

**New York City Department of Environmental Protection
Bureau of Water Supply**

**Filtration Avoidance 6.1 Enforcement Actions
For the period October 1, 2016 through March 31, 2017**

April 2017

*Prepared in accordance with Section 6.1 of the NYSDOH
Revised 2007 Filtration Avoidance Determination*



Prepared by: DEP, Bureau of Water Supply

Table of Contents, Part 6.1.2

1. Introduction	1
2. Enforcement Responsibilities.....	1
2.1. The Regulatory & Engineering Programs Division.....	2
2.2. DEP Police	5
2.3. DEP’s Office of the General Counsel	6
2.4. New York City Law Department	6
3. Specific Enforcement Actions.....	7
3.1. Wastewater Treatment Plants (See 6.2 FAD Report from now on)	7
3.2. Subsurface Treatment Systems and Stormwater.....	7
Summary Chart - Catskill District	7
Summary Chart - Delaware District	7
Summary Chart - West Branch, Boyd Corners, Croton Falls, Cross River Basins	8
Summary Chart - Kensico Basin.....	8
3.2.1. Catskill District	9
3.2.2. Delaware District	31
3.2.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins	48
3.2.4. Kensico Basin	49
3.3. DEP Police Actions.....	49
3.3.1. Catskill District	49
3.3.2. Delaware District	54
3.3.3. West Branch, Boyd Corners, Croton Falls, Cross River Basins	58
3.3.4. Kensico Basin	60

1. Introduction

Encompassing eight counties and 71 towns and villages, the New York City watershed is an apolitically, economically and geographically diverse landscape, covering nearly 2,000 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 enforcement actions from October 1, 2016 through March 31, 2017, first presents an overview of the responsibilities of the division: Regulatory and Engineering Programs which is within the Bureau and charged with oversight of enforcement activities. Next, the report addresses specific enforcement actions that occurred during the above mentioned reporting period. Included are new violations and 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 in the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Further 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 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 land disturbance thresholds are also subject to DEP review and approval.

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.

Following the approval of proposed regulated activities, those activities are monitored to assure 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 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 most expeditious and effective manner.

The next sub-sections provide an overview of the specific responsibilities of the Regulatory and Engineering Programs (REP) division (within the Bureau) and the responsibilities specific to the sections and groups within this division that work effortlessly to enforce the appropriate laws and regulations. In addition to the REP division and its sections and 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 various other agencies on enforcement issues; including the New York State Departments of Health (DOH) and the Department of 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 Division

The Regulatory & Engineering Programs division is divided into two (2) sections: Wastewater Treatment Programs and Stormwater Programs. Both of these sections consist of a Compliance and Inspection group. 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 REP 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 issuance of a Notice of Violation (NOV) or other enforcement action. At the conclusion of any enforcement actions, REP staff conduct inspections again 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 section reviews and approves sewer systems, WWTPs and SSTs, which are regulated by the Watershed Regulations. In addition to the review of wastewater treatment systems, staff 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 is 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 divisions 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 SSTs in failure or likely to fail, or pay for the review and approval of the remediation within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds the remediation (design and construction) of individual SSTs 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 SST improvements. The review and approval of these repairs is performed by DEP, and progress is tracked by DEP and entered in the REP 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 SST repairs by Putnam County. The delegation agreement for repairs includes the review and approval of failing commercial and individual SSTs. The existing Putnam County Sanitary Code requires that a permit be issued by the County for all repairs or modifications to any SST. 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 SSTs 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 1997 MOA. This, like the CWC program, is a voluntary program, and has included 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 the 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 SSTs 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 SSTs.

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 or where progress, while in the program, has not moved forward. This semi-annual FAD Report is a summary of these NOVs.

2.1.1.1. SSTs Regulatory Compliance and Inspection Group (located only WOH)

This group consists of the Field Staff in field offices located within the WOH Watershed. The Field Staff's responsibilities include individual household septic system site evaluations; pre-application conferences; soils tests; construction inspections; and enforcing the Watershed Regulations for individual residential SSTs. 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 divisions within the Bureau for corrective action or further investigation and/or legal action.

2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Group

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 on all wastewater spills from sewer collection systems, pump stations and WWTPs. This group is further 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 group are reported within the FAD Report 3.4. The enforcement activities at the existing WWTPs in the watershed are reported in the FAD Report 6.2.

2.1.2. Stormwater Programs Section

This section reviews Stormwater Pollution Prevention Plans (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 potential harmful activities include 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 Group

The staff of this group monitor construction sites to ensure compliance with approved SWPPPs. This group also initiates enforcement actions when there is site construction or the creation of impervious surfaces without a DEP approved SWPPP. This group issues NOV's with the assistance of the Stormwater Programs section, 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 Section

The SEQRA Coordination Section was relocated to the Division Chief of REP in August 2013 to facilitate coordination with other divisions within the Bureau and with other DEP Bureaus. The SEQRA Coordination Section ensures that the Bureau's responsibilities as an Involved Agency under SEQRA are fully complied with and properly 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 section ensures that all necessary procedures and protocols are established and then, followed. Activities of this section are not included in this report. The SEQRA activity will continue to be reported within the FAD Report 6.1.1.

2.2. DEP Police

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 which are located in: Gilboa, Downsville, Beerston, Olive, Grahamsville, Yorktown and Yonkers.

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 is 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 Special Operations 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 Division and 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 issuance 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	38		32		33	1
CONESVILLE	13		10		10	1
GILBOA	19		15		17	
HUNTER	116		86	1	92	
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		50	
LEXINGTON	48		45		46	
OLIVE	196	1	165		171	
PRATTSVILLE	32	1	23	1	30	1
ROXBURY	31		23		27	
SHANDAKEN	145	1	132	1	140	3
TANNERSVILLE (V)	7		2		7	
WINDHAM	83		66		80	
WOODSTOCK	61		53		51	1
Total	906	3	756	3	811	7

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	83		751		74	
ANDES (V)	4		2		2	
BOVINA	35		32		33	
COLCHESTER	4		5		7	
DELHI	71	1	65	1	73	
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANN'S (V)	1		1		0	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	32		29		29	
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	

JEFFERSON	6		6		6	
KORTRIGHT	64		54		61	
LIBERTY	1		1		1	
MASONVILLE	13		10		10	
MEREDITH	21		19		19	
MIDDLETOWN	117		105		110	1
NEVERSINK	222		188		201	
ROCHESTER	1		1		1	
ROXBURY	34		29		36	
STAMFORD	36		34		35	
TOMPKINS	42		37		40	
WALTON	93	1	86	1	82	
WALTON (V)	1		1		1	
WAWARSING	35		32		30	
Total	992	2	1,554	2	917	1

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	11		10		13	
EAST FISHKILL	1		0		0	
KENT	4		4		4	
PUTNAM VALLEY	0		0		0	
TOTAL	16	0	14	0	17	0

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	
HARRISON	1		0		0	
MT. PLEASANT	0		0		0	
NEW CASTLE	1		1		1	
NORTH CASTLE	3		1		1	
TOTAL	5	0	2	0	2	0

3.2.1. Catskill District

Project Name: 11466 Route 23 (2015-SC-0333)
Town: Ashland
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Complaint of failing SSTS to surface-DEP NOV-CWC-surcharged tank and field surfacing.
Discovery Date: 6/22/15
Status: **Closed**

Overview and Action:

DEP performed a site visit on 1/4/16; septic failure was not observed and there was no sign of a footing drain on the property. DEP REP sent an e-mail to DEP Police on 1/5/16, updating them on REP's follow-up to the complaint received by the Police on 12/9/15. DEP received an Application, letter, plans, and pump information for a non-conventional individual SSTS on 2/1/16. DEP issued a NOCA on 2/3/16. DEP performed site visits on 2/5 and 2/10/16; septic failure was not observed and there was no evidence of a footing drain outlet. DEP issued an Approval Determination letter on 2/10/16. DEP sent an e-mail to CWC on 3/14/16 regarding the bid approval status for the project. DEP received a return call from CWC on 3/15/16, stating that the first bid submitted included a large amount of money for just retaining wall costs, so it is being reviewed for other possible solutions. DEP performed a site visit on 3/31/16; septic failure was not observed and there was no sign of a footing drain outlet. DEP left a message for CWC on 4/11/16 requesting an update on the bid submittal. DEP performed a site visit on 4/28/16; septic/surface failure was not observed; there was no sign of a footing drain on the site. DEP sent an e-mail to CWC on 5/13/16 requesting the bid approval status. CWC responded that the project has been delayed due to the contractor having been in an accident. DEP issued a letter to the owner on 6/8/16 stating that construction has not yet commenced. DEP received a call from the owner's neighbor on 6/22/16; the neighbor stated that there is no current failure and the tenants have moved out so the property is vacant. DEP informed the neighbor that plans have been approved and the project is awaiting construction. DEP left a message for the owner on 7/18/16 inquiring about his construction schedule. DEP performed a site visit on 8/1/16; septic/surface failure was not observed; there was no sign of a footing drain on the site. On 8/3/16, DEP received an e-mail from the engineer to set-up a meeting to discuss options for the site; also on this date, the DEP Inspector reported that the current bid is excessive and thus approval is delayed within CWC. DEP received a call from the owner on 8/10/16; he stated that he now has renters. DEP left a message for the owner on 8/11/16 regarding moving forward with getting bids approved. DEP exchanged e-mails with CWC on 9/15/16 regarding the bid approval status; CWC stated that the engineer is planning a less expensive retaining wall design. DEP called the engineer on 9/16/16; he stated that he has to contact the owner to discuss options before a bid can be submitted, as only a plain retaining wall will be funded. DEP received an e-mail from the engineer on 9/21/16 proposing a relocation of the SSTS; Design Review staff is being consulted to see if the change is acceptable and if new plans need to be submitted. DEP received calls from CWC on 10/6 and 10/13/16 regarding the design revision status. DEP received a letter, revised plans, and pump information from the engineer on 10/17/16. DEP issued a Modified Approval Determination letter on 10/20/16 to the engineer, along with the approved plans. DEP received notice on 10/19/16 that construction will begin. DEP performed construction site visits on 10/21,

10/24, 10/25, 10/26, 10/27, 10/28, 10/31, and 11/1/16. This project is on CWC's 11/1/16 Septic Committee and Board meeting agendas for approval. DEP performed construction inspections on 11/2 and 11/10/16. DEP completed construction inspections on 11/10/16. DEP received As-Built plans and an engineer's certification letter from the engineer on 11/14/16. DEP issued a letter of Construction Compliance on 11/14/16. DEP has resolved the Enforcement Action on 12/16/16. The violation was resolved and the case was closed on 12/19/16 with DEP Closure letter dated 12/19/16.

Project Name: 465 Bull Hill Road (2003-SC-0917)
Town: Conesville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: Failed SSTS; New SSTS - DEP NOVs for illegal discharging and illegal use of a holding tank.
Discovery Date: 5/22/06
Status: **Closed**

Overview and Action:

DEP REP received a call from DEP Police on 1/21/16 regarding the discontinuance of their inspections at this location due to lack of activity. REP will reach out to the Police in the future should assistance with inspections be required; enforcement remains open with REP. DEP performed site visits on 1/29, 2/4, and 2/19/16; there has been no construction activity. DEP performed a site visit on 2/24/16; septic failure was not observed; there was no visible effluent and no sign of pumping. On 5/6/16, DEP provided the owner's contact information to the NYC Law Department, which was needed to file the complaint; the project had been sent to NYC Law for litigation on 3/15/16. DEP performed a site visit on 5/26/16; there was no evidence of the owner's presence; the yard is overgrown; there are no signs of pump outs; there has been no progress with construction. DEP received an e-mail from NYC Law on 6/6/16 stating that the complaint did not get filed correctly; it will need to be resubmitted. NYC Law issued a Complaint and Service Letter to the owner on 6/20/16; a response and acceptable schedule is required by 7/14/16 to avoid litigation. On 7/28/16, NYC Law informed DEP that they were unable to serve papers to the owner at the address provided and discussed other possible locations to serve him. DEP performed a site visit on 8/24/16; septic failure was not observed; the absorption area is still not cleared; the septic tank cover is worn out; there is no visible effluent. DEP received a message from the owner on 8/31/16; he has reached out to the contractor for a start date. DEP received a message from NYC Law on 8/31/16; the owner left them a message regarding the litigation paperwork, which confirms that he received it. DEP and NYC Law will discuss possible requirements of a stipulation agreement. DEP received a phone call from the owner on 9/2/16 stating that construction will start on 9/19/16 and should be done by the middle of October 2016. DEP informed the owner that he will receive a response from NYC Law or DEP regarding his proposed schedule. NYC Law sent a stipulation to the owner on 9/7/16, which would delay his required response to the court; adjournment until 10/6/16 was proposed; if significant and steady progress is achieved in the construction of the SSTS, this date can be extended. DEP received adjournment correspondence from NYC Law on 9/15/16; the owner has until 10/6/16 to get a significant amount of work done on the project. DEP performed a construction site visit on 9/19/16; there has been no activity, but the owner said the contractor will be starting on this same date; the site is very wet from overnight rain. DEP performed a

construction site visit on 9/20/16; the septic area is being cleared. DEP performed a construction site visit on 9/23/16; the septic area is staked and scarified. DEP performed a construction site visit on 9/27/16; fill is being placed. DEP performed a construction site visit on 9/29/16; there has been no activity. DEP performed a construction site visit on 9/30/16; fill is being placed. DEP performed construction site visits on 10/3, 10/4, 10/6, 10/7, 10/11, 10/12, and 10/13/16. A soil evaluation of fill material was performed on 10/13/16. DEP performed construction site visits on 10/18, 10/20, and 10/28/16; there was no activity. DEP sent an e-mail to DOH on 10/28/16; DEP will alert them when construction is complete so that they can conduct an inspection and request that an engineering certification letter be submitted to DEP for final construction approval. DEP received an e-mail from DOH on 10/31/16 stating they will certify installation, once complete. DEP performed construction site visits on 10/31, 11/3, and 11/7/16; there was no activity. DEP sent an e-mail to the owner on 11/7/16 requesting when his contractor will re-start and complete work on the SSTS. DEP performed a construction site visit on 11/9/16; the contractor has equipment on-site. DEP exchanged phone calls with the owner on 11/9/16; the owner is waiting to hear back from his contractor. DEP performed a construction site visit on 11/10/16; there was no activity. DEP received a call from owner on 11/10/16 stating that distribution box (d-box) should be installed and ready for inspection by 11/13/16. DEP performed construction site visits on 11/14, 11/16, 11/18, 11/21, 11/22, 11/23, and 11/28/16. DEP completed construction inspections on 11/28/16. NYC Law issued a Notice of Discontinuance to the owner on 11/30/16. DEP sent an e-mail to DOH on 11/29/16 requesting a certification of the SSTS. DEP received As-Built plans and an engineer's certification letter from the engineer on 12/21/16. DEP issued a letter of Construction Compliance on 1/5/17. DEP has resolved the Enforcement Action on 1/27/17. The violation was resolved and the case was closed on 1/27/17 with DEP Closure letter dated 1/27/17.

Project Name: Windy Ridge Rd (2016-SC-0377)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV for a site disturbance; also DEC NOV.
Discovery Date: 7/8/16
Status: Ongoing

Overview and Action:

DEC issued an NOV on 7/7/16. DEP initiated an Enforcement Action on 7/8/16. DEP issued an NOV on 7/8/16 for a site disturbance violation. DEP received a phone call from the owner responding to the NOV on 7/11/16. DEP returned the call to the owner on 7/13/16 to discuss the NOVs. DEP received a request for a pre-application meeting from the engineer on 7/17/16. DEP received an Application for a SWPPP on 8/24/16 from the engineer. DEP issued a NOCA on 9/14/16. DEP issued a comment letter on 10/4/16 to the engineer. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal and the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP also received a letter, revised plans, and a revised SWPPP from the engineer on 10/31/16, in response to DEP's letter of 10/4/16. DEP issued a comment letter on 11/22/16 to the owner.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: OT.2: DEP NOV for a new impervious surface; also DEC NOV.
Discovery Date: 7/8/16
Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 7/8/16. DEP issued an NOV to four owners on 7/8/16 for a new impervious surface violation. DEP received a phone call from an owner responding to the NOV on 7/11/16. DEP returned the call to an owner on 7/13/16 to discuss the NOV. DEP received a request for a pre-application meeting from the engineer on 7/17/16. A meeting was held with the project applicant and engineer on 7/27/16. DEP performed a site visit on 8/18/16; there were no deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal; the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP received a call from the engineer on 12/14/16 regarding the offset distance between the new building and the existing watercourse; the engineer stated that the new building is over 100 feet from the watercourse and therefore is not subject to an individual NOV. DEP informed the engineer that because the building is within the disturbance envelope of the rest of the site, it is required to be included in the SWPPP. DEP received a survey from the engineer on 1/12/17. DEP called the engineer on 3/7/17; a meeting is scheduled on 3/15/17 to discuss the proposed SWPPP. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Solid Waste (SO)
Type of Violation: SO.1: DEP NOV for a junkyard; also DEC NOV (formerly 2016-SC-0250-OT.1).
Discovery Date: 5/5/16
Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 5/5/16. DEP issued an NOV to one owner on 5/5/16 for a junkyard violation. DEP re-issued the NOV originally issued on 5/5/16 to four owners on 7/8/16. DEP received a phone call from an owner responding to the NOV on 7/11/16. DEP returned the call to an owner on 7/13/16 to discuss the NOV. DEP received a request for a pre-application meeting from the engineer on 7/17/16. A meeting was held with the project applicant and engineer on 7/27/16. DEP called the engineer on 8/2/16; he is working on the project, but will need more than thirty days. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal; the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP received a call from the engineer on 12/14/16, and DEP exchanged e-mails with one of the owners on 12/19/16, regarding the book of registry for vehicles on site. DEP received a survey from the engineer on 1/12/17. The project was sent to DEP Legal on 1/31/17 for follow-up concerning the NOV. DEP Legal issued a letter

to the owners on 1/31/17 reinforcing the terms of the NOV; it was also noted that the 12/9/16 correspondence provided by an owner did not provide proper clarification. A meeting was held with one of the owners on 2/10/17; he indicated that roughly 30 cars had been moved off of the property; questions remain regarding whether cars that can be registered need to be outside of the 250 foot setback. DEP exchanged e-mails with one of the owners on 2/10 and 2/11/17; DEP provided contact information for CWC and DEP Legal; the owner will reach out to them on 2/13/17 and will report back. DEP received an e-mail from one of the owners on 2/14/17; he left a message with DEP Legal and will let DEP know when he has heard back. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: SP.1: DEP NOV for a site disturbance; also DEC NOV (formerly 2016-SC-0250.OT.3).
Discovery Date: 7/8/16
Status: Ongoing

Overview and Action:

DEP initiated an Enforcement Action on 7/8/16. DEP issued an NOV to four owners on 7/8/16 for a site disturbance violation. DEP received a phone call from an owner responding to the NOV on 7/11/16. DEP returned the call to an owner on 7/13/16 to discuss the NOV. DEP received a request for a pre-application meeting from the engineer on 7/17/16. A meeting was held with the project applicant and engineer on 7/27/16. DEP exchanged e-mails with the engineer on 10/24/16; the owner is awaiting information from DEP Legal; the engineer is preparing a letter addressing the NOVs, which was received by DEP on 10/31/16. DEP received a survey from the engineer on 1/12/17. DEP exchanged e-mails with the engineer between 3/30 and 4/4/17 to set up a meeting at the gravel pit site on 4/10/17.

Project Name: Hunter Dr (2015-SC-0498)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Land clearing, grubbing, and grading of roadways, stockpiles, and lot development in vacant lands above Hunter Drive resulting in disturbances initiated without DEP approval; DEP NOV and DEC NOV.
Discovery Date: 8/28/15
Status: Ongoing

Overview and Action:

DEP received a Letter of Intent (LOI) Not to Construct from the engineer, on behalf of the owner, on 1/27/16. DEP REP sent an internal e-mail on 01/28/16, and copied: DEP Legal, NYC Law, and DEC, regarding whether the LOI addresses concerns about segmentation and the master plan. DEP issued a letter to the owner on 3/2/16 regarding the NOV. At a 2/29/16 Erosion and Sediment Control (E&SC) site visit, DEP witnessed that numerous deficiencies with site stabilization still persist; failure to stabilize the site properly will result in referral to DEP Legal

for further action. It was also noted that a full SWPPP for the entire subdivision is still required. DEP and the engineer received an e-mail from DEC on 3/2/16 stating that no further construction will be permitted on the site until a SWPPP is prepared and Stormwater permit coverage is obtained. Deadlines have not been complied with; DEC is checking to see if an additional NOV or Consent Order (CO) is warranted. DEP performed site visits on 3/3, 3/18, and 3/28/16; there were deficiencies, there was no discharge, and the site was occupied. A meeting was held with the project engineer at DEP on 4/6/16. DEP performed a site visit on 4/7/16; there were deficiencies; there was a discharge; the site was vacant. A meeting was held with the project engineer at the site on 4/14/16. DEP sent a Sample SWPPP Restrictive Deed Covenant to the engineer on 4/14/16. DEP received a SWPPP and drawings from the engineer in response to the NOV/NOV comment letter on 4/22/16; an application was not attached. DEP exchanged e-mails with the engineer on 4/25 and 4/26/16 regarding the SWPPP application submittal, which was received on 4/26/16. A meeting was held with DEC at the site on 4/27/16. DEP issued a NOCA on 5/3/16. DEP issued a comment letter on 5/3/16 to the engineer. A meeting was held with DEC at the site on 5/5/16. DEP and DEC received the NOI from the engineer on 5/11/16. DEP received a revised SWPPP from the engineer on 5/12/16 to DEP's comment letter of 5/3/16. DEP sent an e-mail to the engineer on 5/13/16 requesting revised plans. DEP performed a site visit on 5/13/16; there were no deficiencies; there was no discharge; the site was occupied. DEP received revised plans from the engineer on 5/16/16 to DEP's letter of 5/3/16. DEP issued an Approval Determination letter on 5/17/16. DEP received the DEC NOI Acknowledgement from the engineer on 5/20/16. DEP performed a site visit on 6/1/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the engineer on 6/3/16 detailing items which need to be addressed per DEP's 6/1/16 site visit, as well as improvements which need to be made per a previous discussion between DEP and the engineer. DEP performed a site visit on 6/16/16; there were deficiencies; there was no discharge; the site was occupied. DEP received a SWPPP inspection report, dated 6/17/16, from the engineer on 6/20/16. DEP performed a site visit on 7/7/16; there were deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 7/28/16; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the applicant on 8/1/16 regarding items which need to be addressed per a recent site visit. DEP performed site visits on 8/9 and 8/18, and 9/14/16; there were deficiencies; there was no discharge; the site was vacant. DEP issued a letter to the representative on 9/21/16 regarding items which need to be addressed. DEP performed site visits on 10/11, 10/27, and 11/23/16; there were deficiencies; there was a discharge; the site was vacant. DEC issued an NOV on 1/13/17. DEP sent an e-mail to DEC on 1/31/17 stating that DEP has a meeting at the site on 2/2/17; DEC joined that meeting, along with the project applicant, to discuss site stabilization. DEP performed a site visit on 2/2/17; there were deficiencies; there was no discharge; the site was vacant; several neighbors complained about ice accumulation on the road due to site runoff. A meeting was held with the project applicant, engineer, and contractor on 3/16/17; DEP affirmed that the engineer is responsible for choosing post-construction stormwater controls and DEP is responsible for reviewing the proposed SWPPP for compliance with DEC's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

Project Name: 26 Beecher Rd (2014-AS-0319)
Town: Hunter
Basin: Ashokan
Type of Use: Stormwater (SP)
Type of Violation: Failing SWPPP - NOV for the construction of a new impervious surface within 100 feet of a watercourse without obtaining DEP approval.
Discovery Date: 6/19/14
Status: **Approved**

Overview and Action:

DEP Legal issued a letter to the Fire Department's Chief on 1/6/16 regarding the engineer's lack of response and failure to submit a SWPPP; the Chief must contact DEP Legal within five days of the letter date to confirm that a SWPPP will be submitted for review and approval within 30 days to avoid possible litigation. DEP received a call from the Chief on 1/15/16 regarding the letter from DEP Legal; a meeting has been scheduled during the week of 1/18/16 and the Chief will look for a new engineer. A meeting was held with the Chief on 1/20/16; it was agreed that an infiltration trench will be installed in the spring. DEP performed a site visit on 4/20/16; there were no deficiencies; there was no discharge; the site was vacant. DEP received a call from the Fire Department's Chief on 4/27/16; he indicated that the engineer would reach out to DEP with soil testing results and a proposed stormwater design. DEP performed a site visit on 5/23/16; there were no deficiencies; there was no discharge; the site was vacant. DEP exchanged e-mails with the engineer on 6/3/16; the engineer will provide soils by 6/7/16; if DEP approves this data, the engineer will work on the design. DEP performed a site visit on 6/15/16; there were no deficiencies; there was no discharge; the site was vacant. DEP received a call from the applicant on 7/13/16 regarding a misunderstanding with the SWPPP, but the engineer is working on it. On 7/27/16, DEP sent an e-mail to the engineer in response to a call received by the Fire Chief regarding when the plan will be finished. DEP received a call from the engineer on 7/28/16; he no longer has the hydro cad. DEP received a call from the applicant on 8/2/16; the applicant called the engineer several times and has not received a return call. The applicant is seeking a new engineer for the project and will notify DEP of when he or she is hired. DEP Legal issued a letter to the Fire Chief on 8/5/16 regarding lack of progress on the NOV and the engineer's continued lack of response; a response is required within five business days of the letter date, including a timetable for construction within thirty days, to avoid referral for litigation. DEP received a call from the potential new engineer on 8/16/16 regarding proposed stormwater management for the site. DEP received a call from the applicant on 8/22/16; the applicant has met with, and intends on hiring, the new engineer. DEP called the new engineer on 8/24/16 regarding the stormwater controls. DEP received an Application for a SWPPP on 9/23/16 from the new engineer with a hydro cad and plans. DEP received a corrected Application for a SWPPP on 9/30/2016 from the engineer. This project is on CWC's 10/4/16 Board meeting agenda for future stormwater funding approval. DEP issued a NOCA on 10/4/16. DEP issued an Approval Determination letter on 10/11/16. DEP met with the contractor, engineer, and applicant on the site for a pre-construction meeting on 3/13/17; the contractor's certification was signed and forwarded to the engineer. Construction will not begin until approximately mid-April 2017; the contractor was advised to notify DEP within 48 hours of the commencement of work.

Project Name: 120 Wase Road (2007-SC-0887)
Town: Hunter
Basin: Schoharie
Type of Use: Individual Residential SPPP (IR)
Type of Violation: New SSTS requiring an IRSP. NOV for failure to obtain an IRSP approval.
Discovery Date: 12/29/08
Status: Ongoing

DEP exchanged e-mails with the owner on 1/6/16 regarding the hiring of a new engineer for the project; the owner was away on business for a few months but is now reaching out to someone to produce revised plans. DEP urged the owner to take action quickly so that the project can be designed and reviewed prior to 2016's construction season. Meetings were held with the project applicant on 3/30 and the new project engineer on 5/5/16. DEP exchanged e-mails with the engineer on 6/3/16 regarding a SWPPP update; the engineer sent the owner a proposal for review but has not yet received a response. DEP sent an e-mail to the engineer on 9/21/16 requesting the status of the plans. DEP received an e-mail from the engineer on 9/22/16 stating that he has not talked to the owner since May 2016, so no work has taken place. DEP exchanged e-mails with the owner between 9/23 and 9/28/16 regarding action required on the owner's part by November 2016 to avoid legal action. The owner stated that costs have been prohibitive, but he should be able to move forward. DEP received an e-mail from the engineer on 9/28/16 stating that he will inform DEP of when he receives an executed contract from the owner. As of 12/1/16, there were no changes to the site; DEP has not heard back from the engineer. DEP exchanged e-mails with the engineer on 12/5 and 12/6/16 regarding the IRSP status; the owner will be sending the agreement with a retainer to the engineer; the engineer will alert DEP of receipt and will provide a schedule. DEP hopes that the project can be reviewed and approved in time for spring 2017 construction. DEP received a call from the engineer on 1/26/17; the engineer has left two messages for the owner and has not received a response. Thus, the engineer has not continued with any work and is wondering if the owner hired a different engineer. DEP sent an e-mail to the owner on 2/7/17 requesting an update on when the NOV will be satisfied.

Project Name: Hunter Highlands Drive (2000-SC-0602)
Town: Village of Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Proposal for the construction of a 200 unit hotel. Approvals for Phases 2-4 have expired. This is a new proposal for 3 condos in 1st phase of which 2 can be built without SPDES expansion. Phase 1 is to consist of 3-12 unit condos. Failing SWPPP. DEP NOV.
Status: Ongoing

Overview and Action:

NYC Law exchanged e-mails with the owner's former attorney on 1/28/16 seeking assistance on resolving the NOV, but he is no longer involved with the project. NYC Law then reached out to another representative of Highland Pollution Control Corp. (HPCC) on this same date; he will investigate the current status of the project and will report back. DEP performed a site visit on 5/16/16; there were deficiencies; there was no discharge; the site was vacant. A meeting was held with the owner on 6/2/16 to discuss the outstanding NOV. As a follow-up to the meeting, DEP

sent an e-mail to the owner on 6/6/16 detailing steps required for the owner to obtain an extended SWPPP approval from DEP in order to resolve the NOV; the owner will also need to contact DEC regarding their NOV. DEP sent project documentation/history to the owner on 6/17/16. DEP, NYC Law, and a consultant exchanged e-mails on 6/20 and 6/23/16; they plan on keeping an open dialogue moving forward. DEP sent an e-mail to NYC Law on 10/27/16 stating that a voicemail was left for the owner. DEP sent an e-mail to DEP Legal and NYC Law on 1/30/17 regarding a discussion DEP had with the owner about a portion of the condo complex; it appears that the final unit will be constructed and the final top course pavement and proper drainage issues will be addressed. DEP had a conversation with the owner who stated he was still interested in developing the site (last unit in Phase II) and that he understands his obligations to pave the parking lot to satisfy the NOV.

Project Name: Route 23C (2006-SC-0464)
Town: Jewett
Basin: Schoharie
Type of Use: Intermediate Repair (CR)
Type of Violation: Failed/Non-maintained SSTS; little Infiltration and Inflow (I&I) work in progress; surcharged system. DEP NOV for surfacing of sewage on the ground.
Discovery Date: 8/4/99
Status: Ongoing

Overview and Action:

DEP sent an e-mail to the Scout Executive and Camp Director on 2/23/16 regarding the lack of response to DEP's 12/22/15 letter. DEP requested a new response date of 3/15/16, along with a request to receive plans for the repair of the SSTS prior to the 2016 camp season. DEP received an e-mail from the Boy Scouts of America (BSA) Council on 3/14/16 regarding a response to the end of season letter DEP sent in December 2015. BSA disputes most items in the DEP letter, but agrees to the upcoming inspection schedule for the 2016 camp season. DEP exchanged e-mails and phone calls with DOH between 4/5, 4/6, 4/19, and 5/6/16 regarding scheduling a joint pre-camp opening inspection. DEP performed a site visit on 5/19/16; septic failure was not observed; the camp will install a new splitter box and will replace siphons with flouts in 2016. DEP confirmed another joint inspection date with DOH at this site visit and received a list from DOH detailing items which the camp needs to submit to DOH and DEP, as well as required SSTS repairs. On 6/2/16, DEP sent an e-mail to the Camp Director regarding the next scheduled inspection and requesting prior notice for any SSTS work to be done in 2016. DEP sent an e-mail to DOH on 6/2/16 requesting a call back concerning the site. DEP performed a construction site visit on 6/15/16; septic failure was not observed; the pump station was inaccessible for DEP's inspection of a pump replacement. DEP received a message from the Camp Director on 6/15/16 regarding the pump station. DEP exchanged e-mails with DOH on 6/17/16; DOH will no longer do joint inspections with DEP and DOH will not be looking at the absorption field during their separate inspections in summer 2016. DEP left a message for DOH on 6/21/16 requesting a call back, as well as copies of a post-5/19/16 joint inspection letter, the Temporary Residence Permit, and the camp's permit. DEP spoke with DOH on 6/22/16; DEP's inspection dates were provided and DOH stated that a letter with outstanding SSTS issues will not be issued, as the camp is actively working on the pump chamber and the siphon replacements. DEP performed a site visit on 6/30/16; septic failure was not observed and the absorption field was dry; staff was on site

and the camp will open on 7/3/16. DEP sent an e-mail to the Camp Director on 7/6/16 containing a field report for the 6/30/16 site visit. DEP performed a site visit on 7/14/16; SSTS dosing tanks are not operating properly, but the absorption field was completely dry. DEP received an e-mail with pictures from DOH on 7/27/16 from their 7/11/16 site visit; no issues were seen with pooling water or breakouts after heavy rains on 7/8 and 7/9/16. DEP performed a site visit on 7/28/16; septic failure was not observed. DEP performed the final scheduled site visit of the camp's season on 8/11/16; septic failure was not observed and the absorption field was dry. DEP received an e-mail from the Camp Director on 9/13/16 regarding additional details on the dosing design plan. DEP received revisions to the approved plans from the engineer on 9/14/16. DEP issued a letter to the Scout Executive on 10/12/16; design revisions were accepted and it was requested that the work be done promptly. DEP received notice on 11/2/16 that construction will begin. DEP performed a construction site visit on 11/2/16, which was the first meeting on-site of the flout install; septic failure was not observed. DEP performed a construction inspection on 11/9/16; septic failure was not observed. Following the install of flouts, camp staff had the fire department test system functionality. DEP performed a construction inspection on 11/21/16 to inspect the distribution boxes (d-boxes). A meeting was held with the camp representatives on 1/4/17; DEP staff received numerous photos and video of the recent installation of dosing flouts and discussed the need for dosing counters, which the camp will install in 2017. DEP issued an end-of-the-season letter to the Scout Executive on 3/28/17 detailing 2016 observations of the SSTS status and 2017 goals for completing the upgrade.

Project Name: 79-81 West Shokan Hgts Rd (2014-AS-0181)
Town: Olive
Basin: Ashokan
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - surfacing - 60% (Rental). DEP NOV for failed cesspool and the unapproved Alteration/Modification of the SSTS.
Discovery Date: 5/2/14
Status: **New**

Overview and Action:

DEP performed a site visit on 2/19/16; septic failure was observed; the septic tank was collapsed and the cesspool and drywell were in poor condition. Upon further inspection, DEP observed that the cesspool was exposed on one side and a deep ditch had been dug to keep the cesspool from surcharging; there was sewage in the ditch. On 2/26/16, DEP left voicemails for the owner and caretaker of the property. DEP received a return call from the caretaker on the same day; he stated that sewage was backing up into his house, so he snaked a line from the house to the cesspool and dug a ditch to flow into a gravel pit (which is part of the original system). The caretaker has not heard from the owner regarding the repair. On 3/4/16, DEP left a voicemail for the owner to call back regarding the SSTS. DEP performed a site visit on 3/11/16; septic failure was observed; the septic tank was surcharged; sewage was seen in the ditch. DEP received a call from the engineer on 3/22/16; he has not been able to get in touch with the owner and has not yet been paid; thus, the engineer has not yet given a copy of the plans to a contractor to bid to CWC. On 4/15/16, DEP issued a reminder letter to the owner due to the lack of activity. DEP performed a site visit on 5/6/16; septic failure was observed; sewage was flowing out of the cesspool into the ditch. DEP performed a site visit on 5/24/16; septic failure was observed; the septic tank was collapsed and the cesspool and drywell were in poor condition; the failure was

still present in ditch. DEP called CWC on 6/15/16; CWC stated that they have not yet been paid. On 6/15/16, DEP issued a reminder letter to the owner due to the lack of activity via certified/return receipt mail; DEP informed the engineer that he is copied on the letter; the engineer will contact the owner, once the letter is received. DEP received a call from the owner on 7/1/16; he stated that he is having financial problems. DEP stated that the open pit should be covered for safety and progress towards a replacement needs to begin to avoid legal involvement. DEP continued that if the owner puts a cover over the illegal pit/trench, he should call DEP after it is done; however, if he fills the trench in with soil, he should contact DEP with 48 hours' notice. DEP will ensure that the owner knows how to clean waste out of the trench and dispose of it properly. The owner expressed interest in doing the work himself; DEP recommended that he speak with his engineer, as he has to certify the work. The engineer should then send plans to CWC to get a construction bid approved. DEP performed a site visit on 7/12/16; septic failure was observed; sewage was seen in the ditch, coming from the cesspool; a very strong odor was present; the ditch was not filled in, but there was a piece of plywood and a pallet covering it. DEP performed a site visit on 10/24/16; septic failure was observed; sewage was seen in the ditch. DEP left voicemails for the engineer on 11/29 and 12/6/16 to discuss any progress/communication with the owner and pending enforcement actions for the site. DEP issued an NOV to the owner on 12/7/16; DEP also left a voicemail for the owner on this same date to notify him of the NOV and to request a call back, as detailed in the NOV. DEP performed a site visit on 12/14/16; septic failure was observed; the cesspool was still exposed on one side and was leaching out into the ditch; the ditch was still open and there was a large pool of effluent in it; a very strong odor was present. DEP called the owner on 12/16/16; he received a foreclosure notice from Ulster County; he also cannot currently pay for a repair due to more pressing financial obligations; he cannot submit a bid to CWC until he pays his engineer for the design, which expires in July 2017. DEP received a call from the engineer on 12/27/16; he has not heard from the owner. DEP updated the engineer on the conversation DEP had with the owner on 12/16/16. DEP performed a site visit on 3/9/17; septic failure was observed; the septic tank was collapsed and the cesspool and drywell were in poor condition; sewage was observed in the ditch. DEP sent an e-mail to the owner on 3/17/17 and stated that the enforcement status may be elevated if he does not make a commitment or respond. DEP received an e-mail from the owner on 3/20/17 stating that he will pay the engineer by end of March 2017. DEP sent the owner an e-mail on 3/22/17 and requested that the plans be renewed and that an update be provided by 4/7/17.

Project Name: 68 Ridge Road (2001-AS-0759)
Town: Olive
Basin: Ashokan
Type of Use: SSTS Repair (RE)
Type of Violation: RE.2: Possible failure of repair. RE.1: Replacement SSTS-CWC. DEP NOV in RE.2 for surface failure.
Discovery Date: 12/18/15
Status: Ongoing

Overview and Action:

DEP performed a site visit on 12/18/15; septic failure was observed, as there was surfacing of sewage on the ground in the rear left of the property. The failure runs towards a rock wall and then dissipates into the ground; there is a strong odor present. There is standing water

approximately 30 feet to the south and east of the failure location, which appears to be a low lying area collection of stormwater. There is a stream approximately 230 feet to the southwest of the failure; it is not clear if the failure can reach the stream. Further field investigations are necessary. This site was a CWC project replacement in 2001. DEP initiated an Enforcement Action on 12/18/15. DEP reviewed County records on 12/22/15, which showed the structure as a 3 bedroom, which was consistent with the 2001 approval bedroom count. DEP issued an NOV to the owner on 1/4/16. As a courtesy, DEP called the owner on 1/5/16 and left a message stating that the NOV is being issued and that the owner should call back to discuss. DEP received a phone call from the owner on 1/7/16; he will investigate the failure. DEP will send him an e-mail with CWC information to possibly assist with pump-out, which he hasn't done since he bought the home in 2005. DEP e-mailed the owner on 1/7/16 with an As-Built and contact information for the DEP Inspector and CWC. DEP left a message with the owner on 1/26/16 and requested a call back; DEP would like information regarding the septic tank pump-out and would like to schedule an appointment for a site inspection. DEP sent the owner an e-mail on 1/27/16 requesting the failure status, pump-outs, and CWC communication results. DEP received an e-mail response from the owner on 1/28/16. The owner stated that he has pumped out and that the speed levelers in the distribution box (d-box) have been adjusted so that the last lateral (suspected to be the failure) is not receiving flow for a while. The owner said it is not currently failing and that DEP can come by to inspect without prior notification or announcement of arrival. The owner stated that he still needs to dig up the last lateral end to check on the status of the cap. DEP responded to owner on the same day, via e-mail, and asked when the pump-out took place and what the status was of the distribution box when it was initially uncovered. DEP received an e-mail from the owner on 1/29/16 stating that it appeared that the failing lateral speed leveler was taking on most of the flow. The owner also reported that DEP's As-built diagram was not accurate for locating the d-box. DEP will take measurements and adjust the record drawing; DEP also asked for a pump-out date again. The owner replied on the same day that he believes the pump-out was on 1/16/16. DEP performed site visits on 2/8, 3/11, and 3/31/16; septic failure was not observed. DEP performed a site visit on 4/11/16; septic failure was not observed though it appeared that there may have been a recent discharge. DEP performed a site visit on 5/6/16; septic failure was observed as there was a black spot at the end of the lateral with an apparent odor. DEP performed a site visit on 5/25/16; septic failure was not observed. DEP sent an e-mail to the owner on 6/10/16 with questions about runoff, the status of laterals, and any changes he may have made because four recent inspections showed the area to be wet and one inspection showed an active surface failure. DEP exchanged e-mails with the owner on 6/30/16, due to lack of response to the previous e-mail. The owner stated that driveway runoff goes to the SSTS area, but he has not witnessed another failure. DEP exchanged e-mails with the owner on 7/1/16 requesting answers to questions not addressed in the previous e-mail exchange. The owner stated that speed levelers are in their original positions and one person has moved out of the house, thus reducing flows. DEP exchanged e-mails with the owner on 7/18/16 asking if low flow fixtures are installed in the home; the owner has some, but will investigate further. DEP provided CWC's contact information so that the owner could see if funding is available to upgrade his fixtures, if necessary. DEP performed a site visit on 7/19/16; septic failure was not observed, though photos reveal that surfacing may occur occasionally in some spots. DEP sent the owner an e-mail on 8/10/16 inquiring about any follow-up he did with CWC regarding low flow fixtures. DEP also requested that the owner document site drainage issues for possible funding of site improvements by CWC. DEP performed a site visit on 8/19/16;

septic failure was not observed. DEP performed a site visit on 9/15/16; septic failure was not observed, the area was dry, and photos were taken. DEP sent an e-mail to the owner on 9/15/16 encouraging him to contact CWC for water-saving and surface water drainage solutions. DEP sent an e-mail to the owner on 10/14/16 to follow-up on the failure status and water saving fixture/runoff efforts with CWC. DEP performed site visits on 10/24, 11/9, and 12/4/16, and on 2/3/17; septic failure was not observed; the site was snow covered during the December 2016 and February 2017 inspections.

Project Name: 1 Crosswell Manor (1997-AS-0221)
Town: Olive
Basin: Ashokan
Type of Use: SSTS Repair (RE)
Type of Violation: Three unit apartment complex with Failed SSTS. The Failed SSTS appears to serve just one of three apartments. DEP NOV and NOF. Repair/Replacement of tank.
Discovery Date: 10/31/06
Status: Ongoing

DEP REP and DEP Legal received an e-mail from NYC Law on 12/14/15 containing a Stipulation of Discontinuance for the case against the former owner, as he no longer owns the property. All parties will continue to work with the bank to ensure that the potential buyers are made aware of the SSTS situation. DEP performed site visits on 1/7 and 2/9/16; the “For Sale” sign is still up, the building is still vacant, and there is no sign of any work being done on the property. DEP performed a site visit on 4/6/16 and met with the new owner on site. He hopes to renovate the building into two apartments upstairs and use the downstairs for storage; he understands the need for an engineer to propose a solution to the NOV. DEP met with the engineer on 5/10/16 to review his project file; copies of as-builts were provided. DEP received a call from the engineer on 7/6/16 stating that the two septic tanks were pumped out during the week of 6/27/16. The owner is currently away for a few months, so he did not leave the tanks accessible, nor did he have the failing drywell pumped out, as he wants to do that the same day it is decommissioned. DEP left a voicemail for the engineer on 1/19/17 regarding the need to move forward on the project. DEP performed a site visit on 3/30/17; septic failure was not observed and it appears that someone is staying there.

Project Name: 4794 Washington St. (2012-SC-0331)
Town: Prattsville
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: Anonymous complaint of sewage dumping. DEP NOV.
Discovery Date: 6/1/12
Status: **Closed**

DEP exchanged e-mails with the Town of Prattsville CEO on 4/22 and 4/27/16 regarding the Town’s compliance. The CEO stated that campers can be used for two months without a permit, but thereafter they need to become permanent. DEP left a message for the CEO on 5/13/16 to discuss his recent e-mail, as well as DEP’s standpoint on SSTS compliance, number of bedrooms, and inspection schedules. DEP spoke with the CEO on 5/17/16; he stated that he is

not actively pursuing enforcement for camper usage on the site, but he would like to attend any SSTS investigations or pump outs that DEP may request. DEP sent an e-mail to the owner and CEO on 6/10/16 stating that if no problems are encountered after inspections are completed in fall 2016, the NOV will be closed. DEP performed a site visit on 6/23/16; septic failure was not observed and there was no visible effluent. DEP performed a site visit on 8/1/16; septic failure was not observed, there have been very heavy rains for two days, and there was no visible effluent over the bank. There is new excavation in progress, possibly for a tank. Greywater has recently been drained, though a hose is still attached to the camper. DEP sent an e-mail to the owner on 8/1/16 regarding a large hole which was recently dug and left open. DEP exchanged e-mails with owner on 8/4/16; the owner stated that they are installing a holding tank. DEP requested photos to keep on file for future reference; DEP will continue to inspect the site and will close out enforcement if no problems are found. DEP performed a site visit on 8/5/16; septic failure was not observed; the holding tank has been installed and backfilled and a riser was installed to connect to the camper waste line. DEP exchanged e-mails with the owner on 8/5/16; DEP requested that the owner ask the contractor to keep DEP informed of progress. DEP exchanged e-mails with the owner on 8/12/16; the holding tank is complete. DEP asked for the contractor's contact information in case DEP has any questions. DEP received photos of the construction of the holding tank on 8/15/16. DEP performed a site visit on 9/8/16; septic failure was not observed and there was no visible discharge of greywater. DEP performed a site visit on 10/18/16; septic failure was not observed; there were no visible signs of discharge. DEP has resolved the Enforcement Action on 10/24/16. The violation was resolved and the case was closed on 10/24/16 with DEP Closure letter dated 10/24/16.

Project Name: Schrader Rd (2010-SC-0611)
Town: Prattsville
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: SP.1: DEP NOV and DEC NOV. Land clearing, grading, and grubbing on slopes over 15% resulting in greater than 5 acres of disturbance. RE.1: 1500 gallon tank to replace the existing 1250 gallon tank. SS.1: New SSTS.
Discovery Date: 10/2/15
Status: **Approved**

Overview and Action:

DEP received a call from the site contractor on 2/5/16 regarding the engineer being unresponsive. DEP performed a site visit on 3/22/16; there were deficiencies, there was no discharge, and the site was vacant. A meeting was held with the applicant on 4/4/16; the applicant has changed engineers. A meeting was held with the project engineers and contractors on 4/20/16. DEP sent an internal e-mail on 4/21/16 regarding an update on the engineer and project overall as per the 4/20/16 meeting. DEP received a call from the new engineer on 5/16/16 regarding the SWPPP submittal. DEP performed a site visit on 5/16/16; there were no deficiencies; there was no discharge; the site was occupied. DEP received a response to the NOICA from the engineer on 7/6/16; the submission included an Erosion Control/Improvement Plan. DEP performed a site visit on 7/7/16; there were no deficiencies; there was no discharge; the site was occupied. DEP issued a NOCA on 7/21/16. DEP performed a site visit on 7/27/16; there were no deficiencies; there was no discharge; the site was occupied. DEP left a general

message for the engineer on 8/2/16. A meeting was scheduled with the engineer on 8/4/16, but due to confusion over the design between all of the engineers, the meeting was cancelled. DEP received a call from the contractor on 8/9/16; the contractor has been calling the engineer regarding completing the SWPPP. DEP received revised plans and an abridged SWPPP narrative from the engineer on 8/16/16. DEP performed a site visit on 8/18/16; there were no deficiencies; there was no discharge; the site was occupied. DEP issued a comment letter on 8/30/16 to the owner. DEP received a letter, revised SWPPP, and revised plans from the engineer on 9/23/16 to DEP's letter of 8/30/16. DEP issued a comment letter on 10/4/16 to the engineer; the SWPPP cannot be approved without the issues being addressed therein; DEP received a response on this same date. DEP issued a comment letter on 10/5/16 to the engineer. DEP received a letter and revised plans from the engineer on 10/6/16 to DEP's letter of 10/5/16. DEP issued an Approval Determination letter on 10/12/16. DEP performed a site visit on 10/20/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 11/3/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the contractor on 11/7/16 regarding extreme tracking at the site, which must be swept immediately. DEP performed a site visit on 11/10/16; there were deficiencies; there was no discharge; the site was occupied; the bioretention cell in the driveway near the house has been split in two. DEP performed site visits on 12/1, 12/2, 12/8, and 12/14/16; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 12/23/16, and on 1/5 and 1/18/17; there were deficiencies; there was no discharge; the site was vacant. DEP performed site visits on 2/2 and 2/15/17; there were no deficiencies; there was no discharge; the site was occupied. DEP performed a site visit on 3/1/17; there were deficiencies; there was no discharge; the site was occupied. DEP performed site visits on 3/17 and 3/30/17; there were no deficiencies; there was no discharge; the site was occupied.

Project Name: 37 Albert Slater Road (2006-SC-0779)
Town: Prattsville
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS; DEP NOF. Also DEP NOV for unapproved use of a holding tank.
Discovery Date: 7/5/06
Status: Ongoing

Overview and Action:

DEP performed a site visit on 6/30/15; septic failure was not observed and the "For Sale" sign is gone. DEP performed a site visit on 12/17/15; septic failure was not observed; there was no sign of inhabitation and no realty sign posted. DEP performed a site visit on 6/27/16; septic failure was not observed; the house is vacant and is posted for sale; there is no sign of use. DEP performed site visits on 12/27/16 and 1/3/17; septic failure was not observed; the house remains vacant and appears to be abandoned, as of the latter date.

Project Name: Etta Post Road (2006-SC-0578)
Town: Prattsville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; DEP NOV issued for unapproved construction of an SSTS.

Discovery Date: 11/13/15

Status: **New**

Overview and Action:

DEP received a call from CEO on 2/2/16; he was on-site with DEP Observers on 2/1/17 and did not witness any violations. He also stated that he does not have any records beyond four years prior; he recommended checking county records. DEP issued a letter to the owner on 10/7/16 regarding the construction of a structure on the site; DEP has no records of receiving engineered plans or of issuing an approval for an SSTS; thus, generation of wastewater would be a violation; a response was requested by 10/21/16. DEP received calls from the owner on 10/15 and 10/18/16 regarding the property's history; he stated that he has a year-round cabin with a well, electric, and a compost toilet; greywater from the shower and sink is discharged to a bed of gravel. The cabin was installed in 2006; since then, a second cabin and porch have been installed; the owner states that there is one bedroom. DEP received a call from the owner on 10/25/16; a meeting was arranged on-site on 10/27/16. DEP provided CWC's contact information and stated that an NOV will likely be issued for an illegal greywater system. The owner spoke with CWC on the same date; they will visit the site right before DEP but since the septic was constructed after 1997 (in 2006), it is not eligible for funding. DEP performed a site visit on 11/1/16; septic failure was not observed; DEP met with the owner and inspected the property; the owner expressed that he is unable to pay for a new SSTS. DEP reiterated that an NOV will most likely be issued for an unapproved use of an SSTS, as per protocol. DEP requested that the owner contact an engineer to arrange soils testing. DEP left a voicemail for the owner on 11/22/16; the owner called back and stated that he spoke with a few engineers but no site visits have been scheduled. DEP reminded him that an NOV will be issued and it will include a compliance schedule; the owner will alert DEP when the NOV is received, or if there is any other progress. DEP issued an NOV to the owner on 12/6/16 and called him as notification that it was on the way. He has arranged to have a 1500 gallon holding tank installed in the spring of 2017, as he cannot afford a permanent system and may start to use the property seasonally. Once the owner calls to confirm receipt of the NOV, DEP can discuss a holding tank proposal with him. DEP received a call from the owner on 12/9/16 in response to the recently issued NOV; due to weather forecasts, he does not believe soils will be done in 2016. DEP spoke with the owner on 12/14/16 and requested that he write a letter supporting his claim of seasonal property use. DEP will review the letter to determine if a holding tank is an option, per Appendix 75A Regulations (75A). DEP does not review or approve holding tank designs or construction and will defer the project to DOH for enforcement if something does not comply with 75A. DEP left a voicemail for the owner on 2/17/17 regarding a seasonal use submittal.

Project Name: 37 Alpine Rd (2012-AS-0624)

Town: Shandaken

Basin: Ashokan

Type of Use: Intermediate Repair (CR)

Type of Violation: Failing SSTS-CWC-small business. DEP NOV for surface discharge.

Discovery Date: 9/28/12

Status: **Closed**

Overview and Action:

DEP received a phone call from DEC on 1/6/16, with regard to DEP's letter dated 12/17/15. DEC will call the engineer to get the SPDES permit application process underway. DEP called the

facility on 1/29/16 and spoke to the owner's son, who said that he installed low-flow kits in the two downstairs toilets and a plumber installed a kit in the upstairs toilet. He also said that the engineer is working on the SPDES permit and that a crack in the dosing chamber cover will be repaired or the cover will be replaced. DEP performed a construction site visit on 2/2/16; septic failure was not observed. DEP inspected to determine if the three toilets had been retrofitted for low-flow and the dosing chamber cover had been replaced. DEP advised the owner that the certification letter and "As-built" are all that are needed for DEP to formally accept the construction. However, after a discussion DEP had with the manufacturer of the low-flow units, DEP discovered that they are not the correct model. DEP spoke to one of the family members at the facility on 2/3/16 and explained the need for a different product to achieve a low-flow flush. DEP also forwarded this information to the owner via e-mail. DEP received a letter from DOH on 3/21/16 regarding the new outfall and DOH's concurrence of the wastewater discharge flows depicted on the engineer's drawings, which were approved by DEP on 8/8/13. DEP sent an e-mail to the owner on 4/12/16 with information on low flow kits. DEP sent an e-mail to the owner on 6/21/16 regarding the receipt of the SPDES permit and the acceptance of three toilets retrofitted with water shut off mechanisms and reduced tank volumes. DEP called the engineer on 6/21/16 requesting a certification letter and as-builts. DEP received an e-mail from the owner's daughter on 6/24/16; she stated that the toilets flush well; she is looking in to the SPDES permit. DEP received an engineer's certification letter, but incomplete as-built plans, from the engineer on 8/30/16. DEP sent an e-mail to the engineer on 8/31/16 regarding the lack of reserve area on the as-builts. DEP received revised As-Built plans, dated 9/3/16, from the engineer on 12/2/16. A certification letter was received on 8/30/16. The violation was resolved and the case was closed on 12/6/16 with DEP Closure letter dated 12/6/16. DEP has resolved the Enforcement Action on 12/6/16. DEP issued a letter of Construction Compliance on 12/6/16.

Project Name: Valley View Road (2001-AS-0322)
Town: Shandaken
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: DEP NOV's for: SP.1: Construction of a new impervious surface/expansion of existing impervious surfaces; and CR.1: Non-Complying Regulated Activity. CWC for Small Business.
Discovery Date: 2/3/14
Status: **Closed**

Overview and Action:

DEP met with the engineer to review the SSTS plans on 3/4/16. DOH reviewed and accepted these plans earlier that week; a few details need to be corrected. In addition, the owner cannot substantiate the prior use of the Performance Space or the dining room, so the engineer is using the owner's current numbers (since purchasing in 2002), as well as occupancy ratings from the Town of Shandaken CEO. Attorneys from DEP Legal and NYC Law had a phone conversation with the applicant's attorney on 3/18/16. The applicant's attorney advised that the engineer is going to submit a site plan during the week of 3/21/16; the site plan will focus on the SSTS; there was no indication of when the SWPPP might be submitted. DEP received a letter from DOH on 3/21/16 regarding wastewater discharge flows/outfalls; the information in this letter isn't entirely correct; the engineer will speak with DOH and a new letter should be forthcoming. DEP sent an e-mail to DOH and the engineer on 3/23/16 regarding some needed changes to the

flow confirmation letter. DEP received revised preliminary SSTS plans from the engineer on 3/24/16. DEP received Applications for an Alteration/Modification (to an existing SSTS) and a replacement SSTS on 4/5/16 from the engineer. DEP issued a NOCA on 4/5/16. DEP met with the engineer on 4/8/16; the engineer will resubmit a revised plans based on a few errors noted. On 4/8/16, DEP received from the engineer the Maximum Occupancy Notices for the Valley View House Cafe, the Performance Space, Bar, Porch, and Main Room. DEP received revised plans, an EPA Inventory of Injection Wells form, a SPDES application, and a Short EAF from the engineer on 4/18/16. DEP received a revised Short EAF from the engineer on 4/29/16. DEP performed a site visit on 5/2/16; DEP met with the owner, engineer and contractor for a preconstruction meeting and to discuss the plans and installation of the SSTS. DEP received notice on 5/2/16 that construction will begin on or about 5/9/16. DEP issued an Approval Determination letter on 5/5/16. DEP performed a site visit on 5/16/16; septic failure was observed; while inspecting the excavation next to the existing holding tank that serves the Valley View House, the tank was discovered to be failing. DEP performed a construction site visit on 5/17/16; septic failure was not observed; the Valley View House septic tank has been backfilled and work has begun on the Recreation Barn SSTS. DEP performed a construction site visit on 5/18/16; septic failure was not observed; the hole for the septic tank of the Recreation Barn SSTS has been dug and the parking area is being regraded. DEP performed a construction inspection on 5/19/16; septic failure was not observed; the traffic rated septic tank for the Recreation Barn has been set and inspected; work will resume on the absorption bed on 5/23/16. DEP called the contractor on 5/23/16 regarding a time to inspect the absorption bed; he stated that he might begin working on it on 5/24/16, as he is waiting for materials to arrive. DEP called the engineer on 5/23/16 to advise that no work would be done on this day; the engineer stated that the septic tank for the Streamside Cottage should be delivered on 5/24/16. DEP called the contractor on 5/24/16 regarding an inspection time on this day; the contractor stated that he will not be on site. DEP received an e-mail from the engineer on 5/24/16 with details on the replacement septic tank for the Valley View House; DEP agreed with the detail and sizing. DEP received a call from the contractor on 5/26/16 regarding doing an inspection on this day; DEP was unavailable; the engineer had advised DEP that no work would be done until 5/31/16. DEP spoke with the engineer on 5/31/16; he will check on the Recreation Barn bed progress during the morning on this day and DEP will check in the afternoon. Per the owner, the tank for Streamside Cottage is being set on 6/1/16 and the bed will be installed directly after that. This project is on CWC's 6/7/16 Board Meeting Minutes and was approved for a CFF REDI (Catskill Fund for the Future Regional Economic Development Initiative) loan. DEP performed a construction site visit on 6/21/16; DEP observed the finished absorption bed for the Recreation Barn; the fence posts surrounding the bed were dug wider than the approved ten feet. DEP called the engineer on 10/24/16; installations are scheduled for the week of 11/7/16. DEP performed a construction site visit on 11/9/16; septic failure was not observed; installations of the replacement septic tank, the new holding tank, and the replacement SSTS for Streamside Cottage were inspected; all were satisfactorily installed. DEP performed a site visit on 12/1/16; septic failure was not observed; electrical connections, alarm functionality, and alarm float installation were inspected for the Valley View holding tank; deficiencies were noted and another inspection will be scheduled. DEP performed a site visit on 12/20/16; septic failure was not observed; the deficiencies previously noted for the Valley View holding tank have been corrected; an inspection of the pipe connections from the holding tank to the bathrooms is still outstanding. DEP exchanged e-mails with the owner on 12/27/16 concerning DEC's regulations with regard to the electrical work in

the holding tank, as well as DEP's need for documentation to close out the project and NOV. DEP received As-Built plans and an engineer's certification letter from the engineer on 12/28/16. DEP issued a letter of Construction Compliance on 1/4/17. The violation was resolved and the case was closed on 1/4/17 with DEP Closure letter dated 1/4/17. DEP has resolved the Enforcement Action on 1/4/17.

Project Name: Valley View Road (2001-AS-0322)
Town: Shandaken
Basin: Ashokan
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV's for: SP.1: Construction of a new impervious surface/expansion of existing impervious surfaces; and CR.1: Non-Complying Regulated Activity. CWC for Small Business.
Discovery Date: 7/7/15
Status: **New/Approved/Closed**

DEP Legal issued a letter to the owner on 1/6/16 regarding the engineer's lack of response to the SWPPP NOV warning letter issued on 6/11/15, and his failure to submit a SWPPP. To avoid possible litigation and the issuance of a SWPPP NOV, the owner must contact DEP Legal within 5 days of the letter date to confirm that a SWPPP will be submitted for review and approval within 30 days and that construction will commence by 5/1/16. DEP received a call from the owner on 3/10/16 claiming that he responded to DEP Legal's letter, but it was returned to him as "undeliverable." This project is on CWC's 6/7/16 Board Meeting Minutes and was approved for a Catskill Fund for the Future Regional Economic Development Initiative (CFF REDI) loan. DEP issued another NOV warning letter to the owner on 8/23/16; a SWPPP must be submitted within 30 days of the letter date or an NOV will be issued. DEP received a call from the owner on 10/7/16; the owner spoke with the engineer who stated that he will address this project "in the near term." DEP issued an NOV to the owner on 11/3/16. On 1/3/17, the project was sent to DEP Legal for the possible issuance of another legal letter. DEP received a copy of the proposed SWPPP improvements for the existing tent from the engineer on 1/24/17. DEP received an e-mail from the owner on 1/30/17; the engineer will be working with another engineer to submit a plan per DEP's directive; the owner hopes this will take place the week of 2/6/17. DEP received a copy of the drainage analysis, the pre and post-development calculations, the site plan, and engineering detail from the engineer on 2/22/17. DEP issued a NOCA on 3/1/17. DEP issued an Approval Determination letter on 3/1/17. DEP exchanged e-mails with the owner between 3/9 and 3/16/17 regarding setting-up a pre-construction meeting; the owner also requested that he submit a commitment letter to have the NOV lifted so he could bring his loan proposal to CWC's Board on 4/8/17. DEP exchanged e-mails with the owner, and copied the engineer, on 3/17/17 regarding three options to resolve the NOV; the owner chose the second option. DEP received a commitment letter to resolve the NOV from the owner on 3/20/17; a new design will be completed by 4/10/17 and the system will be installed before the end of November 2017. The violation was resolved and the case was closed on 3/24/17 with DEP Closure letter dated 3/24/17.

Project Name: 4924/44/48 State Rt. 23 (2014-SC-0628)
Town: Windham
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: IS.1: Intermediate SSTS for Crown Fuels. SP.1: DEP NOV and DEC NOV. Greater than two acres of disturbance within 100 feet of a watercourse.
Discovery Date: 9/17/15
Status: **Approved**

Overview and Action:

A meeting and preliminary site walk was held with the engineer on 12/7/15. DEP exchanged an e-mail internally on 1/6/16; DEC left a voice-mail stating that the owner has not responded to DEC's NOV and no petroleum spill cleanup has occurred. DEP will follow-up with DEC to ascertain their next steps. On 1/6/16, DEP received a spill letter from DEC issued to the owner on 10/2/15 requesting that the contaminated soil be excavated and that post excavation soil samples be taken to confirm that the spill had been cleaned up. DEP sent an e-mail to the engineer and owner on 3/1/16. DEP noticed that the access road had been used; if usage will continue, it will have to be stabilized and a construction entrance will need to be added. If there will be no more usage, the road should be seeded and mulched. A meeting was held with DEC on site on 4/27/16. DEP received a call from the new engineer on 5/5/16; a SWPPP has been prepared and is being submitted. DEP received plans and the O&M manual from the engineer on 6/8/16; an application was not included. A meeting was held with the engineer on 6/14/16; DEP provided the engineer with contact information for the Greene County IDA (Greene County Industrial Development Agency) to discuss a combined stormwater system; future proposed uses of the adjoining two lots were also discussed. DEP exchanged e-mails with all parties working on the project on 7/12/16 to set-up a site visit to discuss stormwater issues. A meeting was held with the applicant, DEC, Greene County IDA and the engineer on 7/20/16. DEP exchanged e-mails with all engineers on 8/1/16 regarding sizing questions and DEP's regulations. DEP left a message for the engineer on 8/2/16. DEP received an Application for a SWPPP on 8/5/16 from the engineer with plans and a Full EAF. DEP performed a site visit on 8/18/16; there were deficiencies; there was no discharge; the site was occupied. DEP issued a NOCA on 8/24/16. DEP issued a comment letter on 9/9/16 to the owner. DEP received a letter, revised SWPPP, and revised plans from the engineer on 9/19/16 to DEP's letter of 9/9/16. DEP issued a comment letter on 9/23/16 to the owner. DEP received a letter, revised SWPPP, and revised plans from the engineer on 10/3/16 to DEP's letter of 9/23/16. DEP issued a comment letter on 10/5/16 to the engineer. DEP exchanged e-mails with the engineer between 10/5 and 10/7/16 regarding Hydraflow information needed from the engineer for DEP's SWPPP review. DEP called the engineer on 10/7/16 regarding the SWPPP design. The engineer will be providing a revised plan and data sheets. DEP received revised plans from the engineer on 10/11/16 to DEP's letter of 10/5/16. DEP issued a comment letter to the engineer on 10/13/16. On 10/19/19, DEP received DEC's executed Consent Order dated 10/18/19; receipt of a civil penalty was also confirmed. DEP received a revised SWPPP from the engineer on 10/20/16 to DEP's letter of 10/13/16. DEP issued an Approval Determination letter on 11/1/16. DEP performed a site visit on 12/6/16; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the owner on 12/7/16 stating that a pre-construction meeting should have taken place before any site work began. DEP also provided a list of items which need to be addressed, several of which DEC will

also check. DEP received notice on 12/15/16 that construction began. DEP sent an e-mail to DEC on 1/31/17; DEP is attempting to set-up a site meeting on 2/2/17. DEP performed a site visit on 2/2/17; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the owner on 2/8/17 regarding the lack of erosion and sediment controls at the site; wastewater concerns were also expressed. A meeting was set-up on 2/10/17 to discuss these issues. DEP received a notice issued by DEC to the owner on 2/13/17 stating that the owner is in violation of the Order on Consent. DEC requested that the owner respond within ten days of receiving the notice; financial penalties are also possible. DEP exchanged e-mails with the owner on 3/7/17; it appears that site conditions have improved; DEP would like to meet with the owner on 3/10/17 to discuss items which still must be addressed. DEP exchanged e-mails with the owner on 3/13/17 regarding the site meeting; a new date/time was agreed upon on 3/16/17. DEP performed site visits on 3/16 and 3/30/17; there were no deficiencies; there was no discharge; the site was vacant.

Project Name: 165 Mill St (2012-SC-0251)
Town: Windham
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - DEP NOV for sewage discharging to a road-side ditch.
Discovery Date: 5/3/12
Status: **Approved**

Overview and Action:

NYC Law sent one of the owner's an e-mail on 1/12/16 to clarify DEP's position on the need for a design compliant with Appendix 75A regulations; variance information was also provided, if the owner desires to pursue that route. DEP performed a site visit on 1/13/16; septic failure was not observed and there was no visible effluent or signs of pumping. A meeting was held with one of the owner's and NYC Law on 2/3/16; possible solutions were discussed for a compliant SSTS on the property. The owner stated he planned on purchasing composting toilets; NYC Law will respond in writing to the owner to document expectations and regulations to comply with. DEP performed a site visit on 2/17/16; septic failure was not observed; there was no visible effluent, no sign of pumping, and the tank is buried. E-mails were exchanged regarding system design possibilities during the time period of 2/24 and 3/2/16 between: NYC Law and the owner's representative; the owner's representative and the engineer; and the engineer and DEP. DEP sent an e-mail to the engineer on 3/14/16 requesting an update on the project, as it is under enforcement and requires a resolution. DEP performed a site visit on 4/5/16; septic failure was not observed. NYC Law issued a letter to the owner and the owner's representative on 4/13/16 regarding a timeline for compliance, including hiring a new engineer. DEP performed a site visit on 5/17/16; septic failure was not observed. A meeting was held on site with the owner's representative, new engineer, DEP observer, and DEP reviewer on 5/17/16 to review soils information, the acceptable minimum design for the site, and possible enhanced treatment as a mitigating measure, as the raised bed system design will encroach on the well setback. DEP requested that the engineer substantially reduce the loading rate for the proposed SSTS as this will enhance the treatment and provide a longer than typical service life. The engineer will create a design once he receives topographic data from his surveyor. DEP performed a site visit on 5/19/16; septic failure was not observed and there was no visible effluent. DEP called the engineer on 6/10/16 and requested plans. NYC Law exchanged e-mails with the owner's

representative on 7/8/16 regarding when the engineer will submit a design; the owner's representative will update NYC Law on 7/11/16. As of 7/14/16, the site has been surveyed and the engineer expects to submit a design during the week of 7/20/16. DEP performed a site visit on 7/21/16; septic failure was not observed; the house appears to be used sparingly and the yard is unkempt and overgrown. NYC Law exchanged e-mails with the owner's representative on 7/8, 8/8, and 8/9/16 regarding the design submission and survey statuses. The owner's representative stated that the well pump has not been used all summer; he will follow-up with the engineer regarding the repair/replacement status. NYC Law stated that due to the alleged non-working well, a letter had not been issued as of 9/15/16. NYC Law sent an e-mail to the owner's representative on 9/20/16 requesting the status of the septic work. NYC Law sent a letter to owner on 9/28/16 stating that plans must be received by 10/12/16. NYC Law forwarded an e-mail to DEP from the owner on 10/17/16; the owner stated that plans should be submitted within a few days and the well should be fixed soon; regular pump-outs will be scheduled thereafter. DEP received an Application for a non-conventional individual SSTS on 10/28/16. DEP issued a NOCA on 11/3/16. DEP issued an Approval Determination letter on 11/3/16. DEP performed a site visit on 12/19/16; septic failure was not observed; the house was recently decorated for the holidays and appears to be used on weekends; there were two cars in the driveway on 12/16/16. DEP performed site visits on 1/9 and 2/8/17; septic failure was not observed; the house appears to be used on weekends; there was no sign of pumping on 1/9/17. To avoid possible further enforcement proceedings, DEP Legal issued a letter to the owner on 2/22/17 with the following installation compliance schedule: a contractor must be hired by 4/1/17; the site must be cleared and SSTS construction must start by 5/1/17; and the SSTS must be finished by 6/1/17. DEP performed a site visit on 3/22/17; septic failure was not observed; the property is being maintained.

Project Name: 521 Cold Brook Road (2006-AS-0524)
Town: Woodstock
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: CR.1-Replacement SSTS for cottage & house. IS.1-New SSTS for proposed monastery/dormitory. DEP NOVs for New & Failed SSTSs and change in use without DEP approval.
Discovery Date: 9/24/13
Status: **Closed**

Overview and Action:

DEP received a message from the engineer on 2/1/16; he attempted to schedule an appointment at the site to inspect the interior plumbing, but he could not get in touch with anyone and said that the site has been vacated. DEP performed a site visit on 2/19/16; a few of the plumbing fixtures need to be replaced to meet the low flow requirements; the caretaker asked for a few weeks to make the changes. DEP performed a site visit with the engineer on 3/18/16; a final inspection was performed of the interior plumbing fixtures; all are now low flow. DEP called the engineer on 4/15 and on 6/21/16 to request a certification letter and as-builts in order to close out the NOV and the project. DEP received As-Built plans and an engineer's certification letter from the engineer on 12/8/16. This system is actually a new SSTS that was added to accommodate the two to five bedroom change in use and the failed system for the cabin. As all correspondence referred to the system as a replacement, it was decided to change the project type from an

Intermediate Repair (CR) to a New intermediate SSTS (IS). DEP received a letter from the Town of Woodstock Building Department on 12/9/16 regarding their site visit to conduct a fire inspection and determine existing use and occupancy. DEP issued a letter of Construction Compliance on 12/14/16. DEP has resolved the Enforcement Action on 12/14/16. The violation was resolved and the case was closed on 12/14/16 with DEP Closure letter dated 12/14/16.

3.2.2. Delaware District

Project Name: 1102 County Highway 1 (2014-PE-0154)
Town: Andes
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Sewage discharging to roadside ditch; originated as a complaint. DEP NOV. Failing SSTS - CWC- surfacing of sewage on the ground; 60%.
Discovery Date: 4/21/14
Status: Ongoing

Overview and Action:

DEP sent the engineer an e-mail on 1/22/16 requesting that plans be submitted before 2/1/16. DEP reiterated to the engineer that the new technology he inquired about is not allowed in watershed. DEP received an e-mail from the engineer on 1/25/16 stating that he is currently working on the design. DEP performed a site visit on 1/26/16; septic failure was not observed. DEP received an Application for a non-conventional individual SSTS on 2/17/16. DEP issued a NOCA on 2/17/16. DEP issued a comment letter on 2/17/16 to the engineer. DEP received a letter and revised plans from the engineer on 2/29/16 to DEP's letter of 2/17/16. DEP issued a comment letter on 3/4/16 to the engineer requesting design revisions. DEP returned a call to the engineer on 3/9/16 regarding the design revisions; he is adamant about maintaining the current configuration and will submit a revised design addressing slope stabilization for the fill material. DEP received revised plans from the engineer on 3/14/16. DEP issued an Approval Determination letter on 3/16/16. DEP contacted CWC on 4/15 and 4/20/16 regarding the bid status; bids have not been received. DEP performed a site visit on 4/20/16; septic failure was observed to be entering a watercourse/wetland and there was surfacing of sewage on the ground. DEP contacted CWC on 4/25 and 5/18/16 regarding the bid status; bids have not been received, nor has the engineer submitted a plan. DEP exchanged e-mails with the engineer on 5/20/16 regarding moving forward with the project; the engineer stated that he had not yet been paid for the work he has completed. DEP called CWC on 6/16/16 regarding the bid status; CWC paid for a pump out and sent the project to an engineer, but they have not yet paid for the design. DEP returned a call to a neighbor, who is concerned about the SSTS location, on 6/24/16; DEP requested that the neighbor submit a list of concerns, which was received on 6/27/16. DEP performed site visits on 7/11 and 7/18/16; septic failure was not observed. DEP met with the concerned neighbor on 7/18/16 regarding the location of spring lines which six homes supposedly use; these spring lines were not shown on the plans. DEP issued a letter to the engineer on 7/21/16 requesting a revised design which addresses domestic water supply issues. DEP left a message for the engineer on 8/10/16 to discuss DEP's 7/21/16 letter. DEP called CWC on 8/11/16 and informed them that the current design will either be modified or revoked. CWC stated that bids have not been received and the engineer has not been paid. DEP performed a site visit on 10/28/16; septic failure was not observed and the site was vacant. DEP Legal issued a

Notice of Intent to Revoke Approval letter to the owners on 11/28/16 via certified/return receipt mail; if plans showing the required information are not received by 12/9/16, DEP intends to revoke the 3/16/16 design approval. DEP performed a site visit on 1/11/17; septic failure was not observed and the site was uninhabited. On 2/13/17, NYC Law notified DEP that the 11/28/16 legal letter was re-sent to the owner at two different addresses via return receipt mail. On 2/12/17, one of the receipts was returned from one address, without a signature, but the letter was not returned. DEP Legal issued another Notice of Intent to Revoke Approval letter to the owners on 3/24/17; DEP intends to revoke the 3/16/16 design approval on 5/8/17, unless certain written statements are provided within 15 calendar days of the date the owners receive the letter.

Project Name: State Highway 10 (2009-CN-0363)
Town: Delhi
Basin: Cannonsville
Type of Use: Stormwater (SP)
Type of Violation: Proposal in 2009 for a 50x90 foot addition to the church. Proposal in 2014 to add a 30x30 foot addition to the existing church within 100 feet of Elk Creek with no DEP SWPPP approval. DEP NOV issued for such.
Discovery Date: 9/21/16
Status: **New/Approved**

Overview and Action:

DEP sent an e-mail to the applicant on 9/13/16 stating that an NOV would be forthcoming for the construction of an impervious surface within 100 feet of a watercourse without an approved SWPPP. DEP received notice on 9/21/16 that construction began. DEP initiated an Enforcement Action on 9/21/16. DEP issued an NOV to the applicant on 9/21/16. DEP sent an e-mail to the engineer on 9/26/16 with copies of an application guide and relevant watershed regulations. DEP received a call from the engineer on 9/26/16 requesting a site meeting to discuss the project; DEP sent an e-mail to CWC on this same date regarding the meeting. A meeting was held with the applicant, engineer, contractor, Town of Delhi Building Inspector, a Delaware County official, and CWC on 9/27/16 to discuss SWPPP requirements. A deep test soil evaluation was performed on 9/27/16; foundation excavation was still open, which provided an adequate soil profile. DEP received an e-mail from the engineer on 9/30/16 with the preliminary SWPPP; DEP responded with comments on 10/6/16. DEP performed a site visit on 10/6/16; there were no deficiencies; there was no discharge; the site was vacant. DEP received an e-mail from the engineer on 10/7/16 with a revised preliminary SWPPP; the engineer called to follow-up on 10/11/16. DEP informed the engineer that the revisions were acceptable, but three items still needed to be submitted: a SWPPP application; a plant list; and a soil survey. DEP exchanged an internal e-mail on 10/14/16 stating that the owner was advised to move forward with building the rain garden; the SWPPP will be approved, and a pre-construction meeting will be scheduled, during the week of 10/17/16. DEP received an Application for a SWPPP on 10/18/16 from the engineer with a letter of intent from the owner. DEP met with the contractor, engineer, CWC, and applicant on the site for a pre-construction meeting on 10/20/16. DEP issued a NOCA on 10/20/16. DEP issued an Approval Determination letter on 10/20/16. DEP received the Contractor's Certification from the engineer on 10/20/16. DEP performed site visits on 10/26, 11/7, 11/16, and 11/28/16; there were no deficiencies; there was no discharge; the site was vacant on 10/26 and 11/7, but occupied on 11/16 and 11/28/16. DEP received a call from the engineer on 12/5/16 regarding the installation of the gutters and associated drainage piping to the

rain garden. The contractor will install the pipe from the downspouts to the rain garden, weather permitting. If the roof gutters are connected to the rain garden, DEP requested that the rain garden be mulched and a splash pad be installed at the pipe outlet, as per the SWPPP. This project is on CWC's Board meeting agenda scheduled for 12/6/16 for future stormwater program approval. DEP performed a site visit on 12/9/16; there were no deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the engineer on 12/23/16 regarding work at the site. DEP performed site visits on 12/28/16, and on 1/11, 1/30, and 2/27/17; there were no deficiencies; there was no discharge; the site was occupied on all dates except for on 2/27/17 when it was vacant.

Project Name: 1245 Main St. (2014-PE-0670)
Town: Village of Fleischmanns
Basin: Pepacton
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV for failure to obtain approval of a SWPPP prior to construction of an impervious surface within 100 feet of a watercourse.
Discovery Date: 12/2/14
Status: Ongoing

Overview and Action:

The new building is under construction without notification sent to DEP. DEP met with the engineer on the site for a pre-construction meeting on 12/10/15. DEP performed site visits on 12/31/15 and 1/6, and 1/20/16; there were no deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 2/4 and 3/16/16; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 3/18/16 to set-up a meeting to discuss some pending items. DEP performed a site visit on 4/5/16; there were deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the Village of Fleischmanns Planning Board (PB) Chairperson on 4/25 and 5/4/16; it was noted that the owner is eliminating Building "H". The PB considers the entire project as a master plan; no approvals will be granted until all issues are resolved. DEP sent an e-mail to the engineer and PB Chairperson on 5/9/16 to set-up a meeting to discuss proposed site changes. DEP performed a site visit on 5/10/16; there were deficiencies; there was no discharge; the site was occupied. A meeting was held with the project applicant on 5/20/16. DEP exchanged e-mails with the former engineer on 5/23/16 regarding a change in weir material. DEP sent an e-mail to the new engineer on 5/23/16 regarding corrective measures needed for issues with the bioretention cell. DEP performed site visits on 6/15, 6/27, and 8/3/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the contractor on 9/6/16 requesting the completion status of stormwater controls at the site. DEP performed a site visit on 9/8/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the engineer on 9/21/16 requesting when the bioretention cell media will be replaced and the gutters installed. DEP performed a site visit on 10/12/16; there were deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the owner on 10/24/16 regarding items which need to be addressed before the winter arrives, per a site visit during the week of 10/17/16. DEP received an e-mail from the engineer on 11/2/16 with soil test data attached; an update on soil enhancement, the rain garden, and the bioretention area were also provided. DEP performed site visits on 11/3 and 11/7/16; there were no deficiencies; there was no discharge; the site was occupied on 11/3 and vacant on 11/7/16. DEP exchanged e-mails with the engineer on 11/7/16 regarding the

planting media; DEP also asked when gutters will be installed. DEP performed a site visit on 11/17/16; there were no deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the engineer on 11/17/16 stating that the media used for the bioretention cell must be approved by DEP before it is put in place; the gutters also need to be installed and directed to the bioretention cell. DEP exchanged e-mails with the engineer on 11/17 and 11/18/16; the engineer will keep DEP in the loop regarding any work that is to be done and will supply samples of any material intended to be installed. DEP performed a site visit on 12/8/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 12/22/16; there were deficiencies; there was no discharge; the site was occupied. DEP sent an e-mail to the engineer on 12/23/16 stating that the SWPPP must be adjusted and resubmitted with regard to the bioretention cell and planting media. DEP received an e-mail from the engineer on 12/27/16; the engineer reviewed DEP's e-mail comments dated 12/23/16 and subsequently observed the installation at the site. Based on this observation, the gutters of the new building will be modified. DEP sent an e-mail to the engineer on 1/5/17 stating that the engineer's proposed modifications are unacceptable; the engineer must either reinstall the gutters to ensure proper drainage to comply with the SWPPP or modify the SWPPP to provide stormwater treatment for the runoff. DEP received an e-mail from the engineer on 1/5/17 regarding the parking lot layout. DEP performed a site visit on 1/6/17; there were deficiencies; there was no discharge; the site was occupied. DEP issued a letter to the Village of Fleischmanns Planning Board Chairperson (PB Chair) on 1/12/17 regarding issues with the amended site plan dated 3/23/16, and options for resolution. DEP exchanged e-mails with the engineer on 1/12/17; the engineer stated that the owner has decided to reset the gutters and discharge roof rainwater into the rain garden; a soil analysis will be provided of the material used. DEP advised to wait until the spring of 2017 to complete the rain garden. DEP exchanged e-mails with the PB Chair on 1/12/17 regarding the large parking lot; the PB Chair provided a master plan and documents received from the engineer and DEP provided a copy of the SWPPP Approval for reference. DEP performed site visits on 1/20 and 3/2/17; there were deficiencies; there was no discharge; the site was occupied on 1/20 and vacant on 3/2/17. DEP sent an e-mail to the engineer on 3/3/17 regarding the gutter alignment, seeding and mulching, and bioretention completion.

Project Name: 7019 County Highway 26 (2007-CN-0751)
Town: Hamden
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: SSTS Replacement-CWC-Failing-dye recovered. DEP NOV.
Discovery Date: 12/8/09
Status: Ongoing

Overview and Action:

DEP performed a site visit on 2/25/16; septic failure was not observed; photos were taken; a note to FedEx was on the door on 2/24/16, but not on 2/25/16. DEP performed a site visit on 3/3/16; septic failure was not observed; photos were taken; a copy of the NOV was taped to the door. DEP performed a site visit on 3/7/16; septic failure was not observed; photos were taken; the NOV is still taped to the door. DEP performed a site visit on 4/1/16; septic failure was not observed. DEP Legal issued a letter to the owner on 4/12/16 detailing steps needed to resolve the NOV and to avoid litigation by NYC Law. Deadlines were given to do a dye test, submit pump-out receipts, and begin/complete construction. DEP received notice on 4/27/16 that construction

will begin on 5/2/16; DEP confirmed that construction did not start. DEP spoke with CWC on 5/4 and 5/5/16 regarding the bid status; bids have not been received. CWC noted on 5/5/16 that they have not heard from the owner for almost ten years, since signing her into the program. DEP performed a site visit on 5/9/16; septic failure was not observed; photos were taken; construction has not started. DEP spoke with CWC on 5/18/16 regarding the bid status; bids have not been received. DEP performed a site visit on 6/6/16; septic failure was not observed; there was no one on site. DEP left a message for the contactor on 6/13/16 requesting a return call. DEP issued a Design Approval Expiration letter on 6/29/16. DEP performed a site visit on 7/11/16; septic failure was not observed; the site does not appear to be occupied, though it is being maintained/mowed. DEP performed a site visit on 8/2/16; septic failure was not observed; there was no one on site. DEP exchanged e-mails with DEP Police on 8/9/16 to request their assistance with inspecting the property for inhabitation on weekends until the end of August 2016. DEP performed site visits on 9/7 and 9/8/16; septic failure was not observed. DEP spoke with the owner on 9/8/16; she stated that the contractor is going to start construction during the week of 9/12/16. DEP exchanged calls with the contactor on 9/22 and 9/26/16 regarding the construction status; the contractor stated that he hopes to begin construction during the week of 9/26 or 10/3/16. DEP informed the contractor that construction cannot commence, as the approval for the plans has expired. The contractor will call the engineer to obtain re-approval so that construction can begin. DEP received a call from the engineer on 10/6/16 requesting design re-approval. DEP issued a renewed Approval determination on 10/13/16. DEP performed a site visit on 10/13/16; septic failure was not observed; the site was already under construction. DEP received a call from the engineer on 10/13/16; the engineer had told the contractor to start construction, but they neglected to alert DEP prior to it beginning. DEP performed construction site visits on 10/18 and 10/19/16; the distribution box has been set and the swale has been installed. DEP performed construction site visits on 10/21, 10/24, 10/25, 10/26, 11/2, 11/3, 11/14, 11/17, 11/18, and 11/22/16; there was no activity on any of the dates, other than on 11/22/16 when there was machinery on site. DEP performed a site visit on 2/1/17; septic failure was not observed; photos were taken; the site is inhabited, but no one was present at the time of the inspection. DEP performed a construction site visit on 2/7/17; there was no activity. DEP performed a site visit on 3/9/17; septic failure was not observed; the owner's representative and owner's mother were present. DEP performed a construction site visit on 3/13/17; there was no activity.

Project Name: 650 Swantak Rd (2015-CN-0477)
Town: Kortright
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - Sewage surfacing on ground. Initially part of the Swantak Subdivision; DEP NOV.
Discovery Date: 8/19/15
Status: Ongoing

Overview and Action:

On 5/3/16, DEP returned the owner's call from the week of 4/25/16; the owner's husband has recently passed away. She is awaiting a clear title before progressing with the SSTS; then a bid will be submitted to CWC by the contractor. DEP performed a site visit type on 9/12/16; septic failure was not observed; spoke with the owner and she is waiting for the contractor to start construction. DEP called CWC on 12/16/16; CWC has not yet received a bid and is waiting for a

clear title in the owner's name, which is needed before they can approve a submitted bid. CWC will call the owner to inform her of this. DEP called CWC on 2/17/17; they are getting paperwork together so that the owner can move forward with soliciting quotes for construction.

Project Name: McMurdy Brook Rd (2010-CN-0500)
Town: Kortright
Basin: Cannonsville
Type of Use: Stormwater (SP)
Type of Violation: Lot number of the proposed 15 lot subdivision. Failure to obtain prior approved SWPPP - DEP NOV.
Discovery Date: 1/13/11
Status: Ongoing

DEP called the applicant on 5/5/16; the applicant has signed a contract and the contractor intends to start construction within two weeks. DEP called the applicant on 7/12 and 7/13/16 regarding the site work for the SWPPP. The contractor provided a very high estimate and as such was denied. The applicant is waiting on a new estimate. DEP exchanged e-mails with the applicant on 2/8/17 regarding a new contractor to implement the approved SWPPP; the applicant has hired someone, but he or she is not available until after 3/17/17; DEP will follow-up to set up a site meeting.

Project Name: 462 Blueberry Rd (2015-CN-0378)
Town: Masonville
Basin: Cannonsville
Type of Use: Septic System (SS)
Type of Violation: Waste/Sewage reported to be on surface of the ground. DEP NOV.
Discovery Date: 7/7/15
Status: Ongoing

Overview and Action:

DEP called the owner on 2/19/16 regarding his plans for the summer months. The owner would like to put a cabin and an SSTS on the property, but he has not moved forward with the plans due to the winter. He stated that he has not been to the property since the last time DEP was on-site in October 2015 and reiterated that if DEP needs to conduct a site visit, he wants to be contacted first. DEP called the owner on 6/14/16 regarding scheduling a site visit; the owner stated that DEP is only welcome to come by on weekday evenings. The owner stated that he is concerned with costs and is frustrated with DEP's requirements; he wants a local contractor to install the system without DEP's design/approval; otherwise, he stated that he will use his own methods unless DEP pays for the design. DEP performed a site visit with DEP Police on 9/14/16; the owner has built another structure and is living in a camper. The owner stated that he hauls solid waste from the camper's holding tank to a local campground and that greywater goes into a tank in the ground. It appears that there is not a regular water source and that only rainwater is collected. The owner stated that he cannot afford to pay for plans and a proper septic system; he did not allow DEP and DEP Police to inspect the site and said that DEP is no longer welcome there. DEP received an e-mail from DEP Police on 9/14/16 with a copy of the police report from the site visit. DEP left a message for Town of Masonville Clerk on 9/14/16 requesting contact information for the town's CEO. DEP corresponded with the CEO on 9/16/16 about the status of the property. The CEO stated that the owner has a building permit that was issued in August

2016, for a 580 square foot /one bedroom cabin. The CEO also stated that the owner has an outdoor toilet and no water supply. The CEO was unaware that the owner is collecting rainwater for use and that he is discharging greywater, but he is not initiating any enforcement actions at this time. DEP asked if the owner would receive a certificate of occupancy if there is open enforcement from DEP; the CEO stated that as long as he has an outhouse and no running water in the house, a certificate of occupancy could be granted. DEP is moving forward with enforcement due to the owner admitting to generating wastewater and using an unapproved SSTS and will copy the CEO on any enforcement paperwork. The project was sent to DEP Legal for assistance on 9/20/16. DEP Legal issued a letter to the owner on 10/27/16 regarding his lack of compliance in resolving the NOV; terms were provided to be promptly implemented by the owner to avoid referral of the project to NYC Law. The owner was requested to respond by 11/10/16 to schedule a review of the SSTS. DEP received an e-mail from DEP Legal on 11/3/16; the owner's ex-wife provided a new mailing address for the owner. DEP Legal issued a new letter to the owner at three additional addresses via certified and regular mail on 11/7/16 regarding his lack of compliance in resolving the NOV; terms were provided to be promptly implemented by the owner to avoid referral of the project to NYC Law. The owner was requested to respond by 11/17/16 to schedule a review of the SSTS. DEP received a voicemail from the owner on 11/10/16; DEP called the owner on 11/15/16. The owner stated that he showed pump-out receipts to three individuals he claimed were recently on-site; he is planning on installing a composting toilet and an outdoor shower and kitchen, so that he can discharge greywater on to the ground. DEP called the owner on 11/16/16; the owner stated that he has been removing a tank from the camper and dumping wastewater himself. DEP stated that per the NOV, a DEC licensed septic hauler should be doing pump-outs. The owner offered to send photos of the pump-out receipts mentioned previously to DEP. There is no water connection in the cabin; the owner has been transporting water to the site and plans on storing it inside the cabin to pump outside for usage in the outdoor kitchen and shower. DEP stated that he would still need an SSTS for the greywater, as it is considered to be wastewater. The owner expressed his dissatisfaction; DEP explained that his property is within the New York City Watershed; thus, all of the water on his property eventually reaches the Cannonsville Reservoir. The owner reiterated that he "cannot afford the architect's stamp" and would have a local contractor do the work if DEP "waives" this rule. DEP explained that the design is a requirement which cannot be waived. The owner also stated that he could not obtain CWC's assistance because there is no permanent residence, which is why he is building the cabin. The owner is not on site and will not be there during the winter, as his water keeps freezing up; he usually returns to the site sometime in May. DEP left a voicemail for the owner on 12/19/16 and called on 2/17/17; he plans on requesting funding from CWC after his cabin is completed. DEP informed him that CWC has certain requirements for qualification in their program. The owner still plans on installing a composting toilet and asked about using an outhouse. The initial use of his property is seasonal, but he eventually plans for it to be year-round. The owner requested that DEP contact him in April 2017 to plan a meeting on-site to discuss all issues.

Project Name: 832 Woolheater Rd (2014-PE-0369)
Town: Middletown
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Failure-SSTS Replacement-CWC. DEP NOV for a failing cesspool and

sewage surfacing on the ground.

Discovery Date: 7/9/14

Status: **Closed**

Overview and Action:

On 5/23/16, DEP issued a reminder letter to the owner due to the lack of activity; a response is requested within fourteen days of the letter date. DEP performed a site visit on 6/22/16; septic failure was not observed. DEP called the owner on 8/8/16 regarding the construction status; he is meeting with the contractor on this same date. DEP explained that the approval expires in September 2016 and if construction has not started by then, the plans will need to be re-approved. DEP received notice on 8/19/16 that construction will begin on 8/23/16. DEP performed construction site visits on 8/23, 8/24, 8/25, 8/29, and 8/31/16. DEP completed construction inspections on 8/31/16. DEP received an engineer's certification letter from the engineer on 9/7/16. DEP issued a letter of Construction Compliance on 9/13/16. DEP has resolved the Enforcement Action on 9/21/16. An NOV Closure letter is forthcoming. The violation was resolved and the case was closed on 10/13/16 with DEP Closure letter dated 10/13/16.

Project Name: 4 Schumway Road (2001-NV-0181)

Town: Neversink

Basin: Neversink

Type of Use: Intermediate Repair (CR)

Type of Violation: Proposal for two frame buildings, including a gas station. DEP NOV for a surface discharge.

Discovery Date: 7/15/16

Status: Ongoing

Overview and Action:

While driving by the site on 7/7/16, DEP observed what appeared to be a surface failure. DEP performed a site visit on 7/8/16; septic failure was observed; DEP met with the owner and confirmed that there is sewage discharging from the pump chamber to the top of the absorption field. DEP received a call from the owner on 7/11/16; DEP advised the owner to have the tank pumped every other day and to have a backup hauler in case his usual hauler is unavailable. The owner stated that he has fenced off the failure; he is planning to call an engineer to discuss designing a new SSTS for a twenty-four seat restaurant, in addition to designing a replacement absorption field. DEP stated that a 100% reserve area would be needed for new construction. DEP initiated an Enforcement Action on 7/15/16. DEP issued an NOV to the owner on 7/15/16. DEP called the engineer on 7/19/16; he hopes to design a repair for a high daily flow and will schedule an on site meeting within the week; the owner is no longer pursuing a new SSTS design for the restaurant. DEP called the owner on 7/19/16; the requirements of the NOV were discussed, most of which have been satisfied, with the exception of the check valve being removed, as the absorption field will not be getting any effluent and will be replaced. The grease trap has been discharging to a septic tank and all three tanks are being pumped. The owner hired an engineer and has a portable toilet on site. The boat wash and the ice machine both contribute to water usage that does not go to the SSTS. DEP exchanged e-mails with the owner on 7/19/16; DEP requested additional information on the daily logs; the owner provided daily water meter readings. DEP received a request for a pre-application meeting from the engineer on 7/25/16. DEP called the engineer on 7/26/16; both parties will meet on 7/29/16 and the engineer will

submit a drawing based on the site visit findings. DEP received an e-mail from the owner with the daily water meter readings on 7/28/16. DEP received pump-out receipts from the owner on 7/29/16. DEP performed a site visit on 7/29/16; septic failure was not observed. DEP met with the owner and engineer for soils testing. The tanks are being pumped and there is no surface failure. DEP received an e-mail from the New York State Department of Agriculture and Markets (Ag & Markets) on 8/3/16 stating that a bathroom is not required by Ag & Markets for a convenience store food permit. DEP performed a site visit on 8/17/16; septic failure was observed; sewage has been discharging from the d-box, as both the depression around the d-dox was observed to be full of standing sewage and the grass below the d-box was observed to be saturated with sewage. DEP received the July and August 2016 water meter readings from the owner on 8/17/16. DEP performed a site visit on 8/18/16; septic failure was observed; sewage continues to discharge from the d-box; the sewage on the grass has migrated further downslope. DEP issued a comment letter to the owner on 8/18/16 regarding the NOV. DEP received an Application for an Intermediate Repair on 8/18/16 from the engineer with plans, a letter, soils, and deep test pit data. DEP performed a site visit on 8/19/16; septic failure was observed; sewage was no longer pooled around the d-box, but the lawn area was still saturated and smelled strongly of sewage. Caution fencing has been installed further out from the d-box and the saturated area had been treated with lime. DEP issued a NOCA on 8/22/16. DEP issued a comment letter on 8/22/16 to the owner and the Sullivan County Industrial Development Agency's (IDA). DEP exchanged e-mails with the owner on 8/23/16 regarding daily water usage and time frames for the SSTS repair. DEP performed a site visit on 8/24/16 and sent an e-mail to the engineer and owner regarding wastewater generation during SSTS construction. DEP performed a site visit on 8/26/16; septic failure was not observed. DEP sent an e-mail to the owner on 8/26/16 requesting water meter readings and pump out receipts; the owner provided information on 8/30/16. DEP performed a site visit on 9/2/16; septic failure was observed; sewage was pooled around the d-box, indicating that the pump chamber had recently dosed. DEP advised the owner to stop doing laundry on site and to have the tanks pumped until the replacement absorption field is installed. DEP performed a site visit on 9/6/16; septic failure was not observed; the d-box and surrounding area were dry. DEP received a letter and revised plans from the engineer on 9/6/16 to DEP's comment letter of 8/22/16. DEP performed a site visit on 9/7/16; septic failure was not observed. DEP received a call from the Sullivan County Legislator on 9/8/16 regarding an issue the owner brought up with him about the repair; DEP and the engineer had not been previously notified. DEP issued an Approval Determination letter on 9/9/16. DEP performed a site visit on 9/14/16; DEP met with the owner, engineer, and contractor to begin removing the failed trenches and contaminated soils. All trenches were surcharged and an additional unapproved lateral was found at the low end of the absorption field; the pump chamber dosed over before work began. All parties agreed that the best solution is to start fresh in the reserve area; new fill should be ready for percolation tests on 9/19/16. DEP performed a site visit on 9/14/16; septic failure was observed. DEP received notice on 9/14/16 that construction will begin. DEP sent an e-mail to the owner and engineer on 9/15/16 requesting a short report explaining the change in location of the project from the approved plans; DEP urged that the septic tanks continuously be monitored and pumped out. DEP received a letter from the engineer on 9/15/16 detailing a new approach to solving problems at the site. DEP performed a construction site visit on 9/19/16; DEP met the engineer and contractor to perform percolation tests in the fill. Results were acceptable for a raised absorption trench field. The contractor will set the d-box and start the laterals on 9/21/16. DEP asked the owner to continue with pump outs

and water readings. DEP performed a construction site visit on 9/21/16; septic failure was not observed; the fill has been completely installed and the d-box is in; the contractor began to install laterals. DEP performed a construction site visit on 9/22/16; septic failure was not observed; all of the laterals are in and are approved by DEP and the engineer; the existing force main was located and tied in to; the contractor will look for the existing curtain drain and remove it if it is too close to the new field; the engineer will complete inspections on this same date. DEP received an e-mail on 10/5/16 from the owner, who is out of the country and will respond when he returns during the week of 10/10/16. DEP sent an e-mail to the owner and engineer on 10/19/16 requesting water meter readings, replacement pump information, and an appointment during the week of 10/24/16. DEP received an e-mail from the owner on 10/26/16 with water meter readings for 9/1, 9/2, and 10/19 through 10/26/16; it was noted that the dosing meter arrived but has not yet been installed. DEP received an e-mail from the owner on 10/27/16 regarding the SSTS punch list. DEP sent an e-mail to the owner on 11/16/16 requesting pump-out receipts, water meter readings, and an update on SSTS punch list progress. DEP received water meter readings for October through November 2016 to-date from the owner on 11/17/16. DEP sent an e-mail to the owner on 11/18/16 again requesting pump-out receipts and an update on the pending work; the owner replied on this same date, but no pump-out receipts were included. DEP sent an e-mail to the owner on 12/1/16 advising that DEP and the engineer will be on-site around 12/8/16 to complete construction inspections. DEP performed a construction site visit on 12/9/16; DEP met with the engineer but the owner was not present, so the inspection will be rescheduled. On 12/9/16, DEP received a photo of the new outlet pipe for the grease trap. DEP received an e-mail from the engineer on 12/14/16 regarding the SSTS. DEP issued a letter to the owner on 1/12/17 detailing items which must be satisfactorily addressed in order for DEP to accept the construction of the replacement SSTS and to close the NOV. DEP exchanged e-mails with the owner on 1/12/17 regarding the letter issued on this same date and setting up a meeting to discuss the items therein. DEP exchanged e-mails with the owner and engineer on 1/17/17 regarding scheduling a meeting. DEP received an e-mail from the engineer on 1/21/17; once the owner has returned from travelling overseas, the engineer will have the dosing counter set-up and will advise the owner on tasks to complete prior to scheduling final inspections. DEP corresponded with the engineer on 2/3/17 regarding the installation of the dosing counter; he is waiting for the temperature to rise above freezing, as the work will be done in the parking lot (which has been covered in snow and ice). DEP sent an e-mail to the owner on 3/30/17 requesting water meter readings from 12/9/16 to the present. DEP sent an e-mail to the engineer on 3/30/17 to schedule an inspection of punch list item progress for construction approval. DEP received water meter readings dated 8/8/16 through 3/28/17 via e-mail from the owner.

Project Name: 79 Rennison Road (1998-RO-0131)
Town: Neversink
Basin: Rondout
Type of Use: SSTS Repair (RE)
Type of Violation: Replacement SSTS for three bedrooms. RE.1: CWC. RE.2: Non-CWC project with a DEP NOF.
Discovery Date: 7/12/13
Status: Ongoing

Overview and Action:

DEP called the owner on 1/19/16 to schedule a site visit. DEP performed a site visit on 1/20/16;

septic failure was observed; there was surfacing of sewage on the ground, odors were present, and areas of ponding were evident (due to frozen puddles on absorption bed); nothing is migrating off of the property. DEP called the owner on 3/29/16 to schedule a site visit. DEP performed a site visit on 3/30/16; septic failure was observed; there was surfacing of sewage on the ground and effluent was evident in puddles on the first two laterals; there were no odors present and the failure was not migrating from the puddled locations. The possible issuance of an NOV was discussed. DEP received a call from the owner on 4/1/16; he stated that he dug up two of the laterals and there was gravel under the pipe, but there was no gravel or filter fabric over the pipe; there were just soils, but they were uncontaminated. The owner also stated that there was no d-box installed; everything is connected by t-joints. DEP exchanged e-mails internally between 3/14 and 4/1/16; an NOV will not currently be pursued due to recent headway made with the owner. DEP performed a site visit on 4/4/16; septic failure was observed; the owner dug up three locations in the absorption field; two of these locations are filled with effluent. DEP estimates that the owner dug up the first lateral and down the manifold but due to the effluent, it is difficult to determine. Some holes were over a foot in depth; gravel was not evident in the profile of the dug holes. Odors were present. DEP received an e-mail from the owner on 4/5/16 with photos of the dug up laterals. DEP performed a site visit on 5/12/16; septic failure was observed; the owner dug up the second lateral and effluent is showing. The first lateral reputedly has had gravel placed around the pipe and has been backfilled. The original failure was in the area of the first lateral; this area is now dry. DEP performed a site visit on 7/21/16; septic failure was observed in laterals two and three on the south side of property, but it is not migrating off of the property. The previous failure from the first lateral on the south side of the property has been abated. DEP left a message for the owner on 9/20/16 regarding a failure history and the status of, and schedule for, the lateral/trench repairs. DEP performed a site visit on 10/6/16; septic failure was not observed; the owner was working on the second lateral; gravel has been added to one of the trenches; the trench closest to the house has been uncovered, but gravel has not yet been added; trenches did not have effluent in them. DEP performed a site visit on 11/9/16; septic failure was observed; the open lateral had effluent in it, exposing sewage to the surface of the trench; once backfilled, this concern will be satisfied; the location of the previous failure was still dry and there was no other evidence of failure. DEP performed a site visit on 12/15/16; septic failure was not observed; the lateral has been backfilled and no other laterals have been unearthed; no odors were detected. DEP performed a site visit on 2/2/17; septic failure was not observed.

Project Name: 667 County Hwy 41 (2012-PE-0464)
Town: Roxbury
Basin: Pepacton
Type of Use: Stormwater (SP)
Type of Violation: The site is a mixed residential/commercial site. Failed SWPP. DEP NOV.
Discovery Date: 5/22/14
Status: Ongoing

DEP received an e-mail from the engineer on 11/20/15 specifying that the SWPPP will be implemented in early spring 2016, approximately on 4/15/16. DEP performed a site visit on 4/12/16; there were no deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the applicant on 4/15/16 regarding construction starting during the week of 4/18/16. DEP called the applicant on 4/19/16 regarding scheduling a site meeting and

construction start-up. It was agreed that a site meeting is not necessary since the pre-construction meeting was completed and there are no anticipated changes to the SWPPP. The applicant was informed that DEP should be notified prior to the start of construction. DEP performed a site visit on 4/27/16; there were no deficiencies; there was no discharge; the site was vacant. DEP exchanged e-mails with the applicant on 5/4/16 regarding the outer stone wall along the stream. DEP performed a site visit on 5/11/16; there were no deficiencies; there was no discharge; the site was occupied. DEP received notice on 5/11/16 that construction will begin. DEP called the engineer on 5/12/16 regarding the gutters being installed on the old portion of the barn, which is not part of the SWPPP; the engineer will explain this to the applicant. DEP performed a site visit on 5/16/16; there were no deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the engineer and applicant on 5/17/16 regarding treating the stormwater runoff from the existing barn roof and the issue of relocating the underground electric. DEP performed site visits on 6/9 and 6/23/16; there were deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 7/5/16; there were deficiencies; there was no discharge; the site was occupied. This project is on CWC's draft 7/5/16 Board Meeting Minutes and was approved for future stormwater funding. DEP issued a letter to the owner on 7/7/16 regarding NOV deadlines which have not been met; if a SWPPP is not fully implemented within sixty days of the letter date, the project will be referred to DEP Legal. DEP sent an e-mail to the applicant on 7/26/16 requesting the construction schedule of the project. DEP received an e-mail from the applicant on 7/27/16 responding to DEP's letter of 7/7/16. DEP received an e-mail from the applicant on 8/12/16 regarding financial difficulties and delays in payments received by CWC which are prohibiting him from providing a project completion date. If proper funding is received, he might be able to meet the 11/1/16 deadline. DEP received an e-mail from the applicant on 10/4/16; the contractor and mason started construction of the retaining wall. DEP performed a site visit on 10/7/16; there were no deficiencies; there was no discharge; the site was vacant. DEP received an e-mail from the applicant on 10/19/16; the mason is working on the retaining wall. DEP received an e-mail from the applicant on 10/21/16; the retaining wall has been completed and the contractor plans to start the rain garden on 10/26/16; a small tree needs to be removed in order to install the drain pipe to the rain garden. DEP received an e-mail from the applicant on 10/24/16; the contractor changed the start date for the rain garden to 10/25/16. DEP performed a site visit on 10/26/16; there were deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the engineer on 10/27/16 regarding a minor modification to the rain garden. DEP performed site visits on 10/31 and 11/2/16; there were no deficiencies; there was no discharge; the site was occupied. DEP received an e-mail from the applicant on 11/2/16 regarding the construction status. DEP performed a site visit on 11/7/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 11/10/16; there were deficiencies; there was no discharge; the site was occupied. DEP exchanged e-mails with the applicant on 11/10 and 11/15/16 regarding the construction status. DEP performed a site visit on 11/16/16; there were no deficiencies; there was no discharge; the site was vacant. DEP sent an e-mail to the engineer on 11/21/16 regarding rain garden issues that will need to be addressed prior to the closeout of construction; DEP received a response from the landscaper on 11/22/16. DEP performed site visits on 11/28, 12/14, and 12/28/16, and on 1/10/17; there were deficiencies; there was no discharge; the site was vacant on 11/28 and 12/14/16, but was occupied on 12/28/16 and 1/10/17. DEP sent an e-mail to the applicant, engineer, CWC, and contractor on 3/6/17 regarding the project completion schedule. DEP received an e-mail from the landscaper on 3/27/17; she plans on checking the site and may finish

installing the rain garden.

Project Name: Upper Meeker Hollow Road (2006-PE-1174)
Town: Roxbury
Basin: Pepacton
Type of Use: Intermediate Repair (CR)
Type of Violation: Failed SSTS; Proposal to operate a children's camp, a campground and temporary residence. 2013 NOV is for violating the conditions of approval.
Discovery Date: 3/29/13
Status: Ongoing

Overview and Action:

DEP spoke with the manager on 1/8/16 to schedule a site visit to check on holding tank compliance; the hauler will be pumping the tank on this same date. DEP performed a site visit on 1/15/16; septic failure was not observed; the septic tank has been pumped, the alarm breaker was on and a clipboard was hung in the barn office with the most recent pump-out date and amount written in by the hauler. The liquid level in the holding tank was measured; the pipes for the water supply to the apartment and barn bathrooms are still disconnected. DEP performed a site visit on 4/22/16; septic failure was not observed; the function of the wedding barn holding tank and alarm were found to be in compliance; the water supply pipes had been connected on 4/20/16. DEP performed a site visit on 5/11/16; septic failure was not observed; the wedding barn holding tank alarm and the pump control panel for the SSTS were inspected. DEP also spoke with the manager and excavator regarding a disturbance caused from the wetland being dug up to install wedding barn parking. DEP performed a site visit on 7/22/16; the wedding barn holding tank was inspected; the alarm was flashing and had been previously silenced. DEP advised the manager that the hauler needs to be called to pump the tank when the alarm is activated. DEP performed site visits on 7/26 and 8/10/16; the wedding barn holding tank was inspected; the alarm was flashing but was not sounding. DEP again advised the manager that the hauler needs to be called to pump the tank when the alarm is activated. DEP performed a site visit on 12/15/16 to determine if the seasonal holding tank is in compliance; the alarm was flashing, DEP could not access the room where the plumbing exists, and no one was on-site. DEP performed a site visit on 12/28/16; the plumbing and holding tank for the barn were inspected; the site was in compliance with the Consent Order for the winter season. DEP exchanged e-mails with DEP Legal and NYC Law between 12/9 and 12/30/16 concerning the inspection and re-inspection; an NOV for non-compliance with the consent order will not be issued.

Project Name: County Highway 18 (2008-CN-0263)
Town: Stamford
Basin: Cannonsville
Type of Use: Intermediate Repair (CR)
Type of Violation: DEP NOV for 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.
Discovery Date: 7/15/08
Status: Ongoing

Overview and Action:

DEP Legal spoke to the owner's attorney on 1/27/16. One owner is in a nursing home; another still lives on the property. The foreclosure will take another six months. The owner's attorney will request permission for DEP to access the property. DEP performed a site visit on 4/22/16 by driving by the property; it appears to be inhabited. DEP received a call from NYC Law on 5/3/16; NYC Law is hoping to speak with the owner during her scheduled meeting with her attorney on 5/11/16. In preparation for that discussion, NYC Law asked specifically when DEP is available for a site visit, how long it would take, and what would be required. DEP provided availability and timing; the manhole in the garage would need to be inspected, as well as the septic tank to see if it is leaking and the manhole following the tank to check for effluent. DEP asked if a dye test can be requested and if subsequent visits can be scheduled to check for dye. DEP received an e-mail from NYC Law on 6/22/16; NYC Law will contact the owner's attorney closer to the foreclosure trial, which is upcoming. DEP performed a site visit on 7/22/16 by driving by the property; it appears to be uninhabited. DEP received an update from DEP Legal and NYC Law on 9/29/16; there has been no change in foreclosure status. DEP received an e-mail from DEP Legal on 11/23/16 stating that per NYC Law, a trial date has not yet been set for the foreclosure. It was also confirmed that the owner is still in a nursing home.

Project Name: River Road (2004-CN-0718)
Town: Stamford
Basin: Cannonsville
Type of Use: Intermediate Repair (CR)
Type of Violation: SSTS Failure; DEP NOV surface failure.
Status: Ongoing

Overview and Action:

DEP called the Director and sent him an e-mail on 5/6/16 inquiring about the ownership of the property. DEP called the Delaware County Real Property Tax Office on 5/24/16 and was informed that the property ownership has not changed. DEP performed a site visit on 7/22/16; the property is still vacant but is being maintained. DEP performed a site visit on 12/28/16 by driving through the property; it remains vacant yet maintained; the porch lights were on and the driveways have been plowed.

Project Name: Miller Drive (2016-CN-0694)
Town: Walton
Basin: Cannonsville
Type of Use: Septic System (SS)
Type of Violation: Garage converted to a single family residence without a Certificate of Occupancy. DEP NOV for use of an unapproved SSTS.
Discovery Date: 11/22/16
Status: **New/Approved**

Overview and Action:

DEP received a call from the Town of Walton Code Enforcement Officer (CEO) on 11/22/16 asking if the parcel had an approved septic system; the town files contain a construction permit for a garage from approximately 2003, but a Certificate of Occupancy (CO) was never issued. The structure has become a single family residence which the CEO found to be featured on real estate websites; it is being rented. The owner is seeking a CO so that the property can be sold.

DEP researched office records and informed the CEO that a file could not be found detailing the design, approval, or construction of the SSTS. DEP did locate a file with an earlier tax map number containing evidence of soil testing. The CEO will inform the owner that in addition to needing electrical and structural inspections done by appropriate professionals, an approved septic system will be required for a CO. DEP initiated an Enforcement Action on 11/22/16. DEP issued a letter to the owner on 11/23/16 regarding the generation of wastewater on the site without DEP's approval; a response is requested by 11/30/16 to avoid the immediate issuance of an NOV. DEP received a voicemail from the owner on 11/29/16; DEP called the owner back on 11/30/16; she has hired an engineer to fix the SSTS in order to meet code; the work would be done in winter 2016, if possible. DEP spoke with the engineer on this same date; he is waiting for two dry days before doing soils but will submit a pre-application promptly. DEP called the CEO on 11/30/16 and provided the owner's update; DEP also stated that an NOV will be issued for the unapproved SSTS. The CEO stated that the owner has hired an electrician and engineer to conduct the electrical and structural inspections required for the issuance of a CO; the CEO also received a letter from the engineer with regard to the structural inspection. DEP received a request for a pre-application meeting from the engineer on 12/1/16. DEP received a voicemail from the engineer on 12/1/16 asking about timeframes; DEP returned the call and provided tentative milestone dates from the draft NOV: soils should be done by 12/9/16 and plans should be approved by 12/16/16, followed by immediate construction. A soil/site evaluation was performed on 12/7/16. DEP issued an NOV to the owner on 12/7/16. DEP received a voicemail from the owner on 12/14/16 in response to the NOV; the owner stated that soils were done and plans should be submitted by 12/16/16, but construction cannot start until spring 2017 due to the snow/weather. DEP called the owner back and reiterated that plans are due by 12/16/16. DEP received an Application for a non-conventional individual SSTS on 12/20/16. DEP received a voicemail from the buyer's attorney on 12/21/16; DEP returned the call and stated that the Reviewer will provide comments to the engineer on 12/22/16, as plans will need to be resubmitted with changes. DEP issued a NOCA on 12/22/16. DEP issued a comment letter on 12/22/16 to the engineer. DEP spoke with buyer's attorney on 12/23/16 and stated that plans need to be resubmitted. DEP continued that it is uncertain which plans will be approvable for this property until a final review has taken place. DEP received an e-mail from the owner stating that DEP can share information regarding the property with the buyer's attorney. DEP received revised plans from the engineer on 1/3/17. DEP issued an Approval Determination letter on 1/3/17. DEP spoke with the buyer's attorney on 1/3/17 to inform her that plans have been approved.

Project Name: 1227 East River Road (1999-CN-1022)
Town: Walton
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #734 - CWC - DEP NOF and DEP NOV for spongy ground;
not gross surface failure.
Discovery Date: 5/20/98
Status: Ongoing
Overview and Action:

DEP Legal issued a letter to the owner on 1/27/16 regarding the NOV. To avoid referral of the case to NYC Law and possible litigation, the owner must: stop discharge to the ground, hire a

contractor, submit a bid to CWC by 2/15/16, and have the SSTS fully constructed by 5/15/16. DEP performed a site visit on 1/28/16; septic failure was observed and there was surfacing of sewage on ground; no one was home; took photos of the back lawn; the failure is still visible. DEP called CWC on 2/25/16; CWC does not have any records of a bid submitted or approved. This project is on CWC's 4/5/16 Board Meeting Minutes and was approved. DEP called CWC on 4/11/16; CWC stated that the reason their board approved to pay for engineering a second time was due to savings which could be realized by design changes; the project is currently in the 15 day right of refusal period. DEP performed a site visit on 4/29/16; septic failure was not observed but the lawn was very soft; no one was home. DEP called CWC on 5/18/16 regarding the bid status; CWC requested a re-design from the engineer since the original design is approximately twelve years old. DEP called the owner on 6/13/16; the owner stated that he hired a contractor but is having trouble obtaining information from him. DEP asked the owner to provide an update when he hears from the contractor, as he was issued a letter from DEP Legal. DEP called CWC on 6/16/16; CWC is still awaiting a re-design. DEP corresponded with the engineer on 6/16/16; he is reviewing drafted plans from the survey company; there was a delay due to a slight communication gap. DEP called the survey company on 6/17/16; they will meet with the engineer during the week of 6/20/16 to review plans and subsequently submit them for DEP review and approval. DEP received a letter with plans from the engineer on 7/5/16. DEP issued a Modified Approval Determination letter on 7/11/16 to the engineer along with the approved plans. DEP performed a site visit on 7/29/16; septic failure was observed; it is not surfacing but it is not improving; the house is posted for sale. DEP called CWC on 8/4 and 9/12/16 regarding the bid status; bids have not been received. DEP left a message for the owner on 9/15/16 requesting a schedule for bid submittal and construction as plans were approved in July 2016. DEP spoke with CWC on 10/14/16; bids have not been received to-date. DEP performed a site visit on 10/28/16; septic failure was not observed; no one was at home; the previously failing area was inspected; no failure was witnessed and the ground was not soft; photos were taken. DEP called CWC on 11/9/16; bids have not been received to-date; they have paid for the redesign of the SSTS. DEP Legal reissued a letter to owner on 11/28/16 due to an incorrect date listed regarding several years of non-compliance and a consistent failure. To avoid possible referral to NYC Law for litigation, the owner must stop the discharge, hire a contractor, and submit a bid to CWC by 12/14/16; the SSTS must also be fully constructed by 6/1/17. DEP called CWC on 12/16/16; bids have not been received to-date. DEP performed a site visit on 1/4/17; septic failure was not observed; DEP knocked on the door but no one was at home; the previously failing area was inspected; no failure was witnessed, but the ground was very soft and spongy; photos were taken. DEP received a call from CWC on 2/15/17; the new owner has signed a program agreement and was given a brief overview of the program.

Project Name: 15 Sholam Road (2001-RO-0730)
Town: Wawarsing
Basin: Rondout
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1570 - CWC-surfacing - DEP NOV for surface discharge.
Discovery Date: 11/30/01
Status: Ongoing
Overview and Action:
NYC Law issued a warning letter and draft complaint to the owner via certified return receipt

mail on 2/18/16. To avoid litigation, the owner must respond by 3/8/16 to discuss a plan and schedule for a compliant septic system to be installed. DEP exchanged e-mails with NYC Law on 3/10/16 asking if they have received a response from the owner in regards to the complaint that was sent. At this time, NYC Law has not had a response to the letter. DEP called and left a message for the owner on 3/14/16 letting him know that a site visit would take place. DEP performed a site visit on 3/17/16; septic failure was observed in the ditch and odors were detected at the time of the site visit. DEP spoke with the owner on 4/1/16; the engineer is mailing revised plans to the owner which he will drop off to DEP by 4/4/16. DEP received a letter with revised plans on 4/5/16. DEP issued a comment letter on 4/5/16 to the engineer requesting design revisions. DEP received a call from the engineer on 4/18/16 to discuss the 4/5/16 comment letter. DEP received a letter from the engineer with revised plans on 4/21/16. DEP issued a Modified Approval Determination letter on 4/22/16 to the engineer along with the approved plans. DEP spoke with CWC on 5/4 and 5/5/16 regarding the bid status; bids have not been received. DEP called the owner on 5/6/16 regarding the bid status; the owner will follow-up with the contractor, as he provided him with a copy of the approved plans during the week of 4/25/16. The owner also stated that he needs a time frame from the contractor in order to submit paperwork to the Town of Wawarsing Highway for permits for crossing a culvert. DEP called the owner on 5/13/16; the contractor has been working on the bid but he does not know when it will be submitted. DEP and DEP Legal left a message for the owner on 5/19/16 regarding the bid status. DEP spoke with the owner on 5/31/16 regarding the possibility of filing a complaint if progress is not made. DEP performed a site visit on 6/9/16; septic failure was not observed; the area in front of the discharge pipe was grey and wet with matted leaf litter; there was very little odor. DEP spoke with CWC on 6/15/16; CWC stated that the contractor called them on this same date and will submit a bid. NYC Law informed DEP on 7/5/16 that the owner was served a complaint on 6/22/16; it was filed with the Ulster County Clerk on 6/24/16; the owner must reply by 9/2/16. DEP called CWC on 8/4/16 regarding the bid status; CWC received an extremely high bid during the week of 7/18/16. CWC asked the owner to submit two additional bids due to the high cost of the initial bid. DEP performed a site visit on 8/31/16; septic failure was observed and there was surfacing of sewage on the ground; there was very slight seepage which ended up being absorbed. DEP sent an e-mail to NYC Law on 9/6/16 requesting that they call the owner regarding a default judgement. DEP left a message for the owner on 9/15/16 requesting the owner's timetable for submitting two additional bids to CWC. DEP received a call from the owner on 9/20/16; he provided plans to two more contractors but has not heard back from them. DEP called the owner on 9/21/16; DEP explained that the attorneys have set a deadline of 9/29/16 to have bids submitted to CWC; otherwise, a court order will be pursued. The owner replied that he will be traveling outside the country from 9/21 until 9/30/16. The owner told the contractors that the new septic system needs to be installed before the weather turns. DEP called CWC on 9/21/16 with an update on the additional bid submissions and possible court order. DEP performed a site visit on 9/29/16; septic failure was not observed; no one is home. DEP called CWC on 9/29/16 regarding the bid status; the additional bids have not been received. DEP sent an e-mail to DEP Legal and NYC Law on 9/29/16 requesting that they move forward with the court order as the additional bids were not submitted by the deadline. DEP received a call from CWC on 10/5/16; the owner called CWC on 10/4/16 stating that the two additional bids would be submitted before the end of that day; they were not. DEP spoke with CWC on 10/14 and 11/9/16; the bids have not yet been received. DEP performed a site visit on 12/7/16; septic failure was observed after moving leaf litter in a ditch; odors were detected and deteriorating

paper waste appeared to flow out of the bottom pipe. DEP called CWC on 12/7/16; the bids have not yet been received, though the owner claimed during the site visit on this same date that they were submitted to CWC via e-mail approximately in early November 2016. DEP called the owner on 12/7/16 and stated that CWC did not receive any bids. DEP received an e-mail from the owner on 12/7/16 with copies of two bids, which DEP forwarded to CWC. DEP received an e-mail from CWC on 12/7/16 stating that the bids are unacceptable because they are in excess of their schedule of values. DEP left a voicemail for the owner on 12/7/16 informing him of this; it was also stated that three new bids would need to be submitted for CWC's consideration. DEP received a call and e-mail from the owner on 12/7/16; he provided a copy of a 2011 bid from a local contractor, stating that it was similar in price range to the other bids he submitted. DEP spoke with CWC on 12/8/16; the owner and/or contractors need to provide detailed quotes to CWC and hopefully a quote which is agreeable to all can be decided upon. DEP left a voicemail for the owner on 12/12/16 to follow-up on his new bid submission status. DEP received an e-mail from NYC Law on 12/16/16 regarding the status of the motion judgement. DEP Legal sent an e-mail to NYC Law on 2/3/17 to determine the status of the paperwork; NYC Law replied that the paperwork is being revised, based on review. DEP left a voicemail for the owner on 2/13/17 to follow-up on his new bid submission status; DEP requested a return call. DEP called CWC on 2/17/17; new bids have not yet been received. DEP received an e-mail from NYC Law on 3/1/17 with the motion for default judgment paperwork for review; DEP Legal sent comments to NYC Law on 3/22/17. DEP performed a site visit on 3/31/17; septic failure was observed; odors were present at the outlet of the pipe and at the end of the ditch. The owner stated that plans were provided to another contractor for a bid submission; he also said that he would be travelling for the next two weeks. The owner was advised to have the tank pumped out to prevent the watered down effluent from possibly migrating off of the property; DEP asked for a copy of the pump-out receipt.

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

Project Name: 1 Fowler Ave (2014-WB-0599)
Town: Carmel
Basin: West Branch
Type of Use: Stormwater (SP)
Type of Violation: A new gas station is proposed within 500 feet of a controlled lake. DEP NOV.
Discovery Date: 10/21/14
Status: Ongoing

Overview and Action:

DEP received the final brief in DEP's motion for summary judgment from DEP Legal on 1/4/16. DEP performed site visits on 1/6, 1/22, 1/25, 2/2 and 2/9/16; the site was closed and there was no work in progress; the site was snow covered on 2/9/16. DEP performed a site visit on 2/17/16; there was no work in progress; erosion controls have deteriorated and must be maintained; the stock piles were recovered and the silt fence was reinstalled. DEP performed a site visit on 2/29/16; the site was closed and there was no work in progress; erosion controls must be maintained; the stock piles were protected and plastic sheeting was replaced; and, the silt fence was reinstalled/replaced. DEP performed site visits on 3/8 and 3/15/16; the site was closed and there was no work in progress; erosion controls must be maintained. DEP performed a site visit

on 3/30/16; there was no work in progress; although, erosion controls have been maintained, they have not been installed correctly. The silt fence must be keyed in and the plastic tarps covering the stock piles must be anchored down; part of the perimeter fence has fallen down. DEP performed site visits on 4/19, 4/26, 5/11, 5/18, and 5/25/16; there was no work in progress and no change; erosion controls have been maintained but are not installed correctly; the silt fence must be keyed in and plastic tarps covering stock piles must be anchored down; the perimeter fences fell down and were reinstalled twice over the course of these site visits. DEP performed site visits on 5/31, 6/14, and 6/22/16; there was no work in progress, the site was closed, and there has been no change; installation for erosion controls has not been not corrected. DEP performed site visits on 6/29, 7/6, 7/13, 7/25, and 8/4/16; there was no work in progress, the site was closed, and there has been no change; the installation for erosion controls has not been not corrected; a minimal amount of vegetation has germinated on the stock pile. DEP performed site visits on 8/19, 8/24, 9/1, 9/8, and 9/27/16; there was no work in progress, the site was closed, and there has been no change. DEP performed site visits on 10/14, 10/25, 11/10, 12/6, and 12/15/16, and on 1/3, 1/19, 2/6, 2/23, 3/2, and 3/13/17. There was no work in progress, the site was closed, and there have been no changes.

Project Name: 737 Croton Falls Rd (2010-CF-0892)
 Town: Carmel
 Basin: Croton Falls
 Type of Use: Solid Waste (SO)
 Type of Violation: Fill section. Failure to comply with Rules and Regulations. Land Use Permit for survey and eventual remediation. DEP NOV.
 Discovery Date: 10/14/10
 Status: Ongoing

Overview and Action:

DEP sent an e-mail to DEP Employee Health and Safety (EH&S) and DEP Legal on 1/20/16 regarding when and where initial sampling was performed. On 2/29/16, DEP received a copy of the compliance letter DEC sent to the applicant. DEP received the Monitor Well Installation and Groundwater Monitoring Report on 4/22/16 and the final results from the 5/11/16 groundwater sampling on 5/27/16. DEP received DEC's enforcement letter on 11/1/16. DEP received an e-mail from the Watershed Inspector General (WIG) on 11/28/16 regarding a revised cost estimate for the site cleanup. DEP received the engineer's status update letter on 12/14/16. DEP issued an e-mail to WIG and DEC with comments and concerns on the pending closure plan. DEP received NYC Law's letter to the applicant's attorneys on 12/23/16. DEP received a Site Remediation Work Plan from the engineer on 2/14/17.

3.2.4. Kensico Basin

3.3. DEP Police Actions

3.3.1. Catskill District

Name: Schoharie Reservoir **CS-084-14, SJS 48812**
 Location: Conesville
 Type of Use: Municipal

Type of Violation: Haz Mat
Date Discovered: 8/4/14
Status: Closed

Overview and Action:

DEP Police investigated a complaint which originated from Air 6 (helicopter) patrol that had observed a small plume of oil (3' in diameter) on the Schoharie Reservoir across from Gate 22. Using GPS coordinates and added assistance from Air 6, a marine patrol on the reservoir was able to locate the oil plume now marked with a buoy. Oil plume and bubbles from source are more easily visible from the air. DEP Haz Mat notified to respond to the location for further investigation and water sampling and awaiting action by DEP Haz Mat. Monitoring of site ongoing. Salvage Company was contracted by DEP and removed the underlying cause of the plume, a Connex box which was deposited during flood event. Reservoir level had dropped approximately 60 feet in 2016, numerous tanks and debris removed from the reservoir by DEP Hazmat and Operations. No Further Leakage/plume noted. DEP Police and DEP Haz Mat involved.

Name: County Route 14 **CS-233-16, SJS 63746**
Location: Gilboa
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/15/16
Status: Closed

Overview and Action:

DEP Police observed a 55 gallon empty burn barrel and 2 rolls of snow fencing thrown over the bank at the edge of parking lot. No traceable evidence present. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: 390 State Route 990V **CS-272-16, SJS 64390**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 12/19/16
Status: Closed

Overview and Action:

DEP Police was notified of the sinking of a construction tugboat in the Gilboa Reservoir. Craft was still moored in place, attached to a construction barge on the site with 95% of the craft was submerged, causing the onboard fuel (diesel) to discharge to the waters of the Gilboa Reservoir. Clean Harbors Inc. was contacted by the contractor responsible for the tug / barge operation. NYS DEC Spills Team was on site to coordinate clean-up activity and assess environmental impact with DEP Water Quality. Upon raising of the craft from submerged state, tug was secured to two barges to prevent submersion. Clean Harbors Inc. determined the amount discharged to the waters of the Gilboa Reservoir to be approximately 120 gallons (recovered by Clean Harbors Inc.). Investigation determined cause to be a faulty / failed propulsion shaft seal, as confirmed by independent contractor disassembly / inspection. Clean-up completed and craft removed from location for rebuild. DEP Police, DEP Water Quality and DEC Spills involved.

Name: 22 Bruce Scudder Road **CS-251-16, SJS 64002**
Location: Halcott
Type of Use: Residential
Type of Violation: Dumping
Date Discovered: 11/29/16
Status: Closed

Overview and Action:

NYC DEP Police investigated a dumping complaint in which subject called to report that his neighbor was dumping C & D solid waste on the property adjoining his property. Officer determined that there is no NYC property in the area and therefore no impact to the water supply. Subject had also contacted DEC and the case has been turned over to that agency for further review. DEP Police and DEC involved.

Name: Scribner Hollow Road **CS-274-16, SJS 64385**
Location: Hunter
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 12/19/16
Status: Closed

Overview and Action:

DEP Police on patrol observed a black backpack dumped on NYC property. Further investigation revealed the backpack contained various articles of men's clothing including underwear (3), a beanie and a camo print shirt. No traceable evidence located. Backpack was removed from city property and disposed of in the 1st precinct dumpster. DEP Police involved.

Name: Old Route 28 **CA-810-16, SJS 64122**
Location: Hurley
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 12/6/16
Status: Closed

Overview and Action:

DEP Police was notified of a dumping complaint on NYC property. On scene, officer located large recliner couch dumped from road shoulder over the embankment onto city property. Product identification tag on underside of couch led to nearest licensed distributor and did yield the name of purchaser. Attempts to interview subject directly met with negative results but neighbor indicated subject was elderly female whom had recently placed special order for new recliner. Follow-up investigation / interviews by officer yielded no admissions of guilt or additional suspects. Upon return to inspect dumping site, officer observed that previously dumped recliner had been removed from city property and with no further leads complaint was closed. DEP Police involved.

Name: Mallory Road **CS-0072-17, SJS 65971**
Location: Jewett

Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/9/17
Status: Open

Overview and Action:

DEP Police on patrol observed two couches dumped over an embankment. No traceable evidence recovered at site. Officer stopped at Town of Jewett Highway Department to advise them of dumping which they will remove as it is located on a town road. DEP Police and Town of Jewett Highway Department involved.

Name: Piney Point Road **CA-712-16, SJS 63377**
Location: Olive
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/25/16
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping in a wooded area consisting of a metal garbage can, a white lawn vacuum and a small snow blower. No traceable evidence found. DEP Land Management notified for proper disposal. DEP Police and DEP Land Management involved.

Name: Route 28 / DuBoice Road **CA-784-16, SJS 63954**
Location: Olive
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/26/16
Status: Closed

Overview and Action:

DEP Police on patrol observed vehicle pulled over and driver out of vehicle on side of roadway. Before officer could turn around and “check the welfare”, vehicle drove away leaving garbage scattered on city property. Officer stopped vehicle and when interviewed, driver acknowledged that he had “left something behind”, that he forgot to pick it up and would go back and do so. Ticket issued for NYS ECL Depositing Noisome or Unwholesome Substances On or Near Highway. DEP Police involved.

Name: Route 28A **CA-0043-17, SJS 65004**
Location: Olive
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 1/23/17
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping on the roadway which did yield the traceable evidence of address on mail. Officer made contact with subject whom stated that she loaned her vehicle to her son and will contact him as she believes he may be responsible for the dumping. Suspect appeared at precinct and post-interview admitted to the dumping. Suspect was issued ticket for

NYCRR Unlawful Disposal of Solid Waste. DEP Police involved.

Name: Roses Brook Road **CS-234-16, SJS 63761**
Location: Roxbury
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/16/16
Status: Closed

Overview and Action:

DEP Police were informed of a dumping in the pull-off on NYC land parcel which was found to be household refuse. No traceable evidence found. DEP Land Management contacted for removal. DEP Police and DEP Land Management involved.

Name: Intake Road **CS-0065-17, SJS 65768**
Location: Roxbury
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/26/17
Status: Closed

Overview and Action:

DEP Police on patrol observed a mountain bike that was damaged beyond repair but had no identifying marks had been dumped over the embankment onto city property. DEP Operations notified for removal and disposal. DEP Police and DEP Operations involved.

Name: Mount Tremper **CA-0069-17, SJS 65237**
Location: Shandaken
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 2/2/17
Status: Closed

Overview and Action:

Dispatch received a call from a subject in regards to a possible stream violation from a neighboring property. Upon arrival patrol interviewed the complainant who stated that the pond in his back yard is up about 8 inches from the previous year. He said he noticed a change during the summer when the pond usually dries up, but did not. Subject stated that his neighbor had been doing work on their property recently and believes this has contributed to the increase of water in his yard. Patrol took a walk with complainant whom showed this officer where brush and logs were placed in the stream. Patrol was unable to determine the cause of the excess water due to all of the ice melt from the winter. Closed. DEP Police involved.

Name: SR 23 **CS-0194-16. SJS 62986**
Location: Windham
Type of Use: Municipal
Type of Violation: Sewage Complaint
Date Discovered: 10/5/16
Status: Closed

Overview and Action:

DEP Police received an anonymous complaint of a possible sewer main break near the VFW on Main Street, Windham. DEP Police responded and located the manhole that had been leaking which was directly in front of 5580 State Route 23 in the Town of Windham. DEP Police spoke with both, Town of Windham Highway Superintendent and, Town of Windham Chief Operator who were on location. They stated they received a call around 0730 a.m. this date of the leaking manhole. Upon arrival they observed a faulty fuse in the main pump control which regulates overflow. They immediately pumped the sewage and are working to replace the fuses. Town of Windham Highway Superintendent stated he was unsure when the fuse blew and the leaking occurred but the sewage overflow went directly into a storm drain and the gallon amount is unknown but could be as much as 1,000 gallons. DEP Police along with Town of Windham Highway Superintendent and, Town of Windham Chief Operator, walked along the shoreline of the Batavia Kill which is directly adjacent to the manhole and did not observe sewage or an odor indicating sewage in the creek which is a tributary to the Schoharie Reservoir. Town of Windham Chief Operator filed incident report with NYS DEC for the incident. DEP Police, Town of Windham, and DEC involved. Closed.

Name: South Street **CS-0066-17, SJS 65825**
Location: Windham
Type of Use: Commercial
Type of Violation: Haz Mat
Date Discovered: 3/1/17
Status: Closed

Overview and Action:

DEP Police was notified by DEC of a fuel oil spill that occurred at Windham Mountain Ski Center when an employee was refueling a snow grooming machine with diesel fuel causing a spill of unknown quantity on the ground. Some of the contaminated soil was removed from the spill site to a container and placed in the garage until it could be disposed of properly. DEC advised ski center employees to cover the spill site pending inclement weather until a remediation contractor could complete the site clean-up. Spill pads and booms were placed around the spill site to filter any runoff from the site. Incident to be handled by DEC. DEP Police and DEC involved.

3.3.2. Delaware District

Name: State Route 30 **CB-064-16, SJS 58471**
Location: Andes
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/2/16
Status: Closed

Overview and Action:

DEP Police received a dumping complaint from DEP Land Management consisting of household refuse which did yield traceable evidence in the form of a purchase receipt and a mailing label from a box. Store owner was able to provide customer name /address from purchase receipt which was same location as address on label. Investigation continuing to connect subjects in

question to this dumping for enforcement. Investigation was unable to determine the responsible party. DEP Police involved.

Name: County Route 16 **CB-572-16, SJS 64290**
Location: Delhi **(Spill # 1608751)**
Type of Use: Rural
Type of Violation: Haz Mat Spill
Date Discovered: 12/14/16
Status: Closed

Overview and Action:

DEP Police responded to a Haz Mat incident in which an overturned tractor trailer was spilling cream into a tributary of the West Branch of the Delaware River near County Route 16 in the Town of Delhi. Upon arrival, Delaware County Sheriff and Delaware County Haz Mat on scene, vehicle partially in the stream on its side spilling cream from top hatch. Photos taken, spill number obtained. While placing absorbent booms in the stream, HazMat observed some diesel fuel that had leaked out of the engine and made its way into the water supply however, both of the vehicle's fuel tanks were intact and fuel was determined to be residual. Towing company removed vehicle safely with no additional fluid loss. DEP Haz Mat arrived on location and after assessing the spill determined that there was minimal impact to the water supply. Environmental Conservation Law violations to be determined by DEC, also on scene. DEP Police, DEP Haz Mat, Delaware County Sheriff and Haz Mat, NYS Police and DEC involved.

Name: Back River Road **CB-002-17, SJS 64638**
Location: Delhi
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/4/17
Status: Open

Overview and Action:

DEP Police while on sector patrol, observed a large dumpsite consisting of furniture, appliances, mattresses, food and recyclables and piles of brush. No current activity at the seasonal residences in the immediate area and no traceable evidence located at site. Investigation continuing to determine property owner and boundary lines, possibly through WaLIS. Location slated for potential camera placement due to recurring dumping activity. DEP Police involved.

Name: BWS Road #10 **CB-069-17, SJS 65488**
Location: Middletown
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/13/17
Status: Closed

Overview and Action:

DEP Police on patrol was notified of a dumping complaint in which a refrigerator with door intact had been discarded on city property. Officer made certain refrigerator was empty but was unable to obtain any serial numbers to determine ownership or responsible party due to snow. DEP Operations notified and refrigerator removed but no traceable evidence found. DEP Police

and DEP Operations involved.

Name: Lindholm Road **CG-709-16, SJS 63048**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/8/16
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping on NYC property consisting of a vacuum cleaner and numerous black garbage bags hidden under brush and sticks. The dumping was close to the roadway but yielded no traceable evidence. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: State Route 55 **CG-775-16, SJS 63591**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/6/16
Status: Closed

Overview and Action:

DEP Police identified a dumping of seven bags of garbage which contained marijuana leaves, stems and potting supplies for a large grow operation. Bags were brought back to Gramsville Precinct and searched for any traceable evidence with negative results. Contents disposed of and officers resumed patrol. DEP Police involved.

Name: Rondout Creek **CG-0094-17, SJS 65622**
Location: Neversink
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 2/19/17
Status: Closed

Overview and Action:

DEP patrol Officers, while conducting a Rondout Reservoir property check, observed turbidity, flowing in from Rondout Creek, entering the Rondout Reservoir at the bridge at Lowes Corners. Patrol followed the brown water to East Mountain Road. Patrol established the point source into the Rondout Creek. Investigation revealed that the turbidity was a direct result of stream bank erosion from seasonal runoff. Closed. DEP Police involved.

Name: 39 Main Street **CS-0095-17, SJS 66298**
Location: Stamford
Type of Use: Commercial
Type of Violation: Haz Mat
Date Discovered: 3/27/17
Status: Closed

Overview and Action:

DEP Police was dispatched to the Family Dollar Store parking lot for a report of a vehicle leaking gas. Delaware County 911 contacted to dispatch Stamford Fire Department for containment and clean-up of spill which was estimated to be less than 5 gallons. NY State Police obtained driver / vehicle information for report filing and all cleared with no impact to the watershed. DEP Police, NY State Police and Stamford Fire Department involved.

Name: State Route 10 **CB-001-17, SJS 64635**
Location: Tompkins
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/4/17
Status: Closed

Overview and Action:

DEP Police investigated a dump site on the side of the roadway consisting of miscellaneous household debris including fast food containers, soda cans, a metal smoke stack from a pick-up truck as well as a white garbage bag containing a small amount of rancid deer meat and section of a deer leg. No traceable found at scene. DEP Operations notified for clean-up. DEP Police and DEP Operations involved.

Name: State Route 10 **CB-104-17, SJS 65893**
Location: Tompkins
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/5/17
Status: Closed

Overview and Action:

DEP Police walking the shoreline of the Dryden Public Access Area discovered a child's plastic wading pool and flotation tube yielding no traceable evidence. DEP Operations notified of location for removal. DEP Police and DEP Operations involved.

Name: Seeley Wood Road **CB-491-16, SJS 63253**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 10/18/16
Status: Closed

Overview and Action:

DEP Police conducting sector patrol came upon a dumping of household refuse along the roadway. Further investigation determined cardboard, shopping bags and empty food containers were strewn throughout the immediate area. No traceable evidence found, Land Management contacted for removal. DEP Police and DEP Land Management involved.

Name: Bob's Brook Road **CB-497-16, SJS 63387**
Location: Walton
Type of Use: Rural

Type of Violation: Stream Violation
Date Discovered: 10/25/16
Status: Closed

Overview and Action:

Patrol received an anonymous complaint of a possible stream violation on Bob's Brook Rd. T/Walton. Subject stated a new dirt driveway / parking area was being built and was concerned that the bulldozer performing the work was dumping debris into a bordering stream. Investigation revealed that there were no violations present at the site, and the distance to the stream from driveway was approximately twenty yards. DEP Police involved.

Name: State Route 10 **CB-109-17, SJS 65905**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/6/17
Status: Closed

Overview and Action:

DEP Police patrolling fishing access area observed a dumping of one large black garbage bag along with other scattered refuse in the area. The bag contained common household refuse with no traceable evidence. Due to repeated dumping in the area, officer will regularly monitor the location more closely for any future activity. DEP Operations advised of dumping location for proper removal. DEP Police and DEP Operations involved.

Name: Seeley Wood Road **CB-116-17, SJS 65987**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/10/17
Status: Open

Overview and Action:

DEP Police investigated an anonymous dumping complaint in the town of Walton. On location, officer observed two large clear bags of household garbage dumped over the embankment. Search of bags revealed traceable evidence in the form of a labeled prescription bottle associated with a subject from surrounding area town. Evidence logged and investigation continuing to locate subject and assign blame for dumping. DEP Police involved.

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

Name: Washington Road **CE-041-17, SJS 64740**
Location: Carmel
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/10/17
Status: Closed

Overview and Action:

DEP Police on 6B patrol, observed a single large dresser that had been dumped at the nearby intersection. No traceable evidence was discovered at dumping location. DEP Operations notified for removal. DEP Police and DEP Operations involved.

Name: 11 Sunset Blvd. CE-216-17, SJS 65362
Location: Carmel
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 2/8/17
Status: Open

Overview and Action:

DEP Police were dispatched to investigate a report of septic discharge onto wetland property in the watershed. Upon arrival at the residential address, officers observed no discharge on the surface and there was no odor of fecal matter in the area. House and septic (septic located in close proximity to house without area for leach field) are located approximately 20 yards from the wetland. Photos taken for documentation. Home sale listed on www.zillow.com indicates *house is being sold as-is; buyer is responsible for necessary septic repairs to property*. DOH, DEP Haz Mat and DEP WTP notified. Once BWS-WTP follow-up is conducted, parties will be notified of findings. DEP Police, DEP BWS-WTP involved.

Name: Stoneleigh Avenue CE-1570-16, SJS 63139
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 10/13/16
Status: Closed

Overview and Action:

DEP Police while on patrol observed two mattresses and a hose/gauge for a propane grill dumped at Boat Area #11. No traceable evidence recovered. DEP Operations contacted for removal. DEP Police and DEP Operations involved.

Name: Croton Falls Road CE-1709-16, SJS 63730
Location: Carmel
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 11/14/16
Status: Closed

Overview and Action:

DEP Police was dispatched to the above location for a dumping which was still in progress. Police observed an individual trespassing and dumping yard debris onto NYC property on Croton Falls Road. Subject was issued two tickets; one for NYS ECL Trespass and one for NYS ECL Solid Waste Dumping and advised no further dumping on NYC property. DEP Police and DEC involved.

Name: Rte 301 CE-065-17, SJS 64837
Location: Kent
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 1/14/17
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping of household garbage west of Boyd's Corners Dam at DEP site BC-B. The dumping consisted of 10 large, black garbage bags but search revealed no traceable evidence. DEP Operations notified for clean-up. DEP Police and DEP Operations involved.

3.3.4. Kensico Basin