

**New York City
Department of Environmental Protection**

Bureau of Water Supply

**Filtration Avoidance 6.1 Enforcement Actions
For the period April 1, 2013 through September 30, 2013**

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1. Introduction

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

This report, covering actions from April 1, 2013 through September 30, 2013, first presents an overview of the responsibilities of those sections within the Bureau charged with enforcement activities. The report then addresses specific enforcement actions that occurred during the reporting period. Included are new violations as well as updates on ongoing violations. The report is divided into sections relating to the areas covered. The **West of Hudson** (WOH) area is comprised of the following basins: Ashokan and Schoharie of the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Also included are those portions of the **East of Hudson** (EOH) area comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.¹ Within each of these sections, the enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), subsurface sewage treatment systems (SSTSs), stormwater and erosion control structures, as well as other activities, such as solid waste management facilities. In addition, individual police actions are also included. The final section is devoted to the Kensico Spill Response activities, including specialized Haz Mat training.

2. Enforcement Responsibilities

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

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

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

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

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

2.1. The Regulatory & Engineering Programs Section

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

2.1.1. Wastewater Treatment Programs

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

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

There are several existing or proposed programs funded by DEP that either pay for the remediation of SSTs in failure or likely to fail, or pay for the review and approval of remediations within certain areas of the watershed. The Catskill Watershed Corporation (CWC) "Septic Rehabilitation and Replacement Program" funds the remediation (design and construction) of individual 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 Engineering database. This Program is reported in the FAD Report 3.1 "Septic Rehabilitation and Replacement Program."

DEP has a delegation agreement with Putnam County Health Department that includes the review and approval of SST repairs by Putnam County. This supplements the delegation agreement for the review and approval of new SSTs. 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 SSTs. Before DEP and Putnam County entered into the delegation agreement for repairs, DEP did not consistently have the opportunity to review and approve repairs and modifications in Putnam County. Under the revised delegation agreement, the County reviews and approves repairs in accordance with the Watershed Regulations. These repairs are tracked by DEP as applications received and approved, and are reported within the FAD Report 6.1.1, Section 3.5, "Individual Septic System Review."

Putnam County initiated a Septic Repair Program in 2005 for the design and construction of failing 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 1999 MOA. This, like the CWC program, is a voluntary program, and has phased priority areas based on distances to watercourses and reservoirs. Putnam County has separate staff to administer the program. All repair plans must be reviewed and approved by the Putnam County Health Department. The Putnam County Septic Repair Program is discussed in FAD Report 4.9.

The existing Westchester County Health Department Delegation Agreement with DEP has been revised to cover the review and approval of failing 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. This repair delegation agreement is similar to the Putnam County repair delegation agreement.

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

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

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

2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Unit

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

2.1.2. Stormwater Programs Unit

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

2.1.2.1 Stormwater Compliance & Inspection Unit

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

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

2.1.3. SEQRA Coordination Unit

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

2.2. DEP Police

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

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

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

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

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

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

2.3. DEP's Office of the General Counsel

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

2.4. New York City Law Department

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

3. Specific Enforcement Actions

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

3.2. Subsurface Treatment Systems and Stormwater

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

Catskill District

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
ASHLAND	37		31		31	
CONESVILLE	14	1	11	1	11	2
GILBOA	19		15		16	
HUNTER	108	1	82	2	83	2
HUNTER (V)	17		9		10	
HURLEY	49		48		48	1
JEWETT	49		46		49	
LEXINGTON	47		45		44	
OLIVE	193		165		172	3
PRATTSVILLE	27		22		26	
ROXBURY	31		23		26	
SHANDAKEN	143	1	129		133	1
TANNERSVILLE (V)	7		1		6	
WINDHAM	79		65		71	
WOODSTOCK	57		52		48	
Total	877	3	744	3	774	9

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	81		74		73	
ANDES (V)	4		2		2	
BOVINA	35		32		33	
COLCHESTER	4		6	1	4	
DELHI	71	1	64		69	
DELHI (V)	3		2		2	
DENNING	34		33		31	
FALLSBURGH	6		4		4	
FLEISCHMANN'S (V)	1		0		0	
FRANKLIN	6		4		4	
HALCOT	7		7		7	
HAMDEN	31		29		29	
HARDENBURGH	12		10		12	
HARPERSFIELD	8		6		6	

JEFFERSON	6		6		6	
KORTRIGHT	62		52		58	
LIBERTY	1		1		1	
MASONVILLE	12		10		10	
MEREDITH	20		18		18	
MIDDLETOWN	114		104		105	
NEVERSINK	221		187		202	1
ROCHESTER	1		1		1	
ROXBURY	34		29	1	32	
STAMFORD	35		33		34	
TOMPKINS	42		37		40	
WALTON	89		82		79	
WALTON (V)	1		1		1	
WAWARSING	34		32		30	
Total	5	1	6	2	893	1

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

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
CARMEL	11		9		11	1
EAST FISHKILL	0		0		0	
KENT	4		4		4	
PUTNAM VALLEY	0		0		0	
TOTAL	15		13		15	1

Kensico Basin

TOWN	CUMULATIVE VIOLATIONS REPORTED	TOTAL # VIOLATIONS THIS PERIOD	TOTAL # CUMULATIVE DESIGNS APPROVED	TOTAL # DESIGNS APPROVED THIS PERIOD	TOTAL # CUMULATIVE CLOSED	TOTAL # CLOSED THIS PERIOD
GREENWICH CT.	0		0		0	
HARRISON	1	1	0		0	
MT. PLEASANT	0		0		0	
NEW CASTLE	1		1		1	
NORTH CASTLE	3		1		1	
TOTAL	5	1	2		2	

3.2.1. Catskill District

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

DEP initiated an Enforcement Action on 4/22/11. DEP issued an NOV to the owner on 4/22/11. A meeting was held with DEC and CWC on 5/6/11. DEC will be issuing an NOV and will be looking into if a dam permit is required. DEP received a letter responding to the NOV on 5/24/11 from the engineer requesting an extension for the SWPPP submission until 6/30/11. DEC issued a NOV to the homeowner on 6/14/11. DEP received a letter from the engineer responding to the DEC NOV. On 6/25/11, DEP received the engineers' field notes showing the pond's volume and the entire site disturbance; the site will require a dam permit. DEP received a letter and drawings from the engineer to DEC on 7/13/11 regarding the NOV. DEP received call on 8/25/11 from the engineer regarding the SWPPP design. The engineer is trying to schedule a meeting with the owner to discuss the design and how it will impact the property. The engineer is also waiting for a response from DEC regarding the sketch plan design. A meeting was held with the project engineer on 9/15/11 to discuss the design of the SWPPP. DEP received the pond evaluation report from the engineer on 4/23/13. DEP received an e-mail exchange between the engineer and DEC on 7/18/13 regarding the April 2013 Pond Earth Impoundment Structure.

Project Name: 1085 Bull Hill Rd (2013-SC-0133)
Town: Conesville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS Repair - CWC
Discovery Date:
Status: **New/Approved/Closed**

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 4/5/13. A soil/site evaluation was performed on 4/11/13. DEP initiated an Enforcement Action on 4/12/13. This project is funded under CWC septic repair program. On 4/12/13 DEP received CWC's notice of failure. DEP received an Application for a conventional individual SSTS on 4/22/13. DEP issued a NOCA on 4/22/13. DEP issued an Approval Determination letter on 4/23/13. DEP issued a letter to the owner on 8/8/13 stating that construction has not yet commenced. DEP received notice on 8/21/13 that construction will begin on 8/21/13. DEP completed construction inspections on 9/11/13. DEP received engineer's certification letter from the engineer on 9/12/13. DEP issued a letter of Construction Compliance on 9/19/13. DEP has resolved the Enforcement Action on 9/26/13.

Project Name: 117 Lake of Seven Bridges (Log #2009-SC-0568)
Town: Conesville
Type of Use: Residence
Type of Violation: Failed SSTS - CWC - surfacing
Discovery Date:

Status: Approved

Overview and Action:

DEP received an Application for a conventional individual SSTS on 8/22/11. DEP issued a NOCA on 8/31/11. DEP issued an Approval Determination letter on 9/8/11. DEP issued a letter to the owner on 3/20/12 stating that construction has not yet commenced. On 8/21/12, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received a call from the owner on 9/5/12, regarding the recent DEP letter. The owner was confused as to the next step with the project and was referred to CWC to discuss contractor bidding procedures. Owner asked to re-contact DEP with results of discussion with CWC. On 2/20/13 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP called owner on 2/20/13 to discuss SSTS schedule, but no answer or message machine available. DEP received call from the owner's representative on 2/25/13; they left a message that they called in reference to recent DEP letter encouraging them to move forward with SSTS project. DEP received a call from owner's representative on 4/4/13, and explained that the contractor needs to submit a bid and get approved. The owner's representative said that they plan on starting construction when spring weather conditions permit. DEP called the owner's representative on 9/11/13 and informed him that design has expired and suggested he get engineer to request re-approval. DEP also suggested that the contractor submit a bid to CWC for approval concurrently. DEP sent an e-mail to the engineer on 9/12/13 stating that request for re-approval needs to be made. Engineer acknowledged in e-mail on same day.

Project Name: 1083 Potter Mtn. Road (2005-SC-0233)

Town: Conesville

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS #1703 - Unapproved Construction of Septic System

Discovery Date: 11/13/2002

Status: **Closed**

Overview and Action:

DEP performed a site visit on 7/24/12; the trailer has been abandoned and falling into disrepair. DEP performed a site visit on 7/26/12; the trailer and garage were being demolished. DEP performed a site visit on 10/1/12; septic failure was not observed; the house has been demolished. On 11/14/12 DEP issued a reminder letter to the owner due to the lack of activity. DEP performed a site visit on 1/3/13; septic failure was not observed. There is a sign posted in the front yard declaring that Schoharie County has started foreclosure proceedings. DEP issued a letter to the homeowner on 1/22/13 regarding the loss of the NCRA status. DEP received a message from the Schoharie County Treasurer's Office on 3/12/13 regarding the receipt of the recent DEP letter. DEP called the county office on 3/13/13. They stated that the property with TMN 204.-2-14 will be auctioned off in the future, and is now and always has been vacant land. The adjacent lot, TMN 204.-2-15 used to have a trailer and garage which have been removed and this land is now vacant as well, and was auctioned off to new owner in May 2011. DEP issued a letter to the new owner on 3/13/13 regarding the outstanding issues with the SSTS and that a new SSTS design must be submitted and approved for final construction prior to wastewater being generated on the site. DEP received a call from new owner in response to recent DEP letter on 3/19/13. He will provide dates of when property went on the market for sale and the date he purchased the property to help determine if NCRA was actually lost. DEP performed a site visit on 3/29/13; septic failure was not observed; no activity at this site. DEP performed a site visit on

7/1/13; septic failure was not observed. Property Status: Currently uninhabited. The violation was resolved and the case was closed on 8/23/13 internally, as structure has been demolished for months and nothing has been rebuilt in its place. DEP has resolved the Enforcement Action on 8/23/13.

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

Overview and Action:

DEP and DOH will set up an onsite meeting to review the area for SSTS field designed but not built and make sure it has not been disturbed. If it looks like the expired design would still work, then DOH may recertify it to get re-approval from DEP. DOH agreed that having the system built will be necessary before close of 2012. Site Visit type: Enforcement; Date: 1/6/12; septic failure not observed. DEP met with the owner; the site has not changed since the original design was issued. The owner would like to use the reserve area for the septic field. It is actually a better site offering more of slope for the 4ft. fill system designed by DOH. The owner is going to flag the site and start clearing trees. DEP received a letter from the engineer requesting design extension on 1/18/12. DEP sent an e-mail to DOH on 1/17/12 requesting the use of the same design and clarification that the site is unchanged. DEP received a letter from DOH on 1/23/12 requesting that DEP grant the owner an extension to install the design as approved in 2003. DEP called to let the owner know that his existing design is still valid. The tank being set establishes that construction was started. He plans to speak to a contractor later this month to finish the project. DEP called the owner on 3/19/12 to check on project status and request pump out receipt which was promised but never sent to DEP. The owner said that the pump out receipt is at the site and he won't be there till the end of the month. Then he will send to DEP. Otherwise, he stated that ribbons have been put on trees and some trees have been recently cut down. The owner plans on doing the project himself, so DEP encouraged him to call DEP inspector as much as necessary to help make sure he doesn't make any mistakes. Site Visit type: Enforcement; Date: 3/30/12; septic failure not observed; no change; construction has not started. DEP received notice on 4/5/12 that construction had begun on 4/1/12; they started clearing the absorption area. DEP performed a site visit on 6/29/12; 1/2-2/3 of the clearing has been done for the septic area. DEP sent an email to the owner on 7/17/12 and after speaking with him, requesting pump out receipts. The owner stated that he will start cutting more trees and putting up stakes for fill material later in the summer. DEP called the owner on 8/21/12 regarding not having received copies of pump out receipts. Owner stated they were sent to DEP several weeks ago. DEP asked owner to resend and owner agreed to do so later in the afternoon, adding DEP contact name on documents. DEP called owner and left message on 8/23/12 requesting that pump out receipts be sent to DEP. An email was also sent on same day requesting the same. DEP received call from owner on 8/27/12 stating that he has the pump out receipts and will send them very soon. DEP sent owner an e-mail on 9/4/12 requesting pump out receipts. DEP received faxed copies of pump out receipts for February, April, May, and August 2012. Owner will continue to fax receipts as pump outs are done, and plans to recommence construction starting with more tree cutting in early fall. DEP called the owner on 10/25/12 for a status update; the owner is not

planning on doing much work this year, other than minor tree removal. Will continue to send pump out receipts, probably next will be during or after hunting season (a month in the future), as property has not been recently used. DEP issued an email to the owner on 11/15/12 requesting pump out receipts to be faxed to DEP for pump outs since last submission. DEP emailed the owner on 1/11/13 requesting pump out receipts. Owner called DEP back and stated that he has not been using the house, but may go there in February. DEP will re-contact owner if receipts are not received by the end of February 2013. DEP performed a site visit on 2/1/13; septic failure was not observed. The house appears to be used sparingly. DEP performed a site visit on 3/15/13; septic failure was not observed. There was no visible discharge from the tank. DEP sent an email to the owner on 3/15/13 requesting pump out receipts, as follow-up to January phone call. DEP issued a NOV to the owner on 3/25/13. DEP received a call from the owner on 3/28/13 in response to the recent NOV. DEP reviewed the NOV with him, and stated that generation of wastewater on the site could lead to further enforcement action. DEP performed a site visit on 4/18/13 for septic failure; none was observed; there was no visible effluent. The septic area has not been cleared. DEP sent an e-mail to the owner on 5/21/13 for an update on construction schedule. DEP called the owner on 6/11/13 for construction schedule update. The owner said that he plans to have the rest of the trees cut around the July 4th holiday. He will contact DEP inspector to assist in setting up stakes for the height of the fill material. DEP sent the owner an e-mail on 7/11/13 requesting construction status and recent work done update. DEP also requested staff to inspect site prior to 7/17/13. DEP called the owner on 8/15/13 to ask for an update on any tree clearing progress and septic system construction schedule. DEP performed a site visit on 9/9/13 for septic failure; none was observed. No work has been done on the absorption area. There was no effluent visible or signs of pumping. The house appears to be used on weekends. DEP left a message for the owner on 9/11/13 to call back with commitment on construction this 2013 season. DEP informed him that the lack of progress will lead to deferral to DEP Legal.

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

DEP called the engineer on 12/7/11 regarding stormwater controls. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. The violation was resolved and the case was closed on 8/1/12 with DEP Closure letter dated 8/1/12. DEP has resolved the Enforcement Action on 8/1/12. DEP sent an e-mail to the owner on 10/10/12 requesting a meeting date. DEP sent an e-mail to the owner on 12/5/12 stating all that is needed is a revised deed for the property indicating the areas shown on the drawing as filter strips will remain as such and not be developed. DEP sent an e-mail to the owner on 4/1/13 regarding incorporating natural areas as treatment areas into the deed. A meeting was held with the property owner on 6/24/13. The owner agreed to designate an area below the house and driveway as a filter strip in perpetuity.

Project Name: 31850 State Highway #23 (Log #2007-SC-0677)
 Town: Gilboa
 Type of Use: Residence

Type of Violation: Failed SSTS
Discovery Date: 7/26/07
Status: Approved

Overview and Action:

DEP issued a renewed Approval determination on 5/7/12. DEP issued a letter to the owner on 8/21/12 stating that construction has not yet commenced. DEP performed a site visit on 10/4/12; septic failure was not observed. The owner expressed desire to have the system re-designed without the pump. DEP called the owner and engineer for an update on this project, and to catalyze the project getting constructed in the spring of 2013. DEP called the owner on 8/19/13. She stated that her brother-in-law will call DEP back to discuss this matter. DEP inspections assigned and due 9/6/13. DEP performed an enforcement inspection on 9/6/13 for septic failure; none was observed. The owner plans to start construction this in fall 2013.

Project Name: 1681 Platte Clove Road (2008-SC-1035)
Town: Hunter
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS
Discovery Date: 4/13/2005
Status: No Application

Overview and Action:

DEP called the owner on 10/12/12 and left message to call back with SSTS re-certification status and owner's plans/schedule to do the repair. DEP called the owner on 1/18/13 and left message to call back and discuss SSTS replacement project status and failure status. Five inspections assigned to DEP inspector during 2013 to watch for failure. DEP called on 2/4/13 regarding replacement septic for failed system. Also advised the owner that routine inspections will be conducted to verify system is not failing to the surface of the ground. DEP performed a site visit on 3/18/13; septic failure was not observed. DEP spoke with the tenant who stated that there were no current septic issues. DEP sent CWC an e-mail on 5/14/13 asking whether the project is fully or partially fundable. CWC responded that property is fully fundable. DEP called the owner on 5/15/13, and asked him to move forward with replacement project. The owner asked for information needed to do so. DEP sent an e-mail to owner explaining that the plans need to be recertified and re-approved by DEP prior to construction. DEP included engineer's number and CWC's number in the e-mail so that the owner can contact and revitalize the project. DEP performed a site visit on 6/4/13; the house does not appear to be occupied at this time. The lawn is overgrown and no vehicles were in the driveway. DEP performed a site visit on 8/13/13; DEP was unable to determine if the house is currently occupied. The lawn has been mowed, but there were no vehicles in driveway and no signs of activity. DEP sent the owner an e-mail on 9/11/13, which included steps to move forward with the project.

Town: Hunter
Basin: Schoharie
Project Name: Legg, Dwane E., (Log #2012-SC-0647)
Project Description: Failed SWPPP; NOV for failure to obtain an approved SWPPP prior to start of land clearing activities
Project Type: Stormwater (SP)
Status: New

See section 6.1.2

DEP issued a NOV to the owner on 10/10/12. A meeting was held with the project owner on 10/23/12; an Interim erosion control plan was requested. A meeting was held with the project applicant and engineer on 11/16/12. DEP sent an e-mail to the engineer on 11/28/12 with a recap of what was discussed at the property. DEP sent an e-mail to DEC on 11/29/12 regarding the property. DEC issued a NOV on 11/29/12. DEP received an e-mail from the engineer on 12/5/12 regarding site disturbance and the submittal for the interim plan. DEP sent an e-mail to the engineer on 12/19/12 regarding the status of the interim plan. DEP received the interim erosion control plan from the engineer on 12/21/12. DEP received the revised plans from the engineer on 12/27/12. DEP sent an e-mail to the engineer on 12/28/12 regarding the revised plans. DEP sent an e-mail to the engineer on 1/3/13 regarding additional water bars to prevent flow from accumulating along the roads from direct rain and snow melt. DEP received call on 1/7/13 from the engineer regarding the interim E&SC plan. The engineer indicated the plan would be emailed to DEP. DEP received call on 1/7/13 from the applicant regarding the status of the interim E&SC plan. DEP called the engineer on 1/7/13 regarding the status of the interim E&SC plan. DEP received an e-mail from the engineer on 1/24/13 with the revised interim E&SC Plan. DEP issued an interim letter of acceptance on 1/29/13 for the E&SC Plan. A meeting was held with the project applicant on 2/5/13. The site was snow-covered and frozen. As soon as there's a thaw, the owner will be installing water bars across most of the access roads throughout the site. DEP received a letter from the engineer on 2/6/13 regarding the site and the Interim E&SC Plan. DEP sent an e-mail to the engineer on 4/1/13 requesting the status of the SWPPP. DEP performed site visits on 4/10, 5/6 and 5/9/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 5/28/13 asking when the SWPPP would be ready for review. DEP issued a letter to the owner on 7/8/13 regarding the current site conditions and the outstanding violation. DEP performed a site visit on 8/5/13; there were no deficiencies, there was no discharge and the site was vacant.

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

DEP initiated an Enforcement Action on 8/16/11. DEP issued a NOV to the owner on 8/16/11. A meeting was held at the site with an engineer on 9/7/11. DEP received preliminary plans from the engineer on 12/15/11. DEP received the drainage analysis report and revised plans from the engineer on 1/4/12. DEP sent an e-mail to the engineer on 1/9/12 listing a couple of items that need to be addressed. DEP received the revised drainage analysis and plans from the engineer on 1/12/12. DEP received an Application for an IRSP on 2/13/12 from the engineer. DEP issued a NOCA on 2/22/12. DEP issued an Approval Determination letter on 2/24/12. DEP performed a pre-construction site visit on 4/30/12. DEP sent an e-mail to the applicant asking when the work will be performed on 7/31/12. DEP received a call from the contractor on 8/20/12 regarding the estimate for the work. DEP received the proposed budget from the engineer on 11/4/12. DEP sent an e-mail to the owner on 4/3/13 attempting to set up a meeting with DEP, owner, engineer and contractor to discuss getting the rain gardens constructed. DEP received a set of plans from the engineer on 4/8/13. DEP met with the contractor and applicant on the site

for a pre-construction meeting on 4/12/13. DEP received a call on 6/5/13 from the contractor stating he is starting work on the rain gardens. DEP sent an e-mail to the engineer on 6/11/13 regarding that day's site visit. DEP met with the contractor and discussed the location of the SSTs and decided to wait on rain garden 4 to verify the location; also listed a few stabilization concerns. DEP performed site visits on 6/11 and 6/19/13; there were deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 7/9/13 regarding the slope above the back rain garden washed into the rain garden and needs to be repaired. Also, that the riser in rain garden #2 has been cut too low and will not provide any ponding. DEP performed site visits on 7/9 and 8/1/13; there were deficiencies, there was no discharge and the site was vacant. DEP called the applicant on 8/23/13 regarding the rain garden planting. The applicant indicated the planting will be done in the next two weeks. DEP performed site visits on 8/27 and 9/11/13; there were no deficiencies, there was no discharge and the site was occupied. DEP completed construction inspections on 9/11/13.

Town: Hunter
Basin: Schoharie
Project Name: Summer, Jeffrey (Nehapwa Cottage), (Log #2010-SC-0805)
Project Description: Change in use
Project Type: Intermediate Repair (CR)
Status: **Closed**

DEP initiated an Enforcement Action on 12/13/11. DEP issued a NOV to the owner on 12/13/11. DEP sent an e-mail to the owner on 12/27/11 regarding the lack of response to the NOV. DEP received an e-mail response from the owner on 1/9/12; he reviewed the NOV and stated that he will discuss it with his attorney and that he is not conducting business at the site and that his engineer will contact DEP. DEP returned a call to the engineer 1/9/12. Engineer taken back by issuance of NOV and insists that DEP does not have jurisdiction. DEP advised that DEP has been consistent with NCRA upgrades and that DEP is only asking for follow through with what was proposed. DEP called the engineer on 1/26/12 regarding the lack of response to the NOV. The engineer believes that DEP has no regulatory authority and believes the SSTs is an NCRA. DEP received a letter responding to the NOV letter on 2/9/12 from the owner's attorney. A phone meeting was held with DEP Legal, NYC Law, REP and the applicant's attorney on 3/2/12. DEP received a letter from the applicant's attorney on 3/16/12 regarding a follow up to the 3/2/12 meeting and discussed the NCRA status. DEP attended the Hunter Planning Board meeting on 4/3/12 as an engineer presented a sketch plan for the conversion of the residence to a 4 bedroom B&B and 5 bedroom residence. DEP received an e-mail from the Hunter Planning Board, which included the SEQR form completed for the sketch plan that was submitted for a B&B at the 4/3/12 planning board meeting. The site plan map was mailed to DEP SCS group. DEP sent the letters to and from DEP and the applicant's engineer to the Hunter Planning Board in an e-mail on 4/10/12. DEP issued a letter to the Planning Board on 4/20/12 regarding the site plan and full EAF presented at the 4/3/12 Planning Board meeting. DEP sent an email to the applicant's attorney requesting an update on 6/27/12. On 11/29/12 DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP received an e-mail from the engineer on 12/17/12. A response to DEP's letter of 11/29/12 was attached. DEP issued a response letter to the applicant on 2/13/13 in regards to the latest letter from the Engineer. DEP received a letter from the Town of Hunter CEO on 2/27/13 stating that the building permit application is for four (4) rental bedrooms for the B&B and additional bedrooms

for the owners' use not to exceed nine (9). DEP called the Town of Hunter CEO on 3/25/13 regarding the letter DEP received from him on behalf of the owner and his engineer. DEP requested that the CEO contact DEP if he observes any real changes to the number of bedrooms in the building. DEP met with the Town CEO 5/9/13 to discuss the site. He has not issued a building permit for the third floor bedroom and kitchen renovations because the applicant's contractor does not have the required Workers Compensation insurance. DEP called the CEO Officer on 6/17/13 regarding permit status. The only building permit on file for Nehapwa is for a new fire safety stair case and sprinkler system. No interior renovation work is proposed as part of the permit. The building department will not be issuing a certificate of occupancy for a bedroom reduction. The code enforcement office is investigating if the town assessor will be revising their files. We also confirmed that the web site was toned down to reflect just the bed and breakfast activities and not all the extra stuff. DEP received a letter from the Town CEO on 6/18/13 stating that he performed an inspection of the single family dwelling and that the residence has eight bedrooms. DEP received a copy of the tax listing for the property on 6/25/13 from the Town of Hunter showing the listing as having eight bedrooms. On 7/10/13, DEP met with the CEO to review the pictures he took of the buildings' interior. In June 2013 he inspected and found four bedrooms and an office on the second floor, and three bedrooms, a large closet and open space for a future kitchen installation. DEP has resolved the Enforcement Action on 7/11/13. The violation was resolved and the case was closed on 7/11/13 with DEP Closure letter dated 7/11/13.

Project Type: SEQRA (SQ)

Status:

SCS received a Full EAF on 4/4/12. SCS received copy of a letter and site plan from the Planning Board. DEP issued a letter to the Town of Hunter Planning Board on 4/20/12 with comments. SCS received Lead Agency Neg Dec resolution dated 5/1/12 issued by the Planning Board.

Town: Hunter

Basin: Schoharie

Project Name: Leach, Matthew (Wiltse, Jim), (Log #2007-SC-1080)

Project Description: Initiated as a single lot; will develop into a 4 lot subdivision Failing SWPPP

Project Type: Stormwater (SP)

Status:

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

7/18/11 to DEP's letter of 3/29/11. DEP issued an Approval Determination letter on 8/4/11. The violation was resolved and the case was closed on 10/3/11 with DEP Closure letter dated 10/3/11. DEP has resolved the Enforcement Action on 10/3/11. DEP performed site visits on 11/30/11 and 3/19/12; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 7/17/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received notice on 1/7/13 that construction will begin on 1/9/13. DEP received an e-mail from the engineer on 1/14/13 stating that they encountered rock shelf in the lower basin and requested making it into a two bay basin being split by the rock shelf. DEP performed site visits on 2/6 and 3/11/13; there were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/9 and 6/19/13; there were no deficiencies, there was no discharge and the site was vacant.

Project Type: SEQRA (SQ)

Status:

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

Town: Hunter

Basin: Schoharie

Project Name: Gilbert, Ben, (Log #2007-SC-0887)

Project Description: New SSTS requiring an IRSP

Project Type: Individual Residential SPPP (IR)

Status:

DEP issued a letter to the applicant on 6/1/12 making a final request to start the construction process. DEP received an e-mail from the homeowner on 6/13/12 stating that he plans on beginning the work in August 2012. A meeting was held with the project applicant on 7/6/12. The driveway swale will be done first and as soon as possible. The upper portion of the stream will be second and from the culvert outfall to the receiving stream will be done third. A pre-construction meeting will be held prior to initiating each phase. DEP performed a site visit on 8/21/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the homeowner on 9/13/12 regarding the site. DEP sent an e-mail to the homeowner on 9/17/12 regarding the site. DEP performed a site visit on 10/10/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the homeowner on 10/16/12 stating that he is working with his contractor to schedule the phase 1 work. DEP received an e-mail from the homeowner on 10/29/12 stating that due to the heavy rains, the contractor has left the site and will resume at the end of the week. DEP performed a site visit on 10/29/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the owner on 11/21/12 regarding the intent to finish the project and a timeline for the rest of the construction. DEP issued a letter to the owner on 12/10/12 stating

that Swale B has been installed in accordance with the plans and is acceptable. Construction for this project is on hold as of 12/10/12 due to the homeowner waiting until spring 2013. DEP performed a site visit on 1/31/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owner on 4/3/13 touching base as to getting the site finished up. DEP performed a site visit on 4/9/13; there were deficiencies, there was a discharge and the site was occupied. DEP sent an e-mail to the owner on 5/28/13 regarding completion of stabilizing the stream down through the woods; asked when this might be done. DEP issued a letter to the owner on 7/30/13 regarding site stabilization work. DEP received an e-mail from the owner regarding the completion of the site work. DEP called the applicant and left a message on 9/3/13 regarding the site. DEP performed a site visit on 9/11/13; there were deficiencies, there was no discharge and the site was occupied.

Town: Hunter
Drainage Basin: Schoharie Reservoir
Project Name: Hunter Highlands Hotel/Condos (Trailside), (Log #2000-SC-0602)
Project Description: Proposal for the construction of a 200 unit hotel; Site is +- 12 acres. Approvals for Phases 2-4 have expired. This is a new proposal for three condos in 1st phase of which two can be built without SPDES expansion; Phase 1 to consist of 3-12 unit condos. Each building will consist of four 1-bedroom, four 2-bedroom and four 3-bedroom units. Phase 2 will consist of a 28-room hotel; Phase 3 will consist of three 12-unit condos.
Project Type: Stormwater (SP)

Status:
DEC issued a NOV on 7/10/12. DEP received the DEC NOV by email on 7/10/12. DEP received DEC's third attempt of the issuance of the NOV on 8/15/12. DEP received an e-mail from DEC on 9/17/12 stating that their last attempt to deliver the NOV failed again. DEP performed a site visit on 12/6/12; there were deficiencies, there was no discharge and the site was vacant. DEC issued a NOV on 12/11/12. DEP sent an email to DEC containing the contact info for another partner on 1/7/13. The partner is going to reach out to the association regarding the NOV. DEC sent the NOV to the other partner on 1/30/13. DEP sent and received e-mails to and from DEC on 5/28/13 questioning any response to the NOV. DEP spoke with the NYS Attorney General's office on 6/12/13 regarding the status of the homeowner's association established with the project. She stated that according to their records, there is no record of a homeowner's association established for the Trailside at Hunter.

Town: Hunter
Basin: Schoharie
Project Name: Onteora Club, (Log #1990-SC-0005)
Project Description: 14 Lot Residential Subdivision on 64 acres, Proposal to connect Field House to Onteora Club Wastewater System; install a grease trap & septic tank & connect to existing 4" gravity line
Project Type: Intermediate SSTS (IS)

Status:
On 8/16/12, DEP Regulatory (REP), DEP Land Management & DEP Police met with a member of the Onteora Club Board of Directors and with the manager of the Mountain Top Arboretum. DEP has a conservation easement on the parcel to the south and east of the pump house

discharge; the parcel is owned by the Mountain Top Arboretum. DEP corresponded by email with the superintendent regarding the sewage spill. DEP corresponded by email on 8/17/12 with the DEP Police to discuss daily inspections requested by REP. DEP received an e-mail from a member of the Board of Directors on 8/20/12, concerning the sewage discharge on 8/14/12 and the subsequent meeting on 8/16/12. DEP Land Management & REP replied to the email on 8/23/12 and included a video of the sewage release from 6/14/10. DEP received an e-mail reply from a member of the club's Board of Directors on 8/23/12 and copied the maintenance supervisor. DEP sent an e-mail to the superintendent on 8/27/12, confirming the appointment for a pump house inspection on 8/29/12. DEP received an e-mail reply from the President of the board on 8/28/12, acknowledging the meeting scheduled that will be attended by a board member. A meeting was held with the project applicant on 8/29/12. An electrician, a pump specialist and the alarm company met with DEP, the facility operator and a board member. On 8/29/12, DEP met with Club representatives and trades people to perform an assessment of the pump house and discuss required actions to address the chronic sewage discharges from the pump house. DEP received a map that the Club generated of the SSTS. DEP sent an e-mail to the Club on 8/30/12, with DEP approval letters from the past connections to the SSTS. DEP spoke with the design engineer for the project on 8/30/12. He will mail DEP a copy of the "as built" from 1993. DEP issued a NOV to the owner on 8/31/12. DEP initiated an Enforcement Action on 8/31/12. DEP received an e-mail from one of the members of the board on 9/4/12, with an update that the SSTS components have been located and that an engineer has been hired. DEP received a phone message from the facility operator on 9/5/12, confirming a meeting with the engineer on 9/6/12. DEP received a phone message on 9/5/12 from a member of the board, confirming the receipt of the NOV. On 9/6/12, DEP met at the pump house with the electrician, the pump contractor, the facility operator and a member of the Board of Directors. A breaker was dedicated for the high liquid alarm level float, the pump function was checked and found to be low, and options for pump replacement were discussed. DEP received an e-mail from the Board of Directors on 9/9/12, with the engineers' inspection report attached. DEP responded to the concerns on 9/10/12. DEP received a letter from the representative on 9/12/12 regarding a letter that was issued to them for the sewage spill from the adjacent Onteora Club pump house that has impacted the Mountain Top property and constitutes a violation of the easement. DEP received a copy of the 1993 As-Built plans from the engineer on 9/12/12. On 9/12/12, DEP met with the engineer, the facility operator, the pump contractor and a member of the Board of Directors. The club is moving forward with the investigation into the operation and maintenance of the SSTS. DEP sent an e-mail to the engineer, Board of Directors and facility supervisor on 9/13/12, with the 1993 "as built" attached. DEP also advised again doing any remedial work prior to the engineer and DEP being in agreement. DEP received the pump out receipt on 9/13/12. On 9/17/12, DEP met with the engineer and facility operator to look at the pump function and the SSTS components. Several issues were noted that will be explained in a report with recommendations from the engineer. DEP received a copy of the SPDES Permit application from 1992 on 9/17/12. DEP sent an e-mail to the Club and the engineer on 9/18/12 regarding the urgent need to have at least one pump in good working order until the pumps are replaced on 9/18/12. DEP received an e-mail from the engineer on 9/18/12, with a report of the 9/17/12 inspection and recommendations attached. On 9/20/12, DEP met with the facility operator, his staff and a member of the board to try to locate the dosing chamber and the d-boxes. DEP gave the operator the "as built" that was generated by the design engineer in 1993. On 9/25/12, DEP met with the engineer, the hauler and the operator. The tanks at the field house and theatre were

exposed; the theatre tank was empty. The dosing chamber and the large septic tank are being pumped down for cleaning and maintenance. On 9/26/12, DEP met with the operator's staff to continue looking at SSTS structures. The operator and DEP called the engineer to discuss the findings. The pump contractor is installing a 3HP well pump to temporarily replace the worst of the two failing pumps. On 9/27/12, DEP met with the operator and his staff, who are working on sealing the dosing chamber and repairing the tilted bell on one of the siphons in the dosing chamber. DEP received an e-mail from the facility operator on 10/3/12 with an email from the engineer and a progress report for the SSTS. DEP received an e-mail from the engineer on 10/4/12 with the progress report and summary of the site visit of 10/4/12. On 10/9/12, DEP performed an inspection of the theatre septic tank; the liquid level was about 7 inches below the invert of the outlet. No work has been done on the dosing chamber or d-boxes. A meeting was held with the maintenance supervisor and the engineer to discuss a plan to relocate a portion of the force main on 10/18/12. DEP received an e-mail from the engineer on 10/18/12, including a summary of the site visit and plans to relocate a section of the force main. DEP performed a site visit on 10/19/12; there has been no progress in the repair of the dosing chamber (siphons), location of additional manholes or repair of leak in pump station. A meeting was held with the project applicant on 10/22/12; the force main and stream crossing issue was discussed at length and the Club prefers the stream restoration and keeping the force main in place to the relocation of the force main. DEP performed a follow up site visit on 10/22/12; there has been no progress on the repair of the SSTS. DEP corresponded by e-mail with the engineer, Club management and superintendent concerning the force main issue and methods of repair from 10/23/12 to 10/26/12. DEP sent an e-mail to the engineer, the management and the superintendent on 10/26/12, with a punch list of items to check before the impending storm. DEP called the superintendent on 10/31/12 to find out if the force main stayed intact during and after the recent hurricane. He said that he had re-enforced it on 10/28/12 with a steel sleeve and rip rap above it. DEP corresponded by email with the engineer and the Club board. The only option for the force line is to bury it deeper under the stream bed and stabilize the stream to protect the pipe. DEP called the superintendent on 10/31/12 to inquire on any problems with the SSTS after the recent storm. DEP called the superintendent again on 10/31/12 to discuss the SSTS. He informed DEP that several members are here due to problems at their homes in NYC and Connecticut due to Hurricane Sandy. He had turned on a temporary pump from the septic tank to the pump chamber to lower the level to work in the dosing chamber tomorrow. DEP advised him to remove the pump and call the hauler instead. On 11/1/12, DEP stopped at the site because the superintendent said he was pumping down the septic tank into the pump chamber to avoid being dosed while working in the siphon chamber. DEP received an e-mail from the superintendent on 11/2/12. He said the siphons have been repaired and he wants to schedule an appointment for testing. DEP received an e-mail from the superintendent on 11/2/12. The siphons have been repaired and are ready for testing. DEP replied with dates available for an inspection. DEP received an e-mail from the superintendent on 11/4/12. He received notice that the new pumps for the pump station are due to be shipped on 11/19/12. DEP received an e-mail from the engineer on 11/6/12. He said the stream specialist and the surveyors were on site and a plan for the protection of the stream and the force main will be submitted to DEP within a week. DEP performed a site visit on 11/7/12; the septic tanks and d-boxes are still exposed; the pump station has had no problems. On 11/9/12, DEP met with the engineer and the maintenance supervisor; the siphons in the dosing chamber have been successfully repaired and the dose test was completed. The siphons alternate 1330 gallons to each of the two distribution boxes, which have been water tested with

speed levelers. DEP received an e-mail from the engineer on 11/15/12 with plans for burying the force main deeper under the stream. On 11/15/12, DEP performed an inspection of the grease trap, distribution boxes and septic tanks at the field house. DEP corresponded by e-mail with a member of the board of directors on 11/21/12, to coordinate a meeting for both the stream mitigation and stream crossing. On 11/27/12, DEP met with a member of the board, the engineer, the new manager and his maintenance staff; we discussed the plans submitted to bury the force main deeper under the watercourse. The plans will be revised and resubmitted to DEP. DEP received an e-mail from the engineer on 11/28/12 with revised plans to relocate the force main about 20 feet down-slope of its present exposed location. DEP received an e-mail from the engineer on 11/28/12 with the report from the 11/27/12 site meeting concerning the force main replacement. DEP performed a site visit on 12/7/12; trees have been cut where the new force main will be installed. DEP performed a site visit on 12/10/12; the contractor has cleared the area where the new pipe will be installed. DEP performed a site visit on 12/11/12; the contractor has not worked since 12/10/12. The site was muddy, although he ditched surface water; silt fence should be installed. On 12/17/12, DEP performed an inspection of the site; heavy mulch was observed in the stream channel and the water was muddy, although the discharge from the culvert pipe emptying into the stream was clear. The entire disturbance except the diversion channel he created in the wetland had been mulched. DEP called the contractor 12/18/12 and asked him to remove the abandoned force pipe from the stream, mulch the water diversion ditch he installed in the wetland, and install silt fence parallel to the stream bank. DEP called the site supervisor on 12/18/12 regarding the work performed over the weekend. The supervisor told DEP that the contractor finished that morning; DEP advised the supervisor that DEP should have been notified of the ongoing work schedule. DEP spoke to the contractor on 12/21/12; he said he sent DEP the pictures of his work on the force main, and that the Club will cut and cap the abandoned pipe. DEP sent an e-mail to the manager, supervisor and engineer on 12/21/12, noting that the engineer needs to submit a certification letter and an "as built" to DEP. DEP sent another e-mail to the manager and engineer, requesting information about pending work and inspections on 12/28/12. DEP received an e-mail response from the manager on 12/28/12. DEP corresponded by email with the manager on 1/5/13; the club will decide which contractor to hire, depending on price. DEP received an e-mail from the facility manager on 2/6/13, advising that work will begin on the pump station on 2/7/13. On 2/21/13, DEP met with the new manager and the maintenance staff on 2/21/13. DEP received an e-mail reply from the engineer on 3/1/13, who thinks a weep hole should be installed. DEP sent an e-mail to the engineer and club staff on 3/1/13, with the "as built" draw down for the pump station and questioned the installation of a weep hole in the new piping. DEP sent an e-mail to the maintenance shop on 4/22/13 inquiring about the pump house repair work and to schedule an inspection of the SSTs. DEP received a reply e-mail from the maintenance supervisor on 4/30/13. He said the pump contractor came by late in the afternoon on 4/26/13 and installed the flow meter and the update for the pump chamber work is now complete. On 5/1/13, DEP met with site managers for a spring inspection of the septic system; the pump station work is done. DEP issued a letter to the President of the Club on 5/8/13 regarding a few outstanding items that need to be addressed prior to DEP closing out the NOV. DEP sent an e-mail to the maintenance staff and the site manager on 5/14/13 regarding the need to contact DEP prior to backfill of any future work that will be performed on the SSTs. On 5/31/13, DEP stopped to talk to the superintendent. He wanted an updated map of connections to the collection system and said the club has not begun recording flow data. He also said there is no time to repair any of the items mentioned in the most recent letter from DEP. On

5/31/13, DEP stopped at the pump house to perform an inspection and get a flow reading. The door has had a padlock installed and no key was left with the door key, so DEP could not gain access to the building. On 7/15/13, DEP performed an inspection of the pump house. The staff has been recording the daily flow since 6/3/13. The padlock key is now attached to the door key so DEP was able to gain access. On 7/25/13, DEP performed an inspection of the pump house and recorded the flow from the daily chart; no problems were noted. The slab and generator have not yet been installed. On 9/4/13, DEP met with a member of the Onteora Club Board of Directors to discuss what items need to be addressed to satisfy the NOV. The pump chamber was inspected and the daily flows recorded were discussed. The hole in the concrete wall has been patched, but only from the outside. The generator and pad have been installed, most likely over the force main. DEP sent an e-mail to the engineer on 9/10/13 regarding the need to prepare and submit an Operation and Maintenance Plan for the SSTS, as a requirement in the NOV. DEP received the pump house log for June, July, August and September 2013 to date on 9/10/13. DEP sent an e-mail to the club and the engineer on 9/23/13 regarding the required work to be performed to close the NOV, with some available dates for DEP inspections. DEP received a return phone call on 9/23/13 from the maintenance staff. The risers have been installed on the dosing chamber and the gravity pipe is scheduled to be buried next week.

Town: Hurley
Basin: Ashokan
Project Name: Windschuh, Marga & Arno, (Log #2003-AS-0817)
Project Description: The project involves the repair of the sewage system serving a building with 5 efficiencies. The site is very limited for space, thus a raised bed with a dosing chamber was utilized to make the most of the limited area.
Project Type: Intermediate Repair (CR)
Status: **Closed**

DEP met with the engineer, who said that he will be calling the owner and DEP to schedule a site visit to hand excavate the d-box area to determine the problem with the SSTS. DEP called the engineer to request a site visit. DEP performed a site visit on 2/2/12; septic failure was not observed. There was no discharge on the field, but an area adjacent to the d-box appears to have had a surface discharge recently. That area is at the top of the rivulet caused by previous discharges that DEP has witnessed. Also, the ground above the trenches was very soft and wet. DEP sent the owner's daughter an email on 2/3/12, requesting cooperation for the NOV resolution. DEP performed a site visit on 2/3/12; septic failure was not observed. There was no discharge observed, but the field was soft and the areas of previous discharges looked damp. DEP performed a site visit on 2/15/12; DEP had a scheduled appointment with the engineer and a contractor to expose the SSTS components in an effort to find the cause of the failure but the engineer called and will attempt to reschedule. DEP sent an e-mail to the owner's daughter requesting water meter readings and requested another site visit. DEP performed a site visit on 2/21/12; septic failure was not observed. There are soft wet spots on the field but no sewage surfacing or migrating down the taper of the field. DEP performed a site visit on 2/27/12; septic failure was not observed. DEP met the engineer on site to look for possible causes of the absorption field failure. Problems were found with the distribution box. A follow up site visit to expose the d-box and lower lateral will be scheduled. On 4/2/12, DEP performed a routine inspection of the absorption field. No sewage was observed on the ground, but the grass is lush in several places where sewage has been observed in the past. Site Visit type: Investigation. DEP

called the engineer on 4/13/12 regarding the need for a site visit to determine the cause of the SSTS failure. He said he has a contractor that will be able to meet at the site next week. DEP called the engineer on 4/26/12 regarding the need for a site visit. DEP called the engineer on 5/14/12 regarding scheduling a site visit to determine the cause of absorption field failure. DEP received a call on 5/18/12 from the engineer, who is still trying to schedule a site visit. DEP spoke to the engineer about doing the investigation of the SSTS. The engineer doesn't think he will get paid for the work and the owner is reluctant to have anyone look at the SSTS. DEP sent an e-mail to the owner's daughter on 5/31/12, requesting the water readings and some help with scheduling a site visit. DEP received an e-mail from the engineer on 6/20/12. He performed some percolation tests in the fill of the SSTS that passed. He will schedule a time to do more investigation in the near future. On 7/18/12, DEP performed a routine inspection of the absorption field. The owner is working on mowing and trimming the vegetation and has filled in the rivulet where the surface discharge had been noted in the past. The field was dry. On 7/26/12, DEP stopped at the site; there was no discharge. On 8/8/12, DEP performed an inspection of the absorption field; no sewage discharge was observed. DEP called the engineer on 10/2/12; the SSTS has not been failing and owner is still not very cooperative. DEP performed a site visit on 11/14/12; although the vegetation is greener in the areas on the absorption field where the failure has been observed, no sewage or odor was detected. On 11/28/12, DEP performed a quick inspection of the SSTS; the field was snow covered. The snow has been disturbed around the distribution box, but there was no sign of sewage on the top of the ground. On 12/7/12, DEP did an inspection of the absorption field; no discharge was observed. The violation was closed on 1/3/13 due to three seasonal inspections and no sign of failure. DEP has resolved the Enforcement Action on 1/3/13. On 2/21/13, DEP performed a visual inspection of the SSTS from the road in the morning and observed no discharge. During a visual inspection from the road in the afternoon, DEP observed a sewage discharge from the distribution box migrating down the front slope of the absorption field. DEP performed a site visit on 3/5/13; septic failure was not observed. DEP performed a site visit on 3/25/13; septic failure was observed; absorption field, Surfacing of sewage on ground. DEP performed an inspection of the SSTS. The distribution box and areas directly downslope towards the road and the driveway showed signs of a consistent sewage discharge; the grass and soils had eroded and were stained and smelled of sewage. DEP re-initiated an Enforcement Action on 3/26/13. On 5/2/13, DEP performed a site inspection. The vegetation near the previously observed surface failure is lush, but no sewage was noted on top of the ground. A new roof is being installed on the rental units. DEP issued a NOV to the owner on 5/8/13. DEP received a phone call on 5/30/13 from the design engineer. He has been contacted by the owner's daughter to meet with DEP and try to resolve the problem with the SSTS. The engineer will make an appointment with the hauler and DEP. On 6/6/13, DEP performed an inspection of the absorption field. The ground is soft and wet near the distribution box and smelled of sewage. No sewage was observed pooling on the ground. DEP sent an e-mail to the engineer on 6/10/13, asking for an appointment to look at the SSTS, as the NOV directs the inspection and evaluation to be done. DEP sent an e-mail to the owner's daughter on 6/10/13 regarding the missed deadlines in the NOV. On 6/28/13, DEP performed an inspection of the absorption field. No sewage was observed on the ground. The soil surrounding the distribution box was soft and damp. On 7/10/13, DEP performed an inspection of the system and observed sewage staining as well as very high grass surrounding the distribution box and the area directly down slope of the D-box. On 7/17/13, DEP stopped at the property to determine if the waste hauler had pumped the tanks. The covers for both the septic tank and the dosing chamber appear

disturbed and the distribution box has been exposed. On 7/19/13, DEP met with the engineer. The southern lateral is pitched uphill from the elbow. The contractor will expose all three laterals, the dosing pipe, and the lateral ends for next site visit with the engineer and DEP. DEP performed an inspection of the site on 8/23/13. Sewage was pooled in the small excavation performed weeks ago to observe the d-box and header pipes. The dosing chamber most likely had recently tripped. Vegetation surrounding the area is very high. DEP performed a routine inspection of the SSTS on 9/5/13. Sewage is continuing to collect in the shallow excavation made by the contractor. Frogs are living in the wastewater. The engineer has still not scheduled the repair work with the contractor. On 9/18/13, DEP performed an inspection of the absorption bed. The distribution box and header pipes are still exposed, allowing the effluent from the dosing chamber to be exposed to overflow. The contractor has also exposed a few areas of the pipes in the bed. On 9/20/13, DEP performed an inspection of the absorption field, more of which has been exposed by the contractor. DEP called the engineer on 9/23/13 to advise him that water meter readings must be obtained and an inspection of the meter must be scheduled before DEP will consider looking at a repair plan.

Name: Cortina Valley Ski Center, (Log # 1993-SC-0147)
Location: Hunter
Type of Use: Commercial
Discovery Date: 7/28/04
Type of Violation: Expansion of existing Base Lodge, Restaurant and Motel Units; Proposed tree harvesting plan in 2 stages; Clearing approximately 3.44 acres from 10/13 to 10/27; Harvesting approximately 52 acres. Proposal to install a gauging station to monitor the Gooseberry Creek & keep records of flows throughout the year.

Status: **Closed**

Overview and Action:

DEP issued a letter of comments on 3/2/10 to the Town of Hunter Planning Board. DEP received the final settlement letter from NYC Law on 9/8/10. . DEP received the revised SWPPP from the engineer on 5/9/13. DEP received revised plans from the engineer on 6/19/13. DEP performed a site visit on 6/19/13; there were no deficiencies, there was no discharge and the site was vacant. DEP issued an Approval Determination letter on 6/21/13. DEP has resolved the Enforcement Action on 7/2/13. The violation was resolved and the case was closed internally on 7/2/13.

Project Name: NYS Route 23A (2005-SC-0236)
Town: Hunter
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1489 (for two residential structures); direct discharge from pipe to wetlands. A new SSTS will be built for the two residential structures; vacant non-NCRA trailer to be decommissioned.

Discovery Date: 5/3/1999

Status: **New/Approved**

Overview and Action:

DEP performed a site visit on 10/12/12; septic failure was observed; septic was visibly entering a watercourse/wetland, and surfacing of sewage on ground. DEP met with the engineer to observe

additional soils testing to locate a replacement absorption field. DEP received a call on 10/19/12 from the engineer, who was conducting percolation tests. He will email the complete soils results to DEP. DEP received an e-mail from the engineer on 10/26/12 with a preliminary SSTS replacement design. DEP called the engineer on 11/14/12 regarding the absorption system design. We discussed the possibility of a shallow trench and a raised bed, both of which will fit in the footprint. DEP received an e-mail from the design engineer on 12/19/12, with a draft design of the replacement SSTS. DEP sent an e-mail to the engineer on 12/21/12 with comments on the draft plans. DEP received revised plans from the engineer on 2/19/13. DEP received an Application for a conventional individual SSTS on 2/20/13. DEP called the design engineer on 2/22/13 regarding the recently submitted plans, which encroach on the 100 foot mandatory setback to the existing well. He will re-submit with a peat filter design. DEP issued a NOCA on 3/5/13. DEP issued a comment letter on 3/5/13 to the applicant and engineer. DEP sent an e-mail to the design engineer on 3/25/13, asking if the revised plans are being worked on. DEP sent an e-mail to the design engineer on 4/22/13 regarding the lack of revised plans for the failed SSTS. DEP received a call on 5/3/13 from the engineer regarding the plans; he is looking for the size of the existing septic tank and its proposed use for the new system septic tank or the new system pump chamber. DEP corresponded by e-mail on 5/8/13 with CWC regarding the septic tank that was installed on the site in 1998 and was told that there is no record of the tank size. DEP was informed that the property owner has never actually been accepted into the funding program. DEP called the engineer on 5/9/13 to advise him that CWC has not received the proper signed application from the owner and the owner is not yet in the funding program. The engineer will discuss the problem with the owner. DEP sent an e-mail to the engineer on 5/23/13, requesting an update on the property owner's eligibility for CWC's funding and a time frame for the submission of the plans. DEP sent an e-mail to the owner on 6/5/13 regarding the need to pump the septic tank to avoid the ongoing sewage discharge and requested that the pump out receipts be sent to DEP. DEP performed a site visit on 6/5/13 for septic failure; septic was visibly entering the watercourse/wetland and there was surfacing of sewage on the ground. DEP received a reply e-mail from the owner on 6/11/13, agreeing to pump the tank. DEP issued a NOV to the owner on 6/12/13. DEP received a phone message on 6/12/13 from the owner, who acknowledged the receipt of the NOV. She has set up an appointment on 6/18/13 at the site with CWC and asked DEP to attend. DEP called the engineer on 6/12/13 and advised that legal action was stepping up because of inactivity. DEP received an e-mail from the owner on 6/13/13. He has called the hauler and the engineer with no reply so far from either party. DEP received a phone message on 6/13/13 from the owner regarding his attempts to get the project moving. DEP replied to the owner's e-mail on 6/13/13 regarding the need to pump the tank and the issuance of the NOV. On 6/19/13, DEP met the engineer on site to inspect the septic tank, which had just been pumped. The hauler said approximately 1500 gallons were removed; DEP noted it is a two compartment tank. DEP advised the tenant that as the tank needs to be pumped to avoid an ongoing discharge to the wetland and that conserving water would be helpful. On 6/21/13, DEP met with the engineer to inspect the existing 1,500 gallon septic tank, which was pumped that day. The engineer showed DEP the preliminary plans, containing peat filters, which he will submit. DEP sent an e-mail to the owner on 6/21/13 regarding the septic tank pump-out that was performed that day. DEP received the pump out receipt on 6/24/13. DEP received an e-mail from the owner on 6/24/13 regarding the meeting with CWC on 6/21/13. The owner has been enrolled in the CWC program. He also e-mailed the pump out receipt and said he asked his tenant to check the tank level and to call the hauler when needed. DEP received plans from the

engineer on 6/26/13. DEP received a phone call on 7/8/13 from CWC, advising DEP that the owner has signed the papers needed to participate in the funding program. DEP received the pump out receipt on 7/8/13. DEP sent an e-mail to the engineer on 7/17/13, with comments on the preliminary plans submitted via e-mail on 6/26/13. DEP spoke to the engineer on 7/25/13 regarding DEP's comments. The engineer wants to substitute select fill for the sand and DEP advised him to get the approval from Puraflow whose design calls for sand. DEP received revised plans from the engineer on 7/29/13. DEP issued an Approval Determination letter on 7/31/13. DEP received the pump out receipt on 8/6/13. On 8/22/13, DEP performed an inspection of the site. The septic tank is being pumped on a regular basis. There was no sewage smell above the discharge point in the wetland. The tenant told DEP that the tank was pumped again last week and that five contractors showed up to bid on the SSTS replacement job. DEP received an e-mail from the owner on 8/23/13 regarding progress with CWC and the ongoing pump-outs. DEP corresponded by e-mail with the owner on 8/27/13. CWC has approved a contractor and a price for the job. DEP received an e-mail from the owner on 9/3/13. He has met with the contractor and will continue pump outs of the tank until the SSTS is installed. DEP met with the contractor, the design engineer and the PuraFlow representative on the site for a pre-construction meeting on 9/17/13. DEP reviewed the well setbacks and the septic tanks presented on the plans. The contractor plans to start the system in mid-October 2013. DEP received the 9/3 and 9/23 pump out receipts on 9/26/13.

Project Name: 258 County Route 16 (Log #2008-SC-0026)

Town: Hunter

Type of Use: Residence

Type of Violation: Failed SSTS

Discovery Date: 1/15/08

Status:

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was performed on 1/15/08. Site Visit type: Enforcement. Date: 10/5/10 for Septic Failure: Not observed. DEP walked around the subject house; it does not appear that the house has been occupied for some time. No signs of septic failure; the site is stable. DEP called the owner on 1/28/11 and left a message to call back with sale status of property. DEP sent an email with NOF attached to CWC on 2/4/11. Per CWC conversation, owner wanted this document to assist with short sale of property. DEP performed a site visit on 6/22/11 for septic failure; none was observed, no visible sign of failure, the site is stable and the property appears unoccupied. Site Visit type: Follow up. Date: 2/1/12; septic failure not observed. There was a car in the driveway; property status: Possibly occupied. DEP called the owner on 2/3/12 and left message to call back with status of occupancy and discuss plans/schedule to remediate or connect to WWTP. DEP called the new owner and discussed the project on 5/10/12. For now, the owner stated there is no failure and this property is only used on weekends. DEP asked for permission to enter the property and inspect on a regular schedule and the owner readily agreed. Owner does not want to take action at this point, but was made aware that next step is to hire an engineer to do soils testing. Pending results of this test, if a design is not feasible to replace the septic system, an application requesting to connect to Tannersville WWTP collections system would need to be submitted to DEP Engineering for review. The owner was reminded to keep in touch with CWC regarding possible funding for the project, whether it connects or is completely

replaced. DEP performed a site visit on 6/13 and 8/9/12; no septic failure was evident. DEP performed site visits on 1/4/13 and 3/13/13; septic failure was not observed. No septic failure observed. DEP performed a site visit on 8/6/13; there were no signs of septic failure at the time of inspection. The tenant stated that there have been no problems with the septic.

Project Name: 4102 CR 16 (1997-SC-0512)
Town: Hunter
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS – Replacement of existing 2-Bedroom House
Discovery Date:
Status:

Overview and Action:

DEP sent internal email on 4/25/12 to make sure project was known. House collapsed during foundation renovations and existing septic was dug up during the process. Town CEO and DEP on same page and are requiring engineer to submit plans for new SSTS approval. DEP initiated an Enforcement Action on 7/13/12 to make sure project shows up in monthly reports. Waiting for owner to hire engineer to design replacement SSTS. DEP inspector will conduct site visits and document in engineering database. DEP performed a site visit on 7/23/12; the house is being demolished after foundation work caused house to collapse. During the excavation, the septic disposal area was dug up. The owner needs to contact an engineer to design a new system. DEP performed site visits on 1/4/13 and 2/14/13; septic failure was not observed; this site remains inactive. DEP spoke with the Hunter CEO regarding the destruction of part of the septic field and the need for a new septic design before the issuance of a CO. DEP performed a follow-up site visit on 4/17/13; septic failure was not observed. The house is not occupied and the site continues to be inactive. DEP issued a letter to the homeowner on 5/2/13 regarding the SSTS that was destroyed during foundation related construction. DEP stated that the SSTS must be approved prior to construction. DEP received a call from the owner on 5/23/13, in response to DEP's recent letter. DEP will schedule a meeting on site with the owner in the near future to discuss work that was done and what needs to be done in order to be in compliance. DEP performed a site visit on 5/31/13; the owner has not repaired the damaged SSTS (bed) area yet. He will wait for direction from DEP on three issues: (1) whether septic tank needs to be moved, as it is only a few feet from foundation/footing drain; (2) whether the bed can be reconstructed completely per previous 1997 design and not involve engineer; (3) verification of number of bedrooms; 1997 repair was for (2 or 3). DEP sent an e-mail to the owner on 6/6/13, describing the SSTS replacement scenarios and the level of engineer involvement necessary. DEP sent an e-mail to the engineer on 6/7/13 regarding county records for the number of bedrooms, after having a brief discussion on his options and engineer involvement required. DEP replied to owner on 6/12/13, stating that engineer needs to be involved to certify field in place and work that is done. The owner stated that he will change the house to 2 bedrooms and move the septic tank away from the house for proper setback. DEP performed a site visit on 7/29/13. The owner repaired/replaced the destroyed septic disposal area; not known what type of fill used or the depth under the bed. DEP sent an e-mail to the owner on 7/31/13 regarding observation that work commenced without DEP being notified. DEP requested detailed answers to what was done, by who, and when. Owner responded and stated he did not think he needed an engineer. DEP called owner on 8/1/13 to make it clear that an engineer has to certify the work that the owner is doing. DEP set up appointment to meet with the owner on 8/2/13 to discuss in more

detail on-site. On 8/14/13, DEP met with the engineer to investigate the repair to the septic system. The soil used under the system appears to be clay/hardpan, which is not suitable septic fill. He dug a perk hole along the lateral; the first run was 20 minutes. DEP sent an e-mail to the engineer on 9/4/13, outlining the next steps to take, including percolation testing of unexcavated area of the SSTS. DEP performed a site visit on 9/17/13. Further perc tests in the existing system area yielded unsatisfactory results. The first perk was 20 minutes, which is over the specified 5-20 perk range. DEP received a letter and previously approved plan from the engineer on 9/23/13.

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

Overview and Action:

DEP issued a letter to the Camp Director on 4/24/12 with a summarization of the most recent observations regarding the operational status of the SSTS of the Camp. DEP received an e-mail on 5/01/12 with the new President's information. On 5/11/12, DEP received a hand delivered letter from Boy Scouts of America (BSA) in response to DEP's letter of 4/24/12. DEP received an e-mail from the Camp Director on 5/11/12 with the pump out receipts from 2011 attached. DEP sent an e-mail to DOH on 5/31/12 requesting assistance in investigating the SSTS. DEP sent an e-mail on 6/5/12 to the camp director regarding available dates for DEP site inspections this summer and also requested the camp and other events schedule for the year. On 6/14/12, DEP inspected pipe replacement work from below the eastern siphon to the northeast D-box. Apparently recent pipe video work revealed holes in the pipe. DEP requested a copy of the pipe video. On 6/21/12, DEP performed a scheduled pre-season inspection of the SSTS. A previously unnoticed, sewer smelling discharge was observed from the ranger's cabin. It is suspected to be laundry waste. On 6/28/12, DEP accompanied DOH on a partial inspection of the SSTS. Laundry discharge from ranger's cabin was fixed. No new or active problems noted. On DEP performed a scheduled inspection of the SSTS. No new problems were observed. DEP sent an e-mail to BSA Director on 7/25/12 requesting pump out receipts. DEP received an e-mail from the Camp Director, with the 2011 pump out receipts attached, on 7/25/12. ON 7/31/12, DEP performed a scheduled inspection of the SSTS; it was not obviously failing, but faint sewage odors were noted around the absorption field and curtain drain. On 8/7/12, DEP made a scheduled site visit. Sewage was observed in the ditch at the eastern discharge end of the curtain drain, as well as on the ground above two laterals in the absorption field. DEP called DOH on 8/7/12 regarding the day's field visit. DOH and DEP will re-inspect the absorption field. On 8/8/12 DEP performed a site visit; septic failure was observed at the absorption field and surfacing of sewage on ground. DEP met DOH onsite to inspect the absorption field and curtain drain. Sewage was observed surfacing to the ground and the curtain drain discharge below the pipe had sewage in it. DEP sent an e-mail to DOH on 8/10/12 including DEP's field report and pictures from the 8/8/12 site visit. DEP issued a NOV to the owner on 11/15/12. DEP received a voicemail on 11/27/12 from the BSA president responding to the NOV. BSA is preparing a response to the NOV. DEP received a letter responding to the NOV on 12/5/12. DEP called and left a message for the camp director on 12/14/12 regarding their 12/4/12 letter. DEP called the camp director on 12/19/12 regarding the NOV. The camp director does not agree that the SSTS

is in failure and requested information on an appeal process. DEP issued a comment letter to the engineer on 12/27/12 regarding the NOV and responded to their letter of 12/5/12. A meeting was held with the engineer on 1/2/13; site history and status were discussed. Some correspondence and pictures were emailed to the engineer following the meeting. DEP received a call on 1/2/13 from an engineer asking about the work that is needed at the site. A meeting was held with BSA representatives, their engineers, Assemblyman Lopez and DEP on 3/15/13. BSA engineers will submit a maintenance plan for Camp Tri-mount's SSTS. Assemblyman Lopez will be copied on all correspondence going forward. DEP received DOH Permits for the 2013 season on 7/23/13. On 7/25/13, DEP inspected the SSTS. No notable changes were made. DEP received an e-mail from the engineer on 7/25/13 informing DEP that the engineering plans were complete and supplied to BSA. On 8/1/13, DEP performed an inspection of the SSTS. The distribution boxes in the absorption field were pumped out because they were surcharged. The wastewater within the absorption field did not breakout to the surface of the ground. DEP received an e-mail from the director on 8/7/13 confirming the change in time for the pre-scheduled inspection on 8/8/13 and the re-priming of the eastern siphon on 8/5/13. DEP inspected the SSTS on 8/8/13. The SSTS was not found to be in failure. DEP received plans from the engineer on 8/20/13 for the SSTS upgrade. DEP received an Application for a SSTS on 8/28/13 from the engineer. DEP called DOH on 8/29/13 regarding the plans received for the Camp. DOH wants to review and approve the plans, as the site is under DOH permits. DEP received a copy of the letter from the engineer to DOH on 8/30/13 along with the plans. DEP issued a NOCA on 9/17/13. A meeting was held with DOH on 09/25/2013. DEP explained the proposal was a first step and not a comprehensive repair.

Project Type: Stormwater (SP)

Status:

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

Project Name: 3793 CR 42 (2008-SC-2335)

Town: Lexington

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - CWC hardship-Managed Repair

Discovery Date:

Status:

Overview and Action:

DEP sent an e-mail to CWC on 8/8/12, requesting current status report, including when last managed pump out took place. CWC called DEP back, stating that they haven't had contact with owner since 2009, so no pump outs have been taking place. CWC stated they will pump out if requested by owner. This project is located in a managed repair area. DEP performed a site visit

on 2/26/13; septic failure was not observed; the site is snow covered. It appears that the owner has a wood pile in the alleged septic area therefore; DEP was unable to determine if septic is failing to surface. DEP performed site visits on 5/29 and 7/1/13; there were no visible signs of surface failure at this time. Suspect area at rear of house with dark staining.

Town: Olive
Basin: Ashokan
Project Name: Catskill Modular Homes, (Log #2006-AS-1143)
Project Description: Replacement of a failed SSTS
Project Type: Intermediate SSTS (IS)
Status:

DEP initiated an Enforcement Action on 2/7/12. On 3/2/12 DEP issued a reminder letter to the owner due to the lack of activity. DEP received an Application for a SSTS on 3/19/12 from the engineer. DEP issued a NOCA on 4/9/12. DEP issued a comment letter on 4/9/12 to the engineer. DEP received a letter and revised plans from the engineer on 4/13/12 to DEP's letter of 4/9/12. DEP called the engineer on 5/10/12 regarding some issues with the revised plans. The engineer wants DEP to put the concerns in writing. DEP received revised plans from the engineer on 5/29/12. DEP called the manufacturer of the treatment tank/pump chamber proposed by the engineer on 6/15/12 to get information on available storage capacity. The representative will email me an explanation on 6/18/12. DEP sent an e-mail to the design engineer on 6/19/12, regarding the storage in the pump chamber and what is needed in a revised design. DEP sent an e-mail to the design engineer about the items missing on the revised plans dated 5/24/12 on 6/20/12. On 7/11/12, DEP performed a routine inspection of the SSTS; there was no surface failure noted. The pump chamber alarm was tested successfully. DEP received revised plans from the engineer on 7/17/12. On 7/19/12, DEP met with an engineer to investigate the SSTS. DEP received an e-mail from the engineer with some suggestions for the SSTS on 7/20/12. DEP issued an Approval Determination letter on 7/23/12. DEP called the owner and left a message at his office on 8/30/12, inquiring about the schedule for the replacement SSTS installation. DEP received a return phone call on 9/4/12 from the owner, who said the engineer submitted bids to CWC, and that the CWC has requested additional bids for the SSTS construction. DEP corresponded by email with CWC on 10/24/12; the contractor's quote was approved by CWC. On 11/14/12, DEP met with the contractor/engineer on the site for a pre-construction meeting; the absorption field was staked out. On 12/3/12, DEP stopped to see if any progress has been made toward bringing fill to the site; there has been no work since the pre-construction meeting on 11/14/12. On 5/20/13, DEP noticed four truckloads of fill had been deposited in the basal area of the proposed absorption field. DEP left a phone message for the engineer concerning the problem with driving over the area and the resulting uneven compaction of the native soils and the fill. DEP received a return call on 5/20/13 from the engineer, denying the problem, as he was the driver that dropped off the fill. DEP noticed on 5/20/13 that construction has begun. DEP performed a site visit on 6/26/13; the basal area of 17x 27 feet is too large. Fill approximately 3 feet deep; needs to remove excess and add to the taper; percolation tests in fill failed. On 6/26/13, DEP met with the engineer for percolation testing in the fill. The fill comes from a pond excavation. The percolation test in a 12" hole failed; an 18" test hole passed. The engineer will add sandy soil to the fill, mix and redistribute. DEP advised that mixing soils may not result in even compaction or passing percolation tests. DEP performed site visits on 6/28, and 7/10/13; it appears that the fill has been changed to a sandy material. On 7/19/13, DEP met with the

engineer for percolation tests in the fill, which has been reworked with better material added. Testing passed, raised bed to be shaped better to expand tapers. On 7/23/13, DEP stopped at the site to see if the contractor started to install the system. The rear roof gutters discharge to the absorption area and need to be re-routed. DEP performed a site visit on 7/30/13; the site remains as it was during the percolation tests; the installation of the absorption bed has not started. DEP performed an inspection on 8/23/13; the building sewer has been installed with good pitch and Schedule 40. It is also sealed at the foundation and the tank with grout or cement. DEP discussed re-routing the gutter discharge away from the absorption field. On 9/5/13, DEP performed an inspection of the work after calling the contractor and engineer and finding out that the Septi-Tech unit was being installed. The unit and all associated piping have been installed, but there are gaps in the backfill around the unit and the piping from the unit to the absorption field is questionable. On 9/12/13, DEP met with the engineer and contractor for soils and an inspection of a collapsed cesspool that serves four one bedroom apartments. The engineer will submit plans for a 1,250 gallon tank and a conventional absorption bed. On 9/12/13, DEP stopped at the site to see if the electrician had finished the installation for the pump and alarm. The manager told DEP the panel needs to be upgraded to accommodate an extra breaker and that the work is scheduled to be done on 9/14/13. The contractor bedded the force line in # 2 stone from the pump tank halfway up the taper of the absorption field. DEP called the engineer on 9/12/13 after the site visit on 9/12/13, and advised him that the force line bedding was not acceptable in the taper of the absorption field and that the line needed DEP inspection prior to backfill. On 9/17/13, DEP stopped at the site and planned to perform an inspection of the piping in the pump tanks and the pump function. The manual override switch for the discharge pump works only when held in the manual position continuously, so the pump could not be inspected. On 9/18/13, DEP met the engineer on site to observe the piping repairs in the Septi-Tech unit and its pump functions. The SSTS is substantially complete; the bed has been top-soiled and graded. Seed, mulch and the re-routing of the rear gutter is still needed. DEP received As-Built plans/engineer's certification letter from the engineer on 9/30/13.

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

DEP received an e-mail from UCHD with flow documentation for the facility on 1/24/12. DEP received an e-mail from UCHD on 2/13/12 that directs the engineer to upgrade the SSTS. DEP sent and received an e-mail to and from DOH commenting on the requirements for the SSTS and asking for continuing flow data on 4/10/12. DEP received a return message from the engineer on 5/9/12 regarding the status of the proposal. Engineer is on hold waiting for the applicant's attorney to go over the work. On 7/24/12, DEP inspected the absorption field; no sign of failure noted. DEP received an e-mail from DOH on 8/2/12 with the November 2011 water log. DEP received an e-mail from DOH on 9/11/12, with the water meter readings from the facility for July 2012. DEP received the water meter readings from DOH on 9/19/12. DEP sent an e-mail to the engineer on 9/21/12. The email included excerpts from the Boiceville Sewer Plans showing the collection system in the vicinity of the Onteora Mountain House. During a phone call, DEP advised the engineer that the Town must explore extending the sewer to Onteora Mountain

House before the City considers allowing a lateral across City lands. DEP called the engineer on 10/2/12; two dates were provided that could accommodate a meeting with counsel. The engineer also confirmed that the owner was going to have discussions with the Town regarding a possible sewer extension up Piney Point Road. DEP received the water meter readings on 10/16/12. DEP sent flow records to DEC on 10/22/12. DEP received an e-mail from DOH on 11/14/12 with the water and occupancy log. On 11/15/12, DEP met with DOH, the owner, his engineer and his attorney. DOH wants to move forward with a schedule of compliance. DEP inspected the absorption field after the meeting and observed a surface sewage discharge. DEP spoke to the engineer on 11/19/12, who said the owner had the septic tank pumped. DEP inspected the site on 11/21/12; the absorption field is still spongy on top and no ponded sewage remains. The septic tank was unearthed and appears to have been recently pumped out. DEP called the Town of Olive CEO on 11/23/12 and left a voice message requesting any building permit applications and/or building permits granted to the owner since DEP's last request. DEP called the manager on 11/23/12 to ask how the NOV should be addressed and to request that the pump out receipts be faxed to DEP. DEP also advised that the sewage must not continue to surface. On 11/26/12, DEP received a return phone call from the Town CEO. He said he will not issue a building permit for the sunroom addition and replacement bedroom until DEP reviews the final building plans. He would like to be copied on DOH and DEP paperwork. DEP called the engineer on 11/28/12 and advised that the lateral through city property option was not an option. Soils will be scheduled after CWC has a chance to review the project for eligibility. DEP received an e-mail from the facility manager on 11/29/12 with the proposed building renovation plans. DEP sent an e-mail to the Town of Olive planning/building department on 11/29/ and 11/30/12, requesting to FOIL the site plan and building records. DEP received an e-mail from the manager on 11/30/12 with the current building layout and proposed demolition plan. DEP inspected the absorption field on 11/30/12; no ponded sewage was observed, but the absorption field was observed to be spongy. On 12/3/12, DEP performed a follow up inspection of the SSTS. The covers for the septic tank were too deep to lift by hand; the absorption field is still failing in the same area as seen on 11/16/12. Construction has begun on the addition for the second floor. DEP sent an e-mail to the manager on 12/3/12, advising him that sewage was seen surfacing on the absorption field and requested that the septic tank be pumped and that the receipts be forwarded to DEP. On 12/7/12, DEP and DOH met with operator to discuss building plans, previous renovations/additions, and new septic system plans. DEP received an e-mail from DOH on 12/14/12 stating that they no longer meet the threshold of a temporary residence and will not be permitted through DOH. DEP issued a NOV to the owner on 12/27/12. DEP sent an e-mail to the manager/owner on 12/31/12 regarding the need for clarification of the renovation time line. DEP received an e-mail reply to the NOV on 1/2/13. The owner will send DEP a letter outlining the renovations and has agreed to meet to discuss. DEP received an e-mail from the owner on 1/4/13, with a letter explaining the time lines of the renovation and the number of bedrooms that will be in use. DEP received the pump out receipts and water meter readings on site on 1/9/13. On 1/9/13, DEP performed a scheduled site visit and met briefly with the owner. This project is funded under CWC septic repair program. On 1/16/13 DEP received CWC's notice of failure. DEP received a letter from DOH to the representative on 1/16/13 stating that after their 12/7/21 site visit, a temporary permit is not required from them and that there was no evidence of sewage on the ground and that the facility is in conformance with the requirements of the DOH. On 1/17/13, DEP met the design engineer on site to look for suitable areas for a new SSTS and to witness soils testing. DEP sent an e-mail to the design engineer on 1/18/13 regarding the use of

the fill in the existing failed absorption field. On 1/22/13, DEP met on site with the engineer to witness soils testing for the reserve area. The hand excavations done in the failed absorption field have not been backfilled and sewage is ponded in the trench. DEP received an e-mail from the owner on 2/1/13, with the January water meter and room log. On 3/5/13, DEP performed a routine inspection of the absorption field. Sewage was pooling, surfacing and had overflowed from a trench that the engineer had dug during an investigation. DEP sent an e-mail to the owner on 3/6/13, advising him to pump the tank, as sewage was seen surfacing on 3/5/13. DEP also advised that the hand excavated holes dug in January by the engineer needed to be filled in. DEP received the Water System Operation Report and Water Meter Reading from DOH on 3/11/13. DEP sent an e-mail to the owner and engineer on 3/12/13 asking about the high water usage on several days in February, the pump out receipts and the open areas of the absorption field. DEP spoke to the owner on 3/12/13 regarding the pump outs. He sent the receipts to CWC and will also forward to DEP. DEP received the water meter readings again on 3/13/13 with additional information. DEP called the design engineer on 3/25/13 to ask if the hand dug holes in the failed absorption field had been filled in. DEP received an Application for a SSTs on 4/3/13 from the engineer. DEP received the Water System Operation Report and water meter readings from DOH on 4/8/13. DEP received an e-mail from DOH on 4/15/13 with comments to the plans submitted by the engineer. DEP issued a NOCA on 4/18/13. DEP sent an e-mail to DOH on 4/19/13 regarding the grease trap that has been installed and the landscape watering. A meeting was held with the project engineer on 4/19/13. DEP discussed the water readings, design flow, timed dosing and the comment letter issued on 4/19/13. DEP issued a comment letter on 4/19/13 to the engineer requesting revisions to the plans. DEP received a phone call on 4/22/13 from the engineer; he performed a site visit that day to locate the well. He said that a 139 pound in-line grease trap has already been installed by the plumbing contractor. DEP received a letter and revised plans from the engineer on 4/25/13 to DEP's letter of 4/19/13. DEP issued an Approval Determination letter on 4/30/13. DEP received a reply e-mail from the owner on 5/1/13; he said the holes in the failed absorption field have been filled in. DEP received the water meter readings on 5/9/13. On 5/16/13, DEP performed a site visit. The absorption field is failing to the surface. The contractor has set the distribution box and will start installing headers. On 5/16/13, DEP met with the engineer and contractor for a pre-construction meeting. Other contractors working for the owner have beaten a road through the proposed absorption field to dump landscape debris on DEP property. Sewage was observed surfacing on the ground on the absorption field and migrating down the taper to DEP property. DEP met with the contractor and applicant on the site for a pre-construction meeting on 5/16/13. DEP received notice on 5/16/13 that construction will begin. DEP performed a site visit on 5/21/13; the contractor is installing the curtain drain. He has also removed six truckloads of brush from DEP land; Mountain House staff is burning the brush. Sewage was surfacing in the rear portion of the absorption field. DEP sent an e-mail to the property owner on 5/21/13 to advise that the septic tank needs to be pumped whenever needed to prevent a surface sewage discharge. DEP performed a site visit on 5/22/13; the contractor was removing the large rocks from the absorption field area. DEP advised him to backfill the holes with native material to within thirty inches of the top of the ground, then finish with fill material. It appears the driveway to the building construction site is permanent and Schedule 80 piping will need to be used there. On 5/23/13, DEP performed an inspection of the existing absorption field; no sewage was actively surfacing, but residue was still on the ground. The contractor is buttoning up the curtain drain and fill and stone are being dropped off for the new field. DEP received the pump out receipt on 5/23/13. On 5/23/13, DEP performed an

inspection of the existing absorption field and the new field installation. DEP performed a site visit on 5/24/13; Sewage was observed on the absorption field, but was not actively discharging to the ground. The hauler has been backing about 25 feet into the field to dump fill; DEP advised him to stay in the parking lot and advised the engineer of the problem. On 5/31/13, DEP observed that the contractor has created a small berm around the surface failure to keep the sewage from leaving the property. The sewage was pooling on the absorption field. DEP performed construction inspections on 5/27, 5/28, 5/29, and 5/31. Half of the absorption field has been installed and accepted by the design engineer to cover. On 6/3/13, DEP performed a construction inspection with the engineer. The existing absorption field is actively failing to the surface but is being confined within the berm created on 6/3/13 by the contractor at the engineer's direction. DEP sent an e-mail to the owner on 6/3/13 regarding the need to pump the septic tank as sewage is actively surfacing to the ground. DEP received a reply e-mail from the owner on 6/6/13. The owner called the hauler on 6/3/13 but does not know if he came to pump the tank or not. On 6/6/13, DEP performed an inspection of the existing absorption field, which is still failing to the surface. It does not appear as though the septic tank has been pumped. DEP sent an e-mail to the owner on 6/6/13 regarding the need to keep the septic tank pumped to avoid sewage surfacing on the ground. DEP received the Water System Operation Report on 6/10/13. On 6/11/13, DEP inspected the septic tank; DEP asked the contractor to seal the two seams in the 2,500 gallon tank. The existing absorption field is failing to the ground surface and barely being contained inside the berm. On 6/12/13, DEP witnessed the 4,000 gallon concrete pump chamber being set. The septic tank does not appear to have been pumped since DEP's initial request on 6/3/13. DEP performed a construction inspection on 6/19/13; the building sewer is being connected. On 6/20/13, DEP performed a construction inspection with the engineer and contractor; the SSTS is functional and was placed into service. The only work left is topsoil, seed and mulch. The old SSTS was also inspected; sewage was still pooled on top of the absorption field. DEP completed construction inspections on 6/21/13. On 7/2/13, DEP met with the engineer and the owner for a walk through of the main building. There are currently two bedrooms for private use, five for rental in the Bed & Breakfast, and one that has been gutted. The enclosed porch is about twice the size of the original screened in porch and had several tables for four scattered around. DEP received As-Built plans/engineer's certification letter from the engineer on 7/10/13. DEP issued a letter of Construction Compliance letter on 7/11/13. DEP called the engineer on 7/11/13 and advised him that the "as built" needs to include the location of the curtain drain and that it needs to be stamped and signed by the engineer. DEP received revised As-Built plans/engineer's certification letter from the engineer on 7/18/13 as per DEP phone call. DEP issued a revised letter of Construction Compliance letter on 7/29/13. The violation was resolved and the case was closed on 7/29/13 with DEP Closure letter dated 7/29/13. DEP has resolved the Enforcement Action on 7/29/13. DEP received the August 2013 water meter readings on 9/9/13.

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

DEP received a call from the property owner on 3/22/12 in response to a message that DEP left

for him on 3/8/12; he will be starting construction on the residential SSTS in July 2012. DEP called the owner on 6/7/12 and left a message with the receptionist for a return call regarding the schedule to install the individual SSTS for the house. DEP received a return phone call on 6/7/12 from the owner, who plans to install the SSTS in July 2012. DEP called the owner on 7/30/12 regarding the July scheduled installation of the SSTS for the house. DEP left a message on the office answering machine, requesting an update. DEP received a return phone call on 7/30/12 from the owner, who said a loan is being sought and the SSTS install will occur in August 2012. DEP called the owner to inquire on the SSTS installation. He said he needs to find a contractor that will wait for the CWC money. DEP sent him a contractor's list. DEP received a call on 12/21/12 from the Town of Olive CEO. The dental office burned down and the owner has received approval from the Town to convert the vacant three bedroom house into a dental office. DEP advised the CEO that the owner needs DEP approval. DEP called the property owner on 12/21/12 regarding the use of the existing SSTS to service the vacant house. DEP emailed the owner a pre-application form and requested a letter of intent. DEP received an e-mail response from the owner on 12/25/12, stating that he intends to use the three bedroom house as his new dental office and that he will submit the pre-application form. DEP replied to the owner via an e-mail on 12/28/12, asking for a more detailed description of the proposed use of the brick building, with a reminder that DEP review and approval are needed prior to using the dental office SSTS. DEP corresponded by email with the manager on 12/28/12, regarding the stream and force main work. On 12/28/12, DEP performed a quick visual inspection of the dental office SSTS; the field was covered with snow. DEP is concerned that heavy equipment such as fire trucks and responder's vehicles may have damaged the absorption field when responding to the dental building fire. DEP received a letter of intent from the owner on 1/9/13. DEP received an updated letter of intent from the owner on 1/11/13, clarifying that he will not rebuild or reuse the burned dental office building. DEP received a phone message on 2/4/13 and on 2/13/13 from the contractor, who is going to demolish the burnt building and install the new waste pipe. DEP returned the call and advised him the new connection to the existing SSTS must be proposed by the engineer and approved by DEP prior to installation. DEP sent an e-mail to the owner on 2/13/13, outlining the need for an engineer prior to any SSTS work. On 2/20/13, DEP performed a site visit in response to a phone call from the contractor. The house is undergoing a total renovation and the contractor doesn't expect to be done for a few months. The owner has not yet contacted an engineer. DEP received a phone call on 3/1/13 from the demolition contractor. He said he was planning to expose the tank and shoot grades to determine if the pipe from the proposed office would reach the tank with proper pitch. DEP returned the call to the contractor and asked him to let DEP know the results, and that DEP could meet him on site on 3/5/13. DEP called the contractor on 3/5/13; The Contractor said he installed a new pipe on 3/1/13 with proper pitch and two 45 degree elbows from the existing pipe to the proposed dental office. DEP reminded him the connection needed to be approved prior to installation and asked him to meet there. On 3/5/13, DEP performed a site visit in response to a contractor installing the waste line from the proposed dental office to the existing dental SSTS. DEP sent the comment letter issued on 3/7/13 via email to the owner, the Olive CEO, the design engineer and UCDOH on 3/7/13. DEP issued a letter to the owner/applicant on 3/7/13 regarding the connection/proposed dental office to the existing dental SSTS. DEP received a phone call on 3/7/13 from the owner, acknowledging that the both he and the contractor realized a mistake was made installing the new waste line. The owner will wait for the original engineer to return to work on the project. DEP received a phone call on 4/4/13 from the engineer; he will make an appointment with the

contractor to uncover the pipe the contractor had installed without approval and call DEP to inspect the line. The engineer agrees that elevations need to be verified and that the new pipe should extend from the tank to the brick house. On 5/2/13, DEP performed an inspection; the owner will contact the contractor and advise him to schedule an appointment with both DEP and the engineers to give direction for re-alignment and bedding for the waste pipe. DEP sent an e-mail to the owner and the engineer on 5/15/13 regarding a pending NOV for the unauthorized installation of the building pipe from the proposed dental office to the existing dental SSTS. On 5/16/13, DEP received a call from the engineer; the new waste line installed without approval has been uncovered and the elevations are within specifications. On 5/20/13, DEP performed an inspection of the replacement pipe. The pipe installation is good, but the pipe into the septic tank needs to be re-sealed as the product the contractor used has fallen out. On 5/23/13, DEP inspected the newly sealed Schedule 80 pipe at the septic tank inlet and the seal has held. DEP called the engineer and contractor and advised to backfill the pipe and to remove the backhoe from absorption field. DEP called the contractor on 5/23/13; he will bring in more item 4 to backfill to the top of the trench and move his backhoe off the property. DEP received a letter and a sketch from the engineer on 5/30/13 regarding the recent project; connection of the new office to the SSTS constructed in 2010. DEP performed a site visit on 6/3/13; the contractor requested input concerning discharge of basement sump pump. On 6/21/13, DEP checked the SSTS to confirm that a riser had not been installed on the septic tank. The riser installation is a leftover requirement for the dental office approval. DEP sent an e-mail to the owner and the engineer on 6/25/13, noting that a riser needs to be installed on the septic tank prior to final construction acceptance. DEP issued a letter of Construction Compliance letter on 7/23/13. The violation was resolved and the case was closed on 7/29/13 with DEP Closure letter dated 7/29/13. DEP has resolved the Enforcement Action on 7/29/13. On 8/23/13, DEP performed an inspection of the site. A footing drain has been installed and discharges along with the gutters into a stone trench across the driveway and into a low spot near the wetland to the west of the absorption field. The sump pump discharge will also be routed into the stone trench.

Project Name: 159 Upper Boiceville Road (2004-AS-0783)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1847
Discovery Date: 5/24/2004
Status: Approved

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. A soil/site evaluation was performed on 6/4/04. A design approval was issued on 10/4/04. DEP performed a site visit on 3/21/11; septic failure not observed; the house vacant with no sign of failure. Site Visit type: Follow up. Date: 10/21/11; septic failure not observed. Property Status: Currently uninhabited. DEP issued a letter to the estate on 11/1/11 regarding the NCRA discontinued use. Site Visit type: Follow up. Date: 11/7/11; septic failure not observed. Pictures were taken of the structure, vacancy notice posting and septic tank area. Site Visit type: Follow up. Date: 12/19/11; septic failure not observed. Property Status: Currently uninhabited, Posted for sale. DEP performed a site visit on 7/23/12; septic failure was not observed. DEP sent an e-mail to the potential buyer on 10/12/12 regarding questions about the property. DEP performed a site visit on 1/31/13; septic failure was not observed; the property

is vacant. DEP received call from a potential buyer on 4/3/13 who stated that a bank currently owns the property. DEP will try to contact the bank and inform them of the SSTS issues. DEP sent an e-mail to the new owner (bank) on 4/3/13, including last NCRA letter. DEP sent the realtor an e-mail on 4/4/13 with previous engineer's contact information. DEP received a call on 4/5/13 from the engineer regarding the NCRA status of this project. The engineer will research project/inhabitation history and propose his ascertainment of the NCRA status to DEP. DEP sent an e-mail to the owner, representative and engineer on 4/29/13, stating that project was under construction and only has to meet code to the extent possible. DEP performed a site visit on 6/21/13; septic failure was not observed. DEP received notice on 9/19/13 that construction will begin on 9/23/13.

Project Name: NYS Route 28 (2005-AS-0207)
Town: Olive
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1667 - CWC
Discovery Date: 8/13/02
Status: **Closed**

Overview and Action:

DEP issued a letter to the applicant on 11/2/11 regarding the NCRA discontinued use. DEP received a call (left message) from the attorney working on estate of deceased owner, on 11/9/11, in response to the recent DEP letter alleging discontinued use and loss of NCRA status. DEP called the attorney on 11/9/11, who inquired whether the failed sale to NYC of the property buys them three years of discontinued use without losing NCRA status. DEP communicated internally on 11/17/11 regarding when the property was in discussions for sale with DEP, to help determine the NCRA status. DEP received a call on 12/21/11 from the attorney regarding NCRA status. DEP explained that the NCRA status has lapsed. The attorney noted that the will was being contested and that the estate also owns property across the street and may consider selling to the city again. DEP found the property to be abandoned/vacant on 2/21/12 and a for sale sign was posted. DEP performed a follow up site visit on 6/28/12; septic failure was not observed. Property Status: Currently inhabited, Posted for sale. On 7/23/12 DEP performed a site visit; septic failure was not observed. Meters were pulled from the structures. Inspections scheduled through end of 2014. DEP performed a site visit on 2/7/13; septic failure was not observed. The property is still vacant and there are no power meters on the house. DEP performed a site visit on 6/21/13; septic failure was not observed. A fee was executed by DEP Land Acquisition on 7/22/13. The violation was resolved and the case was closed on 9/12/13 internally. DEP has resolved the Enforcement Action on 9/12/13.

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

DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. A joint site visit was performed on 6/21/12 with DEC. DEC is going to look into the multi-sector permit requirements. Also the requirements listed in their consent order

regarding covered roll-offs. DEP performed site visits on 7/26, 8/23 and 9/6/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 9/7/12 regarding the foundation drain around the building's addition. The perimeter drain was supposed to be daylight toward the east side of the property. The contractor has connected to the stormwater system and now the water will be entering the stormwater treatment system. The system has plenty of capacity to accept this additional flow. DEP performed a site visit on 10/23, 11/20, 12/20/12, 2/6, 3/21 and 3/29/13, there were no deficiencies, there was no discharge and the site was occupied. DEP sent and received e-mails to and from the engineer on 4/1/13 regarding the conditions of the site and the schedule for the building erection. DEP issued a letter to the representative on 4/4/13 regarding issues that are in non-compliance with the Approved SWPPP and must be performed. DEP performed site visits on 4/29 and 5/31/13; there were deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 7/10/13 regarding the conditions of the site and that there is a substantial amount of work in stabilizing the slope and stated that it is urgent that the deficiencies be addressed and the violation be closed this season. DEP exchanged e-mails with the owner on 7/30/13 regarding remaining site work. DEP called the engineer on 8/6/13 to arrange a meeting for the next E&S inspection. The engineer will give DEP two days' notice prior to the inspection. A meeting was held with the project applicant and engineer on 8/20/13 regarding the site's stabilization which included the slope stabilization, the diversion swale, cleanout of the loading ramp, then maintenance and cleanout of the stormwater treatment system. DEP issued a letter to the engineer on 8/22/13 regarding the 8/20/13 meeting. DEP performed a site visit on 9/6/13; there were deficiencies, there was no discharge and the site was occupied.

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

Overview and Action:

On 10/3/11, DEP issued a reminder letter to the applicant/owner due to the lack of activity, and to establish contact with owner, since contact by phone was unsuccessful. DEP received a call from the homeowner on 10/14/11 in response to recent DEP letter. The owner said that he was deceived by the previous owner and that the house is used about once per year, and the septic tank is used as holding tank (no outlet) because the d-box was found to be full of solids. The owner inspects the tank but it has not needed to be pumped out yet. DEP gave the owner CWC's number to contact for eligibility, and DEP's LAP number at the request of owner, whom he spoke with a few years back. DEP will contact the owner in early November 2011 to check on his progress. DEP performed a site visit on 2/6/13; septic failure was not observed. The house appears to be abandoned as there is no furniture and is in disrepair. DEP called the owner on 2/20/13 to discuss the status of the holding tank operation. The property is used for about 1 week a year. The owner was encouraged to re-contact CWC and engineer to get project moving. The owner stated he has not had to pump out the tank because they barely use the property. DEP sent an email to the owner on 2/21/13 outlining actions to take, including contacting CWC, engineer, etc. DEP also informed the owner that an NOV would be issued if significant progress was not made by April 2013. DEP sent the owner an e-mail on 4/15/13 asking when plans will

be submitted and on his communications with CWC. DEP sent e-mail to the owner on 5/21/13, regarding plans to build the SSTS this year and possible funding through CWC. DEP received a call on 5/24/13 from the owner in response to recent DEP e-mail. Owner stated he will be selling the house because it is too expensive to build as SSTS field. The owner said that CWC will not fund the SSTS. DEP sent an e-mail to CWC on 5/24/13 regarding the end of year reimbursement eligibility. CWC responded that they cannot guarantee anyone end of year reimbursement, but they would be willing to speak with owner, to explain the possibility of receiving such funding. DEP performed a site visit on 5/29/13; the house still looks abandoned. DEP found the cover for a plastic septic tank. It did not look like the property has been used recently and there is a new for sale sign along the road in front of the property. DEP called CWC on 6/14/13, who stated they do not have a recollection of the owner calling recently regarding possible funding. DEP called the owner and left a message to contact CWC and to update DEP with results of that conversation. DEP received return a call from the owner on 6/19/13, who stated that CWC could not guarantee him reimbursement, and said that his property is for sale with a note that needs new SSTS. DEP issued a letter to the owner on 8/20/13 regarding the outstanding NOF and NCRA status of the SSTS if the property is put up for sale. DEP sent the owner an e-mail on 9/11/13, including a copy of DEP's most recent letter, requesting call back to discuss how he will achieve significant progress by deadline of 9/20/13. Further enforcement action (NOV) will be taken if progress is not realized. DEP spoke with the owner on 9/16/13, who stated he just reduced the price of the property which is still for sale with a disclosure that it needs the SSTS constructed. He also stated that the water is not turned on so they cannot generate wastewater. DEP will contact the owner in the Spring 2014 for any updates. DEP sent an e-mail to the owner on 9/26/13, asking where the disclosure is in the listing for sale of the property, because it could not be found. DEP also informed the owner that an NOV will likely be issued if this is not addressed very soon.

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

On 3/28/12 the violation was forwarded to DEP Legal for follow-up on enforcement action. DEP received a call from the new engineer (same firm) on 3/28/12, stating that they will get this project in motion and that the previous owner of the engineering firm will not be working on this project. Site Visit type: Enforcement. Date: 3/30/12; septic failure not observed; no visible discharge at this time; the area of the failure has dried up. DEP's Assistant Counsel issued a letter to the homeowner on 4/24/12 regarding the need to submit plans within thirty days to remediate the SSTS's NOV. DEP sent an email to the engineer on 6/28/12 regarding status of plan submission. DEP received an email from the engineer on 7/9/12 stating that they have no new updates. DEP called the owner on 7/25/12 due to failure to respond to DEP Counsel's letter. Owner stated he needs clarification from engineer regarding billing. Owner said he will call the engineer and the call DEP back with result and plan. DEP performed a site visit on 8/15/12; the area of failure has dried up. DEP called the owner and left a message for return call with status of plan submission on 8/21 and 8/23/12. DEP received a call from the owner on 9/13/12, stating

that he had been in Canada and couldn't return calls. He stated he will be obtaining legal representation because he cannot put the money up front to be reimbursed by CWC for engineering and construction of replacement SSTS. Engineer has given him a bill but won't submit plans until paid. DEP received a call from the owner on 9/19/12 stating that he is hiring a lawyer to try and get CWC to pay for the SSTS project, but not as reimbursement, and also for other damages incurred. DEP called the owner on 10/2/12 and informed him of recent discussion with CWC, which revealed that they will pay for engineering and construction as they do with regular program participants. The owner was told he needs to find a way to get plans submitted to DEP, and was asked to call CWC if he has any further funding questions. DEP received a call on 10/3/12 from owner stating that he is meeting with engineer, accompanied by his lawyer, to get finances straightened out and project moving forward. DEP called the owner on 10/17/12 for a status update. The owner had a meeting with the engineer, but it did not go well. DEP called the owner on 11/15/12 for an update. The owner stated that he and the engineer have come to agreement on half payment up front. The owner was asked and expects to be able to have plans submitted in December or early January, and ready for construction in spring 2013. DEP performed a site visit on 12/7/12; septic failure was observed; surfacing of sewage on ground. The absorption area is still surfacing but not leaving the property. DEP left a message on 1/11/13 for the owner to return call with information on when plans will be submitted. The owner returned call and stated that he plans on making payment to engineer in early March, and plans should be submitted by mid-March. DEP performed a site visit on 2/26/13; septic failure was not observed. DEP called the owner on 3/27/13 and left a message for a return call with the status of plans to be submitted. DEP called the owner on 4/5/13 and left message for call back with update on plan submission status. DEP called the owner on 5/21/13 for update. Owner said his wife is meeting with engineer next week and plans should be submitted within next two to three weeks. He said that the system is not currently failing and running along surface of ground, but he did mention that the area is wet. DEP received a call from the engineer on 6/4/13, stating that he will go to the site and will call CWC to review funding for project. DEP received a call from the owner on 6/6/13, stating that plans should be submitted by end of the month. The engineer could not locate soils test info. DEP received a call from the owner on 6/14/13 stating that he met on site with the engineer who will call DEP to schedule soils testing. The owner has scheduled his contractor to start work the first week in September 2013, in anticipation that plans will be submitted and approved by that time. DEP e-mailed the engineer on 7/11/13 requesting soils testing schedule and when plans will be submitted. The engineer called back and stated plans will be submitted by 7/19/13. DEP received an Application for a conventional individual SSTS on 7/29/13. DEP issued a Modified Approval Determination letter on 8/16/13 to the engineer along with the approved plans. DEP contacted the owner on 9/11/13 for an update. The owner stated that the contractor will submit bid to CWC. DEP sent an e-mail to CWC on 9/26/13 inquiring whether construction bids have been submitted yet and CWC replied that they have not received the bid yet. DEP left a message with the owner on 9/27/13 to call back with status of bid submission to CWC.

Town:	Shandaken
Basin:	Ashokan
Project Name:	Sharp Committee Inc, (Log #2013-AS-0500)
Project Description:	Failing SSTS Replacement for a 4 residential unit building
Project Type:	Intermediate Repair (CR)

Status: **New**

DEP received a request for a pre-application meeting from the engineer on 9/5/13. On 9/12/13, DEP observed the septic failure of the collapsed/poor condition septic tank, cesspool and drywell. DEP met with the engineer and contractor for soils and an inspection of a collapsed cesspool that serves four one bedroom apartments on 9/12/13. The engineer will submit plans for a 1,250 gallon tank and a conventional absorption bed. DEP received an Application for a SSTS on 9/17/13 from the engineer. DEP initiated an Enforcement Action on 9/24/13.

Town: Shandaken

Basin: Ashokan

Project Name: Degree Ulster 2, LLC (Loretta Charles), (Log #2011-AS-0014)

Project Description: Formerly Loretta Charles Restaurant; has lost NCRA status

Project Type: Intermediate Repair (CR)

Status:

DEP met with the contractor and design engineer on the site for a pre-construction meeting on 3/26/12; the new septic tank was set in four pieces and needs to be sealed prior to backfill. DEP performed a construction inspection on 3/27/12; DEP and the engineer inspected the grease trap installation. DEP performed a site visit on 4/2/12; the contractor has half the Presby units in, the depth is greater toward the road. DEP asked the contractor to grout the d-box ports and to cover with additional fabric the openings left at the seams of the Presby units. DEP discussed impervious issues with proprietor; he understands he can't pave or add impervious surface within 100 feet of watercourse without DEP approval. DEP performed a site visit on 4/3/12; the engineer took elevation shots at the top of the installed Presby units and all are within one inch of level. The pipes at the d-box need to be bedded prior to backfill. The contractor to discuss additional risers with CWC as both DEP and the engineer did not require risers on all access covers, but they are needed due to blacktop. DEP performed a site visit on 4/5/12; the owner has hired a paving company to grade the item 4 and install just the binder for now. DEP agreed we could sign off on the construction as the binder is impervious, and the blacktop can be installed when the ground settles. DEP performed a site visit on 4/13/12; risers had been installed on all ports. The binder has been installed and is slightly uneven at tank access ports; existing grease trap to be pumped and properly abandoned. DEP received As-Built plans and engineer's certification letter from the engineer on 4/16/12. DEP issued a letter of Construction Compliance letter on 4/18/12. This project is on the CWC Septic Committee meeting agenda scheduled for June 5, 2012. DEP sent an e-mail to the engineer and to the UCDOH on 6/8/12, inquiring about the installation of the required water meter and meter readings. DEP called and left a message with an employee on 6/15/12 regarding the water meter readings. DEP received a return call on 6/22/12 from the owner. He has been recording the water meter readings daily for the last two months and will fax them to DEP. DEP received an e-mail from the owner on 7/3/12 with the daily water usage. On 8/24/12, DEP met the owner on site for a scheduled inspection of the water meter. He has plans to install an outside patio for seating, and says he has approval from DEC and is 140 feet from the watercourse. Present for Inspection: Owner. Property Status: Currently inhabited. DEP took the water meter readings on 8/24/12. DEP issued a letter to the owner on 9/24/12 stating that he is in violation of his Approved SSTS for seating greater than 40 seats; serving breakfast and water meter readings not recorded daily.

DEP received a phone call on 10/5/12 from the owner, to confirm that an email was received that dismisses the issues that DEP noted in the recent letter. DEP corresponded by e-mail with the

owner on 11/1/12; he will begin sending daily water meter readings on a weekly basis. On 11/21/12, DEP stopped at the site to look at the water meter and to talk to the owner about the lack of water readings. DEP spoke to the chef, who said the original water meter was removed and a new one has not yet been installed. The chef said he will email the readings to DEP when the owner tells him to. DEP received a phone call on 11/29/12 from DOH who performed a site visit on 11/29/12 and found no water meter installed. DEP corresponded by e-mail on 12/3/12 with the restaurant owner; he said the new water meter is to be installed on 12/4/12, so DEP requested an appointment to inspect. DEP received an e-mail from the owner on 12/3/12; he said the new water meter will be installed on 12/6/12. On 12/7/12, DEP and DOH performed an inspection to see the new water meter installed. DEP replied by e-mail to the owner of the restaurant on 12/20/12; he called and emailed DEP several times recently and wants to discuss seating at the business. A meeting was held with the property owner and DOH on site on 1/23/13. During the meeting, DEP received the 12/12 Water System Operating report from DOH. On 1/23/13, DEP met DOH and the owner at the site to look at the water meter and to determine if it is working and being read correctly. DEP replied to an e-mail from the owner on 2/5/13 explaining that the water meter readings were never received. DEP initiated an Enforcement Action on 3/1/13, due to failure to follow VA and SSTs approvals. DEP received an e-mail from DOH on 3/22/13; a new date for a hearing has been set for 4/4/13. DEP issued a NOV to the owner on 3/22/13. DEP received an e-mail from the owner on 3/26/13, confirming that he received the NOV. DEP sent an email to the owner on 4/1/13, stating that DEP observations noted in the NOV were consistent on every site visit. On 4/4/13, DEP performed a site inspection with the owner. There were 40 seats in the restaurant, including the bar seats. Some tables had been removed and a pool table has been installed to take up some of the space. The owner gave DEP the water system operating reports for February and March 2013. He had been faxing them to the wrong number at DEP. DEP received the February and March 2013 Water Systems Operation Report from DOH on 4/4/13. DEP attended a hearing at the Ulster County Health Department of Health on 4/11/13 and testified as to the 70 seats observed in the restaurant in January of 2013 and the 40 seats observed in April 2013. DEP received an e-mail from the owner on 4/12/13, who wanted to know if DEP needed any reports other than the water meter readings. DEP received the April and May 2013 Water System Operation Report from DOH on 6/4/13. DEP sent an e-mail to the owner on 7/5/13 regarding the lack of daily readings, especially on weekend days, on the Water System Operation Reports submitted to DEP. DEP received the June 2013 Water Systems Operation Report on 7/16/13. DEP received July 2013 water systems operation report on 8/21/13 along with the bacteriological examination of water report. On 8/28/13, DEP performed an inspection of the dining areas. Some of the dining room tables of four have been replaced with tables for two. The total number of inside seats, including bar seats, is 43. Five picnic tables outside can seat up to 20. The owner said he is current with submitting the monthly reports to both DEP and DOH. DEP sent an e-mail to the owner on 9/26/13 asking for the August 2013 water meter readings.

Project Type: Variance (VA)

Status:

DEP received an Application for a SSTs on 10/20/11 from the engineer. DEP performed a site visit on 10/25/11; septic failure was not observed. DEP met the design engineer on site for soils and to discuss the variance application on site on 10/28/11; preliminary comments on the proposal were discussed. DEP performed a site visit on 10/28/11; DEP measured the distance

between the SSTS and the watercourse because of post Tropical Storm Irene, the watercourse shifted further away from the SSTS. DEP performed a watercourse evaluation on 11/2/11; the main channel of the Esopus Creek has moved due to Tropical Storm Irene and subsequent stream work. DEP described an evaluation of the Esopus Creek regarding the setback to the proposed absorption field. On 11/4/11, DEP met on site with the design engineer to witness soils testing for a reserve area. Soils were too fast, less than thirty (30) seconds per inch, and about forty (40) feet away from the primary area. DEP issued a NOICA and comments on 11/7/11 to the engineer. A meeting was held with the engineer on 11/17/11 to discuss the comment letter. The engineer is going to collect new survey information to show the new location of the Esopus Creek and to expand the topo along bottom of embankment. DEP received revised plans from the engineer on 12/12/11. A meeting was held with the design engineer and DEP on 12/19/11 to discuss revisions to the application. DEP sent an e-mail to the design engineer with comments on the plans and report that were submitted on 12/19/11. DEP received a response to the NOICA from the engineer on 12/22/11. DEP issued a NOCA on 1/5/12. DEP spoke with DOH on 1/12/12; they have reviewed the plans and offer no comments; they will not be co-approving the SSTS. DEP received an Approval Determination letter dated 1/13/12 to the applicant signed by the First Deputy Commissioner. DEP received an e-mail from the applicant's attorney on 2/9/12 confirming the extension of time to 2/28/12 to accept the terms of the 1/13/12 letter and Approval; DEP's Assistant Counsel confirmed the extension. DEP received a Modified Approval Determination letter dated 2/13/12 to the owner signed by the First Deputy Commissioner as changes have been made to reflect the current property owner. DEP received the executed Variance Approval from the applicant on 2/17/12. DEP issued a letter to the owner on 9/24/12 stating that he is in violation of his Approved SSTS for seating greater than 40 seats; serving breakfast and water meter readings not recorded daily. DEP performed a site visit on 12/7/12; the new water meter was installed and read 379 gallons. A variance is sought for under Section 18-38(3) & (4) - limiting distance of the WRR. DEP issued a NOV to the owner on 3/22/13. DEP initiated an Enforcement Action on 3/22/13.

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

Overview and Action:

DEP received the February water meter readings on 3/15/12. DEP received an e-mail from the design engineer on 3/28/12, advising that the contractor will start the tank and piping for the SSTS next week. DEP corresponded by e-mail with the design engineer concerning water testing of the septic tank on 4/11/12. On 4/12/12, DEP performed a site inspection; the contractor has excavated for the 4000 gallon septic tank and the #2 stone is in. On 4/13/12, the tank was set and approved by DEP. On 4/16/12, the risers are on and the tank was filled with water to within a few inches of the top of the highest riser. The tank leaks at the mid-seam and profusely at the riser seams. DEP performed a site visit on 4/17/12; the tank seam is no longer leaking and the risers are leaking less (at 9 a.m.) Measurement taken is 9" below top of highest riser. The engineer checked the water level at 1 p.m. and it was the same. At 3 p.m., all seams had stopped leaking and the water test was successful. DEP performed a site visit on 4/18/12; the contractor

was installing pipe from the new tank to the dosing chamber. DEP performed a site visit on 4/19/12; the contractor to use Item 4 instead of sand for bedding under driveway. The elevation on top of the culvert is 4 feet below the top of the sleeve. DEP received an e-mail from the engineer on 4/20/12. He observed the successful air pressure test on a portion of the piping installed by the contractor. On 4/20/12, DEP accompanied the engineer in witnessing the contractor perform low pressure sewer testing; both tests passed. The contractor began backfilling the sewer pipe. DEP received the April 12 water meter readings on 5/18/12. On 5/25/12, DEP inspected the risers that were installed on the existing tanks by the monastery. DEP received the water meter readings on 6/30/12. DEP received an e-mail from one of the managers on 6/30/12 with the May 2012 water meter readings. On 7/18/12, DEP performed a follow up inspection on the new waste lines and new and existing tanks. Heavy construction equipment has been driving over the new building sewer, so the facility manager agreed to pressure test the piping again prior to DEP construction approval. DEP received the water meter readings for July 2012 on 8/14/12. DEP performed a site visit on 11/8/12; the SSTS has been completed and the disturbed areas have been seeded and are now vegetated. DEP received a phone call on 11/13/12 from the engineer regarding the final SSTS inspection that was held with DOH. DEP sent an e-mail to the manager on 11/14/12, requesting a discussion about inspecting the new pipe from the building to the tank. DEP is concerned about the integrity of the pipe due to heavy construction equipment in the area after the pipe inspection. DEP received As-Built plans/engineer's certification letter from the engineer on 2/1/13. DEP sent an e-mail to the operator on 2/21/13, requesting that the water meter readings be sent to DEP. DEP has not received water meter readings since July 2012, and the new building has since been put on line. DEP received an e-mail from the new facility manager on 3/12/13 stating that the water readings were being taken on a monthly basis. DEP received the water meter readings on 3/14/13. DEP received an e-mail from the work supervisor on 3/21/13 and the water usage reports from July 2012 through February 2013. DEP called the work supervisor on 3/21/13 regarding the daily water meter readings; he takes the readings for DOH monthly reports, and will send DEP the same going forward. DEP received the water meter readings on 4/10/13. DEP received the water meter reading for April 2013 on 5/9/13. DEP received the May water meter readings on 6/6/13. DEP received the June water meter readings on 7/9/13. DEP received the July 2013 water usage report on 8/9/13. DEP received the August 2013 water usage report on 9/9/13.

Project Type: SEQRA (SQ)

Status:

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

Project Type: Stormwater (SP)

Status:

DEP issued a Modified Approval Determination letter on 12/20/11 to the engineer along with the approved plans. DEP performed site visits on 12/22/11, 1/9 and 1/23/12; there were no deficiencies, there was no discharge and the site was occupied. DEP sent an e-mail to the engineer on 2/7/12 regarding the last site visit. DEP received an e-mail from the representative asking DEP if they would like a copy of a wetlands assessment for the upper field on 2/13/12; DEP responded yes. DEP received a copy of the Wetlands Assessment on 2/16/12. DEP performed a site visit on 3/15/12; there were no deficiencies, there was no discharge and the site was occupied. DEP issued meeting minutes on 4/3/12 regarding the day's site visit. DEP

corresponded by e-mail with the design engineer concerning water testing of the septic tank on 4/11/12. On 4/12/12, DEP performed an inspection. The contractor has excavated for the 4000 gallon septic tank, and the #2 stone is in. On 4/13/12, the tank was set and approved by DEP. DEP received the construction inspection sheet from the engineer on 4/13/12. DEP performed a site visit on 4/16/12; the risers are on and the tank was filled with water to within a few inches of the top of the highest riser. The tank leaks at the mid-seam and profusely at the riser seams. DEP performed a site visit on 4/17/12; the tank seam is no longer leaking and the risers are leaking less (at 9 a.m.) Measurement taken is 9" below top of highest riser. The engineer checked the water level at 1 p.m. and it was the same. At 3 p.m., all seams had stopped leaking and water test successful. DEP performed a site visit on Date: 4/18/12; the contractor was installing pipe from new tank to dosing chamber. DEP performed a site visit on 4/19/12; the contractor to use item 4 instead of sand for bedding under driveway; air testing to be done on Friday. The elevation of top of culvert is 4 feet below the top of the sleeve and the entire length of new pipe to be checked again after air test. DEP received an e-mail from the engineer on 4/20/12. He observed the successful air pressure test on a portion of the piping installed by the contractor. On 4/20/12, DEP accompanied the engineer in witnessing the contractor perform low pressure sewer testing. Both tests passed. Contractor began backfilling sewer pipe. DEP performed a site visit on 4/23/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the contractor on 5/14/12 regarding the site visit conducted on 5/9/12 and that all the open areas on the site should be temporarily stabilized with the oncoming rain event. DEP received the 4/12 water meter readings on 5/18/12. On 5/25/12, DEP inspected risers that were installed on the existing tanks by the monastery. DEP performed a site visit on 6/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received the water meter readings on 6/30/12. DEP performed a site visit on 7/17/12; there were no deficiencies, there was no discharge and the site was occupied. On 7/18/12, DEP performed a follow up inspection on the new waste lines and new and existing tanks; heavy construction equipment has been driving over the new building sewer so the facility manager agreed to pressure test the piping again prior to DEP construction approval. DEP performed site visits on 7/19 and 7/25/12; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 7/25/12 regarding the heavy rains forecasted for the next day. DEP received the water meter readings on 8/14/12. DEP performed a site visit on 8/14 and 9/12/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received the SWPPP Inspection report from the engineer on 10/2/12. DEP performed a site visit on 10/15/12; there were no deficiencies, there was no discharge and the site was vacant. DEP called the engineer on 10/17/12 regarding the few outstanding items that need to be address and discussed plantings and as-builts. DEP performed a site visit on 11/27/12; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 11/30/12 regarding the filing of the Notice of Termination (NOT). The engineer is also waiting for the deed change regarding the stormwater maintenance operations. DEP sent and received e-mails to and from the engineer on 12/20/12 regarding the filing on the NOT, the draft review of the deed covenant and the operation of the stormwater treatment facility. DEP sent an e-mail to the engineer on 1/7/13 accepting the deed covenant. DEP performed site visit on 1/11, 1/29 and 1/31/13; there were no deficiencies, there was no discharge and the site was occupied. DEP received As-Built plans/engineer's certification letter from the engineer on 2/1/13. DEP received a copy of the NOT issued to DEC from the engineer on 3/21/13. DEP issued a letter of Construction Compliance letter on 4/1/13.

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

DEP received a call from an engineer on 5/4/12. The town supervisor wants to explore Presby units instead of trenches so that the parking area will not be impacted. DEP called the Town Supervisor on 8/13/12 for both pump out receipts and an update on the re-design of the SSTS. DEP received a phone call on 8/14/12 from the Town Supervisor, who said an engineer is working on re-designing the SSTS from a conventional absorption trench to a Presby design. DEP received an e-mail from the Town Supervisor with pump out receipts on 8/15/12. DEP called engineer on 8/27/12; he hopes to have plans done this week. DEP called the engineer on 10/2/12; the design plans to be ready shortly. DEP received pump out receipts on 11/8/12. DEP called the engineer on 11/26/12; he hopes to complete the revised design this winter and shoot for a spring installation. DEP received the pump out receipt for 1/9/13 in an e-mail on 1/11/13. DEP received an Application for an SSTS on 3/20/13 from the engineer. DEP issued a NOCA on 4/1/13. DEP issued a comment letter on 4/1/13 to the applicant requesting revisions to the plans. DEP received a letter and revised plans from the engineer on 4/5/13 to DEP's letter of 4/1/13. DEP issued an Approval Determination letter on 4/25/13. DEP issued a Modified Approval Determination letter on 4/25/13 to the engineer along with the approved plans. DEP received a copy of the Deed Agreement for the SSTS from the Town of Shandaken Supervisor on 5/20/13. DEP sent an e-mail to the Town Supervisor on 6/7/13 regarding a time frame for the SSTS installation. On 6/26/13, DEP spoke to the Town Supervisor concerning the installation of the septic system. He expects the work to begin in late summer 2013.

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

Overview and Action:

The NCRA timeframes were discussed with owner, who is unsure if they will sell the property or donate it. DEP performed a site visit on 12/5/12; septic failure was not observed. DEP performed a site visit on 6/19/13; septic failure was not observed. Property Status: Currently uninhabited.

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

On 4/17/12, DEP performed a follow up inspection of the site. The rear of the property has been re-graded with a flood berm at the creek's edge, and the parking area has been re-graded and new stone installed. There was no sign of sewage or work on the area around the cesspool. This project is located in a managed repair area. CWC recently notified the property owner that since the Phoenicia WWTP project is not moving forward, they will no longer be managed repairs, but instead, are now eligible for full repairs, and should move forward with that process. On 11/8/12, DEP performed a routine follow up inspection of the site; there was no sign of failure. DEP called the owner on 11/23/12 for a status update. The owner will call his engineer to initiate the repair process. A soil/site evaluation was performed on 12/7/12. On 2/20/13, DEP performed a visual inspection of the yard/driveway area where the managed repair had been done several years ago; no sewage was observed on the ground. On 5/28/13, DEP performed a visual inspection of the yard/driveway area where the managed repair had been done several years ago. No sewage was observed on the ground. On 9/18/13, DEP performed an inspection of the site; there were no visible signs of failure.

Project Name: Route 28 (2007-AS-0935)

Town: Shandaken

Type of Use: Stormwater (SP)

Type of Violation: Failed SPPP

Discovery Date:

Status: New

Overview and Action:

DEP sent an e-mail to the engineer on 5/17/12 requesting the status of the SWPPP and a meeting date.

Town: Stamford

Basin: Schoharie

Project Name: Hyte, Harold, (Log #2012-SC-0384)

Project Description: Unapproved Septic System for Barn/Carriage House; May have been part of original 55.-1-11 lot, part of which remained lot 11, and other parts created lot 12 and 13.

Project Type: Other (OT)

Status: New

DEP received a complaint from DEC on 6/25/12 regarding illegal constructed septic tank. DEP attached emails from early in 2012 regarding the barn on this property and its habitable status, and relationship to lot 55.-1-13 and original 55.-1-11 lot. Land Acquisition is currently in the process of purchasing this property. DEP met with Land Acquisition on 6/25/12 regarding complaint about septic tank installation from DEC. They provided DEP with pictures of a tank that was exposed going back a few months. Owner was advised to not move forward with pumping it or filling it in until more land purchase details are worked out. DEP sent internal emails regarding site inspection findings on 6/27/12. No violation to follow up on regarding SSTS issues. Site Visit type: Complaint. Date: 6/28/12. Septic Failure: Not observed. DEP representatives found a 5ft. dia.perforated concrete drywell. There is a 3" effluent pipe running in from the house but no outlet piping. The tank was 1/3 full of waste.

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

After ACOE has determined what the measures are required at the site (mitigation, remove the pond etc.) will the engineer be able to put together a SWPPP for DEP. Based on what the ACOE says, the site configuration may change and thus the delay in the SWPPP. DEP received a letter from the engineer on 3/5/12 advising of the progress made to date and the re-evaluation of the historic wetlands delineation and their proposed schedule for moving forward. DEP sent an e-mail to the engineer on 3/20/12 regarding their meeting with the new contactor. DEP sent an e-mail to the engineer on 4/25/12 stating that none of the stabilization around the house has been performed and that stormwater concerns need to be addressed as soon as possible. DEP received an e-mail from the engineer on 4/30/12 in response to DEP's e-mail of 4/25/12. DEP performed a site visit on 5/18/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received the Forensic Wetlands Evaluation report from the engineer on 6/4/12. DEP performed a site visit on 6/26/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received ACOE's response to the forensic wetlands report on 7/13/12. DEP sent an e-mail to the engineer on 7/25/12 stating that the wetland remediation plans must be incorporated into the SWPPP for approval. DEP performed a site visit on 8/28/12; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call on 9/27/12 from the engineer regarding a site meeting scheduled for 10/17 at 11 am. A meeting was held with the project applicant, project engineer, DEC and ACOE on 10/17/12. DEP received a copy of the 10/17/12 meeting minutes from the engineer on 10/24/12. DEP sent an e-mail to DEC on 11/29/12 with the meeting minutes of 10/17/12. DEP performed site visits on 12/19/12 and 2/25/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 4/1/13 requesting the status of the stormwater and wetland mitigation plan. According to ACOE, the revised SWPPP was to be submitted by February - April 2013. DEP performed a site visit on 4/10/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 6/6/13 requesting the status of the SWPPP. DEP performed a site visit on 6/19/13; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call on 6/26/13 from the new engineer regarding the SWPPP requirements for the site. DEP received a call on 7/1/13 from the engineer regarding the site and cost of the SWPPP.

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

DEP performed site visits on 8/28 and 9/4/08. DEP met with the engineer on site on 9/4/08 regarding the need to get plans approved and the buildings connected. DEP performed a site visit on 9/16/08; there was no discharge. The owner is renovating the units and DEP advised

owner and contractors not to use the facilities. DEP received the proposed design from the engineer on 9/30/08. On 11/8/12, DEP performed a site inspection; there was no sign of a sewage discharge on the ground near the septic tank. DEP issued a Design Approval Expiration letter on 11/23/12. The violation was closed due to vacant and no use on 2/26/13.

Project Type: City Sewer Connection (CCS)

Status: Closed

DEP is awaiting plans to be added to the filed plat for review and approval. On 12/6/11, DEP stopped at the site; the residence served by the partially removed SSTS still appears to be unoccupied and there is no discharge above the septic tank. On 2/2/12, DEP stopped at the site to check for occupancy and a discharge. The area above the septic tank was dry and there was no apparent activity in the apartment that was served by the SSTS in violation. DEP has resolved the Enforcement Action on 11/22/11; closed due to no activity. On 8/8/13, DEP noticed some activity at the site and checked to see if the septic tank was surcharged. Although it appears that someone may have stayed in either the main floor or basement apartment, no sewage was observed on the ground above the tank.

Town: Windham

Basin: Schoharie

Project Name: Jaeger, Scott, (Log #2011-SC-0697)

Project Description: Lot #5 New SSTS, SWPPP for 8 lot subdivision; NOV for failure to obtain DEP approval prior to construction of 8 lots; DEC NOV

Project Type: Stormwater (SP)

Status:

DEP issued an Incident referral form to DEC on 5/15/12. DEC issued a NOV on 6/11/12. DEP initiated an Enforcement Action on 6/21/12. DEP issued a NOV to the owner on 6/21/12. A meeting was held with the project applicant and engineer on 7/13/12. A meeting was held with the project applicant on 8/10/12 to discuss the SWPPP design and the reimbursement program. A meeting was held with the project applicant and engineer on 8/21/12. DEP exchanged e-mails to and from the engineer on 9/17/12 regarding the berms. DEP received an e-mail from the engineer on 10/9/12 regarding the enhanced filter strips. DEP received an Application for a SWPPP on 11/6/12 from the engineer. DEP issued a NOICA to the engineer on 11/20/12 requesting revisions to the plans. DEP received a response to the NOICA from the engineer on 11/26/12 with revised plans. DEP sent an e-mail to the engineer on 11/29/12 regarding missing an executed deed restriction or some other legally binding measures to ensure the remaining lots are protected from disturbance. DEP issued the NOCA and Approval Determination letters on 12/28/12. DEP received notice on 1/2/13 that construction will continue. DEP performed a site visit on 2/25/13; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 5/9/13; there were no deficiencies, there was no discharge and the site was vacant. DEP met with the contractor and applicant on the site for a pre-construction meeting on 7/19/13. DEP received revisions to the approved plans from the engineer on 8/9/13. DEP issued a Modified Approval Determination letter on 8/13/13 to the engineer along with the approved plans.

Town: Windham
Basin: Schoharie
Project Name: Lani Nursery, (Log #2010-SC-1063)
Project Description: Construction of a 30 X 54 Morton Building
Project Type: Crossing, Piping, Diversion (CPD)
Status:

DEP received DEC's Order on Consent from DEC on 2/27/13. A meeting was held with the project applicant and DEC on 2/27/13. DEC has issued a consent order and schedule of compliance. DEP Legal sent an e-mail to DEC Legal on 3/5/13 regarding their schedule of compliance mentioned in the order and development of the SWPPP. DEC Legal responded that they will be hiring an attorney and engineer. DEP sent and received e-mails to and from the engineer on 4/2/13. The landowner has hired an attorney to represent him and to discuss the site with DEC Legal. DEP sent an e-mail to DEC on 5/2/13 regarding the 4/30/13 site visit. DEP received an e-mail from DEC to the engineer on 5/2/13 regarding the submission of the SWPPP including a proposed schedule by 6/7/13. DEP received a letter from the engineer to DEC on 6/3/13 in response to their letter of 5/2/13. The engineer stated that it is their belief that a full SWPPP is not required and listed proposed implementation of improvements to the site to address stormwater concerns. DEP Legal sent an e-mail to DEC on 6/4/13 regarding the recent letter and concerns regarding the enforcement situation. DEP exchanged e-mails with DEC on 7/24/13 regarding review of the project site and further enforcement actions.

Town: Windham
Basin: Schoharie
Project Name: Mato, Gerardo & Silvia (Log #2007-SC-0463)
Project Description: New SSTS; failed SPPP
Project Type: Stormwater (SP)
Status: Approved

DEP called the contractor on 6/12/12 regarding the project startup. DEP performed site visits on 6/14 and 7/19/12; there were no deficiencies, there was no discharge and the site was vacant. DEP issued a letter to the applicant on 7/24/12 regarding the latest site visit and it appears that the work has not been completed on the controls for treating the storm water runoff and therefore, is not in compliance. DEP received call on 8/6/12 from the owner regarding the DEP letter dated 7/24/12 requesting a meeting. DEP called the owner and CWC on 8/8/12 to schedule and site meeting for 8/9/12. A meeting was held with the project applicant on 8/9/12; items discussed included creating the upland bench within the stormwater pond, re-grading the forebay's side slopes, and top soiling, other items: the outlet stabilization along the outlet structure, and re-grading the field to remove the ruts. We also discuss doing the planting in the spring (May 2013) to give the plantings the best chance for survival. DEP received call on 8/14/12 from the engineer regarding proposed garage construction (not part of the SWPPP). DEP sent an e-mail to the engineer on 8/17/12 responding to the proposed garage. DEP performed a site visit on 9/24/12; there were no deficiencies, there was no discharge and the site was vacant. DEP called the applicant and left a message on 10/3/12 regarding the progress on the stormwater pond. DEP called CWC on 10/3/12 to inform them that DEP will not provide a partial construction sign off letter. DEP received a call on 10/5/12 from the applicant regarding the construction schedule and that a contractor has been hired; work on the stormwater pond grading has not started due to bad weather. DEP performed a site visit on 10/17/12; there were

deficiencies, there was no discharge and the site was occupied. DEP received a call on 10/23/12 from the engineer regarding verification that the pond elevations are incorrect. DEP called CWC on 10/23/12 regarding incorrect grading of the stormwater pond. DEP called the contractor on 10/24/12 regarding incorrect grading of the stormwater pond; fixing the problem this year will depend on the weather. DEP performed site visits on 11/30/12 1/24 and 2/19/13; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 4/11/13; there were no deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 5/2/13 notifying DEP that construction will start up on 5/6/13. DEP received a letter from the engineer on 5/3/13 stating that on 5/6/13, the SWPPP inspection frequency will be restored to the "maintenance inspection". DEP performed site visits on 5/6 and 5/7/13; there were no deficiencies, there was no discharge and the site was occupied. DEP received an e-mail from the engineer on 5/7/13 regarding a revision to the SWPPP for the addition of a garage. DEP completed construction inspections on 5/21/13. DEP performed a site visit on 6/11/13; there were no deficiencies, there was a discharge and the site was occupied. DEP sent an e-mail to the engineer on 6/14/13 regarding stone curbing being installed around the grass island in the driveway and along the south edge and requested that the installation be suspended until a mutual agreement can be achieved regarding the installation of the curbing. DEP received an e-mail from the engineer on 6/15/13 with a drawing of the proposed installation detail of the Belgium blocks. DEP responded that this would be acceptable. DEP performed a site visit on 7/10/13; there were no deficiencies, there was no discharge and the site was occupied. DEP exchanged e-mails with the engineer on 7/17/13 regarding changes to the stormwater pond. DEP received a letter and plans from the engineer on 7/19/13 requesting a modification to the approved SWPPP. DEP issued a Modified Approval Determination letter on 7/30/13 to the engineer along with the approved plans. DEP received As-Built plans/engineer's certification letter from the engineer on 8/12/13. It was determined the stormwater pond was not retaining water as it should per the design. DEP requested a meeting with the owner, engineer and CWC to discuss issues with the stormwater pond on 8/23/13. A meeting was held with the project applicant, engineer and CWC on 8/30/13 to discuss lining the stormwater pond. DEP responded to the engineer on 9/12/13 regarding lining the stormwater pond. DEP received a letter from the engineer on 9/17/13 requesting to modify the approved SWPPP to accommodate the storm water detention pond. DEP exchanged e-mails with the engineer and owner on 9/18/13 regarding the installation of the liner and scheduling a pre-construction meeting. A meeting was held with the project engineer, contractor and CWC on 9/26/13 to discuss the installation of the pond liner.

Town:	Windham
Basin:	Schoharie
Project Name:	Windham Mountain Club - Phase 3, (Log #2007-SC-0259)
Project Description:	Proposal for the connection of the proposed WW collection system to the existing adjacent private collection system; proposed 10 lot subdivision on their property encompassing the Ski Windham ski area
Project Type:	Stormwater (SP.2)
Status:	Closed

DEP received a copy of the letter from the engineer to DEC on 3/26/12 with photos of the areas that were identified as problematic in the NOV. DEP issued a letter to the representative on 4/25/12 regarding deficiencies observed in the site inspection and offered a punch list of items.

DEP sent and received e-mails to and from the engineer on 5/25/12 regarding the proposed fix for the bank and a general schedule. DEP performed a site visit on 6/6/12; there were deficiencies, there was no discharge and the site was vacant. DEP received an e-mail from the engineer on 6/14/12 with some possible solutions for the Pond #2 bank. DEP performed joint site visit with DEC on 6/14/12; there were deficiencies, there was no discharge and the site was vacant. A meeting was held with the project applicant and contractor on 6/26/12. We walked the site with Windham Mountain maintenance crews who are now responsible for completing the stabilization work. The crews have made some progress in the last two weeks in response to DEP inspections/reports. DEP performed a site visit on 7/13/12; there were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 7/31/12 with DEP Closure letter dated 7/31/12. DEP has resolved the Enforcement Action on 7/31/12. DEP performed a site visit on 8/8/13; there were no deficiencies, there was no discharge and the site was occupied.

Town: Windham
Basin: Schoharie
Project Name: Olsen, Reynold (Eagle's Landing) (Log #2005-SC-0623)
Project Description: NOV for SPPP; Construction of a 10-lot, non-realty subdivision
Project Type: Stormwater (SP)
Status: Closed

DEP received an email from the DEP Police on 4/28/10; no activity on the site. DEP received a copy of the Supreme Court Appellate Division Ruling from DEP legal on 7/26/10. DEP performed a site visit on 8/24/10; there were no deficiencies; there was no discharge; the site was vacant. DEP received a copy of the court ordered settlement from DEP Law on 9/16/10. DEP performed a site visit on 3/16/11; there were no deficiencies, there was no discharge and the site was vacant. DEP performed site visits on 4/15, 5/25, 7/6 and 9/15/11; there were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 10/4/11 internally. DEP has resolved the Enforcement Action on 10/4/11, internally. DEP performed a site visit on 8/8/13; there were deficiencies, there was no discharge and the site was vacant.

Project Type: SEQRA (SQ)
Status:

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

Project Name: 120 & 124 Mitchell Hollow Road (Log#2007-SC-0303)
Town: Windham
Type of Use: Residence
Type of Violation: Failed SSTS;
Discovery Date:
Status: **Closed**

Overview and Action:

DEP called the owner's attorney on 11/23/12 regarding the paperwork needed to close the NOV

and comply with the stipulation. The attorney will call the Town engineer and ask for the "as built" and construction notes. DEP sent an email to the Town's engineer on 11/23/12, requesting the final sign off for installation of the lateral and connection to the Town collection system. DEP Legal sent an e-mail to the owner's attorney on 2/26/13, requesting the "as built" for the connection to the Windham collection system. DEP called Windham on 3/25/13 to inquire on paperwork for the sewage connection. The Town has not received the certification from the owner or the "as built" from the engineer. DEP received an e-mail from the Town Supervisor on 6/14/13 regarding the closure of the project. The Town is satisfied that the connection of the property to the Windham WWTP has been completed according to the Town specifications. The violation was resolved and the case was closed on 8/12/13 with DEP Closure letter dated 8/12/13. DEP has resolved the Enforcement Action on 8/12/13.

Project Name: 4806 Route 23 (Log#2008-SC-1111)

Town: Windham

Type of Use: Residence

Type of Violation: Failed SSTS - Surfacing - CWC

Discovery Date:

Status: New

Overview and Action:

DEP sent the engineer an email for status update on 11/2/12. DEP received a call from the owner's son-in-law on 11/21/12, who is acting as the owner's representative. He stated that the system is currently failing, and that engineer has not returned numerous phone calls. DEP will contact the engineer and inspect site. DEP performed a site visit on 11/21/12; septic failure was observed. Failure Description: Absorption field and surfacing of sewage on ground. DEP sent the engineer an email on 11/21/12, requesting update on sand analysis. DEP performed a site visit on 11/30/12; septic failure was observed. Failure Description: Absorption field and surfacing of sewage on the ground. Sewage is surfacing but not leaving the site. The owner has not had any luck contacting the engineer. DEP sent an e-mail to the engineer on 12/14/12, requesting information and forward movement on correcting this active failure. DEP performed a site visit on 1/31/13; septic failure was observed. Failure Description: Surfacing of sewage on ground. DEP spoke with the owner; the engineer will not return his phone calls but the contractor has agreed to help with the repair. DEP sent the engineer an email on 2/1/13 requesting information on how to remedy the failure. If a plan is not received by 2/4/13, a NOV will be issued. The engineer responded and stated plans will be sent today via email. DEP received an email from the engineer on 2/4/13 stating that plans should be received by tomorrow. DEP received proposed remediation plans electronically. DEP sent engineer an email on 3/12/13 and again on 3/21/13, requesting information on sand testing, which was supposed to be done prior to proposing a design solution. DEP received a call from the engineer on 3/22/13 in response to email from DEP. The engineer said he will have sand tested and results back within one week. DEP received a call from the engineer on 3/26/13, who stated that three different testing companies will not test the Elgen sand because it has been contaminated with sewage. DEP asked the engineer to contact Elgen and find out where they would bring it, and to keep DEP updated. DEP performed a site visit on 3/29/13; septic failure was not observed. DEP performed a site visit on 4/5/13; no effluent was observed but there were signs of failure such as small channels, matted grass and a distinct septic odor. The engineer has not contacted the owner since taking sand samples three weeks ago. DEP sent an e-mail to the engineer on 4/5/13 to find out if

he made any progress on finding a soil testing facility that will handle materials contaminated with septage. DEP sent the engineer an e-mail on 4/11/13 requesting progress or a NOV will be issued to the owner and made roles of enforcement and design review within DEP clear for the engineer to follow in future communications. DEP received an e-mail from the engineer on 4/12/13 stating that he will be sending in an inspection analysis letter to attach to the repair plan. DEP sent the engineer an e-mail on 5/21/13 regarding the status of his inspection letter and repair plan. DEP sent the engineer an e-mail on 5/23/13 stating that an NOV is being issued for the failure, as a solution has not come in a reasonable amount of time. DEP performed a site visit on 5/31/13; septic failure was observed. The septic is still failing. The owners have not been able to get in touch with the engineer or the contractor. DEP informed them they should be expecting a NOV and that DEP would stop by periodically. DEP issued a NOV to the owner on 6/21/13. DEP received a phone message from owner's lawyer responding to the NOV on 7/1/13. On 7/2/13, DEP requested DEP Legal to return the owner's lawyer's call. DEP Legal spoke with owner's attorney regarding NOV and will re-contact DEP after further consultation with the owner. DEP Legal will re-contact the attorney if a response is not received within two weeks. DEP received another call from owner's lawyer on 7/9/13 and it was forwarded to DEP Legal on same day via e-mail to contact the owner's lawyer. DEP performed a site visit on 9/4/13; there was no visible failure at this time.

Project Name: 165 Mill St (2012-SC-0251)

Town: Windham

Type of Use: SSTS Repair (RE)

Type of Violation: Failed SSTS - NOV

Discovery Date:

Status:

Overview and Action:

DEP received an e-mail from DEP Police on 4/27/12, informing of septic discharge to roadside ditch. DEP performed a site visit on 5/3/12; septic failure was observed. DEP found a 4inch pipe that had been discharging in the roadside ditch and some solids were still visible. DEP issued a NOV to the owner on 5/3/12, which was returned as undeliverable address on 5/17/12. NOV resent to confirmed current address of owner on 5/17/12. DEP sent internal email requesting contact information of owner on 5/17/12. DEP received a call from the owner on 5/17/12, in response to the 5/3/12 NOV. The NOV that was mailed went to a prior address, and the owner was actually responding to NOV placed on vehicle at the property. The owner agreed to allow DEP inspector to perform inspections whether site is occupied or not. Owner was informed that he must have the tank pumped out by a licensed hauler to prevent surface discharge of sewage. Owner stated that a 30 foot section of drain pipe from house to street was removed. The owner stated he will call engineer to get process moving for recertification of plans. He also stated that the existing structure is what was previously referred to as the barn and it had a well, sink, toilet, and related plumbing in 2007 when he purchased it. Shortly after purchasing it he installed a 300 gallon tank and installed it outside the cabin. He then stated that in September 2011, to resolve some flooding issues, they installed the drain pipe leading to the roadside ditch, for which the NOV was issued. DEP performed a site visit on 5/17/12; the discharge pipe was no longer visible. New landscaping had been placed in the immediate area. DEP spoke to the town of Windham Assessor; He said that the parcel is listed as vacant with improvements. A NOV cover letter was left at the site. DEP had internal meeting on 5/18/12 between Land Management, DEP

Counsel, DEP Police, and Wastewater Programs to discuss the project and enforcement path. DEP performed a site visit on 5/24/12; septic failure was not observed. No visible effluent and the pipe was no longer visible and there was no sign of the tank being pumped. DEP received a copy of the town's violation notice for illegal septic and building construction on 6/11/12, asking all illegal activities to cease. DEP sent an e-mail to the owner on 6/26/12, requesting pump out receipts and status of engineer recertifying plans. Owner said during phone call prior to email that he has an appointment with engineer. DEP received a request for a pre-application meeting from the engineer/applicant on 7/9/12. DEP sent a reminder email to the owner on 7/17/12 requesting acknowledgement of receipt follow-up on 6/26/12 email issues. A soil/site evaluation was performed on 7/27/12. On 7/30/12, DEP conducted soil testing with the engineer and verified that the soils for the original design. The soils will no longer support a shallow trench system. DEP spoke to the town of Windham Building Inspector. He has not gone any further with enforcement action. DEP sent e-mail to the owner on 8/23/12 requesting copies of pump out receipts. DEP Counsel's assistance may be necessary if response is not received. DEP communicated via email with DEP Police on 8/24/12, regarding status of project, and asked police to keep an eye out for potential tank overflowing when they visit the site. Police agreed to keep watchful eye and also stated they will ask owner for pump out information in court. DEP received an e-mail from owner/owner's representative on 8/27/12, stating that tank was pumped three weeks prior and that they are pushing the engineer to get plans submitted. DEP emailed him back requesting receipts on 8/30/12. DEP called the engineer and left message on 9/14/12 requesting plan submission status. DEP also emailed owner again requesting pump out receipts. DEP performed a site visit on 9/14/12; the tank was exposed but not running over. DEP received a copy of the pump out receipt on 9/18/12 for pump out in July, 2012. DEP received a return phone call from the engineer on 9/19/12, stating that the owner wants to build a septic next year, after the new house is constructed, because someone is currently using the cabin/renovated barn. DEP stated that they need to show immediate progress or further enforcement action will be taken and a long term pump and haul will not be acceptable. The engineer will contact owner and get back to DEP with intentions. DEP called the engineer on 9/25/12 for an update. The engineer stated that the owner gave him the go ahead to design a system for an existing 1 bedroom residence and that he may submit modifications to this plan in the future when the owner builds a new 2 bedroom house on the property. A meeting was held with the Building Inspector on 9/28/12. DEP informed him of the owners' intent to continue using the renovated barn. He said he had a conversation with the engineer and would continue to have the owner move toward compliance. No CO will be given until DEP and the town is satisfied. DEP called the engineer on 10/17/12 for status of plan submission. DEP sent email to engineer on 10/25/12, stating that plans must be submitted by November 5th to avoid involvement of DEP Counsel. DEP received an e-mail from engineer on 11/4/12, including the completed plans, and stated hardcopies being priority mailed for review and approval. DEP received an Application for a conventional individual SSTS on 11/7/12. DEP performed a site visit on 12/13/12; septic failure was observed. Failure Description: Surcharge septic tank, cesspool and drywell. DEP met on site with the owner's representative to discuss the plan. Due to the small size of the lot, well location and lack of soil, it was determined the plan would not work. While on site we found the temporary 300 gallon tank was overflowing. He was going to make arrangements to have it pumped out and agreed to have a 1000 gallon tank installed. DEP sent an e-mail to engineer on 12/18/12, stating DEP's concerns about current design submittal. DEP sent owner's representative an email on 12/18/12, requesting pump-out receipt assuming that the tank was

pumped out. Also inquired when new septic tank will be installed. DEP received an email on 12/21/12 from the owner's representative, stating that the tank was pumped out on 12/13/12 and that a new tank was going to be installed in next few weeks. DEP received an email from the engineer on 1/8/13, stating that he will contact DEP inspector to do soils in wooded area, weather permitting. DEP sent owner's representative an email on 1/9/13 requesting pump out receipt for 12/13/12 and for date when new 1,000 gallon concrete tank will be installed. Engineer responded that tank should be installed in next few weeks. DEP sent the owner an email on 1/11/13, requesting receipt for 12/13/12 pump out. DEP performed a site visit on 1/14/13; septic failure was observed. Failure Description: Surcharge septic tank, cesspool and drywell; the tank was overflowing. DEP spoke to the pump out contractor; he has been hired to install a 1000 gallon tank. DEP received the 12/13/12 pump out receipt on 1/15/13. DEP exchanged emails with the owner on 1/15/13, and new septic tank is expected to be installed next week. On 2/19/13, DEP received an e-mail engineer stating that soils testing is being planned for next week, weather permitting. DEP received an email from owner on 2/20/13 stating that he does not understand why this project is being considered new construction and must meet current code. DEP issued a letter to the owner on 3/22/13 regarding the SSTS. DEP sent the engineer an e-mail on 4/15/13 requesting that soils testing be scheduled. On 4/22/13, DEP met with the engineer. An additional deep hole was dug and found 22 inches of useable soil. Having explored all options for an alternate site for the basal area, the engineer is going to recommend de-commissioning the existing well and utilizing that area for the primary and reserve septic areas. DEP received an e-mail from the engineer on 4/26/13, stating that the well must be moved for a compliant SSTS to be built on property, achieving required setback distances. DEP e-mailed the owner on 5/21/13 and requested him to reply with his intentions, including whether he will move the well to accommodate the required setback distances. The owner responded same day and said he will try to put together phone call with his engineer and DEP in next few days to make his decision. DEP issued a warning letter to the owner on 5/28/13, requiring significant progress by 6/11/13 to be made in planning/design of the SSTS. DEP performed a site visit on 6/3/13; septic failure was not observed. There were no changes. The tank did not appear to be overflowing and there was no visible effluent. On 6/11/13, the violation was forwarded to DEP Legal for follow-up on enforcement action. On 7/5/13, DEP Legal issued a letter to the owner with deadlines to comply with or receive further legal action.

Project Name: Route 23 (2000-SC-0070)
Town: Windham
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #659 - CWC
Discovery Date: 11/27/2000
Status: No Application

Overview and Action:

DEP performed a site inspection on 6/21/12; sewage was observed on the ground in front of the flower beds, just downslope and south of the main house. The cottage on the property appears to be under renovation. DEP issued a Design Approval Expiration letter on 6/25/12. On 6/25/12, DEP issued a reminder letter to the owner due to the lack of activity. DEP received a call from the owner on 7/11/12 regarding recent DEP letter about current failure of SSTS. Owner said toilet was malfunctioning and running continuous while he was out of town for a week; the problem with toilet has been fixed. Owner said failure has subsided since, and DEP is welcome

to inspect anytime. Owner said his bridge has to be fixed before an SSTS can be built. He hopes bridge can be worked on by end of this month. DEP encouraged owner to touch base with CWC and engineer regarding funding and re-certification of plans. DEP performed a site visit on 8/2/12; septic failure was not observed and there was no visible discharge. DEP performed a site visit on 12/14/12; septic failure was not observed. There was no visible discharge and the ground was frozen. DEP performed a site visit on 2/28/13; septic failure was not observed. The area of concern was snow covered. DEP called the owner on 3/18/13, and gave him contact information for CWC and recommended that he also call his engineer, as re-certification will be needed. DEP received a call from the owner on 4/1/13, asking for someone to come to his house and discuss the project, and to help him understand how to proceed. On 4/8/13, DEP met with the owner and gave him phone numbers for CWC and engineers. There are still issues with his bridge. DEP suggested he speak to the engineer about possibly replacing the existing design with an alternative system. DEP received a call from the owner on 4/17/13, who stated he met with the DEP inspector and is waiting for call back from CWC. DEP received a call from the owner on 4/19/13 stating that CWC said he could go forward and hire an engineer for an entire new system. DEP performed a site visit on 8/9/13; there was no visible failure at this time. DEP called the owner on 8/15/13 and 8/16/13 and could not leave message. DEP sent the engineer an e-mail on same day inquiring about the status of the project. DEP received an e-mail response from the engineer on 8/19/13, stating that he did not have any recent communications on this project, but will look further and get back to DEP again. On 8/19/13, DEP received call from the owner. He is consumed by medical issues/planning with his wife in a nursing home. Also, he does not want to have alternative technology considerations in design because he is afraid of large volumes of fill being brought over his repaired bridge. He also does not want to pay for design a second time, which CWC would not pay for, per owner. This contradicts the owner's statement on 4/19/13. DEP will contact CWC to confirm their commitment. The owner said he has not seen a failure in quite a while and agreed to DEP inspections every three months or so to monitor the failure status. CWC confirmed that they cannot pay for a second design in an e-mail on same day. DEP shared this information with the engineer and hopes that he and the owner can work something out.

3.2.2. Delaware District

Town: Andes
Basin: Pepacton
Project Name: Desmet, Donald, (Log #2008-PE-0069)
Project Description: New SSTS; failing DEC SWPPP
Project Type: Stormwater (SP)
Status:

On 12/20/11, DEC issued a Cease and Desist Order. DEP received copies of the engineer's inspection reports from DEC on 3/1/12. DEP received a response letter from the engineer on 4/9/12 to DEC's letter of 8/17/11 with Engineer's Report last revised 2/2/12. DEP received the "Desmet Watercourse Relocation" report from DEC on 4/16/12; last revised 3/2/12. DEP issued a letter to DEC on 4/26/12 with comments on the latest submission. DEP received an e-mail from the engineer on 5/29/12 with the average volume calculations for each of the 5 proposed sediment traps. ACOE. DEP received an e-mail from DEC on 11/13/12 regarding the 9/18/12 inspection and correspondence between the applicant and engineer. DEP sent DEC info on

11/29/12 regarding the 11/12/12 site visit. DEP sent an e-mail to ACOE on 12/26/12 regarding the November's site visit findings forwarded to DEC. DEP sent and received e-mails to and from ACOE on 1/7/13. DEP sent an e-mail to DEC and ACOE on 4/2/13 to coordinate a joint site visit with the owner and engineer. A meeting was held with the project applicant, engineer and ACOE on 6/7/13. A meeting was held onsite with DEC on 6/27/13. DEP performed a site visit on 6/27/13 for stormwater violation; there were deficiencies, there was no discharge and the site was vacant.

Town: Andes
Basin: Pepacton
Project Name: Cole, Harold Subdivision, (Log #2007-PE-0568)
Project Description: Proposal for an 8-lot subdivision on 78 Acres; lots ranging from 5 to 19 acres each
Project Type: Stormwater (SP)
Status: New

DEP's Assistant Counsel issued a letter to the homeowner on 1/7/13 regarding the outstanding NOV. DEP received a call on 1/11/13 from engineer; he's meeting with the owners on 1/15/13. DEP received a call on 1/23/13 from CWC; they had questions regarding the owner eligibility for reimbursement. DEP received a letter from the Town of Andes Planning Board on 2/19/13; they have accepted the request by the owners to withdraw their proposed subdivision application. DEP issued a letter to the owner on 2/19/13 stating that DEP received the Town of Andes letter of acceptance to withdraw the subdivision, and asked that the owner refer to DEP's letter of 1/17/12 for the SWPPP components that are required for the existing developed portions of the site. A meeting was held on-site with the applicant on 2/26/13; also in attendance was the applicant's engineer and a representative from CWC. DEP received an e-mail from the engineer on 3/1/13 asking about restricting future disturbance. DEP responded that they will not be able to restrict future development. DEP received an e-mail reply from engineer on 4/8/13 regarding the project status. DEP received a call on 5/14/13 from engineer regarding receiving a signed contract with the owners. DEP received a call on 6/25/13 from the engineer regarding details about the SWPPP. DEP received a call on 7/1/13 from the engineer regarding questions about the SWPPP design. An on-site meeting was held with the project engineer on 7/22/13 to discuss SWPPP requirements for the developed portion of the site (access road). DEP issued a letter to the engineer on 7/31/13 regarding their meeting and items that would apply to the property in its existing condition.

Town: Colchester
Basin: Pepacton
Project Name: Bellmore Rod & Gun Club Gun Club, (Log #2012-PE-0615)
Project Description: Failing SSTS - direct sewage discharge from hunting club
Project Type: Intermediate Repair (CR)
Status:

On 9/24/12, DEP met with DEP Police to look at a direct sewage discharge. Solids and toilet paper were observed on the ground directly below a four inch waste pipe from a hunting cabin in a hollowed out area below a shed adjacent to the cabin. DEP issued a NOV to the owner on 11/15/12. DEP received two phone messages on 11/19/12 from the president of the facility; he received the NOV and wants to do something about it. DEP returned the phone call to the

manager on 11/20/12 and advised him to call the CWC for possible funding and/or a list of engineers and contractors and explained the process. DEP suggested portable toilets but he wants to close the cabin on 11/23/12. It is just used during hunting season, and the pipe discharge goes into the former outhouse hole in the ground. DEP received a phone call on 11/21/12 from the Town of Colchester CEO, asking what response DEP has received from the owner. DEP called the club president on 12/11/12 regarding the status. The camp was closed on 11/23/12, and he is waiting on CWC for possible funding. DEP sent an e-mail to CWC on 12/18/12 and included the NOV and pictures of the site and sewage on the ground. On 1/25/13, DEP engineering met DEP field staff supervisor and field staff to show them the access to the site and inform them of where to look for any activity and/or sewage discharge from the main cabin. DEP field staff will check the site once a month for activity. DEP reached out to CWC by email on 2/20/13. CWC cannot fund the SSTS because the gun club is a not-for-profit organization. DEP received an e-mail from a consultant on 3/5/13, inquiring about a holding tank. DEP advised him we should meet on site with the club representative to get a better idea of how many people use the facility. DEP received a reply e-mail from the consultant on 3/6/13; he will coordinate a meeting with the club and DEP when the snow melts and the site is accessible. DEP returned a call on 3/22/13 to one of the owners of the Rod & Gun Club; we discussed a holding tank, and meeting on site in the spring. DEP received a phone call on 4/17/13 from the consultant regarding proposed methods of disposing of wastewater other than a holding tank or an SSTS. DEP advised the consultant that a site visit is in order to determine if an SSTS can be installed that meets the current standards, as an SSTS cannot be considered a repair due to the lack of an existing SSTS and the direct sewage discharge to the ground. DEP sent an e-mail to the consultant on 4/21/13, asking that the alternative methods of wastewater disposal proposed by the club members be sent to DEP in writing. DEP performed a site visit on 4/22/13 and looked around the cabin in question and did not see a failure. The property does not look like it has been utilized in the past few days as there are no tracks in the muddy roadway. DEP received a return call on 5/24/13 from a club member. He was advised by his consultant that a temporary holding tank would need to be replaced with a full septic system. The cost is too much for the club and the camp has remained vacant. He had questions about using the existing outhouse and gray water discharge. DEP called one of the club members on 5/24/13 and left a voice message regarding the lack of progress on the SSTS. DEP advised the member that his consultant was advised to draft a letter to DEP with questions about possible use of a new outhouse or the existing sewage discharge area in writing. On 6/12/13, DEP performed an inspection of the former out house. There are signs of usage under the building. It is not clear if the toilet debris is new since the last DEP inspection. On 7/17/13, DEP performed an inspection of the site; the area under the former outhouse appears the same as it did during DEP's last inspection on 6/12/13. On 8/21/13, DEP issued a reminder letter to the representative due to the lack of activity. DEP received a call on 8/22/13 from the owner and discussed holding tank options. The owner emphasized the need for affordability in a solution. DEP called the engineer on 8/29/13 to discuss a holding tank proposal. There are yearly records of occupancy; the camp is not used from January through April. A 2,000 gallon tank being proposed is reasonable based on flows, usage and available storage, but the access road to the site may be restrictive. On 9/4/13, DEP returned a call to a Club member on 9/4/13. The engineer has tentatively set up an appointment to meet on site with DEP, two contractors and some Club members. DEP received a letter from the representative on 9/6/13 stating that the cabin will be closed for three and a half months out of the year from December to April. DEP sent an e-mail to the DOH on 9/10/13 regarding the site and asked if DOH would be reviewing

and/or approving the holding tank application. DEP sent an email to the facility manager on 9/10/13, asking him to correct the total daily flow, which is displayed in units of 10 gallons, not 1 gallon. On 9/11/13, DEP met with the engineer, three of the club members, a wastewater hauler and a contractor to determine if a holding tank can be installed that meets all requirements. A location was found and agreed on that meets the 50 foot setbacks from both the well and the closest watercourse. DEP received an Application for a SSTS on 9/20/13 from the engineer. DEP returned a phone call on 9/20/13 to one of the club members. He said the septic tank has been ordered and the club hopes to have the tank, alarm, etc. installed by the end of October 2013. DEP issued a NOCA on 9/24/13. DEP issued an Approval Determination letter on 9/24/13. DEP called a club member on 9/24/13 to inform him that a signed contract with the club and the septic hauler is required as a condition of approval for the holding tank determination. The club has received a letter from the hauler. DEP called the hauler on 9/24/13 regarding the required contract between him and the club. DEP left a voice message and requested a copy of the letter that the hauler submitted to the club, to determine if it can be used for the contract. DEP received the hauling contract from the hauler on 9/30/13.

Town: Delhi
Basin: Cannonsville
Project Name: Countryside Kennels, (Log #2013-CN-0295)
Project Description: Failing SSTS - NOV
Project Type: Intermediate Repair (CR)

Status:

DEP initiated an Enforcement Action on 6/6/13. DEP issued a NOV to the owner on 6/6/13. DEP received a phone call on 6/11/13 from the owner regarding the receipt of the NOV. DEP received a phone call on 6/11/13 from the contractor, who wants to excavate the area to find the cesspools shown on the sketch and find out what is causing the surcharged tank. He wants to do the work without the oversight of an engineer, as a repair and not as a new SSTS, which may not be needed. DEP received a phone message on 6/12/13 from the owner, who acknowledges the receipt of the NOV and has made an appointment on site with CWC, for 6/18/13. DEP returned the phone call to the owner on 6/13/13 regarding the NOV. Owner will be meeting with the CWC on 6/18/13 and asked DEP and the contractor to be there as well. On 6/21/13, DEP performed an inspection of a portion of the septic system; the contractor exposed the outlet of the 2,000 gallon tank and found it leaking due to the lack of a seal between the port and the pipe. The outlet pipe was broken, surcharged, then cleaned and repaired. The owner wants to wait and see if this most recent repair will stop the tank from being surcharged. DEP sent an e-mail to the owner on 7/23/13 regarding the missed deadlines in the NOV issued to her. On 7/30/13, DEP met with the owner's son to inspect the wastewater level in the 2,000 gallon tank, previously found to be surcharged on several occasions. The liquid level in the tank appeared to be normal.

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

DEP called the town building inspector on 12/21/11, 1/12/12 and 1/25/12 regarding the status of this project with the town. The letter that he sent was returned. DEP provided an updated address to so that he could resend the letter. DEP called the building inspector on 2/7/12; he had resent the letter to the address provided by DEP, but has not heard back. DEP received an e-mail from the building inspector on 2/8/12 with an attachment of the town's NOV. DEP sent an e-mail to the town building inspector on 2/17/12. DEP received an e-mail from the town building inspector on 02/20/12. Site Visit type: Follow up. Date: 3/29/12; septic failure not observed. Site Visit type: Follow up. Date: 3/29/12; septic failure not observed. DEP called the Town CEO on 4/10/13 regarding the status of the building permit. The Town CEO has not heard anything from the property owner. He did a drive by and did not see anyone or any vehicles on the property.

Town: Kortright
Basin: Cannonsville
Project Name: Town Of Kortright Hwy Garage Storage, (Log #2012-CN-0066)
Project Description: DEC NOV for PBS and SPDES Violations
Project Type: Intermediate Repair (CR)
Status:

DEP received an e-mail from DEC on 2/8/12 informing DEP of wastewater and petroleum bulk storage violations found at the site. DEP received a call on 2/9/12 from the Town of Kortright Highway Superintendent, in response to DEP's site visit on 2/9/12. On 2/9/12, DEP performed an inspection of the premises in response to notification from DEC that a wastewater violation was noted on 2/2/12. DEP initiated an Enforcement Action on 2/9/12. DEP received DEC's draft NOV on 2/9/12 for PBS and SPDES violations. DEP received a copy of DEC's NOV on 2/10/12. DEP returned the phone call to the Highway Superintendent on 2/10/12. On 2/10/12, DEP spoke with the Highway Superintendent by telephone regarding the violation. On 2/10/12, DEP received a phone call from the Town Supervisor to discuss options for the failed SSTS. DEP spoke to the DEC ECO that performed the dye test at the highway garage. He will forward pictures to DEP. He gave DEP the legal contact information for DEC. DEP called the legal contact at DEC. An order to comply will be issued to the town, but DEC would not do the SSTS review if the flow is less than 1000 gpd. A condition that DEP review and approve the SSTS will be included in the DEC order, which we will be copied on. DEP received an e-mail on 2/17/12 from the DEC ECO that performed the positive dye test on the SSTS. DEP sent an e-mail to DEC on 2/22/12 asking if DEC has issued an order to comply yet. DEP received the port a john invoice from the town clerk on 2/23/12. DEP performed a follow up inspection of the facility on 2/23/12; the shut off valve for the water to the sink and toilet in the bathroom was off. The slop sink in the shop was still in use, but the drain was directed to a five gallon bucket. There were several full buckets, which the Superintendent told me were being dumped out the front door every day. DEP received an e-mail from the Town of Kortright attorney regarding the water supply to the Highway garage on 2/24/12. DEP received a call on 2/24/12 from the Town attorney, regarding the water supply at the Highway garage. DEP received a DEC Consent Order on 2/29/12 for wastewater discharge from the bathroom and the highway garage. DEP received a letter from the Town's attorney on 3/1/12 regarding the violation. DEP Legal sent an e-mail to the Town's attorney on 3/1/12 in response to his letter to DEP staff. A phone meeting was held with the Town attorney, DEP Legal, NYC Law and REP on 3/2/12. DEP called the design engineer to remind him to schedule soils testing with DEP; he is waiting on the Town to

approve the proposal at the 3/19/12 meeting. DEP corresponded by e-mail with the design engineer concerning the SSTS replacement on 4/2/12. DEP sent an e-mail to the design engineer on 4/9/12, inquiring about soils testing. DEP received a response that the SSTS design is on hold, due to a letter from the town attorney to DEC that states a compost toilet will be installed and gray water will be disposed of offsite. DEP called the highway superintendent on 5/8/12 and asked what the plan is for the replacement of the failed cesspool. He is waiting to hear from the town, who has hired an attorney. The facility is still using a portable bathroom and collecting the wastewater from the shop sink and bringing it to the town hall at the end of each day. DEP's Assistant Counsel issued a letter to DEC on 5/9/12 asking if they ever issued a final consent order. DEP Assistant counsel issued a letter to DEC's counsel on 6/27/12 requesting an update. DEP received a copy of DEC's consent order on 6/28/12 requiring corrective work by 9/01/12 and a requirement for plan submission for the incinerator toilet. DEP called DEC on 10/2/12 regarding the consent order and any applications submitted to DEC for a replacement SSTS. DEP left a message and requested a return call. DEP called DEC on 10/2/12 to inquire on the status of the highway garage SSTS repair and the DEC consent order. DEP received an e-mail from DEC on 10/3/12, with an approval letter for a composting toilet and a letter from the town mayor dated 7/9/12. DEP called the highway superintendent on 11/27/12, and left a phone message asking if the compost toilet is installed, if the cesspool is pumped out and filled in and abandoned, and how the sink wastewater is being handled. DEP received a call on 11/27/12 from the Town Supervisor; he said an incinerator toilet has been installed, the greywater is still being collected and hauled off site, and the cesspool will be abandoned, after which he will call DEP for a final inspection. On 12/31/12, DEP performed an inspection of the incinerator toilet and slop sink. The gray water from the sinks is still being caught in 5 gallon buckets, stored in the garage in 50 gallon drums, and disposed of offsite. DEP called the Town highway superintendent on 3/25/13, and left a message with his staff to have him call DEP with a possible date to decommission the cesspool. DEP received a phone call on 3/27/13 from the Town Supervisor regarding the message DEP left for the Highway Superintendent concerning the abandonment of the cesspool. DEP called the Town Clerk on 5/23/13, and left a voice message requesting a status update from the Town Supervisor for the Kortright Highway garage. DEP received a return phone call on 6/6/13 from the Town Supervisor regarding the proper abandonment of the failed cesspool. He advised DEP to speak to the Highway Superintendent. DEP received a phone call on 6/7/13 from the Highway Superintendent regarding the proper abandonment of the cesspool. DEP returned the phone call on 6/10/13 to the Highway Superintendent, and asked him to pump the cesspool if needed and to backfill with sand or other suitable material. DEP also requested a notification so an inspection can be arranged. On 7/31/13, DEP performed an inspection of the site. DEP called the Highway Superintendent on 9/23/13 and left a voice message requesting a date that the cesspool might be filled in. DEP received a return voice mail from the Highway Superintendent on 9/24/13. He will fill in the cesspool during October 2013 and will call DEP prior to the work.

Town:	Meredith
Basin:	Cannonsville
Project Name:	Marino, Susan (Angels Gate Inc), (Log #2012-CN-0284)
Project Description:	Failing SSTS
Project Type:	Intermediate Repair (CR)
Status:	

DEP received an e-mail from DEC on 5/11/12 regarding a failed SSTS at the site. On 5/11/12, DEP performed a site visit in response to a complaint received by DEC. DEP observed sewage surfacing on the ground from the raised absorption field. DEP sent an e-mail to the Town of Meredith Code Enforcement Officer (CEO) on 5/11/12, asking for history on the project. DEP called the facility owner to make an appointment to meet her on site and met on 5/14/12. DEP performed a site visit on 5/15/12; the secretary accompanied DEP around the SSTS; there were several areas where sewage was surfacing. DEP advised the secretary that the tank needs to be pumped and the field repaired. DEP received a call on 5/21/12 from the foundation's bookkeeper, who will make an appointment with a hauler. We discussed the need for an engineer and she now has several names to start calling. DEP sent a follow up email to the Town CEO on 5/22/12 and on 6/4/12, requesting information about the site's permits. On 5/30/12, DEP performed an inspection to observe the septic tank being pumped. The tank appeared to be functioning normally; it's a 1000 gallon concrete two compartment tank with a riser to grade. DEP sent an e-mail to the owner and the accountant on 6/1/12, asking if the field has been mowed and if an engineer has been found. DEP corresponded by email with the owner on 6/7/12. The grass on the absorption field still hasn't been cut and an engineer has not been retained for the violation. DEP received an e-mail request from the owner on 6/12/12. A class wants to build a shelter and she needs clarification on stormwater regulations. DEP performed a site visit on 6/13/12; DEP met with the owner; the field is still failing and partially mowed. She hasn't had a positive response from any of the four engineers that her accountant has contacted. The tank had been pumped that day. DEP received a letter from CWC on 6/16/12 stating that the Septic Rehabilitation Replacement Program does not cover non-profit organizations. DEP initiated an Enforcement Action on 6/18/12. DEP issued a NOV to the owner on 6/18/12. DEP received a request for a pre-application meeting from the applicant on 6/18/12. DEP sent an email to the property owner with the NOV attached on 6/19/12. On 6/22/12, DEP Stormwater Group representative performed a site visit. The area for the new structure doesn't trigger any stormwater issues. Additionally, there are no watercourses within at least 200 feet of the absorption field and the reserve is adjacent to the failed field. DEP sent an e-mail to the owner on 6/26/12, with the a copy of the 2000 DEP Approval and an "As Built" for a three bedroom SSTS. DEP also asked the owner for the pump out receipts and to adhere to the compliance schedule in the NOV. DEP received an e-mail from the accountant on 6/29/12. They have an engineer scheduled for 7/9/12. DEP sent an e-mail to the owner and her accountant on 6/30/12 regarding the need for the pump out and laundry receipts. DEP received pump out receipts and laundry receipts from the owner on 7/2/12. DEP called the engineer that was hired by the facility for the SSTS remediation on 7/5/12. We discussed opening up the d-box and a lateral during the site visit scheduled for 7/9/12 and some history of the facility and its SSTS. DEP sent an e-mail to the engineer on 7/5/12 with a map of the property. On 7/9/12, DEP met with an engineer to investigate the failing SSTS and look for a solution. On 7/10/12, DEP met with the engineer for percolation tests. DEP received a sketch of the existing failed SSTS from the engineer on 7/10/12. DEP received an e-mail from the engineer on 7/13/12, with the soils test results. He couldn't locate an area for the water meter because a lot of the plumbing is hidden in walls and is not accessible. DEP received a laundry service receipt on 7/16/12 (using a laundry service to cut down on the water usage). On 7/24/12, DEP performed an inspection of the absorption field. Sewage is still surfacing from the d-box. DEP received the laundry service receipts on 7/27/12. DEP corresponded by e-mail with the owner on 8/3/12. She will install a water meter and had the tank pumped again on 8/2/12. DEP

received the dry cleaning receipts for 8/3 and 8/6/12. DEP received the dry cleaning receipts for 8/8/12. On 8/8/12, DEP performed a site visit; the water meter has not been installed. Sewage is still surfacing on the field, but the discharge is confined to the area of the d-box and downslope. The rest of the absorption field is dry but spongy. DEP received a copy of the letter from the owner to CWC on 8/8/12 requesting that they re-consider their decision that the SSTS is not covered under the program. On 8/13/12, DEP issued a reminder letter to the owner that the design must be submitted for review and approval by 8/24/12 and installed and constructed within sixty (60) days of the date of the design approval. DEP sent the status update letter issued by DEP to DOH on 8/15/12. DEP e-mailed a status update letter to the owner and received a reply that the water meter is being installed that day. DEP received dry cleaning receipts on 8/27/12. DEP sent an e-mail to the owner on 8/28/12, asking if the water meter has been installed, if the tank has been pumped, and for the daily log to be sent to DEP on a weekly basis. DEP received an e-mail reply from the owner on 8/28/12. The water meter has been installed. DEP corresponded by email with the design engineer on 10/16/12; he hasn't been contacted by the owner to proceed with the SSTS design. DEP received a call on 10/23/12 from the owner. She is closing the facility and has given away most of the animals. She plans to return the site to a single family residence. DEP called the owner and left a message on 10/23/12, requesting a status update on the facility. DEP corresponded by email with the owner of the facility on 11/23/12. The hospice is now closed. DEP sent an e-mail to the owner on 12/28/12, requesting a status update, in writing, concerning the current and future or intended use of the premises. On 12/31/12, DEP intended to perform a site and SSTS inspection. The driveway, about 1/4 mile long, has not been plowed. It appears that no one has been on the site since the first snowstorm of the season, 12/20/12. DEP corresponded with the owner by email on 2/21/13; she will be away for a few weeks and will contact DEP for a site visit when she returns. DEP sent an e-mail to the property owner on 4/22/13 requesting a site visit. On 6/10/13, DEP performed an inspection of the site; the owner lives alone and there are no animals on site. The absorption field has not been mowed this season. DEP sent an e-mail to the owner on 6/11/13 regarding the need to move forward with repair and change in status of the SSTS. DEP called the owner on 6/17/13 because there was no response to an email request made by DEP on 6/11/13 regarding follow up for the failing SSTS, which is now strictly residential. She will call CWC to inquire about funding. DEP sent an e-mail to the owner on 7/23/13, asking if she has made any progress with CWC and asked to schedule another site visit. DEP called the owner on 8/13/13 regarding any plan she may have to satisfy the terms of the NOV. DEP sent an e-mail to the Tax Assessor and CEO on 8/14/13 with a request for information on the property class and number of bedrooms. DEP sent an e-mail to the owner on 8/28/13 regarding the need to make some progress towards resolving the NOV. DEP received a phone call on 8/29/13 from the owner. She has not received any information from the Town yet concerning the number of bedrooms noted in the original building permit. DEP received a phone call on 9/10/13 from the owner. She wants to subdivide the property and in the process remove Angel's Gate from the deed; some work in the basement has been done to reduce the number of bedrooms.

Town:	Middletown
Basin:	Pepacton
Project Name:	Dry Brook Holdings LLC (Richard Gould trailer park), (Log #2010-PE-0521)
Project Description:	Application for the installation and hook up for 29 residential trailers and

Project Type: two non-residential buildings to the Margaretville WWTP
City Sewer Connection (CCS)
Status:

DEP received a call on 1/4/12 from the Town of Middletown CEO regarding a court date of 1/9/12 to grant the applicant a 60 day extension. DEP called DEC on 1/10/12 regarding review comments of the engineer plans. DEP received a call on 2/2/12 from DEC regarding their review comments of the engineer plans. DEP called the CEO 2/7/12 regarding the new extended court date and to discuss recent contact with DEC. The applicants new court date is scheduled for 3/12/12. DEP sent and forwarded an e-mail to DEC and the CEO on 2/9/12. DEP received a call on 2/10/12 from the owner regarding a flood buy- out program. As per the owner, thirty percent of the park was destroyed and the road damage left the park vulnerable to the next storm. The owner is waiting to hear back from FEMA, but plans on closing the park. The park tenants would get 6 months notice to move out. DEP requested written notice of this plan and advised owner to discuss this plan with the Town CEO. DEP received a call on 2/21/12 from the owner/applicant regarding a sanitary sewer blockage/backup. DEP discussed this issue with operations, DOH and the town CEO. DEP performed a follow-up site inspection on 2/22/12 and met with the owner/applicant, contractor and building inspector regarding the sanitary sewer blockage problem and repair. DEP received a call on 2/23/12 from the owner and contractor regarding the sanitary sewer blockage repair. DEP sent an e-mail to DEP Operations and the Town CEO on 2/23/12. DEP sent an e-mail to the owner on 2/24/12 regarding the existing sewer trap condition. DEP issued a letter to the applicant on 3/1/12 regarding the sanitary sewer blockage/repair problem and replacement requirement. DEP received a call on 3/06/12 from the project engineer regarding getting back on track and preparing revised plans to address DEC comments. DEP received a call on 3/9/12 from the town CEO regarding the sanitary sewer plan approval status. DEP received revised drawings from the engineer on 3/9/12. DEP received an e-mail from the owner/applicant on 3/14/12 indicating that his court date has been adjourned until 4/9/12. DEP performed a site investigation/inspection on 3/27/12 and met with the owner and contractor regarding a sanitary sewer blockage and repair. DEP received a call on 3/26/12 from the owner/applicant regarding his sanitary sewer system was clogged and disrupting multiple trailer units. . DEP issued a letter to owner/applicant on 4/3/12 regarding the sanitary sewer system blockage problem and repair. DEP sent an e-mail to the project engineer on 4/4/12. DEP received a call on 4/9/12 from the building inspector regarding a court appearance. DEP confirmed that DEC is awaiting for more sets of plans in order to issue an approval. With that information, the building inspector will recommend to that court to adjourn for 30 days in order to give the owner time to prepare repair schedule. DEP received a letter from the engineer to DEC on 4/9/12 with plans for their approval. DEP received an e-mail with letter attachment from DEC on 4/11/12 regarding sanitary sewer design plan approval. DEP sent an e-mail to the engineer on 4/11/12 regarding the approved sanitary sewer design plans. DEP sent DEC an e-mail on 4/11/12 regarding the approved sanitary sewer design plans and construction. DEP received a letter and a copy of DEC's approval and plans from the engineer on 4/19/12. DEP called the Town Code Enforcement Officer (CEO) on 5/4/12 from the Town of Middletown regarding the court status of the project. DEP sent an e-mail to the owner/applicant on 5/10/12 regarding the status of the construction schedule. DEP sent an e-mail to Town CEO requesting an update on the court action on 5/18/12. DEP received a phone message on 5/22/12 from the Town CEO. The applicant hired an attorney and got the adjournment until June 11. At that time, the court will be expecting a construction schedule that complies with DEC's construction

schedule. DEP received a message on 6/27/12 from the building inspector informing DEP that the next court date is 7/30/12 and that at that time the court is expecting the owner to have an executed contract in place that satisfies DEC's construction schedule. DEP sent an e-mail to the applicant on 7/12/12 regarding the status of complying with the DEC approval letter construction start date. DEP received an e-mail from the applicant on 7/18/12 in response to DEP's 7/12/12 email. DEP received a call on 8/3/12 from the town of Middletown CEO regarding postponement of the scheduled court date of 7/30/12 to 8/6/12. DEP called the Town of Middletown CEO on 8/29/12 regarding the next court date scheduled for 9/10/12. DEP issued a letter to the owner on 8/31/12 stating that construction has not yet commenced. DEP received a call on 9/7/12 from owner/applicant regarding the recent DEP construction/open NOV letter he received. DEP called the CEO on 9/13/12 from the Town of Middletown regarding the status of the court proceedings that involve the owner/applicant. DEP received a call on 9/27/12 from the Town of Middletown CEO regarding the status of the court schedule and position. DEP received a call on 10/31/12 from the Town of Middletown CEO regarding a sewer blockage problem in the Park with a contractor on site excavating without proper notification. DEP performed a site investigation on 10/31/12 and met with the CEO and the owners' representatives regarding the sewer blockage and repair attempts without proper notification. DEP performed a site inspection on 11/1/12 and met with the owner and his representatives who were working on the excavation and repair to the sanitary sewer lateral. DEP performed a site inspection on 11/2/12 and met with the owners' representatives who were performing the sanitary sewer repair work within the Park. DEP called the CEO on 11/26/12. The appeal will go to county court; if rejected and the verdict stands, the case will stay with the local court and fines to be levied against the property. DEP received an e-mail from the applicant on 11/30/12 regarding a proposed estimate prepared for the installation of the sanitary sewer replacement project. DEP sent an e-mail to the applicant on 12/13/12 regarding contractors that might be interested in the sewer installation work. DEP received an e-mail from the applicant on 12/26/12 regarding construction estimate submittal. DEP received a call on 1/7/13 from the owner/applicant regarding contract and CWC eligibility concerns. DEP received DEC's letter to the owner on 2/7/13 regarding his request for information for the operation of a campground. DEP received a call on 2/12/13 from a contractor regarding DEP requirements associated with the sewer installation replacement project. DEP called the CEO on 2/26/13 regarding the status of the project enforcement action. DEP sent an e-mail to the owner/applicant on 3/20/13 in response to an email regarding two trailer units affected by a sanitary blockage or freeze-up. DEP received a letter from the applicant's attorney on 3/21/13 demanding that DEP take all necessary steps to cover the full cost of the Plan or they will be forced to institute a declaratory judgment proceeding. DEP performed a site investigation on 3/21/13 regarding the sanitary sewer blockage freeze-up as reported by the applicant/owner. DEP performed a site investigation on 3/22/13 and met with the owners' representatives who were working on the sanitary sewer back-up problem. DEP performed a site investigation on 3/26/13 and met with the owner and his representatives to discuss the sewer blockage problem and repair method. DEP performed a follow-up site visit on 3/27/13 and met with the owner and his representatives who continued to work on the sanitary sewer problem repair. DEP performed a follow-up site visit on 3/28/13 and met with the owner and his representatives who continued work activity on the sewer repair problem. The site was also visited by the Town CEO and a DOH representative who identified additional health related concerns. DEP received a call on 6/12/13 from the contractor regarding a construction start date and pre-construction meeting. DEP received notice on 6/12/13 that construction will begin on 6/18/13. DEP met with the

contractor and applicant on the site for a pre-construction meeting on 6/14/13. DEP attended a pre-construction meeting on 6/14/13 with the contractor, engineer and building inspector on site to discuss start up and details of the proposed sewer replacement project. DEP performed a site inspection on 6/19/13 and met with the owner/applicant and contractor to discuss construction activity, progress and concerns. DEP performed a site inspection on 6/20/13 and met with the contractor to discuss construction activity, progress and concerns. DEP received a call on 6/24/13 from the applicant's new engineer regarding what was required for inspections and certification of the construction oversight. DEP performed a site inspection on 7/8/13 and met with the contractor to discuss construction activity, progress and concerns. DEP received a call on 7/9/13 from the contractor regarding a meeting with the new engineer scheduled for 7/11/13. DEP called the engineer on 7/10/13 from DEC regarding problems and concerns with construction activity and installation changes. DEP attended a meeting on 7/11/13 with the contractor and engineer to discuss issues and alternative options to deal with the water utility location conflict with the proposed sewer. DEP received an e-mail from the owner/applicant on 7/12/13 regarding changes to the proposed sewer installation. DEP received a copy of the DEC stamped plans from the engineer on 7/12/13. DEP performed a site inspection on 8/16/13 and met with the owner and contractor to discuss construction activity and progress. DEP performed a site inspection on 8/19/13 and met with the contractor to discuss work activity and schedule. DEP performed a site inspection on 8/20/13 and met with the contractor to discuss recent work activity, progress and concerns. DEP performed a site inspection on 8/22/13 and met with the contractor to discuss recent work activity, problems and concerns. DEP performed a site inspection on 8/28/13 and found no construction activity during the visit but interviewed a park resident who described electrical concerns. DEP called the contractor on 8/28/13 regarding an incident with an employee being shocked electrically while on the job. DEP requested that the power authority be notified of the incident and potential hazard. DEP performed a follow-up site visit on 9/25/13 and met with the owner/applicant to discuss remaining sewer installation work and requirements.

Project Type: Intermediate Repair (CR)

Status:

On 1/20/12, the trailer was removed and nothing has taken its place. DEP received DEC's letter to the owner on 2/7/13 regarding his request for information for the operation of a campground. This project is funded under CWC as a Small Business under the Septic Repair Program. On 7/25/13 DEP received CWC's notice of failure.

Project Name: Bradley Road (Log #1997-NV-0772)

Town: Neversink

Type of Use: Residence

Type of Violation: Failed SSTS For 3-Bedroom - formerly Leroy Stewart

Discovery Date:

Status: **Closed**

Overview and Action:

Owner asked DEP to perform site visit to confirm no failure status. DEP stated that several inspections will be conducted over several seasons to confirm failure did not return. DEP will contact owner for first inspection. DEP performed a site visit on 11/16/2009. There was a discharge; the site was not stable; the site was occupied. No sign of exploring for a possible leak

into lines from septic tank or house. DEP performed a site visit on 12/14/2009. There was not a discharge; the site was stable; the site was occupied. Site Visit type: Follow up. Date; 2/21/12; septic failure not observed. Property Status: Currently inhabited. DEP called the complainant on 8/23/12 regarding the failure; she has not noticed a smell at all this summer. In addition, she has also noticed that there are not nearly as many people living in the house now as when the failure was first noticed. DEP performed site visits on 1/4/13 and 3/26/13; septic failure was not observed. The violation was resolved and the case was closed on 5/9/13 with a DEP closure letter dated 5/9/13. On 5/9/13, DEP walked over the area of last known failure. The failure was not evident in the lawn or in the nearby drainage swale.

Town: Roxbury
Basin: Pepacton
Project Name: Mcardle, Andrew & Kimberly, (Log #2012-PE-0491)
Project Description: The owner has converted the upper floor of a dairy barn to an event space for weddings and has installed a bar with a sink that discharges to the ground

Project Type: Intermediate Repair (CR)

Status:

On 8/3/12, DEP performed a site visit with the Town of Roxbury's assessor's clerk. A bar has been installed in the top floor of a renovated barn and the sink discharges directly to the ground via a 2 inch pipe. On 8/9/12, DEP met on site with the owner and discussed the present and future use of the barn. The owner wants to install a holding tank for the bar sink and possibly the bathroom trailer. DEP called the owner to advise that an NOV would be issued for the sink discharge to the ground. He said he has hired an engineer and surveyor to work on the issue. DEP received a phone call on 8/22/12 from the owner. He has been in contact with an engineer and hopes to be able to install a holding tank large enough for the current bar sink. His spring has gone dry and currently there is no water supply to the events barn. . DEP issued a NOV to the owner on 10/1/12. DEP received a phone call on 10/31/12 from the owner, who said he received the NOV and had an engineer working on an SSTS design, and that there are no more weddings this year. DEP received a call on 11/2/12 from the owner; he said he never read the NOV and is disturbed that DEP included the Inn in the NOV. DEP received an e-mail from the owner on 11/2/12, with a plan for the holding tank. DEP received an e-mail from the owner on 11/2/12, as he claims there is no basis for the house to be included in the NOV. DEP corresponded by email on 11/2/12 with the design engineer and the owner; DEP needs more information about the site improvements and for the design submittal. DEP sent an e-mail to the engineer and owner on 11/13/12, regarding dates DEP is available to inspect the deep holes that his contractor dug. DEP called the owner on 11/13/12 regarding the email he sent on 11/2/12. We discussed the SSTS for the house/B&B, as well as the holding tank for the barn. On 11/21/12, DEP met with the owner, engineer and contractor for soils testing. A raised absorption field is required. We also discussed the house rental and its SSTS. DEP received an e-mail from the owner on 11/29/12. He is upset that the SSTS approval is for three bedrooms because he purchased a six bedroom house. DEP received an e-mail from the engineer on 12/31/12, with a report proposing flows for a new SSTS and interim holding tank for the wedding barn. DEP replied and requested a phone meeting with the owner regarding the house SSTS. DEP sent an e-mail to the owner and the engineer on 1/2/13, with comments regarding the partial plans submitted to support a temporary holding tank. DEP corresponded with the owner and engineer by e-mail on 1/7/13; the owner wants to do the

barn SSTS prior to tackling the rental SSTS. DEP spoke to the engineer by phone on 1/8/12 regarding the plans, DEP's comments, and requested a grease trap be added to the plans. DEP received an e-mail from the design engineer on 1/20/13, with a revised SSTS plan. DEP received an e-mail from the engineer on 2/14/13 with revised plan calculations. On 2/20/13, DEP performed a site visit to observe the renovations taking place inside the wedding barn. The owner was there and we discussed the placement of the kitchen, bathrooms, and associated plumbing. DEP received a phone call on 2/21/13 from the owner after he received a copy of DEP's comment letter. We discussed the comments one by one, and decided that a conference call with the engineer is appropriate. DEP issued a letter to the owner and engineer on 2/22/13 with comments on the revised plans. DEP received a phone call on 2/22/13 from the property owner, who questioned many of DEP's comments to the plans. DEP explained each comment and the owner will in turn discuss with his engineer. DEP received a call from the engineer on 2/21/13, and DEP returned the call to the engineer on 2/22/13. Messages were left to discuss the comment letter issued on 2/20/13. On 2/25/13, DEP received a phone call from the engineer, and discussed the comments to his preliminary plans. DEP received a phone call on 3/6/13 from the owner, who wanted to know if DEP received revised plans from the engineer yet. DEP received an Application for a SSTS on 3/12/13 from the engineer for the barn. DEP called the design engineer on 3/21/13 and reviewed the recent plans submitted, as well as the needed revisions with him. DEP issued a letter to the owner/applicant on 3/22/13 regarding the design submissions. DEP received a letter from DOH to the engineer on 3/25/13 regarding submission requirements. On 3/27/13, DEP met with the owner, contractor and engineer to look at the site regarding the proposed plans for the full SSTS and the holding tank. DEP received a revised proposal from the engineer on 3/27/13 per DEP comments of 3/23/13. DEP issued a NOCA on 3/28/13. DEP called the design engineer on 4/3/13 to discuss the proposed criteria for the lower, non-food service flows for the holding tank. DEP received the revised calculations for the holding tank from the engineer on 4/3/13. DEP received revised drawings from the engineer on 4/5/13. DEP issued a letter to the owner on 4/12/13 with comments on the revised plans. DEP received an alternate layout for the barn from the engineer on 4/16/13. DEP received the septic tank in series cut sheets from the tank manufacturer on 4/19/13, and approved them for use for both the full kitchen SSTS and the holding tank option. DEP sent an e-mail to the tank manufacturer, the engineer and the owner on 4/19/13 regarding the most recent flow calculations submitted by the engineer and the tank specifications that DEP will approve for those flows. The septic tanks in series are a special order and the owner wants to get them installed as soon as possible. DEP received the revised tank layout from the engineer on 4/21/13. DEP received a call on 4/22/13 from the engineer. The holding tank option has been resolved and DEP is awaiting a hauling contract. DEP received revised plans from the engineer on 4/29/13. DEP received a response letter and revised plans from the engineer on 5/6/13. DEP received revised plans from the engineer on 5/8/13. On 5/8/13, DEP attended a pre-construction meeting for the installation of the holding tanks. DEP sent an e-mail to the owner and the engineer on 5/14/13 regarding what is needed prior to the SSTS temporary and full approval as well as construction approval. DEP sent an e-mail to the engineer on 5/14/13 regarding the few changes that need to be made to the plans and the need for five full copies to stamp. On 5/16/13, DEP performed a final inspection; the alarm was tested and the area for the tanks needs water diversion and more seed and mulch. DEP received revised plans from the engineer on 5/20 and 5/28/13. DEP sent the owner an e-mail on 6/5/13 regarding the need for the pumping contract and the pump out receipts. DEP received revised plans from the engineer on 7/1/13. DEP received the pumping

contract from the applicant on 7/8/13. DEP issued an Approval Determination letter on 7/9/13. DEP received an e-mail from the owner on 9/10/13 regarding the pump-out receipts that he now needs to get from the hauler.

Project Type: SEQRA (SQ)

Status:

On 3/26/13 SCS Coordinator determined this action to be Type II Subsection 7; therefore, no further action is required under SEQRA.

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

Town: Roxbury

Type of Use: Residence

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

Discovery Date: 8/31/07

Status: No Application

Overview and Action:

Project Type: Intermediate Repair (CR.3)

Status:

DEP issued a NOV to the owner on 12/29/11 for the continuous use of the barn holding tank. DEP replied to an e-mail from the applicant on 12/20/12 regarding the need for a compliant plan. DEP issued a new NOV to the owner on 1/5/12 for the original failure of 07. DEP received the letter from the Watershed Agricultural Committee on 1/9/12, denying the request for the amendment to the easement. DEP replied via email to a phone call from the applicant in which two ideas were presented 1) proceeding with the SSTS design as is except continue the hold and haul operation for a few years until something else can be worked out 2) explore the 20 acre parcel across the street. DEP Legal sent an e-mail response to the owner's emails advising him to submit revised plans. DEP has corresponded with DOH concerning the SSTS. DEP received additional correspondence from DOH on 1/17/12. The City of New York's Law Department issued a letter to the owners on 1/27/12 regarding the NOV's and stated that they are drafting a stipulation in order to bring the SSTSs into compliance. DEP received an e-mail from the owner on 1/27/12 requesting to renew his SSTS plans. DEP received an e-mail response about the barn and apartment use in the winter. NYC Law Department and the owner have been corresponding by email regarding the NOV's. DEP received an e-mail from the NYC Law Department on 2/10/12 regarding the meeting to be on 2/22/12 in order to discuss NOV resolutions. NYC Law Department issued the proposed stipulation to the owner on 02/17/12. DEP received a call on 2/21/12 from the owner's contractor, who wants to start importing fill from Davenport for the installation of three SSTSs for the facility. DEP advised him to wait until the designs are approved, rather than store the fill on site. The contractor is concerned that the funding from the CWC will not cover the total cost of the three SSTSs that the owner now wants to install. DEP received an e-mail from one of the property owners, requesting that DEP send his current engineer the soils information for testing done on 3/26/11 and 4/25/11 by a different engineer. DEP sent an email to the owner's engineer requesting he meet DEP at the site to determine potential SSTS sites. NYC Law Department sent an e-mail to the owners confirming the enforcement meeting scheduled for 2/22/12 on 2/21/12. DEP called the Roxbury Town Clerk and sent her a fax for any additional information that a bedroom was added per building permit #

2810 for the house/B&B on SBL 155-2-6.522 on 2/22/12. DEP received an e-mail from the owner, with the soils report from 5/15/11. DEP corresponded by email with the owner regarding the property under easement where soils testing has already been done. DEP does not see the need for additional soils testing unless WAC denies the use of the encumbered properties. DEP called the engineer on 2/23/12 to try and setup soil testing based on the compliance conference. DEP received a call on 2/23/12 from the engineer, requesting on behalf of the property owner we use the locations where soils testing have been done. DEP discussed via email the option of designing the absorption field for both the house and arena on the lower arena lot, and a possible hold and haul for the barn, which is the engineer's preference. DEP sent an e-mail to the property manager reminding him to discuss the combined absorption field proposed for the B&B and Arena with WAC, as the property is under easement. DEP corresponded by e-mail on 3/2/12 with the design engineer concerning daily flows for the arena and proposed kitchen. WAC met and discussed and approved the applicant's proposal to install the SSTS for the arena and the house/B&B on the arena parcel on 3/2/12. DEP Legal sent an e-mail to the property manager with a revised draft stipulation, based on the meeting held on 2/22/12. DEP Legal received an e-mail from the Watershed Agricultural Council, confirming that the proposed SSTS location is acceptable to them on 3/7/12. DEP called the design engineer to discuss the plans. He will submit revised design based on owner's plans to install a kitchen in the Arena and equalize the flow from larger events. DEP received an e-mail from the design engineer on 3/12/12, with revised plans. DEP issued a letter to the owners on 3/16/12 with comments on the revised plans. DEP received an e-mail from the owner on 3/16/12, asking for a response to the plans his engineer submitted to DEP on 3/10/12. DEP responded and attached the comment letter. DEP received revised plans from the engineer on 3/20/12. DEP sent the e-mail from the engineer to DOH on 3/20/12. NYC Law corresponded by email regarding the reservation dates for the B&B on 3/26/12. DEP received a call on 3/27/12 from DOH stating that they will not be reviewing the project at this time. DEP issued a letter to the engineer on 3/28/12 with comments on the latest submission. On 3/28/12, DEP sent the design engineer comments on the 3/20/12 plans, and the engineer replied with revised plans on 3/29/12. DEP sent an e-mail to DEC, DOH and CWC with DEP's comments attached for the plans submitted for the project on 3/20/12. DEP sent the comment letter to the owner in an e-mail on 3/29/12. DEP sent an e-mail to the chairman of the Roxbury Planning Board, with the DEP comment letter on 3/20/12 plans, and asked if a site plan review for this project was required on 3/29/12. DEP received an e-mail reply from the owner on 3/29/12, wanting to know when he could start construction. DEP sent an e-mail to the engineer on 3/30/12, which included the design with mark-ups and comments on what changes should be made to the plans, which are approvable but need clarification. DEP called the owner on 10/22/12 to inquire about the hauling contract. The owner said he signed it and mailed it to the hauler. DEP called the hauler on 10/31/12, requesting a copy of the signed hauling contract for the horse barn holding tank. DEP sent an email to both the owner and the hauler on 11/1/12, requesting the signed contract and pump out receipts for the barn holding tank. DEP corresponded by email with the owner on 11/28/12., and scheduled an inspection and contract signing for 12/4/12. DEP performed a site visit on 12/4/12; the barn holding tank is still in use past the 12/1/12 deadline. The alarm breaker was in the off position. The owner signed the haulers contract. The power to the arena, pump tank and pump panel had been turned off, and the pump chamber was nearly full. When the power was turned back on, the junction box caught fire when the pumps were run on manual. The electrician was called in. DEP received the hauling contract on 12/4/12. On 12/10/12, DEP performed an inspection to determine if the electrical

problem had been repaired and to determine if any sewage had discharged from the pump chamber to the ground. DEP has been corresponding by email with the owner; as of 12/10/12, the electrical components of the pump panel and pump station have been repaired. On 12/12/12, DEP performed an inspection and found the pump panel and chamber floats to be working properly. DEP called the owner call on 12/28/12 regarding the holding tank that is still in use. The owner wants to continue its use until an SSTS is installed, even though the approval requires no-use from 12/1 through 4/1, and there are no plans submitted for the SSTS. He has no money to disconnect the water or plumbing for the bathrooms and kitchen in the barn. On 1/4/13, DEP performed a site visit to check the pump function for the SSTS and the alarm/holding tank at the Barn. DEP has been corresponding by email with the owner regarding the Barn holding tank, which is being used in violation of the SSTS approval. DEP called the hauler on 1/10/13 to get the remaining pump out receipts for 2012. The hauler said he pumped 2500 gallons on both 10/15 and 10/30/12. On 1/24/13, DEP performed an inspection on 1/24/13 to check on the functioning of the pump chamber and the use of the holding tank. The pumps are working and the holding tank is still in use past the 12/1/12 deadline. On 2/20/13, DEP performed a routine inspection; the holding tank is still in use, and the alarm sounded when the breaker was switched on momentarily. The junction box at the pump chamber has been replaced and the tank cover is on properly. DEP sent an e-mail to the owner on 2/22/13, advising him that the holding tank alarm was not on during an inspection on 2/20/13, and requesting pump out receipts. DEP received a reply e-mail from the owner on 2/25/13. He said the apartment hasn't been rented and the tank was checked and is half full. DEP issued a NOV to the owner on 3/29/13. On 5/10/13, DEP performed an inspection; the breaker for the alarm for the Barn holding tank was off; when switched on the alarm sounded. The absorption field looked good. Staff were preparing for the first wedding of the season. DEP sent an e-mail to the owner on 5/14/13 regarding the alarm breaker being turned off and the lack of response to the NOV issued on 3/29/13. DEP received an e-mail reply from the owner on 5/14/13 regarding the use of the holding tank. DEP received an e-mail reply from the hauler on 5/15/13; he said he pumped the tank on 5/10/13. DEP responded to the 5/14/13 email from the owner on 5/15/13 and re-stated the ongoing violations. On 6/3/13, DEP performed an inspection of the site; the Barn holding tank alarm breaker was off. The alarm sounded when the breaker was momentarily switched on. Water diversion and a new road to the wedding barn have been installed. DEP sent an e-mail to the hauler on 7/2/13 requesting pump out dates and amounts so far this year. DEP received an e-mail reply from the hauler on 7/3/13 regarding the Barn holding tank pump-outs. DEP sent an e-mail to the hauler on 8/12/13 regarding the need for pump out dates and receipts. DEP received an e-mail reply from the hauler on 8/13/13 regarding more recent pump outs of the Barn holding tank. The hauler pumped 3000 gallons on both 7/12 and 7/30/13. DEP received a phone call on 8/23/13 from the hauler saying he pumped the Barn Holding Tank on 8/20/13.

Project Type: SEQRA (SQ)

Status:

SCS received a Short EAF on 3/20/12. On 3/21/12, SCS Director determined this action to be Type II Subsection 1; therefore, no further action is required under SEQRA.

Town: Stamford (T)
Basin: Cannonsville
Project Name: The American Plum Tree, Inc. (David & Diana Dax) (Log #2008-CN-0263)
Project Description: Failed SSTS; Proposal to complete interior and exterior improvements, build a caterer's kitchens, add one bathroom and subdivide the existing parcel for their existing reception hall business
Project Type: Intermediate Repair (CR)
Status:

On 3/6/13, DEP performed a routine inspection of the SSTS; no problems were observed. Three cars were parked in the driveway and the overhead door to the shop was open. On 5/2/13, DEP performed a drive by inspection of the property; it is currently inhabited. On 6/10/13, DEP performed a drive by inspection of the property, which appears to be inhabited. The overhead door to the shop is open and there are several cars in the driveway. NYC Law spoke with a CWC lawyer on 6/14/13; there has been no change in the foreclosure status of the property. On 7/19/13, DEP drove through the property to briefly observe the area of the residential septic tank and the commercial SSTS; nothing appears to be out of order. On 8/28/13, DEP drove through the property and performed a quick visual inspection of the SSTS and the area around the failing residential septic tank; nothing out of order was noted. The family and several animals are still living on site.

Project Type: SEQRA (SQ)
Status:

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

Name: Phoenix House Foundation, Inc. (Log #2004-CN-0718)
Location: Stamford (V)
Type of Use: Commercial
Discovery Date: 8/9/04
Type of Violation: SSTS Failure
Status: Approved

Overview and Action:

On 2/23/12, DEP performed a routine inspection of the absorption field; no sewage was observed on the surface of the absorption field. On 3/6/12, DEP performed an inspection of the absorption field. Although the lower middle and lower western fields were spongy, no sewage was observed on the ground. DEP received an e-mail from the maintenance supervisor on 4/3/12, explaining that the water usage is low because the population is lower than usual. DEP sent an e-mail to the maintenance supervisor on 4/3/12, asking if anything at the facility has changed recently, as the water usage is lower than usual. DEP received the water meter readings on 4/3/12. On 5/11/12, DEP performed a routine inspection of the large absorption field; no breakouts were observed. DEP also met the new maintenance supervisor. He mentioned that the occupancy has been lower than usual. On 5/18/12, DEP inspected absorption field on 5/18/12; the absorption field showed no evidence of failure. DEP performed a routine site visit on 5/30/12; the large absorption field is dry and is being mowed on a regular basis. DEP received a call on 6/5/12 from the grounds supervisor, who agreed to a meeting with DEP and the new

maintenance personnel. On 6/13/12, DEP met with the director to review the SSTS and discuss maintenance. The new maintenance employee was supposed to be on site but was attending a class. The large absorption field is soft in spots, but there was no sewage surfacing. DEP received the pump out receipts on 6/13 and 7/19/12. On 7/20/12, DEP performed a routine inspection of the large absorption field. The field was drier than has been observed in recent years. Population has decreased, and there has been a severe lack of rain this season. DEP sent an e-mail to the director on 7/30/12, requesting the water log for April 2012 through the present. DEP received the water meter readings on 7/31 and 9/7/12. DEP received the water meter readings on 10/11/12. On 11/1/12, DEP performed a follow up inspection of the larger SSTS; there were no signs of failure. DEP also spoke with the maintenance supervisors, who said that they will soon be going back to full capacity. DEP emphasized the need for the water meter readings and pump out receipts on a monthly basis. DEP received the pump out receipts on 11/2/12. DEP received the water meter readings on 11/2/12. DEP received the water meter readings and pump out receipts on 12/6/12. DEP received a phone call on 12/11/12 from the maintenance supervisor, who will mail the pump out receipts for November, and he will begin mailing the receipts to DEP at the end of each month. DEP received the pump out receipt on 12/13/12. DEP received the pump out receipt on 12/17/12. DEP performed a site visit on 12/31/12; the absorption field was covered with snow, and there were no signs of sewage surfacing on the ground. DEP received the water meter readings on 1/11/13. DEP received the pump out receipt on 1/24/13. DEP received the Water Systems Operation Report and the Monitoring Notice on 2/4/13. DEP received the pump out receipt on 2/19/13. DEP received the February 2013 Water Readings on 3/4/13. On 3/6/13, DEP performed a routine inspection of the SSTS; the fields were dry. DEP received the pump out receipt on 3/21/13. DEP received the Water Systems Operation Report and water meter readings from DOH on 4/4/13. DEP received the pump out receipt 4/24/13. On 5/2/13, DEP performed a routine inspection of the large SSTS. A clean-out cap remains broken near the septic tanks. The absorption field was dry and was being mowed for the second time this season. The maintenance manager said occupancy is at 105 and will remain there due to restrictions imposed by their governing entity. DEP received the water meter readings on 5/6/13. DEP received the pump out receipt on 5/23/13. DEP received the water meter readings on 6/6/13. On 6/10/13, DEP performed a routine inspection of the large absorption field and found sewage surfacing in several areas of the upper and middle fields closest to the railroad tracks. DEP received the April and May pump out receipts on 6/10/13. DEP sent an e-mail to the facility director on 6/12/13 regarding the sewage surfacing on the large absorption field and the need for pump-outs. DEP received a reply e-mail from the facility director on 6/12/13 regarding the need for additional pump outs. On 6/13/13, DEP performed an inspection of the entire subsurface sewage treatment system. Sewage was observed on the ground in one small area of the large absorption field. DEP sent a reply e-mail to the facility on 6/17/13 regarding the pending issuance of a new NOV and the need to check for progress concerning the sewage discharge. DEP received a copy of the 6/10/13 pump out receipt on 6/17/13. DEP received a copy of the 6/29/13 pump out receipt on 7/2/13. DEP spoke with the Deputy Director on 7/3/13. He has been advised by management that the work in the proposal from the engineer will be done without the engineering firm's oversight. DEP advised that an engineer should be involved, as the engineer may have a different concept to cure the failure. DEP called the engineering firm on 7/5/13. The engineer has spoken to the Deputy Director and is waiting to schedule an appointment on site. DEP gave the engineer some general information about the SSTS and the historical failures. DEP received the Water System Operation Report

from DOH on 7/8/13. DEP issued a NOV to the owner on 7/12/13. DEP requested information on the hiring of an engineer and the frequency of pump-outs. DEP received a phone call on 7/17/13 from the facility director, acknowledging the NOV and requested a go ahead with previously discussed work on the absorption field. DEP returned the phone call to the facility manager on 7/18/13. He will contact the engineering firm and get back to DEP with a time frame for an on-site meeting. On 7/19/13, DEP performed an inspection of the large absorption field. No sewage was observed on the ground and the field was mostly dry with only a few soft spots. On 7/30/13, DEP performed an inspection of the large absorption field. The ground surface was dry and there were no signs of a recent sewage discharge. DEP received the water systems report on 8/5/13. DEP received the pump out receipts on 8/26/13 for 7/22, 8/5 and 8/21/13. On 8/28/13, DEP performed a routine inspection of the large absorption field. No sewage or sewage odors were observed and the field was dry. The past several weeks have been fairly low on rainfall. DEP received the water systems report on 9/9/13. DEP received the 9/9/13 pump out receipt on 9/16/13. On 9/25/13, DEP met with the engineer and the facility operators to discuss the SSTS history and to hear the engineer's proposal for a repair. The SSTSs were inspected; the filter chamber and the filters for the 20,000 gallon tank were full of sediment carryover from the tank. DEP received the 9/23/13 pump out receipt on 9/30/13.

Project Name: 11025 County Route 18 (Log #2009-CN-0290)
Town: Stamford (T)
Type of Use: Residence
Type of Violation: Failed SSTS-CWC Managed Repair
Discovery Date: 5/1/09
Status: No Application

Overview and Action:

DEP performed a dye test on 5/1/09; the results were positive. DEP issued a letter to CWC on 5/28/09 confirming the installation of the new septic tank and drywell. Site Visit type: Request. Date: 12/21/11; septic failure not observed. DEP observed that the back yard is fenced in and did not enter fenced area. Site Visit type: Request. Date: 3/12/12; septic failure not observed. Property Status: Currently inhabited. DEP performed a site visit on 7/10/12; septic failure was not observed. This project is located in a managed repair area. DEP performed a site visit on 12/3/12; septic failure was not observed. DEP performed a site visit on 6/18/13; septic failure was not observed. Property Status: Currently inhabited.

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

DEP called the owner on 1/23/12 regarding the SSTS. The septic tank for the house has been placed into the ground but not connected to the house as of yet; the owner will continue to pump and haul from existing tank until the construction can commence in the Spring. The pathway through garage floor has been completed. DEP received an e-mail from the owner on 2/24/12 discussing the construction of the approved SSTS. On 4/19/12, DEP met with owner to discuss the installation of the approved SSTS and the current failure for the 4 bedroom farm house. On

5/2/12, DEP performed a construction inspection. On 5/4/12, DEP conducted an inspection of the SSTS leach field installation and the road crossing. DEP received a call on 5/14/12 from the owner regarding the installation of the septic line from the septic tanks to the leach field. The owner is waiting to hear back from contractor as to when he will resume work. DEP received a call on 5/21/12 from owner regarding the installation of the trench to connect the SSTS. The trench is nearly complete and DEP will be notified as to when the pipe is planned to be installed so an inspection can be conducted. On 5/29/12, DEP conducted an inspection of the 400 feet of trench and pipe with cleanouts from the septic tank near the bath house to the leach field. DEP also discussed the stream crossing which still needs to be completed. DEP called the owner on 7/27/12 regarding the bridge crossing for the SSTS. The SSTS is installed and working properly. Owner stated that he will complete the bridge crossing at the close of the Farm Tent business for the season. DEP received an e-mail from owner on 8/7/12. Owner stated that he may start the bridge crossing very soon depending on the weather and the Farm tent business. Owner will give DEP notice as to when he may start. On 11/22/12, DEP staff conducted an inspection of the bridge crossing. The bridge crossing has not been completed as per DEP plans to date. On 12/27/12 DEP issued a reminder letter to the owner due to the lack of activity. DEP received an e-mail from the owner on 1/21/13 regarding the recent letter and stated that they will be completing the bridge crossing as soon as the cold weather breaks. DEP received As-Built plans and engineer's certification letter from the engineer on 4/24/13. DEP issued a letter of Construction Compliance letter on 4/25/13. The violation was resolved and the case was closed on 4/30/13 with DEP Closure letter dated 4/30/13. DEP has resolved the Enforcement Action on 4/30/13.

Project Type: SEQRA (SQ)

Status:

SCS received Lead Agency Neg Dec dated 6/21/10 from Delaware County Planning Department.

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

Location: Walton

Type of Use: Residence

Discovery Date: 5/15/98

Type of Violation: Failed septic system

Status: Approved

Overview and action:

DEP issued a Design Approval Expiration letter on 8/25/11. DEP called the engineer/surveying firm on 2/13/13 regarding the expired plans. The original engineer has retired and DEP inquired as to who will be handling the projects at this juncture. DEP received a letter from the engineer on 4/9/13 regarding the renewal of their plans for construction. DEP called the owner and left a message to call back on 4/15/13. DEP contacted owner on 4/23/13. The owner is asking the engineer to get the project re-approved. The owner said he hasn't had a problem with SSTS since the original problem, when he had four kids and some friends staying in the house, and suggested it failed due to high usage. DEP informed owner that an inspection will have to be done to verify that the site was undisturbed, prior to re-approval being issued. The owner gave permission for DEP to inspect the site if he is not home. He also mentioned that he has two boxers that are usually inside the house if he is not home; sometimes they are in his fenced in area though. The

area of the previously approved proposed SSTS and area of previous failure are outside of the fenced in area, and safe from dogs, per owner. DEP contacted the owner on 8/16/13, who will reach out to the engineer again for re-certification. DEP performed a site visit on 9/13/13; septic failure was not observed. There was no one home and DEP could not see failure as the back yard is fenced in. House is now for sale.

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

Overview and action:

DEP issued a Design Approval Expiration letter on 8/25/11. DEP called the engineer/surveying firm on 2/13/13 regarding the expired plans. The original engineer has retired and DEP inquired as to who will be handling the projects at this juncture. DEP received a letter from the engineer on 4/9/13 regarding the renewal of their plans for construction. DEP called and spoke with the owner on 4/15/13 regarding how to obtain re-approval. DEP called the owner on 9/12/13 and left a message to call back, but mentioned that he did not appear to follow-through with asking engineer/surveyor to recertify plans. DEP received a return call from the owner on 9/25/13 who said that he had many medical issues this year. DEP asked the owner to keep DEP informed with his plans/schedule.

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

Town: Carmel
Basin: West Branch
Project Name: Sullivan, Neal, (Log #2011-WB-0755)
Project Description: Failed SWPPP;
Project Type: Solid Waste (SO)
Status: **Closed**

DEP initiated an Enforcement Action on 10/28/11. DEP issued a NOV to the owner on 10/28/11. DEP sent an internal status update via email on 11/9/11. DEP sent an internal update on status of NOV on 11/14/11, advising that the engineer will prepare and submit a plan/report to address interim, temporary stabilization of the fill. DEP received a letter and plans responding to the NOV on 12/07/11. DEP issued a letter to the engineer on 12/12/11 regarding the NOV, advising that the recently submitted plans are acceptable with conditions. DEP sent an e-mail to Legal/Police on 1/27/12. The applicant has been before the Town of Carmel Court several times to resolve the unstable site conditions. Site inspections performed on 10/25/2011; 11/16/2011; 1/4/2012; 1/13/2012; 1/25/2012; 2/8/2012; 3/5/2012; Owner has provided a dense, temporary cover material in advance of final closure/stabilization as approved by the Town of Carmel Planning Board and accepted by DEP. Site is stable. DEP sent an internal e-mail on 5/22/12; DEP spoke with the owner and he stated that he is eager to start the final stabilization work; however, he is waiting on the Town of Carmel to lift the stop work order and anticipates resolution this month. DEP received a phone call on 6/7/12 from the homeowner indicating that work would commence on the final stabilization plan immediately. A site inspection conducted

on 6/14/12 noted that no work has been undertaken. DEP performed a site visit on 7/6/12; site stabilization work underway; netting, mulch and seed are in place on roughly 1/5th of the disturbed area. Additional silt fence will be installed below the work area. DEP performed a site visit on 7/18/12. DEP sent an internal e-mail on 8/10/12 with findings of the 8/9/12 site visit; a four-person landscaping crew was active; grading and placing topsoil on the level portions of the fill adjacent to the house. At the request of the applicant, the Town of Carmel highway crews installed a speed bump and diversion curbing to divert storm flows away from the driveway. DEP performed follow-up site visits on 10/16 and 12/19/2012. DEP called the owner on 4/4/13 regarding update on final stabilization of the fill material given the advent of spring 2013. He stated that the landscape crews began addressing the remaining portions of fill last week and expects to have said areas adequately covered with topsoil/seed/mulch by the end of April 2013. He was advised that DEP staff will re-start site inspections immediately. DEP performed a site visit on 4/4/13. DEP left a voice message for the owner on 5/13/13 seeking an update on status of final stabilization. DEP received a return call on 5/15/13 stating that stabilization work will re-commence on the weekend of 5/18. DEP will re-inspect during the week of 5/20/13. DEP performed site visits on 5/20 and 7/8/13. The violation was resolved and the case was closed on 7/23/13 with DEP Closure letter dated 7/23/13. DEP has resolved the Enforcement Action on 7/23/13.

Town: Carmel
Basin: Croton Falls
Project Name: Putnam County Landfill, (Log #2010-CF-0088)
Project Description: Capping existing landfill.
Project Type: Stormwater (SP)
Status:

A meeting was held with the project applicant on 3/9/12. DEP received the final closure plan from the engineer on 3/12/12. DEP received an Application for a SWPPP on 3/12/12 from the engineer. DEP initiated an Enforcement Action on 3/13/12. DEP performed a site visit on 3/14/12; there were deficiencies; there was no discharge and the site was occupied. DEP performed a site visit on 3/16/12; there were no deficiencies; there was no discharge and the site was occupied. DEP performed site visits on 3/21 and 3/26/12; there were deficiencies; there was no discharge and the site was occupied. DEP performed a site visit on 4/9/12; there were deficiencies, there was no discharge and the site was occupied. DEP received a letter from the engineer on 4/11/12 along with a copy of the revised erosion and sediment control plans in response to DEP's letter of 3/15/12. DEP performed site visits on 4/23 and 5/1/12; there were deficiencies, there was a discharge and the site was occupied. DEP performed site visits on 5/4 and 5/7/12; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 5/10/12; there were deficiencies, there was a discharge and the site was occupied. DEP received a response to the NOICA from the engineer on 5/14/12. DEP performed site visits on 5/15 and 5/18/12; there were deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 6/5, 6/8, 6/20, 7/9 and 7/19/12; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 7/20/12; there were deficiencies, there was a discharge and the site was occupied. DEP sent an e-mail with inspection reports and photos attached to DEC Region 3 advising of water quality violations relative to Landfill closure operations. DEC issued a NOV on 7/27/12. DEP performed a site visit on 7/27/12; there were deficiencies, there was no discharge and the site was vacant.

DEP issued the NOCA and Approval Determination letters on 7/27/12. DEP performed a site visit on 8/10/12; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 8/20/12; there were deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 9/5/12; there were no deficiencies, there was no discharge and the site was vacant. DEP called DEC 9/11/12 for an update on the referral to the DEC law department for the water quality violation (NOV). DEC will visit the site and based on the conditions, will decide if it will be referred. DEP performed a site visit on 9/19/12; there were no deficiencies, there was a discharge and the site was occupied. DEP performed site visits on 10/1 and 11/21/2012; there were deficiencies, there was no discharge and the site was vacant. DEP sent photo documentation and punch list of outstanding items to DEC per his request via WECC. Wetland cleanup and final stabilization work are pending. DEP performed a site visit on 3/12/2013; there were deficiencies, there was a discharge and the site was vacant. DEP spoke with DEC on 4/8/13 regarding status of final remediation/stabilization of site conditions. He explained that he has advised DEC Solid Waste to follow up with Putnam County on these issues. DEP left a message for Putnam County Dept. of Highways & Facilities Commissioner on 4/26/13 seeking a combined inspection between DEP, DEC and Putnam County to resolve outstanding compliance issues. Deputy Commissioner returned the call on 5/3/13 and agreed to follow up with dates for the inspection. DEP has been in regular contact with DEC Solid Waste since the 4/18/13 Stormwater WECC discussion. DEP performed a site visit on 5/31/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to Putnam County on 6/7/13 regarding Stormwater Compliance Field Report. DEP performed a site visit on 6/21/13; there were deficiencies, there was a discharge and the site was vacant. DEP sent an e-mail to DEC on 6/28/13 regarding the status of DEP's SWPPP inspection of the landfill on 6/21/13. DEP performed a site visit on 7/23/13; there were deficiencies, there was a discharge and the site was vacant. DEP performed a site visit on 8/13/13; there were no deficiencies, there was no discharge and the site was vacant.

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

DEP received a letter from a concerned citizen to DEP Commissioner on 6/20/11 regarding construction on the site. On 8/30/11, Stormwater Programs visited the site; it appears that erosion/rilling of fill continues at similar rate as noted in the past. DEP received an email from several parties indicating photos were taken on 8/31/11. Watershed Lands/ Operations personnel continue to perform inspections on adjacent NYC Lands every 60 days. DEP Police continue to take aerial photos of the affected areas on a regular basis to assess conditions. DEP sent an e-mail on 5/20/13 requesting aerial photos be taken of the property to assess the current condition. The photos were received via email 5/29/13.

Town: Carmel
Basin: Croton Falls
Project Name: Town of Carmel Transfer Station/Carmel Landfill, Report No. 4277, (Log #2001-CF-1057)

Project Description: Carmel Recycling Center/SPPP Plan /Landfill.

Project Type: Stormwater (SP)

Status: CLOSED

DEP performed site visits on 4/15, 5/20 and 6/7/10; there were deficiencies; there was no discharge; the site was vacant. Based on a phone conversation with the town of Carmel and DEP, work continues on the remaining repair work and should be completed this summer. DEP received a DEC letter on 7/1/10 confirming compliance with the Consent Order. DEP has resolved the Enforcement Action on 8/23/10; the violation was resolved and the case was closed on 8/23/10 with DEP Closure letter dated 8/23/10. DEP sent an e-mail to DEC on 5/23/13 regarding closing out the SWPPP approval. DEP received a letter dated 7/21/2008 from the DEC on 5/23/13 regarding the Carmel Landfill Closure Certification Report.

Project Type: SEQRA (SQ)

Status:

SCS Chief determined this action to be Type II, Subsection 29; therefore, no further action is required under SEQRA. SCS received a DEP Revocable Permit SEQRA Determination from LM, Report No. 4277 for the Town of Carmel for the purpose of drainage swales, manholes/pipe and access in connection with the closure of the Town Landfill.

Town: Carmel

Basin: Croton Falls

Project Name: Carmel Center Senior Housing, (Log #2004-CF-0630)

Project: Proposed Senior Housing.

Project Type: Stormwater (SP)

Status:

DEP received an Application for a SWPPP on 10/16/12 from the engineer with revised plans and supplemental calculations. DEP performed a site visit on 11/2/12; there were no deficiencies, there was no discharge and the site was occupied. DEP issued comments 11/26/12 to the engineer on the amended SWPP. DEP performed site visits on 11/27 and 12/11/12, 1/14, 1/31, 2/12, and 3/5/13; there were no deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 4/1 and 4/16/13; there were no deficiencies, there was no discharge and the site was occupied. A meeting was held with the project applicant on 4/18/13 to discuss the final stabilization of Series 7 basins. DEP performed site visits on 4/18, 4/29, 5/6, 5/24, 6/5 and 7/16/13; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call on 8/5/13 from the applicant regarding finalizing Series 2 basins. DEP performed a site visit on 8/12/13; there were no deficiencies, there was no discharge and the site was occupied. DEP spoke to the engineer concerning immediate stabilization of road side slopes, emphasizing forecast rain event for the next day. DEP performed site visits on 8/13 and 9/9/13; there were no deficiencies, there was no discharge and the site was occupied.

Project Type: SEQRA (SQ)

Status:

DEP Project Review received a copy of Town's SEQRA Evaluation Form from the engineer on 5/27/05 advising the minimum thresholds and criteria of the project fall within the outline of the GEIS and therefore no further SEQRA review is required.

3.2.4. Kensico Basin

Town: Harrison
Basin: Kensico
Project Name: Harrison Waste Facility, (Log #2013-KE-0313)
Project Description: Organic waste transfer
Project Type: Solid Waste (SO)
Status: **New**

DEP issued a letter to the town engineer on 6/5/13 regarding operating a solid waste management facility in proximity to Kensico Reservoir and watercourse. DEP initiated an Enforcement Action on 6/5/13. DEP received an email from the DEC on 6/5/13 regarding the registration that was issued to the facility. DEP left a voice message for the engineer on 6/13/13 regarding the status of Town response to DEP's 6/5/13 letter. DEP received and responded to an email from the town engineer on 6/20/13 regarding their intention of acknowledging to DEP's letter dated 6/5/13. DEP received an e-mail from the engineer on 6/28/13. The engineer is waiting for their legal department to approve a letter before it can be sent. This is in response to DEP's letter of 6/5/13. DEP sent an e-mail to the engineer on 7/12/13 to set up a meeting up regarding DEC registration and DOT permit. DEP received a letter from the engineer on 7/12/13 regarding requested DEC Filed Registration Form for Solid Waste Management Facility and DOT Use and Occupancy Permit. DEP received a letter from the engineer on 8/12/13 in response to the letter sent by DEP on 6/5/13.

3.3. DEP Police Actions

3.3.1. Catskill District

Name: County Route 39, NYC Gate 12 **CS-094-13, SJS 41907**
Location: Conesville
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 7/8/13
Status: Closed

Overview and Action:

DEP Police observed a dumping of 4 large tied bundles of brush and a large black trash bag deposited in a ditch on city property that did not yield traceable evidence. Bag contained used painting items (cans, brushes, drop cloth). DEP Land Management contacted for removal of items from city property. DEP Police and DEP Land Management involved.

Name: 17 Bridge Street, Hunter Fire Department **CS-045-13, SJS 40567**
Location: Hunter
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 4/12/13
Status: Closed

Overview and Action:

DEP Police responded to a fuel oil spill at the Hunter Fire Department and was met on scene by

DEC Spill Response member whom stated that an underground 550 gallon tank had collapsed and discharged #2 fuel oil into the Schoharie Creek creating a visible sheen on the water's surface. DEC Haz Mat assigned spill number and placed spill pads and socks on the ground around the discharge site. Tank was pumped out by local fuel company to be removed at a later date. DEC remained on scene to oversee clean-up. DEP Police and DEC involved.

Name: 202 Ski Bowl Road **CS-067-13, SJS 41011**
Location: Hunter
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 5/9/13
Status: Closed

Overview and Action:

DEP Police responded to a report of a failed septic and met with property owner, DEP Engineering staff, a representative from CWC and the Town of Hunter Building Inspector. The CWC stated that they will pay for 60% of the replacement septic system, but home cannot be occupied until all repairs are made. Owner issued Notice of Violation for failed septic. Officer will conduct follow-up checks to ensure no further violations occur. DEP Police, DEP Engineering, CWC and Town of Hunter Building Inspector involved.

Name: State Route 28/Vandale Road **CA-253-13, SJS 40864**
Location: Hurley
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 4/30/13
Status: Closed

Overview and Action:

DEP Police responded to the scene of a tractor trailer losing a significant amount of an unknown liquid (later identified as "anacrylic emulsion") which had spilled from the rear of the trailer creating a large sheen covering both lanes of traffic on Ohayo Mountain Road, causing local law enforcement to close it down until clean-up was completed and vehicle removed. DEP Police/Haz Mat/ESU, NYS Police, DEC Spill Unit, Ulster County Haz Mat and numerous local fire departments (West Hurley, Olive, Ulster, Kingston and Woodstock) involved.

Name: 15 Maple Lane **CS-126-13, SJS 42921**
Location: Jewett
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 9/6/13
Status: OPEN

Overview and Action:

DEP Police was flagged down by a complainant reporting a possible sewage leak from the residence across the street from her residence. Complainant stated that she smells a sewage odor when occupants are there on weekends and has observed what appeared to be green/brown foam in the nearby ditch which leads to the Schoharie Creek and ultimately the Schoharie Reservoir. Officer was unable to detect any sign of sewage discharge but will continue to monitor the area

and further attempt to interview property owner when present. DEP Police involved.

Name: Reservoir Road, Gate E1 **CA-538-13, SJS 42780**
Location: Olive
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/31/13
Status: Closed

Overview and Action:

DEP Police observed small dumpsite on fence line near Gate E1 on city property. Officer searched contents for traceable evidence with negative results. DEP Operations contacted for removal. DEP Police and DEP Operations involved.

Name: 1422 Wittenberg Road **CA-367-13, SJS 41537**
Location: Shandaken
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 6/13/13
Status: Closed

Overview and Action:

DEP Police along with other local law enforcement responded to the above location for a complaint of a strong unknown fuel/chemical odor in the area. When interviewed, complainant stated that he observed a truck carrying a large quantity of cans and barrels pull into the driveway and up the hill. He began to smell the strong odor after the truck left the area. DEC Spill Response initial determination was that the fumes were believed to be some type of fuel coming up from the saturated ground. Incident turned over to DEC who contacted outside contractor for initial site assessment and remediation. DEP Police, DEP Health and Safety, DEC Spill Response, Shandaken Fire and Police Departments, Kingston Fire Department and Ulster County Haz Mat involved.

Name: Seeley Road / Route 65A **CS-128-13, SJS 42992**
Location: Windham
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/10/13
Status: Closed

Overview and Action:

DEP Police observed a small dumping of household garbage along the creekside portion of Seely Road which did yield traceable evidence. Officer located and interviewed subject who stated that he had no idea how his trash ended up out of the dumpster as his garbage removal service had not pick up his garbage in some time. Subject immediately picked up his trash and secured it in the dumpster located on property. Officer issued a Notice of Warning for Unlawful Disposal of Solid Waste. DEP Police involved.

3.3.2. Delaware District

Name: County Route 7 **CB-317-13, SJS 43278**

Location: Colchester

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 9/25/13

Status: Closed

Overview and Action:

DEP Police was notified of a large amount of refuse scattered over the northbound lane of the road possibly with traceable evidence. Officer patrolled to the location, retrieved address information for responsible subject and attempted to locate for clean-up. Subject when located was interviewed and admitted she had driven to the landfill that day and must have lost some of the refuse from the vehicle. Subject was issued Notice of Warning for Failure to Contain Transported Refuse (NYS ECL) and subject's husband responded to the location for thorough clean-up of all refuse. DEP Police involved.

Name: 20 Country Kennel Lane **CB-103-13, SJS 40683**

Location: Delhi

Type of Use: Commercial

Type of Violation: Sewage Discharge

Date Discovered: 4/18/13

Status: Closed

Overview and Action:

DEP Police investigated a sewage complaint at Countryside Kennels where a small amount of brackish water was observed leaking from two uncovered pipes. Officer interviewed business owner/property tenant who disclaimed any responsibility but agreed to place the covers back on to avoid further issues. A follow-up to be conducted to contact the property owner and check on the status of sewage system. DEP Police involved.

Name: County Route 16 **CB-122-13, SJS 40871**

Location: Delhi

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 4/30/13

Status: Closed

Overview and Action:

DEP Police discovered a small dumpsite where it appeared someone had cleaned out a shed or garage and dumped the contents in a nearby road pull-off. Numerous large garbage bags of were checked but no traceable evidence linking to a suspect could be found. DEP Police involved.

Name: Feak Hollow Road **CB-095-13, SJS 40635**

Location: Hamden

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 4/16/13

Status: Closed

Overview and Action:

DEP Police observed a large dumpsite consisting of vehicle dashboard parts, a dismantled child's car seat and other household refuse. Town of Hamden Highway Department notified for clean up as no traceable evidence was found at scene. DEP Police and the Hamden Highway Department involved.

Name: 22 Hiram Todd Road

CB-264-13, SJS 42554

Location: Hardenbergh

Type of Use: Residential

Type of Violation: Sewage Discharge

Date Discovered: 8/20/13

Status: Closed

Overview and Action:

DEP Police responded to a possible sewage discharge complaint of septic leaking into a drainage ditch leading to the river. Officer followed the ditch and observed water of a burnt orange color originating from the offending residence. When interviewed, homeowner stated that he had corresponded with the CWC regarding the status of the septic system and was working with an engineer to design a new system. Officer contacted DEP Engineering who will follow-up and monitor progress of project. DEP Police and DEP Engineering involved.

Name: Clark Road

CB-080-13, SJS 40472

Location: Masonville

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 4/6/13

Status: Closed

Overview and Action:

DEP Police investigated a dumping next to city property consisting of used vehicle tires and a porcelain toilet with all accessories attached that did not yield any traceable evidence. Highway Department contacted for removal. DEP Police involved.

Name: Binnekill River

CB-214-13, SJS 42015

Location: Middletown

Spill # 1304028

Type of Use: Commercial

Type of Violation: Haz Mat

Date Discovered: 7/15/13

Status: Closed

Overview and Action:

DEP Police on patrol were flagged down and informed of a possible propane tank leak in the Binnekill River located behind 684 Main Street in the Village of Margaretville. Investigation revealed a submerged valve protruding from the surface of the river approximately 2 ft. from the river bank. A strong gas-like odor was present along with a visible sheen coming from the valve flowing with the current towards the Pepacton Reservoir. DEP Haz Mat notified and DEC contacted for spill number. Follow-up by both agencies conducted. Haz Mat absorbent boom placed around valve and DEC determined that tank should be removed. V/Margaretville hired a

private contractor and tank was removed from the river the next day. DEP Police, DEP Haz Mat and DEC involved.

Name: City Road 55A **CG-111-13, SJS 40109**

Location: Neversink

Type of Use: Rural

Type of Violation: Dumping

Date Discovered: 3/14/13

Status: OPEN

Overview and Action:

DEP Police observed a small dumpsite on city property which did yield traceable evidence. Initial attempt to locate subject for interview resulted in negative contact. Officer will make another attempt to contact and resolve case during next work shift. Repeated attempts to contact subject had negative results. DEP Police involved.

Name: 586 Claryville Road **CG-147-13, SJS 40438**

Location: Neversink

Type of Use: Rural

Type of Violation: Stream Disturbance

Date Discovered: 4/4/13

Status: Closed

Overview and Action:

DEP Police observed an excavator working in a stream causing turbidity to flow into the nearby Neversink River. When interviewed, the contractor stated that he had received permission from Sullivan County Soil and Water to work in the stream without a permit because the stream was unclassified. Officer contacted Sullivan County S&W and DEC for clarification of regulations regarding classified/unclassified streams and determined that if an unclassified stream flows into a classified stream it assumes the same designation unless it is intermittent, in which case, no permit is required but work should be done when it is dry to avoid turbidity. Sullivan County deems this stream to be intermittent therefore, work approved with no permit required. DEP Police, Sullivan County S&W and DEC involved.

Name: Benton Hollow Road **CG-396-13, SJS 42588**

Location: Neversink

Type of Use: Municipal

Type of Violation: Dumping

Date Discovered: 8/22/13

Status: Closed

Overview and Action:

DEP Police on patrol of the Lake Paradise Airshaft observed a small dumpsite of shipping materials which did yield traceable evidence. Interview with subject determined that a contractor working at her home offered to transport the items and they must have fallen out of his pick-up truck. Officer issued contractor a Notice of Warning for Littering and advised him to better secure transported items. DEP Police involved.

Name: County Route 105 **CG-397-13, SJS 42607**
Location: Neversink
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/23/13
Status: OPEN

Overview and Action:

DEP Police secured and checked a large bag of household trash in the middle of the roadway which did yield traceable evidence. Officer will follow-up and attempt to contact subject. DEP Police involved.

Name: State Route 10 **CB-284-13, SJS 42763**
Location: Tompkins **Spill # 1305776**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 8/30/13
Status: Closed

Overview and Action:

DEP Police observed an older model pick-up truck parked on the shoulder of the roadway and as he approached it he detected a strong odor of gasoline. Investigation revealed that gas tank bands had broken causing the tank to drop, drag and rupture spilling approximately five gallons of fuel onto the ground about 10-15 feet off the roadway with no impact to the Cannonsville Reservoir. Trout Creek Fire Department on scene and DEC contacted for spill number. Vehicle towed while officer made contact with registered owner to issue ticket for Failure to Report a Spill (NYS ECL). Once cleared by DEC, impacted soil was removed and properly disposed of by towing company. DEP Police, Trout Creek Fire Department and DEC involved.

Name: State Route 10 **CB-088-13, SJS 40565**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/12/13
Status: Closed

Overview and Action:

DEP Police observed a significant amount of corrugated cardboard spread across NYC property which did yield traceable evidence that led to a local manufacturing plant. Interview with plant manager determined that on the day in question transport of the solid waste was handled by an individual who was identified and subsequently ticketed for Transporting Uncovered Load (NYS ECL). DEP Police involved.

Name: State Route 206 **CB-091-13, SJS 40597**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/14/13
Status: Closed

Overview and Action:

DEP Police observed a dumpsite consisting of empty five gallon cans from roof coating and tar along with miscellaneous household debris which did yield traceable evidence. Further investigation revealed that shipping date for the material was in 2009 and the sanitation company handling refuse was unable to provide any additional information to determine its source. DEP Police involved.

Name: State Route 10
Location: Walton
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 7/5/13
Status: Closed

CB-203-13, SJS 41861

Overview and Action:

DEP Police responded to a report of a disabled vehicle leaking gasoline in the vicinity of a nearby stream tributary. Upon arrival it was determined that support strap for gas tank had snapped causing tank to drag on the ground and leak. Walton Fire Department Chief also on scene stated that only 1-2 gallons of fuel spilled but that it had already evaporated with no impact to water quality. A local tow company removed vehicle, incident report filed. DEP Police, Walton Fire Department and Delaware County Sheriff's Office involved.

Name: 449 Seely Wood Road
Location: Walton
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 7/11/13
Status: Closed

CB-209-13, SJS 41951

Overview and Action:

DEP Police investigated a possible failed septic at the above location. Upon arrival Officer spoke with homeowner and determined that plans for septic remediation from the Catskill Watershed Corporation (CWC) were already underway. Homeowner produced paperwork from CWC confirming same and an excavation company already hired was expected to begin remediation work shortly. DEP Police and CWC involved.

Name: State Route 206
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 9/26/13
Status: Closed

CB-318-13, SJS 43292

Overview and Action:

DEP Police responded to the location of a dumping of household refuse which did yield traceable evidence. Subject was located and interviewed and did admit transporting garbage to the landfill the day before. Officer issued subject Notice of Warning for Transporting Uncovered Load (NYS ECL) and then escorted him to the dumping scene to conduct clean-up. DEP Police involved.

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

Name: Maple Street **CE-409-13, SJS 40435**
Location: Bedford
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/4/13
Status: Closed

Overview and Action:

DEP Police observed a dumping consisting of an almost empty paint thinner can, fiber roof coating, plastic cement, glass beakers, three electric heaters, roofing nails, hip waders, three frying pans and other miscellaneous items which did not yield any traceable evidence. DEP Field Operations notified for removal and clean-up. DEP Police and DEP Field Operations involved.

Name: Horsepound Road **CE-1019-13, SJS 42432**
Location: Carmel
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 8/13/13
Status: Closed

Overview and Action:

DEP Police observed a large dumping at the Dean Pond recreational unit consisting of two recliner chairs, approximately 4 rolls of carpet materials and other miscellaneous debris which yielded no traceable evidence. DEP Field Operations contacted for removal. DEP Police and DEP Field Operations involved.

Name: 3249 Route 301 **CE-1162-13, SJS 42848**
Location: Kent
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/2/13
Status: OPEN

Overview and Action:

DEP Police observed a large dumping of household refuse which did yield traceable evidence. DEP Field Operations contacted for removal. Officer will conduct follow-up to locate possible subject responsible. DEP Police and DEP Field Operations involved.

3.3.4. Kensico Basin

Name: West Lake Drive, Shaft 18 **CE-812-13, SJS 41713**
Location: Mt. Pleasant **Spill # 1303143**
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 6/24/13
Status: OPEN

Overview and Action:

DEP Police noticed a smell of gasoline emanating from DEP Police Marine 12 boat which was moored near the boat dock at Shaft 18. DEP Haz Mat was already present, preparing to bring turbidity booms out into the reservoir so they inspected the vessel and observed a rainbow-like sheen forming on the water along with the noticeable gas odor. Haz Mat determined that one or two ounces of fuel which had settled under the boat emerged when officers walked onto the dock. Spill pads were immediately placed to absorb the fuel and within minutes the sheen and odor were gone. DEC contacted for spill number. DEP Police, DEP Haz Mat and DEC involved.

Name:	Nannyhagen Road	CE-1230-13, SJS 43008
Location:	North Castle	
Type of Use:	Municipal	
Type of Violation:	Dumping	
Date Discovered:	9/11/13	
Status:	Closed	

Overview and Action:

DEP Police observed several piles of household construction debris and numerous pallets of wood deposited in the pull off on Nannyhagen Road. The dumping did not yield any traceable evidence. DEP Field Operations notified for clean-up. DEP Police and DEP Field Operations involved.

4. Kensico Spill Response Program

Program Description

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

April 12, 2013 - NYSDEC Spill #1300381, 34 Whippoorwill Lane, Armonk. An underground tank containing #2 fuel oil was found to be leaking near a stream that leads to the Kensico Reservoir. Castleton Environmental performed the tank removal and contaminated soil clean-up. NYSDEC Spills database shows that the spill was closed out on May 7, 2013. DEP HAZMAT staff inspected site during cleanup by Castleton Environmental and concluded that there was not an impact to DEP property. Spill remained on private property.

June 24, 2013 - NYSDEC Spill #1303143, NRC Spill #1051510. DEP facility located at 20 Westlake Drive, Valhalla. DEP police boat moored at shaft 18 boat dock spilled approximately 1oz of gasoline into the reservoir from the fuel tank expansion vent. DEP HAZMAT staff place

absorbent sweep around boat for containment and absorption of the spill. Boom was removed the following day after the gasoline was absorbed. Spill was closed out with the DEC on June 24, 2013.