

**New York City
Department of Environmental Protection**

Bureau of Water Supply

**Filtration Avoidance 6.1 Enforcement Actions
For the period April 1, 2015 through September 30, 2015**

October 2015

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



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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 enforcement actions from April 1, 2015 through September 30, 2015, first presents an overview of the responsibilities of the division within the Bureau charged with enforcement activities. Next, the report addresses specific enforcement actions that occurred during the above mentioned reporting period. Included are new violations and updates on ongoing violations. The report is divided into sections relating to the areas covered. The **West of Hudson** (WOH) area is comprised of the following basins: Ashokan and Schoharie in the Catskill District; and Rondout, Neversink, Pepacton and Cannonsville in the Delaware District. Further included are those portions of the **East of Hudson** (EOH) area comprised of the following basins: West Branch, Boyd Corners, Croton Falls, Cross River and Kensico basins.¹ Within each of these sections, the enforcement actions are organized by violations occurring at wastewater treatment plants (WWTPs), subsurface sewage treatment systems (SSTSs), stormwater and erosion control structures, as well as other activities, such as solid waste management facilities. In addition, individual police actions are included. The final section is devoted to the Kensico Spill Response activities, including specialized Haz Mat training.

2. Enforcement Responsibilities

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

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

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

The next sub-sections provide an overview of the specific responsibilities of the Regulatory and Engineering Programs (REP) division (within the Bureau) and the responsibilities specific to the sections and groups within this division that work effortlessly to enforce the appropriate laws and regulations. In addition to the REP division and its sections and groups mentioned, the Bureau's Division of Water Quality (WQ) supports the enforcement efforts by monitoring water quality throughout the watershed and alerting other divisions of any potential water quality violations. Also, the Bureau coordinates with various other agencies on enforcement issues; including the New York State Departments of Health (DOH) and Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), the office of the Watershed Inspector General, as well as county and local law enforcement and health agencies.

2.1. The Regulatory & Engineering Programs Division

The Regulatory & Engineering Programs division is divided into two (2) sections: Wastewater Treatment Programs and Stormwater Programs. Both of these sections consist of a Compliance and Inspection group. The entire Regulatory & Engineering Programs staff is critical to the effective enforcement of the Watershed Regulations and other environmental laws and regulations. The Regulatory & Engineering Programs (REP) staff has primary responsibility for the review and approval of regulated activities within the NYC Watershed to assure that these activities are designed and constructed in accordance with the Watershed Regulations. Once facilities are constructed, the REP staff inspects the construction sites, and responds to complaints of possible violations. If the staff confirms violations and the violations are not immediately resolved, staff may provide the necessary documentation to support a Notice of Violation (NOV) or other enforcement action. At the conclusion of any enforcement actions, REP staff, again, conduct 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 section reviews and approves sewer systems, WWTPs and SSTs, which are regulated by the Watershed Regulations. In addition to the review of wastewater treatment systems, 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 is responsible for the investigation of reported commercial septic system failures and some residential SSTs, including dye testing and the review and approval of remediation plans. When it is determined that a system is in failure, a formalized NOV/Notice of Failure (NOF) procedure will be initiated. Also before an NOV is served, DEP's Office of the General Counsel and the New York City Law Department are notified, and they closely monitor steps taken to remediate the failed systems should court prosecution become necessary. Other environmental violations may be documented and forwarded to other divisions within the Bureau for corrective action or further investigation and/or legal action.

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

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

Putnam County initiated a Septic Repair Program in 2005 for the design and construction of failing SSTs within critical areas of Putnam County. Funding for this program is through the EOH Water Quality Investment Program fund which was provided by DEP through the 1997 MOA. This, like the CWC program, is a voluntary program, and has included priority areas based on distances to watercourses and reservoirs. Putnam County has separate staff to administer the program. All repair plans must be reviewed and approved by the Putnam County Health Department. The Putnam County Septic Repair Program is discussed in the FAD Report 4.9.

The existing Westchester County Health Department Delegation Agreement with DEP has been revised to cover the review and approval of failing SSTs in Westchester County. Westchester County has revised its sanitary code to require review and approval of all repairs and

modifications, including changes of use for all SSTs. 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. This semi-annual FAD Report is a summary of these NOVs.

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

This group 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, 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 divisions within the Bureau for corrective action or further investigation and/or legal action.

2.1.1.2. Wastewater Treatment Plant Compliance and Inspection Group

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

2.1.2. Stormwater Programs Section

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

2.1.2.1 Stormwater Compliance & Inspection Group

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

2.1.3. SEQRA Coordination Section

The SEQRA Coordination Section was relocated to the Division Chief in August 2013 to facilitate coordination with other divisions within the Bureau and other DEP Bureaus. The SEQRA Coordination Section 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 section ensures that all necessary procedures and protocols are established and followed. Activities of this section are not included in this report. The SEQRA activity will continue to be reported within the FAD Report 6.1.1 as it was in the past.

2.2. DEP Police

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

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

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

The Special Operations Division includes the Special Projects unit responsible for construction project security considerations, and the Aviation Unit, responsible for aerial surveillance of the watershed. In addition, the Special Operations Division is responsible for the Environmental Police Academy, which trains DEP Police recruits in law enforcement techniques. The Environmental Police Academy now includes 305 hours of training in environmental law. The

Division also provides ongoing training to seasoned officers to update their knowledge and develop new skills, and updates the policies and procedures within the Police Department. It also ensures accreditation through the NYS Division of Criminal Justice Services.

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

2.3. DEP's Office of the General Counsel

DEP's Office of the General Counsel (DEP Legal) provides legal support for the enforcement of the Watershed Regulations and, among other laws, the State Environmental Quality Review Act (SEQRA) to ensure complete environmental review of proposed developments. When DEP's regulatory authority or a specific decision is challenged, DEP Legal, together with the New York City Law Department, promotes and defends such authority or decision. Also, prior to the 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	38	1	31	0	31	0
CONESVILLE	13	0	10	0	9	0
GILBOA	19	0	15	0	16	0
HUNTER	112	2	84	3	87	2
HUNTER (V)	17	0	9	0	10	0
HURLEY	49	0	48	0	47	0
JEWETT	51	0	47	0	50	0
LEXINGTON	48	1	45	0	45	1
OLIVE	194	0	165	0	171	0
PRATTSVILLE	30	1	22	0	29	0
ROXBURY	31	0	23	0	26	0
SHANDAKEN	143	0	129	0	134	0
TANNERSVILLE (V)	7	0	2	0	6	0
WINDHAM	83	4	65	0	75	1
WOODSTOCK	60	1	52	0	49	1
Total	895	10	747	3	785	5

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	82	1	74	0	74	0
ANDES (V)	4	0	2	0	2	0
BOVINA	35	0	32	0	33	0
COLCHESTER	4	0	5	0	6	0
DELHI	70	0	64	0	71	1
DELHI (V)	3	0	2	0	2	0
DENNING	34	0	33	0	31	0
FALLSBURGH	6	0	4	0	4	0
FLEISCHMANN'S (V)	1	0	1	1	0	0
FRANKLIN	6	0	4	0	4	0
HALCOT	7	0	7	0	7	0
HAMDEN	31	0	29	0	29	0
HARDENBURGH	12	0	10	0	12	0
HARPERSFIELD	8	0	6	0	6	0

JEFFERSON	6	0	6	0	6	0
KORTRIGHT	63	1	54	1	60	0
LIBERTY	1	0	1	0	1	0
MASONVILLE	13	1	10	0	10	0
MEREDITH	20	0	18	0	18	0
MIDDLETOWN	117	0	105	0	107	1
NEVERSINK	221	0	187	0	201	0
ROCHESTER	1	0	1	0	1	0
ROXBURY	34	0	29	1	36	3
STAMFORD	36	0	33	0	34	0
TOMPKINS	42	0	37	0	40	0
WALTON	90	1	83	1	79	0
WALTON (V)	1	0	1	0	1	0
WAWARSING	35	0	32	0	30	0
Total	983	4	870	4	905	5

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	0	10	0	12	0
EAST FISHKILL	1	0	0	0	0	0
KENT	4	0	4	0	4	0
PUTNAM VALLEY	0	0	0	0	0	0
TOTAL	16	0	14	0	16	0

Kensico Basin

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

3.2.1. Catskill District

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

Overview and Action:

DEP received an e-mail from the DEP Police on 6/22/15 regarding a complaint from the neighbor of a possible failing SSTS. DEP initiated an Enforcement Action on 6/22/15. DEP performed a site visit on 6/23/15; septic failure was observed as there was surfacing of sewage on ground. DEP found an obvious failure on the western property line. The contractor was on site pumping the tank as the tank was leaking at the seam. DEP received a call from the owner on 6/23/15 regarding the SSTS failure. He has contacted CWC and has a meeting scheduled for early August. DEP performed a site visit on 6/24/15. According to the tenant, the owner will attempt to seal the tank. DEP sent an email to CWC on 6/30/15 to see if they could prioritize and expedite getting this project in their program. CWC stated that the owner is out of town until August and that he pumped the tank out at his own expense to minimize failure. DEP performed a site visit on 7/24/15. Sewage was surfacing uphill from the highway culvert. DEP issued an NOV to the owner on 8/10/15. DEP received pump out receipts for 6/11/15 and 9/1/15 via email from the hauler. DEP emailed CWC on 9/2/15 to check on program status. CWC replied same day that they have an appointment for 9/22/15 to visit the property. The neighbor called DEP on 9/15/15 and said it is failing onto his property. DEP will inspect and contact the owner to request a pump out. DEP performed a site visit on 9/17/15; septic failure was not observed and the area of failure has dried up and the tank was exposed.

Project Name: Campbell Road (2007-SC-0941)
Town: Ashland
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure of wastewater not being treated by a DEP approved SSTS.
Discovery Date: 1/20/09
Status: No Application

Overview and Action:

DEP issued an NOV to the owner on 2/22/13. DEP received a call on 2/27/13 from owner, in response to NOV. DEP received a call back from the owner on 2/28/13 and 3/1/13 regarding the NOV received. The owner has spoken with an Engineer and will coordinate completion of a 2 bedroom design and construction. DEP performed a site visit on 4/1/13; septic failure was not observed. The tank showed no signs of an overflow. The house appears to be used on weekends. The driveway was plowed and there were no signs of construction activity. On 4/11/13, DEP called the Engineer as a follow-up to the discussion with him, where he proposed subdividing off the property where the current trailer is so that this parcel would not have enough property to support a fully compliant SSTS. DEP informed the engineer that this would not be approved.

DEP further explained that since there is a 6 bedroom design that was approved that met current code for new construction, that the 2 bedroom design must meet current code because it has been proven possible. Subdividing the land to destroy full compliance potential was discouraged. The engineer will discuss with the owner and contact DEP design review staff. DEP performed a site visit on 4/23/13; septic failure was not observed. There was no visible effluent and no changes at this site. DEP sent an email to the engineer on 5/21/13 requesting update on plan for this site. DEP also called and left a message with the CEO to call back and discuss SSTS concerns and enforcement status on this site. Also should discuss possibility of land being subdivided and resulting SSTS implications. The engineer replied stating he will be meeting with the owner. The owner wants to install peat filters to serve a 2 bedroom trailer and build a full raised system for a 6 bedroom design in the future after the house is built. DEP sent the engineer an email on 6/12/13 stating that peat system alone will not be approvable by DEP because there is room for a compliant system. DEP received a call from the owner on 8/13/13, who said he will contact CWC to refresh himself on funding available. DEP reiterated that the design must meet current code. The owner has been in touch with his attorney as well. The owner will contact DEP with updates and his plans. DEP performed a site visit on 9/30/13; septic failure was not observed. There was no visible effluent from the tank. The septic area has not changed as more clearing needs to be done. The owner appears to be at the site regularly. The lawn was freshly mowed and there are well used ATV paths around the property. DEP called the owner on 10/11/13 and stated that due to no progress project may be referred to DEP Legal. DEP gave owner his engineer's email address and he was going to contact him to discuss how they will move forward. DEP performed site visits on 10/25/13 and 1/22/14; there are still no changes. DEP issued a Notice of Intent of Revocation of the Approval letter to the applicant on 2/4/14 by Certified/Return Receipt. On 2/15/14, DEP received the signed certified mail-return receipt request signed by the owner. DEP issued a Revocation of the Approval letter to the applicant on 3/18/14 by Certified/Return Receipt. On 3/27/14, DEP received the signed certified mail-return receipt request signed by the owner. DEP performed a site visit on 4/21/14; septic failure was not observed. DEP checked the tank and surrounding woods for effluent, none was found. The property is well maintained with a new garage being built. DEP performed a site visit on 5/2/14; there were no changes at this site. DEP performed a site visit on 7/11/14; septic failure was not observed and there was no visible effluent. DEP performed a site visit on 7/25/14; septic failure was not observed and there were no visible signs of failure. The tank had been disturbed (tarp was removed). The lawn is well kept and the new garage nearly finished. The site appears to be used frequently. DEP performed a site visit on 9/5/14; septic failure was not observed and there were no changes. DEP performed a site visit on 10/23/14; septic failure was not observed. DEP performed a site visit on 1/28/15; septic failure was not observed. The house has not been plowed out this winter. DEP performed site visits on 5/28 and 8/13/15; septic failure was not observed. There was no visible effluent and no progress in construction. The residence is well kept and appears to be used frequently. DEP Legal issued a letter to the owner on 9/16/15 regarding non-compliance with the NOV. To avoid continued litigation by NYC Law, the holding tank may no longer be used and plans for a compliant system must be submitted to DEP within 15 days; complete construction of the new system is required by 11/30/15.

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

Status:

DEP Legal contacted DEC legal and inquired about the CO and schedule of compliance on 2/5/13. A six month extension was granted to the owner; however an engineer's assessment of the site is due by 4/15/13. 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. DEP received an e-mail from DEC stating that they sent an email to the engineer on 10/3/13 regarding the SWPPP submittal. The engineer replied that a SWPPP would be submitted. A consent order was not issued. A meeting was held with the project engineer on 7/11/14 and it was discussed setting up a date for a site visit. DEP sent an e-mail to the engineer on 8/5/14 regarding scheduling a meeting to discuss the SWPPP design. DEP sent an e-mail to the engineer on 9/8/14 regarding no response to the meeting request from 8/5/14. DEP requested a meeting with the engineer. DEP received an e-mail from the engineer on 9/15/14 requesting a site meeting for 9/19/14. DEP received an e-mail from the engineer on 9/18/14 regarding rescheduling the site meeting for 9/26/14. DEP performed a site visit on 9/26/14. There were deficiencies. There was no discharge. The site was vacant. DEP sent an e-mail to the engineer on 10/15/14 requesting an update on the progress of the SWPPP design. DEP issued a warning letter to the applicant on 2/26/15 regarding the outstanding NOV and the need for an approved SWPPP. DEP exchanged emails with DEC on 4/9/15 regarding the status of the Order of Consent that was issued in 2012. DEC replied that they will need to take formal action. NYC Law sent an e-mail to a DEC attorney on 5/6/15 regarding revisiting the Order of Consent and modifying the Schedule of Compliance. It was also noted that the engineer has still failed to submit a SWPPP design to DEP or DEC. DEP received an e-mail from DEC Stormwater Compliance on 5/11/15 with a proposed schedule of compliance for the owner; DEC also noted that a penalty of \$8,437 will be included in the consent order. DEP received a copy of the DEC Consent Order on 6/30/15. A meeting was held at the site with the project applicant on 7/20/15. However, the meeting was unproductive because the engineer did not show up and DEC was unable to attend. DEP recommended that the meeting be rescheduled when all parties can attend. DEP issued a letter to the applicant on 7/23/15 regarding the re-scheduling of the meeting that was cancelled. Meeting is to include DEP, DEC, Owner and engineer. DEP received an e-mail from DEC on 7/23/15 stating that the due date has been extended to 9/1/15 due to the owner having issues contacting the engineer. DEP received the fully executed DEC Consent Order on 7/27/15. DEP received an e-mail from DEC to the applicant's representative on 8/18/15 regarding having a full SWPPP prepared for DEC and DEP by 9/1/15; requested confirmation that the engineer is still on track with this deadline. DEP received an Application for a SWPPP on 9/1/15 from the engineer. DEP issued a NOICA to the engineer on 9/15/15 requesting additional information.

Project Name: 231 Bear Kill Road (2005-SC-1143)
Town: Conesville
Type of Use: Septic System (SS)
Type of Violation: New SSTS; NOV for failure to construct an SSTS

Discovery Date: 12/11/2012
Status: Under Construction

Overview and Action:

DEP issued an NOV to the owner on 3/21/13. DEP called the owner on 4/5/13 to discuss the recently issued NOC and his schedule to start construction. The owner stated that he wanted to start construction this year. DEP performed a site visit on 4/30/13; septic failure was not observed. DEP called the owner on 6/11/13 requesting a status update on the construction schedule. DEP performed a site visit on 7/31/13; there was no visible effluent. The trailer appears to be rarely used. DEP called the owner on 9/11/13 requesting construction schedule. DEP called the owner on 10/10/13 stating that the project will be referred to DEP Legal if a commitment is not received. DEP Legal issued a letter to the owner on 11/12/13 requesting that the SSTS be completed by 12/31/13, weather permitting. DEP performed a site visit on 11/18/13; septic failure was not observed. DEP Legal spoke with the owner on 1/24/14. He is not using the trailer and there is no heat on the property and it is closed for the winter. DEP performed site visits on 5/2/14 and 6/2/14; septic failure was not observed. The site does not appear to be used as there was no visible car traffic or lawn maintenance. DEP performed a site visit on 7/8/14 and 8/21/14; septic failure was not observed. There was no visible effluent and no sign that the trailer is being used. DEP performed a site visit on 11/20/14; septic failure was not observed. There is very little sign of inhabitation. The driveway is in a hay field and there are no recent tracks and no visible failure or signs of pumping. DEP performed a site visit on 12/24/14; septic failure was not observed and there was no sign of use. DEP performed a site visit on 2/13/15; septic failure was not observed. The trailer is not being used. DEP performed a site visit on 6/25/15; septic failure was not observed. There was no sign that the trailer has been inhabited and three feet of grass was in the driveway.

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 issued an 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. DEP called the owner on 10/11/13 and stated that due to no progress, the project may be referred to DEP Legal. The owner stated that he will call DEP inspector if he does any work this season, maybe during hunting season. He will try to schedule a site visit with DEP to layout the system. DEP stated that the owner's previous commitments to do this back in July 2013 have not been done to date. The owner did state that his son is coming up to the property to put away outside furniture. The owner repeated that he is having financial troubles right now. DEP reiterated that this has been in violation since 2006. DEP called DOH and left a message on 11/14/13 regarding how they will be able to provide engineering certification of this project once it is constructed. DEP received a call from the owner on 1/30/14, requesting an update as to the enforcement status. DEP informed him that the matter has been referred to the Law Department, and offered to give him their contact information. The owner stated that he would call the Law Department to discuss. DEP sent an email on 1/31/14 to the owner with the Law Department contact information. DEP received a response email from DOH regarding their involvement in this project. They will do inspections when the project is finished and get a certification letter submitted by an engineer to DEP. DEP performed a site visit on 5/2/14 for septic failure; none was observed. Found possible septic tank residue between the tank and SSTS clearing. The tank may have been pumped out onto the ground but the residue was weathered from the recent rain and there appeared to be remnants of toilet paper. DEP performed a site visit on 7/1/14 for septic failure; none was observed and there was no visible effluent. No progress with clearing for construction. DEP performed site visits on 7/16, 8/21 and 9/8/14 for septic failure; none was observed and there was no visible effluent. No progress with construction. DEP performed a site visit on 11/18/14; septic failure was not observed and there was no visible effluent and no sign of construction proceeding. DEP performed a site visit on 2/24/15; septic failure was observed; direct discharge from building. The owner appears to be pumping the septic tank into the adjacent woods. Snow was removed from the top of the tank and a path shoveled to the discharge area. There was frozen discharge at the end of the path. DEP performed a site visit on 2/25/15; septic failure was observed as the owner is pumping effluent on the ground. The snow has been shoveled from the tank and a path shoveled to the woods for a discharge hose. DEP sent internal emails on 2/25/15 regarding DEP Police inspection coverage on weekends due to recently observed activity near the septic tank. DEP received an email from DEP Police on 3/2/15, stating that they did not observe any activity at the site this past weekend, but will continue to monitor. DEP also informed NYC Law. DEP received a voicemail from DEP Police on 3/17/15 regarding a follow-up investigation of the property; the officers will check the facilities and the Lieutenant will report back via email. DEP received an email from DEP Police on 3/17/15. They observed a vehicle in the driveway on 3/8/15. Another inspection on 3/17/15 revealed recent tire tracks in the snow. Neither inspection found activity near the septic tank area. DEP performed a site visit on 3/23/15; septic failure was not observed and there was no sign the tank has been pumped and is still covered with drifted snow. DEP performed a site visit on 3/30/15; septic failure was not observed. The snow is still covering the tank and there is no sign of a recent pump-out. On 4/5/15, DEP Sergeant checked on the property named in this complaint. No activity was observed and no one appeared to be at the residence. There were no fresh tire tracks in the driveway. DEP performed a site visit on 4/6/15; there was no sign of a recent pump-out. DEP performed a site visit on 4/13/15; septic failure was observed. There was surfacing of sewage on ground and signs of recent pumping. There was residue on the ground and tank cover is ajar. DEP Police visited the site on 4/19/15 and they didn't believe anyone had been there over the

weekend and did not observe any new activity. DEP performed site visits on 4/20/15 and 4/28/15; septic failure was not observed. The lead cord hangs on meter panel next to septic tank. DEP received pump out receipts for August and November 2014 from DEP Police, who received them from the owner. DEP performed a site visit on 5/27/15; septic failure was not observed. There was no sign of pumping and no progress on construction. NYC Law issued a warning letter and a draft complaint to the owner on 6/4/15 reiterating that per the NOV's, issued previously, the owner's use of a holding tank is in violation of the Watershed Regulations; litigation will commence unless the owner contacts NYC Law by 6/19/15 to discuss a plan and schedule for the installation of a compliant system. NYC Law Department reported on 6/11/15 that they received confirmation that the owner received the draft complaint and letter, which requires a response by 6/5/15. NYC Law Dept. received a call from the owner on 6/15/15 who stated he received the complaint papers and wants to build the system himself this season. DEP will have to determine an acceptable schedule of construction with owner and if not met, then litigation would follow. DEP received a message from the owner on 6/15/15, to work out schedule that would be acceptable to complete SSTS project. DEP left message for owner on 6/16/15 to discuss the schedule to have the SSTS completed. The owner returned call same day and said he had time to call back on morning of 6/17/15. DEP called owner on 6/18/15. He expressed concern for not being able to meet the schedule. He said he needed to start making calls about purchasing fill material and renting a bulldozer. DEP informed him that he must be back in touch by 6/23/15 to review the schedule, again, and come to an agreement that will be put in writing. DEP also informed him that the schedule will always require the SSTS to be substantially complete and functional before 2016. Cold weather will not be an acceptable excuse if this milestone is not met. DEP informed the owner that until he receives the schedule in writing, he should expect the due dates outlined to be the requirement. He stated that he will set up a meeting with DEP inspector to review entire project and layout the system. As of 7/1/15, DEP has not been contacted by the owner to set up site visit or come to agreement on schedule to complete SSTS construction during 2015. DEP left a message for the owner on 7/1/15 requesting immediate call back, or project will be handled solely by NYC lawyers. On July 2, 2015, DEP requested DEP Police to inspect the site over the upcoming July 4th holiday weekend. DEP received an email from DEP Police for inspections conducted between 7/2/15 and 7/5/15. No problems noted. NYC Law Department sent the owner an email on 7/8/15 stating that litigation is being pursued due to his failure to work out compliance schedule with DEP. NYC Law Department contact information was also provided. NYC Law Department spoke to the owner on 7/8/15, and stated he did not get back to DEP regarding schedule because of a seriously sick family member. The owner did state that he would contact DEP the next day to discuss the schedule. DEP received a call from the owner on 7/13/15, who left message to discuss the written agreement. DEP called the owner on 7/14/15 and left a message to call back and discuss the schedule. DEP received a call from the owner on 7/20/15. DEP agreed with the owner that clearing should be done by 8/17/15. The owner was required to call back with proposed dates for other construction milestones by 7/23/15, after making some phone calls. DEP sent the owner an email summarizing the phone conversation of same day. DEP sent a reminder email to the owner on 7/22/15 regarding requirement to agree on construction schedule by 7/23/15. DEP received a call from the owner on 7/24/15 and came to agreement on construction schedule. DEP sent details to the owner via email the same day. DEP received an email from the owner on 7/28/15, in which he agreed to the compliance schedule for construction of SSTS this year. DEP sent the owner an email on 8/5/15 reminding him to contact DEP inspector to discuss clearing and

schedule. DEP received a call from the owner on 8/11/15 to arrange a meeting for 8/14/15. DEP performed a site visit on 8/14/15. DEP met with the homeowner to discuss clearing for the absorption area and hung flags for clearing limits. DEP received a call from the owner on 8/17/15 who left a message stating that he is waiting for bid from the contractor to clear his property and prepare it for fill material. DEP called the owner back the same day and he will inform DEP when contractor will start work. DEP performed a site visit on 8/27/15; septic failure was not observed. DEP spoke to the contractor. He is meeting with the owner this weekend to discuss estimate to build the absorption area. DEP sent the owner an email on 9/1/15 and 9/11/15 requesting construction schedule. The owner called back and said he will get a deposit to the contractor, soon.

Project Name: 31850 State Highway #23 (Log #2007-SC-0677)
Town: Gilboa
Type of Use: Residence
Type of Violation: Failed SSTS – DEP NOF
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 fall 2013. DEP performed a site visit on 3/27/14; septic failure was not observed. The owner reports that there is only a problem with the tank so he is hoping to just replace the tank. DEP will discuss and contact CWC. DEP will do several post tank installation inspections to verify that the field is not failing. DEP spoke to CWC about a tank replacement at this property. The property is in the CWC program and CWC will be willing to pay for a tank replacement. CWC wishes to inspect the tank before final approval is made. DEP called the homeowner to let them know that they must contact CWC and set up appointment with them so the tank can be inspected by the CWC field inspectors and at that time, they will determine if the tank needs to be replaced. DEP called the owner on 11/13/14 and left a message to call back with the status of the septic tank failure to surface and any progress with CWC. DEP also emailed CWC the same day requesting to know if they were contacted by the owner yet. CWC responded that the site was never determined to be in failure, but has been signed into their program since 2007. DEP sent an email to CWC on 12/5/14 requesting eligibility status and forwarded them the 2007 Notice of Failure. On 12/8/14, CWC replied that the project is still eligible for their program. On 12/8/14, DEP issued a reminder letter to the applicant/owner due to the lack of activity. DEP issued a Design Approval Expiration letter on 12/8/14. On 1/27/15, DEP made a couple of phone calls to the owner but received no return call. DEP spoke to the owner's brother and encouraged him to start construction in the spring. He said he would install the tank, but does not want to install the field since there has been no failure there. DEP sent an email to CWC on 3/12/15 inquiring whether funding for this project is full or partial. DEP received a return email from CWC on 3/13/15,

stating that it appears to be a full time residence. DEP called the owner on 3/18/15 and left a message to call back and discuss some of DEP's questions. DEP called owner and left message on 5/7/15. DEP sent the engineer an email on 8/6/15 inquiring if project would be moving forward and stated that a re-approval of plans will be necessary. The engineer responded the same day that he has not had any recent contact with the owner. On 8/27/15, DEP spoke to the homeowner at the site and he has plans on installing a new tank, but does not want to install an entirely new system. DEP issued a letter to the owner on 9/4/15 as a reminder that the approval has expired and that a new application needs to be submitted. Additionally, DEP informed the owner of the CWC program. The owner has expressed interest in only replacing the septic tank, but DEP would like to discuss this further.

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

Overview and Action:

DEP initiated an Enforcement Action on 8/28/15. DEP issued an NOV to the representative on 8/28/15. DEP exchanged e-mails with the engineer on 8/27/15 and 9/1/15 regarding the quick inter erosion and sediment control plan to be used by the contractor to stabilize the site. A meeting was held with the project applicant and engineer on 9/11/15 to discuss stabilization. DEP received the Temporary Erosion & Sediment Control Plan from the engineer via email on 9/23/15. DEP received a call from the contractor on 9/23/15 stating stabilization work will begin. DEP performed a site visit on 9/24/15; there were deficiencies, there was no discharge and the site was vacant. DEP issued an Interim Erosion Control Plan Approval to the representative on 9/25/15. This plan only satisfies one of the NOV conditions; the submission of a fully designed SWPPP is still outstanding.

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

Overview and Action:

DEP initiated an Enforcement Action on 6/19/14. DEP issued an NOV to the owner on 6/19/14. A meeting was held with the project applicant and CWC on 6/20/14. DEP received a call on 6/27/14 from the owner acknowledging the NOV. DEP received a call on 7/23/14 from the engineer regarding enforcement and what constitutes the violation. A meeting was held with the project engineer on 8/4/14. DEP exchanged e-mails with the engineer on 9/25/14 regarding the site and where it stands. DEP called the engineer on 10/27/14 regarding when a SWPPP will be

submitted. DEP sent an e-mail to the engineer on 11/5/14 requesting the status of the SWPPP. DEP received an e-mail from the engineer on 11/20/14 regarding the status of the SWPPP and DEP and the engineer will schedule a meeting to go over the plans. DEP called the engineer on 4/27/15 regarding the SWPPP. DEP issued a warning letter to the owner on 5/6/15 stating that per the NOV, a SWPPP must be submitted to DEP for review and approval. If an approvable SWPPP is not submitted to DEP within 30 days of the letter's date, the matter will be referred to DEP Legal. A meeting was held with the project engineer on 6/30/15. The engineer indicated that he would be completing the SWPPP with guidance from DEP. He states that he would provide information necessary to gain assistance the next day. DEP sent an e-mail to the engineer on 7/6/15 requesting information in completing the SWPPP. DEP received a copy of the Topography information from the engineer on 7/7/15.

Project Name: Clum Hill Rd (2012-SC-0043)
Town: Hunter
Type of Use: Stormwater (SP)
Type of Violation: Proposal for a storage unit for trucks; with 1 bathroom; Former owner: Fromer, Jeffrey. Failed SWPPP - DEP NOV
Discovery Date: 7/10/14
Status: Approved/Closed

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 7/7/14. DEP initiated an Enforcement Action on 7/10/14. DEP issued an NOV to the owner on 7/10/14. DEP received a phone call and acknowledged the NOV on 7/29/14. DEP performed a site visit on 8/8/14; there were no deficiencies observed. DEP exchanged e-mails with the owner and CWC on 8/21/14 regarding reimbursement. DEP exchanged e-mails with the engineer on 11/6/14 regarding the status of the project. The engineer replied that the applicant had signed the agreement with CWC and will be moving forward. DEP exchanged e-mails with the applicant on 12/8/14 regarding the SWPPP application and the need for an approved SWPPP prior to any reimbursement. DEP received a call from the engineer on 12/8/14. The engineer stated he intends to work on the stormwater plan over the winter. DEP received an e-mail exchange between the applicant and the engineer on 1/14/15 regarding the plans and the SWPPP submission. DEP exchanged emails with the engineer on 2/3/15 regarding the SWPPP submission. DEP received an e-mail from the engineer on 2/27/15 stating that DEP should receive the SWPPP by the end of the week of 3/2/15. DEP received an Application for a SWPPP on 3/9/15 from the engineer along with plans and an engineering report. DEP issued a NOCA on 3/26/15. DEP sent an e-mail to the engineer and applicant on 4/9/15 requesting a meeting to go over the plans as the proposed design has significant design flaws. A meeting is being scheduled between DEP, the engineer and applicant. Major issues include, but are not limited to the following: Overestimated runoff due to inaccurate hydrologic analysis, unnecessary underground detention and misapplied proprietary device. A meeting was held with the project engineer on 4/23/15. DEP issued a comment letter on 4/29/15 to the engineer. DEP received a letter, revised plans, and a revised SWPPP from the engineer on 6/3/15 to DEP's letter of 4/29/15. The engineer noted that significant modifications were made to the original submission. DEP issued an Approval Determination letter on 6/4/15. DEP received a copy of the anticipated procedures for the rain gardens, diaphragm and stone-lined channels from the engineer on 6/10/15. DEP received a notarized copy of the "Declaration of Covenants, Conditions, and Restrictions" from the owner

on 6/12/15. DEP met with the contractor and applicant on the site for a pre-construction meeting on 6/16/15. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP exchanged e-mails with the engineer on 7/1/15 regarding the starting up schedule. DEP received notice on 7/1/15 that construction will begin on 7/6/15. DEP performed site visits on 7/9, 7/20, 7/24, and 7/29/15; there were no deficiencies, there was no discharge and the site was occupied. This project is on CWC's 8/4/15 Board Meeting Minutes and was approved for additional funding under the CWC Future Stormwater Controls program. DEP sent an e-mail to the engineer on 8/14/15 regarding their site visit of that day. There were concerns regarding the location of the rain garden. DEP performed a site visit on 8/20/15; there were no deficiencies, there was no discharge and the site was occupied. DEP completed construction inspections on 9/4/15. DEP received As-Built plans and engineer's certification letter from the engineer on 9/14/15. DEP issued a letter of Construction Compliance on 9/15/15. The violation was resolved and the case was closed on 9/17/15 with DEP Closure letter dated 9/17/15. DEP has resolved the Enforcement Action on 9/17/15.

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: Under Construction

Overview and Action:

DEP performed a site visit on 3/26/14; septic failure was not observed; possible runoff/overflow from the cesspool into a roadside ditch; no odor and clear water. DEP recommended contacting the owner to set up dye test. DEP called owner on 6/13/14 and requested dye test based on last DEP visit in March 2014. DEP received a call on 6/17/14 from the owner who cancelled the 6/19/14 dye test due to death of a friend and requested to reschedule. DEP scheduled dye test with owner for 6/25/14. DEP also contacted CWC on 6/19/14 who confirmed construction is fully fundable (if primary residence) but the re-certification of engineering plans is not covered by CWC. DEP received a call from the owner on 6/24/14 cancelling 6/25/14 dye test due to car trouble. DEP received a call on 7/21/14 from the owner cancelling the dye test. She stated it was okay for DEP to do test at property without her. She also stated that she will pursue replacement of the SSTS but was apparently confused in the message she left. DEP sent the owner an email on 7/22/14 with contact information for engineer (for recertification of plans) and CWC (for funding); requested owner reply when email received. DEP received a message from the owner on 8/5/14 extending invitation to schedule dye test since she is currently at the property. DEP called the owner on 8/7/14 who said she just met with DEP Inspector earlier that day. DEP acquired a different email address and forwarded the contact information for the engineer and CWC to the owner. DEP called the homeowner on 1/13/15 regarding the status of the project design. The owner stated that she has to send in a check with the application to the engineer before the design will be submitted. The owner stated that the paperwork will be submitted to the engineer this week. DEP performed a site visit on 1/28/15; septic failure was not observed and there was no sign of recent use as the driveway was not plowed. DEP performed a site visit on 3/16/15; there were no visible signs of septic failure at this time. DEP received a call from the engineer on 4/3/15 regarding the septic design for owner. The engineer stated that they have been hired as of January 2015. DEP received an e-mail from the engineer on 5/14/15 requesting a

meeting regarding a re-approval of the project. DEP performed a site visit on 5/28/15. The engineer laid out the system and will re-submit a design with a new application. DEP received a letter from the engineer on 6/4/15 requesting design re-approval under the current owner. DEP issued a renewed Approval determination on 6/16/15. DEP received notice on 7/20/15 that construction will begin on 7/21/15. DEP met with the contractor and applicant on the site for a pre-construction meeting on 7/23/15. It appeared that there may be an issue with the property boundary, which will impact the system layout. On 8/3/15, the system was staked out previously with the engineer and the contractor has begun clearing the site. On 8/6/15, there was no construction activity. On 8/13/15, the curtain drain was installed. On 8/18/15, the split beds were installed, two d-boxes and splitter box. On 8/19/15, the two d-boxes were bedded and leveled and the speed levelers were installed. On 8/20/15, there was no activity. On 9/1/15, the contractor was working on locating the existing house sewer line. On 9/2/15, the tank and pump chamber hole with stone were prepared. On 9/3/15, the 1250 gallon septic tank was bedded, leveled and the pump chamber was set. On 9/10/15, there was no activity. DEP completed construction inspections on 9/22/15 as the site has been backfilled, seeded and mulched.

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: Approved

DEP received DEC's letter to the owner on 1/15/14 regarding the outstanding NOV and the need to retain an engineer to assess the current site conditions and identify actions needed to bring the site into compliance. DEP sent an e-mail to the engineer on 1/29/14 requesting copies of the SWPPP to review. DEP received a letter from the engineer to DEC on 2/19/14 in response to their letter of 1/15/14. DEP received an Application for a SWPPP on 4/23/14 from the engineer with a NOI, report, and plans. DEP issued a NOICA to the engineer on 5/21/14 requesting additional information. A meeting was held with the project engineer on 6/26/14 and 7/11/14. DEP sent an e-mail to the engineer on 10/7/14 requesting that the SWPPP be submitted so that DEP can complete its review. DEP called the engineer on 10/16/14 requesting information as to when the SWPPP will be sent out. DEP issued a warning letter to the applicant on 2/26/15 regarding the outstanding NOV and the need for an approved SWPPP. DEP received a call from the owner on 3/3/15 regarding DEP's letter of 2/26/15. DEP received a call from the applicant on 3/5/15 regarding the SWPPP. The applicant indicated he had contacted the design engineer and requested he submit the design to DEP. The applicant told the engineer he has until 3/9/15 to get the design to DEP. If no design is received, the applicant will retain a new engineer. DEP received a response to the NOICA from the engineer on 3/11/15. Submission included a letter and the site restoration plan and details. DEP received a call from the applicant on 3/19/15 regarding the SWPPP. The applicant was informed the design is still incomplete due to the engineer. DEP issued a NOICA to the engineer on 3/19/15 requesting additional information. DEP exchanged emails with the engineer and owner on 4/17/15 regarding the need for the SWPPP to be completed. DEP received a response to the NOICA from the engineer on 4/29/15. DEP received an e-mail from the engineer on 4/29/15 regarding the watercourses to be identified and stabilized. A meeting was held at the site with the project engineer and applicant on 5/8/15.

DEP received a letter and revised plans (via email) from the engineer on 5/8/15 in response to comments made at an on-site meeting. DEP issued a NOCA on 5/11/15. DEP issued an Approval Determination letter on 5/13/15. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP has tried to meet with the applicant on several occasions but have not been able to do so.

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: Closed

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 4/9/13 and 6/19/13; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the owner on 4/2/14 requesting a site meeting to assess the site and discuss the next steps in construction. A meeting was held with the project applicant and engineer on 4/14/14. The applicant intends to complete construction of the road this summer and that is it. The necessary stormwater controls will also be installed. DEP performed a site visit on 4/14/14; there were deficiencies, there was no discharge and the site was vacant. DEP received a letter from the engineer on 4/22/14 addressing issues from DEP's 4/14/14 site visit. Included were copies of the Engineering Plan and calculations, to supplement the existing SWPPP, for DEP's review. DEP exchanged e-mails with the owner on 4/28/14 regarding the road not being mulched and the check dams not being in. The owner stated that he will have it done by the weeks end. DEP performed a site visit on 7/28/14; there were deficiencies, there was no discharge and the site was vacant. DEP met the design engineer and was informed the applicant no longer plans to build on the parcel and is likely going to sell it. DEP performed a site visit on 7/9/15; there were no deficiencies, there was no discharge and the site was vacant. Construction for this project is on hold as of 5/15/15 due to the owner no longer building. It is the DEP's understanding the site will be sold as is.

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: On hold

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. DEP received an e-mail from the owner on 1/7/14. He is looking into the Land Acquisition Program to see if they are interested in one or two of his lots. DEP sent an e-mail to the owner on 4/1/14 regarding his plans for the

implementation of the SWPPP. DEP sent an e-mail to the engineer and owner on 2/3/15 requesting an on-site meeting to discuss the plans and scaling back the project. DEP received a call from the former engineer on 2/5/15. The engineer indicated they have not been retained to work on the project. In addition, according to the engineer the applicant still owes the engineer money so no work will be performed until the bills are paid. DEP performed a site visit on 7/24/15; there were no deficiencies, there was no discharge and the site was occupied. DEP exchanged emails with the owner on 7/28/15 regarding the property and anticipated start of work. DEP exchanged emails with the owner regarding a site visit on 9/16/15.

Project Name: 70 Byrne Rd. (Courtney Ln.) (2006-SC-0211)
Town: Hunter
Basin: Schoharie
Type of Use: Septic System (SS)
Type of Violation: New SSTS, unapproved construction of SSTS and renovated a garage to living space. DEP NOV.
Discovery Date: 2/26/15
Status: New/Approved

Overview and Action:

DEP called the owner regarding the ongoing septic issues on 4/22/15. On 4/30/15, DEP met with owner to discuss the illegally constructed septic system servicing the property. The owner will be retaining an engineer to evaluate existing septic system and determine what steps will need to be taken to bring the system into compliance. The owner stated that she had the system built about three or four years ago and that there are four 20 foot laterals and a 750 gallon plastic tank. On 5/14/15, DEP met on site with the engineer to evaluate the present undocumented system and determine what needs to be done to make the system compliant. The water well is currently 73 feet from the septic system and was not approved by DEP. DEP issued an NOV to the owner on 5/28/15. DEP received a phone call from the owner on 6/8/15, who stated the engineer is currently drafting plans. DEP sent an email to the engineer on 7/16, 7/22 and 7/31/15 requesting that plans be submitted. DEP received an Application and plans for a conventional/non-conventional individual SSTS on 8/18/15. DEP issued a NOCA on 8/21/15. DEP issued an Approval Determination letter on 8/27/15. DEP performed a site visit on 9/29/15 to inspect the system layout. The system was laid out by the contractor, the effluent line is partially installed and the d-box is set, bedded and level.

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 an 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 an NOV on 12/11/12. DEP sent an email to DEC containing the contact information for another partner on 1/7/12. 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. The Attorney General's office stated that according to their records, there is no record of a homeowner's association established for the Trailside at Hunter. DEP met the Trailside Property manager during a routine site visit on 10/4/13. NYC Law followed up with a phone call to the property manager and emailed a summary of the conversation. DEP called the president of the Trailside Home Owner's Association (HOA) on 1/14/15 regarding the status of paving the parking lot and the homeowners' lawsuit against the owner. The area has not been paved and the lawsuit has not been settled; however, the Trailside HOA president promised to provide contact information for the owner's attorney. The NYC Law department issued a letter to the applicant's representative on 4/10/15 regarding the NOV.

Project Name: 258 County Route 16 (Log #2008-SC-0026)
Town: Hunter
Type of Use: Residence
Type of Violation: Failed SSTS – DEP NOF
Discovery Date: 1/15/08
Status: No Application

Overview and Action:

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. DEP performed a site visit on 10/17/13; septic failure was not observed; the site appears to be stable; no signs of surface failure. This is a rental, not a weekend residence. DEP performed a site visit on 1/17/14; septic failure was not observed; no visible signs of failure at this time. DEP recommends a dye test be done in the spring. DEP performed a site visit on 3/26/14; the site appears stable; there are no signs of septic failure at this time. DEP performed a site visit on 1/5/15; no active failure was visible at this time. DEP performed a site visit on 3/27/15; no visible signs of septic failure. DEP called the owner on 6/12/15 regarding a dye test to resolve ongoing septic issues. The owner will contact the tenant and DEP will email consent form to set up the test. DEP received an e-mail from the owner on 6/29/15 regarding the dye test form. DEP received the completed Dye Test Information Sheet from the owner on 7/16/15. DEP called the tenant on 7/21/15 regarding scheduling a dye test to move toward resolving the ongoing violation status.

Project Name: County Route 16 (1999-SC-1246)
Town: Hunter
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1324 – CWC – DEP NOF
Discovery Date: 12/31/1998

Status: Closed

Overview and Action:

DEP personnel discovered the violation as a result of the Owner's request to inspect the site. A dye test was not performed. An NOF was issued on 12/31/1998. A design approval was issued on 10/27/99. Construction contract has been awarded. 6/1/02: The replacement system is being constructed. The house is currently occupied. Construction of the septic system is complete except for an electrical upgrade for the pump; there is only a 50 amp service. DEP received an email on 10/28/10 stating that this project is on the CWC's 11/2/10 Septic Committee Meeting Agenda. The owner is appealing last month's decision that considered her to be "new construction" due to property being vacant for quite some time and disqualifying her from the program. DEP received an internal email from WLCP on 1/19/11 stating that the owner's appeal was denied. A meeting was held with the project applicant on 2/7/12. The owner has no plans of creating habitable space on this property, but may wish to have a courtesy toilet in the garage he is building on the site. DEP performed a site visit on 1/4/13; septic failure was not observed. DEP performed a site visit on 10/9/13; septic failure was not observed; no further activity on this site. Area of previous trailer location is being used for parking. DEP performed a site visit on 1/22/14; status is unchanged. DEP performed a site visit on 2/27/14; conditions remain unchanged. DEP performed a site visit on 11/12/14; there were no signs of further construction in the garage area. DEP performed a site visit on 1/28/15; no further construction evident on the garage. DEP called the owner on 5/13/15 regarding future plans to complete the garage or utilize septic expansion. On 5/19/15, DEP met with the property owner who stated that they will not be moving forward with any construction requiring septic. The violation was resolved and the case was closed internally on 7/17/15. The owner stated at the last inspection that he doesn't plan on putting septic service to his garage, which was the outstanding issue. DEP has resolved the Enforcement Action on 7/17/15.

Project Name: 111 Overlook (2013-SC-0129)
Town: Jewett
Type of Use: Septic System (SS)
Type of Violation: New SSTS; Camping trailer illegal discharge to buried system or tank.
DEP NOV
Discovery Date: 4/10/2013
Status: Under Construction

Overview and Action:

DEP called the owner on 2/14/14 and left a message for status of hiring engineer, contractor, and any decisions on if he wants to do pump and haul or permanent SSTS solution. DEP stated that illegal storage tank or cesspool onsite needs to be pumped out in early spring. DEP requested a return call with updates on these issues. DEP issued a letter to the owner on 03/14/2014 regarding a timeframe for pumping out the unapproved SSTS and the unresolved NOV issued on 09/24/2013. DEP received message from owner on 3/28/14. DEP called owner back same day. Owner found out that the outhouse pit is 5' deep with 1' gravel at the bottom. The walls are 5/4 pressure treated wood. There is a surface swale to divert runoff away from the outhouse. He stated it was installed between 2011 and 2013. DEP asked the owner if DEP could inspect outhouse. He said yes, but just to give him a heads up first. DEP will contact the owner after inspection of the outhouse, to see whether it conforms to DEC standards. Then DEP will set up a meeting onsite for an inspection with the owner to discuss what follow-up actions are necessary

for the outhouse and illegal abandoned system. On 5/2/14, DEP inspected the outhouse for compliance. The pit appears to be approximately three feet below grade and there are no watercourses within 200 feet of the outhouse. Gray water lines are still visible, although not connected. DEP received a message from the owner on 5/14/14 requesting to know when DEP will inspect his property. DEP called the owner back on 5/16/14 and left a message that DEP is discussing, internally, how the outhouse will be handled. However, he should expect to meet DEP in about one month to decommission the subsurface gray water system. DEP sent email to the town CEO on 5/21/14, informing him of DEP's plans, requirements, and request to CEO to respond with town's enforcement strategy. DEP exchanged emails with the CEO a few times, and most recently on 6/11/14. DEP is trying to coordinate a joint visit with the town on the day the gray water system is decommissioned. The town does plan to pursue enforcement action for a travel trailer being on vacant land more than 120 calendar days in a year. DEP spoke with and sent the owner an email on 6/19/14 to schedule joint DEP and CEO meeting. On 7/3/14, DEP met with the owner and his father. The pipe previously connected to trailer was cut off and backfilled over, rendering it useless. No tank was found after inspecting about 30 feet of exposed absorption trench. DEP informed the owner that no action will be taken regarding the outhouse and that a holding tank could be used, but first requires DEP review and approval. DEP sent an email summary of the 7/3/14 site visit issues to the owner on 7/11/14. DEP sent the owner an email clarifying DEP's role and relevant regulations and guidance for holding tank options on 7/18/14. Owner replied and said he is getting an engineer and will be in touch. DEP received an email from the owner on 7/28/14 stating he is waiting on the CEO to move forward with planning. DEP received a request for a pre-application meeting from the current owner on 8/22/14. A soil/site evaluation was performed on 8/26/14. DEP received an Application for a non-conventional individual SSTS from the engineer on 10/7/14 along with plans. DEP issued a NOCA on 10/23/14. DEP issued an Approval Determination letter on 10/24/14. DEP performed a site visit on 11/12/14; there are no signs of the trailer discharging to the surface or to subsurface. DEP sent email to the owner on 12/4/14, requesting information on the project construction schedule. The owner responded the same day that construction will take place in the spring 2015, unless finances don't allow it to be constructed. DEP reminded the owner about the 48 hour notice before construction requirements. DEP received an e-mail from the owner on 5/21/15 regarding construction plans. DEP responded by email, reminding owner of notification requirements. DEP performed a site visit on 6/1/15; septic failure not observed and there were no signs of recent use. Camping trailer is not discharging to ground (no pipes from trailer). On 6/18/15, the system was laid out by the engineer. On 6/22/15, fill was being placed. On 6/25/15, the fill appears to be all in. On 6/29/15, there was no Activity. A soil evaluation of fill material was performed on 7/8/15. DEP performed a site visit on 7/9/15, there was no activity at the site as the contractor is holding off due to impending rain. On 7/13/15, the curtain drain was being installed. On 7/15/15, the d-box was installed, bedded and leveled. The laterals are installed and elevations were shot with the engineer. On 7/20/15, the field has been top-soiled, seeded and mulched. The effluent line has been partially installed. On 7/23/15, the effluent line was installed from the flout to the d-box with two cleanouts. On 7/27/15, the system was dosed with the contractor and engineer. DEP received As-Built plans and engineer's certification letter from the engineer on 9/23/15.

Town: Jewett
Basin: Schoharie
Project Name: TREC Management Systems, Inc. (Byrne, Kyle), (Log #2012-SC-0090)
Project Description: SSTS for construction company office and apartments. Also, SWPPP
NOV
Project Type: Stormwater (SP)
Status: Closed

DEP issued an NOV to the owner on 11/19/13. DEP initiated an Enforcement Action on 11/19/13. A meeting was held with the project engineer on 11/26/13 to discuss stormwater design issues. DEP performed a site visit on 11/29/13; there were no deficiencies, there was no discharge and the site was vacant. A soil evaluation was performed with the engineer on 12/3/13. Additional soil evaluation (deep test and pre-soak perc test) was performed on 12/10/13. A soil evaluation (perc test) was performed on 12/11/13. All tests ran greater than 5-inches per hour, 100% pre-treatment required. DEP received an e-mail from the engineer on 12/19/13 with the conceptual sketch. DEP sent an e-mail to the engineer on 1/6/14 with comments on his 12/19/13 submission. DEP performed a site visit on 1/27/14; there were no deficiencies, there was no discharge and the site was vacant. DEP received a letter from the engineer on 2/24/14 along with drawings and a revised SWPPP. DEP received an Application for a SWPPP on 2/26/14 from the engineer. DEP issued a NOCA on 3/5/14. DEP issued a comment letter on 3/10/14 to the engineer requesting revisions. DEP performed a site visit on 3/26/14; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 4/25/14; there were no deficiencies, there was no discharge and the site was vacant. DEP received a letter, NOI, and revised plans from the engineer on 4/28/14 to DEP's letter of 3/10/14. DEP received additional copies of the revised plans and revised SWPPP from the engineer on 5/5/14. DEP issued an Approval Determination letter on 5/9/14. DEP sent an e-mail to the applicant and engineer on 6/27/14 regarding backfilling test pits and seed and mulch disturbed areas. DEP received an e-mail from the applicant on 6/27/14 regarding backfilling test pits over the weekend and will seed and mulch the area the week of 7/1/14. DEP performed a site visit on 7/14/14; there were deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 8/21/14; there were deficiencies, there was no discharge and the site was occupied. DEP issued a letter to the applicant on 8/29/14 regarding the 8/21/14 site visit and the need for the project to come into compliance with the approved SWPPP. DEP received an e-mail from the applicant on 8/29/14 regarding scheduling a site meeting. The meeting has been scheduled for 9/4/14 with the applicant and engineer. DEP performed a site visit on 9/4/14; there were no deficiencies, there was no discharge and the site was occupied. DEP received a letter from the engineer on 9/18/14 stating that construction for this project is on hold and does not plan to implement any of the site improvements until 2015. DEP performed a site visit on 10/17/14; there were no deficiencies, there was no discharge and the site was vacant. The violation was resolved and the case was closed on 11/25/14 with a DEP Closure letter dated 11/25/14. DEP resolved the Enforcement Action on 11/25/14. DEP performed a site visit on 2/4/15. There were no deficiencies. There was no discharge. The site was vacant. DEP returned a call from the Building Inspector on 5/5/15 regarding the stockpiled material on site. DEP clarified that the material on site was for future site work and not for the septic system since the septic field was installed in 2013. DEP performed a site visit on 5/15/15; there were no deficiencies, there was no discharge and the site was vacant.

Project Name: Route 23C (Log #2006-SC-0464)
Town: Jewett
Type of Use: Camp
Type of Violation: Failed/Non- maintained SSTS, little Infiltration and Inflow (I&I) work in progress, surcharged system. DEP NOV
Discovery Date: 6/11/07
Status: No Application

Overview and Action:

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. DEP sent an e-mail to DOH on 10/7/13 asking if they have had a chance to review the plans. DEP received DOH approval on 10/21/13. DEP issued an Approval Determination letter on 10/23/13. DEP received DOH approved plans on 11/29/13. DEP issued a comment letter to the Camp Director on 2/26/14 regarding the operational status of the SSTS and the status of the NOV. DEP received a letter from the Camp Director responding to the NOV comment letter on 4/14/14. Included with the letter was an Opinion of Probable Cost from the engineer. DEP called the engineer on 4/17/14 requesting a construction start date. The engineer met with the owner last month and provided construction contacts. DEP sent an e-mail to DOH on 4/21/14 requesting an update on the latest communications. On 5/17/14, DEP performed an inspection for the installation of risers on the two tanks behind the health lodge and Savatchy Lodge. The inlet pipe from the Lodge and the trailer was broken during the tank excavation, and was replaced. On 5/19/14, DEP received a phone call from the camp director advising DEP that a follow-up inspection for the riser and pipe work that began on 5/17/14 could be performed on 5/19/14. On 7/3/14, DEP met the Camp Ranger and the Camp Executive on site for a scheduled site visit to inspect the SSTS. No surface failure was noted; however, two of the four distribution boxes were surcharged and the absorption field was soggy in some areas. DEP performed a scheduled inspection of the entire SSTS on 7/17/14. Portions of the absorption field were surcharged, as evidenced by spongy wet surface soils, two surcharged distribution boxes and sewage surfacing on the ground, especially around the surcharged distribution boxes. DEP called the Oneonta District Office DOH on 7/17/14 regarding a septic system failure in the absorption field witnessed by DEP staff. DEP informed them the wet area had septic odor, flies, black muck and the lower d-boxes were surcharged. DEP also advised DOH that the camp had pumped down all septic tanks on 7/15/14. DEP called DOH and requested a different contact on 7/25/14 regarding status of the Camp Tri-mount inspection DOH staff conducted on 7/18/14. DOH explained that staff reported no failure. The representative on the call did not have the report readily available but said there was some question as to whether they were in the same location as our staff the day prior who did observe the system in failure. DEP asked if they looked in the d-box and saw them backing up. DOH was unsure but said that would be considered in failure if they saw that. DOH said they requested the camp put snow fence around the wet area but the camp complained about finances. On 7/31/14, DEP met with Boy Scouts of America staff for a scheduled inspection. Approximately 150 campers and staff were at the facility. Of the four absorption fields, BSA has only the top two in service. Fresh soil was placed, seeded and mulched in an 8'x8' area near the southeast d-box. At the fringe of the fresh soil, the field was wet and spongy

with a slight septic odor. DEP called DOH on 7/31/14, and was advised that a schedule of compliance had been set up with the camp and the risers were to be installed prior to camp opening this year, and the siphons are to be replaced prior to next year's camp opening. On 8/20/14, DEP completed a walk through inspection, the final one for the season on 8/20/14. There were no failures observed and no new construction or improvements since the last inspection. At this time, the camp is closed and only the Ranger and his family are living on the premises. On 10/22/14, DEP returned a call to the engineer who had requested an update on the project status. DEP sent an e-mail to DOH on 10/23/14 requesting a copy of the schedule of compliance from the 2014 Camp Season and a status update of any repairs completed from the schedule. DEP sent an e-mail to the Camp Director on 10/23/14 requesting a status update of items required to be completed as part of the approved plans for repairs proposed at the Camp. DEP called DOH on 2/23/15 after emails sent in fall 2014 and, again, January 2015, did not gain any response. DEP left a message requesting a copy of the Temporary Residence Permit (TRP) from last year and requested to add a few DEP requirements to this year's TRP. DEP received an e-mail from DOH on 4/10/15 summarizing key discussion points; attached to the e-mail were July and August 2014 water meter readings for the property and a 2014 DOH-issued permit. DEP exchanged emails with DOH on 4/14/15 confirming a joint inspection meeting at the camp on 5/5/15. Also included was information on water meter readings. DEP exchanged e-mails with a Boy Scouts of America (BSA) member on 5/1/15; DEP provided requested 2014 field reports and is drafting a pre-season letter and setting up an inspection schedule. On 5/5/15, DEP performed a joint pre-season inspection with DOH. There has been no change since DEP's last inspection of 2014. DEP issued a letter to the owner on 5/22/15 summarizing the SSTS operational status for 2014 and describing DEP's expectations toward closure of the latest NOV issued in 2012, as well as expectations for the 2015 season. DEP sent an e-mail to DOH on 6/19/15 regarding the compliance schedule for the SSTS at the camp. DEP exchanged e-mails with the Camp Director on 6/22/15 regarding the letter sent on 5/22/15 and the proposed inspection schedule; the Camp Director did not receive the letter but agreed to all inspection dates (with the exception of possibly 8/19/15). DEP received an e-mail from BSA president on 6/30/15 cancelling the 7/2/15 inspection. DEP called DOH on 7/1/15 to discuss BSA's last minute cancellation of DEP's pre-arranged inspection scheduled for 7/2/15. The end of June 2015 was wet and rainy which is typically when the absorption field fails. DOH did their pre-op inspection on 5/15/15. DEP received an e-mail from BSA president on 7/8/15 confirming the appointment on 7/9/15. DEP performed a scheduled inspection on 7/9/15. The SSTS was not failing. On 7/16/15, DEP performed a routine scheduled inspection of the SSTS on 7/16/15. As the summer camp was open. The absorption field was soft and wet in the middle southern areas. Flies were clustered above and around the suspicious spots on the absorption field. DEP performed a scheduled routine inspection of the facility on 7/30/15. On 8/13/15, DEP performed a scheduled inspection of the site. No surface failure was noted at the absorption field. DEP requested the water meter readings, again, and was denied.

Project Name: 26 Baker Rd. (2015-SC-0318)
Town: Lexington
Basin: Schoharie
Type of Use: SSTS Repair (RE)
Type of Violation: Collapsing cesspool; direct discharge of graywater. DEP NOV.
Discovery Date: 6/16/15

Status: New/Closed

Overview and Action:

DEP initiated an Enforcement Action on 6/16/15. DEP observed and prepared a violation report on 6/16/15. DEP issued an NOV to the owner on 7/22/15. DEP sent internal email to Land Acquisition regarding SSTS failure, which is under "fee-signed" status on 7/31/15. DEP received a phone call responding to the NOV. DEP received a call from the owner on 8/3/15 regarding response to the NOV. He stated that the tenant was evicted on 7/5/15 and the house is no longer inhabited and may never be again. DEP explained the NCRA rule and mentioned that DEP would conduct another inspection to determine the next steps. DEP called the owner on 8/17/15 to discuss the NOV, current failure status and the process to replace the SSTS. DEP received an email from the owner on 8/18/15 stating that the home is uninhabited and will likely remain that way. He will cover the cesspool and let DEP know it is ready to be inspected. DEP has permission to periodically inspect property. If re-inhabited, the grey water line will be connected to the cesspool and DEP will be contacted. DEP performed a site visit on 8/31/15; the area of the cesspool is clearly visible with plywood over the collapsed lid area. Grey-water discharge area is clearly visible with large stone covering discharge area. DEP emailed the owner on 9/4/15 with recent pictures of the site. DEP requested a stone be used to cap the cesspool or warning tape and stakes be installed to keep people away from the plywood cover. DEP will inspect once done and issue letter to owner that issues are satisfied. On 9/9/15, DEP observed flagstone which was covering the grey-water pit has been placed over cesspool. DEP tied flagging around the cesspool area. DEP has resolved the Enforcement Action on 9/10/15. The violation was resolved and the case was closed on 9/10/15 with DEP Closure letter dated 9/10/15.

Project Name: 2080 Spruceton Rd (2010-SC-1005)

Town: Lexington

Basin: Schoharie

Type of Use: Intermediate SSTS (IS)

Type of Violation: IS.1-Change in use (10 units with bed/bath to 9 units with bed/bath, 6 of which have kitchens, and #10 is a bar open to the public + addition of laundry). DEP NOV. RE.1-Likely to fail SSTS - CWC - drywells.

Discovery Date: 10/24/14

Status: New

Overview and Action:

DEP sent an e-mail to the engineer and the owner on 10/2/14 regarding the lack of a submission to use the existing SSTS with additional flows. DEP advised an NOV will be issued shortly, if no progress is made. DEP received a reply from the engineer on 10/3/14; he has been gathering information on water usage and occupancy and will submit a report. DEP received an e-mail from the engineer on 10/7/14 with a copy of the specifications for the water meter installed at the motel with a photo. DEP received the water meter usage spreadsheet from the engineer on 10/18/14. DEP replied to the engineer on 10/20/14 and requested a phone call to discuss the loss of NCRA status and to schedule a site visit. DEP initiated an Enforcement Action on 10/24/14. DEP received a text message from the engineer on 10/25/14; he is busy working on other projects and will have another engineer pick this one up and schedule an appointment to meet on site. DEP sent an e-mail to DOH on 12/11/14, requesting a copy of the most recent TRP issued to the prior owner of the motel. DEP issued an NOV to the owner on 1/23/15. DEP sent an e-mail to the owner on 2/10/15 requesting that DEP be contacted to discuss the NOV issued on 1/23/15.

DEP received an e-mail reply from the owner on 2/11/15, advising that an engineer will contact DEP. DEP received a letter responding to the NOV from the owner's attorney on 2/17/15. DEP sent an e-mail to DOH on 2/27/15 countering arguments presented in the NOV response received from the owner's attorney on 2/17/15. DEP called DOH on 3/11/15 to discuss report. In discussing the situation, DOH noted that typically the SSTS would have to be proved adequate to service the flow from the activity for DOH to issue another Temporary Permit. DEP received the notice of occupancy for the bar/reception area, dated 7/1/14 for 12 people, via a FOIL request on 4/3/15. DEP exchanged e-mails with the owner from 4/16/15 to 4/20/15 regarding the NOV and dates/times to set-up a conference call. DEP exchanged e-mails with the owner between 4/30/15 and 5/8/15 regarding a date/time for a meeting, along with attendees required; 5/14/15 from 11:00am to 12:00pm was agreed upon. DEP Legal issued a letter to the owner's attorney on 5/8/15, in response to the attorney's letter of 2/17/15, regarding the NOV. DEP received additional water meter readings on 5/14/15 from the owner, spanning from 9/17/14 through 5/13/15. A meeting was held with the project applicant, their attorney, their engineer, DEP engineering, DEP Legal and NYC Corporation Counsel on 5/14/15. Contrary to the applicant's position, DEP insisted that the changes made to the motel constitute an alteration/modification to the SSTS. The applicant is going to seek assistance from CWC. DEP received an e-mail to CWC from the owner's attorney on 5/20/15 requesting that the Inn be considered for the CWC's Small Business Septic System Rehabilitation and Replacement Program. DEP exchanged e-mails with the owner between 6/3/15 and 6/5/15 regarding the status of the owner's CWC application. DEP exchanged e-mails with the owner between 6/10/15 and 6/19/15 to once again request the status of the owner's CWC application; the owner will provide an update once progress is made. DEP reminded the owner that the NOV remains outstanding and if a design is not submitted by 7/10/15, further enforcement actions will be taken. DEP received an e-mail from the owner on 6/22/15 stating that the soonest a site visit could be set-up with CWC is 7/16/15. DEP sent an e-mail to the owner on 7/27/15 requesting a status update. DEP received a copy of the Temporary Permit from DOH on 8/1/15. DEP sent an e-mail to the owner on 8/10/15 requesting a timeframe for resolving the NOV.

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

Overview and Action:

DEP met the owner onsite on 4/15/14. Puddled sewage was observed in the lawn area between the upper driveway and the house. The owner is in the process of evicting the tenants. DEP provided a copy of the last field report to the owner. DEP called the owner on 5/28/14 and made an appointment to inspect the property on 6/3/14. On 6/3/14, DEP met with the owner for a pre-arranged inspection of the SSTS. A two inch diameter puddle of sewage was observed in the yard in the vicinity of the drywell. The owner showed DEP two eviction notices signed by the Sheriff's office ordering both upstairs tenants to vacate. DEP called and notified Ulster County Health Department (UCHD) of the findings. DEP called DOH on 6/3/14 and left a message informing them of the failure. DEP called the owner on 6/5/14 and left a message asking for an update on the eviction status. DEP sent an e-mail to DOH on 6/6/14 with a picture of the sewage

failure. On 6/6/14, DEP left a message requesting an update on the occupancy and received a return call from the owner saying that both tenants are expected to be out by 6/10/14. DEP called the owner on 6/16, 6/20 and 6/23/14. DEP was unable to leave a voicemail because the voice mailbox is not setup. DEP received an e-mail from DOH on 6/24/14. DOH inspected the site and no surface discharge of sewage was noted. Additionally, it appeared that the building is now vacant. DEP called the owner on 7/1/14 and set up an appointment for 7/9/14. The owner also confirmed that both upstairs apartments are currently empty. The owner plans on renting the apartment closest to the road to try and recoup monetary losses. The apartment farthest from the road is not rentable because the tenant trashed the bathroom. The owner agreed to inform DEP when the apartment is reoccupied and offered to reactivate the drywell. DEP advised against reactivating the drywell. DEP inspected site on 7/9/14. The sewage failure previously noted dried up. DEP issued a letter to the owner on 10/6/14, at his request, and attached the field reports from 4/15/14, 6/3/14 and 7/9/14. On 10/15/14, DEP performed a scheduled inspection of the property. No indicators of sewage failure were observed. Both upstairs apartments appear to be vacant. On 2/27/15, DEP drove by the apartment house; a car was in the upper driveway as well as a car in the lower driveway. There were fresh foot prints in the snow to the doorway for the upper apartments. The area where sewage was previously observed was completely covered with snow. On 4/10/15, DEP called owner and left a voicemail advising that DEP would be doing an inspection on 4/16/15. On 4/16/15, DEP performed a scheduled inspection of the SSTS. The SSTS was not in failure. All three apartments are occupied. DEP called and left a message for the owner on 7/27/15 advising that DEP would be doing an inspection on 7/29/15. DEP received a phone message from the owner on 7/28/15 stating that the property has been foreclosed on and that as of 7/10/15, he was no longer the owner. 7/30/15, DEP inspected the site. No sign of sewage failing to the surface. DEP exchanged e-mails with the new contact for the bank on 8/28/15 in an attempt to bring the bank representative up to speed on the property. DEP performed an inspection on 9/4/15. All apartments appear to have been vacated. There was no evidence of a recent wastewater discharge. DEP exchanged e-mails with NYC Law between 7/27/15 and 9/11/15 regarding several matters: 1) REP will withdraw the lawsuit against the former owner; NYC Law will prepare a stipulation of discontinuance to do so. 2) Per the former owner, a real estate company is trying to rent out the apartments. 3) A title company contacted NYC Law stating that the bank is interested in knowing what needs to be done to clear the violation.

Town: Prattsville
Basin: Schoharie
Project Name: Niedzialek, Andrzej, (Log #2012-SC-0331)
Project Description: Anonymous complaint of sewage dumping. DEP NOV
Project Type: Other (OT)
Status: New

DEP sent e-mail to DEP Police on 6/1/12 asking for assistance in inspecting property for dumping of sewage on property or in stream, based on anonymous complaint. DEP initiated an Enforcement Action for tracking purposes of this anonymous sewage dumping complaint. DEP received an e-mail from DEP Police on 6/2/12, including several site pictures. No sewage dumping or history thereof was observed. DEP received an e-mail from DEP Police on 6/5/12, stating that the property did not appear to be occupied since the Officer's last visit on 6/2/12, when it was also not occupied. DEP received an e-mail from DEP Police on 6/9/12, regarding site inspection that same day. No problems with sewage or septic on property. House trailer

there, previously, so septic is dumped into during periods of high use. Owner mentioned neighbor who brings camper on site that perhaps the complaint really meant to point out. No problem found when this new site was inspected. DEP sent internal e-mail requesting further investigation of files and with town Building Inspector on 7/26/12. DEP called the owner on 8/18/15 and asked questions about the SSTS on property. The owner stated there was a camping trailer hooked up to an SSTS when they bought the property in 2005. The camper was removed as part of the purchase of the property. They installed two underground septic connections (in 2007) that interconnect and go to the pre-existing system. They do not know where the system is or what the system is. It has not been pumped since they purchased the property. Seasonal water supply exists. Months of use are April through November. They do not have any pictures of original camper and/or septic connection back in 2005. DEP mentioned to owner that there is no approved SSTS on file and will discuss more when DEP meets with owner onsite. DEP performed a site visit on 8/25/15; septic failure was not observed. There is a white discharge on the steep bank behind the camper above the stream; possibly caused from draining their holding tanks. DEP received a message from the owner on 8/26/15. DEP called the owner on 8/26/15 and left message requesting return call. DEP informed the owner that an inspection was done and material was witnessed to have been dumped/pumped on the slope behind the second trailer and DEP needed to discuss this matter. DEP received a call from the owner on 8/27/15, who stated that the white material was food waste. When asked, the owner admitted to discharge shower and sink (grey water) over the bank and that only toilet water is dumped into SSTS. DEP informed the owner that grey water must be sent into the SSTS and cannot be discharged to surface of the ground. The owner stated that the Town told her to discharge grey water when they put the trailer on the property. DEP gave the owner CWC's number (via text) and owner agreed to call and keep DEP informed with CWC program participation status. DEP also asked the owner to run a snake and try to locate and identify what SSTS exists on the property, as it may be determined that the existing SSTS is an unapproved construction and may have to be replaced with a compliant system. DEP received call from the owner on 9/3/15 wishing to meet onsite 9/4/15. On 9/8/15, DEP met with the owners and informed them that an NOV will be issued and they will need to stop discharging grey water. They stated they no longer discharge grey water and it all goes to the unknown underground system. DEP stated that the details of the NOV will most likely prohibit them from using the underground unapproved system. DEP informed them that they will need to hire an engineer. DEP issued an NOV to the owner on 9/18/15. DEP received a call from the owner on 9/21/15 in response to the NOV. DEP called the owner on 9/24/15. Her son just got in an accident, she will call back later, today. DEP called the owner on 9/28/15 and left message to call back and discuss resolution of NOV. DEP called the owner on 9/29/15 and reviewed with the owner that decommissioning must happen this season and that owner should hire an engineer to start with soils testing or consider a holding tank option. DEP recapped this information in a text to owner.

Project Name: 37 Albert Slater Road (2006-SC-0779)
Town: Prattsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS; DEP NOV
Discovery Date: 6/26/06
Status: Ongoing
Overview and Action:

DEP issued an NOV to the owner on 1/28/14. DEP performed a site visit on 2/5/14; no activity. DEP received a response to the NOV on 2/12/14 with a call from the owner. The owner stated that the property is winterized and still for sale, and that no wastewater is generated there, which satisfies the NOV. However, DEP reminded the owner that the generation of wastewater in the future could result in further action by DEP. The owner acknowledged and hopes to sell property soon. DEP will continue periodic inspections to ensure wastewater is not being generated. DEP performed a site visit on 2/20/14 to inspect the septic tank. DEP performed a site visit on 2/21/14 and inspected the system layout and the gravity effluent pipe. DEP performed a site visit on 2/27/14; the house is still vacant. DEP performed a site visit on 2/28/14; no activity. DEP performed a site visit on 8/1/14 for septic failure; none was observed. The house is still vacant with no signs of use. DEP performed a site visit on 12/1/14; septic failure was not observed. The property is vacant and posted for sale. DEP performed a site visit on 6/30/15; septic failure was not observed and the "For Sale" sign is gone.

Project Name: 854 Johnson Holw Rd (2013-SC-0403)
Town: Roxbury
Type of Use: SSTS Repair (RE)
Type of Violation: Complaint; reporting SSTS Failure. DEP NOV
Discovery Date: 7/31/13
Status: No Application

Overview and Action:

DEP issued an NOV to the owner on 8/1/13. DEP received a phone call from the owner on 8/16/13 responding to the NOV. He said the problem has been resolved. DEP returned the owner's call on 8/20/13. The owner stated that the septic tank was pumped out and the surface failure is gone. He also said the place is only used on weekends and agreed to few follow-up inspections by DEP. DEP performed a site visit on 9/4/13; septic failure was observed. Effluent is being discharged to road side ditch. DEP called owner and left message to call back on 9/4/13. DEP stated discharge must stop immediately. DEP issued a comment letter to the owner on 9/5/13 regarding the NOV. DEP received a call from the owner on 9/12/13, who stated he believes failure is really something related to lives tock. He did not want to pursue contacting CWC just yet. DEP scheduled dye test and the owner will have a representative on site waiting. DEP performed a dye test on 9/13/13; dye was not immediately recovered or hours later. DEP Police will monitor over weekend. DEP Police inspected property for dye on 9/16/13 but did not find any. DEP performed a site visit on 9/24/13; no dye was recovered at this time. DEP REP received a call on 10/7/13 from DEP Police requesting status of the project and whether any other follow up was necessary from the police. REP responded that no additional police follow up was necessary at this time and REP would keep watch due to the seasonal use of the residence. DEP performed site visits on 10/25/13 and 1/28/14; septic failure was not observed. DEP performed a site visit on 7/1/14 for septic failure; none was observed. DEP performed a site visit on 7/7/14 for septic failure; none was observed. The road side ditch was very wet but the wetness did not appear to be sewage; DEP will monitor. DEP performed a site visit on 8/12/14; a suspicious area was observed and DEP spoke to a neighbor. The house is not being used full time. DEP performed a site visit on 8/20/14; a suspicious area was observed and no septic odor noticed at this time. DEP performed a site visit on 10/7/14; septic failure was not observed. The area that had been wet or soiled was dry at the time of inspection. DEP performed site visits on 12/29/14, 1/23/15 and 2/12/15; septic failure was not observed. There was snow covering the

area of the suspected failure and there was no new sign of activity coming to or from the house. DEP performed a site visit on 3/30/15; suspicious area was witnessed. DEP will continue to monitor. DEP performed a site visit on 5/27/15; septic failure was not observed. There was a damp area in the road side ditch.

Project Name: 466-478 Oliverea Rd (2014-AS-0719)
Town: Shandaken
Basin: Ashokan
Type of Use: Intermediate Repair (CR)
Type of Violation: DEP NOV; Failed SSTS serving 2 residential buildings.
Discovery Date: 12/30/14
Status: New

Overview and Action:

DEP received an e-mail from the DEP Police on 12/30/14 regarding a complaint. DEP initiated an Enforcement Action on 12/30/14 for tracking purposes. DEP called DOH on 12/30/14 to advise that the DEP Police observed a sewage discharge to the ground at the property on 12/29/14. DEP also sent a map showing the property. DEP called one of the DEP Officers that responded to the sewage complaint on 12/30/14. The discharge was observed between the cottage and the garage on the southeastern end of the property. DEP emailed the Officer a map and asked him to mark it up and return it. The Officer was also advised that DEP had contacted DOH. On 12/31/14, DEP forwarded DEC the e-mail exchanges between DEP and DEP Police on 12/30/14 regarding the exact location of the sewage discharge. On 1/2/15, DEP performed a site visit in response to DEP Police investigation of a complaint of sewage surfacing on the ground. Sewage was observed both pooled on the ground and bubbling up from the ground. DEP called the property owner on 1/2/15 to discuss the sewage failure observed at the rental property. He has called both a hauler and an engineer to pump and work on a repair. DEP advised that a Notice of Violation would most likely be issued. The owner said that the tank has been pumped before when problems occurred and that it will fill up within a few days of being pumped. DEP requested notice when the tank is pumped and when he gets a response from his engineer. DEP spoke to DOH on 1/2/15 regarding the DOH site visit performed on 12/31/14. DOH could not confirm an active sewage failure. DEP received two voice messages from the property owner, one on 1/3/15 and another on 1/4/15. He left messages for a hauler and an engineer. The hauler will pump the system on 1/5/15 or 1/6/15, and the engineer is due to return from vacation on 1/6/15. The owner will be out of town until 1/11/15 due to a death in the family. DEP performed an inspection of the failed SSTS on 1/7/15. The system had been pumped; there was no sewage surfacing on the ground. It also appeared as though some soils were moved to access the SSTS for pumping. DEP spoke to the engineer on 1/7/15. The engineer has spoken to CWC and is waiting to hear back from them about whether the SSTS will be at least partially funded before he performs a site visit. DEP received an email from DOH; staff visited the site twice and saw no sewage discharge to the ground. DEP called the owner on 1/12/15 requesting an update on possible CWC funding. DEP performed an inspection of the SSTS on 1/15/15. The cesspool was surcharged above the top of the cesspool, and about six inches from the top of the ground. The structure is covered with a small piece of plywood. DEP performed an inspection of the SSTS on 1/23/15. Sewage was observed surfacing on the ground above the cesspool and the area surrounding the cesspool was saturated with sewage. The owner has covered the opening and installed cones around the discharge as previously requested by DEP. DEP called the owner on

1/23/15 regarding the sewage overflow and advised to have the system pumped again to keep the sewage from surfacing. He said he can't afford to keep pumping and wants to install a septic tank and single lateral as a temporary fix. DEP advised him that the SSTS needs to be repaired properly and that as an owner he may feel the temporary fix is good enough and the full repair will not happen if the failure is no longer visible. He is waiting on the CWC board decision for funding eligibility. DEP sent an e-mail to DOH with pictures of the sewage surface failure from the two most recent site visits on 1/26/15. DOH responded that their staff did not witness a sewage failure on either of the two visits they performed. This project is on the CWC Septic Committee meeting agenda scheduled for 2/3/15 for additional discussion on program eligibility. DEP performed a site visit on 2/10/15. There is heavy snow cover everywhere on the lawn, except where the cesspool is located. Sewage has melted the snow and is still obvious in a two foot circumference around the cesspool. DEP called the owner on 2/10/15 regarding the ongoing surface failure and requested a pump out, a return call, and the status of the possible CWC funding for the repair. DEP received a return call from the owner on 2/13/15. He said the CWC informed him that they cannot fund the SSTS replacement under the existing rules. DEP advised him to pump the SSTS when needed and to spread lime over the contaminated ground. He said the snow bank now covers the surface failure and he cannot afford to pump, instead he wants to install a new tank and temporary lateral. DEP received a phone call from the engineer on 2/17/15 regarding the owner's idea of installing a tank and temporary lateral. DEP issued an NOV to the owner on 2/17/15. DEP called owner at home on 2/27/15 regarding the NOV. DEP received a voicemail from the owner on 2/27/15, in response to DEP's phone call on the same date, requesting a call back. DEP performed a site visit on 3/2/15. The area around the cesspool was snow covered and undisturbed. The sewage level in the cesspool was below the first course of concrete blocks. There was no sign of a recent failure or a recent pump out. DEP received an e-mail from the DEP Police regarding the site visit conducted on 3/1/15 with negative results. DEP performed a follow-up inspection of the SSTS on 3/6/15. The area appeared undisturbed since DEP's site visit on 3/2/15. The sewage level was several inches above the concrete cover and just two inches below the top of the ground. The waste pipe under house # 470 was exposed and some dirt had been removed to access the pipe. DEP received a return call from the owner, agreeing to pump the cesspool and block it off, and to keep DEP informed of any progress. DEP corresponded with the owner by email on 3/7/15. He said he called the hauler and will advise DEP when the waste line is cleared and the cesspool is pumped. DEP performed a site visit on 3/9/15. The cesspool was overflowing to the top of the ground and did not appear to have been pumped out. The opening in the crawl space to access the waste pipe for cabin #470 was closed up and insulated. Snowmelt was occurring. DEP called the owner on 3/9/15 and left a voice message after the site visit to advise that the sewage is overflowing on the ground and that DEP would like to be notified when the hauler plans to pump so DEP can witness the pump out. DEP received a return call from the owner on 3/9/15 regarding the hauler, who will be there on 3/11/15 to pump out the overflowing SSTS. The owner also offered to email the pump out receipt to DEP. DEP sent an e-mail to the owner on 3/10/15, asking for an approximate pump out time so that DEP can witness the work. DEP received an e-mail from the owner on 3/10/15. The hauler is expected between 9 am and 10 am on 3/11/15 and will install another cover for the cesspool, as the original cover fell in the tank during the 1/5/15 pump out. On 3/11/15, DEP met with the owner and hauler to witness the pump out of the cesspool, which has very little capacity due to deep inlet pipes and what appears to be a thick sludge layer as well as a cave in the surrounding soils. DEP exchanged various emails with NYC Law between 3/9/15 and 3/24/15

regarding the amended stipulation. On 3/27/15, DEP performed an inspection of the failed SSTS adjacent to #470 Oliveria Road. No sewage was observed migrating out of the cesspool; however, the untreated sewage level was at the top of the ground. The waste pipe under the cabin was partially submerged in discolored water and/or wastewater. DEP sent an e-mail to the owner on 3/27/15 requesting that he contact a hauler to have the cesspool pumped out. DEP performed a site visit on 4/1/15 and observed the cesspool to be surcharged to the top of the ground with untreated sewage seeping from the cesspool to the surface of the ground. DEP sent an e-mail to the owner on 4/1/15 regarding an inspection which revealed sewage surfacing on the property and the requirement, per the NOV, to have the system pumped. DEP received an e-mail from NYC Law on 4/6/15 stating that the litigation papers have been filed. DEP received an e-mail from DEP Police on 4/6/15 stating that they would like to be kept up to date with any legal matters and at this time they are not pursuing any enforcement actions. DEP sent an e-mail to DEP Police on 4/6/15 requesting that they provide Engineering with details if they are contemplating any enforcement actions. DEP received a copy of the Affidavit, Order to show cause, Summons and Complaint and Memo of Law from NYC Law on 4/6/15. DEP REP, DEP Police, and NYC Law exchanged e-mails from 4/6/15 through 4/9/15; NYC Law is seeking a Temporary Restraining Order (TRO) against the owner from the Ulster County Supreme Court; the Court has scheduled a hearing on 4/29/15 and has ordered the owner to pump out the system prior to then. DEP sent an e-mail to the DEP Police on 4/9/15 to brief them on the legal status of the project. On 4/13/15, DEP inspected the cesspool. Sewage was overflowing the top and seeping into the ground around the top of the cesspool. DEP performed an inspection of the SSTS on 4/16/15. The cesspool was surcharged to within two inches of the top of the ground. The hose that supplied water to the other houses on site is no longer there. DEP performed a site inspection on 4/22/15. The cesspool was surcharged to the top of the ground. The ground immediately surrounding the cesspool was saturated with sewage and the vegetation was lush. There was no sign that a hauler had been there or the cesspool had been pumped since DEP's last visit. DEP received the 4/2/15 pump out receipt from the owner on 4/27/15. On 4/29/15, DEP staff inspected the site. The cesspool was surcharged, but well below the surface of the ground. Sewage was not overflowing the structure. DEP performed a site visit on 5/1/15. The sewage was surfacing on the ground in the vicinity of the cesspool. A hearing was held at the Ulster County Court House with DEP staff, the property owner, the engineer and NYC Corporation counsel on 5/5/15. The judge ordered that a temporary repair be put in place within 30 days and that the full repair be installed within 90 days. A soil/site evaluation was performed on 5/12/15. DEP met with the owner, engineer and contractor on 5/12/15 for soils testing for a replacement SSTS for the two houses served by the failed cesspool. When DEP arrived, the contractor had already installed a tee, an outlet filter and a lateral from the cesspool under the engineer's supervision. The work was backfilled and the contaminated soils were limed. A septic failure was not observed and the property was inhabited. DEP performed a site inspection on 5/27/15. There is no sewage on the ground near the temporary repair and the ground was not soft. DEP received an e-mail from NYC Law on 6/8/15 stating that the court order has been signed by an Ulster County Court Judge and was filed with the Ulster County Clerk; it will be served to the owner on this same date. The Court also agreed to reschedule the status conference. Per the court order entered on 6/8/15, the owner will need to submit plans to DEP for a full repair by 8/7/15. On 6/11/15, DEP met with the engineer to witness percolation tests. The area of the temporary repair was dry. On 6/23/15, DEP witnessed soils performed by the engineer. Three deep holes were dug and three percolation tests run. A conventional absorption field can be

installed outside the 100 foot setback from the Esopus Creek. DEP exchanged e-mails with NYC Law on 6/23/15 regarding timeframes; due to full soils testing being completed after the court order was issued, the SSTS plans are now due on 8/10/15. A compliance conference has also been scheduled by the Supreme Court of Ulster County for 10/1/15. DEP called the engineer on 8/10/15 to advise him of the design due date of 8/10/15. He said he had been advised a few days prior and that the design will be submitted on 8/12/15. DEP received plans from the engineer on 8/13/15. On 8/18/15, DEP performed an inspection of the repaired cesspool and lateral. Although the area above the cesspool is overgrown, no sewage was observed surfacing there or near the recently installed lateral. DEP issued a letter to the owner on 8/19/15 commenting on the plans and requesting an application and site location map. DEP sent an e-mail to the owner on 8/27/15 stating that a preliminary design for a full repair had been submitted by the engineer over a week ago; DEP is thus interested in getting a construction start date for the work, as there is optimism that this re-submission will be approvable. On 9/18/15, DEP performed a routine inspection of the repaired SSTS. There was no sign of sewage on the ground. The messy backfill around the cesspool cover has been cleaned up. DEP received an Application and plans for a commercial repair on 9/22/15 from the engineer. DEP issued a NOCA on 9/30/15.

Project Name: Valley View Road (2001-AS-0322)
Town: Shandaken
Type of Use: Intermediate Repair (CR)
Type of Violation: Revised proposal to establish 10 campsites instead of 15 campsites and remodeling some structures. CR.1 - NCRA/Change in use. DEP NOV
Discovery Date: 2/3/14
Status: New

Overview and Action:

DEP's Assistant Counsel received a letter from the owner's representative requesting that the owner and owner's representative come to DEP for a meeting to discuss their objectives and concerns, as well as those of DEP. DEP's Assistant Counsel received an e-mail from the attorney's office on 4/28/14 requesting a meeting. DEP's Assistant Counsel replied the same day that they are not prepared to meet until DEP staff has had a chance to complete an inspection of the site. DEP issued an NOV to the owner on 8/28/14. DEP received a letter responding to the NOV on 9/8/14 from the owners' representative. DEP exchanged e-mails with DOH and made comments internally on 10/22/14 and 10/23/14 regarding the number of bedrooms in the offsite housing and the possibility of a Temporary Residence Permit (TRP). A meeting was held between DEP REP, DEP Legal, NYC Law, the engineer, the project applicant and attorney on 12/22/14. DEP received the TRP for the owner from DOH on 1/13/15. This permit expires on 11/30/15. NYC Law sent an e-mail to the owner's representative on 1/28/15 asking if 1/30/15 is still a good date for DEP to take an inventory of the property. A new DEP Legal contact was also provided. DEP Legal received a letter from the owner's attorney on 1/29/15, along with a Comprehensive Facility Report, in response to DEP's request to conduct an inventory of the property. DEP exchanged emails with DEC on 3/10/15 and learned that the owner was never issued a SPDES permit; however, a stream disturbance permit was issued in 2011. DEP sent an e-mail to DOH on 4/6/15 requesting an inspection pre-meeting, possibly on 5/5/15. DEP sent an e-mail to the engineer on 4/7/15 regarding a site visit for 5/6/15. DEP called DOH on 4/28/15 regarding the next inspection. At this time, DOH does not plan on attending as they were not invited. On 5/27/15, DEP met with the owner, engineer, attorney, and CWC to perform an

inspection of the main complex. DEP performed a site inspection on 5/27/15 and found two locations on-site where new impervious surfaces were constructed within 100 feet of two separate watercourses (addition of reception tent and recreation barn). DEP called the engineer on 6/8/15. It was ascertained that the landowner had been informed of the stormwater WRR violation found at the site during the site inspection; he was also informed that the preparation of a SWPPP to come into compliance would be reimbursed. DEP explained to the engineer that a letter would be forthcoming from DEP describing the violations and giving the landowner 30 days to comply. DEP issued an NOV warning letter to the owner on 6/11/15. DEP initiated an Enforcement Action on 7/7/15. DEP sent an e-mail to the engineer on 7/6/15 regarding the need for a letter of intent and schedule for compliance within five days. DEP received a call from the engineer on 7/7/15 regarding the pending NOV notice sent by DEP. The engineer states that he will send a letter acknowledging the DEP notice and describe a schedule of steps to be taken to resolve the issue. DEP received a letter from the engineer on 7/9/15 detailing the owner's intentions regarding stormwater concerns raised with the tent slab and barn additions. DEP sent an e-mail to the engineer on 7/16/15 requesting clarification on outlines pertaining to work done, and/or occupancy for, the performance space, restaurant, and the Valley View House. This project is funded under CWC Septic Repair Program. On 9/18/15, DEP received CWC's notice of failure.

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

Status:

DEP received an Application for an SSTS on 3/20/13 from the engineer. DEP sent an e-mail to the engineer on 3/6/14 requesting a meeting before the end of March 2014. DEP received an e-mail from the engineer on 3/12/14 requesting a meeting for 3/20/14 which was accepted. DEP sent an e-mail to the engineer on 3/20/14 re-capping the day's meeting. The town is pursuing funds to re-locate the Town Hall and Highway Garage to another location. DEP stated that it is willing to hold off on proceeding with the resolution of the NOV until June 2014 and requested that the town provide sufficient documentation that the funding is available. DEP sent an e-mail to the engineer on 6/19/14 regarding the last meeting and that DEP has not heard from anyone regarding the relocation of the Town Hall and Highway Garage. DEP sent an e-mail to the Shandaken Supervisor on 7/24/14 regarding finalizing and implementing the SWPPP. A meeting was held with the Town Supervisor, Highway Superintendent, Engineer and CWC on 7/31/14 to discuss moving forward with the SWPPP design. DEP received a call from the engineer on 9/17/14 regarding removing the pavement that caused the NOV. DEP called the Town Supervisor on 9/25/14 regarding the status of the project. DEP received an e-mail from the engineer and Town Supervisor on 10/30/14 regarding contract revisions. DEP received an e-mail from the Town Supervisor to the engineer on 12/17/14 requesting the status of the addendum. DEP sent an e-mail to the Town Supervisor and the engineer on 5/5/15 requesting the project status. DEP sent and received an e-mail to the engineer on 5/12/15 regarding project status. DEP sent an e-mail to the Town Supervisor on 5/14/15 requesting status of the SWPPP. A meeting was held with the Town Supervisor, Highway Superintendent, CWC and Engineer on 6/10/15 to discuss moving forward with the project. The contract to proceed with additional work between

the Town and the Engineer was signed during the meeting. DEP exchanged emails with the engineer and copied other pertinent individuals, on 8/5/15, regarding the status of the SWPPP.

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

On 11/20/13, DEP performed an inspection of the pump tank and the excavated area for the absorption field. DEP performed a construction inspection on 11/21/13. The bottom layer of sand is in, and the Presby units are being installed. On 11/19/13, DEP accompanied the engineer on a satisfactory inspection of the pump tank. DEP called the highway superintendent on 11/25/13; he is waiting for risers and the d-box cover. DEP received a phone call on 12/2/13 from the engineer, who asked if he could water test the distribution box, inspect the risers and allow backfill without DEP inspection and DEP agreed. On 12/3/13, DEP performed an inspection of the SSTS; the system is completely backfilled, the next step is checking the dose when the electrician finishes. On 12/5/13, DEP met the engineer on site for the dose test. The risers have been delivered and will be sealed to the tanks. The area will be blocked from traffic until the blacktop is installed in the spring 2014. DEP drove through the parking lot on 6/18 and 7/11/14, DEP drove by the site. The blacktop has not yet been installed on the d-box/absorption field. DEP received a phone message from the highway superintendent on 8/29/14. He said if the SWPPP will be installed this year, the entire lot will be paved after the install, if not, the area over the absorption field will be paved this year. On 10/24/14, DEP performed an inspection of the SSTS area. Blacktop has not been installed over the absorption field. A highway worker told DEP that they were still blacktopping town roads and may do the SSTS in a few weeks. DEP left a message for the superintendent. DEP drove by the facility on 11/6/14 and noticed that paving has been completed in the parking area above the absorption field. The engineer was notified. DEP completed construction inspections on 11/6/14. DEP received As-Built plans and engineer's certification letter from the engineer on 4/8/15. DEP called the engineer on 4/9/15 regarding the as-built, which erroneously shows the pump chamber as existing and is not stamped and signed. DEP sent an e-mail to the design engineer on 6/19/15 requesting the revised/proper "as-built" for the repaired SSTS. DEP sent another e-mail to the design engineer on 7/31/15 requesting a few clarifications to the "as-built", previously submitted.

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 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. On 1/23/14, DEP performed an inspection of the site. There were no visible signs of failure. DEP issued a letter to the owner on 7/28/15 requesting that he move forward with the process of addressing the SSTS failure. DEP received a call on 8/6/15 in response to the reminder letter that DEP issued on 7/27/15. The property owner returned DEP's call on 8/7/15. He said he hasn't fixed the SSTS because it is no longer failing and because he can't afford to pay the 40% portion of the repair. DEP advised him to contact CWC, to find out exactly what program he qualifies for. DEP also advised that the repair was non-compliant and that a "to the extent possible" design needs to be submitted to DEP. DEP returned the phone call to the owner on 8/7/15. DEP left a message asking the owner to contact his engineer to begin the process of replacing the substandard septic system at his store/apartment. DEP called the owner on 8/13/15 and left a voice mail requesting a return call regarding the CWC funding and moving ahead with the repair for the liquor store/apartment SSTS. On 8/18/15, DEP stopped at the store hoping to speak to the owner about starting the SSTS repair process. DEP gave the clerk a business card and asked him to have the owner call. DEP called the owner and left a voice message on 9/17/15 regarding the necessary SSTS repair and an engineer to design it. DEP requested a call back within a few days.

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: Under Construction

DEP received DEC's letter to the owner's on 1/15/14 regarding the outstanding NOV and the need to retain an engineer to assess the current site conditions and identify actions needed to bring the site into compliance. DEP received an e-mail from DEC on 2/27/14 stating that a new engineer has been hired to finish the site work. DEP performed a site visit on 3/17/14; there were no deficiencies, there was no discharge and the site was vacant. DEP received a call on 3/27/14 from the engineer regarding planting trees and grass; DEP indicated that was acceptable. A meeting was held with the project engineer on 5/30/14. DEP received an Application for a SWPPP on 6/25/14 from the engineer along with a letter and plans. DEP sent an e-mail to Army Corps of Engineers (COE) on 7/8/14 regarding the pond. DEP issued a NOICA to the engineer on 7/22/14 requesting additional information. DEP received an e-mail from the engineer on 7/23/14 regarding the HydroCAD report. Only the 100-yr pre-construction and 1-yr post construction were received. Additional storm and pond HydroCAD data will be requested. DEP received the remaining storms and pond data from the engineer on 7/23/14. DEP performed a site visit on 7/28/14; there were no deficiencies, there was no discharge and the site was vacant. DEP called the engineer on 7/30/14 regarding the ACOE and roof drainage. The engineer indicated the ACOE was inclined to let the pond stay and the owner may apply for an off-site mitigation permit. If the permit is denied and the pond needs to come out the stormwater will need to be revisited. In addition, according to the builder, the roof drains are interior to the building but discharge to the pond. The engineer is also going to verify that the drains are interior and discharge to the pond. DEP called the engineer on 9/3/14 regarding the roof drains. A meeting is schedule for 9/11/14 to verify where the roof drains in daylight and to see if the elevations will

work to get them into the pond. DEP received a response to the NOICA from the engineer on 9/17/14. Submission included revised plans. DEP issued a NOCA on 9/18/14. DEP issued an Approval Determination letter on 9/19/14. DEP exchanged e-mails with the engineer on 10/16/14 regarding a construction schedule and informed that a pre-construction meeting will be required. DEP received notice on 11/12/14 that construction will begin on 11/12/14. DEP met with the applicant's representative and contractor on the site for a pre-construction meeting on 11/12/14. DEP performed site visits on 12/3/14 and 1/7/15; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 4/15/15; there were no deficiencies, there was no discharge and the site was vacant. DEP called the engineer on 4/17/15 regarding the stormwater controls. When the snow has cleared a meeting will be held at the site with the engineer, contractor and owner to discuss the stormwater construction and landscaping. It is anticipated that the stormwater controls will be installed this year. DEP exchanged emails with the engineer on 4/23/15 regarding the site and where it stood. The engineer replied that they will be having a pre-construction meeting once some of the details are worked out with the Landscape Architect. This project is on CWC's 6/2/15 Board Meeting Minutes and was approved for stormwater design funding. DEP received a letter and plans from the engineer to ACOE on 6/4/15 regarding the owner's wish to proceed with other site improvements, including a planting plan. DEP performed a site visit on 6/26/15; there were no deficiencies, there was no discharge and the site was vacant. DEP sent an e-mail to the engineer on 7/28/15 regarding a pre-construction meeting. DEP performed a site visit on 8/6/15; there were no deficiencies, there was no discharge and the site was occupied. DEP called the engineer on 8/26/15 regarding site work. The engineer indicated he has not heard from the applicant and there are issues with the Landscape Architect.

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

Overview and Action:

A meeting was held with the Greene County Industrial Development Agency (IDA) on 9/24/15 to discuss relocating the tanks. A location was identified. DEP is waiting for a site sketch with temporary stormwater control measures shown. DEP initiated an Enforcement Action on 9/25/15. DEP issued an NOV to the owner on 9/25/15. DEP received an e-mail from the Greene County Industrial Development Agency on 9/28/15 stating that a concept site plan documenting critical issues is being worked on.

Project Name: C D Lane Rd (2015-SC-0475)
Town: Windham
Basin: Schoharie
Type of Use: Stormwater (SP)
Type of Violation: Approximately 2.9 acres of disturbance (3+ miles) without an Approved SWPPP. DEP NOV
Discovery Date: 8/20/15

Status: New

Overview and Action:

DEP received an e-mail from the President/General Manager on 8/7/15 regarding the best practices guidelines for downhill trail construction and a drawing package that describes how features are built. DEP initiated an Enforcement Action on 8/20/15. DEP issued an NOV to the President/General Manager on 8/20/15. DEP issued a letter to the owner on 9/8/15 regarding observations made during an assessment of the bike trail. DEP received a letter, trail maintenance plan and log, sketch, and E & SC plan from the owner on 9/23/15 in response to DEP's comments and concerns.

Project Name: 4924/44/48 State Rt 23 (2014-SC-0628)

Town: Windham

Basin: Schoharie

Type of Use: Stormwater (SP)

Type of Violation: SS.1: Proposed subdivision. SP.1: DEP NOV for greater than two acres of disturbance within 100' of a watercourse.

Discovery Date: 9/17/15

Status: New

Overview and Action:

DEP received a letter to the Town of Windham Planning Board from the engineer on 9/17/15, along with plans. DEP issued an NOV to the owner on 9/17/15. DEP initiated an Enforcement Action on 9/17/15. A meeting was held with the Greene County Industrial Development Agency (GC IDA) on 9/24/15 to discuss the future site development. A meeting was held with GC IDA on 9/24/15 to discuss the permitting requirements and overall project. DEP received an e-mail from the GC IDA on 9/28/15 stating that a draft response to the NOV is being worked on.

Project Name: 524 County Rt 40 (2011-SC-0429)

Town: Windham

Type of Use: SSTS Repair (RE)

Type of Violation: Failing SSTS - Surfacing - CWC 60/40 House #2 DEP NOV

Discovery Date: 6/27/2011

Status: New/Closed

Overview and Action:

DEP performed a site visit on 4/23/14; septic failure was not observed. The house is empty and being renovated. DEP performed a site visit on 12/9/14. There was no effluent observed. The ground is snow covered and renovations to the house are complete. It appears that tenants are living at the residence as there were bicycles and children's toys in the driveway. DEP issued a letter to the owner on 12/9/14 stating that construction has not yet commenced. DEP performed a site visit on 1/26/15. The building has recently been rented. There was no visible failure at this time. DEP performed a site visit on 3/31/15; septic failure was observed as there was surfacing of sewage on the ground. DEP sent CWC an email on 4/7/15 informing them that DEP is issuing an NOV. DEP called the owner on 4/7/15 and left a message with his son to call back. DEP also informed the owner's son that an NOV will be issued and suggested they contact CWC to review program/eligibility status. DEP received a call from the owner on 4/8/15. Owner has contacted his engineer and given a copy of plans to a contractor for a bid since DEP's call. DEP suggested he get the bid to CWC. The owner was informed by DEP that an NOV is forthcoming and will

require the SSTS replacement to be completed by 6/30/15, which the owner believes will be possible. He stated he will give plans to a few other contractors for bids as well, so if those bids are necessary for CWC, he will have them available. DEP issued an NOV to the owner on 4/16/15. DEP received a response from the owner on 5/1/15 regarding the NOV. He stated that construction will commence before 5/9/15, which is when the current approval expires. DEP spoke with owner after receiving his voicemail. DEP received notice on 5/5/15 that construction will begin on 5/5/15. DEP performed construction inspections on 5/11, 5/15, 5/18, 5/19, 5/26, 6/1, 6/4 and 6/8/15. DEP called the contractor on 6/12/15 regarding scheduling for this project as there has been no activity. DEP performed construction inspections on 6/23 and 6/26/15; no activity. DEP performed a construction inspection on 6/29/15; septic failure was observed; there was a small area of surface failure that might be from the kitchen, the water is very clean. DEP called the owner on 7/1/15 and asked when construction will progress. The owner said the contractor has been paid a deposit and was expecting him to start work by 6/21/15. DEP informed him that progress is required since he is out of compliance with NOV due date of 6/30/15 for construction completion. The owner e-mailed the contractor the same day for construction update and copied DEP. Contractor stated in an email on 7/1/15 that he is waiting for the site to dry up. DEP performed construction inspections on 7/15, 7/21, 7/22, 7/24, 7/27 and 7/28/15. DEP completed construction inspections on 7/29/15. DEP received As-Built plans and engineer's certification letter from the engineer on 8/3/15. DEP issued a letter of Construction Compliance on 8/5/15. The violation was resolved and the case was closed on 8/13/15 with DEP Closure letter dated 8/13/15. DEP has resolved the Enforcement Action on 8/13/15.

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:

DEC issued an NOV on 6/11/12. DEP initiated an Enforcement Action on 6/21/12. DEP issued an 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. DEP met with the owner on 10/11/13 regarding the contractor's pricing to implement the SWPPP. DEP issued a letter to the applicant on 11/21/13 regarding the need to provide a signed agreement that includes a fixed start date for the spring 2014 construction. DEP's Assistant Counsel issued a letter to the owner on 7/10/14 regarding the outstanding NOV. DEP issued a letter to the new lot owner on 3/3/15 explaining that per the terms of his deed, the responsibility for constructing and maintaining stormwater management measures have been transferred from the original applicant to him. A site meeting was held with a prospective contractor on 4/21/15. A meeting was held with the project applicant and the contractor on 5/28/15. DEP performed a site visit on 6/18/15 and 7/14/15; there were no deficiencies, there was no discharge and the site was vacant. DEP exchanged emails with the owner and engineer on 7/29/15 regarding the paving. DEP exchanged emails with the contractor on 8/31/15 stating that the paving is complete and requested to be notified when the rain gardens and berms are to be constructed. DEP exchanged e-mails with the owner on 9/2/15 regarding reimbursement; the owner was advised to contact CWC.

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

Overview and Action:

DEP issued an 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. DEP Legal issued a letter to the owner on 10/30/13, requiring sand test results within 20 days, plan submission for remediation within 45 days, and complete construction thereafter. The owner's daughter called DEP Legal on 11/6/13. She indicated that an attorney would be following up with, but repeated the same concerns that the previous engineer should be responsible for the current issues with the SSTS. DEP performed a site visit on 12/11/13; septic failure was not observed; there was no visible effluent. DEP contacted CWC on 2/21/14 and was informed that the 2010 repair was for a primary residence and a secondary residence combined into one new system. CWC was also informed that DEP is referring the project to NYC Law Department for follow up. DEP performed a site visit on 4/3/14; septic failure was not observed. No visible effluent at this time. Owner has not been able to contact the engineer. DEP performed a site visit on 7/8/14; septic failure was not observed. There was no visible effluent and the grass was very heavy and thick making it difficult to find any seepage. The owner says there is still a very strong odor at times. DEP performed a site visit on 7/16/14; septic failure was observed. There was surfacing of sewage on ground. Effluent was boiling from the ground in the approximate area of the end of the lowest lateral. DEP sent an email to the engineer on 7/17/14 requesting dates he is available to take sand sample and test at CWC office. DEP also informed him that the system is currently failing. DEP called and left a message for the owner on 7/18/14. DEP informed the owner that

DEP Legal is getting involved again due to the system failure. Also stated that DEP contacted the engineer with a way to test the system sand, and encouraged the owner to contact the engineer to take action. DEP received an email from the engineer on 7/28/14, stating that sand was contaminated by silts and fines from the pump chamber during construction and Hurricane Irene flooding. On 8/8/14, DEP sent the Eljen product representative an email requesting his expertise to assist in analysis of this failed system and possible solutions. On 9/4/14, DEP sent email to the Eljen representative, engineer, and CWC that it is scheduled to investigate the failing system on 9/11/14. DEP performed a site visit on 9/5/14; septic failure was observed. The corner of the field is still failing. On 9/17/14, DEP, the Eljen representative, Engineer, owners, and CWC spoke to discuss possible solutions and causes for the failure of the absorption area. DEP performed a site visit on 9/17/14; the lower and upper lateral trenches (near their ends) were exposed. When the system dosed, the lower lateral was witnessed to receive flow and no flow was witnessed on the upper lateral. One speed leveler in distribution box was turned up and not taking flow. This was thought to be the pipe leading to the lower lateral. Now there is confusion about where the pipes leaving the distribution box actually go. The question now is: has one lateral somehow been taking majority of flow for extended periods of time? The engineer will research his notes for the piping layout from the distribution box and the Eljen representatives will report the results of the sand testing. There were lots of solids in the pump chamber. The owner has not pumped the septic tank since they were installed, but will do so after the investigation has concluded. The Eljen representative emailed DEP the test results on 10/6/14 which looked normal for BOD and TSS; however, oil and grease levels were high. These results should be considered in any remediation effort in the future. DEP received results from the sand test on 10/17/14, which passed the C33 specifications. The engineer was asked if he has figured out the manifold layout leaving the distribution box. DEP invited the engineer to schedule a site visit before the end of the first week of November. The engineer replied the same day that he would uncover the pipes and call DEP to observe at that point. DEP received an email from the engineer on 10/29/14 with pictures of header pipes that were recently, partially, dug up. DEP responded with follow up questions. DEP sent the engineer an email on 11/14/14 requesting answers to two questions and for him to describe the next step in his investigation. DEP performed a site visit on 12/15/14; there was no visible discharge at this time and the area of failure is snow covered. The owner has not heard from the engineer recently. DEP emailed the engineer on 12/16/14 and updated him that recent inspection found no failure to surface. DEP received an email response from the engineer on 12/16/14. He stated that he'll also inspect in the spring 2015, but believes the owner is controlling wastewater generation and reducing oils and had the pump chamber cleaned out. DEP responded on 12/17/14 stating that flow into laterals is still suspicious and should be investigated. Eljen representative believe header pipes should be more fully investigated. DEP performed a site visit on 2/17/15. There was no visible failure and heavy snowpack over the system. DEP performed a site visit on 3/20/15. There was no visible failure. DEP performed a site visit on 4/23/15; there was a small puddle in the vicinity of the original failure possibly from rain. The entire yard was very soft and wet, not just the absorption area. Need to re-check when things are drier. DEP performed a site visit on 5/20/15; there was no visible failure at this time. The grass is extremely high in the area of the previous failure. The owner reported that the engineer was recently on site. DEP sent the engineer an email on 6/11/15 to schedule dose test inspection to see if field fails immediately or not. DEP performed a site visit on 6/19/15; the ends of all four laterals appear to be connected by a manifold which is not raised to function like a vent, therefore, sending wastewater to end of lower lateral causing field

to fail in that location for years. Dye test confirmed this finding. The engineer to correct vents, possible recommend abandoning lower lateral and propose expansion. DEP sent the engineer an email on 7/9/15 requesting a follow up from last site visit and stated that litigation may be pursued if there is no immediate progress. DEP sent engineer an email on 7/15/15 that legal action is now commencing due to no response. DEP performed a site visit on 7/21/15; there were no changes. DEP called the engineer on 7/24/15 and left a message that there needs to be a plan and immediate action taken to correct improper construction of vent pipe. DEP also called the owner's representative (son) and informed him that piping needs to be fixed, immediately, or further legal enforcement action will be taken. He said he would try to get in touch with the engineer, again, who hasn't been returning his calls. DEP received an email from the engineer on 7/24/15, with some venting ideas, and will confirm plan next week. DEP received call from the engineer on 7/29/15, requesting a call back to discuss fixing the SSTS. DEP received a call from the engineer on 7/30/15. The engineer will contact owner to discuss proposed venting solution (combined or individual) for the laterals and for the d-box, and then will update DEP. DEP sent the engineer an email on 8/5/15. The engineer stated construction to start on 8/11/15. On 8/12/15, DEP met the engineer on site. Capped each lateral and added a vent to the d-box. Opened the pump chamber and heard water dripping in. The lowest speed leveler was left in an up position to lower volume. DEP performed a site visit on 9/15/15; there was no visible discharge and the area of failure was dry.

Project Name: 165 Mill St (2012-SC-0251)
Town: Windham
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS - NOV
Discovery Date: 5/3/12
Status: No Application

Overview and Action:

NYC Law Department issued a letter to the owner on 2/28/14 in regards to his lack of response to enforcement proceedings. DEP performed site visits on 4/30/14 and 9/16/14 for septic failure; none was observed. There was no visible effluent. The house is currently occupied full time. DEP performed a site visit on 12/16/14. There was no visible discharge. The house is inhabited full time and the tenant keeps rabbits, chickens and dogs. NYC Corporate Counsel issued a letter to the owner on 1/21/15 regarding the lack of response to the NOV along with the complaint. DEP performed a site visit on 2/13/15. The residence is inhabited on a full time basis and there was no visible failure or disturbance in the area around the tank. NYC Law Department sent an email to DEP stating that recent draft complaints were returned from two addresses to which they were sent. The documents were sent to a third address on 2/13/15. On 2/20/15, DEP received a copy of a letter from the owner, via Law Department, in response to the Law Department's recent correspondence. The letter requested issues to be resolved amicably. DEP performed a site visit on 2/26/15. The house appears to be limited to weekend use. The rabbits, chickens and dog are no longer on-site. The area over the septic tank was recently shoveled off and there is no sign that it had been pumped. DEP performed a site visit on 3/13/15. There was no sign of the previous tenant, no sign of discharge and no visible attempts at pump outs, tank is buried. DEP had internal communications regarding the possibility that this could tie into a municipal line. DEP performed a site visit on 5/26/15; there was no sign of failure and no sign of-pump-out. The tank is still buried. NYC Law issued a letter to the owner on 6/12/15 via

overnight express mail; in order to resolve the enforcement action, a DEP compliant SSTS design must be prepared by a professional engineer and submitted within 30 days to DEP; the tank also must be pumped out and removed immediately. NYC Law Department received an email from the owner which included an invoice from a septic hauler dated 7/6/15 and a letter requesting information on why the engineer's last submission is not acceptable. DEP called the septic hauler on 8/17/15, who verified the 7/6/15 pump out was legitimate and was for about 300 gallons. The hauler said it was probably more since it was a surcharged tank. DEP performed a site visit on 8/21/15; there was no sign of recent pump out. The tank is buried and the rabbits are back.

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

Overview and Action:

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. DEP performed a site visit on 2/10/14; septic failure was not observed; there was no visible failure at this time. The septic area is snow covered. DEP performed a site visit on 10/3/14. There were no visible signs of discharge and the owner is repairing the bridge. DEP received a call from the owner on 1/16/15, stating he is ready to move forward with the project. He stated new beams are on the bridge. He inquired if he could have a repair SSTS that didn't impact so much property. DEP suggested that he call his engineer for recertification and/or discuss the possible different technology and plan new submittal. DEP also suggested that he contact CWC to review how their program works. DEP received an unsigned letter from the owner on 1/20/15, waiving the contractor, engineer, and CWC from any liability while using the bridge to access the property. The bridge's integrity is questionable. DEP performed a site visit on 1/30/15; there was no visible failure. The bridge has been repaired but is very narrow and is just large enough for fuel deliveries. DEP sent an email to the engineer on 3/6/15 and asked if the owner has been in touch with them to move forward with the project. The Engineer responded the same day and has not been recently contacted by the owner. DEP performed a site visit on 3/27/15; there was no visible discharge. DEP received an email from the engineer on 4/3/15 stating that the owner has contacted them. The engineer will start the process and contact CWC to discuss funding. DEP called the owner on 4/3/15 and left a message for a return call to discuss any progress made with the engineer and if the owner reviewed the program with CWC since the January 2015 discussion with DEP. The owner called DEP on 4/6/15 and left a message to call back, but said he's moving forward with the project. DEP returned a call on 4/7/15 and left a message to call back. DEP returned the owner's call on

4/8/15. The owner stated that the engineer will visit the site soon and plans to recertify the expired plan. DEP sent the engineer an email on 4/8/15 requesting an estimate of when plans will be submitted for renewed approval. On 5/22/15, DEP met with owner and engineer to re-certify the existing plan. The bridge has been repaired and there are no changes at the site. DEP received a letter from the engineer on 5/29/15 requesting design re-approval. DEP issued a renewed Approval determination on 7/8/15. DEP sent an email to CWC on 8/5/15 to check for status of construction bid approval. CWC confirmed same day that bid has been approved by CWC. DEP performed a construction inspection on 8/13/15; the system layout has been done by the contractor. DEP received a phone call from the contractor to schedule an on-site meeting with the engineer. DEP received notice on 8/13/15 that construction will begin. On 8/20/15, DEP met with owner, contractor and engineer, to go over septic construction. DEP conducted construction inspections on 9/11, 9/14, 9/21, 9/23 and 9/25/15; no activity.

Town: Woodstock
Basin: Ashokan
Project Name: Greek Orthodox Monastery, (Log #2006-AS-0524)
Project Description: Pre-application request for soils
Project Type: Intermediate SSTS (IS)
Status: Approved/Closed

DEP issued an NOV to the owner on 2/27/14. DEP received revised water meter readings for December 2013 through February 2014 on 2/28/14. DEP received a call on 3/25/14 from the engineer, who said he is still waiting for information from the surveyor. DEP received an e-mail reply from the manager on 4/10/14 regarding the plans and the pump, which he said was used for water. DEP received a reply e-mail from the manager on 4/10/14. He used the portable pump for water and will ask the engineer to speed up the design process. DEP sent an e-mail to the manager on 4/10/14 regarding the need to comply with the terms of the NOV. On 5/28/14, DEP issued a reminder letter to the applicant/owner due to the lack of activity regarding the NOV. DEP received a phone call on 5/29/14 from the engineer. He has asked the surveyor for information several times but has not received it and cannot complete the site plan without it. DEP called the engineer on 6/23/14 to check the status. The engineer has survey work and is working on the design. DEP received the water log consumption on 6/24/14. On 8/29/14, DEP met with the design engineer for soils testing for the failed cabin and the five bedroom apartment. Only one deep hole had been dug by the owners and it was very narrow and difficult to see. On 9/12/14, DEP met with the engineer to observe soils testing for a combined upgrade/replacement SSTS for the failure of the single bedroom cabin SSTS and the former garage now five bedroom apartment SSTS. A raised system is required. DEP issued a comment letter to the owner on 2/13/15 regarding the NOV. DEP received a return call from the engineer on 2/17/15 regarding the reminder letter issued by DEP on 2/13/15. The engineer said he has other pressing obligations and will try to submit an SSTS design by the deadline of 3/15/15. DEP reminded him that soils were done in August and September 2015 and that the design was due months ago. DEP received an e-mail from the facility manager on 2/17/15 in reply to the letter DEP issued on 2/13/15. DEP received a phone call from the engineer on 3/11/15 regarding the SSTS plans. The entire build out will need to be shown on the plans, so the engineer needs more time to design. DEP received a phone call from the engineer on 3/18/15 regarding the plans. When the owners saw how extensive the SSTS for the full build out would be, they decided to downsize the project. The engineer needs more time to revise the plans and is concerned about

the deadline DEP imposed on the owners. DEP received preliminary plans from the engineer on 3/26/15 for the new SSTS and the repair SSTS, both shown on a single set of plans. A meeting was held with the project applicant's engineer on 3/26/15, and preliminary plans were discussed. DEP received a NOCA from DOH on 4/3/15. DEP issued comments to DOH on 4/7/15. DEP received comments from DOH on 4/9/15 in response to DEP's comments of 4/7/15. DEP issued a letter to the owner on 4/9/15 regarding DOH's and DEP's comments to the SSTS plans to the engineer. DEP will issue the Determination for the repair and DOH will issue the Determination for the new system. DEP sent an e-mail to the town of Woodstock on 5/14/15 stating that the NOV cannot be closed until all violations are corrected. DEP received an Application for both an Intermediate Repair/Upgrade and New Construction on 5/20/15 from the engineer with plans, SPDES permit application, and EPA Inventory of Injection Wells form. DEP sent an e-mail to DOH on 5/21/15 to coordinate stamping all sets of plans as approved by both DEP and DOH. DEP delivered eight sets of DEP approved, stamped plans to DOH for their stamp. DEP issued an Approval Determination letter on 5/26/15 for the replacement SSTS to serve a one bedroom cottage and a five bedroom house. DEP sent the site conditions worksheet to DOH on 5/26/15. DEP received a NOCA from DOH on 5/29/15 for the "building lot". DEP received plans with DOH's stamped approval on 6/2/15. Plans are for both the new SSTS and replacement SSTS. DEP received a NOCA from DOH on 6/2/15 for the new SSTS to serve the proposed monastery/dormitory complex. DEP received an approved Construction Permit from DOH on 6/2/15 (dated approval received and attached on 6/12/15) for the new SSTS to serve the proposed monastery/dormitory complex, along with plans with DOH's stamped approval. Plans are for both the new SSTS and replacement SSTS. DEP met with the contractor, applicant and engineer on the site for a pre-construction meeting on 6/10/15. DEP received notice on 6/9/15 that construction will begin on 6/10/15. DEP received a phone call from the engineer, who stopped at the site to inspect the fill being placed. As most of the fill has been installed, he started the percolation testing and advised that four holes were being tested and that one was complete. DEP advised the engineer to continue on his own, as DEP could not arrive on such short notice to witness the rest of the tests. DEP requested a copy of the perc results. DEP received a letter from DEC to DOH on 6/22/15 regarding a new proposed outflow. DEP received a call from the engineer on 6/23/15 regarding the pipe installation from the septic tanks to the dosing chamber. The pipe is 7" too low to travel through the culvert, so the Town Highway Superintendent will be notified of the road cut. DEP received a call from the engineer on 7/24/15. He performed an inspection of the absorption field on 7/23/15. Additional fill had been brought in for the tapers and shaped, so the field is now ready for topsoil, seed and mulch. DEP advised him that the owners will seed and mulch and that DEP will conduct a site visit to discuss methods with owners, as he will not be able to inspect on 7/24/15. DEP sent an e-mail to the owners on 7/24/15 regarding the seed and mulch needed to be installed on the disturbed areas. DEP has resolved the Enforcement Action on 7/28/15. The violation was closed internally on 7/28/15 via the DEP REP Chief. DEP received the SPDES Permit for the owner from DEC on 8/5/15. DEP performed a construction inspection on 8/13/15. The grading needs to be improved between the existing Ulster County Fill System and the newly installed raised absorption field. DEP completed construction inspections on 8/13/15.

3.2.2. Delaware District

Project Name: 1102 County Highway 1 (2014-PE-0154)
Town: Andes
Type of Use: Other (OT)
Type of Violation: OT - complaint
Discovery Date: 4/21/14
Status: New

Overview and Action:

On 4/21/14, DEP received an anonymous complaint. DEP initiated an Enforcement Action on 4/21/14. DEP performed a site visit on 4/28/14; found what looks to be septic waste discharging from a small diameter pipe a few feet above the roadside ditch. DEP performed a site visit on 5/8/14; found grass was slightly overgrown, but no failure was observed. There was an ATV parked behind the vicinity of the failure. DEP performed a site visit on 6/2/14; found grass is cut, no effluent on lawn (past or present) evident. DEP performed a site visit on 7/2/14; found no evidence of failure, lawn trimmed up, and no evidence of work done either. DEP performed a site visit on 2/13/15; failure was not observed. There was at least 18 inches of snow on the ground. DEP received a phone call from a complainant on 4/22/15. She stated that the failure is occurring and described it as yucky grey slime smelling like sewerage bleeding out of the bank in front of the house into the roadside ditch. DEP stated that an inspection will be done. DEP performed a site visit on 4/23/15; septic failure was observed. Septic was visibly entering a watercourse/wetland, and surfacing of sewage on ground. DEP performed a site visit on 4/24/15. Septic failure was observed. No one was at home at time of site visit. The failure is from the pipe to the roadside ditch. DEP observed and prepared a violation report on 4/24/15. DEP did not receive a phone call from the property owner (or tenant) since leaving a card during 4/24/15 site visit. DEP issued an NOV to the owner on 4/27/15. DEP received a call from the tenant on 4/27/15 regarding the business card that was left during the 4/24/15 site visit. The tenant stated that she told the owners the septic system was failing in the late spring. The owners reputedly own a carpet store in Arkville. There are two people in residence Monday through Friday. On Saturday and Sunday, the children are home, bringing the total number of people to four. On 4/30/15, DEP met with co-owner and personally delivered the NOV and advised immediate action should be taken. DEP called and left a message for one of the owners at his place of business on 5/7/15 regarding his property in Andes. DEP asked for a call back in regards to the property in Andes. DEP called owner at work and left message on 5/8/15 to call back. On 5/14/15, the violation was forwarded to DEP Legal for follow-up on enforcement action. DEP Legal issued a letter to the owner on 5/22/15 regarding failure to comply with the NOV. Immediate pump-outs and proof are required, as are SSTS repair plans from a licensed engineer (by 5/27/15). If these conditions are not met, the matter will be referred to NYC Law for possible litigation. DEP performed follow-up visits on 6/18/15 and 6/19/15. DEP personally delivered the NOV to the owner at his workplace in addition to posting it on the house. The owner states that CWC has looked at site and will be moving forward with remediation. DEP called and left a message for CWC on 6/23/15 regarding the status of this project with the program. CWC called back; they had inspected the property, paid for a pump out and sent a letter out to the owner instructing him to obtain an engineer on 5/21/15. This is a rental property, so there is a cost share. This project is funded under CWC Septic Repair Program. On 6/24/15, DEP received CWC's notice of failure. DEP called owner's place of work on 7/10/15 and left message with

receptionist. DEP stated that this matter was urgent and that the owner needed to call DEP immediately, otherwise further legal action will be taken. DEP sent CWC an email on 7/10/15 requesting any additional contact numbers to reach the owners and informed them that DEP may pursue litigation soon if the owner does not cease surface failure and pump out to manage the failure. DEP performed a site visit on 7/16/15; septic failure was observed. DEP has decided to litigate this violation, with the Commissioner's approval. DEP notified CWC via e-mail on 8/25/15 that DEP is referring the project to NYC Law for further enforcement due to the ongoing surface failure. DEP received a letter issued to the owner from NYC Law on 8/25/15 regarding the commencement of litigation. To avoid this, the owner must contact NYC Law by 9/2/15. NYC Law left a message stating that they are trying to contact the owner but his voicemail is full. DEP received a second warning letter issued to the owner from NYC Law on 9/17/15. NYC Law has not been able to reach the owner despite several attempts; if the owner does not contact NYC Law by 9/23/15, a complaint will be filed with the NYS Supreme Court and penalties and damages will be sought. NYC Law received a call from one of the owners on 9/23/15 regarding the second letter that was sent. The second owner thinks an engineer is coming out and that a backhoe might be going to the property soon for soil testing. NYC Law is looking to have a conversation with the other owner to discuss a timeline to have the SSTS fixed prior to winter 2015. DEP received an email from NYC Law stating that she spoke with owner on 9/24/15. He reported soils testing with DEP has been scheduled for within a week or so. DEP performed a site visit on 9/28/15; sewage was observed in an overgrown ditch but no odors were detected.

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

DEC issued an NOV to the owner on 9/1/11. DEP initiated an Enforcement Action on 9/1/11. DEP received a DEC Consent Order on 9/14/11. A meeting was held with DEC and the owner's contractor on 10/18/11; discussed that the owner will need to hire an engineer to design an E&S plan. DEC is also going to comment that if they exceed two acres, they will need a DEP permit, also. DEP received an e-mail from DEC on 11/1/11 stating that the owner has agreed to sign the Consent Order and advised that there were still some problems at the site. DEP called the owner on 11/1/11 regarding a site meeting. DEP received a copy of the executed order from DEC on 12/20/11. A meeting was held with DEC on 1/20/12. DEC has directed the owner to coordinate with DEP on the house site and a DEP SWPPP approval if the site disturbance is going to be greater than two acres. DEP performed a site visit on 5/17/12; there were no deficiencies, there was no discharge and the site was vacant. Construction for this project is on hold as of 10/2/12 due to lack of funds. DEP performed a site visit on 10/11/12; there were no deficiencies, there was no discharge and the site was vacant. DEP performed a site visit on 10/18/13; there were no deficiencies, there was no discharge and the site was vacant. DEC verbally closed the NOV in the past. DEP is now internally closing the NOV on 11/7/13. DEP has resolved the Enforcement Action on 11/7/13. DEP received an e-mail from DEC on 5/15/15 stating that the owner recently contacted DEP regarding his septic system and thinks this will satisfy the consent order; DEC affirmed that stormwater is a separate issue and provided him with appropriate contacts at DEP and DEC. DEC reminded the owner that non-compliance can lead to a payable penalty and legal

action. DEP exchanged e-mails with the engineer on 9/17/15 and 9/18/15 regarding the requirement of a SWPPP before a septic system can be constructed.

Project Name: 1221 Federal Hill Rd. (2008-CN-1423)
Town: Delhi
Type of Use: SSTS Repair (RE)
Type of Violation: Stormwater and Septic Complaint; Failing SSTS - CWC - surfacing. DEP NOV
Discovery Date: 7/26/2010
Status: Closed

Overview and Action:

DEP issued an NOV to the owner on 7/31/13. DEP received a response from the owner on 8/5/13, after receiving the NOV. The owner stated that he has been trying to get an engineer onsite to do soils testing since the spring. He said that CWC was going to call the engineer. DEP stated that the owner needs to pump out the septic tank to avoid surface failure from continuing. DEP called the engineer on 8/7/13 and left message requesting call back and for date when soil testing will be scheduled for a different SSTS location than originally approved. The engineer called back and said he will send out request for soils testing date to Downsville office. DEP received a request for a pre-application meeting from the engineer on 8/29/13. A soil/site evaluation was performed on 9/4/13. DEP staff communicated internally on 10/15/13 regarding farm agricultural assessment requirements. It appears that the minimum area required is seven acres. The owner has 10 acres in DEP's small farm program. So perhaps some pasture area could be explored for possible SSTS replacement location without losing farm tax status. DEP received a letter from the engineer on 10/17/13 with revised plans using a Puraflo Biofilter treatment system. DEP issued a letter to the engineer on 11/4/13 requesting additional information. DEP received revised plans from the engineer on 1/22/14. DEP issued a letter to the engineer on 1/22/14 requesting design revisions. DEP called the engineer on 6/16/14 and left message requesting a call back with date when revised plans will be submitted. DEP received a phone message on 6/18/14 from the owner requesting the status of the project. DEP returned the owner's call on 6/19/14. The owner stated his septic is failing to a roadside ditch and that he has not heard from the engineer. DEP called the engineer on 7/8/14 and left a message requesting plans to be submitted. DEP received revised design from the engineer on 7/11/14. DEP issued a letter to the engineer on 7/16/14 requesting design revisions. DEP received a letter and revised plans from the engineer on 7/24/14. DEP issued a letter to the engineer on 7/29/14 requesting design revisions. DEP performed a site visit on 9/2/14; septic failure was observed. There was surfacing of sewage on ground. DEP called the engineer on 9/12/14 and left a message stating revised plans need to be submitted in the hopes of getting approval and construction finished this year. DEP received a call back from the engineer on 9/16/14, who stated he did not receive DEP's comment letter of 7/29/14. DEP emailed this letter to engineer and he confirmed its receipt. DEP received a letter and revised plans from the engineer on 9/29/14 to DEP's letter of 7/29/14. DEP issued an amended approval letter on 10/2/14, per the applicant's request. DEP left a message for the owner on 10/17/14 requesting the status of the bid submittal by the contractor to CWC. DEP received a message from the owner on 10/21/14, stating that he was out of town and has to talk to his engineer and pick a contractor. DEP returned the owner's call on 10/22/14. The owner was told to contact CWC to review bidding process and keep DEP informed with any developments. DEP called the owner on 11/13/14, who stated he has only one contractor who

can do work this year and contractor's terms require additional funds beyond CWC's. DEP stated that failure will have to be managed (pumped out tank) over the winter and until system is built. DEP performed a site visit on 1/16/15 and 1/28/15; septic failure was not observed. DEP called the owner on 2/5/15 regarding submission of bids to the CWC. The owner has two contractors who currently have plans, but are waiting for some snow melt before submitting a bid to CWC to ensure accuracy. DEP called the owner on 4/17/15 regarding the status of the bid submission. Two contractors visited the site this past week. Both are contacting the CWC in regards to the new schedule of values (which usually comes out in March). One contractor is also speaking with the engineer and CWC in regards to the pump tank. DEP performed a site visit on 5/4/15; DEP talked to owner and is waiting on CWC to accept the contractor's bid. DEP called the owner on 7/31/15 regarding the status of the project. CWC has selected a contractor. The contractor is waiting for the two week moratorium to end to start work. DEP received notice on 8/5/15 that construction will begin on 8/5/15. DEP performed construction inspections on 8/6/15 and 8/7/15; the contractor has perc tested his own fill and DEP witnessed perc test. DEP performed a construction inspection on 8/10/15; three of the five laterals were installed as to plans. DEP performed a construction inspection on 8/11/15; 1250 gallon two piece was set and leveled on six inches of crushed stone. DEP performed a construction inspection on 8/14/15; the onsite system has been installed, the pump has been installed and everything has been backfilled. On 8/17/15, DEP inspected the d-box; 10-hole d-box installed as to plans. The swale was installed as to plans and final grading, seeding and mulching. DEP sent an e-mail to the engineer on 8/17/15 informing him of the status of the construction. The engineer responded stating that he will let DEP know when they can do the pump test. DEP completed construction inspections on 8/26/15. DEP received a call from the contractor on 9/9/15 regarding the status of the project. The contractor stated that by 9/11/15, all seed and mulching will be completed. DEP received As-Built plans/engineer's certification letter from the engineer on 9/25/15. DEP issued a letter of Construction Compliance on 9/29/15.

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

DEP called the engineer on 7/30/12 regarding the need to issue a partial construction acceptance if the building sewer isn't installed and requested that be mentioned in the certification letter and reflected on the "as built." DEP received a return phone call on 8/1/12. The engineer will submit an "as built" and certification letter for the SSTS prior to the building pipe being installed and request a 95% payment for the contractor. DEP received As-Built plans/engineer's certification letter from the engineer on 8/9/12. DEP sent an e-mail to the owner and CWC on 8/14/12, with the partial construction letter attached. DEP issued a letter of Partial Construction Acceptance on 8/15/12. DEP received an e-mail from the owner on 11/26/12; he is still waiting for an appraisal of the property. DEP received an e-mail from the owner on 2/20/13; the garage property is listed with a national realtor. DEP exchanged emails with the owner on 6/25/15 regarding the garage. The owner stated that it is being rented for storage only and requested no need of electric or water.

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

Overview and Action:

DEP initiated an Enforcement Action on 12/2/14. DEP issued an NOV to the owner on 12/2/14. A meeting was held at the site with the project applicant on 12/8/14. DEP received a call from the engineer on 12/9/14 regarding the stormwater plan requirements. DEP received a call from the new engineer on 12/10/14 regarding the site and the SWPPP submission. DEP re-issued an NOV to the owner on 12/16/14 and 1/5/15 to the forwarding address provided by the Post Office on 12/26/14. DEP exchanged emails with the new engineer on 2/3/15 regarding the completion of the SWPPP. DEP received an Application for a SWPPP on 3/20/15 from the engineer with plans. DEP received an Application for a SWPPP on 4/21/15 from the engineer with plan set. DEP issued a NOCA on 5/7/15. DEP received additional copies of the plans and SWPPP for review from the engineer on 7/6/15. DEP issued an Approval Determination letter on 7/21/15. DEP received the Short Form Environmental Assessment Form and Negative Declaration from the engineer on 8/4/15.

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

Overview and Action:

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

Project Name: 929 Mcarthur Hill Rd (2013-CN-0655)
Town: Kortright
Type of Use: SSTS Repair (RE)
Type of Violation: Two residence and old barn with plumbing; failing SSTS, direct discharges – CWC – DEP NOV
Discovery Date: 11/21/2013
Status: Approved

Overview and Action:

DEP issued an NOV to the owner on 2/21/14. DEP performed a site visit on 2/26/14; septic failure was observed. DEP received a phone call from the owner responding to the NOV on 3/4/14. She stated that they signed up the farm house with the CWC program and she is waiting for them to call her back and let her know how she can proceed with first pump out. DEP stated that inspections will be done every other week and that they need to pump out to prevent a discharge. DEP also stated that they should submit all pump out receipts to DEP. DEP reminded the owner that a dye test for the trailer on the property will be scheduled in the near future. The owner does not want to kick the tenant out because he has all his wood for the winter already. This project is funded under CWC Septic Repair Program. On 3/4/14, DEP received CWC's notice of failure. DEP performed a site visit on 3/6/14; septic failure was observed; visibly entering watercourse/wetland. DEP received a call from the contractor on 3/7/14, who is managing the first pump out to avoid further discharge. It will not get pumped until next week, as it is deep and the machine won't be able to get there until next week. There is some concern about a snow storm which could possibly delay the pump out. The contractor stated he will invite DEP and CWC to the pump out of the tank, once scheduled with hauler. DEP received a call on 3/11/14 from the contractor regarding the pump out of the septic system. The contractor has tentatively scheduled it for 3/17/14. The time will be determined by whether DEP can be onsite or not. On 3/17/14, DEP was on site to witness the tank pump out. DEP called and left a message on 4/1/14 for the property owners to set up a dye test for the trailer. DEP called and left a message for the CEO on 4/8/14 regarding the parcel. DEP received a call on 4/9/14 from the CEO regarding information on the trailer; the town records include a survey map. DEP called the town hall and revealed that the date on the survey map on file was 7/3/2007. DEP received a request for a pre-application meeting from the engineer/applicant on 4/10/14. A soil/site evaluation was performed on 4/18/14. DEP received an Application for a conventional individual SSTS on 6/10/14. DEP issued a NOCA on 6/18/14. DEP issued an Approval Determination letter on 6/18/14. DEP called the contractor and left message on 7/9/14 to call back with the status of CWC approving the construction bid. DEP performed a site visit on 7/11/14; septic failure was not observed. The area of failure is overgrown with burdock, nettles and various weeds about three and half feet high. Failure was not seen or smelled. According the owner, the contractor has submitted his bid for the construction. DEP sent CWC an email on 7/15/14 requesting bid approval status. CWC responded that a bid has not been received. DEP called the contractor on 7/16/14 stating that CWC does not have copy of bid for this project. DEP stated this project must move forward quickly or the owner may be subject to more enforcement actions. DEP received a call on 7/16/14 from the contractor stating that his bid and two others will be submitted and will be on CWC Septic Committee Meeting in August 2014 because it is over \$30,000. DEP performed a site visit on 9/16/14; septic failure was not observed. DEP performed a site visit on 1/15/15; the site was snow covered and failure was not observed. DEP called the property owner on 1/23/15 regarding pumping her tank out to abate the failure. The owner stated that they had

pumped out the tank three days ago. The owner still plans on constructing the system in the spring of 2015. DEP received a faxed copy of the pump out receipt from the applicant on 1/30/15; the receipt is dated 1/14/15. DEP performed a site visit on 3/23/15 to check to see if it is inhabited and it was. DEP issued a letter to the owner on 4/16/15 stating that construction has not yet commenced. DEP called the engineer on 5/20/15 regarding construction status. The engineer stated that the contractor plans to start in early June of 2015. DEP emailed the contractor and asked him to start as to avoid DEP Legal from becoming more involved. DEP performed a site visit on 5/26/15 and 7/15/15; septic failure was not observed. DEP performed construction inspections on 8/3/15 and 8/6/15; no activity. DEP called the owner on 8/11/15 regarding the start of construction. DEP sent the contractor an email on 8/11/15 stating that substantial construction must be completed by 8/17/15 to avoid DEP taking further legal action against owner. DEP received an email from contractor on 8/12/15 stating that he will start construction on 8/13/15 but does not know how far along project will be by 8/17/15. DEP performed a construction inspection on 8/14/15; the contractor has moved in bulldozer and the layout is done. DEP performed construction inspections on 8/17/15, 8/18/15 and 8/19/15. The fill is in and has been perced by the engineer. DEP performed construction inspections on 8/20, 8/26, 8/27 and 8/31/15; no activity. DEP performed construction inspections on 9/1, 9/3, 9/4, 9/8, 9/9, 9/10, 9/11, 9/15, 9/16, 9/18, 9/21, 9/22, 9/23, 9/24 and 9/30/15.

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: Ongoing

DEP called the highway superintendent on 1/14/14 regarding the cesspool needing to be filled in. The new superintendent has the okay to fill it in and is also in discussions with the town board to install a holding tank. DEP called the highway superintendent on 1/14/14 and asked him to also consider a full SSTS when he contacts an engineer. DEP received a phone message on 1/20/14 from the highway superintendent, saying that the cesspool has been filled in and that pictures were taken. He also said he contacted an engineer, who performed a site visit and will submit some ideas for an on-site SSTS. DEP called the engineer on 1/29/14 regarding the site. He looked at an eight foot deep test pit, no water table was observed. He will schedule a site evaluation with DEP in the spring of 2014. On 4/29/14, DEP met on site with the engineer, Highway Superintendent and the Town Supervisor for soils testing for a replacement SSTS. The abandoned cesspool was inspected; it has been filled in with sandy soil. DEP has resolved the Enforcement Action on 4/29/14, per the site visit on 4/29/14. DEP received a phone call from the highway superintendent on 2/17/15. As an easement with the neighboring property owner will be required to install a full SSTS, the town has decided to install a holding tank, which will fit on the property owned by the town. He was advised that DEP will review the design and inspect the construction. DEP received a phone call from the engineer on 2/18/15 regarding the town's decision to install the holding tank. The engineer will submit a design and encourage the town to pursue the easement so an absorption field may be added at a later time. DEP received plans from the engineer on 4/8/15. DEP sent an e-mail to the engineer on 5/14/15 providing comments on the plans. DEP sent an e-mail to the engineer on 6/22/15 stating that per the attorneys, the year-round holding tank proposal would require a variance, but because this is a repair, a design

could be accepted "to the extent possible." DEP received a call from the highway superintendent on 9/17/15. He said the engineer is not returning his calls and he wants to know the status of the plans for the holding tank. DEP advised that the holding tank use must be seasonal and that to use it year round and to have the waste pipe within 50 feet of the well may require a variance. DEP reminded him that a managed repair would allow setbacks to be relaxed due to the site constraints. The proposed waste pipe, for both the SSTS and the holding tank, would need to be installed within a property under easement with his neighbor and DEP or WAC. The stub for the proposed waste pipe was installed years ago under the slab and the waste pipe that directed sewage to the decommissioned failed cesspool is about 15 feet from the creek. DEP advised him it will be discussed at an enforcement meeting on 9/22/15. DEP sent an e-mail to the highway superintendent on 9/17/15, with the WAC survey sections, showing that the WAC easement does not extend into the parking area of the garage. The survey shows the entire garage parcel.

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

DEP instructed to applicant that a SWPPP must be designed for the site this winter and implemented in spring 2014. DEP received call on 6/3/14 from the engineer regarding the SWPPP. The engineer is sending the owner a proposal and will let DEP know what happens. A meeting was held with the project engineer on 7/18/14 regarding the conceptual SWPPP. DEP received a call from the engineer on 9/4/14 stating that he has received a partially signed contract from the owner. DEP called the applicant on 9/18/14 regarding the stormwater plan. There was no answer so a message was left. DEP exchanged e-mails with the engineer on 11/5/14 and on 11/19/14 regarding the SWPPP modifications. DEP received an Application for a SWPPP on 12/1/14 from the engineer with modified plans. DEP issued a NOICA to the engineer on 12/12/14 requesting additional information. DEP called the engineer on 12/16/14 to discuss revisions to the SWPPP. DEP exchanged an email with the engineer on 2/3/15 regarding the SWPPP revisions. DEP received a response to the NOICA from the engineer on 2/19/15. DEP issued a NOCA on 2/26/15. DEP issued comments on 3/12/15 to the engineer. DEP received a letter and revised plans from the engineer on 3/26/15 in response to DEP's letter of 3/12/15. DEP issued an Approval Determination letter on 4/9/15.

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

Overview and Action:

DEP received an email from DEP Police regarding an Encon Violation on 7/7/15. DEP initiated an Enforcement Action on 7/7/15. DEP called and left a message for the town CEO on 7/10/15 regarding this parcel. DEP received a call from the town CEO on 7/13/15 regarding the property.

The town does not have anything on a septic system or the existing campers. On 7/17/15, DEP answered the complaint with DEP police at 462 Blueberry Lane. DEP found three campers and one shack along with a shed with a toilet in it on the property. Two of the campers and the toilet in the shed have pipes coming out and into the ground to unknown tanks. The shack has water going in but could not find a pipe coming out. The town CEO is unaware of buildings. DEP police spoke with owner. DEP issued an NOV to the owner on 8/10/15. DEP received a message from owner's ex-wife on 8/12/15, with correct mailing address for owner. DEP received a message from owner on 8/13/15 regarding receipt of NOV. DEP called back and left message with the owner to return the call. The owner returned call and stated he improved the SSTS for the main trailer by installing a 275 gallon tank and 60 feet of perforated pipe in sand/stone to the main trailer, in 2011, when he bought the property. This is also where the outdoor toilet (low flush) discharges. The end of the lateral is almost to grade and he pumps out tank when it breaks out to surface. He had been paying a non-DEC licensed hauler to bring wastewater to Oneonta. The guest camper has no discharge pipes. The friend's camper has a discharge pipe to a 55 gallon drum with no leach field but is surrounded by stone, which is used two Saturdays a month. In 2014, he said he used the camp from April to July, and this year, plans to use from April to October, as his full time residence. He does winterize the campers for winter season. The owner would like to meet with DEP on site, but his work hours make that difficult. He will send DEP a text message picture of a recent pump out receipt by licensed hauler. He confirmed his water supply is a 275 gallon tank that he fills periodically from another tank he has on his truck. DEP informed him that pump outs must be done by licensed hauler, per the NOV. DEP provided CWC contact information for possible funding and requested that the owner minimize any water usage and contact DEP with any CWC news. He reported on the same day that CWC site visit is scheduled for 8/26/15. DEP stated that he will be contacted after next enforcement meeting as follow-up. DEP received a text message from the owner on 8/17/15 with two pictures. One is of a recent pump out receipt and other is picture of his pump that he previously used to empty his 275 septic tank and then bring to Oneonta for disposal at a WWTP. DEP received text message from owner on 8/20/15, who stated that CWC will not fund his project since there is no house or trailer on property. DEP sent a message to owner on 9/2/15: the friend's camper must be disconnected and the tank pumped out and removed or crushed and backfilled. The main camper system, cap outlet from tank so no flow gets to field, reduce water usage as it will need to be pumped by licensed hauler with all receipts submitted to DEP. This work shall be inspected by DEP prior to backfilling. DEP called the owner on 9/14/15, who confirmed he received DEP's message from 12 days prior. He said his friend's camper is disconnected from its underground tank. He will be leaving camp for the year, soon, and he doubts much will be done this year to resolve septic violations. He gave permission to DEP to perform inspections and check for sewage. He would appreciate two days' notice, and would try to be available to meet DEP.

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

Overview and Action:

DEP issued a NOV to the owner on 10/29/13. DEP called the owner on 11/19/13 to follow-up

on the NOV issued and get a response and action taken. DEP attempted to call the owner on 11/21/13 regarding the NOV which was sent. DEP left a message for the town CEO asking for assistance in speaking with the owner. DEP explained that since this is a surface failure and it may be migrating under the residence and there are small children there. This may be referred to DOH if DEP doesn't hear from the owner. DEP received call on 11/26/13 from the town CEO. DEP issued a letter to the owner on 12/4/13 regarding the NOV. The letter was sent via Certified Mail. DEP received a phone call response to the NOV on 12/10/13. The owner left a message, but stated he had system cleaned out several times and knows that it needs to be replaced. DEP will contact the owner to discuss remediation steps and schedule. DEP called the owner on 12/11/13 and left a message to call back. DEP briefly outlined follow-up actions necessary. DEP called the owner on 12/13/13. The owner will fax the last two pump out receipts. He plans on moving into the house in spring 2014, at which point he'll have the tenants move out. DEP stated he has to prevent surfacing until the system is replaced. The owner said he would call a hauler as necessary and submit receipts after each pump out. He said he will get in touch with CWC and has already been in touch with an engineer, who is going to resubmit plans for reapproval. DEP will contact the owner to check on status/progress and also to do periodic inspections. DEP received the 11/19/13 pump out receipt on 12/20/13. DEP received a request for design re-approval from the engineer on 2/24/14. The re-approval will be issued once field staff verifies the site conditions. DEP performed a site visit on 3/5/14; septic failure was observed. DEP issued a renewed Approval determination on 3/5/14. DEP issued a letter to the owner on 6/11/14 stating that construction has not yet commenced. On 8/18/14, DEP issued a reminder letter to the owner due to the lack of activity. The letter stated that construction must commence by 9/5/14 to avoid referral of this project to DEP Legal and/or NYC Law. DEP called the CEO on 8/19/14 to let him know that a letter was sent to the owner requesting that he start working on the septic. The CEO said that if he sees the owner he will let him know to call someone out. On 9/16/14 DEP requested Bureau of Legal Affairs to issue legal letter to owner for lack of progress and continued failure. DEP performed a site visit on 9/26/14; septic failure was observed for the surcharge septic tank, cesspool and dry-well. DEP Legal issued a letter to the owner on 11/19/14 regarding failure to resolve the NOV issued on 10/29/13. In order to avoid referral to NYC Law and possible litigation, the owner must comply with the terms of this letter, including contacting the Watershed Treatment Programs Supervisor within five business days from the letter date. DEP performed a site visit on 2/4/15; septic failure was observed. The septic tank, cesspool and drywell were collapsed and in poor condition. DEP performed a site visit on 6/2 and 8/28/15; septic failure was observed.

Project Name: 117 Townsend Hollow Rd (2014-PE-0472)
Town: Middletown
Type of Use: SSTS Repair (RE)
Type of Violation: Failing SSTS - CWC - seepage pit under the hardship program. DEP NOF
Discovery Date: 8/19/14
Status: Closed

Overview and Action:

This project is funded under CWC Septic Repair Program. On 8/19/14 DEP received CWC's notice of failure. DEP initiated an Enforcement Action on 8/19/14. DEP observed and prepared a violation report on 8/19/14 DEP issued a letter to the owner on 8/20/14 providing guidance for remediation. DEP issued NOF on 9/3/14. DEP received a request for a pre-application meeting

from the engineer/applicant on 9/17/14. A soil/site evaluation was performed on 9/26/14. DEP received an Application for a conventional individual SSTS on 10/20/14. DEP issued a NOCA on 10/21/14. DEP issued a comment letter on 10/21/14 to the engineer. DEP received a letter and revised plans from the engineer on 10/31/14 in response to DEP's letter of 10/21/14. DEP issued an Approval Determination letter on 11/7/14. DEP received notice on 12/1/14 that construction will begin on 12/1/14. DEP received a letter from the engineer on 12/16/14 requesting Partial Construction Approval. DEP issued a letter of Partial Construction Approval to CWC on 12/17/14. DEP received engineer's certification letter from the engineer on 6/2/15. DEP completed construction inspections on 6/4/15. DEP issued a letter of Construction Compliance on 6/18/15. The violation was resolved and the case was closed on 7/9/15 with a DEP closure letter dated 7/9/15. DEP has resolved the Enforcement Action on 7/10/15.

Project Name: 832 Woolheater Rd (2014-PE-0369)
Town: Middletown
Type of Use: SSTS Repair (RE)
Type of Violation: Failure - SSTS Replacement - DEP NOV
Discovery Date: 7/9/14
Status: Approved

Overview and Action:

DEP received a request for a pre-application meeting from the engineer/applicant on 7/1/14. A soil/site evaluation was performed on 7/8/14. DEP observed and prepared a violation report on 7/8/14 DEP initiated an Enforcement Action on 7/9/14. DEP issued an NOV to the owner on 7/18/14. DEP received an Application for a conventional individual SSTS on 9/22/14. DEP issued a NOCA on 9/24/14. DEP issued an Approval Determination letter on 9/24/14. DEP issued a letter to the owner on 4/14/15 stating that construction has not yet commenced. This project is funded under CWC Septic Repair Program. On 6/11/15, DEP received CWC's notice of failure.

Project Name: Route 28 (2001-PE-0806)
Town: Middletown
Type of Use: Intermediate SSTS (IS)
Type of Violation: Failed SSTS; Construction of a Warehouse for Lumber & Supplies Building will be 130' X 300". Construction of an impervious surface within 100 feet of a watercourse. Total area of impervious surface equals approx. 4,000 sf.

Discovery Date:

Status:

Overview and Action:

On 5/13/14, DEP conducted a scheduled dye test. The wet area to the east of the absorption field has been filled in and re-graded. Two cones have been placed where the owners think the eastern most limits of the field are. On 5/14/14, DEP performed an inspection of the absorption field area with two of the owners. No dye was observed. On 5/15/14, DEP performed an inspection of the absorption field area with the owners. No dye was observed. On 5/19/14, DEP performed a scheduled inspection looking for dye; none was recovered. The property owners asked for a letter of compliance and DEP reminded them that the absorption field must be blocked off and free of traffic to be in compliance. On 5/21/14, DEP performed an inspection. No dye was

observed and the wet areas adjacent to the new rock platform did not smell of sewage. On 5/23/14, DEP performed the final scheduled inspection to check for dye; observation was negative. DEP drove by the site on 6/18/14 and observed that the cones previously set out into the parking area, meant to delineate the area of the absorption field and to keep traffic off the absorption field, are still placed at the edge of the grassy area and not around the perimeter of the field. DEP issued a letter to the owner on 7/9/14 regarding their non-compliance to the approved SSTS plans. DEP performed a drive by inspection on 7/11/14. There are two caution cones situated in the parking area about 10 feet out from the grassy area and about 30 feet apart. The cones do not represent the entire area of the absorption field, and can be easily moved to allow traffic through. DEP called the owner on 7/31/14 regarding the DEP letter issued on 7/9/14. He advised DEP that his attorney advised him that DEP is no longer allowed on the property and also advised him that there is no violation and so he is not worried about installing the bollards to protect the absorption field. On 6/22/15, the violation was forwarded to DEP Legal for follow-up on enforcement action. E-mails were exchanged between DEP and DEP Legal from 6/22/15 to 7/1/15 regarding this matter. DEP Legal issued a letter to the owner on 7/2/15 regarding the NOV. Permanent barriers must be approved by DEP and installed by 8/1/15 to prevent anything being stored on or driven over the absorption field. Additionally, DEP must be contacted within five business days of the letter date. Compliance is required to avoid referral of this matter to NYC Law. On 8/18/15, DEP drove by the site and took some pictures. Large concrete blocks have been placed around the grassy area where the septic tank and part of the absorption field exist. Barriers have not been placed around the entire field, which according to the "as built" extends well into the driving/parking area. DEP issued an NOV comment letter to the owner on 9/18/15 regarding permanent protection measures for the SSTS which have not yet been met. To avoid re-referral to DEP Legal, the owner must take into consideration the as-builts, make the corrections described, and contact DEP for an inspection within 14 days.

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: Closed

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. DEP sent an e-mail to the owner on 11/14/13 regarding the need for pump out receipts. The owner responded and will get something together from the hauler. DEP sent an e-mail to the owner on 11/25/13, requesting the pump out receipts and asking if the Barn is closed until next summer. DEP sent an e-mail to the owner on 1/21/14, requesting the pump out receipts for 2013 and an update on the plans for the SSTS in 2014. DEP sent an e-mail to the owner on 1/24/14 requesting the pump out receipts for the 2013 season holding tank. The owner replied that he will send them on 1/27/14, and that he has no plans to build the full SSTS. DEP received the pump out receipts from the owner on 1/27/14. DEP issued a letter to the owner on 3/17/14 requesting construction certification letter and an "as built" from the engineer, requesting a new application at the close of 2014 for the hold and haul operations, for pump out receipts and for a pre-season inspection.

On 5/1/14, DEP met on site with the owner for a pre-season inspection. The seal between the risers and the tanks need to be replaced and DEP suggested a curtain drain above the tanks to divert the groundwater to the adjoining empty field. DEP sent an e-mail to the owner on 7/29/14 requesting an update on his plans for the SSTS and use of the barn for 2015. DEP received two phone messages from the owner on 11/7/14. DEP issued a letter to the applicant on 11/20/14 regarding the use of the holding tanks and stating that the SSTS approval expires in July 2015. DEP sent an e-mail to the owner on 2/11/15 requesting an update on plans for the site and for the SSTS. DEP also requested an onsite meeting in the near future. DEP received a return call from the owner on 2/11/15 regarding the site. He will submit a proposal for the ongoing use of the holding tanks. DEP advised that the use must remain seasonal and that after a site inspection is satisfactorily concluded, the NOV will be closed for both the barn discharge and the house rental. DEP called the owner on 6/22/15 and left a voice mail regarding the open NOV. DEP asked the owner to let DEP know if he plans to continue the seasonal holding tanks or install the SSTS. Either way DEP is anxious to close the NOV because the violations no longer exist but construction may or may not be completed. DEP sent an e-mail to the owner on 6/26/15 regarding the status of the SSTS/holding tanks. DEP exchanged e-mails with the owner on 6/27/15; the owner stated that the holding tanks will be used seasonally and there are no plans to install an SSTS. In response, DEP stated that an NOV closure letter will be forthcoming (as there are no other violations). The violation was resolved and the case was closed on 8/4/15 with DEP Closure letter dated 8/4/15. DEP has resolved the Enforcement Action on 8/4/15. DEP received an e-mail from the engineer on 8/9/15 regarding the reason for the delay in submitting the certification letter for the installation of the holding tanks.

Town: Roxbury
Basin: Pepacton
Project Name: Roxbury Barn, (Log #2012-PE-0464)
Project Description: The site is a mixed residential/commercial site and is owner occupied.
DEP NOV
Project Type: Intermediate SSTS (IS)/Stormwater (SP)
Status: Approved

DEP received an e-mail from the Town of Roxbury assessor regarding a change in use for the building on 7/13/12. On 7/25/12, DEP met with the clerk from the Roxbury Assessor office and the property owner and manager on site. A poly holding tank was about to be installed for the interior sealed airline toilets in the bottom floor of the barn where weddings are held. DEP received an e-mail from the Town of Roxbury assessor's clerk on 7/26/12, regarding the site visit. DEP corresponded by e-mail with the manager of the property on 7/30/12. He is currently looking for an engineer and has abandoned the poly holding tank installation. DEP received an e-mail from the assessor's clerk with the historical and updated property card on 8/1/12. On 8/3/12, DEP performed a watercourse determination. A watercourse exists on both sides of the lawn area below the barn. DEP received a call on 8/8/12 from the engineer that was hired by the owner. DEP issued a letter to the owner on 8/13/12 regarding the holding tanks and stating that there is no violation. DEP sent a copy of the status update letter DEP issued to the owner on 8/15/12. DEP returned a call from the engineer on 10/15/14 regarding setback requirements to watercourses. The engineer is developing a SWPPP to address the current NOV and would like to include a proposed gazebo as part of the SWPPP since the location of the gazebo will be within 100 feet of the watercourse. A meeting was held with the project applicant, engineer, and

CWC on 11/14/14 to discuss the preliminary stormwater control design. DEP received a letter, rain garden calculations, and plans from the engineer on 4/21/15. DEP received an application for a SWPPP on 4/28/15 from the engineer. DEP issued a NOICA to the engineer on 5/8/15 requesting additional information. DEP returned a call to the engineer on 5/11/15 regarding NOICA. The engineer had questions regarding SEQRA. DEP received a response to the NOICA from engineer on 5/14/15. DEP issued a NOCA on 5/20/15. DEP received the Type II SEQRA Determination, dated 5/18/15, from the Tech Team on 5/22/15. DEP performed a site visit on 6/10/15; there were no deficiencies, there was no discharge and the site was occupied. DEP issued a comment letter on 6/11/15 to the engineer requesting revisions. DEP exchanged emails with the engineer on 8/5/15 regarding the revised SWPPP. DEP received a letter and SWPPP from the engineer on 8/24/15 to DEP's letter of 5/20/15. DEP issued a comment letter on 8/26/15 to the engineer with minor edits that need to be incorporated into the SWPPP before its approvable. DEP received a letter and revised plans from the engineer on 9/3/15 to DEP's letter of 8/26/15. DEP issued an Approval Determination letter on 9/10/15.

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: Closed

Overview and Action:

DEP issued an NOV to the owner on 12/12/13. On 12/27/13, DEP performed a routine inspection of the barn holding tank. The breaker was off, and the alarm sounded when momentarily turned on. The water in the girls bathroom sink came on when the faucet was opened. DEP's Assistant Counsel issued a letter to the owners on 1/10/14 regarding the outstanding NOV. On 1/22/14, DEP performed a site inspection. The Barn bathrooms were still in use. The breaker for the alarm was off, and the alarm sounded when the breaker was momentarily switched on. On 3/7/14, DEP performed a routine site visit. The water in the boy's room ran when the faucet was turned on. DEP took the readings from the pump station. There was very little activity. On 5/1/14, DEP performed a routine enforcement inspection. The breaker for the alarm for the Barn holding tank was in the off position. When the breaker was switched on, the alarm sounded. A truck was parked over the cover of the tank. On 7/1/14, DEP performed an inspection of the site. No changes in operation were noted since the last visit. On 8/28/14, DEP performed a routine inspection of the SSTS. The breaker for the Barn holding tank alarm was off and the manager agreed to leave it on. The tank was recently pumped and the wastewater was not at alarm float level. Pump panel information was recorded and the pump chamber was inspected, it appears there is a problem with the on float. DEP sent an e-mail to the owner on 9/3/14 regarding the problems with the pumps and the Barn tank alarm during DEP's 8/28/14 inspection and requested the problems be repaired and DEP notified of the work. On 9/10/14, DEP called the owner about the problems with the pump that was noted at the 8/28/14 inspection. The owner said the float and wiring has been repaired and that the barn tank alarm breaker is now on, because the alarm float had been moved up to 2/3 the liquid level. DEP received an e-mail from the owner on 10/3/14 regarding the court papers he received from the New York City Law Dept. for the pump repair and the barn holding tank. DEP received the

Notice of Motion, Memo of Law, Signed Affidavit, Summons and Complaint and the Map from NYC Law on 10/6/14. DEP sent an e-mail to the owner on 10/6/14 requesting an inspection with the manager. On 10/9/14, DEP met with the manager for a pre-scheduled inspection. The floats and pump chamber were inspected; it appears the pumps or floats still do not function as designed, and no differently than at the prior inspection. DEP sent an e-mail to the owner on 10/17/14 asking to have the manager call DEP concerning the pump panel and pump chamber, which he was going to do check in on. DEP sent an e-mail to the owner on 10/23/14 requesting a status update on the pump panel and an inspection date. DEP received an email from the NYC Law office on 10/29/14 stating that the affidavits of service were served. On 10/31/14, DEP met with the site manager, the electrician and the plumber; discussing ways to shut off the water supply to the Barn to gain compliance with the SSTS approval, raising the alarm float level in the Barn tank, and the function of the pump chamber and pump panel. DEP received an e-mail from the NYC Law office on 11/5/14 with an update on the litigation. DEP received an e-mail from the NYC Law office on 11/17/14 regarding their correspondence with the owner. DEP sent an e-mail to the owner on 11/18/14 regarding the items that need to be addressed for the issues of non-compliance. DEP called the facility manager on 11/20/14 and left a voice mail regarding the email sent to the owner on 11/18/14 that outlines the work that needs to be done to bring the holding tank and the SSTS into compliance with the DEP approval. On 12/4/14, DEP met with the site manager and the electrician for a pre-scheduled inspection to determine if the operation of the Barn tank was in compliance with the SSTS approval. The alarm float has been lowered to the 1000 gallon level, and the water supply to the barn bathrooms has been cut. The apartment still has cold water. On 12/17/14, DEP met the facility manager on site and observed that another water supply pipe had been cut, disconnecting the cold water supply to the Barn apartment. DEP received word from the NYC Law Dept. that the owner has agreed to sign the stipulation. On 1/21/15, DEP received from NYC Law the signed settlement agreement resolving the litigation. DEP sent an e-mail to the owner on 3/4/15 regarding the need to have the holding tank pumped to be in compliance with the SSTS Approval and the Stipulation. DEP called the manager on 3/4/15 regarding the need for an inspection. He said there are problems with opening the tank cover (frozen) as well as the water supply to the barn being frozen. DEP advised him to pump the holding tank and that we would try for an inspection in the next two weeks. On 3/18/15, DEP performed a scheduled inspection of the site. The cover for the holding tank is frozen in place. The alarm breaker is now off, and has been for several weeks. The tank level is above 1000 gallons, as it was during the last inspection, and needs to be pumped. DEP advised the manager of the two ongoing violations. The information on the pump chamber panel was recorded. DEP sent an e-mail to the owner on 3/23/15 regarding problems witnessed during DEP's 3/18/15 site visit, such as the tank needs to be pumped and the absorption field is being overloaded. DEP asked for pump out receipts and for the owner to contact an engineer to address the field. DEP received a phone call from the manager on 5/15/15 regarding the holding tank. It was pumped, yesterday, the alarm is on and the problems with the frozen/broken water lines are repaired. The manager asked that DEP give a call prior to a site visit to ensure he can be there. DEP called the hauler on 6/12/15 regarding pump outs. He has done three pump outs so far this season, all at the owner's request. DEP received a copy of the Consent Decree and Order from NYC Law Dept. on 6/25/15. DEP performed an inspection of the site on 8/21/15. The alarm breaker was in the off position, and when switched to the on position the alarm sounded. The pump panel readings were taken. As the manager was not on site, and several people were setting up the area for a wedding, DEP left without attempting to speak with the owner due to the number of guests on

site. DEP called the owner on 8/24/15 regarding the alarm breaker being found in the off position and the tank liquid level being high enough to trigger the alarm during DEP's inspection on 8/21/15. The owner said the alarm is always functional and when it sounded on 8/21/15 the hauler was called. DEP asked the owner for the pump out receipts from 4/1/15 to the present, and advised him that DEP would call the hauler to verify his statement. DEP reminded the owner he violated the court ordered stipulation. The owner replied that he has been in compliance all year. DEP has resolved the Enforcement Action on 8/24/15. DEP called the hauler on 8/24/15 after speaking to the owner. The hauler said he received a call today from the owner, who informed the hauler that a message had been left on the hauler's phone on 8/21/15 asking for a pump out. The hauler told DEP he did not receive the message but will pump out. DEP sent an e-mail to the owner on 8/28/15 regarding the holding tank alarm condition DEP observed on 8/21/15. DEP requested confirmation of a pump out post 8/21/15 and the pump out receipts for 2015. DEP performed a follow up inspection of the holding tank on 9/2/15. There were no violations noted. DEP sent an e-mail to the owner on 9/3/15 regarding the need for this season's pump out receipts. DEP also requested that the test function on the alarm panel to repaired. DEP performed a routine inspection of the holding tank and alarm on 9/18/15. The alarm breaker was in the on position, the alarm panel light was flashing, but there was no audible sound. There is an option to silence the alarm which DEP assumes had been activated. Several people were on site so DEP didn't locate the owner or try to lift the tank cover for an inspection.

Project Name: Upper Meeker Hollow Road (2008-PE-1677)
Town: Roxbury
Type of Use: Intermediate Repair (CR)
Type of Violation: Failed SSTS; for 6 bedroom house/B&B
Discovery Date:
Status: Closed

Overview and Action:

DEP's Bureau of Legal Affairs issued a letter to the owner's on 8/5/11 regarding the outstanding NOV's. DEP received an e-mail from the engineer on 8/19/11. The email details an SSTS plan modification to include weddings and BBQ style cooking at the facility. DEP's Bureau of Legal Affairs issued a letter to the applicant on 9/8/11 stating that DEP has received proposed SSTS plans prior to the 9/1/11 deadline; however, there are issues requiring resolution before DEP can approve the design as submitted. DEP has resolved the Enforcement Action on 8/24/15. Only remaining issue is the noncompliant operation of the holding tank such as year-round use and the bypassing of the alarm.

Town: Stamford
Basin: Cannonsville
Project Name: Lawrence, Peter D Lawrence, Cons, (Log #2013-CN-0565)
Project Description: Alleged Illegal SSTS installation – DEP NOV
Project Type: Other (OT)
Status: Active

DEP issued an NOV to the owner on 11/12/13. DEP responded to the owner's email from the previous day on 11/22/13. The owner was informed of the NOV requirements and was asked to provide an engineer's name and soils testing date. DEP sent the owner an email on 1/15/14, requesting name of engineer he chose to work on new SSTS design and submission. DEP

received a call from the owner on 1/15/14 in response to email earlier same day. The owner stated when he returns to property and meets with his engineer he will contact DEP. DEP sent owner email on 4/11/14 stating that DEP must be contacted to attend soils testing. DEP emailed the owner on 5/21/14 and requested a response, including what his plans/schedule is and if he has hired an engineer to do soils testing. On 5/23/14, the owner sent DEP an email stating that he lost ownership of the house. DEP will try to establish contact with the new owner to ensure they understand that the existing SSTS cannot be used and a SSTS needs to be designed and built receiving DEP approvals. On 6/4/14, DEP went to the town building in Stamford and verified that this site has not changed owners. DEP emailed the CEO on 6/11/14 requesting contact information of the new owner of the property. DEP received an email stating that there is no septic system for the house, only an outhouse on the property. DEP will contact the sender of the email to determine their affiliation with project. On 9/8/14, DEP left a card in the door requesting response for information on new ownership. DEP sent the CEO an email requesting new ownership information on 10/17/14. DEP received an e-mail from the Town CEO on 10/23/14 with new owner contact information. DEP issued a letter to the new owner on 11/14/14 stating that an NOV was issued on 11/12/13 regarding the existing system which is unapproved and must be pumped out and decommissioned. Furthermore, wastewater cannot be generated on the property and an SSTS design plan is required by a licensed design professional. DEP received a call from the engineer on 3/6/15 regarding the site. The engineer told DEP that the new owner wants to resolve the issues at the site and that he had not been hired by the land owner at the time of the conversation. DEP spoke to the new homeowner about history of this site. He is aware of the issues regarding his septic system and seems ready to move forward on getting these issues fixed. DEP received a request for a pre-application meeting from the engineer/applicant on 4/23/15. DEP spoke to the homeowner, he verified he received letters that were sent. He has hired an engineer and will be moving forward. DEP performed a site visit on 5/27/15; septic failure was not observed. Does not appear that the house has been used. A soil/site evaluation was performed on 6/9/15. DEP received a call from engineer on 6/9/15 who requested variance application. DEP provided application to engineer, who is considering this as an option to achieve approvable SSTS design. A soil/site evaluation was performed on 9/1/15.

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: Approved

DEP's Assistant Counsel issued a letter to the owner on 3/14/14 regarding the outstanding NOV, occupancy on the property, and failed SSTS. The matter will be referred to NYC Law if the owner does not respond. On 3/18/14, DEP drove through the site and looked at the area where both the residential septic tank and manhole are located. There was no sign of a surface sewage failure. There was only one animal outside. No cars were on site. On 3/26/14, DEP drove by the property; several animals were in the barnyard, including horses, sheep and goats, and it appeared there was fresh hay for them. There were no cars in the driveway. DEP called the

facility on 12/16/14 and spoke to the daughter and requested a site visit. DEP called the owner on 2/10/15 to confirm that day's appointment; she would rather meet on 2/18/15 and the meeting was rescheduled for 2/18/15 which was also cancelled. DEP issued a letter to the owner on 4/8/15 confirming their meeting of 4/16/15. DEP returned the phone call to the owner on 4/16/15 regarding the cancellation of the site visit. DEP left a voicemail requesting that a new appointment be scheduled and explained that the issues from the NOV need to be addressed. DEP received a voice message from the owner on 4/16/15 regarding the need to reschedule the appointment for 4/17/15 and a desire to better understand the nature of DEP's concerns. DEP Legal issued a letter to the owner on 5/29/15 regarding the outstanding NOV and unanswered notices sent regarding these violations. The owner must contact the Observer within five business days of this letter; failure to do so will result in possible litigation by NYC Law. Project was sent to NYC Law for litigation on 9/18/15.

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 – DEP NOV
Status: Under Construction

Overview and Action:

DEP issued an 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. DEP received the pump out receipt and the water meter readings on 10/3/13. DEP responded to a phone call from the engineer via an e-mail on 10/7/13. DEP has no objection to filling in the low areas, with sandy loam, on the chronically failing absorption field. On 10/8/13, DEP performed a routine follow up inspection of the large septic system. There were no problems observed, and the field was dry. On 10/25/13, DEP performed a routine inspection of the large SSTS. No problems were observed; the absorption field was dry. On 11/17/13, DEP performed a routine inspection of the SSTS with the facility manager. No problems were observed. DEP sent an e-mail to the facility manager on 1/17/14 requesting the water log. On 1/27/14, DEP performed an inspection of the SSTSs on the property. A recent snow lightly covered the absorption fields. No wet spots, sewage discharges, or sewage odors were noted.

DEP received the three day average water reading for 1/24, 1/25 and 1/26/14 on 1/27/14. DEP received the November 2013, December 2013, and January 2014 water meter readings on 2/4/14. DEP received a phone call on 2/4/14 from the director regarding the water meter readings and pump outs for the tanks. He does not want to wait for the absorption field to fail before pumping the tanks, so it was decided to perform an inspection on 2/18/14 and to make a decision then. The engineer is not interested in working on the project unless the field fails. On 3/18/14, DEP performed a routine inspection of the large absorption field. Most of the snow cover has melted, and the ground was frozen. There was no sign of a surface sewage discharge. On 3/26/14, DEP performed a scheduled inspection of the tanks associated with the subsurface sewage treatment system with the facility director and the new maintenance supervisor. The septic tank, the first grease trap, the filter chamber and the distribution box for the single absorption field all need to be pumped. DEP received pump out receipts on 3/28/14 (dated 3/27/14 and 3/28/14). On 4/2/14, DEP received a pump out receipt dated 3/31/14 for 4,000 gallons of grease removal. DEP received the March 2014 water meter readings on 4/4/14. On 4/22/14, DEP performed a routine inspection of the large absorption field. The field was dry and there were no sewage odors or soft spots on the field. DEP received the April 2014 water meter readings on 5/5/14. DEP sent an e-mail to the facility director requesting a site visit and SSTS inspection on 5/27/14. DEP received the June 2014 water meter readings on 7/3/14. On 7/24/14, DEP performed an inspection of the SSTSs on the site. No sewage was observed surfacing. The clean out at the distribution box was still broken and open to inflow. The maintenance staff said a wet area was recently noted on the large field and so an inspection has been scheduled with the contractor. DEP sent the manager, maintenance staff and the contractor an email on 7/29/14 requesting to be notified when the SSTS inspection will be done, as DEP needs to be present for any work due to the outstanding NOV. DEP received a phone call on 7/29/14 from the contractor, who said he had done an inspection and some maintenance work on the SSTS. He did not know that DEP needed to be contacted or present. He will send his report and has been hired to do a monthly inspection and maintenance program. D-boxes and the flout chambers were cleaned of sediment, a flout was found to be on overflow due to a rope caught and speed levelers were adjusted and installed where missing. The broken clean out near the main d-box and pump chamber was repaired. A few d-boxes were found to have inflow after the dose, so the speed was turned up for the levelers on those laterals. DEP corresponded with the manager on 8/5/14 concerning the inspections being done by the contractor. DEP received the July 2014 water meter readings on 8/12/14. DEP received an inspection report and recommendations from the contractor on 9/2/14. DEP received the August 2014 water meter readings on 9/2/14. DEP sent an e-mail on 9/10/14 to the site's director, the site's maintenance contact, the engineer, and the contractor regarding DEP's recommendations for the SSTS with regard to the open NOV. DEP confirmed an appointment with the hauler and the site manager for 9/25/14. The tanks and other SSTS components will be pumped and inspected. DEP received the September 2014 water meter readings and pumping invoice on 10/1/14. DEP received the grease trap pump out receipt on 10/2/14. DEP received the October 2014 water meter readings on 11/3/14. DEP received the November 2014 water meter readings on 12/2/14. Occupancy is now noted on the water usage log for clients only. DEP sent an e-mail to the facility maintenance supervisor on 12/1/14 asking if routine monthly inspections have been performed on the SSTS. DEP received the December 2014 water meter readings on 1/2/15. DEP received the January 2015 water meter readings on 2/3/15. DEP received the February 2015 water meter readings on 3/5/15. DEP received a report from the engineer on 3/23/15. DEP received a letter from the engineer on 3/26/15 regarding the proximity of the well

and proposed curtain drain. DEP received the March 2015 water meter readings on 4/6/15. DEP exchanged emails with the representative on 4/6/15 regarding the number of staff and the low numbers on the water meter readings. Site Visit type: Investigation. Date: 4/14/15. Septic Failure: Not observed. DEP met with the engineer, contractor, director and maintenance staff on 4/14/15 to inspect the SSTS components and to investigate the soils in the front yard area for an absorption field. Present for Inspection: Owner's Representative, Engineer, Contractor. Property Status: Currently inhabited. Deep test results dated 4/14/15. DEP received an e-mail from the engineer on 5/5/15 with percs attached. The engineer requested the soil log data, in turn. DEP received the April 2015 water meter readings on 5/5/15. DEP received an Application for the new absorption field on 5/18/15 from the engineer. DEP initiated an Enforcement Action on 5/18/15. DEP sent an e-mail to DOH on 5/28/15 with information on the new absorption field; DEP asked if DOH would do a joint review. DEP exchanged e-mails with DOH and the engineer between 5/30/15 and 6/1/15; DOH regulates the kitchen and thus would do a review. DEP called the design engineer on 6/2/15 regarding the leaching pools shown on the plans. DEP questioned the logic behind collecting stormwater at ground level and discharging the stormwater into the ground. DEP issued a NOICA to the owner on 6/5/15 requesting additional information. DEP issued a comment letter on 6/5/15 to the owner regarding the NOICA. DEP sent an e-mail to the engineer on 6/5/15 requesting a discussion on the 6/5/15 NOICA and NOICA comment letter and the 4/14/15 deep test results. DEP sent an e-mail to DOH on 6/9/15 asking if DEC would like to review the project. DEP also asked the engineer to send the response to the 6/5/15 NOICA/NOICA comments and revised plans to DOH. DEP received the May 2015 water meter readings 6/10/15. DEP received a response to the NOICA from the engineer on 6/29/15. The submission included an engineering report and revised plans. DEP received the June 2015 water meter readings on 7/13/15. DEP exchanged e-mails with the owner between 7/13 and 7/14/15 regarding erroneous water meter readings. DEP issued a NOCA on 7/15/15. DEP received the July 2015 water meter readings on 8/3/15. The owner stated that the population at the center is growing daily and is currently at 75. DEP issued a comment letter on 8/12/15 to the engineer and applicant. DEP received a voicemail from one of the owners on 8/19/15 stating that the facility is closing as of 11/15/15. DEP received the August 2015 water meter readings on 9/15/15.

Project Name: 1227 East River Road (1999-CN-1022)
Town: Walton
Basin: Cannonsville
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #734 - CWC - DEP NOF and DEP NOV.
Discovery Date: 5/20/1998
Status: New/Approved

Overview and Action:

DEP called the owner on 4/27/15 regarding a dye test. The wife referred DEP to her husband to obtain permission to dye test the system to see if it is still in failure. DEP called and left a message for the owner on his cell phone on 4/27/15 regarding conducting a dye test to determine if the system is in failure. DEP called and left a message for the owner on 5/4/15 regarding what DEP would like to do to move the project forward (conduct a dye test). DEP issued a letter to the owner on 5/11/15 requesting that a dye test be scheduled to document the current status of the SSTS. DEP performed a site visit on 5/29/15. Septic failure was not observed. DEP taped the letter to the door and took pictures of letter on door and the old failure spot. DEP received a call

from the owner on 6/4/15 regarding scheduling a dye test. Owner stated that the system seems to have started acting up again this spring and that they now have a wet spot in the lawn, again. DEP will call the owner back to schedule the dye test. DEP called and left a message for the owner on 6/5/15 regarding scheduling the dye test for 6/10/15. DEP called the owner on 6/8/15 regarding a time for the dye test. DEP will meet with the owner on 6/10/15. DEP performed a site visit on 6/10/15. Septic failure was observed. A dye test was conducted. Failure is evident at the tree line. Dye was not recovered on 6/10/15 by DEP. DEP performed a follow up site visit on 6/11/15. There was surfacing of sewage on ground and there was no dye surfacing. DEP performed a follow up site visit on 6/15/15. Still no dye surfacing. DEP issued an NOV to the owner on 7/10/15. DEP called the owner on 7/10/15 regarding the NOV. DEP stressed that they need to call the number listed on the paperwork when they receive the letter. The owner stated that they have been working on getting the SSTS fixed for years, but the project stalls after a while and then they have to start over again. DEP received a call from designer on 7/16/15 regarding what is needed to get the design reapproved. The original Engineer's license is inactive so they are looking for another engineer to recertify the design prior to resubmission. DEP received a call from the owner on 7/17/15, who stated that he left his engineer a message recently and was waiting to hear back. He agreed to keep DEP posted with any developments. DEP stated he would be contacted if he does not reach out to DEP with update within two weeks. DEP called the owner on 8/5/15 regarding the status of the plan submission. Owner is continuing with the original surveyors to do the recertification. He has sent a check to cover the cost of the recertification and is currently waiting for the plans to be sent to him so that he can move forward. DEP received a letter from the engineer on 9/4/15 regarding design expiration and re-approval. DEP issued a Modified Approval Determination letter on 9/15/15 to the engineer along with the approved plans.

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 – DEP NOF
Status: Approved
Overview and action:

Project Name: 15 Sholam Road (2001-RO-0730)
Town: Wawarsing
Type of Use: SSTS Repair (RE)
Type of Violation: Failed SSTS #1570 - CWC-surfacing – DEP NOV
Discovery Date: 11/30/2001
Status: Approved
Overview and Action:

DEP called the property owner on 4/8/14 regarding his plans. Pursuant to the last conversation between the property owner and DEP, DEP checked the files and discovered that DEP does not have a set of plans which show the septic system designed for a three bedroom located outside the reservoir stem boundary. The only plans that DEP has in his file show the old design and a new design at the four bedroom count with the field at the top of the hill in the woods. The property owner wishes to drop a bedroom and complete the system for the main residence. DEP

also explained that the prior plan approval had expired, so he would have to submit new stamped plans if he wanted to drop a bedroom. The owner said that he would start getting everything together for a new approval. DEP explained that if the owner were to complete the construction of the secondary residence, he would need to submit plans and an application for a modification of a septic system. The owner does not see the construction of the secondary residence continuing anywhere in the foreseeable future. DEP also explained that we would be conducting a site visit to check on the failure. The property owner stated that no one would be home to show where the failure is. DEP has a sketch provided in the CWC report; if we cannot find it then we will reschedule the site visit for a time when the owner is home. DEP performed a site visit on 4/10/14; septic failure was observed. Gray water was staining the area of the pipe releasing groundwater in ditch. The owner admits that this is the location where the dye had surfaced when it was dye tested years ago. There is no odor along the ditch line. DEP called the owner and left a message on 7/8/14 that DEP will inspect the property for septic failure status the following day. DEP performed a site visit on 7/10/14; septic failure was observed. Gray water was discharging from the orangeburg pipe. DEP received a call on 7/22/14 from the property owner regarding the modification of his plans. He has spoken with the engineer, who said that he will do it, but it will take a couple of weeks. DEP performed a watercourse determination on 8/14/14. The channel originating from the perforated pipe and orangeburg pipe discharged in the immediate vicinity of the SSTS was evaluated. There was no flow exiting the pipes on the day of inspection, however, it was evident from the odor and ponding in the channel that gray water does discharge from the pipe(s) at some time. An evaluation of the channel revealed that it was not a visible path tributary to the water supply and therefore not a watercourse/reservoir stem. DEP issued an NOV to the owner on 8/22/14. DEP left a message for the owner to call back on 9/12/14 since they have not yet responded to the 8/22/14 NOV. DEP performed a site visit on 9/18/14; septic failure was not observed. The ditch where the effluent flows out is completely dry at this time. DEP called a left a message for the engineer on 9/19/14. DEP Legal issued a letter to the owner on 11/19/14 regarding failure to resolve the NOV issued on 8/22/14. In order to avoid referral to NYC Law and possible litigation, the owner must comply with the terms of this letter, including contacting the Watershed Treatment Programs Supervisor within five business days of the letter date. DEP called and left a message for the owner on 12/17/14 regarding the site visit that the DEP will be conducting on 12/18/14. DEP performed a site visit on 12/18/14; septic failure was observed. The ditch was wet (not running with water/effluent) and had grey matter matting the leaves together. The owners did not answer the door when DEP knocked. DEP called and left a message for the owner on 3/25/15 to let them know that a site visit would be conducted on 3/26/15. DEP performed a site visit on 3/26/15; septic failure was observed. There was grey matter and an odor noted at time of the site visit. DEP performed a site visit on 5/14/15. Septic failure was not observed. The ditch is damp and no odors were detected. DEP called the town CEO on 5/27/15 regarding the status of the building permit for the second residence. The building permit was issued in 2003 to replace a house and was renewed in 2004. The owner was sent a letter informing him that the permit was going to expire in November of 2005. The permit has not been renewed since. The second residence has had site, footing, foundation, and electrical inspections. Residence is not ready for a certificate of occupancy and one has not been issued. The owner will have to close out this permit and apply for a new one since the building codes have changed so much in the past decade. The permit does not indicate the number of bedrooms for the replaced residence. The plans do not show an existing SSTS for the replaced residence. DEP called and left a message for the town assessor on 6/17/15 regarding confirming the owner name and

mailing address. The assessor's office returned the call and confirmed the owner's and the mailing address. The information was passed to NYC Law via email. DEP performed a site visit on 6/25/15. There was a questionable discharge, no odors, ditch wet, but it could be ground or storm water. DEP performed a site visit on 9/17/15. The owner stated that he is having problems getting the engineer to complete the plans for submission.

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

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

Overview and Action:

DEP initiated an Enforcement Action on 11/12/14. DEP issued an NOV to the owner on 11/13/14. DEP performed a site visit on 11/13/14; construction started without an approved SPPP. There were deficiencies, there was no discharge and the site was occupied. DEP received a copy of the NOV issued by the Town to the owner on 11/20/14 via email. DEP issued a follow-up letter to the meeting of 11/21/14 to the owner on 11/25/14 regarding the NOV issued on 11/13/14. DEP received a call from the Town on 11/25/14 regarding coordination of the Town and DEP's NOV's. DEP received a call from the owner's engineer on 12/2/14 regarding the resolution of the DEP and Town's NOV's. The engineer stated that a survey and plan will be submitted to DEP and the Town when ready. DEP received a notice from the engineer stating that they have been retained by the owner on 12/8/14. DEP received a copy of the engineer's letter to DEC on 3/16/15. DEP responded to the engineer's email dated 4/15/15 regarding the NOV. DEP received plans from the engineer on 4/20/15. DEP issued a letter to the engineer on 5/1/15 regarding the proposed work in response to the NOV.

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

Overview and Action:

DEP exchanged emails with the Town Engineer on 10/14/14 regarding the project. DEP initiated an Enforcement Action on 10/21/14. DEP issued an NOV to the owner on 10/21/14. DEP received a call from the owner on 10/23/14 in response to the NOV. DEP sent an e-mail to the owner on 10/24/14 regarding preliminary information required by DEP per the owner's request. DEP received a call from the Town Code Inspector on 10/24/14 regarding DEP's NOV. DEP called the owner on 10/24/14 and discussed the petroleum storage tanks and stormwater pollution prevention plan. The owner stated that the new petroleum tanks were in transit for the

fabricator and were to be installed on 10/27/14. The owner wanted authorization from DEP to install the tanks. The owner was reminded by DEP that he was issued an NOV which stated he must cease and desist all construction activities. The owner stated that he could not stop the delivery and that there is nowhere on site to store the tanks other than in the excavations he prepared. DEP informed the owner that if he installed tanks, he would be proceeding at his own risk and that if DEP determines the tanks to be prohibited, he may be required to remove them in the future. A meeting was held with the engineer on 10/27/14. DEP received a call from the engineer on 10/27/14 stating that the Town would continue to inspect construction on the site per the Town's own regulations and that the matter of the NOV was between the City of New York and the owner. DEP received site plans and drainage calculations from the engineer on 10/27/14. DEP received a call from the engineer on 10/28/14 asking if DEP needs any further information. DEP informed the engineer that written correspondence is forthcoming regarding what is needed to resolve the NOV and start reviewing the SWPPP. Specifically, DEP informed the engineer that the owner needs to provide documentation to DEP regarding non-complying regulated activity criteria so that DEP can verify whether or not the location of the petroleum storage tanks complies with the Watershed Regulations. DEP stated to the engineer that the petroleum tanks must comply with Watershed Regulations and that SEQRA must be satisfied before DEP can review a SWPPP application for this project (a gasoline station). DEP issued a follow-up letter to the engineer on 10/29/14 regarding the meeting held on 10/27/14. DEP received a call from the Petroleum Engineer on 10/29/14 regarding information requested for the NOV. The engineer will be sending a timeline report to DEP. DEP received an e-mail and photos from the engineer on 10/29/14 regarding what the subsurface conditions are like in the area of the tank pit when it rained. DEP exchanged emails with the engineer from 10/29/14 to 10/30/14. DEP called DEC Petroleum Bulk Storage on 10/30/14 to inquire about the site's current status with respect to tank registration and site remediation. The engineer called on 10/30/14 to inquire about the status of the SWPPP and asked if DEP would accept an infiltration practice on the site to treat stormwater runoff. DEP responded that DEP will assess and respond to the engineer. DEP received a call from the engineer on 10/30/14 confirming transmission of documents to DEP. DEP received via email on 10/30/14 a copy of the deed in response to the NOV. DEP received a courtesy copy of an NOV from DEC on 10/30/14. DEP responded on 10/30/14 to a question raised by the engineer during a 10/30/14 phone conversation. DEP performed a site visit on 11/3/14; construction is underway with a crane installing what appeared to be some sort of tank components into the previously excavated oil tank area. Gravel stock piles on site and soil stock piles which were covered with plastic sheeting. DEP received a call from the engineer on 11/3/14 regarding the SWPPP. The engineer wants to know if infiltration is allowed on site. DEP responded that DEP cannot encourage infiltration on a gas station and that two DEC spill numbers remain open. DEP said it did not want to create a hardship for the engineer and owner by allowing infiltration if the spill remediation might prohibit infiltration. The engineer stated that both spills were resolved; this conflicts with other information received by the applicant's other engineer via email on 10/30/14. DEP signed and notarized the Affidavit sent to the Law Department. DEP received a courtesy copy of the town's NOV from DEC via email on 11/3/14. DEP performed a site visit on 11/5/14; the site was closed with no work in progress. DEP issued a NOICA to the engineer on 11/5/14 requesting additional information. DEP performed a site visit on 11/6/14 and 11/7/14; no work in progress, the site was closed down. DEP responded via email on 11/10/14 to the engineer's email dated 11/4/14 and telephone conversation on 11/3/14. DEP performed a site visit on 11/13/14; no work in progress. Based on the site visit, today, the

following item must be addressed: silt fence must be installed or reinstalled to protect driveway drainage grates; disturbed soil throughout site must be stabilized including the disturbed area bordering Route 301; and contaminated soil stock pile should be removed or appropriate plastic cover used. DEP performed site visits on 11/14/14 and 11/18/14; there was no change and no work in progress. A meeting was held with the project applicant on 11/18/14. Internal DEP emails and a meeting summary were sent on 11/18/14. Discussions between Stormwater staff and Legal via email took place from 11/12/14 to 11/18/14. DEP performed site visits on 11/19/14 and 11/20/14; there was no change and no work in progress. DEP sent correspondence regarding site stabilization and received a preliminary response from the engineer via email on 11/20/14. DEP performed a site visit on 11/21/14; there was no change and no work in progress. DEP performed a site visit on 11/24/14; there was no work in progress. The silt fence and hay bales have been installed. The silt fence has not been keyed into the ground as per detail in NYS Standards and Specifications for Erosion and Sediment Control. DEP performed site visits on 11/25/14, 11/28/14, 12/1/14, 12/9/14, 12/10/14, 12/22/14, 12/30/14, 1/13/15, 1/20/15, and 1/30/15; there was no work in progress and the site was closed. DEP received an e-mail from Legal on 2/3/15 regarding status of the case. DEP performed a site visit on 2/11/15; there was no work in progress, the site was closed and snow covered. DEP received e-mails from Legal between 2/12/15 and 2/17/15 regarding the status of the case. DEP performed site visits on 2/18/15, 2/23/15, 3/2/15 and 3/10/15; no work in progress, site is closed and snow covered. DEP received an e-mail from Legal on 3/13/15 regarding the status of the case. DEP performed site visits on 3/23/15 and 3/31/15; no work in progress and the site is closed. DEP performed site visits on 4/6/15 and 4/21/15; there was no work in progress at this time. DEP received a response to the NOICA from engineer on 4/27/15; submission included plans. DEP performed site visits on 4/28/15 and 5/4/15; there was no work in progress at this time. DEP issued a NOICA to the engineer on 5/4/15 requesting additional information. DEP performed site visits on 5/11/15, 5/27/15, 6/2/15, 6/18/15, 6/24/15 and 7/1/15; there was no work in progress. The red trailer has been removed. DEP performed site visits on 7/9/15, 7/14/15, 7/20/15 and 7/27/15; there was no work in progress. DEP performed a site visit on 8/4/15; the tree company was on site to remove a dead tree bordering the adjacent property. The job is scheduled to be completed the following day. No other work in progress. DEP performed a site visit on 8/12/15; the tree has been removed and the site is closed with no work in progress. DEP performed site visits on 8/18/15, 8/24/15, 8/31/15, 9/8/15, 9/14/15, 9/21/15 and 9/29/15; the site is closed and there is no work in progress.

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

DEC issued an 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. DEP performed a site visit on 12/24/13; there were no deficiencies, there was no discharge and the site was vacant. DEP completed construction inspections on 12/24/13. DEP sent an e-mail to the engineer on 12/30/2013 regarding the status of the 12/24/13 site inspection. DEP has resolved the Enforcement Action on 12/30/13. DEP received an e-mail from DEC on 5/15/15 regarding the meeting at the site on 5/7/15 in which post-closure monitoring and maintenance issues were discussed.

Town: Carmel
Basin: Croton Falls
Project Name: Prato Gary Attn: Garon Fence Co/Fill Section, (Log #2010-CF-0892)
Project Description: Fill section. Failure to comply with Rules and Regulations; Land Use Permit for survey and eventual remediation. DEP NOV.
Project Type: Stormwater (SP)
Status: Ongoing

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 access the current condition. The photos were received via email 5/29/13. DEP sent an e-mail to Corporate Counsel on 12/13/13 regarding a brief summary of the site meeting. DEP received an e-mail from the engineer on 2/14/14 regarding the outline for the proposed site investigation and Interim Remedial Measures (IRM) work plan. DEP received an e-mail on 3/3/14 regarding the site investigation work plan outline submitted 2/20/14 via email. DEP received the Site Investigation and Interim Remedial Measures Work Plan from the engineer on 4/11/14. DEP received an e-mail from the engineer on 5/23/14 indicating the IRM activities on the property

outlined in the work plan and discussed during the 5/12/14 site meeting were completed 5/23/14. DEP had a meeting on 9/5/14 with staff from DEC, AG-WIG, NYC Corporation Counsel and the owner and his team of technical and legal representatives to discuss proposed groundwater sampling and long term groundwater monitoring on affected lands. Surface soil and water sampling of fill material on NYC Lands is proposed to commence on 9/8/14. DEP received the Off-Site Investigation Report and Supplemental Investigation Work Plan for the Prato property from the engineer on 1/23/15 and 1/30/15, respectively. On 2/25/15, DEP held an internal tech team meeting and a joint conference call with DEC and WIG Office to discuss review comments on AKRF's remedial investigation report. DEP issued a letter to the engineer on 3/23/15 regarding the Off-Site Investigation Report. A copy of the letter was also issued to the owner. DEP received via email, a copy of a revised letter from the DEC to the attorney on 3/24/15 regarding DEC's comments regarding the work plan submitted by the engineer on behalf of the owner of the property. On 4/15/15, DEP conducted a site visit with DEC and WIG's office to assess locations of monitoring wells with the consultant. On 5/7/15, DEP and DEC performed an inspection of the impacted wetland on NYC lands to assist in determining the nature and extent of remediation work. DEP sent correspondence to NYC Corporation Counsel on 5/8/15 via email regarding the 5/7/15 site visit. DEP received e-mails from the remediation consultant on 6/1/15, 6/2/15 and 6/3/15 regarding the installation of a hand dug monitoring well point within the impacted wetland on NYC Lands. Land Use Permit (LUP) for well installation work was issued on 5/26/15. DEP received a copy of the engineer's letter and plans to DEC on 9/15/15 regarding creating an access road for a proposed monitor well. DEP responded on 9/18/15 to the engineer's email dated 9/15/15 regarding the plans with suggested edits/revisions.

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

DEP received a letter from the Home Owners Association on 4/21/14 regarding environmental concerns with the project. DEP received a Bond Rider from the applicant on 4/25/14 in response to DEP's letter of 2/28/14. DEP performed a site visit on 4/30/14; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call on 4/30/14 from the engineer stating that he will be sending four copies of SWPPP for approval. DEP issued a letter to the attorney for the Homeowner's Association on 5/5/14 responding to their letter dated 4/15/14 regarding environmental concerns with the project. DEP received a set of plans and SWPPP for approval on 5/7/14. DEP issued an Approval Determination letter on 5/15/14. DEP performed site visits on 5/22, 5/23, 5/29, 6/5, 6/16, 7/9, 7/29, 8/29 and 9/24/14; there were no deficiencies, there was no discharge and the site was occupied. DEP performed site visits on 10/20/14, 10/23/14, 11/5/14, 12/5/14, 12/10/14 and 1/13/15; there were no deficiencies, there was no discharge and the site was occupied. DEP received a call from the site manager on 1/13/15 discussing the maintenance of erosion controls including silt fence and road sweeping. He stated that the inclement weather has caused these problems and he will address them, DEP performed site visits on 2/12/15 and 3/2/15; there were no deficiencies, there was no discharge and the site was occupied. DEP performed a site visit on 4/6/15; there were no deficiencies, there was no discharge and the site was occupied. DEP called and e-mailed a field report to the site manager

concerning the 5/1/15 site visit. He stated that deficiencies would be addressed by the new construction manager. DEP performed a site visit on 5/1/15 and 5/7/15; there were no deficiencies, there was no discharge and the site was occupied. DEP called and left message for the site manager concerning deficiencies found on site visit. On 5/11/15, a meeting and site walk was conducted with the construction manager on site; erosion and sediment controls discussed. DEP performed a site visit on 6/3/15, 7/14/15, 8/4/15 and 9/14/15; there were no deficiencies, there was no discharge and the site was occupied.

3.2.4. Kensico Basin

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

DEP issued an NOV to the owner on 10/15/13. DEP received drawings on 10/28/13. Corporate Counsel sent a GIS map of the facility (and its proximity to Kensico Reservoir stem) to the attorney on 11/8/13. DEP received an email from Corporate Counsel on 12/10/13; they received the Draft Yard Management Plan prepared by the Town of Harrison from the attorney. DEP sent an e-mail to the applicant on 12/19/13 with comments regarding the Draft Management Plan. DEP received an e-mail from the applicant on 1/9/14 regarding maps of the land. The applicant can now start to identify potential alternate sites. DEP met with the engineer on 1/24/14 to discuss the progress with respect to the 'Alternate Site Analysis' and the interim site pollution control plan. DEP received a call from the engineer on 3/11/14 regarding response to the NOV. He reports progress on review and assessment of 'viable' alternative sites. DEP sent Corporate Counsel an e-mail on 3/28/14 regarding the status of the NOV as provided by the applicant. DEP issued a comment letter to the engineer on 4/21/14 regarding the NOV. DEP received a letter from the engineer on 4/28/14 responding to the NOV. DEP received a call from the engineer on 5/27/14 regarding the status of the Town's response to the NOV. He stated that survey work on the transfer facility/site has been completed and the remedial site design work is to commence. DEP sent a copy of the Variance Applicant's Guide and WRR to the engineer on 6/20/14. On 7/2/14, DEP re-sent, via e-mail, December 2013 review comments on the facility site plan to the engineer. DEP received a call from the engineer on 9/22/14 regarding the Variance NOICA. He requested a joint site inspection of the Town of Harrison's Nike Base property scheduled for 10/2/14. DEP staff met with the project engineer on 10/2/14 at the property to assess its suitability as an alternative location for Harrison's organic waste transfer operations. An email was sent to DEP and NYC lawyers on 10/3/14 regarding the 10/2/14 site inspection. An email was sent to DEP and NYC lawyers on 11/7/14 regarding an update on the variance. DEP received an e-mail from the town on 1/23/15 regarding the status of the variance. DEP received an e-mail from the town on 2/10/15 accepting and authorizing the variance. DEP received an e-mail from the engineer on 3/13/15 regarding documentation of change in grass clipping collection. DEP received draft drawings/specs from the engineer for the proposed improvements to the transfer station facility. DEP called the engineer to convey that the draft plans are acceptable. DEP received a call from the engineer on 6/3/15 regarding the nature of plantings proposed for the facility buffer strip and the use of herbicides to eliminate existing invasive

species. DEP received plan specifications and contract documents from the engineer on 6/16/15. DEP sent an e-mail to the engineer approving the bid documents on 6/22/15. DEP sent an e-mail to the NYC attorney on 7/20/15 regarding the Variance mitigation contract. DEP received an e-mail from the representative on 8/20/15 scheduling an 8/27/15 pre-construction meeting for the Variance mitigation plan. DEP attended a pre-construction meeting on 8/27/15. On 9/29/15, DEP inspected construction activity at the site. Asphalt top course has been placed throughout the site. The block retaining wall and perimeter curbing was installed. Grass buffer/filter strip had been cleared and graded; item 4 stone dissipater has been installed at the lip of asphalt. Topsoil, seed and straw are necessary.

3.3. DEP Police Actions

3.3.1. Catskill District

Name: 11466 State Route 23 **CS-099-15, SJS 54245**
Location: Ashland
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 6/22/15
Status: Closed

Overview and Action:

DEP Police investigated a complaint of a possible failed septic which was flowing out of the ground and onto complainant's property. Officer interviewed tenant whom stated that both he and landlord/property owner are aware of the problem and awaiting response from septic service for appointment to pump out the septic tank. Officer advised tenant that DEP Engineering would be notified to follow-up on complaint to verify that septic system is not failing and in need of repair. DEP Police and DEP Engineering involved.

Name: Schoharie Reservoir **CS-084-14, SJS 48812**
Location: Conesville
Type of Use: Municipal
Type of Violation: Haz Mat
Date Discovered: 8/4/14
Status: OPEN

Overview and Action:

DEP Police investigated a complaint which originated from Air 6 (helicopter) patrol that had observed a small plume of oil (3' in diameter) on the Schoharie Reservoir across from Gate 22. Using GPS coordinates and added assistance from Air 6, a marine patrol on the reservoir was able to locate the oil plume now marked with a buoy. Oil plume and bubbles from source are more easily visible from the air. DEP Haz Mat notified to respond to the location for further investigation and water sampling and awaiting action by DEP Haz Mat. Monitoring of site ongoing. DEP Police and DEP Haz Mat involved.

Name: 465 Bull Hill Road **CS-021-15, SJS 52346**
Location: Conesville
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 2/25/15
Status: OPEN

Overview and Action:

DEP Police responded to an e-mail request from a DEP Regulatory and Engineering Programs (REP) employee to monitor a residence for septic tank discharge where homeowner had previously been caught discharging septic tank contents into the nearby woods. A recent site inspection by a DEP REP employee determined that the septic tank had been shoveled off of snow as had a path leading from the tank to the woods. DEP had not been receiving pump-out receipts from the owner for this part-time residence so any signs of activity are suspect. DEP Engineering requested Police to conduct frequent checks of the residence particularly on weekends to determine if discharge activity had resumed. Police checked location and observed that there had been no weekend activity based on absence of fresh vehicle tracks in the snow on driveway. Police have conducted numerous checks of site and observed that there has been no change in condition. DEP Police and DEP REP involved.

Name: Crushed Stone Pit, County Route 14 **CS-055-15, SJS 53127**
Location: Gilboa
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/17/15
Status: Closed

Overview and Action:

DEP Police while on patrol, observed five wooden pallets in the corner of the parking lot intended for use by DEP Recreation Unit. DEP Land Management notified for removal of pallets following investigation which revealed no evidence as to ownership. DEP Police and DEP Land Management involved.

Name: NYC Parcel across from 41 Hunter Lane **CS-052-15, SJS 53056**
Location: Hunter
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/13/15
Status: Closed

Overview and Action:

DEP Police received a complaint from the Village of Hunter Superintendent of a dumping on NYC property. The dumping consisted of four large contractor bags full of household refuse along with numerous cardboard boxes which did yield traceable evidence. Officer contacted subject via cell phone and arranged meeting did issue ticket for NYCRR Unlawful Disposal of Solid Waste. DEP Police involved.

Name: Carr Road Bridge **CS-132-15, SJS 55218**
Location: Jewett
Type of Use: Municipal
Type of Violation: Stream Violation
Date Discovered: 8/16/15
Status: Closed

Overview and Action:

DEP Police observed a tractor near the stream alongside of the newly replaced bridge on Carr Road. Officer interviewed property owner whom stated that he was using the tractor to turn sharp-edged rubble rocks over to alleviate hazard to people using the newly created handicap accessible stream location. Subject produced paperwork and permits initiated in 2007 (some now expired) from DEP, DEC and Greene County Soil and Water Conservation for bridge replacement and related stream renovation project. No water quality issues at the time but Subject was asked to cease work until Officer could contact agencies involved and determine if work is within the permit parameters. Officer was advised by DEC that the only remaining valid permit was through Greene County Highway Department, allowing for tree planting at the location to restore the property back to its original condition. Subject stated he had been in contact with Greene County Soil and Water Conservation employee and together they would obtain a permit to complete the stream work and tree planting to required specifications. DEP, DEC, Greene County Soil and Water Conservation and Greene County Highway Department involved.

Name: State Route 42, near Beech Ridge Road **CS-066-15, SJS 53371**
Location: Lexington
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 4/30/15
Status: Closed

Overview and Action:

DEP Police responded to a Haz-Mat spill consisting of a five gallon bucket of tractor hydraulic/transmission oil that had fallen off the back of a truck and broken open on the roadway near the West Kill stream. Upon arrival, DEC Spill investigator already on scene spreading speedi-dri on roadway. Spill was confined to roadway and rip-rap adjacent to roadway. Clean-up contractor directed to remove the top layer of rip-rap contaminated with oil as well as dirt alongside the road. Speedi-dri was used to clean oil from road surface. DEP Police and DEC involved.

Name: 184 Chase Road **CA-216-15, SJS 53178**
Location: Olive
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 4/20/15
Status: Closed

Overview and Action:

DEP Police responded to the location of a possible septic violation in which the complainant stated that the leach field for the septic tank at the neighbor's property above his was draining

onto his property causing wet areas and bad odor. Officer conducted a foot patrol to check property with complainant at two different suspected locations; site one was 50 yards from property line and site two was 100 yards from property line. At both sites, saturated soil and minimal surface ponding was present but no septic odor. Officer explained options of dye test to determine septic failure or private water sample tests to determine if ponding was septic related. Officer additionally interviewed and walked property with resident of 174 Chase Road to locate septic tank and field which showed no sign of septic failure, ponding or leachate. Complaint turned over to DEP Engineering to perform a dye test. DEP Police will be advised of those findings. DEP Police and DEP Engineering involved.

Name: Route 28A, DEP City House #6 **CA-273-15, SJS 53559**
Location: Olive **Spill # 1501497**
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 5/11/15
Status: Closed

Overview and Action:

DEP Police were notified of a Haz-Mat spill at City House #6 in which a fuel truck delivering #2 fuel oil spilled ½ a gallon onto the ground from the vent tube whistler device. Spill pads placed for immediate containment. The fuel company dispatched cleaning crew to dig, drum and remove impacted soil and complete clean-up of spill area. DEP Police involved.

Name: Schoharie Reservoir **CS-045-15, SJS 52930**
Location: Roxbury **Spill # 1500142**
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 4/6/15
Status: Closed

Overview and Action:

DEP Police investigated a report of an oil sheen along the west bank of the Schoharie Reservoir, just south of the Intake Chamber, believed to have originated from a fuel tank previously photographed by complainant but now submerged. Subsequent air survey of Reservoir by police helicopter yielded negative findings on first reported sheen but a second oil sheen was observed approximately 1400' feet south of the Intake towards the center of the Reservoir. Two Conex boxes were removed from that location of the Reservoir. DEP Police involved.

Name: 468 Oliverea Road **CA-920-14, SJS 51461**
Location: Shandaken
Type of Use: Residential
Type of Violation: Sewage Discharge
Date Discovered: 12/29/14
Status: OPEN

Overview and Action:

DEP Police investigated an anonymous complaint of a possible septic leak. Officer responded to the above location and interviewed numerous tenants residing at different addresses all in the vicinity of the original complaint and all owned by the same landlord. One subject residing at

470 Oliverea Road reported issues with a leaking septic which officers were able to locate by odor present and a resident later witnessed “sewage bubbling up out of the ground”. Another resident at 476 Oliverea Road had experienced problems with a backed up toilet and the 470 Oliverea Road resident also had problems with a leaking septic and suspected tainted tap water. Officer documented leak and surrounding area with photos and made identification of landlord through NYS DMV. All residents were advised not to drink the water. Officer contacted DEP Regulatory Engineering Programs (REP) and the Department of Health. REP employee made contact with the landlord whom stated that he hired a company to pump out the system as well as a physical engineer to design a repair plan but was hampered by lack of funding. Landlord was temporarily covering the leak area with plywood and placing caution cones as directed by REP. Department of Health (DOH) to conduct dye test and follow-up with landlord. On 2/13/15, this case was essentially turned over to DEP REP. However, on 2/28/15, the investigation was reopened pending new information of further leakage/pumping activity. DEP Police, DEP REP and DOH involved.

SUPPLEMENTAL (1) FOR CASE: CA-920-14 /- 2/28/15: Officer directed to follow up at property for signs of continued septic leakage or recent septic pumping as landlord had notified DEP REP that septic had been pumped on 2/27/15, thereby ending the leakage on property. Officer interviewed resident of 468 Oliverea Road whom stated that he had been at home all day on the day in question (2/27/15) and had not seen any vehicle at the property conducting the septic system pumping. Officer searched the property for any possible sewage leakage or evidence of an area having been cleared of snow and dug up for pumping the septic system all with negative results. Officer’s attempts to contact the landlord at his residence were also met with negative results despite the presence of three vehicles in the driveway and a television set on in the background. Case remains open.

SUPPLEMENTAL (2) FOR CASE: CA-920-14 /- 3/30/15: Officer received a phone call from the original complainant residing at 478 Oliverea Road, whose attorney was requesting any reports generated by DEP regarding this investigation as the landlord is now evicting the tenants presumably because they alerted DEP to the failed septic system. Complainant also stated that landlord or his contractor can be seen meddling with the septic cover just before and / or after DEP REP (civilian) vehicle has conducted site check. Officer was finally able to interview landlord at location and was shown a recent e-mail he received from DEP regarding remediation. Officer inspected septic failure site again and there appears to be no change in the condition of the site since his last inspection. At this time, there are still no criminal charges registered against the landlord. Officer will follow up with DEP REP and their point of contact regarding this matter. Case remains open.

Name: Pine Hill WWTP
Location: Shandaken
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 8/18/15
Status: Closed

CA-507-15, SJS 55245

Overview and Action:

DEP Police received a complaint of an unknown subject dumping 18-24 beer bottles in the grass

area adjacent to the Pine Hill WWTP entrance gate. Officer took photos of dumping location for case file and retained three bottles to process for possible fingerprints. Negative results from evidence processing, no discernable prints recovered. Camera placed at location to monitor site for additional dumpings but no further dumping incidents documented. DEP Police involved.

Name: 404 County Route 56 **CS-036-15, SJS 52725**
Location: Windham **Spill # 1411515**
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 3/23/15
Status: Closed

Overview and Action:

DEP Police received a phone call with a report of fuel oil that had seeped into the septic system of a home while clean-up of a previous fuel oil spill was in progress. DEC notified for incident number for initial spill and is also coordinating the ongoing clean-up documented with report and photos. Officer notified DEP Land Management of the septic contamination and clean-up. DEP Police, DEP Land Management and DEC involved.

Name: 861 County Route 10 **CS-049-15, SJS 53017**
Location: Windham
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/11/15
Status: Closed

Overview and Action:

DEP Police responded to the location of a dumping complaint on a NYC parcel where Officer observed two burn barrels, cardboard and multiple bags of garbage which did yield traceable evidence. Officer contacted subject whom stated that he had paid step-son to remove. When interviewed, step-son did not admit dumping but said garbage could have fallen off of his truck. Ticket issued for NYCRR Unlawful Disposal of Solid Waste. DEP Police involved.

Name: County Route 56, Maplecrest **CS-124-15, SJS 55009**
Location: Windham **Spill # 150489**
Type of Use: Municipal
Type of Violation: Sewage Discharge
Date Discovered: 8/4/15
Status: Closed

Overview and Action:

DEP Police received a complaint from a DEP employee whom observed and followed a porta-potty company truck leaking sewage as it drove down the road. Employee was able to get license plate number and Officer attempted to locate the truck with negative results. Recent heavy rain event washed away any noticeable seepage onto roadway. DEC spills advised, whom in turn contacted offending company to report. Officer to follow-up with company and employee. Incident report completed, spill number generated. DEP Police and DEC involved.

Name: 109 County Route 65 **CS-160-15, SJS 55898**
Location: Windham
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 9/22/15
Status: Closed

Overview and Action:

DEP Police responded to and met DEC Spill Coordinator at the scene of a potential spill hazard. They observed a small amount of fuel oil leaking from a three inch juncture in a pipe connected to a 15,000 gallon fuel oil tank dripping into a pail. The tanks are owned by a commercial company and are in the process of being relocated. A six gallon pail was in place to catch the leak; pail had collected approximately one gallon of fuel oil. No violations observed, company employee at location tightened the pipe juncture. DEC Spill Coordinator pulled spill number for tracking purposes only. DEP Police and DEC involved.

3.3.2. Delaware District

Name: 2188 County Route 1 **CB-152-15, SJS 53323**
Location: Andes
Type of Use: Commercial
Type of Violation: Haz-Mat
Date Discovered: 4/28/15
Status: Closed

Overview and Action:

DEP Police received an anonymous complaint about a dumping of used motor oil and batteries at a local auto repair business. On scene, Officer observed approximately 60 used batteries stacked up at the end of the driveway and two 30 gallon barrels full of oil (not leaking) and another partially full barrel with a slice through the side wall. Used motor oil had leaked out of the drum staining an area measuring four yards long by two feet wide. When interviewed, owner stated that batteries were soon to be transported to reclamation station for recycling and that he had ruptured the leaking barrel while snow plowing in February 2015 but had cleaned up the resulting small leak. Current spill did not meet threshold requiring DEC notification. Subject was issued Notice of Warning for violation of ECL Failure to Report a Haz-Mat Spill and advised to recycle batteries as well as further remediate contaminated spill area and notify DEP Police when completed for post site inspection. No impact to the water supply. DEC Spills advised for further oversight. DEP and DEC involved.

Name: 21521 State Hwy #30 **CB-135-14, SJS 47586**
Location: Colchester
Type of Use: Residential
Type of Violation: Haz Mat
Date Discovered: 6/1/14
Status: Closed

Overview and Action:

DEP Police received a complaint of a diesel oil sheen and odor on the Pepacton Reservoir in the vicinity of the East Delaware Intake Chamber. Last year, investigation of a similar complaint in

the same location resulted in the discovery and removal of a leaking, buried fuel tank. The officers that were on the scene of current complaint were unable to detect any sheen or odor. Aerial search confirmed presence of diesel oil sheen which was documented from the air with photos and color video. GPS coordinates of sheen location noted and area marked with a buoy for subsequent follow-up by DEP Haz Mat. The site is being monitored for any further sheen. Nearly 4,500 gallons of a diesel-water mixture estimated to contain 2,600 gallons of diesel was removed from the first two tanks and nearly 3,000 gallons of gasoline-water mixture containing an estimated 600 gallons of gasoline was removed from the third tank. BWS conducted a visual monitoring and periodic sampling program to verify that drinking water was never impacted by the release. A source of the additional visual sheen was not positively identified, although we believe it to be a residual from the 2012 discovery. There are no ongoing spill operations at the Pepacton Reservoir and all remedial activities have been completed. DEP Police and DEP Haz Mat involved.

Name: Miller Hollow Road / State Route 30 **CB-095-15, SJS 52736**
Location: Colchester
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 3/24/15
Status: OPEN

Overview and Action:

DEP Police on sector patrol observed a dumpsite at road intersection consisting of recyclable materials which did not yield any traceable evidence. Materials removed by Officer for proper disposal. Area has been noted as high frequency dumping area and will be monitored for future activity and camera placement. DEP Police involved.

Name: West Delaware Release, State Route 10 **CB-200-15, SJS 54485**
Location: Deposit
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 5/24/15
Status: Closed

Overview and Action:

DEP Police on patrol observed a dumping of brush and garbage bags located in the pull-off just below the West Delaware Release Chamber. Officer unable to obtain any traceable evidence. DEP Land Management notified for removal. DEP Police involved.

Name: County Route 26 **CB-370-15, SJS 55893**
Location: Hamden
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 9/22/15
Status: OPEN

Overview and Action:

DEP Police observed numerous bags of household garbage and recyclables thrown over the embankment close to a "No Dumping" sign. Officer was able to locate traceable evidence

including several invoice slips from a truck stop bearing a truck company name. Officer to continue investigation with trucking company to obtain driver's name responsible for the dumping. DEP Police involved.

Name: 462 Blueberry Road **CB-280-15, SJS 54485**
Location: Masonville
Type of Use: Rural
Type of Violation: Sewage Discharge
Date Discovered: 7/6/15
Status: OPEN

Overview and Action:

DEP Police received an anonymous complaint regarding subjects living in a camper with "no septic system and their waste is all over the ground." Upon arrival, Officer interviewed female subject whom stated that camper "residence" was owned by her brother who was not present. When asked about septic system she showed officer a discharge line coming from the camper leading to a pipe in the ground that empties into a buried holding tank which brother has pumped out periodically. Subject also showed officer a toilet mounted outside on the side of the shed with a buried pipe that leads to the same tank. Officer was unable to determine location of the tank or clean out pipe and will make contact with owner to confirm those details. Officer returned to location accompanied by DEP Engineering Project Manager who conducted a field investigation and will report to his chain of command on the septic situation. Property owner stated that he placed a 275 gallon drum in the ground without permit which he empties once a year and brings waste to the local landfill. Investigation ongoing to determine violations. Investigation / disposition ongoing. DEP Police and DEP Engineering involved.

Name: Claryville Road **CG-211-15, SJS 53494**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 5/6/15
Status: Closed

Overview and Action:

DEP Police received a complaint from property owner regarding numerous large trash bags dumped on his property from which officer was able to obtain traceable evidence leading to two subjects. Officer contacted first subject whom stated she had no knowledge of dumping but gave Officer the name of someone who lived at the same address. Both parties contacted separately met with officers and when interviewed denied any knowledge of how the trash got there but did identify the items in the trash as being theirs. Both subjects were issued tickets for violating NYCRR Prohibited Disposal of Solid Waste. DEP Police involved.

Name: 591 Claryville Road **CG-308-15, SJS 54559**
Location: Neversink
Type of Use: Rural
Type of Violation: Stream Violation
Date Discovered: 7/10/15
Status: Closed

Overview and Action:

DEP Police investigated a possible stream violation / turbidity event caused by logging activity in the vicinity of a stream which leads directly into the Neversink Stream. Upon arrival, Officer observed a muddy truck entrance leading from Claryville Road over a culvert onto private property. Officer noted the presence of turbidity, fresh silt deposits and three point-source discharge areas from the logging site. There was no silt fencing present and only three bales of hay visible. Photographs taken for case file and notice to subject(s) to report to police precinct left on vehicle. Officer subsequently interviewed two subjects who had been working at the site, advising them of the continuing investigation and pending charge(s). Subjects issued tickets for violation of ECL General Prohibition Against Pollution and instructed as to how the site needs to be corrected to mitigate additional stream violations. DEP Police involved.

Name: Hasbrouck Road **CG-375-15, SJS 55150**
Location: Neversink
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 8/12/15
Status: OPEN

Overview and Action:

DEP Police observed a household dresser thrown over the guiderail onto NYC property which had broken open on impact scattering its contents throughout the woods. Officer was able to retrieve traceable evidence but subject located at the address was not one of the names found in evidence. Investigation to continue to locate and identify parties responsible. DEP Police involved.

Name: Neversink Chamber, State Route 55 **CG-421-15, SJS 55480**
Location: Neversink
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 8/31/15
Status: Closed

Overview and Action:

DEP Police received a complaint of a Haz-Mat spill at the Neversink Chamber in which a vehicle leaked a small amount of hydraulic fluid on the soil. DEP Supervisor reported that the fluid along with the soil was removed without incident. BWS Incident report completed and Officer inspected the site to confirm remediation. DEP Police and DEP Operations involved.

Name: State Route 206 **CB-012-15, SJS 51648**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 1/11/15
Status: OPEN

Overview and Action:

DEP Police observed a large dumpsite of approximately 15 bags of unknown refuse, recyclables

and cardboard boxes thrown over the embankment from the NYS maintained parking area, which appears to be ongoing as some bags were covered with snow and others (more recent) were not. No traceable evidence observed; however, Officer was unable to investigate further due to steep terrain, thick vegetation and many of the bags being hung up in tree tops. No impact on water supply. DEC will be contacted to determine if they want to initiate further investigation or possible camera deployment. DEP Police and DEC involved.

Name: Freer Hollow Road **CB-155-15, SJS 53363**
Location: Walton
Type of Use: Rural
Type of Violation: Dumping
Date Discovered: 4/30/15
Status: Closed

Overview and Action:

DEP Police on sector patrol observed dumping of household trash which did not yield any traceable evidence. Officer advised Delaware County Department of Transportation for removal. DEP Police involved.

Name: DEP Police Firing Range, State Route 10 **CB-193-15, SJS 53738**
Location: Walton **Spill # 1501954**
Type of Use: Municipal
Type of Violation: Haz-Mat
Date Discovered: 5/22/15
Status: Closed

Overview and Action:

DEP Police received a complaint of a Haz-Mat spill that resulted from a hydraulic hose break on a DEP bucket truck. Approximately one quart of vegetable grade hydraulic oil leaked; three cups leaked onto the machine itself and one cup leaked onto the ground. Spill pads were used to absorb the oil and DEC contacted for spill number. DEP Police involved.

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

Name: 131 Upper Hook Road **CE-495-15, SJS 53100**
Location: Bedford **Spill # 1500518**
Type of Use: Rural
Type of Violation: Haz Mat Spill
Date Discovered: 4/15/15
Status: Closed

Overview and Action:

DEP Police was notified by DEP Water Quality employee of a complaint that he received from Town of Bedford Wetland Commission. The complainant observed twelve (12) one gallon containers in a bus stop shed on the side of the road on vacant property. Further inspection determined that the containers were leaking paint thinner onto the wood floor of the shed and surrounding soil. DEP Haz Mat notified and will coordinate with DEC on remediation and final inspection of the area. Follow-up inspection by Officer determined that remediation had been completed. DEP Police, DEP Haz Mat and DEC involved.

Name: Croton Falls Road **CE-761-15, SJS 53931**
Location: Carmel
Type of Use: Municipal
Type of Violation: Haz Mat Spill
Date Discovered: 6/2/15
Status: Closed

Overview and Action:

DEP Police responded to the location of an unknown petroleum spill where a sheen was observed on three connecting roadways. Stormwater catch basins along these roadways were checked and showed signs of a petroleum based product. Officer canvassed the area but was unable to determine point of origin. DEP Haz Mat responded to scene and placed pads around the stormwater drains. Their connecting catch basin systems drain to the Croton Falls Reservoir. The first system's spill was contained approximately 75 yards from the Reservoir's edge; the second system was not contained at the catch basin and did reach the Reservoir. DEP Haz Mat placed a soft boom at the entry point to prevent additional discharge. DEP Haz Mat subsequently notified Police that they had performed clean-up and removed all booms and padding, additionally stating that one set of booms had been left at the end of a drain basin as a precaution. DEP Police, DEP Haz Mat involved.

Name: Magnetic Mine Road **CE-1237-15, SJS 55616**
Location: Carmel
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 9/7/15
Status: Closed

Overview and Action:

DEP Police responded to a complaint of a dumping in which two mattresses and two box springs had been discarded over the guiderail and onto the embankment that leads to the Croton Falls Reservoir. DEP Field crew notified for clean-up. No traceable evidence was recovered. DEP Police involved.

3.3.4. Kensico Basin

Name: Nannyhagen Road **CE-460-15, SJS 52994**
Location: North Castle
Type of Use: Municipal
Type of Violation: Dumping
Date Discovered: 4/10/15
Status: Closed

Overview and Action:

DEP Police was dispatched to the above location for a dumping on NYC property. Office located area in question and observed debris scattered along the roadway bordering NYC property but was unable to retrieve any traceable evidence. Field crew requested to clean up the dumping location. DEP Police involved.