

**New York City
Department of Environmental Protection**

Bureau of Water Supply

**Filtration Avoidance 6.1 Enforcement Actions
For the period April 1, 2016 through September 30, 2016**

October 2016

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



**Dave Warne
Assistant Commissioner
Bureau of Water Supply**

Prepared by: Regulatory & Engineering Programs
Bureau of Water Supply

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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 April 1, 2016 through September 30, 2016, 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 HazMat training.

2. Enforcement Responsibilities

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

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 fastest and most 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 is 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 SSTSs 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 SSTSs 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 SSTSs 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 SSTSs. 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		32	1
CONESVILLE	13		10		9	
GILBOA	19		15		17	
HUNTER	116	4	85	1	92	1
HUNTER (V)	17		9		10	
HURLEY	49		48		47	
JEWETT	51		47		50	
LEXINGTON	48		45		46	
OLIVE	195		165		171	
PRATTSVILLE	31		22		29	
ROXBURY	31		23		27	1
SHANDAKEN	144		131	1	137	1
TANNERSVILLE (V)	7		2		7	1
WINDHAM	83		66		80	3
WOODSTOCK	61		53		50	
Total	903	4	753	2	804	8

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	1
DELHI	70		64		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	1
MIDDLETOWN	117		105		109	2
NEVERSINK	222	1	188	1	201	
ROCHESTER	1		1		1	
ROXBURY	34		29		36	
STAMFORD	36		34		35	1
TOMPKINS	42		37		40	
WALTON	92	1	85	2	82	3
WALTON (V)	1		1		1	
WAWARSING	35		32		30	
Total	990	2	1,552	3	916	8

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

Kensico Basin

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0		0		0	
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: Ongoing

Overview and Action:

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.

Project Name: 530 Campbell Road (2007-SC-0941)
Town: Ashland
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure of wastewater not being treated by a DEP approved SSTS.

Discovery Date: 1/20/09

Status: Closed

Overview and Action:

DEP Legal issued a letter to the owner on 9/16/15 regarding non-compliance with the NOV. To avoid continued litigation by NYC Law, the holding tank may no longer be used and plans for a compliant system must be submitted to DEP within 15 days; complete construction of the new system is required by 11/30/15. DEP left a message for the owner on 11/18/15 to discuss the September 2016 NOV letter from DEP Legal. DEP performed a site visit on 12/3/15; septic failure was not observed; placed the September 2016 NOV letter on door. DEP performed a site visit on 12/14/15; septic failure was not observed; the NOV is still on the door; there was no sign of pumping. DEP Legal received a letter from the owner's attorney in response to DEP's 9/16/15 letter. The owner's attorney is requesting that a pump and haul be allowed, based on the owner's usage and financial priorities. DEP performed a site visit on 1/28/16; septic failure was not observed; there was no visible discharge or evidence of pumping. DEP has resolved the Enforcement Action on 4/7/16. The violation was resolved and the case was closed on 04/07/2016; DEP Legal issued a Closure letter on 4/7/16 to the owner's attorney. DEP has decided to close the NOV and not seek further enforcement in this limited, specific instance. If and when the owner decides to construct a septic system, he must first submit plans prior to construct such a system for DEP's review and approval.

Project Name: North Settlement Road (2007-SC-0689)

Town: Ashland

Basin: Schoharie

Type of Use: Stormwater (SP)

Type of Violation: New SSTS; DEP NOV and DEC NOV for failure to obtain an approved SWPPP.

Discovery Date: 4/22/11

Status: Ongoing

Overview and Action:

DEP received an Application for a SWPPP on 9/1/15 from the engineer. DEP issued a NOICA to the engineer on 9/15/15 requesting additional information. DEP was copied on an e-mail to the applicant from DEC on 12/8/15 regarding missed deadlines and documents, as stipulated by the Consent Order (CO). DEP was copied on e-mail correspondence between DEC and the applicant's representative between 12/18 and 12/21/15 regarding the unresponsiveness of the engineer to all parties; DEC suggested that the applicant request a modification to the CO with an explanation of why an extension in time is needed. DEP was copied on e-mail correspondence between DEC, the applicant, and the applicant's representative on 2/1/16 regarding the lack of response to DEC's 12/8/15 e-mail. DEC reminded both parties of the submittal requirements per the CO and gave a deadline of 2/19/16 for the SWPPP to be submitted to both DEP and DEC. DEP received an e-mail from the engineer on 3/2/16 with a copy of the third Draft SWPPP. DEP issued a NOICA to the engineer on 3/10/16 requesting additional information. DEP received an e-mail from the engineer on 3/17/16 stating that DEP should receive the revised SWPPP by 3/21/16. DEP sent an e-mail to the engineer on 3/24/16 and again on 4/19/16 notifying him that DEP has still not received the revised SWPPP. DEP received an e-mail from the engineer on 4/20/16 regarding restrictions of the new stormwater regulations. DEP received a submission from the engineer on 4/21/16, which appears to be a duplicate of information received on 3/2/16.

DEP sent an e-mail to the engineer on 5/6/16 responding to questions regarding the SWPPP. A meeting was held with the project engineers on 6/3/16 and DEP sent an e-mail to the engineers on this same date regarding outstanding issues with the SWPPP. DEP exchanged e-mails with the engineer on 7/6/16 regarding the lack of progress on the SWPPP design. DEP sent an e-mail to the engineer on 7/26/16 regarding the status of the revised SWPPP. DEP received an e-mail from the engineer on 8/1/16 stating that he is working on the SWPPP. DEP received a response to the NOICA from the engineer on 8/5/16; revised plans were included. The project was sent to DEP's Bureau of Legal Affairs on 8/8/16 for assistance. DEP received an e-mail from the engineer on 8/8/16 regarding coordination between DEP's counsel and the applicant's attorney for development of SWPPP conservation areas. DEP issued a NOICA to the engineer on 8/11/16 requesting additional information. DEP sent an e-mail to the engineer on 8/17/16 regarding the Declaration for Stormwater Maintenance.

Project Name: 231 Bear Kill Road (2005-SC-1143)
Town: Conesville
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure to construct an SSTS.
Discovery Date: 12/11/2012
Status: Ongoing

Overview and Action:

DEP issued an NOV to the owner on 3/21/13. DEP called the owner on 4/5/13 to discuss the recently issued NOC and his schedule to start construction. The owner stated that he wanted to start construction this year. DEP performed a site visit on 4/30/13; septic failure was not observed. DEP called the owner on 6/11/13 requesting a status update on the construction schedule. DEP performed a site visit on 7/31/13; there was no visible effluent. The trailer appears to be rarely used. DEP called the owner on 9/11/13 requesting construction schedule. DEP called the owner on 10/10/13 stating that the project will be referred to DEP Legal if a commitment is not received. DEP Legal issued a letter to the owner on 11/12/13 requesting that the SSTS be completed by 12/31/13, weather permitting. DEP performed a site visit on 11/18/13; septic failure was not observed. DEP Legal spoke with the owner on 1/24/14. He is not using the trailer and there is no heat on the property and it is closed for the winter. DEP performed site visits on 5/2/14 and 6/2/14; septic failure was not observed. The site does not appear to be used as there was no visible car traffic or lawn maintenance. DEP performed a site visit on 7/8/14 and 8/21/14; septic failure was not observed. There was no visible effluent and no sign that the trailer is being used. DEP performed a site visit on 11/20/14; septic failure was not observed. There is very little sign of inhabitation. The driveway is in a hay field and there are no recent tracks and no visible failure or signs of pumping. DEP performed a site visit on 12/24/14; septic failure was not observed and there was no sign of use. DEP performed a site visit on 2/13/15; septic failure was not observed. The trailer is not being used. DEP performed a site visit on 6/25/15; septic failure was not observed. There was no sign that the trailer has been inhabited and three feet of grass was in the driveway. DEP performed a site visit on 10/9/15; septic failure was not observed; a tank was installed but the field was never constructed; there is no sign of the trailer being used, the lawn is unkempt, and there is no sign of any traffic on the grass driveway. DEP performed a site visit on 10/28/15; septic failure was not observed; there is no sign of the trailer being used and there are no vehicle tracks into the lot. DEP performed a site visit on 2/24/16;

septic failure was not observed; there is no sign of the trailer being used. DEP performed a site visit on 9/9/16; septic failure was not observed and there is no sign that the trailer is being used; the lawn is unkept and there are no tracks in the field.

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: Ongoing

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.

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

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.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: OT.1: DEP NOV for a junkyard.
Discovery Date: 5/5/16
Status: New

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 30 days.

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.
Discovery Date: 7/8/16
Status: New

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.

Project Name: Windy Ridge Rd (2016-SC-0250)
Town: Hunter
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: OT.3: DEP NOV for a site disturbance.
Discovery Date: 7/8/16
Status: New

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.

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: Approved

Overview and Action:

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.

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: Ongoing

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 30 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.

Project Name: Ternes Rd. (2012-SC-0647)
Town: Hunter
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Failed SWPPP; NOV for failure to obtain an approved SWPPP prior to start of land clearing activities.
Discovery Date: 10/10/12
Status: Closed

Overview and Action:

DEP issued an Approval Determination letter on 5/13/15. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP has tried to meet with the applicant on several occasions but have not been able to do so. DEP met with the contractor on the site for a pre-construction meeting on 10/16/15; the applicant was a no show. DEP called the applicant on 11/4/15 regarding the site work; the applicant indicated that the swales have been constructed. DEP sent an e-mail to the applicant on 12/9/15; to date, not all of the site work has been adequate and enhancements are needed; DEP has not received a response. DEP called the applicant on 2/24/16 regarding stabilizing the site; due to snow on 2/23/16, a meeting will be scheduled in March 2016 to assess the site. A meeting was held with DEC at the site on 4/27/16. DEP performed a site visit on 6/17/16; there were no deficiencies; there was no discharge; the site was vacant and the work had been completed. The violation was resolved and the case was closed on 7/5/16 with DEP Closure letter dated 7/5/16. DEP has resolved the Enforcement Action on 7/5/16.

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

Overview and Action:

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.

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:

The NYC Law department issued a letter to the applicant's representative on 4/10/15 regarding the NOV. 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.

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 issued a comment letter to the Scout Executive on 12/22/15 regarding the outstanding issues stated in the NOVs. DEP received the water usage scattered from 2013 through 2015 on 2/9/16. 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.

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 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 type 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.

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 (8/9/05).
Discovery Date: 10/31/06
Status: Ongoing

Overview and Action:

DEP received a call from Wells Fargo Realty on 10/19/15. Wells Fargo is the local bank representative; at this time, the bank hopes to sell the property as-is with full disclosure of the SSTS failure. DEP advised that enforcement would not be pursued as long as the apartment is kept vacant. The whole building is vacant at this time and will remain vacant for as long as the bank owns the property. DEP received a voice-mail from a potential buyer of the property on 11/12/15; he asked what needed to be done to the septic system. DEP returned the call on the same day and advised that an engineer would have to be retained to design an SSTS repair. DEP stopped at the site on 12/14/15 due to activity; a perspective buyer was on the site, as well as a contractor who had just winterized the building. The site was still uninhabited and posted for sale. DEP performed a site visit on 12/14/15, as there were vehicles in the driveway. Septic failure was observed. The building is still vacant and winterized. 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.

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: Ongoing

Overview and Action:

DEP called the owner on 10/28/15 to discuss the scheduling of winterizing and decommissioning the existing system; the owner reiterated interest in holding tank requirements and said that one might be installed this season. DEP will forward some information via e-mail. The owner also reiterated that one trailer is winterized and is not in use and that the main trailer will not be used for more than two more weeks; all wastewater is being held in camper holding tanks. The owner stated that it is fine for DEP to inspect the site at any time. DEP received an e-mail from the owner on 10/29/15 confirming that each camper is one bedroom and that they are supplied with power from the electric utility company. DEP issued an informational letter to the owner on 12/14/15 regarding holding tank regulations and guidance material. DEP exchanged e-mails with the owner on 4/12/16. The owner stated that the original house trailer from 2005 had one bedroom; currently, she has two camping trailers on site connected to the septic system with one bedroom in each. One of the campers is used every weekend and the other is used about three times during the camping season. 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.

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: Ongoing

Overview and Action:

DEP received an Application for a SWPPP on 10/29/15 from the engineer with plans and a Notice of Intent (NOI). DEP exchanged e-mails with the engineer on 10/29 and 10/30/15 to confirm that DEP received and is reviewing the SWPPP. DEP is preparing comments which must be addressed before site work can commence and the Town CEO must be contacted regarding the foundation of the house. DEP sent an e-mail to DEC on 11/6/15 stating that the SWPPP submitted by the engineer is not in compliance with DEC's regulations. DEP issued a NOICA to the owner and engineer on 11/17/15 requesting additional information. DEP received a response to the NOICA from the engineer on 11/23/15. The submission included a revised HydroCAD, proposed methods, and data sheets. DEP issued a NOICA to the engineer on 12/3/15 requesting additional information. DEP exchanged e-mails with the engineer on 12/4/15; the engineer confirmed receipt of the NOICA and will review and address missing information. DEP received a call from the engineer on 12/8/15 regarding the second NOICA letter. The engineer had a few questions and said the revised SWPPP will be delivered the following week. DEP performed a site visit on 12/14/15; there were no deficiencies, there was no discharge, and the site was vacant. 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.

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 issued an NOV to the owner on 1/28/14. DEP performed a site visit on 2/5/14; no activity. DEP received a response to the NOV on 2/12/14 with a call from the owner. The owner stated that the property is winterized and still for sale, and that no wastewater is generated there, which satisfies the NOV. However, DEP reminded the owner that the generation of wastewater in the future could result in further action by DEP. The owner acknowledged and hopes to sell property soon. DEP will continue periodic inspections to ensure wastewater is not being generated. DEP performed a site visit on 2/20/14 to inspect the septic tank. DEP performed a site visit on 2/21/14 and inspected the system layout and the gravity effluent pipe. DEP performed a site visit on 2/27/14; the house is still vacant. DEP performed a site visit on 2/28/14; no activity. DEP performed a site visit on 8/1/14 for septic failure; none was observed. The house is still vacant with no signs of use. DEP performed a site visit on 12/1/14; septic failure was not observed. The property is vacant and posted for sale. 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.

Project Name: 854 Johnson Holw Rd (2013-SC-0403)
Town: Roxbury
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Complaint; reporting SSTS Failure. DEP NOV.
Discovery Date: 7/31/13
Status: Closed

Overview and Action:

DEP performed site visits on 11/19 and 12/23/15 and on 3/16/16; septic failure was not observed. DEP performed site visits on 5/13, 7/14, and 9/21/16; septic failure was not observed. DEP has resolved the Enforcement Action on 9/22/16, due to numerous consecutive inspections with no

observation of failure. The violation was resolved and the case was closed on 9/22/16 with DEP Closure letter dated 9/22/16.

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: Ongoing

Overview and Action:

DEP issued an NOV to the owner on 10/16/15. DEP called the engineer on 10/16/15; he will work on getting a flow confirmation letter from DOH to submit to DEC to start the SPDES permit application process. DEP received a call from DOH on 10/21/15; DOH is planning to inspect the SSTS. DEP performed a site visit on 10/23/15; septic failure was not observed and DEP inspected the absorption field. The grass has not been mowed recently; although, the ruts from the lawn mower are still evident, no sewage was pooled in the ruts. The other areas where sewage had been observed surfacing were dry at the top of the ground, and were only slightly soft when walked on. DEP called the owner on 10/30/15 regarding the NOV issued on 10/16/15. Owner said he received the NOV and had left a message for the contractor the previous week. DEP asked him to pursue a commitment from the contractor and to be advised of any progress on 11/3/15; he agreed to do so. DEP mentioned that the site visit on 10/23/15 showed no surface failure. DEP called the owner on 11/5/15 regarding the NOV; he still had no construction start date. The owner said he is waiting to hear from the contractor, who knows the system must be completed in 2015. DEP advised him that due to a lack of response and an open NOV, the project has been referred to DEP Legal. DEP left voice messages for both the contractor and the owner on 11/16/15 to ask if work on the SSTS would begin that week, as hoped. DEP received a return call from the contractor on 11/16/15 regarding the installation of the absorption beds. DEP received a call from the engineer on 11/19/15. The contractor will return to the site to install the three absorption beds, starting this same date. DEP performed a construction site visit on 11/20/15; DEP inspected one of the absorption beds and it has been partially backfilled after inspection by the engineer. The other bed work will resume on 11/23/15. DEP performed a construction site visit on 12/14/15; septic failure was not observed. DEP performed a walk through to determine if all fixtures that discharge to the new SSTS are low-flow; three toilets in the main building are old. DEP issued a letter to the owner on 12/17/15 stating that all plumbing fixtures must be connected to the new SSTS as low-flow in order for DEP to issue a final construction acceptance letter. DEP received a call from DOH on 12/22/15 regarding the SPDES permit. The engineer will submit the application on behalf of the owner. The contractor will install the low-flow kits in the toilets so that the SSTS construction can be accepted by DEP. DEP received a phone call from the owner's daughter on 12/29/15, requesting clarification on the low-flow toilets and the SPDES permit application. She will address both issues, contact DEP for an inspection, and copy DEP on the DEC application. 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.

Project Name: Route 28 (2007-AS-0935)
Town: Shandaken
Basin: Ashokan
Type of Use: Stormwater (SP)
Type of Violation: Failed SWPPP. DEP NOV for the construction of an impervious surface within 100 feet of a watercourse.
Discovery Date: 9/27/01
Status: Closed

Overview and Action:

DEP received a letter from the engineer on 10/9/15, responding to DEP's comments made in May 2015, along with revised plans and a revised SWPPP. DEP issued a NOCA on 10/10/15. DEP sent an e-mail to the engineer on 10/23/15 requesting that the proposed area of pavement to be removed be shown on the SWPPP plan. DEP exchanged e-mails with the Town of Shandaken Supervisor on 11/5/15 regarding the status of the SWPPP; DEP is waiting for the engineer to revise the SWPPP and resubmit it. DEP received copies of the revised plans and the revised SWPPP, from the engineer. DEP issued an Approval Determination letter on 1/15/16. DEP sent an e-mail to the Town of Shandaken Supervisor on 5/4/16 regarding the project status. DEP received an e-mail from the Town Supervisor on 5/25/16 stating that he will notify DEP of when the pavement, which caused the NOV, is removed. DEP sent an e-mail to the Town Supervisor on 7/26/16 regarding the project status. DEP received an e-mail from the Town Supervisor on 8/1/16 stating that the pavement has been removed. The violation was resolved and the case was closed on 8/5/16 with DEP Closure letter dated 8/5/16. DEP has resolved the Enforcement Action on 8/5/16.

Project Name: Valley View Road (2001-AS-0322)
Town: Shandaken
Basin: Ashokan

Type of Use: Intermediate Repair (CR)
Type of Violation: IS.1: Revised proposal to establish 10 campsites instead of 15 campsites and remodeling some structures. SP.1: Two locations of new impervious construction near watercourses. DEP NOV for unapproved change in use of CR.1: NCRA. CWC for Small Business.

Discovery Date: 2/3/14

Status: Approved

Overview and Action:

DEP sent an e-mail to the engineer on 11/12/15 regarding the engineer's lack of progress on the outstanding NOV and overall project. DEP sent an e-mail to the engineer on 11/19/15 regarding the engineer's continued lack of response; DEP REP is referring the matter to DEP Legal. DEP issued a letter to the owner on 11/30/15 regarding the abatement of noted violations; DEP requested a response within 7 days of the letter date. DEP reviewed and picked up preliminary facility plans from the engineer on 12/1/15. DEP received an e-mail from the owner on 12/9/15 requesting that all concerns regarding the site be referred to his engineer and/or attorney. DEP sent comments for the preliminary plans to the engineer on 12/15/15 and also requested that the potable water lines be shown on the plans. 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 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 issued an NOV warning letter to the owner on 8/23/16 for the Stormwater portion of the project; a SWPPP must be submitted within 30 days of the letter date or an NOV will be issued.

Project Name: 61, 65 Spring St (2011-SC-0597)
Town: Village of Tannersville
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Failing SWPPP; Site Stabilization Plan; due to existing encroachments into on site wetland areas, all site work activities shall be suspended. DEP NOV.
Discovery Date: 8/24/11
Status: Closed

Overview and Action:

DEP met with the contractor, engineer's representative and CWC on the site for a pre-construction meeting on 10/29/15. The engineer's representative will be calling to let DEP know when the contractor will be starting up. CWC asked the engineer's representative for a copy of the estimate for construction. The contractor and engineer's representative discussed the items in the SWPPP. The project was sent to DEP Legal for enforcement of the NOV on 11/2/15. DEP Legal issued a letter to the owner on 11/2/15 regarding the outstanding NOV; the owner must contact DEP Legal within five business days of the letter date and must submit a construction timetable within 30 days to avoid a referral to NYC Law for possible litigation. DEP performed site visits on 11/9, 11/17, and 11/23/15; there were no deficiencies, there was no discharge, and the site was vacant. DEP completed construction inspections on 11/24/15. DEP received an engineer's certification letter from the engineer on 12/3/15. This project is on CWC's 2/2/16 draft

Board Meeting Minutes and was approved for future stormwater. DEP performed a site visit on 4/7/16; there were no deficiencies; there was no discharge; the site was vacant. The violation was resolved and the case was closed on 4/7/16 with DEP Closure letter dated 4/7/16. DEP has resolved the Enforcement Action on 4/7/16.

Project Name: 109 County Rt. 65 (2015-SC-0579)
Town: Windham
Basin: Schoharie
Type of Use: Other (OT)
Type of Violation: Petroleum storage tanks within 100 feet of a watercourse. DEP NOV.
Discovery Date: 9/25/15
Status: Closed

Overview and Action:

A meeting was held with the Greene County Industrial Development Agency (IDA) on 9/24/15 to discuss relocating the tanks. A location was identified. DEP is waiting for a site sketch with temporary stormwater control measures shown. DEP initiated an Enforcement Action on 9/25/15. DEP issued an NOV to the owner on 9/25/15. DEP received an e-mail from the Greene County Industrial Development Agency on 9/28/15 stating that a concept site plan documenting critical issues is being worked on. DEC issued an NOV on 10/7/15. In accordance with Emergency Procedures noted in the Watershed Regulations, DEP issued a Temporary Emergency Approval letter to the owner on 10/27/15. This approval will, conditionally, allow bulk fuel storage tanks to be relocated; the submission of a full SWPPP is still outstanding. DEP exchanged e-mails internally on 11/9/15 regarding a conversation with DEC; tanks were moved on 11/6/15. DEC issued a new registration for the site; the landowner has 30 days to terminate the previous registration. In accordance with the DEC NOV, contaminated soils must be remediated. DEC will inspect the site for compliance. 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 distributed an internal e-mail on 4/5/16 regarding a conversation with DEC on this same date; the owners have been unresponsive to DEC's NOV; DEC will have to undertake the spill cleanup and pursue reimbursement with the owners. DEP has resolved the Enforcement Action on 5/11/16. The violation was resolved and the case was closed on 5/11/16 with DEP Closure letter dated 5/11/16.

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: Ongoing

Overview and Action:

A Planning Board meeting was attended with the project engineer on 10/15/15; the NOV and related matters were discussed. DEP received an e-mail from DEC on 10/27/15 regarding a status update on the site. In accordance with Emergency Procedures noted in the Watershed Regulations, DEP issued a Temporary Emergency Approval letter to the owner on 10/27/15. This approval will, conditionally, allow bulk fuel storage tanks to be relocated; the submission of a full SWPPP is still outstanding. DEP exchanged e-mails internally on 11/9/15 regarding a conversation with DEC; tanks were moved on 11/6/15. DEC issued a new registration for the site; the landowner has 30 days to terminate the previous registration. In accordance with the DEC NOV, contaminated soils must be remediated. DEC will inspect the site for compliance. 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.

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: Ongoing

Overview and Action:

NYC Law issued a letter to the owner on 6/12/15 via overnight express mail; in order to resolve the enforcement action, a DEP compliant SSTS design must be prepared by a professional engineer and submitted within 30 days to DEP; the tank also must be pumped out and removed

immediately. NYC Law Department received an e-mail from the owner which included an invoice from a septic hauler dated 7/6/15 and a letter requesting information on why the engineer's last submission is not acceptable. DEP called the septic hauler on 8/17/15, who verified the 7/6/15 pump out was legitimate and was for about 300 gallons. The hauler said it was probably more since it was a surcharged tank. DEP performed a site visit on 8/21/15; there was no sign of recent pump out. The tank is buried and the rabbits are back. NYC Law issued a letter to the owner on 11/16/15 stating that the SSTS design prepared by the engineer in September 2012 cannot be installed, as the soils at the site are not compliant with DEP's regulations. DEP has informed the owner of this several times. A new design will need to be prepared and the site should be vacant since there is no compliant system installed. NYC Law and DEP spoke with both owners on 11/19/15. They will hire another engineer and will contact DEP when they are ready for a site visit. NYC Law will send the owners a list of attendees who were on the conference call and their contact information. DEP performed a site visit on 11/25/15; septic failure was not observed and there was no visible discharge. 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.

Project Name: Lauren Lane off Begley Rd. (2011-SC-0697)
Town: Windham
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Lot #5 New SSTS, SWPPP for 8 lot subdivision; NOV for failure to obtain DEP approval prior to construction of 8 lots; DEC NOV.
Discovery Date: 6/21/12
Status: Closed

Overview and Action:

DEP exchanged e-mails with the owner on 1/5/16; per DEP's last site visit, work had not commenced; the owner stated that paperwork has been submitted and he is awaiting approval in order to move forward. This project is on CWC's 2/2/16 draft Board Meeting Minutes and was approved for future stormwater funds. DEP exchanged e-mails with the owner on 3/14/16 regarding when the contractor would be working on the project; the owner said within a few weeks; DEP hopes for the work to be done in spring 2016. DEP issued a Modified Approval Determination letter on 3/25/16 to the owner along with the approved plans. DEP met with the contractor and applicant on site for a pre-construction meeting on 4/20/16. DEP received a call from the contractor on 4/21/16 regarding rain garden and infiltration basin construction. DEP performed a site visit on 4/25/16; there were no deficiencies; there was no discharge; the site was occupied. A meeting was held on site with the engineering company's inspector on 4/26/16. The inspector stated that the soil media lacked some organics but will work fine; additional outlet protection also needs to be installed at the outlet of the pipe from the rain garden. This project is on CWC's 5/3/16 Board Meeting Minutes and was approved for future stormwater additional funding. DEP performed a site visit on 5/5/16; there were no deficiencies; there was no discharge; the site was vacant. DEP performed a site visit on 5/11/16; there were no deficiencies; there was no discharge; the site was occupied; the site work has been completed and DEP will perform a final inspection. DEP received As-Built plans and an engineer's certification letter from the engineer on 5/27/16. DEP performed a site visit on 6/1/16; there were no deficiencies; there was no discharge; the site was occupied. DEP issued a letter of Construction Compliance on 6/1/16. DEP completed construction inspections on 6/1/16. The violation was resolved and the case was closed on 7/21/16 with DEP Closure letter dated 7/21/16. DEP has resolved the Enforcement Action on 7/21/16.

Project Name: 4806 Route 23 (2008-SC-1111)
Town: Windham
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS-Surfacing-CWC. DEP NOV.
Discovery Date: 6/20/11
Status: Closed

Overview and Action:

DEP sent the engineer an e-mail on 6/11/15 to schedule dose test inspection to see if field fails

immediately or not. DEP performed a site visit on 6/19/15; the ends of all four laterals appear to be connected by a manifold which is not raised to function like a vent, therefore, sending wastewater to end of lower lateral causing field to fail in that location for years. Dye test confirmed this finding. The engineer to correct vents, possible recommend abandoning lower lateral and propose expansion. DEP sent the engineer an e-mail on 7/9/15 requesting a follow up from last site visit and stated that litigation may be pursued if there is no immediate progress. DEP sent engineer an e-mail on 7/15/15 that legal action is now commencing due to no response. DEP performed a site visit on 7/21/15; there were no changes. DEP called the engineer on 7/24/15 and left a message that there needs to be a plan and immediate action taken to correct improper construction of vent pipe. DEP also called the owner's representative (son) and informed him that piping needs to be fixed, immediately, or further legal enforcement action will be taken. He said he would try to get in touch with the engineer again, who hasn't been returning his calls. DEP received an e-mail from the engineer on 7/24/15, with some venting ideas, and will confirm plan next week. DEP received call from the engineer on 7/29/15, requesting a call back to discuss fixing the SSTS. DEP received a call from the engineer on 7/30/15. The engineer will contact owner to discuss proposed venting solution (combined or individual) for the laterals and for the d-box, and then will update DEP. DEP sent the engineer an e-mail on 8/5/15. The engineer stated construction to start on 8/11/15. On 8/12/15, DEP met the engineer on site. Capped each lateral and added a vent to the d-box. Opened the pump chamber and heard water dripping in. The lowest speed leveler was left in an up position to lower volume. DEP performed a site visit on 9/15/15; there was no visible discharge and the area of failure was dry. DEP performed a site visit on 11/17/15; septic failure not observed. DEP performed site visits on 1/11 and 3/11/16; septic failure not observed and there was no visible effluent. DEP performed a site visit on 5/17/16; septic failure was not observed, though the area of the previous failure is still moist. DEP performed a site visit type on 7/12/16; septic failure was not observed; the owner reports no problems. DEP has resolved the Enforcement Action on 8/5/16. The violation was resolved and the case was closed on 8/5/16 with DEP Closure letter dated 8/5/16.

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: Ongoing

Overview and Action:

DEP received an Application for both an Intermediate Repair/Upgrade and New Construction on 5/20/15 from the engineer with plans, SPDES permit application, and EPA Inventory of Injection Wells form. DEP sent an e-mail to DOH on 5/21/15 to coordinate stamping all sets of plans as approved by both DEP and DOH. DEP delivered eight sets of DEP approved, stamped plans to DOH for their stamp. DEP issued an Approval Determination letter on 5/26/15 for the replacement SSTS to serve a one bedroom cottage and a five bedroom house. DEP sent the site conditions worksheet to DOH on 5/26/15. DEP received a NOCA from DOH on 5/29/15 for the "building lot". DEP received plans with DOH's stamped approval on 6/2/15. Plans are for both

the new SSTS and replacement SSTS. DEP received a NOCA from DOH on 6/2/15 for the new SSTS to serve the proposed monastery/dormitory complex. DEP received an approved Construction Permit from DOH on 6/2/15 (dated approval received and attached on 6/12/15) for the new SSTS to serve the proposed monastery/dormitory complex, along with plans with DOH's stamped approval. Plans are for both the new SSTS and replacement SSTS. DEP met with the contractor, applicant and engineer on the site for a pre-construction meeting on 6/10/15. DEP received notice on 6/9/15 that construction will begin on 6/10/15. DEP received a phone call from the engineer, who stopped at the site to inspect the fill being placed. As most of the fill has been installed, he started the percolation testing and advised that four holes were being tested and that one was complete. DEP advised the engineer to continue on his own, as DEP could not arrive on such short notice to witness the rest of the tests. DEP requested a copy of the perc results. DEP received a letter from DEC to DOH on 6/22/15 regarding a new proposed outflow. DEP received a call from the engineer on 6/23/15 regarding the pipe installation from the septic tanks to the dosing chamber. The pipe is 7" too low to travel through the culvert, so the Town Highway Superintendent will be notified of the road cut. DEP received a call from the engineer on 7/24/15. He performed an inspection of the absorption field on 7/23/15. Additional fill had been brought in for the tapers and shaped, so the field is now ready for topsoil, seed and mulch. DEP advised him that the owners will seed and mulch and that DEP will conduct a site visit to discuss methods with owners, as he will not be able to inspect on 7/24/15. DEP sent an e-mail to the owners on 7/24/15 regarding the seed and mulch needed to be installed on the disturbed areas. DEP has resolved the Enforcement Action on 7/28/15 for the new SSTS only. The violation for the new SSTS only was closed internally on 7/28/15 via the DEP REP Chief. The following history applies to the replacement SSTS. DEP received the SPDES Permit for the owner from DEC on 8/5/15. DEP performed a construction inspection on 8/13/15. The grading needs to be improved between the existing Ulster County Fill System and the newly installed raised absorption field. DEP completed construction inspections on 8/13/15. DEP called the engineer on 11/16/15 requesting that low flow fixtures be verified; a certification letter and as-builts were also requested. 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.

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 Legal issued a letter to the owner on 5/22/15 regarding failure to comply with the NOV. Immediate pump-outs and proof are required, as are SSTS repair plans from a licensed engineer (by 5/27/15). If these conditions are not met, the matter will be referred to NYC Law for possible litigation. DEP performed follow-up visits on 6/18/15 and 6/19/15. DEP personally delivered the NOV to the owner at his workplace in addition to posting it on the house. The owner states that CWC has looked at site and will be moving forward with remediation. DEP called and left a message for CWC on 6/23/15 regarding the status of this project with the program. CWC called back; they had inspected the property, paid for a pump out and sent a letter out to the owner instructing him to obtain an engineer on 5/21/15. This is a rental property, so there is a cost share. This project is funded under CWC Septic Repair Program. On 6/24/15, DEP received CWC's notice of failure. DEP called owner's place of work on 7/10/15 and left message with receptionist. DEP stated that this matter was urgent and that the owner needed to call DEP, immediately, otherwise, further legal action will be taken. DEP sent CWC an e-mail on 7/10/15 requesting any additional contact numbers to reach the owners and informed them that DEP may pursue litigation soon if the owner does not cease surface failure and pump out to manage the failure. DEP performed a site visit on 7/16/15; septic failure was observed. DEP has decided to litigate this violation, with the Commissioner's approval. DEP notified CWC via e-mail on 8/25/15 that DEP is referring the project to NYC Law for further enforcement due to the ongoing surface failure. DEP received a copy of the letter issued to the owner from NYC Law on 8/25/15 regarding the commencement of litigation. To avoid this, the owner must contact NYC Law by 9/2/15. NYC Law left a message stating that they are trying to contact the owner but his voice-mail is full. DEP received a second warning letter issued to the owner from NYC Law on 9/17/15. NYC Law has not been able to reach the owner despite several attempts; if the owner does not contact NYC Law by 9/23/15, a complaint will be filed with the NYS Supreme Court and penalties and damages will be sought. NYC Law received a call from one of the owners on 9/23/15 regarding the second letter that was sent. The second owner thinks an engineer is coming out and that a backhoe might be going to the property soon for soil testing. NYC Law is looking to have a conversation with the other owner to discuss a timeline to have the SSTS fixed prior to winter 2015. DEP received an e-mail from NYC Law stating that NYC Law spoke with owner on 9/24/15. Owner reported soils testing with DEP has been scheduled to occur within a week or so. DEP performed a site visit on 9/28/15; sewage was observed in an overgrown ditch but no odors were detected. DEP received a request for a pre-application meeting from the engineer on 10/19/15. A soil/site evaluation was performed on 10/21/15. DEP issued an NOV on 10/22/15. DEP sent the engineer an e-mail on 10/27/15 stating that plans are due on 10/28/16; the engineer responded on the same day stating that he would work quickly, but the plans would not be in by 10/28/15. DEP sent the engineer an e-mail on 11/4/15 requesting that plans be submitted right away. DEP sent an e-mail to NYC Law on 11/5/15, requesting to move forward with enforcement since plans have not been received by the deadline. DEP sent an e-mail to NYC Law on 11/6/15 stating that any correspondence for enforcement and litigation moving forward should be sent to two specific addresses. DEP Legal sent an e-mail to NYC Law on 11/17/15 requesting the next steps to be taken on this project. DEP sent the engineer an e-mail on 12/7/15 asking when plans will be submitted. DEP received an e-mail from the engineer on 12/12/15; he will submit plans once the new technology is approved by DEP. 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.

Project Name: 68 County Hwy 7 (2011-PE-0632)
Town: Colchester
Basin: Pepacton
Type of Use: Stormwater (SP)
Type of Violation: DEP NOV and DEC NOV issuance; DEC - failure to obtain a SPDES Permit prior to construction.
Discovery Date: 9/1/11
Status: Closed

Overview and Action:

DEC issued an NOV to the owner on 9/1/11. DEP initiated an Enforcement Action on 9/1/11. DEP received a DEC Consent Order on 9/14/11. A meeting was held with DEC and the owner's contractor on 10/18/11; discussed that the owner will need to hire an engineer to design an E&SC plan. DEC is also going to comment that if they exceed two acres, they will need a DEP permit. DEP received an e-mail from DEC on 11/1/11 stating that the owner has agreed to sign the Consent Order and advised that there were still some problems at the site. DEP called the owner on 11/1/11 regarding a site meeting. DEP received a copy of the executed order from DEC on 12/20/11. A meeting was held with DEC on 1/20/12. DEC has directed the owner to coordinate with DEP on the house site and a DEP SWPPP approval if the site disturbance is going to be greater than two acres. DEP performed a site visit on 5/17/12; there were no

deficiencies, there was no discharge and the site was vacant. Construction for this project is on hold as of 10/2/12 due to lack of funds. DEP performed a site visit on 10/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 10/18/13; there were no deficiencies, there was no discharge and the site was vacant. DEC verbally closed the NOV issued on 9/1/11. DEP is now internally closing the NOV on 11/7/13. DEP has resolved the Enforcement Action on 11/7/13. DEP received an e-mail from DEC on 5/15/15 stating that the owner recently contacted DEP regarding his septic system and thinks this will satisfy the consent order; DEC affirmed that stormwater is a separate issue and provided him with appropriate contacts at DEP and DEC. DEC reminded the owner that non-compliance can lead to a payable penalty and legal action. DEP exchanged e-mails with the engineer on 9/17/15 and 9/18/15 regarding the requirement of a SWPPP before a septic system can be constructed. DEP exchanged e-mails with the engineer on 9/29 and 10/2/15; DEP asked the engineer to include stormwater measures when preparing the septic plans. DEP also provided site visit availability dates and requested a short narrative of the project and some hydrologic analysis. DEP called the engineer on 2/26/16 regarding the site disturbance; the site survey has been completed and the engineer will provide total disturbance estimates, soon. DEP spoke with the owner on 5/20 and 5/23/16; DEP advised him to reach out to DEC regarding their requirements; the owner stated that DEC needs a SWPPP. DEP was copied on e-mails exchanged between the engineer and DEC on 6/21/16; DEC confirmed that the SWPPP would consist of basic Erosion and Sediment Control (E&SC) and would not be subject to review or approval by DEP; therefore, DEP has closed out the enforcement on this project. This project is on CWC's draft 7/5/16 Board Meeting Minutes and was approved for future stormwater funding.

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:

DEP received an Application for a SWPPP on 4/21/15 from the engineer with a plan set. DEP issued a NOCA on 5/7/15. DEP received additional copies of the plans and SWPPP for review from the engineer on 7/6/15. DEP issued an Approval Determination letter on 7/21/15. DEP received the Short Form Environmental Assessment Form and Negative Declaration from the engineer on 8/4/15. DEP performed a site visit on 11/25/15; there were no deficiencies, there was no discharge and the site was occupied. 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.

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 issued an NOV to the owner on 11/12/15. DEP performed a site visit on 12/3/15; septic failure was not observed; a copy of the NOV was taped to the door. DEP re-issued the NOV via certified/return receipt mail on 12/4/15, as the owner has not yet responded to the original NOV; continued lack of response will result in referral to DEP Legal and/or NYC Law. The NOV that was taped to the owner's door on 12/3/15 was gone on 12/4/15. On 12/21/15, DEP REP and DEP Legal left messages for the owner requesting a call back to schedule a dye test right away. 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 contractor 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 contractor 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.

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:

DEP received a request for a pre-application meeting from the engineer/applicant on 8/3/15. DEP exchanged e-mails with the engineer between 7/27/15 and 8/3/15 regarding the project scope and how to proceed. Preliminary site visits are scheduled for 8/12/15 and 8/13/15. DEP sent an e-mail to DOH on 8/6/15 regarding the project and was not sure if it qualified as a realty subdivision given the fact that it is not a continuous tract of land. DEP observed and prepared a violation report on 8/19/15. DEP initiated an Enforcement Action on 8/19/15. DEP issued an NOV to the owner on 9/1/15. DEP received a call from the owner in response to the NOV on 9/4/15. DEP received message from the owner on 9/16/15 requesting call back to discuss the NOV. The owner called DEP on 9/17/15 and left a message. DEP returned owner's call and there was no answer and DEP could not leave a message. DEP called owner on 9/28/15 and left message to call back regarding failing SSTS and measures they have taken to hire engineer or limit failure. This project is funded under CWC Septic Repair Program. On 9/28/15, DEP received CWC's notice of failure. DEP issued a letter to the owner on 9/29/15 providing guidance for remediation. DEP received a request for a pre-application meeting from the engineer/applicant on 10/13/15. DEP called the owner on 10/14 and 10/15/15 to see if an engineer had been hired, but was unable to leave messages. A soil/site evaluation was performed on 10/16/15. DEP received an Application for a non-conventional, individual SSTS on 10/22/15. DEP issued a NOCA on 11/4/15. DEP issued an Approval Determination letter on 11/4/15. DEP issued a letter to the owner on 4/15/16 stating that construction has not yet commenced. 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.

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

Overview and Action:

DEP exchanged e-mails with the engineer on 11/5/14 and on 11/19/14 regarding the SWPPP modifications. DEP received an Application for a SWPPP on 12/1/14 from the engineer with modified plans. DEP issued a NOICA to the engineer on 12/12/14 requesting additional information. DEP called the engineer on 12/16/14 to discuss revisions to the SWPPP. DEP exchanged an e-mail with the engineer on 2/3/15 regarding the SWPPP revisions. DEP received a response to the NOICA from the engineer on 2/19/15. DEP issued a NOCA on 2/26/15. DEP issued comments on 3/12/15 to the engineer. DEP received a letter and revised plans from the engineer on 3/26/15 in response to DEP's letter of 3/12/15. DEP issued an Approval Determination letter on 4/9/15. DEP issued a letter to the owner on 10/15/15 stating that construction has not yet commenced. DEP received a voice-mail from the owner's husband on 10/28/15 stating that he has been waiting for over three months for an estimate on the driveway and expects one soon, possibly on 10/30/15. 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.

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 received an e-mail from DEP Police regarding an Encon Violation on 7/7/15. DEP initiated an Enforcement Action on 7/7/15. DEP called and left a message for the town CEO on 7/10/15 regarding this parcel. DEP received a call from the town CEO on 7/13/15 regarding the property. The town does not have anything on a septic system or the existing campers. On 7/17/15, DEP answered the complaint with DEP police at 462 Blueberry Lane. DEP found three campers and one shack along with a shed with a toilet in it on the property. Two of the campers and the toilet in the shed have pipes coming out and into the ground to unknown tanks. The shack has water going in but could not find a pipe coming out. The town CEO is unaware of buildings. DEP Police spoke with the owner. DEP issued an NOV to the owner on 8/10/15. DEP received a message from owner's ex-wife on 8/12/15, with correct mailing address for owner. DEP received a message from owner on 8/13/15 regarding receipt of NOV. DEP called back and left message with the owner to return the call. The owner returned call and stated he improved the SSTS for the main trailer by installing a 275 gallon tank and 60 feet of perforated pipe in sand/stone to the main trailer, in 2011, when he bought the property. This is also where the outdoor toilet (low flush) discharges. The end of the lateral is almost to grade and he pumps out tank when it breaks

out to surface. He had been paying a non-DEC licensed hauler to bring wastewater to Oneonta. The guest camper has no discharge pipes. The friend's camper has a discharge pipe to a 55 gallon drum with no leach field but is surrounded by stone, which is used two Saturdays a month. In 2014, he said he used the camp from April to July, and this year, plans to use from April to October, as his full time residence. He does winterize the campers for winter season. The owner would like to meet with DEP on site, but his work hours make that difficult. He will send DEP a text message picture of a recent pump out receipt by licensed hauler. He confirmed his water supply is a 275 gallon tank that he fills periodically from another tank he has on his truck. DEP informed him that pump outs must be done by licensed hauler, per the NOV. DEP provided CWC contact information for possible funding and requested that the owner minimize any water usage and contact DEP with any CWC news. He reported on the same day that CWC site visit is scheduled for 8/26/15. DEP stated that he will be contacted after next enforcement meeting as follow-up. DEP received a text message from the owner on 8/17/15 with two pictures. One is of a recent pump out receipt and other is picture of his pump that he previously used to empty his 275 septic tank and then bring to Oneonta for disposal at a WWTP. DEP received text message from owner on 8/20/15, who stated that CWC will not fund his project since there is no house or trailer on property. DEP sent a message to owner on 9/2/15: the friend's camper must be disconnected and the tank pumped out and removed or crushed and backfilled. The main camper system, cap outlet from tank so no flow gets to field, reduce water usage as it will need to be pumped by licensed hauler with all receipts submitted to DEP. This work shall be inspected by DEP prior to backfilling. DEP called the owner on 9/14/15, who confirmed he received DEP's message from 12 days prior. He said his friend's camper is disconnected from its underground tank. He will be leaving camp for the year, soon, and he doubts much will be done this year to resolve septic violations. He gave permission to DEP to perform inspections and check for sewage. He would appreciate two days' notice, and would try to be available to meet DEP. DEP called the owner on 10/23/15 to schedule a site visit for the following week. The owner stated that one tank has been removed and the camper that was connected to it was going to be reposed, soon; he also stated that the second tank was not going to be removed and that he was only using it for greywater. DEP stated that periodic inspections would be done at the property until issues were resolved; the owner restated that he wanted advance notification of site visits. DEP performed a site visit on 10/28/15 and met with the owner; septic failure was not observed; both campers have been disconnected for the winter. DEP gave the owner instructions on how to properly install a holding tank. 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.

Project Name: 4399 Elk Creek Road (2008-CN-2421)
Town: Meredith
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: RE.2: Modification to Eljen; former CWC. DEP NOV. RE.1: Failing SSTS-CWC-field running back in tank.
Discovery Date: 12/8/15
Status: Closed

Overview and Action:

DEP received an Application for an individual SSTS on 12/3/15. DEP performed a site visit on 12/8/15; septic failure was observed; effluent was observed in the hole dug around the d-box. The field and soils surrounding the field are fine; there is no sponginess and the lines are not bleeding out. According to the engineer, sewage is also backing up into the home. DEP initiated an Enforcement Action on 12/8/15. DEP issued a NOCA on 12/9/15. DEP issued an Approval Determination letter on 12/9/15. DEP called and left a message for the engineer on 12/28/15 regarding the status of this project. DEP received a call from the engineer on 1/5/16; the contractor is working with the owner to keep costs down, as CWC is not funding this modification; the owner will be cutting the necessary trees down himself. DEP issued an NOV to the owner on 2/16/16. DEP received a call from owner on 2/19/16, in response to the NOV. He will start construction when weather permits in spring 2016; DEP asked to be contacted a few weeks prior to construction and explained that periodic inspections will be conducted until issues are resolved; the owner was agreeable to this. DEP received notice on 3/8/16 that construction will begin on 3/9/15. DEP performed construction site visits on 3/9, 3/10, 3/11, and 3/16/16. DEP performed a construction site visit on 4/8/16; there was no activity. DEP performed a construction site visit on 4/27/16; final grading, seeding and mulching are done. DEP completed construction inspections on 6/2/16. DEP received an engineer's certification letter from the engineer on 8/8/16. DEP issued a letter of Construction Compliance on 8/8/16. The violation was resolved and the case was closed on 8/11/16 with DEP Closure letter dated 8/11/16. DEP has resolved the Enforcement Action on 8/11/16.

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: Ongoing

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 7/1/14. A soil/site evaluation was performed on 7/8/14. DEP observed and prepared a violation report on 7/8/14. DEP initiated an Enforcement Action on 7/9/14. DEP issued an NOV to the owner on 7/18/14. DEP received an Application for a conventional individual SSTS on 9/22/14. DEP issued a NOCA on 9/24/14. DEP issued an Approval Determination letter on 9/24/14. DEP issued a letter to the owner on 4/14/15 stating that construction has not yet commenced. This project is funded under CWC Septic Repair Program. On 6/11/15, DEP received CWC's notice of failure. On 10/14/15, DEP issued a reminder letter via certified/return receipt mail to the owner due to lack of activity; DEP requested to be contacted within 14 days of the letter date to discuss a septic remediation schedule. DEP performed site visits on 10/27/15 and 2/12/16; septic failure was not observed. On 5/23/16, DEP issued a reminder letter to the owner due to the lack of activity; a response is requested within 14 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.

Project Name: 43371 State Highway 30 (2009-PE-0245)
Town: Middletown
Basin: Pepacton
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - metal tank & surfacing-60% - DEP NOV
Discovery Date: 4/28/09
Status: Closed

Overview and Action:

On 9/16/14, DEP requested Bureau of Legal Affairs to issue a legal letter to the owner for lack of progress and continued failure. DEP performed a site visit on 9/26/14; septic failure was observed for the surcharge septic tank, cesspool and dry-well. DEP Legal issued a letter to the owner on 11/19/14 regarding failure to resolve the NOV issued on 10/29/13. In order to avoid referral to NYC Law and possible litigation, the owner must comply with the terms of this letter, including, contacting the Watershed Treatment Programs Supervisor within five business days from the letter date. DEP performed a site visit on 2/4/15; septic failure was observed. The septic tank, cesspool and drywell were collapsed and in poor condition. DEP performed site visits on

6/2 and 8/28/15; septic failure was observed. Surcharge septic tank, cesspool and drywell. DEP performed a site visit on 12/1/15; septic failure was observed in the surcharged septic tank, cesspool, and drywell. DEP performed a watercourse determination on 2/1/16; two watercourses were found. DEP performed a site visit on 2/11/16; septic failure was observed in the surcharged septic tank, cesspool, and drywell; photos were taken of the property deed to verify ownership. DEP issued a Design Approval Expiration letter on 4/4/16. NYC Law issued a warning letter, draft complaint, and copy of the NOV to the owner on 4/19/16 with a 5/5/16 deadline to respond. DEP performed a site visit on 5/4/16; septic failure was observed; there were a surcharged septic tank, cesspool, and drywell; effluent is still ponding in the area of the septic tank and there are odors and papers evident. DEP performed a site visit on 5/6/16; septic failure was observed; there were a surcharged septic tank, cesspool, and drywell; photos were taken. DEP explained to the owner and contractor that the plans need re-approval prior to the start of construction. DEP received a call from the contractor on 5/6/16; the contractor stated that the engineer will send a letter to DEP requesting re-approval of the plans. DEP corresponded with the owner on 5/13/16; the owner will speak with his engineer and will contact DEP regarding when the re-approval can be expected. DEP received a call from the owner on 5/16/16; he has been trying to reach the engineer's representative. DEP received a call from the owner on 5/18/16; he has spoken with the engineer's representative, who will call DEP regarding the re-approval request. DEP called the engineer's representative on 5/18/16; the representative drafted a letter for the engineer's review. DEP spoke with the owner on 5/20/16; DEP explained that the re-approval request has not been received and it is needed by 5/23/16 to prevent possible further enforcement action. DEP received a call from the engineer's representative on 5/20/16; the representative has not been able to get in touch with the engineer. DEP received a letter via e-mail from the engineer on 5/25/16 requesting design re-approval. DEP issued a renewed Approval determination on 5/27/16. DEP called CWC on 6/16/16 regarding the bid status; bids have not been received; CWC has paid for the initial pump out and for the design. DEP received notice on 7/18/16 that construction will begin on 7/19/16. DEP performed construction site visits on 7/19, 7/21, 7/25, and 8/2/16. DEP completed construction inspections on 8/2/16. DEP received an engineer's certification letter from the engineer on 8/5/16. DEP issued a letter of Construction Compliance on 8/5/16. DEP received an e-mail from the pump representative on 8/9/16 regarding a certification for the SSTS. DEP has resolved the Enforcement Action on 9/13/16. The violation was resolved and the case was closed on 9/13/16 with DEP Closure letter dated 9/13/16.

Project Name:	Route 28 (2001-PE-0806)
Town:	Middletown
Basin:	Pepacton
Type of Use:	Intermediate SSTS (IS)
Type of Violation:	Failed SSTS; Construction of a Warehouse for Lumber & Supplies Building will be 130 feet by 300 feet. Construction of an impervious surface within 100 feet of a watercourse. Total area of impervious surface equals approximately 40,000 square feet. Storing concrete tanks on absorption field. DEP NOV.
Discovery Date:	10/15/01
Status:	Closed

Overview and Action:

DEP issued a letter to the owner on 7/9/14 regarding their non-compliance to the approved SSTS plans. DEP performed a drive by inspection on 7/11/14. There are two caution cones situated in the parking area about 10 feet out from the grassy area and about 30 feet apart. The cones do not represent the entire area of the absorption field, and can be easily moved to allow traffic through. DEP called the owner on 7/31/14 regarding the DEP letter issued on 7/9/14. He advised DEP that his attorney advised him that DEP is no longer allowed on the property and also advised DEP that there is no violation and so he is not worried about installing the bollards to protect the absorption field. On 6/22/15, the violation was forwarded to DEP Legal for follow-up on enforcement action. E-mails were exchanged between DEP and DEP Legal from 6/22/15 to 7/1/15 regarding this matter. DEP Legal issued a letter to the owner on 7/2/15 regarding the NOV. Permanent barriers must be approved by DEP and installed by 8/1/15 to prevent anything being stored on or driven over the absorption field. Additionally, DEP must be contacted within five business days of the letter date. Compliance is required to avoid referral of this matter to NYC Law. On 8/18/15, DEP drove by the site and took some pictures. Large concrete blocks have been placed around the grassy area where the septic tank and part of the absorption field exist. Barriers have not been placed around the entire field, which according to the "as-built" extends well into the driving/parking area. DEP issued an NOV comment letter to the owner on 9/18/15 regarding permanent protection measures for the SSTS which have not yet been met. To avoid re-referral to DEP Legal, the owner must take into consideration the as-builts, make the corrections described, and contact DEP for an inspection within 14 days. DEP drove by the site on 10/2 and 11/2/15; the concrete barriers and the orange cones are in the same position as they were last observed; they are either at the perimeter of the lawn area or on the lawn; the barriers do not encompass the entire absorption field and the installed SSTS and the reserve are still not blocked off from traffic. DEP Legal issued a letter to the owners on 11/6/15 regarding their non-compliance with the Approval and outstanding NOV items; proper barriers must be installed by 12/1/15 and DEP must be contacted within 5 business days of the letter date, or the matter might be referred to NYC Law. DEP drove by the site on 11/10 and 12/16/15 and on 1/15/16; there was no change in the placement of the cones or concrete barriers and they still do not block traffic from driving over the absorption field or reserve area. The violation and case were closed internally on 4/26/16. DEP has resolved the Enforcement Action internally on 4/26/16. Per a discussion between DEP REP, DEP Legal, and NYC Law, further enforcement is not required due to lack of a visible discharge to the creek and lack of a positive dye test.

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: New/Approved

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.

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 received an Application for a conventional individual SSTS on 4/21/14. DEP issued a NOCA on 4/23/14. DEP issued a comment letter on 4/23/14 to engineer. DEP called the engineer and left a message on 11/14/14 requesting items in comment letter to be addressed prior to DEP approval of plans. The engineer called back the same day and left a message stating that the owner needs to pay him for services provided before he will address outstanding issues. DEP issued a letter to the owner on 11/25/14 stating that plans have not yet been received. DEP called the owner on 10/2/15; a tentative site visit has been scheduled for 10/8/15; the owner stated that he is having difficulty finding financing for the new SSTS. DEP performed a site visit on 10/8/15; septic failure was observed; the absorption field is soft in the northeast corner and one spot shows evidence of a previous surface failure, which is not migrating off of the property. DEP performed a site visit on 10/9/15; a septic failure was observed; photos were taken of the absorption field. DEP corresponded with CWC on 11/12 and 12/7/15 to discuss if the property could become eligible for funding, despite the owner receiving SSTS funding from CWC back in

1998; CWC stated that they cannot pay for systems twice. It was noted by CWC that a few exceptions to this rule have occurred, but as research projects. 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.

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

Overview and Action:

DEP received an application for a SWPPP on 4/28/15 from the engineer. DEP issued a NOICA to the engineer on 5/8/15 requesting additional information. DEP returned a call to the engineer on 5/11/15 regarding NOICA. The engineer had questions regarding SEQRA. DEP received a response to the NOICA from the engineer on 5/14/15. DEP issued a NOCA on 5/20/15. DEP received the Type II SEQRA Determination, dated 5/18/15, from the Tech Team on 5/22/15. DEP performed a site visit on 6/10/15; there were no deficiencies, there was no discharge and the site was occupied. DEP issued a comment letter on 6/11/15 to the engineer requesting revisions. DEP exchanged e-mails with the engineer on 8/5/15 regarding the revised SWPPP. DEP received a letter and SWPPP from the engineer on 8/24/15 to DEP's letter of 5/20/15. DEP issued a comment letter on 8/26/15 to the engineer with minor edits that need to be incorporated into the

SWPPP before it's approvable. DEP received a letter and revised plans from the engineer on 9/3/15 to DEP's letter of 8/26/15. DEP issued an Approval Determination letter on 9/10/15. DEP received an e-mail from the applicant on 10/13/15 regarding the location of rain garden #1. A meeting was scheduled and held with the project applicant, engineer and CWC on 10/15/15 to discuss the issue with constructing rain garden #1, as shown on the plan; it was agreed that the location of rain garden #1 would be abandoned and rain garden #2 would be resized to treat all of the proposed impervious areas within 100 feet of the watercourse. DEP received an e-mail from the engineer on 10/16/15 with a revised site plan. DEP received a letter from the engineer on 10/26/15 regarding the 10/15/15 meeting and the revised construction plans for the rain garden. DEP issued a Modified Approval Determination letter on 10/27/15 to the engineer along with the approved plans. This project is on CWC's 11/3/15 Board Meeting Minutes and was approved for future stormwater. DEP met with the contractor and the engineer on site for a pre-construction meeting on 11/13/15. 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.

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 sent an e-mail to the owner on 9/3/15 regarding the need for this season's pump out receipts. DEP also requested that the test function on the alarm panel be repaired. DEP performed a routine inspection of the holding tank and alarm on 9/18/15. The alarm breaker was in the on position, the alarm panel light was flashing, but there was no audible sound. There is an option to silence the alarm which DEP assumes had been activated. Several people were on site so DEP didn't locate the owner or try to lift the tank cover for an inspection. DEP performed a site visit on 10/2/15; septic failure was not observed; the alarm breaker was on, the alarm was not activated and the liquid level in the barn holding tank was below the alarm activation point. DEP called the manager on 10/2/15 to set-up an appointment to collect pump-out receipts for summer 2015 and to inspect the holding tank. DEP called the hauler on 10/2/15 regarding the pump-out receipts; the hauler said he would submit them by 10/5/15. DEP, NYC Law and the owner exchanged e-mails between 9/30 and 10/2/15 regarding the lack of pump-out receipts, which must be made available by the owner to DEP upon request per the Consent Decree. DEP called the hauler on 10/5/15 and again requested the pump-out receipts. DEP performed a site visit on 10/23/15; septic failure was observed; the light on the alarm for the holding tank was flashing, but the sound had been shut off. A tent was being set-up next to the pond for a wedding. DEP performed a site visit on 11/2/15; septic failure was not observed; a routine inspection of the barn holding tank, alarm and breaker was done; no violations were noted and there have been no alarms, float errors or timer overrides since they were last recorded on 8/2/15; pump station activity was also recorded. NYC Law issued a letter to the owner on 11/9/15 stating that if pump-out receipts are not provided to DEP by 11/23/15, and if the barn tank is not disconnected by 12/2/15, fees will be triggered as per the Consent Order. DEP received an e-mail from the owner, via the hauler, on 11/9/15 containing pump-out information for nine dates from 6/2 to 10/29/15. NYC Law sent an e-mail to the owner on 11/10/15 stating that per the Consent Order and letter sent on 11/9/15, actual pump-out receipts are required. NYC Law drafted an e-mail to the owner on 11/13/15 stating that actual pump-out receipts are still required; this was in response to an 11/12/15 e-mail from the owner stating that he already passed along information provided by the hauler and would be away until Thanksgiving (2015). NYC Law reiterated that this information does not suffice for the Consent Order. DEP sent an e-mail to the hauler on 11/17/15 and received pump-out dates and volumes directly from him on 11/18/15. NYC Law sent an e-mail to the owner on 11/23/15 stating that the information provided to DEP by the hauler on 11/19/15 is acceptable, but going forward, the owner must maintain paper receipts on the vendor's letterhead or with his signature; this information must be kept where it can be accessed by the manager. DEP called the manager on 12/16/15 and requested an appointment to inspect the water lines at the barn. DEP performed a site visit on 12/18/15 with the manager; the alarm was flashing, as the tank was full past the alarm float; the water supply pipes have been cut and all three of the bathrooms in the barn have been winterized. DEP and the manager agreed to keep a clipboard in the barn office for the hauler to note dates and amounts of pump-outs. DEP advised that the tank needs to be pumped below the alarm float level to be in compliance. 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.

Project Name: 1475 West Highland Rd (2013-CN-0565)
Town: Stamford
Basin: Cannonsville
Type of Use: Septic System (SS)
Type of Violation: Alleged Illegal SSTS installation - DEP NOV.
Discovery Date: 10/25/13
Status: Closed

Overview and Action:

DEP issued a letter to the new owner on 11/14/14 stating that an NOV was issued on 11/12/13 regarding the existing system which is unapproved and must be pumped out and decommissioned. Furthermore, wastewater cannot be generated on the property and an SSTS design plan is required by a licensed design professional. DEP received a call from the engineer on 3/6/15 regarding the site. The engineer told DEP that the new owner wants to resolve the issues at the site and that he had not been hired by the land owner at the time of the conversation. DEP spoke to the new homeowner about the history of this site. He is aware of the issues regarding his septic system and seems ready to move forward on getting these issues fixed. DEP received a request for a pre-application meeting from the engineer/applicant on 4/23/15. DEP spoke to the homeowner, he verified he received letters that were sent. He has hired an engineer and will be moving forward. DEP performed a site visit on 5/27/15; septic failure was not observed. Does not appear that the house has been used. A soil/site evaluation was performed on 6/9/15. DEP received a call from engineer on 6/9/15 who requested variance application. DEP provided application to engineer, who is considering this as an option to achieve approvable SSTS design. A soil/site evaluation was performed on 9/1/15. DEP spoke with the engineer on 10/15/15 regarding the plan submittal. DEP received an Application for a non-conventional individual SSTS on 10/19/15. DEP issued a NOICA to the engineer on 11/2/15 requesting additional information. DEP received revised plans from the engineer on 12/9/15. DEP received a response to the NOICA from engineer on 2/22/16 to DEP's letter of 11/2/15. The submission included the requested easement. DEP issued a NOCA on 2/22/16. DEP issued an Approval Determination letter on 2/23/16. DEP performed a site visit on 5/26/16; septic failure was not

observed; access to the property has been denied and a locked gate has been installed with a “Keep Out” sign attached. DEP corresponded with the owner on 6/10/16; the owner stated that construction should start within the next few weeks. DEP received notice on 7/11/16 that construction will begin. DEP performed construction site visits on 7/13 and 7/29/16. DEP completed construction inspections on 7/29/16. DEP exchanged e-mails with the owner on 7/31 and 8/1/16; the owner stated that construction began and DEP responded that communication had been lacking from the engineer and contractor; thus, DEP had not been able to witness much construction. DEP received an e-mail on 8/2/16 from the engineer with construction photos. DEP received As-Built plans and an engineer's certification letter from the engineer on 8/3/16. DEP issued a letter of Construction Compliance on 8/3/16. DEP has resolved the Enforcement Action on 9/13/16. The violation was resolved and the case was closed on 9/13/16 with DEP Closure letter dated 9/13/16.

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 issued a letter to the owner on 5/29/15 regarding the outstanding NOV and unanswered notices sent regarding these violations. The owner must contact DEP’s Observer within five business days of this letter; failure to do so will result in possible litigation by NYC Law. Project was sent to NYC Law for litigation on 9/18/15. 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.

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 initiated an Enforcement Action on 5/18/15. DEP sent an e-mail to DOH on 5/28/15 with information on the new absorption field; DEP asked if DOH would do a joint review. DEP exchanged e-mails with DOH and the engineer between 5/30/15 and 6/1/15; DOH regulates the kitchen and thus would do a review. DEP called the design engineer on 6/2/15 regarding the leaching pools shown on the plans. DEP questioned the logic behind collecting stormwater at ground level and discharging the stormwater into the ground. DEP issued a NOICA to the owner on 6/5/15 requesting additional information. DEP issued a comment letter on 6/5/15 to the owner regarding the NOICA. DEP sent an e-mail to the engineer on 6/5/15 requesting a discussion on the 6/5/15 NOICA and NOICA comment letter and the 4/14/15 deep test results. DEP sent an e-mail to DOH on 6/9/15 asking if DEC would like to review the project. DEP also asked the engineer to send the response to the 6/5/15 NOICA/NOICA comments and revised plans to DOH. DEP received the May 2015 water meter readings on 6/10/15. DEP received a response to the NOICA from the engineer on 6/29/15. The submission included an engineering report and revised plans. DEP received the June 2015 water meter readings on 7/13/15. DEP exchanged e-mails with the owner between 7/13 and 7/14/15 regarding erroneous water meter readings. DEP issued a NOCA on 7/15/15. DEP received the July 2015 water meter readings on 8/3/15. The owner stated that the population at the center is growing daily and is currently at 75. DEP issued a comment letter on 8/12/15 to the engineer and applicant. DEP received a voice-mail from one of the owners on 8/19/15 stating that the facility is closing as of 11/15/15. DEP received the August 2015 water meter readings on 9/15/15. DEP received the September 2015 water meter readings on 10/5/15. DEP exchanged e-mails with the manager on 11/17/15 regarding the potential sale of the property. DEP exchanged e-mails with DEC on 11/19/15 regarding the existing SPDES permit for the site, which authorizes operations "for an indefinite period" or until DEC states otherwise. DEP issued a refresher letter to the owner on 11/23/15 regarding the current status of the NOV; potential buyers are encouraged to contact DEP. DEP performed a site visit on 4/22/16; there was no sign of recent activity and no "For Sale" signs posted. 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.

Project Name: 5187 County Hwy 23 (2016-CN-0096)

Town: Walton

Basin: Cannonsville

Type of Use: SSTS Repair (RE)

Type of Violation: Failing; formerly likely to Fail-CWC. DEP NOV for direct discharge of wastewater to a wetland on an adjoining property.

Discovery Date: 3/8/16

Status: New/Approved/Closed

Overview and Action:

This project is funded under the CWC Septic Repair Program. On 2/26/16, DEP received CWC's notice of likely to fail. DEP performed a site visit on 3/8/16; septic failure was observed; greywater is being directly discharged and septic is going through a steel tank and a straight pipe

to what appears to be a watercourse. A soil/site evaluation was performed on 3/8/16. DEP received a request for a pre-application meeting from the engineer on 3/8/16. DEP initiated an Enforcement Action on 3/8/16. DEP performed a site visit on 3/11/16; septic failure was observed; no one was home; photos were taken of the failure in the back lawn; an odor was not present. DEP sent an e-mail to the engineer on 3/14/16 requesting that plans be submitted due to the direct discharges. DEP performed a watercourse determination on 3/24/16; the channel enters the adjacent property to the south, flows into a marsh type wetland and the channel/surface water becomes no longer visible in the thick grasses; therefore, it is not considered to be a watercourse. DEP sent an e-mail to CWC on 4/12/16 stating that an NOV will be issued due to slow progress on the site where discharge reaches a wetland. DEP issued an NOV to the owner on 4/21/16. DEP received a call from the owner's fiancée on 4/22/16; she called the engineer to let him know that plans need to be submitted. DEP explained that the owner needs to stop the discharge. The fiancée stated that she could take the clothing to the laundromat, as this flow is thought to go straight to the ditch. She was concerned about the septic tank, which they think takes on water; they would have to pump it once every two weeks. She stated that she would touch base with DEP during the week of 4/25/16. DEP received an e-mail from the engineer on 4/25/16; the engineer does not think it is feasible to have the system installed by 6/1/16 due to the wetness of the property. DEP received an Application for a non-conventional individual SSTS on 4/27/16. DEP issued a NOCA on 4/28/16. DEP issued an Approval Determination letter on 4/28/16. DEP called CWC on 5/18/16 regarding the bid status; bids have not been received and CWC has not paid for the engineering. DEP left a message for the owner on 6/13/16 requesting the project status. DEP called CWC on 6/16/16 regarding the bid status; CWC has received three quotes, all of which are over the standard funding amount; the project is on the July 2016 agenda for discussion/approval. DEP performed a site visit on 6/28/16; septic failure was observed and there was surfacing of sewage on ground; the failure is still visible going into the ditch in the back lawn; photos were taken; no one was home. DEP received notice on 8/5/16 that construction will begin on 8/8/16. DEP performed construction site visits on 8/8, 8/9, 8/10, 8/11, and 8/15/16. DEP completed construction inspections on 8/15/16. DEP received As-Built plans and an engineer's certification letter from the engineer on 9/12/16. DEP issued a letter of Construction Compliance on 9/13/16. The violation was resolved and the case was closed on 9/14/16 with DEP Closure letter dated 9/14/16. DEP has resolved the Enforcement Action on 9/14/16.

Project Name: 28 Townsend Street (2001-CN-0080)
 Town: Walton
 Basin: Cannonsville
 Type of Use: Intermediate Repair (CR)
 Type of Violation: CR.1: Replacement of existing SSTS for lots numbers 32 and 33. CR.2: Failing SSTS of lot numbers 15 and 16. CWC Small Business. DEP NOV.
 Discovery Date: 2/9/16
 Status: Approved/Closed

Overview and Action:

DEP received a report from DEP Police on 2/8/16 regarding a complaint of a failed septic system at a trailer park; DEP notified DOH of this report on this same date. DEP performed a site visit on 2/9/16; septic failure was observed. DEP and DOH confirmed that two drywells, connected to a septic tank that serves five combined bedrooms for lot #s 15 and 16, have failed. DEP received two calls from the owner on 2/9/16 regarding meeting at the site. DEP initiated an Enforcement

Action on 2/9/16. DEP corresponded by e-mail with DOH on 2/11/16 regarding setbacks to the well at the site. DEP received a call from DOH on 2/11/16; DOH witnessed a piece of a 55 gallon drum, with a sealed cover installed, on the main access port of the septic tank. The drywells were being backfilled and graded without risers, as the 55 gallon drums did not reach final grade, nor did they entirely cover the square access port of the drywells; no lime or fresh soil had been added to the contaminated backfill, which DOH requires. DEP spoke with the superintendent on 2/11/16 and received photos from him of the drywell riser on this same date. The superintendent could not locate properly sized culvert pipes for the temporary risers and wanted to know if the 55 gallon drum would suffice. The circumference of the drum did not entirely cover the square access opening, nor was it high enough to reach final grade. DEP advised to either get a watertight fit, or skip the riser install and pump directly out of the septic tank. DEP performed a site visit with DOH and the engineer on 2/12/16 to do soils; septic failure was not observed. The septic tank was almost full and the drywells, which were previously excavated, had been covered with the contaminated soils, but not completely backfilled; the area has been limed and is still fenced off. This project is funded under the CWC Small Business Program. On 2/16/16, DEP received CWC's notice of failure. DEP issued an NOV to the owner and manager on 2/18/16. DEP corresponded with the manager on 2/22/16 regarding the septic tank level, backfill of the drywells and ways to check for a sewage failure. DEP received a phone call from the owner of trailer # 15 on 3/7/16; DEP called back and left a voice-mail. DEP performed a site visit on 3/11/16 with DOH; septic failure was not observed, but the septic tank had definitely been recently surcharged. The fencing was down and the disturbed areas still need to be graded and limed. DEP and DOH advised the manager and the superintendent to check the septic tank level more frequently and to have it pumped when it becomes surcharged. DEP received preliminary plans and percs from the engineer on 3/24/16. DEP received an Application for an Intermediate SSTS on 4/1/16 from the engineer. DEP issued a NOCA on 4/1/16. DEP sent an e-mail to the owner on 4/5/16 with the NOCA attached and a request to have the Park Superintendent send a photo of the septic tank liquid level to DEP. DEP exchanged e-mails on 4/6/16 with the owner regarding the SSTS repair approval and construction. DEP received plans approved by DOH for lots 15 and 16 on 4/6/16. DEP issued an Approval Determination letter on 4/7/16. DEP sent an e-mail to the DEP Police on 4/8/16 to inform them of DEP and DOH's approval to repair the failed SSTS that was investigated by the Beerston Police Department. DEP received a call from the engineer on 4/28/16 regarding the upper SSTS, tank installation inspections and pump outs. DEP performed a site visit on 4/29/16; septic failure was not observed. DEP performed a construction inspection on 4/28/16; the upper SSTS has been completed and the contractor is working on the lower SSTS. DEP received a message from the contractor on 5/2/16 stating that work has been completed and the site is ready for a final inspection. DEP called the engineer on 5/2/16; the engineer performed a full inspection on 4/30/16. DEP received As-Built plans and an engineer's certification letter from the engineer on 5/9/16. DEP performed a construction site visit on 5/11/16; septic failure was not observed. DEP performed a final construction inspection on 5/11/16; the entire area has been graded, seeded, and mulched; risers have been installed on the septic tanks. DEP issued a letter of Construction Compliance on 5/13/16. DEP has resolved the Enforcement Action on 5/23/16. The violation was resolved and the case was closed on 5/23/16 with DEP Closure letter dated 5/23/16.

Project Name: 327 Johnson Hill Road (2000-CN-0066)
Town: Walton
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1206 – CWC. DEP NOF.
Discovery Date: 11/12/98
Status: Closed

Overview and Action:

DEP received an Application for a non-conventional individual SSTS on 11/18/15. DEP issued a Modified Approval Determination letter on 12/2/15 to the engineer along with the approved plans. DEP spoke with CWC on 1/21/16; CWC has not yet received a bid quote and the owner needs to sign a program participation agreement again, as the first one was lost in a flood years ago; DEP to update the owner. DEP called the engineer on 1/21/16; he will contact the owner regarding the CWC paperwork. Engineer also stated that he sent plans to the contractor and is expecting a bid to be submitted, soon. DEP received a call from CWC on 1/21/16 stating that they will be meeting with the owner during the following week to address the necessary paperwork. DEP called the engineer on 2/9/16; the owner provided plans to a contractor so that a bid could be written up for CWC. DEP performed a site visit on 2/29/16; septic failure was not observed and photos were taken; no one answered the door; plans are approved and construction will be done in spring 2016. DEP received call from CWC on 3/14/16; they approved the construction bid. DEP received notice on 3/21/16 that construction will begin on 3/22/16. DEP performed construction site visits on 3/22, 3/23, 3/25, 3/28, 3/30, and 3/31/16. DEP received As-Built plans/engineer's certification letter from the engineer on 4/5/16. DEP performed construction site visits on 4/5 and 4/8/16. DEP completed construction inspections on 4/8/16. DEP issued a letter of Construction Compliance on 4/12/16. DEP has resolved the Enforcement Action on 4/15/16. The violation was resolved and the case was closed on 4/15/16 with a DEP closure letter dated 4/15/16.

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 issued an NOV to the owner on 7/10/15. DEP called the owner on 7/10/15 regarding the NOV. DEP stressed that they need to call the number listed on the paperwork when they receive the letter. The owner stated that they have been working on getting the SSTS fixed for years, but the project stalls after a while and then they have to start over again. DEP received a call from designer on 7/16/15 regarding what is needed to get the design reapproved. The original Engineer's license is inactive so they are looking for another engineer to recertify the design prior to resubmission. DEP received a call from the owner on 7/17/15, who stated that he left his engineer a message, recently, and was waiting to hear back. He agreed to keep DEP posted with any developments. DEP stated he would be contacted if he does not reach out to DEP with

update within two weeks. DEP called the owner on 8/5/15 regarding the status of the plan submission. Owner is continuing with the original surveyors to do the recertification. He has sent a check to cover the cost of the recertification and is currently waiting for the plans to be sent to him so that he can move forward. DEP received a letter from the engineer on 9/4/15 regarding design expiration and re-approval. DEP issued a Modified Approval Determination letter on 9/15/15 to the engineer along with the approved plans. DEP corresponded with CWC on 10/14/15 regarding the bid submittal status; CWC stated that there has been no activity. DEP called the owner on 10/15/15 to see if a contractor has been hired and/or a bid has been submitted to CWC. DEP called the owner on 10/20/15 to schedule a site visit. DEP performed a site visit on 10/22/15; septic failure was observed and there was surfacing of sewage on the ground in the back lawn. The owner said he purchased a building permit and is waiting for his contractor to start. DEP called CWC on 10/23 and 12/16/15; CWC stated that a bid has not yet been submitted. DEP Legal issued a letter to the owner on 12/23/15 regarding the necessary steps to prevent moving forward with litigation: immediately stop discharging sewage, submit a bid to CWC, and have the SSTS constructed by 5/15/16. DEP REP sent an e-mail to DEP Legal on 1/5/16 requesting that the 12/23/15 letter be reissued with some minor edits. DEP spoke with CWC on 1/21/16; CWC still has not received a bid submittal for this project. 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.

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.

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

Project Name: 579 Croton Falls Rd (2014-CF-0639)
Town: Carmel
Basin: Croton Falls
Type of Use: Crossing, Piping, Diversion (CPD)
Type of Violation: Owner diverted a watercourse without prior review and approval by DEP.
DEP NOV
Discovery Date: 11/12/14
Status: Closed

Overview and Action:

DEP initiated an Enforcement Action on 11/12/14. DEP issued an NOV to the owner on 11/13/14. DEP performed a site visit on 11/13/14; construction started without an approved SWPPP. There were deficiencies, there was no discharge and the site was occupied. DEP received a copy of the NOV issued by the Town to the owner on 11/20/14 via e-mail. DEP issued a follow-up letter to the meeting of 11/21/14, to the owner on 11/25/14 regarding the NOV issued on 11/13/14. DEP received a call from the Town on 11/25/14 regarding coordination of the Town and DEP's NOV's. DEP received a call from the owner's engineer on 12/2/14 regarding the resolution of the DEP and Town's NOV's. The engineer stated that a survey and plan will be submitted to DEP and the Town, when ready. DEP received a notice from the engineer stating that they have been retained by the owner on 12/8/14. DEP received a copy of the engineer's letter to DEC on 3/16/15. DEP responded to the engineer's e-mail dated 4/15/15 regarding the NOV. DEP received plans from the engineer on 4/20/15. DEP issued a letter to the engineer on 5/1/15 regarding the proposed work in response to the NOV. DEP received the owner's response to DEP's NOV from the engineer via e-mail on 11/30/15. In a conversation with the engineer on 2/4/16, DEP reiterated that work is not complete; there is approximately 100 feet of stream to restore. Due to recent cold weather and snow, work will resume in the spring of 2016. DEP performed a site visit on 5/25/16; construction started without the SPPP; there were no deficiencies, there was no discharge and the site was occupied. DEP has resolved the Enforcement Action on 8/26/16. The violation was resolved and the case was closed on 8/26/16 with DEP Closure letter dated 8/26/16.

Project Name: 737 Croton Falls Rd (2010-CF-0892)
Town: Carmel
Basin: Croton Falls
Type of Use: Fill section. Failure to comply with Rules and Regulations. Land Use Permit for Survey, eventual remediation. DEP NOV.
Type of Violation: Stormwater (SP)
Status: Ongoing

Overview and Action:

On 5/7/15, DEP and DEC performed an inspection of the impacted wetland on NYC lands to assist in determining the nature and extent of remediation work. DEP sent correspondence to NYC Corporation Counsel on 5/8/15 via e-mail regarding the 5/7/15 site visit. DEP received e-

mails from the remediation consultant on 6/1/15, 6/2/15 and 6/3/15 regarding the installation of a hand dug monitoring well point within the impacted wetland on NYC Lands. Land Use Permit (LUP) for well installation work was issued on 5/26/15. DEP received a copy of the engineer's letter and plans to DEC on 9/15/15 regarding creating an access road for a proposed monitor well. DEP responded on 9/18/15 to the engineer's e-mail dated 9/15/15 regarding the plans with suggested edits/revisions. DEP received an e-mail from DEC on 10/7/15; DEC conditionally approved the monitoring plan for the property. DEP received an e-mail on 11/18/15 from the Watershed Inspector General regarding a letter dated 10/8/15 that was sent to the owner's attorney. DEP performed a site visit on 12/14/15; monitoring well locations were established; there was no discharge and the site was stable and occupied. DEP REP 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.

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:

On 10/13/15, DEP was notified of the summary deposition schedule for the court case regarding the site. DEP performed site visits on 10/21, 10/26, 11/5, 11/10, 11/30, 12/11 and 12/16/15; the site was closed and there was no work in progress. DEP REP issued a notarized affidavit to DEP Legal on 12/22/15. DEP REP 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.

3.2.4. Kensico Basin

No activity to report.

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: HazMat
Date Discovered: 8/4/14
Status: Open

Overview and Action:

DEP Police investigated a complaint which originated from Air 6 (helicopter) patrol whom 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. The salvage company was contracted by DEP and removed the underlying cause of the plume, a Connex box which was deposited during flood event. DEP Police and DEP HazMat involved.

Name: County Route 39 Pull-off **CS186-16, SJS 62734**
Location: Conesville
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/21/16
Status: Closed

Overview and Action:

DEP Police was notified by DEP Land Management of a dumping on city property. When site was checked, officer found four large black plastic bags of household garbage that had been dumped over the embankment which did not yield any traceable evidence. DEP Operations was contacted for removal. DEP Police, DEP Land Management and DEP Operations involved.

Name: 370 State Route 990V **CS-101-16, SJS 60187**
Location: Gilboa
Type of Use: Municipal
Type of Violation: HazMat Spill
Date Discovered: 5/24/16
Status: Closed

Overview and Action:

DEP Police was notified by DEP Watershed Maintainer that when replacing a UV water filter bulb at the Gilboa Police precinct he broke the bulb which contained a small amount of mercury. DEP HazMat directed the employee to post a sign on mechanical room door stating “No Entrance for Any Purpose” while awaiting HazMat’s arrival. On scene, HazMat vacuumed room removing all mercury present. Precinct water supply to remain in by-pass system until UV system can be removed and cleaned of all glassine material within. Follow-up visit by HazMat declared the spill area to be clean and safe. Sealed plastic bucket of waste from clean-up stored in mechanical room awaiting pickup by authorized personnel. DEP Police and DEP HazMat involved.

Name: County Route 14 / Blackberry Street **CS-137-16, SJS 61314**
Location: Gilboa
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 7/15/16
Status: Closed

Overview and Action:

DEP Police responded to a dumping complaint location reported by DEP Land Management. Upon arrival, officer observed two white feed sacks; one containing a dead raccoon and the other containing a dead skunk. Also observed were four wood pallets, two plastic garbage bags and two containers of what appeared to be used deep fryer oil none of which yielded any traceable evidence. DEP Land Management to remove articles and DEP HazMat notified to remove plastic containers of liquid. DEP Police, DEP Land Management and DEP HazMat involved.

Name: 21 Edward Lane **CA-040-16, SJS 57914**
Location: Olive
Type of Use: Commercial
Type of Violation: Dumping
Date Discovered: 1/24/16
Status: Closed

Overview and Action:

DEP Police responded to a dumping complaint at a local business in which owner stated that several weeks ago someone had dumped a bed box spring on the property which he removed but today a large TV box had been dumped at the same location. Dumping site is on the shoreline of the Esopus Creek. Shipping invoice on box did yield traceable evidence. Investigation was unable to locate responsible subject(s). No further leads. Investigation closed. DEP Police involved.

Name: 2908 State Route 28 **CA-302-16, SJS 60113**
Location: Olive
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 5/20/16
Status: Closed

Overview and Action:

DEP Police investigated a possible stream violation reported by DEP Land Management at a location on State Route 28 where DEP Land Parcel 632 lies adjacent to a residence property (#2908) which includes a sizable horse stable and fencing. A classified trout stream (which is also a tributary of the lower basin of the Ashokan Reservoir) and a rock wall form the boundary between the two properties and one of the fence posts on #2908 butts up to the rock wall just feet from the stream. Officer observed that where properties join someone has, for quite some time, been dumping horse manure from the horse stable over the wall and into the stream, spanning a distance of approximately 70 feet. When interviewed, home owner subject (caretaker of horses) stated that she was not aware that the horse manure was entering the stream when she shoveled it over the fence. Subject further stated that she would begin to remove the manure from the stream. Subject was issued tickets for Pollute Water Contravention of Standards, Putting Noisome/Unwholesome Substances into Waters and Placing Sewage/Matter Injurious to Fish into Waters (all NYS ECL). Subject given 30 days to rectify matter and remove all manure from stream bed. On follow-up one month later, officer observed that most of the affected area had been cleaned. Interview with subject's husband determined that workers are soon to complete remainder of clean-up. Considering most of the work has been done and subjects are compliant, officer closed the case. DEP Police and DEP Land Management involved.

Name: 2916 State Route 28 **CA-533-16, SJS 62119**
Location: Olive
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 8/22/16
Status: Closed

Overview and Action:

DEP Police investigated a report of possible septic failure. Upon arrival, officer observed signs of septic failure from the road shoulder including surface discharge in the area of the leach field and ponding due to saturation from overuse or failed lateral line. No watercourses in the area and no immediate impact to the watershed. Photos of site taken for documentation. First floor tenant provided name of landlord /property owner but officer's attempt to contact him met with negative results. DEP Engineering, when notified of officer's findings, advised that repair to leach field at said location occurred in 2004. She stated a follow-up would be conducted through her division and Police would be contacted if further assistance was required. DEP Police and DEP Engineering involved.

Name: 14495 State Route 23 **CS-123-16, SJS 60838**
Location: Prattsville **Spill # 1602909**
Type of Use: Commercial
Type of Violation: HazMat Spill
Date Discovered: 6/23/16
Status: Closed

Overview and Action:

DEP Police on patrol observed and further investigated the removal of oil and damaged oil tanks from a FEMA buy-out project at the old Briggs Mill with DEC Spill Coordinator also on scene. Contractor on site was pumping fuel oil and waste oil from five buried tanks on the property (1-

3,000 gallon, 1-2,000 gallon, 2-1,000 gallon and 1-350 gallon) now owned by the Town of Prattsville. Greene County Soil and Water Supervisor overseeing the project. Location is in close proximity to the Schoharie Creek and could have a direct impact on the reservoir. DEP Police continuing to monitor the project to ensure no pollutants enter the reservoir. One week later, follow-up with NYS DEC Spills determined that all tanks had been removed and approximately 15 yards of contaminated soil will be disposed at local landfill pending completion of soil testing. DEP Police, DEC and Greene County Soil and Water involved.

Name: Intake Road **CS-182-16, SJS 62710**
Location: Roxbury
Type of Use: Municipal
Type of Violation: HazMat Spill
Date Discovered: 9/20/16
Status: Closed

Overview and Action:

DEP Police responded to the Schoharie Tunnel Intake Chamber to investigate a report of two tanks that had been discovered in the mud now that the reservoir level had dropped. Officer interviewed DEP Operations supervisor whom stated that the tanks appeared to be a 275 gallon home heating fuel tank and the other tank of unknown size due to its being mostly buried in the mud but neither is currently accessible by boat due to low water level. Despite being dented and rusted, tanks did not appear to be leaking. Location coordinates determined by DEP Police Air 6 patrol flight and information turned over to DEP HazMat for removal of tanks. DEP Police and DEP Operations involved.

Name: 179 Spring Street **CS-089-16, SJS 59933**
Location: Tannersville **Spill # 160408**
Type of Use: Residential
Type of Violation: HazMat Spill
Date Discovered: 5/11/16
Status: Closed

Overview and Action:

DEP Police responded to the location of a reported spill incident in which 10 gallons of fuel oil had been dumped into a ditch. When officer arrived at location, NYS DEC Spill Coordinator already on scene stated that after replacing his home heating fuel oil tank, the homeowner deposited a few buckets of the remaining oil into an adjacent ditch. DEC had contracted with local company that was already on scene conducting clean-up. NYS DEC officer also on scene issued a summons to the homeowner as well as the contractor hired to remove the old fuel tank. 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: Open

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 is continuing to connect subjects in question to this dumping for enforcement. DEP Police involved.

Name: 1755 Upper Dingle Hill Road **CB-096-16, SJS 58911**

Location: Andes

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 3/25/16

Status: Closed

Overview and Action:

DEP Police received a dumping complaint from property owner when he discovered a large dumping site over an embankment on his property. Upon arrival, officer observed the dumping, which consisted of recyclables, household refuse and mailers in the form of personal papers and magazines which did yield traceable evidence leading to numerous possible suspect individuals. Officer will conduct follow-up investigation in an attempt to locate responsible person(s) for enforcement and cleanup of site. The responsible subject in question and his parents have been spoken to by patrol in regards to the proper disposal of garbage as well as the detrimental effect it can have on the environment and the drinking water of downstate residents. No tickets will be issued at this time as the cleanup was conducted in a prompt manner and area was remediated effectively. DEP Police involved.

Name: 1590 Perch Lake Road **CB-356-16, SJS 61847**

Location: Andes

Type of Use: Residential

Type of Violation: Dumping

Date Discovered: 8/9/16

Status: Closed

Overview and Action:

DEP Police received a complaint of dumping occurring at Camp L'Man-Achai which is located on Perch Lake Road in the town of Andes. Complainant stated that garbage, milk crates and tires had been deposited in the lake. Upon arrival, officer spoke with camp director and was allowed to look around the shoreline of the lake. Officer did observe a tire, a milk crate and a plastic bag in the water, none of which posed a threat to the water supply. Subject was advised that noted items need to be removed from lake and properly disposed of and that future violations may result in formal charges. Officer added that the grounds of the camp need to be cleaned up and kept free of Styrofoam plates, cups and plastic eating utensils to ensure that they do not get blown into the lake accidentally. Officer remained on scene while subject conducted clean-up and will monitor the camp for future violations. DEP Police involved.

Name: Glen Burnie Road **CB-110-16, SJS 59070**
Location: Delhi
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/1/16
Status: Closed

Overview and Action:

DEP Police were notified by DEP Land Management of a dump site in the Town of Delhi. Patrol located the dumping at the bottom of a ravine next to a stream. Dumping consisted of two large black garbage bags which were found to contain a variety of household refuse and numerous card-board boxes. No traceable evidence recovered; bags were removed for proper disposal. Area will be monitored for future activity. DEP Police and DEP Land Management involved.

Name: 40236 State Hwy 10 **CB-200-16, SJS 60433**
Location: Delhi
Type of Use: Commercial
Type of Violation: Sewage Discharge
Date Discovered: 6/2/16
Status: Closed

Overview and Action:

DEP Police investigated a wastewater spill incident at the Saputo/Friesland-Campina DOMO Dairy Processing Center in the town of Delhi. The incident occurred when a faulty lift station pump with a bad electrical connection caused 2,000 gallons of partially treated wastewater to spill into the West Branch of the Delaware River. Officer arrived on scene and observed evidence of where the spill had drained from the wastewater culvert with no negative impact to the river. DEP Wastewater Section Chief will conduct follow-up investigation on 6/3/16. DEP Police and DEP Wastewater involved.

Name: Gregory Hollow Road **CB-053-16, SJS 58388**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 2/26/16
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping area over an embankment containing a tire, kitchen stove, empty red container and a Troy-Built push string trimmer with possible traceable evidence on a serial number label. Officer contacted Troy-Built and determined that model trimmer was sold through Lowe's Stores. Manager of local Lowe's was given information from trimmer and will attempt identification of owner for enforcement. Lowes Corp was unable to show any correlation with the end point consumer. Investigative leads have been exhausted. DEP Police involved.

Name: State Route 55 **CG-263-16, SJS 59548**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/21/16
Status: Closed

Overview and Action:

DEP Police observed a large black garbage bag dumped onto DEP property in front of the entrance to the Neversink Chamber. The bag contained only road debris and pine needles; no traceable evidence recovered. Grahamsville Patrol notified of dumping location to monitor for future activity and bag removed for proper disposal. DEP Police involved.

Name: Aden Road **CG-540-16, SJS 61589**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 7/28/16
Status: Closed

Overview and Action:

DEP Police on patrol observed multiple car tires dumped in the area of Aden Road pull-off near the Neversink Reservoir. No traceable evidence recovered. DEP Police involved.

Name: Claryville Road **CG-655-16, SJS 62504**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/9/16
Status: Closed

Overview and Action:

DEP Police on patrol near the Halls Mill Air Shaft observed a dumping of household refuse consisting of carpeting, TV, fans, plastic bottles and clothes. Search of the site for traceable evidence or leads resulted in negative results. DEP Land Management notified for removal. DEP Police and DEP Land Management involved.

Name: State Route 10 **CB-089-16, SJS 58827**
Location: Tompkins
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/21/16
Status: Closed

Overview and Action:

DEP Police on sector patrol observed a dump site on NYC property adjacent to the NYS parking area consisting of multiple bags of household refuse which did yield traceable evidence. Photos of site taken for case file. Officer conducted initial investigation to determine contact phone numbers for possible suspect. Message left on residential answering machine for subject to contact DEP Police office. Officer to follow-up on identification of responsible subject.

Investigation revealed responsible subject and cleanup of site was completed by same. DEP Police involved.

Name: State Route 10 **CB-257-16, SJS 60911**
Location: Tompkins
Type of Use: Rural
Type of Violation: HazMat Spill
Date Discovered: 6/26/16
Status: Closed

Overview and Action:

DEP Police on Marine patrol observed a rusted 55 gallon drum on the bank of the Cannonsville Reservoir, just west of the Apex Bridge. The drum was intact and contained approximately 5 gallons of fluid but no markings or labels were visible to aid in identifying the contents. DEP Land Management notified for removal. DEP BWS HazMat removed the drum from the reservoir and determined contents to be water. DEP Police, Land Management and BWS HazMat involved.

Name: State Route 10 **CB-270-16, SJS 61042**
Location: Tompkins
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 7/2/16
Status: Closed

Overview and Action:

DEP Police observed a dumping consisting of two truck tires located in the parking area just past the Walton/Tompkins town line. Officer searched the immediate area for traceable evidence with negative results. Photos taken to document scene. DEP Police involved.

Name: State Route 10 **CB-443-16, SJS 62731**
Location: Tompkins
Type of Use: Rural
Type of Violation: HazMat Spill
Date Discovered: 9/21/16
Status: Closed

Overview and Action:

DEP Police, while on Marine patrol of the Cannonsville Reservoir with DEP HazMat personnel to retrieve a 55 gallon drum from a previous complaint (6-26-16), newly observed a blue 55 gallon plastic drum and a 5 gallon pail on the shoreline of the Cannonsville Reservoir in the vicinity of Apex. Investigation revealed that drum was partially filled with mud and contained no hazardous substance and a 5 gallon pail was partially filled with old joint compound. Both were retrieved by DEP HazMat. Plastic drum was removed to Police precinct for disposal by DEP Operations Downsville and pail was taken by HazMat to be properly disposed as C & D at their location. DEP Police and DEP HazMat involved.

Name: State Route 10 **CB-070-16, SJS 58603**
Location: Walton
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 3/9/16
Status: Closed

Overview and Action:

DEP Police observed a dump site on NYC property along the Cannonsville Reservoir under the Chase Brook Bridge consisting of household refuse, one large bag, two office chairs, litter, discarded fishing debris, food wrappers and empty cans that was strewn throughout the general area. No traceable evidence found. DEP Operations notified for proper disposal. DEP Police and DEP Operations involved.

Name: Carcass Brook Road **CB-076-16, SJS 58645**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/11/16
Status: Closed

Overview and Action:

DEP Police, on patrol, identified a dump site consisting of three large bags of household refuse and a radio which did yield traceable evidence. Officer conducted further investigation leading to interview of subject at address on packing slips. Subject admitted that son works in the area where dumping occurred and is most likely responsible. Officer advised that if refuse is removed and properly disposed of within 10 days, no summons would be issued. Officer will conduct follow-up inspection of site for removal. Officer conducted follow-up inspection of site and determined that a satisfactory cleanup of the site was completed. DEP Police involved.

Name: 60 Griswold Street **CB-127-16, SJS 59337**
Location: Walton **Spill # 1600461**
Type of Use: Residential
Type of Violation: HazMat Spill
Date Discovered: 4/13/16
Status: Closed

Overview and Action:

NYC DEP Police investigated a complaint of a vehicle leaking oil at a residence in the village of Walton with added concern for possible flow into a storm drain located downhill from spill site. Upon arrival, officer observed pick-up truck in driveway and diesel on pavement. Fuel filter in vehicle had been changed two days before with no evidence of leak. Relative assisted by purchasing and applying OilDri Premium Absorbent to spill area. Subsequent interview with vehicle owner determined that an extra seal was present or left on the new filter when changed which prevented proper seal and led to leak. Issue was corrected and contaminated soil was removed to Delaware County Landfill for proper disposal. DEP Police involved.

Name: Diamond Road **CG-108-16, SJS 58553**
Location: Wawarsing
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/7/16
Status: Closed

Overview and Action

DEP Police observed a large dumping along the roadway consisting of two wooden chairs, one plastic chair, wooden shelves, white wall paneling and one large cardboard with shipping label intact. Officer made contact with subject at the address whom stated the dumped items were hers but she had hired her grandson to dispose of them. Subject (grandson) met officer at dump site, acknowledged his actions and was issued ticket for Depositing Refuse Nauseous/Offensive Matter on Highway/Adjacent Lands. DEP Police involved.

Name: State Route 55 **CG-327-16, SJS 59987**
Location: Wawarsing
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 5/14/16
Status: Closed

Overview and Action:

Police on patrol observed a large, clear plastic garbage bag in the east bound lane of State Route 55 which did yield traceable evidence in the form of a Home Depot receipt. Officer patrolled to address shown on receipt and interviewed spouse of subject whom stated that her husband was on his way to the dump. Officer advised that any load destined for the dump must be covered. Officer directed spouse to have her husband remove bag from roadside or ticket would be issued. DEP Police involved.

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

Name: Route 301, Boat Area #16 **CE-946-16, SJS 60864**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 6/24/16
Status: Closed

Overview and Action:

DEP Police observed what appeared to be a treadmill dumped in the vicinity of Boat Area #16 on the West Branch Reservoir. No traceable evidence was found. DEP Operations was notified for removal and disposal. DEP Police and DEP Operations involved.

Name: Reservoir Road **CE-550-16, SJS 59499**
Location: Southeast
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/19/16

Status: Closed

Overview and Action:

DEP Police observed a dumping on Reservoir Road consisting of a cabinet and general debris which did yield traceable evidence in the form of a pay stub. Officer documented dump site with photos and then proceeded to address on pay stub. Officer interviewed individual in driveway who identified himself as stepfather of person named on stub. Stepfather admitted responsibility for dumping and immediately offered to clean it up. Acknowledging subject's honesty regarding incident, officer gave him 24 hours to clean up site and avoid issuance of ticket. Officer conducted follow-up the next day and dumping had been removed as promised. DEP Police involved.

3.3.4. Kensico Basin

Name: Route 120, Boat Area #11 **CE-515-16, SJS 59386**
Location: North Castle
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/15/16
Status: Closed

Overview and Action:

DEP Police conducting a permit check discovered two wooden screen doors in the woods approximately 100' north of Boat Area #11 sign on Route 120. The doors had no identifiable markings or labels. DEP Operations notified for removal and disposal.

Name: Route 22, Mt. Kisco Road **CE-1442-16, SJS 62659**
Location: North Castle
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/17/16
Status: Closed

Overview and Action:

DEP Police located a dumping approximately 1/8 mile south of the Rye Lake Bridge which consisted of one leather loveseat and five empty pails of driveway sealer. No traceable evidence recovered. DEP Operations notified of location for removal and disposal. DEP Police and DEP Operations involved.