit on 5/20/11, responding to a complaint from the CEO of Prattsville. The site was disturbed by heavy equipment (less than 1 acre); rain water is leaving the site in a 3-5 ft. area through a silt fence and down a grassy embankment to the Bataviakill stream. DEP initiated project into Enforcement Program on 5/20/11 for monitoring purposes. DEP SSTS unit requested Stormwater unit to inspect site due to additional disturbance witnessed on 6/2/11. DEP Stormwater staff sent email on 6/14/11 stating that disturbance is less than 1 acre, so no SWPPP is necessary.

Town: Prattsville
Basin: Schoharie
Project Name: Greene-Del Sanitation and Recycling (Log #2008-SC-0239)
Project Description: Operate construction and demolition debris facility.
Project Type: Stormwater (SP)
Status:

DEP received revised plans from the engineer on 11/23/09 and on 1/20/10. DEP sent an email 1/21/10 stating that the plans are approvable. DEP received the SWPPP ES Details from the engineer on 1/21/10. DEP received revised plans from the engineer on 02/01/10. DEP performed a site visit on 3/11/10; there was not a discharge; the site was stable; the site was occupied. DEP received revised plans from the engineer on 3/22/10. DEP received an email from NYC Law regarding the SWPPP and SSTS approvals on 4/2/10. DEP received a copy of the E&S control plan on 5/24/10. DEP issued an Approval Determination letter on 6/9/10. DEP received an email from the contractor on 7/13/10 regarding the construction schedule. DEP met with the contractor and applicant on the site for a pre-construction meeting on 7/28/10. The contractor was directed by DEP to stabilize the stream culvert outlet as it is likely to cause a contravention if not addressed. DEP performed site visits on 8/9 and 8/10/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received an email from the contractor on 8/12/10 with an update and photos on the E&S control plan. DEP issued a letter to the consultant on 8/13/10 in response to the 8/12/10 email. DEP performed a site visit on 8/17/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received an email from the engineer on 8/18/10 regarding the revised storm basins. DEP performed a site visit on 8/23/10; there were deficiencies; there was no discharge; the site was occupied. A site visit was conducted on 9/3/10; the site was near completion; there were no issues with the stormwater controls. DEP performed a site visit on 9/22/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/1, 11/3/10 and 1/13/11; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 4/7/11; there were deficiencies, there was no discharge, the site was occupied. DEP sent an e-mail to the engineer on 4/28/11 with a few things that need to be completed at the site. DEP received a response from the engineer on 5/2/11 regarding DEP comments. DEP received revised drawings from the engineer on 5/3/11. DEP sent an e-mail to the engineer on 5/5/11 regarding the revised plans. DEP received revised plans from the engineer on 6/1/11. DEP received an e-mail from the engineer on 6/4/11 with photos of the site; asked if they were sufficient to close out the NOV. DEP performed a site visit on 6/15/11; there were no deficiencies, there was no discharge, the site was occupied. DEP called the engineer on 6/28/11 regarding the site conditions and next phase of the work. The engineer is waiting for DEC to approve the modifications to the plan. DEP received a copy of DEC's permit on 6/29/11. DEP performed a site visit on 7/6/11; there were deficiencies, there was no discharge, the site was occupied. DEP performed a site visit on 8/5 and 9/26/11; there were no deficiencies, there was no discharge, the site was occupied.

Project Name: 169 Cr 4 (2010-SC-0358)
Town: Prattsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS
Discovery Date:
Status: No Application

Overview and Action:

Site Visit type: Follow up. Date: 10/14/10. Septic Failure: Not observed. Several other inspections also conducted throughout September and October with same observations. No evidence of recent pump outs. Grass not mowed near pump chamber, rest of property well maintained. DEP received a call from the owner on 10/27/10 asking for status of project. DEP

informed him that he was supposed to call CWC to ask for funding for additional curtain drain or other measure to remove groundwater issue from around pump chamber. Owner agreed to call his contractor on this issue to get the process moving. DEP asked to be kept informed. DEP called the owner on 10/29/10 and left message requesting results of discussion with CWC regarding approval for subsurface drainage funds. DEP received a copy of engineer's and CWC's email about groundwater issue near pump tank on 12/21/10. Site Visit type: Follow up. Date: 1/6/11. Septic Failure: Not observed. A lot of surface runoff around the pump chamber riser. Alarm switch turned off. Not sure if the main power is on. Site Visit type: Follow up. Date: 2/15/11. Septic Failure: Not observed. No surface water at time of inspection. Also, no sign of pump outs. Site Visit type: Enforcement. Date: 3/9/11. Septic Failure: Not observed; groundwater around pump chamber riser, but no sign of illegal pump out. DEP performed site visits on 4/13, 6/22 and 8/22/11 for septic failure; not observed. Rain water still runs directly toward the pump chamber.

Project Name: 37 Albert Slater Road (2006-SC-0779)
Town: Prattsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS; previous owner Naomi Rosenberg
Discovery Date: 6/26/06
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. Site Visit type: Enforcement. Date: 10/28/10. Septic Failure: Not observed. No change since last inspection. DEP performed a site visit on 4/20/11; there are no signs that anyone has been at this residence. The house is vacant and in poor condition. The furniture has been removed and some windows are boarded. DEP performed a site visit on 9/12/11; the house has been abandoned.

Name: County Route 2 (Log #2000-SC-0836) I.D. #: 1154
Location: Prattsville
Type of Use: Residence
Discovery Date: 6/3/99
Type of Violation: Failed septic system
Status: Approved

Overview and action:

DEP received an email from the engineer on 10/5/10, stating that soils are tentatively planned for 10/14/10 at 1pm. DEP inspector was notified by email. A soil/site evaluation was performed on 10/18/10. DEP received a call from the owner on 10/19/10; the owner is concerned about the engineer fees and having to lay out money for construction and be reimbursed by CWC. DEP asked when plans would be submitted, owner did not know, but stated that they may not be submitted until the engineer is paid. Owner does not plan on paying engineer anymore money. Owner was told that if plans are not submitted soon, a violation may be issued. DEP emailed engineer and asked when plans would be submitted. DEP received email from engineer on 10/21/10, stating that he is trying to set up meeting with CWC to discuss design and related expenses. Once this has been resolved, engineer will be moving forward with designing the system. DEP received an email from the engineer on 10/22/10, stating that he has spoken with

CWC attorney and hopes to have success with funding for project costs in the next few weeks. Engineer is planning on sending his survey crew to the site within the week to get the plan moving along. DEP received a letter from the engineer to CWC on 11/12/10 regarding additional costs not subject to the schedule of values. DEP received a call on 11/18/10 from owner who left message. DEP returned a call and left message. DEP returned owner's call from same day on 11/19/10. Owner stated that he received copy of letter from CWC to his engineer stating that they are only paying for \$2,200 of septic engineering fees. The owner has called Senator Schumer's office and has a meeting scheduled for next week, hopefully to gain support to influence CWC to cover all the costs necessary to redesign and construct the replacement SSTS. DEP called owner on 12/3/10 and left message to call back with status of project. Owner called back and is still planning on meeting with NYS Assemblyman's office after the holidays. DEP called owner and left message to call back with any updates on 1/14/11 with engineer or CWC. DEP called the owner on 5/11/11 for a status update. The owner is waiting for the engineer to FOIL CWC on project documents before meeting with politicians for support. The owner said he'd update DEP by 5/25/11. DEP called the owner on 7/6/11, returning his call of the previous day, to discuss status of failure and progress in getting plans submitted. DEP performed a site visit on 7/8/11; septic failure was observed; surfacing of sewage on ground. Sewage was running downhill into horse corral and not leaving the property. DEP called the owner on 7/11/11 and discussed status of project. The owner said he's waiting to find out whether CWC is going to respond to the engineer's request for information a few weeks prior. DEP informed owner that an NOV will most likely be issued because progress has been halted for quite some time and DEP does not have plans from engineer yet. DEP received call from engineer on 7/11/11, inquiring about how to submit FOIL request to DEP. He also plans on requesting a FOIL from CWC. DEP forwarded engineer email with link to FOIL form and instructions on same day. DEP received an e-mail from engineer on 7/11/11 with attached FOIL request paperwork that he sent for processing. DEP issued a NOV to the owner on 8/4/11. DEP received a call from the owner on 8/11/11 in response to recent NOV. Owner said he cannot afford to pump and haul and is waiting for FOIL requests to be fulfilled so he and his engineer can make their case to get the new system funded as they feel appropriate. DEP received call from the owner on 8/24/11 stating that NYS Assemblyman will be contacting CWC within a week to have meeting based on information acquired through FOIL of CWC records. DEP has been unable to collect records to this point due to computer group (OIT) difficulties.

Town: Roxbury
 Basin: Schoharie
 Project Name: Sullivan, Daniel (Grand Gorge Animal Hospital) (Log #2009-SC-0623)
 Project Description: Failing commercial SSTS - CWC
 Project Type: Intermediate Repair (CR)
 Status: Approved

DEP issued a letter to the owner on 9/25/09 regarding the discharge at the property. DEP received a call on 10/1/09 from the owner in response to the letter DEP issued on 9/25/09. DEP performed a site visit on 10/14/09 and performed a dye test. DEP performed a site visit on 10/15/09; there was a discharge near the outdoor kennel and near the road storm drain that smelled and looked like wastewater but no dye was recovered. DEP performed a site visit on 10/21/09; the dye is still puddled on the lawn. DEP performed a site visit on 11/5/09; the discharge was still evident as well as another one above the cleanout and next to the outdoor

kennel. The owner has contacted CWC and said that he appears to qualify for their small business program. DEP performed a dye test on 11/13/09; red dye was introduced into the septic tank via the toilet in the office, blue dye was introduced into the tub and washing machine discharge hose in the basement and green dye was introduced into the floor drain in the basement. DEP performed site visits on 11/17, 11/19 and 11/20/09; no dye of any color was observed. The owner said that CWC wants to have the drywell pumped for inspection and he will schedule that now that the dye has either been washed away or was missed by inspections. The owner will schedule a contractor to expose the tank and drywell for CWC and DEP inspection. DEP advised the owner to hire an engineer prior to any more inspections. DEP performed a site visit on 12/4/09 with CWC. DEP performed a site visit on 12/30/09; there was a discharge from the pipe that carries the laundry wastewater and the other areas were flooded with groundwater. Most of the area was frozen on top of the ground, but water could be seen running under the ice. There was no smell of sewage. On 12/31/09, DEP received CWC's notice of failure. DEP issued a letter to the owner on 01/21/10 providing guidance for remediation. DEP performed a drive by site visit on 1/27/10; there was still a discharge. DEP called the owner and he informed DEP that a water meter has been installed and the first reading was recorded. To help determine the maximum flows for design purposes, DEP requested that the water meter be read every day at approximately the same time. DEP received a call on 3/10/10 from the owner; he has hired an engineer and a contractor and is scheduled to meet with them on site on 3/11/10; he is continuing to monitor water usage at 200 to 225 gallons per day. A soil/site evaluation was performed on 4/9/10 with the design engineer and the contractor. DEP received a request for a pre-application meeting from the applicant on 4/13/10. Another soil/site evaluation was performed on 4/14/10 with the design engineer; an area with soils that may allow a shallow trench absorption field was found about 75 feet below the area previously tested. DEP advised the engineer that if a shallow trench absorption field that meets all standards can be installed at the site, the peat filters will not be considered as an alternative to the field. DEP received an Application for a SSTS on 5/12/10 from the engineer. DEP issued a NOCA on 5/18/10. DEP issued a comment letter on 5/20/10 to the applicant. DEP called the veterinary office to request a copy of the water meter log; the engineer advised DEP that he asked for it weeks ago. DEP received a copy of the water meter readings from the applicant on 8/9/10. DEP called the engineer and advised him to proceed to design as the water log has been received. DEP received an email from the engineer's sister; the engineer is hospitalized and will not be available in the near future. On 11/18/10, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a call on 11/29/10 from the owner in response to the DEP reminder letter of 11/18/10. The owner will contact the engineer to request the plans be submitted. DEP received revised plans from the engineer on 12/10/10 along with water meter readings. DEP issued a NOCA on 12/14/10. DEP issued a comment letter on 12/17/10 to the applicant with comments to the plans. DEP received a letter and revised plans from the engineer on 1/05/11 to DEP's letter of 12/17/10. DEP issued an Approval Determination letter on 1/20/11. DEP issued a letter to the owner on 3/24/11 stating that construction has not yet commenced and that a pre-construction meeting should be scheduled. DEP received a call on 3/28/11 from the owner in response to the letter DEP issued on 3/24/11; the interior plumbing will be rerouted and all parties are on board waiting for good construction weather. DEP called the owner to inquire about the construction schedule for the SSTS. DEP met with the contractor, design engineer and applicant on the site for a pre-construction meeting on 7/12/11. DEP performed a site visit on 8/25/11; septic failure was observed; visibly entering watercourse/wetland and surfacing of

sewage on ground. DEP performed a site visit to observe the tanks on 8/26/11; septic failure was observed; visibly entering watercourse/wetland, surfacing of sewage on ground. DEP advised the contractor to heavily mulch the exposed areas and to install silt fencing in advance of the predicted storms. Silt fence had been installed below the tanks. On 9/20/11, the design engineer, contractor and DEP met for an inspection of the dosing chamber and the absorption field. Items that still need to be addressed are: material needs to be placed seven feet out on all sides of the laterals, the building waste pipe and final grade.

Project Name: NYS Route 23 (2005-SC-0290)
Town: Roxbury
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #410; Managed Repair Area, CWC, Grand Gorge Sewer Extension Area
Discovery Date: 11/24/1997
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/24/97. A soil/site evaluation was performed on 5/11/98. This site is in a proposed infrastructure extension area and is discharging to a watercourse. The violation was resolved and the case was closed on 1/14/11 with a DEP closure letter dated 1/14/11. DEP has resolved the Enforcement Action on 1/14/11.

Project Name: NYS Route 23 (2005-SC-0311)
Town: Roxbury
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #415 - Discharge to ditch-Grand Gorge Sewer Extension Area
Discovery Date: 11/18/1997
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/18/97. This site is in a proposed infrastructure extension area and is discharging to a drainage ditch. The violation was resolved and the case was closed on 12/16/10 with a DEP closure letter dated 1/18/11. DEP has resolved the Enforcement Action on 1/18/11.

Project Name: Route 23 (1998-SC-0438)
Town: Roxbury
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #492 - CWC
Discovery Date: 3/12/1998
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 3/13/98. This site is in a proposed infrastructure extension area and the surface discharge is being managed on-site until it can be serviced by the new facilities.

5/30/01: Surface discharge has been temporarily abated. The violation was resolved and the case was closed on 9/28/10 with a DEP closure letter dated 10/4/10. DEP has resolved the Enforcement Action on 9/28/10 after receiving news from Grand Gorge WWTP Chief Operator that property has been connected to Roxbury Sewer Extensions.

Project Name: 136 Bruce Porn Road (Log#2008-SC-1119)
Town: Roxbury
Type of Use: Residence
Type of Violation: failed SSTS - Surfacing - CWC
Discovery Date:
Status: Approved

Overview and Action:

A soil/site evaluation was performed on 7/31/08. DEP issued an Approval Determination letter on 10/8/08. DEP reported, on 3/21/09, that only final grading and related work remains to be done. DEP issued a letter of Construction Compliance, along with As-Built drawing on 4/8/09. This project is on the CWC Septic Committee meeting agenda scheduled for 7/5/11. DEP internal email indicated that the recent CWC meeting resulted in approval to fund this repair a second time, because it wasn't designed for 4 bedrooms (was done for 3 instead). DEP received an Application for a conventional individual SSTS on 8/23/11. DEP issued a NOCA on 8/23/11. DEP issued an Approval Determination letter on 8/24/11.

Name: Zen Mountain Monastery (Log #2000-AS-0152)
Location: Shandaken
Type of Use: Commercial
Discovery Date: 2/16/00
Type of Violation: Failed SSTS
Status: Closed

Overview and Action:

DEP received the engineer's certification letter from the engineer on 9/30/08. The violation was resolved and the case was closed on 10/23/08 with DEP Closure letter dated 10/23/08. On 2/03/10, DEP received a request for a FOIL application form from the engineer. The engineer said that the facility may need to upgrade the SSTS. A meeting was held with the engineer for the applicant on 9/02/10; the site was issued a building permit for a new 5400 square foot building. A new tank and connection to the existing absorption field is planned. DEP gave the engineer a pre-app form and advised that plans must be submitted to DEP and most likely DOH for approval and that as the absorption field is a replacement for a failed field and does not meet current standards, it will not be approved to accept additional flow over the design capacity. DEP sent and received emails to and from the engineer on 9/22/10 regarding plans. DEP received a request for a pre-application meeting from the engineer/applicant on 11/04/10. DEP called the engineer on 11/08/10 to discuss the plans. DEP suggested a site visit to confirm the existing use of the main building which the engineer believes will be shifted to the new building without additional flows. DEP received information from the Town of Shandaken on 11/09/10 regarding CO's. DEP received an Application for an SSTS on 11/18/10 from the engineer. DEP issued a NOICA to the engineer on 11/19/10 requesting additional information. DEP issued a letter to the applicant on 11/22/10 regarding additional information and revisions to the plans. DEP met with the site managers, their engineer, and DOH on 11/22/10. DEP and DOH

discussed the possible change in use of the Monastery with the addition of Dragon Hall. DEP spoke with the site manger; the septic tank and water meter inspection will be conducted on 12/8/10 with the design engineer and DEP. After that, another tank inspection and a TV of the dosing line will be scheduled. DEP met with the design engineer and two (2) site managers to observe the septic tanks on 12/8/10. DEP sent an email to the engineer on 12/14/10 regarding the pipe inspection. DEP met with the site managers, their engineer and plumber on 12/16/10 to inspect the line that carries the dose from the siphon chamber to the absorption fields across the street. DEP received a copy of the EPA Form 7520--a6 (Inventory of Injection Wells) from the engineer to EPA on 1/05/11. DEP received an email from the engineer on 1/11/11 regarding the status of the plans. DEP received an email from the engineer to the Planning Board on 1/19/11 requesting that they send two (2) copies of the documents to DEP for SEQRA review. DEP received an email from the engineer on 1/20/11 with the results of the Planning Board Meeting. DEP received an email from the engineer on 1/25/11 regarding the use and flows for the Jizo House. DEP received several emails from the design engineer and the planning board, including the requested SEQR long form and some drawings. DEP received revised plans from the engineer on 1/27/11. DEP received an email from the engineer on 1/28/11 attaching the authorization from EPA for the continued operation of the three (3) systems located on the property. DEP received a copy of the SPDES form application from the engineer on 2/3/11. DEP issued a NOCA on 2/09/11. DEP issued a comment letter on 2/11/11 to the applicant. DEP received a preliminary response to the comment letter via email on 2/14/11. DEP called the design engineer on 2/15/11 regarding the plans. He will resubmit after a joint site visit to determine the buried stream elevation. DEP corresponded by email with the design engineer concerning DEP's most recent comment letter. DEP spoke to UCHD about the Jizo House SSTS, which consists of a drywell. UCHD will require the SSTS to be upgraded as it is servicing a house with 12 occupants. DEP sent and received an email to and from the Shandaken Building Inspector concerning the use of the building on 2/22/11. DEP received an email from the engineer on 3/4/11 along with a letter from the Monastery that gives information on the Abbacy, the Bath House and the Jizo House. DEP received an update of the project via email from the design engineer on 3/10/11. DEP received an email from the design engineer on 3/10/11 with an update of the SEQRA project progress with the town and a letter from the Abbott describing the past and present use of the Jizo House. DEP sent an email to the engineer and the applicant advising them that no flows from the Jizo House can be directed to the existing SSTS. DEP received a letter from the Monastery on 3/25/11 requesting a meeting be set up with their general counsel to discuss the project. DEP received a letter and revised plans from the engineer on 4/18/11 to DEP's letter of 2/11/11. DEP received an e-mail from the design engineer on 4/22/11 requesting a quick review and approval of the plans to enable the project to begin as soon as possible. DEP e-mailed comments to the engineer on the revised plans dated 4/13/11 and received a reply. DEP received a detail for a 4000 gallon tank to replace the two 2000 gallon tanks on the plans. DEP e-mailed the UCHD the recommendation for approval/Delegation form. DEP received a letter from the Abbot on 5/6/11 formally requesting that DEP grant permission for a variant use of the Jizo House. DEP received an email on 5/6/11 from the design engineer regarding the Neg Dec that the Shandaken Planning Board issued. DEP was copied on an email from DEC to the design engineer regarding an incomplete application issued by DEC for the SPDES permit application for the existing NCRA, the shower house and Jizo House SSTS flows. DEP received a response to the email dated 3/18/11. DEP received revised plans from the engineer on 5/11/11. DEP received the April 2011 water meter readings on 5/17/11. DEP

received an e-mail in response to the questions about the Jizo House use in the past and present. DEP received the water usage and occupancy counts for the Jizo House on 5/18/11. DOH issued an Approval Determination letter on 5/19/11. DEP issued a letter to the representative on 5/25/11 stating that DEP approves the current and proposed use of the Jizo House as a continued NCRA. DEP received a letter from the Abbot on 6/02/11 asking if there is anything that needs to be addressed at the Sangha House. DEP received the water meter readings for May 2011 on 6/6/11. DEP replied to a letter from the manager stating there are no outstanding issues for the SSTS except a pre-construction meeting prior to the start of construction of the approved plans. DEP received a copy of DEC's SPDES Permit from the engineer on 6/13/11. DEP received the June 2011 water meter readings on 8/4/11. DEP received the July 2011 water meter readings on 8/9/11. DEP received site plan drawings from the engineer on 8/22/11.

Project Type: SEQRA (SQ)

Status:

DEP received Lead Agency Neg Dec dated 4/13/11 from the Shandaken Planning Board.

Project Type: Stormwater (SP)

Status:

DEP received an Application for a SWPPP on 4/18/11 from the engineer. DEP received a letter from the Monastery on 4/25/11 requesting assistance in expediting the review process. DEP issued a NOICA to the engineer on 5/02/11 requesting additional information. DEP sent an e-mail to CWC on 5/03/11 and attached documentation not knowing if CWC had been contacted for this project. DEP received a letter from the applicant stating that DEP considered the application incomplete on 5/6/11. DEP received a copy of the UCDPW approval from the engineer on 5/9/11. DEP received a response to the NOICA from the engineer on 5/11/11. DEP issued a NOCA on 5/19/11. DEP received an e-mail from DEC on 5/19/11 who has reviewed and approved the original SWPPP. DEP issued a comment letter on 6/14/11 to the engineer. DEP received a letter from the engineer on 6/24/11 to DEP's letter of 6/14/11. DEP called the engineer on 6/29/11 regarding response letter sent on 6/24/11 and to discuss RRv changes to the plan. DEP received an e-mail from the engineer on 7/7/11 with response and a revised partial site plan. DEP called the engineer on 7/20/11 regarding the status of the revised SWPPP. DEP received a letter and revised plans from the engineer on 7/26/11 to DEP's letter of 6/14/11. DEP issued a comment letter on 8/3/11 to the engineer regarding the latest submission. DEP received a letter and revised plans from the engineer on 8/5/11 to DEP's letter of 8/03/11. DEP issued an Approval Determination letter on 8/8/11. DEP met with the contractor, builder, engineer, CWC and applicant on the site for a pre-construction meeting on 8/15/11. DEP received notice on 8/15/11 that construction will begin on 9/6/11. DEP received the contractors signed certifications on 8/16/11. DEP performed a site visit on 9/6 and 9/15/11; there were no deficiencies, there was no discharge, the site was occupied. DEP performed a site visit on 9/26/11; there were deficiencies, there was no discharge, the site was occupied. DEP called the engineer regarding the site visit conducted on 9/26/11. We discussed the changes regarding installing the east side diversion swale and that all changes regarding drainage and stormwater need to be forward to our office for approval prior to implementing and any large changes would require an amendment to the approved SWPPP as per condition 11 of the approval letter. Also discussed the dewatering operation and that dewatering turbid water to the open area/hole is a violation of condition 7 of the approval. We discussed the construction sequencing that the

temporary sediment traps are supposed to be installed prior to any construction on site.

Name: Sweet Sue's Restaurant WWTS (Log#1998-AS-0256)
Location: Shandaken
Type of Use: Commercial
Discovery Date: 4/3/98
Type of Violation: Replacement of failed SSTS
Status: Closed

Overview and Action:

The owner signed a stipulation limiting the seating capacity to 34 seats and requiring an engineer to evaluate the SSTS and submit a report. DEP performed a site visit on 3/23/10 in response to a complaint of a liquid discharge from the site; a 2 inch pipe was observed discharging clear water from the basement, most likely from a sump pump, into the street. A 90 degree elbow in the pipe directed the water along the curb and down Main Street into the storm basin at the intersection by the Cumberland Farms store. The back yard, where the SSTS is located, smelled strongly of sewage, as did the entire site. CWC board of directors approved entering into an agreement with the town of Shandaken for advancing the NIP project. DEP issued a letter on 7/9/10 with milestones and time frames. The first milestone requires the Town to execute the contract by 10/12/10. DEC issued a NOV to the owner on 8/2/10 for discharging without an approved SPDES Permit. DEC initiated an Enforcement Action on 8/2/10. DEP received the water meter readings from UCHD on 8/5/10. DEP received a call on 3/15/11 from the engineer regarding the shutdown of the restaurant by UCHD. The engineer will work on a replacement SSTS design for review. DEP received a letter from the engineer on 3/23/11 regarding plans for the SSTS. DEP received a new Application for SSTS on 4/5/11 from the engineer with soils results. DEP sent an e-mail to the engineer on 4/11/11 with comments and recommendations for the project. DEP received a response from the engineer on 4/19/11 along with revised plans. DEP received a letter from the engineer to DEC on 4/20/11 to address the NOV that was issued on 8/2/10 and the status of the current SSTS review. DEP issued an Approval Determination letter on 4/21/11. DEP received notice on 5/10/11 that construction will begin on 5/11/11. On 5/11/11, DEP conducted an inspection of the replacement SSTS. DEP met with the engineer and contractor and specifically inspected the installation of the new pump tank and the removal of the old SSTS piping and soil/stone. On 5/16/11, DEP conducted an inspection of the construction and witnessed percolation testing in the fill material. DEP completed construction inspections on 5/17/11. On 5/17/11, DEP performed a construction inspection. DEP checked laterals, d-boxes etc; the project still under construction. DEP received As-Built plans and engineer's certification letter from the engineer on 5/19/11. DEP issued a letter of Construction Compliance letter on 5/24/11. This project is on the CWC Septic Committee meeting agenda scheduled for 7/5/11. DEP has resolved the Enforcement Action on 5/24/11. DEP received a call on 7/27/11 from UCHD regarding water usage; the monthly average is about 660 gpd.

Project Name: South Street (2005-AS-0217)
Town: Shandaken
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1894-Managed Repair (Seepage Pit) Phoenicia NIP
Discovery Date: 10/8/04
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. DEP left owner phone message on 10/7/11 regarding status of system. DEP performed a site visit on 4/5/11; septic failure; not observed, the property is currently inhabited.

Town: Shandaken
Basin: Ashokan
Project Name: Shandaken Highway Garage (Log #2007-AS-0935)
Project Description: Failed SPPP
Project Type: Stormwater (SP)

Status:

An internal meeting was held on 2/12/08, with DEP and Legal staff to discuss options to resolve this NOV. It was decided that a retrofit is the best option, and a field visit will be scheduled. DEP called the engineer on 12/8/08 regarding the status of the SWPPP. The Town Supervisor accepted the proposal for the engineer's design. They will be entering into contract. The survey team will be out on site in next few weeks. The engineer will work on plans during the winter and construction will start in the spring 09 after the plan is approved. A meeting was held with the project applicant, engineer and CWC on 1/30/09. DEP received the Stormwater Retrofit Application on 2/10/09 in order to address the NOV. DEP issued a comment letter to DEP Community Planning on 2/26/09 regarding the CWC Retrofit Application package. DEP received a letter and the conceptual drainage plan from the engineer on 5/22/09. DEP issued a letter to the engineer on 6/5/09 with comments and recommendations on the conceptual design. A soil evaluation was performed on 8/10/09 with the engineer; three deep test and two perc test were performed. A meeting was held with the project applicant, engineer and CWC on 9/10/09 at the Shandaken Highway Garage. The meeting was held to discuss the proposed design and how to resolve the NOV while improving water quality through the retrofit program. Also discussed at the meeting was the additional paving the town would like to do behind the garage which is within 100' of the watercourse; it was explained that a full SPPP would need to be prepared for the additional paving. DEP received a copy of the 9/10/09 meeting minutes from the engineer on 9/14/09. DEP received a revised conceptual drainage plan from the engineer on 10/23/09. DEP issued a letter to the engineer on 11/24/09 with DEP comments on the conceptual plan. DEP received an email from the engineer on 3/15/10 regarding anticipated schedule for SWPPP submission. DEP received an Application for a SWPPP on 4/6/10 from the engineer with report, plans and NOI. DEP called the engineer on 5/19/10 regarding allowing infiltration at the site. A comment letter was issued on 5/21/10 to the engineer, applicant and CWC. DEP sent an email to the engineer on 6/28/10 regarding infiltration issues. DEP issued a letter to the town Supervisor engineer on 7/8/10 regarding the NOV and the need to address both the SPPP and the SWPPP in the permanent plans. DEP issued a letter to the Town Supervisor on 11/12/10 regarding the outstanding SSTS and SPPP for the Town Hall and the Maintenance Garage. DEP sent an email to the Town Supervisor on 12/10/10 requesting the status of the SSTS for the town hall and the SWPPP for the highway garage. DEP sent an email to the engineer on 12/29/10 requesting the status of the SWPPP. DEP's Chief of Watershed Lands & Community Planning called the Town Supervisor on 1/04/11 regarding the outstanding issues with the SWPPP & SSTS. DEP sent an email to the engineer on 1/25/11 requesting the status of the SWPPP. DEP received an email from the engineer on 1/26/11. DEP sent an e-mail to the

engineer on 6/6/11 requesting an update on the SWPPP design. DEP sent an e-mail to the engineer on 7/26/11 with a request on the status of the design. DEP received an e-mail from the engineer on 8/4/11 cancelling the meeting for 8/5/11 and requested re-scheduling.

Town: Shandaken
Basin: Ashokan
Project Name: Shandaken Town Hall, (Log #2010-AS-0115)
Project Description: Replacement SSTS
Project Type: Intermediate Repair (CR)

Status:

DEP received notice that construction will begin on 4/01/10. DEP performed a site visit on 4/1/10 with the town supervisor, highway supervisor and design engineer. DEP performed a site visit on 4/7/10; the holding tank was supposed to be set but is postponed until 4/14/10. Site Visit type: Construction. Date: 4/15/10. Septic Failure: Not observed. DEP performed a site visit on 4/12, 4/13, 4/14 and 4/15/10; the holding tank and building sewer are in and approved. Site Visit type: Construction. Date: 5/5/10. Septic Failure: Not observed. The risers have been installed on tank. A meeting was held with the project applicant on 5/12/10. Site Visit type: Follow up. Date: 5/12/10. The holding tank reached 1500 gallons and was pumped on 5/11/10. A water meter will be installed. The stormwater plan will affect the SSTS plan. DEP issued a letter to the town Supervisor engineer on 7/8/10 regarding the NOV and the need to address both the SPPP and the SWPPP in the permanent plans. DEP received the water meter readings from the engineer on 7/29/10. A meeting was held with the project applicant on 8/3/10. DEP discussed the placement of the stormwater treatment and wastewater treatment systems with the supervisor; he agreed to install a water meter on the bathroom of the highway garage to track usage and determine if both waste flows can be combined in one new SSTS. A soil/site evaluation was performed on 8/25/10 with the engineer; the soils are acceptable for either a cut and fill or a deep absorption trench field. Percolation tests stabilized at about 5 minutes per inch at 50 inches deep, in the parking area near the kennels and recycling station. DEP received the water meter readings from the Supervisor on 9/8/10. DEP issued a letter to the Town Supervisor on 11/12/10 regarding the outstanding SSTS and the SPPP for the Town Hall and the Maintenance Garage. DEP sent an email to the Town Supervisor on 12/10/10 requesting the status of the SSTS for the town hall and the SWPPP for the highway garage. DEP's Chief of Watershed Lands & Community Planning called the Town Supervisor on 1/04/11 regarding the outstanding issues with the SWPPP & SSTS. DEP received the water meter readings from the Supervisor on 1/26/11. DEP received the pump out receipts on 1/27/11. DEP sent another email to the highway superintendent requesting information on the water meter readings on 2/10/11. DEP corresponded by email with the design engineer concerning the lack of water usage data for the highway garage and the need for an SSTS design. DEP received an Application for a SSTS on 3/18/11 from the engineer with a copy of the water meter readings. DEP received a call from the Town Supervisor on 3/22/11 to advise DEP that the breakers had tripped in the alarm box and the tank was pumped as soon as the electrical problem was noticed. DEP received a call on 3/30/11 from the engineer who said that the water meter for the highway garage was installed and read once; between 2/23 and 3/29/11, 780 gallons of water was used. DEP received a call on 3/30/11 from the design engineer; he met with the Town Supervisor and the Highway Superintendent and was asked to let DEP know that the Town has decided not to connect the highway garage to the Town hall SSTS. DEP received revised plans from the engineer on

5/19/11 with components related to the garage's SSTS removed. DEP received revised plans from the engineer on 6/13/11. DEP issued an Approval Determination letter on 6/21/11. DEP sent and received an e-mail with the Shandaken supervisor, who said the SSTS install should occur in August 2011 and that the SPPP needs to be discussed. DEP sent an e-mail to the Supervisor on 7/5/11 requesting pump out receipts and water meter readings. DEP received an e-mail from the Town Supervisor with the pump out receipts and an update on the SSTS installation schedule. DEP requested a recent water meter reading. DEP received the water meter readings from the town supervisor on 7/7/11. On 9/2/11, DEP drove by the site and noticed the alarm on the pump chamber flashing and notified the Supervisor's secretary who called the hauler.

Project Name: 223 Plank Road (2009-AS-0306)
Town: Shandaken
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS-Managed Repair-Phoenicia
Discovery Date:
Status: No Application

Overview and Action:

DEP performed a site visit on 10/5/10 and 2/3/11; septic failure not observed. DEP performed site visits on 4/6 and 8/19/11 for septic failure; none was observed. DEP will continue to monitor.

Name: Garfield Road (Log #2004-AS-0499)I.D. #: 1826
Location: Shandaken
Type of Use: Residence
Discovery Date: 3/15/04
Type of Violation: Failed septic system
Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 6/16/04. A design approval was issued on 7/1/04. DEP received an Application for a conventional individual SSTS on 9/7/10. Construction commenced on 9/15/10. DEP received As-Built plans, along with engineer's certification letter from the engineer on 10/2/10. DEP issued a letter of Construction Compliance letter on 10/12/10. The violation was resolved and the case was closed on 10/15/10 with a DEP closure letter dated 10/15/10. DEP has resolved the Enforcement Action on 10/27/10.

Project Name: 7371 Route 28 (Log#2007-AS-1061)
Town: Shandaken
Type of Use: Residence
Type of Violation: Failed SSTS
Discovery Date: 9/19/07
Status: Closed

Overview and Action:

DEP issued a letter to CWC on 8/1/08 confirming the DEP has observed the septic tank

installation. DEP resolved the Enforcement Action on 10/4/10 after Inspector confirmed this was a tank only project.

Project Name: Main Street (2005-AS-0216)
Town: Shandaken
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1895 - CWC- Managed Repair Area for Phoenicia NIP
WWTP - (liquor store with rentals)
Discovery Date: 10/8/04
Status: No Application

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. This site is in a proposed new infrastructure area. DEP sent CWC an email 12/16/10 inquiring about what managed repair activities have been done and when. Site Visit type: Follow up. Date: 12/29/10. Septic Failure: Not observed. DEP visited the site and gained permission from the store clerk to look at the property. No sewage or evidence of a recent sewage failure was noted. DEP called the liquor store on 12/29/10 to follow up on the SSTS. A message was left with the clerk to have the owner return the call to DEP. DEP received two (2) return calls from the property owner on 12/29/10 and 1/3/11. DEP left a message on owner's cell phone on 1/3/11 regarding the lack of action on the NOV issued in 2004. DEP spoke with the owner; he said that he had a CWC funded repair done in 2004, consisting of pumping then excavating the existing cesspool of accumulated silt and the installation of a new metal cover. DEP called CWC on 1/20/11 regarding the site. CWC informed DEP that three (3) pump outs were funded and that CWC was not aware of any work done to the SSTS. DEP called the owner on 1/21/11 regarding the repair work the owner claimed the DEP approved and the CWC funded. DEP received a return call on 1/26/11 from the owner; he said he has no receipts or approvals regarding the work to the SSTS that he claims was approved by DEP and funded by CWC. On 4/28/11, DEP did a routine inspection of the managed repair; the site looked good, no sewage problems were observed. On 7/5/11, DEP did a routine inspection of the SSTS; no problems were observed.

Project Name: 38 Eagle Mountain Road (Log#2008-AS-2279)
Town: Shandaken
Type of Use: Residence
Type of Violation: Failed SSTS -
Discovery Date:
Status: Closed

Overview and Action:

A soil/site evaluation was performed on 10/21/08. DEP issued an Approval Determination letter on 11/10/08. DEP issued a letter to the owner on 10/13/10 stating that construction has not yet commenced. DEP received a phone message from owner on 10/18/10 advising DEP that construction cannot begin until Ulster County DPW completes the necessary repairs to the bridge. DEP received a call on 11/3/10 from the Town of Shandaken Highway Superintendent regarding repairs to Eagle Mountain Road Bridge. UCDPW prepared the design drawings. DEP called the Town of Shandaken Highway Superintendent on 11/16/10 for a status update. Structural beams have still not been delivered to the site. Site is prepped and ready for

construction as soon as beams arrive. DEP called the Town of Shandaken Highway Superintendent on 12/7/10 regarding the status of the Eagle Mountain Road bridge repair. The structural beams were delivered to the site today. Crane will be ordered and deck and guide rails will be removed hopefully by Friday 12/10/10. Bridge repairs expected to be completed within two (2) weeks (before Christmas). The bridge work has been completed. Site Visit type: Follow up. Date: 03/02/11. Septic Failure: Not observed. DEP called and left a message for the owner on 5/26/11 requesting a construction schedule. DEP received a call on 6/1/11 from owner; construction to start any day. The contractor has equipment onsite. DEP received notice on 6/22/11 that construction will begin on 6/22/11. DEP completed construction inspections on 7/21/11. DEP received As-Built plans, along with engineer's certification letter from the engineer on 7/25/11. DEP issued a letter of Construction Compliance on 8/17/11. The violation was resolved and the case was closed on 8/23/11 with a DEP closure letter dated 8/23/11. DEP has resolved the Enforcement Action on 8/23/11.

Town: Tannersville
Basin: Schoharie
Project Name: Penson, Shannon, (Log #2011-SC-0597)
Project Description: Failing SWPPP; Site Stabilization Plan; due to existing encroachments into onsite wetland areas, all site work activities shall be suspended.
Project Type: Stormwater (SP)
Status: New

A meeting was held with DEC and the ACOE on 8/10/11. DEP received a letter and a site stabilization plan from the engineer on 8/22/11. DEP initiated an Enforcement Action on 8/24/11. DEP issued a NOV to the owner on 8/24/11. DEP received a call on 9/7/11 from possibly the property realtor acknowledging the NOV.

Town: Tannersville (V)
Basin: Schoharie
Project Name: Nihill, Edward (Log #2006-SC-0740)
Project Description: Failed SSTS
Project Type: Intermediate Repair (CR)
Status: Approved

DEP issued a letter to the applicant on 11/29/07 regarding the connection and need for approvals from DEP. DEP Operations is following up on applications to connect. A meeting has been scheduled with the applicant, the engineer and DEP for 2/14/08. DEP Engineering obtained a copy of the Village of Tannersville application to connect to the Tannersville WWTP. It was signed by the CEO and forwarded to DEP Operations in 1/08. The application is for the four bedroom single unit that is currently in violation. The original plans submitted showed the connection of two additional units, on the same parcel, that are under construction and lacking an approval to connect. DEP called the owner to advise that another application needs to be filed. DEP performed a site visit on 4/23/08 with the owner, and again stressed the need for the design to be resubmitted to engineering for approval so the connection can be made. The owner is working on renovating the two townhouses; the site was vacant. DEP performed a site visit on 5/12/08; there was not a discharge; no one is occupying the apartment. The owner is doing some maintenance on the building in anticipation of renting it. DEP reminded the owner to schedule an appointment with his engineer to meet DEP Engineering and Operations at site to discuss

connection. Applicant cancelled the July meeting. The compliance meeting is rescheduled for 9/4/08. DEP performed site visits on 8/28 and 9/4/08. DEP met with the engineer on site on 9/4/08 regarding the need to get plans approved and the buildings connected. DEP performed a site visit on 9/16/08; there was no discharge. The owner is renovating the units and DEP advised owner and contractors not to use the facilities. DEP received the proposed design from the engineer on 9/30/08.

Project Type: City Sewer Connection (CCS)

Status:

DEP received the DOT requirements from DOT on 6/30/09. DEP performed a site visit on 8/17/09 with the design engineer and DOT. The owner called to request permission to install the lateral even though there is no approval from DOT. DEP emailed the DOT representative to ask if the owner submitted plans to work in the ROW. DEP advised DOT that there is no existing lateral for the applicant to connect to; an unused lateral exists on the property to the east that the applicant sold years ago. DOT said that an application package was submitted to them months ago, but lacked traffic control and agreements with the neighboring properties for construction. DEP called the property owner on 12/21/09; the owner is to supply proof that a lateral exists on his property. DEP reminded the owner that the unit cannot be occupied without a holding tank and DEP notification. DEP issued a response letter to the engineer on 10/1/10 regarding the temporary repair. DEP issued a letter to the applicant on 12/7/10 regarding the NOV and stated that the plans to connect to the WWTP cannot be approved until the necessary permits to work in the DOT ROW are secured. DEP received a call back from the property owner regarding DEP's letter. The owner said he is waiting on the engineer. DEP received a call on 4/12/11 from the owner, who said he has been trying to contact his engineer to have him finish the application so it can be approved. DEP spoke to the new engineer in charge at DOT. He said he has been contacted by the applicant's engineer and still needs deep cut and stabilization details. He also said an "occupancy and use" permit is required.

Town: Windham

Basin: Schoharie

Project Name: Mato, Gerardo & Silvia (Log #2007-SC-0463)

Project Description: New SSTS; failed SPPP

Project Type: Stormwater (SP)

Status: Approved

DEP initiated an Enforcement Action on 12/10/09. DEP issued a NOV to the owner on 12/10/09. DEC issued a NOV on 12/15/09. A meeting was held with the project applicant, Engineer and General Contractor on 12/17/09; the meeting was held to discuss the NOV and what is required to bring the site into compliance. We walked the site and it appears (the site was covered with snow) that the disturbed areas were mulched. DEP received a letter responding to the NOV on 12/30/09 from the engineer. DEP issued a comment letter to the engineer on 1/13/10 regarding the NOV. DEP received a letter responding to the NOV comment letter on 01/19/10. DEP issued a letter to the engineer on 1/21/10 in response to his letter of 1/19/10. DEP performed a site visit on 1/25/10; there was a discharge; the site was partially stable; the site was vacant. DEP received a call on 1/26/10 from the engineer regarding questions about the temporary sediment trap design. DEP sent an email to the engineer on 1/27/10 regarding the sediment trap. DEC issued a Consent Order on 1/27/10. DEP received

photos of mulching at the site from the applicant on 1/28/10. DEP sent an email to the engineer on 1/28/10 with photos and results of the 1/25/10 site visit. DEP received a call on 2/1/10 from the engineer regarding the E&SCP; the E&SCP will be mailed out today and the full SWPPP will be sent later. DEP received an Application for a SWPPP on 2/8/10 with NOI, short form EAF and E&SCP from the engineer. DEP received a call on 2/16/10 from the engineer regarding additional erosion control (seed and mulch) installed at the site on 2/11/10. DEP received an updated NOI and revised plans from the engineer on 2/24/10. DEP issued a NOICA to the engineer on 3/3/10 requesting additional information. DEP received a call on 3/10/10 from the property owner regarding the NOICA. DEP received a message on 3/11/10 from the engineer regarding the status of the review; a copy of the NOICA letter was emailed to the engineer on 3/12/10. DEP performed a site visit on 3/16/10; there was not a discharge; the site was stable; the site was vacant. DEP sent an email to DEC on 3/17/10 to keep DEC informed to the status of the project. DEP performed a site visit on 3/23/10; there was not a discharge; the site was stable; the site was vacant. A meeting was held with the project engineer on 3/29/10 at the DEP office to discuss changes and additions to the E&SCP and SWPPP. DEP performed a site visit on 3/30/10; there was not a discharge; the site was stable; the site was vacant. DEP received revised plans from the engineer on 3/31/10. DEP issued a letter to the applicant on 4/21/10 accepting the E&SC plan in response to DEP's NOV and DEC's Order on Consent. DEP met with the contractor and applicant on the site for a pre-construction meeting on 4/26/10. DEP performed a site visit on 5/11/10; the site was stable; there was no discharge; the site was vacant. A soil evaluation was performed on 5/27/10. DEP performed a site visit on 6/3/10; the site was stable; there was no discharge; the site was occupied. A soil evaluation was performed on 6/7/10 with the engineer. A meeting was held with the project engineer on 6/15/10. DEP received the signed DEC Consent Order from DEC on 6/23/10. DEP received a call on 6/24/10 from the engineer regarding contractor installing the sediment trap. DEP performed a site visit on 7/1/10; there were no deficiencies; there was no discharge; the site was vacant. DEP sent an email to the engineer on 7/2/10 requesting an update on the SPPP design submission, construction schedule and contractor's certification letter. DEP performed a site visit on 7/12/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received a response to the NOICA from the engineer on 7/14/10. DEP received a call on 7/16/10 from the engineer regarding site inspections and the response to the NOICA received on 7/14/10. DEP received a call on 7/22/10 from the engineer regarding a site inspection of the property and that the erosion controls are in good condition. DEP performed site visits on 8/4 and 8/11/10; there were no deficiencies; there was no discharge; the site was occupied. DEP issued a comment letter to the engineer on 8/12/10 regarding the NOV. DEP performed a site visit on 8/20/10; there were no deficiencies; here was no discharge; the site was occupied. DEP received a letter from the engineer on 8/23/10 regarding his erosion and sediment control report after the 8/22/10 rain event. A meeting was held with the project engineer on 8/30/10. DEP performed a site visit on 9/07/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received revised report and plans from the engineer on 9/8/10. DEP received the certification by contractor from the engineer on 9/20/10. DEP received the erosion and sediment control reports for the period 8/24 to 9/18/10 from the engineer on 9/20/10. DEP issued a letter of comment to the engineer on 9/21/10. DEP received the erosion and sediment control report from the engineer on 9/26/10. DEP received the erosion and sediment control report from the engineer on 10/3/10. A meeting was held with the project engineer on 10/05/10 to discuss the comment letter dated 9/21/10. DEP performed a site visit on 10/15/10; there were no deficiencies, there

was no discharge and the site was vacant. DEP received the October 2010 erosion & sediment control reports from the engineer on 10/25/10. DEP received a call on 11/08/10 from the engineer informing DEP that he is turning the project over to another engineer. DEP performed a site visit on 11/17/10; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an email to DEC on 12/06/10 requesting a copy of the November letter sent to the owner. DEP performed a site visit on 12/10/10; there were no deficiencies, there was no discharge and the site was vacant. DEP received a letter from DEC to the applicant on 1/3/11 regarding the need to hire another engineer to submit an approvable SWPPP. DEP performed a site visit on 1/20/11; there were no deficiencies, there was no discharge and the site was vacant. DEP received call on 1/28/11 from the engineer regarding delivering the SWPPP to DEP on 1/31/11. DEP sent a comment letter on 2/11/11 to the engineer. DEP performed a site visit on 2/17/11; there were no deficiencies, there was no discharge and the site was vacant. DEP received an email from the engineer on 3/07/11 requesting additional time to redesign the SWPPP to relocate the proposed stormwater pond as per the owner's request. By relocating proposed pond additional topography will be required. DEP called the engineer on 3/16/11 regarding time frame for resubmission of the SWPPP. The engineer is expecting to send the SWPPP in for review by the first week in April. DEP received revised plans from the engineer on 4/21/11. DEP received two sets of plans from the engineer on 4/29/11. DEP issued a NOCA on 5/1/11. DEP issued an Approval Determination letter on 5/2/11. DEP sent and received e-mails to and from CWC on 5/16/11 asking if DEC required a SWPPP permit as well. DEP performed a site visit on 5/19/11; there were no deficiencies, there was no discharge, the site was vacant. DEP called the engineer on 6/6/11 requesting the start date for construction. DEP performed a site visit on 7/6/11; there were no deficiencies, there was no discharge, the site was vacant. DEP met with the engineer, GC and contractor on the site for a pre-construction meeting on 7/11/11. DEP called the engineer and left a message on 7/12/11 regarding filing the NOI with the state. DEP performed a site visit on 7/13/11; there were no deficiencies, there was no discharge, the site was occupied. DEP received notice on 7/13/11 that construction will begin on 7/12/11. DEP called the engineer on 7/14/11 regarding concerns that CB1 is installed too high and that the elevations should be checked. DEP performed site visits on 7/15 and 7/19/11; there were no deficiencies, there was no discharge, the site was occupied. DEP sent and received e-mails to and from the engineer on 7/22/11 regarding the swale being connected to the trap. DEP performed site visits on 7/28 and 8/1/11; there were no deficiencies, there was no discharge, the site was vacant. DEP received a call on 8/16/11 from the contractor regarding startup for the grading and clearing on the pond area. DEP performed a site visit on 9/6/11; there were no deficiencies, there was no discharge, the site was vacant. A meeting was held with the project engineer on 9/15/11. Items discussed included if the temporary sediment trap located along the southeast side of the property can be backfilled and the status of the stormwater pond's completion. DEP performed a site visit on 9/15/11; there were no deficiencies, there was no discharge, the site was vacant. DEP sent an e-mail to CWC on 9/16/11 regarding back filling the sediment trap. DEP performed a site visit on 9/29/11; there were no deficiencies, there was no discharge, the site was vacant.

Town: Windham
Basin: Schoharie
Project Name: Windham Mountain Club - Phase 3, (Log #2007-SC-0259)
Project Description: Proposal for the connection of the proposed WW collection system to the

existing adjacent private collection system; proposed 10 lot subdivision on their property encompassing the Ski Windham ski area

Project Type: Stormwater (SP.2)

Status: New

DEP received an Application for a SWPPP on 2/9/10. DEP issued a NOCA on 2/25/10. DEP issued a comment letter on 4/5/10 to the engineer requesting revisions to the plans. DEP performed a site visit on 5/17/10; the site was stable; there was no discharge; the site was vacant. DEP received a letter from the engineer with revised plans on 5/25/10 in response to DEP's letter of 4/5/10. DEP received revised plans from the engineer on 6/21/10. DEP issued an Approval Determination letter on 6/22/10. DEP performed a site visit on 8/4/10; there were no deficiencies; there was no discharge; the site was vacant. DEP performed site visits on 10/29 and 11/10/10; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 11/17/10 for a Stormwater Violation; there were deficiencies, there was a discharge and the site was occupied. DEP performed a site visit on 11/23/10; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 11/30/10; there were deficiencies, there was a discharge and the site was vacant. DEP sent an e-mail to DEC on 12/2/10 stating that the site is getting worse. DEP has advised them to get the site stabilized several times. DEP received an e-mail from Windham Mountain on 12/07/10 regarding issues that have been addressed. DEP responded that they will be at the site on 12/8/10 and will re-assess. A meeting was held with the project applicant on 12/8/10. DEP sent an e-mail to the engineer on 12/17/10 regarding reduced inspection to only after any rain event for the winter shutdown. DEP received the contractor's certification from the engineer on 12/21/10. DEP received a copy of DEC's acknowledgement of the NOI on 12/29/10. DEP performed site visits on 1/6, 2/28 and 3/21/11; there were no deficiencies, there was no discharge and the site was vacant. DEP sent and received e-mails to and from the engineer on 4/4/11 regarding a scheduled site visit. DEP received a response letter from the engineer on 4/5/11 to DEP's letter of 12/2/10. A meeting was held with the project applicant, engineers and contractor on 4/7/11 regarding the spring startup beginning on 4/11/11. DEP issued a quick summary of items discussed at the 4/7/11 meeting the engineer. DEP performed site visits on 4/21 and 4/28/11; there were deficiencies, there was no discharge, the site was vacant. DEP received an e-mail from the engineer on 5/13/11 with the updated swale sizing. DEP performed a site visit on 6/29/11 for a stormwater violation; there were deficiencies, there was no discharge, the site was vacant. DEP initiated an Enforcement Action on 7/8/11. DEP issued a NOV to the owner on 7/8/11. DEP performed a site visit on 7/26/11; there were deficiencies, there was no discharge, the site was vacant. A meeting was held with the project applicant, engineer, contractor and DEC on 8/4/11. DEP sent and received e-mails to and from DEC on 8/23/11 regarding the 8/22/11 site visit and requested status of the Order on Consent. DEC issued an NOV to representative on 9/13/11. DEP received a letter responding to the NOV on 9/21/11 from the engineer. DEP received an e-mail from DEC on 9/26/11 wanting to know if DEP was in agreement with the response from the engineer. DEP responded to DEC on 9/30/11 with results of the last site visit and photos.

Town: Windham

Basin: Schoharie

Project Name: Olsen, Reynold (Eagle's Landing) (Log #2005-SC-0623)

Project Description: NOV for SPPP; Construction of a 10-lot, non-realty subdivision

Project Type: Stormwater (SP)
Status: Incomplete

DEP performed site visits on 11/2, 12/3/09 and 1/13/10; there was not a discharge; the site was stable; the site was vacant. DEP received a copy of the denial from the Court to the applicant to intervene as an individual and his request for judicial subpoenas on 1/14/10. DEP received an email from the DEP Police on 2/10/10; no activity is being conducted on the site. DEP received an email from the DEP police on 3/22/10; no activity on the site. DEP received an email from the DEP Police on 4/28/10; no activity on the site. DEP received a copy of the Supreme Court Appellate Division Ruling from DEP legal on 7/26/10. DEP performed a site visit on 8/24/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received a copy of the court ordered settlement from DEP Law on 9/16/10. DEP performed a site visit on 3/16/11; there were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/15, 5/25, 7/6 and 9/15/11; there were no deficiencies, there was no discharge and the site was vacant.

Project Type: SEQRA (SQ)
Status:

SCS received a Short EAF and Engineer's Report, which were submitted as part of an SSTS and SPPP application, on 4/6/07. SCS issued comment request to Tech Team with comments due to SEQRA Coordination on 4/23/07. SCS issued a letter to the applicant's representative on 5/2/07 requesting additional information.

Project Name: 120 & 124 Mitchell Hollow Road (Log#2007-SC-0303)
Town: Windham
Type of Use: Residence
Type of Violation: Failed SSTS;
Discovery Date:
Status: No Application

Overview and Action:

DEP received copies of the pump out receipts from the applicant's representative on 8/4/10. DEP received a copy of the stipulation order from NYC Law on 8/24/10. DEP received a copy of the Ordered Stipulation on 9/13/10. DEP received the pump out receipts on 9/14/10. DEP received the pump out receipt and a copy of the invoice from the applicant's representative on 9/30/10; also received the receipt for the purchase of the nine (9) toilets; six (6) have been installed. DEP received the pump out receipt on 10/20, 11/2, 11/16 and 11/30/10. Site Visit type: Follow up. Date: 12/8/10. Septic Failure: Not observed. DEP observed the site from the road. There was no discharge in the driveway or in the yard. DEP received the pump out receipts on 12/15, 12/29/10 and 1/25/11. DEP received a copy of the pump out receipts and the low volume fixtures on 2/4/11. Site Visit type: Enforcement. Date: 2/16/11. Septic Failure: Not observed. DEP did a scheduled inspection to verify that low flow fixtures have been installed per stipulation agreement and is satisfied that these terms of the stipulation are met. DEP received the pump out receipts on 2/24/11. DEP received a copy of the pump out receipts on 4/5/11. DEP received a copy of the 4/18/11 pump out receipt 4/19/11. DEP performed a site visit on 5/4/11; septic failure observed; absorption field, migrating off property, surfacing of sewage on ground. DEP inspected the site and observed wastewater migrating through the stone wall in front of the parking area and moving down the driveway towards Mitchell Hollow Road.

DEP received a copy of the 5/2/11 pump out receipt 5/11/11. DEP received a copy of the 5/16/11 pump out receipt on 5/17/11. DEP received the pump out receipt on 6/1/11. On 6/9/11, DEP checked the site near the stone wall and the driveway entrance; no sewage was observed. Clothes were seen hanging on the line to dry. DEP received the pump out receipts on 6/15/11. DEP performed a site visit on 6/22/11; no sewage was observed on the ground and a "For Rent" sign is up. DEP received the 7/11/11 pump out receipt on 7/21/11. DEP received the 7/25/11 pump out receipt on 8/1/11. DEP performed a site visit on 8/1/11; no sewage was observed on the ground or in the driveway; laundry was hanging on the clothesline; DEP to check on washing machines that were previously removed from the apartments. DEP received the 8/8/11 pump out receipt on 8/9/11. DEP received the 8/22/11 pump out receipt on 8/23/11. DEP received the 9/5/11 pump out receipt on 9/7/11. On 9/9/11, DEP made a routine site visit; no sewage was observed coming through the stone walls or over the driveway.

Project Name: Old Road (2001-SC-0035)
Town: Windham
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1505
Discovery Date: 8/30/00
Status: Closed

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was performed on 8/30/00. A soil/site evaluation was performed on 10/3/00. A design approval was issued on 1/26/01. The dwelling being vacant temporarily abates the violation. 3/01: Replacement SSTS is being constructed. 11/01: The discharge has been abated by utilizing the newly constructed system. The administrative closeout of the violation is pending. The violation was resolved and the case was closed internally on 10/5/10 for 9/12/00. DEP has resolved the Enforcement Action on 10/5/10.

Project Name: 4806 Route 23 (Log#2008-SC-1111)
Town: Windham
Type of Use: Residence
Type of Violation: Failed SSTS - Surfacing - CWC
Discovery Date:
Status: Closed

Overview and Action:

A soil/site evaluation was performed on 7/10/08. DEP issued an Approval Determination letter on 10/17/08. DEP received notice on 7/30/10 that construction will begin on 7/30/10. DEP completed construction inspections on 11/4/10. DEP received As-Built plans/engineer's certification letter from the engineer on 11/0/10. DEP issued a letter of Construction Compliance on 11/10/10. DEP has resolved the Enforcement Action on 12/13/10. On 6/20/11, DEP sent an email describing post construction problems witnessed on two days of the previous week.

Project Name: Homestead Lane (2009-SC-0292)
Town: Windham
Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS
Discovery Date:
Status: No Application

Overview and Action:

Site Visit type: Enforcement. Date: 1/11/11. Septic Failure: Not observed. House does not appear to be in use. Walk way not shoveled, snow not plowed from driveway. Site Visit type: Enforcement. Date: 3/1/11. Septic Failure: Not observed. DEP performed a site visit on 4/20/11; no visible failure at this time. It appears the house was vacant during the winter. DEP performed a site visit on 4/21/11; spoke to the Town of Windham CEO, no action at this site since he wrote the violation. DEP performed a site visit on 7/27/11; no visible discharge; the site appears to be some weekend use. On 8/3/11, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner on 8/9/11 regarding recent reminder letter. Owner said he has no plans to fix the system yet. His water supply is seasonal only and is pumped from a stream. The structure has electric heat and stated he visits about once per month to mow grass and do maintenance. He said he built this cabin where the old one was and hooked to the same black pipe for the septic and stated he doesn't know where it goes. On 8/12/11, DEP met owner and provided CWC's number. The owner claimed to be unaware of his violations with the Town and agreed to update DEP with results of his CWC discussion and was informed that failure to move forward may result in further enforcement action. DEP received a call from the owner on 8/26/11 that left a message requesting return call to discuss his communications with CWC. DEP returned the owner's call on 8/31/11; the owner said CWC inspected the system last week and found nothing wrong. Owner said he'd get rid of the sink and toilet if he had to. To review, he built the cabin over a 5 year span starting about 15 years ago; it is a seasonal and weekend use. The water supply is from a surface stream and freezes up in the winter. DEP mentioned the possibility of chemical toilet or privy use which may be permissible and help him remain in compliance with watershed regulations.

Project Name: 444 Yerry Hill Road (2000-AS-0777)
Town: Woodstock
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1853 - CWC
Discovery Date: 6/15/04
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. DEP has resolved the Enforcement Action on 1/19/11.

Project Name: 72 Ostrander Road (Log #2008-AS-1089)
Town: Woodstock
Type of Use: Residence
Type of Violation: Failed SSTS- Surfacing - CWC
Discovery Date:
Status: Closed

Overview and Action:

A soils investigation was conducted on 10/15/08. Perc tests were performed on 11/5/08; soil perc in excess of 60min/in. DEP issued an Approval Determination letter on 12/7/09. DEP

received notice on 08/23/10 that construction will begin on 9/2/10. DEP issued a letter of Construction Compliance on 10/5/10. The violation was resolved and the case was closed on 12/17/10 with a DEP closure letter dated 12/17/10. DEP has resolved the Enforcement Action on 12/17/10.

Project Name: 62 Ostrander Road (Log #2008-AS-2333)
Town: Woodstock
Type of Use: Residence
Type of Violation: Failed SSTS
Discovery Date:
Status: Closed

Overview and Action:

DEP issued a letter to CWC on 12/3/08 confirming the DEP has observed the septic tank installation. DEP sent email to CWC on 1/25/11 to find out if Septic Remediation project was legitimate or should be closed out due to erroneous creation or confusion with Septic Tank Replacement project. DEP received email from CWC on 1/25/11 stating their records indicate site only needed a septic tank replacement.

3.2.2. Delaware District

Town: Andes
Basin: Pepacton
Project Name: David Mance, (Log #2011-PE-0609)
Project Description: Existing outhouse
Project Type: Other (OT)
Status: New

DEP received a call on 5/23/11 regarding the use of an existing outhouse on this property. It is thought that the outhouse was constructed in the 1960's or the 1970's. The owner's representative will try to locate information regarding the construction. DEP received a letter from the owner's representative on 8/5/11 regarding the outhouse. Included with the letter was a partial copy of a survey labeled in blue ink, "1990 Survey," of the property showing the location of the existing cabin and the location of the outhouse drawn, also in blue ink. In addition to the survey and the letter was a copy of the 1984 tax rolls for Andes. DEP called the town assessor on 8/24/11. The assessor's records only go back to 1988, due to a fire. The assessor did say that in order to have the 200 property class code, there had to be a residential structure on the property. The assessor then referred DEP to the County Treasurer's office for more information. DEP called the County Clerks Office on 8/24/11 and spoke with an individual in the tax department. The tax department informed the DEP that the outhouse would not be specifically mentioned in the deed nor the tax rolls. What is indicated on the tax rolls are improvements – which does not include outhouses. If the outhouse was the only improvement made to the property, the tax rolls would indicate a vacant lot. DEP had an 8/24/11 internal e-mail exchange yielding decision to permit continued use of existing outhouse. DEP issued a letter to the owner's representative on 8/25/11 regarding DEP's findings in regards to the existing outhouse.

Town: Andes
Basin: Pepacton

Project Name: Potenziani, Nick Potenziani, Ela, (Log #2011-PE-0167)

Project Description: Possible septic failure being investigated-complaint

Project Type: Other (OT)

Status: New/Closed

DEP Inspection staff sent an e-mail to supervisors and management including additional information supporting the initial determination that no failure exists, on 4/13/11. DEP called on 4/18/11 and left a message for the property owners. DEP received a call on 4/18/11 from the homeowners. A dye test has been scheduled for 4/29/11. DEP initiated an Enforcement Action on 4/27/11. Site Visit type: Investigation. Date: 4/29/11. Septic Failure: Not observed. Dye tested the system. Dye did not appear. The system will be checked again on Monday for dye. Present for Inspection: Owner, and NYCDEP inspector. Property Status: Weekend Use. Site Visit type: Follow up. Date: 5/2/11. No dye at site and searched for dye in the following locations. The spring point above the small pond, below the pond, the floor drain exit pipe (dry), building perimeter drain (dry) and also the absorption area as well as 50' below the absorption area. DEP has resolved the Enforcement Action on 5/3/11.

Town: Andes

Basin: Pepacton

Project Name: Strzeletski, Sebastian, (Log #2009-PE-0805)

Project Description: Likely to fail SSTS - CWC - backing up into house; DEC NOV

Project Type: Stormwater (SP)

Status:

DEP initiated an Enforcement Action on 6/17/11. DEC issued a NOV to the owner on 6/17/11. DEP received the stabilization and planting plan from DEC on 8/17/11. DEP received an e-mail from DEC on 8/17/11 stating that the project is exempt from the regulations due to it's an agricultural project. DEP sent an e-mail to DEC asking if they were going to rescind the NOV on 9/21/11. DEC replied that they were not planning on rescinding, but pending with a final inspection. DEP performed a site visit on 9/26/11; there were no deficiencies, there was no discharge, the site was occupied.

Town: Andes

Basin: Pepacton

Project Name: Desmet, Donald, (Log #2008-PE-0069)

Project Description: New SSTS; failing DEC SWPPP

Project Type: Stormwater (SP)

Status: New

DEP initiated an Enforcement Action on 5/3/11. DEC issued a NOV to the owner on 6/3/11. DEP sent an e-mail to the property owner's engineer on 6/9/11 regarding the paperwork required from ACOE. DEP received an e-mail from the property owner's engineer on 6/10/11. DEP's email has been forwarded to the property owner. DEP received an e-mail from DEC on 8/8/11 with Parts I & II of the SWPPP for review. DEP issued a letter to DEC on 8/9/11 with DEP comments and recommendations. DEP received a copy of the map from DEC on 8/9/11 that addresses some of the comments. DEP issued revised comments to the engineer on 8/17/11. DEP sent an e-mail to DEC on 9/20/11 wondering if they have had a response from the engineer. DEC responded that they have not but plan on doing inspections in the near future.

Name: NYS Route 28 (Log #2002-PE-0168) I.D. #: 1306

Location: Andes

Type of Use: Residence

Discovery Date: 12/19/98

Type of Violation: Failed septic system

Status: Ongoing

Overview and action: Approved

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 12/19/98. A soil/site evaluation was performed on 5/10/01. A design approval was issued on 3/15/02. An NOV was issued to the Owner on 7/18/02. DEP received a letter from the applicant on 10/12/07 requesting an extension of time for re-design for the land use. DEP Legal issued a letter to the applicant on 1/14/09 requesting that the letter be signed, notarized and returned to DEP within 30 days. DEP received a request for a pre-application meeting from the engineer/applicant on 6/2/10. A soil/site evaluation with deeps and percs was performed on 6/21/10 with the owner and engineer, for a replacement SSTS for the motel units which are being converted into a three (3) bedroom house; currently a surcharged cesspool services the units; the vacant restaurant has a separate SSTS. DEP received an email from the engineer on 10/14/10 stating that he is still working on the plans. On 11/18/10, DEP issued a reminder letter to the applicant owner due to the lack of activity. DEP received an email from the owner to the engineer responding to DEP's reminder letter of 11/18/10 on 12/2/10. DEP received an Application for a SSTS on 12/22/10 from the engineer. DEP issued a NOCA on 1/04/11. DEP issued a comment letter on 1/4/11 to the applicant requesting revisions to the plans. DEP received revised plans from the engineer on 1/18/11 to DEP's letter of 1/4/11. DEP issued an Approval Determination letter on 1/26/11. DEP issued a letter to the applicant regarding the SSTS failure on 5/9/11. DEP received notice on 6/7/11 that construction will begin. On 6/7/11, DEP met with the owner, engineer and contractor for a pre-construction meeting; stormwater ponding on the upper primary absorption field area was observed. The swale design and/or the reserve area should be re-visited during construction. On 7/15/11, DEP looked at the area for the proposed swale. The owner would prefer that a French drain be installed for the area behind the house for stability reasons. DEP performed a site visit on 7/29/11; the absorption field was installed, but not yet backfilled. Preparing excavations to set tanks; swale behind structure installed. On 8/2/11, DEP inspected the absorption field, the tanks and the swale. On 8/4/11, DEP inspected the trenches and approved them. The SSTS still needs to be backfilled properly and the area above and to the west of the field needs to be graded to shed away. The swale behind the house is disappearing. On 8/25/11, DEP sent an e-mail to the engineer and the contractor asking for the punch list and advising there are still outstanding items to be addressed. On 9/8/11, DEP sent an email to the engineer and contractor, asking that the site be checked and buttoned up.

Name: Holmes Lane (Log #2005-PE-0182) I.D. #: 1332

Location: Andes

Type of Use: Residence

Discovery Date: 1/8/99

Type of Violation: Failed septic system

Status: Closed

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 1/8/99. This site is in a proposed new infrastructure area and is discharging to a watercourse. DEP performed a site visit on 12/19/00. There was a discharge. DEP called town official, in April or May 2008, who stated that this property was connected to the Andes WWTP. DEP called the town building inspector on 5/24/11 regarding whether or not this property was tied into the Andes WWTP. DEP received a call on 5/25/11 from the town building inspector, who stated that this property was not connected to the Andes wastewater treatment plant.

Town: Colchester
Basin: Pepacton
Project Name: Lasofsky, Mike, (Log #2011-PE-0632)
Project Description: DEC NOV issuance
Project Type: Stormwater (SP)
Status: New

DEC issued a NOV to the owner on 9/1/11. DEP initiated an Enforcement Action on 9/1/11. DEP received a DEC Consent Order on 9/14/11.

Town: Delhi (V)
Basin: Cannonsville
Project Name: Henness, Emory (Log #2008-CN-0467)
Project Description: Failed SSTS, 2 bedroom trailer
Project Type: Intermediate Repair (CR)
Status: Closed

DEP observed and prepared a violation report on 5/8/08. DEP performed a site visit on 5/13/08. There was definitely a sewage discharge; it could be seen bubbling out of a grate in the lawn as soon as the toilet was flushed. DEP introduced dye into the toilet of the trailer, with the tenant's permission, at DEP performed a dye test on 5/14/08. DEP performed a site visit on 5/15/08. Dye was recovered on the lawn. DEP initiated an Enforcement Action on 7/2/08. DEP issued a NOV to the owner on 7/2/08. DEP performed a site visit on 8/15/08. It was not possible to see if there was a discharge; the lawn in the flow path of the sewage has still not been mowed. There was no answer at the owner's house; DEP left a card on his desk in the sales office. The trailer is still occupied. DEP called the owner on 8/18/08 regarding the lack of response to the NOV. The owner's wife said the tank had been pumped and that she will mail the receipt to DEP and give her husband the message to return the call to DEP. DEP received the pump-out receipt from the applicant on 8/25/08. DEP issued a comment letter to the applicant on 9/24/08 regarding the NOV. If DEP is not contacted within 10 days, the matter will be referred to DEP's Legal Department. DEP sent and received an email from the Village of Delhi WWTP Operator on 11/18/08. The SSTS is not located in the Village, so the sewer use ordinance would not allow them to hook up. DEP performed a site visit on 11/13/08; there was no discharge, as the site has been vacant for approximately one month. DEP performed a site visit on 2/4/09. DEP received a phone call from the Town of Delhi CEO about another failed SSTS on the property. DEP performed a site visit on 9/16/09; there was no discharge and no change. DEP did not stop at the house due to the owner's recent medical problems. DEP performed a site visit on 9/17/09. DEP returned a phone call on 9/17/09 to the owner's son regarding the NOV's. DEP issued a letter to the applicant on 10/2/09 regarding the NOV and the lack of action. DEP received a call on

10/8/09 from the owner's son regarding the letter DEP issued on 10/2/09. A contractor is scheduled to meet with him today to look at the site. As the trailer will be removed, DEP advised the owner's son to have the tank and drywell (if existing) pumped, backfilled and totally decommissioned. DEP advised the owner's son to have the contractor call DEP to discuss the work. DEP performed a site visit on 10/25/09 with the owner, the engineer, contractor and the CWC. Two tanks for the vacant trailer were located and pumped. The engineer and contractor will return to properly decommission the tanks when the tank at the occupied trailer is replaced. DEP emailed the engineer asking for pictures of the decommissioned tank, which was to have occurred under his direction on 12/11/09. DEP received an email from the engineer on 12/21/09; he said the tank has not yet been decommissioned due to problems with the excavator. DEP performed a site visit on 4/21/10; there was not a discharge; the site was stable; the site was vacant; there has been no change since the last site visit.

Project Type: Intermediate Repair (CR2)

Status:

DEP received notice (phone call) that there was an SSTS failure on 2/3/09 by the Town of Delhi CEO. DEP performed a site visit on 2/12/09 in response to the notification by the tenant and the Town CEO. The tank cover had been removed and demolished. The tank had been pumped recently and was not yet full; DEP left dye for the tenant to introduce as soon as the tank is full; there was no discharge, but a wooden palate and tarp are being used for the cover; DEP Police accompanied DEP to the site. DEP performed a site visit on 2/18/09. The owner had introduced dye into the SSTS, and it was visible in the tank; no dye observed on the ground; DEP Police to check daily. DEP received a call on 3/16/09 from the tenant, who said that the owner has exposed the tank again and may be getting ready to cover it; DEP to leave dye permission slip and dye at site today for tenant, as ice and snow have melted; requested DEP Police check site for activity. DEP Police conducted a site visit and forwarded pictures to Engineering; the tank is still open, without a cover. DEP called the owner on 3/17/09 regarding the open tank; he plans to cover it; he is entering the hospital on 3/18/09, and said he will contact DEP when he gets out, to discuss his plans for installing two new modular homes on site in place of the trailers. DEP performed a site visit on 3/25/09; the tank is covered with sheet metal and pallets; the baffles are missing in the tank, the outlet pipe is above the liquid level. DEP will follow up with phone call and letter to owner. DEP performed a site visit on 4/10/09; the tank is now covered with metal pipes, palettes and tarps. Dye was introduced by the tenant about 2 weeks ago and has not been recovered. As the tank is insufficiently protected and is lacking baffles, an NOV will be written for the tank only at this time. DEP performed a site visit on 5/28/09; the tank is completely covered with soil and has been driven over. There is no sign of wastewater surfacing. DEP issued a NOV to the owner on 6/16/09. DEP initiated an Enforcement Action on 6/16/09. DEP received a call on 6/22/09 from the owner regarding the receipt of the NOV. The owner said all the work was done properly and there should be no more problems. He also asked for a return call or a meeting but he doesn't have an answering machine. A meeting was held with the project applicant on 7/8/09. DEP seemed to convince the owner that a new septic tank was necessary. The owner agreed to call DEP a few days in advance of the installation so DEP can be on site to witness. DEP emailed DOH to advise of the circumstances. DEP met with the owner's wife at the site; she is aware of the problems with the SSTS and will have her son contact DEP to discuss; the owner is currently hospitalized. DEP issued a letter to the applicant on 10/2/09 regarding the NOV and the lack of action. DEP received a call on 10/8/09 from the

owner's son, in response to the letter DEP issued on 10/2/09. CWC will fund 60% of the costs for a tank replacement. A contractor is scheduled to meet with him today to look at the site. DEP advised the owner's son to have the contractor call DEP to discuss. DEP performed a site visit on 10/25/09 with the owner, the engineer, contractor and the CWC. Two tanks for the vacant trailer were located and pumped. The engineer and contractor will return to properly decommission the tanks when the tank at the occupied trailer is replaced. DEP received a copy of the letter from the trailer owner on 11/10/09 stating that the trailer is being moved off site. DEP performed a site visit on 11/25/09 with the owner, engineer, contractor and CWC. The tank was exposed and pumped; the inlet now appears to be lower than the outlet. A 3" discharge line was followed about 20 feet from the outlet. The owner will schedule a tank replacement. The property owner called to say that the trailer owner had removed the trailer last week, and the hauler pumped the tank this week. The contractor and engineer will return next week to crush, fill and properly abandon the tank. DEP emailed the engineer, asking for pictures of the decommissioned tank, which was to have occurred under his direction on 12/11/09. DEP received an email from the engineer on 12/21/09; he said the tank has not yet been decommissioned due to problems with the excavator. DEP performed a site visit on 4/21/10; there was not a discharge; the site was not occupied; there has been no change since the last site visit.

Project Type: Intermediate Repair (CR3)
Status:

DEP performed a site visit on 10/25/09 with the owner, the engineer, contractor and the CWC. Two tanks for the vacant trailer were located and pumped. The engineer and contractor will return to properly decommission the tanks when the tank at the occupied trailer is replaced. A soil/site evaluation was performed on 10/27/09; the septic tank (an oil tank turned on end) was located and found to be surcharged. CWC will fund this residential repair. The area in front of the house was investigated for an SSTS; the soils percolated at well over an hour per inch. On 11/5/09, DEP received CWC's notice of likely to fail. DEP received the soil results from 10/29/09 from the applicant on 11/10/09; as the soils in the area tested on 10/27/09 are too slow for a conventional SSTS, the engineer will look to other areas on the property to site a replacement SSTS. DEP received an email from the engineer on 4/29/10 with soil test results. DEP met with the engineer's representative on 5/11/10 to witness percolation tests in the front yard. The area available for the SSTS is problematic, the soils are compacted and there are watercourse setbacks that will be impossible to meet. DEP received the soils results from the engineer on 6/4/10. DEP received an Application for a SSTS on 7/7/10 from the engineer with plans. DEP performed a site inspection to look at the soils. The area and the depth of existing soils are acceptable for the shallow trench design submitted. DEP issued a NOICA to the engineer on 7/21/10 requesting additional information. DEP issued a letter to the applicant on 7/21/10 regarding comments on the submission of revised plans. DEP received a copy of the water line route from the applicant on 7/21/10; it was then forwarded to the engineer. DEP received a response to the NOICA from the engineer on 8/12/10. DEP received revised plans from the engineer on 9/1/10. DEP issued a NOCA on 9/8/10. DEP issued an Approval Determination letter on 9/9/10. DEP received notice on 10/22/10 that construction will begin. DEP met with the contractor and the consultant on 10/22/10 to discuss the installation. DEP requested that the two (2) SSTSs for the trailers in violation be decommissioned while the contractor is on site. DEP performed a site visit on 10/28/10; the contractor has the d-box and

two (2) lines in. He imported the proper amount of fill and the trenches are installed at the proper depth. DEP performed a site visit on 11/3/10; the contractor had set both the septic tank and the pump chamber. The tanks were backfilled but not covered. DEP received As-Built plans and the engineer's certification letter from the engineer on 11/08/10. The violation was resolved and the case was closed on 11/19/10 with DEP Closure letter dated 11/19/10. DEP has resolved the Enforcement Action on 11/19/10 DEP issued a letter of Construction Compliance letter on 11/19/10.

Project Type: Intermediate Repair (CR 4)

Status:

DEP received a call on 4/12/11 from the owner; he plans to call DEP when the SSTS is to be decommissioned, sometime this spring. On 5/20/11, DEP observed that the tanks had re-located. The contractor will pump, backfill and abandon shortly. DEP received the pump out receipt on 5/31/11. DEP received a call on 8/12/11 from an engineer who is representing the owner for a proposed subdivision; he wants to do a substandard SSTS repair for the trailer, and DEP informed him that because the trailer had been vacant and then removed, and the SSTS out of use and then decommissioned, any future SSTS must be totally compliant. On 8/30/11, DEP met with the owner, surveyor and engineer to look at the proposed three or four lot subdivision and soils for a new house/SSTS and a replacement SSTS for a commercial repair shop. DEP called the owner 9/7/11, who confirmed that the sink in the shop has been in continuous use. He is unsure whether or not it is connected to the cesspool and wants to expose the cesspool to see if it is failed.

Project Name: 47293 NYS Route 28 (Log #2004-PE-0178)

Town: Fleischmanns (V)

Type of Use: Commercial

Type of Violation: Failed SPPP

Discovery Date:

Status: Approved

Overview and Action:

DEP issued a letter to the applicant on 9/19/07 regarding the outstanding NOV issues. DEP called the owners to discuss the submitted Small Business Certification and to remind them the application must be submitted to further the process. They will be working on getting estimates for the cost of the project in order to finish the application process for reimbursement. They will not be reimbursed until the SPPP is implemented. The owners will not be redesigning the SPPP; they informed DEP that he is waiting on quotes from three companies. He said he will call them to see where they are with the bids. DEP received a letter from the engineer on 5/28/09 requesting an extension of approval. DEP received a letter from the applicant on 5/29/09 regarding the extension of approval for two more years. DEP issued a letter to the applicant on 7/7/09 extending the Approval time to June 2010. DEP received a letter from the applicant on 8/14/09 regarding stating that they are awaiting reimbursement costs and then will be able to proceed with construction. DEP called the owner to discuss the SPPP reimbursement as he is looking to set a date for a pre-construction meeting. DEP met with the contractor and applicant on the site for a pre-construction meeting on 11/4/09. The owner and contractor are waiting for an agreement for reimbursement prior to starting any construction. A meeting was held with the project applicant on 12/3/09. The applicant is waiting for agreement from CWC and has a few

issues that need to be addressed with the reimbursement agreement. DEP received call on 1/26/10 from the applicant regarding the agreement, will be paying for the construction, himself and will be starting in the spring. DEP received notice that construction will begin on 4/13/10. DEP performed a site visit on 4/13/10; there was not a discharge; the site was stable; the site was occupied. A meeting was held with the project applicant on 4/19/10. DEP called the engineer on 4/27/10 regarding groundwater at the site. The area of the wet pond has approximately 3 inches of groundwater ponding in it. However, the wet pond is being created with 12" of clay. As such, there will be no direct contact with the groundwater at this location. As designed, and approved, the infiltration chambers will likely be in a couple of inches of groundwater during the early spring. The engineer is going to evaluate the possibility of making the infiltration chambers larger in square feet and thus shallower depth the get them out of the groundwater. DEP performed site visits on 4/29 and 5/5/10; the site was stable; there was no discharge; the site was vacant. DEP received an email from engineer's inspector on 6/3/10; as per conversation with stormwater supervisor, they will be replacing the clay liner with a 30 mil liner. DEP received a call on 6/21/10 from the engineer. The engineer indicated the concrete outlet structure recently poured was set 6-inches too high. DEP sent an email to the engineer on 6/24/10 requesting a letter addressing the change in elevation and a hydraulic review of the design modifications. DEP performed site visits on 6/28 and 7/7/10; there were no deficiencies; there was no discharge; the site was occupied. DEP sent and received emails to and from the engineer on 7/8/10 regarding the stormtech connections. DEP received an email from the engineer on 7/24/10 regarding the concrete structure elevation. DEP performed site visits on 7/27 and 8/17/10; there were no deficiencies; there was no discharge; the site was occupied. DEP sent an email to the applicant and engineer on 8/18/10 regarding the site work. A meeting was held with the project applicant on 8/25/10; items discussed included the additional concrete installed around two of the catch basins, the limitation of only 1/2 acre additional impervious was approved, the infiltration unit B and the stream permit. DEP performed a site visit on 9/29/10; there were no deficiencies; there was no discharge; the site was occupied. A meeting was held with the project applicant on 11/3/10 to discuss the rest of the construction that needs to be completed. DEP received a call on 12/1/10 from the contractor regarding the remainder of the work; he may be finishing the work this month however; if the weather does not cooperate, the remainder may need to be finished in the spring. We discussed the permit expiring this month and if the work will be finished in the spring, the applicant should forward a request for an extension on the permit. DEP performed site visits on 1/13, 2/18, 3/8 and 3/28/11; there were no deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the project owner on 4/11/11 regarding project startup date as of 4/14/11. DEP performed site visits on 4/21 and 5/4/11; there were no deficiencies, there was no discharge and the site was occupied. DEP sent and received e-mails to and from the engineer on 5/16/11 with a few items that still need to be addressed. DEP performed site visits on 7/18, 9/1 and 9/20/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: Stream Disturbance (SD)

Status:

DEP received Project Notification documents on 9/1/10 from DEC. DEP sent an email to ACOE and DEC on 9/16/10 requesting confirmation that work can be done. DEP received a letter from ACOE to the applicant on 9/21/10 requesting additional information. DEP received a letter from ACOE on 9/29/10 stating that a permit from them would not be required.

Name: East Terry Clove Road (Log #2005-CN-0285) I.D. #: 1391
Location: Hamden
Type of Use: Residence
Discovery Date: 11/15/99
Type of Violation: Failed septic system
Status: Ongoing

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/15/99. A soil/site evaluation was performed on 12/3/99. This violation has been referred to Counsel for action. An NOV was issued to the Owner on 8/6/01. 8/16/01: Pumping the septic tank and occasional occupancy of the dwelling on weekends has temporarily abated the surface discharge. 11/30/01: The dwelling being vacant has temporarily abated the surface discharge. A site visit was performed 6/3/2010 to determine if a surface discharge is evident. A brief walk over reveals there is no effluent at the surface; seepage pit/cesspool still in state of near collapse. DEP performed site visits on 4/14, 6/3 and 8/17/11; septic failure not observed, currently inhabited.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook, Lot #12 (Hoffman, Kenneth), (Log #2010-CN-0503)
Project Description: Lot #12 of the proposed 15 lot subdivision
Project Type: Stormwater (SP)
Status:

DEP Assistant Counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval of the 15 lots. DEP initiated an Enforcement Action on 1/13/11. DEP issued a NOV to the owner on 1/13/11. DEP received a call from the applicant on 1/21/11 regarding the NOV. DEP received a letter responding to the NOV from the homeowner on 1/21/11. DEP left the applicant a phone message on 1/24/11 regarding the NOV. DEP received call on 1/25/11 from the applicant regarding the NOV. The applicant indicated the Town, DEC and DEP police failed to inform him of the DEP required SWPPP. DEP issued a letter to the homeowner on 1/25/11 summarizing the phone conversation of the same day. DEP called the applicant on 4/29/11 regarding a site meeting and left a message. DEP received a call on 5/4/11 from applicant regarding future site meeting date. DEP called the applicant on 5/5/11 regarding future site meeting and left a message. A meeting was held with the project applicant on 6/3/11. DEP issued a letter to the homeowner on 6/14/11 summarizing what was discussed at the 6/3/11 meeting and the DEC/DEP requirements. DEP received a call on 8/17/11 from the engineer regarding the SWPPP. DEP and the engineer agreed that when they have a signed contract from the applicant a meeting will be set up. A meeting was held with the project applicant on 9/9/11.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook, Lot #8 (Zocchia, Lisa), (Log #2010-CN-0500)
Project Description: Lot #8 of the proposed 15 lot subdivision
Project Type: Stormwater (SP)

Status: New

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. DEP initiated an Enforcement Action on 1/13/11. DEP issued a NOV to the owner on 1/13/11. DEP received call from the applicant on 1/21/11 from regarding the NOV. DEP left the applicant a phone message on 1/24/11 regarding the NOV. DEP received a call from the applicant on 1/24/11 regarding the NOV. The applicant indicated his engineer and architect are working on the house plans etc. DEP informed the applicant to not create any additional disturbances without implementing the approved SWPPP. DEP further instructed the applicant to have the engineer contact DEP as soon as possible. DEP received a letter responding to the NOV on 3/10/11. DEP issued a letter to the owner on 3/16/11 regarding the approved SWPPP and that it must be adhered to in development. DEP called the applicant on 6/9/11 regarding NOV and left a message. DEP received a letter from the homeowner on 6/14/11 regarding the 2010 approved SWPPP and requested a copy. DEP called the applicant on 6/29/11 regarding the SWPPP; a tentative meeting has been scheduled for 7/22/11. DEP received a call on 7/19/11 from the applicant rescheduling the meeting to 7/29. DEP called the applicant on 9/16/11 regarding future site meeting and left message.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook, Lot #7 (Simcsuk, Robert & Eileen), (Log #2010-CN-0499)

Project Description: Lot #7 of the proposed 15 lot subdivision
Project Type: Stormwater (SP)
Status: New

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. DEP received a copy of DEC's Article 15 permit from DEC on 12/17/10. DEP initiated an Enforcement Action on 1/20/11. DEP issued a NOV to the owner on 1/20/11. DEP issued a comment letter to the homeowner on 4/28/11 regarding the NOV. DEP received a call on 5/11/11 from the applicant regarding the NOV. DEP called back and left a message. DEP received a call on 5/12/11 from the applicant regarding the NOV; a meeting is scheduled for 6/3/11. A meeting was held with the project applicant on 6/3/11. DEP issued a letter to the homeowner on 6/14/11 summarizing the 6/3/11 meeting and DEC/DEP requirements. DEP called the applicant on 8/17/11 regarding project status and left a message. DEP called the applicant on 8/31/11 regarding stabilizing the site. DEP received a call on 9/8/11 from the applicant regarding stabilizing the site; stone has been ordered and check dams will be put in soon.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook Farm, Lot #4 (Ziegler, Alfred & Susan), (Log #2010-CN-0497)

Project Description: Lot #4 of the proposed 15 lot subdivision
Project Type: Stormwater (SP)
Status: New/Closed

DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the

proposed deed language as stated in the Approval for the 15 lots. DEP initiated an Enforcement Action on 11/16/10. DEP issued a NOV to the owner on 11/16/10. DEP called the applicants on 11/30/10 regarding the NOV; they indicated that they did not know of any being done at the property. A meeting was held with DEC ECO on 12/10/10. The ECO indicated the violation would be pursued. The violation was resolved and the case was closed on 1/20/11 with DEP Closure letter dated 1/20/11. DEP has resolved the Enforcement Action on 1/20/11.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook - Lot #15 (Defrancesco) (Log #2009-CN-0930)
Project Description: Lot #15 of the McMurdy Brook Subdivision
Project Type: Stormwater (SP)
Status: Closed

DEP received an Application for a SWPPP on 12/28/09. DEP issued a NOV to the owner on 1/12/10. DEP received a call on 1/19/10 from the applicant regarding the NOV. DEP called the applicant on 1/20/10 regarding the NOV. DEP issued a NOCA on 1/22/10. DEP sent and received emails to and from the engineer on 2/19/10 regarding pond vs. forebay. DEP received a copy of a letter to the applicant from ACOE on 2/25/10 regarding additional information needed to process their request for jurisdictional information. DEP received the hydro-cad analysis and plans from the engineer on 3/8/10. DEP issued an Approval Determination letter on 3/10/10. DEP received a call on 3/16/10 from the applicant regarding the SWPPP requirements. DEP received a revised Hydrocad Report from the engineer on 4/20/10 regarding the pond outlets. DEP called the applicant on 4/21/10 regarding construction start up; work is expected to begin in May 2010. DEP will be notified prior to start up for a pre-construction meeting. DEP received a letter from ACOE on 4/22/10 authorizing the proposed work under general permit number 29. DEP performed a site visit on 6/24/10; the site was stable; the site was vacant. DEP issued a letter to the applicant on 7/1/10 stating that DEP has determined that three inspections performed by the engineer would be sufficient for this project. A meeting was held at the site with the applicant and ACOE on 8/12/10 to discuss the wetlands delineation by DCSWCS. ACOE agreed that the information submitted was inaccurate in that the delineation showed less wetland area than there actually was. ACOE indicated they would ask to have the wetlands more accurately delineated and to possibly move the proposed stormwater pond up hill to the fringe of the wetlands. DEP sent an email to the engineer on 9/9/10. ACOE agreed that the delineation would need to be done more accurately. DEP stated that the applicant's may continue building their house and installing the SSTS while this is being worked out. A meeting was held with the project engineer and contractor on 9/14/10; there are no problems with the site. DEP performed a site visit on 10/14/10; there were no deficiencies, there was no discharge and the site was occupied. DEP received the engineer's certification letter from the engineer on 11/05/10. DEP issued a letter of Construction Compliance letter on 11/12/10.

Town: Kortright
Basin: Cannonsville
Project Name: McMurdy Brook Farm (Alan Lord - NY Land and Lakes) (Log #2007-CN-0229)
Project Description: Proposed 20 lot subdivision
Project Type: Stormwater (SP)

Status: Closed

On 5/10/07, DEP received Lead Agency request form from the Delaware County Planning Department. DEP received a letter from the engineer on 12/24/07 regarding individual SPPPs for each lot. DEP issued a letter to the applicant on 1/4/08 regarding the SPPP. DEP issued a letter to the applicant on 5/30/08 stating that an SPPP approval must be obtained prior to any construction. DEP issued a NOV to the owner on 11/25/08. DEP received a call on 12/16/08 from the property owner's partner stating that there was a recent death in the family and they will be responding to the NOV after arrangements have been made. DEP received a call on 12/30/08 from the owner, regarding the NOV. He acknowledges the NOV and states that the project engineer will be contacting the reviewer to setup a pre-application meeting. DEP received a letter from the applicant on 1/8/09 requesting in writing that since DEC is not requiring an overall stormwater plan and DEP is, that DEP will pay the full cost. DEP issued a comment letter to the engineer on 2/2/09 regarding the NOV, advising a project cannot be eligible for reimbursement if it has an outstanding NOV. DEP sent an email to DEC on 3/20/09 requesting where DEC stood on the SWPPP. DEP received call on 8/4/09 from the applicant indicating the SWPPP is near completion and will be sent in to DEP shortly. DEP called the applicant on 8/4/09 regarding SWPPP. DEP received an Application for a SWPPP on 8/31/09. DEP issued a NOCA on 9/28/09. DEP called the design engineer on 11/5/09 regarding the SWPPP. DEP left a message regarding minor changes to the SWPPP. DEP called the Town Clerk on 12/10/09 regarding contact information for all of the new property owners in the subdivision. The clerk indicated she would fax over a list of names to DEP. DEP issued letters to the prospective land owners on 12/21/09 regarding DEP/DEC/ACOE rules and regs for stormwater purposes. DEP issued an Approval Determination letter on 1/6/10. DEP assistant counsel issued a letter to the applicant on 4/7/10 regarding the need to submit the proposed deed language as stated in the Approval for the 15 lots. The violation was resolved and the case was closed internally on 1/25/11. DEP has resolved the Enforcement Action on 1/25/11.

Project Type: SEQRA (SQ)

Status:

SCS received a Full EAF on 5/15/07. SCS received a Notice of Intent to declare Lead Agency from the Town Planning Board/County Planning Dept. on 5/15/07. SCS issued comment request to Tech Team with comments due to SEQRA Coordination on 6/1/07. SCS issued a letter, on 6/8/07, stating that DEP has no objection to Planning Board being Lead Agency for the purposes of SEQRA. SCS received a faxed copy of letter to Town of Kortright Planning Board Chairman dated 7/25/07 in response to DEP's 6/8/07 comment letter on the Full EAF and site plan. DEP attended the Public Hearing on 7/25/07 and answered questions on SEQRA, zoning, septic and stormwater. DEP received Lead Agency Neg Dec dated 3/20/08 from the Town of Kortright Planning Board.

Project Name: Betty Brook Road (1999-CN-1320)

Town: Kortright

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS #1654. Application for a Variance to place septic on a different part of the subdivision that was previously approved

Discovery Date: 7/24/02

Status: Closed

Overview and Action:

DEP personnel discovered the violation while on routine patrol. A dye test was not performed. 8/2/02: A NOV was issued to the Owner on 8/2/02. The trailers have been removed from the site and the site is now vacant. The violation was case was closed internally on 2/15/11. DEP has resolved the Enforcement Action on 2/15/11.

Project Name: 459 Kapitko Road (2008-PE-0829)

Town: Middletown

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - CWC - surfacing

Discovery Date:

Status: No Application

Overview and Action:

DEP performed a site visit on 4/27/11; septic failure not observed. DEP called and left a message on 5/24/11 for the homeowners. DEP received a call on 5/25/11 from the homeowners; they will not be up on Memorial weekend. However, they are hoping to be up the following weekend and they will be using the residence every weekend there after. They will call and give advance notice so that the system can be checked for problems. DEP received a call on 6/2/11 from the owners; they will be up on 6/3 through 6/5/11. DEP performed a site visit on 6/6/11; septic failure not observed. DEP received a call on 6/17/11 from the property owner; the family will be utilizing the residence this weekend and wants a site visit scheduled for early next week. DEP performed site visits on 6/20, 7/14, 8/4 and 9/29/11; septic failure not observed.

Project Name: E. Hubbell Hill Road (2000-PE-0093)

Town: Middletown

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS-CWC; previous owner Fairbairn, Howard
RE.2 - Failing SSTS - CWC - collapsed metal tank

Discovery Date:

Status: No Application

Overview and Action:

DEP initiated an Enforcement Action on 8/19/11. This project is funded under CWC septic repair program. On 8/19/11 DEP received CWC's notice of failure. DEP issued a letter to the owner on 8/22/11 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 9/12/11. A soil/site evaluation was performed on 9/20/11.

Town: Middletown

Basin: Pepacton

Project Name: Jenkins, Ron, (Log #2006-PE-0189)

Project Description: SSTS Replacement (RE); Complaint (OT)

Project Type: Other (OT)

Status: New

DEP initiated an Enforcement Action on 4/28/11. DEP received a call on 6/2/11 from a neighbor to issue a complaint. The complaint, as filed by the neighbor, is as follows: A lot of work has been done on the property without any permits. The owner has been leveling the land behind his

house and there are no stormwater plans. The owner (he) has leveled out a spot about 1-1/2 years ago and now he is digging up there again. He has dug a diversion swale around his septic and some of that flow has been diverted onto the neighbor's property. The neighbor has put up a fence, six inches off his property line, to keep the homeowner from doing any more work on his property. There is a protected stream in the vicinity. The neighbor believes that the homeowner has dug a swale and is diverting stormwater runoff into this stream. The homeowner tends to work on the weekends so that no one is the wiser. DEP referred this project to the appropriate department on 4/29/11. DEP received a call on 5/24/11 from the neighbor. The neighbor spoke with the stormwater group, who did not look at the septic system. The neighbor has dug a swale which is dumping stormwater onto his property. DEP called the homeowner on 5/31/11 to set up a site visit. A message was left. DEP received a call on 5/31/11 from the homeowner regarding the site visit. He does not have a problem with DEP looking at his septic system. He has requested that he is told what time the site visit will take place, so that he might be there. The site visit has been set for the morning of 6/3/11. DEP called on 6/2/11 and left a message to let the homeowner know that DEP would be conducted the site visit on 6/3/11 between 8:30 and 9:00 am. DEP performed a site visit on 6/3/11; the swale in question is not part of the septic system. DEP has resolved the Enforcement Action on 6/24/11.

Town: Middletown
Basin: Pepacton
Project Name: Piacquadio, Lilly, (Log #2010-PE-0891)
Project Description: Complaint
Project Type: Other (OT)
Status: New/Closed

DEP initiated an Enforcement Action on 10/7/10. DEP called the complainant on 10/7/10 regarding this parcel of property. There are people residing at this residence full time; a well was drilled a few months back. There is a "horrible smell" and water in the road. The complainant was told that the property owner also dumps cooking grease in the outhouse from her restaurant. The complainant called the town building inspector, who stated that the property does have a septic. The complainant called the previous owners of this property, who stated that the trailer does not have a septic system, but rather an outhouse. DEP called the property owner on 10/7/10 regarding a site visit to deal with the complaint. DEP asked the property owner to contact the tenants to let them know that a site visit will be conducted by the DEP on 10/8/10. DEP looked over the property on 10/8/10 for failing septic or foul odor and found nothing. DEP received a call on 10/8/10 from the town building inspector regarding this complaint. DEP received a call on 10/12/10 from the town building inspector regarding the dispute between the neighbors, noting, the complainant is calling "everyone in the state" because the property owner filed a lien against his property, which he is currently trying to sell. The lien was filed because he reputedly drilled a new well for his home within a twenty (20) foot section of land that they are currently fighting over. The complainant started with the building inspector, who asked for some proof of the failed septic system, which he could not provide. DEP performed a site visit on 11/10/10; there was not a discharge, the site was stable and the site was vacant. DEP has resolved the Enforcement Action on 12/15/10, per 11/16/10 Enforcement meeting.

Town: Middletown
Basin: Pepacton
Project Name: Dry Brook Holdings LLC (Richard Gould trailer park), (Log #2010-PE-0521)
Project Description: Application for the installation and hook up for 29 residential trailers and two non-residential buildings to the Margaretville WWTP
Project Type: City Sewer Connection (CCS)

Status:

DEP advised DOH about the failure; DOH will also review and approve the design. DEP called the engineer on 7/12/11 regarding the status of the sanitary sewer system design and submittal. DEP received a call on 8/2/11 from DEP field staff about a new surface discharge. A site visit was performed on 8/2/11; septic failure was observed; surfacing of sewage on ground, direct discharge from building. DEP Police were advised of sewage problems by park tenants and notified DEP. DEP walked the site and found that trailer numbers 102, 91, and 35 had sewage discharges to the ground, and sewage was seen surfacing in two other areas on the parcel. DEP performed a site visit on 8/3/11; septic failure was observed; surfacing of sewage on ground, direct discharge from building. DEP spoke to some of the tenants and received some information on the individual sites. DEP performed a site investigation on 8/8/11 and documented sanitary sewer problems, repair work and sewage surfacing on the ground. DEP called the owner/applicant on 8/9/11 regarding the DEP site visit and most recent sanitary sewer concerns. DEP performed a site investigation on 8/9/11 to document sanitary sewer problems and construction activity. DEP called the contractor on 8/10/11 regarding the status of the sanitary sewer repair work. On 8/12/11, DEP met with the Owner/Applicant and the Middletown CEO to discuss sanitary sewer violation concerns and remediation schedule and plan. DEP initiated an Enforcement Action on 8/19/11. DEP received a letter of intention from the Park owner through Chief of Wastewater Operations on 8/19/11 via email. DEP issued an NOV on 8/19/11 for the clogged lateral connection. 8/22/11 DEP sent an email to DOH providing an update on the failures. The email included a letter from the owner detailing plans for proceeding with phase 1 of the replacement sewer project. DEP received a return call on 8/23/11 from the engineer regarding the status of the project and project concerns. DEP received a call on 8/23/11 from the owner/applicant regarding status of project and project concerns. DEP received a return call on 8/23/11 from the original engineer who indicated turning the project over to a new engineer and removing him as a point of contact. DEP received call from owner on 9/21/11; he is looking to hire another new engineer. DEP advised him to consult with DEC regarding removal of sand and gravel deposits washed into his farm field.

Project Type: Intermediate Repair (CR)

Status:

DEP performed a site visit on 4/26/11; septic failure was observed, surfacing of sewage on ground, direct discharge from the building. Sewage has backed up from the tank and the outdoor plumbing under the trailer. The owner said the tank has been pumped twice in the past two weeks; the tank appears to be a very small, round metal tank. DEP received a call on 5/25/11 from the park owner, saying he wants to perform an emergency repair on the SSTS in the park. DEP spoke to the park owner on 5/27/11 and advised that an engineer must design a replacement SSTS and that DEP must review and approve. DEP advised the owner to continue pumping the tank to avoid a sewage discharge to the ground again. DEP performed a site visit on 5/31/11;

septic failure was observed; absorption field. DEP met with the owner, his engineer and the contractor to discuss the options available for a replacement SSTS. Two vacant parcels adjacent to the park, owned by the same person, are ideal for an absorption field with a pump. DEP advised DOH about the failure on 6/2/11; DOH will also review and approve the design. DEP called the owner on 6/3/11 to advise of DOH review and approval and that no work could be done prior to that. DEP spoke to the CEO and DEP operations on 6/3/11 about the failure. On 6/7/11, DEP met with the engineer to perform soils testing for a compliant SSTS replacement for the failed SSTS. DEP issued a NOV to the owner on 6/8/11 for trailer 110. DEP initiated an Enforcement Action on 6/8/11. DEP received a sketch of the temporary holding tank from the engineer on 6/9/11. DEP called the owner, the engineer and the field engineer on 6/15/11; DEP needs the pump out receipts and a plan for the replacement SSTS. DEP performed a site inspection on 6/16/11; the wastewater from the tank is assumed to be percolating through the broken pipe and into the soil and there is no sign of surface discharge. DEP received a copy of the pump out receipts on 6/16/11. DEP has been in touch with the engineer concerning the SSTS replacement design, which is ready to be formally submitted for two trailers. DEP received an Application for a SSTS on 7/11/11 from the engineer with plans. DEP initiated an Enforcement Action on 7/26/11. DEP issued a NOV to the owner on 7/26/11 for trailer 102. DEP called the engineer on 7/28/11 and provided comments to the plan. DEP performed a site visit on 8/2/11; septic failure was observed; surcharge septic tank, cesspool, drywell, surfacing of sewage on ground, direct discharge from building. DEP Police were advised of sewage problems by the park tenants and notified DEP. DEP walked the site and found that trailer numbers 102, 91, and 35 had sewage discharges to the ground and sewage was seen surfacing in two other areas on the parcel. DEP spoke to some of the tenants and received some information on the individual sites. DEP sent an e-mail to the DOH 8/4/11 to notify them of the sewage on the ground at the mobile home park and sent a map denoting the sewage discharges on the property. DEP received an e-mail from DOH 8/5/11 that staff visited the site and observed several sewage discharges. DEP issued a NOCA on 8/5/11. DEP issued a comment letter on 8/5/11 to the applicant. DEP received a letter from DOH to the applicant on 8/8/11 regarding violations observed at their 8/5/11 field visit. DEP received revised drawings from the engineer on 8/9/11. DEP received the sketch for the holding tank from the engineer on 8/12/11. DEP received the 7/19/11 pump out receipt on 8/15/11. On 8/15/11, DEP spoke to the owner and advised him to call the engineer and ask him to submit a sketch for the holding tank. DEP received a sketch and called the owner again to advise him to order a 1500 gallon concrete tank. On 8/16/11, DEP observed sewage on top of the ground around the pipe that discharges into the septic tank. DEP called the owner to advise to pump. DEP called the owner on 8/18/11; he plans on installing the tank tomorrow, weather permitting. On 8/19/11, DEP called the owner to inquire when the 1500 gallon holding tank was going to be installed. He said his engineer advised him not to install it and to install a managed repair instead. On 8/18/11, DEP observed sewage on the ground at trailer 102. DEP and the owner discussed the email DEP sent to owner regarding requirements for the holding tank, which is to be installed on 8/29/11. DEP sent an e-mail to the owner on 8/24/11 regarding the installation of the temporary holding tank. On 8/29/11, DEP received a call from the owner; he said the tank cannot be installed due to the erosion caused by tropical storm Irene. DEP performed a site visit on 8/30/11; the trailer park has been flooded out and trailer 110 is abandoned. Trailer 102 is still connected to its SSTS and the ground is covered with sandy soil and debris.

Town: Middletown
Basin: Pepacton
Project Name: Johnson, Randy (DEC NOV) (Log #2008-PE-0136)
Project Description: Failed SPPP; DEC issued Order on Consent. More than 1 acre disturbed, but not 2 acres; DEP to be conducting inspections
Project Type: Stormwater (SP)
Status: Closed

DEC issued an Order on Consent to the owner on 3/4/08. DEP received a letter responding to the NOV on 4/21/08. DEP received a copy of the DEC construction duration inspection report on 4/28, 5/5, 5/13 and 5/19/08 from the engineer. DEP received the SPPP Plan and sheets and the Engineer's Report from the engineer on 5/21/08. DEP received an Application for a SPPP on 5/23/08 from the engineer. DEP received the 5/20, 5/28, 6/5 and 6/16/08. DEP issued a letter to the engineer on 6/17/08 with DEP comments on the drawings. DEP received the construction duration inspections from the engineer on 6/25/08. DEP received a call on 7/1/08 from the engineer to discuss the comment letter dated 6/17/08. Proposed Bridge - Comment #1) The comment letter stated that the timbers are acting as grade control and when removed it will likely cause a head cut. They suggested that if we go out now a look at the site the water flows under the timbers and that the large rocks below the timber are acting as grade control; large flat rocks or rip-rap to be installed when the timbers are removed. Additional topo to the north of the bridge about 100' should be fine. Even though we will pump the stream around the work area, there will still be ground water seeping in the hole when installing the footings. The engineer will indicate that the turbid water will be pumped to a filter and allowed to flow through a grass area. Hydrology; the engineer is concerned about the size of the bridge because when the rain fall amounts are revised for the fifty year storm the flow at the bridge is approximately 1,000cfs. DEP received the construction duration inspections from the engineer on 7/14, 7/18 and 8/25/08. DEP performed a site visit on 9/2/08; the same problems remain that are noted in the inspection reports from the engineer. DEP received the construction duration inspection report from the engineer on 9/9/08. DEP received a letter from DEC on 9/19/08 regarding the deficiencies on the site. DEP received an email from the engineer on 12/9/08 regarding the revised SWPPP. DEP received the construction duration inspection report from the engineer on 12/10/08, 12/18 and 12/29/08. DEP sent an email to the engineer on 2/4/09 requesting the status of the project. DEP received a letter from the engineer on 2/20/09 requesting monthly stormwater inspections instead of weekly until after the spring melt. DEP received a letter from DEC on 3/3/09 accepting the change in inspections to monthly. DEP received the 6/19/09 meeting minutes from the engineer on 6/24/09. DEP received a summarization letter from DEC on 6/30/09 regarding discussions from the 6/19/09 site visit. DEP received an email from DEC and the engineer on 8/3/09 stating that the SWPPP had not been submitted to date. DEP received a call on 8/11/09 from the engineer regarding the DEP comment letter dated 6/17/08. DEP called the engineer on 10/1/09 regarding the status of the design plans; the engineer DEP that the plans were 95% complete. DEP performed a site visit on 10/29/09; there was not a discharge; the site was stable; the site was vacant. DEP sent an email to DEC on 10/30/09 with the findings of the 10/29/09 site visit. DEP performed a site visit on 3/11/10; there was not a discharge; the site was stable; the site was vacant. DEP sent an email to DEC on 3/18/10 regarding the 3/11/10 site visit. DEC issued a letter to the applicant on 4/1/10 regarding the need to submit a revised SWPPP by 4/15/10 as per the Order on Consent. DEC received a letter from the applicant on 4/15/10 responding to their letter of 4/1/10. DEP performed a site visit on 07/27/10; there were no

deficiencies; there was no discharge; the site was vacant. DEP received an email from DEC on 2/7/11 regarding the NOV. DEP responded that the last site inspection was 7/27/10 and that most of the site was stable; included photos. Site Visit type: Construction. Date: 2/17/11. DEP received an email from DEC on 5/11/11 stating that this order can be closed as they have satisfied the requirements of the order.

Town: Neversink
Basin: Rondout
Project Name: Donelli, James, (Log #2005-RO-0788)
Project Description: New SSTS OT - Complaint of Raw Sewage
Project Type: Other (OT)
Status: New

DEP initiated an Enforcement Action on 8/5/11. DEP Police received a complaint of raw sewage on 8/5/11, and EnCon-Stream Violation; 232 Pepacton Hollow Rd. T/Neversink Sullivan County Sector 49; PO –CLOSED. Police Officer was on investigation of case number CG-0487-11 on 229 Pepacton Hollow Road with Environmental Conservation Officer. Officers were advised by owner that there may be a problem with a septic tank at 232 Pepacton Hollow Road, the neighbor's property. When officers went to the location they observed that the septic tank is right next to the Pepacton Hollow Brook which feeds into the Chestnut creek. The septic tank next to the creek did not appear to be leaking into the creek but from prior rain storms the water of the creek has gone over the top of the septic tank. This home is a part time residence and was unoccupied at this time. Since this is going to be a problem in the near future this officer will contact all necessary DEP employees before there is a situation with the septic tank. Cleared and resumed patrol. DEP follow up separately noted in other owners file.

Project Name: Varga Road (Log #2008-RO-0493)
Town: Neversink
Type of Use: Residence
Type of Violation: Failed SSTS - CWC - Cesspool failed to surface
Discovery Date:
Status: Approved

Overview and Action:

A soil/site evaluation was performed on 9/16/08. DEP issued an Approval Determination letter on 11/19/08. DEP received a call on 10/12/10 from the property owner regarding the letter that he was sent. The property owner is getting a final bid to submit to CWC, since the first two (2) bids were high. The third bid should be submitted shortly, since the contractor was on site a day ago to put together the quote. The property owner is still hoping to have the system installed before the winter. DEP issued a Design Approval Expiration letter on 12/15/10. DEP issued a renewed Approval Determination on 1/25/11. DEP received notice that field was staked out by the engineer on 5/9/11.

Project Name: 360 Smith Road (Log #2008-NV-2325)
Town: Neversink
Type of Use: Residence
Type of Violation: Failed SSTS - septic coming to surface by exiting absorption field
Discovery Date:

Status: Closed

Overview and Action:

A soil/site evaluation was performed on 11/19/08. DEP received revised design from the engineer on 12/16/08. DEP issued an Approval Determination letter on 12/22/08. DEP received notice that construction will begin on 10/27/09. DEP received an additional copy of plans from the engineer on 10/29/09. DEP received notice that construction will restart in June or July 2010. The violation was resolved and the case was closed on 12/16/10 with a DEP closure letter dated 12/16/10. DEP has resolved the Enforcement Action on 12/16/10.

Project Name: 595 Claryville Road (2009-NV-0186)

Town: Neversink

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - CWC - surfacing

Discovery Date:

Status: No Application

Overview and Action:

DEP performed a site visit on 9/19/11. This was a follow up to ensure that another structure is not in place. There is no new structure on site. Part of property seems to be used for a putting green.

Name: Velzey, Howard (Log #2004-PE-1008)

Location: Roxbury

Type of Use: Residence

Discovery Date: 11/16/04

Type of Violation: SSTS Failure

Status: Closed

Overview and Action:

DEP has been in contact with the owner, but the owner is reluctant to make an appointment for an SSTS inspection. The owner did return phone calls on 9/29, 10/14 and 11/26/10. DEP left another message for him on 11/22/10. DEP spoke to the owner on 11/29/10 regarding the SSTS in use. The owner agreed to excavate the tank for DEP's inspection in the next few weeks. DEP called the owner on 12/10/10 and left a message regarding the need for a site visit. There is frost in the ground now, and DEP will not press for the excavation of the tank. DEP requested a site visit/ meeting on 12/15/10. Site Visit type: Meeting. Date: 12/16/10. Septic Failure: Not observed. DEP met with the owner on site to discuss the project. The owner believes that the SSTS he connected the three (3) bedroom house to is an NCRA. The violation was resolved and the case was closed on 4/26/11 internally. DEP has resolved the Enforcement Action on 7/6/11. DEP performed a site visit on 9/2/11; septic failure not observed. DEP drove by the site and the "For Sale" sign is gone.

Project Name: Stone Tavern Farm (Log #2006-PE-1174)

Town: Roxbury

Type of Use: Residence

Type of Violation: Failed SSTS; Proposal to operate a children's camp, a campground and temporary residence.

Discovery Date: 8/31/07

Status: No Application

Overview and Action:

No CWC report will be issued until the SSTS redesign is complete. DEP sent an email 1/28/10 to the owner requesting pump out receipts for the holding tank and to the design engineer requesting revised plans. DEP received the 4/9/10 pump-out receipt from the applicant on 4/22/10. DEP issued a letter to the applicant on 5/14/10 regarding the still failing SSTS and advised that the approved SSTS must be installed and a pre-construction meeting is required. DEP received the 6/25 and 6/29/10 pump out receipts on 7/6/10. DEP printed a copy of the events calendar on 7/15/10 from the web site. DEP received pump out receipts from the applicant on 9/10/10.

Project Type: Intermediate Repair (CR.2)

Status:

DEP issued NOCA and Approval Determination letters on 10/23/09. Application was withdrawn on 12/16/09; new plans were received to combine the residential and commercial systems.

Project Type: Intermediate Repair (CR.3)

Status:

DEP received plans from the engineer on 12/16/09 combining the two systems; residential and commercial into one. DEP sent an email to the engineer on 12/22/09 with comments on the plans received. DEP called CWC on 12/31/09; the redesigned SSTS was prompted by a CWC request to combine the SSTSs. DEP received an Application for a SSTS on 1/27/10. DEP issued a NOCA on 2/2/10. DEP issued an Approval Determination letter on 2/3/10; this approval supersedes the previous approval for CR.2. DEP sent an email to the owner on 3/11/10 requesting pump-out receipts. DEP issued a letter to the applicant on 11/05/10 regarding the NOV that needs to be resolved. DEP received a letter from the applicant on 12/3/10 regarding the SSTSs. DEP performed a site visit on 12/15/10; septic failure observed; absorption field, surfacing of sewage on ground. DEP met with the owner for a site visit and discussion about the owner's business plan and need for a suitable SSTS. DEP called the applicant on 2/25/11 regarding the NOV. The applicant was advised to address the active failure prior to proceeding with any other SSTS work or proposals. DEP met with the owner and design professional on 3/1/11 for the house/B&B absorption field. The area is very close to a swale and a watercourse and would need a pump; we are looking at crossing a watercourse on another parcel with a WAC easement. DEP received an email from the owner on 3/18/11; he has hired an engineer. DEP received a voice message from the property owner on 3/21/11; he wanted to know if DEP heard from the engineer. DEP returned the phone call to the property owner; we discussed the location of the test holes and the proposed SSTS and holding tanks. DEP received and sent an email to the design professional noting the need for DEP to witness soils testing. DEP called the current design professional and the owner, and urged them to call WAC to check on a possible stream crossing through the protected riparian buffer and CWC to check on funding prior to any more soils testing. DEP received a return phone call on 4/5/11 from the owner. He said he left a message for WAC and CWC, and is expecting a return call from both agencies. He said he is trying to move the project forward, and hopes that any delays caused by others will not hold up his ability to install the holding tank at the indoor rink. On 4/8/11, the owner called DEP to discuss the possibility of installing the approved SSTS with the additional flow from the barn

that holds indoor weddings. DEP received a call on 4/11/11 from the owner; WAC had been on site and informed him that while crossing through the riparian buffer may be allowed, an SSTS is not permitted on easement property anymore, although an exception would be entertained for a repair. DEP is encouraging the owner to decide on a solution for the house/B&B failure, as other commercial SSTS proposals cannot be considered until the failing SSTS is resolved. On 4/22/11, DEP called the owner to ask if a decision had been made about the failing SSTS. He scheduled soils for 4/25/11 in the WAC easement area, on a separate parcel west of the failure. He wants to be ready with a plan if WAC allows the land use for the repair. On 4/25/11, DEP met the design professional for soils testing in the WAC easement area west of the failed B&B/house SSTS. Deep test pits show a raised absorption field can be designed. The owner is hoping for permission from WAC to install the field there. A soil/site evaluation was performed on 5/4/11. The design engineer did two twelve inch percolation tests near the deep test holes that were investigated on 4/25/11. He said he had 3 to 5 minute per inch stabilized perc rates, and can design the field for 725 gpd. DEP performed a site visit on 5/12/11; septic failure was observed; visibly entering watercourse/wetland, absorption field and surfacing of sewage on ground. DEP performed a watercourse evaluation at the site. One of two watercourses may need to be crossed as part of an SSTS repair. On 5/20/11, DEP performed a site visit to observe what improvements had been made to the riding arena, where the owner had his first wedding of the season scheduled. DEP arrived in time to see what appeared to be a septic tank being covered with soil. DEP requested a foil request from the town of Roxbury on 7/25/11 regarding building permits applied/issued. DEP's Bureau of Legal Affairs issued a letter to the owner's on 8/5/11 regarding the outstanding NOV's. DEP spoke to the manager on 8/15/11; the on site meeting scheduled for 8/16/11 is to discuss additional flows from the arena and possibly a kitchen. He said all three tanks have been pumped and will fax receipts. DEP received the requested information for the foil request from the town of Roxbury on 8/16/11. On 8/16/11, DEP met with the owner and engineer on site. We discussed the revision of the approved combined SSTS to include a kitchen and the wedding arena. All three tanks had been pumped. DEP received revised plans and calculations for weddings from the engineer on 8/19/11. On 8/19/11, DEP did a site inspection; the house/B&B tank was full to the outlet and the water was on in the riding arena. The manager was advised that the house tank needed to be pumped and that he should not use the arena tank. DEP corresponded by email with DOH regarding the SSTS application that includes on site catering. DEP issued a letter to the engineer on 8/25/11 with DEP comments on the revised plans. DEP also received the engineers' response to DEP comments on 8/25/11 with calculations for weddings. DEP received the 8/14/11 pump out receipt on 8/26/11. On 8/26/11, DEP performed a site inspection to determine whether the facility operator is in compliance with DEP's 8/8/11 compliance schedule. DEP received an e-mail from DOH regarding the proposed food service at the pavilion. On 9/2/11, DEP performed a weekly site visit to follow up on the 8/12/11 compliance agreement. The house tank was full to the outlet, and the alarms for both holding tanks did not function. The water was on in the horse arena and wedding preparations were in progress. DEP called the owner and set up an appointment for an inspection for 9/8/11 at 1:00 pm. DEP requested pump out receipts as well. DEP called the owner to cancel the site visit due to rain and road closures. The owner re-scheduled for 9/13/11 at 1 p.m. DEP's Bureau of Legal Affairs issued a letter to the applicant on 9/8/11 stating that DEP has received proposed SSTS plans prior to the 9/1/11 deadline; however there are issues requiring resolution before DEP can approve the design as submitted. DEP received an e-mail from the engineer on 9/8/11, looking for comments to the plans sent on 8/25/11. On 9/13/11, DEP made a scheduled site visit

to the farm. The owner accompanied DEP to the house and horse barn. He is not interested in continuing to pump the house septic tank after the weddings are over in October. He said the arena tank has not been used or pumped. DEP received the 9/19/11 pump out receipt on 9/19/11. DEP received a letter from DEC to the applicant on 9/26/11 regarding the need for a DEC Permit for the food cooking or service to the public. On 9/28/11, DEP performed a scheduled site inspection; the house tank was two thirds full, the arena tank was empty and the barn tank was inaccessible.

Project Name: Upper Meeker Hollow Road (2008-PE-1677)
Town: Roxbury
Type of Use: Intermediate Repair (CR)
Type of Violation: Failed SSTS; for 6 bedroom house/B&B
Discovery Date:
Status: No Application

Overview and Action:

DEP's Bureau of Legal Affairs issued a letter to the owner's on 8/5/11 regarding the outstanding NOV's. DEP received an e-mail from the engineer on 8/19/11. The email details an SSTS plan modification to include weddings and BBQ style cooking at the facility. DEP's Bureau of Legal Affairs issued a letter to the applicant on 9/8/11 stating that DEP has received proposed SSTS plans prior to the 9/1/11 deadline; however there are issues requiring resolution before DEP can approve the design as submitted.

Town: Roxbury
Basin: Pepacton
Project Name: Stone Tavern Farm - Horse Arena, (Log #2011-PE-0377)
Project Description: Failing SSTS
Project Type: Intermediate SSTS (IS)
Status:

DEP initiated an Enforcement Action on 6/15/11. DEP issued a NOV to the owner on 6/15/11. On 6/23/11, the owner called DEP in response to the NOV issued to him and his father. He wants to re-schedule the enforcement conference to either 6/28 or 7/12/11, at 8:00 or 9:00 in the morning. DEP sent the owner an e-mail and also left him a phone message that DEP can meet him in Kingston on 6/28/11 at 8:00 a.m., as he requested, for the NOV required enforcement meeting. DEP called the property owner on 6/24/11 regarding the enforcement meeting proposed for 6/28/11. DEP received phone calls on 6/27/11 from the property manager, advising that the property owner wants to be present for the enforcement meeting, so it will need to be re-scheduled. DEP called DOH on 6/30/11; DOH has not heard anything from the owner regarding hosting the desiderata festival beyond the initial inquiry. DEP's Bureau of Legal Affairs issued a letter to the owner's on 8/5/11 regarding the outstanding NOV's. An enforcement conference call was held with the owner on 8/12/11 with a follow up email issued on the same day. DEP's Bureau of Legal Affairs issued a letter to the applicant on 9/8/11 stating that DEP has received proposed SSTS plans prior to the 9/1/11 deadline; however there are issues requiring resolution before DEP can approve the design as submitted.

Town: Stamford (T)
Basin: Cannonsville

Project Name: The American Plum Tree, Inc. (David & Diana Dax) (Log #2008-CN-0263)

Project Description: Failed SSTS; Proposal to complete interior and exterior improvements, build a caterer's kitchens, add one bathroom and subdivide the existing parcel for their existing reception hall business

Project Type: Intermediate Repair (CR)

Status:

CWC has not been contacted by the applicant/owner since completion of the commercial SSTS repair. DEP called CWC on 4/26/10; applicant has not re-contacted them. DEP issued a comment letter to the applicant on 4/27/10 regarding the NOV. DEP sent an email to CWC on 5/21/10 with a drawing of where the sewer goes. DEP called CWC on 5/21/10; they are going to call the applicant next week and set an appointment with to re-visit program eligibility. DEP called CWC on 7/9/10; no contact has been made yet. Site Visit type: Follow up. Date: 9/17/10. DEP spoke to the owner about the lack of action towards replacing the failed SSTS that serves the residence; waste pipes were observed to be sticking up out of the ground near the carriage house. DEP sent an email to the applicant on 9/27/10 requesting a time for a site visit. A meeting was held with the project applicant on 10/7/10. DEP advised the owner that the site is not included in the community CWMP district and that she should begin to look towards installing an SSTS for the residence, or submitting water use records for the catering hall to support tying the house into the commercial SSTS. DEP sent an email to the applicant on 10/14/10 regarding the audible alarm. DEP sent and received emails to and from the applicant on 10/14/10 regarding a scheduled site visit to look at the tank and pipes. DEP sent an email to the applicant on 11/18/10 in an attempt to schedule a site visit for the following week. DEP issued a comment letter to the applicant on 12/20/10 regarding the NOV. DEP sent an email to the applicant on 1/19/11; attached the 12/20/10 letter and requested the status of the SSTS. DEP sent another email to the owner on 2/10/11, as a reminder to set up an appointment with DEP regarding the residential SSTS NOV. DEP received a call on 2/10/11 from the owner regarding the letter issued to the applicant on 12/20/10. DEP returned the call on 2/11/10 and left a message as no one answered. DEP called the owner on 3/3/11 and left a second message in regards to the owners request for a call back from 2/10/11. DEP's Assistant Counsel issued a comment letter to the homeowner on 6/3/11 regarding the NOV. DEP called the owner on 8/23/11 and advised her to contact CWC to check eligibility.

Project Type: SEQRA (SQ)

Status:

DEP received a Short EAF on 3/3/09. SCS Chief determined this action to be type II, Subsection 617.5(c)(1); therefore no further action is required under SEQRA.

Name: Phoenix House Foundation, Inc. (Log #2004-CN-0718)

Location: Stamford (V)

Type of Use: Commercial

Discovery Date: 8/9/04

Type of Violation: SSTS Failure

Status: Approved

Overview and Action:

DEP performed a site visit on 1/27/10; there was still a discharge; the maintenance supervisor

thinks the total daily water flows are down due to a new boiler and hot water heating system, which delivers hot water to the showers faster. The laundry water meter doesn't show any significant change since the new energy efficient washers were installed in 10/09. DEP performed a quick, drive through site visit on 2/18/10; the discharge could not be seen through the snow cover. The entire large absorption field has been delineated with orange snow fencing. DEP received the water meter readings on 3/17/10. DEP performed a site visit on 4/14/10; there was still a discharge, it seems more concentrated at the taper along the driveway, however there are still other areas in failure. DEP received the water meter readings on 4/16/10. DEP performed a site visit on 4/20/10; there was still a discharge; the Terra Lift contractor began work on one field today. Site Visit type: Follow up. Date: 4/21/10. Septic Failure: Observed. Failure Description: Absorption field, Surfacing of sewage on ground; the field seems dryer near the driveway since the Terra lift procedure was used. A meeting was held with the project applicant, the engineer, the DOH and the contractor. A dozer with attachment was used to "rip" the soil between absorption trenches to loosen compacted soils. The procedure is damaging to the upper soils level, and it seems like the terra-lift procedure creates more airspace than the ripper. DEP performed a site visit to observe the effect of the ripping on the absorption field; the two fields worked on appear drier and the other fields appear to be failing to the surface more. DEP sent an email to the engineer on 5/17/10 stating that the observation pipe and piezometer are acceptable. DEP received a terra lifting/ripping video and picture CD from the engineer on 6/2/10. DEP received an email from the engineer on 6/9/10 regarding the labeling of the system pods. Site Visit type: Follow up. Date: 6/22/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. Three of the absorption fields are failing, and have not been mowed; the two fields that have been ripped or lifted are dry. The contractor was installing pipe to bring the piezometer above grade. DEP received a letter from the engineer on 6/30/10 regarding a new proposal for the SSTS and DEP accepted the proposal. DEP performed an inspection; effluent is ponding in fewer areas, and mainly in the middle and lower fields. DEP received the water meter readings from 5/1 - 7/15/10. DEP discussed disposing of the waste from the lateral jetting process with the engineer and the contractor; there was some confusion between the two about waste containment and the contractor and DEP objected to the waste being re-introduced to the field per engineer's original proposal. The contract is being re-phrased to include a waste hauler on site. DEP received the pump out receipts from the applicant on 8/6/10. DEP received an email from the engineer on 8/11/10 regarding the pumping requirements for the jetting process. DEP received an email from the engineer on 8/11/10 with updates. DEP received the daily construction report from the engineer on 8/17/10. DEP received the water meter readings from the applicant on 8/19/10. Site Visit type: Follow up. Date: 08/20/10. Septic Failure: Observed. Failure Description: Absorption field, surfacing of sewage on ground. DEP walked around absorption field; puddled effluent observed on the bottom center field; the other eight fields are dry. Terra lift is onsite, but no work underway. DEP received an email from the engineer on 8/24/10 regarding the jetting schedule. DEP performed a site visit today; the terra lifting is almost completed for the entire field and perimeter. The field is not failing anywhere and has been completely mowed for the first time in years. Jetting and bioremediation is scheduled to begin on 9/13/10. Site Visit type: Investigation. Date: 9/14/10. Septic Failure: Not observed. DEP observed the jetting of the laterals in one absorption field, and the pump out of the dosing chambers; the grease trap was also inspected. Site Visit type: Investigation. Date: 9/17/10. Septic Failure: Not observed; the contractor continues the jetting process; he will be finished on 9/20 and then begin the

bioremediation. The engineer wants to submit plans for a pre-treatment process within the next month. The absorption field was still dry. DEP received the pump out receipt on 9/22/10. Site Visit type: Investigation. Date: 9/23/10. Septic Failure: Not observed; the absorption field was being mowed; the contractor has finished the jetting and bioremediation processes. The absorption field was dry, but soft in a few places; no sewage odor or sewage ponding on the ground was observed. DEP received the proposal for bid from the engineer on 11/3/10. DEP sent an email to the engineer on 11/5/10 regarding the pre-bid meeting and received a response from the engineer on 11/08/10. DEP performed a site visit on 12/16/10 for a septic failure; absorption field, surfacing of sewage on ground. DEP conducted an inspection and observed the three (3) lower fields in failure. The groundskeeper said it has been failing since the pre-bid meeting was held in October. DEP sent an email to the engineer on 12/20/10 regarding the ponding on the top of the ground that was visible on the 12/15/10 site visit. DEP received the water meter readings on 12/28/10. DEP received an email from the owner on 12/28/10 stating that he will call and have them start pumping starting with one (1) truck load a week. DEP received the pump out receipt from the applicant on 1/3/11. DEP sent an email to the applicant and the engineer on 1/3/11 regarding the pump outs. DEP performed a site visit type on 1/4/11; septic failure not observed. DEP received the pump out receipt on 1/5/11. DEP performed a site visit on 1/19/11; septic failure observed. DEP inspected the absorption field; surface failures were observed in two (2) spots on the lower absorption field. The failures appeared to re-enter the ground further down. DEP performed a site visit on 1/19/11; septic failure observed. DEP performed an inspection of the absorption field; it was failing in two (2) spots. The snow melted in two (2) areas on the lower absorption field. The ground was soft and wet around the melted snow. The failure was not migrating off site. DEP sent an email on 2/10/11 to the director asking for a new contact person on site. DEP performed a site visit on 2/11/11; septic failure not observed. DEP observed the absorption field from the driveway; it was snow covered and no footprints or discharges were noted. DEP also left a message for the maintenance department asking for a return phone call to discuss water readings and pump outs. DEP received the water meter readings on 2/24/11. DEP performed a site visit on 3/4/11; septic failure observed. DEP inspected the absorption field with the maintenance person. Sewage was observed surfacing at the lower fields and when the ground was stepped on, sewage surfaced as well. The pump-outs are occurring twice per month. DEP performed a site visit on 3/16/11; septic failure observed. DEP performed an inspection of the absorption field; sewage was surfacing on the ground in the lower portion of the field in the same general vicinity as last seen. On 4/19/11, DEP did a routine absorption field inspection. Although the ground surface was very soft and oozy in the lower middle field and along the driveway, no sewage was observed. DEP met the new superintendent and discussed the history of the SSTS with him. DEP received the water meter readings on 4/21/11. DEP received an e-mail from the Phoenix House on 4/21/11 with dates and amounts of pump outs for 2011. DEP received word from the facility that maintenance work will begin this May 2011. On 5/5/11, DEP walked the absorption field with the maintenance staff. Sewage was observed on the ground in two areas of the absorption field. The field has been mowed once this year, and a mower with a lighter footprint is being pursued. DEP received a call on 5/17/11 from the Septic-Tech representative; he informed DEP that Septic Tech would warranty the absorption field for 20 years if Septic Tech was installed as pre-treatment. On 5/20/11, DEP observed sewage on the ground in the lower fields and also in the ditch along the driveway. DEP issued a letter to the Director on 6/10/11 regarding the need to either replace or repair the SSTS until the violation is cured. DEP corresponded by email with the director

regarding the site/repair work that was scheduled for last fall; the plans are to begin in two months. On 6/29/11, DEP did a routine inspection of the large absorption field; the lower area had soft spots and when stepped on brought sewage to the ground surface. There was also evidence of recent sewage ponding on the field and in the ditch along the road. DEP received pump out receipts on 7/5/11. DEP received the water meter readings on 7/5/11. DEP received the water meter reading from 7/1/11 to 7/15/11 on 7/18/11. DEP received the 7/13/11 pump out receipt on 7/18/11. DEP received the water meter readings on 8/18/11. DEP performed a site visit on 8/26/11; the field was soft in areas but no sign out sewage outbreaks. The tank is being pumped every other week. DEP received the water meter readings on 9/27/11.

Town: Walton
Basin: Cannonsville
Project Name: Palmatier, Edward J, (Log #2011-CN-0226)
Project Description: OT - Complaint
Project Type: Other (OT)
Status:

DEP received a call on 5/4/11 from the previous tenant regarding the status of the septic system for this residence. The only thing draining into the old SSTS is the toilet; everything else is reputedly draining out to the stream. The tenant tried calling the town CEO, but has not gotten a response at the time of the phone call to DEP. The tenant cleaned out the leaching pit in the summer of 2010. Prior to cleaning it out, they had septic on the lawn. No one is currently living there, but owner is currently showing the house to find renters. DEP initiated an Enforcement Action on 5/4/11. DEP performed a site visit on 5/5/11; the site visit yielded a phone number for the property owner. DEP called and left a message on 5/5/11 for the property owner to call back. DEP called the town of Walton CEO on 6/6/11. The owner is doing work on the residence. The work is non-structural, and is reputedly due to the previous tenants ruining the residence. The CEO will let the owner know, if the owner contacts him, that a complaint was issued to DEP. The CEO will pass along the DEP contact information, since the owner has not returned phone calls. DEP issued a letter to the owner of the property on 6/8/11 regarding the failing SSTS and requested action to remediate. The applicant came into the office on 6/16/11 to discuss the letter he received. The owner explained that the tenants destroyed the home and pulled the pipes out from underneath the home. He is in the process of trying to fix the damage done to the residence. DEP will schedule a dye test to determine if the septic system is in failure. Due to the missing piping from under the residence, the dye will be introduced to the system via the main septic line. The dye will be flushed through the system using a garden hose. Provided that the existing septic system is not in failure, the building inspector will oversee the connection of all the appropriate fixtures into the system. DEP received a call on 6/17/11 from the town of Walton CEO. He would like to be on site for when the dye test is done. DEP called and left a message with the owner's girlfriend on 6/17/11 regarding scheduling the dye test for 6/21/11 at 9:30 am. If the owner has any questions, he should call back. DEP called and left a message on 6/17/11 for the town CEO regarding the date and time of the dye test. On 6/21/11, a dye test was done. After running water for five minutes, sewage surfaced in the location of the leaching pit; dye did not surface and DEP referred the owner to CWC.

Town: Walton
Basin: Cannonsville
Project Name: Gilbert, Thomas, (Log #2005-CN-0663)
Project Description: SSTS Replacement-CWC
Project Type: Other (OT)
Status:

DEP received a call on 6/14/11 from the town of Walton CEO regarding a camper on the property in addition to the trailer. Someone is reputedly living in the camper (against town law). According to the town CEO, the persons living in the camper use the bathroom in the trailer. However, they allow grey water to spill out atop the ground when doing dishes, and the like. DEP called and left a message on 6/14/11 for the town CEO regarding the message he left the previous day. DEP received a call on 6/14/11 from the town CEO regarding the status of this project. He has sent the property owner a warning letter. The daughter has been living in the camper for approximately five years. DEP called and left a message on 6/15/11 for the town of Walton CEO at the Hamden offices (he is the assessor for the town of Hamden). DEP requested a copy of the warning letter sent to the property owner for DEP records. DEP initiated an Enforcement Action on 6/16/11 for tracking purposes. DEP received a call on 6/17/11 from the town CEO. A copy of the letter that was sent by the town to the property owner will be faxed to DEP. The CEO did not look at the grey water discharge due to the dogs which were running loose. He has spoken with the individual living in the camper, and has given her two weeks to get everything sorted out. The property owner did say that there was water hooked up to the camper, however, the individuals living in the camper used the trailer residence's toilet and shower. DEP received a call on 6/21/11 from the owner regarding adding a second trailer to the property. He wanted to know what he needed to do for the SSTS. Site Visit type: Complaint. Date: 06/15/2011. Septic Failure: Not observed. Someone is living in the camper. A dog within the camper started barking and someone inside scolded the dog. No one came out of the camper to meet with DEP. DEP did not see grey water discharge. Property Status: Currently inhabited.

Town: Walton
Basin: Cannonsville
Project Name: Marsiglio, Peter (Stony Creek Farm) (Log #2009-CN-0529)
Project Description: Failing SSTS for an existing Farm Camp
Project Type: Intermediate SSTS (IS)
Status:

DEP performed a site visit on 8/6/09 to evaluate the property. DEP issued a letter to the owner on 8/12/09 regarding the 8/6/09 site visit. DEP received a call on 9/11/09 from the owner to discuss the DEP letter dated 8/11/09. DEP stated that the owner would need to hire an engineer to prepare an engineering report and site plan along with detailed specifications. The owner stated that he has consulted with an engineer and that a meeting will be scheduled in the near future on-site to begin the planning process for the wastewater disposal at the site. To date, there have been no discharges to the ground or watercourses. The wastewater is currently being collected by the installed collection system and stored in 1000 gallon plastic septic tanks and being pumped out as needed. DEP received an article from the New York Times on 9/21/09 regarding advertising the farm. DEP initiated an Enforcement Action on 9/24/09. DEP issued a NOV to the owner on 9/24/09. DEP called DOH on 9/30/09 regarding status of enforcement. DOH will be requiring the facility to hire an engineer within 30 days and provide design plans

within 60 days. Fines maybe issued for operating without a permit and for going to construction without approval. DEP received the pump out receipt from the applicant on 9/30/09. DEP received a letter from the Watershed Agricultural Counsel to the applicant on 10/1/09 regarding the bid for BMP's, however stated their concern with the septic violation. DEP received a letter and the preliminary design criteria from the engineer on 10/1/09. A soil/site evaluation was performed on 10/6/09. DEP staff met with the owner and engineer to locate possible areas for SSTS. DEP staff witnessed 8 deep holes and discussed the possible treatment options. DEP received a call from the engineer and applicant on 10/9/09. DEP advised that design approval must be issued by DEP in order to release the first round of WAC funding and that construction approval must be issued prior to releasing the rest of the WAC funding. DEP received a letter from DEC on 10/28/09 regarding the property owner's jurisdictional inquiry. DEP received site location maps and response to the NOV from the engineer on 10/29/09. DEP received an Application for a SSTS on 2/19/10 from the engineer with plans and long form EAF. DEP staff met in-office on 2/26/10 to discuss the project. New information from the draft plan submitted indicates that the new shower building was constructed recently which has been decided will require a small, remedial infiltration trench. In addition, it is now known that the house up on the hill was also constructed after the WR&R went into effect and will require an IRSP. The tents and platforms are considered to not be impervious and therefore will not trigger any stormwater plan requirement or remediation. DEP issued a NOICA to the engineer on 3/18/10 requesting additional information. DEP issued a letter to the engineer on 3/18/10 with DEP comments to the plans. DEP received a phone call from the site owner on 3/24/10 to get update on the status. The owner was informed that DEP will arrange to meet with him onsite again and review what actions he needs to take to fulfill the requirements for both the septic system and the shower building infiltration trench, and the house IRSP. DEP spoke with the engineer on 4/26/10 to set up a meeting date and time at the farm. DEP staff and management met with the owner, DOH and the Town of Walton on 5/5/10 to discuss the project and the status of the SSTS design; the group toured the site and made observations and took notes. DEP received a letter from DOH on 5/13/10 regarding the 5/5/10 meeting. DEP received an email from the owner on 5/20/10 regarding the 5/5/10 meeting. DEP received a copy of the DOH letter to the Town of Walton Planning Board on 6/4/10 regarding their approval responsibilities and requested to be considered an Involved Agency. DEP received call on 6/14/10 from the owner regarding the installation of the septic tank for the farm house to occur sometime next week. DEP also received an email from the owner regarding the tanks and the amount of usage per tent/cabin. DEP received a call on 6/18/10 regarding the amount of water used to date with the camp in operation. The owner is stating that the water use is well below the standards number per unit. DEP suggested that the owner contact his engineer to prepare a written engineering proposal to DEP to lower the design volume based on the data that the owner has collected thus far. DEP received an email from the owner on 7/5/10 with the update on the SSTS. DEP conducted an inspection/investigation of the subject property on 7/14/10. DEP received a copy of the pump-out receipts and the calculations for gpd's from the applicant on 7/23/10. DEP called the owner on 7/29/10 requesting the status of the design re-submittal expected from the Engineer. The owner indicated that DEP would receive the revised design in the first week of August 2010. DEP reminded the owner that the NOV they are currently pumping and hauling under was not intended to allow this pump and haul to make it through a full season of operation and that the owner needs to comply and build a compliant system or further legal action may pursue, first in the form of a notification letter then possibly a stipulation agreement with fines. DEP staff

received a phone call from the project owner and engineer; they called to discuss design issues and comments they plan on addressing in a future engineering report/letter/evaluation that will be sent to DEP later next week (8/18). They are requesting comments in order to revise the SSTS plans for resubmission. DEP received a call on 8/11/10 from the site owner regarding legal concerns with the current non-compliant status of the site. The owner has requested to know how much time they have to bring the site into compliance and remove the NOV before Legal will take further action on them. They were advised to submit a compliant design as quick as possible to avoid penalties. The owner indicated they were having financial troubles and did not know if the business could sustain itself past the fall of 2010. The owner indicated he would try to have the Engineer submit revisions to the design as requested formally by DEP. DEP received a draft letter from the engineer on 8/23/10 responding to the NOICA and comment letters. DEP responded to the draft engineers' letter of 8/23/10 on 8/27/10. DEP received DOH response to the draft engineer's letter on 8/30/10. DEP received the pump out receipt from the applicant on 9/8/10. DEP called both the engineer and applicant on 9/9/10 to discuss the SSTS sizing requirements for the replacement system. DEP sent an email to the owner and the engineer on 9/13/10 summarizing their phone conversation of the flow rates. DEP received call on 10/7/10 from owner regarding a disagreement between the owner and the engineer as to how to go about revising the plans. The owner expressed frustration to the point that he may not open the business next year. DEP reminded the owner that even if the business closes, the residential SSTS must be dealt with. DEP received an email from the owner on 10/28/10 stating that they are moving forward with the plans. DEP received an email from the owner on 11/19/10 stating that he was hoping to hear from the engineer since a payment was recently made. DEP received an email from the owner on 11/30/10; they are still waiting to hear from the engineer. DEP received a response to the NOICA from engineer on 12/06/10. DEP received a letter from DOH to the applicant on 12/22/10 regarding the feather down farm tents. DEP received an email from the owner on 1/21/11 regarding the SPDES permit and the Variance application. DEP received an email from the owner on 2/08/11 regarding their frustration with the delays and approvals. DEP received a return email from DOH on 2/25/11 noting that they are waiting for notification from the owner before triggering DOH permit requirements. DEP sent an email to DOH on 2/25/11 regarding any DOH approvals. DEP called the owner on 3/3/11 regarding the status of the proposed SSTS design. DEP informed the owner that along with the revised plans, DEP would also like to receive a timeline indicating when the SSTS will expect to be installed once approved. DEP will allow the continued use of pump and haul for this season as long as the DEP has the requested information. DEP received the runoff schematic from the owner on 3/08/11. DEP sent and received emails to and from the owner on 3/24/11 regarding an update on the plan revisions. DEP received a response to the NOICA from the engineer applicant on 3/30/11 with revised plans. DEP received a copy of the SPDES Permit Application on 4/1/11. DEP received a copy of the letter sent from the engineer to DEC on 4/18/11 regarding SPDES General Permit Application. DEP received an e-mail from DOH on 4/18/11 confirming that DOH approvals would not be required until the 5th tent is used. DEP received an e-mail from the Watershed Agricultural Council 4/21/11 stating that they will not implement BMPs until as-builts are received and approved by DEP. DEP issued the NOCA and Approval Determination letters on 4/21/11. DEP received an e-mail from the owner on 6/2/11; construction is expected to begin around 6/13/11. On 6/21/11, DEP met with owner to go over the construction of the SSTS. DEP received the pump out receipt from the applicant on 7/5/11. DEP received a call on 7/21/11 from the engineer regarding a new design for the SSTS using 780 gallons per day as the design flow.

The 780 gallons/day was the flow value that the DOH stated could be the minimum used for the four tents and the owner's house. The engineer is completing the full design and will resubmit for a new design approval. Currently the camp is in operation and DEP has recently received a pump out receipt. DEP received revised plans from the new engineer on 8/15/11. DEP received a copy of the 9/2/11 pump out receipt from the applicant on 9/19/11. He also requested the status of the plans. DEP issued a comment letter to the applicant on 9/23/11 regarding the revised plans. DEP received revised plans from the engineer on 9/26/11.

Project Type: SEQRA (SQ)

Status:

SCS received a Full EAF on 2/22/10. SCS called T/Walton on 2/23/10 regarding SEQR status; the Town has already held the public hearing and issued a Neg Dec. It was an uncoordinated review. DEP called the engineer on 3/2/10 and asked for a copy of the Neg Dec issued by Delaware County. DEP received a copy of a letter from DOH to the engineer on 3/3/10. DEP received T/Walton Planning Board Neg Dec on 3/3/10. DEP called DOH on 3/8/10 and informed her of the Neg Dec for an unlisted action. DOH will call the T/Walton PB and ask them to rescind the Neg Dec and conduct a coordinated review for the Type I action. DEP received a call on 3/17/10 from the Delaware County Dept. of Planning regarding the SEQR action classification; he was informed that DOH informed the project sponsor that it is a type I action and therefore a coordinated review must be conducted and that both DOH and DEP would like to participate as Involved Agencies. SCS called the town of Walton on 4/20/10; the Planning Board met last night and it was determined that the Neg Dec would be rescinded; the action will be declared a Type I and the town will coordinate as Lead Agency. The documents will be forthcoming once the engineer has revised the plans. The Town has issued a special use permit to the applicant to operate with 4 tents. The owner will pump and haul as per the NOV. SCS spoke with DEP regarding the outcome of the site meeting held on 5/5/10 with the applicant, DEP, DOH and the town of Walton Planning Board Chair. The town will move forward with a coordinated review for the Type I action. SCS issued comment request to Tech Team with comments due to SEQRA Director on 5/26/10. SCS received a Notice of Intent to declare Lead Agency from the Planning Board on 5/12/10. SCS issued a letter on 6/2/10 stating that DEP has no objection to the town of Walton Planning Board being Lead Agency for the purposes of SEQRA and comments on the EAF. DEP received a copy of the DOH letter to the Town of Walton Planning Board on 6/4/10 regarding their approval responsibilities and requested to be considered an Involved Agency. SCS called the Planning Board Chairman on 7/29/10 regarding status of SEQR determination; he indicated that there was no change and no issues with the flood plain. It was recommended that the Neg Dec be re-posted on the ENB. SCS received Lead Agency Neg Dec dated 6/21/10 from Delaware County Planning Department.

Name: East River Road (Log #1999-CN-1022) I.D. #: 734

Location: Walton

Type of Use: Residence

Discovery Date: 5/15/98

Type of Violation: Failed septic system

Status: Approved

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 5/15/98. A soil/site evaluation was performed on 3/18/99. A design approval was issued on 11/15/99. DEP received a letter and revised plans from the engineer on 8/3/09. DEP issued an Approval Determination letter on 8/5/09. DEP called and left a message on 5/24/11. DEP issued a letter to the owner on 6/29/11 stating that the plans have not yet been received. DEP issued a Design Approval Expiration letter on 8/25/11.

Name: Johnson Hill Road (Log #2000-CN-0066) I.D. #: 1206
Location: Walton
Type of Use: Residence
Discovery Date: 11/12/98
Type of Violation: Failed septic system
Status: Approved

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 11/12/99. A soil/site evaluation was performed on 11/12/99. A design approval was issued on 2/8/00. On 6/12/07, DEP sent the owner a list of contractors who install septic systems. DEP received a letter and revised plans from the engineer on 7/31/09. DEP issued a comment letter on 8/4/09 to engineer. DEP received revised design from engineer. DEP issued an Approval Determination letter on 8/18/09. DEP called owner on 1/28/11 and left message informing him that his approval will expire in August 2011, and encouraged him to start construction as soon as weather conditions permit. Asked owner to call back with construction schedule plans and any questions he may have. DEP issued a letter to the owner on 4/13/11 stating that construction has not yet commenced. DEP issued a Design Approval Expiration letter on 8/25/11.

Project Name: 2008 Left Pines Brook (2004-CN-0211)
Town: Walton
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1792 - CWC
Discovery Date: 8/22/2003
Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 12/5/03. A design approval was issued on 4/6/04. DEP called the owner on 6/5/07 regarding the NOF and the construction of the septic system. DEP issued an Approval Determination letter on 8/30/07. The violation was resolved and the case was closed on 10/6/10 internally. DEP has resolved the Enforcement Action on 10/6/10.

Project Name: 156 Armstrong Road (Log #2008-CN-0777)
Town: Walton
Type of Use: Residence
Type of Violation: Failed SSTS - CWC
Discovery Date: 6/11/08
Status: Closed

Overview and Action:

DEP performed a dye test on 6/11/08; the results were positive. A soil/site evaluation was performed on 8/6/08. Additional soil/site evaluation was performed on 8/28/08. DEP issued an Approval Determination letter on 9/8/08. A soil/site evaluation was performed on 6/9/10. DEP issued a letter to the owner on 4/13/11 stating that construction has not yet commenced. DEP received notice on 7/18/11 that construction will begin on 7/18/11. DEP completed construction inspections on 8/3/11. DEP received As-Built plans, along with engineer's certification letter from the engineer on 8/8/11. DEP issued a letter of Construction Compliance on 8/9/11. DEP has resolved the Enforcement Action on 8/11/11.

Name: Sholam Road, (Log #2001-RO-0730) I.D. #: 1570
Location: Wawarsing
Type of Use: Residence
Discovery Date: 7/1/01
Type of Violation: Failed septic system
Status: Approved

Overview and action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 4/24/01. A soil/site evaluation was performed on 6/27/01. A design approval was issued on 8/28/01. On 11/30/01, an NOV was issued to the Owner. A design approval was issued on 12/12/02. DEP received a letter and new plans from the new engineer on a different location 1/26/10. DEP issued an Approval Determination letter on 2/8/10. DEP issued a letter to the owner on 4/13/11 stating that the construction has not yet commenced. On 4/27/11, DEP stopped by to see if the applicant knew when he would be starting construction. He is waiting to hear back from CWC on funding and informed DEP who he would be using to install the system.

3.2.3. West Branch, Boyds Corners, Croton Falls, Cross River Basins

Town: Carmel
Basin: Croton Falls
Project Name: Prato Gary Attn: Garon Fence Co/Fill Section, (Log #2010-CF-0892)
Project Description: Fill section.
Project Type: Stormwater (SP)
Status: New

DEP received a call on 10/6/10 from the Town of Carmel Engineering; they had visited the site and walked the top of the fill. There was cracking at the top and the material was very soft; stability is questionable. A town building code violation was issued on 9/10/10. DEP called DEC Solid & Hazardous Waste on 10/5/10 to put them in touch with the Town of Carmel Engineering about the site; also called the engineer to give them contact info for DEC Solid & Hazardous Waste personnel. DEP performed a site visit on 10/6/10; fill material from the landfill on the property has migrated down slope onto DEP property and into Croton Falls Reservoir. DEC observed a turbidity plume on 9/30/10, into Croton Falls Reservoir; photos were taken of turbidity plume. DEP received the final complaint on 10/13/10 for the Attorney General's Office (NYS DGO). DEP received a copy of the survey on 10/13/10. DEP performed a site visit on 10/8/10 with DEC. DEP initiated an Enforcement Action on 10/14/10. DEP

issued a NOV for Stormwater Violation to the owner on 10/15/10. DEP received a copy of the signed Order to Show Cause on 10/19/10. DEP received the NOV returned by the post office as non-deliverable on 10/22/10. DEP hand delivered the NOV to the applicant's representative on 10/25/10. DEP received a copy of the modified order on 10/27/10. DEP received a letter from the attorney on 10/28/10 stating that they have received the proposed order. DEP received a copy of the interim Order on Consent on 11/01/10. DEP received the work plan from the engineer on 11/1/10. DEP received an email from NYSAGO on 11/1/10 containing the Interim Work Plan, a letter from the applicant's attorney to NYS Supreme Court, and an Interim Order of Consent. DEP received a copy of the corrected proposed order on 11/4/10. DEP received soil and erosion technology information via email on 11/5/10. DEP received a copy of Exhibits I-IV from the engineer on 11/8/10. DEP received an email from NYSAGO on 11/9/10 with attached copy of letter from NYSAGO to NYS Supreme Court. A meeting and site walk was held with the project engineer, DEC and NYSAGO on site on 11/12/10. DEP issued a letter of items that are required based on the site meeting held on 11/12/10 by DEP staff. DEP received a call on 12/09/10 from the NYS Attorney General's office to discuss aspects of the temporary erosion control. DEP received an email from NYSAGO on 12/10/10 containing soil 'screening' test results prepared by DEC. DEP received an email from DEC on 12/13/10 containing a copy of the site visit report from 11/12/10 site visit. DEP received a letter from the attorney on 12/13/10 enclosing a letter from the engineer providing an update to the proposed work plan. DEP received a letter from the new counsel for the contractor to the Court on 12/22/10 regarding the new order. DEP issued a comment letter to the engineer on 12/22/10 regarding the NOV, requesting a response within 10 days. NYC Law received an email from NYSAGO on 12/23/10 containing Site Investigation Work Plan. DEP received the signed Interim Order on 12/23/10. DEP sent a letter to DEP Legal on 12/29/10. DEP issued a comment letter to the engineer on 12/30/10 regarding the NOV. DEP issued a NOV for Solid Waste to the owner on 12/30/10. DEP performed a site visit on 12/30/10 for Stormwater Violation as construction started without SWPPP. DEP received a letter which by email that will serve as a interim inspection report from the engineer regarding the site visit on 12/20/10. DEP received Inspection Reports from the engineer on 1/3/11. DEP performed a site visit on 1/4/11; there were deficiencies, there was a discharge and the site was vacant. DEP received a call on 1/5/11 from the Engineer regarding the Stormwater NOV. He said he would be sending DEP a formal response to DEP's two (2) Stormwater NOV follow-up letters, including a revised work plan dated 12/13/10. DEP issued an email on 1/6/11 with follow-up notes to the meeting on 12/24/10 and response to DEP's letter dated 11/16/10. DEP sent a response concerning the Soil Sediment to DEP Legal on 1/06/11. DEP received a letter on 1/6/11 from the engineer regarding the follow-up meeting held with DEP on 12/24/10 and a response to DEP's letter on 11/16/10. DEP returned a call on 1/20/11 from the engineer regarding the Site Investigation Work Plan. DEP called engineer on 3/8/11 and discussed temporary erosion control measures. The engineer stated that silt fences were repaired as of today and that he would discuss with the applicant about hydro-seeding as soon as possible. DEP called the engineer on 3/11/11 with no reply. DEP performed a site visit on 3/11/11; observed conditions along City Property following a rain event that occurred on 3/10/11. Evidence of runoff was noted and photographed. DEP received a call on 3/17/11 from the engineer regarding site maintenance, seeding mulching, and hydro-seeding. The engineer stated he would send DEP a letter outlining work done and to be done. DEP received a call on 3/21/11 from the engineer stating site was seeded and mulched and that a written report would follow. A meeting was held with the project engineer on site on 4/19/11. The engineer

explained work recently completed, which consisted of silt fence repairs. DEP staff witnessed test pit excavations on the fill section on 6/8/11. In attendance were representatives from DEC, NYSAGO, and two contractors. Soil testing was conducted for purposes of solid waste characterization. DEP received a letter from a concerned citizen to DEP Commissioner on 6/20/11 regarding construction on the site. On 8/30/11, Stormwater Programs visited the site; it appears that erosion/rilling of fill continues at similar rate as noted in the past. DEP received an email from several parties indicating photos were taken on 8/31/11.

Town: Carmel
Basin: Croton Falls
Project Name: Putnam Hospital Center, (Log #1993-CF-0108)
Project: Hospital expansion SP.1, SP.2: Oncology Addition.
Project Type: Stormwater (SP.2)
Status: Approved

DEP received notice that construction will begin on 9/14/09. DEP performed site visits on 9/14, 9/21 and 9/29/09. DEP performed site visits on 10/7, 10/14, 10/22, 10/27, 11/12, 11/19, 12/1, 12/15/09, 1/5, 1/14, 1/21, 2/2, 2/17, 2/18, 2/24, 3/16, 3/22 and 3/30/10. DEP performed site visits on 4/5, 4/14, 4/28, 4/28, 5/4, 5/11, 5/18, 5/26, 6/4, 6/14, 6/30, 7/13, 7/19, 7/27, 8/9, 8/18, 8/25, 8/30, 9/9 and 9/16/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 10/1/10; there were deficiencies, there was a discharge and the site was vacant. DEP performed a site visit on 10/12/10; there were deficiencies, there was no discharge and the site was vacant. DEP initiated an Enforcement Action on 10/13/10. DEP issued a NOV to the owner on 10/13/10. DEP performed a site visit on 10/18/10 for a stormwater violation; there were deficiencies; there was no discharge and the site was occupied. DEP received a letter responding to the NOV that was issued on 10/13/10 from the engineer. DEP performed site visits on 10/26 and 11/1/11; there were deficiencies; there was no discharge and the site was occupied. DEP issued a letter based on the meeting held on 11/1/10 that the deficient items have been corrected and accepted by DEP. DEP performed a site visit on 11/8/10; there were deficiencies, there was no discharge and the site was vacant. DEP received a letter and a revised drawing from the engineer on 11/15/10. DEP performed a site visit on 11/18/10; there were no deficiencies, there was no discharge and the site was occupied. The deficient items noted on the NOV have been addressed. DEP performed a site visit on 11/30/10; there were deficiencies, there was no discharge and the site was occupied. DEP received a letter responding to the NOV on 12/10/10, advising the Putnam County Foundation will have responsibility for the stockpile. DEP performed site visits on 12/14/10, 2/3 and 2/28/11; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 3/10/11; there were deficiencies, there was no discharge and the site was vacant. DEP received As-Built plans from the engineer on 3/28/11. DEP performed site visits on 4/7, 4/27, 5/27, 6/14 and 7/6/11; there were no deficiencies, there was no discharge and the site was vacant.

Town: Carmel
Basin: Croton Falls
Project Name: Putnam Bikeway III, (Log #2003-CF-0137)
Project Description: Putnam County Sponsored Bike Trail Over Former Railroad Bed.
Project Type: Stormwater (SP)
Status: Closed

Drive by hydro-seeding in progress on Rt. 6 entrance. DEP performed site visits on 4/7, 4/16, 4/21, 4/29 and 5/5/09. A meeting was held with the project applicant on site 5/6/09 to discuss options for culvert miss-location on the plans. DEP performed site visits on 5/12, 5/21, 5/28, 6/4 and 6/9/09. DEP issued a NOV to the owner on 6/15/09. DEP performed a site visit on 6/16/09. DEP received a copy of DEC's Notice of Violation on 6/22/09. DEP performed site visits on 6/22, 6/23 and 6/26/09. DEP received a copy of DEC's letter on 7/6/09 regarding Stop Work Order, which is now terminated. DEP performed site visits on 7/7, 7/21, 7/28, 7/31, 8/3, 8/11, 8/18 and 8/25/09. Based on the site visit field reports the deficiencies noted continue to be maintained properly. DEP performed a site visit on 9/8/09. In regards to the NOV, deficient items have been completed and the area surrounding Michaels Brook is stabilized. DEP performed site visits on 9/18 and 9/23/09. The area surrounding Michaels Brook continues to be stable. DEP performed site visits on 10/8, 10/13, 10/15, 10/15 and 10/21/09; grass growth surrounding Michael's Brook and the path is paved. DEP performed site visits on 11/9 and 11/12/09; all areas surrounding Michaels Brook are stable with matting hydroseed and some areas are grass covered. DEP performed site visits on 11/19, 12/1 and 12/3/09; Michael's Brook area stable; Bikeway is open to the public from Seminary Hill up to Old Mine Road. DEP performed site visits on 12/9 and 12/15/09. DEP received a draft Order on Consent for comment. On 12/22/09, DEP replied to DEP Assistant Counsel stating the issues causing the violation were repaired within two weeks. DEP performed site visits on 2/3, 3/16, 3/23 and 3/31/10. DEP performed a site visit on 4/5/10. DEC informed DEP that the CO has not been signed yet and the site continues to be stable. DEP performed site visits on 4/27, 5/5, 5/11, 5/18, 5/25 and 6/8/10; there were no deficiencies; there was no discharge; the site was occupied. Based on a conversation with DEC the CO should be signed with a check for \$5,000 from Putnam County sent to DEC this week. The fine was \$10,000 with \$5,000 payable. DEP performed site visits on 6/15, 6/22, 6/29, 7/13, 7/20, 7/27, 8/3, 8/11, 8/17, 8/24, 9/1, 9/7, 9/15 and 9/21/10; there were no deficiencies; there was no discharge; the site was occupied. DEP received a DEC Consent Order on 9/21/10. DEP performed a site visit on 9/29/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/12, 10/19, 10/26 and 11/3/10; there were no deficiencies, there was no discharge and the site was occupied. DEP has resolved the Enforcement Action on 11/8/10. The violation was resolved and the case was closed on 11/8/10 with DEP Closure letter dated 11/8/10. DEP performed site visits on 11/9, 11/16, 11/23, on 11/30, 12/7, 12/14, 12/21/10, 01/4, 2/15, 3/17 and 3/29/11; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visits on 4/12, 4/26, 5/3 and 7/14/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: SEQRA (SQ)

Status:

DEP Project Review received a Lead Agency Negative Declaration on 3/23/04 with the SPPP submission, dated 8/6/2003 from the engineer. DEP Project Review received a Short Environmental Assessment Form on 3/23/04 with the Stormwater Pollution Prevention Plan submission. On 8/26/04, SC&WMP received uncoordinated SEQRA review comments from Project Review. DEP Project Review Group issued an uncoordinated review comments on 8/26/04 to SEQRA Coordinator.

Project Type: Variance (VA)

Status:

DEP received an Application letter for a Variance, a narrative report, location map and plans on 7/27/04 from engineer for construction of impervious surface within 100 feet of a watercourse or a wetland. DEP issued a comment letter on 9/21/04 to the engineer. DEP issued NOCA to the engineer without comments on 9/21/04. DEP received a letter and calculations from the engineer on 10/29/04 to DEP's letter of 9/21/04. DEP Project Review forwarded Determination recommendation to Corporate Counsel on 6/16/05 by email. DEP received an Approval Determination letter dated 9/19/05 to engineer, signed by the First Deputy Commissioner. DEP received a signed copy of DEP approval determination from the owner on 10/24/05.

Town: Carmel
Basin: Croton Falls
Project Name: Carmel Center Senior Housing, (Log #2004-CF-0630)
Project: Proposed Senior Housing.
Project Type: Stormwater (SP)

Status:

DEP performed site visits on 12/9 and 12/14/09, 1/11, 1/21, 1/25, 1/26 and 2/18/10. DEP satisfied foil request of Field Inspection Reports from 1/06/09 to 1/26/10 on 2/18/10. DEP performed site visits on 3/2, 3/5, 3/10 and 3/30/10. DEP performed site visits on 4/1, 5/12, 5/21, 6/8 and 6/23/10; there were no deficiencies; there was no discharge; the site was vacant. DEP issued a letter with attached field report on 6/28/10 to the applicant. DEP sent out copies of site visit reports on 6/30/10 upon FOIL request. A meeting was held on site to discuss erosion controls with grading and hydro-seeding operations to be scheduled to stabilize both Lot 3 and unused stock piles in Lot 7. DEP performed site visits on 7/21, 8/10, 8/23 and 9/21/10; there were no deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 10/4, 10/21, 11/1, 11/16, 12/15/10, 1/11, 2/9, 2/25 and 3/7/11; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the contractor and DEP 3/8/11; the immediate stabilization of Lot 3 and Lot 5 was discussed and agreed upon. DEP performed site visits on 3/9 and 3/29/11; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 4/15 and 4/28/11; there were no deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the engineer on 5/3/11, stating stabilization measures will be addressed by the contractor. A meeting was held with the contractor on 5/9/11. Completing stabilization for Lots 3 and 7 was discussed. DEP performed site visits on 5/11, 5/25, 6/2, 6/7, 6/22, 7/25 and 8/4/11; there were no deficiencies, there was no discharge and the site was occupied. DEP issued a 37 page field inspection report to the Putnam County Coalition on 8/22/11. DEP performed site visits on 8/30, 9/1 and 9/28/11; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: SEQRA (SQ)

Status:

DEP Project Review received a copy of Town's SEQRA Evaluation Form from the engineer on 5/27/05 advising the minimum thresholds and criteria of the project fall within the outline of the GEIS and therefore no further SEQRA review is required. (See Log # 1995-CF-0418-SQ.1 for previous SEQRA review).

Town: Lewisboro
Basin: Cross River
Project Name: Horse and Hound Inn, (Log #2009-CR-0629)
Project Description: Proposed Joint SSTS.
Project Type: Joint Interm. SSTS (DJI)
Status: Closed

DEP called WCHD on 5/3/10 and the County indicated that the site has been free of failure since 11/2009. The last inspection was 4/9/10 and they are keeping their septic tanks pumped out until repair is completed. WCHD is still awaiting DEC wetland permit to approve remediation. The County said they would follow up with the engineer to try to secure the permit. DEP received a copy of the wetland permit and plans from DOH on 05/19/10. DEP issued a No Objection letter to DOH on 5/25/10. DEP received an email from WCHD on 6/4/10, indicating that WCHD has approved the remediation and that they will try to get the engineer/client to proceed with the repair. DEP received an approved Construction Permit on 6/4/10 from DOH along with copy of the approved plan. DEP called the engineer on 6/7/10 reminding him that as he now has all approvals and he must proceed with remediation as soon as possible. He responded that he is in contact with his client and that they will attempt to complete the repair. DEP sent an email to WCHD on 7/6/10 inquiring on status of approved repair, and if the site has remained free of SSTS failure. DEP received an email copy from the engineer to WCHD on 7/26/10 indicating that the SSTS repair installation will commence on 7/27/10. DEP received an email from WCHD on 8/12/10 indicating that the absorption fields were installed and inspected by WCHD. The engineer also informed WCHD that the pump control panel was ordered and will be installed once received. DEP received an email from the engineer on 8/18/10 indicating that SSTS installation will begin on 8/24/10. DEP called the engineer on 10/08/10 who indicated that all the tanks and fields have been installed. WCHD will not sign off on the as-built until the electrician has signed off on the pump; they are just waiting for this inspection. DEP received an email from WCHD on 11/15/10 indicating that they are expecting the final as-built plans this week. DEP received a call on 12/07/10 from WCHD indicating that as-built plan were received and will be forwarded to DEP. As such, WCHD is closing out this case. DEP received a Certificate of Construction Compliance on 12/10/10 from WCHD along with As-Built Plans. DEP has resolved the Enforcement Action on 1/11/11.

Project Name: 890 Route 35 (Log #2008-CR-0200)
Town: Lewisboro
Type of Use: Residence
Type of Violation: Failed septic, small shopping center, with 2 delis, physical therapy offices
Discovery Date:
Status: Closed

Overview and Action:

DEP issued a NOV to the owner on 3/18/08. DEP performed a site visit on 4/1/08; when the pump chamber discharged, sewage was observed flowing on the surface of the ground in front of the building. DEP called the property owner and engineer on 4/1/08 regarding the NOV; repair plan are to be submitted to DEP for review and approval. DEP received pump out receipts for 3/21, 3/14, 3/6, 2/28 and 2/21/08. DEP performed a site visit on 4/11/08; septic tanks were pumped out, deep soil tests were performed. DEP performed a site visit on 5/7/08; no sign of surface discharge at this time. DEP issued a comment letter to the owner on 6/12/08 regarding

the NOV, requesting that a remediation plan be submitted by 6/30/08. DEP received a letter responding to the NOV comment letter on 6/19/08, with a report and plans. DEP performed a site visit on 9/2/08; sewage was observed discharging onto the surface of the ground. DEP notified property owner. The SSTS is to be pumped out twice per week as per the DOH. Owner was advised to fax all pump out receipts to DEP. DEP received pump out receipts for the months of May, June, July, August 08. DEP received a set of plans from DOH on 9/12/08. DEP issued a No Objection letter to DOH on 9/26/08. DEP called the engineer on 12/4/08 regarding the status of this repair. He indicated that the only remaining item is the pump's electrical connection which should be completed this week. DEP performed a site visit on 1/6/09. Repairs to the SSTS have been completed. Final dye test and water sample of the curtain drain will be performed the week of 1/12/09. DEP performed a dye test on 1/20/09. Water samples were collected from the curtain drain on 1/13/09. DEP received "As-Built" plans and engineer's certification letter from the engineer on 2/11/09. The violation was resolved and the case was closed on 2/12/09 with DEP Closure letter dated 2/12/09. DEP received a submission from DOH on 3/11/2010 regarding proposed change of use. DEP received a Change of Use Application Form from DOH on 4/12/2011. DEP received the Inspection Form from DOH along with comments on 6/24/2011.

3.2.4. Kensico Basin

Town: Mount Pleasant
 Basin: Kensico
 Project Name: Geolsomino Fedele/NOV, (Log #2011-KE-0394)
 Project Description: No permit required. Lack of erosion and sediment controls caused turbidity and subsequent notice of violation.
 Project Type: Stormwater (SP)

Status:
 DEP received a copy of a NOV on 6/6/11 regarding erosion and sediment control issues. DEP received a response to the inspection performed on 7/6/11 from DEC. DEP performed a site visit on 8/8/11 and 9/19/11; there were no deficiencies, there was no discharge and the site was vacant.

3.3. DEP Police Actions

3.3.1. Catskill District

Name: 1017 South Mountain Road **CS-291-10, SJS 26110**
 Location: Conesville
 Type of Use: Residential
 Type of Violation: En Con – Open Burn
 Date Discovered: 11/18/10
 Status: Closed

Overview and Action:
 DEP Police observed a wood pile with household refuse and construction debris piled on top of it, possibly being prepared for burning. Officers documented with photographs and will continue to monitor the area for any future burning activity. Responsible subject located and issued

summons for open burning violation. DEP Police involved.

Name: Schoharie Reservoir, East Side **CS-098-11, SJS 28680**
Location: Conesville
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 5/3/11
Status: Closed

Overview and Action:

DEP Police on Marine Patrol, observed a 55 gallon drum floating near the east shore of the Schoharie Reservoir north of the Shandaken Intake Chamber. Officers were able to push the barrel to shore and noticed that used motor oil was leaking out of its unplugged hole. Barrel was placed on the shore in an upright position to eliminate further leaking. DEP Incident report filed and DEP Haz Mat notified for removal of barrel. DEP Police and DEP Haz Mat involved.

Name: 187 Bearkill Road **CS-209-11, SJS 30672**
Location: Conesville
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 8/18/11
Status: OPEN

Overview and Action:

DEP Police investigated a complaint in which a concerned neighbor reported garbage spilling out of a storage shed and possibly making its way into a nearby stream. Officer arrived on scene and found that none of the garbage had made its way to the stream. Homeowner advised to clean up overflowing garbage which he stated would be done immediately. Officer will return in one week for follow-up. DEP Police involved.

Name: 40 Hubbard Road **CS-258-10, JSJ 25447**
Location: Gilboa
Type of Use: Residential
Type of Violation: En Con – Open Burn
Date Discovered: 10/7/10
Status: Closed

Overview and Action:

DEP Police on patrol observed smoke that smelled of burning plastic and after further investigation it appeared that two (2) structures on site had been knocked down and burned. Remnants of household refuse, auto parts, shingles, painted wood and appliances were visible in the charred remains of one of the structures. Schoharie County Sheriff Office confirmed that no controlled burns had taken place in the area within the last several days. When officer was able to interview property owner, he identified company responsible for demolition and subsequent burn. Owner of company was issued tickets for Prohibited Open Burn and Unlawful Disposal of Solid Waste (NYCRR). DEP Police and Schoharie County Sheriff Office involved.

Name: State Route 990V **CS-301-11, SJS 31454**
Location: Gilboa
Type of Use: Municipal

Type of Violation: Haz Mat
Date Discovered: 9/27/11
Status: Closed

Overview and Action:

DEP Police was notified of a spill that occurred at the Gilboa Dam construction site when a hydraulic hose on a pile driver leaked spilling approximately $\frac{3}{4}$ gallon of vegetable oil based hydraulic fluid onto the ground. Spill was cleaned up with absorbent pads which were removed from site for proper disposal. DEP Police involved.

Name: 368 State Route 990V **CS-305-11, SJS 31469**
Location: Gilboa **Spill # 1008238**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 9/28/11
Status: Closed

Overview and Action:

DEP Police was notified of a spill that occurred at the Gilboa Dam construction site when a hydraulic line on a hammer broke releasing approximately 1 $\frac{1}{2}$ gallons of vegetable oil based hydraulic fluid onto stone fill.

Due to rain, approximately one ounce of the hydraulic fluid entered the east side of the Schoharie Reservoir where it was contained by oil booms. Remainder of clean up was completed with spill pads resulting in negligible impact to the watershed. DEP Police and DEC involved.

Name: State Route 30 **CS-124-11, SJS 29050**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 5/26/11
Status: Closed

Overview and Action:

DEP Police were dispatched to the Gilboa Dam construction site, Gate 19 for a Haz Mat spill which occurred when a hydraulic line on an excavator ruptured. Spill estimated to be about 9 ounces of vegetable oil based hydraulic fluid was cleaned up by on site personnel. Affected soil was placed in a plastic drum for proper disposal. Incident report filed. DEP Police involved.

Name: State Route 30 **CS-139-11, SJS 29305**
Location: Gilboa **Spill # 1102635**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 6/8/11
Status: Closed

Overview and Action:

DEP Police investigated a Haz Mat spill at the Gilboa Dam construction site, Gate 19 resulting from a ruptured hydraulic line. Approximately $\frac{1}{2}$ gallon of vegetable oil based hydraulic fluid had leaked onto the ground was immediately cleaned up using absorbent pads. The contaminated soil was removed and placed in a plastic drum for proper disposal. DEC contacted

for spill number and Incident report filed. DEP Police and DEC involved.

Name: State Route 990V **CS-217-11, SJS 30760**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 8/23/11
Status: Closed

Overview and Action:

DEP Police was notified of a spill that occurred at the Gilboa Dam construction site when a hydraulic line on a skidder broke releasing approximately $\frac{3}{4}$ quart of vegetable oil based hydraulic fluid. Spill was cleaned up using absorbent pads. The contaminated soil was placed in a plastic drum for proper disposal. DEP Police involved.

Name: State Route 990V **CS-218-11, SJS 30780**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 8/24/11
Status: Closed

Overview and Action:

DEP Police was notified of a spill that occurred at a staging area on the Gilboa Dam construction site when a hydraulic line on a steer lull broke releasing approximately $\frac{3}{4}$ gallon of vegetable oil based hydraulic oil onto the ground. The machine was immediately shut down and spill pads were used to contain the spill. Contaminated spill pads and soil were removed and placed into a plastic barrel for proper disposal. A Bureau Incident report filed. DEP Police involved.

Name: State Route 990V **CS-285-11, SJS 31411**
Location: Gilboa **Spill # 1107408**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 9/12/11
Status: Closed

Overview and Action:

DEP Police responded to the Gilboa Dam construction site for a spill of approximately $\frac{1}{2}$ gallon of vegetable oil based hydraulic fluid that had leaked from a piece of equipment which was cleaned up using absorbent pads. Mechanic on site stopped the leak and equipment was moved off site awaiting pick up for repair. DEP Police and DEC involved.

Name: Ski Bowl Road **CS-311-10, SJS 26339**
Location: Hunter
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 12/2/10
Status: Closed

Overview and Action:

DEP Police observed a small dumping of household refuse on the shoulder of the road which contained traceable evidence to a local address. Officers conducting follow-up located the address but driveway was not passable at the present time. Investigation is continuing. Investigation closed no further leads. DEP Police involved.

Name: 252 Ryan Road **CS-221-11, SJS 30806**
Location: Jewett **Spill # 1105929**
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 8/25/11
Status: Closed

Overview and Action:

DEP Police notified of a spill by NYS DEC involving a fuel pump for a furnace that had malfunctioned causing approximately 100 gallons of a #2 fuel oil to leak onto the concrete slab and into the ground which then leached into the nearby footer drain connected to the roadside drainage system emptying onto the property across State Route 296. A strong odor and sheen of fuel oil was present in the roadside catch basin which was in the process of being cleaned up with spill pads and socks by a local environmental company. No impact to the water supply. Clean-up to be supervised by DEC. DEP Police and DEC involved.

Name: 2958 State Route 28 **CA-665-10, SJS 26720**
Location: Olive
Type of Use: Residential
Type of Violation: Stream Disturbance
Date Discovered: 12/29/10
Status: Closed

Overview and Action:

DEP Police received information from DEP Engineering regarding a possible violation in which a resident is clearing the property too close to a stream. Current weather conditions prevent a site visit, but patrol will accompany complainant when possible. Complaint unfounded. DEP Police involved.

Name: 4131 State Route 28 **CA-130-11, SJS 28148**
Location: Olive
Type of Use: Commercial
Type of Violation: Haz Mat
Date Discovered: 4/3/11
Status: Closed

Overview and Action:

DEP Police assisted by DEC investigated a diesel fuel spill at the above location. Officers discovered a broken diesel pump and diesel fuel residue estimated to be less than five gallons. Owner was advised to cover the pump with a plastic bag and label it "out of order" and use speedi-dri or cat litter to clean up the spill. Owner was warned he could face a large fine if the problem was not corrected immediately. Report filed and the case was turned over to DEC. DEP Police and DEC involved.

Name: Prattsville Rd **CS-0168-09, SJS 19576**
Location: Prattsville
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/24/09
Status: Closed

Overview and Action:

DEP Police observed a small dumpsite consisting of household refuse, adjacent to Prattsville/Conesville Road. Traceable evidence were retrieved from the dumpsite for investigative leads; investigation revealed responsible party; cleanup of site completed by same. Case closed; DEP Police involved.

Name: Main St **CS-0164-09, SJS 19463**
Location: Prattsville
Type of Use: Residential
Type of Violation: Stream Violation
Date Discovered: 9/29/09
Status: Closed

Overview and Action:

DEP Police observed construction work had been done in vicinity of Main Street Prattsville NY. Further investigation revealed that dirt and some tree branches had been pushed on the banks of the Schoharie Creek which runs behind the home. An attempt to interview at the location produced negative results. Photos of the area taken. Patrol will follow up at a later date. The responsible subject was issued a summons for violation of ECL section 11-0503 sub 4 deposit soil/debris on the banks of a trout stream. Case closed; DEP Police involved.

Name: State Route 23 & 23A **CS-088-11, SJS 28585**
Location: Prattsville
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/28/11
Status: Closed

Overview and Action:

DEP Police observed a large dumping at the state pull-off which did yield traceable evidence. Follow-up investigation determined that garbage owner had noticed it missing from his front porch, recognized it dumped at the pull-off and intended to retrieve it after work but it had already been removed upon his return. Officer issued ticket for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: Fanny Brook Rd **CS-0170-09, SJS 19614**
Location: Roxbury
Type of Use: Commercial
Type of Violation: Hazmat
Date Discovered: 9/27/09
Status: Closed

Overview and Action:

DEP Police Detective Bureau received complaint of a "junkyard" located on Fanny Brook Road, T/Roxbury, being operating illegally and posing a hazard to the environment, as well as a safety concern for nearby residents. Detectives travelled to the area and did observe an area located behind T.C. Briggs construction with scrap metal, junk vehicles, oil drums, and piles of tires. It was also observed, from the roadway, that some of the barrels are seeping into the ground, as well as some appearance of spillage due to the removal of parts and equipment. The property in question borders NYC property along State Route 23. Investigation ongoing at this time to determine property owner and to determine if the site is grandfathered in permitted operation for a junkyard facility. Subsequent site inspections revealed that a cleanup of the site may be in progress. Town of Roxbury is in the process of pursuing civil action against property owner. Open. Cleanup is being presently completed by the landowner per town. All materials are being disposed of properly. Closed. DEP Police and DEP WPP/Regulatory Review & Engineering involved.

Name: State Route 30 **CS-160-11, SJS 29670**
Location: Roxbury
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 6/27/11
Status: Closed

Overview and Action:

DEP Police investigated a complaint in which either liquid manure or a milk by-product had been spilled on the roadway with additional sporadic spills continuing for a three mile stretch located near the headwaters of the East Branch of the Delaware River. Responsible party stated the spill of approximately 200 gallons was a slurry of milk production by-products (spread regularly on his fields) that had flowed from a valve on his truck that was stuck partially open. Truck was in the repair shop being fitted with a valve that requires a safety pin release to open and close. Officer issued ticket for Disposing of Noisome or Unwholesome Substance on a Highway (NYS ECL). DEP Police involved.

Name: 36 State Route 42 **CA-056-11D, SJS 27459**
Location: Shandaken
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 2/17/11
Status: Closed

Overview and Action:

DEP Police investigated a report of a failed residential septic system at the above address where he observed a partially intact but collapsed septic cover; no odor or standing gray water/septage was present. The homeowner was not available for interview. Officer turned case over to DEP Engineering who have been monitoring and maintaining the site and will continue to do so until the installation of community-wide sewer system planned for the near future is completed. CWC pays the homeowner to have the tank pumped out numerous times per year, and will not be replaced at this time. The reason for not replacing the system is that CWC states that in the near future the area will have a sewer system installed in the local community, therefore eliminating the septic systems. Until that time, CWC will continue to pay for the maintenance to prevent

groundwater contamination. DEP Police and DEP Engineering involved.

Name: 5229 State Route 28 **CA-471-11, SJS 31136**
Location: Shandaken
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 9/12/11
Status: OPEN

Overview and Action:

DEP Police dispatched to a complaint involving an exposed septic tank at a property consisting of a main large house and three cabins. Property was currently unoccupied and appeared to have been severely damaged during recent flooding. Patrol observed that the lid to the septic tank next to the first cabin was missing, possibly washed away in flood. Also, a tree had fallen next to the septic tank near the third cabin and exposed a section of the tank which did not appear damaged and the lid was still on. Patrol documented conditions with photos and contacted DEP engineering for follow-up. Original complainant gave patrol the name of the property owner but was unable to provide phone number or address for contact. Investigation ongoing. DEP Police and DEP Engineering involved.

Name: 7 Phil's Way **CA-495-11, SJS 31418**
Location: Shandaken
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 9/25/11
Status: OPEN

Overview and Action:

DEP Police was notified by NYS DEC Spills regarding a complaint of fuel oil in the creek behind a residence which appeared as minor surface pooling of a petroleum-based product on private property and a sheen resulting from the product was also observed on the surface of a small watercourse which is a tributary of the Ashokan Reservoir. Further investigation by patrol identified tread marks from a dump truck that had accessed the property to dump a load of large stone boulders which may have driven over and compromised the buried home heating oil tank. Initial attempts to contact homeowner met with negative results and patrol was unable to confirm circumstances. When contacted, DEP Haz Mat stated that because spill was not on city property or the result of actions of DEP, DEC was responsible for mitigation and follow-up. Patrol re-contacted DEC and advised them of DEP Haz Mat's decision. DEP Haz Mat will conduct follow up to ensure no further action would be required of DEP and to monitor DEC's clean-up. DEP Police, DEP Haz Mat and DEC involved.

Name: 1772 County Rte 296 **CS-144-11, SJS 29343**
Location: Windham **Spill # 1102709**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 6/10/11
Status: Closed

Overview and Action:

DEP Police was contacted by NYS DEC regarding a fuel and hydraulic oil spill first reported as 100 gallons of diesel fuel. Revised report indicated 25-40 gallons of diesel fuel had spilled from the saddle tank of an overturned garbage truck involved in a traffic accident. Spill was contained in a nearby culvert/ditch area with no impact to the water supply. Officer observed spill pads inside the culvert pipe and absorbent booms in the ditch for clean-up already underway. DEP and DEC involved.

Name: 22 Motoma Lane **CA-111-11, SJS 28009**
Location: Woodstock
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/25/11
Status: Closed

Overview and Action:

DEP Police were dispatched to a dumping complaint on NYC property where interview with complainant indicated that someone had dumped a telephone pole at the end of the road within the last two (2) days. Inspection of area revealed used telephone pole which had been sawed off at the bottom but still had identification number and short pieces of wiring intact. Officer contacted Verizon Telephone's maintenance department whom will send a technician to the dumping location within 72 hours to determine if the pole is Verizon's property. Investigation continuing. Cleanup completed by DEP Staff. No Further leads. Closed. DEP Police involved.

3.3.2. Delaware District

Name: NYC Road #8 **CB-132-11, SJS 29542**
Location: Andes
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 6/20/11
Status: Closed

Overview and Action:

DEP Police discovered a large quantity of brochures from a business located in Kerhonkson which were dispersed along one of the NYC roads on the Pepacton Reservoir. Officer contacted business owner who was unaware of the dumping and issued him a verbal warning. DEP Police involved.

Name: State Route 30 **CB-068-11D, SJS 28308**
Location: Colchester
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/10/11
Status: Closed

Overview and Action:

DEP Police observed a passenger vehicle battery dumped on NYC property which had broken open and was devoid of any fluid. Officer photographed the battery including the data sticker for possible tracing but contact with the manufacturing company could only determine the specific

plant location and the shift when it was made. Officer completed all notifications and incident report filed. DEP Haz Mat contacted for removal. DEP Police, DEP Haz Mat and DEP Western Operations involved.

Name: State Route 10 **CB-082-11, SJS 28556**
Location: Delhi
Type of Use: Commercial
Type of Violation: Haz Mat
Date Discovered: 4/26/11
Status: Closed

Overview and Action:

DEP Police responded to the Ultra Dairy Plant for a spill of 50-100 gallons of a #2 fuel oil which occurred during an oil delivery, when a cap blew off one of the other discharge hoses causing fuel to spill onto the concrete ground around the tank. Maintenance workers immediately placed booms and cat litter to contain the spill. DEC notified and responded to scene to supervise clean-up. Tainted material was placed in 55 gallon drums lined with garbage bags for future disposal. No impact to the water supply or local streams. DEP Police and DEC involved.

Name: 1221 Federal Hill Road #1 **CB-112-11, SJS 29192**
Location: Delhi
Type of Use: Residential
Type of Violation: Sewage
Date Discovered: 6/2/11
Status: Closed

Overview and Action:

DEP Police investigated a sewage complaint in which the complainant stated that her neighbor has a leaking septic that is discharging onto her property by way of a drainage ditch. Officer arrived at the location where town highway workers were conducting ditch clearing and significant signs of a failed septic were present. Homeowner stated during interview that DEP Engineering had investigated the septic last year and a contract to have it fixed is in place. DEP Engineering confirmed that preliminary steps have been taken to rectify the septic problem. DEP Police and DEP Engineering involved.

Name: 1323 McMurdy Hill Road **CB-094-08, SJS 10537**
Location: Kortright
Type of Use: Residential
Type of Violation: Sewage
Date Discovered: 3/1/08
Status: Closed

Overview and Action:

DEP Police received complaint of a residence with no septic system, discharging sewage adjacent to the residence. Contact made with location landlord, whom stated that he had just purchased the property 1.5 years ago, and was not aware of a septic problem at the location. Contact made to the DEP Engineering and T/Kortright Code Enforcement officer for remediation / repair of the location's septic issues. DEP Engineering will be assisting with remediation of site and correction of the problem. DEP Police, DEP Engineering and T/Kortright Code

Enforcement involved.

Name: Main Street **CB-0310-09, SJS 19489**
Location: Middletown
Type of Use: Residential
Type of Violation: Sewage
Date Discovered: 9/18/09
Status: Closed

Overview and Action:

DEP Police received anonymous complaint of possible sewage discharge in the East Branch of the Delaware River Village of Margaretville. Upon investigation, this officer noticed an odor approximately 50 meters west of the Margaretville Bridge that possibly could be sewage. Investigation is ongoing with the assistance of Kingston DEP office, and dye testing ongoing to determine if a system failure is responsible for sewage odor. Subsequent checks of the area showed no traces of the odor or trace of any contamination. Case closed; DEP Police and Program Management Involved.

Name: NYC Road #8 **CB-080-11, SJS 28544**
Location: Middletown
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/25/11
Status: Closed

Overview and Action:

DEP Police observed a small dumpsite located over an embankment off of a NYC road which did yield traceable evidence. Officer made numerous attempts to locate subjects responsible for the dumping, all with negative results. DEP Operations notified for clean-up. DEP Police and DEP Operations involved.

Name: Pavilion Road **CB-176-11, SJS 30289**
Location: Middletown
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 7/28/11
Status: Closed

Overview and Action:

DEP Police responded to investigate a complaint of six clear bags of insulation in Dry Brook Creek. Interview with local resident determined the source may be a trailer demolition site on the other side of the creek. Officer interviewed worker at demo site and was shown approximately 20 more bags stored under a tarp held down by rocks. Worker believes that local trailer park kids are responsible for tossing the bags into the creek. Worker removed all bags from the water and will properly dispose of all material from demo site. Officer gave verbal warning to several teens in the area to stay away from the job site. DEP Police involved.

Name: 91 Farmland Drive **CB-184-11, SJS 30372**
Location: Middletown

Type of Use: Residential
Type of Violation: Sewage
Date Discovered: 8/1/11
Status: OPEN

Overview and Action:

DEP Police investigated a complaint of a failed septic in which the tenant stated that his septic system had failed four weeks ago and other tenants in the trailer court were dealing with similar septic failures but the landlord advised them not to say anything. Officer took photos at two separate locations; on the side and across the road from the complainant's address showing raw sewage emerging from exposed pipes. DEP Land Management notified. Officer conducted follow-up visit to determine if any illegal work had begun beyond liming the raw sewage discharge areas and pumping the septic tanks. Worker on scene preparing for necessary repairs once proper permits obtained from DEP. Excavated area was fenced off and no further work was being done at that time. DEP will continue monitoring the site.

Name: 9012 State Route 55 **CG-058-11, SJS 27433**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 2/16/11
Status: Closed

Overview and Action:

DEP Police identified a small dumpsite of household refuse with traceable evidence. Investigation is ongoing at this time to determine subject responsible. Officers did a follow-up on a dumping complaint at 411 Beaver Dam Rd T/Neversink. These officers issued subject Summons in violation of Title 6 NYCRR Section 360 1.5(a). DEP Police involved.

Name: Myers Road **CG-217-11, SJS 28675**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 5/3/11
Status: Closed

Overview and Action:

DEP Police observed a large box dumped on city property with no traceable evidence which led to additional dumped boxes a short distance away that did yield traceable evidence. Officer interviewed subject and determined that a local sanitation company picks up her trash weekly. The dumping most likely resulted from an unsecure load which during the heavy snow season was plowed from the roadway into the tree line. DEP Police involved.

Name: 694 Aden Hill Road **CG-247-11, SJS 28869**
Location: Neversink
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 5/16/11

Status: Closed

Overview and Action:

DEP Police investigated a dumping complaint and located numerous bags of household refuse which had been ripped apart and scattered throughout city property. The officer interviewed the nearby homeowner whom stated that bears have been an ongoing problem and was responsible for the refuse currently littering the area. Officer gave homeowner a verbal warning to clean up the refuse and will return to check the area to ensure it is cleaned. DEP Police involved.

Name: Hasbrouck Road **CG-299-11, SJS 29209**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 6/3/11
Status: Closed

Overview and Action:

DEP Police conducting a security check near a location where dumping is a common practice, observed a large dumping of garbage bags on the other side of the guiderail over an embankment that leads to the Neversink Reservoir. When searched, the bags contained household garbage with traceable evidence identifying three subjects from the same family. Follow-up investigation and interview with one of the suspects led to his admission to putting the garbage over the guiderail onto city property. Suspect was issued tickets for Depositing Noisome and Unwholesome Substance (NYS ECL) and Unlawful Disposal of Solid Waste (NYCRR) and a Notice of Warning for Trespass. DEP Land Management notified for clean-up of site. DEP Police and DEP Land Management involved.

Name: Hasbrouck Road **CG-474-11, SJS 30331**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 7/30/11
Status: Closed

Overview and Action:

DEP Police observed another dumping at this site where refuse was discarded over the guiderail and into the woods. A search of the refuse did yield traceable evidence which led officer to a subject who admitted cleaning out her vehicle at the location and leaving the discarded material at the scene. Officer issued a ticket for littering (NYS VTL) based on her cooperation with their investigation. DEP Police involved.

Name: 229 Pepacton Hollow Road **CG-487-11, SJS 30418**
Location: Neversink
Type of Use: Residential
Type of Violation: Stream Disturbance
Date Discovered: 8/4/11
Status: Closed

Overview and Action:

DEP Police responded to a complaint regarding turbidity flowing into Chestnut Creek which

flows into the Rondout Reservoir. Upon arrival, officers observed a large area of land cleared of trees off a side hill in front of the residence with no silt fence or hay bales in place to reduce runoff and turbidity. Officer took photos and also requested DEP Air 6 to document land clearing of property with photos from above. When interviewed by DEP Police and DEC officer, owner stated he had been working on drainage problem on property since he moved in five years ago. He realized that the work was causing a turbidity problem and that certain streams were protected but no work permit was in place. Officers issued tickets for Contravention of Standards (NYS ECL) and Polluting of Streams Prohibited (NYS ECL). DEP Police and DEC involved.

Name: Hasbrouck Road **CG-493-11, SJS 30463**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/7/11
Status: Closed

Overview and Action:

DEP Police while on patrol, observed three deer fawn carcasses dumped over the guiderail onto city property at the parking area near the Neversink Dam. Photographic evidence provided by the DEP Detective Bureau confirmed that the carcasses were dumped from a Sullivan County Department of Public Works truck. Contact made with Sullivan County DPW Supervisor to advise him of the situation and obtain his assurance that this type of incident will not occur in the future. DEP Police and Sullivan County DPW involved.

Name: State Route 42 **CG-517-11, SJS 30656**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/22/11
Status: Closed

Overview and Action:

DEP Police observed a dumping of garbage along the roadway which did yield traceable evidence. Officer located and interviewed subject whose name was on piece of mail in garbage bag. Subject stated that he had recently changed his address to a post office box due to problems with mail delivery in the area. No further leads as to why his mail ended up in the roadway. NYC DEP Police involved.

Name: 63 Benton Hollow Road **CG-530-11, SJS 30739**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 8/22/11
Status: Closed

Overview and Action:

DEP Police responded to a dumping complaint in which complainant witnessed a black garbage bag being dumped in the driveway at the above address. Traceable evidence led to several

individuals but after interview and further investigation, the overall finding was inconclusive. Subject was issued a Notice of Warning for Prohibited Disposal of Solid Waste. DEP Police involved.

Name: Hasbrouck Road **CG-531-11, SJS 30744**
Location: Neversink
Type of Use: Rural
Type of Violation: Haz Mat
Date Discovered: 8/22/11
Status: OPEN

Overview and Action:

DEP Police observed a plastic, one quart container bearing a black and white Hazmat Placard indicating #8 Corrosive still containing fluid and marked as Battery Fluid Acid dumped over the guiderail onto city property. DEP Haz Mat notified and arrived on scene to conduct soil samples of the surrounding dump site area with negative results. Haz Mat neutralized the remaining fluid inside the container before removal for proper disposal. Case remains open pending further information regarding the dumped material. Incident report completed. DEP Police and DEP Haz Mat involved. OPEN

Name: 8135 State Route 55/42 **CG-592-11, SJS 31125**
Location: Neversink
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 9/11/11
Status: Closed

Overview and Action:

DEP Police on patrol noticed a subject dumping some kind of substance over a guiderail. When interviewed, it was determined that subject had dumped four mounds of cat feces approximately 20 feet from Chestnut Creek which flows into the Rondout Reservoir. Officer issued subject ticket for Regulating Disposal of Sewage; Littering of Waterways (Navigation Law NY). DEP Police involved.

Name: State Route 10 **CB-056-11, SJS 28127**
Location: Tompkins
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/2/11
Status: Closed

Overview and Action:

DEP Police on foot patrol observed a white garbage bag in a drainage tributary of the Cannonsville Reservoir. The bag contained household items including a pair of boots, socks, chainsaw sharpener and a broken flashlight, but no traceable evidence. The bag was relocated to NYS pull-off for removal by DOT. DEP Police involved.

Name: State Route 268 **CB-224-11, SJS 31041**
Location: Tompkins

Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/6/11
Status: Closed

Overview and Action:

DEP Police observed a plastic garbage bag in a pull off area on city property which did yield traceable evidence. Subject located and issued ticket for Unlawful Disposal of Solid Waste (NYCRR). DEP Police involved.

Name: State Route 10 **CB-083-11, SJS 28626**
Location: Walton
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/30/11
Status: Closed

Overview and Action:

DEP Police observed a trail of household refuse on the roadway which continued for approximately two miles and finally ended at the entrance to the Delaware County landfill. Inspecting the contents of one bag did yield traceable evidence which led to subject stating that her garbage is routinely picked up by a local disposal company which transports it to the local transfer station and then County DPW further transports it to the Delaware County landfill. Officer spoke with a landfill employee who agreed to contact appropriate personnel and have the refuse collected from the roadway as soon as possible. DEP Police involved.

Name: State Route 10 **CB-171-11, SJS 30084**
Location: Walton
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 7/18/11
Status: Closed

Overview and Action:

NYC DEP Police observed a discarded television bearing serial number only that appeared to have been tossed off of the bridge near the Public Access area. A search of the immediate area for any traceable evidence yielded negative results. DEP Operation contacted for removal. DEP Police and DEP Operations involved.

Name: Rondout Chamber **CG-124-11, SJS 28110**
Location: Wawarsing
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 4/1/11
Status: Closed

Overview and Action:

DEP Police responded to a spill at the Rondout Chamber and interviewed the DEP supervisor whom stated that the non-hazardous spill of less than one gallon was being cleaned up and all department notifications had already been made. DEP Police involved.

3.3.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins

Name: 1218 Old Post Road **CE-612-11, SJS 28345**
Location: Bedford
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 4/12/11
Status: Closed

Overview and Action:

DEP Police responded to a motor vehicle accident in which approximately five gallons of an oil and brake fluid mixture had spilled on the ground. Bedford Fire Department was on scene and contained fluids using absorbing booms and speedi-dri. No impact to NYC water supply. DEP Police and Bedford Fire Department involved.

Name: 216 Crane Road **CE-2233-10, SJS 26335**
Location: Carmel
Type of Use: Residential
Type of Violation: Stream Disturbance
Date Discovered: 12/2/10
Status: Closed

Overview and Action:

DEP Police was dispatched to the above location for a report of tree cutting causing turbidity in a nearby stream and pond. Officer interviewed property owner whom stated he was clearing out some dead trees and brush. Owner showed officer work location where numerous piles of brush trees and saplings were evident as well as a 4' section of corrugated steel culvert which had been newly placed in the stream with fresh dirt and rocks around it to create a walkway over the stream. Owner admitted he found the culvert on his property and thought he could just place it in the stream without the benefit of a permit. Investigation Ongoing at this time. DEP Land Management handling any repair / remediation recommendations. DEP Police involved.

Name: Horsepound Road **CE-428-11, SJS 27817**
Location: Carmel
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/16/11
Status: Closed

Overview and Action:

DEP Police investigated a complaint of dumping on city property. Officer observed furniture items consisting of three (3) dresser drawers and one (1) large entertainment unit along with an instruction manual which may provide traceable evidence to help identify subject responsible. DEP Operations notified of items for removal. Cleanup Completed by DEP Operations. DEP Police and DEP Operations involved.

Name: 240 Washington Street **CE-865-11S, SJS 29026**
Location: Carmel

Type of Use: Municipal
Type of Violation: Stream Violation
Date Discovered: 5/25/11
Status: Closed

Overview and Action:

DEP Police investigated a complaint of a large manure pile leaching into a stream that feeds the West Branch Reservoir. Interviews with complainant and other area residents confirmed the presence of a manure pile leaching into the wetlands as well as a horse trail leading from said property onto NYC property. Subject was issued tickets for Trespass (NYS ECL) and Depositing Noisome / Unwholesome Substance In or Near a Waterway (NYS ECL) and directed to remove manure pile and install silt fencing and hay bales to remain in place until vegetation grows in to prevent sediment run-off from entering the stream. Town of Carmel Code Enforcement Inspector stated he was aware of complaints and will also be issuing subject tickets for town violations. DEP Police and Town of Carmel Code Enforcement Department involved.

Name: 238 Nichols Street **CE-2070-10, SJS 25907**
Location: Kent
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 11/5/10
Status: Closed

Overview and Action:

DEP Police investigated a complaint of a failed septic flowing from a backyard into a stream which was confirmed by officers conducting foot patrol of the area in question. Contact was made with former tenant whom stated that DEP Engineering and Department of Health along with an excavator would be meeting at the site in four (4) days to discuss repairs and remediation. Two (2) subsequent follow-ups by officers determined that some work had been done to system but effluent was still flowing into the watercourse. Homeowner was issued tickets for Unlawful Discharge of Sewage Without a Permit and Putting Noisome or Unwholesome Substances on or near Highway (ECL). Police will continue to monitor the situation until septic is fully repaired / remediated. DEP Police, DEP Engineering and Department of Health involved.

Name: West Branch Res.
Type of Use: Resident
Type of Violation: Haz Mat Dumping
Date Discovered: 11/6/99
Status: Open

Overview and Action:

Investigation and monitoring area is ongoing.

Name: Railroad Tracks near Diverting Reservoir **CE-544-11S, SJS 28168**
Location: Southeast
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/4/11

Status: Closed

Overview and Action:

DEP Police responded to a dumping in a stream bed observed by (DEP) Air 6. Officers determined old dumping ground consisting of metal and old tires to be located off of NYC property. Nearby concrete drainage had heavy timber cover preventing any debris from entering the Diverting Reservoir and ultimately the Croton Falls Watershed. No impact to NYC water supply at this time. DEP Police involved.

3.3.4. Kensico Basin

Name: Catskill Upper Effluent Chamber, West Lake Drive **CE-815-10, SJS**

22696

Location: Mt. Pleasant

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 4/23/10

Status: OPEN

Overview and Action:

DEP Police found an open bag of household refuse on NYC property that did yield traceable evidence which was logged and secured. Detective Bureau will obtain further information on the two subjects, with interview to follow for possible ticketing. Detective Bureau is assisting patrol working on identifying and locating the responsible subjects. DEP Police involved.

Name: Nannyhagen Road CC-348-08, SJS 10657

Location: North Castle

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 3/8/08

Status: Closed

Overview and Action:

DEP Police observed a dumpsite on NYC property consisting of household garbage and wooden crates that yielded traceable evidence. Scene was photographed along with evidence which was also bagged and logged. TOT to DEP Detectives for further investigation and issuance of summons. Further investigation failed to determine the responsible party. DEP Police and DEP Detectives involved.

Name: Route 120 **CE-492-11, SJS 28024**

Location: North Castle

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 3/26/11

Status: OPEN

Overview and Action:

DEP Police on patrol observed a dumping of garbage bags on city property which contained used rags, two boxes of old brake pads, an empty grease container, an empty anti-freeze container, one receipt for work done to a company truck and one magnetic door sign for a trucking

company. Officers logged evidence and will continue investigation of traceable evidence with assistance from the Detective Bureau. Investigation ongoing to determine responsible subject(s). DEP Police involved.

Name: 10 Whippoorwill Crossing **CE-821-11, SJS 28885**
Location: North Castle **Spill # 11017772**
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 5/17/11
Status: Closed

Overview and Action:

DEP Police responded to a vandalism complaint which resulted in a 250 gallon fuel oil discharge. Homeowners on scene stated that furnace / fuel oil / hot water heater were all intact and functioning normally the night before the complaint was filed. The next morning a green garden hose was in the oil tank filler pipe and water was coming from the vent pipe. The fuel tank was void of fuel oil and filled with water. Fuel oil was present on the steps, in the driveway grass and pond; all downhill from the discharge location. DEC, Westchester County Haz Mat, DEP Haz Mat and North Castle Police Department were on the scene. Clean-up was already underway by two environmental companies. DEP Haz Mat will continue to monitor this case to insure that product will not reach the Kensico Reservoir. DEP Police, DEP Haz Mat, Westchester County Haz Mat, DEC and North Castle Police Department involved.

4. Kensico Spill Response Program

Program Description

The New York City Department of Environmental Protection (DEP) has undertaken a spill response program to reduce the risk and potential impact of spills within the Kensico Reservoir Watershed. The Bureau of Water Supply, Division of Regulatory Compliance and Facilities Remediation Hazardous Materials Response Team communicates with NYS DEC Spill Response, Westchester County Health Department Spill Response Unit, Westchester County Hazardous Materials Response Team, as well as the DEP Police to receive immediate notification of spills within the Kensico Reservoir basin. As of November 15, 2002 New York City DEP Police Command Center is directly connected to the NYS DEC Spill Notification Hotline System and receives immediate reports for all spills and Haz-Mat incidents in Westchester County and will eventually receive reports for all the upstate NYC watershed counties.

SPILLS:

5/9/11- Kensico Dam, Valhalla, NY. (DEP Police, ECCO Pick-Up Truck)

Upon entering Kensico Dam, an ECCO Pick-Up Truck was uplifted by DEP Police Security Gate by accident. One Gallon of anti-freeze spilled to pavement.

Initial Action Taken:

ECCO crew responded to the location and applied spill pads to absorb the impacted pavement.

The hired tow truck company removed all spill related absorbent from the location.

5/17/11- 10 Whippoorwill Crossing, Armonk, NY (DEC # 101772)

NYS DEC spill report indicated a spill of approx. 250 gallons of #2 home heating oil due to possible sabotage.

Initial Action Taken:

DEP HazMat responded and found 250 gallons of # 2 fuel oil spilled onto the grass, gardens, and gravel driveway and into a small pond on Mr. Maloney's residence (10 Whippoorwill Crossing). NYC DEP Police conducted their preliminary investigation and NYS DEC Police will handle the investigation. DEP HazMat inspected the nearby streams and rivers from the spill site all the way to the outlet of the Kensico Reservoir on Nanny Hagen road just off of Route 120. No contamination had entered the streams, rivers, or the Kensico reservoir. Enviro-Star responded to the site to conduct a remediation of the area. DEP HazMat conducted subsequent site inspections to ensure clean-up was completed.

5/19/11- 1507 Old Orchard Street and Memorial Lane, North Castle, NY (DEC # 1101772)

DEP Police reported homeowner at location illegally pumped #2 heating oil into a storm sewer from basement that impacted NYC property.

Initial Action Taken:

An inspection of the DEP property revealed very little contamination. Northeast Environmental had placed several absorbent booms and pads on the property. Additionally, the homeowner had filled the suspect tank with diesel fuel rather than heating oil. This was evident by the lack of red dye that heating oil contains. DEP Police, DEC, WCDOH, and North Castle PD conducted an investigation leading to multiple violations issued to the homeowner. DEP HazMat found no contamination to the Kensico Reservoir, and followed up with Northeast Environmental to ensure clean-up was conducted.

6/21/11- Route 120 in woods on City property, North Castle, NY (DEC Spill # 1103326)

DEP Police reported a small spill of hydraulic fluid from a fork lift removing small plane wreckage

Initial Action Taken:

DEP HazMat responded to the site and assisted Anglin Aircraft Services with removal of a ½ quart of hydraulic fluid from the soil. The contractor removed the impacted soil for proper disposal.

6/23/11- 20 Palmer Lane, Thornwood, NY (DEC Spill # 1103289, NRC # 980585)

DEC reported a spill of home heating oil emanating from 20 Palmer Lane, Thornwood into storm sewer and discharged into stream which leads the Catskill Influent Chamber area of Kensico. Two 275 gallon tanks in an underground vault at said address turned over due to weather related flooding resulting in the spill.

Initial Action Taken:

DEP HazMat responded and confirmed sheen in the reservoir, with wind direction holding back

the sheen to a small area. DEP HazMat/Burke Heat deployed booms to impacted area and other strategic locations to prevent further impact. No oil left the Reservoir via the intakes. HazMat followed up to ensure proper clean-up.

10/9/11- Kensico Dam, Valhalla, NY (DEP Police)

DEP Police reported a spill of 2-3 gallons of anti-freeze to pavement due to a blown radiator hose from a Police Cruiser.

Initial Action Taken:

Police applied spill pads to the impacted pavement and removed the cruiser from site. All impacted spill pads were bagged and taken to an oily rag drum for proper disposal.